FORSYTH COUNTY GOP CANDIDATES



CONGRESSMAN 5TH DISTRICT

Jeff Kish

Born August 8th 1952 in Michigan. U.S. Air Force in 1972 - served for 8 years. Honorably discharged in 1980. Came to Charlotte in 1989 (just in time for Hugo) with my wife Suzanne and son Jonathan. Began work in heating and air conditioning field for a local contractor in 1994 and in 1996 received my own contracting license and started my own company. Have been active in politics for the last 20 years working for candidates and issues. Locally I have been involved in the Republican party as a precinct volunteer and chairperson as well as Republican Precinct Judge. Lobbied hard to stop our taxes from being raised locally and in Raleigh. Talking with our elected officials, working to make government more accountable to the citizens of the 12th Congressional district and all of North Carolina.



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- Former prison camp supervisor
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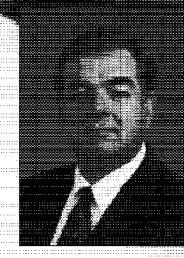

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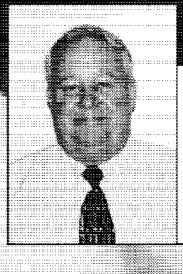

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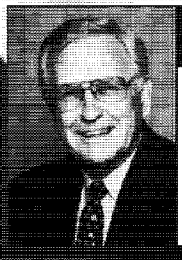

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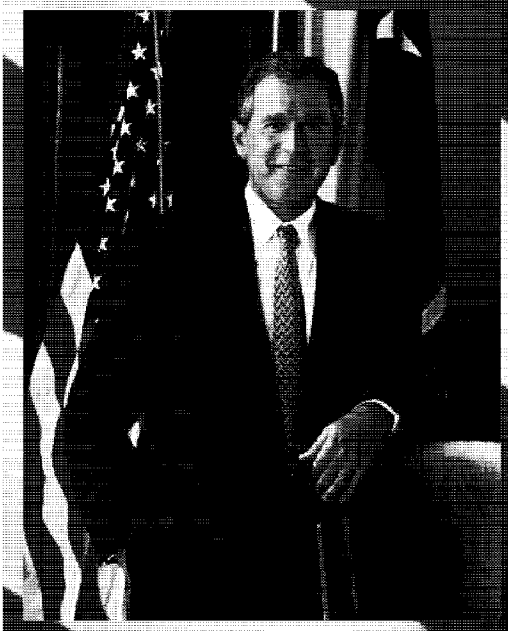

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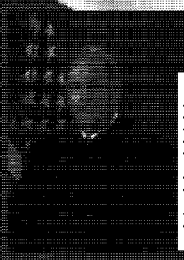

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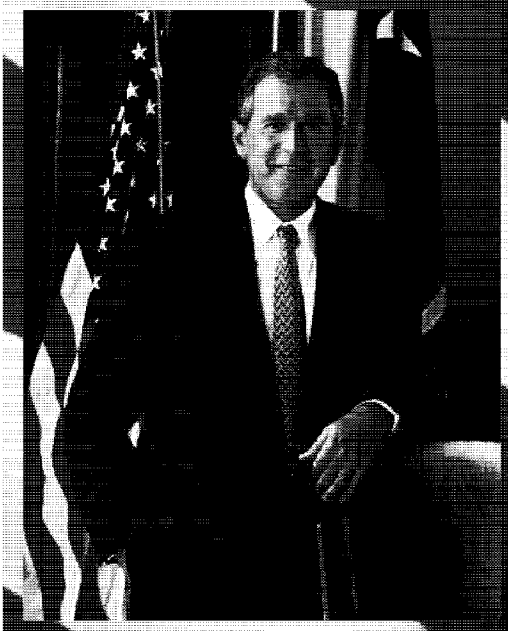

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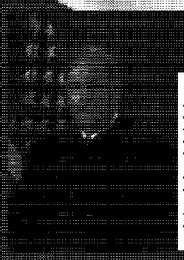

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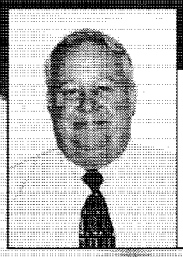

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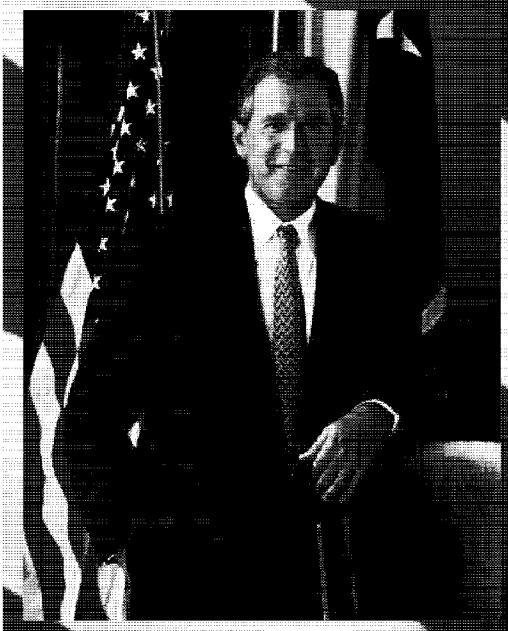

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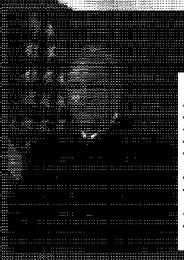

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REV_00101580

Republican Eric Cantor
Honest, conservative leadership for the 7th District.





For the past two years, Republican Eric Cantor has been a serious, hardworking Congressman, solving problems and getting results for Virginia. Congressman Cantor brings integrity, character, and a fresh voice to Washington. As our Congressman, Republican Eric Cantor is focused on the issues that are important to you and your family — representing our common sense, conservative values in educating our children, protecting jobs, and ensuring economic and national security.

Now Republican Eric Cantor needs your vote on Tuesday, November 5th — to go back to Congress and fight for your values in the 7th District.

Vote Eric Cantor for Congress.

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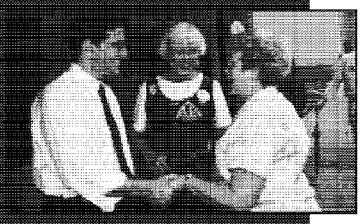



Protecting our Economic Security

Reviving our economy is a top priority, and Congressman Eric Cantor is finding ways to return tax dollars to the people so they can invest in the American economy. Growth through reinvestment is the fastest way to revive the economy, create jobs, and keep people working.

Protecting Social Security

Republican Eric Cantor remains committed to protecting and strengthening Social Security. As co-sponsor for the Social Security Benefits Tax Relief Act, Eric Cantor is working to end the tax on Social Security Benefits for seniors. With the price of prescription drugs skyrocketing, Eric Cantor continues to fight for a prescription drug benefit, so that seniors living on a fixed income won't have to choose between food and critical medication they need to live happy, healthy lives.

Improving Education for our Children

Congressman Eric Cantor is the sponsor of the Education Empowerment Tax Credit Act — which provides all parents with a refundable tax credit of up to $1000 for education expenses for each of their children (K-12). This tax credit could be used to pay for new computers, educational software, tuition, tutoring, or any other education expense. Eric Cantor has worked with White House officials to advance his education initiative, giving parents an opportunity to help better educate their children. Our children are our future, and Republican Eric Cantor stands by President Bush's plan to leave no child behind.

Protecting our National Security

Congressman Eric Cantor supports America's continued effort to eliminate international terrorist organizations and their state sponsors. Whether it's the war against al Qaeda or eliminating the threat of Iraq, Eric Cantor stands beside President Bush in his efforts to bring peace throughout the world. Earlier this year, Eric Cantor introduced the Peace With Security Act that cuts off all American taxpayer dollars being sent to the Palestinian Authority. The safety of you and your family is always a top priority for Eric Cantor.

On Tuesday, Vote for a Congressman who gets real results.

REV_00101772

Clinton Administration Judicial Nominations

JUDGESHIP	NOMINATIONS	WITHDRAWN	RETURNED	REJECTED	CONFIRMED
Supreme Court	2	0	0	0	2
U.S. Circuit	106	3	38	0	65
U.S. District	384	8	70	1	305
U.S. International Trade	6	0	1	0	5
Article III Judicial Nomination TOTAL	498	11	109	1	377
U.S. Court of Federal Claims	7	0	0	0	7
U.S. Tax Court	9	0	0	0	9
U.S. Court of Appeals for Veterans Claims	1	0	0	0	1
Superior Court of the District of Columbia	24	0	2	0	22
District of Columbia Court of Appeals	5	0	1	0	4
U.S. Court of Appeals for the Armed Services	2	0	0	0	2
OVERALL TOTAL	546	11	112	1	422

Procedural Votes

DATE	NOMINEE	VOTE
October 4, 1994	H. Lee Saroken – Third Circuit	Cloture Invoked, 85-12
September 28, 1995	James L. Dennis – Fifth Circuit	Motion to Recommit Rejected, 46-54
September 21, 1999	Marsha L. Berzon – Ninth Circuit	Motion to Proceed Rejected, 45-54
March 8, 2000	Marsha L. Berzon – Ninth Circuit	Cloture Invoked, 86-13
September 21, 1999	Richard A. Paez – Ninth Circuit	Motion to Proceed Rejected, 45-53
March 8, 2000	Richard A. Paez – Ninth Circuit	Cloture Invoked, 85-14
March 9, 2000	Richard A. Paez – Ninth Circuit	Motion to Postpone Rejected, 31-67

-There were 59 Roll Call Votes (52 confirmation of the nomination & 7 procedural) on Judicial Nominations during the Clinton Administration.
- A total of 26 returned nominations (11 Circuit & 15 District) were re-sunmitted and confirmed by the Senate.

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/11/2002 1:39:14 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:11-NOV-2002 18:39:14.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

514 0539
--- Sent from my BlackBerry.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov <Brett_M._Kavanaugh@who.eop.gov>
To: Whelan, M Edward III <M.Edward.Whelan@USDOJ.gov>
Sent: Mon Nov 11 16:47:46 2002
Subject:

what is your FAX

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: wendy.keefer@usdoj.gov [UNKNOWN] <wendy.keefer@usdoj.gov>;adam.charnes@usdoj.gov [UNKNOWN] <adam.charnes@usdoj.gov>;don.willett@usdoj.gov [UNKNOWN] <don.willett@usdoj.gov>;viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>
Sent: 11/11/2002 1:46:40 PM
Subject: : Sen. Hatch letter to editor in Salt Lake Tribune

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-NOV-2002 18:46:40.00
SUBJECT:: Sen. Hatch letter to editor in Salt Lake Tribune
TO:wendy.keefer@usdoj.gov (wendy.keefer@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.charnes@usdoj.gov (adam.charnes@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:don.willett@usdoj.gov (don.willett@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

BY ORRIN G. HATCH

ÿÿÿ Editorial boards are entitled to their own opinions, but not to their own set of facts. The Salt Lake Tribune's editorial against President Bush's plan to reform the judicial selection process ("Federal Bench Fiasco," Nov. 5) puts The Tribune in the extremely rare company of those who argue against speeding up a process that virtually every sensible observer thinks is too slow.

ÿÿÿ No one can honestly defend the current 77 empty seats in the federal judiciary, which means that 9 percent of the judicial branch sits vacant. This is one of the highest vacancy rates in modern times.

ÿÿÿ The Senate's goal -- regardless of who is president and which party controls the Senate -- should be to evaluate and confirm judicial nominees in a timely way in order to ensure a fully functioning federal judiciary. That is difficult to achieve due to the amount of work involved in researching the personal and professional backgrounds of nominees. It is also complicated by too much partisan politics. President Bush's plan to start the process earlier, and to establish a time frame for hearings and votes, is an honorable and practical way to streamline the review process and minimize divisive partisanship.

ÿÿÿ It is difficult to understand The Tribune's opposition to the idea of judges announcing their retirements in advance. Most other high-level public officials are selected before their offices are vacated; we elect presidents, senators, representatives and governors -- to name just a few -- while their predecessors remain in office. This method ensures continuity.

ÿÿÿ Moreover, it is entirely possible for the Senate to hold a hearing within three months, and a vote within six months, of the president's nominations. A rule forcing such a timetable would go a long way toward removing the partisan power to slow the process.

ÿÿÿ Selective statistics from narrow time periods in the past, such as those included in your editorial, only confuse the issues. My record as chairman of the Senate Judiciary Committee demonstrates that, contrary to your assertion, the Republicans who controlled the Senate during the past six years of the Clinton administration did not start the current controversy. In fact, those six years saw the number of judicial vacancies decrease by three.

ÿÿÿ Overall, during President Clinton's eight years in office, the Senate confirmed 377 judges, essentially the same (only five fewer) as it confirmed for President Reagan, who, by the way, had more judges confirmed than any other president in history. Note that President Reagan had six years of a Senate controlled by his own party, while President Clinton had

only two.
ÿÿÿ Finally, although the Republicans get a lot of blame for the 41 Clinton nominees who did not receive hearings, that number is 13 fewer than the 54 nominees who suffered the same fate at the hands of Democrats during the first Bush administration. By the way, nine of the Clinton 41 were nominated so late in Clinton's eighth year that they could not possibly have been processed by the Senate.
ÿÿÿ Although neither party has a perfect record in the Senate, President Bush came to the judicial selection process with clean hands, having had no involvement in any of the prior controversies. And he began his term with an astonishing olive branch: The first-ever renomination of a circuit court nomination first submitted by a president of the other party.
ÿÿÿ It is even more ludicrous to accuse President Bush of failing to nominate fast enough. President Bush has responded to the vacancy crisis in the appellate courts by nominating a total of 32 top-notch men and women. The Senate Democrats have simply stalled them, confirming only 14 and leaving 17 more pending in committee. This disregards precedent. At the end of President Clinton's first year in office, there were only two circuit court nominees left pending in committee without hearings or votes; after President Bush's first year, there were 23.
ÿÿÿ There is great wisdom behind President Bush's call for the Senate to hold timely hearings and votes for all judicial nominees, regardless of who is president and who controls the Senate. By streamlining the process and limiting the power of partisan politicians on both sides of the political aisle, such a rule would serve the long-term interests of the judiciary and the American people. I simply don't understand The Salt Lake Tribune's concern here.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: wendy.keefer@usdoj.gov [UNKNOWN] <wendy.keefer@usdoj.gov>;adam.charnes@usdoj.gov [UNKNOWN] <adam.charnes@usdoj.gov>;don.willett@usdoj.gov [UNKNOWN] <don.willett@usdoj.gov>;viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>
Sent: 11/11/2002 1:46:54 PM
Subject: : Senator Bayh on President's judges proposal

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-NOV-2002 18:46:54.00
SUBJECT:: Senator Bayh on President's judges proposal
TO:wendy.keefer@usdoj.gov ( wendy.keefer@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:adam.charnes@usdoj.gov ( adam.charnes@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:don.willett@usdoj.gov ( don.willett@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:viet.dinh@usdoj.gov ( viet.dinh@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

HUME: Senator, the president's team came forth in the final days of the
campaign with a plan on judicial nominations that would have had retiring
judges announce their retirements a year before they did. It would have
had a timetable for the consideration of appointments to fill the seats.
And it would have provided for a vote on the Senate floor on judicial
nominees.
At the time, of course, it was looked as a eleventh-hour proposal,
politics. The administration clearly intends to follow up on it and press
for it.
What is your view of that proposal? Is that something you'd be interested
in seeing passed?
BAYH: I'm willing to give it serious consideration, Brit. I think we need
to get away, both parties--you know, this happened when Clinton was
president. It's now happening a little bit now. We need to get a more
orderly process in place for dealing with these nominations.
The big fight, though, won't be on the district and appellate court
nominees. The big fight will be if there's a Supreme Court vacancy and
what to do then.
HUME: Right, but do you believe that a president should be entitled at
least to a floor vote on judicial nominees?
BAYH: I think in most cases yes. If someone is just clearly beyond the
pale, then the committees do have their rights.
HUME: True, but if someone is clearly...
BAYH: In most cases, yes.
HUME: Clearly beyond the pale presumably means, reported out of the
Judiciary Committee with a negative recommendation to the floor, where the
Senate, presumably, in its wisdom, if the nominee is beyond the pale,
would reject it.
BAYH: In most cases, yes. Unless there's something exceptional.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: wendy.j.keefer@usdoj.gov @ inet [UNKNOWN] <wendy.j.keefer@usdoj.gov @ inet>
Sent: 11/11/2002 1:53:56 PM
Subject: : Senator Bayh on President's judges proposal

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-NOV-2002 18:53:56.00
SUBJECT:: Senator Bayh on President's judges proposal
TO:wendy.j.keefer@usdoj.gov @ inet (wendy.j.keefer@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

re-send
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 11/11/2002 06:56 PM ----------

Brett M. Kavanaugh
11/11/2002 06:44:18 PM
Record Type: Record

To: viet.dinh@usdoj.gov @ inet, adam.charnes@usdoj.gov @ inet, don.willett@usdoj.gov @ inet, wendy.keefer@usdoj.gov @ inet
cc:
Subject: Senator Bayh on President's judges proposal

HUME: Senator, the president's team came forth in the final days of the campaign with a plan on judicial nominations that would have had retiring judges announce their retirements a year before they did. It would have had a timetable for the consideration of appointments to fill the seats. And it would have provided for a vote on the Senate floor on judicial nominees.
At the time, of course, it was looked as a eleventh-hour proposal, politics. The administration clearly intends to follow up on it and press for it.
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BAYH: I'm willing to give it serious consideration, Brit. I think we need to get away, both parties--you know, this happened when Clinton was president. It's now happening a little bit now. We need to get a more orderly process in place for dealing with these nominations.
The big fight, though, won't be on the district and appellate court nominees. The big fight will be if there's a Supreme Court vacancy and what to do then.
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BAYH: I think in most cases yes. If someone is just clearly beyond the pale, then the committees do have their rights.
HUME: True, but if someone is clearly...
BAYH: In most cases, yes.
HUME: Clearly beyond the pale presumably means, reported out of the Judiciary Committee with a negative recommendation to the floor, where the Senate, presumably, in its wisdom, if the nominee is beyond the pale, would reject it.
BAYH: In most cases, yes. Unless there's something exceptional.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 11/11/2002 2:35:52 PM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-NOV-2002 19:35:52.00
SUBJECT::
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

where does the 2/3 requirement for Senate rule change come from? I do not
see that in existing Senate rules.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katharine Balls/WHO/EOP@EOP [WHO] <Katharine Balls>
Sent: 11/11/2002 2:48:12 PM
Subject: : Re: draft memo
Attachments: P_YU2LB003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-NOV-2002 19:48:12.00
SUBJECT:: Re: draft memo
TO:Katharine Balls (CN=Katharine Balls/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Not sure we responded to this specific. Again, the political paper is most appropriate for these though we have discretion.

KATHARINE BALLS
10/21/2002 09:37:28 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: draft memo

Brett --
Blake added a few other questions regarding this memo. See below -- we would appreciate guidance on stationery for the actual participants -- candidate, candidate's family, event hosts etc. IE: The Kennedy's who hosted the event at their home in FL last week.

Thanks,
Katye
---------- Forwarded by Katharine Balls/WHO/EOP on 10/21/2002 09:36 AM ----------

Blake Gottesman
10/21/2002 09:35:19 AM
Record Type: Record

To: Katharine Balls/WHO/EOP@EOP
cc:
bcc:
Subject: Re: draft memo

if it answers your questions, then i'm comfortable with it. one conern: it addresses the logistical and volunteer personnel, but not the actual participants (the ones that would typically be for HS) in the events - the candidate, his family, other event hosts, etc.

for example, which stationery should the president use to thank the kennedy's, who hosted a finance event for gov. jeb bush at their residence on friday?

KATHARINE BALLS
10/10/2002 09:40:40 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: blake gottesman/who/eop@eop
bcc:
Subject: Re: draft memo

Brett -
Thank you for doing this. I feel like this answers most of the questions, but I don't know if Blake has any other concerns. Otherwise, this is great.

Thanks again,
Katye Balls

Brett M. Kavanaugh
10/08/2002 09:58:20 PM
Record Type: Record

To: Katharine Balls/WHO/EOP@EOP
cc: Blake Gottesman/WHO/EOP@EOP
Subject: draft memo

Please advise whether this gives sufficient guidance. I will finalize after I get your thoughts. Thanks.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_YU2LB003_WHO.TXT_1>

October 8, 2002

MEMORANDUM FOR KATHARINE BALLS

FROM: BRETT KAVANAUGH

SUBJECT: THANK YOU NOTES

You asked about use of stationery for thank-you notes to people who may have assisted the President on a political trip or the mixed portion of an official-political trip. As a general matter, you should use political stationery only for those who assisted directly and solely with political events. You should use official stationery for notes to those who assisted with official events, who assisted on both aspects of a mixed trip, who assisted with official functions on an otherwise political trip, and for whom a clear determination cannot be made. As a general matter, for example, notes to airport greeters and motorcade drivers can be on official stationery regardless of the nature of the trip.

We will revisit these guidelines if and when the President becomes a candidate for re-election to the Presidency.

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 4:39:36 AM
Subject: : Rooms

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-NOV-2002 09:39:36.00
SUBJECT:: Rooms
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

1) Trying to move around the Indian Treaty Room for Wednesday at 5.
2) Would 4 on Wednesday work for you to hold a coalition meeting
over at the Conference Center?
```

From: Schwartz, Victor <VSCHWARTZ@shb.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 5:43:45 AM
Subject: : Re: Op-ed for your consideration

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Schwartz, Victor" <VSCHWARTZ@shb.com> ("Schwartz, Victor" <VSCHWARTZ@shb.com> [UNKNOWN])
CREATION DATE/TIME:12-NOV-2002 10:43:45.00
SUBJECT:: Re: Op-ed for your consideration
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Will keep trying on Op-ed. If I can help in any other way, just e mail. .
Do you know who will succeed Kirk Blalock (like you, he cannot be replaced)?

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

"MMS <shb.com>" made the following
annotations on 11/12/2002 09:43:12 AM

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person or entity to which it is addressed and may contain confidential and /or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

IN THE U.S., please contact:
Shook, Hardy & Bacon LLP
1200 Main Street
Kansas City, MO 64105-2118
816-474-6550

IN EUROPE, please contact:
Shook, Hardy & Bacon, MNP
25 Cannon Street
London EC4M 5SE
44-020-7332-4500

From: Jennifer Oschal <joschal@att.net>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Tim Goeglein/WHO /EOP@EOP [WHO] <Tim Goeglein>
Sent: 11/12/2002 5:43:31 AM
Subject: : RE:

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jennifer Oschal <joschal@att.net> ( Jennifer Oschal <joschal@att.net> [ UNKNOWN ] )
CREATION DATE/TIME:12-NOV-2002 10:43:31.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

yes

-----Original Message-----
From: Tim_Goeglein@who.eop.gov [mailto:Tim_Goeglein@who.eop.gov]
Sent: Tuesday, November 12, 2002 9:43 AM
To: Brett_M._Kavanaugh@who.eop.gov; joschal@att.net
Subject:


B and J

We have to move the coalitions meeting to 4pm tomorrow; I have a Karl
conflict.
Is 4pm okay?

Warmly

tsg
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: adam.charnes@usdoj.gov @ inet [UNKNOWN] <adam.charnes@usdoj.gov @ inet>
Sent: 11/12/2002 6:40:37 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-NOV-2002 11:40:37.00
SUBJECT::
TO:adam.charnes@usdoj.gov @ inet ( adam.charnes@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

reminder to tell Viet that the source of the information conveyed in my
last call to you this morning should not be shared. Thanks.
```

From: CN=Hana F. Brilliant/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 3:21:23 AM
Subject: : Postmaster: Important Documents from White House Counsel Regarding Enron Subpoena
Attachments: P_9W7LB003_WHO.TXT_1.doc; P_9W7LB003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 08:21:23.00
SUBJECT:: Postmaster: Important Documents from White House Counsel Regarding Enron Subpoena
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Hana F. Brilliant/WHO/EOP on 11/12/2002 08:20 AM ----------

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Postmaster: Important Documents from White House Counsel Regarding Enron Subpoena

Message Sent
To:_____
All CEA Users
All CEQ Users
All OA Users
All NSC Users
All OMB Users
All ONDCP Users
All OPD Users
All OSTP Users
All PFIAB Users
All WHO Users
srobinson@whmo.mil @ inet

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9W7LB003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9W7LB003_WHO.TXT_2>

May 24, 2002

MEMORANDUM FOR ALL EOP EMPLOYEES

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: ENRON SUBPOENA

On May 22, 2002, the Senate Governmental Affairs Committee issued the attached subpoena to the Executive Office of the President requesting documents pertaining to certain Enron-related communications occurring between January 1, 1992, and December 2, 2002. Please read the subpoena carefully.

You are directed to produce to Counsel's Office all official EOP documents in your possession (including any e-mails) responsive to the subpoena **no later than May 31, 2002**.

Please be advised that you are expected to perform a reasonable, diligent, and good faith search of all official documents in your possession for materials responsive to the subpoena.

You will have satisfied your responsibilities if you produce all of your official EOP documents relating to, referring to, or incorporating the following:

(a) Communications between Enron and any EOP employee occurring between January 1, 1992, and December 2, 2001

(Note: "Enron" means anyone you knew was working for, or communicating on behalf of, Enron Corporation or one of its businesses.); and

(b) Communications about Enron between any EOP employee and any employee of any Executive Branch department or agency occurring between January 1, 1992, and December 2, 2001

(Note: The Executive Office of the President and the Office of the Vice President are not departments or agencies.)

You are also directed to complete the attached Certification and return it **by May 31**. Note that you must complete the Certification whether or not you have responsive documents.

All documents and Certifications should be delivered to Hana Brilliant (6-5049) in EEOB 158.

If you have any questions, please call Associate Counsels Brett Kavanaugh (6-7984), Brad Berenson (6-2318), or Chris Bartolomucci (6-7963).

CERTIFICATION

Please check one of the following:

_____ I certify that I performed a reasonable, diligent, and good faith search of all the official EOP documents in my possession (including any e-mails I have) for materials responsive to the Senate Governmental Affairs Committees subpoena dated May 22, 2002, and have produced all such documents to the Office of the Counsel to the President.

_____ I certify that I performed a reasonable, diligent, and good faith search of all the official EOP documents in my possession (including any e-mails I have) for materials responsive to the Senate Governmental Affairs Committees subpoena dated May 22, 2002, and have no such documents.

NAME (please print):

SIGNATURE:

DATE:

OFFICE:

PHONE NUMBER:

UNITED STATES OF AMERICA

Congress of the United States

SUBPOENA
000032

To Custodian of Records
Executive Office of the President
Washington, DC 20500
Greetings:

***Pursuant** to lawful authority, YOU ARE HEREBY COMMANDED to appear before the COMMITTEE ON GOVERNMENTAL AFFAIRS of the Senate of the United States, on* June 5, *2002, at* 10 *o'clock a.m., at its Committee Room,* 342 Dirksen Senate Office Building, Washington, D.C. 20510, *then and there to testify what you may know relative to the subject matters under consideration by the Committee, and to produce the materials described in the attachment hereto.*

A personal appearance will be unnecessary if the materials described in Attachment A are delivered, subject to the accompanying instructions, to the Committee by 12:00 noon on June 3, 2002.

***Hereof fail not,** as you will answer your default under the pains and penalties in such cases made and provided.*

To any Committee staff member or U.S. Marshal *to serve and return.*

Given under my hand, by authority vested in me by the Committee, on this 22d *day of* May, *2002.*

Chairman, Senate Committee on Governmental Affairs

INSTRUCTIONS

(1) The documents requested include all those that are in the custody, control or possession of the EOP, or within the right of custody, control or possession of the EOP, its officers, agents, employees, or representatives.

(2) Unless otherwise indicated, the documents requested are those dated, prepared or received during the period January 1, 1992 to December 2, 2001 or that refer to, relate to or incorporate communications that took place during that time period.

(3) You are under a continuing obligation to promptly provide additional documents responsive to this subpoena.

(4) Each document produced shall be produced in a form that renders the document susceptible of copying, shall include all attachments and shall not be redacted.

(5) Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when this subpoena was served or shall otherwise be identified and dated.

(6) It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same document.

(7) If any of the subpoenaed information is available in machine-readable form, state the form in which it is available and provide sufficient detail to allow the information to be copied to a readable format. If the information requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.

(8) If the subpoena cannot be complied with in full, it shall be complied with to the extent possible, with an explanation of why full compliance is not possible.

(9) In the event that a document is withheld on the basis of privilege, provide with the responses to this subpoena the following information concerning any such document: (a) the date of the document, its author, his or her occupation, title and employer, all recipients, the occupation, title and employer of each recipient, (b) the subject matter of the document, (c) the privilege claimed and a brief explanation of the basis of the claim of privilege, (d) the type of document, and (e) the relationship of the author and recipient(s) to each other.

(10) If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances by which it ceased to be in your possession, custody, or control.

(11) If a date set forth in this subpoena referring to a communication, meeting or other event is inaccurate, but the actual date is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date were

REV_00102806

correct.

(12) For each document produced, please indicate the paragraph and, where applicable, subparagraph of Attachment A to which it is responsive.

DEFINITIONS

(1) "Enron" means Enron Corp., Enron Capital Trust I, Enron Capital Trust II, and each of their affiliates, subsidiaries, partnerships, special purpose entities, joint ventures, trusts or any other entity in which Enron Corp., Enron Capital Trust I, or Enron Capital Trust II is or was a shareholder, partner, investor, trustee, or member. The term "Enron" includes, with respect to each entity described in the previous sentence, the entity's officers, directors, employees, and representatives, including any person or entity purporting to act on their behalf or known to you to be acting on their behalf.

(2) "Executive Office of the President" or "EOP" means the Executive Office of the President and all of its units including, but not limited to, the Office of Administration, the White House Office, the Office of the Vice President, the Office of Science and Technology Policy, the Office of Management and Budget, the Office of the Chief of Staff, the United States Trade Representative, the Office of Management and Administration, the Office of White House Counsel, the Office of Communications, the Office of Cabinet Affairs, the Office of the Staff Secretary, the Office of Speechwriting, the Office of Public Liaison, the Office of Correspondence, the Office of the Deputy Chief of Staff for Policy and Political Affairs, the Office of Information Programs, the Office of the Deputy Chief of Staff for White House Operations, the Domestic Policy Council, the Office of Federal Procurement Policy, the Office of Intergovernmental Affairs, the Office of Legislative Affairs, the Office of Media Affairs, the National Economic Council, the Office of Policy Development, the Office of Political Affairs, the Office of Strategic Initiatives, the White House Military Office, the Office of Presidential Personnel, the Office of the Press Secretary, the Office of Scheduling, the Office of Advance, the Council of Economic Advisors, the Council on Environmental Quality, the Executive Residence, the President's Foreign Intelligence Advisory Board, the National Security Council, the Office of Homeland Security, the Office of National Drug Control Policy, the Office of Faith-Based and Community Initiatives and the Office of Policy Development. The terms "Executive Office of the President" and "EOP" include, with respect to each entity described in the previous sentence, the entity's officials, employees and representatives and any person detailed to work for the entity. The terms also include the President and Vice President of the United States.

(3) "Document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda; reports; studies; reviews; analyses; presentations; working papers; records; notes; letters; notices; confirmations; telegrams; faxes, telexes, receipts; appraisals; interoffice and intraoffice communications; electronic mail (e-mail); computer or other

REV_00102807

electronic files; contracts; cables; notations or logs of any type of conversation, telephone call, meeting or other communication; bulletins; printed matter; computer printouts; teletype; invoices; transcripts; audio and video recordings, diaries; appointment books; returns; summaries; minutes; bills; accounts; estimates; projections; comparisons; messages; or correspondence. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

(4) "Communication" means any contact or attempted contact or any disclosure of information, regardless of the means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in meeting, by telephone, mail, telex, facsimile, computer, discussions, releases, delivery, or otherwise.

(5) The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The term "any" includes the term "all" and vice versa, and both terms shall be construed broadly to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes the plural number and vice versa.

REV_00102808

Executive Office of the President
Washington, DC 20500
Attention: Custodian of Records

ATTACHMENT A

(1) All documents relating to, referring to or incorporating communications between the EOP and Enron, including any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures, if such documents also meet the following specification:

They refer or relate in any manner to the following agencies, laws or policies administered or enforced by the following agencies, regulations or programs implemented by the following agencies, or officials, employees or representatives of the following agencies, including the appointment or selection of such officials, employees or representatives:

(a) U.S. Securities and Exchange Commission
(b) U.S. Commodity Futures Trading Commission
(c) U.S. Federal Energy Regulatory Commission
(d) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred compensation plans or other retirement, savings, or benefit plans, programs or funds
(e) the U.S. Department of Commerce
(f) the U.S. Department of Energy
(g) the Overseas Private Investment Corporation
(h) the Export-Import Bank of the United States.

(2) All documents relating to, referring to or incorporating communications between the EOP and any official, employee or representative of any federal department or agency that refer or relate to Enron, including any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures, if such documents also meet the following specification:

They refer or relate in any manner to the following agencies, laws or policies administered or enforced by the following agencies, regulations or programs implemented by the following agencies, or officials, employees or representatives of the following agencies, including the appointment or selection of such officials, employees or representatives:

(a) U.S. Securities and Exchange Commission
(b) U.S. Commodity Futures Trading Commission
(c) U.S. Federal Energy Regulatory Commission
(d) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred

REV_00102809

compensation plans or other retirement, savings, or benefit plans, programs or funds

(e) U.S. Department of Commerce
(f) U.S. Department of Energy
(g) Overseas Private Investment Corporation
(h) Export-Import Bank of the United States.

(3) All documents relating to, referring to or incorporating communications between the EOP or any member of the National Energy Policy Development Group or its staff and Enron if such documents also refer or relate to the development of the May 2001 Report of the National Energy Policy Development Group or to any of the issues discussed therein, regardless of when such communications occurred. Such documents should include any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures.

REV_00102810

May , 2002

I made service of the within subpoena by

_____ *to the within-named* ____

_____, **at** _____

_____ *at* _____

o'clock __ *.m., on the* _____ *day of* May _____, *2002*

Signed _____

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 3:32:36 AM
Subject: : Reminder: MESSAGE MEETING TODAY

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 08:32:36.00
SUBJECT:: Reminder: MESSAGE MEETING TODAY
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Charlotte L. Montiel/WHO/EOP on 11/12/2002 08:29 AM ----------

Krista L. Ritacco
11/12/2002 08:28:16 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: MESSAGE MEETING TODAY - NOTE TIME!

There will be a message meeting today (Tuesday, November 12) at 10:30 AM in the Roosevelt Room.

Message Sent
To:_____
Jean M. Russell/OPD/EOP@EOP
Ruben S. Barrales/WHO/EOP@EOP
Kathryn E. Rust/WHO/EOP@EOP
Susan K. Neely/WHO/EOP@EOP
Blake Gottesman/WHO/EOP@EOP
Linda M. Gambatesa/WHO/EOP@EOP
Wendy L. Nipper/WHO/EOP@EOP
Natalie S. Wozniak/NSC/EOP@EOP
Barry S. Jackson/WHO/EOP@EOP
Lezlee J. Westine/WHO/EOP@EOP
Ken Mehlman/WHO/EOP@EOP
Katherine M. Walters/WHO/EOP@EOP
Colleen Litkenhaus/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Britt Grant/OPD/EOP@EOP
Jack Howard/WHO/EOP@EOP
Kara G. Figg/WHO/EOP@EOP
Carolyn E. Cleveland/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
James R. Wilkinson/WHO/EOP@EOP
Scott N. Sforza/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Vickie A. McQuade/WHO/EOP@EOP
Israel Hernandez/WHO/EOP@EOP
Anna M. Perez/NSC/EOP@EOP
Melissa S. Bennett/WHO/EOP@EOP
Leslie A. Mooney/OPD/EOP@EOP
Jay P. Lefkowitz/OMB/EOP@EOP
Nicolle Devenish/WHO/EOP@EOP
Debra D. Bird/WHO/EOP@EOP

Harriet Miers/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Barbara A. Barclay/WHO/EOP@EOP
A. Merrill Hughes/OVP/EOP@EOP
Eleanor L. Gillmor/OPD/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP
Shannon Burkhart/WHO/EOP@EOP
Adrian G. Gray/WHO/EOP@EOP
Roberta L. Conde/CEQ/EOP@EOP
Anne E. Campbell/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Kimberly Ellison/WHO/EOP@EOP
Ann Gray/WHO/EOP@EOP
Noelia Rodriguez/WHO/EOP@EOP
Trent D. Duffy/OMB/EOP@EOP
Catharine A. Ryun/WHO/EOP@EOP
Jenica Baldwin/WHO/EOP@EOP
Brian R. Besanceney/OPD/EOP@EOP
Gordon D. Johndroe/WHO/EOP@EOP
Katherine L. Disston/WHO/EOP@EOP
Edwina C. Rogers/OPD/EOP@EOP
January M. Riecke/WHO/EOP@EOP
Catherine J. Martin/OVP/EOP@EOP
Alison M. Harden/WHO/EOP@EOP
Stephen M. Lineberry/CEA/EOP@EOP
Jennifer Millerwise/OVP/EOP@EOP
Lindsey C. Kozberg/WHO/EOP@EOP
Jim Towey/WHO/EOP@EOP
Parker B. Hamilton/WHO/EOP@EOP
Mary C. Williams/NSC/EOP@EOP
Andrew D. Ciafardini/WHO/EOP@EOP
Tucker A. Eskew/WHO/EOP@EOP
Deborah A. Spagnoli/WHO/EOP@EOP
Keith Hennessey/OPD/EOP@EOP
Sally Canfield/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Charlotte L. Montiel/WHO/EOP@EOP
Edward Ingle/WHO/EOP@EOP
Michael J. Taylor/WHO/EOP@EOP
Suzy DeFrancis/WHO/EOP@EOP
Jose Mallea/WHO/EOP@EOP
Christie Parell/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Charlotte L. Montiel/WHO/EOP@EOP [WHO] <Charlotte L. Montiel>
Sent: 11/12/2002 3:40:13 AM
Subject: : Re: Reminder: MESSAGE MEETING TODAY

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 08:40:13.00
SUBJECT:: Re: Reminder: MESSAGE MEETING TODAY
TO:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks, I'll be there.

Charlotte L. Montiel
11/12/2002 08:29:59 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Reminder: MESSAGE MEETING TODAY

---------- Forwarded by Charlotte L. Montiel/WHO/EOP on 11/12/2002 08:29 AM ----------

Krista L. Ritacco
11/12/2002 08:28:16 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: MESSAGE MEETING TODAY - NOTE TIME!

There will be a message meeting today (Tuesday, November 12) at 10:30 AM in the Roosevelt Room.

Message Sent
To:_____
Jean M. Russell/OPD/EOP@EOP
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Kathryn E. Rust/WHO/EOP@EOP
Susan K. Neely/WHO/EOP@EOP
Blake Gottesman/WHO/EOP@EOP
Linda M. Gambatesa/WHO/EOP@EOP
Wendy L. Nipper/WHO/EOP@EOP
Natalie S. Wozniak/NSC/EOP@EOP
Barry S. Jackson/WHO/EOP@EOP
Lezlee J. Westine/WHO/EOP@EOP
Ken Mehlman/WHO/EOP@EOP
Katherine M. Walters/WHO/EOP@EOP
Colleen Litkenhaus/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP

Britt Grant/OPD/EOP@EOP
Jack Howard/WHO/EOP@EOP
Kara G. Figg/WHO/EOP@EOP
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Israel Hernandez/WHO/EOP@EOP
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Jay P. Lefkowitz/OMB/EOP@EOP
Nicolle Devenish/WHO/EOP@EOP
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Stephen M. Lineberry/CEA/EOP@EOP
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Tucker A. Eskew/WHO/EOP@EOP
Deborah A. Spagnoli/WHO/EOP@EOP
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Michael J. Taylor/WHO/EOP@EOP
Suzy DeFrancis/WHO/EOP@EOP
Jose Mallea/WHO/EOP@EOP
Christie Parell/WHO/EOP@EOP

From: Gumerson, Katie (Nickles) <Katie_Gumerson@Nickles.senate.gov>
To: Tripp Baird (E-mail) <tripp.baird@heritage.org>;Stephen Higgins (E-mail) <IMCEACCMAIL-Stephen+20Higgins+20at+20Judiciary"@routing.senate.gov>;Randy Brandt (E-mail) <IMCEACCMAIL-Randy+20Brandt+20at+20Santorum-DC"@routing.senate.gov>;Neil Bradley (E-mail) <Neil.Bradley@mail.house.gov>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;John Mashburn (E-mail) <IMCEACCMAIL-John+20Mashburn+20at+20Lott-DC"@routing.senate.gov>;Jeff Lungren (E-mail) <jeff.lungren@mail.house.gov>;Jamie E Brown (E-mail) <jamie.e.brown@usdoj.gov>;Gregg Willhauck (E-mail) <IMCEACCMAIL-Gregg+20Willhauck+20at+20Kyl-DC"@routing.senate.gov>;Brian Reardon (E-mail) <IMCEACCMAIL-Brian+20Reardon+20at+20RPC"@routing.senate.gov>;Barbara Ledeen (E-mail) <barbara_ledeen@src.senate.gov>;Ann Loughlin (E-mail) <ann.l.loughlin@usdoj.gov>;Stewart Verdery (E-mail) <stewart.verdery@groupvu.com>;Rena Johnson (E-mail) <IMCEACCMAIL-Rena+20Johnson+20at+20Judiciary"@routing.senate.gov>;Pat. O'Brien@usdoj. gov (E-mail) <Pat.O'Brien@usdoj.gov>;Matt Letourneau <matthew_letourneau@judiciary.senate.gov>;Manuel Miranda (E-mail) <IMCEACCMAIL-Manuel+20Miranda+20at+20Judiciary"@routing.senate.gov>;John Abegg (E-mail) <IMCEACCMAIL-John+20Abegg+20at+20McConnell-DC"@routing.senate.gov>;Jason Lundell (E-mail) <IMCEACCMAIL-Jason+20Lundell+20at+20Judiciary"@routing.senate.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Gary Andres (E-mail) <gary.andres@dutkogroup.com>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Anne Womack (E-mail) <anne_womack@who.eop.gov>;Alex Dahl (E-mail) <IMCEACCMAIL-Alex+20Dahl+20at+20Judiciary"@routing.senate.gov>
Sent: 11/12/2002 4:05:49 AM
Subject: : JUDICIAL NOMINATION ALERT
Attachments: P_QAALB003_WHO.TXT_1.doc; P_QAALB003_WHO.TXT_2.doc; P_QAALB003_WHO.TXT_3.doc

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Gumerson, Katie (Nickles)" <Katie_Gumerson@Nickles.senate.gov> ( "Gumerson, Katie
(Nickles)" <Katie_Gumerson@Nickles.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:12-NOV-2002 09:05:49.00
SUBJECT:: JUDICIAL NOMINATION ALERT
TO:"Tripp Baird (E-mail)" <tripp.baird@heritage.org> ( "Tripp Baird (E-mail)"
<tripp.baird@heritage.org> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Stephen Higgins (E-mail)" <"IMCEACCMAIL-
Stephen+20Higgins+20at+20Judiciary"@routing.senate.gov> ( "Stephen Higgins (E-mail)"
<"IMCEACCMAIL-Stephen+20Higgins+20at+20Judiciary"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Randy Brandt (E-mail)" <"IMCEACCMAIL-Randy+20Brandt+20at+20Santorum-
DC"@routing.senate.gov> ( "Randy Brandt (E-mail)" <"IMCEACCMAIL-
Randy+20Brandt+20at+20Santorum-DC"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Neil Bradley (E-mail)" <Neil.Bradley@mail.house.gov> ( "Neil Bradley (E-mail)"
<Neil.Bradley@mail.house.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"John Mashburn (E-mail)" <"IMCEACCMAIL-John+20Mashburn+20at+20Lott-
DC"@routing.senate.gov> ( "John Mashburn (E-mail)" <"IMCEACCMAIL-
John+20Mashburn+20at+20Lott-DC"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Jeff Lungren (E-mail)" <jeff.lungren@mail.house.gov> ( "Jeff Lungren (E-mail)"
<jeff.lungren@mail.house.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Jamie E Brown (E-mail)" <jamie.e.brown@usdoj.gov> ( "Jamie E Brown (E-mail)"
<jamie.e.brown@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Gregg Willhauck (E-mail)" <"IMCEACCMAIL-Gregg+20Willhauck+20at+20Kyl-
DC"@routing.senate.gov> ( "Gregg Willhauck (E-mail)" <"IMCEACCMAIL-
Gregg+20Willhauck+20at+20Kyl-DC"@routing.senate.gov> [ UNKNOWN ] )
```

READ:UNKNOWN
TO:"Brian Reardon (E-mail)" <"IMCEACCMAIL-Brian+20Reardon+20at+20RPC"@routing.senate.gov> (
"Brian Reardon (E-mail)" <"IMCEACCMAIL-Brian+20Reardon+20at+20RPC"@routing.senate.gov> [
UNKNOWN])
READ:UNKNOWN
TO:"Barbara Ledeen (E-mail)" <barbara_ledeen@src.senate.gov> ("Barbara Ledeen (E-mail)"
<barbara_ledeen@src.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Ann Loughlin (E-mail)" <ann.l.loughlin@usdoj.gov> ("Ann Loughlin (E-mail)"
<ann.l.loughlin@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Stewart Verdery (E-mail)" <stewart.verdery@groupvu.com> ("Stewart Verdery (E-mail)"
<stewart.verdery@groupvu.com> [UNKNOWN])
READ:UNKNOWN
TO:"Rena Johnson (E-mail)" <"IMCEACCMAIL-
Rena+20Johnson+20at+20Judiciary"@routing.senate.gov> ("Rena Johnson (E-mail)"
<"IMCEACCMAIL-Rena+20Johnson+20at+20Judiciary"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Pat. O'Brien@usdoj. gov (E-mail)" <Pat.O'Brien@usdoj.gov> ("Pat. O'Brien@usdoj. gov
(E-mail)" <Pat.O'Brien@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:Matt Letourneau <matthew_letourneau@judiciary.senate.gov> (Matt Letourneau
<matthew_letourneau@judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Manuel Miranda (E-mail)" <"IMCEACCMAIL-
Manuel+20Miranda+20at+20Judiciary"@routing.senate.gov> ("Manuel Miranda (E-mail)"
<"IMCEACCMAIL-Manuel+20Miranda+20at+20Judiciary"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"John Abegg (E-mail)" <"IMCEACCMAIL-John+20Abegg+20at+20McConnell-
DC"@routing.senate.gov> ("John Abegg (E-mail)" <"IMCEACCMAIL-
John+20Abegg+20at+20McConnell-DC"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Jason Lundell (E-mail)" <"IMCEACCMAIL-
Jason+20Lundell+20at+20Judiciary"@routing.senate.gov> ("Jason Lundell (E-mail)"
<"IMCEACCMAIL-Jason+20Lundell+20at+20Judiciary"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Gary Andres (E-mail)" <gary.andres@dutkogroup.com> ("Gary Andres (E-mail)"
<gary.andres@dutkogroup.com> [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Anne Womack (E-mail)" <anne_womack@who.eop.gov> ("Anne Womack (E-mail)"
<anne_womack@who.eop.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Alex Dahl (E-mail)" <"IMCEACCMAIL-Alex+20Dahl+20at+20Judiciary"@routing.senate.gov> (
"Alex Dahl (E-mail)" <"IMCEACCMAIL-Alex+20Dahl+20at+20Judiciary"@routing.senate.gov> [
UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

JUDICIAL NOMINATION ALERT - Tuesday, November 12

18 NOMINATIONS ON THE EXECUTIVE CALENDAR:

-Exec. Cal. No. 911, John M. Rogers, of Kentucky, to be U.S. Circuit
Judge for the Sixth Circuit

-Exec. Cal. No. 1071, Stanley Richard Chesler to be a U.S. District
Court Judge for the
District of New Jersey

-Exec. Cal. No. 1072, Rosemary Mayers Collyer to be U.S. District Court
Judge for the
District of Columbia

-Exec. Cal. No. 1073, Mark Everett Fuller to be U.S. District Court

Judge for the Middle
District of Alabama

-Exec. Cal. No. 1074, Daniel Lee Hovland to be a U.S. District Court
Judge for the District
of North Dakota

-Exec. Cal. No. 1075, Kent Amos Jordan to be a U.S. District Court Judge
for the District of
Delaware

-Exec. Cal. No. 1076, James Edgar Kinkeade to be a U.S. District Court
Judge for the Northern
District of Texas

-Exec. Cal. No. 1077, Robert Gary Klausner to be U.S. District Court
Judge for the Central
District of California

-Exec. Cal. No. 1078, Robert Byron Kugler to be U.S. District Court
Judge for the District of
New Jersey

-Exec. Cal. No. 1079, Ronald Bruce Leighton to be U.S. District Court
Judge for the Western
District of Washington

-Exec. Cal. No. 1080, Jose Luis Linares to be U.S. District Court Judge
for the District of
New Jersey

-Exec. Cal. No. 1081, Alia Moses Ludlum to be a U.S. District Court
Judge for the Western
District of Texas

-Exec. Cal. No. 1082, William John Martini to be a U.S. District Court
Judge for the District
of New Jersey

-Exec. Cal. No. 1083, Thomas Wade Phillips to be a U.S. District Court
Judge for the Eastern
District of Tennessee

-Exec. Cal. No. 1084, Linda Rae Reade to be a U.S. District Court Judge
for the Northern
District of Iowa

-Exec. Cal. No. 1085, William Edward Smith to be U.S. District Court
Judge for the District
of Rhode Island

-Exec. Cal. No. 1086, Jeffrey Steven White to be a U.S. District Court
Judge for the Northern
District of California

-Exec. Cal. No. 1087, Freda Linsenbaum Wolfson to be a U.S. District
Court Judge for the
District of New Jersey

ATTACHMENTS:

Updated Charts -

<<DATA.DOC>> <<LIST.DOC>> <<2YR.DOC>>

OTHER RESOURCES:

The Judiciary Committee will provide you and your boss with more specific materials on a particular nominee or the nomination process, upon request, for floor statements, speeches and so forth. Please contact Manny Miranda or Alex Dahl at 224-5225.

A Judicial Nomination Folder, maintained by the Judiciary Committee, is located in the Cloak Room at all times for Members' use.

For more information regarding Judicial Nominations and the Federal Court System please see the following sites:

http://judiciary.senate.gov/nominations.cfm
http://www.usdoj.gov/olp/nominations.htm
http://www.judicialselection.org/
http://www.uscourts.gov/

*This update is prepared by the Assistant Republican Leader's Office in conjunction with the Judiciary Committee to provide your boss with information & statistics to use on the floor, for press purposes and so forth and will be sent out twice weekly (Tuesday & Friday) for the remainder of the 107th Congress.

- DATA.DOC - LIST.DOC - 2YR.DOC
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QAALB003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QAALB003_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QAALB003_WHO.TXT_3>

107th CONGRESS
Article III Judicial Nomination Data

November 12, 2002 (8:00 am)

NOMINATIONS SUBMITTED: 131

US Circuit: 32*
US District: 98
USIT: 1

*Includes the nominations of Charles Pickering for the Fifth Circuit & Priscilla Richman Owen for the Fifth Circuit - NOT REPORTED

NOMINATIONS CONFIRMED: 80

US Circuit: 14
US District: 66

NOMINATIONS PENDING: 49
Pending in Committee: 31
Reported: 0
Floor: 18

US Circuit: 16
- In Committee: 15
- Reported: 0
- Floor: 1

US District: 32
- In Committee: 15
- Reported: 0
- Floor: 17

USIT: 1
- In Committee: 1
- Floor: 0

VACANCIES: 78

US Circuit: 28
US District: 49
USIT: 1

49 Article III Judicial Nominations Pending in the Senate

November 12, 2002 (8:00 am)

Nominee	Judgeship	Nomination Received	Status	Days in Congress
John G. Roberts - MD	DC Circuit	5/9/01		522
Miguel A. Estrada - VA	DC Circuit	5/9/01	Hrg. Held 9/26	522
Michael W. McConnell - UT	Tenth Circuit	5/9/01	Hrg. Held 9/18	522
Jeffrey S. Sutton - OH	Sixth Circuit	5/9/01		522
Deborah L. Cook - OH	Sixth Circuit	5/9/01		522
Dennis W. Shedd - SC	Fourth Circuit	5/9/01	Hrg. Held 6/27	522
Terrence W. Boyle - NC	Fourth Circuit	5/9/01		522
Timothy M. Tymkovich - CO	Tenth Circuit	5/25/01		506
Carolyn B. Kuhl - CA	Ninth Circuit	6/22/01		456
William H. Steele - AL	Eleventh Circuit	10/9/01		367
David W. McKeague - MI	Sixth Circuit	11/8/01		336
Susan Bieke Neilson - MI	Sixth Circuit	11/8/01		336
Henry W. Saad - MI	Sixth Circuit	11/8/01		336
Timothy C. Stanceu	Court of Int'l Trade	12/19/01		296
John M. Rogers - KY	Sixth Circuit	12/19/01	Exec. Cal. No. 911	296
Stanley R. Chesler	District of NJ	1/23/02	Exec. Cal. No. 1071	259
Ronald B. Leighton	Western District of WA	1/23/02	Exec. Cal. No. 1079	259
William J. Martini	District of NJ	1/23/02	Exec. Cal. No. 1082	259
Frederick W. Rohlfing	District of HI	1/23/02		259
Jay S. Bybee - NV	Ninth Circuit	5/22/02		142
James C. Dover III	Eastern District of NC	5/22/02		142
Richard A. Griffin - MI	Sixth Circuit	6/26/02		111
Linda R. Reade	Northern District of IA	6/26/02	Exec. Cal. No. 1084	111
Daniel L. Hovland	District of ND	6/26/02	Exec. Cal. No. 1074	111
Thomas W. Phillips	Eastern District of TN	6/26/02	Exec. Cal. No. 1083	111
Alia M. Ludlum	Western District of TX	7/11/02	Exec. Cal. No. 1081	94
Robert G. Klausner	Central District of CA	7/18/02	Exec. Cal. No. 10777	87
S. James Otero	Central District of CA	7/18/02		87
William E. Smith	District of RI	7/18/02	Exec. Cal. No. 1085	87
James A. Kinkeade	Northern District of TX	7/18/02	Exec. Cal. No. 10766	87
Robert A. Junell	Western District of TX	7/18/02		87
Jeffrey S. White	Northern District of CA	7/25/02	Exec. Cal. No. 1086	80
Kent A. Jordan	District of DE	7/25/02	Exec. Cal. No. 1075	80
Sandra J. Feuerstein	Eastern District of NY	7/25/02		80

Mark E. Fuller	Middle District of AL	8/1/02	Exec. Cal. No. 1073	73
Rosemary M. Collyer	District of DC	8/1/02	Exec. Cal. No. 1072	73
Robert B. Kugler	District of NJ	8/1/02	Exec. Cal. No. 1078	73
Jose L. Linares	District of NJ	8/1/02	Exec. Cal. No. 1080	73
Freda L. Wolfson	District of NJ	8/1/02	Exec. Cal. No. 1087	73
Richard J. Howell	Southern District of NY	8/1/02		73
Gregory L. Frost	Southern District of OH	8/1/02		73
S. Maurice Hicks	Western District of LA	9/12/02		30
William D. Quarles	District of MD	9/12/02		30
Thomas L. Ludington	Eastern District of MI	9/12/02		30
Ralph R. Erickson	District of ND	9/12/02		30
Cormac J. Carney	Central District of CA	10/10/02		5
John R. Adams	Northern District of OH	10/10/02		5
Thomas A. Varlan	Eastern District of TN	10/10/02		5
J. Daniel Breen	Western District of TN	10/10/02		5

Charles W. Pickering, Sr. - MS	Fifth Circuit	5/25/01	**NOT REPORTED 3/14**	
Priscilla Richman Owen	Fifth Circuit	5/9/02	**NOT REPORTED 9/5**	

Article III Judicial Nomination Report
Administration Comparison – First Two Years

Bush Nomination Tallies as of November 12, 2002 (8:00 am)

President	Congress	Circuit Court Nominations Submitted	Circuit Court Nominations Confirmed	District Court Nominations Submitted	District Court Nominations Confirmed	TOTAL Submitted	TOTAL Pending	TOTAL Confirmed
Bush 2001 –2002	107th	32	14 (43%)	98	66 (67%)	131[a]	49[a]	80 (61%)
Clinton 1993 -1994	103rd	22	19 (86%)	119	108 (90%)	143[b]	-	129[b] (90%)
Bush 1989 -1990	101st	23	22 (96%)	52	48 (92%)	76[c]	-	71[c] (93%)
Reagan 1981 -1982	97th	20	19 (95%)	69	69 (100%)	90[d]	-	89[d] (98%)

Vacancies as of Nov. 1 at the end of the second year of each Administration: Clinton = 59 (7.0%), Bush = 37 (4.9%), Reagan = 23 (3.4%)

Current Vacancies: Bush = 78 (9.1%)

a. Total includes one Court of International Trade Nominee
b. Total includes two Supreme Court Nominees - *Ginsburg, Breyer*
c. Total includes one Supreme Court Nominee - *Souter*
d. Total includes one Supreme Court Nominee - *O'Connor*

Prepared by the Office of the Assistant Republican Leader
Source: CRS - Judicial Appointments and Vacancy Statistics, 1977-2001

From: CN=Shane P. Chambers/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 4:17:11 AM
Subject: : Re: Message for Holiday Bowl

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Shane P. Chambers (CN=Shane P. Chambers/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 09:17:11.00
SUBJECT:: Re: Message for Holiday Bowl
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks Brett.

Brett M. Kavanaugh
11/11/2002 06:34:23 PM
Record Type: Record

To: Shane P. Chambers/WHO/EOP@EOP
cc: Patrick J. Bumatay/WHO/EOP@EOP
Subject: Message for Holiday Bowl

That is ok by us.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 11/12/2002 4:50:42 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 09:50:42.00
SUBJECT:: Re:
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I cannot do 4:00 because of our internal judges meeting from 3:15 to 4:45. I am free Thursday morning as well.

Tim Goeglein
11/12/2002 09:43:02 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, joschal@att.net @ inet
cc:
Subject:

B and J

We have to move the coalitions meeting to 4pm tomorrow; I have a Karl conflict. Is 4pm okay?

Warmly

tsg

From: Joy, Sheila <Sheila.Joy@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 5:18:17 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Joy, Sheila" <Sheila.Joy@usdoj.gov> ("Joy, Sheila" <Sheila.Joy@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:12-NOV-2002 10:18:17.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I have done so in the past and was informed that nominations are listed with most recent date - were not planning to change it.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Sunday, November 03, 2002 3:39 PM
To: Brett_M._Kavanaugh@who.eop.gov
Cc: Joy, Sheila
Subject: Re:

same here

http://www.uscourts.gov/vacancies/judgevacancy.htm

Brett M. Kavanaugh
11/03/2002 03:35:41 PM

Record Type: Record

To: sheila.joy@usdoj.gov @ inet

cc:
Subject:

Can you call AOUSC web site people and tell them that they should put original
nomination date on these people.

http://www.uscourts.gov/vacancies/confirmations.htm

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Kristen Silverberg/WHO /EOP@EOP [WHO] <Kristen Silverberg>;Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 11/12/2002 6:08:39 AM
Subject: : asbestos litigation reform article

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-NOV-2002 11:08:39.00
SUBJECT:: asbestos litigation reform article
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Informative article in November 2 National Journal that I will circulate
to the three of you.
```

From: CN=Kimberly A. Douglass/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 10:11:45 AM
Subject: : Re: FLOTUS summaries

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 15:11:45.00
SUBJECT:: Re: FLOTUS summaries
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

many thanks!

Brett M. Kavanaugh
11/12/2002 03:01:47 PM
Record Type: Record

To: Kimberly A. Douglass/WHO/EOP@EOP
cc:
bcc:
Subject: Re: FLOTUS summaries

This will come as an enormous shock, but I found them. Raquel will bring them down.

Kimberly A. Douglass 11/12/2002 03:02:40 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FLOTUS summaries

okay, my intern swears to me that he brought the summaries to you on Friday. Do you have any recollection of getting handed a green folder by a very tall guy on Friday? If so, and if you happen to come across the folder, let me know. If not, well, I'll just have to wait for it to turn up in some random part of the complex.

thanks!

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 10:13:20 AM
Subject: : RE: final text

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:12-NOV-2002 15:13:20.00
SUBJECT:: RE: final text
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please call. I have a question about whether the overall scheme makes
sense.

-----Original Message-----
From: Whelan, M Edward III
Sent: Tuesday, November 12, 2002 2:34 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: final text

Per your suggestion, I've added a sentence in the last paragraph. I've
also made a few tweaks to the language so that it concludes that the
Secretary's right exists whether or not a section 107 cause of action has
yet been brought in court.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, November 12, 2002 2:01 PM
To: Whelan, M Edward III
Subject: RE: final text

yes, maybe just reference the standard contract then?

(Embedded
image moved "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
to file: 11/12/2002 12:51:36 PM
pic30675.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: final text

Maybe, but I don't know enough to know just how the common-law rule operated.
It's possible, for example, that the insurer's role is spelled out in the insurance contract.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, November 12, 2002 1:46 PM
To: Whelan, M Edward III
Subject: RE: final text

Looks good. Does it make sense to add a sentence that references the traditional role that insurers play in litigation involving their insureds; i.e., that the commmon-law background is such that it would contemplate a role
in settlement for all entities whose $$ are at stake, which here means the federal government.

(Embedded
image moved "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
to file: 11/12/2002 10:49:46 AM
pic25906.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: final text

The usage that I'm more familiar with would be "conference report on H.R. 3210".
(That would distinguish it from the explanatory statement that accompanies the
conference report.) Any problems with that? I attach a version with only very
minor revisions.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, November 12, 2002 10:26 AM
To: Whelan, M Edward III
Subject: RE: final text

"conference report to accompany H.R. 3210"

(Embedded
image moved "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
to file: 11/12/2002 10:12:41 AM
pic22163.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: final text

Here's a first draft. Please confirm that the underlying bill is still S.
2600.
Also, is there some accepted name I can use for the Nov. 11 version?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, November 12, 2002 8:42 AM
To: Whelan, M Edward III
Subject: final text

Your opinion should reference the sections in the final text.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/12/2002
08:44 AM ----------

Matthew Kirk
11/12/2002 07:06:46 AM

Record Type: Record

To: Brian C. Conklin/WHO/EOP@EOP

cc: Brett M. Kavanaugh/WHO/EOP@EOP, Kristen Silverberg
Subject: Per your request:

---------- Forwarded by Matthew Kirk/WHO/EOP on 11/12/2002
07:12 AM

(Embedded
image moved Laura_Ayoud@slc.senate.gov (Laura Ayoud)
to file: 11/11/2002 06:57:08 PM
pic09096.pcx)

Record Type: Record

To: Matthew Kirk/WHO/EOP@EOP

cc:
Subject: Per your request:

Hi Matt:
The attached is the 'final' version of the legislative text, for your
review.
The actual conference report will be reprinted without a date at the
bottom, but
I'll do that once all of the other pieces are finished. I also did another
document comparing the Oct. 17 draft (AYO02.921) to this one , so please
call
if you'd like me to fax over a copy of that.

Laura Ayoud
(202-224-6461)

From: CN=Ashley Estes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 10:39:33 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 15:39:33.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

if i'm around, i'll help, but otherwise, i'd like to get out of here. who is it?

Brett M. Kavanaugh
11/12/2002 03:23:49 PM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
Subject:

can you help with tour tonight at 7:30?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: adam.charnes@usdoj.gov @ inet [UNKNOWN] <adam.charnes@usdoj.gov @ inet>
Sent: 11/12/2002 6:40:37 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-NOV-2002 11:40:37.00
SUBJECT::
TO:adam.charnes@usdoj.gov @ inet ( adam.charnes@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

reminder to tell Viet that the source of the information conveyed in my
last call to you this morning should not be shared. Thanks.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 11/12/2002 11:17:23 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 16:17:23.00
SUBJECT:: Re:
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No one that you need to do anything special for, so do not worry.

Ashley Estes
11/12/2002 03:40:33 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
bcc:
Subject: Re:

if i'm around, i'll help, but otherwise, i'd like to get out of here. who is it?

Brett M. Kavanaugh
11/12/2002 03:23:49 PM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
Subject:

can you help with tour tonight at 7:30?

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 11:17:49 AM
Subject: : Re: CFC

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 16:17:49.00
SUBJECT:: Re: CFC
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Have you ever heard of the charity group "Lawyers have Heart?"

Brett M. Kavanaugh
11/12/2002 09:18:02 AM
Record Type: Non-Record

To: Ashley Estes/WHO/EOP@EOP, Colleen Litkenhaus/WHO/EOP@EOP
cc:
Subject: CFC

Code 1050, Federalist Society, for CFC.

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Elizabeth N. Camp/WHO /EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/12/2002 11:21:16 AM
Subject: : Room Change

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-NOV-2002 16:21:16.00
SUBJECT:: Room Change
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Tomorrow night will now be in Room 450 with Leonard's new higher number
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Schwartz, Victor <VSCHWARTZ@shb.com>
Sent: 11/12/2002 7:38:52 AM
Subject: : Re: Op-ed for your consideration

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 12:38:52.00
SUBJECT:: Re: Op-ed for your consideration
TO:"Schwartz, Victor" <VSCHWARTZ@shb.com> ("Schwartz, Victor" <VSCHWARTZ@shb.com> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Thanks. I think Adam Goldman has replaced Kirk.

"Schwartz, Victor" <VSCHWARTZ@shb.com>
11/12/2002 10:43:11 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Op-ed for your consideration

Will keep trying on Op-ed. If I can help in any other way, just e mail. .
Do you know who will succeed Kirk Blalock (like you, he cannot be replaced)?

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

"MMS <shb.com>" made the following
annotations on 11/12/2002 09:43:12 AM

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IN THE U.S., please contact:
Shook, Hardy & Bacon LLP
1200 Main Street
Kansas City, MO 64105-2118
816-474-6550

IN EUROPE, please contact:
Shook, Hardy & Bacon, MNP
25 Cannon Street
London EC4M 5SE
44-020-7332-4500

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rosenzweig, Paul <Paul.Rosenzweig@heritage.org>
Sent: 11/12/2002 8:05:23 AM
Subject: : Re: Deputy GC at Commerce

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-NOV-2002 13:05:23.00
SUBJECT:: Re: Deputy GC at Commerce
TO:"Rosenzweig, Paul" <Paul.Rosenzweig@heritage.org> ( "Rosenzweig, Paul"
<Paul.Rosenzweig@heritage.org> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

E-mail me again all your most updated information.
```

From: CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 8:13:12 AM
Subject: : article by Neil on judicial nominations
Attachments: P_GKRLB003_WHO.TXT_1.htm

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-NOV-2002 13:13:12.00
SUBJECT:: article by Neil on judicial nominations
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

fyi -- you probably have seen this before, but just in case . . .

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GKRLB003_WHO.TXT_1>
```

United Press International May 4, 2002, Saturday

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May 4, 2002, Saturday

SECTION: GENERAL NEWS

LENGTH: 1091 words

HEADLINE: Justice **White** and judicial excellence

BYLINE: By NEIL **GORSUCH,** Special to UPI

DATELINE: WASHINGTON, May 3

BODY:
In eulogizing Justice Byron **White,** Jack Miller, himself a lion of the bar, got it right. Quoting Shakespeare's Hamlet, Miller told the hundreds assembled that we "shall not look upon his like again."

Miller was right in two senses.

First and most obviously, Justice **White** accomplished more in one life than most could in three. He grew up on a sugar beet farm in the smallest of towns in Colorado, but finished first in his college class. At the same time, he led the NCAA in point s scored -- 122 -- and all-purpose yards -- rushing, receiving, pass interceptions, as well as punt and kickoff returns. Justice **White** set collegiate records that would stand over 50 years. H e was the highest paid player of his day in the National Football League -- $15,000 a season in those days. But he was also a Rhodes scholar, a war hero, top of his class at Yale Law School, and a leading private practitioner.

As Attorney General Robert F. Kennedy's deputy at the Justice Department, Justice **White** defended the desegregation efforts o f the "freedom riders" in Alabama. And then, of course, he served 31 years on the United States **Supreme Court.** As President John F. Kennedy remarked when announcing his nomination, Justice **White** excelle d in everything he attempted.

There is another sense in which we shall no t look upon the like of Justice **White** again. He was confirmed less than two weeks after his nomination; his hearing lasted 90 minutes.

He was selected not because of partisan ideology, but because of his integrity, accomplishment, and life experience. Justice **White's** subsequent tenure on the bench was characterized by an utter indifference to partisan agendas. He voted against Miranda warnings, against extending the Firs t Amendment in novel ways to protect the media against meritorious libel charges, and against Roe vs. Wade.

At the same time, he voted for one-man, one-vote reforms, insisted on school desegregation even if it required raising taxes and busing, and supported Congress's use of racial preferences to remedy past discrimination.

If one theme ran through Justice **White's** jurisprudence, it was a confidence in the people's elected representatives, rather than the unelected judiciary, to experiment and solve society's problems, so long as the procedures used were fair and the opportunity to participate was open to all. But in each and every area, Justice **White** sought, as he put it often,

to "decide the case," not to advance any ideology.

Despite his independence (or maybe because of it) , many on both the left and right grudgingly came to respect the justice that the y could never take for granted and whose vote they had to win in each and every case with their best legal arguments.

The judicial confirmation process today bears no resemblance to 1962.

Today, there are too many who are concerned less with promoting the best public servants and more with enforcing litmus tests and locating unknown "stealth candidates" who are perceived as likely to advance favored political causes once on the bench.

Politicians and pressure groups on both sides declare that they will no t support nominees unless they hew to their own partisan creeds. When a favored candidate is voted down for lack of sufficient political sympathy to those in control, grudges are held for years, and retaliation is guaranteed.

Whatever else might be said about the process today, excellence plainly is no longer the dispositive virtue, as it was to President Kennedy.

Th e facts are undeniable. Today, half of the seats on the Sixth Circuit remain unfilled because of partisan bickering over ideological "control" of that circuit. The D.C. Circuit operates at just two-thirds strength. Almost 20 percent of the seats on the **courts** of appeals and nearly 100 judgeships nationwide are vacant. The administrative office of the U.S. **Courts** has declared 32 judicial vacancy "emergencies" in **courts** where filings are in excess of 600 cases per district judge or 700 cases per appellate panel.

Meanwhile, some of the most impressive judicial nominees are grossly mistreated. Take Merrick Garland and John Roberts, two appointees to the U.S. **Court** of Appeals in Washington, D.C. Both were **Supreme Court** clerks. Both served with distinction at the Department of Justice. Both are widely considered to be among the finest lawyers of their generation. Garland, a Clinton appointee, was actively promoted by Republican Sen. Orrin Hatch of Utah. Roberts, a Bush nominee, has the backing of Seth Waxman, President Bill Clinton's solicitor general. But neither Garland nor Roberts has chosen to live his life as a shirker; both have litigated controversial cases involving "hot-button" issues.

As a result, Garland was left waiting for 18 months before being confirmed over the opposition of 23 senators. Roberts, nominated almost a year ago, still waits for a hearing -- and sees no end to the waiting in sight. In fact, this is the second time around for Roberts: he was left hanging without a vote by the Senate at the end of the first Bush administration. So much for promoting excellence in today's confirmation process.

Justice **White's** passing is a deep loss. He lived a full life in servic e of his country and the rule of law. When he retired in 1993, he commented that it was time for others "to have a like experience." It would be a beneficent thing if Justice **White's** passing served as a wake-up call to both political parties that their responsibility in picking judges is to help the nation find objectively excellent public servants, not to turn the process into an ideological food fight where the most able are mistreated while trimmer s and the mediocre are rewarded.

Responsibility for the current morass does not rest with any one party or group; ample blame can be doled out all around. But litmus tests, grudge matches and payback are not the ways forward. Excellence is.

As Lloyd Cutler, **White** House counsel to President Clinton, explained in testimony to the Senate Judiciary Committee las t year, "to make ideology an issue in the confirmation process is to suggest that the legal process is and should be a political one. That is not only wrong as a matter of political science; it also serves to weaken the public confidence in

the **courts."**

Though we will never see the like of Justice **White** again, here's hoping we again see a time in whic h the excellence he so richly embodied serves as the essential standard for picking and confirming our nation's judges.

0-

Content: 0200200 0 02006000 02007000 11006000

LOAD-DATE: May 5, 2002

— Source: News & Business > News > **News Group File, Most Recent Two Years**
— Terms: **gorsuch and white and supreme and court** (Edit Search)
— View: Full
—Date/Time: Tuesday, November 12, 2002 - 1:11 PM EST

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From: CN=Susan B. Ralston/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
CC: Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>
Sent: 11/12/2002 12:37:25 PM
Subject: : Re: Gang of 6 Party

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 17:37:25.00
SUBJECT:: Re: Gang of 6 Party
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thoughts on this request?
---------- Forwarded by Susan B. Ralston/WHO/EOP on 11/12/2002 05:35 PM ----------

Karl Rove <KR@georgewbush.com>
11/12/2002 05:35:00 PM
Record Type: Record

To: Susan B. Ralston/WHO/EOP@EOP
cc:
Subject: Re: Gang of 6 Party

Have Mehlman run it by counsel

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

Please send all replies to kr@georgewbush.com

-----Original Message-----
From: Susan_B._Ralston@who.eop.gov <Susan_B._Ralston@who.eop.gov>
To: Karl Rove <KR@georgewbush.com>
Sent: Tue Nov 12 17:34:12 2002
Subject: Gang of 6 Party

The Gang of 6 would like to pay for a party to thank the WH, RNC, NRSC and NRCC staff (about 200 people) for their hard work on the election. They wanted to run this by you first. Do you think it is OK?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 11/12/2002 1:19:20 PM
Subject: : Re: Gang of 6 Party

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 18:19:20.00
SUBJECT:: Re: Gang of 6 Party
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

who are they?

Susan B. Ralston
11/12/2002 05:37:23 PM
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP, Elizabeth N. Camp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Katherine M. Walters/WHO/EOP@EOP
Subject: Re: Gang of 6 Party

Thoughts on this request?
---------- Forwarded by Susan B. Ralston/WHO/EOP on 11/12/2002 05:35 PM ----------

Karl Rove <KR@georgewbush.com>
11/12/2002 05:35:00 PM
Record Type: Record

To: Susan B. Ralston/WHO/EOP@EOP
cc:
Subject: Re: Gang of 6 Party

Have Mehlman run it by counsel

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

Please send all replies to kr@georgewbush.com

-----Original Message-----
From: Susan_B._Ralston@who.eop.gov <Susan_B._Ralston@who.eop.gov>
To: Karl Rove <KR@georgewbush.com>
Sent: Tue Nov 12 17:34:12 2002
Subject: Gang of 6 Party

The Gang of 6 would like to pay for a party to thank the WH, RNC, NRSC and NRCC staff (about 200 people) for their hard work on the election. They wanted to run this by you first. Do you think it is OK?

From: CN=Raquel Cabral/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 10:03:03 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Raquel Cabral (CN=Raquel Cabral/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 15:03:03.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thank you!

Brett M. Kavanaugh
11/12/2002 03:00:01 PM
Record Type: Record

To: Charlotte L. Montiel/WHO/EOP@EOP, Raquel Cabral/WHO/EOP@EOP
cc:
Subject:

number on parking permit is 367

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly A. Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>
Sent: 11/12/2002 10:04:23 AM
Subject: : Re: FLOTUS summaries

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 15:04:23.00
SUBJECT:: Re: FLOTUS summaries
TO:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This will come as an enormous shock, but I found them. Raquel will bring them down.

Kimberly A. Douglass 11/12/2002 03:02:40 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FLOTUS summaries

okay, my intern swears to me that he brought the summaries to you on Friday. Do you have any recollection of getting handed a green folder by a very tall guy on Friday? If so, and if you happen to come across the folder, let me know. If not, well, I'll just have to wait for it to turn up in some random part of the complex.

thanks!

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 2:10:54 PM
Subject: : Judicial Coalition Meeting - Wednesday Afternoon

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 19:10:54.00
SUBJECT:: Judicial Coalition Meeting - Wednesday Afternoon
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Are you attending this?
---------- Forwarded by Bradford A. Berenson/WHO/EOP on 11/12/2002 07:09 PM ----------

Matthew E. Smith

11/12/2002 10:54:13 AM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: Judicial Coalition Meeting - Wednesday Afternoon

We will hold a Judicial Coalition Meeting tomorrow, Wednesday, November 13, 2002 at 2:00 p.m.

Date: Wednesday, November 13, 2002
Time: 2:00 p.m.
Location: EEOB Room 476

The meeting will be held inside the gates and we will need to clear everyone. Please send all of your Social Security and Date of Birth information to our assistant Garrett Piklapp. Thanks.

Garrett_Piklapp@who.eop.gov
(202) 456-5170 phone

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 2:13:29 PM
Subject: : Re: Judicial Coalition Meeting - Wednesday Afternoon

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 19:13:29.00
SUBJECT:: Re: Judicial Coalition Meeting - Wednesday Afternoon
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I'll probably skip if you're going -- I've got another meeting at 1:30. I hope the expectations prove manageable.

Brett M. Kavanaugh
11/12/2002 07:09:49 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Judicial Coalition Meeting - Wednesday Afternoon

yes, purpose is just to manage expectations somewhat.

Bradford A. Berenson
11/12/2002 07:08:19 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Judicial Coalition Meeting - Wednesday Afternoon

Are you attending this?
---------- Forwarded by Bradford A. Berenson/WHO/EOP on 11/12/2002 07:09 PM ----------

Matthew E. Smith

11/12/2002 10:54:13 AM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: Judicial Coalition Meeting - Wednesday Afternoon

We will hold a Judicial Coalition Meeting tomorrow, Wednesday, November 13, 2002 at 2:00 p.m.

Date: Wednesday, November 13, 2002
Time: 2:00 p.m.
Location: EEOB Room 476

The meeting will be held inside the gates and we will need to clear everyone. Please send all of your Social Security and Date of Birth information to our assistant Garrett Piklapp. Thanks.

Garrett_Piklapp@who.eop.gov
(202) 456-5170 phone

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 11/12/2002 10:26:25 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-NOV-2002 15:26:25.00
SUBJECT::
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

can you help with tour tonight at 7:30?
```

From: CN=Robert C. McNally/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 10:48:08 AM
Subject: : 5 pm meeting?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert C. McNally ( CN=Robert C. McNally/OU=OPD/O=EOP [ OPD ] )
CREATION DATE/TIME:12-NOV-2002 15:48:08.00
SUBJECT:: 5 pm meeting?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett -- going to a meeting at 4pm. Could you email me where the 5pm will
be? My office is fine if you like -- 592.
Bob
```

From: CN=Adam B. Goldman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 2:50:45 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 19:50:45.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes. Are you the tort reform person???

I need to speak with that person...soon!

Brett M. Kavanaugh
11/12/2002 01:22:19 PM
Record Type: Record

To: Adam B. Goldman/WHO/EOP@EOP
cc:
Subject:

Did you take over business/tort portfolio?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: GaryM Stern <garym.stern@nara.gov>
Sent: 11/12/2002 11:17:16 AM
Subject: : Re: Please Call Me re EOP MS Outlook Upgrade

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 16:17:16.00
SUBJECT:: Re: Please Call Me re EOP MS Outlook Upgrade
TO:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

yes, I am aware this needs to be wrapped up. can we talk tomorrow at 11:00?

GaryM Stern <garym.stern@nara.gov>
11/12/2002 02:12:21 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Please Call Me re EOP MS Outlook Upgrade

and the draft MOU that Adam Greenstone sent me several weeks ago. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 11/12/2002 11:17:23 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 16:17:23.00
SUBJECT:: Re:
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No one that you need to do anything special for, so do not worry.

Ashley Estes
11/12/2002 03:40:33 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
bcc:
Subject: Re:

if i'm around, i'll help, but otherwise, i'd like to get out of here. who is it?

Brett M. Kavanaugh
11/12/2002 03:23:49 PM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
Subject:

can you help with tour tonight at 7:30?

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/12/2002 11:25:20 AM
Subject: : Re: CFC

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 16:25:20.00
SUBJECT:: Re: CFC
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

"a rhetorical question is one asked solely to produce an effect
(especially to make an assertion) rather than to elicit a reply"

:)

jokes don't always make it when delivered electronically.

Brett M. Kavanaugh
11/12/2002 04:09:47 PM
Record Type: Record

To: Colleen Litkenhaus/WHO/EOP@EOP
cc:
bcc:
Subject: Re: CFC

yes, I have even run in their annual 5K race.

Colleen Litkenhaus
11/12/2002 04:11:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: CFC

Have you ever heard of the charity group "Lawyers have Heart?"

Brett M. Kavanaugh
11/12/2002 09:18:02 AM
Record Type: Non-Record

To: Ashley Estes/WHO/EOP@EOP, Colleen Litkenhaus/WHO/EOP@EOP
cc:
Subject: CFC

Code 1050, Federalist Society, for CFC.

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Campen>;tcampen@oa.eop.gov [OA] <Tim>
Sent: 11/12/2002 1:16:20 PM
Subject: Re: NARA

Begin Original ARMS Header
RECORD TYPE: FEDERAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:12-NOV-2002 18:16:20.00
SUBJECT:Re: NARA
TO:Campen, Tim (tcampen@oa.eop.gov [OA])
READ:UNKNOWN
End Original ARMS Header

yes, I have a call with him at 11:00 tomorrow to resolve this.
Thanks.

From: Tim Campen/OA/EOP@Exchange on 11/12/2002 06:01:25 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: NARA

Please call Gary Stern at NARA to discuss the documentation you want form them to close the deal on this... we can't move forward with the OUTLOOK rollout until we get rid of the "records/nonrecords" feature.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kevin Warsh/OPD/EOP@EOP [OPD] <Kevin Warsh>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>
Sent: 11/12/2002 1:45:45 PM
Subject: : Kathryn Lehman

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-NOV-2002 18:45:45.00
SUBJECT:: Kathryn Lehman
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brian C. Conklin ( CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

just called me and peppered me with questions, but seemed quite
satisified.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>
Sent: 11/12/2002 3:44:22 PM
Subject: : Re: RNC direct mail

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 20:44:22.00
SUBJECT:: Re: RNC direct mail
TO:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

these are ok.

Katherine M. Walters
11/12/2002 07:25:13 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RNC direct mail

they are very anxious for it. do you think you will have time to take a look at it? thanks

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Colleen Litkenhaus/WHO /EOP@EOP [WHO] <Colleen Litkenhaus>
Sent: 11/12/2002 6:07:04 PM
Subject: : Re: CFC

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2002 23:07:04.00
SUBJECT:: Re: CFC
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I figured you were joking but thought I would call you on it!

.

----- Original Message -----
From:Colleen Litkenhaus/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 11/12/2002 04:26:18 PM
Subject: Re: CFC

"a rhetorical question is one asked solely to produce an effect
(especially to make an assertion) rather than to elicit a reply"

:)

jokes don't always make it when delivered electronically.

Brett M. Kavanaugh
11/12/2002 04:09:47 PM
Record Type: Record

To: Colleen Litkenhaus/WHO/EOP@EOP
cc:
bcc:
Subject: Re: CFC

yes, I have even run in their annual 5K race.

Colleen Litkenhaus
11/12/2002 04:11:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: CFC

Have you ever heard of the charity group "Lawyers have Heart?"

Brett M. Kavanaugh
11/12/2002 09:18:02 AM
Record Type: Non-Record

To: Ashley Estes/WHO/EOP@EOP, Colleen Litkenhaus/WHO/EOP@EOP
cc:
Subject: CFC

Code 1050, Federalist Society, for CFC.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Helgard C. Walker/WHO /EOP@EOP [WHO] <Helgard C. Walker>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Timothy E. Flanigan/WHO /EOP@EOP [WHO] <Timothy E. Flanigan>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 11/13/2002 3:25:29 AM
Subject: : 9th Circuit Article

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-NOV-2002 08:25:29.00
SUBJECT:: 9th Circuit Article
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Timothy E. Flanigan ( CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

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Inter Press Service

November 11, 2002, Monday

LENGTH: 1257 words

HEADLINE: U.S.-HEALTH: SENATE OUTCOME COULD ALTER FUTURE OF FEDERAL COURTS

BYLINE: By Rebecca Vesely

DATELINE: SAN FRANCISCO, Nov. 11

BODY:
When the U.S.ÿSenate Judiciary Committee rejected Priscilla Owen as a
nomineeÿfor the 5th Circuit Court of Appeals in September by a vote of 10ÿ
to 9, the razor-thin margin suggested that Tuesday's mid-termÿelections
could have far-reaching implications on the laws of theÿland.

Owen, a Texas Supreme Court judge, had denied minors judicialÿbypass of
parental-notification laws in all but one case and hadÿsupported further
restricting abortion laws.
```

"Ideologues are not going to make it," Democratic committeeÿChairman Patrick Leahy of Vermont said at Owen's hearing.

President Bush is strongly anti-choice. And his anti-choiceÿpicks for the nation's federal courts will likely face fewerÿobstacles if anti-choice Republicans gain control of the Senate.ÿPro-choice Democrats currently hold a one-seat majority and faceÿclose competition in a handful of key races that, just a dayÿbefore the election, are too close to call. When asked recently whether President Bush would considerÿnominating a pro-choice conservative to the bench, AlbertoÿGonzales, counsel to President Bush and active in the judicialÿscreening process, said: "We don't ask that question." He addedÿthat the president's judicial nominees would "enforce the law."

Pro-Choice Advocates Worried About 9th Circuit CourtÿThe impact of an anti-abortion Republican-controlled Senate wouldÿbe felt in all courts, but perhaps in none more than the nation'sÿlargest and most controversial court of appeals--the 9th U.S.ÿCircuit in San Francisco. The 9th Circuit is widely viewed asÿbringing issues concerning consumer protection, the environment,ÿand women's rights to the forefront of national debate. In aÿ landmark case, the court ruled in 2000 that a United Airlinesÿpolicy imposing employee weight standards unfairly targeted womenÿemployees and imposed a burden on them that had nothing to doÿwith their work.

President Bush has the opportunity to fill five spots on theÿ9th Circuit, which covers nine states. One Bush nominee,ÿRepublican activist Richard Clifton of Honolulu, was confirmed inÿMay without opposition. But Democrats are blocking anotherÿnominee, Carolyn B. Kuhl.

A Los Angeles Superior Court Judge, Kuhl co-authored a briefÿfiled with the U.S. Supreme Court in 1986 when she was a deputyÿdistrict attorney supporting a reversal of Roe v. Wade, whichÿlegalized abortion. Reproductive rights groups such as NARAL andÿthe Center for Reproductive Law and Policy strongly oppose Kuhl'sÿnomination. Her confirmation chances in a pro-choice DemocraticÿSenate are slim to none.

Kuhl's nomination could be forever blocked by Democratic Sen.ÿBarbara Boxer of California. Boxer has not signed a "blue slip,"ÿmeaning that the home-state senator of the court where theÿnominee will be appointed has not returned the blue piece ofÿpaper indicating approval. Some legal experts are now criticizingÿthis "blue slip" rule, and observers say it is possible that ruleÿwould be revoked under an anti-choice Senate.

"Such tactics skirt the edges of constitutional legitimacy,"ÿChapman University law professor John C. Eastman wrote in the LosÿAngeles Daily Journal. "The founders viewed the confirmationÿpower more as a check on possible favoritism by the presidentÿthan a means to thwart the president's policy preferences."

Arthur Hellman, a law professor at the University ofÿPittsburgh and former director of the central legal staff of theÿ9th Circuit, says how Kuhl will rule as a judge cannot be basedÿon her actions as a lawyer.

"Any good lawyer recognizes the role of a judge is muchÿdifferent," Hellman says. "Lawyers are expected to takeÿprovocative stances to make their mark, while the role of theÿjudge is to uphold the law."

But abortion rights advocates say that the stakes are too highÿto believe that federal judges will not rule based on personalÿpolitics.

"It's naive and ahistorical to think that judges will not ruleÿbased on ideology," says Betsy Cavendish, legal director ofÿNARAL. "Many cases are not ideological, but in critical cases,ÿideology does play a role."

Cavendish cites a recent decision in the 7th U.S. CircuitÿCourt of Appeals in Chicago upholding an Indiana law requiringÿface-to-face counseling 18 hours before a woman can have anÿabortion. The two more conservative

judges ruled in favor of theÿlaw.

"State legislatures are innovative in the way they restrictÿchoice," Cavendish says. "We need the courts to challenge stateÿactions."

The 9th Circuit gained national attention last summer byÿdeclaring the Pledge of Allegiance unconstitutional because itÿincludes the words "under God." Though written by a judgeÿappointed by Republican president Richard Nixon, the decisionÿcemented the 9th Circuit's reputation as a rogue and liberalÿcourt--a reputation many in the Senate would like to change. Everÿ controversial, last Wednesday a three-judge panel of the courtÿruled unanimously that the Justice Department could notÿinvestigate doctors who recommend marijuana to sick patients.

Critics argue that the court has had more decisions reversedÿby the U.S. Supreme Court than any other appeals court. Mostÿnotably, in 1996-1997, the Supreme Court reversed 28 of 29 casesÿfrom the 9th Circuit. But Hellman notes that the reversal rateÿhas declined since that year, and that 29 cases is "a tiny, tinyÿproportion of overall cases heard by the 9th that year."

Changing Court Balance Is a Slow ProcessÿIt would take some time to turn the 9th Circuit into a trulyÿconservative court. Former President Bill Clinton appointed 13 ofÿthe 24 judges on the court, which covers California, Arizona,ÿNevada, Oregon, Washington, Idaho, Montana, Alaska and Hawaii.ÿBecause a three-judge panel often determines the outcome ofÿ cases, observers say that adding five new judges to the courtÿcould have an impact on court rulings.

"The Clinton nominees were actually fairly moderate," saysÿMarcia Kauntz, director of judicial selection process at theÿAlliance for Justice. "Given the court-packing by formerÿpresidents Reagan and Bush Sr., Clinton did not provide anÿideological balance to the federal courts. If President Bush isÿable to get his nominees through the Senate, the court would skewÿ even more conservative."

Kauntz says that the 6th U.S. Circuit Court of Appeals,ÿcovering Michigan, Ohio, Kentucky and Tennessee, would alsoÿbecome more conservative if the Senate approves Bush's nomineesÿbecause of the six vacancies on that court.

"Given the types of nominees Bush has chosen for the 6thÿCircuit, it would become more anti-environment andÿanti-abortion," Kauntz says.

On Wednesday, President Bush unveiled a plan to speed up theÿconfirmation process, requiring Senate Judiciary Committeeÿhearings within 90 days of receiving a nomination from theÿpresident, and a full Senate vote within 180 days. The proposalÿcame as a surprise to senators on both sides of the aisle.

"It's a political tactic to call attention to the nominationÿissue and mobilizes the right-wing base knowing full well theÿSenate cannot accept a proposal they had no input in making,"ÿKauntz says. "From our perspective, Sen. Leahy has moved nomineesÿfairly quickly; 80 nominees have been voted on, which isÿcomparable to previous administrations."

White House press secretary Ari Fleischer denied that the planÿwas a political tactic.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne E. Campbell/WHO/EOP@EOP [WHO] <Anne E. Campbell>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/13/2002 3:49:58 AM
Subject: : Email for John McConnell and Joe Shattan

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2002 08:49:58.00
SUBJECT:: Email for John McConnell and Joe Shattan
TO:Anne E. Campbell (CN=Anne E. Campbell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

IS&T has permission from White House Counsel's office to copy the e-mails into the new accounts. However, before proceeding, they should also obtain permission from David Addington, the Counsel to the Vice President. Thanks, Anne.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 11/13/2002 08:49 AM ----------

Elizabeth N. Camp
11/13/2002 08:46:27 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Anne E. Campbell/WHO/EOP@EOP
Subject: Email for John McConnell and Joe Shattan

Brett-

Can you get back to Anne on this, please?

Lib
---------- Forwarded by Elizabeth N. Camp/WHO/EOP on 11/13/2002 08:36 AM ----------

Anne E. Campbell 11/13/2002 08:06:46 AM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Email for John McConnell and Joe Shattan

Hi Libby,
I hope you are well! We have recently had some changes in personal. As you may already know, John McConnell and Joe Shattan, have switched departments, from VP to EOP and vise versa. I have been told by IS&T office, that their email exchanges need to be changed in order to reflect their new offices. However in order to have the email that is currently in each of their respective accounts, copy into their new accounts, I need permission from your office. I spoke to Dotty Crumbling about this and she said that essentially I need an email from someone in Counsel's office saying that IS&T has permission to copy all of the current emails in Joe Shattan's inbox (his EOP account) and place the copy

in his new inbox (his VP account). We need your office's permission because of Presidential records issues. Please let me know if this is something you can do and if you have any questions please do not hesitate to call me.
Thank you,
Anne

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 11/13/2002 3:54:54 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-NOV-2002 08:54:54.00
SUBJECT::
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

called you re NY Times story.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jill Davie/WHO/EOP@EOP [WHO] <Jill Davie>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>
Sent: 11/13/2002 4:05:07 AM
Subject: : Santorum

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-NOV-2002 09:05:07.00
SUBJECT:: Santorum
TO:Jill Davie ( CN=Jill Davie/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Michael J. Conway ( CN=Michael J. Conway/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nicholas E. Calio ( CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I talked to Sen. Santorum's assistant; he had gone into meeting
and she said they will call me back. I will periodically call back this
morning if/when I do not hear from him.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP [OA] <Adam F. Greenstone>
Sent: 11/13/2002 8:53:25 AM
Subject: RECEIVED: Non-Record Issue

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-NOV-2002 13:53:25.00
SUBJECT:RECEIVED: Non-Record Issue
TO:Adam F. Greenstone ( CN=Adam F. Greenstone/OU=OA/O=EOP [ OA ] )
READ:UNKNOWN
###### End Original ARMS Header ######

RETURN RECEIPT

Your Document:
Non-Record Issue
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
11/13/2002 01:56:39 PM
```

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2002 8:59:06 AM
Subject: : Reminder about the 2pm in Room 476

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-NOV-2002 13:59:06.00
SUBJECT:: Reminder about the 2pm in Room 476
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2002 8:41:58 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2002 13:41:58.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Sorry: Chuck is better to phone than Kerri.

Warmly

tsg

Brett M. Kavanaugh
11/13/2002 11:56:18 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re:

Will do. I had received call from chuck moose and returned that and left message.

.

----- Original Message -----
From:Tim Goeglein/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 11/13/2002 11:20:49 AM
Subject:

B

Might you ring Kerri Houston of the American Conservative Union regarding the National Lawsuit Abuse Task Force? 703 836 8602.

Apparently someone from ACU tried to ring you about it.

Warmly

tsg

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 11/13/2002 8:53:56 AM
Subject: : Re: Non-Record Issue

Begin Original ARMS Header
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2002 13:53:56.00
SUBJECT:: Re: Non-Record Issue
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

Can you convert the MOU into a letter to the Archives. We can then discuss who should sign.

Adam F. Greenstone
11/13/2002 01:49:25 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Non-Record Issue

Any luck with the Archives?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP [OA] <Adam F. Greenstone>
Sent: 11/13/2002 8:53:25 AM
Subject: RECEIVED: Non-Record Issue

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-NOV-2002 13:53:25.00
SUBJECT:RECEIVED: Non-Record Issue
TO:Adam F. Greenstone ( CN=Adam F. Greenstone/OU=OA/O=EOP [ OA ] )
READ:UNKNOWN
###### End Original ARMS Header ######

RETURN RECEIPT

Your Document:
Non-Record Issue
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
11/13/2002 01:56:39 PM
```

From: CN=Jennifer G. Newstead/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2002 1:22:18 PM
Subject: : Reception for FORTUNE CEOs

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2002 18:22:18.00
SUBJECT:: Reception for FORTUNE CEOs
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here's the email -- per my message. thanks
---------------------- Forwarded by Jennifer G. Newstead/WHO/EOP on 11/13/2002 06:20 PM ----------------------------

Elizabeth N. Camp
11/13/2002 03:34:54 PM
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP
cc:
Subject: Reception for FORTUNE CEOs

FYI and a question-
Is this cool?
---------------------- Forwarded by Elizabeth N. Camp/WHO/EOP on 11/13/2002 03:31 PM ----------------------------

Lezlee J. Westine
11/13/2002 12:28:44 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Reception for FORTUNE CEOs

The Office of Public Liaison is hosting a briefing for 175 Global Leaders and CEOs as part of FORTUNE's 6th Annual Global Forum. Following the briefing, there will be a reception in the Indian Treaty Room from 5:30 - 6:30. If you would like to attend, we would be honored to have you there.

Attached is a partial guest list to give you an idea of who the audience is.

If you would like to attend, please email Jenica Baldwin at jbaldwin@who.eop.gov or feel free to stop by.

Thank you.

Lezlee

Message Sent
To:_____
Daniel J. Bartlett/WHO/EOP@EOP
Joshua B. Bolten/WHO/EOP@EOP
Andrew H. Card/WHO/EOP@EOP
Lawrence B. Lindsey/OPD/EOP@EOP
Nicholas E. Calio/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Barry S. Jackson/WHO/EOP@EOP
Peter H. Wehner/WHO/EOP@EOP
Ken Mehlman/WHO/EOP@EOP
Albert Hawkins/WHO/EOP@EOP
Margaret M. Spellings/OPD/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@EOP
Tucker A. Eskew/WHO/EOP@EOP
James R. Wilkinson/WHO/EOP@EOP

Message Copied
To:_____
Jenica Baldwin/WHO/EOP@EOP
Krista L. Ritacco/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Melissa S. Bennett/WHO/EOP@EOP
Jean M. Russell/OPD/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Kimberly Ellison/WHO/EOP@EOP
Katherine M. Walters/WHO/EOP@EOP
Eleanor L. Gillmor/OPD/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP
Wendy L. Nipper/WHO/EOP@EOP
Shannon Burkhart/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>
Sent: 11/13/2002 1:41:02 PM
Subject: : Re: Reception for FORTUNE CEOs

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2002 18:41:02.00
SUBJECT:: Re: Reception for FORTUNE CEOs
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The government, I believe. It is certainly a proper official event (today Governor Ridge talked to them).

Jennifer G. Newstead
11/13/2002 06:25:14 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Reception for FORTUNE CEOs

That was my reaction as well. Apparently the event is going on right now and will be over shortly, so its not clear what we could do even if we had a concern.

Who pays when Public Liaison hosts these sorts of events, do you know?

Brett M. Kavanaugh
11/13/2002 06:22:42 PM
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Reception for FORTUNE CEOs

No, but this is not an unusual kind of public liaison event, I do not believe.

Jennifer G. Newstead
11/13/2002 06:19:39 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Reception for FORTUNE CEOs

Here's the email -- per my message. thanks
---------- Forwarded by Jennifer G. Newstead/WHO/EOP on
11/13/2002 06:20 PM ----------

Elizabeth N. Camp
11/13/2002 03:34:54 PM
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP
cc:
Subject: Reception for FORTUNE CEOs

FYI and a question-
Is this cool?
---------- Forwarded by Elizabeth N. Camp/WHO/EOP on
11/13/2002 03:31 PM ----------

Lezlee J. Westine
11/13/2002 12:28:44 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Reception for FORTUNE CEOs

The Office of Public Liaison is hosting a briefing for 175 Global Leaders and CEOs as part of FORTUNE's 6th Annual Global Forum. Following the briefing, there will be a reception in the Indian Treaty Room from 5:30 - 6:30. If you would like to attend, we would be honored to have you there.

Attached is a partial guest list to give you an idea of who the audience is.

If you would like to attend, please email Jenica Baldwin at jbaldwin@who.eop.gov or feel free to stop by.

Thank you.

Lezlee

Message Sent
To:_____
Daniel J. Bartlett/WHO/EOP@EOP
Joshua B. Bolten/WHO/EOP@EOP
Andrew H. Card/WHO/EOP@EOP
Lawrence B. Lindsey/OPD/EOP@EOP
Nicholas E. Calio/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Barry S. Jackson/WHO/EOP@EOP
Peter H. Wehner/WHO/EOP@EOP
Ken Mehlman/WHO/EOP@EOP
Albert Hawkins/WHO/EOP@EOP
Margaret M. Spellings/OPD/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@EOP
Tucker A. Eskew/WHO/EOP@EOP

James R. Wilkinson/WHO/EOP@EOP

Message Copied
To:_____
Jenica Baldwin/WHO/EOP@EOP
Krista L. Ritacco/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Melissa S. Bennett/WHO/EOP@EOP
Jean M. Russell/OPD/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
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Eleanor L. Gillmor/OPD/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP
Wendy L. Nipper/WHO/EOP@EOP
Shannon Burkhart/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John F. Wood/OMB/EOP@EOP [OMB] <John F. Wood>;Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>
Sent: 11/13/2002 2:21:14 PM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-NOV-2002 19:21:14.00
SUBJECT::
TO:John F. Wood ( CN=John F. Wood/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
###### End Original ARMS Header ######

http://www.nytimes.com/2002/11/13/nyregion/13FUND.html
```

From: CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2002 11:59:45 AM
Subject: : FOIA

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2002 16:59:45.00
SUBJECT:: FOIA
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett -

I have a reporter from Las Vegas - who is being flacked by liberal interest groups - that the administration is "ducking many FOIA requests." I am just trying to find out if we have any sort of general talking points on FOIA requests - if I recall - they don't apply to the WH - but, just want to check prior to calling them back.

Ken
6-6251

From: CN=Brian C. Conklin/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2002 12:11:36 PM
Subject: : Re: please e-mail me with any meeting times because I will be in a meeting here starting at 3:15 (or call 456-2632 main counsel #)

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian C. Conklin ( CN=Brian C. Conklin/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-NOV-2002 17:11:36.00
SUBJECT:: Re: please e-mail me with any meeting times because I will be in a meeting here
starting at 3:15 (or call 456-2632 main counsel #)
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Bad cell signal here. Nothing to report yet. Conferees are signing. Delay
mtg not likely at this point, but please be on standby.


----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:Brian C. Conklin/WHO/EOP@EOP
Cc:Kristen Silverberg/WHO/EOP@EOP
Date: 11/13/2002 02:58:45 PM
Subject: please e-mail me with any meeting times because I will be in a
meeting here starting at 3:15 (or call 456-2632 main counsel #)
```

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2002 1:17:13 PM
Subject: : are you going to cap grille for hirshland thing?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-NOV-2002 18:17:13.00
SUBJECT:: are you going to cap grille for hirshland thing?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Jennifer G. Newstead/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2002 1:27:52 PM
Subject: : Re: Reception for FORTUNE CEOs

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2002 18:27:52.00
SUBJECT:: Re: Reception for FORTUNE CEOs
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

That was my reaction as well. Apparently the event is going on right now and will be over shortly, so its not clear what we could do even if we had a concern.

Who pays when Public Liaison hosts these sorts of events, do you know?

Brett M. Kavanaugh
11/13/2002 06:22:42 PM
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Reception for FORTUNE CEOs

No, but this is not an unusual kind of public liaison event, I do not believe.

Jennifer G. Newstead
11/13/2002 06:19:39 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Reception for FORTUNE CEOs

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---------- Forwarded by Jennifer G. Newstead/WHO/EOP on 11/13/2002 06:20 PM ----------

Elizabeth N. Camp
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Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP
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Is this cool?
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Thank you.

Lezlee

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Lauren J. Vestewig/OPD/EOP@EOP
Wendy L. Nipper/WHO/EOP@EOP
Shannon Burkhart/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>
Sent: 11/13/2002 1:41:02 PM
Subject: : Re: Reception for FORTUNE CEOs

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2002 18:41:02.00
SUBJECT:: Re: Reception for FORTUNE CEOs
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The government, I believe. It is certainly a proper official event (today Governor Ridge talked to them).

Jennifer G. Newstead
11/13/2002 06:25:14 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Reception for FORTUNE CEOs

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cc:
Subject: Reception for FORTUNE CEOs

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To: Jennifer G. Newstead/WHO/EOP@EOP
cc:
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James R. Wilkinson/WHO/EOP@EOP

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Wendy L. Nipper/WHO/EOP@EOP
Shannon Burkhart/WHO/EOP@EOP

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To: John F. Wood/OMB/EOP@EOP [OMB] <John F. Wood>;Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>
Sent: 11/13/2002 2:21:14 PM
Subject: :

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-NOV-2002 19:21:14.00
SUBJECT::
TO:John F. Wood ( CN=John F. Wood/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
###### End Original ARMS Header ######

http://www.nytimes.com/2002/11/13/nyregion/13FUND.html
```

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/14/2002 6:56:42 AM
Subject: : Federal Excise Tax (FET)
Attachments: F_S79OB003_OA.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:14-NOV-2002 11:56:42.00
SUBJECT:: Federal Excise Tax (FET)
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Per my voice-mail, have they been speaking to you about the excise tax?
---------- Forwarded by Adam F. Greenstone/OA/EOP on 11/14/2002 11:55 AM ----------

Andris Kalnins
11/14/2002 11:14:32 AM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: James F. Daniel/OA/EOP@EOP, Albert A. Muhlbauer/OA/EOP@EOP
Subject: Federal Excise Tax (FET)

FYI . . . . . .
---------- Forwarded by Andris Kalnins/OA/EOP on 11/14/2002 11:14 AM ----------

Eric W. Terrell
11/14/2002 10:03:24 AM
Record Type: Record

To: Andris Kalnins/OA/EOP@EOP, James F. Daniel/OA/EOP@EOP
cc:
Subject: Federal Excise Tax (FET)

---------- Forwarded by Eric W. Terrell/WHO/EOP on 11/14/2002 10:07 AM ----------

Susan Hazard <susan.hazard@airpartnerusa.com>
11/13/2002 03:38:24 PM
Record Type: Record

To: Ron.Blaszcyk@ual.com
cc: See the distribution list at the bottom of this message
Subject: Federal Excise Tax (FET)

Effective immediately, please include the FET taxes in each of your bids, contracts, and final invoices for White House trips. The White House will not longer be responsible for reporting and payment of this tax and the responsibility reverts back to the press charter carrier (in

this case United).

The White House Travel Office press billing has been outsourced to American Express and their press charter program to Air Partner, Inc.

If you have any questions, please don't hesitate to call me at 202-625-6600.

Thank you.

Sue Hazard

Director

Air Partner, Inc.

202-625-6600

202-625-6155-Fax

www.airpartnerusa.com <http://www.airpartnerusa.com/>

- att1.htm

Message Copied
To:_____
Marisa Zitoune <marisa.zitoune@airpartnerusa.com>
'Lisa Langley' <lisa.langley@airpartnerusa.com>
miranda.carland@airpartnerusa.com
Eric W. Terrell/WHO/EOP@EOP
"'Guina, Mike'" <Mike.Guina@airpartner.com>
Linda.d.radazo@aexp.com
Marisa Zitoune <marisa.zitoune@airpartnerusa.com>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_S79OB003_OA.TXT_1>

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Thank you.

Sue Hazard
Director
Air Partner, Inc.
202-625-6600
202-625-6155-Fax

www.airpartnerusa.co m

From: CN=Claire E. Buchan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/14/2002 6:17:35 AM
Subject: : Re: called you back; I'm at 6-7984

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-NOV-2002 11:17:35.00
SUBJECT:: Re: called you back; I'm at 6-7984
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks. i think we're set -- i was up against a time crunch and talked to brian conklin to make sure i had the right facts on the liability provisions of the terrorism insurance legislation. thx.

cb

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/14/2002 6:22:52 AM
Subject: : Terry Eastland (Weekly Standard/DMN) column on judges and President's proposal

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-NOV-2002 11:22:52.00
SUBJECT:: Terry Eastland (Weekly Standard/DMN) column on judges and President's proposal
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

CONFIRMED

THE BIGGEST CONSEQUENCE of the midterm elections may well concern judges. Because the Republicans now control the Senate, President Bush is in a far better position than he was during his first two years in office to change the confirmation process for the better and to see his nominees confirmed. For all of that, and it is a lot, Bush has himself mainly to thank. In case you wonder, he hasn't done that. His reluctance to take any credit for his party's capture of the Senate is a testimony to his political prudence. Yet when histories of the Bush presidency are written, his labors in behalf of Republican Senate candidates in 2002 may well deserve their own chapter, precisely because the outcome now gives him the upper and potentially pacifying hand in the judges' wars.
Not incidentally, in choosing to campaign as he did, Bush eschewed conventional political counsel, which holds that incumbent presidents lose seats in midterm elections and, therefore, shouldn't bother to waste political capital by hitting the trails. But there was Bush in his five-day sprint to Election Day, in which he flew 10,000 miles, touching down in no fewer than 15 states, Texas the last. And everywhere he went he talked about judges. Here, for example, was Bush in Missouri on Monday: "And I'll tell you another big issue and another big difference in this campaign, and that has to do with our federal judiciary. I have a responsibility to name good people to the bench. I've named a lot of really good people . . . but the bunch running the Senate [i.e., the Democrats] has done a lousy job on my nominees."
Bush implied that the Senate needed to change hands for it to do a better

job and appealed for votes for Jim Talent in his race to unseat the Democratic incumbent, Jean Carnahan. (Talent won.)

Bush addressed other issues during his stops--homeland security and tax cuts in particular. Without reliable national surveys to indicate whether and, if so, the extent to which judges mattered in a given race, it is difficult to assess the impact of the issue. And it bears noting that conventional political analysis holds that it is hard, if not impossible, for a president to make judges an issue in midterm elections. That analysis has persuaded some presidents not to even try.

Still, there are reasons to think that judges mattered to some extent, perhaps decisively, inasmuch as a mere 22,000 votes shifted the Senate to the GOP. And it may have mattered not just in the three GOP pickups but also in states the Republicans held, including Texas.

Republican political strategists say the issue aroused the party's base. Discount that if you like, but it is true that no issue is more likely to stimulate the rank and file of the Republican party than judges, which also work as a proxy for certain social issues (such as abortion). And there is this fact: More Republicans than Democrats did show up at the polls. In midterms, the party opposite the president's usually has the better turnout.

The opportunity on judges that Bush now has is evident. Six days before the elections, he endorsed two changes in the way the Senate handles nominations: first, that the Senate Judiciary Committee hold a hearing within 90 days of receiving a nomination, and second, that the full Senate hold an up-or-down floor vote within 180 days.

Such changes have merit regardless of which party controls the presidency or the Senate. The failure to hold reasonably timely hearings disrespects the president's power to nominate, and the Judiciary Committee shouldn't be allowed to act for the full Senate, especially since the full body might have confirmed a nominee that the committee, voting along purely partisan lines, rejected. (Recall the case of Priscilla Owen.)

Significantly, Orrin Hatch, who will be the committee's new chairman, supports the Bush proposals.

As for his nominees, Bush will see them moved without undue delays through the committee to the floor. Most if not all will be approved. The Democrats, now in the minority, are down to the filibuster.

Ultimately at stake here are the role of the courts and the ways in which judges interpret the law. Bush hardly has hidden where he comes down on those matters. His is a conservative judicial philosophy. But what will enable him to advance his philosophy through his appointees is the remarkable campaign he waged, one that defied historical trends and usual political wisdom. It continues to be a mistake to underestimate George W. Bush.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 11/14/2002 6:24:10 AM
Subject: : Mcconnell/shedd

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-NOV-2002 11:24:10.00
SUBJECT:: Mcconnell/shedd
TO:Timothy E. Flanigan ( CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

They have been voted out of committee on a voice vote.

Very strange tho, all the Dems recorded themselves as "no" for shedd even
tho he was voted out by voice.

.
```

From: Mashburn, John (Lott) <John_Mashburn@lott.senate.gov>
To: Pat.O'Brien@usdoj.gov at INTERNET <IMCEACCMAIL-Pat+2EO+27Brien+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov>;Oliphant, Lincoln (RPC) <Lincoln_Oliphant@rpc.senate.gov>;\"John Abegg (E-mail)\ <John_Abegg@mcconnell.senate.gov>;Gregg Willhauck at KYL-DC <IMCEACCMAIL-Gregg+20Willhauck+20at+20KYL-DC"@routing.senate.gov>;\"Don Willett (E-mail)\ <Don.Willett@usdoj.gov>;\"Bob Taylor (E-mail)\ <Bob_Taylor@aml.senate.gov>;\"Anne_Womack (E-mail)\ <Anne_Womack@who.eop.gov>;Joe Matal at JUDICIARY <IMCEACCMAIL-Joe+20Matal+20at+20JUDICIARY"@routing.senate.gov>;Rena Johnson Comisac at JUDICIARY <IMCEACCMAIL-Rena+20Johnson+20Comisac+20at+20JUDICIARY"@routing.senate.gov>;William Smith at JUDICIARY <IMCEACCMAIL-William+20Smith+20at+20JUDICIARY"@routing.senate.gov>;Stephen Higgins at JUDICIARY <IMCEACCMAIL-Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov>;\"Nathan Sales (E-mail)\ <Nathan.Sales@usdoj.gov>;Gumerson, Katie (Nickles) <Katie_Gumerson@Nickles.senate.gov>;\"Jamie E Brown (OLA) (E-mail)\ <Jamie.E.Brown@usdoj.gov>;Ed Haden at JUDICIARY <IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY"@routing.senate.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Barbara Ledeen at Republican-Conf <IMCEACCMAIL-Barbara+20Ledeen+20at+20Republican-Conf"@routing.senate.gov>;Alex Dahl at JUDICIARY <IMCEACCMAIL-Alex+20Dahl+20at+20JUDICIARY"@routing.senate.gov>;Manuel Miranda at JUDICIARY <IMCEACCMAIL-Manuel+20Miranda+20at+20JUDICIARY"@routing.senate.gov>;William Castle at JUDICIARY <IMCEACCMAIL-William+20Castle+20at+20JUDICIARY"@routing.senate.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 11/14/2002 10:54:23 AM
Subject: : Friday 10 am meeting is on

```
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Mashburn, John (Lott)" <John_Mashburn@lott.senate.gov> ( "Mashburn, John (Lott)"
<John_Mashburn@lott.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:14-NOV-2002 15:54:23.00
SUBJECT:: Friday 10 am meeting is on
TO:"Pat.O'Brien@usdoj.gov at INTERNET" <"IMCEACCMAIL-
Pat+2EO+27Brien+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov> ( "Pat.O'Brien@usdoj.gov
at INTERNET" <"IMCEACCMAIL-
Pat+2EO+27Brien+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Oliphant, Lincoln (RPC)" <Lincoln_Oliphant@rpc.senate.gov> ( "Oliphant, Lincoln (RPC)"
<Lincoln_Oliphant@rpc.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"\"John Abegg (E-mail)\" " <John_Abegg@mcconnell.senate.gov> ( "\"John Abegg (E-mail)\"
" <John_Abegg@mcconnell.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Gregg Willhauck at KYL-DC <"IMCEACCMAIL-Gregg+20Willhauck+20at+20KYL-
DC"@routing.senate.gov> ( Gregg Willhauck at KYL-DC <"IMCEACCMAIL-
Gregg+20Willhauck+20at+20KYL-DC"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"\"Don Willett (E-mail)\" " <Don.Willett@usdoj.gov> ( "\"Don Willett (E-mail)\" "
<Don.Willett@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"\"Bob Taylor (E-mail)\" " <Bob_Taylor@aml.senate.gov> ( "\"Bob Taylor (E-mail)\" "
<Bob_Taylor@aml.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"\"Anne_Womack (E-mail)\" " <Anne_Womack@who.eop.gov> ( "\"Anne_Womack (E-mail)\" "
<Anne_Womack@who.eop.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Joe Matal at JUDICIARY <"IMCEACCMAIL-Joe+20Matal+20at+20JUDICIARY"@routing.senate.gov> (
Joe Matal at JUDICIARY <"IMCEACCMAIL-Joe+20Matal+20at+20JUDICIARY"@routing.senate.gov> [
UNKNOWN ] )
READ:UNKNOWN
TO:Rena Johnson Comisac at JUDICIARY <"IMCEACCMAIL-
```

Rena+20Johnson+20Comisac+20at+20JUDICIARY"@routing.senate.gov> (Rena Johnson Comisac at
JUDICIARY <"IMCEACCMAIL-Rena+20Johnson+20Comisac+20at+20JUDICIARY"@routing.senate.gov> [
UNKNOWN])
READ:UNKNOWN
TO:William Smith at JUDICIARY <"IMCEACCMAIL-
William+20Smith+20at+20JUDICIARY"@routing.senate.gov> (William Smith at JUDICIARY
<"IMCEACCMAIL-William+20Smith+20at+20JUDICIARY"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:Stephen Higgins at JUDICIARY <"IMCEACCMAIL-
Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov> (Stephen Higgins at JUDICIARY
<"IMCEACCMAIL-Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"\"Nathan Sales (E-mail)\" " <Nathan.Sales@usdoj.gov> ("\"Nathan Sales (E-mail)\" "
<Nathan.Sales@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Gumerson, Katie (Nickles)" <Katie_Gumerson@Nickles.senate.gov> ("Gumerson, Katie
(Nickles)" <Katie_Gumerson@Nickles.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"\"Jamie E Brown (OLA) (E-mail)\" " <Jamie.E.Brown@usdoj.gov> ("\"Jamie E Brown (OLA)
(E-mail)\" " <Jamie.E.Brown@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:Ed Haden at JUDICIARY <"IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY"@routing.senate.gov> (
Ed Haden at JUDICIARY <"IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY"@routing.senate.gov> [
UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barbara Ledeen at Republican-Conf <"IMCEACCMAIL-Barbara+20Ledeen+20at+20Republican-
Conf"@routing.senate.gov> (Barbara Ledeen at Republican-Conf <"IMCEACCMAIL-
Barbara+20Ledeen+20at+20Republican-Conf"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:Alex Dahl at JUDICIARY <"IMCEACCMAIL-Alex+20Dahl+20at+20JUDICIARY"@routing.senate.gov> (
Alex Dahl at JUDICIARY <"IMCEACCMAIL-Alex+20Dahl+20at+20JUDICIARY"@routing.senate.gov> [
UNKNOWN])
READ:UNKNOWN
TO:Manuel Miranda at JUDICIARY <"IMCEACCMAIL-
Manuel+20Miranda+20at+20JUDICIARY"@routing.senate.gov> (Manuel Miranda at JUDICIARY
<"IMCEACCMAIL-Manuel+20Miranda+20at+20JUDICIARY"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:William Castle at JUDICIARY <"IMCEACCMAIL-
William+20Castle+20at+20JUDICIARY"@routing.senate.gov> (William Castle at JUDICIARY
<"IMCEACCMAIL-William+20Castle+20at+20JUDICIARY"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We may be scrambling tomorrow to get out of here, but folks think we
still need
to try to do the meeting. I don't think I'm going to get around to doing
an
agenda, but the focus should be on what we need to do to get ready for
Jan. of
next year, and what we can reasonably expect to be able to do in Jan.
next year.

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/14/2002 6:56:42 AM
Subject: : Federal Excise Tax (FET)
Attachments: P_S79OB003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:14-NOV-2002 11:56:42.00
SUBJECT:: Federal Excise Tax (FET)
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Per my voice-mail, have they been speaking to you about the excise tax?
---------- Forwarded by Adam F. Greenstone/OA/EOP on
11/14/2002 11:55 AM ----------

Andris Kalnins
11/14/2002 11:14:32 AM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: James F. Daniel/OA/EOP@EOP, Albert A. Muhlbauer/OA/EOP@EOP
Subject: Federal Excise Tax (FET)

FYI . . . . . .
---------- Forwarded by Andris Kalnins/OA/EOP on 11/14/2002
11:14 AM ----------

Eric W. Terrell
11/14/2002 10:03:24 AM
Record Type: Record

To: Andris Kalnins/OA/EOP@EOP, James F. Daniel/OA/EOP@EOP
cc:
Subject: Federal Excise Tax (FET)

---------- Forwarded by Eric W. Terrell/WHO/EOP on 11/14/2002
10:07 AM ----------

Susan Hazard <susan.hazard@airpartnerusa.com>
11/13/2002 03:38:24 PM
Record Type: Record

To: Ron.Blaszcyk@ual.com
cc: See the distribution list at the bottom of this message
Subject: Federal Excise Tax (FET)

Effective immediately, please include the FET taxes in each of your
bids, contracts, and final invoices for White House trips. The White
House will not longer be responsible for reporting and payment of this
tax and the responsibility reverts back to the press charter carrier (in

this case United).

The White House Travel Office press billing has been outsourced to American Express and their press charter program to Air Partner, Inc.

If you have any questions, please don't hesitate to call me at 202-625-6600.

Thank you.

Sue Hazard

Director

Air Partner, Inc.

202-625-6600

202-625-6155-Fax

www.airpartnerusa.com <http://www.airpartnerusa.com/>

- att1.htm

Message Copied
To:_____
Marisa Zitoune <marisa.zitoune@airpartnerusa.com>
'Lisa Langley' <lisa.langley@airpartnerusa.com>
miranda.carland@airpartnerusa.com
Eric W. Terrell/WHO/EOP@EOP
"'Guina, Mike'" <Mike.Guina@airpartner.com>
Linda.d.radazo@aexp.com
Marisa Zitoune <marisa.zitoune@airpartnerusa.com>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_S79OB003_WHO.TXT_1>

Effective immediately, please include the FET t axes in each of your bids, contracts, and final invoices for White House trips. ; The White House will not longer be responsible for reporting and payment of this tax and the responsibility reverts back to the press charte r carrier (in this case United).

The White House Travel Office press billing has been outsourced to American Express and their press charter program to Air Partner, Inc.

If you have any questions, please don't hesitate to call me at 202-625-6600.

Thank you.

Sue Hazard
Director
Air Partner, Inc.
202-625-6600
202-625-6155-Fax

www.airpartnerusa.co m

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 11/14/2002 6:57:57 AM
Subject: : dinner at 7 I believe

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-NOV-2002 11:57:57.00
SUBJECT:: dinner at 7 I believe
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 11/14/2002 7:00:03 AM
Subject: : Re: dinner at 7 I believe

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-NOV-2002 12:00:03.00
SUBJECT:: Re: dinner at 7 I believe
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

no

Helgard C. Walker
11/14/2002 11:57:30 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: dinner at 7 I believe

do you know for sure?

Brett M. Kavanaugh
11/14/2002 11:55:21 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject: dinner at 7 I believe

From: Keefer, Wendy J <Wendy.J.Keefer@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/14/2002 7:07:56 AM
Subject: : Favor

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov> ("Keefer, Wendy J"
<Wendy.J.Keefer@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:14-NOV-2002 12:07:56.00
SUBJECT:: Favor
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett:

I am sure you are extremely busy, but I was wondering if before I left there would be any way for me to get a signed picture of or with President Bush. It would just be such a great thing to have, but I don't know how hard that is to orchestrate.

Let me know if there is someone else who would be able to help me.

Thanks.

Wendy J. Keefer
Senior Counsel and Chief of Staff
Office of Legal Policy
(202) 616-2643

From: CN=Ashley Snee/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Alberto R. Gonzales/WHO /EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/14/2002 7:39:09 AM
Subject: : Briefing from Yesterday - FYI

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-NOV-2002 12:39:09.00
SUBJECT:: Briefing from Yesterday - FYI
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Timothy E. Flanigan ( CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Q Scott, on another issue from the news conference last week, President Bush talked about Pickering and Owens in the Senate committee, Judiciary Committee. What is the work right now that's happening on that process with them to make it through and to actually --

MR. McCLELLAN: I'm glad you brought that up. I understand Congress is moving on a couple of the nominations. The President has made it very clear that the voice of the entire Senate deserves to be heard on his nominees. There are far too many vacancies in the judiciary and far too many very qualified individuals who have been held up, their nominations have been held up. And that's why the President said the voice of the entire Senate needs to be heard. There are currently 18 pending court of appeals nominees being held up, almost all of whom have received very strong bipartisan support. So we urge Congress to -- urge the Senate to allow those nominees to be voted on, on the floor.

Q You're vocally urging from the podium, but what has the President done since the news conference in talking about what could be done for these nominees?

MR. McCLELLAN: I think the White House staff continues to work with Congress to move these nominees forward. We work very closely with them on an individual basis. I would also point out -- I would also point out on nominations that there are over -- this is beyond just judicial nominees -- there are over 95 nominations awaiting floor action, and over 150 nominations awaiting committee and floor action. And it's important that Congress move forward on those nominees, as well, so that we have people in place to carry out their responsibilities.

Thank you.

END

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: robert.gordon@mail.house.gov @ inet [UNKNOWN] <robert.gordon@mail.house.gov @ inet>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;terry.haines@mail.hour.gov @ inet [UNKNOWN] <terry.haines@mail.hour.gov @ inet>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>
CC: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/14/2002 8:26:24 AM
Subject: : summary and tp's

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-NOV-2002 13:26:24.00
SUBJECT:: summary and tp's
TO:robert.gordon@mail.house.gov @ inet (robert.gordon@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:terry.haines@mail.hour.gov @ inet (terry.haines@mail.hour.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

SUMMARY OF SECTION 107, LITIGATION MANAGEMENT:

This section ensures that a single federal court will handle all tort cases arising out or resulting from an act of terrorism. The section creates a federal cause of action for any tort claim arising out of or resulting from an act of terrorism (including any claim for property damage, personal injury, or death), thereby ensuring federal court jurisdiction over all tort cases arising out of an act of terrorism. The section expressly preempts all state causes of action of any kind for property damage, personal injury, or death arising out of or resulting from the act of terrorism. The section further provides that, within 90 days of an act of terrorism, the federal Judicial Panel on Multidistrict Litigation shall assign a single federal district to exercise original and exclusive jurisdiction, at both the pre-trial and trial stages, over all cases relating to or arising out of the act of terrorism. If necessary, the Judicial Panel may assign more than one federal district court. The Judicial Panel shall select and assign the cases to a particular federal district court based on the convenience of the parties and the just and efficient conduct of the proceedings. The federal district court assigned by the Judicial Panel shall apply the substantive law of the State in which the act occurred for liability and damages issues.

The section further provides that punitive damages are not insured losses for purposes of the Program.

The section provides that the United States have retain the right of subrogation with respect to any payment or claim paid by the United States under the Act.

EXPLANATORY POINTS:

1. This section will significantly improve the legal system. It will ensure that all cases are consolidated in a single federal court for pre-trial and trial proceedings. That important procedure will prevent the conflicting rulings, forum shopping, and outrageous verdicts and judgments that the tort system too often produces in multiple local courts around the country. With the bill, the existing state laws on liability and damages will continue to apply, but in a single federal court that will hear and decide all cases.

2. The section is a major improvement from the Senate bill, which did not provide for consolidation in a single federal court.

3. We would have preferred to improve the legal system even more, particularly improvement of existing state laws on punitive damages, but the choice was between no bill and a bill that will both improve the legal system and help American workers and the economy.

4. The bill grants the Secretary of Treasury authority to require that insurance companies meet any "criteria that the Secretary may reasonably prescribe," which will allow the Secretary to require approval of settlements arising out of an act of terrorism.

From: Haines, Terry <Terry.Haines@mail.house.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>
Sent: 11/14/2002 8:50:12 AM
Subject: : Re: summary and tp's
Attachments: P_BSFOB003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
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CREATOR:"Haines, Terry" <Terry.Haines@mail.house.gov> ( "Haines, Terry"
<Terry.Haines@mail.house.gov> [ UNKNOWN ] )
CREATION DATE/TIME:14-NOV-2002 13:50:12.00
SUBJECT:: Re: summary and tp's
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Brian C. Conklin ( CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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Thanks Brett. You can hear some of these points being used by Bachus as I
write.
Terry Haines
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_BSFOB003_WHO.TXT_1>
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Thanks Brett. You can hear some of these points being used by B achus as I write.
Terry Haines

From: CN=Carolyn Nelson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/14/2002 9:26:52 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-NOV-2002 14:26:52.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Eastern North Carolina

Brett M. Kavanaugh
11/14/2002 01:50:33 PM
Record Type: Record

To: Carolyn Nelson/WHO/EOP@EOP
cc:
Subject:

In Clinton administration, was Rich Leonard a nominee for US District Court of Eastern District of North Carolina or Western District of North Carolina?

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Timothy E. Flanigan/WHO /EOP@EOP [WHO] <Timothy E. Flanigan>;Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/14/2002 1:23:24 PM
Subject: : Hutchison AP article

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-NOV-2002 18:23:24.00
SUBJECT:: Hutchison AP article
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Associated Press State & Local Wire

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November 14, 2002, Thursday, BC cycle

12:57 PM Eastern Time

SECTION: State and Regional

LENGTH: 198 words

HEADLINE: Hutchison: Bush to renominate Owen to federal bench

DATELINE: WASHINGTON

BODY:
President Bush is expected to renominate Priscilla Owen to the federal bench after the first of the year, Republican Sen. Kay Bailey Hutchison said Thursday.

The Texas senator said top White House officials have assured her of the president's plans. Owen, a Texas Supreme Court justice, saw her nomination to the 5th U.S. Circuit Court of Appeals rejected by the Democrat-controlled Senate Judiciary Committee in September amid Democrats' criticism that she is too conservative.

U.S. Sen.-elect John Cornyn, R-Texas, said recently that he hoped the president would renominate Owen.

The Democrat-controlled Senate Judiciary Committee voted 10-9, along party lines, to block Owen's nomination.

Democrats contended that Owen, a Republican, has been a pro-business and an anti-abortion judicial activist who let her personal beliefs influence her opinions and rulings.

Owen, who was elected to the Texas Supreme Court in 1994, was nominated to the post by Hutchison and retiring Texas Republican Sen. Phil Gramm.

Owen, 47, is the first judicial nominee who was rated unanimously "well-qualified" by the American Bar Association to be rejected on a vote by the committee.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/14/2002 1:26:02 PM
Subject: : updated article

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-NOV-2002 18:26:02.00
SUBJECT:: updated article
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Associated Press State & Local Wire

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November 14, 2002, Thursday, BC cycle

1:38 PM Eastern Time

SECTION: State and Regional

LENGTH: 297 words

HEADLINE: Hutchison: Bush to renominate Owen to federal bench

BYLINE: By SUZANNE GAMBOA, Associated Press Writer

DATELINE: WASHINGTON

BODY:
President Bush will renominate Texas Supreme Court Justice Priscilla Owen to the federal bench after the first of the year, Republican Sen. Kay Bailey Hutchison said Thursday.

"She's going to be nominated again," the Texas senator said. "I did talk to the White House about that because I wanted her to come up at the end of this year if we were going to have the majority. But it's going to be next year, early next year."

Democrats remain in the majority for a lame-duck session, but Republicans take control of the Senate for the 108th session beginning in January.

Owen's nomination to the 5th U.S. Circuit Court of Appeals was rejected by the Democrat-controlled Senate Judiciary Committee in September amid Democrats' criticism that she is too conservative.

The committee voted 10-9, along party lines, to block Owen's nomination.

U.S. Senator-elect John Cornyn, R-Texas, said the treatment she received

is one of the reasons he was elected. He opposed the vote during his campaign.

"I think the voters rejected an approach in the United States Senate, at least in its leadership, that they were going to try and thwart the president's judicial nominees," Cornyn said.

"Sen. Cornyn and I will both be able to vote for her and vote for her wholeheartedly," Hutchison said.

Democrats contended that Owen, a Republican, has been a pro-business and an anti-abortion judicial activist who let her personal beliefs influence her opinions and rulings.

Owen, who was elected to the Texas Supreme Court in 1994, was nominated to the post by Hutchison and retiring Texas Republican Sen. Phil Gramm.

Owen, 47, is the first judicial nominee who was rated unanimously "well-qualified" by the American Bar Association to be rejected on a vote by the committee.

LOAD-DATE: November 14, 2002

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/14/2002 1:27:22 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-NOV-2002 18:27:22.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

will you give me a call?
```

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/14/2002 1:37:16 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-NOV-2002 18:37:16.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

should we call treasury and back up matt?

Brett M. Kavanaugh
11/14/2002 06:35:40 PM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re:

I talked to jock. He knows that and said treasury was free lancing.

.

----- Original Message -----
From:Kristen Silverberg/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 11/14/2002 06:24:42 PM
Subject:

will you give me a call?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam.Charnes@usdoj.gov [UNKNOWN] <Adam.Charnes@usdoj.gov>
Sent: 11/15/2002 4:13:06 AM
Subject: : Re: Noel's email address

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-NOV-2002 09:13:06.00
SUBJECT:: Re: Noel's email address
TO:Adam.Charnes@usdoj.gov ( Adam.Charnes@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Will call you shortly re process.

.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 11/15/2002 7:32:29 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-NOV-2002 12:32:29.00
SUBJECT:: Re:
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

pretty quick. fine.

Ashley Estes
11/15/2002 12:28:40 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
bcc:
Subject: Re:

hey. how did your mtg. go?

Brett M. Kavanaugh
11/15/2002 12:22:44 PM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
Subject:

hi.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: benjamin a. powell/who/eop@eop [WHO] <benjamin a. powell>;david s. addington/ovp /eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;jennifer g. newstead/who/eop@eop [WHO] <jennifer g. newstead>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;heather wingate/who/eop@eop [WHO] <heather wingate>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;noel j. francisco/who /eop@eop [WHO] <noel j. francisco>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>
Sent: 11/15/2002 4:34:35 AM
Subject: : Re: All judges were confirmed last night, except Shedd and McConnell

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-NOV-2002 09:34:35.00
SUBJECT:: Re: All judges were confirmed last night, except Shedd and McConnell
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:benjamin a. powell ( CN=benjamin a. powell/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:david s. addington ( CN=david s. addington/OU=ovp/O=eop@eop [ OVP ] )
READ:UNKNOWN
CC:h. christopher bartolomucci ( CN=h. christopher bartolomucci/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:jennifer g. newstead ( CN=jennifer g. newstead/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:alberto r. gonzales ( CN=alberto r. gonzales/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:heather wingate ( CN=heather wingate/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:helgard c. walker ( CN=helgard c. walker/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:kyle sampson ( CN=kyle sampson/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:noel j. francisco ( CN=noel j. francisco/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:timothy e. flanigan ( CN=timothy e. flanigan/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:bradford a. berenson ( CN=bradford a. berenson/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Rogers?




Brett M. Kavanaugh
11/15/2002 09:29:49 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: All judges were confirmed last night, except Shedd
and McConnell

that's correct.
```

Bradford A. Berenson
11/15/2002 09:28:50 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Heather Wingate/WHO/EOP@EOP
Subject: All judges were confirmed last night, except Shedd and McConnell

Just got word informally. We should confirm with Leg.

Message Sent
To:_____
Brett M. Kavanaugh/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP

Message Copied
To:_____
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
jennifer g. newstead/who/eop@eop
noel j. francisco/who/eop@eop
h. christopher bartolomucci/who/eop@eop
kyle sampson/who/eop@eop
david s. addington/ovp/eop@eop
helgard c. walker/who/eop@eop
benjamin a. powell/who/eop@eop
heather wingate/who/eop@eop

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam.Charnes@usdoj.gov [UNKNOWN] <Adam.Charnes@usdoj.gov>
Sent: 11/15/2002 5:50:36 AM
Subject: : Re: Can you fax me asap...

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-NOV-2002 10:50:36.00
SUBJECT:: Re: Can you fax me asap...
TO:Adam.Charnes@usdoj.gov ( Adam.Charnes@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Yes will do. Have been on hill.

.
```

From: CN=Kimberly Ellison/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/15/2002 6:00:21 AM
Subject: : Request from Barry
Attachments: P_2LEPB003_WHO.TXT_1.doc

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberly Ellison ( CN=Kimberly Ellison/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-NOV-2002 11:00:21.00
SUBJECT:: Request from Barry
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I'll call you on this.


- Ltr from Barry Jackson 11-14-02.doc



ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_2LEPB003_WHO.TXT_1>
```

Barry, Please feel free to make any necessary changes, then print on White House stationery and fax to me at 601-982-8673. Billy

DRAFT

Mr. William J. Van Devender
Southern Timber Venture
P. O. Box 5327
Jackson, MS 39296-5327

Dear Billy:

It was a pleasure speaking with you today regarding our November 21 meeting in Washington concerning President Bush's new Healthy Forest initiative, which will impact not only U.S. forestlands, but also all private lands and the timber manufacturing industry in the U.S. As we discussed, this is to be a plan in which the businessmen, conservationist, and Administration work together implementing favorable results for everyone. We particularly need the input from public and private industry so as to make sure we do not do anything to exacerbate the already depressed timber economy.

I would appreciate very much you letting your associates know how important this issue is to myself, Karl Rove and President Bush. He is taking a very active role and wants to see this completed in the near future. Please contact the following associates regarding this meeting next week and I will be glad to talk, if necessary, to anyone to let them know how important it is to seek their advice and counsel.

Mr. Ken Hines, John Hancock
Mr. Fred Stimpson, Stimpson Lumber
Mr. James Cummins, Wildlife MS
Mr. Marshall Thomas, F & W Forestry
Mr. Robert P. Crozer, Wayham Capitol
Mr. Otis Ingram, Ingram & LeGrand Lumber

I will need confirmation from these gentlemen as soon as possible so that we may make arrangements at the Capitol Hilton.

Sincerely,

Barry Jackson
CC: Mr. Karl Rove
Mr. Chris Henick
Mr. Bill Green

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/15/2002 7:32:34 AM
Subject: : What's your schedule like next week?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-NOV-2002 12:32:34.00
SUBJECT:: What's your schedule like next week?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

I'm looking to set up the Lott meeting on the President's plan on Wed or Thur., as well as the meetings w/Kyle Simmons and Eric Ueland. Just let me know if there are any times I need to stay away from on those two days.

I got you voice mail re: Lindsey Graham. I'll certainly not encourage it (I've never spoken with his folks), but there's nothing that we can do to prevent it. The Senate works on a very strict seniority system, and if a slot is open when they get to him, he can take it. I will however flag this tort reform problem for Hatch and Lott.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/15/2002 7:37:53 AM
Subject: : Re: What's your schedule like next week?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-NOV-2002 12:37:53.00
SUBJECT:: Re: What's your schedule like next week?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm holding for Makan now, and already have left a voice mail for Mashburn....

Brett M. Kavanaugh
11/15/2002 12:32:57 PM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc:
bcc:
Subject: Re: What's your schedule like next week?

On Wednesday, I am ok from 10:30-3:15 and after 5:00.
On Thursday, I am wide open.

On Graham, Makan and Rebecca Seidel should know the tort issue as well as whoever is the tort person for Lott (Mashburn?). I realize it's very delicate all around.

Heather Wingate
11/15/2002 12:29:25 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: What's your schedule like next week?

I'm looking to set up the Lott meeting on the President's plan on Wed or Thur., as well as the meetings w/Kyle Simmons and Eric Ueland. Just let me know if there are any times I need to stay away from on those two days.

I got you voice mail re: Lindsey Graham. I'll certainly not encourage it (I've never spoken with his folks), but there's nothing that we can do to prevent it. The Senate works on a very strict seniority system, and if a slot is open when they get to him, he can take it. I will however flag this tort reform problem for Hatch and Lott.

From: CN=Jennifer G. Newstead/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: kyle sampson/who/eop@eop [WHO] <kyle sampson>;jennifer g. newstead/who/eop@eop [WHO] <jennifer g. newstead>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;benjamin a. powell/who/eop@eop [WHO] <benjamin a. powell>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 11/15/2002 8:11:41 AM
Subject: : Re: BI Initiation

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-NOV-2002 13:11:41.00
SUBJECT:: Re: BI Initiation
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:kyle sampson ( CN=kyle sampson/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:jennifer g. newstead ( CN=jennifer g. newstead/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:bradford a. berenson ( CN=bradford a. berenson/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:helgard c. walker ( CN=helgard c. walker/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:benjamin a. powell ( CN=benjamin a. powell/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:noel j. francisco ( CN=noel j. francisco/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:h. christopher bartolomucci ( CN=h. christopher bartolomucci/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

We may want to wait a few days on New York for further consultation.




Brett M. Kavanaugh
11/15/2002 01:04:17 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: BI Initiation

Hana should call Sheila Joy. But Hana should first check with each of us
on our particular candidates.




H. Christopher Bartolomucci
11/15/2002 01:02:37 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: BI Initiation
```

Who starts the BI proces, now that Brent is gone?

Message Sent
To:_____
Bradford A. Berenson/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

Message Copied
To:_____
bradford a. berenson/who/eop@eop
noel j. francisco/who/eop@eop
jennifer g. newstead/who/eop@eop
benjamin a. powell/who/eop@eop
kyle sampson/who/eop@eop
helgard c. walker/who/eop@eop

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/15/2002 10:10:01 AM
Subject: : CALL ME -- URGENT

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-NOV-2002 15:10:01.00
SUBJECT:: CALL ME -- URGENT
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 11/15/2002 2:52:19 PM
Subject: : Re:

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-NOV-2002 19:52:19.00
SUBJECT:: Re:
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Please email me all of gerry parsky's phone numbers that you have.
Important. Thanks.

.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Adam.Charnes@usdoj.gov [UNKNOWN] <Adam.Charnes@usdoj.gov>
Sent: 11/15/2002 2:56:06 PM
Subject: : Re: Forum on Judicial Nominations

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-NOV-2002 19:56:06.00
SUBJECT:: Re: Forum on Judicial Nominations
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Adam.Charnes@usdoj.gov ( Adam.Charnes@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Yes

.

----- Original Message -----
From:<Adam.Charnes@usdoj.gov>
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 11/15/2002 02:45:08 PM
Subject: Forum on Judicial Nominations

Viet has been invited to speak on Monday, December 9, at a public forum in
NYC sponsored by the Association of the Bar of the City of NY on this
topic. Other panelists are Jeff Berman, Prof. Michael Gerhard (Wm. &
Mary), and Jeff Rosen. Neither Viet nor I can attend. Are you interested
in representing the Administration's views at the panel? It is 7-8:30 pm.
```

From: Willett, Don <Don.Willett@usdoj.gov>
To: Remington, Kristi L <Kristi.L.Remington@usdoj.gov>;Charnes, Adam <Adam.Charnes@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Keefer, Wendy J <Wendy.J.Keefer@usdoj.gov>;Dinh, Viet <Viet.Dinh@usdoj.gov>
Sent: 11/15/2002 11:54:45 AM
Subject: : Cornyn & Judiciary Committee

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Willett, Don" <Don.Willett@usdoj.gov> ("Willett, Don" <Don.Willett@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:15-NOV-2002 16:54:45.00
SUBJECT:: Cornyn & Judiciary Committee
TO:"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Charnes, Adam" <Adam.Charnes@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Charnes, Adam" <Adam.Charnes@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Cornyn ready for challenges, including housing

New senator gets eye-opener on prices, discusses priorities

11/15/2002

By DAVID JACKSON / The Dallas Morning News

WASHINGTON - Texas' newest senator says he is eager to get to work on national security and confirming judges, but first he needs an office and a house.

Congressional leaders haven't assigned workspace to John Cornyn and other freshman lawmakers, and he and his wife are finding Washington's real estate market steep, the state attorney general said Thursday in his first news conference as senator-elect.

"Even for a fairly modest hovel here in the district, it's pretty pricey," he said.

Mr. Cornyn, a Republican who defeated former Dallas Mayor Ron Kirk in the Nov. 5 election to replace retiring Sen. Phil Gramm, said he believes voters sent him to the Senate to help quiet partisan fights over things like homeland security and judicial nominations. Republicans, at least, will find

that an easier task, having won control of the Senate that takes office in January.

"I think the voters in part ... responded to the gridlock that they saw in the management of the Senate and felt like it was not serving the public interest well," Mr. Cornyn said.

While wife Sandy house-hunted, Mr. Cornyn has spent recent days speaking with future colleagues and other government officials, such as Defense Secretary Donald Rumsfeld. One subject of senatorial conversation is Mr. Cornyn's possible committee assignments.

"The great thing about the United States Senate is that even if you're not on a particular committee, you can still be a player on virtually any issue," Mr. Cornyn said. "To me, that's very appealing."

The former Texas Supreme Court justice said he would be interested in the Judiciary Committee, an arena of particularly intense political combat because of its role in reviewing President Bush's judicial nominees. But, Mr. Cornyn noted, committee assignments are at the mercy of the seniority system.

"I guess the most important consideration is, 'What's a new guy likely to get?' " Mr. Cornyn said.

Mr. Cornyn said he wants the Senate to confirm Priscilla Owen, the Texas Supreme Court justice whose nomination to the federal appellate bench was blocked by the Democratic majority on the Judiciary Committee. Mr. Cornyn raised that issue during his campaign against Mr. Kirk.

"I think the way she was treated was one of the reasons I got elected," Mr. Cornyn said.

Mr. Cornyn also said he is interested in promoting national security, particularly through Texas military installations, and improving access to health care, including a prescription drug plan for seniors. He also wants to see what can be done to help the economy, including assistance to businesses with terrorism insurance.

Sen. Kay Bailey Hutchison, R-Texas, paid tribute to her new junior colleague. Ms. Hutchison said she is talking to Mr. Cornyn about the new demands he will face on his time, especially given responsibility for a large and diverse state.

"Texas is like having 10 children in trouble," she said. "There's always somebody

that is in a crisis."

Mr. Cornyn does come in with one advantage, Ms. Hutchison added: He doesn't have to worry about being in the minority.

"He's going to be spoiled," she joked. "He doesn't know what it's like."

Mr. Cornyn also tipped his hat to Mr. Gramm, calling him a "giant" who did a "fantastic job."

"I'm not Senator Gramm; I'm not a Ph.D. in economics," Mr. Cornyn said. "My background is different, but I'm going to do the best that I can to try to fill those shoes."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 11/15/2002 2:52:19 PM
Subject: : Re:

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-NOV-2002 19:52:19.00
SUBJECT:: Re:
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Please email me all of gerry parsky's phone numbers that you have.
Important. Thanks.

.
```

From: CN=Paul B. Dyck/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Susan B. Ralston/WHO /EOP@EOP [WHO] <Susan B. Ralston>
Sent: 11/17/2002 10:26:59 AM
Subject: : FW: Suzanne Terrell
Attachments: P_TRGQB003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-NOV-2002 15:26:59.00
SUBJECT:: FW: Suzanne Terrell
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

See attached. Susan - Is Karl doing this, and if so, is the fax okay?
Brett - look okay to you?

Thanks.

---------- Forwarded by Paul B. Dyck/WHO/EOP on 11/17/2002 03:21 PM ----------

Paul Dyck <pdyck@georgewbush.com>
11/17/2002 03:20:08 PM
Please respond to pdyck@georgewbush.com
Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP
cc:
Subject: FW: Suzanne Terrell

-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Friday, November 15, 2002 5:56 PM
To: Paul Dyck
Subject: FW: Suzanne Terrell

Hi Paul- Can we get this approved? want to send ASAP... Thanks!

-----Original Message-----
From: Mark Miller - Finance
Sent: Friday, November 15, 2002 4:57 PM
To: Shannon Boozman - Finance
Subject: FW: Suzanne Terrell

need approval asap.
-----Original Message-----
From: Olivia [mailto:odorieux@355lex.com]
Sent: Friday, November 15, 2002 5:10 PM
To: Mark Miller - Finance
Subject: Suzanne Terrell

Mark,
I copied the disclaimer that you sent Patrick yesterday.
Olivia
Olivia Dorieux-Lonergan
355 Lexington Avenue - Suite 1001
New York, NY 10017
Phone: 212-490-2002
Fax: 212-370-0064
Email - odorieux@355lex.com

- Broadcast fax.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TRGQB003_WHO.TXT_1>

Suzanne Terrell for Senate Campaign
355 Lexington Avenue - Suite 1001
New York, NY 10017
(212) 490-2002 Fax 370-0064

Memo via Facsimile
To: <<MAILNAME>>
<<CAREOF>>
Fax #: <<WORKFAX>>
From: Chairman Sandy Treadwell

Thank you very much for all that you have done to make the Republican Party in New York State the envy of the rest of the country. Now, we must ask you to show the rest of the country how great this New York Party is. On Wednesday, December 4th, Governor George Pataki, Karl Rove will be hosting Suzanne Haik Terrell at the Mark Hotel Madison Avenue at 77th Street from 5:30 – 7:00 pm. Suzanne Terrell is a candidate for United States Senate in Louisiana.

As you may know, not all of the Senate races were determined on November 5th, Election Day. Under Louisiana law, if no candidate receives over 50% of the popular vote, then there must be a runoff between the two top vote getters. The Democratic incumbent failed to do so and now there has been scheduled a December 7th runoff between her and the Republican candidate, Suzanne Haik Terrell.

This is a historic opportunity for the Republican Party to expand its majority in the United States Senate. Both Major Parties are going to put a great deal of effort into this race and the GOP is well positioned to win this race. This is also a great opportunity for the New York State Republican Party to assist a truly great candidate.

The limit is $1,000 for the runoff election. An individual may not contribute more than a total of $1000 per election to the committee. An individual may contribute a total of $3,000 ($1,000 for primary debt reduction, $1,000 general debt reduction, and $1,000 for the run-off election) and Political Action Committees may contribute $15,000 ($5,000 to primary debt reduction, $5,000 to general debt reduction, and $5,000 to the run-off).
We will be going to print with the invitation by November 18th, 2002 so please RSVP as soon as possible to (212) 370-0064. If you have any questions, please call Cathy Blaney or Patrick Donohue at (212) 490-2002.

Thank you again and we look forward to seeing you on **December 3rd!!**

---------- PLEASE FAX BACK TO (212) 370-0064 ----------

_____ YES, I (we) would like to serve on the Host Committee for this very important event, I (we) commit to:
_____ Co-Chair ($5,000 commitment)
_____ Vice-Chair ($2,000 commitment)

_____ NO Chairman, I (we) are unable to attend the Fundraiser for Suzanne Haik Terrell, however, please accept our generous contribution of _____.

COMMENTS:_____

_____

Paid for by Suzanne Terrell for Senate Campaign

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>
Sent: 11/18/2002 5:01:23 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 10:01:23.00
SUBJECT:: Re:
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes, it is appropriate to use White House letterhead for a recommendation letter on behalf of someone who works with you. See 5 CFR 2635.702(b).

Harriet Miers
11/16/2002 12:10:58 PM
Record Type: Record

To: Brett_M._Kavanaugh@who.eop.gov
cc:
Subject: Re:

Brett, thanks for returning my call. Hope your trip is going well. My question related to the use of WH letterhead. I have been asked to provide a recommendation to law school for someone with whom I work directly. I would like to send it on WH stationery because I am responding to some extent as a superior at her work. Is that OK? I had understood we could provide references when a person was someone with whom we actually worked. Thanks in advance for your advice or please just refer me to someone else if that is better.

From: CN=Joseph J. Shattan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/18/2002 3:21:28 AM
Subject: : Re:

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joseph J. Shattan ( CN=Joseph J. Shattan/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 08:21:28.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Enjoy California. We've got the info we need. Thanks!
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 11/18/2002 7:32:12 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 12:32:12.00
SUBJECT::
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

WASHINGTON)) The Supreme Court agreed Monday to take a new look at federal limits on campaign contributions to candidates.
The court will decide whether certain advocacy groups can contribute to candidates' campaigns. Currently, only individuals, political action committees, political parties and other campaign committees can give to candidates.
This case is unrelated to the McCain-Feingold campaign finance law, which bans unlimited corporate, labor and individual contributions to the political parties. Opponents have challenged that law in the lower courts. The Supreme Court has been more willing to uphold limits on contributions, which justices have said could give the appearance of corruption. In June 2001, a very divided court ruled 5-4 that political parties could not spend unlimited amounts of money if they coordinated their efforts with a candidate. And in January 2000, the court voted 6-3 to back Missouri's contribution limits to state campaigns.
On the other hand, the court has struck down spending restrictions on First Amendment grounds, likening money to free speech. Such reasoning led the court in 1976 to uphold post-Watergate limits on campaign contributions but throw out restrictions on how much candidates could spend on their campaigns.
At issue is in this case is whether North Carolina Right to Life and other nonprofit advocacy corporations) groups that raise money not through business ventures but through donations from supporters) can make campaign contributions. Such groups have neither business interests nor shareholders.

From: Keefer, Wendy J <Wendy.J.Keefer@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/18/2002 7:41:28 AM
Subject: : Re: Favor

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov> ("Keefer, Wendy J"
<Wendy.J.Keefer@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:18-NOV-2002 12:41:28.00
SUBJECT:: Re: Favor
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thank you so much!

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov <Brett_M._Kavanaugh@who.eop.gov>
To: Keefer, Wendy J <Wendy.J.Keefer@USDOJ.gov>
Sent: Mon Nov 18 12:23:54 2002
Subject: Re: Favor

I have put this into process. Will let you know.

(Embedded
image moved "Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov>
to file: 11/14/2002 12:03:14 PM
pic25172.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Favor

Brett:

I am sure you are extremely busy, but I was wondering if before I left
there
would be any way for me to get a signed picture of or with President
Bush. It
would just be such a great thing to have, but I don't know how hard that
is to
orchestrate.

Let me know if there is someone else who would be able to help me.

Thanks.

Wendy J. Keefer
Senior Counsel and Chief of Staff
Office of Legal Policy
(202) 616-2643

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/18/2002 4:04:12 AM
Subject: : From Raleigh paper re Edwards' assignment on Committee

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 09:04:12.00
SUBJECT:: From Raleigh paper re Edwards' assignment on Committee
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Timothy E. Flanigan ( CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Correspondent
U.S. Sen. John Edwards may lose a plum committee assignment -- his Judiciary panel seat -- when Republicans assume control of the Senate in January.
The North Carolina senator is the committee's most junior Democrat, and the number of Democrats on the panel will probably shrink when Republicans take over.
Edwards, a former trial lawyer, was added to the committee after U.S. Sen. Jim Jeffords of Vermont left the Republican party in May 2001, flipping control of the chamber to Democrats. Since then, Democrats have had a 10-9 majority on Judiciary.
None of the other nine Democrats on the panel were defeated in last week's elections or plan to retire, though senators sometimes switch committee assignment by choice.
"I'd like to keep the seat, but I don't know whether that'll be possible under the circumstances," Edwards said Thursday.
Members of the panel may get some prime national exposure in the coming year or two, if one or more U.S. Supreme Court justices step down, as is widely expected. The Judiciary panel will play a key role in the confirmation President Bush's nominees.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B. Dyck>
CC: susan b. ralston/who/eop@eop [WHO] <susan b. ralston>
Sent: 11/18/2002 4:33:23 AM
Subject: : Re: FW: Suzanne Terrell
Attachments: P_70RQB003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 09:33:23.00
SUBJECT:: Re: FW: Suzanne Terrell
TO:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:susan b. ralston (CN=susan b. ralston/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Karl should be listed as a guest (not a host) on the letter.
Otherwise, ok.

Paul B. Dyck
11/17/2002 03:24:18 PM
Record Type: Record

To: Susan B. Ralston/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Suzanne Terrell

See attached. Susan - Is Karl doing this, and if so, is the fax okay?
Brett - look okay to you?

Thanks.

---------- Forwarded by Paul B. Dyck/WHO/EOP on 11/17/2002
03:21 PM ----------

Paul Dyck <pdyck@georgewbush.com>
11/17/2002 03:20:08 PM
Please respond to pdyck@georgewbush.com
Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP
cc:
Subject: FW: Suzanne Terrell

-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Friday, November 15, 2002 5:56 PM
To: Paul Dyck
Subject: FW: Suzanne Terrell

Hi Paul- Can we get this approved? want to send ASAP... Thanks!

-----Original Message-----
From: Mark Miller - Finance
Sent: Friday, November 15, 2002 4:57 PM
To: Shannon Boozman - Finance
Subject: FW: Suzanne Terrell

need approval asap.
-----Original Message-----
From: Olivia [mailto:odorieux@355lex.com]
Sent: Friday, November 15, 2002 5:10 PM
To: Mark Miller - Finance
Subject: Suzanne Terrell

Mark,
I copied the disclaimer that you sent Patrick yesterday.
Olivia
Olivia Dorieux-Lonergan
355 Lexington Avenue - Suite 1001
New York, NY 10017
Phone: 212-490-2002
Fax: 212-370-0064
Email - odorieux@355lex.com

- Broadcast fax.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_70RQB003_WHO.TXT_1>

Suzanne Terrell for Senate Campaign
355 Lexington Avenue - Suite 1001
New York, NY 10017
(212) 490-2002 Fax 370-0064

Memo via Facsimile
To: <<MAILNAME>>
<<CAREOF>>
Fax #: <<WORKFAX>>
From: Chairman Sandy Treadwell

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Thank you again and we look forward to seeing you on **December 3rd!!**

---------- PLEASE FAX BACK TO (212) 370-0064 ----------

_____ YES, I (we) would like to serve on the Host Committee for this very important event, I (we) commit to:
_____ Co-Chair ($5,000 commitment)
_____ Vice-Chair ($2,000 commitment)

_____ NO Chairman, I (we) are unable to attend the Fundraiser for Suzanne Haik Terrell, however, please accept our generous contribution of _____.

COMMENTS:_____

_____

Paid for by Suzanne Terrell for Senate Campaign

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>
Sent: 11/18/2002 5:01:23 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 10:01:23.00
SUBJECT:: Re:
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes, it is appropriate to use White House letterhead for a recommendation letter on behalf of someone who works with you. See 5 CFR 2635.702(b).

Harriet Miers
11/16/2002 12:10:58 PM
Record Type: Record

To: Brett_M._Kavanaugh@who.eop.gov
cc:
Subject: Re:

Brett, thanks for returning my call. Hope your trip is going well. My question related to the use of WH letterhead. I have been asked to provide a recommendation to law school for someone with whom I work directly. I would like to send it on WH stationery because I am responding to some extent as a superior at her work. Is that OK? I had understood we could provide references when a person was someone with whom we actually worked. Thanks in advance for your advice or please just refer me to someone else if that is better.

From: CN=Harriet Miers/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/18/2002 5:02:00 AM
Subject: : Re:

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 10:02:00.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Great. Thanks.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who /eop@eop [WHO] <timothy e. flanigan>;benjamin a. powell/who/eop@eop [WHO] <benjamin a. powell>
Sent: 11/18/2002 5:32:08 AM
Subject: : Re: Seeking vacatur in Waxman case

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 10:32:08.00
SUBJECT:: Re: Seeking vacatur in Waxman case
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:benjamin a. powell (CN=benjamin a. powell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I see little downside at least to trying, but Ben and I will discuss with Paul.

David S. Addington
11/16/2002 10:45:08 AM
Record Type: Record

To: Benjamin A. Powell/WHO/EOP@EOP
cc: alberto r. gonzales/who/eop@eop, timothy e. flanigan/who/eop@eop, brett m. kavanaugh/who/eop@eop, elizabeth n. camp/who/eop@eop
Subject: Re: Seeking vacatur in Waxman case

I'd sure like to get a vacatur of Waxman. But I think the Office of the Solicitor General should make the final call on whether we try to do so, as they are in the best position to assess the risk/gain tradeoff in the courts involved.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>
Sent: 11/18/2002 5:32:26 AM
Subject: : Request from Barry
Attachments: P_7ZUQB003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 10:32:26.00
SUBJECT:: Request from Barry
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FACA issues? I think not.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 11/18/2002 10:20 AM ----------

Kimberly Ellison
11/15/2002 10:57:41 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Request from Barry

I'll call you on this.

- Ltr from Barry Jackson 11-14-02.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7ZUQB003_WHO.TXT_1>

Barry, Please feel free to make any necessary changes, then print on White House stationery and fax to me at 601-982-8673. Billy

DRAFT

Mr. William J. Van Devender
Southern Timber Venture
P. O. Box 5327
Jackson, MS 39296-5327

Dear Billy:

It was a pleasure speaking with you today regarding our November 21 meeting in Washington concerning President Bush's new Healthy Forest initiative, which will impact not only U.S. forestlands, but also all private lands and the timber manufacturing industry in the U.S. As we discussed, this is to be a plan in which the businessmen, conservationist, and Administration work together implementing favorable results for everyone. We particularly need the input from public and private industry so as to make sure we do not do anything to exacerbate the already depressed timber economy.

I would appreciate very much you letting your associates know how important this issue is to myself, Karl Rove and President Bush. He is taking a very active role and wants to see this completed in the near future. Please contact the following associates regarding this meeting next week and I will be glad to talk, if necessary, to anyone to let them know how important it is to seek their advice and counsel.

Mr. Ken Hines, John Hancock
Mr. Fred Stimpson, Stimpson Lumber
Mr. James Cummins, Wildlife MS
Mr. Marshall Thomas, F & W Forestry
Mr. Robert P. Crozer, Wayham Capitol
Mr. Otis Ingram, Ingram & LeGrand Lumber

I will need confirmation from these gentlemen as soon as possible so that we may make arrangements at the Capitol Hilton.

Sincerely,

Barry Jackson
CC: Mr. Karl Rove
Mr. Chris Henick
Mr. Bill Green

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Katherine M. Walters/WHO /EOP@EOP [WHO] <Katherine M. Walters>
Sent: 11/18/2002 5:32:36 AM
Subject: : Re: Gang of 6 Party

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 10:32:36.00
SUBJECT:: Re: Gang of 6 Party
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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There are 2 issues here, the invitation and attendance. We think
the party invitation should not expressly reference the White House, the
Administration, or any individuals who work here. As to attendance,
everyone will be able to attend. Please call with any additional
questions.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>;Bradford A. Berenson/WHO /EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 11/18/2002 9:32:30 AM
Subject: : call to Chris Cox re: homeland bill

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CREATION DATE/TIME:18-NOV-2002 14:32:30.00
SUBJECT:: call to Chris Cox re: homeland bill
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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Can whoever knows the most about the aspect of homeland security
bill dealing with internal surveillance/privacy act (per Safire column)
call Congressman Chris Cox at 225-5611. Keep in mind that Rep. Cox may be
the Chair of the House Government Reform committee with oversight over
this issue. He told me he has been asked about this by press quite a bit.
```

From: CN=Claire E. Buchan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/18/2002 5:32:37 AM
Subject: : Re: TIME SENSITIVE

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CREATOR:Claire E. Buchan ( CN=Claire E. Buchan/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 10:32:37.00
SUBJECT:: Re: TIME SENSITIVE
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

president already approved.

thanks though.
cb
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/18/2002 5:36:12 AM
Subject: : Nat Hentoff column on President's proposal

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 10:36:12.00
SUBJECT:: Nat Hentoff column on President's proposal
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Timothy E. Flanigan ( CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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Nat Hentoff

ÿÿÿÿÿThe American Bar Association accurately charges that an emergency situation exists in the federal courts. The empty seats on those benches are caused by the fiercely politicized confirmation procedures in the Senate Judiciary Committee which slow down and sometimes just block nominations for partisan ideological reasons.

ÿÿÿÿÿWith many judicial vacancies, those who suffer are litigants around the country, as their cases are delayed. This happens no matter which political party controls the Senate Judiciary Committee and keeps slowing the process. The one proposal by the president that is crucial is: "I call on the full Senate to commit to an up or down floor vote on each nominee no later than 180 days after the nomination is submitted."

ÿÿÿÿÿ The 180-day provision is debatable, but requiring all the senators to vote on a nomination * regardless of whether the Senate Judiciary Committee has approved it * was called for by Alexander Hamilton in Federalist Papers Nos. 76 and 77: The president is "bound to submit the propriety of his choice to . . . an entire branch of the legislature." The Constitution designates the Senate as that branch.

ÿÿÿÿÿ Furthermore, as Sen. Arlen Specter, a Judiciary Committee member, makes clear, "Neither the text of the Constitution nor any contemporaneous or subsequent history says anything about the ability of one senator or one committee to defeat a judicial nomination by the president."

ÿÿÿÿÿ President Bush made a big mistake by issuing his proposal on the eve of the elections, thereby giving his critics an opening to scorn it as a political ploy, which it was. If he is serious about actually restoring the Constitution to the battered confirmation process (now that the Republicans control the committee), the president should bring the issue up again on prime-time television, focusing only on the requirement that the entire Senate eventually vote on the judicial nominees. If he does that, then the citizenry can understand the cynical power game that has been played for so long on the Judiciary Committee by both parties (Republican majorities have killed nominations by Democratic presidents).

ÿÿÿÿÿ In his book, "God Save This Honorable Court: How the Choice of Justices Shapes Our History," professor Laurence H. Tribe * whose casebook on constitutional law is often referred to by the Supreme Court * wrote that "what matters most (in the process) is that 100 senators of diverse backgrounds and philosophies" vote on the judicial nominees of any president.

ÿÿÿÿÿ By the way, do you think that the Constitution's framers would have approved of the current "blue slip" rule on the Senate Judiciary

Committee, which allows a single senator to kill a nomination made by a president? Or imagine James Madison watching the recent nomination of Miguel Estrada for the D.C. Court of Appeals. Sen. Charles Schumer pounded Mr. Estrada with accusations by two anonymous sources who could not be cross-examined. Hard to justify, when you consider the basis of our entire system of justice is "due process" * fairness.

ÿÿÿÿÿ The very same Mr. Schumer, the Democrat's chief ideology enforcer, is quoted approvingly in a clueless Newsday editorial as saying that, "The problem isn't the process, it's with whom he (Bush) is nominating." But it is Mr. Schumer who exemplifies the problem with the senators on both sides of the aisle that is contorting the process. Through the years, members of the committee have been pressing nominees to pledge they would vote, if confirmed, just as these ideological senators would vote if they were judges.

ÿÿÿÿÿ The Democratic Party's rigidity was recently shown before the midterm elections, during a hearing on Mr. Estrada's nomination when he was hit with charges by those anonymous sources: Not even civil libertarians Patrick Leahy and Russell Feingold protested.

ÿÿÿÿÿ Ralph Neas, president of the often-valuable People for the American Way, is a critic of Mr. Bush's proposals * including sending each nominee to the Senate floor after the Judiciary Committee votes. People For the American Way goes hunting for judicial nominees who don't fit its ideological passions.

ÿÿÿÿÿ Mr. Neas, knowing my position on the need for a floor vote, asked me in a note, "Are you sure it is a good idea to jettison two centuries of Senate history and precedents?"

ÿÿÿÿÿ For many years, Senate precedents prevented women from voting and denied equal protection of the laws to black Americans. The pettifogging on the Senate Judiciary Committee is a precedent well-worth jettisoning so that nominees can get judicious hearings. A clear statement to this effect * supporting Mr. Bush's proposal * by the new Judiciary Committee chairman, Orrin Hatch, would be most valuable for the future of the judiciary and, therefore, for the rest of us.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>
Sent: 11/18/2002 5:39:52 AM
Subject: : Re: TIME SENSITIVE

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 10:39:52.00
SUBJECT:: Re: TIME SENSITIVE
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ok, good, thanks.

Claire E. Buchan
11/18/2002 10:23:07 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: TIME SENSITIVE

president already approved.

thanks though.
cb

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/18/2002 5:43:37 AM
Subject: : Re: Gang of 6 Party

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 10:43:37.00
SUBJECT:: Re: Gang of 6 Party
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 11/18/2002 10:46 AM ----------

Brett M. Kavanaugh
11/18/2002 10:21:38 AM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP, Susan B. Ralston/WHO/EOP@EOP
cc:
bcc: Records Management@EOP
Subject: Re: Gang of 6 Party

There are 2 issues here, the invitation and attendance. We think the party invitation should not expressly reference the White House, the Administration, or any individuals who work here. As to attendance, everyone will be able to attend. Please call with any additional questions.

From: CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/18/2002 5:53:58 AM
Subject: : Re: Request from Barry
Attachments: P_0SWQB003_WHO.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 10:53:58.00
SUBJECT:: Re: Request from Barry
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

letter is okay, but if there is going to be a meeting with the folks listed in there, whoever is running it needs to be sensitive to the FACA issues (don't suggest they are committee, we aren't seeking a consensus, we want individual views, etc.). don't want someone going back to their company and writing an email to the world proudly appointing themselves to some President's Healthy Forests Working Group that in fact does not exist.

Brett M. Kavanaugh
11/18/2002 10:14:38 AM
Record Type: Record

To: Benjamin A. Powell/WHO/EOP@EOP
cc:
Subject: Request from Barry

FACA issues? I think not.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 11/18/2002 10:20 AM ----------

Kimberly Ellison
11/15/2002 10:57:41 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Request from Barry

I'll call you on this.

- Ltr from Barry Jackson 11-14-02.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_0SWQB003_WHO.TXT_1>

Barry, Please feel free to make any necessary changes, then print on White House stationery and fax to me at 601-982-8673. Billy

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Dear Billy:

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Mr. Fred Stimpson, Stimpson Lumber
Mr. James Cummins, Wildlife MS
Mr. Marshall Thomas, F & W Forestry
Mr. Robert P. Crozer, Wayham Capitol
Mr. Otis Ingram, Ingram & LeGrand Lumber

I will need confirmation from these gentlemen as soon as possible so that we may make arrangements at the Capitol Hilton.

Sincerely,

Barry Jackson
CC: Mr. Karl Rove
Mr. Chris Henick
Mr. Bill Green

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>
Sent: 11/18/2002 6:49:32 AM
Subject: : here is LL's Bio
Attachments: P_GX0RB003_WHO.TXT_1.doc

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CREATION DATE/TIME:18-NOV-2002 11:49:32.00
SUBJECT:: here is LL's Bio
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

please call and FAX this to Michele Yaroma.

---------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/18/2002 11:52 AM ---------------------------


Jean M. Russell 11/13/2002 09:10:01 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: here is LL's Bio




ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GX0RB003_WHO.TXT_1>
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LAWRENCE B. LINDSEY

Lawrence B. Lindsey is Assistant to the President for Economic Policy and Director of the National Economic Council at the White House. From 1997 to January of 2001, Dr. Lindsey was a Resident Scholar and holder of the Arthur F. Burns Chair in Economics at the American Enterprise Institute in Washington, DC. He was also Managing Director of Economic Strategies, an economic advisory service based in New York City. During late 1999 and throughout 2000 he served as then-Governor George W. Bush's chief economic advisor for his presidential campaign.

Dr. Lindsey served as a Member of the Board of Governors of the Federal Reserve System for five years from November 1991 to February 1997. Additionally, Dr. Lindsey was Chairman of the Board of the Neighborhood Reinvestment Corporation, a national public/private community redevelopment organization, from 1993 until his departure from the Federal Reserve. Prior to joining the Board, Dr. Lindsey was a Special Assistant to the President for Policy Development during the Bush Administration. He is a former professor of Economics at Harvard University. Dr. Lindsey also served three years on the staff of the Council of Economic Advisers during the Reagan Administration where he was Senior Staff Economist for Tax Policy.

Dr. Lindsey was born on July 18, 1954 in Peekskill, New York. He received his A.B. magna cum laude from Bowdoin College and his Masters and Ph.D. in Economics from Harvard University. He is the author of *The Growth Experiment: How the New Tax Policy is Transforming the U.S. Economy* (Basic Books, New York, 1990) and *Economic Puppetmasters: Lessons from the Halls of Power* (AEI Press, Washington, DC, 1999), and has contributed numerous articles to professional publications. His honors and awards include the Distinguished Public Service Award of the Boston Bar Association, 1994; an honorary Juris Doctor Degree from Bowdoin College, 1993; selection as a Citicorp/Wriston Fellow for Economic Research, 1988; and the Outstanding Doctoral Dissertation Award from the National Tax Association, 1985.

Dr. Lindsey, his wife, Susan, and children Troy, Emily, and Thomas reside in Clifton, Virginia.

From: Taylor, Bob (Nickles) <Bob_Taylor@Nickles.senate.gov>

To: William Castle at JUDICIARY (E-mail) <IMCEACCMAIL-William+20Castle+20at+20JUDICIARY"@routing.senate.gov>;Rena Johnson Comisac (E-mail) <IMCEACCMAIL-Rena+20Johnson+20Comisac+20at+20JUDICIARY"@routing.senate.gov>;Nathan Sales (E-mail) <Nathan.Sales@usdoj.gov>;Oliphant, Lincoln (RPC) <Lincoln_Oliphant@rpc.senate.gov>;John Abegg (E-mail) <John_Abegg@mcconnell.senate.gov>;Jamie E Brown (OLA) (E-mail) <Jamie.E.Brown@usdoj.gov>;Greg Willhauck (E-mail) <IMCEACCMAIL-Gregg+20Willhauck+20at+20KYL-DC"@routing.senate.gov>;Don Willett (E-mail) <Don.Willett@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Barbara Ledeen (E-mail) <IMCEACCMAIL-Barbara+20Ledeen+20at+20Republican-Conf"@routing.senate.gov>;Alex Dahl (E-mail) <IMCEACCMAIL-Alex+20Dahl+20at+20JUDICIARY"@routing.senate.gov>;William Smith (E-mail) <IMCEACCMAIL-William+20Smith+20at+20JUDICIARY"@routing.senate.gov>;Stephen Higgins (E-mail) <IMCEACCMAIL-Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov>;Pat O'Brien (E-mail) <IMCEACCMAIL-Pat+2EO+27Brien+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov>;Manny Miranda (E-mail) <IMCEACCMAIL-Manuel+20Miranda+20at+20JUDICIARY"@routing.senate.gov>;Gumerson, Katie (Nickles) <Katie_Gumerson@Nickles.senate.gov>;Joe Matal at JUDICIARY (E-mail) <IMCEACCMAIL-Joe+20Matal+20at+20JUDICIARY"@routing.senate.gov>;Heather Wingate (E-mail) <IMCEACCMAIL-Heather+5FWingate+40who+2Eeop+2Egov+20at+20Internet"@routing.senate.gov>;Ed Haden (E-mail) <IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY"@routing.senate.gov>;Brian Benczkowski (E-mail) <IMCEACCMAIL-Brian+2EA+2EBenczkowski+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov>;Bob Taylor (E-mail) <Bob_Taylor@aml.senate.gov>;Anne_Womack (E-mail) <Anne_Womack@who.eop.gov>;Mashburn, John (Lott) <John_Mashburn@lott.senate.gov>

Sent: 11/18/2002 6:50:09 AM

Subject: : RE: Shedd Speeches

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TO:"Greg Willhauck (E-mail)" <"IMCEACCMAIL-Gregg+20Willhauck+20at+20KYL-
DC"@routing.senate.gov> ( "Greg Willhauck (E-mail)" <"IMCEACCMAIL-
Gregg+20Willhauck+20at+20KYL-DC"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
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TO:"Don Willett (E-mail)" <Don.Willett@usdoj.gov> ("Don Willett (E-mail)"
<Don.Willett@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Barbara Ledeen (E-mail)" <"IMCEACCMAIL-Barbara+20Ledeen+20at+20Republican-
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<"IMCEACCMAIL-Pat+2EO+27Brien+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov> [UNKNOWN
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<"IMCEACCMAIL-Manuel+20Miranda+20at+20JUDICIARY"@routing.senate.gov> [UNKNOWN])
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(Nickles)" <Katie_Gumerson@Nickles.senate.gov> [UNKNOWN])
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READ:UNKNOWN
TO:"Heather Wingate (E-mail)" <"IMCEACCMAIL-
Heather+5FWingate+40who+2Eeop+2Egov+20at+20Internet"@routing.senate.gov> ("Heather Wingate
(E-mail)" <"IMCEACCMAIL-
Heather+5FWingate+40who+2Eeop+2Egov+20at+20Internet"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Ed Haden (E-mail)" <"IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY"@routing.senate.gov> ("Ed
Haden (E-mail)" <"IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY"@routing.senate.gov> [UNKNOWN]
)
READ:UNKNOWN
TO:"Brian Benczkowski (E-mail)" <"IMCEACCMAIL-
Brian+2EA+2EBenczkowski+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov> ("Brian
Benczkowski (E-mail)" <"IMCEACCMAIL-
Brian+2EA+2EBenczkowski+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Bob Taylor (E-mail)" <Bob_Taylor@aml.senate.gov> ("Bob Taylor (E-mail)"
<Bob_Taylor@aml.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Anne_Womack (E-mail)" <Anne_Womack@who.eop.gov> ("Anne_Womack (E-mail)"
<Anne_Womack@who.eop.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Mashburn, John (Lott)" <John_Mashburn@lott.senate.gov> ("Mashburn, John (Lott)"
<John_Mashburn@lott.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Nickles will likely speak -- the timing to be determined.

-----Original Message-----
From: Mashburn, John (Lott)
Sent: Monday, November 18, 2002 10:44 AM
To: Alex Dahl (E-mail); Anne_Womack (E-mail); Barbara Ledeen (E-mail);

Bob Taylor (E-mail); Brett M. Kavanaugh (E-mail); Brian Benczkowski (E-mail); Don Willett (E-mail); Ed Haden (E-mail); Greg Willhauck (E-mail); Heather Wingate (E-mail); Jamie E Brown (OLA) (E-mail); Joe Matal at JUDICIARY (E-mail); John Abegg (E-mail); Gumerson, Katie (Nickles); Oliphant, Lincoln (RPC); Manny Miranda (E-mail); Nathan Sales (E-mail); Pat O'Brien (E-mail); Rena Johnson Comisac (E-mail); Stephen Higgins (E-mail); William Castle at JUDICIARY (E-mail); William Smith (E-mail)
Subject: Shedd Speeches

Whose bosses are here and able to help speak on the floor from 12:00 - 4:00

From: Taylor, Bob (Nickles) <Bob_Taylor@Nickles.senate.gov>
To: Oliphant, Lincoln (RPC) <Lincoln_Oliphant@rpc.senate.gov>;\"John Abegg (E-mail)\ <John_Abegg@mcconnell.senate.gov>;\"Don Willett (E-mail)\ <Don.Willett@usdoj.gov>;\"Bob Taylor (E-mail)\ <Bob_Taylor@aml.senate.gov>;Mashburn, John (Lott) <John_Mashburn@lott.senate.gov>;Barbara Ledeen at Republican-Conf <IMCEACCMAIL-Barbara+20Ledeen+20at+20Republican-Conf"@routing.senate.gov>;Gregg Willhauck at Kyl-DC <IMCEACCMAIL-Gregg+20Willhauck+20at+20Kyl-DC"@routing.senate.gov>;Manuel Miranda at JUDICIARY <IMCEACCMAIL-Manuel+20Miranda+20at+20JUDICIARY"@routing.senate.gov>;Stephen Higgins at JUDICIARY <IMCEACCMAIL-Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov>;William Smith at JUDICIARY <IMCEACCMAIL-William+20Smith+20at+20JUDICIARY"@routing.senate.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;\"Nathan Sales (E-mail)\ <Nathan.Sales@usdoj.gov>;Gumerson, Katie (Nickles) <Katie_Gumerson@Nickles.senate.gov>;\"Jamie E Brown (OLA) (E-mail)\ <Jamie.E.Brown@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;\"Anne_Womack (E-mail)\ <Anne_Womack@who.eop.gov>;Alex Dahl at JUDICIARY <IMCEACCMAIL-Alex+20Dahl+20at+20JUDICIARY"@routing.senate.gov>;Ed Haden at JUDICIARY <IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY"@routing.senate.gov>;Joe Matal at JUDICIARY <IMCEACCMAIL-Joe+20Matal+20at+20JUDICIARY"@routing.senate.gov>;Rena Johnson Comisac at JUDICIARY <IMCEACCMAIL-Rena+20Johnson+20Comisac+20at+20JUDICIARY"@routing.senate.gov>;William Castle at JUDICIARY <IMCEACCMAIL-William+20Castle+20at+20JUDICIARY"@routing.senate.gov>;Brian.A.Benczkowski@usdoj.gov [UNKNOWN] <Brian.A.Benczkowski@usdoj.gov>;Pat.O'Brien@usdoj.gov [UNKNOWN] <Pat.O'Brien@usdoj.gov>
Sent: 11/18/2002 6:50:21 AM
Subject: : RE: Shedd Speeches

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Taylor, Bob (Nickles)" <Bob_Taylor@Nickles.senate.gov> ( "Taylor, Bob (Nickles)"
<Bob_Taylor@Nickles.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:18-NOV-2002 11:50:21.00
SUBJECT:: RE: Shedd Speeches
TO:"Oliphant, Lincoln (RPC)" <Lincoln_Oliphant@rpc.senate.gov> ( "Oliphant, Lincoln (RPC)"
<Lincoln_Oliphant@rpc.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"\"John Abegg (E-mail)\" " <John_Abegg@mcconnell.senate.gov> ( "\"John Abegg (E-mail)\"
" <John_Abegg@mcconnell.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"\"Don Willett (E-mail)\" " <Don.Willett@usdoj.gov> ( "\"Don Willett (E-mail)\" "
<Don.Willett@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"\"Bob Taylor (E-mail)\" " <Bob_Taylor@aml.senate.gov> ( "\"Bob Taylor (E-mail)\" "
<Bob_Taylor@aml.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Mashburn, John (Lott)" <John_Mashburn@lott.senate.gov> ( "Mashburn, John (Lott)"
<John_Mashburn@lott.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Barbara Ledeen at Republican-Conf <"IMCEACCMAIL-Barbara+20Ledeen+20at+20Republican-
Conf"@routing.senate.gov> ( Barbara Ledeen at Republican-Conf <"IMCEACCMAIL-
Barbara+20Ledeen+20at+20Republican-Conf"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Gregg Willhauck at Kyl-DC <"IMCEACCMAIL-Gregg+20Willhauck+20at+20Kyl-
DC"@routing.senate.gov> ( Gregg Willhauck at Kyl-DC <"IMCEACCMAIL-
Gregg+20Willhauck+20at+20Kyl-DC"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Manuel Miranda at JUDICIARY <"IMCEACCMAIL-
Manuel+20Miranda+20at+20JUDICIARY"@routing.senate.gov> ( Manuel Miranda at JUDICIARY
<"IMCEACCMAIL-Manuel+20Miranda+20at+20JUDICIARY"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Stephen Higgins at JUDICIARY <"IMCEACCMAIL-
```

Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov> (Stephen Higgins at JUDICIARY
<"IMCEACCMAIL-Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:William Smith at JUDICIARY <"IMCEACCMAIL-
William+20Smith+20at+20JUDICIARY"@routing.senate.gov> (William Smith at JUDICIARY
<"IMCEACCMAIL-William+20Smith+20at+20JUDICIARY"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"\"Nathan Sales (E-mail)\" " <Nathan.Sales@usdoj.gov> ("\"Nathan Sales (E-mail)\" "
<Nathan.Sales@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Gumerson, Katie (Nickles)" <Katie_Gumerson@Nickles.senate.gov> ("Gumerson, Katie
(Nickles)" <Katie_Gumerson@Nickles.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"\"Jamie E Brown (OLA) (E-mail)\" " <Jamie.E.Brown@usdoj.gov> ("\"Jamie E Brown (OLA)
(E-mail)\" " <Jamie.E.Brown@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"\"Anne_Womack (E-mail)\" " <Anne_Womack@who.eop.gov> ("\"Anne_Womack (E-mail)\" "
<Anne_Womack@who.eop.gov> [UNKNOWN])
READ:UNKNOWN
TO:Alex Dahl at JUDICIARY <"IMCEACCMAIL-Alex+20Dahl+20at+20JUDICIARY"@routing.senate.gov> (
Alex Dahl at JUDICIARY <"IMCEACCMAIL-Alex+20Dahl+20at+20JUDICIARY"@routing.senate.gov> [
UNKNOWN])
READ:UNKNOWN
TO:Ed Haden at JUDICIARY <"IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY"@routing.senate.gov> (
Ed Haden at JUDICIARY <"IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY"@routing.senate.gov> [
UNKNOWN])
READ:UNKNOWN
TO:Joe Matal at JUDICIARY <"IMCEACCMAIL-Joe+20Matal+20at+20JUDICIARY"@routing.senate.gov> (
Joe Matal at JUDICIARY <"IMCEACCMAIL-Joe+20Matal+20at+20JUDICIARY"@routing.senate.gov> [
UNKNOWN])
READ:UNKNOWN
TO:Rena Johnson Comisac at JUDICIARY <"IMCEACCMAIL-
Rena+20Johnson+20Comisac+20at+20JUDICIARY"@routing.senate.gov> (Rena Johnson Comisac at
JUDICIARY <"IMCEACCMAIL-Rena+20Johnson+20Comisac+20at+20JUDICIARY"@routing.senate.gov> [
UNKNOWN])
READ:UNKNOWN
TO:William Castle at JUDICIARY <"IMCEACCMAIL-
William+20Castle+20at+20JUDICIARY"@routing.senate.gov> (William Castle at JUDICIARY
<"IMCEACCMAIL-William+20Castle+20at+20JUDICIARY"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:Brian.A.Benczkowski@usdoj.gov (Brian.A.Benczkowski@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Pat.O'Brien@usdoj.gov (Pat.O'Brien@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Nickles will likely speak -- the timing to be determined.

-----Original Message-----
From: Mashburn, John (Lott)
Sent: Monday, November 18, 2002 10:44 AM
To: Alex Dahl (E-mail); Anne_Womack (E-mail); Barbara Ledeen (E-mail);
Bob Taylor (E-mail); Brett M. Kavanaugh (E-mail); Brian Benczkowski
(E-mail); Don Willett (E-mail); Ed Haden (E-mail); Greg Willhauck
(E-mail); Heather Wingate (E-mail); Jamie E Brown (OLA) (E-mail); Joe
Matal at JUDICIARY (E-mail); John Abegg (E-mail); Gumerson, Katie
(Nickles); Oliphant, Lincoln (RPC); Manny Miranda (E-mail); Nathan Sales
(E-mail); Pat O'Brien (E-mail); Rena Johnson Comisac (E-mail); Stephen
Higgins (E-mail); William Castle at JUDICIARY (E-mail); William Smith
(E-mail)
Subject: Shedd Speeches

Whose bosses are here and able to help speak on the floor from 12:00 -

4:00

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 11/18/2002 10:56:04 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 15:56:04.00
SUBJECT:: Re:
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

only 4 votes for the groups challenging the ban, you mean?

Helgard C. Walker
11/18/2002 03:12:37 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

I think there are only 4 votes at best for that result.

Brett M. Kavanaugh
11/18/2002 12:01:40 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject:

WASHINGTON)) The Supreme Court agreed Monday to take a new look at federal limits on campaign contributions to candidates.
The court will decide whether certain advocacy groups can contribute to candidates' campaigns. Currently, only individuals, political action committees, political parties and other campaign committees can give to candidates.
This case is unrelated to the McCain-Feingold campaign finance law, which bans unlimited corporate, labor and individual contributions to the political parties. Opponents have challenged that law in the lower courts.
The Supreme Court has been more willing to uphold limits on contributions, which justices have said could give the appearance of corruption. In June 2001, a very divided court ruled 5-4 that political parties could not spend unlimited amounts of money if they coordinated their efforts with a candidate. And in January 2000, the court voted 6-3 to back Missouri's contribution limits to state campaigns.
On the other hand, the court has struck down spending restrictions on First Amendment grounds, likening money to free speech. Such reasoning led the court in 1976 to uphold post-Watergate limits on campaign contributions but throw out restrictions on how much candidates could spend on their campaigns.

At issue is in this case is whether North Carolina Right to Life and other nonprofit advocacy corporations) groups that raise money not through business ventures but through donations from supporters) can make campaign contributions. Such groups have neither business interests nor shareholders.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: joschal@att.net @ inet [UNKNOWN] <joschal@att.net @ inet>
Sent: 11/18/2002 7:32:37 AM
Subject: : Re: Confirmations Friday night and Shedd on Monday

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 12:32:37.00
SUBJECT:: Re: Confirmations Friday night and Shedd on Monday
TO:joschal@att.net @ inet (joschal@att.net @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

good news
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 11/18/2002 12:33 PM ----------

Heather Wingate
11/18/2002 12:27:43 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: <Adam.Charnes@usdoj.gov> (Receipt Notification Requested),
<Don.Willett@usdoj.gov> (Receipt Notification Requested),
<Pat.O'Brien@usdoj.gov> (Receipt Notification Requested),
<Viet.Dinh@usdoj.gov> (Receipt Notification Requested)
Subject: Re: Confirmations Friday night and Shedd on Monday

Cloture vote has been vitiated!!!! Yeah! The up/down vote on shedd will occur after homeland passage and before terrorism insurance vote, so could be tomorrow or wed.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 11/18/2002 7:32:12 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 12:32:12.00
SUBJECT::
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

WASHINGTON)) The Supreme Court agreed Monday to take a new look at federal limits on campaign contributions to candidates.
The court will decide whether certain advocacy groups can contribute to candidates' campaigns. Currently, only individuals, political action committees, political parties and other campaign committees can give to candidates.
This case is unrelated to the McCain-Feingold campaign finance law, which bans unlimited corporate, labor and individual contributions to the political parties. Opponents have challenged that law in the lower courts. The Supreme Court has been more willing to uphold limits on contributions, which justices have said could give the appearance of corruption. In June 2001, a very divided court ruled 5-4 that political parties could not spend unlimited amounts of money if they coordinated their efforts with a candidate. And in January 2000, the court voted 6-3 to back Missouri's contribution limits to state campaigns.
On the other hand, the court has struck down spending restrictions on First Amendment grounds, likening money to free speech. Such reasoning led the court in 1976 to uphold post-Watergate limits on campaign contributions but throw out restrictions on how much candidates could spend on their campaigns.
At issue is in this case is whether North Carolina Right to Life and other nonprofit advocacy corporations) groups that raise money not through business ventures but through donations from supporters) can make campaign contributions. Such groups have neither business interests nor shareholders.

From: Charnes, Adam <Adam.Charnes@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/18/2002 8:05:28 AM
Subject: : Bar. Assn of City of New York Judges Event

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Charnes, Adam" <Adam.Charnes@usdoj.gov> ( "Charnes, Adam" <Adam.Charnes@usdoj.gov>
[ UNKNOWN ] )
CREATION DATE/TIME:18-NOV-2002 13:05:28.00
SUBJECT:: Bar. Assn of City of New York Judges Event
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I just faxed you the materials and told the contact, Thomas Moreland, that
you would be calling him to discuss. His number is in the fax.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Charnes, Adam <Adam.Charnes@usdoj.gov>
Sent: 11/18/2002 8:20:30 AM
Subject: : Re: Bar. Assn of City of New York Judges Event

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 13:20:30.00
SUBJECT:: Re: Bar. Assn of City of New York Judges Event
TO:"Charnes, Adam" <Adam.Charnes@usdoj.gov> ("Charnes, Adam" <Adam.Charnes@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

thanks. just left him a vm.

"Charnes, Adam" <Adam.Charnes@usdoj.gov>
11/18/2002 01:03:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Bar. Assn of City of New York Judges Event

I just faxed you the materials and told the contact, Thomas Moreland, that
you would be calling him to discuss. His number is in the fax.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/18/2002 8:31:30 AM
Subject: : 10 Commandments

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 13:31:30.00
SUBJECT:: 10 Commandments
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Timothy E. Flanigan ( CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Federal district court in Alabama (appointed by Carter) strikes down
display of 10 Commandments in courthouse.

http://www.almd.uscourts.gov/Opinions/Glassroth%20v%20Moore.pdf
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>;Bradford A. Berenson/WHO /EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 11/18/2002 9:32:30 AM
Subject: : call to Chris Cox re: homeland bill

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 14:32:30.00
SUBJECT:: call to Chris Cox re: homeland bill
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Can whoever knows the most about the aspect of homeland security
bill dealing with internal surveillance/privacy act (per Safire column)
call Congressman Chris Cox at 225-5611. Keep in mind that Rep. Cox may be
the Chair of the House Government Reform committee with oversight over
this issue. He told me he has been asked about this by press quite a bit.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>
Sent: 11/18/2002 9:32:36 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 14:32:36.00
SUBJECT::
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

would our argument on vacatur be stronger if en banc were denied and then
cert denied?
```

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/18/2002 9:34:58 AM
Subject: : Re:

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ( "Dinh, Viet" <Viet.Dinh@usdoj.gov> [ UNKNOWN ]
)
CREATION DATE/TIME:18-NOV-2002 14:34:58.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Thx
--- Sent from my BlackBerry.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov <Brett_M._Kavanaugh@who.eop.gov>
To: Dinh, Viet <Viet.Dinh@USDOJ.gov>
Sent: Mon Nov 18 14:14:30 2002
Subject:

congrats on FISA court ruling.
```

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/18/2002 9:38:34 AM
Subject: : Nowlin Vacancy

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 14:38:34.00
SUBJECT:: Nowlin Vacancy
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

By letter dated November 18, 2002, Chief Judge Nowlin of the Western
District of Texas informed the President of his intention to retire "on
May 31, 2003 or when my successor is confirmed, whichever first occurs . .
."
```

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/18/2002 10:14:47 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 15:14:47.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I think there are only 4 votes at best for that result.

Brett M. Kavanaugh
11/18/2002 12:01:40 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject:

WASHINGTON)) The Supreme Court agreed Monday to take a new look at federal limits on campaign contributions to candidates.
The court will decide whether certain advocacy groups can contribute to candidates' campaigns. Currently, only individuals, political action committees, political parties and other campaign committees can give to candidates.
This case is unrelated to the McCain-Feingold campaign finance law, which bans unlimited corporate, labor and individual contributions to the political parties. Opponents have challenged that law in the lower courts.
The Supreme Court has been more willing to uphold limits on contributions, which justices have said could give the appearance of corruption. In June 2001, a very divided court ruled 5-4 that political parties could not spend unlimited amounts of money if they coordinated their efforts with a candidate. And in January 2000, the court voted 6-3 to back Missouri's contribution limits to state campaigns.
On the other hand, the court has struck down spending restrictions on First Amendment grounds, likening money to free speech. Such reasoning led the court in 1976 to uphold post-Watergate limits on campaign contributions but throw out restrictions on how much candidates could spend on their campaigns.
At issue is in this case is whether North Carolina Right to Life and other nonprofit advocacy corporations) groups that raise money not through business ventures but through donations from supporters) can make campaign contributions. Such groups have neither business interests nor shareholders.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 11/18/2002 10:56:04 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 15:56:04.00
SUBJECT:: Re:
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

only 4 votes for the groups challenging the ban, you mean?

Helgard C. Walker
11/18/2002 03:12:37 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

I think there are only 4 votes at best for that result.

Brett M. Kavanaugh
11/18/2002 12:01:40 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject:

WASHINGTON)) The Supreme Court agreed Monday to take a new look at federal limits on campaign contributions to candidates.
The court will decide whether certain advocacy groups can contribute to candidates' campaigns. Currently, only individuals, political action committees, political parties and other campaign committees can give to candidates.
This case is unrelated to the McCain-Feingold campaign finance law, which bans unlimited corporate, labor and individual contributions to the political parties. Opponents have challenged that law in the lower courts.
The Supreme Court has been more willing to uphold limits on contributions, which justices have said could give the appearance of corruption. In June 2001, a very divided court ruled 5-4 that political parties could not spend unlimited amounts of money if they coordinated their efforts with a candidate. And in January 2000, the court voted 6-3 to back Missouri's contribution limits to state campaigns.

On the other hand, the court has struck down spending restrictions on First Amendment grounds, likening money to free speech. Such reasoning led the court in 1976 to uphold post-Watergate limits on campaign contributions but throw out restrictions on how much candidates could spend on their campaigns.

At issue is in this case is whether North Carolina Right to Life and other nonprofit advocacy corporations) groups that raise money not through business ventures but through donations from supporters) can make campaign contributions. Such groups have neither business interests nor shareholders.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/18/2002 11:56:29 AM
Subject: : Tim returned your message

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 16:56:29.00
SUBJECT:: Tim returned your message
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Go ahead and call us and we will contact you.
```

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/18/2002 11:58:57 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-NOV-2002 16:58:57.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:Helgard C. Walker/WHO/EOP@EOP
Cc:
Date: 11/18/2002 03:53:21 PM
Subject: Re:

only 4 votes for the groups challenging the ban, you mean?

Helgard C. Walker
11/18/2002 03:12:37 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

I think there are only 4 votes at best for that result.

Brett M. Kavanaugh
11/18/2002 12:01:40 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject:

WASHINGTON)) The Supreme Court agreed Monday to take a new look at federal limits on campaign contributions to candidates.
The court will decide whether certain advocacy groups can contribute to candidates' campaigns. Currently, only individuals, political action committees, political parties and other campaign committees can give to candidates.
This case is unrelated to the McCain-Feingold campaign finance law, which bans unlimited corporate, labor and individual contributions to the political parties. Opponents have challenged that law in the lower courts.

The Supreme Court has been more willing to uphold limits on contributions, which justices have said could give the appearance of corruption. In June 2001, a very divided court ruled 5-4 that political parties could not spend unlimited amounts of money if they coordinated their efforts with a candidate. And in January 2000, the court voted 6-3 to back Missouri's contribution limits to state campaigns.

On the other hand, the court has struck down spending restrictions on First Amendment grounds, likening money to free speech. Such reasoning led the court in 1976 to uphold post-Watergate limits on campaign contributions but throw out restrictions on how much candidates could spend on their campaigns.

At issue is in this case is whether North Carolina Right to Life and other nonprofit advocacy corporations) groups that raise money not through business ventures but through donations from supporters) can make campaign contributions. Such groups have neither business interests nor shareholders.

From: CN=Adam B. Goldman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/18/2002 12:43:36 PM
Subject: : Tort Reform

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 17:43:36.00
SUBJECT:: Tort Reform
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Can you send me any and all tort reform materials you have?

Can you meet on Wed.?
```

From: CN=Ashley Estes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/18/2002 12:52:27 PM
Subject: : need help - work-related

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 17:52:27.00
SUBJECT:: need help - work-related
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

baseball manager/owner named larry laquina? have no idea how to spell
last name or anything other than that??? do you know?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 11/18/2002 12:53:42 PM
Subject: : Re: need help - work-related

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-NOV-2002 17:53:42.00
SUBJECT:: Re: need help - work-related
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Larry Luchino President and CEO Boston Red Sox




Ashley Estes
11/18/2002 05:53:28 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject: need help - work-related

baseball manager/owner named larry laquina? have no idea how to spell
last name or anything other than that??? do you know?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Raquel Cabral/WHO/EOP@EOP [WHO] <Raquel Cabral>
Sent: 11/19/2002 5:32:20 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-NOV-2002 10:32:20.00
SUBJECT::
TO:Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

no need to do any forms; I am coming back tonight. thanks and apologies
for false alarm.
```

From: CN=Adam B. Goldman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO /EOP@EOP [WHO] <Kristen Silverberg>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>
Sent: 11/19/2002 3:19:08 AM
Subject: : Tort Reform

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-NOV-2002 08:19:08.00
SUBJECT:: Tort Reform
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Can you meet on Wed. (mid-morning or anything in the afternoon) to discuss
tort reform?

Also, can you send me all that you have on tort reform. I want to start
compiling a reading folder on it...and I am speaking on Sunday to over 100
doctors in Florida on it.

Thanks.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>
Sent: 11/19/2002 8:57:29 AM
Subject: : Re: census

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-NOV-2002 13:57:29.00
SUBJECT:: Re: census
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Right. I need to circle back once more with mehlman before the plug is
pulled entirely. I will do that in morning.

.

----- Original Message -----
From:Benjamin A. Powell/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 11/19/2002 01:43:08 PM
Subject: census

spoke to Ted K., GC at commerce. He is okay with complying with Carter
decision. They will put out data on CDs with big labels stating "bad
data". No money in '04 budget submitted by Commerce to fund any parallel
type sampling studies, etc.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>;Bradford A. Berenson/WHO /EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 11/19/2002 6:31:47 AM
Subject: : CONGRATS!!

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-NOV-2002 11:31:47.00
SUBJECT:: CONGRATS!!
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 11/19/2002 7:17:20 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-NOV-2002 12:17:20.00
SUBJECT::
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Conti is thinking about it and will call me back.
```

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/19/2002 7:17:17 AM
Subject: : Claude Allen

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-NOV-2002 12:17:17.00
SUBJECT:: Claude Allen
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From HHS's website. I'll find a copy of his transition-era resume and forward shortly.
Biography of Claude A. Allen
Deputy Secretary of Health and Human Services
U.S. Department of Health and Human Services
Claude A. Allen was confirmed by the Senate as the Deputy Secretary for the Department of Health and Human Services on May 26, 2001.
HHS is the federal government's principal agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. The department includes some 300 programs, covering a wide spectrum of activities, including medical and social science research, preventing outbreak of infectious disease, assuring food and drug safety, Medicare and Medicaid, financial assistance for low-income families, Head Start, substance abuse treatment and prevention and services for older Americans. The department's budget in fiscal year 2001 is $429 billion.
As Deputy Secretary, Allen works closely with HHS Secretary Tommy G. Thompson on all major policy and management issues, and he serves as the department's chief operating officer.
Prior to joining HHS, Allen was Secretary of Health and Human Resources for the Commonwealth of Virginia, leading 13 agencies and 15,000 employees. Allen led Governor Gilmore's initiative for Virginia's new Patients Bill of Rights passed in 1999, allowing patient appeals for adverse coverage decisions made by health plans, and direct access to physician specialists. Allen also spearheaded Virginia's welfare reform initiative and provided leadership to overhaul the state's mental health institutions and community services. Additionally, Allen was responsible for implementing the Governor's private health insurance program for children and families, offering lower-cost coverage options to thousands of uninsured Virginians.
Before joining the Gilmore administration, Allen was Counsel to the Attorney General, and later, Deputy Attorney General for the Civil Litigation Division in the Office of the Attorney General, Virginia. He reported directly to then-Attorney General Gilmore on legal, legislative, and policy matters, including all health, education and welfare issues.
Before joining the Office of the Attorney General, Allen practiced law in Washington, D.C., specializing in government contracts, litigation, and legislative affairs.
Allen holds both a Juris Doctorate and a Masters of Law in International and Comparative Law from Duke University Law School. He completed his undergraduate education at the University of North Carolina at Chapel Hill, earning degrees in Political Science and Linguistics.
Allen and his wife are the proud parents of three children.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 11/19/2002 7:21:04 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-NOV-2002 12:21:04.00
SUBJECT::
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Joy F. Conti
Biography
Joy Flowers Conti has taught and practiced law in Western Pennsylvania for over 28 years. She received her law degree in 1973 from Duquesne University School of Law, Pittsburgh, Pennsylvania. She had the distinction of being the first Duquesne University law school graduate to receive her degree summa cum laude. While in law school, Ms. Conti was the first woman to serve as Editor-In-Chief of the Duquesne Law Review. She also was a member of the Appellate Moot Court Board and the Order of the Barrister.
After graduation from law school, Ms. Conti served as a law clerk to Pennsylvania Supreme Court Justice Louis L. Manderino (deceased). In 1974, she was the first woman lawyer to be hired by Kirkpatrick, Lockhart, Johnson & Hutchison, now known as Kirkpatrick & Lockhart. In 1976 she accepted a position as a member of the faculty at Duquesne University School of Law. Ms. Conti became a tenured professor of law at Duquesne University School of Law and taught courses in civil procedure, corporations, corporate finance, corporate reorganizations and bankruptcy. In 1982, Ms. Conti returned to private practice with Kirkpatrick & Lockhart, and became a partner in 1983. In 1996, she joined Buchanan Ingersoll Professional Corporation as a share-holder. She concentrates her practice on bankruptcy, creditors' and debtors' rights, healthcare, general corporate and nonprofit corporation law. She is a co-chair of the firm's Carta Group, which serves the nonprofit community, especially religious and religiously-affiliated institutions. Ms. Conti is also a frequent author and lecturer on bankruptcy and corporate law.
Ms. Conti is a member of the Allegheny County Bar Association, the Pennsylvania Bar Association, the American Bar Association, the Women's Bar Association of Western Pennsylvania and the Federal Bar Association. She is a former president of the Allegheny County Bar Association and former chair of the Allegheny County Bar Association's Young Lawyers' Section. She also served as secretary and a trustee of the Allegheny County Bar Foundation. She was a Governor-at-Large of the Pennsylvania Bar Association and was the chair of the Pennsylvania Bar Association's Corporation, Banking and Business Law Section. She served in the House of Delegates of the American Bar Association, and she is currently serving in the Pennsylvania Bar Association's House of Delegates. She also is a co-chair of the Pennsylvania Bar Association's Task Force on Legal Services for the Poor. She is listed in The Best Lawyers in America, Who's Who in America and Who's Who in American Law.
Ms. Conti is a member of the American Law Institute and the American Judicature Society. She is a fellow of the American College of Bankruptcy, the American Bar Foundation, the Pennsylvania Bar Foundation and the Allegheny County Bar Foundation. She was president of the Historical Society of the United States Court of Appeals for the Third Circuit, and she was selected by the Third Circuit to chair the Bankruptcy Judge Selection Committee for the Western District of Pennsylvania in 1994-1995.
In 1995, Ms. Conti was the second recipient of the Pennsylvania Bar

Association's Anne X. Alpern Award, which annually recognizes one outstanding woman lawyer or judge. Also in 1995, she received the Vectors/Pittsburgh Award for Woman of the Year in Law and Government. In 1993, she received the YWCA Greater Pittsburgh Tribute to Women Award for Professionals and the Allegheny County Bar Association's Pro Bono Award. In 1981, she was recognized as one of the 10 Outstanding Young Women in America and as the Outstanding Young Woman in Pennsylvania.

Ms. Conti has served on numerous non-profit boards throughout her career. She served as president of Catholic Charities of the Diocese of Pittsburgh, Inc. She was a director of the Southwestern Pennsylvania Chapter of the American Red Cross and of Family Services of Western Pennsylvania. Mrs. Conti is currently an officer of the Pine-Richland Football Mothers organization.

Ms. Conti is married and has three children.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Charlotte L. Montiel/WHO/EOP@EOP [WHO] <Charlotte L. Montiel>;Raquel Cabral/WHO /EOP@EOP [WHO] <Raquel Cabral>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/19/2002 7:54:47 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-NOV-2002 12:54:47.00
SUBJECT::
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

off to new haven; available on blackberry and cell
```

From: Barbara Ledeen) (Barbara_Ledeen@src.senate.gov (Barbara Ledeen) [UNKNOWN]
To: wendy.j.keefer@usdoj.gov [UNKNOWN] <wendy.j.keefer@usdoj.gov>;Matthew E. Smith/WHO /EOP@EOP [WHO] <Matthew E. Smith>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 11/19/2002 1:25:20 PM
Subject: : Meeting Thursday

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Barbara_Ledeen@src.senate.gov (Barbara Ledeen) ( Barbara_Ledeen@src.senate.gov
(Barbara Ledeen) [ UNKNOWN ] )
CREATION DATE/TIME:19-NOV-2002 18:25:20.00
SUBJECT:: Meeting Thursday
TO:wendy.j.keefer@usdoj.gov ( wendy.j.keefer@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Good evening--We are almost at the conclusion of the 107th session of the
Senate. There will be an important meeting of the judicial coalition on
THURSDAY, NOVEMBER 21 from 12:15-1:30 in Senator Hatch's office, Hart 104.
Sen
Hatch will be attending. Please rsvp to me by email. Thank you very much.


Barbara Ledeen
Director of Coalitions
Senate Republican Conference
202-224-2763
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;John F. Wood/OMB /EOP@EOP [OMB] <John F. Wood>
Sent: 11/19/2002 9:47:51 AM
Subject: : Re: Mitch Daniels letter to Rep. Waxman

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-NOV-2002 14:47:51.00
SUBJECT:: Re: Mitch Daniels letter to Rep. Waxman
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John F. Wood (CN=John F. Wood/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

I am out of office. Can you put in text of email.

.

----- Original Message -----
From:John F. Wood/OMB/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 11/19/2002 02:29:20 PM
Subject: Mitch Daniels letter to Rep. Waxman

We are going to be making some changes to the version Phil sent you.

From: CN=Kimberly A. Douglass/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/19/2002 9:57:30 AM
Subject: : when you return to the office...

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-NOV-2002 14:57:30.00
SUBJECT:: when you return to the office...
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

...would you please call me at 65043. I have a very important travel
question for you. Thanks!
```

From: CN=Raquel Cabral/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/19/2002 11:18:10 AM
Subject: : Parking Permit

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-NOV-2002 16:18:10.00
SUBJECT:: Parking Permit
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett and Kyle - you both told me that the number under the S on your
parking pass is 367....could the two of you please check once more and let
me know as soon as possible. Thank you!
(this is not the number on the sticker - but the number on the pass under
the S)
```

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>;H. Christopher Bartolomucci/WHO/EOP [WHO] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;AGonzale@who.eop.gov [WHO] <AGonzale@who.eop.gov>;Noel_J._Francisco@who.eop.gov [UNKNOWN] <Noel_J._Francisco@who.eop.gov>;Kyle_Sampson@who.eop.gov [UNKNOWN] <Kyle_Sampson@who.eop.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;tflaniga@who.eop.gov [WHO] <tflaniga@who.eop.gov>
Sent: 11/19/2002 3:18:35 PM
Subject: : Shedd vote

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-NOV-2002 20:18:35.00
SUBJECT:: Shedd vote
TO:Jennifer.Newstead@usdoj.gov ( Jennifer.Newstead@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:AGonzale@who.eop.gov ( AGonzale@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Noel_J._Francisco@who.eop.gov ( Noel_J._Francisco@who.eop.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Kyle_Sampson@who.eop.gov ( Kyle_Sampson@who.eop.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:tflaniga@who.eop.gov ( tflaniga@who.eop.gov [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

For: 55
Against:. 44
```

From: Elizabeth_N._Camp@who.eop.gov [UNKNOWN]
To: Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO /EOP@EOP [WHO] <Bradford A. Berenson>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 11/19/2002 3:20:02 PM
Subject: : Shedd vote

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth_N._Camp@who.eop.gov ( Elizabeth_N._Camp@who.eop.gov [ UNKNOWN ] )
CREATION DATE/TIME:19-NOV-2002 20:20:02.00
SUBJECT:: Shedd vote
TO:Jennifer.Newstead@usdoj.gov ( Jennifer.Newstead@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Timothy E. Flanigan ( CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

For: 55
Against:. 44
```

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jack Howard/WHO /EOP@EOP [WHO] <Jack Howard>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/19/2002 3:29:27 PM
Subject: : Shedd

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-NOV-2002 20:29:27.00
SUBJECT:: Shedd
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jack Howard ( CN=Jack Howard/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Confirmed 55-44

.
```

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/19/2002 3:52:47 PM
Subject: : Enron document review room

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-NOV-2002 20:52:47.00
SUBJECT:: Enron document review room
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

To be clear I am talking about the room that is on the 17th St side of the OEOB.

Is there anything in there?

We need that room for Nanette to have OGE people in there the week of Dec. 2-7 for "program review".

Please let me know if this isn't doable for some reason.

From: CN=Adam B. Goldman/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/19/2002 4:32:44 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-NOV-2002 21:32:44.00
SUBJECT:: Re:
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I think Diana is out until Thurs, so we may need to wait for her. Don't you think?

Brett M. Kavanaugh
11/19/2002 10:28:44 AM
Record Type: Record

To: Adam B. Goldman/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

I am blocked out from 3:15 to 4:45 tomorrow but otherwise available.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 11/19/2002 6:01:57 PM
Subject: : Re: Shedd

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-NOV-2002 23:01:57.00
SUBJECT:: Re: Shedd
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Great work heather. Awesome.

.

----- Original Message -----
From:Heather Wingate/WHO/EOP
To:Alberto R. Gonzales/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP,
Jack Howard/WHO/EOP@EOP
Cc:
Date: 11/19/2002 08:29:21 PM
Subject: Shedd

Confirmed 55-44

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Charlotte L. Montiel/WHO/EOP@EOP [WHO] <Charlotte L. Montiel>
Sent: 11/20/2002 4:14:56 AM
Subject: : Re: MESSAGE MEETING REMINDER

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-NOV-2002 09:14:56.00
SUBJECT:: Re: MESSAGE MEETING REMINDER
TO:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

Charlotte L. Montiel
11/20/2002 09:11:56 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: MESSAGE MEETING REMINDER

Brett, can you handle please?

Charlotte

---------- Forwarded by Charlotte L. Montiel/WHO/EOP on 11/20/2002 09:12 AM ----------

Krista L. Ritacco
11/20/2002 08:48:23 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: MESSAGE MEETING REMINDER

There will be a message meeting today at noon in the Roosevelt Room.

Message Sent
To:_____
Jean M. Russell/OPD/EOP@EOP
Ruben S. Barrales/WHO/EOP@EOP
Kathryn E. Rust/WHO/EOP@EOP
Susan K. Neely/WHO/EOP@EOP
Blake Gottesman/WHO/EOP@EOP
Linda M. Gambatesa/WHO/EOP@EOP
Wendy L. Nipper/WHO/EOP@EOP
Natalie S. Wozniak/NSC/EOP@EOP
Barry S. Jackson/WHO/EOP@EOP
Lezlee J. Westine/WHO/EOP@EOP
Ken Mehlman/WHO/EOP@EOP
Katherine M. Walters/WHO/EOP@EOP
Colleen Litkenhaus/WHO/EOP@EOP

Carol J. Thompson/WHO/EOP@EOP
Britt Grant/OPD/EOP@EOP
Jack Howard/WHO/EOP@EOP
Kara G. Figg/WHO/EOP@EOP
Carolyn E. Cleveland/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
James R. Wilkinson/WHO/EOP@EOP
Scott N. Sforza/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Vickie A. McQuade/WHO/EOP@EOP
Israel Hernandez/WHO/EOP@EOP
Anna M. Perez/NSC/EOP@EOP
Melissa S. Bennett/WHO/EOP@EOP
Leslie A. Mooney/OPD/EOP@EOP
Jay P. Lefkowitz/OMB/EOP@EOP
Nicolle Devenish/WHO/EOP@EOP
Debra D. Bird/WHO/EOP@EOP
Harriet Miers/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Barbara A. Barclay/WHO/EOP@EOP
A. Merrill Hughes/OVP/EOP@EOP
Eleanor L. Gillmor/OPD/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP
Shannon Burkhart/WHO/EOP@EOP
Adrian G. Gray/WHO/EOP@EOP
Roberta L. Conde/CEQ/EOP@EOP
Anne E. Campbell/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Kimberly Ellison/WHO/EOP@EOP
Ann Gray/WHO/EOP@EOP
Noelia Rodriguez/WHO/EOP@EOP
Trent D. Duffy/OMB/EOP@EOP
Catharine A. Ryun/WHO/EOP@EOP
Jenica Baldwin/WHO/EOP@EOP
Brian R. Besanceney/OPD/EOP@EOP
Gordon D. Johndroe/WHO/EOP@EOP
Katherine L. Disston/WHO/EOP@EOP
January M. Riecke/WHO/EOP@EOP
Catherine J. Martin/OVP/EOP@EOP
Alison M. Harden/WHO/EOP@EOP
Stephen M. Lineberry/CEA/EOP@EOP
Jennifer Millerwise/OVP/EOP@EOP
Lindsey C. Kozberg/WHO/EOP@EOP
Jim Towey/WHO/EOP@EOP
Parker B. Hamilton/WHO/EOP@EOP
Mary C. Williams/NSC/EOP@EOP
Andrew D. Ciafardini/WHO/EOP@EOP
Tucker A. Eskew/WHO/EOP@EOP
Deborah A. Spagnoli/WHO/EOP@EOP
Keith Hennessey/OPD/EOP@EOP
Sally Canfield/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Charlotte L. Montiel/WHO/EOP@EOP
Edward Ingle/WHO/EOP@EOP
Michael J. Taylor/WHO/EOP@EOP
Suzy DeFrancis/WHO/EOP@EOP
Jose Mallea/WHO/EOP@EOP
Christie Parell/WHO/EOP@EOP
Sue H. Gerdelman/OPD/EOP@EOP
Edwina C. Rogers/OPD/EOP@EOP
Heidi K. Marquez/WHO/EOP@EOP

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Alberto R. Gonzales/WHO /EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/20/2002 6:38:46 AM
Subject: : Analysis of Shedd Vote

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-NOV-2002 11:38:46.00
SUBJECT:: Analysis of Shedd Vote
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Timothy E. Flanigan ( CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

All the Rs voted for Shedd except Murkowski (AK), who didn't vote
Seven Ds voted for Shedd: Byrd (WV), Graham (FL), Hollings (SC), Inouye
(HI), Lincoln (AR) & Miller (GA)
Barkley (MN) voted against Shedd
```

From: Goodling, Monica <Monica.Goodling@usdoj.gov>
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Manny Miranda (E-mail) <manuel_miranda@judiciary.senate.gov>;Makan Delrahim (E-mail) <Makan_Delrahim@judiciary.senate.gov>;O'Brien, Pat <Pat.O'Brien@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ed Haden (E-mail) <Ed_Haden@judiciary.senate.gov>;Margarita Tapia (E-mail) <margarita_tapia@judiciary.senate.gov>;Gibson, Joseph <Joseph.Gibson@usdoj.gov>;Bryant, Dan <Dan.Bryant@usdoj.gov>
Sent: 11/20/2002 6:42:22 AM
Subject: : BACKGROUND INFORMATION: JUDICIAL NOMINATIONS STATISTICS
Attachments: P_IJJTB003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Goodling, Monica" <Monica.Goodling@usdoj.gov> ("Goodling, Monica" <Monica.Goodling@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:20-NOV-2002 11:42:22.00
SUBJECT:: BACKGROUND INFORMATION: JUDICIAL NOMINATIONS STATISTICS
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Manny Miranda (E-mail)" <manuel_miranda@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ("Manny Miranda (E-mail)" <manuel_miranda@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Makan Delrahim (E-mail)" <Makan_Delrahim@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ("Makan Delrahim (E-mail)" <Makan_Delrahim@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Ed Haden (E-mail)" <Ed_Haden@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ed Haden (E-mail)" <Ed_Haden@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Margarita Tapia (E-mail)" <margarita_tapia@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ("Margarita Tapia (E-mail)" <margarita_tapia@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Gibson, Joseph" <Joseph.Gibson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Gibson, Joseph" <Joseph.Gibson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

FYI - I just sent out some info on jud nom stats to help reporters figure out all the historical numbers bouncing around. Not sure if you are all on our list-serve or not, so I wanted to make sure you all had it. I will make sure the groups have it as well. Take care.

****

Attached please find some statistical information on judicial nominees for background use.

- Jud Nom stats - 11-20-02.pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IJJTB003_WHO.TXT_1>

Circuit and District Court Judicial Nominations

First Two Years of Recent Administrations

(Bush Nomination Tallies as of November 20, 2002)

President	Congress	TOTAL Nominations Submitted	TOTAL Nominations Confirmed	Circuit Nominations Submitted	Circuit Nominations Confirmed	District Nominations Submitted	District Nominations Confirmed
Bush 43 2001-2002	107th	131	100 (76%)	32	17 (53%)	99	83 (84%)
Clinton 1993-1994	103rd	140	126 (90%)	22	19 (86%)	118	107 (91%)
Bush 41 1989-1990	101st	74	70 (95%)	23	22 (96%)	51	48 (94%)
Reagan 1981-1982	97th	88	87 (99%)	20	19 (95%)	68	68 (100%)
Carter 1977-1978	95th	69	64 (93%)	13	13 (100%)	56	51 (91%)

Vacancies: as of Nov. 20 at the end of the second year of each Administration: Clinton = 59 (7.0%), Bush 41 = 37 (4.9%), Reagan = 23 (3.4%) -- Current Vacancies: Bush = 60 (7.0%) [Note: 15% vacancy rate in circuit courts; 5% vacancy rate in district courts]

Of President Bush's first 11 circuit nominations announced May 9, 2001: 5 were confirmed (Gregory, Parker, Clement, McConnell, and Shedd). 4 did not receive a hearing (Roberts, Cook, Sutton, and Boyle), 1 received a hearing but not a committee or floor vote (Estrada), and 1 received a hearing but not a floor vote (Owen). [Note: Each of the previous three Presidents enjoyed a 100% confirmation rate for their first 11 circuit nominees, in under a year. President Reagan's first 11 circuit nominees were confirmed in an average of 39 days, President G.H.W. Bush's first 11 averaged 88 days, and President Clinton's first 11 averaged 115 days. None of their first 11 nominees waited more than 199 days before being confirmed.]

Hearing delay: As of November, 15 of President Bush's appeals court nominees waited more than a year for a hearing. That number is more than the number of appeals court nominees who had to wait a year for a hearing in the last 50 years combined.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Barbara Ledeen) (Barbara_Ledeen@src.senate.gov (Barbara Ledeen) [UNKNOWN] <Barbara_Ledeen@src.senate.gov>
CC: matthew e. smith/who/eop@eop [WHO] <matthew e. smith>;wendy.j.keefer@usdoj.gov [UNKNOWN] <wendy.j.keefer@usdoj.gov>;tim goeglein/who/eop@eop [WHO] <tim goeglein>
Sent: 11/20/2002 2:54:07 AM
Subject: : Re: Meeting Thursday

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-NOV-2002 07:54:07.00
SUBJECT:: Re: Meeting Thursday
TO:Barbara_Ledeen@src.senate.gov (Barbara Ledeen) (Barbara_Ledeen@src.senate.gov (Barbara Ledeen) [UNKNOWN])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:wendy.j.keefer@usdoj.gov (wendy.j.keefer@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:tim goeglein (CN=tim goeglein/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I am unlikely to be able to attend because of a departure lunch for Tim Flanigan that I need to (and want to) attend. Apologies.

Barbara_Ledeen@src.senate.gov (Barbara Ledeen)
11/19/2002 06:26:35 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, wendy.j.keefer@usdoj.gov
cc:
Subject: Meeting Thursday

Good evening--We are almost at the conclusion of the 107th session of the Senate. There will be an important meeting of the judicial coalition on THURSDAY, NOVEMBER 21 from 12:15-1:30 in Senator Hatch's office, Hart 104. Sen
Hatch will be attending. Please rsvp to me by email. Thank you very much.

Barbara Ledeen
Director of Coalitions
Senate Republican Conference
202-224-2763

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly Ellison/WHO/EOP@EOP [WHO] <Kimberly Ellison>
Sent: 11/20/2002 2:55:47 AM
Subject: : Re: Request from Barry
Attachments: P_TP5TB003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-NOV-2002 07:55:47.00
SUBJECT:: Re: Request from Barry
TO:Kimberly Ellison (CN=Kimberly Ellison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

can we talk this morning?

Kimberly Ellison
11/15/2002 10:57:41 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Request from Barry

I'll call you on this.

- Ltr from Barry Jackson 11-14-02.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TP5TB003_WHO.TXT_1>

Barry, Please feel free to make any necessary changes, then print on White House stationery and fax to me at 601-982-8673. Billy

DRAFT

Mr. William J. Van Devender
Southern Timber Venture
P. O. Box 5327
Jackson, MS 39296-5327

Dear Billy:

It was a pleasure speaking with you today regarding our November 21 meeting in Washington concerning President Bush's new Healthy Forest initiative, which will impact not only U.S. forestlands, but also all private lands and the timber manufacturing industry in the U.S. As we discussed, this is to be a plan in which the businessmen, conservationist, and Administration work together implementing favorable results for everyone. We particularly need the input from public and private industry so as to make sure we do not do anything to exacerbate the already depressed timber economy.

I would appreciate very much you letting your associates know how important this issue is to myself, Karl Rove and President Bush. He is taking a very active role and wants to see this completed in the near future. Please contact the following associates regarding this meeting next week and I will be glad to talk, if necessary, to anyone to let them know how important it is to seek their advice and counsel.

Mr. Ken Hines, John Hancock
Mr. Fred Stimpson, Stimpson Lumber
Mr. James Cummins, Wildlife MS
Mr. Marshall Thomas, F & W Forestry
Mr. Robert P. Crozer, Wayham Capitol
Mr. Otis Ingram, Ingram & LeGrand Lumber

I will need confirmation from these gentlemen as soon as possible so that we may make arrangements at the Capitol Hilton.

Sincerely,

Barry Jackson
CC: Mr. Karl Rove
Mr. Chris Henick
Mr. Bill Green

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/20/2002 3:00:49 AM
Subject: : Re: Enron document review room

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-NOV-2002 08:00:49.00
SUBJECT:: Re: Enron document review room
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Hana will know, but I think there is nothing there.

Elizabeth N. Camp
11/19/2002 08:52:45 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Enron document review room

To be clear I am talking about the room that is on the 17th St side of the OEOB.

Is there anything in there?

We need that room for Nanette to have OGE people in there the week of Dec. 2-7 for "program review".

Please let me know if this isn't doable for some reason.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/20/2002 7:17:53 AM
Subject: : Signing ceremonies

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-NOV-2002 12:17:53.00
SUBJECT:: Signing ceremonies
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Reminder - Judge is out Friday, Nov. 22 - Friday, Nov. 29th so he'll miss these.

---------- Forwarded by Elizabeth N. Camp/WHO/EOP on 11/20/2002 12:08 PM ----------

Brett M. Kavanaugh
11/20/2002 12:07:35 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, AGonzale@who.eop.gov, Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Signing ceremonies

Homeland signing ceremony is monday 25th and terrorism insurance signing ceremony is tuesday 26th.

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>
Sent: 11/20/2002 3:56:43 AM
Subject: : question

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-NOV-2002 08:56:43.00
SUBJECT:: question
TO:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Can Ken do a 10:30 today with Judge and Tim and me. it is important, but
would last no more than 15-20 minutes. thanks
```

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/20/2002 4:09:46 AM
Subject: : Is the 10:30 tim you asked for w/ ARG and Tim w/ Mehlman, Brad and Helgi?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-NOV-2002 09:09:46.00
SUBJECT:: Is the 10:30 tim you asked for w/ ARG and Tim w/ Mehlman, Brad and Helgi?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Henry C. Hager/WHO/EOP@EOP [WHO] <Henry C. Hager>
Sent: 11/20/2002 4:11:57 AM
Subject: : Re: Nurse of the Year

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-NOV-2002 09:11:57.00
SUBJECT:: Re: Nurse of the Year
TO:Henry C. Hager (CN=Henry C. Hager/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

Henry C. Hager
11/20/2002 08:05:59 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Nurse of the Year

I don't believe so. Should I have Ciafardini vet?

Brett M. Kavanaugh
11/20/2002 07:59:06 AM
Record Type: Record

To: Henry C. Hager/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Nurse of the Year

Has someone done background on these 2?

Henry C. Hager
11/19/2002 08:02:56 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Nurse of the Year

I'm not sure if Izzy sent you this paperwork but we received a request for the President to take a photo with Ernest Grant, Nursing Spectrum's nurse of the year, and Patti Rager, President and Publisher of Nursing Spectrum. Let me know if you want me to send the paperwork to you.

Thanks for your help.

From: CN=Raquel Cabral/OU=WHO/O=EOP [WHO]

To: Carolyn Nelson/WHO/EOP@EOP [WHO] <Carolyn Nelson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@EOP [WHO] <Charlotte L. Montiel>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>

Sent: 11/20/2002 8:11:15 AM

Subject: : Holiday Open House Reminder

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-NOV-2002 13:11:15.00
SUBJECT:: Holiday Open House Reminder
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Just wanted to remind everyone that you need to RSVP for the Holiday Tour
by the 25th of November. (Reply through the EOP Home page - Invitation
code is 14120)
Thanks!
```

From: CN=Christal R. West/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/20/2002 4:29:10 AM
Subject: : Re: Friday, November 22 -- Brian's Farewell

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-NOV-2002 09:29:10.00
SUBJECT:: Re: Friday, November 22 -- Brian's Farewell
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks.

Brett M. Kavanaugh
11/20/2002 09:23:02 AM
Record Type: Record

To: Christal R. West/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Friday, November 22 -- Brian's Farewell

I'll be there

Christal R. West
11/19/2002 12:42:36 PM
Record Type: Non-Record

To: See the distribution list at the bottom of this message
cc: hgandy@dubersteingroup.com @ inet, ltarplin@ob-cgroup.com @ inet, martin.mcguinness@wc.ey.com
Subject: Friday, November 22 -- Brian's Farewell

Please join us for drinks to bid farewell to Brian Conklin!!

Friday, November 22, 2002
The Occidental

5:30-6:30pm

Please call Christal at 456-6620 with any questions.
Thank you and we look forward to seeing you there!

Message Sent
To:_____
Ziad S. Ojakli/WHO/EOP@EOP
Christine Ciccone/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP
Dirksen Lehman/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
Alison Jones/WHO/EOP@EOP

Daniel M. McCarthy/WHO/EOP@EOP
Ashley Holbrook/WHO/EOP@EOP
Candida P. Wolff/OVP/EOP@EOP
Stephen S. Ruhlen/OVP/EOP@EOP
Eric C. Pelletier/OMB/EOP@EOP
Danielle M. Simonetta/OMB/EOP@EOP
Christine M. Burgeson/OMB/EOP@EOP
George M. Andricos/NSC/EOP@EOP
Wendy J. Grubbs/WHO/EOP@EOP
Frank Bonner/WHO/EOP@EOP
Michael Allen/WHO/EOP@EOP
Julie L. Nichols/WHO/EOP@EOP
Adam B. Ingols/WHO/EOP@EOP
Lindley Kratovil/OVP/EOP@EOP
Lauren C. Lobrano/OMB/EOP@EOP
Maureen R. O'Brien/OSTP/EOP@EOP
Debbie S. Fiddelke/CEQ/EOP@EOP
Christine E. Morden/ONDCP/EOP@EOP
Thais C. Conway/WHO/EOP@EOP
Lavin Gartland/ONDCP/EOP@EOP
Joshua B. Bolten/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Alan Gilbert/OPD/EOP@EOP
Elizabeth S. Dougherty/OPD/EOP@EOP
Kevin Warsh/OPD/EOP@EOP
Margaret M. Spellings/OPD/EOP@EOP
Keith Hennessey/OPD/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@EOP
Richard M. Russell/OSTP/EOP@EOP
William D. Badger/OPD/EOP@EOP
Eleanor L. Gillmor/OPD/EOP@EOP
bob.schellhaus@mail.house.gov @ inet
brett.loper@mail.house.gov @ inet
brett.shogren@mail.house.gov @ inet
tim.berry@mail.house.gov @ inet
chris.cox@mail.house.gov @ inet
dan.flynn@mail.house.gov @ inet
dave.marventano@mail.house.gov @ inet
gregg.hartley@mail.house.gov @ inet
kathryn.lehman@mail.house.gov @ inet
kblalock@fierce-isakowitz.com @ inet
steve.pinkos@mail.house.gov @ inet
seth.webb@mail.house.gov @ inet

From: CN=Lauren J. Vestewig/OU=OPD/O=EOP [OPD]
To: Adam B. Goldman/WHO/EOP@EOP [WHO] <Adam B. Goldman>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Kevin Warsh/OPD/EOP@EOP [OPD] <Kevin Warsh>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: Emily Winland/OPD/EOP@EOP [OPD] <Emily Winland>;Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>
Sent: 11/20/2002 4:48:18 AM
Subject: : Meeting with Catherine Crier

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP [ OPD ] )
CREATION DATE/TIME:20-NOV-2002 09:48:18.00
SUBJECT:: Meeting with Catherine Crier
TO:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
CC:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
CC:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Catherine Crier is coming on Friday 11/22 at 9:00 to discuss tort reform.
She has a show on CourtTV and has written a book called The Case Against
Lawyers. The meeting will be in Jay's office. Please let me know if you
can make it. Thanks.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lauren J. Vestewig/OPD/EOP@EOP [OPD] <Lauren J. Vestewig>
CC: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 11/20/2002 4:49:07 AM
Subject: : Re: Meeting with Catherine Crier

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-NOV-2002 09:49:07.00
SUBJECT:: Re: Meeting with Catherine Crier
TO:Lauren J. Vestewig (CN=Lauren J. Vestewig/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

I will be there.

Lauren J. Vestewig
11/20/2002 09:45:33 AM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Kevin Warsh/OPD/EOP@EOP, Adam B. Goldman/WHO/EOP@EOP
cc: Diana L. Schacht/OPD/EOP@EOP, Emily Winland/OPD/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@EOP
Subject: Meeting with Catherine Crier

Catherine Crier is coming on Friday 11/22 at 9:00 to discuss tort reform. She has a show on CourtTV and has written a book called The Case Against Lawyers. The meeting will be in Jay's office. Please let me know if you can make it. Thanks.

From: Charnes, Adam <Adam.Charnes@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/20/2002 4:56:26 AM
Subject: : Re: Vacancies

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Charnes, Adam" <Adam.Charnes@usdoj.gov> ( "Charnes, Adam" <Adam.Charnes@usdoj.gov>
[ UNKNOWN ] )
CREATION DATE/TIME:20-NOV-2002 09:56:26.00
SUBJECT:: Re: Vacancies
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

This message is a Read Receipt Notification

Your Message : Re: Vacancies
Was Read By : Adam.Charnes@usdoj.gov
On : Wed, 20 Nov 2002 9:31:55 -0500
```

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/20/2002 5:07:11 AM
Subject: : Congrats on Terrorism Insurance.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ( "Dinh, Viet" <Viet.Dinh@usdoj.gov> [ UNKNOWN ]
)
CREATION DATE/TIME:20-NOV-2002 10:07:11.00
SUBJECT:: Congrats on Terrorism Insurance.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 11/20/2002 5:32:23 AM
Subject: : Re: MD lawyer

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-NOV-2002 10:32:23.00
SUBJECT:: Re: MD lawyer
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I will get on this. Which county?

Timothy E. Flanigan
11/20/2002 08:05:04 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject: MD lawyer

Brett,

Can you recommend a MD real estate lawyer with some litigation experience?

Tim

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]

To: Carolyn Nelson/WHO/EOP@EOP [WHO] <Carolyn Nelson>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Raquel Cabral/WHO/EOP@EOP [WHO] <Raquel Cabral>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Charlotte L. Montiel/WHO/EOP@EOP [WHO] <Charlotte L. Montiel>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>

Sent: 11/20/2002 6:23:38 AM

Subject: : Staff Meeting Schedule

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-NOV-2002 11:23:38.00
SUBJECT:: Staff Meeting Schedule
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Timothy E. Flanigan ( CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brent D. Greenfield ( CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
```

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
End Original ARMS Header

Due to Thanksgiving holiday we will not have a staff meeting on Thursday,
Nov. 28 or Friday, Nov. 29.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 11/20/2002 6:30:39 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-NOV-2002 11:30:39.00
SUBJECT::
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
###### End Original ARMS Header ######

have you seen draft of NEPDG appeal papers?
```

From: CN=Ashley Snee/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/20/2002 6:41:37 AM
Subject: : BACKGROUND INFORMATION: JUDICIAL NOMINATIONS STATISTICS
Attachments: P_CHJTB003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-NOV-2002 11:41:37.00
SUBJECT:: BACKGROUND INFORMATION: JUDICIAL NOMINATIONS STATISTICS
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

this looks right - is it?
---------- Forwarded by Ashley Snee/WHO/EOP on 11/20/2002 11:41 AM ----------

"Duckett, Josie" <Josie.Duckett@usdoj.gov>
11/20/2002 11:34:17 AM
Record Type: Record

To:
cc:
Subject: BACKGROUND INFORMATION: JUDICIAL NOMINATIONS STATISTICS

Attached please find some statistical information on judicial nominees for background use.

- Jud Nom stats - 11-20-02.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_CHJTB003_WHO.TXT_1>

Circuit and District Court Judicial Nominations

First Two Years of Recent Administrations

(Bush Nomination Tallies as of November 20, 2002)

President	Congress	TOTAL Nominations Submitted	TOTAL Nominations Confirmed	Circuit Nominations Submitted	Circuit Nominations Confirmed	District Nominations Submitted	District Nominations Confirmed
Bush 43 2001-2002	107th	131	100 (76%)	32	17 (53%)	99	83 (84%)
Clinton 1993-1994	103rd	140	126 (90%)	22	19 (86%)	118	107 (91%)
Bush 41 1989-1990	101st	74	70 (95%)	23	22 (96%)	51	48 (94%)
Reagan 1981-1982	97th	88	87 (99%)	20	19 (95%)	68	68 (100%)
Carter 1977-1978	95th	69	64 (93%)	13	13 (100%)	56	51 (91%)

Vacancies: as of Nov. 20 at the end of the second year of each Administration: Clinton = 59 (7.0%), Bush 41 = 37 (4.9%), Reagan = 23 (3.4%) -- Current Vacancies: Bush = 60 (7.0%) [Note: 15% vacancy rate in circuit courts; 5% vacancy rate in district courts]

Of President Bush's first 11 circuit nominations announced May 9, 2001: 5 were confirmed (Gregory, Parker, Clement, McConnell, and Shedd). 4 did not receive a hearing (Roberts, Cook, Sutton, and Boyle), 1 received a hearing but not a committee or floor vote (Estrada), and 1 received a hearing but not a floor vote (Owen). [Note: Each of the previous three Presidents enjoyed a 100% confirmation rate for their first 11 circuit nominees, in under a year. President Reagan's first 11 circuit nominees were confirmed in an average of 39 days, President G.H.W. Bush's first 11 averaged 88 days, and President Clinton's first 11 averaged 115 days. None of their first 11 nominees waited more than 199 days before being confirmed.]

Hearing delay: As of November, 15 of President Bush's appeals court nominees waited more than a year for a hearing. That number is more than the number of appeals court nominees who had to wait a year for a hearing in the last 50 years combined.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 11/20/2002 6:43:05 AM
Subject: : Re: BACKGROUND INFORMATION: JUDICIAL NOMINATIONS STATISTICS
Attachments: P_0MJTB003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-NOV-2002 11:43:05.00
SUBJECT:: Re: BACKGROUND INFORMATION: JUDICIAL NOMINATIONS STATISTICS
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

Ashley Snee
11/20/2002 11:38:51 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: BACKGROUND INFORMATION: JUDICIAL NOMINATIONS STATISTICS

this looks right - is it?
---------- Forwarded by Ashley Snee/WHO/EOP on 11/20/2002 11:41 AM ----------

"Duckett, Josie" <Josie.Duckett@usdoj.gov>
11/20/2002 11:34:17 AM
Record Type: Record

To:
cc:
Subject: BACKGROUND INFORMATION: JUDICIAL NOMINATIONS STATISTICS

Attached please find some statistical information on judicial nominees for background use.

- Jud Nom stats - 11-20-02.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_0MJTB003_WHO.TXT_1>

Circuit and District Court Judicial Nominations

First Two Years of Recent Administrations

(Bush Nomination Tallies as of November 20, 2002)

President	Congress	TOTAL Nominations Submitted	TOTAL Nominations Confirmed	Circuit Nominations Submitted	Circuit Nominations Confirmed	District Nominations Submitted	District Nominations Confirmed
Bush 43 2001-2002	107th	131	100 (76%)	32	17 (53%)	99	83 (84%)
Clinton 1993-1994	103rd	140	126 (90%)	22	19 (86%)	118	107 (91%)
Bush 41 1989-1990	101st	74	70 (95%)	23	22 (96%)	51	48 (94%)
Reagan 1981-1982	97th	88	87 (99%)	20	19 (95%)	68	68 (100%)
Carter 1977-1978	95th	69	64 (93%)	13	13 (100%)	56	51 (91%)

Vacancies: as of Nov. 20 at the end of the second year of each Administration: Clinton = 59 (7.0%), Bush 41 = 37 (4.9%), Reagan = 23 (3.4%) -- Current Vacancies: Bush = 60 (7.0%) [Note: 15% vacancy rate in circuit courts; 5% vacancy rate in district courts]

Of President Bush's first 11 circuit nominations announced May 9, 2001: 5 were confirmed (Gregory, Parker, Clement, McConnell, and Shedd). 4 did not receive a hearing (Roberts, Cook, Sutton, and Boyle), 1 received a hearing but not a committee or floor vote (Estrada), and 1 received a hearing but not a floor vote (Owen). [Note: Each of the previous three Presidents enjoyed a 100% confirmation rate for their first 11 circuit nominees, in under a year. President Reagan's first 11 circuit nominees were confirmed in an average of 39 days, President G.H.W. Bush's first 11 averaged 88 days, and President Clinton's first 11 averaged 115 days. None of their first 11 nominees waited more than 199 days before being confirmed.]

Hearing delay: As of November, 15 of President Bush's appeals court nominees waited more than a year for a hearing. That number is more than the number of appeals court nominees who had to wait a year for a hearing in the last 50 years combined.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/20/2002 6:47:43 AM
Subject: : 11:30 Thurs

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-NOV-2002 11:47:43.00
SUBJECT:: 11:30 Thurs
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Hold 11:30 tomorrow for a meeting w/ Hatch and Lott staff on judicial
protocol. It will likely be in Lott's office, but I'll let you know.
```

From: CN=Ashley Snee/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/21/2002 7:17:31 AM
Subject: : Re: question

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-NOV-2002 12:17:31.00
SUBJECT:: Re: question
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

oh good. my favorite. yeah, i'll call him.
```

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/21/2002 7:19:43 AM
Subject: : Kyle Simmons meeting at 11am

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-NOV-2002 12:19:43.00
SUBJECT:: Kyle Simmons meeting at 11am
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

moved it back to 11:00am....
```

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO /EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 11/21/2002 3:40:37 AM
Subject: : Interview

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-NOV-2002 08:40:37.00
SUBJECT:: Interview
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Can someone help me out with an E.D. Ark. interview this morning at 10:00
in my office?
```

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 11/21/2002 4:36:52 AM
Subject: : I need to know ASAP

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-NOV-2002 09:36:52.00
SUBJECT:: I need to know ASAP
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

if one of you can not go to the lunch today. So, if something comes up at
the last minute, please call me 66627 IMMEDIATELY.
```

From: CN=Carolyn Nelson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/21/2002 6:04:18 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-NOV-2002 11:04:18.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

will you give me a buzz when you are back in your office? I have a
Political TEFOS question....lucky you!
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Charnes, Adam <Adam.Charnes@usdoj.gov>
CC: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 11/21/2002 6:25:23 AM
Subject: : Re: W.D. Va.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-NOV-2002 11:25:23.00
SUBJECT:: Re: W.D. Va.
TO:"Charnes, Adam" <Adam.Charnes@usdoj.gov> ("Charnes, Adam" <Adam.Charnes@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Helgi is. I have cc'ed her on this e-mail.

"Charnes, Adam" <Adam.Charnes@usdoj.gov>
11/21/2002 11:17:51 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: W.D. Va.

Who is in charge of this vacancy? What I am really looking for, if you know, is what the process is in Va. with Allen and Warner.

Thanks.

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/21/2002 6:36:21 AM
Subject: : Re:

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP [ OVP ] )
CREATION DATE/TIME:21-NOV-2002 11:36:21.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I like your Snee-handle-it-no-comment advice. (And I wish Judge Bates
would issue his opinion!)
```

From: Hungar, Thomas G. <THungar@gibsondunn.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/21/2002 10:54:26 AM
Subject: : FW: PRESS RELEASE - Tyco Appoints Timothy E. Flanigan GeneralCounsel , Corporate and International - 11.21.02

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Hungar, Thomas G." <THungar@gibsondunn.com> ("Hungar, Thomas G." <THungar@gibsondunn.com> [UNKNOWN])
CREATION DATE/TIME:21-NOV-2002 15:54:26.00
SUBJECT:: FW: PRESS RELEASE - Tyco Appoints Timothy E. Flanigan GeneralCounsel , Corporate and International - 11.21.02
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI. I guess that makes it official.

Tyco Appoints Timothy E. Flanigan General Counsel, Corporate and International
Law

PR News Wire via Dow Jones

PEMBROKE, Bermuda, Nov. 21 /PRNewswire-FirstCall/ -- Tyco International Ltd.
(NYSE: TYC, BSX: TYC, LSE: TYI) announced today that Timothy E. Flanigan has
been appointed General Counsel, Corporate and International Law, for the Company. Mr. Flanigan will be responsible for corporate and international legal
functions for Tyco, including corporate governance and compliance programs. He
will report to Tyco General Counsel William B. Lytton.

Mr. Flanigan was most recently Deputy Counsel and Deputy Assistant to President George W. Bush. Prior to serving on the current President's staff,
Mr. Flanigan was a partner with the international law firm of White & Case LLP.
Earlier Mr. Flanigan served as Assistant Attorney General for the Office of Legal Counsel at the U.S. Department of Justice. In this role, he was a principal legal advisor for then-President George Bush, the Attorney General
and
the heads of executive branch agencies. From 1985 to 1986 he served as senior
law clerk to the late Chief Justice Warren E. Burger and is the author of the
forthcoming authorized biography of Chief Justice Burger.

Mr. Lytton said, "Tim Flanigan is representative of the outstanding talent
we
are attracting to this Company. He has an impeccable reputation for integrity
and is highly respected for his counseling skills. Tim will bring important
leadership as we build our legal staff and we are very pleased to welcome him as
the newest member of the Tyco management team."

Mr. Flanigan said, "Tyco is moving forward with plans to enhance the company's business performance while instilling the best practices of corporate governance and ethics from top to bottom. I am very excited about working with Bill Lytton and the other executives at Tyco who are dedicated to assembling a world-class business organization."

Mr. Flanigan holds an undergraduate degree from Brigham Young University and a law degree from the University of Virginia. He currently resides in Great Falls, Virginia, with his wife and children.

ABOUT TYCO INTERNATIONAL LTD.

Tyco International Ltd. is a diversified manufacturing and service company. Tyco is the world's largest manufacturer and servicer of electrical and electronic components; the world's largest designer, manufacturer, installer and servicer of undersea telecommunications systems; the world's largest manufacturer, installer and provider of fire protection systems and electronic security services and the world's largest manufacturer of specialty valves. Tyco also holds strong leadership positions in medical device products, and plastics and adhesives. Tyco operates in more than 100 countries and had fiscal 2002 revenues from continuing operations of approximately $36 billion.

FORWARD LOOKING STATEMENTS

This release may contain certain "forward-looking statements" within the meaning of the United States Private Securities Litigation Reform Act of 1995. These statements are based on management's current expectations and are subject to risks, uncertainty and changes in circumstances, which may cause actual results, performance or achievements to differ materially from anticipated results, performance or achievements. All statements contained herein that are not clearly historical in nature are forward looking and the words "anticipate," "believe," "expect," "estimate," "plan," and similar expressions are generally intended to identify forward-looking statements. The forward-looking statements in this release include statements addressing the following subjects: future financial condition and operating results. Economic, business, competitive and/or regulatory factors affecting Tyco's businesses are examples of factors, among others, that could cause actual results to differ materially from those described in the forward-looking statements.

More detailed information about these and other factors is set forth in Tyco's Annual Report on Form 10-K for the fiscal year ended September 30, 2001, and in Tyco's Quarterly Report on Form 10-Q for the quarter ended June 30, 2002. Tyco is under no obligation to (and expressly disclaims any such obligation to) update or alter its forward-looking statements whether as a result of new information, future events or otherwise.

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/CONTACT: Gary Holmes (Media), +1-212-424-1314, or Kathy Manning (Investors), +1-603-778-9700, both of Tyco/
11:48 EST

0827 11/21/2002 11:48 EST
DJPRviaNewsEdge

:TICKER: TYC
:SUBJECT: INDD CMAN HYBM BERM

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Received By NewsEDGE/LAN:Thu Nov 21 11:48:50 2002

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This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

==========
===

From: Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/21/2002 8:23:21 AM
Subject: : AZ vacancy

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (
Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [ UNKNOWN ] )
CREATION DATE/TIME:21-NOV-2002 13:23:21.00
SUBJECT:: AZ vacancy
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett
The vacancy will be in Phoenix, not Tucson. I'll press ahead as we
discussed yesterday.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 11/21/2002 8:35:54 AM
Subject: : use general "Karl Rove" letterhead per your question

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-NOV-2002 13:35:54.00
SUBJECT:: use general "Karl Rove" letterhead per your question
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 11/21/2002 2:24:00 PM
Subject: : idea

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-NOV-2002 19:24:00.00
SUBJECT:: idea
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Drunk driving statistics today were alarming. Major human and economic costs to society in terms of lives lost, injuries suffered, health care costs incurred, and overall economic impact. I wonder if there is an opportunity to do something here at the federal level.

From: Campen, Tim
To: <Howard, Jack>;<Kavanaugh, Brett M.>
Sent: 11/21/2002 4:30:17 PM
Subject: Treas/Posta Staffer questions

Below are 2 emailed questions that we got some time ago from the Minority and have either not answered yet or the answers we gave spawned more questions. Since we are about to implement a new procedure---- whereby all Hill questions will come in writing to your offices first and then you'll determine which will be "farmed out" for answers that you'll provide the formal answer back to the Committee---- I wonder if we should use these questions as the first one's to be handled by this new procedure?? If so, you can send them the notification letter to this effect and then follow the new procedure if they ask these questions via a letter from the Chairman or ranking Minority Member... whatcha' think??

Tim

Liz --

We've already approved the VP's reprogramming so it's a little late to be mentioning this but...

in the e-mail below, Chip asked for a list of all VP travel in FEY and FEY. The lists we were provided seem to leave off dozens of trips. I noticed this when I was looking back to see when he visited my hometown -- Fayetteville, AR. It's nowhere to be found on the list. As I looked further, I don't see most of the VP's trips. In April alone, I found mentions in the news of Cheney travel to Denver, Fayetteville, Charleston WV, Richmond, Long Island, Ft. Lauderdale and Orlando that aren't on the list. Also, what happened to the 100% political trips? Why aren't they on the list?

We asked for all the trips -- not just some of the list. Now that I've noticed so many trips missing, I'd like to see the entire list as originally requested (excluding travel to secure locations). I'd also like a list of the traveling VP staff positions that are classified as "official" travelers even on a 100% political trip.

I know you have a lot going so we can talk about this after the current CR crisis subsides. I just noticed this today and wanted to get it to you for a response as soon as possible.

Thanks.

Mike

Liz --

I have a couple of questions about reimbursements for political activities.

1) Who reimbursed the Executive Residence for the White House reception for Congressional leadership held earlier this week (on the 16th, I think)? Has the organization been billed for this event yet? Has the organization paid the bill yet?

2) What steps have been taken to reimburse the government for the political activity undertaken by Jennifer Hugo when she sent political e-mails using her official EOP e-mail account? What is the formula for determining the cost to the government of this political activity? What is the amount to be reimbursed to the government? To which organization was the bill sent? Has the organization reimbursed the government yet? To which EOP agency will the reimbursement be credited?

Thanks.

Mike

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: wittesb@washpost.com @ inet [UNKNOWN] <wittesb@washpost.com @ inet>
Sent: 11/21/2002 1:47:47 PM
Subject: : BACKGROUND INFORMATION: JUDICIAL NOMINATIONS STATISTICS
Attachments: P_82GVB003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-NOV-2002 18:47:47.00
SUBJECT:: BACKGROUND INFORMATION: JUDICIAL NOMINATIONS STATISTICS
TO:wittesb@washpost.com @ inet (wittesb@washpost.com @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

- Jud Nom stats - 11-20-02.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_82GVB003_WHO.TXT_1>

Circuit and District Court Judicial Nominations

First Two Years of Recent Administrations

(Bush Nomination Tallies as of November 20, 2002)

President	Congress	TOTAL Nominations Submitted	TOTAL Nominations Confirmed	Circuit Nominations Submitted	Circuit Nominations Confirmed	District Nominations Submitted	District Nominations Confirmed
Bush 43 2001-2002	107th	131	100 (76%)	32	17 (53%)	99	83 (84%)
Clinton 1993-1994	103rd	140	126 (90%)	22	19 (86%)	118	107 (91%)
Bush 41 1989-1990	101st	74	70 (95%)	23	22 (96%)	51	48 (94%)
Reagan 1981-1982	97th	88	87 (99%)	20	19 (95%)	68	68 (100%)
Carter 1977-1978	95th	69	64 (93%)	13	13 (100%)	56	51 (91%)

Vacancies: as of Nov. 20 at the end of the second year of each Administration: Clinton = 59 (7.0%), Bush 41 = 37 (4.9%), Reagan = 23 (3.4%) -- Current Vacancies: Bush = 60 (7.0%) [Note: 15% vacancy rate in circuit courts; 5% vacancy rate in district courts]

Of President Bush's first 11 circuit nominations announced May 9, 2001: 5 were confirmed (Gregory, Parker, Clement, McConnell, and Shedd). 4 did not receive a hearing (Roberts, Cook, Sutton, and Boyle), 1 received a hearing but not a committee or floor vote (Estrada), and 1 received a hearing but not a floor vote (Owen). [Note: Each of the previous three Presidents enjoyed a 100% confirmation rate for their first 11 circuit nominees, in under a year. President Reagan's first 11 circuit nominees were confirmed in an average of 39 days, President G.H.W. Bush's first 11 averaged 88 days, and President Clinton's first 11 averaged 115 days. None of their first 11 nominees waited more than 199 days before being confirmed.]

Hearing delay: As of November, 15 of President Bush's appeals court nominees waited more than a year for a hearing. That number is more than the number of appeals court nominees who had to wait a year for a hearing in the last 50 years combined.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly A. Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>
Sent: 11/21/2002 1:49:14 PM
Subject: : forms are signed and on my chair

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-NOV-2002 18:49:14.00
SUBJECT:: forms are signed and on my chair
TO:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 11/21/2002 2:24:00 PM
Subject: : idea

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-NOV-2002 19:24:00.00
SUBJECT:: idea
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Drunk driving statistics today were alarming. Major human and economic costs to society in terms of lives lost, injuries suffered, health care costs incurred, and overall economic impact. I wonder if there is an opportunity to do something here at the federal level.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/22/2002 4:38:28 AM
Subject: : pick up at 9:50

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-NOV-2002 09:38:28.00
SUBJECT:: pick up at 9:50
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I have a car coming to EW at 9:50 to go to Dirksen if you want to jump
in....
```

From: CN=Kevin Warsh/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Dennis J. Walsh/WHO/EOP@EOP [WHO] <Dennis J. Walsh>;Kristen Silverberg/WHO /EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/22/2002 9:22:31 AM
Subject: : Re: Edited (rough) draft paragraph

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP [ OPD ] )
CREATION DATE/TIME:22-NOV-2002 14:22:31.00
SUBJECT:: Re: Edited (rough) draft paragraph
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Dennis J. Walsh ( CN=Dennis J. Walsh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

i think shorter is better; let treas sec letter be separate
```

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jay P. Lefkowitz/OPD /EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 11/22/2002 6:34:54 AM
Subject: : Re: Friday Fax/European Parliament calls for total ban on humancloning-Forwarded -Reply -Reply

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-NOV-2002 11:34:54.00
SUBJECT:: Re: Friday Fax/European Parliament calls for total ban on humancloning-Forwarded -Reply -Reply
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

fyi

tsg

---------- Forwarded by Tim Goeglein/WHO/EOP on 11/22/2002 11:34 AM ----------

Richard Doerflinger <RDoerflinger@usccb.org>
11/22/2002 10:33:49 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
Subject: Re: Friday Fax/European Parliament calls for total ban on humancloning-Forwarded -Reply -Reply

Just sent you another "good news," to help your peaceful slumber. Ohio has passed a new state ban on assisted suicide. The state had no specific statute on the issue before, and the legal situation had been so unclear that Jack Kevorkian once offered to move to Ohio to continue his work.

By the way, someone in the White House should be aware that at its December 7-11 House of Delegates meeting in New Orleans, the American Medical Association has to vote on a resolution from the California Medical Association (who else?) urging the AMA to file an amicus curiae brief AGAINST attorney general Ashcroft on his efforts to enforce the federal Controlled Substances Act in Oregon. I am told it might pass. Hint: If the Administration sends an envoy to testify at the Reference Committee hearing on this, please don't let it be Dan Brock!

Rich D.

From: CN=Matthew Kirk/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: kevin warsh/opd/eop@eop [OPD] <kevin warsh>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;brian c. conklin/who/eop@eop [WHO] <brian c. conklin>
Sent: 11/22/2002 9:18:47 AM
Subject: : Re: Draft memos possibly to be transmitted Tuesday -- terrorism insurance

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-NOV-2002 14:18:47.00
SUBJECT:: Re: Draft memos possibly to be transmitted Tuesday -- terrorism insurance
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:kevin warsh ( CN=kevin warsh/OU=opd/O=eop@eop [ OPD ] )
READ:UNKNOWN
CC:kristen silverberg ( CN=kristen silverberg/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:brian c. conklin ( CN=brian c. conklin/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

looks great
```

From: CN=Raquel Cabral/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Carolyn Nelson/WHO /EOP@EOP [WHO] <Carolyn Nelson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@EOP [WHO] <Charlotte L. Montiel>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/22/2002 10:37:50 AM
Subject: : White House Christmas Party!

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-NOV-2002 15:37:50.00
SUBJECT:: White House Christmas Party!
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

The Counsel's office has been invited to the White House Christmas Party
with the President and the First Lady, on Tuesday, December 17th at 4:00
PM
Please RSVP through me by emailing:

1. Prefix
2. Your Full Legal Name
3. Your Name - the way you prefer it to be written in calligraphy on
```

invitation envelope
4. DOB
5. SS #
6. Marital Status

AND...

1. Prefix of Guest
2. Your Guest's Full Legal Name
3. Your Guest's Name - the way they prefer it to be written in calligraphy on invitation envelope
4. Your Guest's relationship to you (please don't leave this out!!)
5. Guest's DOB
6. Guest's SS #
7. Marital Status of Guest

Please send all information by December 6th!
If you do not know your guest name yet - just send your information now and get the additional name and info to me as soon as possible.
Thank you!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN] <Makan_Delrahim@judiciary.senate.gov>
Sent: 11/23/2002 11:48:49 AM
Subject: : blue slip

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-NOV-2002 16:48:49.00
SUBJECT:: blue slip
TO:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (
Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Can you FAX me the various Sen. Hatch blue slip letters from '96 and '97
to 202-456-5104. Thanks.
```

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@EOP [WHO] <Ashley Snee>
Sent: 11/23/2002 2:18:22 PM
Subject: : Jacksonville Times Union (11/23/02) EDITORIAL re: Politics: Fill the vacancies

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-NOV-2002 19:18:22.00
SUBJECT:: Jacksonville Times Union (11/23/02) EDITORIAL re: Politics: Fill the vacancies
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Saturday, November 23, 2002

Last modified at 12:38 a.m. on Saturday, November 23, 2002

POLITICS: Fill the vacancies

One of the top priorities of the U.S. Senate, when it convenes in January, should be to fill judicial openings.

Even with the confirmation of District Judge Dennis Shedd to an appellate court during the lame-duck session, there are still dozens of vacancies -- and that is causing a tremendous backlog of cases.

Most, if not all, of the nominees are well qualified in terms of legal expertise and judicial temperament. For the past two years, however, the Democratic leadership has refused to allow a floor vote on many of them.

With the Republicans now in control, at last the Senate is free to act.

That doesn't mean it will be easy to get them confirmed. The Democratic leadership wants only judges committed to pursuing a liberal political agenda from the bench -- and most of President Bush's nominees, believing judges should litigate instead of legislate, wouldn't do that.

The Democratic leadership says it may filibuster against some of them. The idea would be to shut down the Senate until the president withdraws the nominations -- an irresponsible strategy that would render Congress incapable of passing legislation, no matter how vital, during a particularly troubled period in American history when some leadership from Washington is sorely needed.

In 1998, Patrick Leahy, the Vermont Democrat who chairs the Senate Judiciary Committee, said, "I would ... fight against any filibuster on a judge, whether it is somebody I opposed or supported." At the time, a Democratic president was trying to get his judicial nominees confirmed by a Republican Senate.

A few days ago, however, Leahy said, "If there's a really bad nominee, I think a filibuster is merited." He spoke knowing that in a few weeks, a Republican president would be submitting his selections to a GOP Senate.

Leahy's situational ethics proves he and his partisan sidekicks are driven by politics, not principle. Apparently, he learned nothing from his party's Nov. 5 election defeat.

From: CN=Adam B. Goldman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/24/2002 7:14:59 AM
Subject: : Receptions
Attachments: P_ZJTWB003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-NOV-2002 12:14:59.00
SUBJECT:: Receptions
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Whom should I speak with to find out the guidelines on these requests? (I do not want to bother you with every request...but if you are the person, GREAT!)

.

----- Original Message -----
From:FNICHOLS@nam.org
To:Adam B. Goldman/WHO/EOP@EOP
Cc:
Date: 11/22/2002 06:34:47 PM
Subject: Date

The Council of Manufacturing Association, the NAM's 230 industrial sector specific trade groups, would like to host you for a cocktail meet and greet on any of the following dates -- January 9,14, 16.

Let me know what works!

Have a Happy Thanksgiving!

Frederic A. Nichols

Vice President, Government Affairs and Political Director

National Association of Manufacturers

1331 Pennsylvania Avenue, NW

Washington, DC 20004-1790

Tel. (202) 637-3119

Fax (202) 637-3182

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ZJTWB003_WHO.TXT_1>

The Council of Manufacturing Association, the NAM 's 230 industrial sector specific trade groups, would like to host you for a cocktail meet and greet on any of the following dates -- January 9,14, 16.

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Frederic A. Nichols
Vice President, Government Affairs and Political Director
National Association of Manufacturers
1331 Pennsylvania Avenue, NW
Washington, DC 20004-1790
Tel. (202) 637-3119
Fax (202) 637-3182

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Bradford A. Berenson/WHO /EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 11/24/2002 12:13:14 PM
Subject: : Washington Post editorial Sunday 11/24

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-NOV-2002 17:13:14.00
SUBJECT:: Washington Post editorial Sunday 11/24
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

War Over Judges

FOR MONTHS Senate Republicans and Democrats have been sparring over which side more severely abused the judicial confirmation process while in control. Democrats howl at the mistreatment of President Clinton's nominees by the Republican Senate. Republicans respond that President Bush's nominees have been victims of an unprecedented escalation. With the close of the 107th Congress, it is now possible to begin comparing the two. During Mr. Clinton's first two years as president he enjoyed a Democratic Senate keen to confirm his nominees, so the best period for comparison is the two years following his reelection in 1996. And for all the rhetoric, the performance of the Republican Senate in that 105th Congress was essentially identical to the Democratic Senate's performance in the Congress just past. Both confirmed exactly 100 judges. The spread between district court and circuit court nominees was similar, as was the number of vacancies at the end of the Congress and the number of nominees returned without a vote to the president. Sen. Patrick J. Leahy (D-Vt.) can take credit for doing the same work as his predecessor, Utah Republican Sen. Orrin G. Hatch, in a shorter period of time, because Democrats took over the Senate in midstream. And the number of confirmations during this Congress is significantly greater than the number of confirmations during the time that Mr. Clinton faced a Republican Senate in which Mr. Hatch slowed down confirmations in the run-up to presidential elections. But it seems wrong either to extol or decry Mr. Leahy's stewardship of the process as dramatically different from Mr. Hatch's during the most comparable period. Both moved a respectable number of judges overall and reduced vacancies. But both left relatively large numbers of nominees not acted upon at a time when individual courts were hurting, and both treated individual nominees quite unfairly.

So the problem is systemic, not resting in one or the other party. The answer is to adopt some version of President Bush's proposals for streamlining the nominations process. Mr. Bush suggests changes in Senate

rules to ensure timely votes irrespective of who is president or who controls the Senate. He should be willing to make gestures of reconciliation on this subject -- including showing some flexibility on nominations to key courts -- by way of demonstrating his commitment to a new start. But his calls for a reformed process should be heeded before the problems grow still worse.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 11/25/2002 3:57:35 AM
Subject: : work question

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-NOV-2002 08:57:35.00
SUBJECT:: work question
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Is President in town on Dec. 4, Dec. 18, Jan. 9, and Jan. 23?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam B. Goldman/WHO/EOP@EOP [WHO] <Adam B. Goldman>
CC: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>
Sent: 11/25/2002 3:41:51 AM
Subject: : Receptions
Attachments: P_7T1XB003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-NOV-2002 08:41:51.00
SUBJECT:: Receptions
TO:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I think Nanette is the right person to give you details. This is obviously part of your official functions.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 11/25/2002 08:43 AM ----------

Adam B. Goldman
11/24/2002 12:14:54 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Receptions

Whom should I speak with to find out the guidelines on these requests? (I do not want to bother you with every request...but if you are the person, GREAT!)

.

----- Original Message -----
From:FNICHOLS@nam.org
To:Adam B. Goldman/WHO/EOP@EOP
Cc:
Date: 11/22/2002 06:34:47 PM
Subject: Date

The Council of Manufacturing Association, the NAM's 230 industrial sector specific trade groups, would like to host you for a cocktail meet and greet on any of the following dates -- January 9,14, 16.

Let me know what works!

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Tel. (202) 637-3119

Fax (202) 637-3182

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7T1XB003_WHO.TXT_1>

The Council of Manufacturing Association, the NAM 's 230 industrial sector specific trade groups, would like to host you for a cocktail meet and greet on any of the following dates -- January 9,14, 16.

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Vice President, Government Affairs and Political Director
National Association of Manufacturers
1331 Pennsylvania Avenue, NW
Washington, DC 20004-1790
Tel. (202) 637-3119
Fax (202) 637-3182

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 11/25/2002 3:57:35 AM
Subject: : work question

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-NOV-2002 08:57:35.00
SUBJECT:: work question
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Is President in town on Dec. 4, Dec. 18, Jan. 9, and Jan. 23?
```

From: CN=Ashley Estes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/25/2002 3:59:13 AM
Subject: : Re: work question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-NOV-2002 08:59:13.00
SUBJECT:: Re: work question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

as of now - yes. the dec. dates are firm, but i'd be hesitant to commit to the january.

Brett M. Kavanaugh
11/25/2002 08:54:46 AM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
Subject: work question

Is President in town on Dec. 4, Dec. 18, Jan. 9, and Jan. 23?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 11/25/2002 4:01:57 AM
Subject: : Re: work question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-NOV-2002 09:01:57.00
SUBJECT:: Re: work question
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes, understand and just planning. When is the foreign trip in January?

Ashley Estes
11/25/2002 09:00:16 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
bcc:
Subject: Re: work question

as of now - yes. the dec. dates are firm, but i'd be hesitant to commit to the january.

Brett M. Kavanaugh
11/25/2002 08:54:46 AM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
Subject: work question

Is President in town on Dec. 4, Dec. 18, Jan. 9, and Jan. 23?

From: CN=Ashley Estes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/25/2002 4:02:54 AM
Subject: : Re: work question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-NOV-2002 09:02:54.00
SUBJECT:: Re: work question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

tentatively 10-17

Brett M. Kavanaugh
11/25/2002 08:59:09 AM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
bcc:
Subject: Re: work question

yes, understand and just planning. When is the foreign trip in January?

Ashley Estes
11/25/2002 09:00:16 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
bcc:
Subject: Re: work question

as of now - yes. the dec. dates are firm, but i'd be hesitant to commit to
the january.

Brett M. Kavanaugh
11/25/2002 08:54:46 AM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
Subject: work question

Is President in town on Dec. 4, Dec. 18, Jan. 9, and Jan. 23?

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/25/2002 4:58:46 AM
Subject: : Re: Another postponement of the footer meeting

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-NOV-2002 09:58:46.00
SUBJECT:: Re: Another postponement of the footer meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

OK. Make a liar out of me immediately. We'll push to Wednesday morning.
Are you around?

Brett M. Kavanaugh
11/25/2002 09:52:41 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Another postponement of the footer meeting

I will be at terrorism insurance signing at that time.

Bradford A. Berenson
11/25/2002 09:41:13 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Faisal M. Gill/WHO/EOP@EOP,
Edward McNally/WHO/EOP@EOP
cc: Gayle S. Worthy/WHO/EOP@EOP
Subject: Another postponement of the footer meeting

Because of Ed's scheduling conflict, we are moving the meeting to finally
resolve the footer issue to tomorrow morning at 9:00 a.m. in my office,
167 OEOB. We really can't move it again, because OA needs closure on this
to allow the Outlook rollout to move forward.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/25/2002 5:26:11 AM
Subject: : Re: Graham

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-NOV-2002 10:26:11.00
SUBJECT:: Re: Graham
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Lindsay Graham that is? so yes in House Judiciary Comm and no on the House floor?

Brett M. Kavanaugh
11/25/2002 09:34:46 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc:
Subject: Graham

Graham voted for class action bill in Committee. He did not vote on floor for some reason.

From: CN=Nanette Everson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/25/2002 7:17:11 AM
Subject: : Re: Tim's Gift

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-NOV-2002 12:17:11.00
SUBJECT:: Re: Tim's Gift
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

you're a gent; I'm still paying for (and digesting) my steak from last week; your 15 would make five (I have Bellinger, Francisco, Powell and me)

Brett M. Kavanaugh
11/23/2002 03:43:52 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: Tim's Gift

I am in for this, so remind me to give you the $15
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 11/23/2002 03:49 PM ----------

Noel J. Francisco
11/22/2002 11:13:30 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Tim's Gift

For those so inclined, please remember to give Nanette $15 for Tim's going away present.

Message Sent
To:_____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: G. Timothy Saunders/WHO/EOP@EOP [WHO] <G. Timothy Saunders>
Sent: 11/25/2002 11:30:39 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-NOV-2002 16:30:39.00
SUBJECT::
TO:G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Do we know what the Public Law number will be for the Terrorism Risk
Insurance Act of 2002, which President will sign tomorrow?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lauren McCord/WHO/EOP@EOP [WHO] <Lauren McCord>
CC: cathy alix/who/eop@eop [WHO] <cathy alix>;colleen litkenhaus/who/eop@eop [WHO] <colleen litkenhaus>
Sent: 11/25/2002 7:48:31 AM
Subject: : Re: WINNERS ANNOUNCEMENT

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-NOV-2002 12:48:31.00
SUBJECT:: Re: WINNERS ANNOUNCEMENT
TO:Lauren McCord (CN=Lauren McCord/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:cathy alix (CN=cathy alix/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:colleen litkenhaus (CN=colleen litkenhaus/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Note that this is VERY likely to be leaked to the press and
therefore the names publicized. I am not at all sure we want that, so I
raise that as a caution against some kind of blast e-mail. Do we think it
is necessary to do that? The people who won know they won, as do their
family and friends and co-workers, I am sure.

Lauren McCord
11/25/2002 12:42:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: colleen litkenhaus/who/eop@eop, cathy alix/who/eop@eop
bcc:
Subject: WINNERS ANNOUNCEMENT

Thank you, Brett.

Cathy, can the message below go out in the form of an EOP-wide Admin Alert
today?

Brett M. Kavanaugh
11/25/2002 12:35:56 PM
Record Type: Record

To: Lauren McCord/WHO/EOP@EOP
cc: colleen litkenhaus/who/eop@eop, cathy alix/who/eop@eop
bcc:
Subject: Re: DRAFT ANNOUNCEMENT

This is fine.

Lauren McCord
11/25/2002 12:35:25 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Colleen Litkenhaus/WHO/EOP@EOP, Cathy Alix/WHO/EOP@EOP
Subject: Re: DRAFT ANNOUNCEMENT

Brett, would you please look over the announcement below regarding the winners of the CFC contributors? I will hold for your approval. Thanks.

---------- Forwarded by Lauren McCord/WHO/EOP on 11/25/2002 12:32 PM ----------

Colleen Litkenhaus
11/25/2002 12:22:14 PM
Record Type: Record

To: Lauren McCord/WHO/EOP@EOP
cc: cathy alix/who/eop@eop
bcc:
Subject: Re: DRAFT ANNOUNCEMENT

Changes in red. Will you run by Brett or should I? Thanks!

Lauren McCord
11/25/2002 12:00:02 PM
Record Type: Record

To: Cathy Alix/WHO/EOP@EOP, Colleen Litkenhaus/WHO/EOP@EOP
cc:
Subject: DRAFT ANNOUNCEMENT

CONGRATULATIONS!

We are pleased to announce the following employees of the EOP as the recipients of the special drawing for all contributors to the 2002 Combined Federal Campaign:

Anita Homan Photograph with the President Presidential Correspondence - WHO
Julian Flannery Photograph with the Vice President Office of the Chief of Staff - WHO
Catharine Ryun Photograph with Mrs. Bush Faith-based and Community Initiatives - WHO
Kimberly Geier Photograph with Mrs. Cheney Federal Financial Management - OMB
Kristin Savercool Lunch with the Chief of Staff Resource Management Division - OA
Tom Reilly Lunch with the Chief of Staff Human Resource Programs - OMB
Mark Everson Lunch with the Chief of Staff Federal Financial Management - OMB

Though the names have been selected for these very special events, we will continue to accept contributions through December 6, 2002.

Many thanks to all who participated by making a contribution to the 2002 Combined Federal Campaign.

From: CN=Lauren McCord/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/25/2002 7:51:37 AM
Subject: : Re: WINNERS ANNOUNCEMENT

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lauren McCord (CN=Lauren McCord/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-NOV-2002 12:51:37.00
SUBJECT:: Re: WINNERS ANNOUNCEMENT
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We certainly can make phone calls to the winners without any announcement if that's what you recommend.

Brett M. Kavanaugh
11/25/2002 12:45:42 PM
Record Type: Record

To: Lauren McCord/WHO/EOP@EOP
cc: colleen litkenhaus/who/eop@eop, cathy alix/who/eop@eop
bcc:
Subject: Re: WINNERS ANNOUNCEMENT

Note that this is VERY likely to be leaked to the press and therefore the names publicized. I am not at all sure we want that, so I raise that as a caution against some kind of blast e-mail. Do we think it is necessary to do that? The people who won know they won, as do their family and friends and co-workers, I am sure.

Lauren McCord
11/25/2002 12:42:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: colleen litkenhaus/who/eop@eop, cathy alix/who/eop@eop
bcc:
Subject: WINNERS ANNOUNCEMENT

Thank you, Brett.

Cathy, can the message below go out in the form of an EOP-wide Admin Alert today?

Brett M. Kavanaugh
11/25/2002 12:35:56 PM

Record Type: Record

To: Lauren McCord/WHO/EOP@EOP
cc: colleen litkenhaus/who/eop@eop, cathy alix/who/eop@eop
bcc:
Subject: Re: DRAFT ANNOUNCEMENT

This is fine.

Lauren McCord
11/25/2002 12:35:25 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Colleen Litkenhaus/WHO/EOP@EOP, Cathy Alix/WHO/EOP@EOP
Subject: Re: DRAFT ANNOUNCEMENT

Brett, would you please look over the announcement below regarding the winners of the CFC contributors? I will hold for your approval. Thanks.

---------- Forwarded by Lauren McCord/WHO/EOP on 11/25/2002 12:32 PM ----------

Colleen Litkenhaus
11/25/2002 12:22:14 PM
Record Type: Record

To: Lauren McCord/WHO/EOP@EOP
cc: cathy alix/who/eop@eop
bcc:
Subject: Re: DRAFT ANNOUNCEMENT

Changes in red. Will you run by Brett or should I? Thanks!

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11/25/2002 12:00:02 PM
Record Type: Record

To: Cathy Alix/WHO/EOP@EOP, Colleen Litkenhaus/WHO/EOP@EOP
cc:
Subject: DRAFT ANNOUNCEMENT

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Kimberly Geier Photograph with Mrs. Cheney Federal Financial Management - OMB
Kristin Savercool Lunch with the Chief of Staff Resource Management

Division - OA
Tom Reilly Lunch with the Chief of Staff Human Resource Programs - OMB
Mark Everson Lunch with the Chief of Staff Federal Financial Management - OMB

Though the names have been selected for these very special events, we will continue to accept contributions through December 6, 2002.

Many thanks to all who participated by making a contribution to the 2002 Combined Federal Campaign.

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/25/2002 8:08:25 AM
Subject: : Re: WINNERS ANNOUNCEMENT

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-NOV-2002 13:08:25.00
SUBJECT:: Re: WINNERS ANNOUNCEMENT
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

i really want to send this admin alert out - but will do what you say.
send or don't send?

Brett M. Kavanaugh
11/25/2002 12:45:42 PM
Record Type: Record

To: Lauren McCord/WHO/EOP@EOP
cc: colleen litkenhaus/who/eop@eop, cathy alix/who/eop@eop
bcc:
Subject: Re: WINNERS ANNOUNCEMENT

Note that this is VERY likely to be leaked to the press and
therefore the names publicized. I am not at all sure we want that, so I
raise that as a caution against some kind of blast e-mail. Do we think it
is necessary to do that? The people who won know they won, as do their
family and friends and co-workers, I am sure.

Lauren McCord
11/25/2002 12:42:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: colleen litkenhaus/who/eop@eop, cathy alix/who/eop@eop
bcc:
Subject: WINNERS ANNOUNCEMENT

Thank you, Brett.

Cathy, can the message below go out in the form of an EOP-wide Admin Alert
today?

Brett M. Kavanaugh
11/25/2002 12:35:56 PM
Record Type: Record

To: Lauren McCord/WHO/EOP@EOP
cc: colleen litkenhaus/who/eop@eop, cathy alix/who/eop@eop
bcc:
Subject: Re: DRAFT ANNOUNCEMENT

This is fine.

Lauren McCord
11/25/2002 12:35:25 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Colleen Litkenhaus/WHO/EOP@EOP, Cathy Alix/WHO/EOP@EOP
Subject: Re: DRAFT ANNOUNCEMENT

Brett, would you please look over the announcement below regarding the winners of the CFC contributors? I will hold for your approval. Thanks.

---------- Forwarded by Lauren McCord/WHO/EOP on 11/25/2002 12:32 PM ----------

Colleen Litkenhaus
11/25/2002 12:22:14 PM
Record Type: Record

To: Lauren McCord/WHO/EOP@EOP
cc: cathy alix/who/eop@eop
bcc:
Subject: Re: DRAFT ANNOUNCEMENT

Changes in red. Will you run by Brett or should I? Thanks!

Lauren McCord
11/25/2002 12:00:02 PM
Record Type: Record

To: Cathy Alix/WHO/EOP@EOP, Colleen Litkenhaus/WHO/EOP@EOP
cc:
Subject: DRAFT ANNOUNCEMENT

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Catharine Ryun Photograph with Mrs. Bush Faith-based and Community Initiatives - WHO
Kimberly Geier Photograph with Mrs. Cheney Federal Financial Management - OMB
Kristin Savercool Lunch with the Chief of Staff Resource Management Division - OA

Tom Reilly Lunch with the Chief of Staff Human Resource Programs - OMB
Mark Everson Lunch with the Chief of Staff Federal Financial Management - OMB

Though the names have been selected for these very special events, we will continue to accept contributions through December 6, 2002.

Many thanks to all who participated by making a contribution to the 2002 Combined Federal Campaign.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/25/2002 1:34:18 PM
Subject: : LA Speech

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-NOV-2002 18:34:18.00
SUBJECT:: LA Speech
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

It is not written yet. They are trying to get it out soon and I'll let
you know.

Patrick
```

From: CN=Keith Hennessey/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/25/2002 10:03:56 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Keith Hennessey (CN=Keith Hennessey/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:25-NOV-2002 15:03:56.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Perfect. Thanks.

-kbh

Brett M. Kavanaugh
11/25/2002 10:09:43 AM
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@EOP, Keith Hennessey/OPD/EOP@EOP
cc:
Subject:

No comments on "options for economic package" due at 10:00 today.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/25/2002 10:39:44 AM
Subject: : next week

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-NOV-2002 15:39:44.00
SUBJECT:: next week
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

are you around next week? Mashburn wants to get a "liability reform" group
together on Tuesday next week to talk med mal and class action, as well as
maybe asbestos.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Timothy E. Flanigan/WHO /EOP@EOP [WHO] <Timothy E. Flanigan>;Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/25/2002 11:17:52 AM
Subject: : good op-ed in Philadelphia Inquirer

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-NOV-2002 16:17:52.00
SUBJECT:: good op-ed in Philadelphia Inquirer
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The recent U.S. Senate confirmation battle over Bush nominee Judge D. Brooks Smith for the Third Circuit Court of Appeals resulted in a rare victory for a challenged Bush nominee in the Democratic-controlled Senate. It was a victory made possible by a surprising alliance of Pennsylvania Republicans and Democrats infuriated over the Senate's treatment of Pennsylvania judicial nominees put forward by presidents of both parties. Judge Smith was confirmed because both Republicans and Democrats had had enough, enough smear campaigns, enough sour memories of Robert Bork and a host of other Bush and Clinton nominees delayed or blocked.
The judicial confirmation process is broken, and the recent elections put the onus of fixing it on my own Republican Party.
Neither party has clean hands in this matter. Hearing delays or no hearings at all, combined with a flat refusal to hold votes on nominees either in the Senate Judiciary Committee or the full Senate itself became the norm as judicial nominees of both parties were treated with routine contempt in recent years. Not only was this unfair to the nominees themselves (one Clinton nominee from Pennsylvania waited 996 days for a hearing that never came); it has caused severe problems in the judicial system itself.
The American Bar Association says the confirmation delays have created an "emergency situation." Chief Justice William Rehnquist calls the problem "alarming." Sitting judges "borrow" judges from other circuits to help shoulder the overwhelming workload that crowds the federal docket. Justice for those caught in the maw of the system trickles down, its swiftness hobbled by Senate politics.
It's time to start fixing the problem. We need to separate process from policy when selecting federal judges. Policy is always separated from process when choosing legislators and executives. Candidates may be left, right or center - yet a neutral, precise calendar sets deadlines for elections that apply regardless of a candidate's views. On the first Tuesday after the first Monday in every November, America emerges with a slate of newly elected or re-elected officials, no matter their political affiliation.
Federal judges deserve no less.
Sen. Arlen Specter, the leader in the Smith fight, has put forward a protocol to end the sham of the current confirmation process once and for all. Along with President Bush, he has proposed a strict timetable for confirming federal judges. Setting schedules for hearings, committee votes and votes on the Senate floor, it would apply to judicial nominees of all Presidents regardless of which party controls the Senate.
It is also time for Senate hearings to discuss other problems with the process, such as:
The use of outside "experts," in reality ideological allies of either side

willing to spout partisan lines disguised as disinterested observers.
The role of special interest groups whose financial and staff resources outpace those of any Republican or Democratic Justice Department and Judiciary Committee, resulting in senators depending on extremist group spin in the form of so-called "basic research."
The imbalance of power between wealthy interest groups who can wage campaign-style attacks against judicial nominees forbidden to fight back.
For those on all sides who consider the issues of abortion, civil rights, the environment, employment law, religious liberty, consumer protections, and much more to be important, reform of the process is the only way to ensure that nominees they support are treated fairly. Process reform should be bipartisan, approached with a spirit of good-faith compromise and consensus. And done by Republicans working with Democrats, as President Bush suggests.

From: CN=Kimberly A. Douglass/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/25/2002 12:21:18 PM
Subject: : folders

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-NOV-2002 17:21:18.00
SUBJECT:: folders
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

hi,

I've seen your inbox. so, I hate to be a bother but...any chance I could
get at least one of those folders signed this week? we are getting calls
from hotels about payments.

thanks!
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>
Sent: 11/25/2002 12:46:18 PM
Subject: : assume you saw

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-NOV-2002 17:46:18.00
SUBJECT:: assume you saw
TO:Sara M. Taylor ( CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

The Woman Who Saved Alabama

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Claire M. O'Donnell/OVP/EOP@EOP [OVP] <Claire M. O'Donnell>
Sent: 11/25/2002 3:17:45 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-NOV-2002 20:17:45.00
SUBJECT::
TO:Claire M. O'Donnell ( CN=Claire M. O'Donnell/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
###### End Original ARMS Header ######

On your advance question, I do not think we need to do the 1090's, but
want to discuss.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 11/25/2002 3:52:02 PM
Subject: : Re: MD lawyer

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-NOV-2002 20:52:02.00
SUBJECT:: Re: MD lawyer
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

good recommendations for

J. Michael Conroy, Jr.,ÿ

6 Montgomery Village Avenue, #402
Gaithersburg, Maryland 20879
Phone: (301) 921-1900
Fax: (301) 948-9020

Timothy E. Flanigan
11/20/2002 08:05:04 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject: MD lawyer

Brett,

Can you recommend a MD real estate lawyer with some litigation experience?

Tim

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/26/2002 2:09:34 AM
Subject: : FW: draft of Philly invite
Attachments: P_YS9YB003_WHO.TXT_1.htm; P_YS9YB003_WHO.TXT_2.rtf

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> ( Kate Walters <kate@georgewbush.com> [ UNKNOWN
] )
CREATION DATE/TIME:26-NOV-2002 07:09:34.00
SUBJECT:: FW: draft of Philly invite
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

draft of Philly invitefor approval. thanks
-----Original Message-----
From: Matt Brooks [mailto:mbrooks@rjchq.org]
Sent: Monday, November 25, 2002 5:29 PM
To: Kate Walters
Subject: draft of Philly invite


Kate- attached is the draft of the invite for the reception with Ken in
Philly for WH Counsel approval. This is a text-only draft. The final form
will look much nicer.

Thanks for all your help.

-Matt

- att1.htm - Philly Flyer draft.rtf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_YS9YB003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_YS9YB003_WHO.TXT_2>
```

for approval. thanks
-----Original Message-----
From: Matt Brooks [mailto:mbrooks@rjchq.org]
Sent: Monday, November 25, 2002 5:29 PM
To: Kate Walters
Subject: draft of Philly invite

Kate- attached is the draft of the invite for the reception wit h Ken in Philly for WH Counsel approval. This is a text-only draft. The final form will look much nicer.

Thanks for all your help.

-Matt

ddoc4 tright **Republican Jewish Coalition**

vel0**Philadelphia Chapter**

h

Cordially Invites You to Attend

A special reception

featuring

The Honorable Ken Mehlman

level1

af4White House Political Director

right

stright **"The 2002 Elections- What Happened and What it Means For The Future"**

Ken, along with Karl Rove, was one of the principle architects of the GOP's historic showing in the 2002 elections. Please join us for a very interesting and informative evening.

lochWednesday, December 18, 2002
5:00 ndash 6:30 PM

_hT..B.D. Hotel

f20 Philadelphia

Please RSVP to:
Scott M. Feigelstein
610-667-1263
fax: 610-667-1265
e-mail: sfeigelstein@rjchq.org

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/26/2002 6:45:05 AM
Subject: : Re: comments from ABA re President's proposal in Daily Oklahoman

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:26-NOV-2002 11:45:05.00
SUBJECT:: Re: comments from ABA re President's proposal in Daily Oklahoman
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett, I will be in the office on Saturday. I would like to start
reviewing materials on the structure for the election cycle, is this
doable?If you could send me anything before then, great.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Ken Mehlman/WHO /EOP@EOP [WHO] <Ken Mehlman>
Sent: 11/26/2002 3:27:27 AM
Subject: : coal permit

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:26-NOV-2002 08:27:27.00
SUBJECT:: coal permit
TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

There is an argument in Fourth Circuit next week about the 404
permit matter, which is an appeal from the Judge Haden order. Meanwhile,
there was an interagency meeting last week to discuss what to do about the
issue. I will keep you apprised.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: edward mcnally/who/eop@eop [WHO] <edward mcnally>
Sent: 11/26/2002 3:58:32 AM
Subject: : Re: New meeting time on footer

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-NOV-2002 08:58:32.00
SUBJECT:: Re: New meeting time on footer
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:edward mcnally (CN=edward mcnally/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

yep

Bradford A. Berenson
11/26/2002 08:52:57 AM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: New meeting time on footer

Tomorrow (Wednesday) morning after staff meeting in my office. OK?

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Gayle S. Worthy/WHO/EOP@EOP [WHO] <Gayle S. Worthy>;bradford a. berenson/who /eop@eop [WHO] <bradford a. berenson>
Sent: 11/26/2002 4:44:55 AM
Subject: : Re: New meeting time on footer

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-NOV-2002 09:44:55.00
SUBJECT:: Re: New meeting time on footer
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Gayle S. Worthy (CN=Gayle S. Worthy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Done.

Brett M. Kavanaugh
11/26/2002 08:55:43 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: edward mcnally/who/eop@eop
bcc:
Subject: Re: New meeting time on footer

yep

Bradford A. Berenson
11/26/2002 08:52:57 AM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: New meeting time on footer

Tomorrow (Wednesday) morning after staff meeting in my office. OK?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/26/2002 8:51:14 AM
Subject: : Re: comments from ABA re President's proposal in Daily Oklahoman

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-NOV-2002 13:51:14.00
SUBJECT:: Re: comments from ABA re President's proposal in Daily Oklahoman
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes, I have been gathering and reading material (most of it a waste), and I am putting the basics in a simple memo format that you can read and distribute. The legal rules are pretty simple. I would have given you some of the raw material before you left, but that seemed (and seems) a major waste of your time until I cull out the important stuff into a memo/outline and we then discuss the draft.

Alberto R. Gonzales
11/26/2002 11:45:01 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: comments from ABA re President's proposal in Daily Oklahoman

Brett, I will be in the office on Saturday. I would like to start reviewing materials on the structure for the election cycle, is this doable?If you could send me anything before then, great.

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/26/2002 10:05:44 AM
Subject: : Re: Blocked assets/Victims comp

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:26-NOV-2002 15:05:44.00
SUBJECT:: Re: Blocked assets/Victims comp
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

sounds good
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: G. Timothy Saunders/WHO/EOP [WHO] <G. Timothy Saunders>
Sent: 11/26/2002 8:00:40 AM
Subject: RECEIVED: Re:

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:26-NOV-2002 13:00:40.00
SUBJECT:RECEIVED: Re:
TO:G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

RETURN RECEIPT

Your Document:
Re:
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
11/26/2002 01:03:55 PM
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
CC: hana f. brilliant/who/eop@eop [WHO] <hana f. brilliant>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 11/26/2002 8:45:49 AM
Subject: : Re: Non-Presidential White House events and photographs

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-NOV-2002 13:45:49.00
SUBJECT:: Re: Non-Presidential White House events and photographs
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:hana f. brilliant (CN=hana f. brilliant/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I know. But I think it is funny to imagine Karl as the photographer in his own meetings.

Patrick J. Bumatay
11/26/2002 01:40:36 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, hana f. brilliant/who/eop@eop
bcc:
Subject: Re: Non-Presidential White House events and photographs

I don't think they mean for Karl to take pictures. It is meant for his staff to take pictures for whenever they meet with people, or invite them to the WH or take them to a Marine One visit, so that they can distribute back to them as an extra favor to them or to distribute to the press.

Brett M. Kavanaugh
11/26/2002 12:59:05 PM
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, hana f. brilliant/who/eop@eop
bcc:
Subject: Re: Non-Presidential White House events and photographs

This is pretty nutty. Karl taking pictures at events??

Patrick J. Bumatay
11/26/2002 12:46:54 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: Hana F. Brilliant/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Non-Presidential White House events and photographs

Noel,
Any comments on this project?
Brett - just a FYI on what those crazy political folks are up to.

Patrick
---------- Forwarded by Patrick J. Bumatay/WHO/EOP on 11/26/2002 12:46 PM ----------

Douglas L. Hoelscher
11/26/2002 12:47:24 PM
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@EOP
cc: Leonard B. Rodriguez/WHO/EOP@EOP, Alicia P. Clark/WHO/EOP@EOP, Josephine B. Robinson/WHO/EOP@EOP
Subject: Non-Presidential White House events and photographs

Patrick,
One idea that came out of the brainstorming session of a recent meeting between OSI, OPL, and OPA, was to have Karl purchase a digital camera that could be used by his staff to photograph events where the President is not in attendance (i.e. events with staff that are held here at the White House) and perhaps supplement the White House Photographers photos at events he does attend. The question came up as to whether there would be any legal restrictions on the use of this camera and the distribution (via e-mail) of the photographs that would be taken.

Would you be willing to run by the correct Associate Counsel (ethics??) to get an opinion on this matter.

Thanks,
Doug

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/26/2002 8:51:14 AM
Subject: : Re: comments from ABA re President's proposal in Daily Oklahoman

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-NOV-2002 13:51:14.00
SUBJECT:: Re: comments from ABA re President's proposal in Daily Oklahoman
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes, I have been gathering and reading material (most of it a waste), and I am putting the basics in a simple memo format that you can read and distribute. The legal rules are pretty simple. I would have given you some of the raw material before you left, but that seemed (and seems) a major waste of your time until I cull out the important stuff into a memo/outline and we then discuss the draft.

Alberto R. Gonzales
11/26/2002 11:45:01 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: comments from ABA re President's proposal in Daily Oklahoman

Brett, I will be in the office on Saturday. I would like to start reviewing materials on the structure for the election cycle, is this doable?If you could send me anything before then, great.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/26/2002 9:17:21 AM
Subject: : next week

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-NOV-2002 14:17:21.00
SUBJECT:: next week
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I told Heather she needs to loop you/DPC in on this. (Mashburn is Lott's guy.)

By the way, who are the main policy people now on (i) class action (ii) med mal (iii) asbestos, (iv) State's victims comp proposal and (v) punitives ban in terrorism cases [you/me].

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 11/26/2002 02:07 PM ----------

Heather Wingate
11/25/2002 03:36:55 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: next week

are you around next week? Mashburn wants to get a "liability reform" group together on Tuesday next week to talk med mal and class action, as well as maybe asbestos.

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/26/2002 10:24:49 AM
Subject: : Re: comments from ABA re President's proposal in Daily Oklahoman

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:26-NOV-2002 15:24:49.00
SUBJECT:: Re: comments from ABA re President's proposal in Daily Oklahoman
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Thanks Brett.
```

From: Doug Hoelscher <dhoelscher@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Dave McMaster <dmcmaster@georgewbush.com>;Matt Schlapp <mschlapp@georgewbush.com>
Sent: 11/26/2002 12:26:19 PM
Subject: : RE: thank you notes for 72 Hour volunteers
Attachments: P_2H8ZB003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Doug Hoelscher <dhoelscher@georgewbush.com> (Doug Hoelscher <dhoelscher@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:26-NOV-2002 17:26:19.00
SUBJECT:: RE: thank you notes for 72 Hour volunteers
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Dave McMaster <dmcmaster@georgewbush.com> (Dave McMaster <dmcmaster@georgewbush.com> [UNKNOWN])
READ:UNKNOWN
CC:Matt Schlapp <mschlapp@georgewbush.com> (Matt Schlapp <mschlapp@georgewbush.com> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Re: thank you notes for 72 Hour volunteersthanks
-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, November 26, 2002 4:46 PM
To: Doug Hoelscher
Cc: Matt Schlapp; Dave McMaster
Subject: Re: thank you notes for 72 Hour volunteers

ok, but should be on political/personal stationary.

(Embedded
image moved Doug Hoelscher <dhoelscher@georgewbush.com>
to file: 11/26/2002 04:51:52 PM
pic32522.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Matt and Mercy Schlapp <mschlapp@georgewbush.com>, David McMaster <dmcmaster@georgewbush.com>
Subject: thank you notes for 72 Hour volunteers

Brett,

Is it ok for Karl and/or Ken and/or Matt to write thank you notes to individuals in the Administration who volunteered for the RNC's 72 hour program? Should these notes/letters be on political/personal stationary? Are there any other guidelines that should be followed?
Thanks,
Doug

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_2H8ZB003_WHO.TXT_1>

thanks

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov [mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, November 26, 2002 4:46 PM
To: Doug Hoelscher
Cc: Matt Schlapp; Dave McMaster
Subject: Re: thank you notes for 72 Hour volunteers

ok, but should be on political/personal stationary.

&nbs p; ; & nbsp; &n bsp;
(Embedded & nbsp; &n bsp; &nb sp; &nbs p;
image moved Doug Hoelscher <dhoelscher@georgewbush.com>
to file: 11/26/2002 04:51:52 PM &nb sp; &nbs p;
pic32522.pcx) &nb sp; &nbs p; ;
&nbs p; ; & nbsp; &n bsp;

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Matt and Mercy Schlapp <mschlapp@georgewbush.com>, David McMaster <dmcmaster@georgewbush.com>
Subject: thank you notes for 72 Hour volunteers

Brett,
Is it ok for Karl and/or Ken and/or Matt to write thank you notes to individuals i n the Administration who volunteered for the RNC's 72 hour program? Should these notes/letters be on political/personal stationary?
Are there any other guidelines that shoul d be followed?
Thanks,
Doug

From: CN=Claire E. Buchan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/26/2002 1:01:46 PM
Subject: : memo to sec. treas

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Claire E. Buchan ( CN=Claire E. Buchan/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:26-NOV-2002 18:01:46.00
SUBJECT:: memo to sec. treas
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

fyi -- harriett tells me that the memorandum to the treasury sec. needs to
be released. it is an official communication/directive to the treasury
secretary; we chatted with matt. i don't think it will cause any more
news than his remarks already did -- it's just doing what he said he was
going to do.

cb
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who /eop@eop [WHO] <bradford a. berenson>
Sent: 11/27/2002 3:56:10 AM
Subject: : Re: I'm also avail. -- so Brett let us know when you surface Re: footers

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-NOV-2002 08:56:10.00
SUBJECT:: Re: I'm also avail. -- so Brett let us know when you surface Re: footers
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

now in brad's office

From: Edward McNally on 11/27/2002 08:46:45 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: I'm also avail. -- so Brett let us know when you surface
Re: footers

Bradford A. Berenson
11/27/2002 08:42:12 AM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Ready to talk footers?

I'm ready now if you are.

From: CN=Raquel Cabral/OU=WHO/O=EOP [WHO]

To: Carolyn Nelson/WHO/EOP@EOP [WHO] <Carolyn Nelson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@EOP [WHO] <Charlotte L. Montiel>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>

Sent: 11/27/2002 4:22:25 AM

Subject: : Today is our intern Victor's last Day!

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:27-NOV-2002 09:22:25.00
SUBJECT:: Today is our intern Victor's last Day!
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

We will be having a small gathering to say good-bye to Victor at 11:00 AM
this morning. There will be some sweets so please stop by if you get a
chance! Thanks!
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 11/27/2002 9:17:16 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:27-NOV-2002 14:17:16.00
SUBJECT::
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

http://www.nytimes.com/2002/11/27/politics/27BUSH.html
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 11/27/2002 5:53:09 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:27-NOV-2002 10:53:09.00
SUBJECT::
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

feels like Leitch
```

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/27/2002 6:05:25 AM
Subject: : MESSAGE MEETING CANCELLED FOR TODAY

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-NOV-2002 11:05:25.00
SUBJECT:: MESSAGE MEETING CANCELLED FOR TODAY
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Charlotte L. Montiel/WHO/EOP on 11/27/2002 11:03 AM ----------

Krista L. Ritacco
11/27/2002 11:03:26 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: MESSAGE MEETING CANCELLED FOR TODAY

Message Sent
To:_____
Jean M. Russell/OPD/EOP@EOP
Ruben S. Barrales/WHO/EOP@EOP
Kathryn E. Rust/WHO/EOP@EOP
Susan K. Neely/WHO/EOP@EOP
Blake Gottesman/WHO/EOP@EOP
Linda M. Gambatesa/WHO/EOP@EOP
Wendy L. Nipper/WHO/EOP@EOP
Natalie S. Wozniak/NSC/EOP@EOP
Barry S. Jackson/WHO/EOP@EOP
Lezlee J. Westine/WHO/EOP@EOP
Ken Mehlman/WHO/EOP@EOP
Katherine M. Walters/WHO/EOP@EOP
Colleen Litkenhaus/WHO/EOP@EOP
Britt Grant/OPD/EOP@EOP
Jack Howard/WHO/EOP@EOP
Kara G. Figg/WHO/EOP@EOP
Carolyn E. Cleveland/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Scott N. Sforza/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Vickie A. McQuade/WHO/EOP@EOP
Israel Hernandez/WHO/EOP@EOP
Anna M. Perez/NSC/EOP@EOP
Melissa S. Bennett/WHO/EOP@EOP
Leslie A. Mooney/OPD/EOP@EOP
Jay P. Lefkowitz/OMB/EOP@EOP
Nicolle Devenish/WHO/EOP@EOP
Debra D. Bird/WHO/EOP@EOP
Harriet Miers/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Barbara A. Barclay/WHO/EOP@EOP

A. Merrill Hughes/OVP/EOP@EOP
Eleanor L. Gillmor/OPD/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP
Shannon Burkhart/WHO/EOP@EOP
Adrian G. Gray/WHO/EOP@EOP
Roberta L. Conde/CEQ/EOP@EOP
Anne E. Campbell/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Kimberly Ellison/WHO/EOP@EOP
Ann Gray/WHO/EOP@EOP
Noelia Rodriguez/WHO/EOP@EOP
Trent D. Duffy/OMB/EOP@EOP
Catharine A. Ryun/WHO/EOP@EOP
Jenica Baldwin/WHO/EOP@EOP
Brian R. Besanceney/OPD/EOP@EOP
Gordon D. Johndroe/WHO/EOP@EOP
Katherine L. Disston/WHO/EOP@EOP
January M. Riecke/WHO/EOP@EOP
Catherine J. Martin/OVP/EOP@EOP
Alison M. Harden/WHO/EOP@EOP
Stephen M. Lineberry/CEA/EOP@EOP
Jennifer Millerwise/OVP/EOP@EOP
Lindsey C. Kozberg/WHO/EOP@EOP
Jim Towey/WHO/EOP@EOP
Parker B. Hamilton/WHO/EOP@EOP
Mary C. Williams/NSC/EOP@EOP
Andrew D. Ciafardini/WHO/EOP@EOP
Tucker A. Eskew/WHO/EOP@EOP
Deborah A. Spagnoli/WHO/EOP@EOP
Keith Hennessey/OPD/EOP@EOP
Sally Canfield/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Charlotte L. Montiel/WHO/EOP@EOP
Edward Ingle/WHO/EOP@EOP
Michael J. Taylor/WHO/EOP@EOP
Suzy DeFrancis/WHO/EOP@EOP
Jose Mallea/WHO/EOP@EOP
Christie Parell/WHO/EOP@EOP
Sue H. Gerdelman/OPD/EOP@EOP
Edwina C. Rogers/OPD/EOP@EOP
Heidi K. Marquez/WHO/EOP@EOP
Ross M. Kyle/WHO/EOP@EOP

From: CN=Ken Mehlman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: katherine m. walters/who/eop@eop [WHO] <katherine m. walters>;David McMaster/WHO /EOP@EOP [WHO] <David McMaster>;matthew a. schlapp/who/eop@eop [WHO] <matthew a. schlapp>
Sent: 11/27/2002 10:19:25 AM
Subject: : Re: request for Ken to brief Senate Judiciary Committee counsels

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-NOV-2002 15:19:25.00
SUBJECT:: Re: request for Ken to brief Senate Judiciary Committee counsels
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:katherine m. walters (CN=katherine m. walters/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:David McMaster (CN=David McMaster/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:matthew a. schlapp (CN=matthew a. schlapp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Either Schlapp or I will do this. Kate/Dave McMaster: Which of us can do this?

Brett M. Kavanaugh
11/27/2002 03:03:42 PM
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP, Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: request for Ken to brief Senate Judiciary Committee counsels

Ken: Senator Hatch's staff has made a request for you to speak to all of the Republican Judiciary Committee counsel on the results of the election, particularly if you can extrapolate any conclusions regarding their issues, especially judges. They would prefer Thursday Dec. 5 in the afternoon. Are you available?

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/27/2002 7:32:42 AM
Subject: : Craig Burkhardt

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-NOV-2002 12:32:42.00
SUBJECT:: Craig Burkhardt
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

Craig Burkhardt, President of the Republican National Lawyer Association, wants to meet with the Judge next week to discuss joining the Administration. Should he meet him?

Patrick

From: Murphy, Michael D. <MDMurphy@whmo.mil>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/27/2002 7:47:44 AM
Subject: : Senator Clinton Staff Request

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Murphy, Michael D." <MDMurphy@whmo.mil> ("Murphy, Michael D." <MDMurphy@whmo.mil>
[UNKNOWN])
CREATION DATE/TIME:27-NOV-2002 12:47:44.00
SUBJECT:: Senator Clinton Staff Request
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett, the email below is self-explanatory. I am inclined to deny the request and refer Ms. Shiner to the Clinton Library and/or the Archives, fearing we'd be setting a bad precedent. What are your thoughts? Am I being too cautious? Technically, the records she seeks should have been sent to the Clinton Library already with the end of the prior Administration.

Thanks.

Mike Murphy
72450

> -----Original Message-----
> From: O'Connor, Michael J.
> Sent: Wednesday, November 27, 2002 09:46
> To: Murphy, Michael D.
> Subject: Senator Clinton Staff Request
>
> COL, I was contacted by a Ms. Ruby Shimer from Senator Clinton's
> Staff. She is doing research for a book and wants to get a listing of
> off visits, guest and cabin assignments for 1993. I guess we could
> shag off and say call the Clinton Library. Just want to know if you
> have any problem with us supplying. Thanks for your support.
>
> Very respectfully,
>
> CDR Mike O

From: CN=Henry C. Hager/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/27/2002 8:51:20 AM
Subject: : Re: nurse of the year

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Henry C. Hager (CN=Henry C. Hager/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-NOV-2002 13:51:20.00
SUBJECT:: Re: nurse of the year
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Andrew Ciafardini vetted the two names and they are ok.
Is the Nurse of the Year an event we should do?

no rush on the answer.
thanks
---------- Forwarded by Henry C. Hager/WHO/EOP on 11/27/2002 01:37 PM ----------

Andrew D. Ciafardini
11/27/2002 01:32:08 PM
Record Type: Record

To: Henry C. Hager/WHO/EOP@EOP
cc:
Subject: Re: nurse of the year

Both names on the fax you sent us are cleared.

----- Original Message -----
From:Henry C. Hager/WHO/EOP
To:Andrew D. Ciafardini/WHO/EOP@EOP
Cc:
Date: 11/27/2002 10:34:17 AM
Subject: Re: nurse of the year

faxed it over. thanks for your help on this.

Andrew D. Ciafardini
11/27/2002 10:17 AM
Record Type: Record

To: Henry C. Hager/WHO/EOP@EOP
cc:
bcc:
Subject: Re: nurse of the year

someone probably lost it overhere.....

sorry about that.....my fax is 6-6489

Henry C. Hager
11/27/2002 10:10:05 AM
Record Type: Record

To: Andrew D. Ciafardini/WHO/EOP@EOP
cc:
bcc:
Subject: Re: nurse of the year

I thought I faxed over paperwork? Can you check, or I can refax.

Andrew D. Ciafardini
11/27/2002 09:39 AM
Record Type: Record

To: Henry C. Hager/WHO/EOP@EOP
cc:
Subject: nurse of the year

did you have that name of the nurse of the year you needed?

From: Julie Myers <Julie.Myers@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/27/2002 9:13:58 AM
Subject: : udolf

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Julie Myers <Julie.Myers@usdoj.gov> ( Julie Myers <Julie.Myers@usdoj.gov> [ UNKNOWN
] )
CREATION DATE/TIME:27-NOV-2002 14:13:58.00
SUBJECT:: udolf
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Date: 11/27/2002 02:17 pm -0500 (Wednesday)
From: Julie Myers
To: Brett_M._Kavanaugh@who.eop.gov
Subject: udolf

http://www.miami.com/mld/miami/news/local/4613046.htm

FYI.

J.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 11/27/2002 9:17:16 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:27-NOV-2002 14:17:16.00
SUBJECT::
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

http://www.nytimes.com/2002/11/27/politics/27BUSH.html
```

From: Manuel Miranda) (Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN] <Alex_Dahl@judiciary.senate.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Willett; Don <Don.Willett@usdoj.gov>;Dinh; Viet <Viet.Dinh@usdoj.gov>
Sent: 11/27/2002 10:00:11 AM
Subject: : Re:RE: Your help

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) (
Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [ UNKNOWN ] )
CREATION DATE/TIME:27-NOV-2002 15:00:11.00
SUBJECT:: Re:RE: Your help
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alex_Dahl@judiciary.senate.gov (Alex Dahl) ( Alex_Dahl@judiciary.senate.gov (Alex Dahl)
[ UNKNOWN ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Willett; Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested) ( "Willett; Don"
<Don.Willett@usdoj.gov> (Receipt Notification Requested) [ UNKNOWN ] )
READ:UNKNOWN
TO:"Dinh; Viet" <Viet.Dinh@usdoj.gov> ( "Dinh; Viet" <Viet.Dinh@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

We could also hold it at a nearby site such as Heritage, if that solves a
problem, if there is one.

_____Reply Separator_____
Subject: RE: Your help
Author: "Dinh; Viet" <Viet.Dinh@usdoj.gov>
Date: 11/27/2002 2:43 PM

Manny,

Thanks for your message. I do think it would be helpful for us to attend;
whether doing so would be appropriate for OLP folks as DoJ officials is a
matter
that I will have to consider after proper consultations. Many thanks,

Viet

-----Original Message-----
From: Manuel Miranda [mailto:Manuel_Miranda@judiciary.senate.gov]
Sent: Wednesday, November 27, 2002 2:38 PM
To: Willett, Don; Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov;
Heather_Wingate@who.eop.gov; Alex Dahl
Subject: Your help


Brett,
I mentioned to you that Makan thought it would be useful to schedule a
visit
from Ken Melman and others to do a presentation for all Judiciary counsel
and
staff on the results of the election, particularly if they can extrapolate
any
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conclusions regarding our issues, especially judges.
I thought that we might invite the OLP staff and you all to join us, and perhaps
key others.
As Grover Norquist did, once the WH team is scheduled we will invite a couple of
other outside groups with polling analysis to do their presentations to follow.
All of this will be very helpful as we develop message and strategy in the months to come.
The target date and time might be Wednesday, Dec 4 at 3:00, and if not on Thursday afternoon anytime.
Please let me know.
Thanks, Manny
Received: from mailsims1.senate.gov ([156.33.203.10]) by mailexch.senate.gov
with SMTP
(IMA Internet Exchange 3.13) id 00066844; Wed, 27 Nov 2002 14:44:23 -0500
Received: from navgw2.senate.gov by mailsims1.senate.gov
(Sun Internet Mail Server sims.3.5.2000.03.23.18.03.p10)
with SMTP id <0H69003V82YT4Y@mailsims1.senate.gov>; Wed, 27 Nov 2002 14:47:17 -0500 (EST)
Received: from wdcsun022.usdoj.gov ([149.101.1.103])
by navgw2.senate.gov (SAVSMTP 3.0.0.44) with SMTP id M2002112714414329796
;
Wed, 27 Nov 2002 14:41:43 -0500
Received: from wt6.usdoj.gov (localhost [127.0.0.1])
by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15)
with ESMTP id H692TJ01.B6E; Wed, 27 Nov 2002 14:44:07 -0500
Received: (from x400@localhost) by wt6.usdoj.gov (8.9.3 (PHNE_24419)/8.9.3)
id OAA14129; Wed, 27 Nov 2002 14:44:06 -0500 (EST)
Received: by TELEMAIL; Wed, 27 Nov 2002 14:43:24 -0500
Date: Wed, 27 Nov 2002 14:43:24 -0500
From: "Dinh, Viet" <Viet.Dinh@usdoj.gov>
Subject: RE: Your help
To: "Willett, Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested),
'Manuel Miranda' <Manuel_Miranda@judiciary.senate.gov>
(Receipt Notification Requested) (IPM Return Requested),
"'Brett_M._Kavanaugh@who.eop.gov'" <Brett_M._Kavanaugh@who.eop.gov>
(Receipt Notification Requested),
"'Heather_Wingate@who.eop.gov'" <Heather_Wingate@who.eop.gov>
(Receipt Notification Requested), 'Alex Dahl'
<Alex_Dahl@judiciary.senate.gov>
(Receipt Notification Requested)
Message-id: <"JMD0081-021127194324Z-108595*/PRMD=USDOJ-JCON/ADMD=
/C=US/"@MHS>
Autoforwarded: FALSE
Content-identifier: RE: Your help
MIME-version: 1.0
X-Mailer: NetJunction (NetJunction 5.1.1-p2)/MIME
Content-type: TEXT/PLAIN; CHARSET=US-ASCII
Importance: Normal
Original-encoded-information-types: IA5-Text
Priority: Normal
Precedence: first-class
UA-content-id: RE: Your help
X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US/;JMD0081-021127194324Z-108595]
X-Priority: 3 (Normal)

From: Willett, Don <Don.Willett@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/27/2002 10:08:40 AM
Subject: : Re:RE: Your help

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Willett, Don" <Don.Willett@usdoj.gov> ( "Willett, Don" <Don.Willett@usdoj.gov> [
UNKNOWN ] )
CREATION DATE/TIME:27-NOV-2002 15:08:40.00
SUBJECT:: Re:RE: Your help
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

This message is a Read Receipt Notification

Your Message : Re:RE: Your help
Was Read By : Don.Willett@usdoj.gov
On : Wed, 27 Nov 2002 15:07:02 -0500
```

From: CN=Edmund A. Walsh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/27/2002 10:29:58 AM
Subject: : Dennis Shedd

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edmund A. Walsh ( CN=Edmund A. Walsh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:27-NOV-2002 15:29:58.00
SUBJECT:: Dennis Shedd
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett -- If you're here today, can you send me a couple of lines
describing Dennis Shedd's history. When nominated? How long did he wait?
How did he get to confirmation? Thanks. - Ed
```

From: Heather_Wingate@who.eop.gov [UNKNOWN]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Jack Howard/WHO /EOP@EOP [WHO] <Jack Howard>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>
Sent: 11/27/2002 10:49:39 AM
Subject: : George Mitchell

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather_Wingate@who.eop.gov ( Heather_Wingate@who.eop.gov [ UNKNOWN ] )
CREATION DATE/TIME:27-NOV-2002 15:49:39.00
SUBJECT:: George Mitchell
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jack Howard ( CN=Jack Howard/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Michael J. Conway ( CN=Michael J. Conway/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nicholas E. Calio ( CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I just rec'd a voice mail from Michelle in Dashcle's office saying that
they are
going to elect George Mitchel to be the vice chair of the 9-11 Commission.

.
```

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/27/2002 1:32:06 PM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME:27-NOV-2002 18:32:06.00
SUBJECT::
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Al, Tim, Brett, Jen:

Wanted to be sure you know that the Fed. Cir. issued its decision today in Haddon v. Executive Residence at the White House, Nos. 01-6001, 01-6002, 2002 WL 31662798 (Fed. Cir. November 27, 2002). Here is the bottom line:

". . . For the reasons set forth below, we affirm the EEOC's decision that the Executive Residence did not discriminate against Mr. Haddon when it discharged him and subsequently decided not to rehire him. We reverse the EEOC's decision that the Executive Residence violated Mr. Haddon's rights when it temporarily rescinded his access to the White House. . . ."

The opinion is quite detailed and worth reading.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/29/2002 8:18:56 AM
Subject: : Re: Red tag due at 12 pm today. thanks

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:29-NOV-2002 13:18:56.00
SUBJECT:: Re: Red tag due at 12 pm today. thanks
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

thanks.
```

```
Brett M. Kavanaugh
11/29/2002 01:18:13 PM
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@EOP
cc:
Subject: Re: Red tag due at 12 pm today. thanks

No objection.

.
```

From: Kyle_Sampson@who.eop.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/1/2002 4:01:54 PM
Subject: : Your discretion

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle_Sampson@who.eop.gov ( Kyle_Sampson@who.eop.gov [ UNKNOWN ] )
CREATION DATE/TIME: 1-DEC-2002 21:01:54.00
SUBJECT:: Your discretion
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Leads me to think that things look favorable.

.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle_Sampson@who.eop.gov [UNKNOWN] <Kyle_Sampson@who.eop.gov>
Sent: 12/1/2002 4:30:14 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 1-DEC-2002 21:30:14.00
SUBJECT::
TO:Kyle_Sampson@who.eop.gov ( Kyle_Sampson@who.eop.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Know nothing.

.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@EOP [WHO] <Carolyn Nelson>
Sent: 12/2/2002 4:00:07 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 09:00:07.00
SUBJECT::
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

can you get me a copy of this case.
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/02/2002 09:03 AM ----------

David S. Addington
11/27/2002 06:32:03 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Jennifer G. Newstead/WHO/EOP@EOP
cc:
Subject:

Al, Tim, Brett, Jen:

Wanted to be sure you know that the Fed. Cir. issued its decision today in Haddon v. Executive Residence at the White House, Nos. 01-6001, 01-6002, 2002 WL 31662798 (Fed. Cir. November 27, 2002). Here is the bottom line:

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The opinion is quite detailed and worth reading.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 12/2/2002 4:12:31 AM
Subject: : RE: FW: draft of Philly invite
Attachments: P_8821C003_WHO.TXT_1

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 09:12:31.00
SUBJECT:: RE: FW: draft of Philly invite
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

If not a political fundraiser, this would be akin to speaking to an
outside interest group (i.e., official activity for Ken) and the invite
therefore can stay as is.

Kate Walters <kate@georgewbush.com>
12/02/2002 09:25:40 AM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: FW: draft of Philly invite

even if it is not a Fundraiser?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, December 02, 2002 8:41 AM
To: Kate Walters
Subject: Re: FW: draft of Philly invite

Can you change "White House Political Director" to "Political Advisor
to
President Bush" and also add his 2000 campaign title in the way we have
done

before. Thanks.

(Embedded
image moved Kate Walters <kate@georgewbush.com>
to file: 12/02/2002 08:08:41 AM
pic03510.pcx)

Please respond to kate@georgewbush.com

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: FW: draft of Philly invite

draft of Philly invitedid you have a chance to look at this??

thanks
-----Original Message-----
From: Matt Brooks [mailto:mbrooks@rjchq.org <mailto:mbrooks@rjchq.org>]
Sent: Monday, November 25, 2002 5:29 PM
To: Kate Walters
Subject: draft of Philly invite

Kate- attached is the draft of the invite for the reception with Ken in Philly for WH Counsel approval. This is a text-only draft. The final form will look much nicer.

Thanks for all your help.

-Matt

- winmail.dat

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_8821C003_WHO.TXT_1>

even if it is not a Fundraiser?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov [mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, December 02, 2002 8:41 AM
To: Kate Walters
Subject: Re: FW: draft of Philly invite

Can you change "White House Political Director" to "Political Advisor to President Bush" and also add his 2000 campaign title in the way we have done before. Thanks.

(Embedded
image moved Kate Walters <kate@georgewbush.com>
to file: 12/02/2002 08:08:41 AM
pic03510.pcx)

Please respond to kate@georgewbush.com

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: FW: draft of Philly invite

draft of Philly invitedid you have a chance to look at this??

thanks
-----Original Message-----
From: Matt Brooks [
mailto:mbrooks@rjchq.org]
Sent: Monday, November 25, 2002 5:29 PM
To: Kate Walters
Subject: draft of Philly invite

Kate- attached is the draft of the invite for the reception with Ken in Philly for WH Counsel approval. This is a text-only draft. The final form will look much nicer.

Thanks for all your help.

-Matt

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: george.wolfe@do.treas.gov @ inet [UNKNOWN] <george.wolfe@do.treas.gov @ inet>
Sent: 12/2/2002 4:44:49 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 09:44:49.00
SUBJECT::
TO:george.wolfe@do.treas.gov @ inet (george.wolfe@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

would like to talk to you about this q we received: Could the US
government appeal a federal district court judgement for a plantiff if the
judgment is 90 percent federal money?

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/2/2002 6:36:08 AM
Subject: : Re: request for Ken to brief Senate Judiciary Committee counsels

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 11:36:08.00
SUBJECT:: Re: request for Ken to brief Senate Judiciary Committee counsels
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I've flagged this for Nick. If Matt can do it that's great. I'll call McMaster and make sure we can confirm w/Manny for real.

Brett M. Kavanaugh
12/02/2002 10:07:10 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc:
Subject: Re: request for Ken to brief Senate Judiciary Committee counsels

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/02/2002 10:13 AM ----------

Ken Mehlman
11/27/2002 03:20:28 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: matthew a. schlapp/who/eop@eop, katherine m. walters/who/eop@eop, David McMaster/WHO/EOP@EOP
bcc:
Subject: Re: request for Ken to brief Senate Judiciary Committee counsels

Either Schlapp or I will do this. Kate/Dave McMaster: Which of us can do this?

Brett M. Kavanaugh
11/27/2002 03:03:42 PM
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP, Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: request for Ken to brief Senate Judiciary Committee counsels

Ken: Senator Hatch's staff has made a request for you to speak to all of

the Republican Judiciary Committee counsel on the results of the election, particularly if you can extrapolate any conclusions regarding their issues, especially judges. They would prefer Thursday Dec. 5 in the afternoon. Are you available?

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: david mcmaster/who/eop@eop [WHO] <david mcmaster>
Sent: 12/2/2002 6:43:44 AM
Subject: : Re: Wednesday

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 11:43:44.00
SUBJECT:: Re: Wednesday
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:david mcmaster (CN=david mcmaster/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

either way...

Brett M. Kavanaugh
12/02/2002 11:38:57 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc: david mcmaster/who/eop@eop
bcc:
Subject: Re: Wednesday

I think I had proposed Thursday, which is better for me and which Manny had originally proposed as well.

Heather Wingate
12/02/2002 11:34:36 AM
Record Type: Record

To: David McMaster/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Wednesday

David, is Matt Schlapp going to be able to do this polling briefing w/Sen. Repub Judiciary Counsel's? Brett and I both are getting emails and phone calls asking if we can lock this in for Wed. Thanks!
---------- Forwarded by Heather Wingate/WHO/EOP on 12/02/2002 11:34 AM ----------

Brett M. Kavanaugh
12/02/2002 11:19:25 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP

cc:
Subject: Wednesday

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/02/2002 11:25 AM ----------

Manuel_Miranda@judiciary.senate.gov (Manuel Miranda)
12/02/2002 11:13:49 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Wednesday

Following up. Can the WH do a polling briefing for all R Judiciary counsel and staff on Wednesday for 30 minutes or as usual sometime betw 2:30 and and 5:00?

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/2/2002 2:52:49 AM
Subject: : FW: draft of Philly invite
Attachments: P_LSY0C003_WHO.TXT_1.htm; P_LSY0C003_WHO.TXT_2.rtf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME: 2-DEC-2002 07:52:49.00
SUBJECT:: FW: draft of Philly invite
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

draft of Philly invitedid you have a chance to look at this??

thanks
-----Original Message-----
From: Matt Brooks [mailto:mbrooks@rjchq.org]
Sent: Monday, November 25, 2002 5:29 PM
To: Kate Walters
Subject: draft of Philly invite

Kate- attached is the draft of the invite for the reception with Ken in Philly for WH Counsel approval. This is a text-only draft. The final form will look much nicer.

Thanks for all your help.

-Matt

- att1.htm - Philly Flyer draft.rtf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LSY0C003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LSY0C003_WHO.TXT_2>

did you have a chance to look at this??

thanks
-----Original Message-----
From: Matt Brooks [mailto:mbrooks@rjchq.org]
Sent: Monday, November 25, 2002 5:29 PM
To: Kate Walters
Subject: draft of Philly invite

Kate- attached is the draft of the invite for the reception wit h Ken in Philly for WH Counsel approval. This is a text-only draft. The final form will look much nicer.

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-Matt

ddoc4 tright **Republican Jewish Coalition**

vel0**Philadelphia Chapter**

h

Cordially Invites You to Attend

A special reception

featuring

The Honorable Ken Mehlman

level1

af4White House Political Director

right

stright **"The 2002 Elections- What Happened and What it Means For The Future"**

Ken, along with Karl Rove, was one of the principle architects of the GOP's historic showing in the 2002 elections. Please join us for a very interesting and informative evening.

lochWednesday, December 18, 2002
5:00 ndash 6:30 PM

_hT..B.D. Hotel

f20 Philadelphia

Please RSVP to:
Scott M. Feigelstein
610-667-1263
fax: 610-667-1265
e-mail: sfeigelstein@rjchq.org

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 12/2/2002 3:44:06 AM
Subject: : Re: FW: draft of Philly invite
Attachments: P_GO01C003_WHO.TXT_1.htm; P_GO01C003_WHO.TXT_2.rtf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 08:44:06.00
SUBJECT:: Re: FW: draft of Philly invite
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

Can you change "White House Political Director" to "Political Advisor to President Bush" and also add his 2000 campaign title in the way we have done before. Thanks.

Kate Walters <kate@georgewbush.com>
12/02/2002 08:08:41 AM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: draft of Philly invite

draft of Philly invitedid you have a chance to look at this??

thanks
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To: Kate Walters
Subject: draft of Philly invite

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-Matt

- att1.htm
- Philly Flyer draft.rtf

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GO01C003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GO01C003_WHO.TXT_2>

did you have a chance to look at this??

thanks
-----Original Message-----
From: Matt Brooks [mailto:mbrooks@rjchq.org]
Sent: Monday, November 25, 2002 5:29 PM
To: Kate Walters
Subject: draft of Philly invite

Kate- attached is the draft of the invite for the reception wit h Ken in Philly for WH Counsel approval. This is a text-only draft. The final form will look much nicer.

Thanks for all your help.

-Matt

ddoc4 tright **Republican Jewish Coalition**

vel0**Philadelphia Chapter**

h

Cordially Invites You to Attend

A special reception

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level1

af4White House Political Director

right

stright **"The 2002 Elections- What Happened and What it Means For The Future"**

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lochWednesday, December 18, 2002
5:00 ndash 6:30 PM

_hT..B.D. Hotel

f20 Philadelphia

Please RSVP to:
Scott M. Feigelstein
610-667-1263
fax: 610-667-1265
e-mail: sfeigelstein@rjchq.org

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Amy Haywood) (Amy_Haywood@judiciary.senate.gov (Amy Haywood) [UNKNOWN] <Amy_Haywood@judiciary.senate.gov>
Sent: 12/2/2002 3:53:41 AM
Subject: : Re: Re[2]:blue slip

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 08:53:41.00
SUBJECT:: Re: Re[2]:blue slip
TO:Amy_Haywood@judiciary.senate.gov (Amy Haywood) (Amy_Haywood@judiciary.senate.gov (Amy Haywood) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Do you have the letters that Senator Hatch sent at the time?

Amy_Haywood@judiciary.senate.gov (Amy Haywood)
11/26/2002 11:37:57 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re[2]:blue slip

They should be coming through on your fax right now. Let me know if you need
anything else- amy

_____Reply Separator_____
Subject: Re:blue slip
Author: Makan Delrahim
Date: 11/25/2002 6:07 PM

sure. I will have Amy get them, there were 2 and will send them to you. Had a
good chat with Bruce (sarcastic) today. Will need to fill you in. Makan

_____Reply Separator_____
Subject: blue slip
Author: Brett_M._Kavanaugh@who.eop.gov
Date: 11/23/2002 4:46 PM

Can you FAX me the various Sen. Hatch blue slip letters from '96 and '97 to 202-456-5104. Thanks.

Received: from mailsims1.senate.gov ([156.33.203.10]) by mailexch.senate.gov
with SMTP
(IMA Internet Exchange 3.13) id 00051B7A; Sat, 23 Nov 2002 16:49:18 -0500
Received: from navgw2.senate.gov by mailsims1.senate.gov

(Sun Internet Mail Server sims.3.5.2000.03.23.18.03.p10)
with SMTP id <0H61007K6U2W85@mailsims1.senate.gov> for
Makan_Delrahim@judiciary.senate.gov; Sat, 23 Nov 2002 16:52:17 -0500 (EST)
Received: from eop2.eop.gov ([198.137.241.53])
by navgw2.senate.gov (SAVSMTP 3.0.0.44) with SMTP id M2002112316464711493
for
<Makan_Delrahim@judiciary.senate.gov>; Sat, 23 Nov 2002 16:46:47 -0500
Received: from CONVERSION-DAEMON by EOP.GOV (PMDF V5.2-33 #41062)
id <01KP7Q6BN3CWA5W7RD@EOP.GOV> for Makan_Delrahim@judiciary.senate.gov;
Sat,
23 Nov 2002 16:49:11 -0500 (EST)
Received: from mhub2.eop.gov ([198.137.241.10])
by EOP.GOV (PMDF V5.2-33 #41062) with ESMTP id
<01KP7Q6BFTJ0A5W6M7@EOP.GOV>
for Makan_Delrahim@judiciary.senate.gov; Sat, 23 Nov 2002 16:49:11 -0500
(EST)
Received: from sgeop03.eop.gov ([165.119.1.37])
by mhub.eop.gov (PMDF V6.1-1 #41014)
with SMTP id <01KP7Q5ZQHUC9H3D4O@mhub.eop.gov> for
Makan_Delrahim@judiciary.senate.gov; Sat, 23 Nov 2002 16:48:55 -0500 (EST)
Received: by sgeop03.eop.gov(Lotus SMTP MTA v4.6.7 (934.1 12-30-1999))
id 85256C7A.0077D2CE ; Sat, 23 Nov 2002 16:48:47 -0500
Date: Sat, 23 Nov 2002 16:46:06 -0500
From: Brett_M._Kavanaugh@who.eop.gov
Subject: blue slip
To: Makan_Delrahim@judiciary.senate.gov (Makan Delrahim)
Message-id: <85256C7A.0077D22A.00@sgeop03.eop.gov>
MIME-version: 1.0
Content-type: text/plain; charset=us-ascii
Content-disposition: inline
X-Lotus-FromDomain: EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/2/2002 4:08:30 AM
Subject: : Re: Favor

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 09:08:30.00
SUBJECT:: Re: Favor
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

any word on this?
---------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/02/2002 09:11 AM ----------------------------

"Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov>
11/18/2002 12:36:44 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Favor

Thank you so much!

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov <Brett_M._Kavanaugh@who.eop.gov>
To: Keefer, Wendy J <Wendy.J.Keefer@USDOJ.gov>
Sent: Mon Nov 18 12:23:54 2002
Subject: Re: Favor

I have put this into process. Will let you know.

(Embedded
image moved "Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov>
to file: 11/14/2002 12:03:14 PM
pic25172.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Favor

Brett:

I am sure you are extremely busy, but I was wondering if before I left

there
would be any way for me to get a signed picture of or with President
Bush. It
would just be such a great thing to have, but I don't know how hard that
is to
orchestrate.

Let me know if there is someone else who would be able to help me.

Thanks.

Wendy J. Keefer
Senior Counsel and Chief of Staff
Office of Legal Policy
(202) 616-2643

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/2/2002 4:09:45 AM
Subject: : RE: FW: draft of Philly invite
Attachments: P_G321C003_WHO.TXT_1

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME: 2-DEC-2002 09:09:45.00
SUBJECT:: RE: FW: draft of Philly invite
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

even if it is not a Fundraiser?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, December 02, 2002 8:41 AM
To: Kate Walters
Subject: Re: FW: draft of Philly invite

Can you change "White House Political Director" to "Political Advisor
to
President Bush" and also add his 2000 campaign title in the way we have
done

before. Thanks.

(Embedded
image moved Kate Walters <kate@georgewbush.com>
to file: 12/02/2002 08:08:41 AM
pic03510.pcx)

Please respond to kate@georgewbush.com

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: FW: draft of Philly invite

draft of Philly invitedid you have a chance to look at this??

thanks
-----Original Message-----
From: Matt Brooks [mailto:mbrooks@rjchq.org <mailto:mbrooks@rjchq.org>]

Sent: Monday, November 25, 2002 5:29 PM
To: Kate Walters
Subject: draft of Philly invite

Kate- attached is the draft of the invite for the reception with Ken in Philly for WH Counsel approval. This is a text-only draft. The final form will look much nicer.

Thanks for all your help.

-Matt

- winmail.dat
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_G321C003_WHO.TXT_1>

even if it is not a Fundraiser?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov [mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, December 02, 2002 8:41 AM
To: Kate Walters
Subject: Re: FW: draft of Philly invite

Can you change "White House Political Director" to "Political Advisor to President Bush" and also add his 2000 campaign title in the way we have done before. Thanks.

(Embedded
image moved Kate Walters <kate@georgewbush.com>
to file: 12/02/2002 08:08:41 AM
pic03510.pcx)

Please respond to kate@georgewbush.com

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: FW: draft of Philly invite

draft of Philly invitedid you have a chance to look at this??

thanks
-----Original Message-----
From: Matt Brooks [
mailto:mbrooks@rjchq.org]
Sent: Monday, November 25, 2002 5:29 PM
To: Kate Walters
Subject: draft of Philly invite

Kate- attached is the draft of the invite for the reception with Ken in Philly for WH Counsel approval. This is a text-only draft. The final form will look much nicer.

Thanks for all your help.

-Matt

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 12/2/2002 4:12:31 AM
Subject: : RE: FW: draft of Philly invite
Attachments: P_8821C003_WHO.TXT_1

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 09:12:31.00
SUBJECT:: RE: FW: draft of Philly invite
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

If not a political fundraiser, this would be akin to speaking to an
outside interest group (i.e., official activity for Ken) and the invite
therefore can stay as is.

Kate Walters <kate@georgewbush.com>
12/02/2002 09:25:40 AM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: FW: draft of Philly invite

even if it is not a Fundraiser?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, December 02, 2002 8:41 AM
To: Kate Walters
Subject: Re: FW: draft of Philly invite

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President Bush" and also add his 2000 campaign title in the way we have
done

before. Thanks.

(Embedded
image moved Kate Walters <kate@georgewbush.com>
to file: 12/02/2002 08:08:41 AM
pic03510.pcx)

Please respond to kate@georgewbush.com

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: FW: draft of Philly invite

draft of Philly invitedid you have a chance to look at this??

thanks
-----Original Message-----
From: Matt Brooks [mailto:mbrooks@rjchq.org <mailto:mbrooks@rjchq.org>]
Sent: Monday, November 25, 2002 5:29 PM
To: Kate Walters
Subject: draft of Philly invite

Kate- attached is the draft of the invite for the reception with Ken in Philly for WH Counsel approval. This is a text-only draft. The final form will look much nicer.

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-Matt

- winmail.dat

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_8821C003_WHO.TXT_1>

even if it is not a Fundraiser?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov [mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, December 02, 2002 8:41 AM
To: Kate Walters
Subject: Re: FW: draft of Philly invite

Can you change "White House Political Director" to "Political Advisor to President Bush" and also add his 2000 campaign title in the way we have done before. Thanks.

(Embedded
image moved Kate Walters <kate@georgewbush.com>
to file: 12/02/2002 08:08:41 AM
pic03510.pcx)

Please respond to kate@georgewbush.com

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: FW: draft of Philly invite

draft of Philly invitedid you have a chance to look at this??

thanks
-----Original Message-----
From: Matt Brooks [
mailto:mbrooks@rjchq.org]
Sent: Monday, November 25, 2002 5:29 PM
To: Kate Walters
Subject: draft of Philly invite

Kate- attached is the draft of the invite for the reception with Ken in Philly for WH Counsel approval. This is a text-only draft. The final form will look much nicer.

Thanks for all your help.

-Matt

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 12/2/2002 5:17:29 AM
Subject: : Re: opinions on re-election campaigns

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 10:17:29.00
SUBJECT:: Re: opinions on re-election campaigns
TO:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

If these can get to me before 1:00, that would be best. Thanks.

"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
12/02/2002 09:52:21 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: opinions on re-election campaigns

FYI: I should have a stack of a dozen or so opinions and memos over to
you today.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/2/2002 6:14:20 AM
Subject: : Off Site Update

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 2-DEC-2002 11:14:20.00
SUBJECT:: Off Site Update
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

This is per Dab:

"On site today and tomorrow till about 4 pm tomorrow,
On call Tuesday night,
Stand back up Wed.
On call after Thursday approx 4 pm."
```

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/2/2002 6:53:50 AM
Subject: : Re: Off Site Update

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 11:53:50.00
SUBJECT:: Re: Off Site Update
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tomorrow I am going to tell the Judge that we need to add Ben to the rotation...

Brett M. Kavanaugh
12/02/2002 11:49:45 AM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Off Site Update

any rhyme or reason . . .

H. Christopher Bartolomucci
12/02/2002 11:11:24 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Off Site Update

This is per Dab:

"On site today and tomorrow till about 4 pm tomorrow,
On call Tuesday night,
Stand back up Wed.
On call after Thursday approx 4 pm."

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/2/2002 9:16:54 AM
Subject: : RE: missing pages

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 2-DEC-2002 14:16:54.00
SUBJECT:: RE: missing pages
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Turns out that our copy is also missing the even-numbered pages. We're
tracking down the original and will fax it to you as soon as we locate it.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, December 02, 2002 2:00 PM
To: Whelan, M Edward III
Subject: missing pages

You can just FAX that over to 202-456-5104. Thanks.

From: CN=James W. Carroll/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/2/2002 9:47:42 AM
Subject: : Dee Drell

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 2-DEC-2002 14:47:42.00
SUBJECT:: Dee Drell
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Tim wanted me to ask you about Dee Drell. The BI is finished.
Jim
```

From: CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Dylan C. Glenn/OPD /EOP@EOP [OPD] <Dylan C. Glenn>
Sent: 12/2/2002 10:56:28 AM
Subject: : AP - Politics rules the White House, former aide says

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 15:56:28.00
SUBJECT:: AP - Politics rules the White House, former aide says
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

check out Ari working the Jedi mind-trick on DiIulio.
---------- Forwarded by Joel D. Kaplan/WHO/EOP on 12/02/2002 03:57 PM ----------

Brian Bravo
12/02/2002 03:50:17 PM
Record Type: Record

To:
cc:
Subject: AP - Politics rules the White House, former aide says

Politics rules the White House, former aide says
By SCOTT LINDLAW Associated Press Writer
WASHINGTON (AP) Politics and re-election concerns rule the White House at the expense of good public policy, says a former aide to President Bush.
Not so, White House spokesman Ari Fleischer said Monday, dismissing comments from John J. DiIulio as ``baseless and groundless.''
DiIulio issued two statements, the first generally standing by his criticism, the second similar to Fleischer's comment calling his own allegations ``groundless and baseless due to poorly chosen words and examples.''
DiIulio, a Democrat who led the White House office of faith-based initiatives until August 2001, said in an interview with Esquire magazine: ``There is no precedent in any modern White House for what is going on in this one: complete lack of a policy apparatus.''
``What you've got is everything, and I mean everything, being run by the political arm. It's the reign of the Mayberry Machiavellis,'' he was quoted as saying in the January issue. Rove, DiIulio said, is ``enormously powerful, maybe the single most powerful person in the modern, post-Hoover era ever to occupy a political-adviser post near the Oval Office.''
Fleischer said of the Esquire article, ``Any suggestion that the White House makes decisions that are not based on sound policy reasons is baseless and groundless.''
DiIulio did not back down in the first statement he released Monday through the University of Pennsylvania, where he teaches. He did dispute two quotes, neither of which involved his assertion that re-election interests are paramount in the Bush White House.
One was a passage in which he was quoted saying that what White House domestic policy adviser Margaret LaMontagne ``knows about domestic policy could fit in a thimble.'' DiIulio said Monday he had no recollection of making that statement but ``I humbly and sincerely

apologize to her just the same.''
He said one unspecified exchange with Rove depicted in the article ``did not occur as such.'' He was apparently referring to a passage in which he complained to Rove about the heavy presence of Christian evangelical leaders in the White House. DiIulio tells Rove in the article: ``I'm not taking any (expletive) off of Jerry Falwell.''
DiIulio's first statement Monday said the article ``is unjustly hard on Mr. Rove and over-the-top complimentary to me, thereby creating a too-pat contrast that is, I feel, MOST UNFAIR TO MR. ROVE.'' DiIulio did not say how the article was unfair. But, he said, ``I regret any and all misimpressions.''
After DiIulio's first statement, Fleischer said DiIulio had ``issued an apology.''
Shortly after the press secretary's criticism, DiIulio issued a second statement that was strikingly similar to Fleischer's comments. ``John DiIulio agrees that his criticisms were groundless and baseless due to poorly chosen words and examples. He sincerely apologizes and is deeply remorseful,'' a university spokeswoman said.
DiIulio declined to elaborate.
He had led a White House office promoting Bush's ``faith-based initiative,'' which stalled in Congress amid fierce debate over how religious programs can get government money without running afoul of the constitutional separation of church and state. He is a professor of politics, religion, and civil society at the University of Pennsylvania.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 12/2/2002 12:29:55 PM
Subject: : fyi

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 17:29:55.00
SUBJECT:: fyi
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I was asked to attend senior staff at 7:30 a.m. tomorrow. I have 5 interviews scheduled tomorrow (although I could have missed those). And I was asked to prepare Judge for his presentation tomorrow evening on the issue we discussed: That required a lengthy meeting today, a follow-up memo I am now preparing, and another meeting tomorrow. I did not want to go through all of that at the party in front of others (and that part is all confidential), but those are the relevant facts.

From: Manuel Miranda) (Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Willett; Don <Don.Willett@usdoj.gov>;Dinh; Viet <Viet.Dinh@usdoj.gov>
Sent: 12/2/2002 1:55:42 PM
Subject: : on that last one

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) (
Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [ UNKNOWN ] )
CREATION DATE/TIME: 2-DEC-2002 18:55:42.00
SUBJECT:: on that last one
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Willett; Don" <Don.Willett@usdoj.gov> ( "Willett; Don" <Don.Willett@usdoj.gov> [
UNKNOWN ] )
READ:UNKNOWN
TO:"Dinh; Viet" <Viet.Dinh@usdoj.gov> ( "Dinh; Viet" <Viet.Dinh@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Senator Hatch is being invited also, but it is likely that I will attend
in his stead.
```

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/2/2002 1:55:40 PM
Subject: : Fw: Med mal - etc.
Attachments: P_8742C003_WHO.TXT_1

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 18:55:40.00
SUBJECT:: Fw: Med mal - etc.
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Does this work for you?

.

----- Original Message -----
From:<John_Mashburn@lott.senate.gov>
To:<"IMCEACCMAIL-Rebecca+20Seidel+20at+20JUDICIARY"@routing.senate.gov>,
<John_Abegg@mcconnell.senate.gov>,

<"IMCEACCMAIL-William+20Smith+20at+20JUDICIARY"@routing.senate.gov>,

<"IMCEACCMAIL-Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov>
Cc:
Date: 12/02/2002 05:18:28 PM
Subject: Med mal - etc.

Can folks make a 3 pm meeting here in S-230 on Wednesday???
- winmail.dat
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_8742C003_WHO.TXT_1>

Can folks make a 3 pm meeting here in S-230 on Wednesday???

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 12/2/2002 1:57:13 PM
Subject: : Fw: Med mal - etc.
Attachments: P_N942C003_WHO.TXT_1

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 18:57:13.00
SUBJECT:: Fw: Med mal - etc.
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We need to get organized; who is on team, etc., so that we can respond to Heather and the right people go.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/02/2002 06:59 PM ----------

Heather Wingate
12/02/2002 06:54:31 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fw: Med mal - etc.

Does this work for you?

.

----- Original Message -----
From:<John_Mashburn@lott.senate.gov>
To:<"IMCEACCMAIL-Rebecca+20Seidel+20at+20JUDICIARY"@routing.senate.gov>,
<John_Abegg@mcconnell.senate.gov>,

<"IMCEACCMAIL-William+20Smith+20at+20JUDICIARY"@routing.senate.gov>,

<"IMCEACCMAIL-Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov>
Cc:
Date: 12/02/2002 05:18:28 PM
Subject: Med mal - etc.

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- winmail.dat

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_N942C003_WHO.TXT_1>

Can folks make a 3 pm meeting here in S-230 on Wednesday???

From: CN=Jennifer Millerwise/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/2/2002 2:24:57 PM
Subject: : Re: please review

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jennifer Millerwise (CN=Jennifer Millerwise/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME: 2-DEC-2002 19:24:57.00
SUBJECT:: Re: please review
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

so, to be clear, the 5th district slot has been filled by edith (sorry, don't usually do these issues).

Brett M. Kavanaugh
12/02/2002 05:21:34 PM
Record Type: Record

To: Jennifer Millerwise/OVP/EOP@EOP
cc:
bcc:
Subject: Re: please review

This is true. Be aware that there was a third nominee to the Fifth Circuit, Edith Clement of Louisiana, who was confirmed. But I do not think you need to change the wording below, which is accurate.

Jennifer Millerwise
12/02/2002 04:19:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: please review

brett, is this an accurately worded stmt? for vp's briefing book...he is doing LA radio in the morning.

"The President nominated two highly qualified judges (Pickering and Owens) to the fifth circuit court of appeals, which covers Louisiana, but both were blocked by Democrats on a strictly partisan basis."

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/2/2002 2:31:24 PM
Subject: : Re: Fw: Med mal - etc.
Attachments: P_4352C003_WHO.TXT_1

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-DEC-2002 19:31:24.00
SUBJECT:: Re: Fw: Med mal - etc.
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You and Jay at least should go.

Additional options are Diana, Alan, Alex A. and me. Anyone else?

Brett M. Kavanaugh
12/02/2002 06:54:17 PM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP
cc:
Subject: Fw: Med mal - etc.

We need to get organized; who is on team, etc., so that we can respond to Heather and the right people go.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/02/2002 06:59 PM ----------

Heather Wingate
12/02/2002 06:54:31 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fw: Med mal - etc.

Does this work for you?

.

----- Original Message -----
From:<John_Mashburn@lott.senate.gov>
To:<"IMCEACCMAIL-Rebecca+20Seidel+20at+20JUDICIARY"@routing.senate.gov>, <John_Abegg@mcconnell.senate.gov>,

<"IMCEACCMAIL-William+20Smith+20at+20JUDICIARY"@routing.senate.gov>,

<"IMCEACCMAIL-Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov>
Cc:
Date: 12/02/2002 05:18:28 PM
Subject: Med mal - etc.

Can folks make a 3 pm meeting here in S-230 on Wednesday???
- winmail.dat

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4352C003_WHO.TXT_1>

Can folks make a 3 pm meeting here in S-230 on Wednesday???

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@EOP [WHO] <Carolyn Nelson>
Sent: 12/3/2002 3:17:16 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-DEC-2002 08:17:16.00
SUBJECT::
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

What is list of likely candidates for book on Thursday with President?
```

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/3/2002 4:12:06 AM
Subject: : Delaware

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-DEC-2002 09:12:06.00
SUBJECT:: Delaware
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Kent Jordan called to invite you and me to his investiture on Friday,
January 3, 2003, at 2:00 p.m., in the Wilmington courthouse. Formal
invites are in the mail.
```

From: Campen, Tim
To: <Howard, Jack>
CC: <Kavanaugh, Brett M.>
Sent: 12/3/2002 8:25:18 AM
Subject: Misc items

Jack,
I've got 2 issues I'd like to meet with you about:
1. SES positions for OA. How to proceed.
2. Letter to the T&P Committee regarding discontinuing the practice of emailing their questions directly to OA.

When can you meet?

Tim

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/3/2002 4:45:15 AM
Subject: : RE: missing pages

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 3-DEC-2002 09:45:15.00
SUBJECT:: RE: missing pages
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI: Dan has an idea on how to locate a clean original, so, contrary to
my voicemail message, I won't have a blurred copy delivered to you unless
Dan's effort is unsuccessful.

-----Original Message-----
From: Whelan, M Edward III
Sent: Monday, December 02, 2002 2:15 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: missing pages

Turns out that our copy is also missing the even-numbered pages. We're
tracking down the original and will fax it to you as soon as we locate it.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, December 02, 2002 2:00 PM
To: Whelan, M Edward III
Subject: missing pages

You can just FAX that over to 202-456-5104. Thanks.

From: Manuel Miranda) (Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/3/2002 4:52:21 AM
Subject: : Re[2]: Wednesday

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) (
Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [ UNKNOWN ] )
CREATION DATE/TIME: 3-DEC-2002 09:52:21.00
SUBJECT:: Re[2]: Wednesday
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

any word on Melman? I am waiting on that to invite the other polling
analysts
that pertain to judicial issues.

If Wedsday, we could do it from 1:00 to 3:00 so that you can make your 4:00
meeting.

If Thursday, suggest a time so I can slide the Owen meeting. But not
before
2:00.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;benjamin a. powell/who/eop@eop [WHO] <benjamin a. powell>
Sent: 12/3/2002 5:57:28 AM
Subject: : Re: Schwabb and Remington are both here

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2002 10:57:28.00
SUBJECT:: Re: Schwabb and Remington are both here
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:benjamin a. powell (CN=benjamin a. powell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Schwab is with Kyle and me at 11:15.

Elizabeth N. Camp
12/03/2002 10:56:29 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Benjamin A. Powell/WHO/EOP@EOP
cc:
Subject: Schwabb and Remington are both here

From: John Abegg) (John_Abegg@mcconnell.senate.gov (John Abegg) [UNKNOWN]
To: William Smith_at_JUDICIARY <IMCEACCMAIL-William+20Smith+20at+20JUDICIARY"@routing.senate.gov>;Mashburn; John (Lott) <John_Mashburn@lott.senate.gov>;Stephen Higgins_at_JUDICIARY <IMCEACCMAIL-Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Rebecca Seidel_at_JUDICIARY <IMCEACCMAIL-Rebecca+20Seidel+20at+20JUDICIARY"@routing.senate.gov>
Sent: 12/3/2002 6:06:00 AM
Subject: : Re[2]:Med Mal @ 2 pm tomorrow

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:John_Abegg@mcconnell.senate.gov (John Abegg) ( John_Abegg@mcconnell.senate.gov
(John Abegg) [ UNKNOWN ] )
CREATION DATE/TIME: 3-DEC-2002 11:06:00.00
SUBJECT:: Re[2]:Med Mal @ 2 pm tomorrow
TO:William Smith_at_JUDICIARY <"IMCEACCMAIL-
William+20Smith+20at+20JUDICIARY"@routing.senate.gov> ( William Smith_at_JUDICIARY
<"IMCEACCMAIL-William+20Smith+20at+20JUDICIARY"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Mashburn; John (Lott)" <John_Mashburn@lott.senate.gov> ( "Mashburn; John (Lott)"
<John_Mashburn@lott.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Stephen Higgins_at_JUDICIARY <"IMCEACCMAIL-
Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov> ( Stephen Higgins_at_JUDICIARY
<"IMCEACCMAIL-Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Rebecca Seidel_at_JUDICIARY <"IMCEACCMAIL-
Rebecca+20Seidel+20at+20JUDICIARY"@routing.senate.gov> ( Rebecca Seidel_at_JUDICIARY
<"IMCEACCMAIL-Rebecca+20Seidel+20at+20JUDICIARY"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

yes for me, too.

_____Reply Separator_____
Subject: Re:Med Mal @ 2 pm tomorrow
Author: Rebecca Seidel_at_JUDICIARY
<IMCEACCMAIL-Rebecca+20Seidel+20at+20JUDICIARY@routing.senate.gov>
Date: 12/3/2002 10:52 AM

yes for me

_____Reply Separator_____
Subject: Med Mal @ 2 pm tomorrow
Author: John Mashburn
Date: 12/3/2002 10:46 AM

Some folks had a conflict with 3 pm -- can folks make 2 pm over here in
S-230
tomorrow (Wed)
Received: from mailsims2.senate.gov ([156.33.203.11]) by
imaexch.senate.gov with
SMTP
(IMA Internet Exchange 3.13) id 00C12981; Tue, 3 Dec 2002 10:57:37 -0500
Return-path:
IMCEACCMAIL-Rebecca+20Seidel+20at+20JUDICIARY@routing.senate.gov
Received: from shared-bh02.shared.senate.us (shared-bh02.senate.gov)
by mailsims2.senate.gov
(Sun Internet Mail Server sims.3.5.2000.03.23.18.03.p10)
with ESMTP id <0H6J003HTWHN64@mailsims2.senate.gov> for
John_Abegg@mcconnell.senate.gov; Tue, 3 Dec 2002 11:01:01 -0500 (EST)
Received: from shared-cc02.shared.senate.us ([156.33.203.103])
```

by shared-bh02.shared.senate.us with Microsoft SMTPSVC(5.0.2195.3779);
Tue,
03 Dec 2002 10:57:32 -0500
Date: Tue, 03 Dec 2002 10:52:00 -0500
From: Rebecca Seidel at JUDICIARY
<IMCEACCMAIL-Rebecca+20Seidel+20at+20JUDICIARY@routing.senate.gov>
Subject: Re:Med Mal @ 2 pm tomorrow
To: "Mashburn, John (Lott)" <John_Mashburn@lott.senate.gov>,
"\"John Abegg (E-mail)\" " <John_Abegg@mcconnell.senate.gov>,
"\"Brett M. Kavanaugh (E-mail)\" " <Brett_M._Kavanaugh@who.eop.gov>,
William Smith at JUDICIARY
<IMCEACCMAIL-William+20Smith+20at+20JUDICIARY@routing.senate.gov>,
Stephen Higgins at JUDICIARY
<IMCEACCMAIL-Stephen+20Higgins+20at+20JUDICIARY@routing.senate.gov>
Message-id:
<159B12C22638CA4DA3C176979A5D380101CEEC3E@shared-cc02.shared.senate.us>
MIME-version: 1.0
Content-type: text/plain; charset=us-ascii
Content-transfer-encoding: quoted-printable
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
content-class: urn:content-classes:message
Thread-Topic: Med Mal @ 2 pm tomorrow
X-MimeOLE: Produced By Microsoft Exchange V6.0.4712.0
Thread-Index: AcKa5K5YL4pm2xVIRUK8GhnfUfOZ9A==
X-OriginalArrivalTime: 03 Dec 2002 15:57:32.0742 (UTC)
FILETIME=[B0B13660:01C29AE4]

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/3/2002 11:36:26 AM
Subject: : We're waiting....

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-DEC-2002 16:36:26.00
SUBJECT:: We're waiting....
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/3/2002 7:45:35 AM
Subject: : Re: Med mal - etc.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2002 12:45:35.00
SUBJECT:: Re: Med mal - etc.
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Who does she have from policy?

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:Kristen Silverberg/WHO/EOP@EOP
Cc:
Date: 12/03/2002 11:29:59 AM
Subject: Fw: Med mal - etc.

Fyi.

.

----- Original Message -----
From:Heather Wingate/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 12/03/2002 10:06:20 AM
Subject: RE: Med mal - etc.

can you do 2pm tomorrow for a med mal meeting?
---------------------- Forwarded by Heather Wingate/WHO/EOP on 12/03/2002 10:06 AM ---------------------------

"Mashburn, John (Lott)" <John_Mashburn@lott.senate.gov>
12/03/2002 10:02:33 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc:
Subject: RE: Med mal - etc.

Does 2 pm work better

-----Original Message-----
From: Heather_Wingate@who.eop.gov [mailto:Heather_Wingate@who.eop.gov]
Sent: Tuesday, December 03, 2002 9:23 AM
To: Mashburn, John (Lott)
Subject: Re: Med mal - etc.

is this time set, John? fyi... Brett and I both have a 4pm down here tomorrow,
so we would need to bug out at 3:45.

(Embedded
image moved "Mashburn, John (Lott)"
to file: <John_Mashburn@lott.senate.gov>
pic22807.pcx) 12/02/2002 05:18:28 PM

Record Type: Record

To: "Rebecca Seidel at JUDICIARY (E-mail)"

<"IMCEACCMAIL-Rebecca+20Seidel+20at+20JUDICIARY"@routing.senate.gov>,
"John Abegg (E-mail)" <John_Abegg@mcconnell.senate.gov>, "William
Smith
(E-mail)"

<"IMCEACCMAIL-William+20Smith+20at+20JUDICIARY"@routing.senate.gov>,
"Stephen Higgins (E-mail)"

<"IMCEACCMAIL-Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov>

cc:
Subject: Med mal - etc.

Can folks make a 3 pm meeting here in S-230 on Wednesday???

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/3/2002 11:17:10 AM
Subject: :
Attachments: P_9L63C003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-DEC-2002 16:17:10.00
SUBJECT::
TO:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Please print this draft for Judge; we can finalize when I come over.
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9L63C003_WHO.TXT_1>
```

PRIMARY LEGAL/APPEARANCE ISSUES RELATED TO RE-ELECTION

What legal restrictions apply to White House officials with respect to the campaign?

The law *expressly* permits White House officials and Senate-confirmed officials in the Executive Branch to engage in extensive political activity, including while on duty and in their offices. White House officials therefore may exercise significant responsibility over the conduct of the President's re-election campaign (and White House officials have done so for past Presidents).

The main restrictions on White House officials are that they may not (i) solicit contributions, (ii) knowingly use their official titles on invitations to political events such as fundraisers, or (iii) "coerce" others such as subordinates or those with business before the government into political activity.

How do the legal restrictions on the President differ?

The President's title always may be used, and he may solicit contributions. But he should not solicit funds in a government office, including by use of the telephone in a government office. (This was the issue with Vice President Gore.) The President may solicit funds from calls made from the Residence, although appearance issues can arise with such calls.

What about the use for campaign purposes of government equipment such as computers, printers, paper, copiers, FAXes, telephones, and e-mail?

The government must be reimbursed for those non-incidental costs that the government would not have incurred but for the political activity. In practice, this principle applies primarily to paper and long-distance telephone calls that are charged on a per-call basis (no additional costs are ordinarily incurred from use of the other equipment listed above). Out of an abundance of caution, however, it may be prudent to ensure that those White House officials with significant involvement in the campaign have separate equipment or only campaign-provided equipment (as well as separate campaign e-mail addresses). The Office of Political Affairs has followed this practice. At a minimum, we should ensure that the campaign pays (in advance, where possible) a clearly sufficient amount for use of existing government equipment.

Who pays for travel costs when the President travels on campaign activity?

A long-standing formula is employed to divide costs between the government and the campaign. The campaign generally will pay equivalent first-class airfare, as well as hotel, food, and related costs, for the President and the other "political travelers," including those doing advance work. Costs related to security and secure communications are always paid by the government, and certain travelers

are always deemed official, such as the Secret Service, personal aide, Chief of Staff, and National Security Advisor.

Are any additional rules or policies imposed on travel by Executive Branch officials other than the President?

As a matter of policy, we have prevented Executive Branch officials from flying on corporate-owned aircraft to political events, even if reimbursed by the political entity. This policy has worked well so far.

What about non-PAS employees in Cabinet departments?

These officials may engage in political activity, but may not do so while on duty or in a government building. They must take leave for any political activity that will keep them away from their official duties.

What about communications between campaign officials and White House officials?

There are no legal restrictions on communications between campaign officials and White House officials. Appearance issues can arise when campaign officials seek to improperly influence official decisions on particular matters (as distinct from broad policy decisions).

What are the likely "appearance" issues that will receive media scrutiny, and how can we avoid them or respond to them?

First, as in the mid-term cycle, we can expect stories about the costs of Presidential travel on Air Force One and the costs of the associated official personnel (such as Secret Service) who travel with the President.

Response: These stories are largely unavoidable; we would simply continue to emphasize that we are complying with law and bipartisan tradition and that the only alternative is for the President either not to travel at all or to travel without necessary security precautions and communications equipment.

Second, as revealed in the 1996 Presidential campaign, fundraising activities are closely scrutinized from many angles: (i) the location where fundraising activities occur (e.g., government office telephones), (ii) the nature and location of donor maintenance events (e.g., White House coffees), (iii) the identities of the people who contribute, and (iv) the White House benefits purportedly bestowed upon contributors (e.g., Lincoln bedroom sleepovers).

Response: We must continue to monitor all issues related to Presidential political fundraising. We would continue to caution against donor maintenance events or benefits (for donors qua donors) in government buildings. We also would recommend that donors be strictly scrutinized by the campaign officials.

REV_00104068

Third, the use of government-purchased equipment for political purposes has received attention in the past.

Response: As outlined above, we recommend that we use precise and strict (and easily understood) procedures to ensure that the government incurs no additional costs as a result of campaign activity.

Fourth, there routinely are stories about official action allegedly taken for political purposes.

Response: Such stories are largely unavoidable. The theme that "good policy is good politics" is a proper response.

REV_00104069

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 12/4/2002 4:44:54 AM
Subject: : MESSAGE MEETING REMINDER

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-DEC-2002 09:44:54.00
SUBJECT:: MESSAGE MEETING REMINDER
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You two cover these - right?
---------- Forwarded by Elizabeth N. Camp/WHO/EOP on 12/04/2002 09:42 AM ----------

Krista L. Ritacco
12/04/2002 09:38:05 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: MESSAGE MEETING REMINDER

There will be a message meeting today at noon in the Roosevelt Room.

Message Sent
To:_____
Jean M. Russell/OPD/EOP@EOP
Ruben S. Barrales/WHO/EOP@EOP
Kathryn E. Rust/WHO/EOP@EOP
Susan K. Neely/WHO/EOP@EOP
Blake Gottesman/WHO/EOP@EOP
Linda M. Gambatesa/WHO/EOP@EOP
Wendy L. Nipper/WHO/EOP@EOP
Natalie S. Wozniak/NSC/EOP@EOP
Barry S. Jackson/WHO/EOP@EOP
Lezlee J. Westine/WHO/EOP@EOP
Ken Mehlman/WHO/EOP@EOP
Katherine M. Walters/WHO/EOP@EOP
Colleen Litkenhaus/WHO/EOP@EOP
Britt Grant/OPD/EOP@EOP
Jack Howard/WHO/EOP@EOP
Kara G. Figg/WHO/EOP@EOP
Carolyn E. Cleveland/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Scott N. Sforza/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Vickie A. McQuade/WHO/EOP@EOP
Israel Hernandez/WHO/EOP@EOP
Anna M. Perez/NSC/EOP@EOP
Melissa S. Bennett/WHO/EOP@EOP
Leslie A. Mooney/OPD/EOP@EOP
Jay P. Lefkowitz/OMB/EOP@EOP
Nicolle Devenish/WHO/EOP@EOP

Debra D. Bird/WHO/EOP@EOP
Harriet Miers/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Barbara A. Barclay/WHO/EOP@EOP
A. Merrill Hughes/OVP/EOP@EOP
Eleanor L. Gillmor/OPD/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP
Shannon Burkhart/WHO/EOP@EOP
Adrian G. Gray/WHO/EOP@EOP
Roberta L. Conde/CEQ/EOP@EOP
Anne E. Campbell/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Kimberly Ellison/WHO/EOP@EOP
Ann Gray/WHO/EOP@EOP
Noelia Rodriguez/WHO/EOP@EOP
Trent D. Duffy/OMB/EOP@EOP
Catharine A. Ryun/WHO/EOP@EOP
Jenica Baldwin/WHO/EOP@EOP
Brian R. Besanceney/OPD/EOP@EOP
Gordon D. Johndroe/WHO/EOP@EOP
Katherine L. Disston/WHO/EOP@EOP
January M. Riecke/WHO/EOP@EOP
Catherine J. Martin/OVP/EOP@EOP
Alison M. Harden/WHO/EOP@EOP
Stephen M. Lineberry/CEA/EOP@EOP
Jennifer Millerwise/OVP/EOP@EOP
Lindsey C. Kozberg/WHO/EOP@EOP
Jim Towey/WHO/EOP@EOP
Parker B. Hamilton/WHO/EOP@EOP
Mary C. Williams/NSC/EOP@EOP
Andrew D. Ciafardini/WHO/EOP@EOP
Tucker A. Eskew/WHO/EOP@EOP
Deborah A. Spagnoli/WHO/EOP@EOP
Keith Hennessey/OPD/EOP@EOP
Sally Canfield/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Charlotte L. Montiel/WHO/EOP@EOP
Edward Ingle/WHO/EOP@EOP
Michael J. Taylor/WHO/EOP@EOP
Suzy DeFrancis/WHO/EOP@EOP
Jose Mallea/WHO/EOP@EOP
Christie Parell/WHO/EOP@EOP
Sue H. Gerdelman/OPD/EOP@EOP
Edwina C. Rogers/OPD/EOP@EOP
Heidi K. Marquez/WHO/EOP@EOP
Ross M. Kyle/WHO/EOP@EOP

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/4/2002 4:59:25 AM
Subject: : Re: question

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-DEC-2002 09:59:25.00
SUBJECT:: Re: question
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

News to me. I have done some scrubbing, however.

.
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From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/4/2002 6:20:16 AM
Subject: : Re: FW: draft OVP interrogatory answers

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###### Begin Original ARMS Header ######
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CREATOR:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP [ OVP ] )
CREATION DATE/TIME: 4-DEC-2002 11:20:16.00
SUBJECT:: Re: FW: draft OVP interrogatory answers
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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One set by Karen Knutson is fine with me, just wanted to be sure you
wanted to do it that way.
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 12/4/2002 6:34:37 AM
Subject: : Article on Colorado Senate race/Estrada

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###### Begin Original ARMS Header ######
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CREATION DATE/TIME: 4-DEC-2002 11:34:37.00
SUBJECT:: Article on Colorado Senate race/Estrada
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Timothy E. Flanigan ( CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

This article describes Colorado Senate race and the Estrada nomination. I
bolded relevant parts.

Special Report: Election 2002
By Taking Initiative, GOP Seized the Day
by John Berlau
Dec. 10-23, 2002
Insight on the News
Pundits predicted 2002 would be the first time the growing number of
nonwhites in the "emerging Democratic majority" would put the Democratic
Party over the top. Instead, Republicans won handily and both sides still
are trying to figure how the demographics played in Peoria.
The usual task of figuring out which groups voted for what party and in
which numbers has been made harder by the fact that the Voter News Service,
which conducts national exit polls for the TV networks, announced it would
not release this year's results because of flaws in the polling data. It
may
be months before other postelection polls are released. Still, a consensus
has emerged that the traditional Republican white voters were more
motivated to come to the polls than typically Democratic blacks and
Hispanics. The New York Times credits (or blames) "white, rural,
Republican-leaning voters" with providing the margin of victory in Georgia
and other states.
If so, that's only half the story, say activists across the country who
stumped for Republicans. It's certainly true that Republicans intensified
the ground-war effort to get their traditional base to the polls (see
"Message Received," Nov. 26-Dec. 9) - a fact that the establishment media
are beginning to acknowledge after initial efforts to explain away the 2002
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election results as a 9/11 fluke. But this same media has barely noticed that Republicans also made significant inroads into Democratic territory by taking the message directly to black and Hispanic voters.

This year, for the first time, the GOP did more than just showcase a few of its black and Hispanic faces. Its candidates campaigned in black and Hispanic neighborhoods and related media outlets with the same message they took to white voters. "It was a dialogue instead of a monologue," says Richard Nadler, a consultant to the Kansas City-based Council for Better Government, who produced pro-Republican issue ads on radio stations in 12 states.

One of the most dramatic examples of success from this outreach was the campaign of conservative incumbent Sen. Wayne Allard (R-Colo.). Many polls taken just before the election, including those by the respected pollster John Zogby, showed Allard losing to his Democratic opponent, trial lawyer Tom Strickland. Yet Allard won by a five-point margin. How did this happen? Many say Allard's efforts to court his state's Hispanics made the difference. According to a poll by Fox News/Opinion Dynamics, Allard won 29 percent of the Hispanic vote. (Although not an exit poll, the Fox surveys were conducted by phone in 10 battleground states on the eve of the election and on Election Day. About 900 voters were polled in each state). This was a big increase over his showing among Hispanics in the 1996 election, and four points higher than President George W. Bush's share of the Hispanic vote in Colorado in 2000. And, according to the Fox poll, Hispanics comprised 10 percent of Colorado's electorate, making them a crucial voting bloc.

Observers credit both Allard's campaign and the Colorado Republican Party for getting their message to Hispanics. "In the past, we really didn't get out and tell people what we were doing for the Latino community," says Ada Diaz Kirby, a Denver public-relations executive who was hired to help the Colorado GOP with outreach efforts. "This time we went after it very aggressively. We did it in Spanish. We did it in English. We worked with the media, and we knocked on a lot of doors. We exposed our candidates a lot more. I think we did everything we could do just to get our message out."

Last February, Allard hired Denver consultant Juan B. Botero as director of strategic outreach. Allard put ads on Spanish-language radio and TV stations and in newspapers, and spoke at Hispanic churches and events. About a week before the election, the senator attended a mariachi concert where he was endorsed by the Christian band Mariachi Vasquez, a family of musicians popular in the region. The Sunday evening before the election, Allard and his wife went to the Iglesia del Cristo el Shadai, a large Hispanic evangelical Protestant church in Denver, where Allard spoke and visited with churchgoers for three hours. The speech was carried on local Hispanic radio.

Botero said that Allard stressed the traditional Republican issues of tax cuts and economic opportunity. "[Allard] made the point at events that he really appreciates the contributions of the Hispanic community in terms of culture and how much they contribute to Colorado's economy," Botero tells Insight. "[Allard's message on taxes] hit home quite a bit because, for the most part in the Hispanic community, they're working two jobs or several jobs to stay afloat, and they know that they're paying too much in taxes. We emphasized quite a bit that families are working one out of every three years just to pay off their federal taxes." Allard also emphasized his support for Bush's proposed American Dream Downpayment Fund to help renters purchase their first home. When the Republican Party was attacked as being the party of the rich, Botero said the Allard campaign and the Colorado GOP would counter, "Did you come to this country to be poor?"

Allard also stressed the blocking by Senate Democrats of Miguel Estrada, the president's nominee for a federal judgeship and a highly respected Hispanic attorney. For more than a year, the Senate Judiciary Committee had refused to give Estrada even a hearing. "Here's a guy that comes in from Honduras when he's a teen-ager, knows no English, learns English, goes to Princeton and then to Harvard," Botero says. "We made it very clear that the only people opposing Miguel Estrada's nomination in the Senate were Democrats."

Others who succeeded among Hispanics include Florida Gov. Jeb Bush, who

picked up 56 percent of the Hispanic vote, according to the Fox poll. While Florida has a high population of Republican-leaning Cuban-Americans, this was a 7 percent improvement from President Bush's exit-poll performance in 2000, meaning that Jeb Bush probably picked up a substantial portion of non-Cuban Hispanics as well. The victorious Texas Republican candidates for the U.S. Senate and governorship won between 33 and 35 percent of the Hispanic vote even though a Hispanic was running for governor as a Democrat.

And Colorado's Kirby says the conservative message wasn't compromised, just taken to more people. "Basically, our message is the same," she says. "It's just that we're starting to get better at telling people what we stand for and what we can help them with. We're going out in the street. I went to some of the poorest Hispanic neighborhoods and I knocked on doors. ... We always had the right message, but we just weren't getting the message out, and I think now we've gotten really aggressive in doing that."

This time, many Republican campaigns and issue groups also were aggressive in campaigning in black neighborhoods and reaching out to African-American media. For years, consultants have been telling Republicans that actively courting black votes was a waste of time. Since African-Americans vote so overwhelmingly for Democrats, they argued, better not to increase turnout by stirring up the pot. But after two election cycles of ads on black radio implying Republicans were all but Klansmen, many activists say, they decided that Republicans had to get their message out in the black media and in black neighborhoods. All sorts of Democratic ads calling Republicans racist ran in 1998 and 2000 on radio stations with mostly black audiences, predicting doomsday scenarios if Republicans won. One particularly strident ad featured the sound of cars dragging Texas lynching victim James Byrd and suggested that, as governor, George W. Bush was responsible for his death. This was despite the fact that Byrd's killers were caught promptly and sentenced to death during Bush's tenure.

Several GOP activists and campaigns decided that this year they not only wouldn't leave Democratic fear-mongering unchallenged, they would pre-empt it. In Kansas City, Republican activist John Altevogt, with Nadler and businessman John Uhlmann as consultants, formed the Council for Better Government (CBG) to launch a series of radio and TV ads directed to African-Americans in 12 battleground states including Colorado, Missouri, Georgia and North Carolina. Running during popular radio programs such as the Tom Joyner Morning Show, the ads featured blacks criticizing the Democratic Party and praising GOP ideas.

"Before my kids were born, I was a Democrat, but soon I started to wonder," a black man said on one of the spots. "Our leaders called school choice a Republican conspiracy, but they sent their own children to private schools. Mine went to schools I chose, and Republican charter-school laws helped me do it. ... Democrats advised me to scorn wealth; Republicans taught me to get some. I'm the first member of my family to vote Republican, but I won't be the last."

Other ads from the CBG talked about how military readiness declined under Clinton, hurting black soldiers, and continued the theme that the Social Security system forces blacks to pay "reverse reparations" because many blacks die before they can collect it. The Republican GOPAC political organization stopped running spots such as these and disavowed responsibility under pressure from Democrats, but many admired the fact that they dared lay it out straight.

Working with the CBG was Star Parker, a conservative black motivational speaker and Radio America commentator who is a former welfare mother. She recorded answering-machine messages talking about the parties' differences on abortion, education and Social Security.

Did these ads and other GOP outreach efforts to blacks work? Well, something clearly happened with the black vote. For instance, there were not the usual number of black voters for Democrats that the Dems counted on to carry them in Missouri and the states of the old Confederacy, but the lack of

exit-poll
data makes it hard to tell at this stage whether fewer turned out to vote
or
a higher share voted for Republicans. The Fox poll does not show that the
GOP got a higher share of the black votes in most of the states it
surveyed.

Parker argues that, even if there was a lower black turnout, it still
represents a victory of sorts because it shows Republican efforts helped
convince blacks that Democrats are not the saviors they crack themselves up
to be. In fact, a few days before the elections, John Judis, coauthor of
the
much-heralded book The Emerging Democratic Majority, blasted the Republican
ads in a New Republic article as part of "this year's GOP efforts to
suppress the minority vote." But Parker counters that the ads never urged
blacks not to vote, and that if blacks decided to stay home after learning
the differences between the parties, this was an informed choice.
"Staying home on Election Day is a response," Parker tells Insight. "I want
to stand against those who say we suppressed the black vote. We did not
have
dogs, we were not moving polling places, we did not have hoods on our
heads.
What we did was inform them of what Democrats represent, and they made a
clear choice. They chose not to go to the polls and vote for Democrats."
Parker adds that the ads were a first step for Republicans. The black
voters
who couldn't make themselves vote for Democrats this time should be ready
affirmatively to vote for the GOP in 2004, she says. Judging from the
outreach efforts, individual campaigns and state parties agreed that the
GOP
should be telling blacks what it has to offer. In the race for the U.S.
Senate in Missouri, where many of the CBG ads were running, former Rep. Jim
Talent campaigned in black neighborhoods and churches in his successful but
very close race to unseat Democratic incumbent Jean Carnahan. He brought
popular black Republicans such as his House colleague Rep. J.C. Watts of
Oklahoma to talk about his work on tax cuts for inner-city business
districts and support for school choice.
Responding to those consultants who say Republicans only should spend
resources on getting their traditional base, Talent campaign manager Lloyd
Smith says no segment of voters can be written off. "The key is, yeah, you
get your base out, but you don't ignore all the other elements of the
voting
population," Smith tells Insight. "If you just write off a segment of the
population, or even if you just write off a geographic area of a city or
state, you're not doing the voters a service, and you're probably not doing
the right political thing, either. This is a case where doing the right
thing politically is also doing the right thing for the people who you're
trying to represent."
Even in Georgia, where state party chairman Ralph Reed is credited with
turning out white rural voters to vote GOP as never before, minority voters
were not overlooked. Victorious Republican U.S. Senate candidate Saxby
Chambliss and winning gubernatorial candidate Sonny Perdue campaigned in
Hispanic neighborhoods, according to Sora Chavez McFarlane, the Hispanic
outreach director for the Georgia Republican Party. And 300,000 brochures
for blacks were sent out in which Eddie Slaughter, president of the Georgia
chapter of the Black Farmers and Agriculturalists Association, touted
Chambliss' efforts as a member of the House of Representatives in getting
the U.S. Department of Agriculture to settle discrimination claims made by
black farmers, state party spokeswoman Elizabeth Dewberry tells Insight.
And
Slaughter also touted Georgia Republicans for GOP ads on black radio
stations.
Black farmers also may have played a role in former Republican Rep. Mark
Sanford's defeat of incumbent Democratic governor Jim Hodges in South
Carolina. As Insight previously reported, Hodges refused to speak out
against a county "smart-growth" program backed by environmental groups such
as the Sierra Club that had enraged black farmers by proposing to turn
their

land into "preservation areas" that couldn't be developed (see "'Smart-Growth' Plan Riles Black Farmers," Sept. 16). Sanford had told Insight that he would protect private-property rights and opposed "the idea of government dictating who can basically do what with their land." He added that if there are "shenanigans" with local governments "trying to downzone land so they can buy it cheaper, I would say that that's not right and try to take corrective measures."

After Insight 's story brought the issue to national attention, Sanford met with representatives of the farmers as part of an aggressive outreach effort to court blacks. Although Fox News did not poll the South Carolina race, the general consensus is that Hodges did not get the number of black votes he needed either because fewer African-Americans turned out or more voted Republican.

LaVerne Neal, who owns land in a proposed "preservation area" and whose son, Joe Neal, is a Democratic state representative and chairman of the Legislative Black Caucus, tells Insight that Sanford talked to her for 20 minutes on the phone and that she was very impressed. "He touched on a lot of things I was interested in," she recalls. "I think he'll make a good governor if he sticks to what he said he was going to do."

Mrs. Neal, 72 and a lifelong Democrat, would not reveal to Insight for whom she ended up voting. And that, after all, is every citizen's prerogative.

John Berlau is a writer for Insight.
jberlau@insightmag.com

From: Rich Lowry <rlowry@nationalreview.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/4/2002 6:38:36 AM
Subject: : Request from National Review
Attachments: P_W904C003_WHO.TXT_1.html

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rich Lowry <rlowry@nationalreview.com> ( Rich Lowry <rlowry@nationalreview.com> [
UNKNOWN ] )
CREATION DATE/TIME: 4-DEC-2002 11:38:36.00
SUBJECT:: Request from National Review
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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Dear Brett,
We are creating a VIP list for advance delivery of National Review. Could
you please provide us with your home address by return e-mail so we can
include you in this special list? Your address will be kept totally
confidential and we will use it for no purpose other than getting the
magazine to you. Thank you so much.
Best,
Rich Lowry


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Dear Brett,
We are creating a VIP list for advance delivery of National Review. Could you please provide us with your home address by return e-mail so we can include you in this special list? Your address will be kept totally confidential and we will use it for no purpose other than getting the magazine to you. Thank you so much.
Best,
Rich Lowry</p>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>
Sent: 12/4/2002 6:39:29 AM
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TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
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Is this ok?
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/04/2002 11:42 AM ----------

Rich Lowry <rlowry@nationalreview.com>
12/04/2002 11:37:11 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Request from National Review

Dear Brett,
We are creating a VIP list for advance delivery of National Review. Could you please provide us with your home address by return e-mail so we can include you in this special list? Your address will be kept totally confidential and we will use it for no purpose other than getting the magazine to you. Thank you so much.
Best,
Rich Lowry

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_DC04C003_WHO.TXT_1>

Dear Brett,
We are creating a VIP list for advance delivery of National Review. Could you please provide us with your home address by return e-mail so we can include you in this special list? Your address will be kept totally confidential and we will use it for no purpose other than getting the magazine to you. Thank you so much.
Best,
Rich Lowry</p>

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/4/2002 7:37:48 AM
Subject: : bonuses

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READ:UNKNOWN
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READ:UNKNOWN
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Who in this office, if anyone, worked on the Card memo referred to in the
below N.Y. Times article?

December 4, 2002
Bush Restoring Cash Bonuses for Political Appointees
By ERIC LICHTBLAU

WASHINGTON, Dec. 3 * The White House has decided that several thousand
political appointees across the federal government will be eligible for
cash bonuses, abandoning a Clinton-era prohibition that grew out of
questionable practices in the first Bush administration.
Administration officials said the policy shift, ordered by the White House
chief of staff, Andrew H. Card Jr., earlier this year but never publicly
disclosed, seeks to correct the inequity of political appointees' working
side by side with civil servants who routinely receive bonuses.
The new policy is being instituted at many federal departments, and a few
agencies have already begun distributing awards of several thousand
dollars each to political appointees. For example, the Justice Department
has given bonuses to political appointees who were deemed to have played
important roles in counterterrorism and the Sept. 11 investigation,
officials said.
The policy is causing rumblings of discontent from some career officials.
They say the policy threatens to reward employees for political loyalty
and could force career civil servants to compete against well-connected
political appointees for the millions of dollars in bonus money that their
bosses distribute each year. The Bush administration did not help matters
last week with the announcement that it was setting pay increases for
career federal employees below what Congress was seeking.
An Oct. 8 Justice Department memorandum explaining how the bonuses will be
distributed within the department says that awards for political
appointees "will be limited to truly outstanding performance that
contributes directly to achieving the president's and the attorney
general's national goals and objectives."
For the first time in eight years, cabinet-level officials and agency
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chiefs have been authorized to approve annual awards of up to $10,000 * and possibly more * for the influential senior attorneys, policy advisers, confidential assistants and other appointees who are brought onto their political staffs. Awards can total $25,000 * or higher with approval from the White House. Senior political appointees typically earn from $115,000 to $140,000 a year.

Mr. Card said in a previously undisclosed March 29 memorandum to cabinet secretaries and agency chiefs that he wanted to reward "substantial work achievements that go well beyond the performance of routine duties." "Political employees should be judged and rewarded in the same manner as career employees," the memorandum said.

Mr. Bush's aides say the White House policy shift reflects the administration's emphasis on a "results-oriented government," rewarding excellence and productivity by all federal employees.

Critics, however, say they see the potential for abuse.

"I think it's a dangerous precedent to establish," said Leon E. Panetta, a White House chief of staff under President Bill Clinton. "If you start giving cash awards to political appointees, it can be abused by handing out cash because someone's doing a good job politically or just knows the right people."

In 1994, Mr. Panetta prohibited bonuses to senior political appointees after negative publicity surrounding bonuses given out in the waning days of the administration of President George Bush.

Among more than $100,000 in awards that Attorney General William Barr approved in January 1993, in his final weeks in office, were $7,500 bonuses to two of his closest political aides, who then went on to join him at the Washington law firm where he was a partner.

Mr. Panetta's restrictions caused years of frustrations for some senior political appointees who were restrained from rewarding political appointees who worked under them.

"I was giving out bonuses for career people and not giving bonuses to political staff who often worked a lot harder than the career people did," a former Justice Department official recalled. "It was frustrating."

But some departments have found ways to skirt the restrictions. Congressional investigators at the General Accounting Office found last year that several hundred political appointees received performance bonuses of as much as $17,000 from September 1999 to April 2001, apparently in violation of the 1994 policy. In 15 cases, political appointees had to give the money back because the payments violated a separate law banning bonuses to political appointees during a blackout period surrounding presidential elections.

The new White House bonus policy affects political appointees in two categories: noncareer Senior Executive Service officials, who fall just below presidential appointees in rank, and Schedule C employees, who are lower-ranking and lower-paid. They totaled at least 1,935 political appointees as of the most recent federal count.

Although political appointees make up only a tiny fraction of the 1.7 million federal work force, they often wield extensive influence at the highest reaches of government.

In setting the schedules and agendas of cabinet members, guiding political strategy and rendering legal opinions and policy advice, political appointees often play a critical behind-the-scenes role * sometimes to the consternation of career employees who view them as "short-timers" who are rewarded for their connections.

Schedule C appointees will be eligible for performance awards, while Senior Executive Service appointees will be eligible for cash awards "based on contributions to government economy, efficiency or effectiveness," though not for straight performance bonuses, Mr. Card's memorandum said.

"Due the sensitivity of this parity issue," Mr. Card added in the memorandum, cabinet secretaries and agency chiefs should review all awards for their political appointees.

Mr. Card required top-level review to ensure "that political appointees are not getting any special treatment," a White House spokesman, Scott McClellan, said.

Political appointees will continue to be ineligible for cash or time-off awards in the eight months surrounding presidential elections, Mr. Card noted in his memorandum.

Presidential appointees * cabinet secretaries, agency chiefs and senior deputies whose confirmations must go before the Senate * are still exempted from bonuses. Congress operates under a separate system, with individual members given discretion to award bonuses to their own staff members.

The White House directed departments to move ahead with the new awards policy on their own, and that has led to a somewhat disjointed implementation. The Justice Department and the Department of Housing and Urban Development, for instance, have already begun distributing awards of several thousand dollars each to some political appointees in recent weeks, officials said.

At many other departments, however, officials are still developing the criteria and, in some cases, are planning stricter standards than the White House suggested. The Environmental Protection Agency, for example, plans to require that political appointees be on the job at least a year to be eligible for an award.

At still other departments, officials plan to continue the ban on political bonuses.

Some career officials and good-government advocates said they were concerned by what apparently was a lack of oversight, direction or public and Congressional discussion surrounding a policy change with broad ramifications.

"If done well, this change can be a smart way to connect performance to rewards," said Max Stier, president of Partnership for Public Service, a nonprofit group that promotes federal civil service work.

"But obviously you need a system that's going to be viewed as fair, and to do that, you need the data to know what's happening and to know that expectations are being met," Mr. Stier said.

Some career officials said that what the White House saw as a move to reward strong performances may be seen instead as another slap at civil servants.

The Bush administration has moved in recent weeks to place as many as 850,000 government jobs up for competition from private contractors. On Friday, the White House announced that the raise for federal civil servants next year would be 3.1 percent, lower than the 4.1 percent sought by Congress.

The administration's effort to reward political appointees threatens to increase tensions, particularly because civil servants will apparently be competing with appointees for the limited bonus pools, some civil service advocates said. Administration officials said no extra money was planned to pay for the political bonuses.

From: CN=Jennifer G. Newstead/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/4/2002 10:43:55 AM
Subject: : Re: Does anyone have the "privacy" portfolio?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-DEC-2002 15:43:55.00
SUBJECT:: Re: Does anyone have the "privacy" portfolio?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

good idea thx

Brett M. Kavanaugh
12/04/2002 03:40:20 PM
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Does anyone have the "privacy" portfolio?

My 2 cents: bring it up at staff meeting and note that Helgi would take it (if she in fact wants it, so might check with her on that, I guess).

Jennifer G. Newstead
12/04/2002 03:37:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Does anyone have the "privacy" portfolio?

Not really mine, either. If there are no takers, what do you suggest? Is there any "equitable" assignment mechanism in our office?

Brett M. Kavanaugh
12/04/2002 03:35:48 PM
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP
cc:
bcc:

Subject: Re: Does anyone have the "privacy" portfolio?

Definitely not my interest. Last guy who had this portfolio in
NEC did not like the Patriot Act.

Jennifer G. Newstead
12/04/2002 03:34:37 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Does anyone have the "privacy" portfolio?

According to Kevin, yes. Financial privacy, internet privacy, etc.

Brett M. Kavanaugh
12/04/2002 03:25:00 PM
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP
cc:
Subject: Re: Does anyone have the "privacy" portfolio?

These are all privacy?

.

----- Original Message -----
From:Jennifer G. Newstead/WHO/EOP
To:Bradford A. Berenson/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP,
Helgard C. Walker/WHO/EOP@EOP,
Benjamin A. Powell/WHO/EOP@EOP,
H. Christopher Bartolomucci/WHO/EOP@EOP,
Noel J. Francisco/WHO/EOP@EOP,
Kyle Sampson/WHO/EOP@EOP
Cc:Patrick J. Bumatay/WHO/EOP@EOP
Date: 12/04/2002 02:52:24 PM
Subject: Does anyone have the "privacy" portfolio?

NEC has some issues that include financial, internet/technology and others
and is looking for a contact in our office. Patrick advises that we don't
have anyone currently assigned to this issue. If that's right, does
anyone want it?

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 12/4/2002 1:53:23 PM
Subject: : Outlook Update
Attachments: P_CHM4C003_WHO.TXT_1.doc; P_CHM4C003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 4-DEC-2002 18:53:23.00
SUBJECT:: Outlook Update
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Brad--Thanks for the disclaimer language. Here's an update on where we're going in case you have any thoughts.

--On amending the OA-62 access agreement form, I'm proposing to add the following paragraph:

10) I acknowledge the following:

a) Any and all e-mail sent and received through my EOP account may be automatically preserved, and I have NO EXPECTATION OF PRIVACY in the contents of these e-mails.

b) A disclosure statement may be automatically attached to e-mail originating from my account, and any attempt to alter or eliminate such a statement is strictly prohibited.

(We will also amend the paragraph on the Limited Unofficial Use Policy to reflect the date of Judge Gonzales's memo.)

--For the splash screen on logon (which will come after the current screen), Here's the language I came up with:

" I acknowledge that any e-mail and attachments sent or received by EOP account holders may be automatically preserved."

--Per my voice-mail, the CIO expressed a preference in sending a Postmaster. It might look something like the attachment below. If your office still prefers that we not go that route or abbreviate the content, just let me know and I'll pass that on.

Bradford A. Berenson
11/27/2002 09:41:08 AM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: Edward McNally/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP

Subject: EOP e-mail footer for Outlook rollout

Adam: attached please find the final text that Ed McNally, Brett Kavanaugh, and I developed for use with EOP e-mails as we transition to Outlook. Be careful about doing a cut-and-paste from this document, as the redline feature was used in the document, and certain electronic reproduction of a redlined Word document can inadvertently reveal edits or earlier versions.

As for procedure, we have concluded that this footer should be added only to e-mails being sent through the gateway to addresses outside the White House complex.

With respect to other warnings, please proceed with your idea to add a paragraph to the standard OA-62 form and to the logon after the security statement. Please do not arrange for a POSTMASTER message.

If you have any further questions, please don't hesitate to consult us further.

Brad

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_CHM4C003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_CHM4C003_WHO.TXT_2>

NOTICE~~WARNING~~:: A~~In accordance with Federal law,~~ all e-mail and attachments sent or received by staff of the Executive Office of the President of the United States may be ~~are~~ automatically preserved ~~and may be subject to public disclosure~~. Subject to the retention and disclosure requirements imposed by law~~T~~N~~evertheless,~~ this e-mail ~~has been sent from the Executive Office of the President of the United States and~~ is intended only for the personal and confidential use of the recipient(s) named above. T~~hus t~~he information it contains may also be subject to one or more constitutional or common law privileges or other legal protections, or may otherwise be exempt from disclosure under applicable law. Please do not forward or disseminate without the sender's explicit ~~White House p~~permission. If you are not the intended recipient ~~or an agent responsible for delivering it to the intended recipient~~, you are hereby notified that you have received this message in error and that any review, dissemination, duplication, distribution, or copying of this message is strictly prohibited. If you any reason to believe that you may have received this message in error, please delete the e-mail and any attachments and notify the sender~~[sender? WH postmaster or webmaster?]us~~ immediately.

Formatted: No underline



E-Mail Disclaimer Messages

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MANAGEMENT AND ADMINISTRATION

From:	CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To:	Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC:	brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent:	12/4/2002 1:53:23 PM
Subject:	: Outlook Update
Attachments:	F_CHM4C003_OA.TXT_1.doc; F_CHM4C003_OA.TXT_2.doc

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CREATION DATE/TIME: 4-DEC-2002 18:53:23.00
SUBJECT:: Outlook Update
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
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File attachment <F_CHM4C003_OA.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_CHM4C003_OA.TXT_2>

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MANAGEMENT AND ADMINISTRATION

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Campen>;tcampen@oa.eop.gov [OA] <Tim>
CC: <Howard>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /A023DB37-90023F00-85256AE6-4C8EE5 [UNKNOWN] <Jack>
Sent: 12/4/2002 3:06:28 PM
Subject: Re: Treas/Posta Staffer questions

Begin Original ARMS Header
RECORD TYPE: FEDERAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME: 4-DEC-2002 20:06:28.00
SUBJECT:Re: Treas/Posta Staffer questions
TO:Campen, Tim (tcampen@oa.eop.gov [OA])
READ:UNKNOWN
CC:Howard, Jack (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS /CN=A023DB37-90023F00-85256AE6-4C8EE5 [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I think the process issues here warrant further discussion with a quick meeting of the three of us. My schedule is basically open Friday except between 2 and 4.

From: Tim Campen/OA/EOP@Exchange on 11/21/2002 04:30:17 PM

Record Type: Record

To: Jack Howard/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Treas/Posta Staffer questions

Below are 2 emailed questions that we got some time ago from the Minority and have either not answered yet or the answers we gave spawned more questions. Since we are about to implement a new procedure---- whereby all Hill questions will come in writing to your offices first and then you'll determine which will be "farmed out" for answers that you'll provide the formal answer back to the Committee---- I wonder if we should use these questions as the first one's to be handled by this new procedure?? If so, you can send them the notification letter to this effect and then follow the new procedure if they ask these questions via a letter from the Chairman or ranking Minority Member... whatcha' think??

Tim

Liz --

We've already approved the VP's reprogramming so it's a little late to be mentioning this but...

in the e-mail below, Chip asked for a list of all VP travel in FEY and FEY. The lists we were provided seem to leave off dozens of trips. I noticed this when I was looking back to see when he visited my hometown -- Fayetteville, AR. It's nowhere to be found on the list. As I looked further, I don't see most of the VP's trips. In April alone, I found mentions in the news of Cheney travel to Denver, Fayetteville, Charleston WV, Richmond, Long Island, Ft. Lauderdale and Orlando that aren't on the list. Also, what happened to the 100% political trips? Why aren't they on the list?

We asked for all the trips -- not just some of the list. Now that I've noticed so many trips missing, I'd like to see the entire list as originally requested (excluding travel to secure locations). I'd also like a list of the traveling VP staff positions that are classified as "official" travelers even on a 100% political trip.

I know you have a lot going so we can talk about this after the current CR crisis subsides. I just noticed this today and wanted to get it to you for a response as soon as possible.

Thanks.

Mike

Liz --

I have a couple of questions about reimbursements for political activities.

1) Who reimbursed the Executive Residence for the White House reception for Congressional leadership held earlier this week (on the 16th, I think)? Has the organization been billed for this event yet? Has the organization paid the bill yet?

2) What steps have been taken to reimburse the government for the political activity undertaken by Jennifer Hugo when she sent political e-mails using her official EOP e-mail account? What is the formula for determining the cost to the government of this political activity? What is the amount to be reimbursed to the government? To which organization was the bill sent? Has the organization reimbursed the government yet? To which EOP agency will the reimbursement be credited?

Thanks.

Mike

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To: <Campen, Tim>
CC: <Howard, Jack>
Sent: 12/4/2002 8:06:28 PM
Subject: Re: Treas/Posta Staffer questions

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cc:

Subject: Treas/Posta Staffer questions

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Thanks.

Mike

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Henry C. Hager/WHO/EOP@EOP [WHO] <Henry C. Hager>
Sent: 12/5/2002 4:44:41 AM
Subject: : Re: Video Request - Walt Disney World Xmas Parade
Attachments: P_ILQ4C003_WHO.TXT_1.doc; P_ILQ4C003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 09:44:41.00
SUBJECT:: Re: Video Request - Walt Disney World Xmas Parade
TO:Henry C. Hager (CN=Henry C. Hager/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Delete the reference to Walt Disney Company, and it is ok.

Henry C. Hager
12/05/2002 08:41:57 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Video Request - Walt Disney World Xmas Parade

Brett, please review the script attached. It does mention Walt Disney in the last paragraph. They will pay for this video.
---------- Forwarded by Henry C. Hager/WHO/EOP on 12/05/2002 08:43 AM ----------

Lindsey C. Kozberg
12/04/2002 11:49:00 AM
Record Type: Record

To: Kara G. Figg/WHO/EOP@EOP
cc: Henry C. Hager/WHO/EOP@EOP, Israel Hernandez/WHO/EOP@EOP, Britt Grant/OPD/EOP@EOP, Kathleen Mynster/WHO/EOP@EOP
Subject: Video Request - Walt Disney World Xmas Parade

kara,

attached are a video request and script that henry and izzy are familiar with for a video greeting to be included in the Walt Disney World X-mas parade broadcast on ABC. the video would need to be sent out by the 12th -- making the existing taping on the 10th the optimal date. as henry and izzy can attest, this matter was recently referred to our office as a follow up to the NBC broadcast of the Thanksgiving parade greeting. in essence, disney has long wanted a greeting in their parade and having seen the recent broadcast they have indicated that they would be thrilled ot have a slightly longer version of what was broadcast on the Macy's parade as customized to their X-mas broadcast.

we look forward to your feedback -- lindsey

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ILQ4C003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ILQ4C003_WHO.TXT_2>

VIDEO SCRIPT
ABC TV WALT DISNEY WORLD CHRISTMAS SPECIAL
DRAFT # 1

~~This is George W. Bush.~~ Good morning.

As we celebrate this joyous time of ~~the~~ year, we ~~remember~~ join millions of Americans in counting the many blessings we enjoy all year long~~:~~ ~~O~~ including our freedoms~~.~~ ~~O~~, our faiths, a~~.~~ ~~A~~nd our families.

Laura and I ~~want to take this time~~hope you will join us in ~~to~~ remembering~~,~~ and thanking all those who have given so much to establish, preserve and protect these precious gifts. Please also consider how you can share your blessings with those in need, and serve something greater than yourselves during this holiday season. Everyone can do something to help their neighbors and their nation. If you are looking for a way to make this holiday season a season of service, go online or make a phone call to the USA Freedom Corps to find volunteer opportunities in your community.

Laura and I join the Walt Disney Company in ~~want to~~ wishing ~~everyone watching this program~~you the happiest of holidays, and a wonderful New Year. May God bless you, and may God bless America.

Prepared by Lindsey Kozberg
6-7346 office
494-3681 cell

VIDEO REQUEST PROPOSAL December 4, 2002

TO:	Bradley A. Blakeman Deputy Assistant to the President for Appointments and Scheduling
FROM:	John Bridgeland Assistant to the President for USA Freedom Corps
REQUEST:	Greeting for 19th Annual ABC Walt Disney World Christmas Parade
PURPOSE:	To reiterate the President's holiday message regarding volunteer service on one of the largest television broadcasts of the holiday season.
DATE AND TIME:	Broadcast on ABC television, ABC radio networks, and the Armed Forces Television Network on Christmas Day (11 am-1pm Eastern). For inclusion in taping scheduled for December 10, 2002
SOURCE OF PAYMENT:	Walt Disney Company
BACKGROUND:	The greeting would be broadcast during the 19th Annual ABC Walt Disney World Christmas Day Parade. The two-hour show airs Christmas Day 11am-1pm Eastern on ABC television (estimated 8 million viewers) and also airs on the Armed Forces Television Network. ABC radio networks programming will also feature the greeting on Christmas Day. The parade broadcast will be hosted by Regis Philben and Kelly Ripa. The Walt Disney Company is a founding member of the Business Strengthening America effort to support the USA Freedom Corps, and has long supported volunteer programs for its employees. ABC would like to include a brief greeting from the President regarding his call to service during the parade broadcast. The message would be consistent with that of the Macy's Thanksgiving Day Parade greeting.
DURATION:	45 seconds – 1 minute
REMARKS ATTACHED:	Yes

STAFF CONTACT: Lindsey Kozberg
6-7346

ORIGIN OF PROPOSAL: White House staff generated in discussions with Walt Disney Company

__ACCEPT __REGRET __PENDING

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>
Sent: 12/5/2002 5:17:25 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 10:17:25.00
SUBJECT:: Re:
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes.

Colleen Litkenhaus
12/05/2002 10:10:25 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

do you think i did the right thing? i hated to put it on paper, but i couldn't get anyone to really listen to me until i did that.

Brett M. Kavanaugh
12/05/2002 09:46:09 AM
Record Type: Record

To: Colleen Litkenhaus/WHO/EOP@EOP
cc:
Subject:

Judge is going to talk to Secretary Card about that matter.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 12/5/2002 5:17:28 AM
Subject: : Video Request - Walt Disney World Xmas Parade
Attachments: P_E9R4C003_WHO.TXT_1.doc; P_E9R4C003_WHO.TXT_2.doc

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CREATION DATE/TIME: 5-DEC-2002 10:17:28.00
SUBJECT:: Video Request - Walt Disney World Xmas Parade
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I suggested deleting reference to Disney. Do you agree?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/05/2002 10:17 AM ----------

Henry C. Hager
12/05/2002 08:41:57 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Video Request - Walt Disney World Xmas Parade

Brett, please review the script attached. It does mention Walt Disney in the last paragraph. They will pay for this video.
---------- Forwarded by Henry C. Hager/WHO/EOP on 12/05/2002 08:43 AM ----------

Lindsey C. Kozberg
12/04/2002 11:49:00 AM
Record Type: Record

To: Kara G. Figg/WHO/EOP@EOP
cc: Henry C. Hager/WHO/EOP@EOP, Israel Hernandez/WHO/EOP@EOP, Britt Grant/OPD/EOP@EOP, Kathleen Mynster/WHO/EOP@EOP
Subject: Video Request - Walt Disney World Xmas Parade

kara,

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we look forward to your feedback -- lindsey

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_E9R4C003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_E9R4C003_WHO.TXT_2>

VIDEO SCRIPT
ABC TV WALT DISNEY WORLD CHRISTMAS SPECIAL
DRAFT # 1

~~This is George W. Bush.~~ Good morning.

As we celebrate this joyous time of ~~the~~ year, we ~~remember~~ join millions of Americans in counting the many blessings we enjoy all year long~~:~~ ~~O~~ including our freedoms~~.~~ ~~O~~, our faiths, a~~.~~ ~~A~~nd our families.

Laura and I ~~want to take this time~~hope you will join us in ~~to~~ remembering~~,~~ and thanking all those who have given so much to establish, preserve and protect these precious gifts. Please also consider how you can share your blessings with those in need, and serve something greater than yourselves during this holiday season. Everyone can do something to help their neighbors and their nation. If you are looking for a way to make this holiday season a season of service, go online or make a phone call to the USA Freedom Corps to find volunteer opportunities in your community.

Laura and I join the Walt Disney Company in ~~want to~~ wishing ~~everyone watching this program~~you the happiest of holidays, and a wonderful New Year. May God bless you, and may God bless America.

Prepared by Lindsey Kozberg
6-7346 office
494-3681 cell

VIDEO REQUEST PROPOSAL December 4, 2002

TO:	Bradley A. Blakeman Deputy Assistant to the President for Appointments and Scheduling
FROM:	John Bridgeland Assistant to the President for USA Freedom Corps
REQUEST:	Greeting for 19th Annual ABC Walt Disney World Christmas Parade
PURPOSE:	To reiterate the President's holiday message regarding volunteer service on one of the largest television broadcasts of the holiday season.
DATE AND TIME:	Broadcast on ABC television, ABC radio networks, and the Armed Forces Television Network on Christmas Day (11 am-1pm Eastern). For inclusion in taping scheduled for December 10, 2002
SOURCE OF PAYMENT:	Walt Disney Company
BACKGROUND:	The greeting would be broadcast during the 19th Annual ABC Walt Disney World Christmas Day Parade. The two-hour show airs Christmas Day 11am-1pm Eastern on ABC television (estimated 8 million viewers) and also airs on the Armed Forces Television Network. ABC radio networks programming will also feature the greeting on Christmas Day. The parade broadcast will be hosted by Regis Philben and Kelly Ripa. The Walt Disney Company is a founding member of the Business Strengthening America effort to support the USA Freedom Corps, and has long supported volunteer programs for its employees. ABC would like to include a brief greeting from the President regarding his call to service during the parade broadcast. The message would be consistent with that of the Macy's Thanksgiving Day Parade greeting.
DURATION:	45 seconds – 1 minute
REMARKS ATTACHED:	Yes

STAFF CONTACT: Lindsey Kozberg
6-7346

ORIGIN OF PROPOSAL: White House staff generated in discussions with Walt Disney Company

__ACCEPT __REGRET __PENDING

From: tcampen@oa.eop.gov [OA] <Campen, Tim>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
CC: <Howard>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/A023DB37-90023F00-85256AE6-4C8EE5 [UNKNOWN] <Jack>
Sent: 12/5/2002 2:54:11 AM
Subject: RE: Treas/Posta Staffer questions

Begin Original ARMS Header
RECORD TYPE: FEDERAL (MS Mail)
CREATOR:Campen, Tim (tcampen@oa.eop.gov [OA])
CREATION DATE/TIME: 5-DEC-2002 07:54:11.00
SUBJECT:RE: Treas/Posta Staffer questions
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
CC:Howard, Jack (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A023DB37-90023F00-85256AE6-4C8EE5 [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I also can work this in any time on Friday.

-----Original Message-----
From: Kavanaugh, Brett M.

Sent: Wednesday, December 04, 2002 8:06 PM
To: Campen, Tim

Cc: Howard, Jack
Subject: Re: Treas/Posta Staffer questions

I think the process issues here warrant further discussion with a quick meeting of the three of us. My schedule is basically open Friday except between 2 and 4.

From: Tim Campen/OA/EOP@Exchange on 11/21/2002 04:30:17 PM

Record Type: Record

To: Jack Howard/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:

Subject: Treas/Posta Staffer questions

Below are 2 emailed questions that we got some time ago from the Minority

and have either not answered yet or the answers we gave spawned more questions. Since we are about to implement a new procedure---- whereby all Hill questions will come in writing to your offices first and then you'll determine which will be "farmed out" for answers that you'll provide the formal answer back to the Committee---- I wonder if we should use these questions as the first one's to be handled by this new procedure?? If so, you can send them the notification letter to this effect and then follow the new procedure if they ask these questions via a letter from the Chairman or ranking Minority Member... whatcha' think??

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Thanks.

Mike

From: CN=Henry C. Hager/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/5/2002 3:41:58 AM
Subject: : Video Request - Walt Disney World Xmas Parade
Attachments: P_W4P4C003_WHO.TXT_1.doc; P_W4P4C003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Henry C. Hager (CN=Henry C. Hager/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 08:41:58.00
SUBJECT:: Video Request - Walt Disney World Xmas Parade
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_W4P4C003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_W4P4C003_WHO.TXT_2>

VIDEO SCRIPT
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DRAFT # 1

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Prepared by Lindsey Kozberg
6-7346 office
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DURATION:	45 seconds – 1 minute
REMARKS ATTACHED:	Yes

STAFF CONTACT: Lindsey Kozberg
6-7346

ORIGIN OF PROPOSAL: White House staff generated in discussions with Walt Disney Company

__ACCEPT __REGRET __PENDING

From: CN=David McMaster/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/5/2002 3:52:52 AM
Subject: : Thurs 3:45 pm/ IF SNOW

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David McMaster (CN=David McMaster/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 08:52:52.00
SUBJECT:: Thurs 3:45 pm/ IF SNOW
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Do you know if this is still a go?
---------- Forwarded by David McMaster/WHO/EOP on 12/05/2002 08:50 AM ----------

Brett M. Kavanaugh
12/04/2002 07:59:27 PM
Record Type: Record

To: David McMaster/WHO/EOP@EOP
cc:
Subject: Thurs 3:45 pm/ IF SNOW

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/04/2002 08:05 PM ----------

Manuel_Miranda@judiciary.senate.gov (Manuel Miranda)
12/04/2002 04:30:53 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Thurs 3:45 pm/ IF SNOW

In the event that at 10:00 am the federal government is closed due to snow, the Voter Analysis will be postponed and rescheduled next week.

Message Sent
To:_____
John_Abegg@mcconnell.senate.gov (John Abegg)
Frank_Brown@specter.senate.gov (Frank Brown)
Mark_Heilbrun@specter.senate.gov (Mark Heilbrun)
Seema_Singh@specter.senate.gov (Seema Singh)
Thomas_Swanton@specter.senate.gov (Thomas Swanton)
Joe_Jacquot_at_UnitedStatesSenate@IMAEXC2.senate.gov (Joe Jacquot)
Barbara_Ledeen@src.senate.gov (Barbara Ledeen)
Brooken_Smith@mcconnell.senate.gov (Brooken Smith)
"Willett; Don" <Don.Willett@usdoj.gov>
Brett M. Kavanaugh/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP
"Dinh; Viet" <Viet.Dinh@usdoj.gov>

From: Campen, Tim
To: <Kavanaugh, Brett M.>
CC: <Howard, Jack>
Sent: 12/5/2002 7:54:10 AM
Subject: RE: Treas/Posta Staffer questions

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cc:
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Thanks.

Mike

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Henry C. Hager/WHO/EOP@EOP [WHO] <Henry C. Hager>
Sent: 12/5/2002 4:44:41 AM
Subject: : Re: Video Request - Walt Disney World Xmas Parade
Attachments: P_ILQ4C003_WHO.TXT_1.doc; P_ILQ4C003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 09:44:41.00
SUBJECT:: Re: Video Request - Walt Disney World Xmas Parade
TO:Henry C. Hager (CN=Henry C. Hager/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Delete the reference to Walt Disney Company, and it is ok.

Henry C. Hager
12/05/2002 08:41:57 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Video Request - Walt Disney World Xmas Parade

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Lindsey C. Kozberg
12/04/2002 11:49:00 AM
Record Type: Record

To: Kara G. Figg/WHO/EOP@EOP
cc: Henry C. Hager/WHO/EOP@EOP, Israel Hernandez/WHO/EOP@EOP, Britt Grant/OPD/EOP@EOP, Kathleen Mynster/WHO/EOP@EOP
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VIDEO SCRIPT
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DRAFT # 1

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REMARKS ATTACHED:	Yes

STAFF CONTACT: Lindsey Kozberg
6-7346

ORIGIN OF PROPOSAL: White House staff generated in discussions with Walt Disney Company

__ACCEPT __REGRET __PENDING

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File attachment <P_E9R4C003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_E9R4C003_WHO.TXT_2>

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DATE AND TIME:	Broadcast on ABC television, ABC radio networks, and the Armed Forces Television Network on Christmas Day (11 am-1pm Eastern). For inclusion in taping scheduled for December 10, 2002
SOURCE OF PAYMENT:	Walt Disney Company
BACKGROUND:	The greeting would be broadcast during the 19th Annual ABC Walt Disney World Christmas Day Parade. The two-hour show airs Christmas Day 11am-1pm Eastern on ABC television (estimated 8 million viewers) and also airs on the Armed Forces Television Network. ABC radio networks programming will also feature the greeting on Christmas Day. The parade broadcast will be hosted by Regis Philben and Kelly Ripa. The Walt Disney Company is a founding member of the Business Strengthening America effort to support the USA Freedom Corps, and has long supported volunteer programs for its employees. ABC would like to include a brief greeting from the President regarding his call to service during the parade broadcast. The message would be consistent with that of the Macy's Thanksgiving Day Parade greeting.
DURATION:	45 seconds – 1 minute
REMARKS ATTACHED:	Yes

STAFF CONTACT: Lindsey Kozberg
6-7346

ORIGIN OF PROPOSAL: White House staff generated in discussions with Walt Disney Company

__ACCEPT __REGRET __PENDING

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/5/2002 5:17:25 AM
Subject: : Re: Video Request - Walt Disney World Xmas Parade
Attachments: P_F9R4C003_WHO.TXT_1.doc; P_F9R4C003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 10:17:25.00
SUBJECT:: Re: Video Request - Walt Disney World Xmas Parade
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes.

Brett M. Kavanaugh
12/05/2002 10:11:30 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: Video Request - Walt Disney World Xmas Parade

I suggested deleting reference to Disney. Do you agree?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/05/2002 10:17 AM ----------

Henry C. Hager
12/05/2002 08:41:57 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Video Request - Walt Disney World Xmas Parade

Brett, please review the script attached. It does mention Walt Disney in the last paragraph. They will pay for this video.
---------- Forwarded by Henry C. Hager/WHO/EOP on 12/05/2002 08:43 AM ----------

Lindsey C. Kozberg
12/04/2002 11:49:00 AM
Record Type: Record

To: Kara G. Figg/WHO/EOP@EOP
cc: Henry C. Hager/WHO/EOP@EOP, Israel Hernandez/WHO/EOP@EOP, Britt Grant/OPD/EOP@EOP, Kathleen Mynster/WHO/EOP@EOP
Subject: Video Request - Walt Disney World Xmas Parade

kara,

attached are a video request and script that henry and izzy are familiar with for a video greeting to be included in the Walt Disney World X-mas parade broadcast on ABC. the video would need to be sent out by the 12th

-- making the existing taping on the 10th the optimal date. as henry and izzy can attest, this matter was recently referred to our office as a follow up to the NBC broadcast of the Thanksgiving parade greeting. in essence, disney has long wanted a greeting in their parade and having seen the recent broadcast they have indicated that they would be thrilled ot have a slightly longer version of what was broadcast on the Macy's parade as customized to their X-mas broadcast.

we look forward to your feedback -- lindsey

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_F9R4C003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_F9R4C003_WHO.TXT_2>

VIDEO SCRIPT
ABC TV WALT DISNEY WORLD CHRISTMAS SPECIAL
DRAFT # 1

~~This is George W. Bush.~~ Good morning.

As we celebrate this joyous time of ~~the~~ year, we ~~remember~~ join millions of Americans in counting the many blessings we enjoy all year long~~:~~ ~~O~~ including our freedoms~~.~~ ~~O~~, our faiths, a~~.~~ ~~A~~nd our families.

Laura and I ~~want to take this time~~hope you will join us in ~~to~~ remembering~~,~~ and thanking all those who have given so much to establish, preserve and protect these precious gifts. Please also consider how you can share your blessings with those in need, and serve something greater than yourselves during this holiday season. Everyone can do something to help their neighbors and their nation. If you are looking for a way to make this holiday season a season of service, go online or make a phone call to the USA Freedom Corps to find volunteer opportunities in your community.

Laura and I join the Walt Disney Company in ~~want to~~ wishing ~~everyone watching this program~~you the happiest of holidays, and a wonderful New Year. May God bless you, and may God bless America.

Prepared by Lindsey Kozberg
6-7346 office
494-3681 cell

VIDEO REQUEST PROPOSAL December 4, 2002

TO:	Bradley A. Blakeman Deputy Assistant to the President for Appointments and Scheduling
FROM:	John Bridgeland Assistant to the President for USA Freedom Corps
REQUEST:	Greeting for 19th Annual ABC Walt Disney World Christmas Parade
PURPOSE:	To reiterate the President's holiday message regarding volunteer service on one of the largest television broadcasts of the holiday season.
DATE AND TIME:	Broadcast on ABC television, ABC radio networks, and the Armed Forces Television Network on Christmas Day (11 am-1pm Eastern). For inclusion in taping scheduled for December 10, 2002
SOURCE OF PAYMENT:	Walt Disney Company
BACKGROUND:	The greeting would be broadcast during the 19th Annual ABC Walt Disney World Christmas Day Parade. The two-hour show airs Christmas Day 11am-1pm Eastern on ABC television (estimated 8 million viewers) and also airs on the Armed Forces Television Network. ABC radio networks programming will also feature the greeting on Christmas Day. The parade broadcast will be hosted by Regis Philben and Kelly Ripa. The Walt Disney Company is a founding member of the Business Strengthening America effort to support the USA Freedom Corps, and has long supported volunteer programs for its employees. ABC would like to include a brief greeting from the President regarding his call to service during the parade broadcast. The message would be consistent with that of the Macy's Thanksgiving Day Parade greeting.
DURATION:	45 seconds – 1 minute
REMARKS ATTACHED:	Yes

STAFF CONTACT: Lindsey Kozberg
6-7346

ORIGIN OF PROPOSAL: White House staff generated in discussions with Walt Disney Company

__ACCEPT __REGRET __PENDING

From: CN=David McMaster/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/5/2002 6:23:15 AM
Subject: : Re: Thurs 3:45 pm/ IF SNOW

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David McMaster (CN=David McMaster/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 11:23:15.00
SUBJECT:: Re: Thurs 3:45 pm/ IF SNOW
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

any word?

Brett M. Kavanaugh
12/05/2002 09:55:54 AM
Record Type: Record

To: David McMaster/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Thurs 3:45 pm/ IF SNOW

checking; I doubt it.

David McMaster
12/05/2002 08:49:52 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Thurs 3:45 pm/ IF SNOW

Do you know if this is still a go?
---------------------- Forwarded by David McMaster/WHO/EOP on 12/05/2002
08:50 AM ---------------------------

Brett M. Kavanaugh
12/04/2002 07:59:27 PM
Record Type: Record

To: David McMaster/WHO/EOP@EOP
cc:
Subject: Thurs 3:45 pm/ IF SNOW

---------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
12/04/2002 08:05 PM ---------------------------

Manuel_Miranda@judiciary.senate.gov (Manuel Miranda)
12/04/2002 04:30:53 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Thurs 3:45 pm/ IF SNOW

In the event that at 10:00 am the federal government is closed due to snow, the Voter Analysis will be postponed and rescheduled next week.

Message Sent
To:_____
John_Abegg@mcconnell.senate.gov (John Abegg)
Frank_Brown@specter.senate.gov (Frank Brown)
Mark_Heilbrun@specter.senate.gov (Mark Heilbrun)
Seema_Singh@specter.senate.gov (Seema Singh)
Thomas_Swanton@specter.senate.gov (Thomas Swanton)
Joe_Jacquot_at_UnitedStatesSenate@IMAEXC2.senate.gov (Joe Jacquot)
Barbara_Ledeen@src.senate.gov (Barbara Ledeen)
Brooken_Smith@mcconnell.senate.gov (Brooken Smith)
"Willett; Don" <Don.Willett@usdoj.gov>
Brett M. Kavanaugh/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP
"Dinh; Viet" <Viet.Dinh@usdoj.gov>

From: CN=Carolyn Nelson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/5/2002 6:44:44 AM
Subject: : Approval for student enclosure

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 11:44:44.00
SUBJECT:: Approval for student enclosure
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett, is this your territory? If not, would you mind passing it on?

thanks!
---------- Forwarded by Carolyn Nelson/WHO/EOP on 12/05/2002 11:44 AM ----------

Denise Cardamone 12/05/2002 10:53:39 AM

Record Type: Record

To: Carolyn Nelson/WHO/EOP@EOP
cc:
Subject: Approval for student enclosure

Hi Carolyn,
I'm trying to get approval to include a list of Federal Government Web Sites for students as an enclosure with our responses to student letters. The lists refers them to the kids links on each department's site. I'm not sure if your office would be the appropriate one to approve this, so if there is anyone else I should speak with please let me know. I would be happy to fax a copy of the enclosure to your office as well. Thanks for your help.

Denise Cardamone
Writer
Pres. Correspondence
6-2715

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David McMaster/WHO/EOP@EOP [WHO] <David McMaster>
Sent: 12/5/2002 6:46:48 AM
Subject: : Re: Thurs 3:45 pm/ IF SNOW

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 11:46:48.00
SUBJECT:: Re: Thurs 3:45 pm/ IF SNOW
TO:David McMaster (CN=David McMaster/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

cancelled until next week.

David McMaster
12/05/2002 11:20:16 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Thurs 3:45 pm/ IF SNOW

any word?

Brett M. Kavanaugh
12/05/2002 09:55:54 AM
Record Type: Record

To: David McMaster/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Thurs 3:45 pm/ IF SNOW

checking; I doubt it.

David McMaster
12/05/2002 08:49:52 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Thurs 3:45 pm/ IF SNOW

Do you know if this is still a go?
---------- Forwarded by David McMaster/WHO/EOP on 12/05/2002 08:50 AM ----------

Brett M. Kavanaugh

12/04/2002 07:59:27 PM
Record Type: Record

To: David McMaster/WHO/EOP@EOP
cc:
Subject: Thurs 3:45 pm/ IF SNOW

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/04/2002 08:05 PM ----------

Manuel_Miranda@judiciary.senate.gov (Manuel Miranda)
12/04/2002 04:30:53 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Thurs 3:45 pm/ IF SNOW

In the event that at 10:00 am the federal government is closed due to snow, the Voter Analysis will be postponed and rescheduled next week.

Message Sent
To:_____
John_Abegg@mcconnell.senate.gov (John Abegg)
Frank_Brown@specter.senate.gov (Frank Brown)
Mark_Heilbrun@specter.senate.gov (Mark Heilbrun)
Seema_Singh@specter.senate.gov (Seema Singh)
Thomas_Swanton@specter.senate.gov (Thomas Swanton)
Joe_Jacquot_at_UnitedStatesSenate@IMAEXC2.senate.gov (Joe Jacquot)
Barbara_Ledeen@src.senate.gov (Barbara Ledeen)
Brooken_Smith@mcconnell.senate.gov (Brooken Smith)
"Willett; Don" <Don.Willett@usdoj.gov>
Brett M. Kavanaugh/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP
"Dinh; Viet" <Viet.Dinh@usdoj.gov>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David McMaster/WHO/EOP@EOP [WHO] <David McMaster>;Matthew A. Schlapp/WHO /EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 12/5/2002 6:53:32 AM
Subject: : Event Postponed

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 11:53:32.00
SUBJECT:: Event Postponed
TO:David McMaster (CN=David McMaster/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/05/2002 11:56 AM ----------

Manuel_Miranda@judiciary.senate.gov (Manuel Miranda)
12/05/2002 11:46:48 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Event Postponed

The Voter Analysis event will be postponed and rescheduled next week, probably Thursday afternoon. I hope you can make it, it seemed quite popular.

Message Sent
To:_____
John_Abegg@mcconnell.senate.gov (John Abegg)
Frank_Brown@specter.senate.gov (Frank Brown)
Mark_Heilbrun@specter.senate.gov (Mark Heilbrun)
Seema_Singh@specter.senate.gov (Seema Singh)
Thomas_Swanton@specter.senate.gov (Thomas Swanton)
Joe_Jacquot_at_UnitedStatesSenate@IMAEXC2.senate.gov (Joe Jacquot)
Barbara_Ledeen@src.senate.gov (Barbara Ledeen)
Brooken_Smith@mcconnell.senate.gov (Brooken Smith)
"Willett; Don" <Don.Willett@usdoj.gov>
Brett M. Kavanaugh/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP
"Dinh; Viet" <Viet.Dinh@usdoj.gov>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lindsey C. Kozberg/WHO/EOP@EOP [WHO] <Lindsey C. Kozberg>
Sent: 12/5/2002 7:30:38 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 12:30:38.00
SUBJECT:: Re:
TO:Lindsey C. Kozberg (CN=Lindsey C. Kozberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes, that was cleared, and the Macy's reference was considered unique and innocuous given the tradition with that long-standing Thanksgiving Day parade in New York. But we think it prudent not to extend the precedent (which, in turn, others would seek to extend even further). So we would suggest that the statement here not include a reference to Disney, if that is doable. We can discuss if you would like. Do not want to be difficult, but just thinking down the road about what comes next. Thanks.

Lindsey C. Kozberg
12/05/2002 11:32:18 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

actually it was with regard to the macys/nbc greeting that aired over thanksgiving for that parade that we had worked to clear two things: (1) whether it mattered if we paid for that one or if they did -- helgi's answer was that it did not, and (2) the script which included the line -- macy's and nbc join me in wishing you ..., which was cleared in staffing on the 11th of november (honestly i don't know who b/c it was a holiday but i know we made sure we received the clearance from counsel because i always make sure we get your shop, karl and dan covered -- which i think i got by fax but will also check emails).

i do want to be clear that this is not something that will sink the deal -- we would just have to explain it to disney (meaning need an explanation) as the precedent is there with macy's/nbc. in this case walt disney co is the equivalent as they are the parade host (through disney world) and the broadcaster (through abc). the only thing that is different in the fact pattern is that they are going to pay the costs of the film. nbc was supposed to do that but told us they had no cash at the last minute so we picked up the tab with cncs -- not something i plan to do again.

again -- i think we can work it out either way -- i just wanted you to have the precedent in mind as you consider this one.

for reference i will include below the version of the macy's parade script as it was recorded and as it aired:

Good Morning.

As we gather to celebrate Thanksgiving, let us remember to share our blessings and make this holiday season a time for giving to those in need. By helping a neighbor, we serve our nation, and we serve a cause greater than self-interest.

Everyone can do something, and through the USA Freedom Corps, you can find ways to help at a school, food pantry or any other organization near you.

Macy,s and NBC join me in wishing you a happy Thanksgiving, and we ask you to make this holiday the start of a season of service.

Thank you very much.

Brett M. Kavanaugh
12/05/2002 11:19:25 AM
Record Type: Record

To: Lindsey C. Kozberg/WHO/EOP@EOP
cc:
Subject:

Who did you all talk to here regarding Disney? I will confer and get a uniform answer for you.

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: kmehlman@who.eop.gov [WHO] <kmehlman@who.eop.gov>
Sent: 12/5/2002 7:37:53 AM
Subject: : RNC mail piece

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-DEC-2002 12:37:53.00
SUBJECT:: RNC mail piece
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:kmehlman@who.eop.gov ( kmehlman@who.eop.gov [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

After I told them to make the changes, they informed me that the agenda
has already been printed with Mary as an invited guest and "White House
Legislative Representative, White House Political Representative, and
White House Representative, Economic Advisor's Office" on it. Should I
tell them to reprint?
```

From: CN=Lindsey C. Kozberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/5/2002 7:39:20 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lindsey C. Kozberg (CN=Lindsey C. Kozberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 12:39:20.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

i will give it a go -- are you okay with my telling disney generally that our counsel thought it was best for both if we turned away from the naming practices?

also are you okay if i insert something to the effect of -- enjoy the parade -- or say something about regis philben and kelly rippa as hosts -- or here is the one i think you will not like ... regis, kelly and everyone enjoying the parade at walt disney world? -- just trying to come up with alternatives that make them feel we are customizing this.

-- lck

Brett M. Kavanaugh
12/05/2002 12:27:40 PM
Record Type: Record

To: Lindsey C. Kozberg/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

Yes, that was cleared, and the Macy's reference was considered unique and innocuous given the tradition with that long-standing Thanksgiving Day parade in New York. But we think it prudent not to extend the precedent (which, in turn, others would seek to extend even further). So we would suggest that the statement here not include a reference to Disney, if that is doable. We can discuss if you would like. Do not want to be difficult, but just thinking down the road about what comes next. Thanks.

Lindsey C. Kozberg
12/05/2002 11:32:18 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

actually it was with regard to the macys/nbc greeting that aired over

thanksgiving for that parade that we had worked to clear two things: (1) whether it mattered if we paid for that one or if they did -- helgi's answer was that it did not, and (2) the script which included the line -- macy's and nbc join me in wishing you ..., which was cleared in staffing on the 11th of november (honestly i don't know who b/c it was a holiday but i know we made sure we received the clearance from counsel because i always make sure we get your shop, karl and dan covered -- which i think i got by fax but will also check emails).

i do want to be clear that this is not something that will sink the deal -- we would just have to explain it to disney (meaning need an explanation) as the precedent is there with macy's/nbc. in this case walt disney co is the equivalent as they are the parade host (through disney world) and the broadcaster (through abc). the only thing that is different in the fact pattern is that they are going to pay the costs of the film. nbc was supposed to do that but told us they had no cash at the last minute so we picked up the tab with cncs -- not something i plan to do again.

again -- i think we can work it out either way -- i just wanted you to have the precedent in mind as you consider this one.

for reference i will include below the version of the macy's parade script as it was recorded and as it aired:

Good Morning.

As we gather to celebrate Thanksgiving, let us remember to share our blessings and make this holiday season a time for giving to those in need. By helping a neighbor, we serve our nation, and we serve a cause greater than self-interest.

Everyone can do something, and through the USA Freedom Corps, you can find ways to help at a school, food pantry or any other organization near you.

Macy,s and NBC join me in wishing you a happy Thanksgiving, and we ask you to make this holiday the start of a season of service.

Thank you very much.

Brett M. Kavanaugh
12/05/2002 11:19:25 AM
Record Type: Record

To: Lindsey C. Kozberg/WHO/EOP@EOP
cc:
Subject:

Who did you all talk to here regarding Disney? I will confer and get a uniform answer for you.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lindsey C. Kozberg/WHO/EOP@EOP [WHO] <Lindsey C. Kozberg>
Sent: 12/5/2002 7:56:39 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 12:56:39.00
SUBJECT:: Re:
TO:Lindsey C. Kozberg (CN=Lindsey C. Kozberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes on first question.

On the alternatives, I like the first one. I tend to think he actually would find it odd to mention those two hosts by name, however, so might avoid that additional twist for that reason.

Lindsey C. Kozberg
12/05/2002 12:36:21 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

i will give it a go -- are you okay with my telling disney generally that our counsel thought it was best for both if we turned away from the naming practices?

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-- lck

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To: Lindsey C. Kozberg/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

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further). So we would suggest that the statement here not include a reference to Disney, if that is doable. We can discuss if you would like. Do not want to be difficult, but just thinking down the road about what comes next. Thanks.

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12/05/2002 11:32:18 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

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Thank you very much.

Brett M. Kavanaugh
12/05/2002 11:19:25 AM
Record Type: Record

To: Lindsey C. Kozberg/WHO/EOP@EOP

cc:
Subject:

Who did you all talk to here regarding Disney? I will confer and get a uniform answer for you.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/5/2002 8:22:37 AM
Subject: : Re: Bar associations: 2 panels/1 lunch

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 13:22:37.00
SUBJECT:: Re: Bar associations: 2 panels/1 lunch
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

So when will you be out of the office/out of town?

Brett M. Kavanaugh
12/05/2002 01:03:26 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: Bar associations: 2 panels/1 lunch

Not sure how all of the following fell into next week, but . . .

1. I was asked to sub for Viet/Adam on a panel in New York Monday night on judges process; it is sponsored by Bar Association of City of New York. (A Schumer staffer is also on panel as well as Jeff Rosen, a law school classmate of mine who writes for New Republic.)

2. I also was asked to sub for Viet/Adam on a brown-bag lunch deal next Wednesday in DC on same topic sponsored by some committee of DC Bar (a Kennedy staffer is on that one).

3. Rachel was originally invited to speak at an Iowa bar association deal next Friday on same topic. Rachel and Colloton asked me to sub given Rachel's current job.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/5/2002 8:27:38 AM
Subject: : Re: Bar associations: 2 panels/1 lunch

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 13:27:38.00
SUBJECT:: Re: Bar associations: 2 panels/1 lunch
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

out of town/office on Monday afternoon/evening and on Friday after about 9:00 a.m.

Elizabeth N. Camp
12/05/2002 01:23:45 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Bar associations: 2 panels/1 lunch

So when will you be out of the office/out of town?

Brett M. Kavanaugh
12/05/2002 01:03:26 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: Bar associations: 2 panels/1 lunch

Not sure how all of the following fell into next week, but . . .

1. I was asked to sub for Viet/Adam on a panel in New York Monday night on judges process; it is sponsored by Bar Association of City of New York. (A Schumer staffer is also on panel as well as Jeff Rosen, a law school classmate of mine who writes for New Republic.)

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3. Rachel was originally invited to speak at an Iowa bar association deal next Friday on same topic. Rachel and Colloton asked me to sub given Rachel's current job.

From: CN=Adam B. Goldman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/5/2002 8:38:33 AM
Subject: : FW: Document1
Attachments: P_HSX4C003_WHO.TXT_1.htm; P_HSX4C003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 13:38:33.00
SUBJECT:: FW: Document1
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

I am not sure why Dirk is asking my advice on this. Can you give me some guidance?

Thanks.

---------- Forwarded by Adam B. Goldman/WHO/EOP on 12/05/2002 01:36 PM ----------

Dirk Van Dongen - NAW <DVanDongen@nawd.org>
12/05/2002 10:04:13 AM
Record Type: Record

To: Adam B. Goldman/WHO/EOP@EOP
cc:
Subject: FW: Document1

Want to get this out today.

Don't know whether or not you have been able to get in to the office or are otherwise monitoring your email. If so, pls give me your thoughts by 2:00PM. Otherwise, we'll roll with it so the "trail"doesn't get cold.

Thx. Hope you events yesterday were successful.

Dirk Van Dongen
President
National Association of Wholesaler - Distributors
TPH: 202 872 0885
FAX: 202 785 0586
dvandongen@nawd.org
Register today for NAW's Executive Summit (Annual Meeting) January 27 - 29, 2003.
http://www.naw.org
-----Original Message-----
From: Dirk Van Dongen - NAW
Sent: Tuesday, December 03, 2002 12:51 PM
To: ADAM GOLDMAN
Cc: Jade West - NAW
Subject: Document1
Importance: High

Draft of a memo to the TRC Steering Committee for your review. Please look at ASAP. Focus on the characterization of our meeting last week and the anticipated Room 450 event. Want to be sure your comfortable with same.

Thx.

- att1.htm
- Doc1_.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HSX4C003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HSX4C003_WHO.TXT_2>

Want to get this out today.

Don't know whether or not you have been able to get in to the office or are otherwise monitoring your email. If so, pls give me your thoughts by 2:00PM. Otherwise, we'll roll with it so the "trail"doesn't get cold.

Thx. Hope you events yesterday were successful.

Dirk Van Dongen
President
National Association of Wholesaler - Distributors
TPH: 202 872 0885
FAX: 202 785 0586
dvandongen@nawd.org
Register today for NAW's Executive Summit (Annual Meeting) January 27 - 29, 2003.
http://www.naw.org
-----Original Message-----
From: Dirk Van Dongen - NAW
Sent: Tuesday, December 03, 2002 12:51 PM
To: ADAM GOLDMAN
Cc: Jade West - NAW
Subject: Document1
Importance: High

Draft of a memo to the TRC Steering Committee for your review. Please look at ASAP. Focus on the characterization of our meeting last week and the anticipated Room 450 event. Want to be sure your comfortable with same.

Thx.

DRAFT----DRAFT----DRAFT----DRAFT

TO: TRC STEERING COMMITTEE

FROM: Dirk Van Dongen & Jade West
National Association of Wholesaler – Distributors
TRC EXECUTIVE SECRETARIAT

SUBJECT: ECONOMIC GROWTH AND JOBS CREATION

It appears certain that the President will propose a new set of initiatives to the Congress to stimulate economic growth and new job creation.

The TRC Management Committee had the opportunity to meet with senior White House staff last week to discuss the need for such a package, and to provide input on its composition. (We essentially reaffirmed the principles set forth in the attached letter sent to the President on behalf of TRC in September 2001, as the Administration was beginning development of what became this year's stimulus package).

During our discussion, we conveyed our strong support for such an initiative, and indicated TRC's commitment to help move it through the Congress.

Yesterday, the Management Committee met again to plan preparations for this effort.

Among the decisions made was to invoice all Steering Committee members for a 2003 membership contribution of $5000. This is identical to the required contribution for both 2001 and 2002. As you know, these funds are used to cover out-of-pocket costs and advertising. NAW provides Executive Secretariat services without cost to the coalition.

Your invoice is enclosed.

We anticipate that the TRC Steering Committee will be invited to the White House for a special briefing shortly after the package is announced. We will keep you posted on this, and other developments.

Thanks. Please call either one of us if you have questions.

(List TRC Management Committee – alpha by last name, with name of organization)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/5/2002 9:50:31 AM
Subject: : Re: Starr visit

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 14:50:31.00
SUBJECT:: Re: Starr visit
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/05/2002 02:53 PM ----------

Alberto R. Gonzales
12/05/2002 02:50:26 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Starr visit

ok ,let Libby know.

Brett M. Kavanaugh
12/05/2002 02:43:36 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: Starr visit

Judge: Think I mentioned this to you, but do you want to introduce Ken Starr at his EEOB talk on Dec. 19th? Think that makes sense.

We'll probably have a full crowd in Room 450 with WH folks, DOJ political appointees, and some outsiders.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 12/5/2002 9:53:34 AM
Subject: : toner on channel 18

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-DEC-2002 14:53:34.00
SUBJECT:: toner on channel 18
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 12/5/2002 10:17:48 AM
Subject: : Re: New Off Site Schedule

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2002 15:17:48.00
SUBJECT:: Re: New Off Site Schedule
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I sure hope mine are because I will be in Palm Springs!!

H. Christopher Bartolomucci
12/05/2002 03:14:05 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: New Off Site Schedule

Dec. 11-13: Ben [subject to the Judge's approval; please don't discuss off site matters with Ben yet]
Dec. 16-18: Jen
Dec. 18-20: Brad
Dec. 23-25: Kyle
Dec. 25-27: Helgi
Dec. 30-Jan. 1: Brett
Jan. 1-3: Bart
Jan. 6-8: Noel

I am sure that some of these dates will be converted to on call status. I'll let you know.

Message Sent
To:_____
Bradford A. Berenson/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 12/5/2002 12:06:41 PM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-DEC-2002 17:06:41.00
SUBJECT::
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
###### End Original ARMS Header ######

still no word from CADC, I assume?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 12/5/2002 2:38:25 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-DEC-2002 19:38:25.00
SUBJECT::
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Did you get a chance to talk to Alex Dahl?
```

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO /EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 12/6/2002 4:03:15 AM
Subject: : Revised Off Site Schedule

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-DEC-2002 09:03:15.00
SUBJECT:: Revised Off Site Schedule
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Dec. 11-13: Jen
Dec. 16-18: Ben**
Dec. 18-20: Brad
Dec. 23-25: Kyle
Dec. 25-27: Helgi
Dec. 30-Jan. 1: Brett
Jan. 1-3: Bart
Jan. 6-8: Noel

**Ben's addition to the rotation is now Judge approved, but remember not
to discuss off site matter with him until he is cleared in.
```

From: CN=Ken Mehlman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/6/2002 6:45:30 AM
Subject: : Writing sample
Attachments: P_B1F5C003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2002 11:45:30.00
SUBJECT:: Writing sample
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

this ok?
---------- Forwarded by Ken Mehlman/WHO/EOP on 12/06/2002 11:42 AM ----------

Sara M. Taylor
12/05/2002 10:12:43 PM
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP
cc: Katherine M. Walters/WHO/EOP@EOP, Morgan R. Goatley/WHO/EOP@EOP
Subject: Writing sample

Ken: Morgan's internship program has requested a writing sample from her time spent here. We drafted the below letter and I want to make sure you are comfortable with it. Before she submits, please let her know that this is fine. Thanks.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_B1F5C003_WHO.TXT_1>

THE WHITE HOUSE
OFFICE OF POLITICAL AFFAIRS

December 6, 2002

Mr. Brad Niemann, Program Supervisor
The Washington Center
2301 M Street, NW
Washington, D.C. 20036

Dear Mr. Niemann:

Ms. Morgan Goatley worked for me as an intern in the White House Political Affairs Office this fall. While her duties varied, she worked with me to draft political and event briefings for the President, Vice President, Cabinet officials and Senior White House Staff. These briefings summarized state political climates and key policy issues. They also provided background information and itineraries for the President and Vice President's events. Morgan did outstanding work for our office.

Because of the sensitive nature of these internal documents, Morgan is unable to provide you with a sample of her work. Thank you for your understanding and for accommodating her situation.

Sincerely,

Sara Taylor
Associate Director, Office of Political Affairs

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO /EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 12/6/2002 4:28:21 AM
Subject: : AP is reporting that Paul O'Neill is resigning

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-DEC-2002 09:28:21.00
SUBJECT:: AP is reporting that Paul O'Neill is resigning
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>;Jack Howard/WHO/EOP@EOP [WHO] <Jack Howard>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>
Sent: 12/6/2002 4:59:38 AM
Subject: : Lott Judges Members meeting

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-DEC-2002 09:59:38.00
SUBJECT:: Lott Judges Members meeting
TO:Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alison Jones ( CN=Alison Jones/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jack Howard ( CN=Jack Howard/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Michael J. Conway ( CN=Michael J. Conway/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nicholas E. Calio ( CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Lott's office is interested in pulling together a Members meeting on
Judges issues (President's Judicial timeline proposal; committee/floor
schedule for confirming judicial noms left over from last year; how to
handle timing of judicial noms who were voted down in committee).

They are looking at Tuesday of next week. They would ideally, like to have
Judge Gonzales, Nick and Karl at the meeting. Let me know if there are any
times that absolutely don't work for these three on Tuesday (or if they
simply aren't available on Tuesday).

thanks, Heather
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Britt Grant/OPD/EOP@EOP [OPD] <Britt Grant>
Sent: 12/6/2002 6:42:42 AM
Subject: : Re: fundraiser

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2002 11:42:42.00
SUBJECT:: Re: fundraiser
TO:Britt Grant (CN=Britt Grant/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

6-5104. They can publicize his appearance in other documents but cannot use his actual official title.

Britt Grant

12/06/2002 11:36:04 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: fundraiser

Hi Brett-- I have a copy of the invitation for a GOP fundraiser Bridge is addressing. What's the best fax number to send for your approval? Also, to what degree can they publicize his appearance in documents other than the invitation? Thanks--
Britt

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Coffin, Shannen <Shannen.Coffin@usdoj.gov>
CC: Raquel Cabral/WHO/EOP@EOP [WHO] <Raquel Cabral>
Sent: 12/6/2002 11:25:38 AM
Subject: : Re: FW: NEPDG USCA Stay Order
Attachments: P_Z4P5C003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2002 16:25:38.00
SUBJECT:: Re: FW: NEPDG USCA Stay Order
TO:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ("Coffin, Shannen"
<Shannen.Coffin@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:Raquel Cabral (CN=Raquel Cabral/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

On Monday, can you have someone deliver me hard copies of all of
the briefs that have been filed in the appeals court (including the
appendices). Thanks. I am in Room 156 EEOB and contact person is Raquel
Cabral at 456-5298.

"Coffin, Shannen" <Shannen.Coffin@usdoj.gov>
12/06/2002 12:57:28 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FW: NEPDG USCA Stay Order

The stay order is attached.

Shannen W. Coffin
Civil Division
U.S. Department of Justice
(202) 514-3310 (phone)
(202) 514-8071 (fax)
shannen.coffin@usdoj.gov

-----Original Message-----
From: Calvert, Chris
Sent: Friday, December 06, 2002 12:56 PM
To: Coffin, Shannen
Subject: NEPDG USCA Stay Order

- Untitled From OmniPage.pdf

Message Sent
To:_____

David S. Addington/OVP/EOP@EOP
"Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Katsas, Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Salmons, David B" <David.B.Salmons@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Kneedler, Edwin S" <Edwin.S.Kneedler@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Stern, Mark" <Mark.Stern@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Millet, Thomas" <Thomas.Millet@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Jordan, Bill" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Paisner, Jennifer" <Jennifer.Paisner@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Goodling, Monica" <Monica.Goodling@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Brett M. Kavanaugh/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Z4P5C003_WHO.TXT_1>

r unt t te (~.auxt o f, xr.eals

FoR THE Dis-rm(Post-it Fax Note 7671 Oats It,-4. page

To sko

co.t0ept. S D_e S Co. USCJr GG

PMre t?nors s AI(, = -73i

Fan4 Faxp

No 02-5354

iled On:

In re: Richard B. Cheney, Vice President of the United States et al

Petitioners

UN DSTAT C)191 F APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

FILED DEC - 6 2002

CLERK

No 02-5355

Judicial Watch, Inc.,

Appellee

v

National Energy Policy Development Group, et al.,

Appellees

Richard B. Cheney. Vice President of the United States,

Appellant

Consolidated with 02-5356

BEFORE: Edwards, Sentelle, and Tatel, Circuit Judges

ORDER

Upon consideration of the petition for writ of mandamus, the response thereto, and the reply; the motions to dismiss, the response thereto, and the reply, the motion for stay pending appeal, the response thereto, and the reply, it is

ORDERED, on the court's own motion, that the above-captioned cases be consolidated. It is

FURTHER ORDERED, on the court's own motion, that the Clerk schedule these cases for oral argument in the normal course. The cases will be considered on the basis of the pleadings previously filed by the parties. It is

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FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 02-5354 September Term, 2002

FURTHER ORDERED, on the court's own motion, that the district court's orders under review in these actions be stayed pending further order of the court. The purpose of this administrative stay is to give the court sufficient opportunity to consider the merits of the case and should not be construed in any way as a ruling on the merits. See D.C. Circuit Handbook of Practice and Internal Procedures 32-33 (2002).

Per Curiam

REV_00104270

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Alberto R. Gonzales/WHO /EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 12/6/2002 7:46:58 AM
Subject: : WE GOT A STAY; DETAILS TO FOLLOW

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-DEC-2002 12:46:58.00
SUBJECT:: WE GOT A STAY; DETAILS TO FOLLOW
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/6/2002 9:32:34 AM
Subject: : call me re Monday morning meetings

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-DEC-2002 14:32:34.00
SUBJECT:: call me re Monday morning meetings
TO:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: paul.d.clement@usdoj.gov @ inet [UNKNOWN] <paul.d.clement@usdoj.gov @ inet>
Sent: 12/6/2002 10:02:04 AM
Subject: : call me

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-DEC-2002 15:02:04.00
SUBJECT:: call me
TO:paul.d.clement@usdoj.gov @ inet ( paul.d.clement@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 12/6/2002 10:18:59 AM
Subject: : Re: Anybody else receive the Heritage Foundation CFC solicitation?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2002 15:18:59.00
SUBJECT:: Re: Anybody else receive the Heritage Foundation CFC solicitation?
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I received it.

From: Edward McNally on 12/06/2002 03:18:18 PM
Record Type: Non-Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Anybody else receive the Heritage Foundation CFC solicitation?

Anybody else in WHCO receive this CFC e-mail solicitation from Heritage?

It appears that OHS has been deluged with the same CFC solicitation e-mail, allegedly from Heritage's president. Which suggests that Heritage is using a copy of an internal e-mail address list for All OHS. I'm trying to figure out if it's wider than that and maybe reaches to the "All WHO" or "All EOP" list?

Faisal M. Gill
12/06/2002 02:09:42 PM
Record Type: Record

To: Marie Vachon/WHO/EOP@EOP
cc: Edward McNally/WHO/EOP@EOP
Subject: Re: Heritage Foundation (CFC 0881) and the Combined Federal Campaign

Yes, Heritage should know better. Usually for CFC, emails are sent encouraging employees to participate in the process but not towards any one organization. I recommend sending an email back to Heritage saying that this is a White House email system and as such is to be used for official purposes.

Faisal
---------- Forwarded by Edward McNally/WHO/EOP on 12/06/2002 03:13 PM ----------

Marie Vachon
12/06/2002 01:53:31 PM
To: Edward McNally/WHO/EOP@EOP, Faisal M. Gill/WHO/EOP@EOP
Subject: Heritage Foundation (CFC 0881) and the Combined Federal Campaign

Isn't this wrong for them to solicit to me by government email?
---------- Forwarded by Marie Vachon/WHO/EOP on 12/06/2002 01:59 PM ----------

"Edwin J. Feulner" <membership@heritage.org>
12/06/2002 12:14:18 PM
Please respond to "Edwin J. Feulner" <membership@heritage.org>
To: Marie Vachon/WHO/EOP@EOP
Subject: Heritage Foundation (CFC 0881) and the Combined Federal Campaign

HERITAGE MEMBERS INTERACTIVE ----- http://www.heritage.org
* Freedom * Opportunity * Prosperity * Civil Society *

As you know, the Combined Federal Campaign is currently soliciting federal employees for contributions. As you may not know, The Heritage Foundation participates in the CFC. We welcome your support in any amount through the CFC and we will use it to promote our mission: ?to formulate and promote conservative public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values and a strong national defense.?

Every year hundreds of people support Heritage through the Combined Federal Campaign and if you have done so in the past, thank you very much. Often, we do not know who our CFC supporters are?and if you are happy with anonymity, that?s fine with us. On the other hand, I?d be more than pleased to send you personal thanks and occasional reports on our activities if you want to make your gift known.

In either event, we will continue to keep you informed about our activities via e-mails as we have done in the past.

Thanks again for considering The Heritage Foundation. Our CFC number is 0881.

Edwin J. Feulner
President
The Heritage Foundation

****

The Heritage Foundation
Leadership for America

"The Heritage Foundation is committed to building an America where freedom, opportunity, prosperity and civil society flourish."

http://www.heritage.org/

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Message Copied
To:_____
Bradford A. Berenson/WHO/EOP@EOP
Nanette Everson/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP

From: CN=Lauren J. Vestewig/OU=OPD/O=EOP [OPD]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Adam B. Goldman/WHO/EOP@EOP [WHO] <Adam B. Goldman>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: Emily Winland/OPD/EOP@EOP [OPD] <Emily Winland>
Sent: 12/6/2002 11:58:08 AM
Subject: : Meeting with Ben Heineman

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lauren J. Vestewig (CN=Lauren J. Vestewig/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 6-DEC-2002 16:58:08.00
SUBJECT:: Meeting with Ben Heineman
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Emily Winland (CN=Emily Winland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

This meeting has been moved to 10:30, still in Jay's office. Thanks.
---------- Forwarded by Lauren J. Vestewig/OPD/EOP on 12/06/2002 04:56 PM ----------

Lauren J. Vestewig
12/04/2002 05:50:51 PM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Adam B. Goldman/WHO/EOP@EOP, Diana L. Schacht/OPD/EOP@EOP
cc:
Subject: Meeting with Ben Heineman

Ben Heineman, the General Counsel of GE, is coming in to meet with Jay on Tues, 12/10 at 9:30. Please let me know if you can join. Thanks.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/6/2002 12:30:53 PM
Subject: : don't consider

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-DEC-2002 17:30:53.00
SUBJECT:: don't consider
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

GC of DHS.
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From: CN=Ashley Estes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/6/2002 12:30:00 PM
Subject: : Re: Reminder

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2002 17:30:00.00
SUBJECT:: Re: Reminder
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

do you want to come to my party with me instead of yours? mine is monday the 16th - see below for who all is there. seems like a good group.
---------- Forwarded by Ashley Estes/WHO/EOP on 12/06/2002 05:26 PM ----------

Tim Reynolds
12/06/2002 05:08:20 PM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
Subject: Re: Reminder

Ashley, to answer your question-- here are the offices paired with us for the WH Christmas Party on the 16th:

first lady
strategic initiatives
oval office
political affairs
public liason
scheduling
cos office
whmo
m&a
ovp
cabinet affairs
visitors

---------- Forwarded by Tim Reynolds/WHO/EOP on 12/06/2002 04:57 PM ----------

Tim Reynolds
12/04/2002 10:01:03 AM
Record Type: Record

To: Lindsey M. Lineweaver/WHO/EOP@EOP
cc: chad babin/who/eop@eop
bcc: Records Management@EOP
Subject: Re: Reminder

not urgent. just wanted to know the other groups paired with M&A, COS ofc, and OOO for the Christmas party.

Lindsey M. Lineweaver
12/04/2002 09:42:39 AM
Record Type: Record

To: Tim Reynolds/WHO/EOP@EOP
cc: Chad Babin/WHO/EOP@EOP
bcc:
Subject: Re: Reminder

Hey Tim, we are swamped. Can you get back to me later today on this or in the morning? Is this urgent?

Chad Babin
12/04/2002 09:40:58 AM

Record Type: Record

To: Lindsey M. Lineweaver/WHO/EOP@EOP
cc: Tim Reynolds/WHO/EOP@EOP
Subject: Re: Reminder

Lindsey,

Can you please get back to Tim regarding who will be attending the 7PM party on the 16th.

Thank you,

Chad

---------- Forwarded by Chad Babin/WHO/EOP on 12/04/2002 09:36 AM ----------

Tim Reynolds
12/04/2002 06:54:27 AM
Record Type: Record

To: Chad Babin/WHO/EOP@EOP
cc:
Subject: Re: Reminder

Chad, who are the other groups paired with us for the Christmas Party? Do you know?
---------- Forwarded by Tim Reynolds/WHO/EOP on 12/04/2002 06:59 AM ----------

Ashley Estes
12/03/2002 08:19:55 PM
Record Type: Record

To: Tim Reynolds/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Reminder

who else is that night?

Tim Reynolds
12/03/2002 08:14:50 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Reminder

Just a reminder - our Christmas reception will be on Monday, December 16th at 7:00 pm and visitors will enter through the East Entrance.

Message Sent
To:_____
Colleen Litkenhaus/WHO/EOP@EOP
Melissa S. Bennett/WHO/EOP@EOP
Ross M. Kyle/WHO/EOP@EOP
Jose Mallea/WHO/EOP@EOP
Julian M. Flannery/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Ashley Estes/WHO/EOP@EOP
Blake Gottesman/WHO/EOP@EOP
Ann Gray/WHO/EOP@EOP
Tim Reynolds/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Keefer, Wendy J <Wendy.J.Keefer@usdoj.gov>
Sent: 12/6/2002 12:46:44 PM
Subject: : Re: WH Christmas party

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2002 17:46:44.00
SUBJECT:: Re: WH Christmas party
TO:"Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov> ("Keefer, Wendy J"
<Wendy.J.Keefer@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Probably not. What office is he in? You also could come to the
WH Counsel office time slot (on the 17th); I think we will have extra
room. (By the way, Libby is getting your picture.)

"Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov>
12/06/2002 05:30:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: WH Christmas party

Brett:

I did not know who else to ask this question, but I was going to be coming
to the party Monday morning as someone's guest (since I was not invited :(
), but my host, Andrew Schauder, had a death in the family and is unable
to attend. The invites say I must be with him to get in. They already
have my name and info, do you know if that will be a problem?

Wendy J. Keefer
Senior Counsel and Chief of Staff
Office of Legal Policy
(202) 616-2643

From: Manuel Miranda) (Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 12/8/2002 9:10:43 PM
Subject: : Resheduling

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) (
Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [ UNKNOWN ] )
CREATION DATE/TIME: 9-DEC-2002 02:10:43.00
SUBJECT:: Resheduling
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

The response here from all staffs for this event was high, so much so that
we
may need to get a bigger room.

Any help you can lend in getting Ken or Matt to give us a new time and
date to
build around would be great. I would like to send a new time tomorrow.

I have left a phone message for their scheduler. The post lunch, early
afternoons of Tuesday, Wednesday or Thursday work best.
```

From: Keefer, Wendy J <Wendy.J.Keefer@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/8/2002 9:11:39 PM
Subject: : WH Christmas party

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov> ( "Keefer, Wendy J"
<Wendy.J.Keefer@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME: 9-DEC-2002 02:11:39.00
SUBJECT:: WH Christmas party
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett:

I did not know who else to ask this question, but I was going to be coming
to the party Monday morning as someone's guest (since I was not invited :(
), but my host, Andrew Schauder, had a death in the family and is unable
to attend. The invites say I must be with him to get in. They already
have my name and info, do you know if that will be a problem?

Wendy J. Keefer
Senior Counsel and Chief of Staff
Office of Legal Policy
(202) 616-2643
```

From: CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David G. Leitch TPO/TPO /OMB/EOP@EOP [OMB] <David G. Leitch TPO>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 12/9/2002 7:23:13 AM
Subject: : FW: Waxman (the "Rule of Seven" case related to Census)

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-DEC-2002 12:23:13.00
SUBJECT:: FW: Waxman (the "Rule of Seven" case related to Census)
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch TPO (CN=David G. Leitch TPO/OU=TPO/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Good news in Waxman - this was the case where Waxman and other members of Congress sued under 5 USC 2954 to obtain adjusted census data. See docket entry below reflecting the reversal of the district court's decision that any seven members of House Govt Operations Comm. could obtain information from the Executive Branch.

I am working on getting a copy of the order.

-----Original Message-----
From: Raab, Michael
Sent: Monday, December 09, 2002 10:05 AM
To: Katsas, Gregory; Stern, Mark; Dawson, Katherine
Subject: Waxman

Greg, Mark, Katie: Consistent with my telephone conversation with the Ninth Circuit Clerk's Office on Friday afternoon, the electronic verson of the docket sheet on PACER includes the following entry indicating that the judgment of the district court in Waxman has indeed been vacated:

12/6/02 Order filed REVERSED (Terminated on the Merits after Oral Hearing; Reversed; Written, Signed, Published. Alfred T. GOODWIN, Thomas G. NELSON, Susan P. GRABER) We REVERSE and VACATE the judgment below and REMAND to the District Court with instructions to DISMISS the action as moot. The parties shall bear their own costs on appeal. [02-55825] (gar) [02-55825]

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/9/2002 7:53:10 AM
Subject: : We won GAO

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-DEC-2002 12:53:10.00
SUBJECT:: We won GAO
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam B. Goldman/WHO/EOP@EOP [WHO] <Adam B. Goldman>
Sent: 12/9/2002 5:32:26 AM
Subject: : Re: FW: Document1
Attachments: P_2ZX6C003_WHO.TXT_1.htm; P_2ZX6C003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-DEC-2002 10:32:26.00
SUBJECT:: Re: FW: Document1
TO:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No problems with this.

Adam B. Goldman
12/05/2002 01:35:35 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Document1

Brett,

I am not sure why Dirk is asking my advice on this. Can you give me some guidance?

Thanks.

---------- Forwarded by Adam B. Goldman/WHO/EOP on 12/05/2002 01:36 PM ----------

Dirk Van Dongen - NAW <DVanDongen@nawd.org>
12/05/2002 10:04:13 AM
Record Type: Record

To: Adam B. Goldman/WHO/EOP@EOP
cc:
Subject: FW: Document1

Want to get this out today.

Don't know whether or not you have been able to get in to the office or are otherwise monitoring your email. If so, pls give me your thoughts by 2:00PM. Otherwise, we'll roll with it so the "trail"doesn't get cold.

Thx. Hope you events yesterday were successful.

Dirk Van Dongen
President
National Association of Wholesaler - Distributors
TPH: 202 872 0885
FAX: 202 785 0586
dvandongen@nawd.org
Register today for NAW's Executive Summit (Annual Meeting) January 27 - 29, 2003.
http://www.naw.org
-----Original Message-----
From: Dirk Van Dongen - NAW
Sent: Tuesday, December 03, 2002 12:51 PM
To: ADAM GOLDMAN
Cc: Jade West - NAW
Subject: Document1
Importance: High

Draft of a memo to the TRC Steering Committee for your review. Please look at ASAP. Focus on the characterization of our meeting last week and the anticipated Room 450 event. Want to be sure your comfortable with same.

Thx.

- att1.htm
- Doc1_.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_2ZX6C003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_2ZX6C003_WHO.TXT_2>

Want to get this out today.

Don't know whether or not you have been able to get in to the office or are otherwise monitoring your email. If so, pls give me your thoughts by 2:00PM. Otherwise, we'll roll with it so the "trail"doesn't get cold.

Thx. Hope you events yesterday were successful.

Dirk Van Dongen
President
National Association of Wholesaler - Distributors
TPH: 202 872 0885
FAX: 202 785 0586
dvandongen@nawd.org
Register today for NAW's Executive Summit (Annual Meeting) January 27 - 29, 2003.
http://www.naw.org
-----Original Message-----
From: Dirk Van Dongen - NAW
Sent: Tuesday, December 03, 2002 12:51 PM
To: ADAM GOLDMAN
Cc: Jade West - NAW
Subject: Document1
Importance: High

Draft of a memo to the TRC Steering Committee for your review. Please look at ASAP. Focus on the characterization of our meeting last week and the anticipated Room 450 event. Want to be sure your comfortable with same.

Thx.

DRAFT----DRAFT----DRAFT----DRAFT

TO: TRC STEERING COMMITTEE

FROM: Dirk Van Dongen & Jade West
National Association of Wholesaler – Distributors
TRC EXECUTIVE SECRETARIAT

SUBJECT: ECONOMIC GROWTH AND JOBS CREATION

It appears certain that the President will propose a new set of initiatives to the Congress to stimulate economic growth and new job creation.

The TRC Management Committee had the opportunity to meet with senior White House staff last week to discuss the need for such a package, and to provide input on its composition. (We essentially reaffirmed the principles set forth in the attached letter sent to the President on behalf of TRC in September 2001, as the Administration was beginning development of what became this year's stimulus package).

During our discussion, we conveyed our strong support for such an initiative, and indicated TRC's commitment to help move it through the Congress.

Yesterday, the Management Committee met again to plan preparations for this effort.

Among the decisions made was to invoice all Steering Committee members for a 2003 membership contribution of $5000. This is identical to the required contribution for both 2001 and 2002. As you know, these funds are used to cover out-of-pocket costs and advertising. NAW provides Executive Secretariat services without cost to the coalition.

Your invoice is enclosed.

We anticipate that the TRC Steering Committee will be invited to the White House for a special briefing shortly after the package is announced. We will keep you posted on this, and other developments.

Thanks. Please call either one of us if you have questions.

(List TRC Management Committee – alpha by last name, with name of organization)

From: CN=Adam B. Goldman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/9/2002 6:02:46 AM
Subject: : Re: FW: Document1
Attachments: P_FUZ6C003_WHO.TXT_1.htm; P_FUZ6C003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-DEC-2002 11:02:46.00
SUBJECT:: Re: FW: Document1
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks.

Brett M. Kavanaugh
12/09/2002 10:25:37 AM
Record Type: Record

To: Adam B. Goldman/WHO/EOP@EOP
cc:
bcc:
Subject: Re: FW: Document1

No problems with this.

Adam B. Goldman
12/05/2002 01:35:35 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Document1

Brett,

I am not sure why Dirk is asking my advice on this. Can you give me some guidance?

Thanks.

---------- Forwarded by Adam B. Goldman/WHO/EOP on 12/05/2002 01:36 PM ----------

Dirk Van Dongen - NAW <DVanDongen@nawd.org>
12/05/2002 10:04:13 AM
Record Type: Record

To: Adam B. Goldman/WHO/EOP@EOP
cc:
Subject: FW: Document1

Want to get this out today.

Don't know whether or not you have been able to get in to the office or are otherwise monitoring your email. If so, pls give me your thoughts by 2:00PM. Otherwise, we'll roll with it so the "trail"doesn't get cold.

Thx. Hope you events yesterday were successful.

Dirk Van Dongen
President
National Association of Wholesaler - Distributors
TPH: 202 872 0885
FAX: 202 785 0586
dvandongen@nawd.org
Register today for NAW's Executive Summit (Annual Meeting) January 27 - 29, 2003.
http://www.naw.org
-----Original Message-----
From: Dirk Van Dongen - NAW
Sent: Tuesday, December 03, 2002 12:51 PM
To: ADAM GOLDMAN
Cc: Jade West - NAW
Subject: Document1
Importance: High

Draft of a memo to the TRC Steering Committee for your review. Please look at ASAP. Focus on the characterization of our meeting last week and the anticipated Room 450 event. Want to be sure your comfortable with same.

Thx.

- att1.htm
- Doc1_.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FUZ6C003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FUZ6C003_WHO.TXT_2>

Want to get this out today.

Don't know whether or not you have been able to get in to the office or are otherwise monitoring your email. If so, pls give me your thoughts by 2:00PM. Otherwise, we'll roll with it so the "trail"doesn't get cold.

Thx. Hope you events yesterday were successful.

Dirk Van Dongen
President
National Association of Wholesaler - Distributors
TPH: 202 872 0885
FAX: 202 785 0586
dvandongen@nawd.org
Register today for NAW's Executive Summit (Annual Meeting) January 27 - 29, 2003.
http://www.naw.org
-----Original Message-----
From: Dirk Van Dongen - NAW
Sent: Tuesday, December 03, 2002 12:51 PM
To: ADAM GOLDMAN
Cc: Jade West - NAW
Subject: Document1
Importance: High

Draft of a memo to the TRC Steering Committee for your review. Please look at ASAP. Focus on the characterization of our meeting last week and the anticipated Room 450 event. Want to be sure your comfortable with same.

Thx.

DRAFT----DRAFT----DRAFT----DRAFT

TO: TRC STEERING COMMITTEE

FROM: Dirk Van Dongen & Jade West
National Association of Wholesaler – Distributors
TRC EXECUTIVE SECRETARIAT

SUBJECT: ECONOMIC GROWTH AND JOBS CREATION

It appears certain that the President will propose a new set of initiatives to the Congress to stimulate economic growth and new job creation.

The TRC Management Committee had the opportunity to meet with senior White House staff last week to discuss the need for such a package, and to provide input on its composition. (We essentially reaffirmed the principles set forth in the attached letter sent to the President on behalf of TRC in September 2001, as the Administration was beginning development of what became this year's stimulus package).

During our discussion, we conveyed our strong support for such an initiative, and indicated TRC's commitment to help move it through the Congress.

Yesterday, the Management Committee met again to plan preparations for this effort.

Among the decisions made was to invoice all Steering Committee members for a 2003 membership contribution of $5000. This is identical to the required contribution for both 2001 and 2002. As you know, these funds are used to cover out-of-pocket costs and advertising. NAW provides Executive Secretariat services without cost to the coalition.

Your invoice is enclosed.

We anticipate that the TRC Steering Committee will be invited to the White House for a special briefing shortly after the package is announced. We will keep you posted on this, and other developments.

Thanks. Please call either one of us if you have questions.

(List TRC Management Committee – alpha by last name, with name of organization)

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 12/9/2002 11:09:16 AM
Subject: : FW: Waxman (the "Rule of Seven" case related to Census)

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME: 9-DEC-2002 16:09:16.00
SUBJECT:: FW: Waxman (the "Rule of Seven" case related to Census)
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ben Powell's note below is a very helpful miracle -- if I understand this correctly, the district court's ruling against us on the rule-of-seven Congressional request statute will be vacated as moot.
---------- Forwarded by David S. Addington/OVP/EOP on 12/09/2002 04:20 PM ----------

Benjamin A. Powell
12/09/2002 12:20:11 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, David G. Leitch TPO/TPO/OMB/EOP@EOP, David S. Addington/OVP/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Waxman (the "Rule of Seven" case related to Census)

Good news in Waxman - this was the case where Waxman and other members of Congress sued under 5 USC 2954 to obtain adjusted census data. See docket entry below reflecting the reversal of the district court's decision that any seven members of House Govt Operations Comm. could obtain information from the Executive Branch.

I am working on getting a copy of the order.

-----Original Message-----
From: Raab, Michael
Sent: Monday, December 09, 2002 10:05 AM
To: Katsas, Gregory; Stern, Mark; Dawson, Katherine
Subject: Waxman

Greg, Mark, Katie: Consistent with my telephone conversation with the Ninth Circuit Clerk's Office on Friday afternoon, the electronic verson of the docket sheet on PACER includes the following entry indicating that the judgment of the district court in Waxman has indeed been vacated:

12/6/02 Order filed REVERSED (Terminated on the Merits after Oral Hearing; Reversed; Written, Signed, Published. Alfred T. GOODWIN, Thomas G. NELSON, Susan P. GRABER) We REVERSE and VACATE the judgment below and REMAND to the District

Court with instructions to DISMISS the
action as moot. The
parties shall bear their own costs on
appeal. [02-55825]
(gar) [02-55825]

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 12/9/2002 9:32:33 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-DEC-2002 14:32:33.00
SUBJECT::
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Congratulations again. Excellent result.
```

From: CN=Henry C. Hager/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/9/2002 10:55:26 AM
Subject: : Re: nurse of the year

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Henry C. Hager (CN=Henry C. Hager/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-DEC-2002 15:55:26.00
SUBJECT:: Re: nurse of the year
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

just checking on this. Thanks
---------- Forwarded by Henry C. Hager/WHO/EOP on 12/09/2002 03:54 PM ----------

Henry C. Hager
11/27/2002 01:51:19 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: nurse of the year

Andrew Ciafardini vetted the two names and they are ok.
Is the Nurse of the Year an event we should do?

no rush on the answer.
thanks
---------- Forwarded by Henry C. Hager/WHO/EOP on 11/27/2002 01:37 PM ----------

Andrew D. Ciafardini
11/27/2002 01:32:08 PM
Record Type: Record

To: Henry C. Hager/WHO/EOP@EOP
cc:
Subject: Re: nurse of the year

Both names on the fax you sent us are cleared.

----- Original Message -----
From:Henry C. Hager/WHO/EOP
To:Andrew D. Ciafardini/WHO/EOP@EOP
Cc:
Date: 11/27/2002 10:34:17 AM
Subject: Re: nurse of the year

faxed it over. thanks for your help on this.

Andrew D. Ciafardini
11/27/2002 10:17 AM
Record Type: Record

To: Henry C. Hager/WHO/EOP@EOP
cc:
bcc:
Subject: Re: nurse of the year

someone probably lost it overhere.....

sorry about that.....my fax is 6-6489

Henry C. Hager
11/27/2002 10:10:05 AM
Record Type: Record

To: Andrew D. Ciafardini/WHO/EOP@EOP
cc:
bcc:
Subject: Re: nurse of the year

I thought I faxed over paperwork? Can you check, or I can refax.

Andrew D. Ciafardini
11/27/2002 09:39 AM
Record Type: Record

To: Henry C. Hager/WHO/EOP@EOP
cc:
Subject: nurse of the year

did you have that name of the nurse of the year you needed?

From: Coffin, Shannen <Shannen.Coffin@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kneedler, Edwin S <Edwin.S.Kneedler@usdoj.gov>;Nielson, Howard <Howard.Nielson@usdoj.gov>;Klitenic, Jason <Jason.Klitenic@usdoj.gov>;Jordan, Bill <Bill.Jordan@usdoj.gov>;Miller, Charles S <Charles.S.Miller@usdoj.gov>;Comstock, Barbara <Barbara.Comstock@usdoj.gov>;Salmons, David B <David.B.Salmons@usdoj.gov>;Katsas, Gregory <Gregory.Katsas@usdoj.gov>;Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>;Olson, Theodore B <Theodore.B.Olson@usdoj.gov>;Brosnahan, Jennifer <Jennifer.Brosnahan@usdoj.gov>;Millet, Thomas <Thomas.Millet@usdoj.gov>;Goodling, Monica <Monica.Goodling@usdoj.gov>;McCallum, Robert <Robert.McCallum@usdoj.gov>;Clement, Paul D <Paul.D.Clement@usdoj.gov>
CC: Paisner, Jennifer <Jennifer.Paisner@usdoj.gov>;Blackwell, Craig <Craig.Blackwell@usdoj.gov>
Sent: 12/9/2002 1:43:09 PM
Subject: : GAO decision

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ( "Coffin, Shannen"
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME: 9-DEC-2002 18:43:09.00
SUBJECT:: GAO decision
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Kneedler, Edwin S" <Edwin.S.Kneedler@usdoj.gov> ( "Kneedler, Edwin S"
<Edwin.S.Kneedler@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Nielson, Howard" <Howard.Nielson@usdoj.gov> ( "Nielson, Howard"
<Howard.Nielson@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Klitenic, Jason" <Jason.Klitenic@usdoj.gov> ( "Klitenic, Jason"
<Jason.Klitenic@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Jordan, Bill" <Bill.Jordan@usdoj.gov> ( "Jordan, Bill" <Bill.Jordan@usdoj.gov> [
UNKNOWN ] )
READ:UNKNOWN
TO:"Miller, Charles S" <Charles.S.Miller@usdoj.gov> ( "Miller, Charles S"
<Charles.S.Miller@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Comstock, Barbara" <Barbara.Comstock@usdoj.gov> ( "Comstock, Barbara"
<Barbara.Comstock@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Salmons, David B" <David.B.Salmons@usdoj.gov> ( "Salmons, David B"
<David.B.Salmons@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Katsas, Gregory" <Gregory.Katsas@usdoj.gov> ( "Katsas, Gregory"
<Gregory.Katsas@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> ( "Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov>
[ UNKNOWN ] )
READ:UNKNOWN
TO:"Olson, Theodore B" <Theodore.B.Olson@usdoj.gov> ( "Olson, Theodore B"
<Theodore.B.Olson@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Brosnahan, Jennifer" <Jennifer.Brosnahan@usdoj.gov> ( "Brosnahan, Jennifer"
<Jennifer.Brosnahan@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Millet, Thomas" <Thomas.Millet@usdoj.gov> ( "Millet, Thomas" <Thomas.Millet@usdoj.gov>
[ UNKNOWN ] )
READ:UNKNOWN
TO:"Goodling, Monica" <Monica.Goodling@usdoj.gov> ( "Goodling, Monica"
<Monica.Goodling@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"McCallum, Robert" <Robert.McCallum@usdoj.gov> ( "McCallum, Robert"
<Robert.McCallum@usdoj.gov> [ UNKNOWN ] )
```

READ:UNKNOWN
TO:"Clement, Paul D" <Paul.D.Clement@usdoj.gov> ("Clement, Paul D"
<Paul.D.Clement@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"Paisner, Jennifer" <Jennifer.Paisner@usdoj.gov> ("Paisner, Jennifer"
<Jennifer.Paisner@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> ("Blackwell, Craig"
<Craig.Blackwell@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The district court has issued the opinion to the parties, and will release publicly this afternoon. In short, we won. The complaint was dismissed on the basis of a lack of congressional standing.

Shannen W. Coffin
Civil Division
U.S. Department of Justice
(202) 514-3310 (phone)
(202) 514-8071 (fax)
shannen.coffin@usdoj.gov

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: coffin, shannen <shannen.coffin@usdoj.gov>
Sent: 12/10/2002 2:29:54 AM
Subject: : Re: FW: NEPDG USCA Stay Order
Attachments: P_WB98C003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-DEC-2002 07:29:54.00
SUBJECT:: Re: FW: NEPDG USCA Stay Order
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"coffin, shannen" <shannen.coffin@usdoj.gov> ("coffin, shannen"
<shannen.coffin@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

reminder on this. thanks and congrats again on yesterday.

Brett M. Kavanaugh
12/06/2002 04:22:38 PM
Record Type: Record

To: "Coffin, Shannen" <Shannen.Coffin@usdoj.gov>
cc: Raquel Cabral/WHO/EOP@EOP
bcc: Records Management@EOP
Subject: Re: FW: NEPDG USCA Stay Order

On Monday, can you have someone deliver me hard copies of all of the briefs that have been filed in the appeals court (including the appendices). Thanks. I am in Room 156 EEOB and contact person is Raquel Cabral at 456-5298.

"Coffin, Shannen" <Shannen.Coffin@usdoj.gov>
12/06/2002 12:57:28 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FW: NEPDG USCA Stay Order

The stay order is attached.

Shannen W. Coffin
Civil Division
U.S. Department of Justice
(202) 514-3310 (phone)
(202) 514-8071 (fax)

shannen.coffin@usdoj.gov

-----Original Message-----
From: Calvert, Chris
Sent: Friday, December 06, 2002 12:56 PM
To: Coffin, Shannen
Subject: NEPDG USCA Stay Order

- Untitled From OmniPage.pdf

Message Sent
To:_____
David S. Addington/OVP/EOP@EOP
"Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Katsas, Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Salmons, David B" <David.B.Salmons@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Kneedler, Edwin S" <Edwin.S.Kneedler@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Stern, Mark" <Mark.Stern@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Millet, Thomas" <Thomas.Millet@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Jordan, Bill" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Paisner, Jennifer" <Jennifer.Paisner@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Goodling, Monica" <Monica.Goodling@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Brett M. Kavanaugh/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WB98C003_WHO.TXT_1>

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FoR THE Dis-rm(Post-it Fax Note 7671 Oats It,-4. page

To sko

co.t0ept. S D_e S Co. USCJr GG

PMre t?nors s AI(, = -73i

Fan4 Faxp

No 02-5354

iled On:

In re: Richard B. Cheney, Vice President of the United States et al

Petitioners

UN DSTAT C)191 F APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

FILED DEC - 6 2002

CLERK

No 02-5355

Judicial Watch, Inc.,

Appellee

v

National Energy Policy Development Group, et al.,

Appellees

Richard B. Cheney. Vice President of the United States,

Appellant

Consolidated with 02-5356

BEFORE: Edwards, Sentelle, and Tatel, Circuit Judges

ORDER

Upon consideration of the petition for writ of mandamus, the response thereto, and the reply; the motions to dismiss, the response thereto, and the reply, the motion for stay pending appeal, the response thereto, and the reply, it is

ORDERED, on the court's own motion, that the above-captioned cases be consolidated. It is

FURTHER ORDERED, on the court's own motion, that the Clerk schedule these cases for oral argument in the normal course. The cases will be considered on the basis of the pleadings previously filed by the parties. It is

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FOR THE DI STRI CT OF COLUMBI A CI RCUI T

N. 02-5354 **September Term, 2002**

FURTHER ORDERED, on the court's own motion, that the district court's orders under review in these actions be stayed pending further order of the court. The purpose of this administrative stay is to give the court sufficient opportunity to consider the merits of the case and should not be construed in any way as a ruling on the merits. See D.C. Circuit Handbook of Practice and Internal Procedures 32-33 (2002).

Per Curiam

REV_00104379

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/10/2002 6:10:38 AM
Subject: : Re: CA5 Miss

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP [ OVP ] )
CREATION DATE/TIME:10-DEC-2002 11:10:38.00
SUBJECT:: Re: CA5 Miss
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett -- I'm impressed with your subtlety!
```

From: Keisler, Peter D <Peter.D.Keisler@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/10/2002 10:30:46 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Keisler, Peter D" <Peter.D.Keisler@usdoj.gov> ("Keisler, Peter D"
<Peter.D.Keisler@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:10-DEC-2002 15:30:46.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Do you want just the legal briefs, or the affidavits and exhibits too?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, December 10, 2002 7:31 AM
To: Keisler, Peter D
Subject:

Peter: Can you send me hard or PDF copies of all of the final briefs filed
in
the pardon case? Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 12/10/2002 10:14:57 AM
Subject: : affirmative action-- scotus

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-DEC-2002 15:14:57.00
SUBJECT:: affirmative action-- scotus
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi. I obviously will not respond to this in any fashion.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/10/2002 03:17 PM ----------

Dana T Milbank <milbankd@washpost.com>
12/10/2002 03:13:52 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Scott McClellan/WHO/EOP@EOP, Ashley Snee/WHO/EOP@EOP
Subject: affirmative action-- scotus

Great legal minds and mouthpieces:

Doing a story in next couple of days on whether administration will weigh in on University of Michigan cases. I'm hearing Olson is inclined to do so, while Thompson and Gonzales are not. Do I have any hope of your input? Thanks.

Dana
334 7570

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/10/2002 10:19:12 AM
Subject: : letter to new Sens.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-DEC-2002 15:19:12.00
SUBJECT:: letter to new Sens.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Just spent about 30 minutes explaining to Sen.-elect Alexander's CoS the
process by which we request candidates for judicial, U.S. Attorney, and
U.S. Marshal positions. Do you think we should send our letter to the new
guys? Esp. where they are the only GOP Senator (like Coleman and
Chambliss)? Your thoughts?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 12/10/2002 10:38:25 AM
Subject: : Re: letter to new Sens.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-DEC-2002 15:38:25.00
SUBJECT:: Re: letter to new Sens.
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

There are 8. Add Sununu.

Kyle Sampson
12/10/2002 03:32:44 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: letter to new Sens.

or orally, with copy of the old letter if they want

Brett M. Kavanaugh
12/10/2002 03:26:16 PM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: letter to new Sens.

Would orally be more advantageous for us? Hard to know. There are only 7, I believe: Dole, Chambliss, Cornyn, Talent, Coleman, Alexander, Graham.

Kyle Sampson
12/10/2002 03:16:09 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: letter to new Sens.

Just spent about 30 minutes explaining to Sen.-elect Alexander's CoS the process by which we request candidates for judicial, U.S. Attorney, and

U.S. Marshal positions. Do you think we should send our letter to the new guys? Esp. where they are the only GOP Senator (like Coleman and Chambliss)? Your thoughts?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/10/2002 10:57:54 AM
Subject: : Kamen call

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-DEC-2002 15:57:54.00
SUBJECT:: Kamen call
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Al Kamen from Wash Post called and left me a voice mail. I did not and
will not return call. Obviously seems likely to be about David's
appointment.
```

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Charlotte L. Montiel/WHO/EOP@EOP [WHO] <Charlotte L. Montiel>
Sent: 12/10/2002 2:55:08 PM
Subject: : We cancelled the Thurday, 2:00 mtg w/ Davd and Brett

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-DEC-2002 19:55:08.00
SUBJECT:: We cancelled the Thurday, 2:00 mtg w/ Davd and Brett
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Judge doesn't want to do it right now...
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Elizabeth N. Camp/WHO /EOP@EOP [WHO] <Elizabeth N. Camp>
CC: Charlotte L. Montiel/WHO/EOP@EOP [WHO] <Charlotte L. Montiel>
Sent: 12/10/2002 3:09:11 PM
Subject: : Re: We cancelled the Thurday, 2:00 mtg w/ Davd and Brett

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-DEC-2002 20:09:11.00
SUBJECT:: Re: We cancelled the Thurday, 2:00 mtg w/ Davd and Brett
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Do you mean wed at 200???

.

----- Original Message -----
From:Elizabeth N. Camp/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:Charlotte L. Montiel/WHO/EOP@EOP
Date: 12/10/2002 07:56:17 PM
Subject: We cancelled the Thurday, 2:00 mtg w/ Davd and Brett

Judge doesn't want to do it right now...
```

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/10/2002 4:26:45 PM
Subject: : Re: We cancelled the Thurday, 2:00 mtg w/ Davd and Brett

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-DEC-2002 21:26:45.00
SUBJECT:: Re: We cancelled the Thurday, 2:00 mtg w/ Davd and Brett
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Yes-wed
```

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/11/2002 3:56:36 AM
Subject: : direct mail

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-DEC-2002 08:56:36.00
SUBJECT:: direct mail
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

The RNC is nagging me for the mailer called "Census". can we put this one
on top of your stack? thanks
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Tim Campen/OA/EOP@Exchange [OA] <Tim Campen>
Sent: 12/11/2002 4:56:28 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-DEC-2002 09:56:28.00
SUBJECT::
TO:Tim Campen ( CN=Tim Campen/OU=OA/O=EOP@Exchange [ OA ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Judge expressed concern about the record/non-record issue. We are sure
there is no way to accomplish that?
```

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Noel J. Francisco/WHO /EOP@EOP [WHO] <Noel J. Francisco>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/11/2002 7:17:32 AM
Subject: : Removal issues?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-DEC-2002 12:17:32.00
SUBJECT:: Removal issues?
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Rachel used to handle issues arising out of the removal, et cetera, of
appointees and schedule Cs. Who picked this up? There is an issue
involving a schedule C at the Cuba Broadcasting Board, and political
affairs would like some advice on this.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: adam.charnes@usdoj.gov @ inet [UNKNOWN] <adam.charnes@usdoj.gov @ inet>
Sent: 12/11/2002 12:24:19 PM
Subject: : call me asap

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-DEC-2002 17:24:19.00
SUBJECT:: call me asap
TO:adam.charnes@usdoj.gov @ inet ( adam.charnes@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/11/2002 1:56:06 PM
Subject: : Re: Draft invite for review...

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-DEC-2002 18:56:06.00
SUBJECT:: Re: Draft invite for review...
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I like your biographical edits. And yes, the subject line will have a
message
as well. Any thoughts?

Brett M. Kavanaugh
12/11/2002 06:51:52 PM
Record Type: Record

To: Kasey S. Pipes/WHO/EOP@EOP
cc: peter h. wehner/who/eop@eop
bcc:
Subject: Re: Draft invite for review...

I added some biographical edits. Do those kind of details make sense in
the invite? Also, do you sometimes put something in the subject line?

Kasey S. Pipes
12/11/2002 06:18:46 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Peter H. Wehner/WHO/EOP@EOP
cc:
Subject: Draft invite for review...

The Office of Strategic Initiatives and the Office of Counsel to the
President present...

Time Man of the Year in 1998, Judge on the D.C. Circuit Court of Appeals,
Solicitor General of the United States, Independent Counsel,
Counselor to the Attorney General, Law Clerk to the Chief
Justice

KEN STARR
Thursday, December 19, 1:00pm
450, EEOB
Call 6-2108 or respond to this e-mail to RSVP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/11/2002 2:41:46 PM
Subject: : Re: draft e-mail invite for Starr visit next week

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-DEC-2002 19:41:46.00
SUBJECT:: Re: draft e-mail invite for Starr visit next week
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Judge asked that we take our office name off - sorry dude.

Brett M. Kavanaugh
12/11/2002 07:01:47 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: draft e-mail invite for Starr visit next week

wanted to run by you as Kasey has listed the Office as a sponsor in the draft . . .

The Office of Strategic Initiatives and the Office of Counsel to the President present...

Time Man of the Year in 1998, Judge on the D.C. Circuit Court of Appeals, Solicitor General of the United States, Independent Counsel, Counselor to the Attorney General, Law Clerk to the Chief Justice

KEN STARR
Thursday, December 19, 1:00pm
450, EEOB
Call 6-2108 or respond to this e-mail to RSVP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/11/2002 2:54:17 PM
Subject: : Please plan...

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-DEC-2002 19:54:17.00
SUBJECT:: Please plan...
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

on attending sr staff on Friday
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/11/2002 6:10:01 PM
Subject: : Re: Please plan...

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-DEC-2002 23:10:01.00
SUBJECT:: Re: Please plan...
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Yes.

.

----- Original Message -----
From:Elizabeth N. Camp/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 12/11/2002 07:55:26 PM
Subject: Please plan...

on attending sr staff on Friday
```

From:	Loy, Carrie B.
To:	<Abrams, Elliott>;<Alix, Cathy>;<Andricos, George M.>;<Arends, Jackie>;<Badger, William D.>;<Bartolomucci, H. Christopher>;<Beers, R. Rand>;<Bellinger, John B.>;<Berenson, Bradford A.>;<Beynon, Rebecca A.>;<Biegun, Stephen E.>;<Blahous, Charles P.>;<Bonilla, Carlos E.>;<Buchan, Claire E.>;<Buchholz, Carl>;<Bullock, Katja>;<Campen, Tim>;<Chadwick, Kirsten A.>;<Chaffee, Barbara C.>;<Christie, Ronald I.>;<Ciccone, Christine>;<Cilluffo, Frank>;<Clark, Alicia P.>;<Cloud, John A.>;<Conklin, Brian C.>;<Conner, Charles>;<Contreras, Rebecca>; <Cooper, Steven>;<Devenish, Nicolle>;<Dougherty, Elizabeth S.>;<Dunn, David>;<Everson, Nanette>;<Falkenrath, Richard>;<Fenton, Catherine S.>;<Francisco, Noel J.>;<Frazer, Jendayi E.>;<Fried, Daniel>;<Gannon, Kelley>;<Garrison, Stephen M.>;<Gilbert, Alan>;<Glenn, Dylan C.>;<Goeglein, Tim>;<Goldman, Adam B.>;<Hernandez, Israel>;<Joseph, Robert G.>;<Kaplan, Joel D.>;<Kavanaugh, Brett M.>;<Kelly, James M.>;<Keniry, Daniel J.>;<Khalilzad, Zalmay M.>;<Kirk, Matthew>;<Kuo, David>;<Lawlor, Laura S.>;<Lehman, Dirksen>;<Litterst, Roland N.>;<Maisto, John F.>;<Marsh, Robert>;<McNally, Robert C.>;<McNally, Edward>;<Miller, Franklin C.>;<Moy, Edmund C.>;<Moriarty, James F.>;<Neusner, Noam M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Powell, Dina>;<Ray, Craig>;<Sampson, Kyle>;<Sayle, Desiree T.>;<Schacht, Diana L.>;<Schlapp, Matthew A.>;<Sforza, Scott N.>;<Silverberg, Kristen>; <Spagnoli, Deborah A.>;<Sturtevant, Mary K.>;<Suarez, Aquiles F.>;<Walker, Helgard C.>;<Warsh, Kevin>;<Wehner, Peter H.>;<Wingate, Heather>
CC:	<Ingle, Edward>
Sent:	12/11/2002 11:22:58 PM
Subject:	PAS Event with the President on December 16

The Offices of Cabinet Affairs and Presidential Personnel are co-hosting a PAS event with the President on **Monday, December 16 at 2:00 pm** in the Amphitheater at the Ronald Reagan Building. The President will give remarks to all Cabinet Department PASs, covering his thoughts at the mid-term and his objectives going forward. Secretaries Rumsfeld and Thompson will also speak followed by a brief reception. Please plan to arrive the Reagan Building Amphitheater through the Rotunda entrance located on 13th St. and **be seated by 1:30pm.** Attendees for this event will include all Senate-confirmed Presidential appointees, Cabinet Secretaries, Chiefs of Staff and White House Liaisons. Please confirm attendance via email at your earliest convenience.

Thanks,

Carrie Loy

Office of Cabinet Affairs

456-2566

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2002 3:44:09 AM
Subject: : 10:00

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:GaryM Stern <garym.stern@nara.gov> ( GaryM Stern <garym.stern@nara.gov> [ UNKNOWN ]
)
CREATION DATE/TIME:12-DEC-2002 08:44:09.00
SUBJECT:: 10:00
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Does this time, or shortly thereafter, still work for you?

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2002 4:08:42 AM
Subject: : Kent Jordan investiture

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-DEC-2002 09:08:42.00
SUBJECT:: Kent Jordan investiture
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Friday, January 3, 2003, 2:00 p.m.
U.S. Courthouse
844 King Street
Wilmington, DE
```

From: CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2002 4:13:57 AM
Subject: : Re: Draft invite for review...

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-DEC-2002 09:13:57.00
SUBJECT:: Re: Draft invite for review...
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No problem. Any ideas on the subject line?

Brett M. Kavanaugh
12/12/2002 09:09:55 AM
Record Type: Record

To: Kasey S. Pipes/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Draft invite for review...

I made some more edits. Our office should not be listed as a host, I do not believe.

The Office of Strategic Initiatives presents...

Time Magazine's Man of the Year in 1998, Judge on the D.C. Circuit Court of Appeals,
Solicitor General of the United States, Independent Counsel,
Counselor to the Attorney General, Law Clerk to the Chief Justice

KEN STARR
Thursday, December 19, 1:00pm
450, EEOB
Call 6-2108 or respond to this e-mail to RSVP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>
Sent: 12/12/2002 4:29:56 AM
Subject: : Re: Draft invite for review...

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-DEC-2002 09:29:56.00
SUBJECT:: Re: Draft invite for review...
TO:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm struggling with that. You have any ideas?

Kasey S. Pipes
12/12/2002 09:13:55 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Draft invite for review...

No problem. Any ideas on the subject line?

Brett M. Kavanaugh
12/12/2002 09:09:55 AM
Record Type: Record

To: Kasey S. Pipes/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Draft invite for review...

I made some more edits. Our office should not be listed as a host, I do not believe.

The Office of Strategic Initiatives presents...

Time Magazine's Man of the Year in 1998, Judge on the D.C. Circuit Court of Appeals,
Solicitor General of the United States, Independent Counsel,
Counselor to the Attorney General, Law Clerk to the Chief Justice

KEN STARR
Thursday, December 19, 1:00pm
450, EEOB
Call 6-2108 or respond to this e-mail to RSVP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>
Sent: 12/12/2002 4:34:04 AM
Subject: : Re: need your help!

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-DEC-2002 09:34:04.00
SUBJECT:: Re: need your help!
TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

This is Nanette's bailiwick.

Jean M. Russell 12/09/2002 12:18:04 PM

Record Type: Record

To: Nanette Everson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: need your help!

Larry is leaving at the end of the month and we are not sure where to begin with the exit process. I know Larry has to do financial disclosure documents and and an ethics briefing and we are not sure what else. Can you all please provide assistance on where we should begin and what our timeline is for the information that your office needs?

thanks so much!
jeannie

From: tcampen@oa.eop.gov [OA] <Campen, Tim>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 12/12/2002 5:04:05 AM
Subject: RE:

Begin Original ARMS Header
RECORD TYPE: FEDERAL (MS Mail)
CREATOR:Campen, Tim (tcampen@oa.eop.gov [OA])
CREATION DATE/TIME:12-DEC-2002 10:04:05.00
SUBJECT:RE:
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Yes, I am afraid that we are sure it will be a very major technical, cost and schedule issue. Detailed talks with Microsoft lead us to this conclusion. Even if we were able to do it; we'd have a non-standard version of Outlook that would cost us dearly in out year support and be very difficult to maintain and keep tech people trained on it..

Is this going to be a big issue? We are hopping to start the roll-out to the WHO on Monday!

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Wednesday, December 11, 2002 9:53 AM
To: Campen, Tim

Subject:

Judge expressed concern about the record/non-record issue. We are sure there is no way to accomplish that?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@EOP [WHO] <Carolyn Nelson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 12/12/2002 5:54:57 AM
Subject: : important questions

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-DEC-2002 10:54:57.00
SUBJECT:: important questions
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

How much do district judges make? how much can they make as adjunct
professors?
```

From: CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2002 5:54:02 AM
Subject: : OSI Welcomes Judge Ken Starr!

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kasey S. Pipes ( CN=Kasey S. Pipes/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-DEC-2002 10:54:02.00
SUBJECT:: OSI Welcomes Judge Ken Starr!
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

The Office of Strategic Initiatives presents:

Time Magazine's Man of the Year in 1998...Judge on the D.C. Circuit Court
of Appeals...
Solicitor General of the United States...Independent Counsel...
Counselor to the Attorney General...Law Clerk to the Chief
Justice

KEN STARR
Thursday, December 19, 1:00pm
450, EEOB
Call 6-2108 or respond to this e-mail to RSVP
```

From: Campen, Tim
To: <Kavanaugh, Brett M.>
Sent: 12/12/2002 10:04:04 AM
Subject: RE:

Yes, I am afraid that we are sure it will be a very major technical, cost and schedule issue. Detailed talks with Microsoft lead us to this conclusion. Even if we were able to do it; we'd have a non-standard version of Outlook that would cost us dearly in out year support and be very difficult to maintain and keep tech people trained on it..

Is this going to be a big issue? We are hopping to start the roll-out to the WHO on Monday!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, December 11, 2002 9:53 AM
To: Campen, Tim
Subject:

Judge expressed concern about the record/non-record issue. We are sure there is no way to accomplish that?

From: CN=Alison Jones/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Michael J. Conway/WHO /EOP@EOP [WHO] <Michael J. Conway>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 12/12/2002 6:21:31 AM
Subject: : Judges editorial

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alison Jones ( CN=Alison Jones/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-DEC-2002 11:21:31.00
SUBJECT:: Judges editorial
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Michael J. Conway ( CN=Michael J. Conway/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Dirksen Lehman ( CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Christine Ciccone ( CN=Christine Ciccone/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Gary Andres wanted to make sure you all saw his editorial on Judges from
this morning's Washington Times:



A road twice traveled

Gary J. Andres
ÿÿÿÿÿOn Tuesday, Jan. 7, 2003, a shiny black Chrysler sedan, driven by an
Army sergeant, will emerge from the Old Executive Office Building, turn
left on 17th Street and head toward the U.S. Capitol. An official from the
White House Executive Clerk's Office will accompany the driver, carrying
the official papers of about 30 of President Bush's federal judicial
nominees.
ÿÿÿÿÿ Arriving at the Capitol, the clerk will take an elevator up one
level and walk on to the Senate floor. From the back of the ornate
chamber, after the presiding officer recognizes him, the clerk will
bellow: "I'm directed by the President of the United States to deliver a
message to the Senate in writing." He will bow to the chair, hand the
papers to the Senate Executive Clerk and head back to the White House.
ÿÿÿÿÿ And so will begin the "advice and consent" process, a ritual
repeated every year by the White House and the Senate since 1789. But
these judicial appointments are different* they traversed this venerable
road in the last Congress. These are the federal judicial selections
President Bush previously nominated * including Charles Pickering and
Priscilla Owen * on which the full Senate never voted.
ÿÿÿÿÿ A new Republican majority means a second confirmation opportunity
for these nominees and another chance for the Senate. This time the Senate
should fulfill its "advice and consent" role and ensure the full body
votes on each of these nominees.
ÿÿÿÿÿ The Senate's track record on these nominees over the last year and a
half was deplorable. Many nominated in May 2001 are still waiting for a
```

hearing. Using a variety of parliamentary tools, the Democrats blocked the full Senate from voting on all these men and women.

ÿÿÿÿÿ Republicans complained bitterly about the lack of progress on these nominees, but failed to dent the public's consciousness until right before the midterm elections. "The whole issue of confirming judges took on broader appeal after Democrats reneged on a commitment to Sen. Strom Thurmond," noted a GOP leadership aide. According to Mr. Thurmond and other GOP staff, Democrats committed to a vote in October, before Congress adjourned, on Dennis Shed, who was the retiring senator's candidate for a U.S. circuit judgeship. Democrats then reversed themselves and blocked a vote. The uproar, including Mr. Thurmond's blistering speech on the Senate floor, received national media attention, igniting an incendiary device among the Republican faithful.

ÿÿÿÿÿ In many key states featuring competitive races, charges that Democrats "rigged" the system and denied the full Senate a vote resonated in the election and contributed to Republican victories.

ÿÿÿÿÿ The Senate ultimately confirmed Mr. Shedd in the post-election lame duck session. But given the electoral potency of the "obstructionist" message, knowledgeable Senate insiders were stunned when reports circulated that the Democrats may continue dilatory tactics in the next Congress. "We heard disturbing reports they wanted to shift venues from stalling nominees in the Judiciary Committee to delaying action on the Senate floor," one GOP Judiciary Committee aide said.

ÿÿÿÿÿ Stalling will not work anymore in the Judiciary Committee. Sen. Orrin Hatch, the incoming chairman, will move the president's nominees with alacrity. Political scientists Roger E. Hartley and Lisa M. Holmes, writing in the summer 2002 Political Science Quarterly, underscore this point with historical evidence. Analyzing the time required to confirm lower court judges between 1969-1998, they demonstrate that the relationship between the Senate Judiciary Chair and the White House is a significant variable contributing to the length of the process. Mr. Hatch's congenial relationship with the White House should help smooth the way for these nominees.

ÿÿÿÿÿ But no longer controlling the gavel in committee, some Democrats now suggest shifting the battle to the Senate floor. Using parliamentary devices, like a filibuster * seldom used in the confirmation process * and forcing Republicans to garner a "supermajority" of 60 votes to win some of these nomination battles * represents a new level of escalation in the confirmation wars.

ÿÿÿÿÿ The Senate first passed a rule to limit debate and bring matters to a final vote in 1917. This process * known as cloture * was applied to legislation, not nominations, however, until 1968. Since that time, the Senate confirmed nearly 2,000 lower court judges, only facing filibusters on nine nominations. And even in these few cases the delay tactics did not kill the nomination, according to the Congressional Research Service.

ÿÿÿÿÿ Using filibusters to deny floor votes on judges is both highly unusual and risky for the Democrats. The Constitution calls for the Senate to provide "advice and consent" on nominations, not for an individual or small groups to use delaying tactics to block votes. Frustrating the full Senate from exercising its constitutional role created a bumpy electoral road for the Democrats last November. Shifting stall tactics from the Judiciary Committee to the Senate floor is another political dead end.

Gary J. Andres holds a Ph.D. in public policy and is a senior managing partner with the Dutko Group [-] a D.C. based government relations company. A former White House senior lobbyist, he writes every Thursday for The Washington Times on politics and policy.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 12/12/2002 10:41:38 AM
Subject: : Jane Earl is here.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-DEC-2002 15:41:38.00
SUBJECT:: Jane Earl is here.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 12/12/2002 6:47:04 AM
Subject: : Re: important questions

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-DEC-2002 11:47:04.00
SUBJECT:: Re: important questions
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

are her figures off?
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/12/2002 11:50 AM ----------

Carolyn Nelson
12/12/2002 11:01:27 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: important questions

According to Sheila...

District judges make $150,000/yr. Salary from an outside source can equate to no more than 15% of their official salary. They must also gain permission from the Chief Judge to accept the outside position.

Brett M. Kavanaugh
12/12/2002 10:51:54 AM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@EOP
cc:
Subject: important questions

How much do district judges make? how much can they make as adjunct professors?

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Carolyn Nelson/WHO/EOP@EOP [WHO] <Carolyn Nelson>
Sent: 12/12/2002 6:50:07 AM
Subject: : Re: important questions

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-DEC-2002 11:50:07.00
SUBJECT:: Re: important questions
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Carrie reminds me that EX schedule folks, but not judges, got the 3.1 percent bump for next year -- so the outside income cap will rise to 15 percent of $150,000, or $22,500.

---------- Forwarded by Kyle Sampson/WHO/EOP on 12/12/2002 11:47 AM ----------

Kyle Sampson
12/12/2002 11:45:01 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Carolyn Nelson/WHO/EOP@EOP
Subject: Re: important questions

Confirmed. Federal judges may earn up to $21,195 per year in outside income, per 5 U.S.C. App. 4, õ 501(a) (federal judges "may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year").

---------- Forwarded by Kyle Sampson/WHO/EOP on 12/12/2002 11:46 AM ----------

Kyle Sampson
12/12/2002 11:06:57 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: carolyn nelson/who/eop@eop
bcc: Records Management@EOP
Subject: Re: important questions

Currently, the salary of district judges is $145,100. And, I'm pretty sure the outside income cap for teaching and writing is just over $21,000, but I'll verify for you.

Brett M. Kavanaugh

12/12/2002 10:51:54 AM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@EOP
cc:
Subject: important questions

How much do district judges make? how much can they make as adjunct professors?

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2002 6:52:31 AM
Subject: : Re: important questions

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-DEC-2002 11:52:31.00
SUBJECT:: Re: important questions
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes, EX-II went up to $150,000, but dist. judges did not.

Brett M. Kavanaugh
12/12/2002 11:44:01 AM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc:
Subject: Re: important questions

are her figures off?
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
12/12/2002 11:50 AM ----------

Carolyn Nelson
12/12/2002 11:01:27 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: important questions

According to Sheila...

District judges make $150,000/yr. Salary from an outside source can equate to no more than 15% of their official salary. They must also gain permission from the Chief Judge to accept the outside position.

Brett M. Kavanaugh
12/12/2002 10:51:54 AM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@EOP
cc:
Subject: important questions

How much do district judges make? how much can they make as adjunct

professors?

From: CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2002 8:55:21 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-DEC-2002 13:55:21.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

no, we should make calls this afternoon. I guess I could give it one more try, but then their response could be "I'll get back to you, I need to talk to Sen. Harkin, etc." and delaying us making the calls until I hear back from them.

(Unless of course you want to tell them all in person tomorrow . . .)

Brett M. Kavanaugh
12/12/2002 01:34:30 PM
Record Type: Record

To: Benjamin A. Powell/WHO/EOP@EOP
cc:
Subject:

have you heard from Harkin?

From: Colloton, Steve <Steve.Colloton@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2002 9:20:21 AM
Subject: : DM Airport

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colloton, Steve" <Steve.Colloton@usdoj.gov> ( "Colloton, Steve"
<Steve.Colloton@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:12-DEC-2002 14:20:21.00
SUBJECT:: DM Airport
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Just talked to Roger Stetson. I will plan to pick you up at 1:30 p.m. and
deliver you to Stetson at the Marriott. If I have a conflict, then Roger
will pick you up.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: garym stern <garym.stern@nara.gov>
Sent: 12/12/2002 9:32:23 AM
Subject: : Re: 10:00

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-DEC-2002 14:32:23.00
SUBJECT:: Re: 10:00
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:garym stern <garym.stern@nara.gov> (garym stern <garym.stern@nara.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

same issue with 2002-019.

Brett M. Kavanaugh
12/12/2002 01:56:39 PM
Record Type: Record

To: GaryM Stern <garym.stern@nara.gov>
cc:
Subject: Re: 10:00

I do not have a record of Mintz/Cicconi clearance on 2002-041. Can you
FAX that to me? Thanks.

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Nancy Smith <nancy.smith@nara.gov>;John Laster <John.Laster@nara.gov>
Sent: 12/12/2002 10:07:52 AM
Subject: : Clearance by Representatives

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:GaryM Stern <garym.stern@nara.gov> ( GaryM Stern <garym.stern@nara.gov> [ UNKNOWN ]
)
CREATION DATE/TIME:12-DEC-2002 15:07:52.00
SUBJECT:: Clearance by Representatives
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Nancy Smith <nancy.smith@nara.gov> ( Nancy Smith <nancy.smith@nara.gov> [ UNKNOWN ] )
READ:UNKNOWN
CC:John Laster <John.Laster@nara.gov> ( John Laster <John.Laster@nara.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

You should have received the copies of the responses from the reps on both
notices by now.

It has been our practice not to send you the actual responses by the reps,
unless you specifically request them, but rather a letter (usually from
Nancy Smith) stating that the reps have signed off on the notice. Would
you now prefer that we always send you the response from the rep?

>>> <Brett_M._Kavanaugh@who.eop.gov> 12/12/02 1:56:39 PM >>>
I do not have a record of Mintz/Cicconi clearance on 2002-041. Can you
FAX that
to me? Thanks.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: GaryM Stern <garym.stern@nara.gov>
Sent: 12/12/2002 10:08:24 AM
Subject: : Re: Clearance by Representatives

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-DEC-2002 15:08:24.00
SUBJECT:: Re: Clearance by Representatives
TO:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

No, this approach is ok and I re-located the letters as well in the
interim. Thanks.

GaryM Stern <garym.stern@nara.gov>
12/12/2002 03:06:51 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: John Laster <John.Laster@nara.gov>, Nancy Smith <nancy.smith@nara.gov>
Subject: Clearance by Representatives

You should have received the copies of the responses from the reps on both
notices by now.

It has been our practice not to send you the actual responses by the reps,
unless you specifically request them, but rather a letter (usually from
Nancy Smith) stating that the reps have signed off on the notice. Would
you now prefer that we always send you the response from the rep?

>>> <Brett_M._Kavanaugh@who.eop.gov> 12/12/02 1:56:39 PM >>>
I do not have a record of Mintz/Cicconi clearance on 2002-041. Can you
FAX that
to me? Thanks.

From: Rena Johnson Comisac) (Rena_Johnson_Comisac@judiciary.senate.gov (Rena Johnson Comisac) [UNKNOWN]

To: Adam.Charnes@usdoj.gov [UNKNOWN] <Adam.Charnes@usdoj.gov>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brian.A.Benczkowski@usdoj.gov [UNKNOWN] <Brian.A.Benczkowski@usdoj.gov>;Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN] <Alex_Dahl@judiciary.senate.gov>;Amy Haywood) (Amy_Haywood@judiciary.senate.gov (Amy Haywood) [UNKNOWN] <Amy_Haywood@judiciary.senate.gov>;Ryan Higginbotham) (Ryan_Higginbotham@judiciary.senate.gov (Ryan Higginbotham) [UNKNOWN] <Ryan_Higginbotham@judiciary.senate.gov>;Manuel Miranda) (Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN] <Manuel_Miranda@judiciary.senate.gov>;Steve.Koebele@usdoj.gov [UNKNOWN] <Steve.Koebele@usdoj.gov>;Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jessica Caramanica) (Jessica_Caramanica@judiciary.senate.gov (Jessica Caramanica) [UNKNOWN] <Jessica_Caramanica@judiciary.senate.gov>;Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN] <Makan_Delrahim@judiciary.senate.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Kristi.L.Remington@usdoj.gov [UNKNOWN] <Kristi.L.Remington@usdoj.gov>;Bethann Snell) (Bethann_Snell@judiciary.senate.gov (Bethann Snell) [UNKNOWN] <Bethann_Snell@judiciary.senate.gov>;Margarita Tapia) (Margarita_Tapia@judiciary.senate.gov (Margarita Tapia) [UNKNOWN] <Margarita_Tapia@judiciary.senate.gov>

Sent: 12/12/2002 3:37:31 PM

Subject: : Roberts Meeting -- New Time

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rena_Johnson_Comisac@judiciary.senate.gov (Rena Johnson Comisac) (
Rena_Johnson_Comisac@judiciary.senate.gov (Rena Johnson Comisac) [ UNKNOWN ] )
CREATION DATE/TIME:12-DEC-2002 20:37:31.00
SUBJECT:: Roberts Meeting -- New Time
TO:Adam.Charnes@usdoj.gov ( Adam.Charnes@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brian.A.Benczkowski@usdoj.gov ( Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Alex_Dahl@judiciary.senate.gov (Alex Dahl) ( Alex_Dahl@judiciary.senate.gov (Alex Dahl)
[ UNKNOWN ] )
READ:UNKNOWN
TO:Amy_Haywood@judiciary.senate.gov (Amy Haywood) ( Amy_Haywood@judiciary.senate.gov (Amy
Haywood) [ UNKNOWN ] )
READ:UNKNOWN
TO:Ryan_Higginbotham@judiciary.senate.gov (Ryan Higginbotham) (
Ryan_Higginbotham@judiciary.senate.gov (Ryan Higginbotham) [ UNKNOWN ] )
READ:UNKNOWN
TO:Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) (
Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [ UNKNOWN ] )
READ:UNKNOWN
TO:Steve.Koebele@usdoj.gov ( Steve.Koebele@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jessica_Caramanica@judiciary.senate.gov (Jessica Caramanica) (
Jessica_Caramanica@judiciary.senate.gov (Jessica Caramanica) [ UNKNOWN ] )
READ:UNKNOWN
TO:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (
Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [ UNKNOWN ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
```

TO:Kristi.L.Remington@usdoj.gov (Kristi.L.Remington@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Bethann_Snell@judiciary.senate.gov (Bethann Snell) (Bethann_Snell@judiciary.senate.gov (Bethann Snell) [UNKNOWN])
READ:UNKNOWN
TO:Margarita_Tapia@judiciary.senate.gov (Margarita Tapia) (Margarita_Tapia@judiciary.senate.gov (Margarita Tapia) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

By popular demand, the Roberts meeting has a new time: 2:30 p.m. on Monday,
December 16. See you then in SD-152.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/12/2002 12:01:53 PM
Subject: : What is aufhausers number

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-DEC-2002 17:01:53.00
SUBJECT:: What is aufhausers number
TO:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

.

From: CN=Ashley Estes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2002 1:35:51 PM
Subject: : Quinn Gillespie Holiday Party
Attachments: P_V5VBC003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-DEC-2002 18:35:51.00
SUBJECT:: Quinn Gillespie Holiday Party
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Ashley Estes/WHO/EOP on 12/12/2002 06:32 PM ----------

Quinn Gillespie & Associates <Receptionist@QuinnGillespie.com>
12/03/2002 09:48:24 AM
Record Type: Record

To:
cc:
Subject: Quinn Gillespie Holiday Party

With the understanding that mail to Capitol Hill and within the Administration can be somewhat unpredictable, we wanted to make sure you received your invitation to our Holiday Party on Thursday, December 12 at 6:30pm.

The invitation is attached, but in case you are unable to open it, our address is 1133 Connecticut Ave., NW, Fifth Floor.

Please RSVP to: holiday@quinngillespie.com or (202) 457-9002.

Invitation is for recipient only. However, if you would like to bring a significant other, just let us know.

We hope to see you on the 12th!
<<QGA_Holiday.pdf>>

- QGA_Holiday.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_V5VBC003_WHO.TXT_1>


Happy Holidays
from
Quinn Gillespie & Associates
Please join us in celebrating the season
at our
Holiday Reception
Thursday, the twelfth of December
at half past six in the evening
1133 Connecticut Avenue, Northwest
Fifth Floor
Washington, DC 20036
RSVP (202) 457-9002 or
holiday@quinngillespie.com

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: jay p. lefkowitz/opd/eop@eop [OPD] <jay p. lefkowitz>;adam b. goldman/who/eop@eop [WHO] <adam b. goldman>;diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>
Sent: 12/12/2002 2:01:17 PM
Subject: : call from Hatch staffer

```
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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-DEC-2002 19:01:17.00
SUBJECT:: call from Hatch staffer
TO:jay p. lefkowitz ( CN=jay p. lefkowitz/OU=opd/O=eop@eop [ OPD ] )
READ:UNKNOWN
TO:adam b. goldman ( CN=adam b. goldman/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
TO:diana l. schacht ( CN=diana l. schacht/OU=opd/O=eop@eop [ OPD ] )
READ:UNKNOWN
TO:kristen silverberg ( CN=kristen silverberg/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

fyi. A Hatch staffer called me and said she has heard that the
White House will not be pushing for the class action bill this year. She
said she heard this from someone who, in turn, heard it from Victor
Schwartz.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: William H. Leary/NSC/EOP@EOP [NSC] <William H. Leary>;John B. Wiegmann/NSC /EOP@EOP [NSC] <John B. Wiegmann>
Sent: 12/13/2002 3:27:22 AM
Subject: :

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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-DEC-2002 08:27:22.00
SUBJECT::
TO:William H. Leary ( CN=William H. Leary/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:John B. Wiegmann ( CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
###### End Original ARMS Header ######

We need to discuss shipping those records in the boxes on the Illinois
leak matter to US Attorney's office in Chicago per their request. Can we
talk briefly at 10:00 Monday re this?
```

From:	Johnson Iii, Clay
To:	<Abrams, Elliott>;<Alix, Cathy>;<Andricos, George M.>;<Arends, Jackie>;<Badger, William D.>;<Bartolomucci, H. Christopher>;<Beers, R. Rand>;<Bellinger, John B.>;<Berenson, Bradford A.>;<Beynon, Rebecca A.>;<Biegun, Stephen E.>;<Blahous, Charles P.>;<Bonilla, Carlos E.>;<Buchan, Claire E.>;<Buchholz, Carl>;<Bullock, Katja>;<Campen, Tim>;<Chadwick, Kirsten A.>;<Chaffee, Barbara C.>;<Christie, Ronald I.>;<Ciccone, Christine>;<Cilluffo, Frank>;<Clark, Alicia P.>;<Cloud, John A.>;<Conklin, Brian C.>;<Conner, Charles>;<Contreras, Rebecca>; <Cooper, Steven>;<Devenish, Nicolle>;<Dougherty, Elizabeth S.>;<Dunn, David>;<Everson, Nanette>;<Falkenrath, Richard>;<Fenton, Catherine S.>;<Francisco, Noel J.>;<Frazer, Jendayi E.>;<Fried, Daniel>;<Gannon, Kelley>;<Garrison, Stephen M.>;<Gilbert, Alan>;<Glenn, Dylan C.>;<Goeglein, Tim>;<Goldman, Adam B.>;<Hernandez, Israel>;<Joseph, Robert G.>;<Kaplan, Joel D.>;<Kavanaugh, Brett M.>;<Kelly, James M.>;<Keniry, Daniel J.>;<Khalilzad, Zalmay M.>;<Kirk, Matthew>;<Kuo, David>;<Lawlor, Laura S.>;<Lehman, Dirksen>;<Litterst, Roland N.>;<Maisto, John F.>;<Marsh, Robert>;<McNally, Robert C.>;<McNally, Edward>;<Miller, Franklin C.>;<Moy, Edmund C.>;<Moriarty, James F.>;<Neusner, Noam M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Powell, Dina>;<Ray, Craig>;<Sampson, Kyle>;<Sayle, Desiree T.>;<Schacht, Diana L.>;<Schlapp, Matthew A.>;<Sforza, Scott N.>;<Silverberg, Kristen>; <Spagnoli, Deborah A.>;<Sturtevant, Mary K.>;<Suarez, Aquiles F.>;<Walker, Helgard C.>;<Warsh, Kevin>;<Wehner, Peter H.>;<Wingate, Heather>
CC:	<Loy, Carrie B.>;<Loper, Ginger G.>
Sent:	12/13/2002 5:59:38 PM
Subject:	A meeting with the President

The President wishes to share his thoughts with you and the Cabinet and Subcabinet regarding our work the past two years and the challenges and opportunities before us. Please make every effort to be at the Amphitheater at the Ronald Reagan Building on **Monday, December 16, at 2:00 pm**.

You should enter the building through Rotunda entrance located at 13th and Pennsylvania. You should arrive so as to be in your seats by 1:30 pm.

Please confirm your attendance via email by 10 am on Monday to Carrie Loy (CLoy@who.eop.gov).

From: Roger T. Stetson <RTStetson@belinlaw.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/14/2002 11:52:30 AM
Subject: : RE: Iowa State Bar Association Federal Practice Seminar

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Roger T. Stetson" <RTStetson@belinlaw.com> ("Roger T. Stetson" <RTStetson@belinlaw.com> [UNKNOWN])
CREATION DATE/TIME:14-DEC-2002 16:52:30.00
SUBJECT:: RE: Iowa State Bar Association Federal Practice Seminar
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett

I want to thank you for taking time from your busy schedule to come to Iowa for the Iowa State Bar Association Federal Practice Seminar. Your presentation was excellent and well-received.

I hope your travel back to D.C. went smoothly. Sorry for the quality of the basketball game but that was under Steve's direction, not mine.

Let me know if you had any expenses for which you need reimbursement.

I hope our paths cross again. thanks again.

Roger T. Stetson
Belin Law Firm
666 Walnut Suite 2000
Des Moines, IA 50309
515-283-4633 (direct phone)
515-558-0633 (direct fax)
rtstetson@belinlaw.com

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THANK YOU.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, December 11, 2002 9:16 AM
To: Roger T. Stetson
Subject: Iowa State Bar Association Federal Practice Seminar

Roger: My assistant Raquel is calling you about the flights and to obtain
a credit card from you, which is necessary under our rules. I plan to arrive at
1:30 on Monday at Des Moines. If the weather looks bad, I will switch that morning to an earlier flight to make sure there are no problems.

Attached are the President's book-end speeches (May 9, 2001, and October
30, 2002) on the judicial confirmation process, which I will discuss during my
remarks. I suggest that you include them in the CLE materials.

(See attached file: iowa.1.doc)(See attached file: iowa.2.doc)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/15/2002 11:46:43 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-DEC-2002 16:46:43.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Charnes request.

.
```

From: CN=Carolyn Nelson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/16/2002 10:18:57 AM
Subject: : Library Request
Attachments: P_D5FEC003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-DEC-2002 15:18:57.00
SUBJECT:: Library Request
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Are you looking for something more current? Please see the attached memo...
---------- Forwarded by Carolyn Nelson/WHO/EOP on 12/16/2002 03:19 PM ----------

Jacqueline C. Cragg

12/16/2002 02:49:33 PM

Record Type: Record

To: Carolyn Nelson/WHO/EOP@EOP
cc:
Subject: Library Request

Carrie,
I found these two hearings re the size of the DC Circuit court.

Jacqui Cragg
EEOB Library

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_D5FEC003_WHO.TXT_1>

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October 17, 1995, Tuesday

SECTION: CAPITOL HILL HEARING TESTIMONY

LENGTH: 3355 words

HEADLINE: TESTIMONY October 17, 1995 JOHN SCHMIDT ASSOCIATE ATTORNEY GENERAL DEPARTMENT OF JUSTICE SENATE JUDICIARY ADMINISTRATIVE OVERSIGHT AND COURTS CONSERVING JUDICIAL RESOURCES

BODY:

STATEMENT

OF

JOHN SCHMIDT

ASSOCIATE ATTORNEY GENERAL

BEFORE

THE

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT

AND THE COURTS

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

CONCERNING

CONSERVING JUDICIAL RESOURCES

PRESENTED ON

OCTOBER 17, 1995

Mr. Chairman and Members of the Subcommittee:

I am John Schmidt, Associate Attorney General of the United States. I appreciate the opportunity to appear before you today to present the views of the

Department of Justice on the issue now before the Subcommittee: whether to reduce the size of the U.S. Court of Appeals for the D.C. Circuit from twelve to eleven judges.

Mr. Chairman, I understand the commitment you, Senator Heflin and the other members of this Subcommittee have made to the efficient, sound operation of the federal judiciary. The Administration, in turn, is committed to working with you to address the very difficult issues that lie ahead. It is the Department's strongly held view that the U.S. Court of Appeals for the D.C. Circuit must retain its full complement of twelve judges -- the number of judges authorized by law -- to ensure the proper administration of justice. As the legal representative of most agencies of the U.S. government, the Department of Justice is the most frequent litigant in the D.C. Circuit, and thus we have a keen institutional interest in the efficient operation of this court. In addition, litigants from throughout the nation -- both businesses and private individuals -- rely on the D.C. Circuit to resolve some of our nation's most difficult legal disputes.

The D.C. Circuit's caseload remains by far the most complex and difficult of all the federal circuit courts. Equally important, the Circuit's workload has grown since the time the Judiciary Committee determined -- over ten years ago -- that a twelfth D.C. Circuit judge was necessary. We believe that when Congress decides to adjust the size of the federal judiciary, it should do so comprehensively and prospectively. only in this way can Congress carry out its legitimate authority to determine the size of the judiciary without giving the appearance of altering court size for partisan or political reasons.

1. Complex Caseload

It is undisputed that the D.C. Circuit's docket is by far the most complex and difficult of any of the nation's federal circuit courts. Over the last three years, an average of 1718 cases were filed in the D.C. Circuit per year, 778 (45.3%) of which, on average, were administrative appeals. 1 These administrative appeals are more complicated, often involve multiple parties, lengthy briefs and voluminous records, and take significantly more time to review and decide, than other cases. During this same period, only 5.9% of the appeals outside of the D.C. Circuit were administrative appeals; the figure for the Seventh Circuit was 4.7%, while the figure for the Eighth Circuit was 3.0%. 2 1 See Letter from Ralph Mecham to Senator Charles E. Grassley (October 12, 1995), Enclosure 1. Due to substantial caseload fluctuations from year to year, examining the average annual caseload over the past three years is more statistically significant than examining one year in isolation. The three years examined here are the twelve-month periods ending June 30, 1993-1995. During the most recent twelve-month period, 611 (38.5%) of the 1585 cases filed in the D.C. Circuit were administrative appeals. Ibid. 2 See Letter from Ralph Mecham to Senator Charles E. Grassley (October 12, 1995), Enclosure 1.

Two recent cases illustrate the type of administrative appeals typically and regularly handled by the D.C. Circuit:

* State of Ohio v. U.S. EPA, 997 F.2d 1520 (D.C. Cir. 1993). This case involved

24 consolidated petitions for review of EPA's National Oil and Hazardous Substance Pollution Contingency Plan under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). EPA filed a brief of about 170 pages, addressing an unusually large number of issues, while petitioners filed briefs totalling about 210 pages. The court allocated 3 hours for argument time, although the argument in fact went quite bit longer. The final opinion took up 31 pages in the Federal Reporter.

* MCI Telecommunications Corp. v. FCC, 59 F.3d 1407 (D.C. Cir. 1995). This case involved approximately 50 consolidated petitions for review of 21 separate FCC orders adjudicating damage actions filed by several interexchange carriers against local exchange carriers. The petitions were consolidated in the D.C. Circuit after being filed in four different circuits. The five parties filed over 250 pages of briefs, and the record on appeal filled-two drawers of a file cabinet. The court allocated one hour for argument time, although the argument in fact took two hours.

Given the unique contours of the D.C. Circuit's docket, raw caseload data -- including comparisons with the number of cases handled by other circuits -- do not accurately reflect the actual volume or difficulty of work performed by the D.C. Circuit. For example, during the twelve-month period ended September 30, 1994, only 157 (8.9%) of the 1770 cases filed in the D.C. Circuit were prisoner petitions. In Courts of Appeals outside the D.C. Circuit, 27.7% of the appeals were prisoner petitions; in particular, 1225 (38.4%) of the 3193 cases filed in the Eighth Circuit, and 1010 (32.6%) of the 3096 cases filed in the Seventh Circuit were prisoner petitions. 3 These cases, unlike administrative appeals, generally involve simple legal issues and brief records, and most are relatively easy to dispose of. Yet these relatively straightforward cases serve to swell the numbers of cases handled by the other circuit courts.

Similarly, the D.C. Circuit handles a relatively low proportion of pro se appeals, direct criminal appeals and diversity appeals, as compared with the regional circuit courts. 4 These cases, like prisoner petitions, generally consume fewer judicial resources than other cases, yet they misleadingly make it appear that other courts have a larger proportional share of the nation's judicial workload than does the D.C. Circuit.

For all of these reasons, simple numerical comparisons do not do justice to the D.C. Circuit's caseload. A recent editorial in The Washington Times, 5 for example, noted that the D.C. Circuit disposes of fewer than the 285 cases per judge once recommended by the Judicial Conference as the optimal level of circuit court dispositions. But using this benchmark to judge the D.C. Circuit's workload is inappropriate -- and not just because the Judicial Conference itself no longer uses the benchmark. More importantly, this arbitrary figure wholly ignores the unique and complex nature of D.C. Circuit cases. As James Rill, Assistant Attorney General for Antitrust in the Bush Administration, recently stated: "Reliance on simple numerical case load comparisons among circuits is essentially unreliable as a policy guide to the number of appellate judges needed for the administration of justice in each court. A qualitative analysis of this caseload is imperative . . . T he appeals heard by the D.C. Circuit far surpass in complexity and in critical importance to government regulation of business and the national economy those heard by any other circuit. These cases are characteristically extraordinarily complicated and technologically difficult, often involving multiple parties; they can have immense far-reaching economic consequences. 6 3 Judicial Business of the United States Courts.: 1994 Report of the Director, Table B-1. 4 See Letter from Chief Judge Harry T. Edwards to Senator Charles E. Grassley, at 3-4 (Sept. 18, 1995). See also

Judicial Business of the United States Courts: 1994 Report of the Director, Table B-1. 5 "Another Judge for the D.C. Circuit?", The Washington Times, at A-16 (Sept. 19, 1995).

The uniquely complex nature of the D.C. Circuit's caseload weighed heavily on Congress when it followed the Judicial Conference's recommendation to create new D.C. Circuit judgeships in 1978 and 1984. The Senate Judiciary Committee Report to the 1984 judgeship legislation -- issued under the direction of then Chairman Thurmond -- was quite clear on this point in approving the creation of the D.C. Circuit's twelfth judgeship: " T he Court of Appeals for the District of Columbia inevitably receives a significant number of its caseload from federal administrative agencies headquartered in the area. Administrative appeals filed in this court numbered 504 in 1982 and represented 34.8 percent of the incoming caseload. . . . Due to the nature of the caseload which includes many unique cases involving complex legal, economic and social issues of national importance and a large backlog of pending appeals, the D.C. Circuit requires one additional judgeship." 7

The Judiciary Committee's conclusions are even more sound today, more than a decade later, when the annual number of administrative appeals filed in the D.C. Circuit has increased from 504 to 778, and from 34.8% of the Circuit's docket to 45.3%. 8 6 Letter from James F. Rill to The Washington Times, at 1 (Sept. 29, 1995) (emphasis supplied). 7 S. Rep. No. 98-55 (April 7, 1983), at 74. 8 See Letter from Ralph Mecham to Senator Charles E. Grassley (October 12, 1995), Enclosure 1 (statistics for the past three years); S. Rep. No. 98-55 (April 7, 1983), at 74 (D.C. Circuit caseload statistics available to the Judiciary Committee when it approved the twelfth judgeship). Taking into account only the most recent twelve- month period, the annual number of administrative appeals has increased from 504 to 611, and from 34.8% of the D.C. Circuit's docket to 38.5%.

In light of the unique nature of its docket, it should come as no surprise that the D.C. Circuit takes longer to dispose of cases on the merits than do all but two other regional circuits. The median amount of time required in the D.C. Circuit from the filing of the notice of appeal to final disposition is 12.0 months. This ranks the D.C. Circuit tenth out of the twelve regional circuits in this measure of productivity, ahead of only the Ninth Circuit (14.5 months) and the Eleventh Circuit (14.8 months). The nationwide average is 10.5 months; the figure for both the Second and Eighth Circuits is 8.1 months. 9

This lag time means that litigants in the D.C. Circuit are waiting longer for justice than other litigants. As Mr. Rill pointed out, the D.C. Circuit "faces a heavy commitment to appeals dealing with core issues involving the operation of the telecommunications, transportation, broadcasting, energy, and other vital industries. 10 These critical regulated companies often must wait at least a year to have their disputes with the government resolved. Reducing the size of the Circuit would only exacerbate the problem. Because the D.C. Circuit is truly a national court, with a uniquely national administrative docket, this means that all Americans are potentially at risk of having justice delayed and hence denied.

II. Increased Workload

In Public Law 98-353, enacted in 1984, Congress increased the size of the D.C.

Circuit from eleven to twelve judges. In reporting this legislation to the full Senate in April 1983, the Judiciary Committee concluded that the Circuit -- based upon its 1982 caseload -- needed a twelfth judgeship. 11 9 Judicial Business of the United States Courts: 1994 Report of the.Director, Table B-4. 10 Letter from James F. Rill to The Washington Times, at 2 (Sept. 29, 1995). 11 S. Rep. No. 98-55 (April 7, 1983), at 74. In supporting the 1984 legislation, Senator Robert Dole stated: "These new judicial positions were carefully considered and approved, after hearings before the Courts Subcommittee. Testimony was received from the chief judges of the circuit courts requesting the increases. The Administrative Office of the U.S. Courts submitted justification material based on workload and backload statistics of all Federal courts. on the basis of this record, the additional judgeships were approved." 130 Cong. Rec. S6093 (May 21, 1984).

This bit of history is extremely important, and sheds a great deal of light on the issue at hand. Presently, the D.C. Circuit faces a far heavier workload than it did when the Judiciary Committee decided to create the twelfth judgeship. Comparing the 1982 caseload to the average caseload from 1993-1995, there has been a 54.4% increase in administrative appeals and a 18.7% increase in total appeals. 12 In addition, when the Judiciary Committee approved the twelfth judgeship, the D.C. Circuit had three senior circuit judges to assist with its business. 13 Presently, there are no senior judges.

Thus, if a twelfth D.C. Circuit judgeship was deemed necessary when the Judiciary Committee reported the 1984 judgeship legislation, present circumstances make that judgeship even more essential today. In light of the Circuit's increased workload, one cannot reasonably conclude that the Circuit is "overstaffed" and has "excess capacity," or that its judges are not pulling their fair share of the judiciary's work.

As an aside, it is important to note that the 1985 caseload statistics cited by Judge Silberman in a letter to Senator Grassley 14 are anomalous. The 2182 cases filed in 1985 far surpassed the number of cases filed in every other year during the past decade. 15 The relevant point of comparison, rather, is 1982. First, 1982 was a more representative year. Second, the 1982 caseload data was the basis for the Judiciary Committee's conclusion, arrived at after reasoned deliberation, that a twelfth D.C. Circuit judgeship was necessary. Any fair comparison with 1982 will lead to the conclusion that maintaining the D.C. Circuit's twelfth judgeship is more than justified. 12 Over the last three years, an average of 1718 cases were filed in the D.C. Circuit per year, 778 (45.3%) of which, on average, were administrative appeals. Letter from Ralph Mecham to Senator Charles E. Grassley (October 12, 1995), Enclosure 1. In its April 1983 Report, the Senate Judiciary Committee cited caseload statistics from 1982, during which litigants filed 1447 cases -- 504 of which were administrative appeals -- in the Circuit. S. Rep. No. 98-55 (April 7, 1983), at 74. Comparing the 1982 caseload with the caseload from the most recent twelvemonth period, there has been a 21.2% increase in administrative appeals and a 9.5% increase in total appeals. 13 S. Rep. No. 98-55 (April 7, 1983), at 74. 14 Letter from Judge Laurence H. Silberman to Senator Charles E. Grassley, at 1-2 (Sept. 26, 1995). 15 See Letter from Chief Judge Harry T. Edwards to Senator Charles E. Grassley, "New Case Filings" Table (Sept. 18, 1995).

III. Constitutional and Prudential Considerations

Mr. Chairman, under our constitutional system, Congress certainly is well within

its prerogatives to raise questions about court size and, of course, has the final authority to create or abolish judgeships through enacted legislation. However, Congress traditionally has examined such questions in a methodical and comprehensive manner. These issues should be examined apart from consideration of specific vacancies, and informed by the deliberations of the Judicial Conference. Every effort should be made to ensure an objective result and to avoid inadvertently politicizing the process of determining the size of the judiciary.

As members of the Subcommittee well know, the Framers of the Constitution were particularly concerned about preserving the independence of the judiciary. For this reason, the Framers gave the executive and legislative branches roles in determining the judiciary's membership -- the President has the power to nominate and the Senate the power to confirm. Similarly, in determining the size of the judiciary, Congress authorizes judicial positions and the President has the power to sign or veto the authorization. It is a careful balance, intended to protect the judiciary.

In the past, Congress has looked to the judges themselves -in the form of the Judicial Conference -- for assistance and guidance in determining the appropriate number of judicial positions. The process of addressing court size typically has proceeded as follows. The Judicial Conference periodically undertakes studies and surveys to assess its needs and to formulate recommendations to Congress. Congress then evaluates the Judicial Conference's recommendations. This process guarantees that serious and careful deliberation underlie decisions regarding the size of each district court and court of appeals and the federal courts as a whole.

In my view, leaving selected judicial vacancies open as they occur would introduce an element of randomness into what should be -- and what traditionally has been -- a deliberate, considered process. Vacancies can occur unexpectedly, as a result of death, resignation or retirement. Adjusting court size on such an ad hoc basis would make it difficult for chief judges at both the district and circuit level to predict what judicial resources would be available to them in the reasonably foreseeable future.

In addition, and notwithstanding the good faith of those who are raising the issue now, making judgeship decisions on such an ad hoc basis would create an appearance of partisanship that would weaken our society's respect for the non-partisan nature of the judiciary. Until now, Congress has never reduced the number of previously authorized judgeships at the circuit court level, let alone done so on an ad hoc basis when a particular vacancy arose. And, as just noted, Congress typically has increased the number only after careful consideration of Judicial Conference recommendations, on a nationwide basis.

Such an approach guarantees both the reality, and the appearance, of an objective, non-partisan allocation process. And it ensures that alterations in the judiciary's size are not viewed by the public either as attempts by Congress to deny appointments to a sitting President, or attempts by a sitting President and Congress to improperly exercise control over the Third Branch.

Indeed, the most well-known proposal to deviate from this considered approach was President Roosevelt's court-packing bill, aimed at increasing the size of the Supreme Court to ensure the Court's control by his nominees. However, as students of history will note, members of Congress from both parties strongly objected to his court-packing plan. They felt that such an unorthodox action threatened the institution of the courts, as well as the public's respect for

the independence of the judiciary as an institution.

The Senate ultimately rejected Roosevelt's court-packing plan in 1937. The Senate's action signalled an understanding that the integrity of the court system can best be maintained by addressing specific nominations on their own merits, and by addressing questions of court size separately and on their own merits. I submit that the nation would be best served if the Senate would continue to act on that decades-old understanding.

IV. Conclusion

To summarize, it is the Department's strongly held view that the D.C. Circuit should retain its current size. Efficient handling of the Circuit's uniquely complex caseload, with its heavy complement of administrative appeals, is essential to the nation's most important business. Due to differences in case mix and composition, simple caseload comparisons with the other circuits are bound to be misleading. Moreover, the D.C. Circuit's workload -- particularly its administrative appeals -has grown since the Judiciary Committee concluded over ten years ago that a twelfth judgeship was necessary. And finally, while Congress has the power to alter the size of the federal judiciary, it should do so in a comprehensive manner and in consultation with the Judicial Conference, and not on a vacancy-by- vacancy basis.

LOAD-DATE: October 18, 1995

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October 17, 1995, Tuesday

SECTION: CAPITOL HILL HEARING TESTIMONY

LENGTH: 3076 words

HEADLINE: TESTIMONY October 17, 1995 HARRY T. EDWARDS CHIEF JUDGE U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT SENATE JUDICIARY ADMINISTRATIVE OVERSIGHT AND COURTS CONSERVING JUDICIAL RESOURCES

BODY:

STATEMENT

of

The Honorable Harry T. Edwards

Chief Judge

United States Court of Appeals

for the D.C. Circuit

before

The Subcommittee on Administrative Oversight

and the Courts

United States Senate Committee

on the Judiciary

Tuesday, October 17, 1995

(Re: "Conserving Judicial Resources: The Caseload

of the United States Court of Appeals

for the District of Columbia Circuit and

Appropriate Allocation of Judgeships")

SUMMARY AND INTRODUCTION

If this hearing is intended to evaluate judgeship needs in the D.C. Circuit, then I foresee two problems: First, by tradition and comity between the legislative and judicial branches, Congress usually has recognized the Judicial Conference of the United States as the appropriate forum to develop proposals for the assessment of judgeships in each Circuit. Judges know best how to assess what they are doing -- just as members of Congress best understand the demands of the legislative process. I believe that the Judicial Conference remains the proper forum to develop appropriate methodologies to weigh the different classes of appellate cases in assessing judgeship needs. The Judicial Conference has been responsible in advising Congress in the past, and I would expect them to remain so in the future. I would therefore question any approach that circumvents this traditional process. Second, if, as I have heard it suggested, the purpose of the Subcommittee's hearing is to challenge the judgeship needs of the D.C. Circuit on the basis of current case filings, then I fear that you will be engaging in a pointless exercise. The reason is simple: the work of the Courts of Appeals cannot be assessed solely by looking at the raw number of case filings, because this figure fails to factor in such critically important workload determinants as case complexity and caseload mix. In other words, any assessment of judgeship needs that is based principally on case filings invariably will be distorted and fail to reflect the actual workloads of appellate judges. At a recent meeting of the Circuit Chief Judges, there was a strong consensus that a filings-only approach is a useless means of evaluating judgeship needs. In short, I urge the subcommittee to keep in mind that any sound formula for assessing judgeship needs must rely on workload data weighted for case complexity.

There are other limitations in measuring judgeship needs by reference to case filings. For one thing, case filings fail to take account of the contributions (or lack thereof) of senior judges, a factor which can have a bearing on the workload of active appellate judges. Even more important are data on non-judge dispositions, including Clerk's Office terminations, which must be weighted against case filings. Finally, case "filings" tell you nothing about either the quantity or quality of "dispositions" in a given Circuit.

The explanation that follows -- along with the data I am attaching on the D.C. Circuit's caseload and comparable data from other Circuits -- highlights the actual caseload differences among the federal courts of appeals as well as the unusual complexity of the caseload of the D.C. Circuit. This, in turn, underscores my point that any formula developed to determine appellate judgeship requirements must be weighted to acknowledge caseload complexity, caseload mix, and the quantity, quality, and nature of case dispositions.

I. Administrative Cases

The D.C. Circuit's caseload is comprised largely of appeals and petitions for review of "agency actions." These so-called administrative appeals, from the Environmental Protection Agency, the Federal Energy Regulatory Commission, the Federal Communications Commission, the Interstate Commerce Commission, and other such federal agencies, often involve huge records comprising thousands of pages of complex factual and regulatory material. And such appeals may involve numerous parties, with very different perspectives, challenging or defending detailed and complex agency rules and regulations. Briefs, in a single case, sometimes total hundreds of pages. Issues are often highly technical, involving difficult scientific formulae, principles, and methodologies.

In 1994, administrative appeals accounted for 46% of the D.C. Circuit's caseload. By contrast, the proportion of administrative appeals in the Ninth Circuit, which is second to the D.C. Circuit, is only 9.6%. The proportion in other Circuits ranges from 2.5% in the Eleventh Circuit to 6.8% in the Sixth Circuit. This difference in the case load mix critically affects our work operations, as compared with the work of other Circuits.

An example of what I have in mind: A panel of this court is scheduled to hear a challenge to Order 636 issued by the Federal Energy Regulatory Commission. Order 636 is the third in a series of orders that restructures the regulation of the natural gas industry. Each order has spawned massive numbers of federal appeals, all to the District of Columbia Circuit. Order 636 alone produced 287 separate petitions for review by 163 parties. Over one hundred additional parties intervened to support or oppose the Order.

The briefing schedule provides for the filing of 27 briefs totaling over 900 pages. Oral argument may be scheduled over days rather than hours. While not every agency case is as massive as the Order 636 proceedings, a great many of our agency cases involve multiple parties, issues, and briefs.

In short, review of large, multi-party, difficult administrative appeals is the staple of judicial work in the D.C. Circuit. This alone distinguishes the work of the D.C. Circuit from the work of other Circuits; it also explains why it is impossible to compare the work of the D.C. Circuit with other Circuits by simply referring to raw data on case filings.

II. Cases of Unusual Public Importance

Because the D.C. Circuit sits in Washington, D.C., the seat of the federal government, history shows that it is the inevitable forum for many high-profile cases presenting difficult issues of national import. Cases highlighting this reality are legion. A few recent examples: United States v. Barry, 938 F. 2d 1327 (D.C.Cir.1991), appeal after remand, 961 F.2d 260 (D.C. Cir. 1992) (appeal of conviction of D.C. mayor for cocaine possession); United States v. North, 91 0 F.2d 843 (D.C. Cir.), modified on reh'g, 920 F.2d 940 (D.C. Cir. 1990), cert. denied, 500 U.S. 941 (1991) (appeal of conviction in Iran-Contra matter); United States v. Poindexter, 951 F.2d 369 (D.C. Cir. 1991), cert. denied, 113 S. Ct. 656 (1992) (appeal of conviction in Iran-Contra matter); United States v. Rostenkowski, 59 F.3d 1291 (D.C. Cir. 1995) (interlocutory appeal challenging indictment of sifting member of Congress); United States v. Microsoft Corp., 56 F.3d 1448 (D.C. Cir. 1995) (appeal from district court's rejection of antitrust settlement); Nixon v. United States, 978 F.2d 1269 (D.C. Cir. 1992)(dispute concerning control of "presidential papers"); Citizens for the Abatement of Aircraft Noise v. Metropolitan Washington Airports Auth., 917 F.2d 48 (D.C. Cir. 1990), aff'd, 501 U.S. 252 (1991) (appeal challenging constitutionality of airport authority review board made up of members of Congress); Hechinger v. Metropolitan Washington Airports Auth., 36 F.3d 97 (D.C. Cir. 1994), cert. denied, 11 5 S. Ct. 934 (1995) (subsequent challenge to reconstituted board appointed by Congress); Association of American Physicians and Surgeons v. Clinton, 997 F.2d 898 (D.C. Cir. 1993) (challenge under Federal Advisory Committee Act to secrecy of papers and proceedings of President's health care task force); Steffan v. Aspin, 8 F.3d 57 (D.C. Cir. 1993), on rehg en banc, Steffan v. Perry, 41 F.3d 677 (D.C. Cir. 1994) (en banc) (equal protection challenge to military ban on homosexuals); Lamprecht v. FCC, 958 F.2d 382 (D.C. Cir. 1992) (equal protection challenge to FCC's gender preference policy); Public Citizen v. United States Trade Representative, 5 F.3d 549 (D.C. Cir.

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1993), cert. denied, 114 S. Ct. 685 (1994) (appeal in action challenging North American Free Trade Agreement under environmental and administrative procedure statutes); Michel v. Anderson, 14 F.3d 623 (1994) (Republican challenge to House of Representatives rule permitting D.C. delegate to vote in House Committee of the Whole); and Armstrong v. Executive Office of the President, Office of Admin., 1 F.3d 1274 (D.C. Cir. 1993) (action to compel EOP to preserve certain electronic records under Federal Records Act).

This list of appeals is illustrative, not exhaustive. The point that I would make, however, is that these cases and others of a similar nature, consume tremendous amounts of judicial and staff resources.

III. Criminal Appeals and Diversity Cases

The D.C. Circuit has fewer criminal appeals and "diversity jurisdiction" appeals than other circuits. This is significant because these cases tend to require fewer judicial resources than do other cases.

In 1994, for example, criminal appeals made up 8.6% of our caseload, and diversity 1 appeals were 11.8% of the caseload. The proportion in other Circuits for criminal cases ranged from 17.1 % in the Third Circuit to 28.4% in the Eleventh Circuit. For diversity cases the proportion ranged from 24.1% in the Fourth Circuit to 42.4% in the First Circuit. Because other Circuits have higher percentages of criminal and diversity appeals, judges in those Circuits decide more appeals per judge than do D.C. Circuit judges. In other words, because criminal and diversity cases typically involve only two parties, a limited number of issues, and deal with well-trod areas of the law, they do not take nearly the amount of time to decide as do administrative appeals. Indeed, in the D.C. Circuit, many of our criminal and diversity appeals are disposed of summarily by Special Panels, without oral argument, leaving the difficult cases for resolution by regular Merits Panels after oral argument. 1 Diversity cases are reported in the statistics collected by the Administrative Office of the United States Courts under the category "private civil cases." The charts attached to this letter use the Administrative Office's appellation.

IV. Pro Se Appeals

As compared with other Circuits, the D.C. Circuit handles a relatively small percentage of pro se appeals. Only 11.8% of the cases filed in the D.C. Circuit are pro se law suits. By contrast, pro se cases range from 23.6% in the First Circuit to 47% in the Fourth Circuit. Although some of our pro se cases are more difficult than the norm (because we do not get as many prisoner cases as other Circuits), it is nonetheless still true that pro se cases involve a high proportion of frivolous claims or claims that are easily identified as lacking merit.

Like criminal and diversity appeals, pro se appeals often are amenable to summary disposition without oral argument. These appeals rarely present difficult legal issues and usually can be decided without an expenditure of a significant amount of judicial resources.

V. Caseloads, Workloads, and Work Schedules in the D.C. Circuit

The complexity of the caseload in the D.C. Circuit is reflected in the number of cases the court schedules for oral argument in a typical sifting period. Our judges usually sit for eight one-week sifting periods during the year. Typically, fourteen cases are scheduled for oral argument each week, with a

maximum of four cases scheduled on any given day. The Second Circuit, by contrast, schedules up to 31 cases per week. 2 The Second Circuit's schedule would be impossible in the D.C. Circuit, due to the complex and highly technical administrative cases that dominate our docket. For one thing, I doubt that it would be humanly possible to digest twice the number of our usual fare of cases -- the records are too voluminous and the issues are too difficult. For another thing, were we to ignore feasibility and double the number of cases heard in each sifting period, there is little doubt that the quality of our work would suffer beyond description (a result that the public would justly abhor). 2 In 1994, the Second Circuit's caseload was 6.8% administrative appeals, 38.5% diversity appeals, and 20% criminal appeals.

When I suggest that we could not appreciably change our current sifting schedule, I also have in mind the fact that our judges have responsibilities beyond those that are associated with the regular oral argument calendar. Each judge is assigned to sit on Special Panels that handle emergency motions, interlocutory appeals, and cases decided without oral argument. All judges are also assigned to hear special "complex cases," as well as serve on three-judge district court panels.

Two other circumstances set the D.C. Circuit apart from other circuits. First, at least during my tenure on the court, the D.C. Circuit, unlike most other Circuits, rarely has been able to rely on the valuable services of senior judges. At present, we have no active senior judges on this court. Second, by statute, one member of our court must serve as the presiding judge of the "Special Division" that handles Independent Counsel matters.

The uniquely difficult caseload of the D.C. Circuit has been acknowledged by the Judicial Conference of the United States. For example, in authorizing staffing for our Clerk's Office, the Conference applies an "additive" to the staffing formula, thus allowing our Circuit eight positions over formula. In other words, the Conference always has recognized that it would be grossly unfair to assess our staffing needs by simply applying a formula based on case filings, because it is well understood that case filings alone are not an accurate measure of our work.

Fifteen years ago, the Report of the Proceedings of the Judicial Conference of the United States for September 24-25, 1980, at page 35, noted that

The Circuit Court for the District of Columbia has a unique and complex caseload -- consisting predominantly of appeals from administrative agency decisions and cases in which the federal government is a party.

This Report also describes our caseload as including "highly technical cases" and "actions of national urgency." These characterizations never have been seriously doubted by any knowledgeable authority during the fifteen years that I have been a member of the court. What was said in 1980 is no less true today.

VI. Backlog

In earlier correspondence, you inquired about the "backlog" of cases in the D.C. Circuit. In response, I said that I thought it was fair to say that, at least during the past decade, our backlog (or number of pending cases) has hovered at around 2,000 cases. During this period, we have assumed that a backlog of about 2,000 cases will ensure a ready-docket of cases.

We have managed to hold our backlog at about 2,000 cases, often while operating

with eleven judges (and one vacancy), by working very hard to increase the number of dispositions issued by the Special Panels, periodically scheduling additional sittings, adding extra criminal appeals to already full sittings, and occasionally utilizing the services of visiting judges and district judges.

We have had a full complement of twelve judges during two periods since 1984. This is explained in the following chronology:

New judgeships normally result from Congress acting on requests of the Judicial Conference of the United States for positions the Conference deems advisable based on its Biennial Judgeship Surveys. In 1980, there were eleven judges on the D.C. Circuit (McGowan, Wright, Tamm, Robinson, MacKinnon, Robb, Wilkey, Wald, Mikva, Edwards, and R.B. Ginsburg). That year, the Judicial Conference formally authorized a request for one additional judge (i.e., a twelfth judge) in the D.C. Circuit. See Report of the Proceedings of the Judicial Conference of the United States, September 2425, 1980, at 32-33, 35. That request was never acted upon by Congress.

In 1982, the Conference again authorized a twelfth judge for the D.C. Circuit based on the 1982 Biennial Judgeship Survey. That request remained pending before Congress until the passage of PL 98- 353 on July 10, 1984, which included judgeships authorized by the Conference in September 1982 and March 1983. In July of 1984, when PL 98-353 was passed, the 1984 Biennial Judgeship Survey had not yet been approved by the Conference because the survey, although started in August 1983, was not presented to the Conference until September 1984. The recommendation sent to Congress following the September 1984 action by the Conference did not include a request for the D.C. Circuit because the Circuit's twelfth judgeship had already been approved by that time.

According to information from the Administrative Office of the United States Courts, the D.C. Circuit had twelve active judges for nearly three months in 1987-88 (between November 13, 1987 and February 4, 1988), and for just over a year in 1990-91 (between May 18, 1990 and June 1, 1991). See, e.g., 828 F.2d at vii (Wald, Robinson, Mikva, Edwards, R.B. Ginsburg, Bork, Starr, Silberman, Buckley, Williams, D.H. Ginsburg, Sentelle), and see, e.g., 907 F.2d at vii (Wald, Mikva, Edwards, R.B. Ginsburg, Silberman, Buckley, Williams, D.H. Ginsburg, Sentelle, Thomas, Henderson, Randolph).

In sum, even a cursory review of the nature of the cases filed in the D.C. Circuit demonstrates that, because of the heavy fare of administrative appeals, the degree of difficulty and level of complexity of the average appeal in this Circuit exceed those of the other Circuits. The Judicial Conference of the United States and the Congress have continually recognized the D.C. Circuit's unique position among the Circuits. We have strived to maintain the high quality of decision making, but our judges have been pressed in their efforts. Any significant reduction in judicial resources would significantly increase the Court's backlog and threaten the quality of its decision making. By the same token, should we get our authorized complement of judges, this would undoubtedly ease the burdens of scheduling, allow our judges some much needed additional time to reflect on hard cases, and likely ensure against any increase in the backlog.

LOAD-DATE: October 18, 1995

From: Kyle_Sampson@who.eop.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/16/2002 2:18:17 PM
Subject: : Fw: The call to Glenda Sanders

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle_Sampson@who.eop.gov (Kyle_Sampson@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:16-DEC-2002 19:18:17.00
SUBJECT:: Fw: The call to Glenda Sanders
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI

.

----- Original Message -----
From:Kyle Sampson/WHO/EOP
To:Bradford A. Berenson/WHO/EOP@EOP
Cc:
Date: 12/16/2002 07:17:06 PM
Subject: Re: The call to Glenda Sanders

I'm interested in taking over California judicial duties when you depart. Heard
from someone on the Hill (Makan probably) that they heard Ben would be assuming
your CA docket. Is this true? Was your docket cannibalized when I wasn't paying attention?

.

----- Original Message -----
From:Bradford A. Berenson/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP,
Kyle Sampson/WHO/EOP@EOP,
Benjamin A. Powell/WHO/EOP@EOP,
David G. Leitch/WHO/EOP@EOP,
Alberto R. Gonzales/WHO/EOP@EOP
Cc:
Date: 12/16/2002 06:58:25 PM
Subject: The call to Glenda Sanders

That was really painful . . .

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 12/17/2002 4:20:10 AM
Subject: : Re: 12th seat

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-DEC-2002 09:20:10.00
SUBJECT:: Re: 12th seat
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes, use your discretion, and please do not quote me on this, but if it comes up and he asks about it, that would be a way to frame it more accurately and fairly.

Bradford A. Berenson
12/17/2002 09:13:37 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: 12th seat

I'll make the suggestion, but I doubt he'll go for it. He and I might speak today.

Brett M. Kavanaugh
12/17/2002 08:44:11 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: 12th seat

Seems to me Judge Silberman could perhaps temper his remarks in future by saying something like, "I have made my views on the appropriate number of D.C. Circuit seats clear in the past, but neither the Congress nor the Judicial Conference has accepted them, and instead have kept the number of seats at 12. One cannot fault a President for performing his obligation to submit nominations for all authorized seats."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: robert marsh/who/eop@eop [WHO] <robert marsh>;jay p. lefkowitz/opd/eop@eop [OPD] <jay p. lefkowitz>
Sent: 12/17/2002 5:25:35 AM
Subject: : Re:

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###### Begin Original ARMS Header ######
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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-DEC-2002 10:25:35.00
SUBJECT:: Re:
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:robert marsh ( CN=robert marsh/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:jay p. lefkowitz ( CN=jay p. lefkowitz/OU=opd/O=eop@eop [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I am available.




Kristen Silverberg
12/17/2002 10:15:40 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@EOP
cc: Robert Marsh/WHO/EOP@EOP
Subject:

Margaret Pederlin (now with Speaker's office) is coming in tomorrow at 11
to talk tort. Are you free to meet in Bob's office? Her list of possible
issues is:

med mal
class actions
gun manufacturer liability
asbestos
small biz liability
terror insurance
punitives
rule 11
client's bill of rights
bankruptcy
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: don.willett@usdoj.gov [UNKNOWN] <don.willett@usdoj.gov>;Remington, Kristi L <Kristi.L.Remington@usdoj.gov>
Sent: 12/17/2002 5:26:23 AM
Subject: : Re: interview

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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-DEC-2002 10:26:23.00
SUBJECT:: Re: interview
TO:don.willett@usdoj.gov ( don.willett@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> ( "Remington, Kristi L"
<Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

fyi that we just got the names last night and told them to come
immediately. that is why no advance notice. thanks.
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
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TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:robert marsh ( CN=robert marsh/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:jay p. lefkowitz ( CN=jay p. lefkowitz/OU=opd/O=eop@eop [ OPD ] )
READ:UNKNOWN
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Record Type: Record

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cc: Robert Marsh/WHO/EOP@EOP
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small biz liability
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rule 11
client's bill of rights
bankruptcy
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Heather Wingate/WHO /EOP@EOP [WHO] <Heather Wingate>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 12/17/2002 6:32:57 AM
Subject: : From National Review re Pickering

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-DEC-2002 11:32:57.00
SUBJECT:: From National Review re Pickering
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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t's almost ironic that Sen. Strom Thurmond's (R, S.C.) final "fight" in the Senate was to ensure the judicial confirmation of a former aide who was unfairly attacked as a bigot.

Sen. Trent Lott (R, Miss.) and other Republican senators went to the mat for Thurmond in his final weeks as a senator and shepherded through Dennis Shedd's confirmation over persistent Democratic insinuations of racism two weeks after Election Day. But now, Lott's uncareful praise of his centenarian colleague has precipitated an ugly short-term legacy, whose first tangible effect is the end of Charles Pickering's hopes to become an appellate judge.

Pickering's chief advocate in the Senate was Lott. Usually, having the party leader go to bat for you is worth some points. For Pickering, it has become his nomination's death warrant.

Sources close to the nomination and confirmation process say that the White House has made the decision and dropped the plans it had as recently as last week to renominate Pickering in the 108th Congress. Because the Left smeared Pickering as a racist ("racially insensitive" is word they use) Lott's misstep and the current attacks on him will unavoidably be distracting and damning.

As a strictly judicial matter, this is not too great of a loss. Pickering, while a stellar judge, is not very young, and his service on the appeals court would be brief. Renominating Pickering, though, would have had two political virtues.

First, it would please conservatives who were beside themselves with rage at the sight of Sen. Joe Biden (D, Del.) and Ted Kennedy (D, Chappaquiddick) attacking Pickering's integrity.

Second, without Lott's gaffe, Pickering would have taken a lot of the fire from Democrats, but still probably pass, making it easier for later nominees such as Priscilla Owen and Miguel Estrada after the Democratic attack dogs had shot their wad.

Now, without Pickering as a viable point man, someone else will need to take the early beating by the left's attack machine fueled by People For the American Way, the National Organization of Women, and their ilk. This could mean either serious expenditure of political capital by Republicans, or a successful filibuster of Owen or Estrada.

But the effect of the Lott firestorm on nominees runs even deeper. If Lott stays on as Majority Leader, every absurd charge of racism against a GOP nominee carries more weight with the credulous media and some middle-of-the-road voters. Ultimately, the media would win over Democrats otherwise hesitant to oppose Bush and could even persuade some spineless Republicans.

In a cruel twist, however, Lott will make it even harder for Republican nominees if he steps down as Leader. Edwards, Schumer, PFAW, Kennedy, Paul Krugman, and the New York Times editorial page are aptly called "the attack dogs of personal destruction."

If they win on the Lott fight * if they taste blood * it only makes them hungrier.

It may take them some time to regroup, to digest their prey, as it did after the first Pickering trial, but the next time they will be even bolder. The Lott turmoil was entirely manufactured by Democratic operatives * namely by unrepentant Clintonite James Carville, who first made an issue of the remarks the same night on Crossfire * and then pushed the story behind the scenes wherever they could, explaining to pundits and politicians how this could be used to sock it to the GOP.

If Carville wins * if the bar for branding someone a racist is lowered to a single careless comment, an unreflective childhood in the south, and a belief in states' rights * that puts every Republican politician or nominee in a little more danger. It expands the media's definition of "extremism." Anyone whose voting record or ideology resembles that of "disgraced former Majority Leader Trent Lott" will be suspect * and vulnerable.

This means any judge who ever used the concept of federalism in his decisions will be attacked for "using the racist codeword of 'states rights'."

It's a lose-lose situation * and a checkmate for the attack dogs of personal destruction.

* Timothy P. Carney is a reporter for the Evans-Novak Political Report.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 12/17/2002 8:21:02 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-DEC-2002 13:21:02.00
SUBJECT:: Re:
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

Kristen Silverberg
12/17/2002 12:49:22 PM
Record Type: Record

To: Robert Marsh/WHO/EOP@EOP
cc: Jay P. Lefkowitz/OPD/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
Subject:

Sorry to ask, but can we move the mtg with Margaret to either 10:00 or 12:00?

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: david g. leitch/who/eop@eop [WHO] <david g. leitch>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 12/17/2002 10:34:58 AM
Subject: : Re: From National Review re Pickering

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-DEC-2002 15:34:58.00
SUBJECT:: Re: From National Review re Pickering
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:david g. leitch (CN=david g. leitch/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Along these lines, I just rec'd a call from Neil Lewis w/the NYTimes. He's doing two stories on Judges: 1) The no-win situation the WH is in on whether or not to renominate Pickering; and 2) the early musing w/in the WH on Sup Ct nominee (I couldn't tell if the story was going to be about efforts to ensure WH is prepared to deal with a vacancy or if it was about possible candidates to fill the slot(s)).

Anyway, I said nothing of course, but on the second story line, he indicated he had an admin source who had shared a few thoughts with him. Is there anything we want to do to influence this? I assume we're mum on both of these issues right now....

Brett M. Kavanaugh
12/17/2002 11:29:43 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, David G. Leitch/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP
cc: Heather Wingate/WHO/EOP@EOP
Subject: From National Review re Pickering

t's almost ironic that Sen. Strom Thurmond's (R, S.C.) final "fight" in the Senate was to ensure the judicial confirmation of a former aide who was unfairly attacked as a bigot.

Sen. Trent Lott (R, Miss.) and other Republican senators went to the mat for Thurmond in his final weeks as a senator and shepherded through Dennis Shedd's confirmation over persistent Democratic insinuations of racism two weeks after Election Day. But now, Lott's uncareful praise of his centenarian colleague has precipitated an ugly short-term legacy, whose first tangible effect is the end of Charles Pickering's hopes to become an appellate judge.
Pickering's chief advocate in the Senate was Lott. Usually, having the party leader go to bat for you is worth some points. For Pickering, it has become his nomination's death warrant.
Sources close to the nomination and confirmation process say that the White House has made the decision and dropped the plans it had as recently

as last week to renominate Pickering in the 108th Congress. Because the Left smeared Pickering as a racist ("racially insensitive" is word they use) Lott's misstep and the current attacks on him will unavoidably be distracting and damning.

As a strictly judicial matter, this is not too great of a loss. Pickering, while a stellar judge, is not very young, and his service on the appeals court would be brief. Renominating Pickering, though, would have had two political virtues.

First, it would please conservatives who were beside themselves with rage at the sight of Sen. Joe Biden (D, Del.) and Ted Kennedy (D, Chappaquiddick) attacking Pickering's integrity.

Second, without Lott's gaffe, Pickering would have taken a lot of the fire from Democrats, but still probably pass, making it easier for later nominees such as Priscilla Owen and Miguel Estrada after the Democratic attack dogs had shot their wad.

Now, without Pickering as a viable point man, someone else will need to take the early beating by the left's attack machine fueled by People For the American Way, the National Organization of Women, and their ilk. This could mean either serious expenditure of political capital by Republicans, or a successful filibuster of Owen or Estrada.

But the effect of the Lott firestorm on nominees runs even deeper. If Lott stays on as Majority Leader, every absurd charge of racism against a GOP nominee carries more weight with the credulous media and some middle-of-the-road voters. Ultimately, the media would win over Democrats otherwise hesitant to oppose Bush and could even persuade some spineless Republicans.

In a cruel twist, however, Lott will make it even harder for Republican nominees if he steps down as Leader. Edwards, Schumer, PFAW, Kennedy, Paul Krugman, and the New York Times editorial page are aptly called "the attack dogs of personal destruction."

If they win on the Lott fight * if they taste blood * it only makes them hungrier.

It may take them some time to regroup, to digest their prey, as it did after the first Pickering trial, but the next time they will be even bolder. The Lott turmoil was entirely manufactured by Democratic operatives * namely by unrepentant Clintonite James Carville, who first made an issue of the remarks the same night on Crossfire * and then pushed the story behind the scenes wherever they could, explaining to pundits and politicians how this could be used to sock it to the GOP.

If Carville wins * if the bar for branding someone a racist is lowered to a single careless comment, an unreflective childhood in the south, and a belief in states' rights * that puts every Republican politician or nominee in a little more danger. It expands the media's definition of "extremism." Anyone whose voting record or ideology resembles that of "disgraced former Majority Leader Trent Lott" will be suspect * and vulnerable.

This means any judge who ever used the concept of federalism in his decisions will be attacked for "using the racist codeword of 'states rights'."

It's a lose-lose situation * and a checkmate for the attack dogs of personal destruction.

* Timothy P. Carney is a reporter for the Evans-Novak Political Report.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 12/18/2002 9:17:37 AM
Subject: : Re: FW: Talent - Coleman Reception Invite...
Attachments: P_H6FGC003_WHO.TXT_1.htm; P_H6FGC003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2002 14:17:37.00
SUBJECT:: Re: FW: Talent - Coleman Reception Invite...
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

Approved.

Kate Walters <kate@georgewbush.com>
12/18/2002 12:17:21 PM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Talent - Coleman Reception Invite...

Fw: Talent - Coleman Reception Invite...do you mind approving this invite?
It is for a fundraiser for Talent and Coleman.
-----Original Message-----
From: Jack Oliver [mailto:jack@georgewbush.com]
Sent: Tuesday, December 17, 2002 7:34 PM
To: Kate Walters; Ken Mehlman
Subject: Fw: Talent - Coleman Reception Invite...

Are you on?

-----Original Message-----
From: Kathleen Ford <kford@stevegordon.com>
To: Jack Oliver <jack@georgewbush.com>
Sent: Tue Dec 17 11:08:43 2002
Subject: Talent - Coleman Reception Invite...

jack - ben ginsberg has signed off on the attached invite...thune is confirmed in attendance -- are you and ken mehlman also confirmed in attendance? thanks, kathleen ford

- att1.htm
- Invite.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_H6FGC003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_H6FGC003_WHO.TXT_2>

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UICI

Along with

Dairy Farmers of America, Engineered Support Services, Ernst & Young

Holsim (US) Inc., Steven H. Gordon & Associates

Cordially Invite You To A Special Reception Honoring

SENATOR JAMES M. TALENT &

SENATOR-ELECT NORM COLEMAN

On The Occasion Of Their Swearing-In To The United States Senate

WITH SPECIAL GUESTS

CONGRESSMAN JOHN THUNE

JACK OLIVER

KEN MEHLMAN

Thursday, January 9, 2003
6:30 PM – 7:30 PM

La Colline Restaurant
400 North Capitol Street NW
Washington, DC

TO RSVP, PLEASE CONTACT STEVE GORDON or KATHLEEN FORD at
(202)546-0900 OR (800)571-1869

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/18/2002 6:03:28 AM
Subject: : red tag

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-DEC-2002 11:03:28.00
SUBJECT:: red tag
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett,

did you get a chance to look at the Remarks for the Newly-Elected
Governors meeting? It was due at 10 am.
```

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/18/2002 6:14:20 AM
Subject: : FW: White House Reception
Attachments: P_FZSJC003_WHO.TXT_1.htm; P_FZSJC003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:18-DEC-2002 11:14:20.00
SUBJECT:: FW: White House Reception
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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-----Original Message-----
From: Teri Bell - Member Relations [mailto:TBell@rnchq.org]
Sent: Tuesday, December 17, 2002 2:03 PM
To: Kate Walters
Subject: White House Reception

Kate,

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We are putting together an invite to Members for the WH reception. Will forward to you before we send out.

Thanks.

Teri B.

<<External Agenda.doc>>

Teri L. Bell
RNC Member Relations
p. 202.863.8630
f. 202.863.8631

- att1.htm - External Agenda.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FZSJC003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FZSJC003_WHO.TXT_2>

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p. 202.863.8630
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As of DATE
TIME

RNC WINTER MEETING
"BUILDING ON SUCCESS, PROVEN LEADERSHIP FOR THE FUTURE"

THE MAYFLOWER HOTEL
WASHINGTON, DC
JANUARY 29-FEBRUARY 1, 2003

TENTATIVE AGENDA

WEDNESDAY, JANUARY 29, 2003

9:00 am – 5:00 pm	**EXECUTIVE DIRECTORS REGISTRATION**
1:00 pm – 5:00 pm	**EXECUTIVE DIRECTORS SEMINAR** *Lunch on your own* (Closed Press)

THURSDAY, JANUARY 30, 2003

8:00 am – 6:00 pm	**REGISTRATION**
8:00 am – 6:00 pm	**MEMBERS' LOUNGE**
9:00 am – 12:00 pm	**EXECUTIVE DIRECTORS SEMINAR** *Breakfast on your own* (Closed Press)
9:00 am – 10:00 am	**BUDGET COMMITTEE MEETING** *Breakfast on your own* (Closed Press) *(RNC Members Only)*
9:00 am – 10:00 am	**RESOLUTIONS COMMITTEE MEETING** *Breakfast on your own* (Closed Press) *(RNC Members Only)*
10:00 am – 12:30 pm	**ELECTION ANALYSIS STRATEGY SESSION** (Closed Press) *(RNC Members and Executive Directors Only)*
12:30 pm – 2:00 pm	**EXECUTIVE/BUDGET COMMITTEE MEETING/WORKING LUNCH** (Closed Press) *(Executive and Budget Committee Members Only)*
2:00 pm – 4:00 pm	**RULES COMMITTEE MEETING** (Closed Press) *(RNC Members Only)*

4:00 pm – 6:00 pm	**REVIEW OF NEW CAMPAIGN FINANCE LAW** (Closed Press) *(RNC Members and Executive Directors Only)*
Evening	**DINNER ON YOUR OWN**

FRIDAY, JANUARY 31, 2003

7:30 am – 6:00 pm	**REGISTRATION**
7:30 am – 6:00 pm	**MEMBERS' LOUNGE**
7:30 am – 9:00 am	**REGIONAL BREAKFASTS** (Closed Press)
9:15 am – 11:30 pm	**GENERAL SESSION** (Open Press)
11:45 pm – 1:00 pm	**LUNCHEON** (Open Press)
2:00 pm – 4:00 pm	**AFTERNOON AT THE WHITE HOUSE** (RNC MEMBERS ONLY + SPOUSE) (Closed Press)
5:00 pm – 6:30 pm	**MEMBERS ONLY SESSION** (Closed Press) *(RNC Members Only)*

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9:00 am – 11:00 am	**RNC OPEN HOUSE (OPTIONAL)** (Closed Press) *(RNC Members Only)*

MEETING ADJOURNS

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 12/18/2002 6:15:41 AM
Subject: : Re: FW: White House Reception
Attachments: P_B2TJC003_WHO.TXT_1.htm; P_B2TJC003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2002 11:15:41.00
SUBJECT:: Re: FW: White House Reception
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

Is it just a reception at the White House? What kinds of RNC members are these?

Kate Walters <kate@georgewbush.com>
12/18/2002 11:08:59 AM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: White House Reception

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- att1.htm
- External Agenda.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_B2TJC003_WHO.TXT_1>

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MEETING ADJOURNS

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/18/2002 7:13:39 AM
Subject: : RE: FW: White House Reception
Attachments: P_LO6GC003_WHO.TXT_1

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:18-DEC-2002 12:13:39.00
SUBJECT:: RE: FW: White House Reception
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

it is a reception at the WH, but the RNC is handling the invites, not the WH. It will be the National Committeemen and women and state chairs.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, December 18, 2002 11:12 AM
To: Kate Walters
Subject: Re: FW: White House Reception

Is it just a reception at the White House? What kinds of RNC members are these?

(Embedded
image moved Kate Walters <kate@georgewbush.com>
to file: 12/18/2002 11:08:59 AM
pic20154.pcx)

Please respond to kate@georgewbush.com

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: FW: White House Reception

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Teri L. Bell
RNC Member Relations
p. 202.863.8630
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- winmail.dat
ATT CREATION TIME/DATE: 0 00:00:00.00
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Attachments: P_IO6GC003_WHO.TXT_1.htm; P_IO6GC003_WHO.TXT_2.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:18-DEC-2002 12:13:38.00
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Sent: Tue Dec 17 11:08:43 2002
Subject: Talent - Coleman Reception Invite...

jack - ben ginsberg has signed off on the attached invite...thune is confirmed in attendance -- are you and ken mehlman also confirmed in attendance? thanks, kathleen ford

- att1.htm - Invite.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IO6GC003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IO6GC003_WHO.TXT_2>

do yo u mind approving this invite? It is for a fundraiser for Talent and Coleman.
-----Original Message-----
From: Jack Oliver [mailto:jack@georgewbush.com]
Sent: Tuesday, December 17, 2002 7:34 PM
To: Kate Walters; Ken Mehlman
Subject: Fw: Talent - Coleman Reception Invite...

Are you on?

-----Original Message-----
From: Kathleen Ford <kford@stevegordon.com>
To: Jack Oliver <jack@georgewbush.com>
Sent: Tue Dec 17 11:08:43 2002
Subject: Talent - Coleman Reception Invite...

jack - ben ginsberg has signed off on the attached invite...thune is confirmed in attendance -- are you and ken mehlman also confirmed in attendance? thanks, kathleen ford

UICI

Along with

Dairy Farmers of America, Engineered Support Services, Ernst & Young

Holsim (US) Inc., Steven H. Gordon & Associates

Cordially Invite You To A Special Reception Honoring

SENATOR JAMES M. TALENT &

SENATOR-ELECT NORM COLEMAN

On The Occasion Of Their Swearing-In To The United States Senate

WITH SPECIAL GUESTS

CONGRESSMAN JOHN THUNE

JACK OLIVER

KEN MEHLMAN

Thursday, January 9, 2003
6:30 PM – 7:30 PM

La Colline Restaurant
400 North Capitol Street NW
Washington, DC

TO RSVP, PLEASE CONTACT STEVE GORDON or KATHLEEN FORD at
(202)546-0900 OR (800)571-1869

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>
Sent: 12/18/2002 7:59:30 AM
Subject: : Re: 7 member rule

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2002 12:59:30.00
SUBJECT:: Re: 7 member rule
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ben

Bradford A. Berenson
12/18/2002 12:47:00 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 7 member rule

Who is our expert on the status of this?

Message Sent
To:
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 12/18/2002 8:17:16 AM
Subject: : RE: FW: White House Reception
Attachments: P_3DBGC003_WHO.TXT_1

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2002 13:17:16.00
SUBJECT:: RE: FW: White House Reception
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

This is fine. Can we change it to "Reception at the White House" rather
than "Afternoon at the White House"?

Kate Walters <kate@georgewbush.com>
12/18/2002 12:15:28 PM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: FW: White House Reception

it is a reception at the WH, but the RNC is handling the invites, not the
WH. It will be the National Committeemen and women and state chairs.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, December 18, 2002 11:12 AM
To: Kate Walters
Subject: Re: FW: White House Reception

Is it just a reception at the White House? What kinds of RNC members are
these?

(Embedded
image moved Kate Walters <kate@georgewbush.com>
to file: 12/18/2002 11:08:59 AM
pic20154.pcx)

Please respond to kate@georgewbush.com

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: FW: White House Reception

White House ReceptionThe RNC members are coming over to the WH for a photo op with the President on 1/31/03. They want to send out the following agenda. do you want to see that they have "afternoon at the White House" on

there?

-----Original Message-----
From: Teri Bell - Member Relations [mailto:TBell@rnchq.org <mailto:TBell@rnchq.org>]
Sent: Tuesday, December 17, 2002 2:03 PM
To: Kate Walters
Subject: White House Reception

Kate,

Attached is the updated tentative agenda for the 2003 Winter Meeting. I have added the "Afternoon at the White House." Please review. Let me know if I need to have anyone at the WH approve the agenda before I send it to Members.

We are putting together an invite to Members for the WH reception. Will forward to you before we send out.

Thanks.

Teri B.

<<External Agenda.doc>>

Teri L. Bell
RNC Member Relations
p. 202.863.8630
f. 202.863.8631

- winmail.dat

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_3DBGC003_WHO.TXT_1>

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(Embedded
image moved Kate Walters <kate@georgewbush.com>
to file: 12/18/2002 11:08:59 AM
pic20154.pcx)

Please respond to kate@georgewbush.com

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: FW: White House Reception

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<<External Agenda.doc>>

Teri L. Bell
RNC Member Relations
p. 202.863.8630
f. 202.863.8631

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 12/18/2002 9:17:37 AM
Subject: : Re: FW: Talent - Coleman Reception Invite...
Attachments: P_H6FGC003_WHO.TXT_1.htm; P_H6FGC003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2002 14:17:37.00
SUBJECT:: Re: FW: Talent - Coleman Reception Invite...
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

Approved.

Kate Walters <kate@georgewbush.com>
12/18/2002 12:17:21 PM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Talent - Coleman Reception Invite...

Fw: Talent - Coleman Reception Invite...do you mind approving this invite?
It is for a fundraiser for Talent and Coleman.
-----Original Message-----
From: Jack Oliver [mailto:jack@georgewbush.com]
Sent: Tuesday, December 17, 2002 7:34 PM
To: Kate Walters; Ken Mehlman
Subject: Fw: Talent - Coleman Reception Invite...

Are you on?

-----Original Message-----
From: Kathleen Ford <kford@stevegordon.com>
To: Jack Oliver <jack@georgewbush.com>
Sent: Tue Dec 17 11:08:43 2002
Subject: Talent - Coleman Reception Invite...

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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_H6FGC003_WHO.TXT_1>

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Holsim (US) Inc., Steven H. Gordon & Associates

Cordially Invite You To A Special Reception Honoring

SENATOR JAMES M. TALENT &

SENATOR-ELECT NORM COLEMAN

On The Occasion Of Their Swearing-In To The United States Senate

WITH SPECIAL GUESTS

CONGRESSMAN JOHN THUNE

JACK OLIVER

KEN MEHLMAN

Thursday, January 9, 2003
6:30 PM – 7:30 PM

La Colline Restaurant
400 North Capitol Street NW
Washington, DC

TO RSVP, PLEASE CONTACT STEVE GORDON or KATHLEEN FORD at
(202)546-0900 OR (800)571-1869

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 12/18/2002 9:17:41 AM
Subject: : Bizarre offsite request

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-DEC-2002 14:17:41.00
SUBJECT:: Bizarre offsite request
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

The normal on-call status for this Friday evening has been activated and
requires coverage. Unfortunately, I'm the guy. Even more unfortunately,
my family and I had been planning to leave early Saturday morning for a
long car trip north for the holidays. I am therefore looking for someone
to trade with me for just one night: you take this Friday evening, and I
take one night of your choice in January before I leave (probably the
23rd). In addition, I will buy you lunch at the Mess. Any takers?
```

From: CN=David McMaster/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/18/2002 12:12:04 PM
Subject: : sorry for interupting you on the phone

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David McMaster ( CN=David McMaster/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-DEC-2002 17:12:04.00
SUBJECT:: sorry for interupting you on the phone
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I have a speaking invitation that I need you to look over. Can you call
me and I will run down to your office when you have a second?

Thanks,
Dave
```

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/19/2002 1:46:35 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-DEC-2002 06:46:35.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

My friend

Yes, let's chat before vacation.

8:45 a.m. here in l89?

tsg
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Charlotte L. Montiel/WHO /EOP@EOP [WHO] <Charlotte L. Montiel>
CC: David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO /EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 12/19/2002 4:32:08 AM
Subject: : scheduling

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2002 09:32:08.00
SUBJECT:: scheduling
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If Judge and David agree, can you please reserve 20 minutes for Judge and David at 2:00 on Thursday, January 9, to talk briefly on judges to some outside groups that Tim Goeglein will bring in. The point would be to thank the groups for their work and to explain what's coming on judges. I regularly speak to the routinely scheduled coalition meetings (and get deep into the weeds with them on specific issues, questions, and nominees), but Tim Goeglein and I both think it would be useful that they hear an overview from Judge as we start the new year and new Congress, and also that they meet and hear from David. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 12/19/2002 4:35:14 AM
Subject: : article re Chip Pickering and Judge Pickering

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-DEC-2002 09:35:14.00
SUBJECT:: article re Chip Pickering and Judge Pickering
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Pickering says dad,s nomination not linked to Lott,s problems
By William F. West / community editor
Dec. 18, 2002

U.S. Rep. Chip Pickering said his father,s nomination to the 5th Circuit Court of Appeals should not be linked to debate over Trent Lott,s future as Senate majority leader.

Pickering, the 3rd District congressman, also said Tuesday he believes Lott is not racist despite comments the senator made that the nation would be better off if then-segregationist Strom Thurmond was elected president in 1948.

&I know the man as one who is good-hearted * nothing racist about who he is or his work,8 said Pickering, a Republican who served as an aide to Lott for 41/2 years before winning election to the House.

&He got up everyday and worked hard * whether it was Mississippi State and Ole Miss or Jackson State and Alcorn State * to build our communities for black and white Mississippians where we would have better jobs, better schools, better health care.8

Lott, who is set to become Republican majority leader of the Senate in January, now finds himself and his job under fire because of the comments he made Dec. 5 at Thurmond,s 100th birthday party.

Although Lott has repeatedly apologized for his remarks, some fellow Senate Republicans are now questioning his ability to lead the party and the Senate next year.

In addition, some have questioned whether the Senate should reconsider Charles Pickering,s nomination to the 5th Circuit. Pickering is a judge on the U.S. District Court for Southern Mississippi.

Both Lott and President Bush have made clear they want the judge to be promoted to the 5th Circuit bench.

In March, when the Democrats controlled the Senate, members of the Senate Judiciary Committee blocked Judge Pickering,s nomination by a 10-9 vote on grounds that he was too conservative.

Some Democrats and other critics also say the judge is insensitive to minorities * a claim his son, Chip Pickering, strongly denies.

&It is unfortunate that in what,s going on with Senator Lott today there will also be opportunists who will want to use racial attacks and smear campaigns to win their political agenda * not based on the real records or the heart of a person,8 Chip Pickering said.

&But they will use race to divide and race to maintain political power and gain political power,8 he said.

&And we need to condemn both forms of racial politics * whether it is anyone in a leadership position who makes remarks that offends or hurts or anyone that will try to use race as a wedge or a weapon to assassinate someone,s character or record.8

From: CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/19/2002 5:37:33 AM
Subject: : Draft of the program...
Attachments: P_RDAHC003_WHO.TXT_1.doc

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kasey S. Pipes ( CN=Kasey S. Pipes/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-DEC-2002 10:37:33.00
SUBJECT:: Draft of the program...
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Hey Brett--

Here is the program. I struggled with the bio section. Feel free
to edit it. But I do need to get this to the print shop soon...

Thanks again!

Kasey

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RDAHC003_WHO.TXT_1>
```

NOTES

"The ability to learn faster than your competitors may be your only sustainable competitive advantage."
-- Arie de Geus, former strategic planner for Royal Dutch Shell



THE OFFICE OF STRATEGIC INITIATIVES
Presents

JUDGE KEN STARR

First Among Equals: The Supreme Court in American Life

Thursday, December 19, 2002, 1:00pm
Eisenhower Executive Office Building, Room 450

REV_00104885

TODAY'S GUEST

*K*en Starr began his illustrious career by clerking for U.S. Court of Appeals Judge David Dyer in Miami's fifth circuit, then clerked for Warren E. Burger, Chief Justice of the U.S. Supreme Court, from 1975 to 1977. After that important role, Starr joined the law firm of Gibson, Dunn & Crutcher in Washington, D.C., as an associate in 1977 and worked his way up to partner. In 1981, he was named Chief of Staff to Attorney General William French Smith. In 1983, Reagan appointed Starr to the U.S. Court of Appeals in 1983 where he served for six years.

In 1989, Starr stepped down from the bench to become the Solicitor General under President George Bush. In 1993, Starr returned to private practice with the Washington, D.C. office of the Chicago-based firm, Kirkland & Ellis. But public service soon beckoned again. In November of 1993, the Senate Ethics Committee called upon Judge Starr, asking him to look into the sexual misconduct accusations against Senator Bob Packwood. Later, Starr was recruited to replace Robert Fiske as independent counsel.

Today he has returned to practicing law. He and his wife Alice live in McLean, Virginia.

TODAY'S PROGRAM

*J*udge Starr will discuss his new book, First Among Equals: The Supreme Court in American Life. He will then take questions from the audience.

The OSI Listening Series will be held periodically to help key White House staff to look over the horizon and anticipate change, keeping in touch with the latest insights, trends, and ideas. To achieve this, OSI will sponsor forums with thinkers, writers, and scholars about what we can do to better plan for the future.

REV_00104886

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/19/2002 5:57:41 AM
Subject: : Re: draft introduction of Judge Starr
Attachments: P_DPBHC003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2002 10:57:41.00
SUBJECT:: Re: draft introduction of Judge Starr
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

good intro, thanks.

Brett M. Kavanaugh
12/19/2002 10:37:17 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP,
Patrick J. Bumatay/WHO/EOP@EOP
cc:
Subject: draft introduction of Judge Starr

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_DPBHC003_WHO.TXT_1>

Introduction of Judge Kenneth W. Starr
(December 19, 2002)

Welcome to the White House. I am privileged to introduce Judge Ken Starr, who will speak about his recent book on the Supreme Court and answer some questions about the Court -- and maybe a few about some other interesting issues Judge Starr has been involved in during his extraordinary legal career.

Ken Starr is a native Texan . . . Judge Starr, that is a good thing around here . . . born in Vernon, Texas in 1946. He graduated from George Washington University and then Duke University Law School. After law school, he served for two years as a law clerk for Chief Justice Warren Burger. At the start of the Reagan Administration, Ken Starr was named Counselor to Attorney General William French Smith and played a key role in the judicial nomination process, including the nomination of Justice Sandra Day O'Connor in 1981.

In 1983, at age 37, Judge Starr himself was nominated by President Reagan and confirmed to the U.S. Court of Appeals for the D.C. Circuit, often considered America's second most important court. On that court, Judge Starr quickly earned a superb reputation -- a standout on a court that included judicial luminaries such as Scalia and Bork and Ruth Bader Ginsburg. In 1989, President George Bush asked Judge Starr to serve as Solicitor General of the United States, a role he ably performed for four years. He then returned to private practice in 1993.

In 1994, Judge Starr was called to his most famous public role, that of independent counsel in the Whitewater matter. As independent counsel, Judge Starr led many important investigations and prosecutions – earning the convictions of the sitting Arkansas Governor, a former Associate Attorney General, and the co-owners of the original Whitewater project. And of course, Judge Starr also led the investigation that ultimately resulted in the second impeachment of a President in American history. Through all the controversy that surrounded his tenure as independent counsel, Judge Starr maintained his dignity and devotion to the rule of law.

Judge Starr has now returned to private practice and continues to be a leader in the legal profession. He is counsel to Senator Mitch McConnell in the landmark campaign finance litigation, and he has written an excellent book about the Supreme Court. Stuart Taylor described Judge Starr's book as a "captivating, perceptive, fair-minded portrait of the world's most powerful court, its justices, and its history . . . accessible to lay readers and brimming with insights for experienced Court-watchers." Having read the book myself, I can say that I agree completely.

Judge Starr, I am not sure you heard the following when you served as independent counsel, but . . . welcome to the White House.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Bradford A. Berenson/WHO /EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 12/19/2002 6:22:44 AM
Subject: : starr

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-DEC-2002 11:22:44.00
SUBJECT:: starr
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Starr is speaking at 1:00 in Room 450 today, and Judge Gonzales is
introducing him. I am biased, but would be nice if we had a good turnout
from our office.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>
Sent: 12/19/2002 6:23:48 AM
Subject: : draft introduction of Judge Starr
Attachments: P_XHDHC003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2002 11:23:48.00
SUBJECT:: draft introduction of Judge Starr
TO:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/19/2002 11:27 AM ----------

Brett M. Kavanaugh
12/19/2002 10:37:17 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP, Patrick J. Bumatay/WHO/EOP@EOP
cc:
Subject: draft introduction of Judge Starr

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XHDHC003_WHO.TXT_1>

Introduction of Judge Kenneth W. Starr
(December 19, 2002)

Welcome to the White House. I am privileged to introduce Judge Ken Starr, who will speak about his recent book on the Supreme Court and answer some questions about the Court -- and maybe a few about some other interesting issues Judge Starr has been involved in during his extraordinary legal career.

Ken Starr is a native Texan . . . Judge Starr, that is a good thing around here . . . born in Vernon, Texas in 1946. He graduated from George Washington University and then Duke University Law School. After law school, he served for two years as a law clerk for Chief Justice Warren Burger. At the start of the Reagan Administration, Ken Starr was named Counselor to Attorney General William French Smith and played a key role in the judicial nomination process, including the nomination of Justice Sandra Day O'Connor in 1981.

In 1983, at age 37, Judge Starr himself was nominated by President Reagan and confirmed to the U.S. Court of Appeals for the D.C. Circuit, often considered America's second most important court. On that court, Judge Starr quickly earned a superb reputation -- a standout on a court that included judicial luminaries such as Scalia and Bork and Ruth Bader Ginsburg. In 1989, President George Bush asked Judge Starr to serve as Solicitor General of the United States, a role he ably performed for four years. He then returned to private practice in 1993.

In 1994, Judge Starr was called to his most famous public role, that of independent counsel in the Whitewater matter. As independent counsel, Judge Starr led many important investigations and prosecutions – earning the convictions of the sitting Arkansas Governor, a former Associate Attorney General, and the co-owners of the original Whitewater project. And of course, Judge Starr also led the investigation that ultimately resulted in the second impeachment of a President in American history. Through all the controversy that surrounded his tenure as independent counsel, Judge Starr maintained his dignity and devotion to the rule of law.

Judge Starr has now returned to private practice and continues to be a leader in the legal profession. He is counsel to Senator Mitch McConnell in the landmark campaign finance litigation, and he has written an excellent book about the Supreme Court. Stuart Taylor described Judge Starr's book as a "captivating, perceptive, fair-minded portrait of the world's most powerful court, its justices, and its history . . . accessible to lay readers and brimming with insights for experienced Court-watchers." Having read the book myself, I can say that I agree completely.

Judge Starr, I am not sure you heard the following when you served as independent counsel, but . . . welcome to the White House.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/19/2002 6:27:19 AM
Subject: : Re: starr

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2002 11:27:19.00
SUBJECT:: Re: starr
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I'll try to come.

Brett M. Kavanaugh
12/19/2002 11:19:31 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: starr

Starr is speaking at 1:00 in Room 450 today, and Judge Gonzales is introducing him. I am biased, but would be nice if we had a good turnout from our office.

Message Sent
To:_____
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Ryan L. Cole/WHO/EOP@EOP [WHO] <Ryan L. Cole>;matthew e. smith/who/eop@eop [WHO] <matthew e. smith>
Sent: 12/19/2002 7:17:24 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2002 12:17:24.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ryan L. Cole (CN=Ryan L. Cole/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Brent

Thanks a million; you really are superlative to work with.

And Ryan, please block out 2-3 pm on the 9th for our first judicial coalition of the year.

Matt Smith is taking the lead on organization in re: place and people.

Thanks

tsg

Brett M. Kavanaugh
12/19/2002 11:09:01 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP
cc:
Subject:

Judge and David Leitch have reserved time on January 9 at 2:00.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>
CC: dylan c. glenn/opd/eop@eop [OPD] <dylan c. glenn>
Sent: 12/19/2002 10:09:40 AM
Subject: : Re: Christmas Contact info needed ASAP

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-DEC-2002 15:09:40.00
SUBJECT:: Re: Christmas Contact info needed ASAP
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:dylan c. glenn ( CN=dylan c. glenn/OU=opd/O=eop@eop [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ditto
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From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/20/2002 6:22:46 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-DEC-2002 11:22:46.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

did you send this to anyone?

Brett M. Kavanaugh
12/19/2002 07:46:25 PM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc:
Subject:

fyi for you guys. I found this looking at the janet reno quotes on campaign finance task force

http://www.usdoj.gov/opa/pr/1999/December/612crm.htm

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/20/2002 6:32:21 AM
Subject: : Re: will call you back

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CREATION DATE/TIME:20-DEC-2002 11:32:21.00
SUBJECT:: Re: will call you back
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Mess today for lunch at noon?

Brett M. Kavanaugh
12/20/2002 11:27:54 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: will call you back

From: NR Advance <NR.Advance@sseop01.eop.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/20/2002 7:23:54 AM
Subject: : Report to UN: Saudis Fund Terror by Joel Mowbray

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:NR Advance <NR.Advance@sseop01.eop.gov> ( NR Advance <NR.Advance@sseop01.eop.gov> [
UNKNOWN ] )
CREATION DATE/TIME:20-DEC-2002 12:23:54.00
SUBJECT:: Report to UN: Saudis Fund Terror by Joel Mowbray
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

http://www.nationalreview.com/mowbray/mowbray122002.asp
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From: CN=Ashley Snee/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/20/2002 9:17:49 AM
Subject: : Camp David List

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-DEC-2002 14:17:49.00
SUBJECT:: Camp David List
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Ashley Snee/WHO/EOP on 12/20/2002 02:10 PM ----------

Ashley Snee
12/20/2002 01:24:27 PM
Record Type: Record

To: Daniel J. Bartlett/WHO/EOP@Exchange@EOP, Ashley Estes/WHO/EOP@EOP
cc:
Subject: Camp David List

FYI - Here is the USA Today story that ran when Judy was given the list last year. It was also given to other reporters who asked, based on this article.

USA TODAY
May 17, 2001, Thursday, FINAL EDITION
SECTION: NEWS; Pg. 9A
LENGTH: 938 words
HEADLINE: Family, friends, staff fill Bush's overnight list So far, he is keeping promise of not 'renting' to fundraisers
BYLINE: Judy Keen
DATELINE: WASHINGTON

BODY:
WASHINGTON -- A list of 152 people who have spent the night at the White House or Camp David since President Bush took office includes nine of 214 elite "Pioneers," who raised at least $ 100,000 for his campaign.

However, four of those Pioneers are Bush's relatives, and four are friends from before he entered politics. The ninth is Labor Secretary Elaine Chao.

Bush said he wouldn't reward donors with overnight stays at the White House or Camp David, and so far, his guest list has been loaded with friends, family and staff. There are no people he knows primarily as contributors, and the list isn't studded with celebrities.
Just before his inauguration, Bush told USA TODAY that he would "restore dignity" to the White House in part by ending President Clinton's practice of inviting donors to spend the night there.
"I can assure you we won't be renting it out for political purposes," Bush said. "Using the quarters as a fundraising vehicle, we're

not going to do that."

Of the 76 people who have stayed at the White House, 41 are longtime Bush friends and members of their families. Twenty-eight are relatives. Five are political associates. Rounding out the list: Richard Levin, president of Yale, where Bush's daughter Barbara is a freshman, and Levin's wife, Jane.

The Camp David guests, also 76 people, include 37 Cabinet members, White House staffers and their families. Fifteen are Bush family members. British Prime Minister Tony Blair, his wife, Cherie, and their staff account for five. The remaining 19 are friends.

Karen Hughes, counselor to the president, says the list demonstrates that Bush "is keeping his promise" that political contributions won't buy access to what he often calls "the people's house."

The list was compiled at USA TODAY's request.

Larry Makinson of the Center for Responsive Politics, a non-partisan group that tracks campaign donations, found nothing to criticize in the guest list. But as the 2004 campaign approaches, Makinson says, "The temptation to add to that list a sprinkling of big-time donors . . . is going to be hard to resist."

In 1997, in the midst of controversy over campaign fundraising, Clinton said 938 people were his overnight guests in 1993-96. More than a third, including many Clinton friends, were donors to the Democratic National Committee or Clinton's campaign in 1996. They gave a total of $ 6 million. Last September, Clinton released another list of 404 overnight guests from July 1999 through August 2000, including donors who gave a total of $ 600,000 to Hillary Rodham Clinton's Senate campaign.

The Clinton lists didn't include dates of overnight stays, so the number of Bush guests in his first four months in office can't be compared with his predecessor's.

In March 2000, Bush, when he was governor of Texas, released a list of 131 people who had stayed at the governor's mansion in Austin. More than $ 2.2 million was raised or given to Bush's presidential campaign by 60 of those guests, including seven Pioneers.

A closer look at Bush's guests at the White House and Camp David:

* Pioneers on the list are Chao; Roland Betts, a New York developer who met Bush at Yale in 1964; Los Angeles venture capitalist Brad Freeman, who has known Bush since 1979; Texas Public Safety Commissioner Jim Francis; Joe O'Neill, an oil executive from Midland, Texas, who introduced Bush to his future wife, Laura; Bush's sister, Doro Bush Koch; his uncle William "Bucky" Bush; his cousin Debbie Stapleton and her husband, Craig, who was named ambassador to the Czech Republic.

Besides raising money for Bush, those nine people also donated a total of $ 380,646 to Bush's presidential campaign, two campaigns for governor, and Republican candidates and party organizations

from 1995 through 2000.

Many of the other friends and relatives on the list also donated to Bush's presidential campaign. Among them: Gerry Parsky, who ran Bush's California campaign and contributed $ 200,000 to the Republican National Committee and $ 20,000 to the California GOP.

* Vice President Cheney and about half of Bush's Cabinet have spent at least one night at Camp David: Chao, Attorney General John Ashcroft, Housing and Urban Development Secretary Mel Martinez, Interior Secretary Gale Norton, Defense Secretary Donald Rumsfeld, Agriculture Secretary Ann Veneman and Environmental Protection Agency chief Christie Whitman.

* Two members of Congress have stayed at Camp David: Chao's husband, Sen. Mitch McConnell, R-Ky., and Sen. Judd Gregg, R-N.H. South Carolina House Speaker David Wilkins was a guest there.

* The president's parents, sister, three brothers and their children have all stayed at the White House, Camp David or both. Other relatives on the list are Nancy Ellis, the president's aunt; her son Hap Ellis and his children, Chris and Walker; and Laura Bush's mother, Jenna Welch.

* Guests also include three Yale classmates: Betts, Terry Johnson and Don Etra. Also on the list are some of Bush's fellow former owners of the Texas Rangers: Betts, Tom Bernstein and Tom Schieffer.

* Fourteen members of Laura Bush's garden club from Austin slept at the White House. So did Kirbyjon Caldwell, senior pastor at Windsor Village United Methodist Church in Houston.

Clinton's guest list was heavy with celebrities, including director Steven Spielberg, singer Barbra Streisand and actress Jane Fonda. The only star on the Bush list is champion bass fisherman Johnny Morris, a family friend.

Contributing: Jim Drinkard

From: CN=Ashley Snee/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/20/2002 9:17:50 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-DEC-2002 14:17:50.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

May 17, 2001

Attorney General John and Janet Ashcroft
Roland and Lois Betts
-Margaret Betts
Prime Minister Tony and Cherie Blair
Josh Bolten
Barbara Bush
George P. Bush
Marvin and Margaret Bush
-Marshall and Walker Bush
-Friend of Marshall Bush
-Friend of Walker Bush
Nick and Lydia Calio
Alastair Campbell
Andy Card
Secretary Elaine Chao and Senator Mitch McConnell
Vice President Dick and Lynne Cheney
Jane Clarke
Chris Ellis
-Walker Ellis
Ashley Estes
Ari Fleischer
Jim and Debbie Francis
Brad Freeman
Senator Judd and Kathy Gregg
Steve Hadley
Israel Hernandez
Jerry and Karen Hughes
-Robert Hughes
Clay and Anne Johnson
Terry Johnson
Bobby and Doro Koch
-Ellie LeBlond and Robert and Gigi Koch
Kate Marinis
Secretary Mel and Kitty Martinez
Ambassador Chris Meyer
Harriet Miers
Megan Moran
Secretary Gale Norton and John Hughes
Joe and Jan O,Neill
Gerry and Robin Parsky
Jonathan Powell
Dr. Condoleezza Rice
Karl and Darby Rove
-Andrew Rove
Secretary Don and Joyce Rumsfeld
John Sawers
Craig and Debbie Stapleton
Secretary Ann Veneman
Logan Walters

Administrator Christine Todd and John Whitman
Speaker David and Susan Wilkins
-Robert Wilkins

From: CN=Virginia Stephens/OU=CEQ/O=EOP [CEQ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/20/2002 9:17:22 AM
Subject: : task force postcard

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Virginia Stephens ( CN=Virginia Stephens/OU=CEQ/O=EOP [ CEQ ] )
CREATION DATE/TIME:20-DEC-2002 14:17:22.00
SUBJECT:: task force postcard
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

did you ever get the fax from my DOE office yesterday???
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From: CN=Wendy L. Nipper/OU=WHO/O=EOP [WHO]

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Attachments: P_IE6JC003_WHO.TXT_1.doc

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CREATION DATE/TIME:20-DEC-2002 18:21:42.00
SUBJECT:: In the President,s Words:
The Rights and Aspirations of the Peoples of the Middle East
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THE WHITE HOUSE

Office of Global Communications

In the President,s Words:
The Rights and Aspirations of the Peoples of the Middle East
December 20, 2002

President Bush believes in the non-negotiable demands of human dignity for all people everywhere. He makes that clear by working for peace and addressing the hopes of Israelis and Palestinians. As he said in his landmark June 24 Rose Garden speech, &This moment is both an opportunity and a test for all parties in the Middle East: an opportunity to lay the foundations for future peace.8
? &We're working with the Sharon government to allow for tax receipts to be redistributed amongst the Palestinian people. And there are a lot of non-governmental organizations doing work within the Palestinian Territory to make sure that people don't starve. But the net effect of terrorism is to not only stop the peace process, but is to cause suffering amongst all the people of the region. And that's why our war against terror must -- must remain steadfast and strong, wherever terror exists.8

President Bush Signs Child Internet Safety Legislation
The Roosevelt Room, Washington, D.C.
December 4, 2002

? &I appreciate so very much the fact that the Prime Minister is committed to working with his Cabinet to move some of the Palestinian money to the Palestinian people; that he cares about the human condition of the Palestinians; and that under a monitoring system to make sure that the money being sent back to the Palestinian people will not be used for terrorist activities, that he is willing to work with his Cabinet to do just that. I believe that's important. We talked about the framework for peace, the idea of working toward peace, the idea of two states living side-by-side in peace as a part of our vision.8

President Bush Welcomes Prime Minister Sharon to White House
The Oval Office, Washington, D.C.
October 16, 2002

? Well, first of all, I'm committed to peace. That's -- I can speak for myself. And I'm committed to a vision of two states respecting each other, two states living side by side in peace.

President Bush, King Abdullah Discuss Middle East Peace
The Oval Office, Washington, D.C.
August 1, 2002

? &This moment is both an opportunity and a test for all parties in the Middle East: an opportunity to lay the foundations for future peace; a test to show who is serious about peace and who is not. The choice here is stark and simple. The Bible says, +I have set before you life and death; therefore, choose life., The time has arrived for everyone in this conflict to choose peace, and hope, and life.8

President Bush Calls for New Palestinian Leadership
The Rose Garden
June 24, 2002

? &I don't think Mr. Arafat is the issue. I think the issue is the Palestinian people. And as I have expressed myself, I am disappointed that he has not led in such a way that the Palestinian people have hope and confidence. And so, therefore, what we've got to do is work to put institutions in place which will allow for a government to develop which

will bring confidence not only to Israelis, but the Palestinians(

&And so, first things first, and that is, what institutions are necessary to give the Palestinian people hope and to give the Israelis confidence that the emerging government will be someone with whom they can deal. And that's going to require security steps; transparency, when it comes to economic matters; anti-corruption devices; rule of law, enforced by a court system.8

President Bush Meets with Prime Minister Sharon
Washington, D.C.
June 10, 2002

? &The United States and the EU share a common vision of two states, Palestine and Israel, living side by side in peace and security. This vision offers the Palestinian people a new opportunity to choose how they live. We should take this opportunity to help build institutions that will serve the Palestinian people, a Palestinian state and its neighbors, as well.8

President Bush Meets with European Leaders
The East Room, Washington, D.C.
May 2, 2002

? &There are clearly people in the Middle East who would use terror as a weapon to derail any peace process. And for there to be peace -- something I long for, and something I know that Israel and the Palestinian people long for -- in order for there to be peace, we must continue to rout out terror. And the message can't be more clear, and we're going to continue to hold people accountable for results.8

Statement by the President on the Middle East
The Bush Ranch, Crawford, Texas
April 28, 2002

? &When an 18 year old Palestinian girl is induced to blow herself up, and in the process kills a 17 year old Israeli girl, the future, itself, is dying -- the future of the Palestinian people and the future of the Israeli people. The United States is strongly committed to finding a just settlement in the Middle East. That settlement must lead to two states, Israel and Palestine, living side by side in peace and security.8

Radio Address by the President to the Nation
April 6, 2002

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Subject: : In the President,s Words: The Rights and Aspirations of the Peoples of the Middle East
Attachments: P_IE6JC003_CEA.TXT_1.doc

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BCC:Andrea_G._Ball@who.eop.gov (Andrea_G._Ball@who.eop.gov [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Peter_M._Rowan@who.eop.gov (Peter_M._Rowan@who.eop.gov [UNKNOWN])
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BCC:CAHARVEY@opm.gov @ inet (CAHARVEY@opm.gov @ inet [UNKNOWN])
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THE WHITE HOUSE

Office of Global Communications

In the President,s Words:
The Rights and Aspirations of the Peoples of the Middle East
December 20, 2002

President Bush believes in the non-negotiable demands of human dignity for all people everywhere. He makes that clear by working for peace and addressing the hopes of Israelis and Palestinians. As he said in his landmark June 24 Rose Garden speech, &This moment is both an opportunity and a test for all parties in the Middle East: an opportunity to lay the foundations for future peace.8
? &We're working with the Sharon government to allow for tax receipts to be redistributed amongst the Palestinian people. And there are a lot of non-governmental organizations doing work within the Palestinian Territory to make sure that people don't starve. But the net effect of terrorism is to not only stop the peace process, but is to cause suffering amongst all the people of the region. And that's why our war against terror must -- must remain steadfast and strong, wherever terror exists.8

President Bush Signs Child Internet Safety Legislation
The Roosevelt Room, Washington, D.C.
December 4, 2002

? &I appreciate so very much the fact that the Prime Minister is committed to working with his Cabinet to move some of the Palestinian money to the Palestinian people; that he cares about the human condition of the Palestinians; and that under a monitoring system to make sure that the money being sent back to the Palestinian people will not be used for terrorist activities, that he is willing to work with his Cabinet to do just that. I believe that's important. We talked about the framework for peace, the idea of working toward peace, the idea of two states living side-by-side in peace as a part of our vision.8

President Bush Welcomes Prime Minister Sharon to White House
The Oval Office, Washington, D.C.
October 16, 2002

? Well, first of all, I'm committed to peace. That's -- I can speak for myself. And I'm committed to a vision of two states respecting each other, two states living side by side in peace.

President Bush, King Abdullah Discuss Middle East Peace
The Oval Office, Washington, D.C.
August 1, 2002

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President Bush Calls for New Palestinian Leadership
The Rose Garden
June 24, 2002

? &I don't think Mr. Arafat is the issue. I think the issue is the Palestinian people. And as I have expressed myself, I am disappointed that he has not led in such a way that the Palestinian people have hope and confidence. And so, therefore, what we've got to do is work to put institutions in place which will allow for a government to develop which

will bring confidence not only to Israelis, but the Palestinians(

&And so, first things first, and that is, what institutions are necessary to give the Palestinian people hope and to give the Israelis confidence that the emerging government will be someone with whom they can deal. And that's going to require security steps; transparency, when it comes to economic matters; anti-corruption devices; rule of law, enforced by a court system.8

President Bush Meets with Prime Minister Sharon
Washington, D.C.
June 10, 2002

? &The United States and the EU share a common vision of two states, Palestine and Israel, living side by side in peace and security. This vision offers the Palestinian people a new opportunity to choose how they live. We should take this opportunity to help build institutions that will serve the Palestinian people, a Palestinian state and its neighbors, as well.8

President Bush Meets with European Leaders
The East Room, Washington, D.C.
May 2, 2002

? &There are clearly people in the Middle East who would use terror as a weapon to derail any peace process. And for there to be peace -- something I long for, and something I know that Israel and the Palestinian people long for -- in order for there to be peace, we must continue to rout out terror. And the message can't be more clear, and we're going to continue to hold people accountable for results.8

Statement by the President on the Middle East
The Bush Ranch, Crawford, Texas
April 28, 2002

? &When an 18 year old Palestinian girl is induced to blow herself up, and in the process kills a 17 year old Israeli girl, the future, itself, is dying -- the future of the Palestinian people and the future of the Israeli people. The United States is strongly committed to finding a just settlement in the Middle East. That settlement must lead to two states, Israel and Palestine, living side by side in peace and security.8

Radio Address by the President to the Nation
April 6, 2002

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IE6JC003_CEA.TXT_1>

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December 20, 2002

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Radio Address by the President to the Nation
April 6, 2002

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 12/20/2002 10:23:04 AM
Subject: : new R Senator in Alaska

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-DEC-2002 15:23:04.00
SUBJECT:: new R Senator in Alaska
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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The Associated Press
Friday, December 20, 2002; 2:11 PM
ANCHORAGE, Alaska )) Former Sen. Frank Murkowski on Friday appointed his
daughter, Republican state Rep. Lisa Murkowski, to serve the remaining two
years of his term in the U.S. Senate.
Murkowski, who spent 22 years as a senator, resigned Dec. 2 when he was
sworn in as Alaska's governor.
As governor, he had the power to appoint his successor in the Senate.
Lisa Murkowski, 45, was re-elected last month to a third term in the
Legislature and had been selected as House Majority leader.
"In some ways, this is probably one of the most important decisions I will
make as your governor, recognizing this responsibility, I've reached out
to Alaskans from all over the state," the governor said.
He said he wanted to choose someone with legislative experience who could
get things done in Washington and establish his or her own identity in the
Senate.
"Above all, I felt the person I appoint to the remaining two years of my
term should be someone who shares my basic philosophy, my values, but
particularly one who shares on the issues of Alaska matters that are
before us," he said. "Someone whose judgment I trust in representing the
state and all of its people."
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>
Sent: 12/20/2002 10:37:01 AM
Subject: : Re:

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-DEC-2002 15:37:01.00
SUBJECT:: Re:
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I do not, but Brad may.

David G. Leitch

12/20/2002 03:35:40 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Do you have a phone number for Jack Goldsmith?

From: Howard, Paul <phoward@Manhattan-Institute.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/20/2002 11:08:05 AM
Subject: : D.C. Meeting

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Howard, Paul" <phoward@Manhattan-Institute.org> ( "Howard, Paul"
<phoward@Manhattan-Institute.org> [ UNKNOWN ] )
CREATION DATE/TIME:20-DEC-2002 16:08:05.00
SUBJECT:: D.C. Meeting
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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Brett,

Our president, Larry Mone, would like to come into D.C. and talk to you about tort reform, and the Manhattan Institute's ongoing tort reform projects.

We'd prefer a meeting in January, if you are available, preferably sometime in the mid morning or early afternoon. Larry is available on January 10th, 15th, 17th, or 22nd. Let me know if any of these dates work for you. If not, let me know what other days might work and I'll try and coordinate your
schedules.

Happy holidays.

Best,

Paul Howard
Deputy Director
Center for Legal Policy
Manhattan Institute

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/20/2002 12:13:31 PM
Subject: : please disregard my messages

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-DEC-2002 17:13:31.00
SUBJECT:: please disregard my messages
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

it has been taken care of.
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From: CN=Edmund A. Walsh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/20/2002 12:14:55 PM
Subject: : Question

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edmund A. Walsh ( CN=Edmund A. Walsh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-DEC-2002 17:14:55.00
SUBJECT:: Question
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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Brett -- What are the restrictions and/or regulations for publishing on
non-political topics if you're employed by the White House? If I don't
identify myself as a White House staffer, would it be possible for me to
post commentary on a web site? Or is any outside writing/publishing
prohibited? - Ed
```

From: CN=Andrea McDaniel/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/20/2002 1:47:09 PM
Subject: : Moy Letter
Attachments: P_H77JC003_WHO.TXT_1.doc

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CREATOR:Andrea McDaniel ( CN=Andrea McDaniel/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-DEC-2002 18:47:09.00
SUBJECT:: Moy Letter
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_H77JC003_WHO.TXT_1>
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December 20, 2002

Dear friends:

It is my pleasure to send greetings to the State of Asian Pacific American Community Conference. The National Asian-America Republican Coalition is an organization for which I have the highest respect.

In providing a forum for the public to address topics pertinent to the community of Asian Pacific Americans, you are providing much needed leadership and service to our community. Your organization has contributed to the increasing role Asian Pacific Americans play within politics and the government.

We have reason to be proud of our representation in the Bush Administration. President George W. Bush has already named 97 Asian Pacific Americans to his Administration, nineteen of which required Senate confirmation--a record setting accomplishment.

I wish to congratulate Elizabeth Szu for her successful leadership of the National Asian-American Republican Coalition and thank you all for your continued commitment to our community. I wish you continued success in your future endeavors.

Sincerely,

Ed Moy
Special Assistant to the President and
Associate Director for Presidential Personnel

Elizabeth Szu
National Asian-American Republican Coalition
6860 Verde Ridge Road
Rancho Palace Verdes, California 90270

From: Jordan, Bill <Bill.Jordan@usdoj.gov>
To: 'David.Aufhauser@do.treas.gov' <David.Aufhauser@do.treas.gov>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: McCallum, Robert <Robert.McCallum@usdoj.gov>;Coffin, Shannen <Shannen.Coffin@usdoj.gov>
Sent: 12/20/2002 2:07:13 PM
Subject: : Fw: Daliberti

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CREATOR:"Jordan, Bill" <Bill.Jordan@usdoj.gov> ("Jordan, Bill" <Bill.Jordan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:20-DEC-2002 19:07:13.00
SUBJECT:: Fw: Daliberti
TO:"'David.Aufhauser@do.treas.gov'" <David.Aufhauser@do.treas.gov> ("'David.Aufhauser@do.treas.gov'" <David.Aufhauser@do.treas.gov> [UNKNOWN])
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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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CC:"McCallum, Robert" <Robert.McCallum@usdoj.gov> ("McCallum, Robert" <Robert.McCallum@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ("Coffin, Shannen" <Shannen.Coffin@usdoj.gov> [UNKNOWN])
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FYI.

-----Original Message-----
From: Federighi, Carol <CFederig@CIV.USDOJ.GOV>
To: Garvey, Vincent <VGarvey@CIV.USDOJ.GOV>; Hunt, Jody <JHunt@CIV.USDOJ.GOV>; Coffin, Shannen <SCoffin@CIV.USDOJ.GOV>; Jordan, Bill <BJordan@CIV.USDOJ.GOV>; Keisler, Peter D <Peter.D.Keisler@USDOJ.gov>; McCallum, Robert <RMcCallu@CIV.USDOJ.GOV>; Victoria Rosenthal (E-mail) <Victoria.Rosenthal@do.treas.gov>; Harris, Paul (SMO) <Paul.Harris@USDOJ.gov>; 'groshlj@ms.state.gov' <groshlj@ms.state.gov>; 'sheryl.cottrell@do.treas.gov' <sheryl.cottrell@do.treas.gov>
Sent: Fri Dec 20 18:27:41 2002
Subject: Daliberti

The court has ordered us to file our reply brief (addressing, among other things, the assistance provision) by January 3. Carol

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/20/2002 3:31:36 PM
Subject: : Re: new vacancy

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-DEC-2002 20:31:36.00
SUBJECT:: Re: new vacancy
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I believe I gave NV to Kyle.

.
```

From: CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 12/23/2002 3:05:36 AM
Subject: : Article mentioning Judicial Nominations

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-DEC-2002 08:05:36.00
SUBJECT:: Article mentioning Judicial Nominations
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Last part of AP story below from Sunday mentions judicial nominations.
Here is the excerpt (full article below):

The Lott controversy may have a direct influence the
president's judicial picks, suggested Sen. Chuck Hagel
(news, bio, voting record), R-Neb. He said he thought
nominees' background "will be examined more closely
regarding racial issues."

One test could come soon: Bush's possible renomination
of U.S. District Judge Charles Pickering for a federal
appeals court vacancy.

Hatch said he thinks Bush should again submit the
nomination, which was defeated by a party-line 10-9
vote in the Democratic-controlled Judiciary Committee
in March.

Pickering, a Lott friend, was opposed by civil rights
groups, which accused him of racial insensitivity.

"He was very badly treated before the United States
Senate," Hatch said.

Leahy, who becomes the committee's ranking Democrat,
said: "I'd vote again [sic] him."
```

Senate GOP to Name Lott's Replacement

By LEIGH STROPE, Associated Press Writer

WASHINGTON - Now that they have deposed one party leader and are to elect another on Monday, Senate Republicans are working to limit the damage that Trent Lott's words had on GOP efforts to court minority voters.

"I think this will present no handicap whatsoever in our ongoing effort to convince the nonwhite citizens of our country that the Republican Party is the place to be," said Sen. Mitch McConnell (news, bio, voting record), the incoming No. 2 Republican leader.

"In the long sweep of American history, this is going to be a blip," McConnell, R-Ky., told "Fox News Sunday."

Senate Republicans planned to elevate Bill Frist of Tennessee in a conference call Monday afternoon, making him majority leader when the GOP retakes Senate control in the new Congress that convenes in early January.

Lott, R-Miss., resigned Friday, more than two weeks after his verbal blunder that implied he favored racial segregation. Lott's praise of Strom Thurmond's segregationist run for president in 1948 had put the entire Republican Party on the defensive, from the White House down.

He will return to the Senate in January, but not in a leadership position. Republican sources said it appeared that Lott, a senator since 1989, had waited too long to end the controversy and lost any leverage he might have had to cut a deal to become a committee chairman.

"There is no apparent position of influence to which we can elect him," McConnell said. "He will, in my view, have enormous influence as someone who knows a lot about how the Senate works."

The incoming Judiciary Committee (news - web sites) chairman, GOP Sen. Orrin Hatch (news, bio, voting record) of Utah, praised President Bush (news - web sites) * as the party's top leader * for reaching out to all people and he criticized Democrats who argue that Republicans' positions hold little appeal for minorities.

"The attitude is that only Democrats care about minorities. That's pure B.S.," Hatch said on ABC's "This Week."

"I think every Republican is working hard to try and be good to minorities and do what's right. We can't support some of the far-left, you know, extreme approaches toward race, but we certainly do believe in equality."

Lott's surprise endorsement of affirmative action will not change the GOP's opposition, senators said. Lott, in a late effort to salvage his job, declared his support on Black Entertainment Television last week.

"I don't believe that Republicans are going to start endorsing quotas and preferences," McConnell said.

As majority leader, Frist can make a difference in bringing more people into the Republican camp, Hatch said.

"It'll be a different face than what we've had, and I'm not criticizing what we've had, but I think Bill has a kind of a more moderate record and a more moderate approach toward things," Hatch said.

A leading Democrat, Sen. Patrick Leahy (news, bio, voting record) of Vermont, agreed. "But I think he's going to have to reach out. It's not enough to say that we're all colorblind or anything else."

Sen. Rick Santorum (news, bio, voting record), R-Pa., said the concerns raised about Lott's remarks have "re-energized many of us here in the Senate to build this country from the bottom up and provide equal opportunity for every American to succeed in the American dream."

Lott's fellow Mississippian, GOP Sen. Thad Cochran (news, bio, voting record), also said on CBS' "Face the Nation" that it was important that Republicans show "we have genuine concern and a plan" to address the interests of minorities.

And Sen. James Inhofe (news, bio, voting record), R-Okla., asked if Republicans would make a greater effort on behalf of minorities, said: "The outreach has been there. I think it's a change of concept."

The Lott controversy may have a direct influence the president's judicial picks, suggested Sen. Chuck Hagel (news, bio, voting record), R-Neb. He said he thought nominees' background "will be examined more closely regarding racial issues."

One test could come soon: Bush's possible renomination of U.S. District Judge Charles Pickering for a federal appeals court vacancy.

Hatch said he thinks Bush should again submit the nomination, which was defeated by a party-line 10-9 vote in the Democratic-controlled Judiciary Committee in March.

Pickering, a Lott friend, was opposed by civil rights groups, which accused him of racial insensitivity.

"He was very badly treated before the United States Senate," Hatch said.

Leahy, who becomes the committee's ranking Democrat, said: "I'd vote again him."

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/23/2002 4:22:21 AM
Subject: : Re: question per mtg

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-DEC-2002 09:22:21.00
SUBJECT:: Re: question per mtg
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

None of mine.

.
```

From: ted.ullyot@aoltw.com [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/23/2002 5:54:51 AM
Subject: : Re:
Attachments: P_RG5KC003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:ted.ullyot@aoltw.com (ted.ullyot@aoltw.com [UNKNOWN])
CREATION DATE/TIME:23-DEC-2002 10:54:51.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

In a message dated 12/23/02 1:51:24 PM GMT Standard Time,
Brett_M._Kavanaugh@who.eop.gov writes:

> call me today.
>

Will do -- will call in 2-3 hours or so, when I get home.

N.B. Skins staying one game ahead of the surging Vikes . . . .

_____
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copies from your computer or storage system. Thank you.
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RG5KC003_WHO.TXT_1>

In a message dated 12/23/02 1:51:24 PM GMT Standard Time, Brett_M._Kav anaugh@who.eop.gov writes:

> call me today.

Will do -- will call in 2-3 hours or so, when I get home.

N.B. Skins staying one game ahead of the surging Vikes . . . .

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/23/2002 7:37:11 AM
Subject: : RE: Final letter

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-DEC-2002 12:37:11.00
SUBJECT:: RE: Final letter
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/23/2002 12:13:49 PM
Subject: : Re: ?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-DEC-2002 17:13:49.00
SUBJECT:: Re: ?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

It's a good grant.

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:H. Christopher Bartolomucci/WHO/EOP@EOP
Cc:
Date: 12/23/2002 05:06:02 PM
Subject: ?

Walter F. Schuerer of Amana, Iowa. Fined $15,000 in 1989 for making a false statement to the Social Security Administration regarding his employment.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 12/23/2002 12:14:58 PM
Subject: : Re: ?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-DEC-2002 17:14:58.00
SUBJECT:: Re: ?
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ok. just checking.

H. Christopher Bartolomucci
12/23/2002 05:13:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: ?

It's a good grant.

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:H. Christopher Bartolomucci/WHO/EOP@EOP
Cc:
Date: 12/23/2002 05:06:02 PM
Subject: ?

Walter F. Schuerer of Amana, Iowa. Fined $15,000 in 1989 for making a false statement to the Social Security Administration regarding his employment.

From: CN=Alicia W. Davis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/23/2002 10:15:48 AM
Subject: : Trap Shooting

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-DEC-2002 15:15:48.00
SUBJECT:: Trap Shooting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I assume I am not able to help with a request like this.
---------- Forwarded by Alicia W. Davis/WHO/EOP on 12/23/2002 03:14 PM ----------

Joel_Maiola@gregg.senate.gov (Joel Maiola)
12/19/2002 11:23:09 AM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP, Ken Mehlman/WHO/EOP@EOP
cc:
Subject: Trap Shooting

Amy is a former State Senator who along with her husband Charlie runs Pat-traps
and holds the patent on the only double armed trap machine which is made in Henniker, NH. She is a very big fan of President Bush and has been from the
beginning.

If you could point her in the right direction or if you could let me know who
the contact person is, it would be greatly appreciated.

_____Forward Header_____
Subject: Is this true?
Author: Amy Patenaude <amy@conknet.com>
Date: 12/18/2002 4:42 PM

Hi Joel: If below is true and way to get them to buy US built trap machines
or Pat-Traps from NH? Do you know who is in charge of the project so I could contact them personally?
Hope all is well. Thanks for your help.

lveo amy

President signs bill giving southern Nevada land for shooting range

President Bush on Tuesday signed a measure giving 2,880 acres of federal land to Clark County for a public shooting range that officials say will be the largest of its kind in the nation.

The president's action came a day after elected officials and gun enthusiasts gathered at the site northwest of Las Vegas to hail word that the government would turn over $230 million worth of land.

The projected $30 million Clark County Sport Shooting Park will include ranges for archery, air guns, pistols, rifles and shotguns. There will also be trap, skeet and sporting clays.

Proponents began pushing for federal land for the shooting range two years ago, citing safety concerns and the proximity of homes being built close to existing outdoor ranges and police training centers.

In 1999, a French tourist was startled when a stray bullet punctured the hood of his rental car at a campground in Red Rock Canyon, about 30 miles west of Las Vegas. Police said the shot might have come from a rifle and pistol range about a mile away.

The state's congressional delegation had supported the bill allocating the land for the project.

County officials have said the facility would be modeled after the Ben Avery
Shooting Range, a publicly owned and operated facility about 23 miles north of Phoenix.

Received: from mailsims1.senate.gov ([156.33.203.10]) by imaexch.senate.gov with
SMTP
(IMA Internet Exchange 3.13) id 00C5D586; Wed, 18 Dec 2002 16:35:23 -0500
Received: from navgw2.senate.gov by mailsims1.senate.gov
(Sun Internet Mail Server sims.3.5.2000.03.23.18.03.p10)
with SMTP id <0H7C00MPT44I63@mailsims1.senate.gov> for
Joel_Maiola@gregg.senate.gov; Wed, 18 Dec 2002 16:38:43 -0500 (EST)
Received: from im1.sec.tds.net ([216.170.230.91])
by navgw2.senate.gov (SAVSMTP 3.0.0.44) with SMTP id M2002121816324516069
for
<Joel_Maiola@gregg.senate.gov>; Wed, 18 Dec 2002 16:32:46 -0500
Received: from apatenaude ([206.32.3.95]) by im1.sec.tds.net
(8.12.3/8.12.3)
with SMTP id gBILY4l9018480 for <Joel_Maiola@gregg.senate.gov>; Wed,
18 Dec 2002 15:34:05 -0600 (CST)
Date: Wed, 18 Dec 2002 16:42:29 -0500
From: Amy Patenaude <amy@conknet.com>
Subject: Is this true?
To: Joel Maiola <Joel_Maiola@gregg.senate.gov>
Message-id: <NDBBIAGMGLLBAFMKKOKNMEEHDFAA.amy@conknet.com>
MIME-version: 1.0
X-Mailer: Microsoft Outlook IMO, Build 9.0.2416 (9.0.2910.0)
Content-type: text/plain; charset=iso-8859-1
Content-transfer-encoding: 7bit
Importance: Normal
X-MSMail-Priority: Normal
X-MimeOLE: Produced By Microsoft MimeOLE V5.00.2615.200
X-Priority: 3 (Normal)

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/23/2002 5:17:31 PM
Subject: : Out of Office AutoReply: 5th Circuit -- number of seats in each state

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ( "Dinh, Viet" <Viet.Dinh@usdoj.gov> [ UNKNOWN ]
)
CREATION DATE/TIME:23-DEC-2002 22:17:31.00
SUBJECT:: Out of Office AutoReply: 5th Circuit -- number of seats in each state
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I am currently out of the office. If your message is urgent, please
contact Jason Sutton at 202-514-4601. Thank you.
```

From: CN=David G. Leitch/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 12/27/2002 2:43:31 AM
Subject: : From USA Today

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-DEC-2002 07:43:31.00
SUBJECT:: From USA Today
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Civil Rights Groups Will Press Frist To Oppose Bush Judicial Nominees.ÿ USA Today (12/27, Kiely) reports, "A coalition of leading civil rights, religious and labor groups plans to ask the new Senate majority leader, Republican Bill Frist of Tennessee, to translate his party's pledges of inclusiveness into policy changes. That could trigger a backlash from Republicans who want the party to stay its conservative course."ÿ Wade Henderson, executive director of the Leadership Conference on Civil Rights, "said his group will seek a meeting with Frist 'to give him an opportunity to make a fresh start' after the controversy over Sen. Trent Lott's praise of retiring Sen. Strom Thurmond's 1948 presidential bid. Thurmond ran as a segregationist. Lott was forced to step down as GOP Senate leader."ÿ The Leadership Conference "is a coalition of more than 180 groups. Its overture to Frist illustrates how the Lott controversy has given liberal activists new hope of influencing the Washington agenda even though Republicans will control both chambers of Congress and the White House."ÿ The group "wants Frist to:ÿ Oppose five of President Bush's 15 federal judicial nominees who were left in limbo when Congress adjourned in November: Charles Pickering of Mississippi; Priscilla Owen of Texas; Carolyn Kuhl of California; Terrence Boyle of North Carolina and Jeffrey Sutton of Ohio.ÿ They have 'records of deep hostility to core civil rights principles,' the Leadership Conference contended. Supporters of the five say they are being opposed because they are conservative.ÿ Support legislation that would encourage federal investigations and prosecutions of hate crimes -- acts believed to have been prompted by race, religion, nationality, gender, sexual orientation or disability. Most Senate Republicans have opposed the hate-crimes legislation on the grounds that all violent crimes are heinous, regardless of the motivation.ÿ Support funds for election reform."ÿ USA Today adds, "Also likely to request a meeting with Frist: Congressional Black Caucus Chairman Elijah Cummings, D-Md. He's glad the GOP replaced Lott, but he wants more."

From: Bartlett, Daniel J.
To: <Kavanaugh, Brett M.>
Sent: 12/30/2002 11:58:45 AM
Subject: are you back?

supposed to be 60 degrees tomorrow...

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Helgard C. Walker/WHO /EOP@EOP [WHO] <Helgard C. Walker>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Bradford A. Berenson/WHO /EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 12/31/2002 4:18:13 AM
Subject: : ABM Treaty case
Attachments: P_M3RMC003_WHO.TXT_1

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:31-DEC-2002 09:18:13.00
SUBJECT:: ABM Treaty case
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Another great opinion from Judge Bates. He cites his decision in Walker
v. Cheney for the proposition that the judiciary should adhere to its
"traditional restricted role" in disputes between the political branches
"in keeping with the Constitution's separation of powers structure."

---------------------- Forwarded by Kyle Sampson/WHO/EOP on 12/31/2002
09:13 AM ---------------------------



"Keisler, Peter D" <Peter.D.Keisler@usdoj.gov>
12/30/2002 05:07:12 PM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP
cc:
Subject: ABM Treaty case



Kyle/David:

We won the ABM Treaty case -- dismissed on justiciability grounds. The
decision is attached. Happy New Year.

Peter Keisler
```

- decision 12-30.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_M3RMC003_WHO.TXT_1>

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DENNIS KUCINICH, Representative to Congress from Ohio, et al.,	:	
Plaintiffs,	:	
v.	:	**Civil Action No. 02-1137 (JDB)**
	:	**ECF**
GEORGE W. BUSH, President of the United States, COLIN POWELL, Secretary of State, DONALD H. RUMSFELD, Secretary of Defense,	:	
Defendants.	:	

MEMORANDUM OPINION

Thirty-two members of the House of Representatives (hereinafter "plaintiffs" or "the congressmen") bring this action against President George W. Bush, Secretary of State Colin Powell, and Secretary of Defense Donald H. Rumsfeld ("defendants") challenging President Bush's unilateral withdrawal from the 1972 Anti-Ballistic Missile Treaty ("ABM Treaty") without the approval of Congress. The congressmen contend that because the Supremacy Clause of the Constitution classifies treaties, like Acts of Congress, as the "supreme law of the land," the President cannot terminate a treaty without congressional consent, any more than he could repeal a statute. Defendants counter that the congressmen lack standing to bring this action, that their complaint raises a nonjusticiable political question, and that their claim is not ripe. Defendants further contend that given the President's plenary power over foreign relations under the Constitution and the fact that the treaty authority is in Article II of the Constitution delineating the Executive Branch's powers, and in light of historical practice over the past 200 years, the President's

REV_00105237

withdrawal from the ABM Treaty without seeking congressional approval was constitutional.

Before the Court are cross-motions for summary judgment, and several amicus briefs. The Court does not reach the merits of plaintiffs' claim in the face of two prongs of the justiciability doctrine, each founded on separation of powers concerns. Under the ruling in Raines v. Byrd, 521 U.S. 811 (1997), the Court finds that these thirty-two congressmen have not alleged the requisite injury to establish standing to pursue their claim. And pursuant to Goldwater v. Carter, 444 U.S. 996 (1979), the Court concludes that the treaty termination issue is a nonjusticiable "political question" that cannot be resolved by the courts. Accordingly, this action will be dismissed.

BACKGROUND

The United States and the Soviet Union entered into the bilateral ABM Treaty on October 3, 1972.[1] The ABM Treaty strictly limited the number and location of anti-ballistic missile systems that each side could deploy for defense against nuclear missile attacks. Both nations agreed not to develop ABM technology, and not to test or deploy such technology on land, at sea, or in space. A critical component of an interlocking framework of arms control agreements, the ABM Treaty was a cornerstone of the Cold War policy of "mutually assured destruction," an understanding that without ABM defenses neither side would risk starting a nuclear war because it knew the other side would massively retaliate, thus ensuring the widespread destruction of both nations.

President Bush, however, concluded that the world order and international security had drastically changed since the inception of the ABM Treaty three decades ago. Accordingly, on

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[1] See Limitation of Anti-Ballistic Missile Systems, May 26, 1972, U.S.-U.S.S.R., 23 U.S.T. 3435.

REV_00105238

December 13, 2001, he gave Russia the requisite six-months notice of the intention of the United States to withdraw from the ABM Treaty, pursuant to the Treaty's termination clause:

> Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty.

ABM Treaty, art. XV, cl. 2. The White House explained that "[t]he Soviet Union no longer exists [and] Russia is not an enemy, but in fact is increasingly allied with us on a growing number of critically important issues."[2] The State Department cited the development of "a new strategic relationship with Russia that is cooperative rather than adversarial," including "strong relationships with most states of the former Soviet Union." See United States Department of State, Text of Diplomatic Notes Sent to Russia, Belarus, Kazakhstan, and Ukraine (Dec. 14, 2002).

President Bush also explained that a number of foreign regimes "have acquired or are actively seeking to acquire weapons of mass destruction . . . [that] pose a direct threat to the territory and security of the United States." Id. "The attacks against the U.S. homeland on September 11 vividly demonstrate that the threats we face today are far different from those of the Cold War." Def. Motion, Ex. 2, supra note 2. Compliance with the Treaty, President Bush noted, "hinders our government's ability to develop ways to protect our people from future terrorist or

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[2] See Def. Motion, Ex. 2 (Office of the Press Secretary, the White House, Announcement of Withdrawal From the ABM Treaty, at 1 (Dec. 13, 2001)). Whether the disintegration of the Soviet Union terminated the Treaty's obligations, or the Soviet Union's successor states instead succeeded to or accepted the Treaty's terms, is not at issue here.

REV_00105239

rogue state missile attacks."[3]

Before he withdrew from the Treaty, however, President Bush did not submit the question of treaty termination to the Senate or the House. Nor did the President otherwise seek congressional consent for the withdrawal. Nearly six months after President Bush announced his intention to terminate the treaty, these congressmen brought suit on June 11, 2002, just two days before the termination of the ABM Treaty became effective.[4]

ANALYSIS

Defendants raise a number of distinct bases for dismissing plaintiffs' complaint on jurisdictional grounds, including standing, political question, and ripeness. These doctrines all arise out of the "bedrock requirement" that courts hear only "cases and controversies." See Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, Inc., 454 U.S. 464, 471 (1982). As the Supreme Court has explained, "[t]he federal courts are under an independent obligation to examine their own jurisdiction, and standing 'is perhaps the most important of the jurisdictional doctrines.'" FW/PBS, Inc. v. City of Dallas, 493 U.S. 215, 230 (1990) (quoting Allen v. Wright, 468 U.S. 737, 750 (1984)).[5] The Court will therefore begin its analysis with standing, and then

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[3] See Def. Motion, Ex. 5 (Office of the Press Secretary, the White House, Remarks by the President on Missile Defense (Dec. 13, 2001)).

[4] No emergency relief was, or since has been, requested.

[5] Standing must be determined as a threshold jurisdictional matter. See Whitman v. Arkansas, 495 U.S. 149, 155 (1990); see also Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 101-02 (1998). In Campbell v. Clinton, 203 F.3d 19 (D.C. Cir. 2000), a complaint brought by several congressmen against President Clinton was challenged on grounds of mootness, standing, and justiciabililty. The Court of Appeals, however, only reached standing: "Since we agree with the district court that the congressmen lack standing, it is not necessary to decide

REV_00105240

proceed to the related issue of whether a nonjusticiable political question is presented. In light of the resolution of these threshold jurisdictional issues, the Court does not reach the merits of plaintiffs' claims.

I. Standing

Article III of the Constitution restricts the jurisdiction of the federal courts to "Cases" and "Controversies." U.S. Const. art. III, § 2; Flast v. Cohen, 392 U.S. 83, 94 (1968); Allen, 468 U.S. at 750. This requirement has given rise to "several doctrines . . . 'founded in concern about the proper — and properly limited — role of the courts in a democratic society.'" Allen, 468 U.S. at 750 (quoting Warth v. Seldin, 422 U.S. 490, 498 (1975)); Valley Forge, 454 U.S. at 471. One aspect of this "case-or-controversy" requirement is that plaintiffs must have standing to sue, an inquiry that focuses on whether the plaintiff is the proper party to bring suit. FW/PBS, Inc., 493 U.S. at 231. Hence, "'the question of standing is whether the litigant is entitled to have the court decide the merits of the dispute or of particular issues.'" Allen, 468 U.S. at 750-51 (quoting Warth, 422 U.S. at 498).

Standing focuses on the particular injury allegedly suffered by the plaintiff:

> First, the plaintiff must have suffered an injury in fact — an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of — the injury has to be fairly . . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the court. Third, it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.

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whether there are other jurisdictional defects." 203 F.3d at 20.

REV_00105241

Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992) (internal citations and quotation marks omitted). "These requirements together constitute the 'irreducible constitutional minimum' of standing, which is an 'essential and unchanging part' of Article III's case-or-controversy requirement, and a key factor in dividing the power of government between the courts and the two political branches." Vermont Agency of Natural Res. v. United States ex rel. Stevens, 529 U.S. 765, 771 (2000) (internal citations omitted) (quoting Lujan, 504 U.S. at 559-60).

A. Raines v. Byrd

The question whether members of Congress have standing to sue Executive Branch officials is neither novel nor unsettled. Indeed, this case is squarely within the holding of Raines v. Byrd. The Supreme Court in Raines emphasized that in cases of inter-branch disputes between the Executive and Legislative Branches of government, courts must conduct a more exacting scrutiny of standing, particularly the alleged injury: "our standing inquiry has been especially rigorous when reaching the merits of the dispute would force us to decide whether an action taken by one of the other two branches of the Federal Government was unconstitutional." 521 U.S. at 819-20.

Like the congressmen here, the plaintiffs in Raines were a small number of members of Congress suing the Executive Branch. They challenged the constitutionality of the Line Item Veto Act, 2 U.S.C. § 691 *et seq.*, which authorized the President to strike, or "veto," specific items or provisions within appropriations legislation. Although the plaintiffs in Raines had voted against the bill, both the Senate and the House passed the legislation by wide margins, and President Clinton signed it into law.

After losing the fight in Congress, the congressmen in Raines brought their challenge to

REV_00105242

court, arguing that the Act "unconstitutionally expand[ed] the President's power" and "violate[d] the requirements of bicameral passage and presentment by granting to the President, acting alone, the authority to 'cancel' and thus repeal provisions of federal law." Raines, 521 U.S. at 816. The Line Item Veto Act, they contended, "divest[ed] the plaintiffs of their constitutional role in the repeal of legislation," and "alter[ed] the constitutional balance of powers between the Legislative and Executive Branches." Id. The District Court found that the congressmen's claim that the Act "dilute[d] their Article I voting power" was a sufficient injury to confer standing, and ultimately found that the Act violated the Presentment Clause of the Constitution, amounting to an unconstitutional delegation of legislative power to the President. See Byrd v. Raines, 956 F.Supp. 25, 31, 32-38 (D.D.C. 1997). On direct review, the Supreme Court vacated the District Court's ruling, and held that the plaintiffs could not meet "the bedrock requirement" of standing:

> 'No principle is more fundamental to the judiciary's proper role in our system of government than the constitutional limitation of federal-court jurisdiction to actual cases or controversies.' . . . We have always insisted on strict compliance with this jurisdictional standing requirement.

521 U.S. at 818-19 (quoting Simon v. Eastern Ky. Welfare Rights Org., 426 U.S. 26, 37 (1976)).

In order to establish standing, the Supreme Court emphasized, a plaintiff must show that the "claimed injury is personal, particularized, concrete, and otherwise judicially cognizable." 521 U.S. at 820. The Court underscored that the injury must be *personal* to that plaintiff in order to satisfy the Article III case-or-controversy requirement:

> To meet the standing requirements of Article III, "[a] plaintiff must allege *personal injury* fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief." Allen v. Wright, 468 U.S. 737, 751 (1984) (emphasis added). For our purposes, the italicized words in this quotation from Allen are the key ones. We have consistently stressed that a plaintiff's complaint

REV_00105243

> must establish that he has a "personal stake" in the alleged dispute, and that the alleged injury suffered is particularized as to him.

Id. at 818-19; see also Lujan, 504 U.S. at 561 n.1 ("By particularized, we mean that the injury must affect the plaintiff in a personal and individual way.").

The Supreme Court characterized the congressmen's alleged injury in Raines as "the abstract dilution of institutional legislative power." Id. at 826. The congressmen there alleged a broad "type of institutional injury," particularly "the diminution of legislative power" — an injury, the Court found, "which necessarily damages all Members of Congress and both Houses of Congress equally." Id. at 821. The Court held "that these individual members of Congress do not have a sufficient 'personal stake' in the dispute and have not alleged a sufficiently concrete injury to have established Article III standing." Id. at 830.

B. The Application of Raines Here

The injuries in Raines are precisely the type of injuries raised here. The complaint alleges that plaintiffs have standing because President Bush failed to obtain congressional consent to withdraw from the ABM Treaty, and hence they were "deprived of their constitutional right and duty to participate in treaty termination." Compl. ¶ 13. Plaintiffs allege that the Constitution requires "that the making, modifying, and terminating of treaties be the joint prerogative of the executive and legislative branches," and that in light of the Constitution's checks and balances "the President has a duty to seek and obtain the concurrence of two-thirds of the Senate or a majority of both Houses for the termination of a treaty." Compl. ¶¶ 11-12. As their complaint characterizes it, "plaintiffs have sustained a grievous institutional injury by being deprived of their constitutional

REV_00105244

right and duty to participate in treaty termination." Id. at ¶ 13. This alleged injury mirrors that claimed in Raines, where the congressmen argued they were "divest[ed] . . . of their constitutional role in the repeal of legislation." 521 U.S. at 816. It is, effectively, the same *institutional* injury as in Raines, where the Line Item Veto Act allegedly "alter[ed] the constitutional balance of powers between the Legislative and Executive Branches." Id.

There are striking similarities between the claims in Raines and the claims here. Both groups of congressmen brought their claims in "their official capacities as members of the United States Congress." Compare Compl. ¶ 6 with Raines, 521 U.S. at 816. Both allege injuries to the constitutional role and power of the Legislative Branch — here, in the treaty termination process, and in Raines, in the repeal of legislation. In both cases, all members of Congress (not just those bringing the lawsuit) suffered the alleged injuries equally. Indeed, the congressmen here conceded at the hearing on the parties' motions that their alleged injuries extend to all members of the House and Senate, just as the injury alleged in Raines did. See 521 U.S. at 821 (injury "necessarily damage[d] all Members of Congress and both Houses of Congress equally").

In each case, moreover, the congressmen had actually voted on measures they opposed, but lost the vote. In Raines, the congressmen had voted on the legislation establishing the Line Item Veto Act: "[T]heir votes were given full effect. They simply lost that vote." 521 U.S. at 824. Likewise, here the congressmen voted on a resolution against President Bush's termination of the Treaty, and lost. On June 6, 2002, Representative Kucinich offered a resolution in the House:

> Whereas, the President does not have the authority to repeal laws . . . . Therefore, be it resolved, That the President should respect the Constitutional role of Congress and

REV_00105245

> seek the approval of Congress for the withdrawal of the United States of America from the Anti-Ballistic Missile Treaty.

Compl. ¶ 25. Following debate, the Speaker of the House ruled the resolution did not constitute a point of privilege under House rules and therefore could not be considered at the time. On appeal of that ruling to the full House, a motion to table the appeal was agreed to by a vote of 254 to 169. Compl. ¶ 25. All thirty-two congressmen who are plaintiffs here voted against the motion to table Congressman Kucinich's resolution. See H.R. Roll Call Vote No. 214, June 6, 2002.[6] There has been no claim here that their votes were not given full effect. Rather, "[t]hey simply lost that vote." Raines, 521 U.S. at 824.

Simply put, Raines teaches that generalized injuries that affect all members of Congress in the same broad and undifferentiated manner are not sufficiently "personal" or "particularized," but rather are *institutional*, and too widely dispersed to confer standing.

> [A]ppellees do not claim that they have been deprived of something to which they *personally* are entitled — such as their seats as Members of Congress after their constituents had elected *them*. Rather, appellees' claim of standing is based on a loss of political power, not loss of any private right, which would make the injury more concrete. . . . [T]he injury claimed by the Members of Congress here is not claimed in any private capacity but solely because they are Members of Congress. If one of the Members of Congress were to retire tomorrow, he would no longer have a claim; the claim would be possessed by his successor instead. The claimed injury thus runs (in a sense) with the Member's seat, a seat which the Member holds (it may quite arguably be said) as trustee for his constituents, not as a prerogative of personal power.

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[6] Likewise, Senator Feingold sought a unanimous consent resolution stating that it was "the sense of the Senate that approval of the United States Senate is required to terminate any treaty between the United States and another nation" and that "the Senate does not approve the withdrawal of the United States from the [ABM] Treaty." Compl. ¶ 26. However, an objection was made, and the resolution was never considered by the Senate.

REV_00105246

Id. at 821 (citations omitted; emphasis in original). In short, "the institutional injury they allege is wholly abstract and widely dispersed." Id. at 829. So, too, here the claim that plaintiffs were deprived of a constitutional right and duty to participate in treaty termination is, like the dilution of legislative power alleged in Raines, an institutional injury lacking a personal, particularized nature.[7]

Nor are the congressmen's injuries here the unusual type of personalized injury affecting a specific legislator for which the Supreme Court has recognized standing. In Raines, the Court distinguished that rare instance where a legislator would have standing to bring suit, specifically Powell v. McCormack, 395 U.S. 486 (1969), in which a newly elected congressman had standing to bring suit when the House excluded him from his seat because of alleged fraud.

> Unlike the injury claimed by Congressman Adam Clayton Powell, the injury claimed by the Members of Congress here is not claimed in any private capacity but solely because they are Members of Congress.

Raines, 521 U.S. at 821 (emphasis in original).

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[7] The Supreme Court upheld legislative standing for institutional injuries in Coleman v. Miller, 307 U.S. 433 (1939). The plaintiffs were twenty Kansas senators who voted against the ratification of a constitutional amendment, resulting in a deadlock that otherwise would defeat the amendment. But the Kansas lieutenant governor, the presiding officer of the state senate, cast the tie-breaking vote to ratify the amendment, thereby "nullifying" the twenty state senators' votes and leaving them with no remedy — an injury the Supreme Court deemed particularized and personal to those state senators. Raines, however, distinguished the injury in Coleman:

> It is obvious, then, that our holding in Coleman stands (at most) for the proposition that legislators whose votes would have been sufficient to defeat (or enact) a specific legislative Act have standing to sue if that legislative action goes into effect (or does not go into effect), on the ground that their votes have been completely nullified. It should be equally obvious that [plaintiffs'] claim does not fall within our holding in Coleman, as thus understood. They have not alleged that they voted for a specific bill, that there were sufficient votes to pass the bill, and that the bill was nonetheless deemed defeated.

Raines, 521 U.S. at 823-24 (citations omitted).

REV_00105247

Thus, in nearly every respect, plaintiffs' alleged injuries are effectively the same as those raised in Raines, involving a similar alleged loss of legislative power to the Executive Branch. Both groups of congressmen asserted purely institutional injuries that were not personal to the individual congressmen. Under Raines, then, the plaintiffs here do not have standing.

C. Decisions Subsequent to Raines

This Circuit has applied Raines in two subsequent cases, underscoring the principle that absent some discrete, personal, particularized injury, a handful of congressmen will not have standing to bring suit against the Executive Branch. Each case — like this one — involved congressmen suing the President over an alleged diminution of their roles as members of Congress.

In Chenoweth v. Clinton, 181 F.3d 112 (D.C. Cir. 1999), four congressmen brought suit against President Clinton challenging an environmental program enacted through executive order rather than legislation. The President's use of an executive order, plaintiffs claimed, "deprived [them] of their constitutionally guaranteed responsibility of open debate and vote on issues and legislation" involving interstate commerce and the expenditure of federal money. 181 F.3d at 113. The alleged injury in Chenoweth was "predicated upon the theory that . . . the President denied them their proper role in the legislative process and, consequently, diminished their power as Members of Congress." Id. Finding Raines dispositive, the court concluded that the congressmen did not have standing and dismissed the case:

> As the plaintiffs point out, the injury they allegedly suffered when the President issued [the executive order] — a dilution of their authority as legislators — is . . . identical to the injury the Court in Raines deprecated as "widely dispersed" and "abstract." If, as the Court held in Raines, a statute that allegedly "divests

REV_00105248

> [congressmen] of their constitutional role" in the legislative process does not give standing to sue, then neither does an Executive Order that allegedly deprives congressmen of their "right[] to participate and vote on legislation in a manner defined by the Constitution."

Id. at 115 (citations omitted). The court found the plaintiffs' claimed injury — the "dilut[ion of] their authority as members of Congress" — was "indistinguishable from the claim to standing the Supreme Court rejected in Raines." Id. at 117.

The same result was reached in Campbell v. Clinton, 203 F.3d 19 (D.C. Cir. 2000). There, thirty-one congressmen challenged President Clinton's use of armed forces in Yugoslavia, claiming that the President "acted illegally — in excess of his authority — because he waged war in the constitutional sense without a congressional delegation," in violation of the War Powers Resolution, thereby "inflict[ing] an institutional injury upon Congress, in this case by circumventing its legislative authority." 203 F.3d at 21-22. The court found that the congressmen did not have standing under Raines. "The [Supreme] Court did not suggest in Raines that . . . congressmen would have standing anytime a President allegedly acts in excess of statutory authority." Id. at 22. Again, the injury alleged was to the institution, not to individual members of Congress.

The injuries alleged in Chenoweth and Campbell — which the Court of Appeals found were insufficient to establish standing — are much like the injuries claimed here. The congressmen claim that they have been divested of their constitutional role in treaty termination. That is no different from the alleged injury in Chenoweth — being divested of a role in voting on and approving or rejecting legislation — or the alleged injury in Campbell — being divested of a role in declaring war. Indeed, the injury alleged by plaintiffs here, that President Bush's termination of the

REV_00105249

ABM Treaty "dilute[d] their Article I voting power," is virtually indistinguishable from the injuries asserted in Chenoweth and Campbell, which also involved alleged dilution of authority as members of Congress. Plaintiffs do not — and cannot — explain how their alleged injuries are personal to them. Rather, their claim of a "grievous institutional injury" where they are "deprived of their constitutional right . . . to participate in treaty termination" is no different from the institutional injuries alleged in Chenoweth, Campbell, and Raines.

D. Political Remedies

The conclusion that plaintiffs do not have standing is reinforced by the fact that, in addition to seeking judicial resolution, they have a number of other, equally effective remedies available to pressure the President to obtain congressional consent to the termination of the ABM Treaty. Plaintiffs assert that "[g]iven the President's mistaken view of his authority to engage in treaty termination on his own, Plaintiffs are completely without any legislative remedy to rectify the President's proposed unlawful termination of the ABM Treaty." Compl. ¶ 14. The Court disagrees. These congressmen have remedies they can use as political leverage to prevent the President's unilateral termination of the ABM Treaty as part of the give-and-take discussion and compromise envisioned by the Framers of the Constitution. Indeed, the availability of legislative counter-measures was a factor in the Supreme Court's decision in Raines. See 521 U.S. at 829; see also id. at 821 ("In the future, a majority of Senators and Congressmen can pass or reject appropriations bills; the Act has no effect on this process.").

The fact that plaintiffs have several political arrows in their legislative quiver underscores

REV_00105250

the reluctance of courts needlessly to involve themselves in inter-branch disputes. "Because the parties' dispute is therefore fully susceptible to political resolution, we would . . . dismiss the complaint to avoid meddl[ing] in the internal affairs of the legislative branch." Chenoweth, 181 F.3d at 116 (citation omitted). "Historically, political disputes between Members of the Legislative and the Executive Branches were resolved without resort to the courts." Id. at 113-14.[8] In Goldwater v. Carter, this availability of other remedies to Congress was an important consideration: "[W]e are asked to settle a dispute between coequal branches of our Government, each of which has resources available to protect and assert its interests, resources not available to private litigants outside the judicial forum." 444 U.S. at 1004 (Rehnquist, J., concurring). The plurality opinion then noted:

> Congress has a variety of powerful tools for influencing foreign policy decisions that bear on treaty matters. Under Article I, Section 8 of the Constitution, it can regulate commerce with foreign nations, raise and support armies, and declare war. It has power over the appointment of ambassadors and the funding of embassies and consulates. Congress thus retains a strong influence over the President's conduct in treaty matters. "As our political history demonstrates, treaty creation and termination are complex phenomena rooted in the dynamic relationship between the two branches of our government."

Id. at 1005 n.1 (quoting Goldwater v. Carter, 617 F.2d 697, 716 (D.C. Cir. 1979) (Wright, J., concurring)). And in Campbell, the court also stressed that the congressmen had other remedies:

> [A]ppellants fail because they . . . enjoy ample legislative power to have stopped

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[8] Of course, in Chenoweth the court pointed out that Congress could simply overturn President Clinton's American Heritage Rivers Initiative "were a sufficient number in each House so inclined." 181 F.3d at 116. Here, although Congress cannot simply reenact the ABM Treaty as if it were a statute, Congress nonetheless had a number of political options it could follow to persuade the President not to withdraw from a treaty without congressional consent.

REV_00105251

> prosecution of the "war." In this case, Congress certainly could have passed a law forbidding the use of U.S. forces in the Yugoslav campaign. . . . Of course, Congress always retains appro American role in the conflict. . . . And there always remains the possibility of impeachment should a President act in disregard of Congress' authority on these matters.

Id. at 23. These political remedies are part of the fabric of Raines:

> Raines focus[ed] on the political self-help available to congressmen. . . . [T]he Court denied them standing as congressmen because they possessed political tools with which to remedy their purported injury. . . . Indeed, Raines explicitly rejected [the argument] that legislators should not be required to turn to politics instead of the courts for their remedy.

Id. at 24.

Like the congressmen in Raines, Goldwater, and Campbell, plaintiffs here had extensive "self-help" remedies available to pressure President Bush on terminating the ABM Treaty without Congressional consent. Congressmen can certainly influence a President's actions through the appropriations power by, for example, attempting to deny funding for any ABM system President Bush seeks to build or deploy. See Campbell, 203 F.3d at 23. They could even pass legislation, perhaps over President Bush's veto, prohibiting the development or deployment of ABM systems. Congress could also refuse to fund unrelated matters that were important to the President, or even reduce budgets for the Executive Branch; the Senate could reject presidential nominees, or could refuse to provide consent to enter into other treaties submitted by the President; and as a last resort, Congress always has the option of impeachment. See id.[9]

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[9] The congressmen here argue that they are left with no remedies to encourage or prevent *Russia* from also withdrawing from the Treaty, which they might otherwise have if the President could not terminate a treaty without congressional approval. Yet Congress does have remedies, however potent, to influence the acts of foreign nations, including the power to impose tariffs on imported goods, to appropriate foreign aid, or to pass legislation concerning (in this instance) the

REV_00105252

Thus, even without standing to sue, congressional plaintiffs are not otherwise "deprive[d] . . . of an adequate remedy" to pressure or force the President to seek congressional consent in terminating a treaty. See Raines, 521 U.S. at 829. In the end, the availability of effective political remedies goes to the very heart of the standing analysis: "[T]he law of Art. III standing is built on a single basic idea — the idea of separation of powers." Id. at 820 (quoting Allen, 468 U.S. at 752). The requirement of an actual case or controversy is "founded in concern about the proper — and properly limited — role of the courts in a democratic society." Allen, 468 U.S. at 750. Given the variety of possible political remedies plaintiffs have as congressmen, it is appropriate to defer to the political branches of government, out of respect for the traditional restricted role of the judiciary in disputes between the Legislative and Executive Branches, and in keeping with the Constitution's separation of powers structure. See generally Walker v. Cheney, No. 02-0340, 2002 WL 31741823, ____ F.Supp.2d ____ (D.D.C. Dec. 9, 2002).

E. Plaintiffs' Lack Authority to Bring Suit

Equally importantly, the thirty-two congressmen here have not been authorized, implicitly or explicitly, to bring this lawsuit on behalf of the House, a committee of the House, or Congress as a whole. Indeed, in the year since President Bush announced his intention to withdraw from the ABM Treaty, neither the House nor Congress has made any attempt whatsoever to register disapproval as a body, or to insist on a role in the termination of the Treaty. In Raines, the Supreme Court "attach[ed] some importance to the fact that appellees have not been authorized to represent

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deployment of ABM systems.

REV_00105253

their respective Houses of Congress in this action." 521 U.S. at 829. The Supreme Court has observed that individual members of Congress cannot represent the interests of an entire House or all of Congress:

> The two houses of Congress are legislative bodies representing larger constituencies. Power is not vested in any one individual, but in the aggregate of the members who compose the body, and its action is not the action of any separate number of members, but the action of the body as a whole.

United States v. Ballin, 144 U.S. 1, 7 (1892); see also Reed v. County Commissioners, 277 U.S. 376, 388 (1928) (suit by a committee or subcommittee failed absent specific authority from the House); Bender v. Williamsport Area School Dist., 475 U.S. 534, 544 (1986) ("Generally speaking, members of collegial bodies do not have standing to perfect an appeal the body itself has declined to take."); cf. United States House of Representatives v. United States Dep't of Commerce, 11 F.Supp.2d 76, 89 (D.D.C. 1998) (full House of Representatives specifically authorized to bring suit through statutory provision).

It is entirely logical, from an institutional standpoint, that a group of congressmen bringing suit in court, purportedly to protect Congress's interests, must first have the authority to represent the interests of Congress, the House of Representatives, or the Senate. Permitting individual congressmen to run to federal court any time they are on the losing end of some vote or issue would circumvent and undermine the legislative process, and risk substituting judicial considerations and assessments for legislative ones. In Goldwater v. Carter, Justice Powell pointed out that a "dispute between Congress and the President is not ready for judicial review unless and until each branch has taken action asserting its constitutional authority." 444 U.S. at 996 (Powell, J., concurring).

REV_00105254

Otherwise, Justice Powell warned, individual congressmen might too freely resort to the courts:

> The Judicial Branch should not decide issues affecting the allocation of power between the President and Congress until the political branches reach a constitutional impasse. Otherwise, we would encourage small groups or even individual Members of Congress to seek judicial resolution on issues before the normal political process has the opportunity to resolve the conflict.

Id. Raines also relies on the availability of alternate remedies, coupled with an absence of voiced Congressional support for the lawsuit, as a reason to find no standing. Here, there is no claim that Congress, as an institution, has asserted its role in the treaty termination process, and there is certainly nothing to suggest that these thirty-two congressmen speak on behalf of Congress as a whole.[10] That context counsels strongly against a conclusion that the exercise of judicial power at this time is warranted as a "last resort, and as a necessity." Allen, 468 U.S. at 752 (citation omitted).

II. Justiciability

Of course, this is not the first time that members of Congress have sued the President because he terminated a treaty without obtaining congressional consent. Prior to Raines, twenty-five congressmen sued President Carter in Goldwater v. Carter, on the precise grounds asserted by the plaintiffs here, but the Supreme Court dismissed the case as nonjusticiable. Defendants assert

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[10] Undoubtably, the thirty-two congressmen cannot represent the interests of the Senate. As members of the House, plaintiffs cannot challenge the President's failure to obtain approval of two-thirds of the Senate before withdrawing from a treaty. Plaintiffs thus cannot raise institutional claims that they were deprived of a right that clearly belongs to the Senate, not to the House of Representatives. See, e.g., United States v. Munoz-Flores, 495 U.S. 385, 394-395 (1990) (noting that the Constitution "giv[es] the Senate 'Advice and Consent' power over treaties"); Edye v. Robertson, 112 U.S. 580, 598 (1884).

REV_00105255

that pursuant to Goldwater, plaintiffs' claim is likewise not justiciable because the issue involves a congressional challenge to the plenary authority of the President to conduct foreign relations, which is a "political question." This Court agrees that, even if these congressmen somehow had standing to bring this lawsuit, the treaty termination issue is nonetheless a nonjusticiable political question best left for resolution to the political branches of our government.

A. Goldwater v. Carter

Goldwater is the only Supreme Court decision to date that addresses the constitutional role of Congress in treaty termination. In 1979, as a precondition for formally recognizing the People's Republic of China, President Carter unilaterally terminated a 25-year-old mutual defense treaty with Taiwan, without obtaining congressional consent. Eight senators, one former senator, and sixteen House members "claim[ed] that the President's action in terminating the treaty with Taiwan has deprived them of their constitutional role with respect to a change in the supreme law of the land." 444 U.S. at 997-98 (Powell, J., concurring). By a 6-3 vote, the Supreme Court remanded to the District Court and ordered the case dismissed, without addressing the merits of the claim.

The Court's ruling resulted in four opinions, two concurring in the judgment and two dissenting. Four Justices in the majority — Justices Rehnquist, Stevens and Stewart, and Chief Justice Burger — concluded that the case should be dismissed because the issue presented a nonjusticiable political question that was inappropriate for resolution by the courts. Justice Powell concurred, finding that the issue was "not ripe for judicial review" because neither Congress nor the President had asserted their constitutional authority to the point of political impasse. Justice

REV_00105256

Marshall simply concurred in the result.

Three Justices dissented from the Court's order to remand for dismissal. Without reaching the merits, Justices Blackmun and White stated only that the case should be set for oral argument and considered fully. Justice Brennan disagreed that the issue was nonjusticiable and concluded that the President had a constitutional right to withdraw from the treaty, without congressional consent, given "the President's well-established authority to recognize, and withdraw recognition from, foreign governments." Id. at 1006 (Brennan, J., dissenting).

None of the opinions in Goldwater obtained a majority of votes, and hence no single rationale controls. To be sure, six Justices voted for dismissal on jurisdictional grounds, but only four expressly agreed that the issue was a nonjusticiable political question. As a result, there is no obviously binding holding in Goldwater.

"When a fragmented Court decides a case and no single rationale explaining the result enjoys the assent of five Justices, 'the holding of the Court may be viewed as that position taken by those members who concurred in the judgments on the narrowest grounds.'" Marks v. United States, 430 U.S. 188, 193 (1977) (quoting Gregg v. Georgia, 428 U.S. 153, 169 n.15 (opinion of Stewart, Powell, and Stevens, JJ.)). However, the rule in Marks only applies when the concurrence is implicitly in agreement with the view of a majority of justices:

> We have previously held that the rule of Marks v. United States, 430 U.S. 188 (1977), under which the opinion of the Justices concurring in the judgment on the "narrowest grounds" is to be regarded as the Court's holding, does not apply unless the narrowest opinion represents a "common denominator of the Court's reasoning" and "embod[ies] a position implicitly approved by at least five Justices who support the judgment."

REV_00105257

Ass'n of Bituminous Contractors, Inc. v. Apfel, 156 F.3d 1246, 1254 (D.C. Cir.1998) (quoting King v. Palmer, 950 F.2d 771, 781 (D.C. Cir. 1991)); see also Anker Energy Corp. v. Consolidation Coal Co., 177 F.3d 161, 170 (3rd Cir.1999) ("in cases where the approaches differ, no particular standard is binding on an inferior court because none has received the support of a majority of the Supreme Court"). Thus, the Supreme Court's ruling in Marks "is workable — one opinion can be meaningfully regarded as 'narrower' than another — only when one opinion is a logical subset of other, broader opinions." King, 950 F.2d at 781.

That is not the case in Goldwater. The plurality's conclusion that the termination of treaties is a nonjusticiable political question did not garner a majority. Justice Powell's concurring opinion, moreover, did not "implicitly approve" of Justice Rehnquist's plurality rationale, and in fact explicitly disagreed with it: "Mr. Rehnquist suggests, however, that the issue presented by this case is a nonjusticiable political question which can never be considered by this Court. I cannot agree." 444 U.S. at 998 (Powell, J., concurring).

> The specter of the Federal Government brought to a halt because of the mutual intransigence of the President and Congress would require this Court to provide a resolution pursuant to our duty "to say what the law is." United States v. Nixon, 418 U.S. 683, 703 (1974), quoting Marbury v. Madison, 1 Cranch 137, 177 (1803).

Id. at 1001. Moreover, Justice Marshall merely concurred in the result, without joining any rationale. It cannot fairly be said, moreover, that ripeness (Justice Powell's rationale) is a "logical subset" of political question (the plurality's rationale) — although perhaps narrower because it deals only with timing. Both are prongs of the case-or-controversy requirement under Article III, but they are independent justiciability doctrines.

REV_00105258

Nonetheless, Justice Rehnquist's plurality opinion in Goldwater is instructive and compelling. See Made in the USA Foundation v. United States, 242 F.3d 1300, 1305 (11th Cir. 2001) (finding plurality opinion in Goldwater "instructive, if not controlling"). The plurality concluded that the claim that President Carter was constitutionally required to obtain congressional consent before terminating a treaty could not be resolved by the courts:

> [T]he basic question presented by the petitioners in this case is "political" and therefore nonjusticiable because it involves the authority of the President in the conduct of our country's foreign relations and the extent to which the Senate or the Congress is authorized to negate the action of the President. . . . [T]he controversy in the instant case is a nonjusticiable political dispute that should be left for resolution by the Executive and Legislative Branches of the Government.

444 U.S. at 1002-03 (Rehnquist, J., concurring).

In finding the claim nonjusticiable, Justice Rehnquist emphasized the lack of any textual provision providing either branch with authority for treaty termination. He reasoned that because the Constitution spoke only to the procedure for *making* a treaty, but not to a treaty's termination, "the situation presented here is closely akin to that presented in Coleman, where the Constitution spoke only to the procedure for ratification of an amendment, not its rejection." Id. at 1005; see also Coleman, 307 U.S. at 450.

> Here, while the Constitution is express as to the manner in which the Senate shall participate in the ratification of a treaty, it is silent as to that body's participation in the abrogation of a treaty. . . . In light of the absence of any constitutional provision governing the termination of a treaty, and the fact that different termination procedures may be appropriate for different treaties, the instant case in my view also "must surely be controlled by political standards."

444 U.S. at 1003 (citation omitted). While Justice Powell agreed that the issue was not justiciable,

REV_00105259

he concluded that the reason was a lack of ripeness:

> Prudential considerations persuade me that a dispute between Congress and the President is not ready for judicial review unless and until each branch has taken action asserting its constitutional authority. . . . If the Congress chooses not to confront the President, it is not our task to do so.

Id., at 996-98.

B. Political Question

Like standing, the "political question" doctrine stems from the case-or-controversy requirement in Article III, is "primarily a function of the separation of powers," and operates as a prudential limitation on the propriety of federal courts reviewing the decisions of the other branches of government. Baker v. Carr, 369 U.S. 186, 210 (1962). In Baker, the Supreme Court held that courts should analyze six criteria to determine whether a case presents a political question:

> Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question.

369 U.S. at 217. In fact, "any one of [these] characteristics may be sufficient to preclude judicial review" under the political question doctrine. Made in the USA Foundation, 242 F.3d at 1312. Several of these factors are present here.

To be sure, "while the Constitution is express as to the manner in which the Senate shall participate in the ratification of a treaty, it is silent as to that body's participation in the abrogation of

REV_00105260

a treaty." Goldwater, 444 U.S. at 1003 (Rehnquist, J., concurring); see also Made in the USA Foundation, 242 F.3d at 1315 (the Constitution "fails to outline the Senate's role in the abrogation of treaties"). There is thus no textual commitment of the authority over treaty termination to any branch of the government. The Constitution, however, clearly relegates authority over foreign affairs to the Executive and Legislative Branches, with no role for the Judicial Branch to second-guess or reconsider foreign policy decisions. "[M]atters relating 'to the conduct of foreign relations . . . are so exclusively entrusted to the political branches of government as to be largely immune from judicial inquiry or interference.'" Haig v.Agee, 453 U.S. 280, 292 (1981) (quoting Harisiades v. Shaughnessy, 342 U.S. 580, 589 (1952)).

> [T]he very nature of executive decisions as to foreign policy is political, not judicial. . . . They are decisions of a kind for which the Judiciary has neither aptitude, facilities, nor responsibility and have long been held to belong to the domain of political power not subject to judicial intrusion or inquiry.

Chicago & Southern Air Lines, Inc. v. Waterman S.S. Corp., 333 U.S. 103, 111 (1948); see also Crosby v. Nat'l Foreign Trade Council, 530 U.S. 363, 386 (2000) ("the nuances of the foreign policy of the United States . . . are much more the province of the Executive Branch and Congress than of this Court") (citation omitted).

At the same time, it would be "error to suppose that every case or controversy which touches foreign relations lies beyond judicial cognizance." Baker, 369 U.S. at 211. But on the very issue before this Court — whether the Constitution provides a congressional role in treaty termination — four Justices in Goldwater concluded that the issue was a nonjusticiable political question "because it involve[d] the authority of the President in the conduct of our country's foreign relations and the

REV_00105261

extent to which the Senate or the Congress is authorized to negate the action of the President." 444 U.S. at 1002. Moreover, the plurality's conclusion that the issue was political in nature was "even more compelling . . . because it involves foreign relations — specifically a treaty commitment to use military force in the defense of a foreign government if attacked." Id. at 1003-04. So, too, here the treaty termination issue lies squarely in the arena of foreign relations and involves national defense considerations in that foreign affairs setting.

The circumstances here present "an unusual need for unquestioning adherence to a political decision already made." Baker, 369 U.S. at 217. President Bush publicly announced his intention to withdraw from the ABM Treaty on December 13, 2001, providing Russia with the six-months notice required by the Treaty. These thirty-two congressmen, however, waited until two days before that termination became effective to bring this lawsuit. Meanwhile, long aware of the intention of the United States to withdraw from the ABM Treaty, Russia may have acted based upon the President's notice of termination. Foreign governments must be able to rely upon the pronouncements of the United States regarding its treaties.

Hence, were this Court to find the President acted unconstitutionally, and overturn his decision to terminate the ABM Treaty more than a year after he announced the decision, "the potential[] of embarrassment from multifarious pronouncements by various departments on one question" would be undeniable. Baker, 369 U.S. at 217; see also Made in the USA Foundation, 242 F.3d at 1305. "In determining whether a question falls within [the political question] category, the appropriateness under our system of government of attributing finality to the action of the political

REV_00105262

departments . . . [is a] dominant consideration." Coleman, 307 U.S. at 454-55. With treaties, in particular, a single voice is needed:

> It is not surprising, then, that many questions arising in connection with our treaties with other governments have been held to be nonjusticiable. For "[n]ot only does resolution of such issues frequently turn on standards that defy judicial application, or involve the exercise of a discretion demonstrably committed to the executive or legislature; but many such questions uniquely demand single-voiced statement of the Government's views."

Holmes v. Laird, 459 F.2d 1211, 1215 (D.C. Cir. 1972) (quoting Baker, 369 U.S. at 211).

Courts have therefore repeatedly held that issues concerning treaties are largely political questions best left to the political branches of the government, not the courts, for resolution.[11] Since

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[11] See, e.g., Clark v. Allen, 331 U.S. 503, 514 (1947) ("[T]he question whether a state is in a position to perform its treaty obligations is essentially a political one."); Terlinden v. Ames, 184 U.S. 270, 288 (1902) ("[W]hether power remains in a foreign state to carry out its treaty obligations is in its nature political and not judicial, and the courts ought not to interfere with the conclusions of the political department in that regard."); Doe v. Braden, 57 U.S. (16 How.) 635, 657 (1853) (questions regarding whether the King of Spain had authority to ratify a treaty with the United States "are political questions, not judicial. They belong exclusively to the political department of the government."); Made in the USA Foundation, 242 F.3d at 1305 (whether NAFTA agreement amounted to a "treaty" requiring Senate ratification is a political question); Earth Island Institute v. Christopher, 6 F.3d 648, 653 (9th Cir. 1993) (challenge to statute that ordered "Executive to negotiate and enter into treaties with foreign nations . . . is not one that is justiciable in any federal court"); New York Chinese TV Programs, Inc. v. U.E. Enterprises, Inc., 954 F.2d 847, 852 (2d Cir. 1992) ("the judiciary should refrain from determining whether a treaty has lapsed, and instead should defer to the wishes of the elected branches of government"); Gayda v. LOT Polish Airlines, 702 F.2d 424, 425 (2nd Cir. 1983) ("abrogation or modification of a treaty by superseding legislation presents political questions with which courts may not involve themselves"); United States v. Decker, 600 F.2d 733, 737 (9th Cir. 1979) ("The principal area of nonjusticiability concerns the right of the executive to abrogate a treaty."); Dole v. Carter, 569 F.2d 1109, 1110 (10th Cir.1977) ("The controversy here is whether the understanding between the United States and Hungary is a treaty or an executive agreement not requiring Senate action. . . . [T]he dispute, having its origin in the field of foreign relations, presents a nonjusticiable political question.").

REV_00105263

Goldwater, one other court has held that the role of Congress in the termination of a treaty presents a nonjusticiable political question. In Beacon Products Corp. v. Reagan, 633 F.Supp. 1191, 1198-99 (D. Mass. 1986), aff'd on other grounds, 814 F.2d 1 (1st Cir. 1987), the court relied on the plurality opinion in Goldwater to hold that a constitutional challenge to President Reagan's unilateral termination of the Treaty of Friendship, Commerce, and Navigation with Nicaragua, without congressional consent, raised a political question. The court concluded that in Goldwater "the challenge to the President's power vis-a-vis treaty termination raised a nonjusticiable political question. That holding is equally applicable here." 633 F.Supp. at 1199.

Lastly, this Court is further convinced that the issue presented here is nonjusticiable because "undertaking independent resolution" of the issue would result in a failure to accord the "respect due coordinate branches of government." Baker, 369 U.S. at 217. Justice Powell concluded in Goldwater that the treaty termination issue was not ripe because the political branches had not reached a "constitutional impasse." Likewise, this Court should not rule on the claim of thirty-two congressmen that President Bush ignored the constitutional role of Congress in the treaty termination process, when Congress itself has not even asserted that it has been deprived of any constitutional right. As Justice Powell stated, courts should refrain from resolving disputes raised by only a small number of congressmen:

> Prudential considerations persuade me that a dispute between Congress and the President is not ready for judicial review unless and until each branch has taken action asserting its constitutional authority.

444 U.S. at 996. In resolving an issue that neither the House nor the Senate has yet deemed worth

REV_00105264

asserting, this Court would preempt what is clearly the prerogative of Congress, and could not do so "without expressing lack of the respect due coordinate branches of government." Baker, 369 U.S. at 217. Indeed, such judicial action might simply encourage congressmen to run to court any time they disagreed with Presidential action (on a treaty or other foreign relations issue) or were on the losing end of a piece of legislation. See 444 U.S. at 997 (Powell, J., concurring).[12] That would undermine both the delicate balance of powers under the Constitution and the limitation of judicial authority to the resolution of justiciable cases or controversies.

CONCLUSION

The Court concludes that because plaintiffs have alleged only an institutional injury to Congress, not injuries that are personal and particularized to themselves, under Raines v. Byrd they do not have standing to bring this lawsuit. The Court also concludes that under Goldwater v. Carter the issue raised by these congressmen is a nonjusticiable political question. Therefore, defendants' motion to dismiss or, in the alternative, for summary judgment is granted, and plaintiffs' motion for summary judgment is denied. Plaintiffs' complaint is therefore dismissed.

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[12] Justice Powell concluded that application of the Baker v. Carr factors in Goldwater did not establish that the treaty termination issue — if ripe — was always a political question. See 444 U.S. at 998-1001. However, in this specific case, this Court concludes that those factors support the conclusion, as discussed above, that a nonjusticiable political question is presented, although it is also true that under Justice Powell's analysis the case is not ripe for judicial resolution.

REV_00105265

A separate order has been issued on this date.

Signed this 30th day of December, 2002.

/s/ John D. Bates
JOHN D. BATES
United States District Judge

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REV_00105267

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Adam.Charnes@usdoj.gov [UNKNOWN] <Adam.Charnes@usdoj.gov>
Sent: 12/31/2002 11:27:03 AM
Subject: : Re: Renominations

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SUBJECT:: Re: Renominations
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Adam.Charnes@usdoj.gov (Adam.Charnes@usdoj.gov [UNKNOWN])
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Could be 8th.

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From:<Adam.Charnes@usdoj.gov>
To:David G. Leitch/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 12/30/2002 02:09:11 PM
Subject: Renominations

Just wanted to confirm that the renominations will be sent to the Senate on Jan. 7. This will effect the dating of the revised paperwork, particularly the financial disclosure forms.

Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 1/2/2003 6:05:00 AM
Subject: : FOIA

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Who is DOJ contact on the FOIA case you referenced? I might call over to
get in the loop if you think that appropriate.
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To: Charlotte L. Montiel/WHO/EOP@EOP [WHO] <Charlotte L. Montiel>;Elizabeth N. Camp/WHO /EOP@EOP [WHO] <Elizabeth N. Camp>
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CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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Need to schedule a half hour on Monday in which Judge and David could do
an interview of Ted Ullyot for Associate Counsel?
```

From: [UNKNOWN] <McCarthy, Daniel M.>

To: john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>;david.aufhauser@do.treas.gov [UNKNOWN] <david.aufhauser@do.treas.gov>;robert.nichols@do.treas.gov [UNKNOWN] <robert.nichols@do.treas.gov>;tim.adams@do.treas.gov [UNKNOWN] <tim.adams@do.treas.gov>;april.lehman@do.treas.gov [UNKNOWN] <april.lehman@do.treas.gov>;<Goldman>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/698AA900-27350BE5-852569DD-5F23FE [UNKNOWN] <Adam B.>;<Hennessey>;Keith_Hennessey@opd.eop.gov [OPD] <Keith>;<Powell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/583FB9CE-AFBAD6FF-852569DD-44BBDA [UNKNOWN] <Dina>;<Snee>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/2A49BED-5C9924C-85256B41-4CE8BA [UNKNOWN] <Ashley>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;janet.jones@do.treas.gov [UNKNOWN] <janet.jones@do.treas.gov>;<Ojakli>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1B7998B0-ABAAECA4-852569DB-5EAD8A [UNKNOWN] <Ziad S.>;<Everson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FF797A9B-218FE559-85256B99-4E9537 [UNKNOWN] <Nanette>;arnie_havens@csx.com [UNKNOWN] <arnie_havens@csx.com>;<Ingle>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/53838B5A-90E78711-852569DC-53F24B [UNKNOWN] <Edward>;linda_mathis@csx.com [UNKNOWN] <linda_mathis@csx.com>

CC: <Jones>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E3E25A09-213F23CD-852569DC-73F16D [UNKNOWN] <Alison>

Sent: 1/2/2003 4:27:45 AM

Subject: Snow Coference Call, 1/2/03 at 6:00pm

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READ:UNKNOWN
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TO:Hennessey, Keith ( Keith_Hennessey@opd.eop.gov [ OPD ] )
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READ:UNKNOWN
TO:arnie_havens@csx.com ( arnie_havens@csx.com [ UNKNOWN ] )
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READ:UNKNOWN
TO:linda_mathis@csx.com (linda_mathis@csx.com [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
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Call in numbers:
456-6755
456-6766

Code:
2637

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 1/2/2003 6:05:00 AM
Subject: : FOIA

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CREATION DATE/TIME: 2-JAN-2003 11:05:00.00
SUBJECT:: FOIA
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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Who is DOJ contact on the FOIA case you referenced? I might call over to
get in the loop if you think that appropriate.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/2/2003 12:30:47 PM
Subject: : pickering stories

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JAN-2003 17:30:47.00
SUBJECT:: pickering stories
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

2 old stories from February per discussion:

New York Times (February)

HEADLINE: Blacks at Home Support a Judge Liberals Assail

BYLINE: ÿBy DAVID FIRESTONEÿ

DATELINE: LAUREL, Miss., Feb. 15

BODY:
Back in Washington, his opponents have depicted Judge Charles W. Pickering as the personification of white Mississippi's oppressive past, a man so hostile to civil rights and black progress that he is unfit for promotion to a federal appeals court.

But here on the streets of his small and largely black hometown, far from the bitterness of partisan agendas and position papers, Charles Pickering is a widely admired figure of a very different present. In funeral parlors and pharmacies, used-car lots and the City Council chambers, the city's black establishment overwhelmingly supports his nomination to the United States Court of Appeals for the Fifth Circuit, which is heading toward a contentious vote in the Senate in the first major judicial battle of the Bush administration.

Though few black residents here subscribe to Judge Pickering's staunchly Republican politics, many say they admire his efforts at racial reconciliation, which they describe as highly unusual for a white Republican in the state.

"I have never seen Trent Lott open his arms to the black community the way Charles Pickering has," said Larry E. Thomas, owner of Thomas Pharmacy, referring to the Senate minority leader, who is Judge Pickering's friend and patron. "Over the years I've seen him work with black leaders and really try to make an effort to understand and help the community. That's a progressiveness that we need to see more of in this state."

Progressive is not exactly the description used by the national black officials who are making an intense effort to prevent the judge's appointment. "A vote for Pickering is a vote against civil rights," said Julian Bond, the national chairman of the N.A.A.C.P. Representative Robert C. Scott, Democrat of Virginia, speaking against the nomination with other members of the Congressional Black Caucus, said, "It's hard to imagine a person who is more hostile to civil rights." Judge Pickering has also been condemned by a variety of big-city newspaper editorial boards and columnists.

But such comments carry little weight among those who actually know the man personally here in Laurel, in southeast Mississippi. Judge Pickering, now a federal district judge in the nearby city of Hattiesburg, was praised by black city officials for helping to set up after-school youth programs here, and for directing federal money to medical clinics in low-income areas when he was a state senator. Black business leaders say he was influential in persuading white-owned banks to lend money to black entrepreneurs, helping to strengthen the city's black middle class.

"I can't believe the man they're describing in Washington is the same one I've known for years," said Thaddeus Edmonson, a former local president of the N.A.A.C.P. who is now president of the seven-member Laurel City Council and one of its five black members. "If those people who are voting against him because of some press release would just come down here and talk to the people who know him, I think they would have a very different opinion."

The judge's widespread popularity in his hometown has been frustrating to the many civil rights and abortion rights groups that have worked to portray him as an ideological relic of the Old South.

Several opponents of his nomination have tried unsuccessfully to get his supporters to change their minds, and their inability to do so reflects the distance between national liberal groups and many Southern blacks in small towns. In a city like Laurel, with a population of 18,393, one's personality and faith are often more important than a judicial paper trail or an adherence to an agenda.

People for the American Way, a liberal organization based in Washington, has criticized Judge Pickering for disregarding the separation of church and state by promoting religious programs from the bench. But many prominent blacks here say it is precisely his religious background -- he was president of the Mississippi Baptist Convention in the 1980's -- that they admire.

"I know Judge Pickering is a fair and impartial person grounded with Christian ethics and beliefs, who ought to be given this chance," said the Rev. Arthur Logan, the black pastor of the Union Baptist Church and a member of the City Council. "There are many people in Mississippi who made these same mistakes early in life, but their strong Christian character brought them closer to God and helped them change."

Four of the five black council members, in fact, said they enthusiastically supported Judge Pickering's appointment. The fifth, Manuel Jones, said he opposed the nomination, largely because he differed with Judge Pickering's efforts in the late 1980's to integrate the largely black city schools with the largely white county schools.

Judge Pickering, then in private practice in Laurel, was one of several white city leaders who argued that the city could not attract economic development with an effectively segregated school system. At the time, Mr. Jones was president of the Laurel-Jones County branch of the N.A.A.C.P., which maintained that consolidation would dilute black administrative power over the city schools. The consolidation plan was eventually overturned by a federal judge, who said it was not justified.

Mr. Jones said he rebuffed a recent telephone request by Judge Pickering that he write the Senate a letter of support. (He had publicly opposed the judge's original appointment to the federal bench in 1990.) Several other council members did agree to the judge's request, however, and their letters are on file with the Senate Judiciary Committee.

"It's hard to go against a sitting federal judge," said Mr. Jones, searching for an explanation of why his colleagues have taken a position that differs so sharply from his.

Many of the judge's critics have cited actions or statements he made in

the 1960's and 70's. They have pointed to an article he wrote in 1959 that appeared to support strengthening the state's law against interracial marriages, and to his votes in the state senate that appeared to dilute black voting strength.

But his many black supporters here -- all lifelong Democrats -- say they are more interested in his journey than his starting point. They say Judge Pickering, like many white Mississippians, has moved beyond his all-too-common origins.

"He grew up like a lot of white people here," said the Rev. George L. Barnes, a black minister who is pastor at two Missionary Baptist churches and owns a used-car lot. "But his daddy and my daddy used to swim together down in the creek, and I've never heard him say a racist thing. I would say, of people in his age bracket, he's probably come further than any white man I know of."

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"If he's been putting on a show for us, it's the greatest show on earth," said Mr. Thomas, who runs the city's only black-owned pharmacy and who served with Mr. Pickering on the local economic development board in the 1980's.

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People for the American Way said that as a state senator in the 1970's, Mr. Pickering voted for measures to reduce black voting strength and approved giving state money to the Mississippi Sovereignty Commission, which became notorious for opposing the civil rights movement. On the federal bench, the group said, he has strongly criticized the creation of largely black political districts as a remedy for past discrimination.

Many local residents said they were not familiar with such statements. But they do remember that in 1967, Judge Pickering testified against Sam Bowers, a Ku Klux Klan leader based in Laurel who was on trial for the firebombing death of a black civil rights worker. Several said that just as the judge broke with prevailing white opinion in the state to do so, they have no trouble differing with black opinion.

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The attacks on Pickering on the issue of race have genuinely baffled his defenders. They cite many actions on the issue of civil rights that

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 1/2/2003 11:44:46 AM
Subject: :

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CREATION DATE/TIME: 2-JAN-2003 16:44:46.00
SUBJECT::
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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more i think about it, more i think the pas route at doj makes some sense
. . .
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/2/2003 12:30:47 PM
Subject: : pickering stories

Begin Original ARMS Header
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CREATION DATE/TIME: 2-JAN-2003 17:30:47.00
SUBJECT:: pickering stories
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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BYLINE: ÿBy DAVID FIRESTONEÿ

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;h. christopher bartolomucci/who /eop@eop [WHO] <h. christopher bartolomucci>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;david g. leitch/who/eop@eop [WHO] <david g. leitch>;benjamin a. powell/who/eop@eop [WHO] <benjamin a. powell>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;jennifer g. newstead/who/eop@eop [WHO] <jennifer g. newstead>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 1/3/2003 5:17:41 AM
Subject: : Revised tentative re-nomination and nomination dates

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CREATION DATE/TIME: 3-JAN-2003 10:17:41.00
SUBJECT:: Revised tentative re-nomination and nomination dates
TO:noel j. francisco ( CN=noel j. francisco/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
TO:h. christopher bartolomucci ( CN=h. christopher bartolomucci/OU=who/O=eop@eop [ WHO ] )
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TO:alberto r. gonzales ( CN=alberto r. gonzales/OU=who/O=eop@eop [ WHO ] )
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We now will plan to do the re-nominations on Tuesday the 7th and the first
new nominations on Wednesday the 15th.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;katherine m. walters/who /eop@eop [WHO] <katherine m. walters>
Sent: 1/3/2003 3:47:42 AM
Subject: : Re: meeting re: Advance and Scheduling

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CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JAN-2003 08:47:42.00
SUBJECT:: Re: meeting re: Advance and Scheduling
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:katherine m. walters (CN=katherine m. walters/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
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ok by me

Colleen Litkenhaus
01/02/2003 07:51:33 PM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: meeting re: Advance and Scheduling

He is going to be in Cincinnati for Taft's inaugural. How about Tuesday the 14th at 11am?

Katherine M. Walters
01/02/2003 04:49:19 PM
Record Type: Record

To: Colleen Litkenhaus/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: meeting re: Advance and Scheduling

Ken would like to set up a meeting with Joe and Brett re: advance and scheduling. can we set something up for the week of the 13th?

We could try for Monday, Jan. 13th at 11 am.

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Gonzales>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /DE19B3C6-77AB3823-852569D9-697F1E [UNKNOWN] <Alberto R.>;<Leitch>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E17DB30E-BE7DFF77-85256C8B-563CE7 [UNKNOWN] <David G.>;<Wingate>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /1E380BD8-ADE0CE5F-85256A87-5063AD [UNKNOWN] <Heather>;<Snee>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/2A49BED-5C9924C-85256B41-4CE8BA [UNKNOWN] <Ashley>;<Bartlett>;Daniel_J._Bartlett@who.eop.gov [WHO] <Daniel J.>;<Silverberg>;/EOP /FIRST ADMINISTRATIVE GROUP/RECIPIENTS/537D2975-BF79804E-852569DB-5F147C [UNKNOWN] <Kristen>
Sent: 1/3/2003 6:03:24 AM
Subject: action by Judicial Conference re President's proposal on judges

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READ:UNKNOWN
TO:Bartlett, Daniel J. (Daniel_J._Bartlett@who.eop.gov [WHO])
READ:UNKNOWN
TO:Silverberg, Kristen (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=537D2975-BF79804E-852569DB-5F147C [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Judge Gonzales received a letter today from Ralph Mecham, the Director of the Administrative Office of the US Courts. The letter indicates that the Committee on Judicial Resources of the Judicial Conference of the United States has taken favorable action consistent with President's proposal on judges. In December, the Committee (chaired by Judge Dennis Jacobs of the Second Circuit) approved the following language, which in turn will be considered and voted on in March by the full Judicial Conference: "The Judicial Conference strongly urges all judges to notify the President and the Administrative Office of the United States Courts as far in advance as possible of a change in status, and if possible, twelve months before the contemplated date of changes in status." They also adopted language that "regular reminders of the policy be transmitted to judges."

Mr. Mecham's letter states: "I am sure that the Judicial Conference will approve this strengthened policy."

This is good news, of course.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Adam.Charnes@usdoj.gov [UNKNOWN] <Adam.Charnes@usdoj.gov>
Sent: 1/3/2003 7:37:47 AM
Subject: : Re: Tort Reform

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JAN-2003 12:37:47.00
SUBJECT:: Re: Tort Reform
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Adam.Charnes@usdoj.gov (Adam.Charnes@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

That is my bailiwick.

.

----- Original Message -----
From:<Adam.Charnes@usdoj.gov>
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/03/2003 12:30:58 PM
Subject: Tort Reform

Anyone in your office an expert on tort reform?

From: Ben Wittes <wittesb@washpost.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/3/2003 9:50:00 AM
Subject: : Hey there...

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ben Wittes <wittesb@washpost.com> (Ben Wittes <wittesb@washpost.com> [UNKNOWN])
CREATION DATE/TIME: 3-JAN-2003 14:50:00.00
SUBJECT:: Hey there...
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Forgot to ask you when we were on the phone yesterday what was up with the D.C. Circuit workload issue... Are the current plans still to go ahead with the 11th and 12th seat nominations or are y'all planning to try to resolve the workload issue first?

_____

Benjamin Wittes
Editorial Writer
The Washington Post
1150 15th Street, NW
Washington DC 20071
phone: 202-334-4134
fax: 202-334-5269

From: CN=Jennifer G. Newstead/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 1/3/2003 10:52:45 AM
Subject: : criminal code and rules

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-JAN-2003 15:52:45.00
SUBJECT:: criminal code and rules
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Does anyone have a bound set of Title 18 and rules that I can borrow for a
few days? Thanks
```

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO /EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 1/3/2003 11:32:24 AM
Subject: : Off Site Schedule for January

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-JAN-2003 16:32:24.00
SUBJECT:: Off Site Schedule for January
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Jan. 8-10: Jen
Jan. 13-15: Brad
Jan. 15-17: Kyle
Jan. 20-22: Helgi
Jan. 22-24: Brett
Jan. 27-29: Bart
Jan. 29-31: Noel

N.B.:
(1) Ben will be included once he has a hard pass;
(2) some changes are afoot that I gather will make life easier on us, but
I don't have any details yet.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;David G. Leitch/WHO /EOP@EOP [WHO] <David G. Leitch>
Sent: 1/4/2003 8:57:09 AM
Subject: : Judicial re-nominations

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-JAN-2003 13:57:09.00
SUBJECT:: Judicial re-nominations
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

We plan to send those to Senate on Tuesday, January 7.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Tuohey, Mark <mtuohey@velaw.com>
Sent: 1/4/2003 9:22:51 AM
Subject: : RE: home address?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-JAN-2003 14:22:51.00
SUBJECT:: RE: home address?
TO:"Tuohey, Mark" <mtuohey@velaw.com> ( "Tuohey, Mark" <mtuohey@velaw.com> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

sorry that i could not make your party. also, my folks were out
of town that weekend. hope to see you soon. our former colleague Bates
is certainly making a name for himself! also, Steve Colloton has been
announced (by Senator Grassley) as President Bush's intended nominee for
8th Circuit court of appeals.
```

From: CN=Harriet Miers/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Lauren C. Lobrano/OMB/EOP@EOP [OMB] <Lauren C. Lobrano>
Sent: 1/4/2003 10:53:16 AM
Subject: : Re: update

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-JAN-2003 15:53:16.00
SUBJECT:: Re: update
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Lauren C. Lobrano ( CN=Lauren C. Lobrano/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Brett, as I understand it, OMB has been printing out a hard copy of the edits from WH staff to maintain a record of all of the comments. Does that help? Also, do we have any idea what the timing of this will be? They staffed several documents last night and are asking for staffing of several today. Do we need to tell the WH staff not to use the Server approach. OMB instructed them that they could use it.

From: CN=Harriet Miers/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/4/2003 10:54:49 AM
Subject: : Re: update

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-JAN-2003 15:54:49.00
SUBJECT:: Re: update
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

They also staffed some the night before.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ara.Lovitt@morganstanley.com [UNKNOWN] <Ara.Lovitt@morganstanley.com>
Sent: 1/4/2003 8:52:34 AM
Subject: : Re: what's up?
Attachments: P_Q4FPC003_WHO.TXT_1.txt

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2003 13:52:34.00
SUBJECT:: Re: what's up?
TO:Ara.Lovitt@morganstanley.com (Ara.Lovitt@morganstanley.com [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

thanks for the e-mail and the card. hope you guys are doing well. pretty busy here but still fun and interesting. say hi to traci.

Ara.Lovitt@morganstanley.com
12/04/2002 08:12:34 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: what's up?

hey dude,
long time no see. how are things?
after reading some article on you about how you were a right wing freak who changes his views depending on who is the president, just for kicks i did a google search on you, and there are tons of wacky conspiracy theories involving you floating around in cyberspace. is it true that you're the devil and behind everything bad that's every happened in the legal world?
take care, man

Ara Lovitt
Media and Communications/M&A
Morgan Stanley
1585 Broadway, 30th Floor
New York, New York 10036
Phone: (212) 761-4522
Fax: (212) 761-0767

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Q4FPC003_WHO.TXT_1>

hey dude,

long time no see. how are things? &nbs
p;

after reading some article on you about how
you were a right wing freak who changes his views depending on who is the presi
dent, just for kicks i did a google search on you, and there are tons of wacky
conspiracy theories involving you floating around in cyberspace. is it tr
ue that you're the devil and behind everything bad that's every happened in the
 legal world?

take care, man

Ara Lovitt
Media and Communications/M&A
Morgan Stanley
1585 Broadway, 30th Floor
New York, New York 10036
Phone: (212) 761-4522
Fax: (212) 761-0767

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ben Wittes <wittesb@washpost.com>
Sent: 1/4/2003 8:53:27 AM
Subject: : Re: Hey there...

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2003 13:53:27.00
SUBJECT:: Re: Hey there...
TO:Ben Wittes <wittesb@washpost.com> (Ben Wittes <wittesb@washpost.com> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

give me a call.

Ben Wittes <wittesb@washpost.com>
01/03/2003 02:49:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Hey there...

Forgot to ask you when we were on the phone yesterday what was up with the D.C. Circuit workload issue... Are the current plans still to go ahead with the 11th and 12th seat nominations or are y'all planning to try to resolve the workload issue first?

_____
Benjamin Wittes
Editorial Writer
The Washington Post
1150 15th Street, NW
Washington DC 20071
phone: 202-334-4134
fax: 202-334-5269

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edmund A. Walsh/WHO/EOP@EOP [WHO] <Edmund A. Walsh>
Sent: 1/4/2003 8:59:10 AM
Subject: : Re: Question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2003 13:59:10.00
SUBJECT:: Re: Question
TO:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Sorry for delay on this. It is not prohibited per se, but you need to be careful about topics, etc., for appearance reasons.

Edmund A. Walsh
12/20/2002 05:14:54 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Question

Brett -- What are the restrictions and/or regulations for publishing on non-political topics if you're employed by the White House? If I don't identify myself as a White House staffer, would it be possible for me to post commentary on a web site? Or is any outside writing/publishing prohibited? - Ed

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: lauren c. lobrano/omb/eop@eop [OMB] <lauren c. lobrano>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>
Sent: 1/4/2003 11:12:31 AM
Subject: : Re: update

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-JAN-2003 16:12:31.00
SUBJECT:: Re: update
TO:lauren c. lobrano ( CN=lauren c. lobrano/OU=omb/O=eop@eop [ OMB ] )
READ:UNKNOWN
TO:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Here is a question that could help resolve this quickly: In the
past, did WHO comments go to OMB in the same form that they were given to
Staff Secretary (i.e., the various written comments from individual WHO
components), or did Staff Secretary's office combine the WHO comments from
individual WHO components into one single WHO document and then give that
one document to OMB.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/6/2003 4:13:56 AM
Subject: : can we meet at 4:00

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-JAN-2003 09:13:56.00
SUBJECT:: can we meet at 4:00
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/6/2003 4:16:56 AM
Subject: : Re: can we meet at 4:00

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JAN-2003 09:16:56.00
SUBJECT:: Re: can we meet at 4:00
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

let's say ashley's office at 4:00

Ashley Snee
01/06/2003 09:16:07 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: heather wingate/who/eop@eop
bcc:
Subject: Re: can we meet at 4:00

works for me. you guys want to come here (middle point)?

Brett M. Kavanaugh
01/06/2003 09:10:32 AM
Record Type: Record

To: Ashley Snee/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP
cc:
Subject: can we meet at 4:00

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>
CC: hwingate@who.eop.gov [WHO] <hwingate@who.eop.gov>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;AGonzale@who.eop.gov [WHO] <AGonzale@who.eop.gov>
Sent: 1/6/2003 2:45:35 AM
Subject: : Pryor

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JAN-2003 07:45:35.00
SUBJECT:: Pryor
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:hwingate@who.eop.gov (hwingate@who.eop.gov [WHO])
READ:UNKNOWN
CC:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:AGonzale@who.eop.gov (AGonzale@who.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

Pryor Up For Judgeship (Birmingham News)
By MARY ORNDORFF
The Birmingham News, January 6, 2003
WASHINGTON The White House is considering Alabama Attorney General Bill Pryor for a lifetime appointment to a high-level federal judgeship, according to Sen. Jeff Sessions' office.
"It is no secret that President Bush believes Bill Pryor is a superb lawyer and attorney general," said Michael Brumas, spokesman for Sessions. "Sen. Sessions shares that view and believes Bill Pryor would be a magnificent circuit judge."
The White House has inquired about Pryor's credentials for appointment to the 11th U.S. Circuit Court of Appeals, a federal court that handles appeals from Alabama, Georgia and Florida and is one step below the U.S. Supreme Court.
Pryor, a politically active and ideologically conservative state prosecutor, has developed ties in the White House and around Washington since Bush's election. He said last month he would accept a nomination if it were offered.
Pryor declined comment Saturday night.
The timing of Pryor's nomination would be ideal, several Republicans said Friday. The GOP retook control of the Senate in the last election, giving Bush nominees the chance for a smoother confirmation ride through the Judiciary Committee.
Also, Pryor would leave his post as attorney general during Gov.-elect Bob Riley's term, meaning a Republican would appoint Pryor's replacement. The appointment would be early enough in the term to give the new prosecutor a lengthy time in office before facing election in 2006.
Pryor's nomination also would signal a desire by Republicans stung by the recent resignation of Sen. Trent Lott, R-Miss., as party leader to dodge another confrontation over race. Bush's original nominee to the 11th Circuit, William Steele of Mobile, is opposed by black groups and has languished for 15 months without a confirmation hearing before the Senate Judiciary Committee.
Steele, already a federal magistrate, could instead be nominated for a district court position, a lower level than the appellate court.
"Sen. Sessions believes the president has complete confidence in Bill Steele and the senator expects that Judge Steele will be nominated for a federal judgeship shortly," Brumas said.
Objections to Steele:
The Southern Christian Leadership Conference and the NAACP last year

objected to Steele's nomination because of a 2001 opinion he issued in a racial harassment case filed by black employees at a Pennington paper mill. Although Steele found evidence of racially insensitive remarks in the workplace, he dismissed the case in favor of the mill's owner because the employees failed to meet several legal requirements.

The 11th Circuit recently reversed Steele's decision and Sessions said then that the reversal was due to changes in the law, not a mistake by Steele.

But since Lott's glowing praise of a one-time segregationist presidential candidate, Republicans are especially vulnerable to allegations of racial insensitivity, and the criticism of Steele's original ruling would undoubtedly resurface.

Swapping Steele for Pryor, however, does not guarantee a noncontroversial confirmation hearing.

Extensive record:

Pryor has been the most active state prosecutor in the country in pressing cases of interest to the U.S. Supreme Court, and he has an extensive record of speeches, articles and congressional testimony on important federal issues. Pryor has taken strident positions supporting the right to student-led prayer in public schools, promoting states' rights over the federal government's and protecting Second Amendment rights on gun ownership, to name just a few.

His conservative record also provides Democrats, especially wary of strident anti-abortion Bush nominees to the bench, with plenty of ammunition.

"Our greatest right is the right to life," Pryor said in a 2000 rally promoting restrictions on a woman's access to abortions in Alabama.

Pryor opposed the multistate lawsuit against the tobacco companies, and he advocated giving utility companies more freedom to upgrade their coal-fired power plants without being forced to add pollution control devices. He defends Alabama Supreme Court Chief Justice Roy Moore's decision to prominently display the Ten Commandments in the state judicial building and helped write rules that provide fewer automatic appeals of death penalty cases.

For Sessions, escorting Pryor's nomination through Senate confirmation would be pleasantly ironic as Sessions' own chance at the federal bench was scuttled years ago by allegations of racial insensitivity. Pryor was a Sessions protege at the attorney general's office, and Pryor replaced Sessions in the top job when Sessions was elected to the Senate in 1996.

Pryor, now 40, was appointed attorney general by Gov. Fob James and has twice won re-election, most recently last year.

Solidly conservative:

Ideologically, Pryor's record is solidly conservative. Politically, it's murkier. He's angered some state Republicans at times, as in 2001 when he sided with Gov. Don Siegelman in the governor's ability to cut higher education more deeply than K-12 during a budget crisis.

Most recently, his opinion in the debate over a recounting of the votes in the closely contested governor's race favored Riley. In that election cycle, Sessions and Pryor were the top two vote-getters in the state.

Pryor would be another in a long line of high-level Bush appointees who are active in the Federalist Society, an association of legal scholars and lawyers promoting the conservative principles of limited government.

Pryor's 1998 campaign was aided by consultant Karl Rove, now the president's top political adviser. The two have stayed in touch, evidenced by Pryor's recent ride aboard Air Force One arranged by Rove.

The opening on the appellate court was created when Emmett Ripley Cox, an Alabama native and appointee of President Reagan, announced in December 2000 that he was stepping down from handling cases.

The White House selects nominees for the federal appellate courts but frequently consults with the senators from their home states.

From: CN=Ashley Snee/OU=WHO/O=EOP [WHO]
To: Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/6/2003 6:50:25 AM
Subject: : Re: Birmingham News (1/5/03) re: Pryor up for judgeship

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JAN-2003 11:50:25.00
SUBJECT:: Re: Birmingham News (1/5/03) re: Pryor up for judgeship
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

yeeeah. i'll fill you on this. but we are keeping the same line on this
- don't speculate on nominations/personnel issues.

Jeanie S. Mamo
01/06/2003 11:47:28 AM
Record Type: Record

To: Ashley Snee/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Birmingham News (1/5/03) re: Pryor up for judgeship

Are we glad that Sen. Session's office is SURE that AG Pryor will be
nominated for a judgeship?

Pryor up for judgeship
01/05/03
MARY ORNDORFF
News Washington correspondent
WASHINGTON The White House is considering Alabama Attorney General Bill
Pryor for a lifetime appointment to a high-level federal judgeship,
according to Sen. Jeff Sessions' office.
"It is no secret that President Bush believes Bill Pryor is a superb
lawyer and attorney general," said Michael Brumas, spokesman for Sessions.
"Sen. Sessions shares that view and believes Bill Pryor would be a
magnificent circuit judge."
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the 11th U.S. Circuit Court of Appeals, a federal court that handles
appeals from Alabama, Georgia and Florida and is one step below the U.S.
Supreme Court.
Pryor, a politically active and ideologically conservative state
prosecutor, has developed ties in the White House and around Washington
since Bush's election. He said last month he would accept a nomination if
it were offered.
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The timing of Pryor's nomination would be ideal, several Republicans said
Friday. The GOP retook control of the Senate in the last election, giving

Bush nominees the chance for a smoother confirmation ride through the Judiciary Committee.
Also, Pryor would leave his post as attorney general during Gov.-elect Bob Riley's term, meaning a Republican would appoint Pryor's replacement. The appointment would be early enough in the term to give the new prosecutor a lengthy time in office before facing election in 2006.
Pryor's nomination also would signal a desire by Republicans stung by the recent resignation of Sen. Trent Lott, R-Miss., as party leader to dodge another confrontation over race. Bush's original nominee to the 11th Circuit, William Steele of Mobile, is opposed by black groups and has languished for 15 months without a confirmation hearing before the Senate Judiciary Committee.
Steele, already a federal magistrate, could instead be nominated for a district court position, a lower level than the appellate court.
"Sen. Sessions believes the president has complete confidence in Bill Steele and the senator expects that Judge Steele will be nominated for a federal judgeship shortly," Brumas said.
Objections to Steele:
The Southern Christian Leadership Conference and the NAACP last year objected to Steele's nomination because of a 2001 opinion he issued in a racial harassment case filed by black employees at a Pennington paper mill. Although Steele found evidence of racially insensitive remarks in the workplace, he dismissed the case in favor of the mill's owner because the employees failed to meet several legal requirements.
The 11th Circuit recently reversed Steele's decision and Sessions said then that the reversal was due to changes in the law, not a mistake by Steele.
But since Lott's glowing praise of a one-time segregationist presidential candidate, Republicans are especially vulnerable to allegations of racial insensitivity, and the criticism of Steele's original ruling would undoubtedly resurface.
Swapping Steele for Pryor, however, does not guarantee a noncontroversial confirmation hearing.
Extensive record:
Pryor has been the most active state prosecutor in the country in pressing cases of interest to the U.S. Supreme Court, and he has an extensive record of speeches, articles and congressional testimony on important federal issues. Pryor has taken strident positions supporting the right to student-led prayer in public schools, promoting states' rights over the federal government's and protecting Second Amendment rights on gun ownership, to name just a few.
His conservative record also provides Democrats, especially wary of strident anti-abortion Bush nominees to the bench, with plenty of ammunition.
"Our greatest right is the right to life," Pryor said in a 2000 rally promoting restrictions on a woman's access to abortions in Alabama.
Pryor opposed the multistate lawsuit against the tobacco companies, and he advocated giving utility companies more freedom to upgrade their coal-fired power plants without being forced to add pollution control devices. He defends Alabama Supreme Court Chief Justice Roy Moore's decision to prominently display the Ten Commandments in the state judicial building and helped write rules that provide fewer automatic appeals of death penalty cases.
For Sessions, escorting Pryor's nomination through Senate confirmation would be pleasantly ironic as Sessions' own chance at the federal bench was scuttled years ago by allegations of racial insensitivity. Pryor was a Sessions protege at the attorney general's office, and Pryor replaced Sessions in the top job when Sessions was elected to the Senate in 1996.
Pryor, now 40, was appointed attorney general by Gov. Fob James and has twice won re-election, most recently last year.
Solidly conservative:
Ideologically, Pryor's record is solidly conservative. Politically, it's murkier. He's angered some state Republicans at times, as in 2001 when he

sided with Gov. Don Siegelman in the governor's ability to cut higher education more deeply than K-12 during a budget crisis.
Most recently, his opinion in the debate over a recounting of the votes in the closely contested governor's race favored Riley. In that election cycle, Sessions and Pryor were the top two vote-getters in the state.
Pryor would be another in a long line of high-level Bush appointees who are active in the Federalist Society, an association of legal scholars and lawyers promoting the conservative principles of limited government.
Pryor's 1998 campaign was aided by consultant Karl Rove, now the president's top political adviser. The two have stayed in touch, evidenced by Pryor's recent ride aboard Air Force One arranged by Rove.
The opening on the appellate court was created when Emmett Ripley Cox, an Alabama native and appointee of President Reagan, announced in December 2000 that he was stepping down from handling cases.
The White House selects nominees for the federal appellate courts but frequently consults with the senators from their home states.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/6/2003 6:59:13 AM
Subject: : Re: Birmingham News (1/5/03) re: Pryor up for judgeship

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-JAN-2003 11:59:13.00
SUBJECT:: Re: Birmingham News (1/5/03) re: Pryor up for judgeship
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ok, good. thanks.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 1/6/2003 7:17:22 AM
Subject: : Given the DOJ call at 4, can we now meet at 4:30 in Ashley's office

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-JAN-2003 12:17:22.00
SUBJECT:: Given the DOJ call at 4, can we now meet at 4:30 in Ashley's office
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: ted.ullyot@aoltw.com [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/6/2003 4:04:59 AM
Subject: : Re: interview now at 10:15; please confirm you got this e-mail

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:ted.ullyot@aoltw.com ( ted.ullyot@aoltw.com [ UNKNOWN ] )
CREATION DATE/TIME: 6-JAN-2003 09:04:59.00
SUBJECT:: Re: interview now at 10:15; please confirm you got this e-mail
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Got it. Thanks
```

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: ashley snee/who/eop@eop [WHO] <ashley snee>
Sent: 1/6/2003 4:15:15 AM
Subject: : Re: can we meet at 4:00

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JAN-2003 09:15:15.00
SUBJECT:: Re: can we meet at 4:00
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:ashley snee (CN=ashley snee/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

that should work for me. I'll be coming from a 3pm meeting, but should be able to make it. Where do you want to meet?

Brett M. Kavanaugh
01/06/2003 09:10:32 AM
Record Type: Record

To: Ashley Snee/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP
cc:
Subject: can we meet at 4:00

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: sheila.joy@usdoj.gov [UNKNOWN] <sheila.joy@usdoj.gov>
CC: charnes, adam <adam.charnes@usdoj.gov>
Sent: 1/6/2003 4:32:24 AM
Subject: : RE: Re-nomination information

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-JAN-2003 09:32:24.00
SUBJECT:: RE: Re-nomination information
TO:sheila.joy@usdoj.gov ( sheila.joy@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
CC:"charnes, adam" <adam.charnes@usdoj.gov> ( "charnes, adam" <adam.charnes@usdoj.gov> [
UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Do you all know how many district court nominations President Clinton
re-submitted during his Administration? The Clinton circuit re-nomination
list is below.




Re-nominations in new Congress of court of appeals judges in Clinton
Administration

107th Congress (2001)
Bonnie Campbell
James Duffy
Barry Goode
Roger Gregory (confirmed)
Kathleen McCree Lewis
Enrique Moreno
Helene White
James Wynn
Alston Johnson

106th Congress (1999-2000)
Barry Goode [re-nominated again in 107th]
Timothy Dyk (confirmed)
Marsha Berzon (confirmed)
Ronald Gould (confirmed)
Richard Paez (confirmed)
Helene White [re-nominated again in 107th]

105th Congress (1997-98)
Margaret McKeown (confirmed)
Eric Clay (confirmed)
Richard Paez [re-nominated again in 106th and then confirmed]
James Beaty
William Fletcher (confirmed)
Merrick Garland (confirmed)
Arthur Gajarsa (confirmed)

104th Congress (1995-96)
James Dennis (confirmed)
Karen Moore (confirmed)
Sandra Lynch (confirmed)
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 1/6/2003 8:38:49 AM
Subject: : Re: Mid Term Accomplishments

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JAN-2003 13:38:49.00
SUBJECT:: Re: Mid Term Accomplishments
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

Patrick J. Bumatay
01/06/2003 01:34:40 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Mid Term Accomplishments

Brett,

On Jan 3, I faxed you a red tag from Strategery dealing with Mid-Term Accomplishments. It is due tomorrow at noon but wanted to make sure you received it.

Thanks,
Patrick

From: Roger T. Stetson <RTStetson@belinlaw.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/6/2003 5:28:34 AM
Subject: : RE: Iowa State Bar Association Federal Practice Seminar

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Roger T. Stetson" <RTStetson@belinlaw.com> ("Roger T. Stetson"
<RTStetson@belinlaw.com> [UNKNOWN])
CREATION DATE/TIME: 6-JAN-2003 10:28:34.00
SUBJECT:: RE: Iowa State Bar Association Federal Practice Seminar
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I would enjoy that very much. Roger

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Saturday, January 04, 2003 1:21 PM
To: Roger T. Stetson
Subject: RE: Iowa State Bar Association Federal Practice Seminar

Thank you, Roger. Hope to see you soon, perhaps at a future Eighth Circuit
investiture.

(Embedded
image moved "Roger T. Stetson" <RTStetson@belinlaw.com>
to file: 12/14/2002 04:51:42 PM
pic14339.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: Iowa State Bar Association Federal Practice Seminar

Brett

I want to thank you for taking time from your busy schedule to come to
Iowa for
the Iowa State Bar Association Federal Practice Seminar. Your presentation
was
excellent and well-received.

I hope your travel back to D.C. went smoothly. Sorry for the quality of the
basketball game but that was under Steve's direction, not mine.

Let me know if you had any expenses for which you need reimbursement.

I hope our paths cross again. thanks again.

Roger T. Stetson
Belin Law Firm
666 Walnut Suite 2000
Des Moines, IA 50309
515-283-4633 (direct phone)
515-558-0633 (direct fax)
rtstetson@belinlaw.com

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IMMEDIATELY NOTIFY THE SENDER OF THIS MESSAGE.
THANK YOU.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, December 11, 2002 9:16 AM
To: Roger T. Stetson
Subject: Iowa State Bar Association Federal Practice Seminar

Roger: My assistant Raquel is calling you about the flights and to
obtain
a credit card from you, which is necessary under our rules. I plan to
arrive at
1:30 on Monday at Des Moines. If the weather looks bad, I will switch that
morning to an earlier flight to make sure there are no problems.

Attached are the President's book-end speeches (May 9, 2001, and
October
30, 2002) on the judicial confirmation process, which I will discuss
during my
remarks. I suggest that you include them in the CLE materials.

(See attached file: iowa.1.doc)(See attached file: iowa.2.doc)

From: CN=Virginia Stephens/OU=CEQ/O=EOP [CEQ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/6/2003 5:45:37 AM
Subject: : Re: task force postcard

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Virginia Stephens ( CN=Virginia Stephens/OU=CEQ/O=EOP [ CEQ ] )
CREATION DATE/TIME: 6-JAN-2003 10:45:37.00
SUBJECT:: Re: task force postcard
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

yes. the postcards are being printed now.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/6/2003 7:17:23 AM
Subject: : Judicial Nominations Working Group conference call

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JAN-2003 12:17:23.00
SUBJECT:: Judicial Nominations Working Group conference call
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/06/2003 12:16 PM ----------

"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov>
01/06/2003 11:46:44 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Judicial Nominations Working Group conference call

All-

Following on last year's tradition, we would like to conduct an initial conference call at 4pm today to discuss judicial nominations in the 108th Congress. Attached please find an agenda.

Dial in - (202) 353-0878
Passcode - 0394

Apologize for the short notice. Hope you can participate.

Brian

Brian A. Benczkowski
Senior Counsel
Office of Legal Policy
United States Department of Justice
950 Pennsylvania Ave., NW
Room 7214
Washington, DC 20530
Telephone: (202) 616-2004
Fax: (202) 514-1685
E-mail: Brian.A.Benczkowski@usdoj.gov

Message Sent
To:_____
"Charnes, Adam" <Adam.Charnes@usdoj.gov>
"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov>
"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov>
"Bryant, Dan" <Dan.Bryant@usdoj.gov>
"Willett, Don" <Don.Willett@usdoj.gov>
"Brown, Jamie E (OLA)" <Jamie.E.Brown@usdoj.gov>
"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov>

"Goodling, Monica" <Monica.Goodling@usdoj.gov>
"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov>
"Goodling, Monica" <Monica.Goodling@usdoj.gov>
"Scottfinan, Nancy" <Nancy.Scottfinan@usdoj.gov>
"Sales, Nathan" <Nathan.Sales@usdoj.gov>
"O'Brien, Pat" <Pat.O'Brien@usdoj.gov>
"Joy, Sheila" <Sheila.Joy@usdoj.gov>
"Dinh, Viet" <Viet.Dinh@usdoj.gov>
"Hall, William" <William.Hall2@usdoj.gov>
"'alex_dahl@judiciary.senate.gov'" <alex_dahl@judiciary.senate.gov>
rena_johnson_comisca@judiciary.senate.gov
"'manuel_miranda@judiciary.senate.gov'"
<manuel_miranda@judiciary.senate.gov>
"'joschal@att.net'" <joschal@att.net>
Tim Goeglein/WHO/EOP@EOP
Matthew E. Smith/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
"'Anne_Womack@who.eop.gov'" <Anne_Womack@who.eop.gov>
"'john_abegg@mcconnell.senate.gov'" <john_abegg@mcconnell.senate.gov>

From: CN=Ashley Snee/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: heather wingate/who/eop@eop [WHO] <heather wingate>;tim goeglein/who/eop@eop [WHO] <tim goeglein>
Sent: 1/6/2003 7:17:36 AM
Subject: : Re: Given the DOJ call at 4, can we now meet at 4:30 in Ashley's office

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-JAN-2003 12:17:36.00
SUBJECT:: Re: Given the DOJ call at 4, can we now meet at 4:30 in Ashley's office
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:heather wingate ( CN=heather wingate/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:tim goeglein ( CN=tim goeglein/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

sounds good. thanks
```

```
Brett M. Kavanaugh
01/06/2003 12:10:28 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Ashley Snee/WHO/EOP@EOP, Heather
Wingate/WHO/EOP@EOP
cc:
Subject: Given the DOJ call at 4, can we now meet at 4:30 in
Ashley's office
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/6/2003 11:32:26 AM
Subject: : Re: PFAW report

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JAN-2003 16:32:26.00
SUBJECT:: Re: PFAW report
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes, Ben has prepared some stuff, which I will incorporate

Ashley Snee
01/06/2003 03:47:22 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: PFAW report

On the Steele question, anything we can say about why district instead of circuit this time? He is obviously a great choice for either, but if asked specifically?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: charnes, adam <adam.charnes@usdoj.gov>;sheila.joy@usdoj.gov [UNKNOWN] <sheila.joy@usdoj.gov>
Sent: 1/6/2003 8:29:24 AM
Subject: : RE: Re-nomination information

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JAN-2003 13:29:24.00
SUBJECT:: RE: Re-nomination information
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"charnes, adam" <adam.charnes@usdoj.gov> ("charnes, adam" <adam.charnes@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:sheila.joy@usdoj.gov (sheila.joy@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

any answer to this?

Brett M. Kavanaugh
01/06/2003 09:29:01 AM
Record Type: Record

To: sheila.joy@usdoj.gov
cc: "charnes, adam" <adam.charnes@usdoj.gov>
bcc: Records Management@EOP
Subject: RE: Re-nomination information

Do you all know how many district court nominations President Clinton re-submitted during his Administration? The Clinton circuit re-nomination list is below.

Re-nominations in new Congress of court of appeals judges in Clinton Administration

107th Congress (2001)
Bonnie Campbell
James Duffy
Barry Goode
Roger Gregory (confirmed)
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Enrique Moreno
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Alston Johnson

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Timothy Dyk (confirmed)
Marsha Berzon (confirmed)
Ronald Gould (confirmed)

Richard Paez (confirmed)
Helene White [re-nominated again in 107th]

105th Congress (1997-98)
Margaret McKeown (confirmed)
Eric Clay (confirmed)
Richard Paez [re-nominated again in 106th and then confirmed]
James Beaty
William Fletcher (confirmed)
Merrick Garland (confirmed)
Arthur Gajarsa (confirmed)

104th Congress (1995-96)
James Dennis (confirmed)
Karen Moore (confirmed)
Sandra Lynch (confirmed)

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/6/2003 8:38:08 AM
Subject: : Mid Term Accomplishments

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-JAN-2003 13:38:08.00
SUBJECT:: Mid Term Accomplishments
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett,

On Jan 3, I faxed you a red tag from Strategery dealing with
Mid-Term Accomplishments. It is due tomorrow at noon but wanted to make
sure you received it.

Thanks,
Patrick
```

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/6/2003 9:21:12 AM
Subject: : Re: Given the DOJ call at 4, can we now meet at 4:30 in Ashley's office

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JAN-2003 14:21:12.00
SUBJECT:: Re: Given the DOJ call at 4, can we now meet at 4:30 in Ashley's office
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

what is her office room number?

tsg

Brett M. Kavanaugh
01/06/2003 12:10:28 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Ashley Snee/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP
cc:
Subject: Given the DOJ call at 4, can we now meet at 4:30 in Ashley's office

From: CN=Peter H. Wehner/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/6/2003 9:40:22 AM
Subject: : guidance

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JAN-2003 14:40:22.00
SUBJECT:: guidance
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett:

One of the things we thought would be useful to undertake is to create a birthday database so that key contacts receive a personal birthday greeting from the President. As you know, this information is collected now each time we clear someone in through WAVES for events and meetings; what we were wondering is if it was allowable to use that information in the way that's been suggested.

I'd be grateful for your guidance.

Many thanks.

Pete

From:	CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To:	Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>;Elizabeth N. Camp/WHO /EOP@EOP [WHO] <Elizabeth N. Camp>
CC:	David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO /EOP@EOP [WHO] <Alberto R. Gonzales>
Sent:	1/6/2003 9:43:53 AM
Subject:	:

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-JAN-2003 14:43:53.00
SUBJECT::
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

please print attached for Judge and David. You need to page through the
link to print out all the pages. Thanks.

http://www.pfaw.org/pfaw/general/default.aspx?oid=7526
```

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Kimberly Ellison/WHO/EOP@EOP [WHO] <Kimberly Ellison>
Sent: 1/6/2003 2:00:19 PM
Subject: : legal advice

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Barry S. Jackson ( CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-JAN-2003 19:00:19.00
SUBJECT:: legal advice
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Kimberly Ellison ( CN=Kimberly Ellison/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

i need a few minutes to discuss a dept of education project - tomorrow,
maybe?
```

From: Charnes, Adam <Adam.Charnes@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Goodling, Monica <Monica.Goodling@usdoj.gov>
Sent: 1/6/2003 10:09:49 AM
Subject: : Timing of renominations

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Charnes, Adam" <Adam.Charnes@usdoj.gov> ( "Charnes, Adam" <Adam.Charnes@usdoj.gov>
[ UNKNOWN ] )
CREATION DATE/TIME: 6-JAN-2003 15:09:49.00
SUBJECT:: Timing of renominations
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:"Goodling, Monica" <Monica.Goodling@usdoj.gov> ( "Goodling, Monica"
<Monica.Goodling@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett, any idea of when they will be sent up and released publicly
tomorrow?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: adam.charnes@usdoj.gov @ inet [UNKNOWN] <adam.charnes@usdoj.gov @ inet>;monica.goodling@usdoj.gov @ inet [UNKNOWN] <monica.goodling@usdoj.gov @ inet>;viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov @ inet>
CC: David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/6/2003 2:31:23 PM
Subject: : NY Times inquiries . . .

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-JAN-2003 19:31:23.00
SUBJECT:: NY Times inquiries . . .
TO:adam.charnes@usdoj.gov @ inet ( adam.charnes@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:monica.goodling@usdoj.gov @ inet ( monica.goodling@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:viet.dinh@usdoj.gov @ inet ( viet.dinh@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Gang: The NY Times is apparently sniffing around about whether the
re-nominations will occur tomorrow. Needless to say, please do not say
anything one way or another.
```

From: CN=Ashley Snee/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/6/2003 5:28:57 PM
Subject: : Re: re NY Times . . .

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-JAN-2003 22:28:57.00
SUBJECT:: Re: re NY Times . . .
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Thank you
```

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/6/2003 1:32:31 PM
Subject: : Unemployed TP

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-JAN-2003 18:32:31.00
SUBJECT:: Unemployed TP
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Did you get a chance to review the talking points on Unemployment? It is
due at 6:30 PM
```

From: Ted Cruz <TCRUZ@ftc.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/6/2003 3:00:04 PM
Subject: : RE: December 12th

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ted Cruz <TCRUZ@ftc.gov> ( Ted Cruz <TCRUZ@ftc.gov> [ UNKNOWN ] )
CREATION DATE/TIME: 6-JAN-2003 20:00:04.00
SUBJECT:: RE: December 12th
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Thanks. Am really excited about it; should be a terrific opportunity
and an enormous challenge. And great fun.

Will miss everyone in DC, though, but hopefully I'll make it back often.

Ted.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Saturday, January 04, 2003 2:10 PM
To: Ted Cruz
Subject: Re: December 12th


Congrats on your new gig. Awesome opportunity for you and great for the
state.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: makan_delrahim@judiciary.senate.gov [UNKNOWN] <makan_delrahim@judiciary.senate.gov>;rena_johnson_comisac@judiciary.senate.gov [UNKNOWN] <rena_johnson_comisac@judiciary.senate.gov>
CC: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;jamie.e.brown@usdoj.gov [UNKNOWN] <jamie.e.brown@usdoj.gov>;ashley snee/who/eop@eop [WHO] <ashley snee>;viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;adam.charnes@usdoj.gov [UNKNOWN] <adam.charnes@usdoj.gov>
Sent: 1/7/2003 3:52:48 AM
Subject: : timing of re-nominations

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-JAN-2003 08:52:48.00
SUBJECT:: timing of re-nominations
TO:makan_delrahim@judiciary.senate.gov ( makan_delrahim@judiciary.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:rena_johnson_comisac@judiciary.senate.gov ( rena_johnson_comisac@judiciary.senate.gov [
UNKNOWN ] )
READ:UNKNOWN
CC:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:jamie.e.brown@usdoj.gov ( jamie.e.brown@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
CC:ashley snee ( CN=ashley snee/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:viet.dinh@usdoj.gov ( viet.dinh@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
CC:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:adam.charnes@usdoj.gov ( adam.charnes@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

It is possible that the judicial re-nominations may not be submitted
today, but instead may be submitted later in the week. We will keep you
posted. Please also keep us posted on status of re-org. Thanks.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: G. Timothy Saunders/WHO/EOP [WHO] <G. Timothy Saunders>
Sent: 1/7/2003 4:57:12 AM
Subject: RECEIVED: Re: one discrepancy

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-JAN-2003 09:57:12.00
SUBJECT:RECEIVED: Re: one discrepancy
TO:G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

RETURN RECEIPT

Your Document:
Re: one discrepancy
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
01/07/2003 10:00:52 AM
```

From: ted.ullyot@aoltw.com [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/7/2003 2:20:34 AM
Subject: : Re: (no subject)

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:ted.ullyot@aoltw.com ( ted.ullyot@aoltw.com [ UNKNOWN ] )
CREATION DATE/TIME: 7-JAN-2003 07:20:34.00
SUBJECT:: Re: (no subject)
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett: Does Andy Card go by "Mr. Card," "Mr. Secretary" (wasn't he a
cabinet secretary sometime in the past), "Andy," or something else?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Goodling, Monica <Monica.Goodling@usdoj.gov>
CC: dinh, viet <viet.dinh@usdoj.gov/ (receipt notification requested)>
Sent: 1/7/2003 6:51:15 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JAN-2003 11:51:15.00
SUBJECT:: RE:
TO:"Goodling, Monica" <Monica.Goodling@usdoj.gov> ("Goodling, Monica"
<Monica.Goodling@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"dinh, viet" <viet.dinh@usdoj.gov/ (receipt notification requested)> ("dinh, viet"
<viet.dinh@usdoj.gov/ (receipt notification requested)> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

no problem, thanks.

"Goodling, Monica" <Monica.Goodling@usdoj.gov>
01/07/2003 11:48:56 AM
Record Type: Record

To: "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested),
Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Sorry, Brett, Viet did his yesterday. We did it on the record, which was
how they did them during the previous administration -- but Viet said
nothing new.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, January 07, 2003 11:39 AM
To: Goodling, Monica; Dinh, Viet
Subject:

probably best to do Slotnick interviews on background as "administration
officials" rather than attributable by name

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
CC: keith hennessey/opd/eop@exchange [OPD] <keith hennessey>
Sent: 1/7/2003 4:52:41 AM
Subject: : Re: GROWTH: State-by-State Analysis
Attachments: P_FKARC003_OPD.TXT_1.pdf; P_FKARC003_OPD.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JAN-2003 09:52:41.00
SUBJECT:: Re: GROWTH: State-by-State Analysis
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:keith hennessey (CN=keith hennessey/OU=opd/O=eop@exchange [OPD])
READ:UNKNOWN
End Original ARMS Header

Any info made available to others can also be made available to RNC.

Ken Mehlman
01/07/2003 09:51:50 AM
Record Type: Record

To: Keith Hennessey/OPD/EOP@Exchange, Brett M.
Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: GROWTH: State-by-State Analysis

Can we post this on the RNC website?

From: Keith Hennessey/OPD/EOP@Exchange on 01/06/2003 09:22:14 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: GROWTH: State-by-State Analysis

Here are #'s which show how many taxpayers in each state benefit from the
package, and from each provision.

For example:

- "1.2 million taxpayers in Alabama will have lower income tax bills in
2003"

- "Over 400,000 married couples and single parents in Alabama will benefit
from the acceleration to 2003 of the increase in the child tax credit"

- "Nearly 400,000 taxpayers in Alabama will benefit from the exclusion of

dividends paid from previously-taxed corporate income."

Please make sure to thank the Treasury tax team! (Pam Olson, Drew Lyon, Greg Jenner, Chris Smith) They're cranking out some great stuff.

-kbh

-----Original Message-----
From: chris.smith@do.treas.gov [mailto:chris.smith@do.treas.gov]
Sent: Monday, January 06, 2003 8:51 PM
To: Hennessey, Keith
Subject: Fw: State-by-State Analysis

This is ready to roll. How do you want to handle?

-----Original Message-----
From: Lyon, Andrew <Andrew.Lyon@do.treas.gov>
To: Nichols, Robert <Robert.Nichols@do.treas.gov>; Bradshaw, Tara <Tara.Bradshaw@do.treas.gov>
CC: Smith, Chris <chris.smith@do.treas.gov>; Olson, Pam <Pam.Olson@do.treas.gov>; Jenner, Gregory <Gregory.Jenner@do.treas.gov>; Kelly, John Jr <John.Kelly@do.treas.gov>
Sent: Mon Jan 06 20:08:28 2003
Subject: State-by-State Analysis

Attached is a state-by-state table of the number of returns benefiting from the Growth Package, and by each major provision. Counts are based on returns processed in 2001 (mostly tax year 2000 returns), so they do not coincide with the total nationwide counts we have separately projected for tax year 2003.

In addition to the table, we have provided a write-up for one state (Alabama) that may be used as a template by your shop for generating 50 separate one-page descriptions.

Message Sent
To:_____
Law-Steven@dol.gov@SMTP@Exchange
Brenda Becker <BBecker@doc.gov>@SMTP@Exchange
findlay-cameron@dol.gov@SMTP@Exchange
Chris Spear (Chris Spear at Labo@Chris Spear at Labor@CCMAIL@Exchange
scalia-eugene@dol.gov@SMTP@Exchange
JAckerly@DOC.GOV@SMTP@Exchange
Kathleen.Cooper@esa.doc.gov@SMTP@Exchange
mmeece@doc.gov@SMTP@Exchange
Candida P. Wolff/OVP/EOP@EOP
Ruben S. Barrales/WHO/EOP@EOP
Daniel J. Bartlett/WHO/EOP@Exchange
Bradley A. Blakeman/WHO/EOP@Exchange
Joshua B. Bolten/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Claire E. Buchan/WHO/EOP@EOP
Christine M. Burgeson/OMB/EOP@EOP
Shannon Burkhart/WHO/EOP@EOP
Nicholas E. Calio/WHO/EOP@EOP
Amy L. Call/OMB/EOP@EOP
James C. Capretta/OMB/EOP@EOP
Mitchell Daniels/OMB/EOP@EOP

Suzy DeFrancis/WHO/EOP@Exchange
Nicolle Devenish/WHO/EOP@EOP
Nancy Dorn/OMB/EOP@EOP
Elizabeth S. Dougherty/OPD/EOP@EOP
Trent D. Duffy/OMB/EOP@EOP
Kara G. Figg/WHO/EOP@Exchange
Lawrence A. Fleischer/WHO/EOP@EOP
Michael J. Gerson/WHO/EOP@Exchange
Adam B. Goldman/WHO/EOP@EOP
David W. Hobbs/WHO/EOP@EOP
Glenn Hubbard/CEA/EOP@EOP
Edward Ingle/WHO/EOP@EOP
Barry S. Jackson/WHO/EOP@EOP
Reuben Jeffery/OPD/EOP@EOP
Daniel J. Keniry/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
Randall S. Kroszner/CEA/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@EOP
Lewis Libby/OVP/EOP@EOP
Ginger G. Loper/WHO/EOP@EOP
Jeanie S. Mamo/WHO/EOP@EOP
Catherine J. Martin/OVP/EOP@EOP
Scott McClellan/WHO/EOP@EOP
Charles D. McGrath Jr/OVP/EOP@EOP
Stephen S. McMillin/OMB/EOP@EOP
Ken Mehlman/WHO/EOP@EOP
Harriet Miers/WHO/EOP@EOP
Noam M. Neusner/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Eric C. Pelletier/OMB/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Jeannette B. Reilly/WHO/EOP@EOP
Karl C. Rove/WHO/EOP@EOP
Danielle M. Simonetta/OMB/EOP@EOP
Margaret M. Spellings/OPD/EOP@EOP
Phillip L. Swagel/CEA/EOP@EOP
Peter H. Wehner/WHO/EOP@EOP
Lezlee J. Westine/WHO/EOP@EOP
Tim.Adams@do.treas.gov@SMTP@Exchange
chris.smith@do.treas.gov@SMTP@Exchange
Pam.Olson@do.treas.gov@SMTP@Exchange
Kristen Silverberg/WHO/EOP@EOP
Cesar Conda/OVP/EOP@EOP
James D. Foster/OMB/EOP@EOP
Douglas J. Holtz-Eakin/CEA/EOP@EOP
Ado A. Machida/OVP/EOP@EOP
Kevin Warsh/OPD/EOP@EOP
William D. Badger/OPD/EOP@EOP
Charles P. Blahous/OPD/EOP@EOP
Caroline Boeckel/OPD/EOP@EOP
Carlos E. Bonilla/OPD/EOP@EOP
John A. Cloud/NSC/EOP@EOP
Charles Conner/OPD/EOP@EOP
Gary R. Edson/NSC/EOP@EOP
Sue H. Gerdelman/OPD/EOP@EOP
Dylan C. Glenn/OPD/EOP@EOP
Daniel D. Heath/OPD/EOP@EOP
Robert C. McNally/OPD/EOP@EOP
Leslie A. Mooney/OPD/EOP@Exchange
Eric H. Otto/OPD/EOP@Exchange
Jean M. Russell/OPD/EOP@Exchange
Richard M. Russell/OSTP/EOP@EOP
Marty P. Smith/OPD/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FKARC003_OPD.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FKARC003_OPD.TXT_2>

President's Growth Package

Number of Returns Filed in 2001 That Would Have Benefited from the Package

(in thousands)

	Entire Growth Package[1]	Specific Provisions of Package					Addendum: Returns with Business Income[2] Benefiting from Package
		Accelerate 10% Bracket Expansion	Accelerate Reduction in Tax Rates	Accelerate Reduction of Marriage Penalty	Accelerate Increase in Child Tax Credit	Exclusion for Corporate Dividends	
United States	89,218	68,149	26,879	34,412	24,839	32,064	22,697
Alabama	1,208	871	277	498	402	398	301
Alaska	217	171	74	84	57	82	55
Arizona	1,512	1,148	429	591	431	528	381
Arkansas	705	510	135	302	229	226	177
California	10,434	7,819	3,613	3,843	2,735	3,946	2,715
Colorado	1,513	1,202	507	584	386	567	393
Connecticut	1,231	970	487	475	306	496	334
Delaware	271	211	89	103	75	98	68
Florida	5,026	3,758	1,349	1,855	1,394	1,740	1,241
Georgia	2,449	1,815	725	932	742	863	614
Hawaii	400	314	115	153	106	140	99
Idaho	376	287	81	171	115	127	99
Illinois	4,050	3,115	1,363	1,544	1,122	1,504	1,042
Indiana	1,958	1,539	516	812	578	677	497
Iowa	940	749	217	402	274	318	240
Kansas	846	662	222	364	248	297	221
Kentucky	1,155	879	259	493	342	387	294
Louisiana	1,145	813	266	447	383	376	279
Maine	416	326	93	169	117	139	104
Maryland	1,869	1,433	702	687	509	710	478
Massachusetts	2,314	1,857	876	845	540	905	605
Michigan	3,235	2,533	1,050	1,311	902	1,190	835
Minnesota	1,732	1,405	547	703	461	635	449
Montana	265	201	52	113	77	88	67
Mississippi	696	479	135	269	248	216	165
Missouri	1,737	1,334	446	709	507	598	439
North Carolina	2,474	1,863	636	988	757	843	620
North Dakota	200	158	39	85	57	66	50
Nebraska	554	438	131	232	158	189	141
Nevada	694	536	195	246	192	236	168
New Hampshire	463	375	150	187	121	173	122
New Jersey	2,938	2,250	1,166	1,121	757	1,176	790
New Mexico	443	319	97	171	137	144	106
New York	5,861	4,353	2,029	2,013	1,562	2,181	1,472
Ohio	3,908	3,113	1,123	1,348	987	1,336	923
Oklahoma	947	704	204	408	292	315	242
Oregon	1,094	857	303	444	303	385	280
Pennsylvania	4,004	3,134	1,135	1,595	1,106	1,420	1,016
Rhode Island	348	276	106	130	91	124	86
South Carolina	1,175	870	276	451	369	386	283
South Dakota	232	181	45	98	68	77	59
Tennessee	1,698	1,265	390	685	524	564	423
Texas	5,948	4,354	1,687	2,365	1,779	2,104	1,517
Utah	646	502	152	292	197	224	171
Vermont	208	166	52	82	55	72	52
Virginia	2,406	1,883	806	955	646	901	630
Washington	2,027	1,615	651	811	545	744	527
Wisconsin	1,845	1,497	512	754	510	648	468
West Virginia	482	361	93	215	145	158	123
Wyoming	157	123	37	68	46	54	41
DC	198	146	80	34	41	73	43
Other Areas	567	409	157	174	108	222	152

Notes and footnotes appear on following page.

REV_00105755

Notes

The figures in the table are based on tabulations of all individual income tax returns filed and processed through the IRS Individual Master File (IMF) during calendar year 2001. Most returns filed in 2001 were for tax year 2000.

Classification by state was based on the address used on the return. Usually this address is the taxpayer's home address. However, some taxpayers may have used the address of a tax attorney or accountant, or a place of business, and that address could be in a different state than the taxpayer's home.

Footnotes

[1] The number of returns benefitting from each of the specific provisions shown may not add to the number benfitting from the entire package because some returns will benefit from more than one provision. In addition to the provisions shown separately, the package includes an increase in exemption levels for the alternative minimum tax (AMT).

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REV_00105756

THE PRESIDENT'S GROWTH PACKAGE WILL PROVIDE BENEFITS TO 1,200,000 ALABAMA TAXPAYERS

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- **1,200,000** taxpayers in Alabama will have lower income tax bills in 2003 under the President's growth package.

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ACCELERATE INCREASE IN CHILD TAX CREDIT

- Over **400,000** married couples and single parents in Alabama will benefit from the acceleration to 2003 of the increase in the child tax credit from $600 to $1,000 that was scheduled to phase in between 2005 and 2010.

EXCLUSION FOR CORPORATE DIVIDENDS

- Nearly **400,000** taxpayers in Alabama will benefit from the exclusion of dividends paid from previously-taxed corporate income.

SOURCE: *Counts are for the number of returns filed in 2001 that would have benefited from the package. These estimates are based on tabulations from all individual income tax returns processed by the Internal Revenue Service in 2001. Most of these returns covered tax year 2000.*

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 1/7/2003 5:49:52 AM
Subject: : Re: timing of re-nominations

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-JAN-2003 10:49:52.00
SUBJECT:: Re: timing of re-nominations
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

good (and quick) unraveling.
```

From: Kavanaugh, Brett M.
To: <Mehlman, Ken>
CC: <Hennessey, Keith>
Sent: 1/7/2003 9:49:11 AM
Subject: Re: GROWTH: State-by-State Analysis
Attachments: President's Growth Package_State-by-State Estimates.pdf; President's Growth Package_Template for State-by-State.doc

Any info made available to others can also be made available to RNC.

Ken Mehlman

01/07/2003 09:51:50 AM

Record Type: Record

To: Keith Hennessey/OPD/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

bcc:

Subject: Re: GROWTH: State-by-State Analysis <<...>>

Can we post this on the RNC website?

From: Keith Hennessey/OPD/EOP@Exchange on 01/06/2003 09:22:14 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: GROWTH: State-by-State Analysis

Here are #'s which show how many taxpayers in each state benefit from the package, and from each provision.

For example:

- "1.2 million taxpayers in Alabama will have lower income tax bills in 2003"

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- "Nearly 400,000 taxpayers in Alabama will benefit from the exclusion of dividends paid from previously-taxed corporate income."

Please make sure to thank the Treasury tax team! (Pam Olson, Drew Lyon, Greg Jenner, Chris Smith) They're cranking out some great stuff.

-kbh

-----Original Message-----

From: chris.smith@do.treas.gov [mailto:chris.smith@do.treas.gov]

Sent: Monday, January 06, 2003 8:51 PM

To: Hennessey, Keith

Subject: Fw: State-by-State Analysis

This is ready to roll. How do you want to handle?

-----Original Message-----

From: Lyon, Andrew

To: Nichols, Robert ; Bradshaw, Tara

CC: Smith, Chris ; Olson, Pam ; Jenner, Gregory ; Kelly, John Jr

Sent: Mon Jan 06 20:08:28 2003

Subject: State-by-State Analysis

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President's Growth Package

Number of Returns Filed in 2001 That Would Have Benefited from the Package

(in thousands)

	Entire Growth Package[1]	Specific Provisions of Package					Addendum: Returns with Business Income[2] Benefiting from Package
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Alabama	1,208	871	277	498	402	398	301
Alaska	217	171	74	84	57	82	55
Arizona	1,512	1,148	429	591	431	528	381
Arkansas	705	510	135	302	229	226	177
California	10,434	7,819	3,613	3,843	2,735	3,946	2,715
Colorado	1,513	1,202	507	584	386	567	393
Connecticut	1,231	970	487	475	306	496	334
Delaware	271	211	89	103	75	98	68
Florida	5,026	3,758	1,349	1,855	1,394	1,740	1,241
Georgia	2,449	1,815	725	932	742	863	614
Hawaii	400	314	115	153	106	140	99
Idaho	376	287	81	171	115	127	99
Illinois	4,050	3,115	1,363	1,544	1,122	1,504	1,042
Indiana	1,958	1,539	516	812	578	677	497
Iowa	940	749	217	402	274	318	240
Kansas	846	662	222	364	248	297	221
Kentucky	1,155	879	259	493	342	387	294
Louisiana	1,145	813	266	447	383	376	279
Maine	416	326	93	169	117	139	104
Maryland	1,869	1,433	702	687	509	710	478
Massachusetts	2,314	1,857	876	845	540	905	605
Michigan	3,235	2,533	1,050	1,311	902	1,190	835
Minnesota	1,732	1,405	547	703	461	635	449
Montana	265	201	52	113	77	88	67
Mississippi	696	479	135	269	248	216	165
Missouri	1,737	1,334	446	709	507	598	439
North Carolina	2,474	1,863	636	988	757	843	620
North Dakota	200	158	39	85	57	66	50
Nebraska	554	438	131	232	158	189	141
Nevada	694	536	195	246	192	236	168
New Hampshire	463	375	150	187	121	173	122
New Jersey	2,938	2,250	1,166	1,121	757	1,176	790
New Mexico	443	319	97	171	137	144	106
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Wisconsin	1,845	1,497	512	754	510	648	468
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Other Areas	567	409	157	174	108	222	152

Notes and footnotes appear on following page.

REV_00105765

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REV_00105766

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From: Mehlman, Ken
To: <Hennessey, Keith>;<Kavanaugh, Brett M.>
Sent: 1/7/2003 9:51:50 AM
Subject: Re: GROWTH: State-by-State Analysis
Attachments: President's Growth Package_State-by-State Estimates.pdf; President's Growth Package_Template for State-by-State.doc

Can we post this on the RNC website?

From: Keith Hennessey/OPD/EOP@Exchange on 01/06/2003 09:22:14 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: GROWTH: State-by-State Analysis

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For example:

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-kbh

-----Original Message-----

From: chris.smith@do.treas.gov [mailto:chris.smith@do.treas.gov]

Sent: Monday, January 06, 2003 8:51 PM

To: Hennessey, Keith

Subject: Fw: State-by-State Analysis

This is ready to roll. How do you want to handle?

-----Original Message-----

From: Lyon, Andrew

To: Nichols, Robert ; Bradshaw, Tara

CC: Smith, Chris ; Olson, Pam ; Jenner, Gregory ; Kelly, John Jr

Sent: Mon Jan 06 20:08:28 2003

Subject: State-by-State Analysis

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REV_00105773

Notes

The figures in the table are based on tabulations of all individual income tax returns filed and processed through the IRS Individual Master File (IMF) during calendar year 2001. Most returns filed in 2001 were for tax year 2000.

Classification by state was based on the address used on the return. Usually this address is the taxpayer's home address. However, some taxpayers may have used the address of a tax attorney or accountant, or a place of business, and that address could be in a different state than the taxpayer's home.

Footnotes

[1] The number of returns benefitting from each of the specific provisions shown may not add to the number benfitting from the entire package because some returns will benefit from more than one provision. In addition to the provisions shown separately, the package includes an increase in exemption levels for the alternative minimum tax (AMT).

[2] Returns with business income are those that report at least one dollar of income or loss from a sole proprietorship, farm proprietorship, partnership, S corporation, and/or rental income.

REV_00105774

THE PRESIDENT'S GROWTH PACKAGE WILL PROVIDE BENEFITS TO 1,200,000 ALABAMA TAXPAYERS

REDUCING TAXES

- **1,200,000** taxpayers in Alabama will have lower income tax bills in 2003 under the President's growth package.

- **300,000** business taxpayers can use their tax savings to invest in new equipment, hire additional workers, and increase pay.

ACCELERATE 10-PERCENT BRACKET EXPANSION

- **870,000** married couples and single filers will benefit from the acceleration to 2003 of the expansion of the 10-percent bracket scheduled for 2008.

ACCELERATE REDUCTION IN INCOME TAX RATES

- Nearly **280,000** taxpayers in Alabama will benefit from the acceleration to 2003 of the reductions in income tax rates in excess of 15-percent scheduled for 2004 and 2006.

ACCELERATE REDUCTION IN MARRIAGE PENALTY

- Just under **500,000** married couples in Alabama will benefit from the acceleration to 2003 of provisions that increase the standard deduction for joint filers to double the amount for single filers and increase the width of the 15-percent bracket to twice the width for single filers. These two provisions were scheduled to phase in between 2005 and 2009.

ACCELERATE INCREASE IN CHILD TAX CREDIT

- Over **400,000** married couples and single parents in Alabama will benefit from the acceleration to 2003 of the increase in the child tax credit from $600 to $1,000 that was scheduled to phase in between 2005 and 2010.

EXCLUSION FOR CORPORATE DIVIDENDS

- Nearly **400,000** taxpayers in Alabama will benefit from the exclusion of dividends paid from previously-taxed corporate income.

SOURCE: *Counts are for the number of returns filed in 2001 that would have benefited from the package. These estimates are based on tabulations from all individual income tax returns processed by the Internal Revenue Service in 2001. Most of these returns covered tax year 2000.*

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/7/2003 6:32:30 AM
Subject: : carpet question

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-JAN-2003 11:32:30.00
SUBJECT:: carpet question
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Is it ok for Ken to take carpet to Barbour Griffith and Rogers today where
he is giving a briefing to Cornyn's finance/political leadership?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Goodling, Monica <Monica.Goodling@usdoj.gov>
CC: dinh, viet <viet.dinh@usdoj.gov/ (receipt notification requested)>
Sent: 1/7/2003 6:51:15 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JAN-2003 11:51:15.00
SUBJECT:: RE:
TO:"Goodling, Monica" <Monica.Goodling@usdoj.gov> ("Goodling, Monica"
<Monica.Goodling@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"dinh, viet" <viet.dinh@usdoj.gov/ (receipt notification requested)> ("dinh, viet"
<viet.dinh@usdoj.gov/ (receipt notification requested)> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

no problem, thanks.

"Goodling, Monica" <Monica.Goodling@usdoj.gov>
01/07/2003 11:48:56 AM
Record Type: Record

To: "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested),
Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Sorry, Brett, Viet did his yesterday. We did it on the record, which was
how they did them during the previous administration -- but Viet said
nothing new.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, January 07, 2003 11:39 AM
To: Goodling, Monica; Dinh, Viet
Subject:

probably best to do Slotnick interviews on background as "administration
officials" rather than attributable by name

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 1/7/2003 11:28:51 AM
Subject: : Re: i ran into pat philbin a minute ago!

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JAN-2003 16:28:51.00
SUBJECT:: Re: i ran into pat philbin a minute ago!
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

where

Ashley Estes
01/07/2003 04:29:19 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject: i ran into pat philbin a minute ago!

From: CN=Ashley Snee/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/7/2003 12:03:53 PM
Subject: : Re: Judicial Nominees - internal talkers

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-JAN-2003 17:03:53.00
SUBJECT:: Re: Judicial Nominees - internal talkers
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

nope - i'll have rachael call and ask about them.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/7/2003 12:08:44 PM
Subject: : What President said on November 7 about Pickering and Owen

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JAN-2003 17:08:44.00
SUBJECT:: What President said on November 7 about Pickering and Owen
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Q Do you intend to resuscitate the nomination of Priscilla Owen and Charles Pickering? And, also, how bloody do you think the next Supreme Court nomination will be?

THE PRESIDENT: Well, first, I want the new chairman of the Senate Judiciary Committee to understand that I am very serious about the reforms that I suggested in the East Room, about how to get this process of nominating judges and approving judges on the right course, not only for this administration, but future administrations; not only for this Senate, but future Senates. And so step one on the judiciary process, I believe there needs to be reform. I would be glad to reprise the reforms if you can't remember them.

Q Owen and Pickering, are they going to --

THE PRESIDENT: I'll be there in a minute. (Laughter.) I'm using this as an opportunity to make a point on judicial reform. And that is that if a judge thinks he's going to retire, give us a year's notice, if possible. And then we will act -- "we," the administrative branch, will nominate somebody and clear them within 180 days. And then the Senate judiciary has got 90 days to go through the process and then get the person's name to the floor, and 180 days for an up or down vote. To me that would be a needed and necessary reform.

So step one on the nomination process is to work with Senator Hatch -- and Senator Leahy -- to put these reforms in place; is to convince members of the Senate we're serious about a process that will get rid of the old bitterness of the judicial process.

This is probably not to your liking, by the way. You love those court fights. I'm confident it makes great covering and great stories.

I also said at the time of Priscilla Owen's being -- not being put to the floor of the Senate that I would hope that the judiciary committee would let her name out to the Senate floor at some point in time. We don't have to recommit them, they never -- they're there. Pickering and Owen are still there at the committee level. They just weren't ever -- their names were never let to the floor for a vote.

By the way, if they had been let to the floor for a vote, we believe they would have won the vote -- perhaps the reason why they were never let to the floor for a vote. But -- so, I hope that judiciary committee will let their names out and they get a fair hearing.

I thought you were going to talk about the Texas elections. But that's okay. (Laughter.)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>
Sent: 1/7/2003 2:28:50 PM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-JAN-2003 19:28:50.00
SUBJECT::
TO:Scott McClellan ( CN=Scott McClellan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

nothing new on Mich, which probably will remain answer until any brief is
filed
```

From: CN=Ashley Estes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/7/2003 11:27:59 AM
Subject: : i ran into pat philbin a minute ago!

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-JAN-2003 16:27:59.00
SUBJECT:: i ran into pat philbin a minute ago!
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 1/7/2003 11:28:51 AM
Subject: : Re: i ran into pat philbin a minute ago!

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JAN-2003 16:28:51.00
SUBJECT:: Re: i ran into pat philbin a minute ago!
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

where

Ashley Estes
01/07/2003 04:29:19 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject: i ran into pat philbin a minute ago!

From: CN=Ashley Snee/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/7/2003 12:05:31 PM
Subject: : Re: Judicial Nominees - internal talkers

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-JAN-2003 17:05:31.00
SUBJECT:: Re: Judicial Nominees - internal talkers
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

as of 5 minutes ago, they did not deliver to the senate yet.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/7/2003 12:08:44 PM
Subject: : What President said on November 7 about Pickering and Owen

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JAN-2003 17:08:44.00
SUBJECT:: What President said on November 7 about Pickering and Owen
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: G. Timothy Saunders/WHO/EOP [WHO] <G. Timothy Saunders>
Sent: 1/7/2003 12:15:56 PM
Subject: RECEIVED: Judicial Nominations

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-JAN-2003 17:15:56.00
SUBJECT:RECEIVED: Judicial Nominations
TO:G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

RETURN RECEIPT

Your Document:
Judicial Nominations
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
01/07/2003 05:19:34 PM
```

From: Goodling, Monica <Monica.Goodling@usdoj.gov>
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>;Remington, Kristi L <Kristi.L.Remington@usdoj.gov>;Dinh, Viet <Viet.Dinh@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Willett, Don <Don.Willett@usdoj.gov>;Charnes, Adam <Adam.Charnes@usdoj.gov>;Goodling, Monica <Monica.Goodling@usdoj.gov>
CC: Comstock, Barbara <Barbara.Comstock@usdoj.gov>;Cutchens, Heather <Heather.Cutchens@usdoj.gov>
Sent: 1/7/2003 2:06:12 PM
Subject: : AP article up

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Goodling, Monica" <Monica.Goodling@usdoj.gov> ("Goodling, Monica" <Monica.Goodling@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 7-JAN-2003 19:06:12.00
SUBJECT:: AP article up
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Willett, Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Willett, Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Charnes, Adam" <Adam.Charnes@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Charnes, Adam" <Adam.Charnes@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Goodling, Monica" <Monica.Goodling@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Goodling, Monica" <Monica.Goodling@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Cutchens, Heather" <Heather.Cutchens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Cutchens, Heather" <Heather.Cutchens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

AP-Bush-Judges,500
Bush renominates Pickering, Owen other judges
By JESSE J. HOLLAND
Associated Press Writer
WASHINGTON (AP) - President Bush on Tuesday renominated controversial Mississippi judge Charles Pickering and 30 other judicial nominees who were not confirmed by the Democrat-controlled Senate last year.
The federal appellate nomination of Pickering, who was accused

of being racially insensitive by Democrats, was thrown into doubt once again after one of his patrons, Sen. Trent Lott, stepped down as Senate GOP leader after making racially insensitive remarks. And Senate Democrats immediately pledged to do whatever they could to keep Pickering from getting a seat on the 5th U.S. Circuit Court of Appeals in New Orleans, including a possible filibuster of the nomination.

"Unfortunately, they have not learned from the Trent Lott episodes and I am going to do everything I can to stop the Pickering nomination from going forward," said Sen. Charles Schumer, D-N.Y.

Pickering, a U.S. District judge in Hattiesburg, Miss., and a Lott friend, was blocked by Senate Democrats last year after civil rights groups accused him of racial insensitivity.

But Republicans - behind new Senate Majority Leader Bill Frist of Tennessee - now control the Senate by a 51-48-1 margin, with independent Sen. Jim Jeffords of Vermont voting with the Democrats.

Also renominated was Texas Supreme Court Justice Priscilla Owen, who also was voted down by the Democrat-controlled Senate Judiciary Committee last year while seeking a seat on the 5th U.S. Circuit Court of Appeals in New Orleans.

Senate Judiciary Chairman Orrin Hatch, R-Utah, "is pleased that the president is acting as soon as possible on nominations. We have a lot of leftover work to do," spokeswoman Margarita Tapia said.

Pickering's opponents have said the White House should not renominate the Mississippi judge as punishment for Lott's comments.

Lott triggered an uproar last month when he said that Mississippians were proud to have voted for retired South Carolina Sen. Strom Thurman in 1948 on the pro-segregationist Dixiecrat ticket. "And if the rest of the country had followed our lead, we wouldn't have had all these problems over all these years either," Lott said.

Lott said last month that he expected Pickering's opponents to invoke his name in opposition to the Mississippi judge. "Obviously people will try to use it against him," Lott said. "They used a lot of things against him last time that were very unfair."

Senate Democrats say Pickering's renomination shows the GOP did not learn anything from Lott's controversy.

"Given the encouraging rhetoric of this administration on civil rights over the last few weeks, it's astonishing that when it's time to match that rhetoric with real action they nominate Charles Pickering to serve on the second highest court in the nation," said Sen. Ted Kennedy of Massachussetts.

Kennedy said Democrats "will use every tool in our arsenal to ensure that his nomination is rejected again this year."

Pickering was defeated 10-9 in committee last March after civil rights groups said he supported segregation as a young man in Mississippi. Pickering's opponents also pointed to his conservative voting record as a Mississippi state lawmaker and decisions as a judge.

Pickering's supporters, including some Mississippi Democrats and black leaders, said Pickering supported civil rights efforts as far back as the middle 1960s.

The Senate last year confirmed 100 of Bush's 131 appellate and district court nominees under Democratic control.

On the Net: Justice Department list of Bush appellate and district court nominees: http://www.usdoj.gov/olp/nominations.htm

AP-WX-01-07-03 1849EST

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO /EOP@EOP [WHO] <Helgard C. Walker>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/7/2003 2:07:04 PM
Subject: : AP article on judges

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-JAN-2003 19:07:04.00
SUBJECT:: AP article on judges
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

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But Republicans) behind new Senate Majority Leader Bill Frist of Tennessee) now control the Senate by a 51-48-1 margin, with independent Sen. Jim Jeffords of Vermont voting with the Democrats.

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The Senate last year confirmed 100 of Bush's 131 appellate and district court nominees under Democratic control.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
Sent: 1/7/2003 2:50:05 PM
Subject: :

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http://www.jta.org/page_view_story.asp?intarticleid=12069&intcategoryid=3
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/8/2003 4:40:50 AM
Subject: :

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CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
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SUBJECT::
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
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BODY:
President Bush, defending an embattled federal court nominee, accused Senate Democrats on Wednesday of "playing politics" with the choice as his spokesman said the civil rights record of some senators could come into play during Charles Pickering's nomination fight.

Turning aside Democratic criticism about Pickering's civil rights record, Bush waved his arms in disgust and said, "All of these allegations have been looked at. He has been confirmed unanimously by the United States Senate in the past."

Pickering and Bush were joined in the Oval Office by the judge's supporters, including Mississippi Attorney General Mike Moore and several Democratic elected officials. Charles Evers, the brother of slain civil rights leader Medgar Evers, denounced "Yankees up here" and liberals fighting Pickering's nomination. The federal appeal court nomination is all but dead in the Senate. Bush launched the last-minute political offensive to avoid criticism that he did not do enough on Pickering's behalf, and to signal to the Senate that he won't roll over on his judicial nominees.

The fight over Pickering's nomination to the federal appeals court is viewed by the White House and Democratic foes as a dress rehearsal for the clash that would likely ensue if a Supreme Court justice retires and Bush is allowed to fill a vacancy on the high court.

Pickering, currently a federal district judge, has faced criticism from women's, civil rights and liberal groups - some of the same factions likely to line up against a Bush pick to the Supreme Court.

The Democratic Party, in opposing the nomination, said in a recent news release that Pickering wrote an article in May 1959 suggesting how a loophole in Mississippi's statute banning interracial marriage could be corrected to allow the state to criminally prosecute anyone whose spouse is of a different race.

Bush and Pickering refused to address that and other specific allegations about Pickering's record.

"I think the country is tired of people playing politics all the time in Washington," Bush said in a brief question-and-answer session designed to bolster the nomination in advance on a Senate committee vote Thursday. "I believe they are holding this man's nomination up for political purposes."

Afterward, Evers shrugged off criticism of Pickering's actions in the 1950s and 1960s. "Whatever he was then, he's not that now," Evers said.

Said Moore, the state's attorney general: "You won't see elected officials stand up for a man if he's a racist."

Earlier, White House press secretary Ari Fleischer dismissed questions

about Pickering's civil rights record.

"You're referring to something that took place over 40 years ago when he was a law student. If actions taken by people 40 years ago were the criteria, there'd be some senators who are voting on this nomination whose very history would come into play," Fleischer said. "So I think what you've seen is a nation that has changed."

He refused to single out any senator. Ironically, one of the Republicans who support Pickering's nomination is Sen. Strom Thurmond, R-S.C., who ran for president as a segregationist in 1948. In addition, Sen. Robert C. Byrd, D-W.Va., was a member of the Ku Klux Klan briefly before he came to Congress in the 1950s, and Byrd has been a strong supporter of civil rights.

Thurmond is a member of the Senate Judiciary Committee. Byrd is not. Sen. Jeff Sessions, R-Ala., a member of the panel, was rejected for the federal court bench in 1986 because of racially tinged remarks attributed to him.

All 10 Democrats on the committee say they will vote against the nomination Thursday, enough to keep Bush's choice off the Senate floor. Senate Majority Leader Tom Daschle, D-S.D., said Wednesday the nomination won't go to the floor unless the panel approves it.

Bush wants to elevate Pickering to the 5th U.S. Circuit Court of Appeals in New Orleans, which serves Mississippi, Texas and Louisiana. Democrats outnumber Republicans 10-9 on the Judiciary Committee, which is expected to vote on the nomination Thursday.

Pickering, a former Mississippi prosecutor and lawmaker, easily won Senate confirmation in 1990 as a U.S. District Court judge.

At least two Senate Democrats, Sens. Ernest Hollings of South Carolina and Zell Miller of Georgia, have indicated they might vote for Pickering, enough to confirm his nomination in the 50-49 Senate, if his nomination makes it to the floor.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/8/2003 5:17:23 AM
Subject: : from last Saturday's paper

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SUBJECT:: from last Saturday's paper
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Saturday, January 4, 2003
Helfrich will be sworn in Monday by Pickering
Lea Crager
American Staff Writer A new judge will take his seat on the 12th Circuit Court District bench for the first time in 20 years Monday.
U.S. District Judge Charles Pickering will swear in Bob Helfrich at 11 a.m. in the Forrest County Courthouse's Circuit Courtroom.
Helfrich, 49, said he chose Pickering for the ceremony out of respect.
"It's very likely that he'll be going to the (U.S.) Court of Appeals," he said. "He ought to be going to the Court of Appeals. I've just got a lot of respect for Judge Pickering. You have to realize that in the '60s, Judge Pickering testified against Sam Bowers. He's a man from Jones County who testified against Sam Bowers and the Klan of Jones County. That took a lot of courage."
President Bush last year nominated Pickering for the U.S. 5th Circuit Court of Appeals, but Democratic senators blocked the appointment.
Bush has said he will renominate Pickering this year for the vacancy.
Helfrich, a former assistant district attorney, defeated five-term incumbent Dicky McKenzie in November.
As a prosecutor, Helfrich prosecuted Jones County Klan leader Sam Bowers in 1998 for the 1966 fire-bombing death of Vernon Dahmer.
Helfrich said he wants to establish a court docket to help clear the backlog of cases, which he estimates to be in the thousands. And he expects to begin work immediately.
"We're going to select a grand jury for this term at 9 a.m. before the ceremony," Helfrich said. "I've got to sit down and go over what's been pre-set and see what we can work around to get into. We're trying to get moved in and get this place organized now."

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/8/2003 5:33:55 AM
Subject: : Terrorism Insurance in 2004 Budget
Attachments: P_DUSSC003_WHO.TXT_1.doc

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CREATION DATE/TIME: 8-JAN-2003 10:33:55.00
SUBJECT:: Terrorism Insurance in 2004 Budget
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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---------- Forwarded by Kristen Silverberg/WHO/EOP on 01/08/2003 10:32 AM ----------

Michelle A. Enger
01/08/2003 10:27:12 AM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP, Kevin Warsh/OPD/EOP@EOP
cc:
Subject: Terrorism Insurance in 2004 Budget

Steve McMillin wanted to make sure that you had a chance to see what we intend to include about the new terrorism insurance program in the Analytical Perspectives volume of the 2004 Budget. Treasury provided most of the input for the write-up. Please let me know if you have any comments/concerns.

Thanks,
Michelle
5-7874

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_DUSSC003_WHO.TXT_1>

Terrorism Risk Insurance

On November 26, 2002, President Bush signed into law the Terrorism Risk Insurance Act of 2002. Since the September 11, 2001 terrorist attacks, the economy has been harmed by the withdrawal of many insurance companies from the marketplace for terrorism risk insurance. Their withdrawal in the face of great uncertainty as to their risk exposure to future terrorist attacks led to the cancellation of construction projects, increased business costs for the insurance that was available, and substantial shifting of risk--from reinsurers to primary insurers, and from insurers to policyholders (e.g., investors, businesses, and property owners).

The new law establishes a temporary Federal program that provides for a system of shared public and private compensation for insured commercial property and casualty losses arising from acts of terrorism under the Act. The program will be administered by the Treasury Department and will sunset on December 31, 2005.

Under the new law, insurance companies included under the program must make available to their policyholders coverage for insured losses from acts of terrorism under the program. The law also requires insurance companies to disclose to policyholders the premium charged for terrorism risk insurance and the Federal share of compensation provided under the law.

In the event of a future terrorist attack on private businesses and others covered by this program, insurance companies will cover insured losses up to each company's deductible as specified in the law. Insured losses above that amount in a given year would be shared between the insurance company and the Treasury, with Treasury covering 90 percent of the losses above the company's deductible. However, neither the Treasury nor any insurer would be liable for any amount exceeding the statutory annual cap of $100 billion in aggregate insured losses. The law also provides for the Treasury to recoup any federal payments via surcharges on policyholders for at least the first $10 billion of any insured losses through 2003, $12.5 billion in 2004, and $15 billion in 2005, though no time period for recoupment is specified.

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Elizabeth N. Camp/WHO /EOP@EOP [WHO] <Elizabeth N. Camp>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 1/8/2003 4:10:46 AM
Subject: : NYT Article: How a Republican Desegregated the South's Schools

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SUBJECT:: NYT Article: How a Republican Desegregated the South's Schools
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READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
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January 8, 2003
How a Republican Desegregated the South's Schools
By GEORGE P. SHULTZ

PALO ALTO, Calif. * The Republican Party's commitment to equality of opportunity has come under question in recent weeks, particularly its determination to deal effectively with racial segregation. That's lamentable, for there is a laudable story to tell about the modern Republican Party and the efforts of a Republican president to ensure equal opportunity for all Americans.

In 1970, seven states * Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina and South Carolina * continued to enforce the dual school system. This was in clear defiance of the Supreme Court's 1954 decision in Brown v. Topeka Board of Education, which declared dual school systems to be unconstitutional. It was also in defiance of a 1969 court decision ordering an end to further delay.

If it's possible to imagine, the subject of desegregation was becoming more inflamed by the day. In March 1970, President Richard M. Nixon decided to take action. He declared Brown to be "right in both constitutional and human terms" and expressed his intention to enforce the law. He also put in place a process to carry out the court's mandate. Vice President Spiro T. Agnew and I (then secretary of labor) were asked to lead a cabinet committee to manage the transition to desegregated schools.

The vice president said he wanted no part of this effort. So I became its de facto chairman, with help from Daniel Patrick Moynihan, then a counselor to the president, and Leonard Garment, one of the president's lawyers. With the president's support, we formed biracial committees in each of the seven states. The idea was to reach out to key leaders. Many were reluctant to serve, the whites fearing too close an association with desegregation, the blacks concerned that the committee might be a sham.
The first group to come to Washington was from Mississippi. We met in the Roosevelt Room of the White House, across the hall from the Oval Office. The discussion was civil, but deep divisions were evident. I let them argue for a while. Then, by prearrangement, I had John Mitchell, the attorney general, drop by. He was known in the South as a tough guy, and on the whole was regarded by whites as sympathetic to their cause. I asked Mitchell what he planned to do about the schools. "I am attorney general, and I will enforce the law," he growled in his gruff, pipe-smoking way. He offered no judgments about whether this was good, bad or indifferent. "I will enforce the law," he repeated. With that, he left.
I then addressed the group. "This discussion has been intense and revealing, but you can see that it's not really relevant," I told them. "The fact is, desegregation is going to happen, whether you like it or not. You have a great stake in seeing that this effort is managed in a reasonable way." Gradually, the discussion shifted to more operational issues.
When lunchtime arrived, I took the group to the diplomatic reception rooms in the State Department, taking pains to point out to them the desk on which Thomas Jefferson wrote parts of the Declaration of Independence. I sat with the two people I wanted to lead the Mississippi advisory committee: Warren Hood, president of the Mississippi Manufacturers Association, and Dr. Gilbert Mason, a black physician and head of the Biloxi chapter of the N.A.A.C.P. I argued that if they would accept, the committee would have great credibility with whites and blacks.
I could see they were beginning to talk constructively to each other, so I left them alone. As lunch ended, I was pleased to see them shaking hands. We were in business.
After we returned to the White House, members of the delegation started to make suggestions about how to handle various problems. I mentioned that we had created a small kitty out of Department of Health, Education and Welfare funds * if they had minor expenditures, I could provide some money quickly. That seemed to help.
When the time was right, I let President Nixon know that we were ready for him. We walked across the hall into the Oval Office, where the president gathered his guests around his desk. "We live in a great democracy where authority and responsibility are shared," I remember him saying. "Just as decisions are made here in this office, decisions are made throughout the states and communities of our country. You are leaders in those communities and you have to step up to your responsibilities. " They left the Oval Office inspired.
Over the next two months, we went through much the same process with representatives of five other states. The committees were coming together. They were talking about practical issues, like how to open the schools without violence.
The last state was Louisiana. It was August and the schools would soon be opening. Our meetings had been going so well that I suggested to the president that we hold the final one in New Orleans. I would do my part in the morning. He would fly down from Washington and do his part around noon. Then we would invite the co-chairmen from the seven states to join the president for an overall discussion of the school openings.
I remember the meeting in the Oval Office to discuss these proposed events. Vice President Agnew warned the president not to go. There you will be in that room, Mr. President, I recall him saying. Half the people there will be black; half will be white. Pictures will be taken. When the schools open, there will be blood running through the streets of the South, and if you go, this will be blood on your hands. This is not your issue. This is the issue of the liberals who have pushed for desegregation. Stay away.
The president looked at me. I told him what was obvious: I can't predict what will happen. The vice president may very well be right about violence, but you're the president of the whole country. We should do

everything we can to see that the schools open and operate peacefully and well.

The president decided to go ahead.

The meeting with the Louisiana group began early on Aug. 14, 1970. The going was tougher than with any other delegation. It's one thing to gather across from the Oval Office and it's another thing to sit around a table in a hotel meeting room. The president was due to arrive about noon, but as the time drew near, I had not reached the level of agreement that I wanted. "The president has just landed," came word from the Secret Service. "The president is 10 minutes out." We took a break. I went to meet the president, the vice president's views in the back of my mind. "Mr. President," I told him, "I haven't got this group there yet. I'm afraid you're going to have to finish the job."

The president came in. He listened. He talked. He emphasized the importance of having the schools open peacefully. If there were problems, children would suffer.

That afternoon we met with the co-chairmen from the seven states. Everyone was on board. At the end of the meeting, the president went before the television cameras. From the heart of the South, he spoke forcefully about his determination to enforce the law, and the importance of community involvement.

"One of the most encouraging experiences that I have had since taking office was to hear each one of these leaders from the Southern states speak honestly about the problems, not glossing over the fact that there were very grave problems," he said. "As a result of these advisory committees being set up, we are going to find that in many districts the transition will be orderly and peaceful, whereas otherwise it could have been the other way."

In the end, the school openings were peaceful, to the amazement of almost everyone. I was not the only one impressed.

In "One of Us: Richard Nixon and the American Dream," Tom Wicker, a former columnist for The Times, assessed the president's efforts. "There's no doubt about it * the Nixon administration accomplished more in 1970 to desegregate Southern school systems than had been done in the 16 previous years, or probably since," he wrote. "There's no doubt either that it was Richard Nixon personally who conceived, orchestrated and led the administration's desegregation effort. Halting and uncertain before he finally asserted strong control, that effort resulted in probably the outstanding domestic achievement of his administration."

I believe he was absolutely right.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/8/2003 4:39:20 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
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SUBJECT::
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The President. I nominated a very good man from Mississippi named Charles Pickering to the appellate bench, and I expect him to be confirmed by the United States Senate. I think the country is tired of people playing politics all the time in Washington. And I believe that they're holding this man's nomination up for political purposes. It's not fair, and it's not right. And a lot of people in Mississippi agree with me. Republicans agree with me, but so do a lot of good Democrats, starting with the attorney general of the State of Mississippi. He is here to lend his support for Charles Pickering. As well, the former Governor, Governor Winter, has expressed concern about a process that would malign a man such as him and expects him to be confirmed. Frank Hunger feels the same way. These are people in Mississippi who know the man for what he is, a man who respects the rights of all citizens and a man who not only respects the rights of all citizens, who has acted on that strong belief, a man who's a fine jurist, a man of quality and integrity.

And I hope the Senate stops playing politics. This is not good for the Senate, and it's not good for the country. They've got to get him on the floor and get him a vote and get him in. He'll do a fine job.

Judge Pickering's Nomination

Q. Can we ask you a couple questions about his nomination, sir?

The President. Go ahead.

Q. Do you agree with your Press Secretary that if the judge's writings and actions of 30-20, 30, 40 years ago should come into play, then so should the civil rights record of some of the very Senators of 30, 40 years ago? And is that a threat?

The President. Here's what I believe: I believe this man should be confirmed. I know him--I've known him for a long time. But more importantly, people from Mississippi have known him. Democrats and Republicans know him. And he needs to be confirmed, Ron [Ron Fournier, Associated Press]. This is a good, good, honorable citizen, and they're playing politics with him up there.

Q. Did you support in 1950-----

The President. Hold on-----

Q. Mr. President, you describe this as playing politics. But many Democrats believe there are serious civil rights issues involved; among them that when he was a member of the State Senate, Mr. Pickering voted twice to support the Mississippi Sovereignty Commission, which was a segregationist spy agency recognized by the State.

The President. All the allegations have been laid out. He has been confirmed unanimously by the United States Senate in the past. This is a good, honorable man who should be approved by the United States Senate.

Otherwise we wouldn't have a Democrat attorney general, a very popular former Governor, Al Gore's brother-in-law, all of whom have stood up and said, the man needs to be confirmed.

Thank you all.

NOTE: The President spoke at 10:52 a.m. in the Oval Office at the White House. In his remarks, he referred to Mike Moore, State attorney general, and former Gov. William Winter of Mississippi; and Frank W. Hunger, former Assistant Attorney General, Civil Division, and brother-in-law of former Vice President Albert Gore, Jr. Judge Pickering's nomination to be U.S. Circuit Judge for the Fifth Circuit was submitted May 25, 2001.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/8/2003 4:40:50 AM
Subject: :

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BODY:
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Pickering and Bush were joined in the Oval Office by the judge's supporters, including Mississippi Attorney General Mike Moore and several Democratic elected officials. Charles Evers, the brother of slain civil rights leader Medgar Evers, denounced "Yankees up here" and liberals fighting Pickering's nomination. The federal appeal court nomination is all but dead in the Senate. Bush launched the last-minute political offensive to avoid criticism that he did not do enough on Pickering's behalf, and to signal to the Senate that he won't roll over on his judicial nominees.

The fight over Pickering's nomination to the federal appeals court is viewed by the White House and Democratic foes as a dress rehearsal for the clash that would likely ensue if a Supreme Court justice retires and Bush is allowed to fill a vacancy on the high court.

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/8/2003 8:50:34 AM
Subject: : Feb. 7 story from Miss paper that explains Sov Commission

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TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
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The story came from the late 1960s in Laurel, where Klansmen were "throwing sticks of dynamite like they were firecrackers" to preserve segregation in South Mississippi. Now a semi-retired Jackson lawyer, W.O. "Chet" Dillard was Jones County's district attorney then, and he faced a time-consuming and hair-raising challenge: finding the culprits behind several civil rights murders that had made his area infamous throughout the South.

"I was deathly afraid," Dillard said of the night in 1967 when he was supposed to meet a Ku Klux Klan informant in a Laurel shopping center's parking lot. "So Charles borrowed a pistol from the FBI and waited across the street in the upstairs part of a funeral home. . . . He was going to start shooting if I flashed my headlights three times." The "Charles" of the story is Charles Willis Pickering Sr., then county attorney for Jones County. Today, Pickering is a 64-year-old federal judge trying to refute liberal groups' allegations that his legal career "does not demonstrate an affirmative commitment to civil rights protections."

Whether the judge was a friend or enemy of civil rights in the 1960s will be one of the questions reviewed at 2 p.m. today by the Senate Judiciary Committee, which is considering President Bush's nomination of Pickering to the 5th U.S. Circuit Court of Appeals.

The judge, whose jurisdiction now covers the Coast, will be making his second appearance before the committee. Watching will be a host of Washington politicos who view Pickering's nomination as the first clash between Bush and Congress over judicial appointments.

And senators and representatives from Mississippi, some with personal as well as political interests in the nomination, will be paying attention, too.

Fight against the Klan

Dillard, for one, said he hopes the committee gets to hear about the night he met the Klan informant with Pickering.

"He was there with me ready to shoot a bunch of Kluckers," said Dillard, employing the slang term that some Southern lawmen used to refer to Klansmen in the 1960s. "They're going to have to find something other than civil rights to hang on Charles. He was more liberal than me, and I was working to bring down the Klan!"

Still, Democrats have seized on the Pickering nomination as an opportunity to portray Bush nominees as right-wing extremists far from mainstream public opinion on issues such as race, abortion and the role of religion in public life.

A strong opponent of abortion, Pickering has drawn brickbats from the left for his role in shaping the Republican Party's anti-abortion platform in 1976, as well as statements he made as president of the Mississippi

Baptist Convention in the 1980s that divorce was to blame for some social problems.

But racial issues were the most prominent concerns of the Congressional Black Caucus members who held a press conference Wednesday to announce their opposition to Pickering.

The Black Caucus members cited Pickering's examination of laws banning interracial marriage in a 1959 law review article, in which he wrote that the Mississippi Legislature should amend the wording of the ban "if it is to serve the purpose that the Legislature undoubtedly intended it to serve." They also decried Pickering's contact in the early 1970s with the Mississippi Sovereignty Commission, a state-funded agency set up to undermine the civil rights movement. In a 1972 letter to the commission, the judge, then a state senator, asked to be informed of the activities of a labor group working to organize pulpwood workers in Jones County.

Rep. Thompson lashes out

The strongest denunciation of Pickering came from U.S. Rep. Bennie Thompson, a Democrat from Bolton who compared black Mississippians who are in Washington lobbying for the judge to Judas, the disciple who betrayed Jesus Christ.

"Judge Pickering has been an enemy of civil rights since his days in law school," said Thompson, referring to his article on miscegenation. Thompson's comments aroused the ire of Republicans and conservatives who are pushing for Pickering's confirmation by Presidents Day.

"That's just horrid," said Kay Daly, spokesman for the Coalition for a Fair Judiciary, a conservative Washington organization that favors Pickering's nomination. "I guess if you're not in lockstep with the Congressional Black Caucus, then you're an enemy of civil rights for black people."

Daly's group defends Pickering by highlighting his anti-Klan activity in the 1960s. Pickering testified against Sam Bowers, a notorious Mississippi Klansman, in 1967 during Bowers' first trial for killing civil rights leader Vernon Dahmer. Bowers was convicted of the murder in a later trial in 1998.

Republicans also say that Pickering asked the Sovereignty Commission for information on labor activities in South Mississippi because of the pro-Klan bent of one union in Jones County, which he represented from 1972 until 1980 in the state Legislature.

"Union members who were also members of the KKK shot into and burned homes in the middle of the night and brutally beat up workers," Dillard wrote in a letter to the Judiciary Committee. "As a state senator representing Jones County, Charles Pickering had every right to be concerned about further union violence . . . in Jones County."

'Politics at its worst'

U.S. Sen. Thad Cochran, R-Miss., said Pickering's personal and legal records demonstrate his competence.

"I think he would be totally fair to everyone," Cochran said. "He has demonstrated his exceptional capabilities as a U.S. District Court judge, and he deserves this promotion."

Senate Minority Leader Trent Lott, a Pascagoula Republican and longtime friend of Pickering, has called on his colleagues to confirm Pickering by Presidents Day. Last month, Lott said liberals were trying to take "a snooker shot" at him by holding up Pickering.

And the Mississippi Republican perhaps closest to Pickering -- his son, U.S. Rep. Chip Pickering -- called the Congressional Black Caucus' attack

on his father "politics at its worst."

"Bennie Thompson is trying to extort a commitment for who the next federal judge from Mississippi is going to be, and he's holding my father hostage," the younger Pickering said. "He's impugning the record of a good man with a 40-year record of fighting the Klan, standing up to racists, pushing for racial reconciliation."

Neither Thompson nor Pickering would predict the outcome of the judge's confirmation battle.

"It's going to be close," Thompson said. "It could be 10-9 or 9-10 in favor or against on the committee. It's going to be real tight."

--Ben Bryant is The Sun Herald's Washington correspondent with Medill News Service.

From: [UNKNOWN] <Goeglein, Tim>
To: <Ralston>;Susan_B._Ralston@who.eop.gov [WHO] <Susan B.>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 1/8/2003 11:57:59 AM
Subject: Washington Update - January 8, 2003

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Goeglein, Tim ([UNKNOWN])
CREATION DATE/TIME: 8-JAN-2003 16:57:59.00
SUBJECT:Washington Update - January 8, 2003
TO:Ralston, Susan B. (Susan_B._Ralston@who.eop.gov [WHO])
READ:UNKNOWN
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

K and B

fyi

tsg

---------- Forwarded by Tim Goeglein/WHO/EOP on 01/08/2003 05:01 PM ----------

Family Research Council <frcpub@frc.org>
01/08/2003 04:47:19 PM

Please respond to frcpub@frc.org
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:

Subject: Washington Update - January 8, 2003

From: Ken Connor, President
Date: January 8, 2003 - Wednesday

To: Friends of Family Research Council

Bush the Bold II

Yesterday I complimented President Bush on the boldness of

his family-friendly tax cut plan. Late yesterday afternoon, just hours after the Republicans resumed control of the Senate, President Bush again showed true leadership. In another bold stroke, the president re-nominated 30 judicial nominees to the federal bench who had failed to win confirmation last year, including two who were rejected on partisan votes of the Senate Judiciary Committee. Along with nominees who never were given a vote in Tom Daschle's Senate, Mr. Bush re-nominated to the U.S Fifth Circuit Court Judge Charles Pickering of Mississippi and Texas Supreme Court Justice Priscilla Owen. Both highly qualified, distinguished jurists became targets of orchestrated smear campaigns by leftist interest groups and were rejected on party-line votes in committee. In the aftermath of the Trent Lott debacle, many doubted President Bush would dare re-nominate Judge Pickering and risk re-igniting the race issue. Judge Pickering, it will be recalled, was wrongfully accused of "racial insensitivity" by his Democrat detractors. But Mr. Bush refused to be cowed by such unseemly tactics or put political expediency ahead of principle. Judge Pickering is a man of honor and integrity, as those who know him eagerly attest. He will

make a superb federal judge. Mr. Bush's action sends a

clear signal that he will not be held hostage to the

politics of personal destruction.

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Washington, D.C. 20001
Phone: 202-393-2100

Fax: 202-393-2134
http://www.frc.org

To donate, go to: https://secure.frc.org/gifts.cfm

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kristi.remington@usdoj.gov @ inet [UNKNOWN] <kristi.remington@usdoj.gov @ inet>;adam.charnes@usdoj.gov @ inet [UNKNOWN] <adam.charnes@usdoj.gov @ inet>
Sent: 1/8/2003 8:53:21 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 8-JAN-2003 13:53:21.00
SUBJECT::
TO:kristi.remington@usdoj.gov @ inet ( kristi.remington@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:adam.charnes@usdoj.gov @ inet ( adam.charnes@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Do you all have talking points on the Sov Commission contact?
```

From: Charnes, Adam <Adam.Charnes@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>
Sent: 1/8/2003 9:23:45 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Charnes, Adam" <Adam.Charnes@usdoj.gov> ("Charnes, Adam" <Adam.Charnes@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME: 8-JAN-2003 14:23:45.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ("Benczkowski, Brian A"
<Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I have no idea what that is.... Brian?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, January 08, 2003 1:53 PM
To: Charnes, Adam
Subject:

Do you all have talking points on the Sov Commission contact?

From: CN=Carolyn Nelson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/8/2003 9:31:55 AM
Subject: : Re: stats needed

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-JAN-2003 14:31:55.00
SUBJECT:: Re: stats needed
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I'll work with Sheila to track this down. When do you need this info?

Brett M. Kavanaugh
01/08/2003 02:03:36 PM
Record Type: Record

To: adam.charnes@usdoj.gov @ inet, sheila.joy@usdoj.gov @ inet
cc: Carolyn Nelson/WHO/EOP@EOP
Subject: stats needed

We need to get the numbers and percentages (i) of women, (ii) African-American, and (iii) Hispanic nominees (not just confirmed nominees) in the Clinton, Bush 41, Reagan, and Carter Administrations. We need the numbers and percentages for district, circuit, and combined. Any idea whether we can easily get these? Thanks.

From: [UNKNOWN] <McClellan, Scott>
To: <Bartlett>;Daniel_J._Bartlett@who.eop.gov [WHO] <Daniel J.>;<Fleischer>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/C5F9765B-338C0224-852569D9-645801 [UNKNOWN] <Lawrence A.>;<Gonzales>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /DE19B3C6-77AB3823-852569D9-697F1E [UNKNOWN] <Alberto R.>;<Kavanaugh>;/EOP /FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 1/8/2003 10:14:42 AM
Subject: HEADS UP on Michigan Case

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:McClellan, Scott ([UNKNOWN])
CREATION DATE/TIME: 8-JAN-2003 15:14:42.00
SUBJECT:HEADS UP on Michigan Case
TO:Bartlett, Daniel J. (Daniel_J._Bartlett@who.eop.gov [WHO])
READ:UNKNOWN
TO:Fleischer, Lawrence A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=C5F9765B-338C0224-852569D9-645801 [UNKNOWN])
READ:UNKNOWN
TO:Gonzales, Alberto R. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS /CN=DE19B3C6-77AB3823-852569D9-697F1E [UNKNOWN])
READ:UNKNOWN
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Fournier just called to say their legal affairs reporter is going on the wire with a story saying the Department of Justice has recommended to the White House that the administration file a friend of the court brief stating that it is unconstitutional, and that it is just waiting White House decision whether to accept the recommendation or not.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/8/2003 11:32:17 AM
Subject: : hi
Attachments: P_S2ITC003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-JAN-2003 16:32:17.00
SUBJECT:: hi
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi

---------- Forwarded by Kyle Sampson/WHO/EOP on 01/08/2003 04:02 PM ----------

Manus Cooney <Manus.Cooney@potomaccounsel.com>
01/08/2003 03:57:16 PM
Please respond to Manus.Cooney@potomaccounsel.com
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc:
Subject: hi

Got your changes. Will see what I can do. OK.

Manus Cooney

CEO

Potomac Counsel LLC

227 Massachusettes Ave. NE

Suite #1

Washington, DC 20002

www.potomaccounsel.com

Tel-202-543-2800

Fax-202-544-6770

Mobile-202-669-2537

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_S2ITC003_WHO.TXT_1>

Got your changes. Will see what I can do. OK.

Manus Cooney
CEO
Potomac Counsel LLC
227 Massachusettes Ave. NE
Suite #1
Washington, DC< font size=2 face=Arial> 20002

www.potomaccounsel.c om
Tel-202-543-2800
Fax-202-544-6770
Mobile-202-669-2537

From: CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/8/2003 1:34:05 PM
Subject: : what's this about?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 8-JAN-2003 18:34:05.00
SUBJECT:: what's this about?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Thursday, January 9, 2003

Chief of Staff

;

11:30am;; ;;;;;;;;;;;;;;;;;; Meet with Bret Kavanaugh

(15 min) ;;;;;;;;;;;;;;;;;;;; COS Office;

;
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: ted.ullyot@aoltw.com [UNKNOWN] <ted.ullyot@aoltw.com>
Sent: 1/8/2003 1:51:29 PM
Subject: : Re:

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 8-JAN-2003 18:51:29.00
SUBJECT:: Re:
TO:ted.ullyot@aoltw.com ( ted.ullyot@aoltw.com [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

call me when done with Secretary Card.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>
Sent: 1/8/2003 2:40:24 PM
Subject: : Re: guidance

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-JAN-2003 19:40:24.00
SUBJECT:: Re: guidance
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This is fine. Sorry for delay.

Peter H. Wehner
01/06/2003 02:36:54 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: guidance

Brett:

One of the things we thought would be useful to undertake is to create a birthday database so that key contacts receive a personal birthday greeting from the President. As you know, this information is collected now each time we clear someone in through WAVES for events and meetings; what we were wondering is if it was allowable to use that information in the way that's been suggested.

I'd be grateful for your guidance.

Many thanks.

Pete

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>
Sent: 1/9/2003 3:39:01 AM
Subject: : Spanish Class

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2003 08:39:01.00
SUBJECT:: Spanish Class
TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thoughts?
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/09/2003 08:42 AM ----------

Douglas L. Hoelscher
01/09/2003 08:26:46 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Matthew A. Schlapp/WHO/EOP@EOP, David McMaster/WHO/EOP@EOP
Subject: Spanish Class

Brett,
We came up with the idea of having some Spanish classes held somewhere on the WH complex that would be open to WH staff and wanted to run the following questions by you? Please also let me know if there is another WH counsel this should be run by as well.

1. Generally, is the concept of having Spanish classes held on the WH complex (perhaps in the EEOB) ok?

2. Would it be ok for an outside group to sponsor the classes, to defer the costs for the WH staff?

Thanks for your thoughts and guidance.
-Doug

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Tim Goeglein/WHO /EOP@EOP [WHO] <Tim Goeglein>
Sent: 1/9/2003 4:39:40 AM
Subject: : 2:00 coalitions meeting

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-JAN-2003 09:39:40.00
SUBJECT:: 2:00 coalitions meeting
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Judge and David Leitch are planning to come to 2:00 coalitions
meeting. Judge will speak for a few minutes, take a few questions, and
then they will leave and we can all stay and talk specifics. Note that
binders are not ready yet, but we can tell them that they are coming.
```

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Noel J. Francisco/WHO /EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/9/2003 6:31:43 AM
Subject: : Final Budgets

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-JAN-2003 11:31:43.00
SUBJECT:: Final Budgets
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Folks,

The following budgets were sent to me in final form before it
makes it to the printer at 3 pm. Not all of your comments were accepted
by OMB. If you would like to see your budget, please let me know asap.

Education - Noel
NASA - Noel
Defense - Chris
Social Security - Chris
Veterans - Brett
```

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/9/2003 4:26:26 AM
Subject: : Re: Washington Update - January 8, 2003

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2003 09:26:26.00
SUBJECT:: Re: Washington Update - January 8, 2003
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I am estimating 50,000.

tsg

Brett M. Kavanaugh
01/08/2003 07:37:46 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Washington Update - January 8, 2003

how many folks get this e-mail?

Tim Goeglein
01/08/2003 04:58:33 PM
Record Type: Record

To: Susan B. Ralston/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Washington Update - January 8, 2003

K and B

fyi

tsg

---------- Forwarded by Tim Goeglein/WHO/EOP on 01/08/2003 05:01 PM ----------

Family Research Council <frcpub@frc.org>
01/08/2003 04:47:19 PM
Please respond to frcpub@frc.org
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
Subject: Washington Update - January 8, 2003

From: Ken Connor, President
Date: January 8, 2003 - Wednesday
To: Friends of Family Research Council

Bush the Bold II

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Washington, D.C. 20001
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Fax: 202-393-2134
http://www.frc.org
To donate, go to: https://secure.frc.org/gifts.cfm

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 1/9/2003 8:35:36 AM
Subject: : Richard Perry

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-JAN-2003 13:35:36.00
SUBJECT:: Richard Perry
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

returned a message from Richard Perry, who in the interim had talked to
Kyle (for whom he had also left a message). Anyway, sounds to me like
they are -- and are going to be -- slow and unorganized on this.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: adam.charnes@usdoj.gov @ inet [UNKNOWN] <adam.charnes@usdoj.gov @ inet>
Sent: 1/9/2003 8:43:39 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-JAN-2003 13:43:39.00
SUBJECT::
TO:adam.charnes@usdoj.gov @ inet ( adam.charnes@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Who will be ready for nomination next Wednesday?
```

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Bennett>;Melissa_S._Bennett@who.eop.gov [WHO] <Melissa S.>
Sent: 1/9/2003 9:56:12 AM
Subject: Re: We need to move the meeting for tomorrow.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME: 9-JAN-2003 14:56:12.00
SUBJECT:Re: We need to move the meeting for tomorrow.
TO:Bennett, Melissa S. (Melissa_S._Bennett@who.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

5:30 would be best. thanks.

From: Melissa S. Bennett/WHO/EOP@Exchange on 01/09/2003 01:55:26 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:

Subject: We need to move the meeting for tomorrow.

Can we please move the 4:00 pm meeting tomorrow??

The Chief can do it between 12:15 and 1:00 p.m. or between 5:30-7:00 p.m.

Can you please let me know what works best?

Thanks.
Melissa

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
Sent: 1/9/2003 6:14:12 AM
Subject: : Re: 2:00 coalitions meeting

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2003 11:14:12.00
SUBJECT:: Re: 2:00 coalitions meeting
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

that is what we plan to have for circulation tomorrow, if that is ok by you??

Matthew E. Smith

01/09/2003 09:49:37 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: 2:00 coalitions meeting

And if there is anything talking point natured, or summary tables that we can put into a pdf. or word file that I can e-mail around, that would be great.

Brett M. Kavanaugh
01/09/2003 09:36:10 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: 2:00 coalitions meeting

Judge and David Leitch are planning to come to 2:00 coalitions meeting. Judge will speak for a few minutes, take a few questions, and then they will leave and we can all stay and talk specifics. Note that binders are not ready yet, but we can tell them that they are coming.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/9/2003 6:58:54 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2003 11:58:54.00
SUBJECT::
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

January 9, 2003 10:10 a.m.
The Cross Burning Case: What Really Happened
The facts are far different from the Democratic spin.

n their renewed attacks on Bush appeals-court nominee Charles Pickering, Democrats have focused on Pickering's rulings in a 1994 cross-burning case. Accusing Pickering of "glaring racial insensitivity," they charge that he abused his powers as a U.S. District Court judge in Mississippi to give a light sentence to a man convicted of the crime. "Why anyone would go the whole nine yards and then some to get a lighter sentence for a convicted cross burner is beyond me," New York Democratic Sen. Charles Schumer said Wednesday. "Why anyone would do that * in 1994 and in a state with Mississippi's history * is simply mind-boggling."

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But a close look at the facts of the case suggests that Pickering's actions were not only not mind-boggling but were in fact a reasonable way of handling a difficult case. Here is what happened:
The crime took place on January 9, 1994. Three men * 20-year-old Daniel Swan, 25-year-old Mickey Herbert Thomas, and a 17-year-old whose name was not released because he was a juvenile * were drinking together when one

of them came up with the idea that they should construct a cross and burn it in front of a house in which a white man and his black wife lived in rural Walthall County in southern Mississippi. While it is not clear who originally suggested the plan, it is known that the 17-year-old appeared to harbor some sort of hostility toward the couple; on an earlier occasion, he had fired a gun into the house (no one was hit). Neither Swan nor Thomas was involved in the shooting incident.

The men got into Swan's pickup truck, went to his barn, and gathered wood to build an eight-foot cross. They then drove to the couple's house, put up the cross, doused it with gasoline, and set it on fire.

Because the case involved a cross burning covered under the federal hate-crimes statute, local authorities immediately brought in investigators from the Clinton Justice Department's Office of Civil Rights. After the three suspects were arrested in late February, 1994, lawyers for the civil-rights office made the major decisions in prosecuting the case.

In a move that baffled and later angered Judge Pickering, Civil Rights Division prosecutors early on decided to make a plea bargain with two of the three suspects. The first, Mickey Thomas, had an unusually low IQ, and prosecutors decided to reduce charges against him based on that fact. The second bargain was with the 17-year-old. Civil Rights Division lawyers allowed both men to plead guilty to misdemeanors in the cross-burning case (the juvenile also pleaded guilty to felony charges in the shooting incident). The Civil Rights Division recommended no jail time for both men.

The situation was different for the third defendant, Daniel Swan, who, like the others, faced charges under the hate-crime statute. Unlike the others, however, Swan pleaded not guilty. The law requires that the government prove the accused acted out of racial animus, and Swan, whose defense consisted mainly of the contention that he was drunk on the night of the cross burning, maintained that he simply did not have the racial animus necessary to be guilty of a hate crime under federal law.

The case went to trial in Pickering's courtroom. During the course of testimony, Pickering came to suspect the Civil Rights Division had made a plea bargain with the wrong defendant. No one questioned the Justice Department's decision to go easy on the low-IQ Thomas, but the 17-year-old was a different case. "It was established to the satisfaction of this court that although the juvenile was younger than the defendant Daniel Swan, that nevertheless the juvenile was the ring leader in the burning of the cross involved in this crime," Pickering wrote in a memorandum after the verdict. "It was clearly established that the juvenile had racial animus....The court expressed both to the government and to counsel for the juvenile serious reservations about not imposing time in the Bureau of Prisons for the juvenile defendant."

In addition to the 17-year-old's role as leader, there was significant evidence, including the fact that he had once fired a shot into the mixed-race couple's home, suggesting that he had a history of violent hostility to blacks that far outweighed any racial animosity felt by Daniel Swan. Swan had no criminal record, and seven witnesses testified that they were not aware of any racial animus he might have held against black people. On the other hand, one witness testified that he believed Swan did not like blacks, and Swan admitted under questioning that he had used the "N" word in the past. In the end, Swan was found guilty * there was no doubt that he had taken an active role in the cross burning * and the Justice Department recommended that he be sentenced to seven and a half years in jail.

At that point, the Justice Department had already made a no-jail deal with the 17-year-old. When it came time to sentence Swan, Pickering questioned whether it made sense that the most-guilty defendant got off with a misdemeanor and no jail time, while a less-guilty defendant would be sentenced to seven and a half years in prison. "The recommendation of the government in this instance is clearly the most egregious instance of disproportionate sentencing recommended by the government in any case pending before this court," Pickering wrote. "The defendant [Swan] clearly had less racial animosity than the juvenile."

Compounding Pickering's concern was a conflict between two federal appeals-court rulings over the applicability of a statutory mandatory minimum sentence to the case. The Justice Department insisted that Swan be

sentenced to a minimum of five years under one statute and two and a half years under a separate law. Pickering doubted whether both were applicable to the case and asked Civil Rights Division lawyers whether the same sentencing standards were used in cases in other federal circuits. The prosecutors said they would check with Washington for an answer.

Pickering set a sentencing date of January 3, 1995. As the date approached, he waited for an answer from the Justice Department. He asked in November, 1994 and received no response. He asked again in December and received no response. He asked again on January 2, the day before the sentencing, and still received no response. He delayed sentencing, and on January 4 wrote a strongly-worded order to prosecutors demanding not only that they respond to his questions but that they take the issue up personally with Attorney General Janet Reno and report back within ten days.

Shortly after issuing the order, Pickering called assistant attorney general Frank Hunger, a Mississippian and friend of Pickering's who headed the Justice Department's Civil Division at the time (Hunger was also well known as the brother-in-law of vice president Al Gore). Pickering says he called Hunger to express "my frustration with the gross disparity in sentence recommended by the government, and my inability to get a response from the Justice Department in Washington." Hunger told Pickering that the case wasn't within his area of responsibility. It appears that Hunger took no action as a result of the call. (Hunger later supported Pickering's nomination to the federal appeals courts.)

Finally, Pickering got word from Civil Rights Division prosecutors, who said they had decided to drop the demand that Swan be given the five-year minimum portion of the recommended sentence. Pickering then sentenced Swan to 27 months in jail. At the sentencing hearing, Pickering told Swan, "You're going to the penitentiary because of what you did. And it's an area that we've got to stamp out; that we've got to learn to live, races among each other. And the type of conduct that you exhibited cannot and will not be tolerated....You did that which does hinder good race relations and was a despicable act....I would suggest to you that during the time you're in the prison that you do some reading on race relations and maintaining good race relations and how that can be done."

So Swan went to jail, for a bit more than two years rather than seven. Every lawyer in the case * the defense attorneys, the prosecutors, and the judge * faced the difficulty of dealing with an ugly situation and determining the appropriate punishment for a bad guy and a somewhat less-bad guy. Pickering, who believed the Civil Rights Division went too easy on the 17-year-old bad guy, worked out what he believed was the best sentence for Daniel Swan. It was a real-world solution to the kind of real-world problem that the justice system deals with every day. And it was the end of the cross-burning case until Pickering was nominated by President Bush to a place on the Fifth Circuit Court of Appeals.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/9/2003 7:17:36 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-JAN-2003 12:17:36.00
SUBJECT::
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Author Archive
E-mail Author
Send to a Friend
Print Version

January 9, 2003 9:00 a.m.
Schumer on the Attack
The New York senator accuses the White House of plotting to destroy civil rights.

n a statement Wednesday, New York Democratic Senator Charles Schumer charged the renomination of Judge Charles Pickering to the Fifth Circuit Court of Appeals is part of a Bush administration plan to destroy "basic civil rights" in America. "For years, the federal courts served as the shield protecting basic civil rights in this country," Schumer said. "This administration wants the courts to become the sword that destroys those rights."

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"And don't think this stops with Judge Pickering," Schumer added. "He's just the tip of the iceberg." Setting the stage for a Senate-wide fight, Schumer said he is "prepared to do everything I can to stop the nomination from going forward" * including a filibuster.

Pickering, a U.S. District Court judge in Mississippi, was defeated in a straight party-line vote last March by the then-Democratic-controlled Senate Judiciary Committee. Democrats alleged that Pickering had displayed "glaring racial insensitivity" in his decisions, particularly one in which he reduced the sentence of a man convicted in a 1994 cross burning. Now, with Republicans in control of the Senate, the White House has renominated Pickering.

That led to renewed Democratic attacks. "Why anyone would go the whole nine yards and then some to get a lighter sentence for a convicted cross burner is beyond me," Schumer said Wednesday. "Why anyone would do that * in 1994 and in a state with Mississippi's history * is simply mind-boggling." (Contrary to Schumer's assertions, the facts of the cross-burning case appear to support Pickering's actions.)

At a news conference Wednesday, Schumer admitted there is little Democrats can do to stop Pickering in the Senate Judiciary Committee, where Republicans will enjoy a 10 to 9 majority. But he predicted a strong filibuster effort in the full Senate. "I think there is wide support in our caucus to do this," he said.

But there are serious doubts about whether a Democratic filibuster would be successful. Schumer's news conference was attended by just one other senator, Dick Durbin of Illinois. Beyond that, only Massachusetts's Edward Kennedy has publicly supported a filibuster. To succeed, Schumer would have to persuade 40 other senators to side with him against allowing a full-Senate vote on the Pickering nomination.

There is little evidence he will be able to do that. First, such a maneuver has not been successful in more than three decades (and then in a Supreme Court case). Second, a successful filibuster would guarantee serious and possibly long-term reprisals from the GOP. And third, many observers believe the judicial issue helped Republicans win some key Senate elections last November and that the Democratic leadership would be hesitant to make a historic stand on an issue that could conceivably cost them in 2004. "To some degree our success in the election nationalized this issue," says one Republican. "Do Democrats still see that as a winning issue for them?"

So it seems likely that in the end, Pickering will be confirmed. Still, some Republicans were surprised by the president's decision to renominate the Mississippi judge, especially in light of the fallout from the controversy over former Senate Majority Leader Trent Lott, who was removed by Republicans after his statement praising former Sen. Strom Thurmond's 1948 Dixiecrat campaign for president. Leading Democrats saw the incident as an opportunity to charge that Lott's comments reflected a pervasive racism at the core of the Republican party. Now the Pickering renomination gives them a chance to renew the attack. Sure enough, at their news conference Wednesday, Schumer and Durbin did just that.

Some Republicans believed that the White House should not have renominated Pickering so quickly, that the president should have waited until the Lott issue cooled. "I don't think it was smart to do it this soon," says one. "At some point you have to lay low." But others cheered the president's decision. "It's a good thing," says one. "We shouldn't shy away from [Pickering's] background."

In a sense, the White House had little choice. In campaign appearances

last year, the president vouched for Pickering's character and ability. "I named two good judges, one from Mississippi and one from my home state of Texas * Charles Pickering, Priscilla Owen," he told the National Republican Senatorial Committee last September. "It is not right that these two fine, fine people were denied the bench." Last August, at a fundraiser for Pickering's son, Rep. Chip Pickering, Bush said, "I put up a good man named Judge Pickering for a higher court....The Senate did wrong by Judge Pickering. I did right by naming him to the bench." And last March, shortly after Pickering's defeat, speaking at a Saxby Chambliss for Senate dinner in Atlanta, the president called Pickering "a good man from Mississippi." He praised Georgia Democratic Sen. Zell Miller for having "stood up and defended the honor and integrity of Judge Pickering."

Having said all that, how could Bush not renominate Pickering? Bush had bestowed his "good man" stamp of approval on Pickering, and to withdraw it in light of the Lott affair would have seemed a baldly political calculation. It would also have sent a message to Democrats that their attacks worked * thus encouraging more.

So now, the Pickering battle has resumed. Unlike last year, Republicans appear to have the winning advantage. But there will still be a terrible fight, if Charles Schumer has anything to say about it.

From: CN=Ashley Snee/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/9/2003 7:23:34 AM
Subject: : Re:

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-JAN-2003 12:23:34.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

pls call me when you can 62115
```

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@EOP [WHO] <Ashley Snee>
Sent: 1/9/2003 12:12:06 PM
Subject: : Mobile Register (1/08/03) re: Steele up for federal judge

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2003 17:12:06.00
SUBJECT:: Mobile Register (1/08/03) re: Steele up for federal judge
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Steele up for federal judge
Some are disapponted that a black candidate was not recommended
01/08/03
By SEAN REILLY
Washington Bureau
WASHINGTON -- After unsuccessfully seeking to install U.S. Magistrate William Steele on a federal appellate court in Atlanta, President Bush has renominated him for a vacant federal district judgeship in Mobile.
Steele's name was in a batch of 31 nominations released by the White House on Tuesday evening. It's now up to the Senate Judiciary Committee to schedule hearings on them.
Steele, a 51-year-old Tuscumbia native, has been a magistrate in Mo bile since 1990. A former federal prosecutor, he worked for several years under U.S. Sen. Jeff Sessions during the latter's stint as U.S. attorney in the 1980s.
In a statement released through spokeswoman Nancy Wall, Sessions, R-Mobile, said Tuesday evening that Steele "has the highest personal integrity, a phenomenal work ethic and excellent administrative skills. He will do a great job."
But on Monday, several lawyers and a state lawmaker had urged Sessions and U.S. Sen. Richard Shelby, R-Tuscaloosa, to recommend a black candidate for the lifetime appointment. No black has ever sat on the three-judge federal district bench in Mobile. Steele is white.
"I'm outraged and very disappointed," said Lettie Malone, Mobile branch president of the NAACP, upon learning of Steele's nomination.
Sessions was not available to comment, Wall said. Steele did not return phone messages left at his home Tuesday evening.
Bush had nominated Steele in fall of 2001 for a vacancy on the 11th U.S. Circuit Court of Appeals in Atlanta, but the nomination died without Senate action at the end of the 107th Congress late last year.
The NAACP and another civil rights organization, the Southern Christian Leadership Conference, had earlier voiced objection to Steele's 2001 decision to throw out a racial discrimination suit filed by three black paper mill workers. At the time, however, black attorneys in Mobile said they found Steele fair.
Last year, a three-judge panel on the 11th Circuit reversed that decision on the grounds that the statute of limitations issue needed to be revisited and sent the case back to Mobile. Steele has bowed out of any further involvement.
Because Republicans now control the Senate, Steele's chances of confirmation are almost certainly better this year. In addition, nominees for district judgeships usually receive less scrutiny than those for more influential appeals courts.
The Mobile judgeship in question has been vacant for two years. The support of both home-state senators is usually essential for a judicial nominee to win Senate confirmation.
On Monday, Shelby spokes woman Andrea Andrews had said that several candidates were under consideration and it was still early in the

selection process. Andrews did not immediately return phone calls Tuesday evening seeking clarification of her remarks.
Last year, district judges made $150,000 annually, but they may soon receive a modest pay increase.
In a move that was immediately denounced by Democrats, Bush also re-nominated U.S. District Judge Charles Pickering of Hattiesburg, Miss., for a seat on the federal appeals court in New Orleans. Democrats blocked Pickering's original nomination last year, contending that he is racially insensitive.
The name of Alabama Attorney General Bill Pryor was not on the list of nominations released Tuesday by the White House. Sessions' office said last week that Pryor is under consideration for the 11th Circuit seat that Steele had been nominated for. Neither Wall nor a White House spokeswoman had any comment Tuesday.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/9/2003 8:18:54 AM
Subject: : Pickering

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2003 13:18:54.00
SUBJECT:: Pickering
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

per my request of last night -- they should send more today.
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
01/09/2003 01:22 PM ----------

"Charnes, Adam" <Adam.Charnes@usdoj.gov>
01/09/2003 10:00:52 AM
Record Type: Record

To: "Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov>, "Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov>
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Pickering

Can one of you call Brett to get the WH some materials? Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/9/2003 12:34:51 PM
Subject: : editorial in Jackson paper

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2003 17:34:51.00
SUBJECT:: editorial in Jackson paper
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

January 9, 2003
'State of State'
Reinforcing education a priority
Gov. Ronnie Musgrove gives his fourth "State of the State" address today * and it could be full of surprises.

Priorities

Gov. Ronnie Musgrove could and should hearken back to his inauguration theme of wanting to be the "education governor," with innovative ways to fully fund K-12 and higher education.

Since this is an election year, it could be a preview of his re-election bid.
It's hard to predict what Musgrove will say. However, it is safe to say that it will be dominated * or overshadowed * by budget concerns.
The state's dire financial situation, which by the way is not unlike other states, will be the defining theme of the 2003 session. But it should not be an excuse for a do-nothing session, which the Legislature will be inclined to do.
This is where clear leadership from the governor's office is needed. There should be bold approaches to budget reductions and creative ideas for revenue enhancements.
Musgrove most likely will stress his approach at setting budget priorities, which he should. But his guide in this should hearken back to his inauguration theme.
Three years ago, Musgrove said he wanted to be the "education governor," and outlined ideas, including raising teacher pay and adequately funding schools. Those basic themes need reinforcing today.
As in the past, he could offer creative ways to fund his public education proposals, but they should be:
Fully funding the teacher pay raises approved in 2000;
Fully funding the Minimum Foundation Program for districts' operations, and the Adequate Education Program, designed to help equalize funding in

poorer districts;
Giving greater support for higher education.
We can expect Musgrove to point to his successes over the past three years, including landing the Nissan auto plant providing thousands of jobs.
It would be surprising if Musgrove didn't use this opportunity as his first major speech this election year touting his achievements and pointing to what he would hope to accomplish in 2003 and beyond.
Getting through these difficult budget times without further harm to education is not politically sexy, but it is the priority.
Pickering
Judge's own merits are the issue
As fully qualified as U.S. District Judge Charles Pickering is to serve on the 5th U.S. Circuit Court of Appeals, President Bush renominating him for the post could become a divisive racial debate in the U.S. Senate.
That would be unfair to Pickering and to Mississippi.
Perhaps, with a GOP Senate majority, Bush believes the nomination can be eased through quickly. But Democrats must be salivating at the chance to pillory the nomination based on the fact that he is the choice of U.S. Sen. Trent Lott, who is vulnerable on the race issue.
Pickering is a competent and qualified jurist with a record of racial fairness. He didn't deserve the hatchet job he endured last spring.
Pickering should be judged on his merits, not Lott or the perceived weaknesses of the GOP on matters of race.
The selection of federal court judges has turned into a nasty, partisan affair * Democratic and Republican * that has nothing to do with the nominees. The Senate should get back to judging judges objectively.
Pickering didn't get a fair shot last time.
He should now.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: adam.charnes@usdoj.gov @ inet [UNKNOWN] <adam.charnes@usdoj.gov @ inet>
Sent: 1/9/2003 8:43:39 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-JAN-2003 13:43:39.00
SUBJECT::
TO:adam.charnes@usdoj.gov @ inet ( adam.charnes@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Who will be ready for nomination next Wednesday?
```

From: CN=Alicia W. Davis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/9/2003 9:46:56 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-JAN-2003 14:46:56.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Have you had a chance to look at the BIA invite?
```

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Bennett>;Melissa_S._Bennett@who.eop.gov [WHO] <Melissa S.>
Sent: 1/9/2003 9:56:12 AM
Subject: Re: We need to move the meeting for tomorrow.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME: 9-JAN-2003 14:56:12.00
SUBJECT:Re: We need to move the meeting for tomorrow.
TO:Bennett, Melissa S. (Melissa_S._Bennett@who.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

5:30 would be best. thanks.

From: Melissa S. Bennett/WHO/EOP@Exchange on 01/09/2003 01:55:26 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:

Subject: We need to move the meeting for tomorrow.

Can we please move the 4:00 pm meeting tomorrow??

The Chief can do it between 12:15 and 1:00 p.m. or between 5:30-7:00 p.m.

Can you please let me know what works best?

Thanks.
Melissa

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@Exchange [WHO] <Melissa S. Bennett>
Sent: 1/9/2003 9:59:40 AM
Subject: : Re: We need to move the meeting for tomorrow.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2003 14:59:40.00
SUBJECT:: Re: We need to move the meeting for tomorrow.
TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

5:30 would be best. thanks.

From: Melissa S. Bennett/WHO/EOP@Exchange on 01/09/2003 01:55:26 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: We need to move the meeting for tomorrow.

Can we please move the 4:00 pm meeting tomorrow??
;
The Chief can do it between 12:15 and 1:00 p.m. or between 5:30-7:00 p.m.
;
Can you please let me know;what;works best?
;
Thanks.
Melissa

From: Mark Filip <MFILIP@skadden.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;paul.d.clement@usdoj.gov [UNKNOWN] <paul.d.clement@usdoj.gov>
Sent: 1/9/2003 11:31:32 AM
Subject: : Fwd: A fax has arrived from remote ID '312 886 3514'.
Attachments: P_JVUUC003_WHO.TXT_1.tiff

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Mark Filip <MFILIP@skadden.com> (Mark Filip <MFILIP@skadden.com> [UNKNOWN])
CREATION DATE/TIME: 9-JAN-2003 16:31:32.00
SUBJECT:: Fwd: A fax has arrived from remote ID '312 886 3514'.
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:paul.d.clement@usdoj.gov (paul.d.clement@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

FYI.
****
This e-mail and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you receive this email in error please immediately notify me at (212) 735-3000 and permanently delete the original copy and any copy of any e-mail, and any printout thereof.

Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.
****

Date: Thu, 09 Jan 2003 16:23:42 -0500
From: "Fax Admin Chicago" <CHIFAXADMIN@skadden.com>
Subject: Fwd: A fax has arrived from remote ID '312 886 3514'.
To: "Brenda Knight" <BKNIGHT@skadden.com>, "Mark Filip" <MFILIP@skadden.com>
MIME-version: 1.0
Content-type: multipart/mixed; boundary="Boundary_(ID_uftT/ewsVLWiWb8KTyQRjg)"
>>> RightFAX Email Gateway <RFAX> 01/09/03 02:55PM >>>
A fax has arrived from remote ID '312 886 3514'.

Time: 1/9/03 2:52:40 PM
Received from remote ID: 312 886 3514
Inbound user ID CHIFAXADMIN, routing code 9300
Result: (0/352;0/0) Successful Send
Page record: 1 - 6
Elapsed time: 02:04 on channel 1
- B001D026.TIF
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_JVUUC003_WHO.TXT_1>

United States Senator • Illinois

Peter G. Fitzgerald

230 South Dearborn #3900 • Chicago, IL 60604
312-886-3506 • FAX 312-886-3514

To: Mark Filip
Fax: 312-407-0411
From: Laura Anne Miller
Phone: 312-886-3506
Re: Final release and bios
Date: 1/9/03
Pages (including cover page): 6

Notes:

This transmission is intended only for the use of the person or office to whom it is addressed and may contain information that is privileged, confidential, or protected by law. All others are hereby notified that receipt of this message does not waive any applicable privilege or exemption from disclosure and that any dissemination, distribution, or copying of this communication is prohibited.

United States Senator • Illinois

Peter G. Fitzgerald

NEWS RELEASE

FOR IMMEDIATE RELEASE
Attn: Federal Courts Reporter (5 Pages)
January 9, 2003

Contact: Laura Anne Miller
(312) 886-3506

Fitzgerald recommends Samuel Der-Yeghiayan and Mark Filip for vacancies on U.S. District Court for the Northern District of Illinois

CHICAGO, IL...U.S. Senator Peter G. Fitzgerald (R-Illinois) announced today that he will recommend that President Bush nominate Samuel Der-Yeghiayan of Vernon Hills, Illinois, and Mark Filip of Winnetka, Illinois, to fill vacancies on the United States District Court for the Northern District of Illinois. The vacancies occurred upon Judge Harry D. Leinenweber and Chief Judge Marvin E. Aspen assuming senior status in June and July, 2002, respectively. Judge Leinenweber has presided on the court since 1986, and Judge Aspen since 1979.

"I reviewed a substantial number of applications for the vacancies on the U.S. District Court for the Northern District of Illinois," said Fitzgerald. "Judge Samuel Der-Yeghiayan has more than 20 years of significant experience in the federal judicial system and Mark Filip stood out for his unique combination of stellar academic and professional credentials. I am confident that, if they are nominated by President Bush and confirmed by the U.S. Senate, both men will serve as fair and competent additions to the court."

Judge Samuel Der-Yeghiayan

Samuel Der-Yeghiayan was appointed in 1978 as a Trial Attorney for the Immigration and Naturalization Service (INS) in Chicago, Illinois. Four years later, Der-Yeghiayan was promoted to the position of District Counsel for the INS Chicago District with jurisdiction over the states of Illinois, Indiana, and Wisconsin. From 1982 to 2000, he managed one of the largest INS Legal Proceedings programs in the nation and supervised a staff of over 20 government attorneys, including Special Assistant United States Attorneys.

During his tenure with the INS, he served as part of the government team litigating cases in both the U.S. District Courts and the Seventh Circuit Court of Appeals. Since his 2000 appointment to the U.S. Immigration Court in Chicago, Der-Yeghiayan has carried one of the heaviest caseloads in the Immigration Court system. For 20 consecutive years, from 1981 to 2000, he received Outstanding Performance Ratings from the Attorney General of the United States as a U.S. Justice Department Attorney.

-(MORE)-

REV_00106026

Judge Der-Yeghiayan, 50, earned a B.A. in Political Science from Evangel University in Springfield, Missouri. In 1978, he graduated from the Franklin Pierce Law Center in Concord, New Hampshire, where he was a member of the Law Review Editorial Board. He lives in Vernon Hills, Illinois, with his wife Becky, an Administrative Assistant to the Libertyville School District Superintendent. They have two children, Tara (24) and Jared (22).

Mark Filip

Mark Filip, an Illinois native, attended the University of Illinois where he graduated *summa cum laude* with a B.A. in Economics and History. In 1990, he earned an English Honours B.A. in Jurisprudence, First Class Honors from the University of Oxford, Christ Church College, in Oxford, England. In 1992 Filip received his Juris Doctor, *magna cum laude*, from The Harvard Law School. Filip received the Joseph A. Sears Prize at Harvard in 1991, an award given to the two members of the second year class with the highest grades.

From 1992 to 1993, Filip served as a law clerk for Stephen F. Williams of the United States Court of Appeals for the D.C. Circuit in Washington, D.C. From 1993 to 1994, Filip served as a law clerk for Antonin Scalia, United States Supreme Court.

In 1995, Filip joined the United States Attorney's Office in Chicago, where he served as an Assistant United States Attorney in the Criminal Division. As an Assistant United States Attorney, he prosecuted a wide variety of cases in the trial courts and on appeal – including matters such as racketeering; tax offenses; international heroin trafficking; violent and gang-related crime; health care and other white collar frauds; and public corruption.

Filip joined the Chicago office of Skadden, Arps, Meagher & Flom in 1999 as an associate in the litigation department. He was named partner in 2001. Filip's work has focused on federal litigation, and he has represented clients in complex civil litigation matters, both in the trial and appellate courts.

Filip, 36, lives in Winnetka, Illinois, with his wife Beth. Mark and Beth have four sons – Matthew (6), Charlie (4), Tommy (2), and Joseph (8 months).

Biographies of Samuel Der-Yeghiayan and Mark Filip are attached.

# # #

Biography of Samuel Der-Yeghiayan

Samuel Der-Yeghiayan currently serves as a U.S. Immigration Court Judge in Chicago. Der-Yeghiayan has more than 20 years experience in the federal judicial system.

Der-Yeghiayan began his legal career as an Honor Law Graduate under the Attorney General's Honors Program and was appointed in 1978 as a Trial Attorney for the Immigration and Naturalization Service (INS) in Chicago, Illinois. Four years later, Der-Yeghiayan was promoted to the position of District Counsel for the INS Chicago District with jurisdiction over the states of Illinois, Indiana, and Wisconsin. From 1982 to 2000, he managed one of the largest INS Legal Proceedings programs in the nation and supervised a staff of over 20 government attorneys, including Special Assistant United States Attorneys.

During his tenure with the INS, he served as part of the government team litigating cases in both the U.S. District Courts and the Seventh Circuit Court of Appeals. He also served on various National Legal Committees, including the committee relating to National Security and Anti-Terrorism. Since his 2000 appointment to the U.S. Immigration Court in Chicago, Der-Yeghiayan has carried one of the heaviest caseloads in the Immigration Court system.

In 1988, Der-Yeghiayan was detailed to the U.S. Embassy in Moscow where he served for two months as the U.S. Justice Department's sole representative on refugee and other matters.

For 20 consecutive years, from 1981 to 2000, Der-Yeghiayan received Outstanding Performance Ratings as a U.S. Justice Department Attorney from the Attorney General of the United States. In addition, he has received Superior Accomplishment Awards as a government attorney and Certificates of Appreciation from the Chicago Bar Association for his contributions to the Chicago Lawyer's Court Handbook. In 1986, he received the Frank J. McGarr Award of the Federal Bar Association as the Outstanding Federal Government Attorney in Chicago. In 1998, he received the District Counsel of the Year Award from the Commissioner of the INS and the Attorney General of the United States.

Der-Yeghiayan is of Armenian ancestry. He was born in Syria and immigrated to the U.S. when he was 19 years old.

Der-Yeghiayan earned his B.A. from Evangel University in Springfield, Missouri in 1975, majoring in Political Science. During his college years, he was awarded athletic scholarships and served as captain of the varsity soccer team. In 1978, he earned his Juris Doctor degree from Franklin Pierce Law Center in Concord, New Hampshire where he served on the Law Review Editorial Board which publishes IDEA: The Journal of Law and Technology.

Judge Der-Yeghiayan, 50, lives in Vernon Hills, Illinois with his wife Becky. They have two children, Tara (24) and Jared (22).

REV_00106028

Biography of Mark R. Filip

Mark R. Filip, 36, is a partner at the law firm of Skadden, Arps, Slate, Meagher & Flom in Chicago. Filip was born in Chicago and has been an Illinois resident most of his life.

Filip attended the University of Illinois in Champaign-Urbana, where he graduated *summa cum laude* in 1988 with degrees in economics and in history. Filip received various scholarships at Illinois, including a *Phi Beta Kappa* outstanding student fellowship. He played on the University's lacrosse club.

During his senior year, Filip was awarded a Marshall Scholarship to study law at the University of Oxford in England. Filip graduated in 1990 with a law degree (the English Honours B.A. in Jurisprudence), First Class Honors.

Filip completed his legal training at The Harvard Law School, graduating *magna cum laude* in 1992. At Harvard, Filip served as one of the editors of the *Harvard Law Review*. He also was awarded a Sears Prize in 1991, an award given to the two members of the second year class with the highest grades.

From 1992 to 1993, Filip served as a law clerk for Stephen F. Williams of the United States Court of Appeals for the D.C. Circuit in Washington, D.C. From 1993 to 1994, Filip served as a law clerk for Antonin Scalia, United States Supreme Court.

After working as a litigation associate at Kirkland & Ellis in Chicago from 1994 to 1995, Filip joined the United States Attorney's Office in Chicago, where he served as an Assistant United States Attorney in the Criminal Division. As an Assistant U.S. Attorney, he prosecuted a wide variety of cases in the trial courts and on appeal – including matters such as racketeering; tax offenses; international heroin trafficking; violent and gang-related crime; health care and other white collar frauds; and public corruption. Filip tried the case of *United States v. James Washington* (95 CR 302), which was the first case in which the U.S. Attorney's Office in Chicago invoked the federal "Three Strikes" mandatory life sentencing statue. He was one of the investigating and trial attorneys in *United States v. Edward Jackson, et al.* (96 CR 815), in which seven corrupt police officers from Chicago's Austin District were convicted of various offenses, including racketeering and narcotics dealing.

Filip also represented the United States in a number of cases before the United States Court of Appeals for the Seventh Circuit in Chicago. These cases included *United States v. Thomas Maloney*, 71 F.3d 645 (7th Cir. 1995) (affirming the racketeering conviction of a state court judge convicted of taking bribes in murder cases); *United States v. Palumbo Brothers Inc., et al.*, 145 F.3d 850 (7th Cir. 1998) (reversing district court order dismissing much of the racketeering indictment on grounds of labor law preemption); and *United States v. Jesse Evans*, 192 F.3d 698 (7th Cir. 1999) (affirming the conviction of former Chicago alderman convicted of bribe-taking).

While a federal prosecutor, Filip received the U.S. Department of Justice Director's Award for Superior Performance as an Assistant United States Attorney.

Filip joined the Chicago office of Skadden, Arps, Meagher & Flom, in 1999 as an associate in the litigation department. He was named partner in 2001. Filip's work has focused on federal litigation, and he has represented clients in complex civil litigation matters, both in the trial and appellate courts.

Filip has served as an adjunct professor at the Northwestern University School of Law and currently serves as a lecturer in law at the University of Chicago Law School.

Filip lives in Winnetka, Illinois, with his wife Beth. Mark and Beth have four sons – Matthew (6), Charlie (4), Tommy (2), and Joseph (8 months).

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/9/2003 11:47:46 AM
Subject: : 4 new R's on Committee

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-JAN-2003 16:47:46.00
SUBJECT:: 4 new R's on Committee
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Cornyn, Graham, Chambliss, and Craig are joining.
Both McConnell and Brownback are leaving the Committee.
```

From: CN=Jennifer G. Newstead/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/9/2003 11:48:33 AM
Subject: : Re: 4 new R's on Committee

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2003 16:48:33.00
SUBJECT:: Re: 4 new R's on Committee
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett, who is the right person in the press office to speak to about judges - thought I'd email a heads-up about NY. thanks

Brett M. Kavanaugh
01/09/2003 04:44:15 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 4 new R's on Committee

Cornyn, Graham, Chambliss, and Craig are joining.
Both McConnell and Brownback are leaving the Committee.

Message Sent
To:_____
Alberto R. Gonzales/WHO/EOP@EOP
David G. Leitch/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
CC: David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO /EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/9/2003 12:24:28 PM
Subject: : call from reporter

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-JAN-2003 17:24:28.00
SUBJECT:: call from reporter
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Ashley: Can you return call to Jan Greenberg at Chicago Tribune at
202-824-8239. She left me a message. I did not return call. She
usually writes pretty fair stories on judges and related issues.
```

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/9/2003 1:17:18 PM
Subject: : FW: WSJ OPED
Attachments: P_RK1VC003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2003 18:17:18.00
SUBJECT:: FW: WSJ OPED
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI

---------- Forwarded by Kyle Sampson/WHO/EOP on 01/09/2003 06:05 PM ----------

Manus Cooney <Manus.Cooney@potomaccounsel.com>
01/09/2003 05:43:09 PM
Please respond to Manus.Cooney@potomaccounsel.com
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc:
Subject: FW: WSJ OPED

FYI.....

-----Original Message-----
From: Manus Cooney [mailto:Manus.Cooney@potomaccounsel.com]
Sent: Thursday, January 09, 2003 5:42 PM
To: 'Manus.Cooney@potomaccounsel.com'; 'Judge, Michael'
Subject: RE: WSJ OPED
Importance: High

Better yet, here's an even shorter version -- just over 900 words.

-----Original Message-----
From: Manus Cooney [mailto:Manus.Cooney@potomaccounsel.com]
Sent: Thursday, January 09, 2003 5:27 PM
To: 'Judge, Michael'
Subject: RE: WSJ OPED
Importance: High

Here you go. 996 words. I will proof it again -- you should too.

-----Original Message-----
From: Judge, Michael [mailto:Michael.Judge@wsj.com]
Sent: Thursday, January 09, 2003 12:14 PM
To: 'Manus.Cooney@PotomacCounsel.com'
Subject: WSJ OPED
Importance: High

Dear Mr. Cooney,

This is Michael Judge at the WSJ editorial page. We'd like to run you're

piece in Bob Bartley's Thinking Things Over slot next Monday, since Bob
is
on vacation. We feel, however, that it needs to be updated to address
the
current flap over Charles Pickering and probably lede with that, since a
fillibuster is highly likely. Also, if you could, please trim the piece
down
to 950 words, as that's, unfortunately, all the space we have. If you
could
file by close of business today that would be grand, otherwise Friday is
fine. Thank you again for an excellent piece, and I look forward to
seeing
the new version.

Cheers, MJ

- mmmcop-edWSJ..doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RK1VC003_WHO.TXT_1>

If given the chance, a majority of Senators will probably vote to confirm federal appeals court nominee Judge Charles Pickering. Knowing this, opponents of his nomination are now threatening a filibuster on the floor of the Senate. Were such a filibuster to occur, it would be a virtually unprecedented escalation in the battle over judges.

Regardless of whether one supports or opposes the Pickering nomination, the filibuster threat is further proof that our current judicial confirmation system has become what President Bush calls an "endless cycle of blame and bitterness." It is a process where merit and fairness too often take a back seat to the political and financial interests of political interest groups and where a nominee's confirmability is measured less by his or her character, ability, and temperament than by political factors beyond his or her control.

The "endless cycle" has been well-documented: nominees are mistreated, votes are delayed, interest groups raise money, hearings are denied, federal judgeships sit empty, the quality of justice in America is endangered. Recriminations between Presidents (both Democrat and Republican) and the Senate (both Democrat- and Republican-controlled) fly furiously up and down Pennsylvania Avenue.

In his annual report on the state of the federal judiciary, Chief Justice Rehnquist again called on the political branches of government to fix the confirmation problem. Americans share the Chief Justice's concerns. When merit and a fair application of the rules do not control, our shared ideals are offended. We hate the polarized and poisonous atmosphere. We think that it is unfair that nominees and their families are left in limbo. We think that it is wrong that good people are discouraged from serving as judges. We want a more dignified process.

Several weeks ago, President Bush proposed a "clean start" that would restore fairness and dignity to the judicial confirmation process. He proposed specific timetables designed to streamline the confirmation process:

- First, he asked judges to notify the President of their intended retirement dates at least a year in advance, whenever possible.
- Second, he committed to submit a nomination to the Senate within six months of receiving notice of a federal court vacancy or intended retirement.
- Third, he called on the Senate Judiciary Committee to hold a hearing within three months of receiving a nomination.
- Fourth, he called on the full Senate to hold an up-or-down vote within six months of receiving a nomination.

These are sound, overdue procedural reforms that build upon the recommendations of several bipartisan study commissions. President Bush and Senator Orrin Hatch, who returns this year as Chairman of the Judiciary Committee, can largely implement them simply by working closely together in the coming months. But for these reforms to be enduring, for them to apply now and in the future, no matter who lives in the White House and who controls the Senate, some modifications are in order.

First, each branch of government should incorporate these reforms in its own rules. For the Senate, this would mean establishing a new Senate rule requiring that every nominee be given a hearing within three months and a vote on the floor within six months. Once established by Senate rule, it will matter less who lives in the White House and who controls the Senate and matter more who the nominee is and what his or her qualifications are. Similarly, the President should issue an Executive Order requiring that he and future Presidents make a nomination within six months of learning of a vacancy. The federal judiciary already has a policy that judges should give advance notice if they are going to retire but should make clear that one year advance notice is necessary to ensure a seamless transition.

Second, the reforms should acknowledge and incorporate the long-standing tradition of Senatorial courtesy. This tradition dictates that the President, before making a nomination, consult with home-State Senators, the theory being that Senators should have some influence over who is named to a court located within their State. So, where the President has failed to consult with home-State Senators over appointments to the federal district court (or courts) located within their State, the Senate rules would not bind the Senate to hold a hearing within three months and a vote within six months.

Third, the filibustering of judicial nominees should be prohibited. As noted above, the political left increasingly is arguing that a super-majority should be required to confirm a judge. This argument is the fruit of a broken system. The Senate can rise to the President's challenge to help fix the broken system by amending the Rules of the Senate to prohibit the filibustering of judicial nominations. Precedents for restricting filibusters on issues of national importance exist, such as the Senate's rule limiting debate over budget reconciliation measures.

For those Americans who want to see a more dignified process, they should encourage Senate Republicans to initiate the consideration of changes to the Senate Rules. President Bush's proposal, if made enforceable in the manner described above, will go a long way towards fixing the broken judicial confirmation system without depriving the public of its right to weigh in. It would enable Presidents to recruit high-caliber jurists, it would allow all Senators to be consulted, and it would help ensure that the federal courts are fully staffed to protect our rights and liberties.

Manus Cooney, CEO of Potomac Counsel LLC, served as the Chief Counsel and Staff Director of the Senate Judiciary Committee from 1996 to 2000.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Charnes, Adam <Adam.Charnes@usdoj.gov>
Sent: 1/10/2003 7:52:25 AM
Subject: : Re: ND Ala.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2003 12:52:25.00
SUBJECT:: Re: ND Ala.
TO:"Charnes, Adam" <Adam.Charnes@usdoj.gov> ("Charnes, Adam" <Adam.Charnes@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Ben Powell. 456-7909.

"Charnes, Adam" <Adam.Charnes@usdoj.gov>
01/10/2003 12:47:55 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: ND Ala.

Who is responsible for these seats in your office?

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 1/10/2003 4:24:05 AM
Subject: : Re: Richard Perry

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2003 09:24:05.00
SUBJECT:: Re: Richard Perry
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

ps i had set this all up in advance with perry, and made our expectations clear, so not sure why he is so confused.

Brett M. Kavanaugh
01/09/2003 01:32:07 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: Kyle Sampson/WHO/EOP@EOP
Subject: Richard Perry

returned a message from Richard Perry, who in the interim had talked to Kyle (for whom he had also left a message). Anyway, sounds to me like they are -- and are going to be -- slow and unorganized on this.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/10/2003 5:20:36 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-JAN-2003 10:20:36.00
SUBJECT::
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

what is the Colorado vacancy? We do not have a letter yet, I do not
believe. Can you ask Senators if they have a letter yet?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 1/10/2003 5:42:43 AM
Subject: : did re-org happen yet?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-JAN-2003 10:42:43.00
SUBJECT:: did re-org happen yet?
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/10/2003 6:23:45 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2003 11:23:45.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

will do.

Brett M. Kavanaugh
01/10/2003 10:17:06 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
Subject:

what is the Colorado vacancy? We do not have a letter yet, I do not believe. Can you ask Senators if they have a letter yet?

From: CN=Gayle S. Worthy/OU=WHO/O=EOP [WHO]
To: Faisal M. Gill/WHO/EOP@EOP [WHO] <Faisal M. Gill>;Timothy C. Stout/WHO/EOP@EOP [WHO] <Timothy C. Stout>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/10/2003 6:25:03 AM
Subject: : DOJ report on OHS FOIA Case

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Gayle S. Worthy ( CN=Gayle S. Worthy/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-JAN-2003 11:25:03.00
SUBJECT:: DOJ report on OHS FOIA Case
TO:Faisal M. Gill ( CN=Faisal M. Gill/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Timothy C. Stout ( CN=Timothy C. Stout/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Good morning! Are you available to meet on Tues, 14Jan at 1:30 in EEOB
169 to discuss the above subj. If not, pls provide your availability for
that day.
thanks
gayle
6-1195
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/10/2003 10:34:47 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-JAN-2003 15:34:47.00
SUBJECT::
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Who should we talk to re Sec. Evans to make sure he is up to speed.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Heather Wingate/WHO /EOP@EOP [WHO] <Heather Wingate>
Sent: 1/10/2003 11:41:39 AM
Subject: : Re: Boxer question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2003 16:41:39.00
SUBJECT:: Re: Boxer question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I talked to her on wed. She is a little green (did not know name of boxer's cos^in sf) but anyway I gave her status.

.

----- Original Message -----
From:Heather Wingate/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP,
Bradford A. Berenson/WHO/EOP@EOP
Cc:
Date: 01/10/2003 04:30:13 PM
Subject: Boxer question

Liz Pham w/Sen Boxer called to ask what the status is of the 9th Circuit nominations. What do you want me to say, or do you all want to call her? her number is 224-8117. Lemme' know. Thanks, HW

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/10/2003 7:56:35 AM
Subject: : Sov Commission point

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-JAN-2003 12:56:35.00
SUBJECT:: Sov Commission point
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Letter from Charles Harrison, first African American hired in Laurel Miss
police department:

"County Attorney Charles Pickering worked with the FBI to investigate and
prosecute violent KKK members, and even testified against the Imperial
Wizard of the KKK, Sam Bowers. He put his, his wife's, and his children's
lives at risk by doing this. If any person would have mentioned union
activity to me that affected Jones County, I would have asked about it,
too, as would anyone who knew the violent history of unions at the
Masonite plant. That would have nothing to do with segregation. It would
have had to do with protecting people, black and white, from violence. In
the end, the Sovereignty Commission allegations only prove that Charles
Pickering fought against the Klan and for the people of Jones County."
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 1/10/2003 7:59:04 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-JAN-2003 12:59:04.00
SUBJECT::
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

note: taking an hour to read through the entire transcript is quite
worthwhile; just did that again
```

From: CN=Ashley Snee/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO /EOP@EOP [WHO] <Heather Wingate>
Sent: 1/10/2003 8:08:48 AM
Subject: : Sunday Lineup

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2003 13:08:48.00
SUBJECT:: Sunday Lineup
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

As of now.....
---------- Forwarded by Ashley Snee/WHO/EOP on 01/10/2003 01:08 PM ----------

Harry W. Wolff
01/10/2003 12:59 PM
Record Type: Record

To: Ashley Snee/WHO/EOP@EOP
cc:
Subject: Sunday Lineup

---------- Forwarded by Harry W. Wolff/WHO/EOP on 01/10/2003 01:05 PM ----------

Harry W. Wolff
01/10/2003 12:01 PM
Record Type: Record

To: Adam L. Levine/WHO/EOP@EOP, Harry W. Wolff/WHO/EOP@EOP, TSchmitt@rnchq.org @ inet
cc:
Subject: Sunday Lineup

NBC

Sen. Frist
Rev. Al Sharpton

ABC

Sen. Daschle

CBS

Sec. Evans

CNN

Sec. Evans
Dr. Kissinger
Samuel Burger

Sen. Shelby
Sen. Levin

Fox

Sen. Frist

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@Exchange [WHO] <Kristen Silverberg>
Sent: 1/10/2003 1:00:11 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2003 18:00:11.00
SUBJECT:: Re:
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

no

From: Kristen Silverberg/WHO/EOP@Exchange on 01/10/2003 05:33:03 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

were u at the debt ceiling mtg?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO /EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/10/2003 1:20:35 PM
Subject: : LA Times op-ed by Charles Fried on Carolyn Kuhl (CA9 nominee)

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-JAN-2003 18:20:35.00
SUBJECT:: LA Times op-ed by Charles Fried on Carolyn Kuhl (CA9 nominee)
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

it will run next week
```

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/10/2003 9:47:25 AM
Subject: : Re: did re-org happen yet?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-JAN-2003 14:47:25.00
SUBJECT:: Re: did re-org happen yet?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

no. next week.




Brett M. Kavanaugh
01/10/2003 10:39:13 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc:
Subject: did re-org happen yet?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>
Sent: 1/10/2003 10:33:21 AM
Subject: : AP - Gephardt letter re: Judge White

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2003 15:33:21.00
SUBJECT:: AP - Gephardt letter re: Judge White
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/10/2003 03:36 PM ----------

Scott Stanzel

01/10/2003 03:19:28 PM

Record Type: Record

To: Ashley Snee/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Scott McClellan/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP
cc: Nicolle Devenish/WHO/EOP@EOP
Subject: AP - Gephardt letter re: Judge White

Here's the updated story -

Missouri Democrats seek renomination of Ronnie White
LIBBY QUAID
Associated Press Writer

WASHINGTON (AP) _ In an apparent attempt to press the issue of race, two Missouri Democrats are asking President Bush to renominate the black judge who was the key witness for the opposition during Attorney General John Ashcroft's confirmation hearings.
Reps. Dick Gephardt and William Lacy Clay asked the president to appoint Missouri Supreme Court Judge Ronnie White to the 8th U.S. Circuit Court of Appeals, which will have a vacancy in April.
White, first nominated in 1997, was the first nominee since conservative jurist Robert Bork in 1987 to suffer defeat on the floor of the Senate, and the first district court nominee so defeated in four decades.
Ashcroft, then a Missouri senator seeking re-election, called White ``pro-criminal'' because of his votes to overturn death penalty sentences.
Today, Democrats are threatening to filibuster a controversial Bush nominee, Charles Pickering of Mississippi, whose nomination they blocked last year after civil rights groups questioned his race-relations record.
Democrats have appeared eager to return to the subject since Sen. Trent Lott, R-Miss., a friend of Pickering's, sparked a firestorm last month after speaking warmly of the segregationist presidential campaign that former Sen. Strom Thurmond ran in 1948.
``In light of this and your party's efforts to repair its image on race relations, we urge you to reconsider Judge White's nomination to the federal bench,'' Gephardt and Clay wrote in a letter they released Friday.
``Such action would be entirely consistent with your stated goal of realizing the promise of America for all our citizens, regardless of

race.''
Gephardt is among several Democrats exploring a presidential campaign in 2004.
During Ashcroft's confirmation hearings, White testified that Ashcroft ``seriously distorted my record.'' He added, ``The question for the Senate is whether these misrepresentations are consistent with the fair play and justice you all would require of the U.S. attorney general.''
Bush refused to consider a previous request from Gephardt to renominate White. For the 8th Circuit vacancy, created by an Iowa judge's retirement, the president is expected to nominate U.S. Attorney Steve Colloton of Iowa, according to the Sen. Chuck Grassley, R-Iowa.
Senate Judiciary Committee Chairman Orrin Hatch, R-Utah, considers White's nomination dealt with already. Hatch's panel controls judicial nominations.
``Judge White, under Sen. Hatch's leadership, was afforded the respect of a vote by the full Senate,'' said the spokeswoman, Margarita Tapia. ``Judge Pickering, in contrast, was denied the opportunity of a full Senate vote by the Democrat-controlled Senate Judiciary Committee.''
On Friday, White issued a statement saying he is ``humbled'' by the recommendation from Gephardt and Clay.
``I am interested in participating in this process, and I am honored to be considered for this judicial position,'' said White, who will be elevated to chief justice of the Missouri Supreme Court on July 1.
White House spokesman Scott Stanzel said: ``We are aware of the upcoming vacancy in the 8th circuit, and we are working to fill it.''

From: MailRouter [SYS]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/10/2003 11:13:32 AM
Subject: DELIVERY FAILURE: Address Service: address error; <PREVIOUS REASON ALSO APPLIES TO: >; brian a" <brian.a.benczkowski@usdoj.gov/OU=(receipt notification requested), helgard c. walker/OU=who/O=e"

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT )
CREATOR:MailRouter ( MailRouter [ SYS ] )
CREATION DATE/TIME:10-JAN-2003 16:13:32.00
SUBJECT:DELIVERY FAILURE: Address Service: address error; <PREVIOUS REASON ALSO APPLIES TO:
>; brian a" <brian.a.benczkowski@usdoj.gov/OU=(receipt notification requested), helgard c.
walker/OU=who/O=e"
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

DELIVERY FAILURE REPORT

Your Document:
RE: Rolfing = Unanimous NQ
could not be delivered to:
"CN=adam.charnes@usdoj.gov/OU=(receipt notification requested), "benczkowski;brian a"
<brian.a.benczkowski@usdoj.gov/OU=(receipt notification requested), helgard c.
walker/OU=who/O=e"
because:
Address Service: address error;<PREVIOUS REASON ALSO APPLIES TO: >;brian a"
<brian.a.benczkowski@usdoj.gov/OU=(receipt notification requested), helgard c.
walker/OU=who/O=e"
Routing Path:
CN=Mail2/O=EOP;CN=SGEOP03/O=EOP;CN=SGEOP03/O=EOP%sgeop03.eop.gov(SMTP/MIME
MTA);CN=SGEOP03/O=EOP;CN=Mail2/O=EOP
```

From: Charnes, Adam <Adam.Charnes@usdoj.gov>
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/10/2003 11:19:57 AM
Subject: : FW: see very bottom of article

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Charnes, Adam" <Adam.Charnes@usdoj.gov> ("Charnes, Adam" <Adam.Charnes@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:10-JAN-2003 16:19:57.00
SUBJECT:: FW: see very bottom of article
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Remington, Kristi L
Sent: Friday, January 10, 2003 4:17 PM
To: Charnes, Adam
Subject: see very bottom of article

this was way back in July however

-----Original Message-----
From: LexisNexis (TM) Print Delivery
[mailto:lexisnexis@prod.lexisnexis.com]
Sent: Friday, January 10, 2003 4:14 PM
To: Remington, Kristi L
Subject: LexisNexis(TM) Email Request (1861:0:76455222)

1 of 15 DOCUMENTS

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Gannett News Service

July 19, 2002, Friday

LENGTH: 558 words

HEADLINE: Senate confirms Clifton to 9th Circuit

BYLINE: SUSAN ROTH; Gannett News Service

DATELINE: WASHINGTON

BODY:
WASHINGTON -- Honolulu attorney Richard Clifton's long road to the bench of the 9th U.S. Circuit Court of Appeals ended Thursday evening with unanimous Senate approval of his nomination.

Nearly 13 months after President Bush nominated him, Clifton celebrated the 98-0 Senate vote with a sense of perspective on the long process and no animosity toward Hawaii's senators, who at first blocked his appointment.

"It's been a while, but it's worth it," said Clifton, 51, who watched the Senate vote on C-SPAN with colleagues at Cades Schutte Fleming & Wright. "I could always have climbed off the path, but I never did, because it's such a great honor and opportunity that it's worth waiting for. Now, I'm ready to go."

Clifton, who was the Hawaii Republican Party's attorney until he was named by Bush, said he had faith that once the senators learned more about him, they would be satisfied that he was qualified for the lifetime appointment, though he conceded that "communications may not have been the greatest at the beginning."

Sens. Dan Inouye and Daniel Akaka, both Democrats, blocked the appointment until February because they were angry that the White House did not consult them during the selection process. Both had backed the 1999 appointment by President Clinton of Honolulu attorney James Duffy, whose nomination was never approved by the then-Republican-controlled Senate.

Clifton said the senators "are both statesmen who are not motivated primarily by partisan bickering. ... It's a peculiar process, a political process. So while the process took a little longer and had a few more bumps than I might have wished, we live with the bumps and take the long view. Their names are certainly high on the list of those I will be thanking for this opportunity."

Inouye did not issue a statement upon approval of the nomination, but Akaka noted that Hawaii had waited many years for Senate confirmation of a Hawaii resident to the court of appeals. A 1995 bill by Akaka required representation on the court from each state in the circuit.

"Rick Clifton has had a distinguished legal career," Akaka said in a statement submitted to the Senate. "I believe he will be an asset to the Court of Appeals for the 9th Circuit, and urge my colleagues to support his nomination.

"Mr. Clifton's confirmation concludes a long and regrettable saga in confirming a qualified nominee from Hawaii," Akaka said, referring to Duffy, whose nomination "languished for 791 days in the Judiciary Committee without ever receiving a hearing." The confirmation vote attests to the fairness of the Senate Democratic leadership, Akaka said.

Clifton said he planned to ask Senior Circuit Court Judge Herbert Y.C. Choy of Hawaii to swear him in to the position in the coming weeks. After Clifton graduated from Yale Law School, he served as a law clerk for Choy, who is the last judge from Hawaii appointed to the circuit.

Senate staff said lawmakers had not yet completed the review process on the nomination of Honolulu attorney Frederick W. "Fritz" Rohlfing III for federal district judge, though both Hawaii senators are expected to OK the nomination.

The San Francisco-based 9th circuit hears cases from Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington state and Guam.

LOAD-DATE: July 22, 2002

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO /EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/10/2003 1:20:35 PM
Subject: : LA Times op-ed by Charles Fried on Carolyn Kuhl (CA9 nominee)

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-JAN-2003 18:20:35.00
SUBJECT:: LA Times op-ed by Charles Fried on Carolyn Kuhl (CA9 nominee)
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

it will run next week
```

From: Kavanaugh, Brett M.
To: <Silverberg, Kristen>
Sent: 1/10/2003 5:56:47 PM
Subject: Re:

was not told about it

From: Kristen Silverberg/WHO/EOP@Exchange on 01/10/2003 05:33:03 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject:

were u at the debt ceiling mtg?

From: Kavanaugh, Brett M.
To: <Silverberg, Kristen>
Sent: 1/10/2003 5:56:41 PM
Subject: Re:

no

From: Kristen Silverberg/WHO/EOP@Exchange on 01/10/2003 05:33:03 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject:

were u at the debt ceiling mtg?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/12/2003 6:50:21 AM
Subject: : Re: Michigan Case

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-JAN-2003 11:50:21.00
SUBJECT:: Re: Michigan Case
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

On 17th street. Will be there in a minute.

.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 1/12/2003 6:39:29 PM
Subject: : Re: med mal mtg

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-JAN-2003 23:39:29.00
SUBJECT:: Re: med mal mtg
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I will be there. Let me know about debt ceiling.

.

----- Original Message -----
From:Kristen Silverberg/WHO/EOP@Exchange
To:Jay P. Lefkowitz/OPD/EOP@Exchange,
Brett M. Kavanaugh/WHO/EOP@EOP,
Josephine B. Robinson/WHO/EOP@EOP,
Alan Gilbert/OPD/EOP@EOP,
Mark Kirk@EOP,
Amy Jensen/WHO/EOP@EOP
Cc:
Date: 01/10/2003 06:11:39 PM
Subject: med mal mtg

Brian Conklin and Anne Phelps, who are working together at Washington Counsel,;are going to be;involved in;a industry coalition to push medical malpractice reform.; They are coming in Monday to;brainstorm.; Can you join at 10:00am?;
;
Jay -- Can you host?;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kathryn E. Rust/WHO/EOP@EOP [WHO] <Kathryn E. Rust>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>
CC: Carolyn Nelson/WHO/EOP@EOP [WHO] <Carolyn Nelson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/12/2003 6:59:25 PM
Subject: : Re: Lincoln Club 501c4 status

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-JAN-2003 23:59:25.00
SUBJECT:: Re: Lincoln Club 501c4 status
TO:Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

What will he be speaking on? Are they fundraisers? Anyway, this would be acceptable political travel.

.

----- Original Message -----
From:Benjamin A. Powell/WHO/EOP
To:Kathryn E. Rust/WHO/EOP@EOP
Cc:Brett M. Kavanaugh/WHO/EOP@EOP,
Carolyn Nelson/WHO/EOP@EOP
Date: 01/10/2003 04:59:03 PM
Subject: Re: Lincoln Club 501c4 status

Kathy,

Brett handles the rules on allocating and accounting for trips between political and official when it is a mixed trip so I will leave it to his judgment. I get involved when an outside group is actually furnishing the tickets/meals/hotel and a "Travel Expense from Outside Source" form is needed. For the Lincoln Club of Northern California, the bylaws they sent are helpful, but I would also note their website states:

The Lincoln Club of Northern California is the preeminent organization of Republican business and community leaders in the greater Bay Area, with membership from Monterey to Sacramento.;

; ; Its primary purpose is to identify, recruit, and elect quality Republican candidates to federal, state and local office.; Through the caliber of its members and the success of their efforts, The Lincoln Club has gained high respect and a reputation for strong leadership among Republican office holders and the public.

Kathryn E. Rust
01/09/2003 05:11:19 PM

Record Type: Record

To: Benjamin A. Powell/WHO/EOP@EOP
cc: Carolyn Nelson/WHO/EOP@EOP
Subject: Lincoln Club 501c4 status

Ruben will be traveling to California for three speeches. Two of the organization's have political affilations that may me wonder if I should have them cover a portion of the expenses. The Lincoln Club of Northern California sent me a brief overview of their organization including tax status. Could you clarify if this would be approved official travel? Under a separate email I will forward background on the New Majority (another group with political leanings) they would like Ruben to address a luncheon in Orange County. If not sanctioned as official travel, I would like to split the ticket between official and political.

Tentative Schedule
DEP Washington en route to San Francisco
Address Lincoln Club
DEP San Francisco to John Wayne Airport
Address New Majority in Orange County
DEP Orange County en route to Los Angeles
Address CA State Legislators at event sponsored by UCLA School of Government
DEP Los Angeles en route to Washington

Thanks,
Kathy

---------- Forwarded by Kathryn E. Rust/WHO/EOP on 01/09/2003 05:01 PM ----------

LincClub@aol.com
01/08/2003 04:22:02 PM
Record Type: Record

To: Kathryn E. Rust/WHO/EOP@EOP
cc:
Subject: Lincoln Club 501c4 status

Hi Kathy,

From our Bylaws, here is what how we describe ourselves:

THE LINCOLN CLUB OF NORTHERN CALIFORNIA
BYLAWS
(Current as of July 17, 2002)

1. PURPOSE AND ACTIVITIES

1.1 Purpose. The Lincoln Club of Northern California (the Club) is a broad-based association of business, financial, and civic leaders whose purpose is to provide a forum for the consideration of important issues confronting the citizens of Northern California, and government policies at the local, regional, state, and national level.

In other words, we are a 501(c)(4) non-profit organization with 2 political action committees. This general membership meeting that Ruben is addressing is of our non-profit only, not the Lincoln Club PACs. We are expecting to

hear a policy address on the issues of the day from Ruben.

Our address and contact info is:

The Lincoln Club of Northern California
345 Forest Avenue, Suite 100
Palo Alto, CA 94301
(650) 321-0875

- att1.htm

From: CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/13/2003 3:49:58 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JAN-2003 08:49:58.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks.

Brett M. Kavanaugh
01/13/2003 08:45:08 AM
Record Type: Record

To: Benjamin A. Powell/WHO/EOP@EOP
cc:
Subject:

David spoke to Neil.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Bradford A. Berenson/WHO /EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 1/13/2003 4:49:04 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-JAN-2003 09:49:04.00
SUBJECT::
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

how's timing looking for California candidates?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Tim Goeglein/WHO /EOP@EOP [WHO] <Tim Goeglein>
Sent: 1/13/2003 8:49:28 AM
Subject: : WSJ op-ed today on President's judges proposal

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JAN-2003 13:49:28.00
SUBJECT:: WSJ op-ed today on President's judges proposal
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

RULE OF LAW

Bringing Reason
To the Battle Over Judges

By MANUS COONEY

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Regardless of whether one supports or opposes the Pickering nomination, the filibuster threat is further proof that our current judicial confirmation system has become what President Bush calls an "endless cycle of blame and bitterness." It is a process where merit and fairness too often take a back seat to the political and financial interests of political interest groups and where a nominee's confirmability is measured less by his or her character, ability, and temperament than by political factors beyond his or her control.

The "endless cycle" has been well documented: nominees are mistreated, votes are delayed, interest groups raise money, hearings are denied, federal judgeships sit empty, the quality of justice in America is endangered. Recriminations between presidents (both Democrat and Republican) and the Senate (both Democrat- and Republican-controlled) fly furiously up and down Pennsylvania Avenue.

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Several weeks ago, President Bush proposed a "clean start" that would restore fairness and dignity to the judicial confirmation process. He proposed specific timetables designed to streamline the confirmation process:

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* Third, he called on the Senate Judiciary Committee to hold a hearing within three months of receiving a nomination.

* Fourth, he called on the full Senate to hold an up-or-down vote within six months of receiving a nomination.

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Second, the reforms should acknowledge and incorporate the long-standing tradition of senatorial courtesy. This tradition dictates that the president, before making a nomination, consult with home-state senators, the theory being that senators should have some influence over who is named to a court located within their state. So, where the president has failed to consult with home-state senators over appointments to the federal district court (or courts) located within their state, the Senate rules would not bind the Senate to hold a hearing within three months and a vote within six months.

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For those Americans who want to see a more dignified process, they should encourage Senate Republicans to initiate the consideration of changes to the Senate rules. President Bush's proposal, if made enforceable in the manner described above, will go a long way towards fixing the broken judicial confirmation system without depriving the public of its right to weigh in. It would enable presidents to recruit high-caliber jurists, it would allow all senators to be consulted, and it would help ensure that the federal courts are fully staffed to protect our rights and liberties.

Mr. Cooney, CEO of Potomac Counsel LLC, served as the chief counsel and staff director of the Senate Judiciary Committee from 1996 to 2000.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 1/13/2003 9:23:44 AM
Subject: : Re: ok to bring in ed's of state parties

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JAN-2003 14:23:44.00
SUBJECT:: Re: ok to bring in ed's of state parties
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

have rnc do that

Matthew A. Schlapp
01/13/2003 02:13:03 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: ok to bring in ed's of state parties

is it okay for an outside group to pay for refreshments or just the rnc?

Brett M. Kavanaugh
01/13/2003 12:42:41 PM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP
cc:
Subject: ok to bring in ed's of state parties

From: CN=Nanette Everson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/13/2003 5:33:30 AM
Subject: : Re: Spanish Class

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JAN-2003 10:33:30.00
SUBJECT:: Re: Spanish Class
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

two is a definite no-no; do you know what the political considerations on one are?

Brett M. Kavanaugh
01/09/2003 08:35:32 AM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: Spanish Class

thoughts?
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/09/2003 08:42 AM ----------

Douglas L. Hoelscher
01/09/2003 08:26:46 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Matthew A. Schlapp/WHO/EOP@EOP, David McMaster/WHO/EOP@EOP
Subject: Spanish Class

Brett,
We came up with the idea of having some Spanish classes held somewhere on the WH complex that would be open to WH staff and wanted to run the following questions by you? Please also let me know if there is another WH counsel this should be run by as well.

1. Generally, is the concept of having Spanish classes held on the WH complex (perhaps in the EEOB) ok?

2. Would it be ok for an outside group to sponsor the classes, to defer the costs for the WH staff?

Thanks for your thoughts and guidance.
-Doug

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;'Heather_Wingate@who.eop.gov' <Heather#u#Wingate#064#who.eop.gov%JCON@intmail.usdoj.gov>
Sent: 1/13/2003 8:02:04 AM
Subject: : FW: FYI -- This op-ed i penned ran in today's WSJ. Let me know what you think.
Attachments: P_ZCJXC003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ( "Dinh, Viet" <Viet.Dinh@usdoj.gov> [ UNKNOWN ]
)
CREATION DATE/TIME:13-JAN-2003 13:02:04.00
SUBJECT:: FW: FYI -- This op-ed i penned ran in today's WSJ. Let me know what you think.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"'Heather_Wingate@who.eop.gov'"
<Heather#u#Wingate#064#who.eop.gov%JCON@intmail.usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) ( "'Heather_Wingate@who.eop.gov'"
<Heather#u#Wingate#064#who.eop.gov%JCON@intmail.usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

-----Original Message-----
From: Manus Cooney [mailto:Manus.Cooney@potomaccounsel.com]
Sent: Monday, January 13, 2003 9:51 AM
To: Ciongoli, Adam; Bryant, Dan; Yoo, John C; Dinh, Viet; Pat O'Brien
Subject: FYI -- This op-ed i penned ran in today's WSJ. Let me know what
you think.



January 13, 2003 12:13 a.m. EST


RULE OF LAW




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To the Battle Over Judges

By MANUS COONEY

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```

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URL for this article:
<http://online.wsj.com/article/0,,SB1042427214291829584,00.html>
http://online.wsj.com/article/0,,SB1042427214291829584,00.html

Updated January 13, 2003 12:13 a.m. EST

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Tel-202-543-2800

Fax-202-544-6770

Mobile-202-669-2537

- tmp.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ZCJXC003_WHO.TXT_1>

&nb sp;

Ja nuary 13, 2003 12:13 a.m. EST

&nb sp; RULE OF LAW

&nb sp;

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http://online .wsj.com/article/0,,SB104242721429182958 4,00.html

Updated January 13, 2003 12:13 a.m. EST

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Manus Cooney
CEO
Potomac Counsel LLC
227 Massachusettes Ave. NE
Suite #1
Washington, DC< font size=2 face=Arial> 20002

www.potomaccounsel.c om
Tel-202-543-2800
Fax-202-544-6770
Mobile-202-669-2537

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;'Kavanaugh, Brett' </S=brett#u#m.#u#kavanaugh#064#who.eop.gov/JCON/P=GOV+DOJ/A=TELEMAIL /C=US/"@intmail.usdoj.gov>
Sent: 1/13/2003 8:02:09 AM
Subject: : FW: FYI -- This op-ed i penned ran in today's WSJ. Let me know what you think.
Attachments: P_9DJXC003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ( "Dinh, Viet" <Viet.Dinh@usdoj.gov> [ UNKNOWN ]
)
CREATION DATE/TIME:13-JAN-2003 13:02:09.00
SUBJECT:: FW: FYI -- This op-ed i penned ran in today's WSJ. Let me know what you think.
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"'Kavanaugh, Brett'" <"/S=brett#u#m.#u#kavanaugh#064#who.eop.gov/O=JCON/P=GOV+DOJ
/A=TELEMAIL/C=US/"@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ( "'Kavanaugh, Brett'" <"/S=brett#u#m.#u#kavanaugh#064#who.eop.gov/O=JCON
/P=GOV+DOJ/A=TELEMAIL/C=US/"@intmail.usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

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Sent: Monday, January 13, 2003 9:51 AM
To: Ciongoli, Adam; Bryant, Dan; Yoo, John C; Dinh, Viet; Pat O'Brien
Subject: FYI -- This op-ed i penned ran in today's WSJ. Let me know what
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```

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URL for this article:
<http://online.wsj.com/article/0,,SB1042427214291829584,00.html>
http://online.wsj.com/article/0,,SB1042427214291829584,00.html

Updated January 13, 2003 12:13 a.m. EST

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Mobile-202-669-2537

- tmp.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9DJXC003_WHO.TXT_1>

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Ja nuary 13, 2003 12:13 a.m. EST

&nb sp; RULE OF LAW

&nb sp;

Bringing Reason To the Battle Over Judges

By MANUS COONEY

If given the chance, a majority of senators will probably vote to confirm federal appeals court nominee Judge Charles Pickering. Knowing this, opponents of his nomination are now threatening a filibuster on the floor of the Senate. Were such a filibuster to occur, it would be a virtually unprecedented escalation in the battle over judges.

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Washington, DC< font size=2 face=Arial> 20002

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Tel-202-543-2800
Fax-202-544-6770
Mobile-202-669-2537

From: Thomas, Ginni <ginni.thomas@heritage.org>
To: Government Relations <GovernmentRelations@heritage.org>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 1/13/2003 12:05:50 PM
Subject: : Heritage Events and Publications - Jan. 13

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thomas, Ginni" <ginni.thomas@heritage.org> ("Thomas, Ginni"
<ginni.thomas@heritage.org> [UNKNOWN])
CREATION DATE/TIME:13-JAN-2003 17:05:50.00
SUBJECT:: Heritage Events and Publications - Jan. 13
TO:Government Relations <GovernmentRelations@heritage.org> (Government Relations
<GovernmentRelations@heritage.org> [UNKNOWN])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Many products will be coming out and events planned on the
President's Tax Package, so watch our web site and see the ones below.
Let us know if you haven't gotten and want a Heritage 2003 calendar yet.
Happy new year! Ginni

Domestic Policy:

President Bush's Tax Package: Pro-Growth and Pro-Tax
Reform by Dan Mitchell
http://www.heritage.org/Research/Taxes/EM847.cfm

Fiscal Effects of Dividend Tax Relief by Andrew Olivastro
http://www.heritage.org/Research/Taxes/wm184.cfm

Who Really Benefits from Dividend Tax Relief? by Norbert
Michel
http://www.heritage.org/Research/Taxes/CDA03-02.cfm

Dividend Tax Relief Will Benefit All Americans by Andrew
Olivastro
http://www.heritage.org/Research/Taxes/wm183.cfm

An Economic Plan That Adds Up by Dan Mitchell
http://www.heritage.org/Press/Commentary/ed010803b.cfm

Tax Cuts Increase Federal Revenues by Andrew Olivastro
http://www.heritage.org/Research/Taxes/wm182.cfm

The Future of Medicaid: Consumer-Directed Care by Jim
Frogue
http://www.heritage.org/Research/HealthCare/BG1618.cfm

An Overview of the Index of Dependency by Bill Beach
http://www.heritage.org/Research/Budget/CDA02-09.cfm

A Healthy Debate by Rebecca Hagelin
http://www.heritage.org/Press/Commentary/ed010803.cfm

Stronger Marriages, Stronger Society by Rebecca Hagelin
http://www.heritage.org/Press/Commentary/ed010203.cfm

Guns: A Loaded Argument by Paul Rosenzweig
http://www.heritage.org/Press/Commentary/ed010203b.cfm

Finally True Blue by Megan Farnsworth

http://www.heritage.org/Press/Commentary/ed122302.cfm

Foreign/Defense Policy:

Americans Do Not Need a New Domestic Spy Agency to Improve Intelligence and Homeland Security by Larry Wortzel
http://www.heritage.org/Research/HomelandDefense/EM848.cfm

United States Military Forces in Asia Maintain the Peace and Advance Democracy by Larry Wortzel

http://www.heritage.org/Research/AsiaandthePacific/wm185.cfm

Blair Must Not Go Wobbly On Iraq by Nile Gardiner and John Hulsman
http://www.heritage.org/Research/Europe/wm186.cfm

China Must Pressure Pyongyang by John Tkacik
http://www.heritage.org/Press/Commentary/ed123102b.cfm

Recent Publications:

Policy Experts 2003 will be available shortly. The essential "who's who" guide to the world of publilc policy experts and organizations can be ordered by contacting the Heritage Foundation's Publications Department at 1-800-544-4843, by mail at, 214 Massachusetts Avenue NE, Washington, DC 20002, or order online at www.policyexperts.org,

The Heritage Foundation's 2003 Calendar is available now. If you haven't recieved a copy please request one by calling 1-800-546-2843.

The December Insider is now online. Read the latest monthly compilation of publication abstratcs, events, and news at http://www.heritage.org/about/community/insider/

Upcoming Events:
For event details and RSVP, link to:
http://www.heritage.org/Press/Events/index.cfm

Retoothing the Tiger: Restoring Confidence in the Securities and Exchange Commission
Featuring: Hon. Michael G. Oxley (R-OH), Chairman of the House Financial Services Committee and co-sponsor of the Sarbanes-Oxley legislation for corporate accountability; James K. Glassman, Resident Fellow at the American Enterprise Institute, syndicated columnist with the Washington Post and host of TechCentralStation.com.; Professor Lawrence E. Mitchell, Professor of Law, George Washington University Law School, Director of the Sloan Program for the Study of Business in Society and the International Institute for Corporate Governance and Accountability; and David John and Allen Hepner, The Heritage Foundation.
Wednesday, January 15, 12:00 noon - 1:30 p.m.

The Afterlife of Communism

Featuring: Dr. Alan Charles Kors, Professor of History, University of Pennsylvania and President, Foundation for Individual Rights in Education (FIRE); and Bridgett Wagner, The Heritage Foundation.
Wednesday,
January 29, 12:00 noon - 1:00 p.m.

Virginia (Ginni) Thomas, Director
Executive Branch Relations
The Heritage Foundation
214 Mass. Ave., NE
Washington, D.C. 20002
(202) 608-6240 and (202) 608-6068 (fax)
ginni.thomas@heritage.org
www.heritage.org

From: Silverberg, Kristen
To: <Kavanaugh, Brett M.>;<Wingate, Heather>;<Davis, Alicia W.>
CC: <Lefkowitz, Jay P.>
Sent: 1/13/2003 12:17:56 PM
Subject: RE: Med mal speech in PA

Yes.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, January 13, 2003 11:25 AM
To: Wingate, Heather; Davis, Alicia W.
Cc: Lefkowitz, Jay P.; Silverberg, Kristen
Subject: Med mal speech in PA

Is Sen. Specter lined up to attend?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@Exchange@EOP [WHO] <Kristen Silverberg>
Sent: 1/13/2003 8:47:23 AM
Subject: : debt ceiling?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-JAN-2003 13:47:23.00
SUBJECT:: debt ceiling?
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>;Kristen Silverberg/WHO/EOP@Exchange@EOP [WHO] <Kristen Silverberg>
Sent: 1/13/2003 8:50:37 AM
Subject: : WSJ op-ed today on President's judges proposal

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JAN-2003 13:50:37.00
SUBJECT:: WSJ op-ed today on President's judges proposal
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

RULE OF LAW

Bringing Reason
To the Battle Over Judges

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From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/13/2003 8:58:21 AM
Subject: : your guidance on charities and ken

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JAN-2003 13:58:21.00
SUBJECT:: your guidance on charities and ken
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett - any love on this one?
c

---------- Forwarded by Collister W. Johnson/WHO/EOP on 01/13/2003 01:59 PM ----------

Collister W. Johnson
01/08/2003 05:59:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Ken Mehlman/WHO/EOP@EOP
Subject: your guidance on charities and ken

Brett:

As you may know, I chair an annual event called Mark's Run.

It's a 5-kilometer race held in honor of my friend Mark Ferris, who died two years ago from Juvenile Diabetes. The proceeds from the Run are divided between the juvenile diabetes foundation and a landon school scholarship fund in Mark;'s name. Last year the event raised drew 400 runners and raised $70,000 ($35K went to each organization).

I'm helping put together the run again this year, and Ken offered to host a dinner at his house to help raise some funds.
What are the rules that might be associated with such an event?
- Can ken do this?
- if so, can we use our personal emails (definitely NOT gov't, of course) to invite friends?
- if not, can he attend a dinner at someone else's house?

thanks for helping with this - we're grateful!
c

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/13/2003 9:17:13 AM
Subject: : Re: ok to bring in ed's of state parties

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JAN-2003 14:17:13.00
SUBJECT:: Re: ok to bring in ed's of state parties
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

is it okay for an outside group to pay for refreshments or just the rnc?

Brett M. Kavanaugh
01/13/2003 12:42:41 PM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP
cc:
Subject: ok to bring in ed's of state parties

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 1/13/2003 9:23:44 AM
Subject: : Re: ok to bring in ed's of state parties

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JAN-2003 14:23:44.00
SUBJECT:: Re: ok to bring in ed's of state parties
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

have rnc do that

Matthew A. Schlapp
01/13/2003 02:13:03 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: ok to bring in ed's of state parties

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Brett M. Kavanaugh
01/13/2003 12:42:41 PM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP
cc:
Subject: ok to bring in ed's of state parties

From: Manus Cooney <Manus.Cooney@potomaccounsel.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/13/2003 9:35:19 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Manus Cooney <Manus.Cooney@potomaccounsel.com> (Manus Cooney <Manus.Cooney@potomaccounsel.com> [UNKNOWN])
CREATION DATE/TIME:13-JAN-2003 14:35:19.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thank you for your thoughts. FOX news is doing a piece on judges for their national news. I am being interviewed by Brian Wilson at 3:30. If you guys have any data/tps that you would like for me to use, I would love to have it.

Thanks.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov [mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, January 13, 2003 1:20 PM
To: manus.cooney@potomaccounsel.com
Subject:

Great op-ed today. Thanks much.

From: Kavanaugh, Brett M.
To: <Silverberg, Kristen>;<Lefkowitz, Jay P.>
Sent: 1/13/2003 1:46:02 PM
Subject: WSJ op-ed today on President's judges proposal

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To the Battle Over Judges

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* Third, he called on the Senate Judiciary Committee to hold a hearing within three months of receiving a nomination.

* Fourth, he called on the full Senate to hold an up-or-down vote within six months of receiving a nomination.

These are sound, overdue procedural reforms that build upon the recommendations of several bipartisan study commissions. President Bush and Sen. Orrin Hatch, who returns this year as chairman of the Judiciary Committee, can largely implement them simply by working closely together in the coming months. But for these reforms to be enduring, for them to apply now and in the future, no matter who lives in the White House and who controls the Senate, some modifications are in order.

First, each branch of government should incorporate these reforms in its own rules. For the Senate, this would mean establishing a new Senate rule requiring that every nominee be given a hearing within three months

and a vote on the floor within six months. Once established by Senate rule, it will matter less who lives in the White House and who controls the Senate and matter more who the nominee is and what his or her qualifications are. Similarly, the president should issue an executive order requiring that he and future presidents make a nomination within six months of learning of a vacancy. The federal judiciary already has a policy that judges should give advance notice if they are going to retire but should make clear that one year advance notice is necessary to ensure a seamless transition.

Second, the reforms should acknowledge and incorporate the long-standing tradition of senatorial courtesy. This tradition dictates that the president, before making a nomination, consult with home-state senators, the theory being that senators should have some influence over who is named to a court located within their state. So, where the president has failed to consult with home-state senators over appointments to the federal district court (or courts) located within their state, the Senate rules would not bind the Senate to hold a hearing within three months and a vote within six months.

Third, the filibustering of judicial nominees should be prohibited. As noted above, the political left increasingly is arguing that a super-majority should be required to confirm a judge. This argument is the fruit of a broken system. The Senate can rise to the president's challenge to help fix the broken system by amending the rules of the Senate to prohibit the filibustering of judicial nominations. Precedents for restricting filibusters on issues of national importance exist, such as the Senate's rule limiting debate over budget reconciliation measures.

For those Americans who want to see a more dignified process, they should encourage Senate Republicans to initiate the consideration of changes to the Senate rules. President Bush's proposal, if made enforceable in the manner described above, will go a long way towards fixing the broken judicial confirmation system without depriving the

public of its right to weigh in. It would enable presidents to recruit high-caliber jurists, it would allow all senators to be consulted, and it would help ensure that the federal courts are fully staffed to protect our rights and liberties.

Mr. Cooney, CEO of Potomac Counsel LLC, served as the chief counsel and staff director of the Senate Judiciary Committee from 1996 to 2000.

From: CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/13/2003 10:43:04 AM
Subject: : RE: debt ceiling?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:13-JAN-2003 15:43:04.00
SUBJECT:: RE: debt ceiling?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I don't know anything. Keith said that he would be circulating a memo.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, January 13, 2003 1:44 PM
To: Silverberg, Kristen
Subject: debt ceiling?

From: Silverberg, Kristen
To: <Kavanaugh, Brett M.>
Sent: 1/13/2003 3:42:47 PM
Subject: RE: debt ceiling?

I don't know anything. Keith said that he would be circulating a memo.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, January 13, 2003 1:44 PM
To: Silverberg, Kristen
Subject: debt ceiling?

From: CN=Hana F. Brilliant/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO /EOP@EOP [WHO] <Noel J. Francisco>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Benjamin Powell/OMB/EOP@EOP [OMB] <Benjamin Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/14/2003 3:50:07 AM
Subject: : Our Intern is here

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-JAN-2003 08:50:07.00
SUBJECT:: Our Intern is here
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin Powell ( CN=Benjamin Powell/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brian, our new intern, is here and looking for a good project to work on.
Let me know if you need anything done.
-Hana
```

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/14/2003 5:48:11 AM
Subject: : Would 2:45 pm today work?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-JAN-2003 10:48:11.00
SUBJECT:: Would 2:45 pm today work?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

It works for Ken and Joe. Thanks.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>
Sent: 1/14/2003 7:18:10 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-JAN-2003 12:18:10.00
SUBJECT::
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Judge's letter on campaign contributions is being FAXed to you now.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>
Sent: 1/14/2003 7:33:34 AM
Subject: : important

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-JAN-2003 12:33:34.00
SUBJECT:: important
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
01/14/2003 12:37 PM ----------

Heather Wingate
01/14/2003 12:31:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re:

Can you fax to me at 2281475?

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:Heather Wingate/WHO/EOP@EOP
Cc:Patrick J. Bumatay/WHO/EOP@Exchange@EOP
Date: 01/14/2003 12:04:09 PM
Subject:

Judge's letter on campaign contributions is being FAXed to you now.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Remington, Kristi L <Kristi.L.Remington@usdoj.gov>
Sent: 1/14/2003 12:16:27 PM
Subject: : Re: conrad publications

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-JAN-2003 17:16:27.00
SUBJECT:: Re: conrad publications
TO:"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> ("Remington, Kristi L"
<Kristi.L.Remington@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

you should call Helgi directly on this one at 456-7361

"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov>
01/14/2003 04:51:47 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: conrad publications

Brett,

Do you have the Bob Conrad publications, in particular the abortion
article from the Charlotte Observer in 1988 -- I couldn't track them down
in either westlaw or lexis. If so, please fax to 514-5715.

Kristi L. Remington
Senior Counsel
Office Of Legal Policy
U.S. Department of Justice
(202) 514-8356

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange [WHO] <Ashley Snee>
Sent: 1/14/2003 1:17:35 PM
Subject: : RE: Michigan Senators - 6th Circuit

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-JAN-2003 18:17:35.00
SUBJECT:: RE: Michigan Senators - 6th Circuit
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

if you haven't read, don't read yet; i am making edits and changes
```

From: Heather_Wingate@who.eop.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 1/14/2003 9:35:01 AM
Subject: : Collins

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather_Wingate@who.eop.gov ( Heather_Wingate@who.eop.gov [ UNKNOWN ] )
CREATION DATE/TIME:14-JAN-2003 14:35:01.00
SUBJECT:: Collins
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Meeting with Collins staff on pickering/owen is next Wed., Jan 22, at
11:00am in
172 Russell.

.
```

From: CN=Britt Grant/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/14/2003 9:52:40 AM
Subject: : republican dinner

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP [ OPD ] )
CREATION DATE/TIME:14-JAN-2003 14:52:40.00
SUBJECT:: republican dinner
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Hi Brett-- one more question. Can they have Bridge's bio (w/ or w/o
current job) and photo in the dinner program? The program will be given
only to those who have already paid and are in attendance at the dinner
and will not be used for promotional purposes. Thanks--
Britt
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Britt Grant/OPD/EOP@EOP [OPD] <Britt Grant>
Sent: 1/14/2003 10:34:15 AM
Subject: : Re: republican dinner

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-JAN-2003 15:34:15.00
SUBJECT:: Re: republican dinner
TO:Britt Grant (CN=Britt Grant/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

yes

Britt Grant

01/14/2003 02:52:39 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: republican dinner

Hi Brett-- one more question. Can they have Bridge's bio (w/ or w/o current job) and photo in the dinner program? The program will be given only to those who have already paid and are in attendance at the dinner and will not be used for promotional purposes. Thanks--
Britt

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Britt Grant/OPD/EOP@EOP [OPD] <Britt Grant>
Sent: 1/14/2003 10:39:55 AM
Subject: : Re: republican dinner

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-JAN-2003 15:39:55.00
SUBJECT:: Re: republican dinner
TO:Britt Grant (CN=Britt Grant/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

if part of a bio and not used in isolation.

Britt Grant

01/14/2003 03:34:44 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: republican dinner

including his current title?

Brett M. Kavanaugh
01/14/2003 03:30:40 PM
Record Type: Record

To: Britt Grant/OPD/EOP@EOP
cc:
bcc:
Subject: Re: republican dinner

yes

Britt Grant

01/14/2003 02:52:39 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: republican dinner

Hi Brett-- one more question. Can they have Bridge's bio (w/ or w/o

current job) and photo in the dinner program? The program will be given only to those who have already paid and are in attendance at the dinner and will not be used for promotional purposes. Thanks--
Britt

From: CN=Britt Grant/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/14/2003 10:43:08 AM
Subject: : Re: republican dinner

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Britt Grant (CN=Britt Grant/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:14-JAN-2003 15:43:08.00
SUBJECT:: Re: republican dinner
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Great, thanks.

Brett M. Kavanaugh
01/14/2003 03:36:20 PM
Record Type: Record

To: Britt Grant/OPD/EOP@EOP
cc:
bcc:
Subject: Re: republican dinner

if part of a bio and not used in isolation.

Britt Grant

01/14/2003 03:34:44 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: republican dinner

including his current title?

Brett M. Kavanaugh
01/14/2003 03:30:40 PM
Record Type: Record

To: Britt Grant/OPD/EOP@EOP
cc:
bcc:
Subject: Re: republican dinner

yes

Britt Grant

01/14/2003 02:52:39 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: republican dinner

Hi Brett-- one more question. Can they have Bridge's bio (w/ or w/o current job) and photo in the dinner program? The program will be given only to those who have already paid and are in attendance at the dinner and will not be used for promotional purposes. Thanks--
Britt

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;tflaniga@who.eop.gov [UNKNOWN] <tflaniga@who.eop.gov>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Elizabeth N. Camp/WHO /EOP@EOP [WHO] <Elizabeth N. Camp>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 1/14/2003 12:27:07 PM
Subject: : Supreme Court Oral Argument

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-JAN-2003 17:27:07.00
SUBJECT:: Supreme Court Oral Argument
TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:tflaniga@who.eop.gov (tflaniga@who.eop.gov [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thought you'd all find this amusing.
---------------------- Forwarded by Noel J. Francisco/WHO/EOP on 01/14/2003 05:27 PM ----------------------------

"Duong, John (HRSA)" <JDuong@hrsa.gov>
01/14/2003 05:22:13 PM
Record Type: Record

To:
cc:
Subject: Supreme Court Oral Argument

For those interested in Law, The Supreme Court, Viet Dinh...or just history... here's an interesting read.

The Honorable Viet D. Dinh, U.S. Assistant Attorney General, will make his first oral argument before the Supreme Court tomorrow, January 15, 2003...

I
believe this is the first time ever that a Vietnamese American makes an
oral
argument before the Supreme Court.

http://supreme.lp.findlaw.com/supreme_court/briefs/01-1368/01-1368.resp.usa
.
pdf

/John Quoc Duong/

Executive Director,
The White House Initiative on
Asian Americans & Pacific Islanders

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/14/2003 5:38:13 PM
Subject: : Re: Clinton pardon story

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-JAN-2003 22:38:13.00
SUBJECT:: Re: Clinton pardon story
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Interesting...

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:H. Christopher Bartolomucci/WHO/EOP@EOP,
Alberto R. Gonzales/WHO/EOP@EOP
Cc:
Date: 01/14/2003 10:21:51 PM
Subject: Clinton pardon story

Subject of Clinton pardon arrested on tax evasion charge
By The Associated Press

MIAMI - A California businessman pardoned by former President Clinton for a 1983 fraud conviction involving a hair-growth product has been arrested on tax evasion charges, authorities said Tuesday.

Internal Revenue Service agents took Almon Glenn Braswell into custody Monday, and he was scheduled for an initial court appearance before a federal magistrate Tuesday afternoon.

Braswell, 59, was indicted by a federal grand jury in Los Angeles last year. The charges were sealed until the court hearing.

It was not immediately known whether Braswell had an attorney in Miami to represent him. Since the charges originated in California, he would be subject to federal removal, which is similar to state extradition.

Clinton granted 177 pardons and clemencies just before leaving office in 2001. Braswell's pardon became one of the most criticized after it was learned the president's brother-in-law had been paid $200,000 for working on the case. Hugh Rodham later returned the money.

Braswell was a target of federal investigators when he asserted his Fifth Amendment right against self-incrimination at a hearing of the Senate Special Committee on Aging examining his dietary supplement business in September 2001.

Braswell's companies, including Gero Vita International, market Prostata for prostate health, Testerex for sexual vitality and Serezac for depression. Former CFO Michael O'Neil has said Braswell's advertising was deceptive for products that fail to deliver the promised results.

The mail-order business lists a return address in Toronto, Canada, but company employees are based in Marina Del Rey, Calif.

Braswell, then a Miami businessman, was pardoned by Clinton for his fraud conviction stemming from false claims in 1983 about a baldness treatment.

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Noel J. Francisco/WHO /EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/14/2003 2:53:36 PM
Subject: : brief

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )
CREATION DATE/TIME:14-JAN-2003 19:53:36.00
SUBJECT:: brief
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

I assume;we are compiling must edits on both briefs?

From: Lefkowitz, Jay P.
To: <Francisco, Noel J.>;<Kavanaugh, Brett M.>
Sent: 1/14/2003 7:53:15 PM
Subject: brief

I assume we are compiling must edits on both briefs?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 1/14/2003 5:25:26 PM
Subject: : Clinton pardon story

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-JAN-2003 22:25:26.00
SUBJECT:: Clinton pardon story
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Subject of Clinton pardon arrested on tax evasion charge
By The Associated Press

MIAMI - A California businessman pardoned by former President Clinton for a 1983 fraud conviction involving a hair-growth product has been arrested on tax evasion charges, authorities said Tuesday.
Internal Revenue Service agents took Almon Glenn Braswell into custody Monday, and he was scheduled for an initial court appearance before a federal magistrate Tuesday afternoon.
Braswell, 59, was indicted by a federal grand jury in Los Angeles last year. The charges were sealed until the court hearing.
It was not immediately known whether Braswell had an attorney in Miami to represent him. Since the charges originated in California, he would be subject to federal removal, which is similar to state extradition.
Clinton granted 177 pardons and clemencies just before leaving office in 2001. Braswell's pardon became one of the most criticized after it was learned the president's brother-in-law had been paid $200,000 for working on the case. Hugh Rodham later returned the money.
Braswell was a target of federal investigators when he asserted his Fifth Amendment right against self-incrimination at a hearing of the Senate Special Committee on Aging examining his dietary supplement business in September 2001.
Braswell's companies, including Gero Vita International, market Prostata for prostate health, Testerex for sexual vitality and Serezac for depression. Former CFO Michael O'Neil has said Braswell's advertising was deceptive for products that fail to deliver the promised results.
The mail-order business lists a return address in Toronto, Canada, but company employees are based in Marina Del Rey, Calif.
Braswell, then a Miami businessman, was pardoned by Clinton for his fraud conviction stemming from false claims in 1983 about a baldness treatment.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/15/2003 6:00:33 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-JAN-2003 11:00:33.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks.

Brett M. Kavanaugh
01/15/2003 10:56:35 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc:
Subject:

on your vm, if anyone, it would be jen newstead

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: ashley snee/who/eop@exchange@eop [WHO] <ashley snee>
Sent: 1/15/2003 8:53:43 AM
Subject: : Re: judicial noms material????

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-JAN-2003 13:53:43.00
SUBJECT:: Re: judicial noms material????
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:ashley snee (CN=ashley snee/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

there is nothing bad about them ending up in a D office. they are written in factual way and go to press.

Heather Wingate
01/15/2003 01:37:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange@EOP
cc:
Subject: judicial noms material????

do you guys know anything about judicial nominations material/package being delivered to the Hill??? I just got a message from John Abegg indicated that a packet went to Bob Taylor in Nickles's old office, which now happens to be Reid's office!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@Exchange [OPD] <Jay P. Lefkowitz>
Sent: 1/15/2003 9:32:21 AM
Subject: : Re:

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-JAN-2003 14:32:21.00
SUBJECT:: Re:
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [OPD])
READ:UNKNOWN
End Original ARMS Header

good

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 01/15/2003 01:42:37 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

In the programs under review by the Supreme Court, the University of Michigan has established an admissions process based on race.; At the undergraduate level, African American students, some Hispanic students, and American Indian students receive 20 points out of a maximum of 150 not because of any academic achievement or life experience, but solely because they are African American, Hispanic or Native American.; To put this in perspective, a perfect SAT score is worth only 12 points under the Michigan system.; Students who accumulate 100 points are generally admitted, and so those twenty points awarded solely based on race are often the decisive factor.; At the law school, some minority students are admitted to meet percentage targets, while other applicants with higher grades and better scores are passed over.; This means that students are being selected or rejected based primarily on the color of their skin.; The motivation for such an admissions policy may be very good, but its result is discrimination, and that discrimination is wrong.;;

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/15/2003 5:42:01 AM
Subject: : Ginsburg

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ( "Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:15-JAN-2003 10:42:01.00
SUBJECT:: Ginsburg
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I assume you received the one-pager I faxed to you yesterday. If not, let
me know.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 1/15/2003 6:00:10 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-JAN-2003 11:00:10.00
SUBJECT::
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

on your vm, if anyone, it would be jen newstead
```

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/15/2003 6:29:11 AM
Subject: : Red tags

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:15-JAN-2003 11:29:11.00
SUBJECT:: Red tags
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett,
;
;;; did you get a chance to look at the following:
Budget 2004 - Charting Course for Federal Budget due yesterday at 5 pm
Med Mal remarks - due 11 am today
;
Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632
;
```

From: Silverberg, Kristen
To: <Kavanaugh, Brett M.>
Sent: 1/15/2003 10:33:01 AM
Subject: FW: Final check for the credit and insurance chapter
Attachments: ap09.pdf

-----Original Message-----
From: Enger, Michelle A.
Sent: Wednesday, January 15, 2003 10:25 AM
To: McMillin, Stephen S.; Warsh, Kevin; Silverberg, Kristen
Cc: Rhinesmith, Alan B.; Roberson, Halley M.
Subject: Final check for the credit and insurance chapter

See page 24 for a last look at the terrorism insurance discussion. Let me know if you have any final comments. Thanks.

---------- Forwarded by Michelle A. Enger/OMB/EOP on 01/15/2003 10:27 AM ----------

<<...>>
Sangkyun Park
01/15/2003 09:09:50 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Final check for the credit and insurance chapter

<<...>>

The chapter has been typeset. Please read your section carefully. This will be the final check, and mainly for accuracy. If you want to make additional changes, please let me know by noon tomorrow (1/16).

Message Sent To:

Andrea E. Jacobson/OMB/EOP@EOP
Adam Hoffberg/OMB/EOP@EOP
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9. CREDIT AND INSURANCE

Federal credit programs offer direct loans and loan guarantees for a wide range of activities, primarily housing, education, business and rural development, and exports. At the end of 2002, there were $xxx billion in Federal direct loans outstanding and $x,xxx billion in loan guarantees. Through its insurance programs, the Federal Government insures bank, thrift, and credit union deposits, guarantees private defined-benefit pensions, and insures against other risks such as natural disasters, all up to certain limits.

The Federal Government also enhances credit availability for targeted sectors indirectly through Government-sponsored enterprises (GSEs)—privately owned companies and cooperatives that operate under Federal charters. GSEs provide direct loans and increase liquidity by guaranteeing and securitizing loans. Some GSEs have become major players in the financial market. In 2002, the face value of GSE lending totaled $x.x trillion. In return for serving social purposes, GSEs enjoy many privileges, which differ across GSEs. In general, GSEs can borrow from Treasury in amounts ranging up to $4 billion at Treasury's discretion, GSEs' corporate earnings are exempt from state and local income taxation, GSE securities are exempt from SEC registration, and banks and thrifts are allowed to hold GSE securities in unlimited amounts and use them to collateralize public deposits. These privileges leave many people with the impression that their securities are risk-free. GSEs, however, are not part of the Federal Government, and their securities are not federally guaranteed. By law, the GSEs' securities carry a disclaimer of any U.S. obligation.

The role and risk of these diverse programs critically depend on the state of financial markets. In recent years, financial markets have been changing fast because of rapid technological advances and active deregulation. The Federal Government, therefore, needs to closely monitor financial market developments and keep adapting the extent and nature of credit and insurance programs to changing environments.

The rest of this chapter is organized as follows.

- The first section analyzes the role of Federal credit and insurance programs. Federal programs play useful roles when market imperfections prevent the private market from efficiently providing credit and insurance. Financial evolution has partly corrected many imperfections and generally weakened the justification for Federal intervention. The role of Federal programs, however, may still be critical in some areas.
- The second section identifies four key criteria for evaluating Federal programs: objectives, economic justification, availability of alternative means, and efficiency. Recognizing that improving efficiency is a continual concern, this section pays particular attention to it, including discussion of asset management.
- The third section reviews Federal credit programs and GSEs in four sectors: housing, education, business and community development, and exports. This section discusses program objectives, recent developments, and future plans for each program.
- The final section describes Federal deposit insurance, pension guarantees, disaster insurance, and insurance against terrorism and other security-related risks in a context similar to that for credit programs.

I. FEDERAL PROGRAMS IN CHANGING FINANCIAL MARKETS

The Federal Role

The roles of Federal credit and insurance programs can be broadly classified into two categories: helping disadvantaged groups and correcting market failures. Subsidized Federal credit programs redistribute resources from the general taxpayer to disadvantaged regions or segments of the population. Since disadvantaged groups can be assisted through other means, such as direct subsidies, the value of a credit or insurance program critically depends on the extent to which it corrects market failures.

In most cases, private lending and insurance businesses efficiently meet societal demands by allocating resources to the most productive uses, and Federal intervention is unnecessary or can even be distortionary. However, Federal intervention may improve the market outcome in some situations. The market imperfections that justify some Federal involvement are the following.

- ***Information opaqueness*** interferes with the optimal allocation of capital. In most cases, financial intermediaries efficiently gather and process information needed to evaluate the creditworthiness of borrowers. However, there may be little objective information about some groups of borrowers such as start-up businesses, start-up farmers, and students, who have limited incomes and credit histories. Because it is difficult for those borrowers to prove their creditworthiness to a large number of lenders, they must rely on the subjective judgements of a few lenders. In this situation, many creditworthy borrowers may fail to obtain credit.

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Even for borrowers who are approved for credit, insufficient competition can result in higher interest rates. Government intervention, such as loan guarantees, enable these groups of borrowers to obtain credit more easily and cheaply and provides an opportunity for the lender to become more comfortable with that group of borrowers. Similarly, the private sector efficiently insures against various risks. Insurance companies estimate the expected loss based on probabilities of loss-generating events and charge adequate premiums. Private insurers, however, are reluctant to insure against an event for which they cannot reasonably estimate the probability and the magnitude of loss. Without these estimates, they cannot adequately set the premium. Terrorism emerged as one of these cases after the September 11 attacks. The loss from terrorism is highly unpredictable and can turn out to be enormous. In this case, Government intervention limiting uncertainties for the private sector is necessary to ensure the provision of insurance, until the private sector understands the particular risk better.

- ***Externalities*** cause either underinvestment or overinvestment in some sectors. Decisions at the individual level are not socially optimal when individuals do not capture the full benefit (positive externalities) or bear the full cost (negative externalities) of their activities. Examples of positive and negative externalities are education and pollution. The general public benefits from high productivity and good citizenship of a well-educated person and suffers from pollution. Without Government intervention, people will invest less than the socially optimal amount in activities that generate positive externalities and more in activities that generate negative externalities. The Federal Government can encourage those activities that produce positive externalities or reduce negative externalities by offering subsidized credit or other rewards such as tax benefits, while discouraging activities producing negative externalities by imposing taxes or other penalties.
- ***Resource constraints*** sometimes limit the private sector's ability to offer certain products. Deposit insurance is one example. Since the performance of banks is often affected by common factors such as macroeconomic conditions, bank failures tend to be clustered in bad economic times. Furthermore, if depositors become doubtful about the soundness of the banking system as a whole upon observing a large number of failures, they may rush to withdraw deposits, forcing even sound banks into liquidation. To prevent these undesirable withdrawals, which would harm the whole economy, deposit insurance needs to be backed by a sufficient fund to resolve a very large number of failures. It may be difficult for private insurers to secure such a large fund. Some catastrophic events can also threaten the solvency of private insurers. For some events involving a very large loss concentrated in a short time period, therefore, Government insurance commanding more resources can be more credible and effective.
- Imperfect competition justifies some Government intervention. Competition is imperfect in some markets because of barriers to entry, economies of scale, and foreign government intervention. For example, legal barriers to entry or geographic isolation can cause imperfect competition in some rural areas. If the lack of competition forces some rural residents to pay excessively high interest on loans, Government lending programs aiming to increase the availability of credit and lower the borrowing cost for those rural residents may improve economic efficiency.

Changing Financial Markets

Financial markets have undergone fundamental changes that continue to alter their long-term trend. The main forces behind these changes are financial services deregulation and technological advances, which have promoted competition and economic efficiency. Deregulation has promoted consolidation by removing legal barriers to business combinations. By increasing the availability of information and lowering transaction costs, technological advances have significantly contributed to enhancing liquidity, refining risk management tools, and spurring globalization. Interacting with these developments, however, have been some unsettling events, such as the ballooning and then plunging stock market, recession, and accounting scandals.

Financial services deregulation has promoted competition by removing geographic and industry barriers. The Riegle-Neal Interstate Banking and Branching Act of 1997 completed the demolition of geographic barriers in banking that had been going on at the state level for two decades. The Financial Services Modernization Act of 1999 has repealed the provisions of the Glass-Steagall Act and the Bank Holding Company Act that restricted the affiliation between banks, securities firms, and insurance companies. The Act allows financial holding companies to engage in various financial activities, including traditional banking, securities underwriting, insurance underwriting, asset securitization, and financial advising. As a result, competition has become nationwide and across all financial products.

Advances in communication and information processing technology have made the evaluation of borrowers' creditworthiness more accurate and lowered the cost of financial transactions. Lenders now have easy access to large databases, powerful computers, and sophisticated analytical models. Thus, many lenders use credit scoring models that evaluate creditworthiness based on various borrower characteristics derived from extensive credit bureau data. As a result, lending decisions have become more accurate and objective. Powerful computing and communication devices have also lowered the cost of financial transactions by producing

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new transaction methods such as electronic fund transfers, Internet banking, and Internet brokerage. The development of reliable screening methods and efficient transaction methods have resulted in intense competition for creditworthy borrowers and narrowed lending margins. Financial institutions are more willing to compete for customers with unique characteristics, customers in distant areas, and customers offering small business volume. A notable example of increased competition is the credit card business, where offering lower rates to lower-risk customers has become much more common in recent years.

Consolidation among financial institutions, especially banks, has been very active due to deregulation and increased competition. Because of active consolidation, the number of banks has sharply decreased, and the market share of large banks has increased. At the end of calendar 2001, there were about 8,100 commercial banks, which represented a decrease by about 4,300 or 35 percent from the end of calendar 1990. The top 10 and 100 banks respectively controlled 40 and 73 percent of banking assets at the end of calendar 2001, compared with 21 and 51 percent at the end of calendar 1990. Consolidation across traditional industry boundaries has produced financial holding companies that control multiple types of financial institutions. The pace of consolidation, however, slowed in recent years due to slumping stock markets.

Direct capital market access by borrowers has become easier. Advances in communication and information processing technology enabled many companies (less-established medium-sized companies, as well as large well-known ones) to validate their financial information at low costs and to borrow directly in capital markets, instead of relying on banks. In particular, growth of commercial paper (short-term financing instruments issued by corporations) substantially outpaced growth of bank business loans in the 1990s. This long-term trend, however, has been seriously interrupted by the last recession and recent accounting scandals that caused some instability in financial markets. In recent periods, the volume of commercial paper issued by nonfinancial companies dropped below $160 billion, which was less than one half of the peak level reached in 2000. Some borrowers with relatively low credit ratings were denied access, and even borrowers with higher credit ratings had to reduce the reliance commercial paper because of increased investors' concern about the riskiness of short-term financing. Heavy reliance on short-term financing can quickly worsen financial distress by causing refinancing difficulty.

Nonbank financial institutions have increased their market share, partly thanks to advanced communications and information processing technology that helped to level the playing field. Finance companies are a major nonbank lender. Over the last decade, both consumer loans and business loans have been growing at finance companies faster than at commercial banks. In the 1990s, venture capital firms emerged as a major financing source for small, start-up firms that had heavily relied on banks. During the last stock-market boom, the growth of venture capital firms was rather phenomenal. Between calendar 1995 and calendar 2000, their new investments, which were mostly in small firms' equity, jumped 18-fold, to over $100 billion. Venture capital investments, however, plunged, as the stock market slumped. During the first three quarters of calendar 2002, venture capital firms invested only about $17 billion.

Internet-based financial intermediaries provide financial services more cheaply and widely. The Internet lowers the cost of financial transactions and reduces the importance of physical location. Internet brokers slashed the commission on stock trading, facilitating small investors' participation in the stock market. Internet-only banks, which emerged recently, bid up deposit interest rates. Furthermore, their services are nationwide. The Electronic Signatures in Global and National Commerce Act of 2000, which eliminates legal barriers to the use of electronic technology to sign contracts, should accelerate the growth of transactions over the Internet.

Securitization (pooling a certain type of asset and selling shares of the asset pool to investors) is a financial instrument produced by technological advances. Increased transparency of asset quality created demand for securitized assets. Securitization has enhanced liquidity in financial markets by enabling lenders to raise funds without borrowing or issuing equity. It also helps financial institutions to reduce risk exposure to a particular line of business. Commonly securitized assets include credit card loans, automobile loans, and residential mortgages, whose quality can be more objectively analyzed. In recent years, financial institutions began securitizing to a limited extent many other assets such as commercial mortgages and small business loans, the riskiness of which is more difficult to evaluate.

Financial derivatives, such as options, swaps, and futures, have improved investors' ability to manage risk. Financial institutions and many nonfinancial companies are increasingly using these relatively new instruments to manage various types of risk such as price risk, interest rate risk, credit risk, and even catastrophe-related risk. Price risk can be easily managed through standard derivative contracts such as options and futures. The interest rate swap is an effective tool to reduce a firm's exposure to interest rate movements. Interest rate swaps are widely used by financial institutions that have many fixed-interest rate assets, such as mortgage lenders. Credit derivatives, which can be used as insurance against loan default, gained more popularity in recent periods, as default by some large corporations such as Enron and WorldCom heightened investors' concern about default risk. After the September 11 attacks, catastrophe bonds drew considerable attention as a potential means to manage a large risk. Through the bonds, the potential large loss from a catastrophe can be spread among a large number of investors, instead of a few insurance companies. The size

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of the catastrophe bond market, however, is still very small.

Globalization is another important consequence of the reduced importance of geographic proximity and knowledge of local markets. Both commercial and investment banking institutions headquartered in Europe and Japan are actively competing in the U.S. market, and many U.S. financial institutions have branches worldwide. With international competition, even very large financial institutions can hardly have market power.

Slumping stock markets, last recession, and recent accounting scandals caused financing difficulties for some businesses. Stock market declines raised the cost of equity financing for most corporations and substantially reduced the supply of venture capital for small, start-up businesses. Last recession increased the delinquency rate of business loans. The delinquency rate kept increasing because loan delinquencies usually follow an economic downturn with a lag. The increased delinquency rate made it more difficult for some businesses to obtain loans by making banks more cautious. Recent accounting scandals involving large companies such as Enron and WorldCom caused investors to become unusually jittery about the reliability of financial reports and default risk. The stock market reacted negatively, further increasing the cost of equity financing. Bond financing also became more difficult and expensive for companies with low credit ratings, despite low interest rates in other sectors of the economy. The financing difficulties, however, were largely confined to risky or less established businesses. Well-established companies with high credit ratings benefitted from the lowest interest rates in decades, which could offset the effect of a high equity-financing cost. Consumers and home buyers kept having easy access to credit, partly thanks to the continued strength of the housing market. The delinquency rates of consumer and real estate loans remained at low levels, suggesting that credit condition in those sectors may continue to be favorable in the foreseeable future.

Implications for Federal Programs

Financial evolution has been increasing the private market's capacity to serve the populations traditionally targeted by Federal programs. This long-term trend will continue in the future, but can be interrupted temporarily. In general, financial evolution has weakened the role of Federal credit and insurance programs. To improve the effectiveness of credit and insurance programs, therefore, the Federal Government may focus on narrower target populations that still have difficulty in obtaining credit from private lenders and on more specific objectives that have been less affected by financial evolution. The Federal Government, however, may take more active roles during the periods in which financial instability temporarily interrupts the smooth functioning of the private market.

Information about borrowers is more widely available and easier to process, thanks to technological advances. As a result, creditworthy borrowers are less likely to be turned down, while borrowers that are not creditworthy are less likely to be approved for credit. The Federal role of improving credit allocation, therefore, is generally not as strong as before. The benefit from financial evolution, however, can be uneven across groups and over time. Credit scoring, for example, is still difficult to apply to some groups with unique characteristics that can hardly be standardized. In times of economic downturn or financial instability, lenders can be overly cautious, leaving out some creditworthy borrowers. The Federal Government may need to better target those underserved groups, while reducing general involvement.

Externalities have not been significantly affected by financial evolution. The private market fundamentally relies on decisions at the individual level. Thus, it is inherently difficult for the private market to correct problems related to externalities.

Resource constraints have been alleviated. Securitization and financial derivatives facilitate fund raising and risk sharing. By securitizing loans and writing derivatives contracts, a lender can make a large amount of risky loans, while limiting its risk exposure. An insurer can distribute the risk of a natural or man-made catastrophe among a large number of investors through catastrophe-related derivatives, although the extent of risk sharing in this way is still limited because of the small size of the market for those products.

Imperfect competition is much less likely in general. Developments that contributed to increasing competition are financial deregulation, direct capital market access by borrowers, stronger presence of nonbank financial institutions, emergence of Internet-based financial institutions, and globalization. Consolidation has a potential negative effect on competition, especially in markets that were traditionally served by small institutions. Large financial institutions with global operations may want to focus more on large customers and business lines that utilize economies of scale and scope more fully. Given that the Nation still has many banks and other financial institutions, the negative effect, if any, should be insignificant overall. It is possible, however, that some communities in remote rural areas and inner city areas have been adversely affected by consolidation.

Uncertainties about the Federal Government's liability have increased in some areas. Consolidation has increased bank size. Thus, the failure of even a single large bank can seriously drain the federal deposit insurance fund. As a result of deregulation, banks engage in more activities. While diversification across business lines may generally improve the safety of banks, new businesses introduce new risks. For example, one concern raised recently is that the motive to obtain underwriting business from borrowing firms may have been affecting lending decisions, undermining loan quality at some large banking organizations. Globalization also has both an upside and a downside. A financial institution with a worldwide operation may overcome difficul-

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ties in the U.S. market more easily, but it is more heavily exposed to economic turmoil in other countries, especially those that are less-developed and unstable. The large size of some GSEs is also a potential problem. Financial trouble of a large GSE could cause strong repercussions in financial markets, affecting federally insured entities and economic activity. Overall, the financial market evolves to be more efficient and safer. Financial evolution, however, is often accompanied by new risks. Thus, Federal agencies need to be vigilant to identify and manage new risks.

The stock market plunge and the slow economic recovery have increased the risk and uncertainty for the pension guaranty program by impairing the financial health of many pension funds and firms offering pension benefits. New and amended insurance programs for security-related risks also make the Federal Government's liability more uncertain. Security-related events such as terrorism and war are highly uncertain in terms of both the frequency of occurrence and the magnitude of potential loss.

II. A CROSS-CUTTING ASSESSMENT

To systematically assess Federal programs, policymakers and program managers need to consider the following questions. (1) Are the programs' objectives still worthwhile? (2) Is the program economically justified? (3) Is the credit or insurance program the best way to achieve the goals? (4) Is the program operating efficiently and effectively? If the answer to any of the first three questions is "No," the program should be eliminated or phased out. For programs that pass the three tests, the focus should be on improving efficiency and effectiveness.

Objectives

The first step in reassessing Federal credit and insurance programs is to identify clearly the objective of each program, such as an increase in homeownership, an increase in college graduates, an increase in jobs, or an increase in exports. The objective must be clear and worthwhile to justify a program. For some programs, the objective might be unclear or of low importance. In some other cases, an initially worthwhile objective might have become obsolete. Programs lacking a clear, worthwhile objective should be either refocused or discontinued.

Economic Justifications

For a credit or insurance program to be economically justified, the program's benefits must exceed its costs. The main benefit measure should be the improvement in intended outcomes (for example, an increased in homeownership) net of what would have occurred in the absence of the program (for example, the portion of the increase owing to economic growth and financial evolution). Financial evolution may have significantly affected the net benefit from some programs. Suppose, for example, that financial evolution made information about borrowers transparent in some sectors where information opaqueness had been a major problem. Then the benefit would be substantially smaller for the Federal programs that were mainly intended to increase credit availability in those sectors by alleviating the information problem. Only a small portion of the increased credit availability may be attributable to those Federal programs.

Many Federal credit and insurance programs involve subsidy costs, and all of them incur administrative costs. A subsidy cost occurs when the beneficiaries of a program do not pay enough to cover the cost to the Federal Government (e.g., they pay below-cost interest rates and below-cost fees). The administrative costs include the costs of loan origination, servicing, and monitoring. The benefit of a program can be smaller than the combined cost of subsidy and administration either because it is inherently costly to pursue the program's goal or because the program is inefficiently managed (failure to maximize the benefit and minimize the cost). The program should be discontinued in the first case and restructured in the second case.

Alternatives

Even a program that is economically justified should be discontinued if there is a better way to achieve the same goals. The Federal Government has other means to achieve social and economic goals, such as providing direct subsidies, offering tax benefits, and encouraging private institutions to provide the intended services.

In general, direct subsidies are more efficient than credit programs for the purpose of fulfilling social objectives such as helping low-income people, as opposed to economic objectives such as improving credit allocation. Direct subsidies are less likely to interfere with the efficient allocation of resources. Suppose that the Government makes a subsidized loan to be used for a specific project. Then the borrower will undertake the project if its return is greater than the subsidized rate. Thus, the subsidized loan can induce the borrower to undertake a normally unprofitable project and hence result in a social loss. On the other hand, a direct subsidy is a simple income transfer, which is less likely to cause a social loss.

To a certain extent, the Federal Government can also correct market failures by helping the private market to improve efficiency, instead of directly offering credit or insurance. For example, policies encouraging the standardization of information (e.g., standardization of loan origination documents) may improve the private lenders' ability to serve those sectors where information is opaque. Standardization helps to reduce opaqueness by facilitating information processing. With reduced opaqueness, loan sales should be easier, and the secondary market should develop more quickly. Then the lending market would be more liquid and competitive.

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A more specific example is the development of floodplain maps by the National Flood Insurance Program. Before the development of the maps, private insurance companies had little information on flood risks by geographic area. The lack of information was a main reason why private companies were unwilling to insure against flood risk.

Improving Efficiency

Some programs may be well-justified based on the three criteria above. However, few programs may be perfectly designed or managed. It is almost impossible to take all relevant factors into consideration at the beginning. In addition, financial evolution can lower the efficiency of initially well-designed and well managed programs. Thus, improving efficiency is a continual concern. Although the ways to improve efficiency vary across programs, there are some general categories and principles that apply to most programs.

Pricing (setting appropriate lending terms or insurance premiums) is a critical part of credit and insurance programs. To maximize efficiency, program managers need to set the subsidy rate at an optimal level and calculate the subsidy rate accurately. If a program's subsidy is too small, the intended population may benefit little and may even be discouraged from using the program. On the other hand, an excessive subsidy will transfer too much resources to a small group of the population. In either case, program efficiency can be seriously undermined. Miscalculation of subsidy rate would also result in resource misallocation. If program managers fail to accurately estimate the default and prepayment probabilities for a credit program and the loss probability for an insurance program, the actual subsidy may substantially deviate from the intended subsidy. For a given amount of the budget, the program size (total amount of loans or number of beneficiaries) is determined by the estimated subsidy rate. Thus, an estimated subsidy smaller than the actual would increase the program size beyond the level intended by policymakers, while an estimated subsidy larger than the actual would unduly prevent the program from helping more people.

To set the subsidy rate at the optimal level, policymakers and program managers should carefully weigh the benefit of improving economic efficiency in the targeted sector against the risk of misallocating resources. To improve the accuracy of subsidy estimation, program managers need to fully utilize both historical experience and advanced analytical tools. Private sector participation may also help the pricing of complicated programs. Federal agencies can make risk-sharing arrangements with private firms that may have better pricing expertise and derive information from the private firms' pricing.

Targeting the right population is also an important element of program efficiency. The net benefit will increase if program managers more successfully identify the populations that would benefit more from credit and insurance programs and reach out to them. Right populations include borrowers who have worthwhile projects but have difficulty in obtaining private credit (e.g., beginning farmers, new businesses, new exporters), populations underserved by the private market (e.g., low-income, minority), underserved neighborhoods (e.g., rural, inner city), and legislatively targeted populations (e.g., students, veterans). In addition to making credit available, program managers need to actively inform potential borrowers of the credit availability and provide high-quality customer services, so that ignorance or inconvenience does not deter the targeted populations from accessing the program.

In outreaching, program managers may also consider the state of the financial market. The right population can expand when the private market fails to function smoothly due to temporary interruptions, such as economic downturns and asset-price declines. Those interruption can reduce credit availability in the private market, as evidenced by declines in commercial paper and venture capital investment in recent periods. Reduced credit availability can mean that more creditworthy borrowers have difficulty in obtaining credit in the private market. On those occasions, Federal credit programs can also play a more useful role.

While outreaching, program managers should avoid overreaching (assisting those who have easy access to private credit or insurance). Excessive government intervention would waste taxpayers' money and distort economic outcomes. To avoid overreaching, program managers need to clearly define eligibility and carefully screen applicants based on the eligibility. The eligibility screening is especially important for programs offering a large subsidy because the large subsidy can attract many customers who can easily obtain credit or insurance in the private sector. In addition, plans to expand the scale or the scope of a program should be carried out cautiously; they should be convincingly supported by careful cost-benefit analyses.

Risk management needs to be effective to limit the cost of credit and insurance programs. Careful screening of borrowers' creditworthiness would reduce the default risk. Although the goal of most credit programs is not to lend to the most creditworthy borrowers, it is important to identify relatively more creditworthy borrowers even among those who might be denied credit by private lenders. Other key elements of risk management include monitoring existing borrowers and collecting defaulted loans.

One way to improve screening, monitoring, and collecting is to use advanced analytical tools such as credit scoring and to maintain useful data bases. Using the state-of-the-art tools is especially important for programs that compete with the private sector for the same group of customers. Private financial institutions are quick to adopt new technology. Falling behind, Federal programs could be left with riskier customers. In cases where the private sector has a clear advantage in performing some risk management functions, delegating those functions is an effective strategy. For example, if banks are better at screening some opaque

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borrowers because of their extensive experience with those borrowers, Federal agencies may delegate the screening of those borrowers to banks. To realize the potential benefit from delegation, Federal agencies need to closely monitor the performance of private partners. More importantly, the partnership should be structured such that the profit motives of private-sector partners are preserved. Risk-sharing arrangements and performance-based contracts would help to preserve the profit motive.

Cost control is a concern for all types of organizations. For Federal credit and insurance programs, key elements include delivery and servicing costs, in addition to the general administration cost. There are many ways for Federal agencies to minimize costs. They may streamline the delivery system, computerize loan servicing, and eliminate redundant servicing facilities. Inter-agency cooperation can also result in a substantial cost saving. When several Federal agencies serve similar purposes, those agencies may share databases, facilities, and expertise. Outsourcing some functions to the private sector is always a possibility because the private sector is generally more efficient.

For Federal programs involving private-sector partners, cost efficiency critically depends on whether contract terms with private-sector partners are adequate. To utilize the private sector's expertise, it is necessary to offer reasonable profit opportunities to private-sector partners. However, contract terms allowing excessive profits would result in serious inefficiency. Profit margins for private-sector partners should be carefully examined and set at an appropriate level. Preferably, Federal agencies may use competitive bidding when it is practical.

Initiative plays an important role in a rapidly changing environment. Information technology and financial markets have been changing rapidly. To achieve the maximum efficiency, program managers need to closely watch and quickly adapt their programs to new developments. Tardy responses to changes in information technology may mean missed opportunities for improving risk management and reducing costs. Financial market developments also have important implications. For example, many loans guaranteed by the Government are securitized. Securitization may reduce the lenders' incentives to screen and monitor borrowers if they believe that guaranteeing agencies do not properly track the performance of securitized loans. To prevent this adverse effect, the Government needs well-organized databases and modern monitoring systems. Private lenders are more willing to serve many customers to whom they did not want to lend in the past. Thus, some Federal credit programs may need to focus more narrowly on customers who are still underserved by private lenders. Without agencies' initiative, needed adjustments might be substantially delayed. because individual agencies conducting daily businesses are best positioned to detect changes in market conditions.

Federal Loan Portfolio Management: Improving Performance and Efficiency

At the end of 2002, the Federal Government held loan assets valued at $———billion. Of this figure, $———billion were direct loans, and $——billion were guaranteed loans acquired by the Federal Government after default. In addition, the Federal government holds liabilities on a $———billion loan guarantee portfolio. While the Government sets aside resources for the future costs of these activities, better management of the portfolio can allow more accurate estimates of credit program subsidy costs, lower the risk exposure of the Federal government, and produce more reliable financial reporting. More efficient management can also free up existing agency resources to better serve program target populations and work more effectively with borrowers and lenders. The size of the Government's portfolio means that even small changes in management practices can have substantial qualitative and quantitative effects in a time of scarce resources.

Over the next year, OMB will work with agencies to identify ways of improving loan portfolio management across the four basic credit functions: program development, loan origination, servicing or lender monitoring during repayment, and liquidation. These improvements will build on principles from:

- the President's Management Agenda, which includes improved asset management (including physical assets) as a component of successful financial management,
- OMB Circular A-129, which outlines policies governing the four basic credit functions, and
- the Debt Collection Improvement Act of 1996, which authorized a variety of techniques, including loan asset sales and Treasury tax refund offset and cross-servicing, to improve management of loans in default by increasing the chance of recovery.

While some agencies have adopted techniques to improve efficiency and performance, such as competitive servicing contracts and lender monitoring, the evolution of private-sector best practices has far outpaced the Government's. In many cases, agencies perform one of the basic credit functions well—usually loan origination—but have poor systems in place for tracking loan performance. Other agencies may track borrowers reasonably well during repayment, but have no risk management system in place to identify and closely monitor borrowers in danger of defaulting.

Implementing changes cannot happen in isolation, however; changes made in one function can significantly affect performance in another. Analyzing these effects may inform agencies' resource decisions through the basic functions, such as whether or not to improve internal accounting systems or to outsource loan servicing and liquidation. Equally important is the fact that this analysis may improve program performance by reducing the default rate, allowing the agency to stretch its subsidy dollars over more borrowers.

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Any changes to program management will be made in light of the programs' justifications to ensure that the Government neither crowds out the private sector nor expands the target population beyond that intended. However, the main focus of OMB efforts will be on efficient stewardship of taxpayer dollars and more effective credit assistance to those borrowers who need it.

III. CREDIT IN FOUR SECTORS

Housing Credit Programs and GSEs

The Federal Government makes direct loans, provides loan guarantees, and enhances liquidity in the housing market to promote homeownership among low- and moderate-income people and to help finance rental housing for low-income people. While direct loans are largely limited to low-income borrowers, loan guarantees are offered to a much larger segment of the population, including moderate-income borrowers. Increased liquidity achieved through GSEs benefits virtually all borrowers in the housing market, although it helps low and moderate-income borrowers more.

Federal Housing Administration

In June 2002, the President issued America's Homeownership Challenge to increase first-time minority homeowners by 5.5 million through 2010. HUD's Federal Housing Administration (FHA) will help to achieve this goal through its insurance funds, mainly the Mutual Mortgage Insurance Fund. FHA mortgage insurance provides access to homeownership for people who lack the financial resources or credit history to qualify for a conventional home mortgage. In 2002, FHA insured $136 billion in mortgages for over 1.2 million households, 21 percent more households than in 2001. Most of these were people buying their first homes many of whom were minorities. The dollar volume of mortgages exceeded the 2001 volume by 27 percent, partially driven by the rapid increase in house prices and low interest rates.

For fiscal year 2004, FHA is proposing a new mortgage product. This product will be geared toward families with poor credit records who are currently being served at a higher cost in the subprime market or not served at all. Borrowers could reduce their annual mortgage insurance premiums once they have established a history of regular payments thereby demonstrating their creditworthiness. This innovative product is consistent with FHA's traditional pioneering role in reducing the cost of homeownership and protecting buyers from predatory practices.

To better manage its risks, FHA requires its lenders to evaluate each potential foreclosure and use loss mitigation tools where appropriate. Last year, incentive payments for over 68 thousand loss mitigation actions were made, up from 53 thousand in fiscal year 2001. Loss mitigation helps to avoid costly foreclosures, enables many distressed borrowers to retain their homes, and reduces FHA's claim expenses. FHA also is reducing its losses through more aggressive management of its property oversight and disposition program and is testing a new joint venture approach to this task.

The Budget expands HUD's support for new homeowners by increasing funds for pre- and post-purchase counseling services through a network of counseling agencies. With this increase, over 950 thousand homeowners will receive counseling in 2004.

The President's Management Agenda sets out several critical tasks for FHA to combat fraud and improve risk management. In 2003, FHA will issue a final rule that will prevent the predatory practice of property flipping, in which a lender and an appraiser conspire to sell a home at a falsely inflated price, thereby victimizing the borrower and exposing FHA to excessive losses. HUD also will strengthen its Credit Watch initiative—a lender monitoring program that rates lenders and underwriters by the performance of their loans and allows FHA to sever relationships with those showing poor performance. Credit Watch is critical to protect the FHA Mutual Mortgage Insurance Fund from unexpected losses due to mismanagement and fraud.

VA Housing Program

The VA assists veterans, members of the Selected Reserve, and active duty personnel to purchase homes as a recognition of their service to the Nation. The program substitutes the Federal guarantee for the borrower's down payment. In 2002, VA provided $37 billion in guarantees to assist 294,800 borrowers. Both the volume of guarantees and the number of borrowers increased substantially from 2001 as lower interest rates increased loan originations and refinancings in the housing market.

Since the main purpose of this program is to help veterans, lending terms are more favorable than loans without a VA guarantee. In particular, VA guarantees zero down payment loans. As a result, the default rate is somewhat higher than the national average. The subsidy rate has remained relatively stable during the past couple of years and continues to be less than one percent.

In order to help veterans retain their homes and avoid the expense and damage to their credit resulting from foreclosure, VA plans aggressive intervention to reduce the likelihood of foreclosures when loans are referred to VA after missing three payments. VA was successful in 43 percent of its 2002 interventions, and its goal is to maintain at least a 41 percent success rate in 2004. Future military base closures, however, may negatively affect the default rate in the VA guaranteed housing program. Guaranteed loans issued to active duty military and military reservists are vulnerable to the impact of base closures on the neighboring community. VA is continuing its efforts to reduce ad-

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ministrative costs through restructuring and consolidations.

Rural Housing Service

The U.S. Department of Agriculture's (USDA's) Rural Housing Service (RHS) offers direct and guaranteed loans and grants to help very low- to moderate-income rural residents buy and maintain adequate, affordable housing. The single family guaranteed loan program guarantees up to 90 percent of a private loan for low to moderate-income rural residents. The program's emphasis is on reducing the number of rural residents living in substandard housing. In 2002, $2.4 billion of guarantees went to 29,218 households, of which 33 percent went to low-income borrowers (with income 80 percent or less than median area income).

In 2002, RHS approved separate risk categories for the guarantee refinancing (refis) and guarantees of new loans. As part of that change, RHS also reduced the guarantee fee to 0.5 percent for the refis. This change reflected the lower risk on refis as compared to an unseasoned borrower receiving a new loan. It is also consistent with the rate HUD and VA charge on their refis of similar loans. For 2003, RHS will also lower the guarantee fee on new loans to 1.5 percent from 2 percent, partly undoing the 1-percentage-point increase that was implemented in 2001. Recent data revealed that the full 1-percentage-point increase was inconsistent with the housing market condition and too costly for the target borrower, low and moderate income families. The high fee resulted in less assistance going to rural areas for guaranteed single family housing loans than what had been authorized. The new rate is more in line with the housing industry, including HUD and VA, and will result in more rural Americans realizing the dream of homeownership.

In the single family housing guaranteed loan program, lender monitoring and external audits have helped to identify program weaknesses, train servicers, and identify troubled lenders. RHS's guaranteed loan program is also moving toward automated underwriting. In 2003, RHS continued to enhance an Internet-based system that will, with future planned improvements, provide the capacity to accept electronic loan originations from their participating lenders. Utilizing electronic loan origination technology will add significant benefits to loan processing efficiency, consistency and timeliness for RHS, the lenders, and customers. RHS is currently working with HUD to determine if RHS can utilize or modify the TOTAL socrecard being developed by HUD. RHS continues to operate under the "best practice" for asset disposition for its guaranteed loan program. For single family guarantees, the lender is paid the loss claim, including costs incurred for up to three months after the default. After the loss claim is paid, RHS has no involvement in the loan, and it becomes the sole responsibility of the lender to dispose of the property. RHS is currently in the process of centralizing and automating the loss claim process to improve consistency and efficiency.

RHS programs differ from other Federal housing loan guarantee programs. RHS programs are means-tested and more accessible to low-income, rural residents. In addition, the RHS direct loan program offers deeper assistance to very-low-income homeowners by reducing the interest rate down to 1 percent for such borrowers. The program helps the "on the cusp" borrower obtain a mortgage, and requires graduation to private credit as the borrower's income increases over time. The interest rate depends on the borrower's income. Each loan is reviewed annually to determine the interest rate that should be charged on the loan in that year based on the borrower's actual annual income. The program cost is balanced between interest subsidy and defaults. For 2004, RHS expects to provide $1.4 billion in loans with a subsidy cost of 9.27 percent.

RHS also offers multifamily housing loans. Direct loans are offered to private developers to construct and rehabilitate multi-family rental housing for very-low to low-income residents, elderly households, or handicapped individuals. These loans to developers are very heavily subsidized; the interest rate is between 1 and 2 percent. A subset of these loans is the farm labor housing direct loans, which are similarly subsidized and provide rental units for farm workers, the majority of whom are minorities. RHS rental assistance grants supplement both of these loan programs in the form of project based rent subsidies for very low-income rural households (for continuation of this assistance plus new commitments, the cost will be $740 million in 2004). RHS will address management issues in its multifamily housing portfolio in 2004 by restricting the $71 million loan level to repair and rehabilitation of its existing portfolio (17,400 projects, 446,000 units). They will also conduct a study on how to fund new construction in a more cost efficient manner with a continued emphasis on the preservation of existing units. Farm labor housing will have a program level of $59 million and will provide for new construction as well as repair/rehabilitation. RHS also offers guaranteed multifamily housing loans with a loan level of $100 million a year.

Fannie Mae and Freddie Mac

Fannie Mae and Freddie Mac (the "Enterprises") are Federally-chartered, shareholder owned corporations that were created by Congress to achieve public purposes. Specifically, the Enterprises are required to establish a secondary market for residential mortgages below a certain size and to assist the secondary mortgage market by increasing the liquidity of mortgage investments. The Enterprises also are required to purchase mortgages that serve low-and moderate-income families and families living in communities underserved by the mortgage markets. To assist the Enterprises in achieving their public purpose, Congress granted Fannie Mae and Freddie Mac certain benefits that are not available to fully private corporations, including an exemption from State and local taxes and authority granted to the Secretary of the Treasury to purchase their debt obligations.

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The Enterprises carry out their public mission by purchasing mortgages from loan originators and packaging them into mortgage-backed securities (MBS) for investors. The Enterprises earn profits for their stockholders by charging fees for their guarantees against potential credit losses on these securities.

The Enterprises also earn profits from their portfolio holdings of mortgages and other mortgage-backed assets (including MBS that they have repurchased). The mortgage asset portfolios of the two Enterprises have grown in the past year by 11 percent. Each Enterprise also markets technology and services to support the mortgage lending process, another source of earnings.

The bulk of the Enterprises' profits reflect the rewards they earn for taking and managing risks. These risks mainly fall into two categories: Credit risk and Interest rate risk.

Credit risk arises from the Enterprises' guarantee against losses when mortgages they have purchased default, whether the mortgages support investor-owned MBS or whether they are held in the Enterprises' portfolios as individual loans or as MBS. The Enterprises share credit risk with private mortgage insurers on pools of mortgages and on individual mortgages with low down payments. They also share risk with other third-party guarantors and, in some cases, with lenders.

Interest rate risk arises from the mortgages and other assets that the Enterprises hold in their portfolios. This risk results from changes in market interest rates that might reduce the spread between the return that the Enterprises earn on their holdings and the interest they pay on borrowings used to finance them. Mismatches between the duration of assets and liabilities and the potential for changes in prepayment speeds give rise to interest rate risk. The Enterprises limit interest rate risk by various means, including matching the projected duration of their assets and liabilities and purchasing options that effectively allow them to alter the speed with which they retire their fixed-rate liabilities.

- When the Enterprises buy MBS and hold these in portfolio, they must manage the interest rate risk just as they manage the risks on individual loans. As of September 2002, the two Enterprises held a combined $797 billion of their own previously issued MBS, accounting for 62 percent of their combined mortgage asset portfolios.
- Although holding substantially more securities rather than individual loans could facilitate the sale of portfolio assets should the Enterprises choose to liquidate these assets, some have proposed limiting the size of the Enterprises' retained portfolios for both MBS and individual loans. These proposals are based partly on a desire to minimize the Enterprises' exposure to possible losses that could result from substantial interest rate risk. While the Enterprises argue that large retained portfolios contribute to lower mortgage rates, a substantial portion of the benefits accrue to shareholders, not homeowners.

The inherent risks of the Enterprises' business are constantly monitored by the market and by their Federal safety and soundness regulator, established in October 1992, the Office of Federal Housing Enterprise Oversight (OFHEO).

Increased voluntary disclosures, which the Enterprises initiated in early 2002, have helped investors better assess the level of each Enterprise's risk exposure. Both Enterprises now disclose measures of their interest rate risk on a monthly basis and issue credit risk disclosures on a quarterly basis. They also obtain and disclose an annual rating of their financial condition from a nationally recognized agency. In July 2002, Fannie Mae and Freddie Mac announced that they would voluntarily register their common stock with the SEC under provisions of Section 12(g) of the Exchange Act, 15 U.S.C. 781 (g). The Enterprises' voluntary registration, which OFHEO will facilitate by promulgating a regulation on public disclosures of financial and other information, will subject them to the same periodic disclosures that the SEC requires of other publicly traded companies.

OFHEO's new capital requirements will enhance its regulatory oversight and reinforce market discipline. OFHEO began quarterly publication of a risk-based capital requirement for the Enterprises in the second quarter of FY 2002, and this requirement became fully enforceable in the fourth quarter. Both Enterprises held more than the required capital in that quarter. Fannie Mae's capital was $27.278 billion while its risk based requirement was $21.440 billion. Freddie Mac's capital was $23.101 billion while its risk based requirement was $4.919 billion. In addition to ensuring that the Enterprises maintain a level of capital commensurate with their risk, the risk-based capital requirement can enhance market discipline. The Enterprises and the marketplace may use the quarterly changes in this measure as another indication of their overall risk exposure and their ability to manage it.

Who benefits from Enterprise risk-taking? Because they receive substantial advantages from the Federal Government, such as conditional access to up to $2.25 billion of US Treasury borrowing and exemption from State and local income taxes, some perceive the Enterprises as having Government support—despite the fact that the Government makes it explicit that it does not guarantee their securities. As a result, they are able to fund their operations at lower cost than would other private firms with similar financial characteristics. In a report published in May 2001, the Congressional Budget Office (CBO) estimated this funding advantage for the year 2000 resulted in a $10.6 billion annual subsidy. Of this amount, CBO estimated that borrowers received $6.7 billion of the subsidy, while the Enterprises retained about $3.9 billion, or 37 percent of the subsidy, for their shareholders. Subsequently, through September 2002, the Enterprises have increased their combined debt-funded retained portfolios by 29 percent and their off-balance sheet MBS

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by 34 percent, suggesting further increases in the annual subsidy.

To help ensure that the Enterprises' subsidy contributes to the maximum extent possible to underserved housing needs, the Congress in 1992 mandated that the Department of Housing and Urban Development (HUD) establish annual "housing goals." The housing goals define percentages of the Enterprises' annual purchases that must serve very-low, low-, and moderate-income borrowers and borrowers living in communities that are underserved by the private market. Underserved communities include high-minority and low-income census tracts, which traditionally have had more difficulty than other areas in obtaining mortgage credit. Congress has directed that, in setting the level of the housing goals, HUD must consider, among other factors, the extent to which the Enterprises "lead the mortgage finance industry" in service to these categories of potential borrowers.

The President has set a goal for the Nation of adding 5.5 million new minority homebuyers by 2010. To meet this goal, the Enterprises, along with others, will increase their support for lending to these groups. Numerous studies by HUD and other researchers have shown that Fannie Mae and Freddie Mac generally have trailed the rest of the private mortgage market in funding mortgage loans for low-income and minority families. For example, during the 1997–1999 period, HUD estimates that while the home loans acquired by these Enterprises represented 36 percent of all new home buyer purchases, they represented only 15 percent of homes purchased by first-time minority families. On the other hand, FHA loans, which were only 16 percent of the overall market, totaled 37 percent of the first-time minority market.

HUD is also looking at new ways to encourage improved performance from the Enterprises. HUD's current rule established the Enterprises' housing goals for 2001–2003. In accordance with its rulemaking responsibilities, HUD is re-examining these housing goals to determine appropriate performance levels for the years 2004 2006. At the same time, HUD is looking at ways to create new housing incentives that will have the effect of increasing minority homeownership, thereby further ensuring that the benefits each Enterprise derives from its Congressional charter are used to increase minority homeownership opportunities.

Federal Home Loan Bank System

The Federal Home Loan Bank System, consisting of 12 banks (FHLBs) serving their districts, was established in 1932 to provide liquidity to home mortgage lenders. The FHLBs carry out this mission by issuing debt and using the proceeds to make advances (secured loans) to their members. Member institutions, which include thrifts, commercial banks, and credit unions, secure advances primarily with residential mortgages and other housing-related assets. To assist the FHLBs in achieving their public purpose, Congress granted certain benefits that are not available to fully private corporations, including a $4 billion conditional line of credit with the U.S. Treasury and exemption from State and local taxes.

The FHLBs experienced moderate growth in the past year, while their profitability declined slightly. Outstanding advances reached $490.7 billion in September 2002, a 5.1 percent increase over the $466.8 billion outstanding a year earlier. As of September 30, 2002, about 69 percent of advances had a remaining maturity of greater than one year—up from 64 percent one year earlier. Mortgage loans outstanding were $47.1 billion, up from $22.6 billion one year earlier. Mortgage loans accounted for approximately 6.2 percent of total FHLBs' assets. In 2002, the FHLBs issued $4.6 trillion in debt securities, most of which represented the rollover of overnight or short-term debt. While the majority of the debt issued by the System is overnight or short-term, 79 percent of debt outstanding had an original maturity of one year or longer. Total debt outstanding was about $688 billion at the end of 2002. The FHLBs reported net income of $1.9 billion for the year ending September 30, 2002, down from $2.1 billion in the previous 12 months.

Traditionally, the FHLBs have been exposed to little credit risk. All advances to member institutions are collateralized, and the FHLBs can call for additional or substitute collateral during the life of an advance. As long as FHLBs adhere to conservative collateral policies (high-quality collaterals and a high ratio of collateral value to the loan amount), their exposure to credit risk will continue to be minimal in the future. The benefit of using collateral, however, comes at the cost of increasing the potential liability of the Federal Deposit Insurance Corporation (FDIC). Since the FHLBs' collateralized claim is senior to the FDIC's claim, the FDIC has less to recover in cases where a member institution with large FHLB advances fails. Thus, FHLB advances, like secured loans from other creditors, could indirectly increase the Federal Government's exposure to credit risk. As is the case with other financial intermediaries, FHLBs are potentially exposed to interest rate risk, which should be carefully managed.

The System's new investment activities, including mortgage purchase programs, involve more risk while offering new alternative ways of doing mortgage business. In one of these programs, the Mortgage Partnership Finance Program, the FHLBs finance mortgage loans and assume the interest-rate and prepayment risk, while the member banks and thrifts originate and service the loans and assume a portion of the credit risk. All assets held by an FHLB under these mortgage purchase programs are required, pursuant to the terms of the program, to be credit enhanced to at least the level of an investment-grade security. In addition, an FHLBank must hold risk-based capital against mortgage assets that have credit risk equivalent to an instrument rated lower than double A.

To control the System's risk exposure, the Federal Housing Finance Board (the FHLBs' regulator) has established regulations and policies that the FHLBs must

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follow to evaluate and manage their credit and interest-rate risk. FHLBs must file periodic compliance reports, and the Finance Board conducts an annual on-site examination of each FHLB. Each FHLB's board of directors must establish risk-management policies that comport with Finance Board guidelines. Each FHLB is also required to adopt and implement a capital plan consistent with provisions of the Gramm Leach Bliley Act and Finance Board regulations. In 2002, the Finance Board approved the capital plan of each FHLB. These plans call for implementation over the next several years.

In 2002, the Administration encouraged all Government Sponsored Enterprises, including the FHLBs, to voluntarily register their equity securities with the Securities and Exchange Commission (SEC). This voluntary registration is part of the Administration's efforts to have GSEs undergo the same scrutiny process as other corporate enterprises. Unlike Fannie Mae and Freddie Mac, which have committed to participating in the disclosure process, the FHLBs have not yet decided to register their stock with the SEC.

The FHLBs' evolving member composition and investment activities raise questions about the degree to which the System continues to promote the public policy objective of providing liquidity to home mortgage lenders. As a result of opening membership to commercial banks and credit unions, for example, many member institutions now have very limited involvement in mortgage lending. In addition, like other GSEs, the FHLBs issue debt securities at close to U.S. Treasury rates and invest the proceeds in higher-yielding securities. Through September 2002, the FHLBs' investments other than advances rose to $215 billion, compared with $194 billion a year earlier. As a percentage of total assets, those investments remained at 28 percent. While these investments may enable the FHLBs to provide benefits to member institutions, they do not necessarily result in lower costs to home buyers. According to a report by the Congressional Budget Office (CBO), member advances can be used to fund other loans besides mortgages. While the CBO report found, through competitive pressures, that "members may be forced to pass most of the benefit through to their own customers," the report concluded that of the $3 billion annual subsidy that the FHLBs received from their funding advantage and other benefits in 2000, only $0.3 billion was passed on to mortgage borrowers in the form of lower interest rates.

Education Credit Programs and GSEs

The Federal Government guarantees loans through intermediary agencies and makes direct loans to students to encourage post-secondary education. The Student Loan Marketing Association (Sallie Mae), a GSE, securitizes guaranteed student loans.

Student Loans

The Department of Education helps to finance student loans through two major programs: the Federal Family Education Loan (FFEL) program and the William D. Ford Federal Direct Student Loan (Direct Loan) program. Eligible institutions of higher education may participate in one or both programs. Loans are available to students regardless of income. However, borrowers with low family incomes are eligible for additional interest subsidies. For these loans, the Federal Government subsidizes interest costs while borrowers are in school, during a six-month grace period after graduation, and during certain deferment periods.

In 2004, more than 6 million borrowers will receive over 12 million loans totaling $67 billion. Of this amount, nearly $48 billion is for new loans, and the remainder reflects the consolidation of existing loans. Loan levels have risen dramatically over the past 10 years as a result of rising educational costs, higher loan limits, and an increase in eligible borrowers.

The FFEL program provides loans through an administrative structure involving over 3,500 lenders, 36 State and private guaranty agencies, roughly 50 participants in the secondary market, and approximately 6,000 participating schools. Under FFEL, banks and other eligible lenders loan private capital to students and parents, guaranty agencies insure the loans, and the Federal Government reinsures the loans against borrower default. In 2004, FFEL lenders will disburse nearly 9 million loans totaling almost $47 billion in principal. Lenders bear two percent of the default risk, and the Federal Government is responsible for the remainder. The Department also makes administrative payments to guaranty agencies and pays interest subsidies to lenders.

The William D. Ford Direct Student Loan program was authorized by the Student Loan Reform Act of 1993. Under the Direct Loans program, the Federal Government provides loan capital directly to roughly 1200 schools, which then disburse loan funds to students. In 2004, the Direct Loan program will generate more than 3.5 million loans with a total value of nearly $20 billion. The program offers a variety of flexible repayment plans including income-contingent repayment, under which annual repayment amounts vary based on the income of the borrower and payments can be made over 25 years with any residual balances forgiven.

Recently, historically low interest rates have significantly affected the Federal costs and receipts associated with these programs, as well as borrowers' decisions to consolidate their student loans. In FFEL, for example, low interest rates have decreased the Federal interest subsidies paid to lenders on behalf of low-income borrowers while they are in school or during grace or deferment periods. In Direct Loans, the steep decline in short-term interest rates has decreased borrowers loan repayments, resulting in lower Federal receipts.

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In recent years, low interest rates have also contributed to a dramatic increase in fixed-rate Consolidation Loans, which allow borrowers to combine one or more FFEL, Direct Loan, or other Federal student loans. When interest rates are low, borrowers have a strong incentive to consolidate their existing loans to lock in at a low fixed rate. In 1995, Consolidation Loans totaled $3.6 billion, accounting for roughly 13 percent of overall student loan volume. By 2002, these loans grew more than six fold to nearly $22.7 billion, making up approximately 56 percent of total student loan volume. This high rate of growth should slow if, as projected, interest rates increase from current levels. Consolidation Loans are projected to be $24.4 billion in 2003 and to decrease to $19.1 billion in 2004.

For Fiscal Year 2004, the Administration is once again proposing to address the shortage of qualified, skilled math, science, and special education teachers in elementary and secondary schools by expanding loan forgiveness. This proposal builds upon the teacher loan forgiveness program authorized in the 1998 Higher Education Amendments, which provided up to $5,000 of loan forgiveness to teachers of any subject who teach for five consecutive years in schools serving low-income populations. The Administration is proposing to increase loan forgiveness to $17,500 for highly qualified teachers who teach math, science, or special education for five years in high-need schools. Such schools would include those with a high concentration of low-income students and those in which there is a large proportion of out-of-field math, science, and special education teachers.

Sallie Mae

The Student Loan Marketing Association (Sallie Mae) was chartered by Congress in 1972 as a for-profit, shareholder-owned, Government-sponsored enterprise (GSE). Sallie Mae was privatized in 1997 pursuant to the authority granted by the Student Loan Marketing Association Reorganization Act of 1996. The GSE is a wholly owned subsidiary of SLM Corporation and must wind down and be liquidated by September 30, 2008. In January 2002, the GSE's board of directors announced that it expects to complete dissolution of the GSE by September 30, 2006. The Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 allows the SLM Corporation to affiliate with a financial institution upon the approval of the Secretary of the Treasury. Any affiliation will require the holding company to dissolve the GSE within two years of the affiliation date (unless such period is extended by the Department of the Treasury).

Sallie Mae makes funds available for student loans by providing liquidity to lenders participating in the FFEL program. Sallie Mae purchases guaranteed student loans from eligible lenders and makes warehousing advances (secured loans to lenders). Generally, under the privatization legislation, the GSE cannot engage in any new business activities or acquire any additional program assets other than purchasing student loans. The GSE can continue to make warehousing advances under contractual commitments existing on August 7, 1997. Sallie Mae currently holds approximately 42 percent of all outstanding guaranteed student loans.

Business and Rural Development Credit Programs and GSEs

The Federal Government guarantees small business loans to promote entrepreneurship. The Government also offers direct loans and loan guarantees to farmers who may have difficulty obtaining credit elsewhere and to rural communities that need to develop and maintain infrastructure. Two GSEs, the Farm Credit System and the Federal Agricultural Mortgage Corporation, increase liquidity in the agricultural lending market.

Small Business Administration

The Small Business Administration (SBA), created in 1953, helps entrepreneurs start, sustain, and grow small businesses. As a "gap lender" SBA works to supplement market lending and provide access to credit where private lenders are reluctant to do so without a Government guarantee.

The 2004 Budget requests $226 million for SBA to leverage more than $20 billion in financing for small businesses. The 7(a) General Business Loan program will support $9.3 billion in guaranteed loans, while the 504 Certified Development Company program will support $4.5 billion in guaranteed loans. SBA will supplement the capital of Small Business Investment Companies (SBICs), which provide equity capital and long-term loans to small businesses, with $7 billion in participating securities and guaranteed debentures. In addition, SBA expects to provide $20 million in microloans, along with $15 million in technical assistance to increase the likelihood of success of these very small business borrowers.

To continue to serve the needs of small businesses, SBA will focus program management in three areas: (1) targeting economic assistance to the neediest small businesses, (2) improving risk management, and (3) operating more efficiently.

While SBA can guarantee loans up to $1 million, the greatest need for Government assistance is for loans below $150,000. Loans below $150,000 are usually for very small or start-up businesses. Lenders, however, are generally reluctant to make these loans due to high administrative costs and low financial returns. The SBA guarantee will encourage banks to increase the number of loans they make that are below $150,000.

To more effectively target economic assistance to small businesses, SBA will address the findings of a Program Assessment Rating Tool (PART), which was used to evaluate the 504 loan program. The PART found that the 504 program duplicates the 7(a) program

REV_00106406

in that both provide long-term financing for fixed assets (land, buildings, and large equipment). Additionally, the PART revealed that the 504 program does not have long-term, measurable public policy objectives that flow from an agency strategic plan. Finally, the PART found that the 504 program needs to increase the availability of intermediaries so that borrowers can more readily determine which of SBA's programs (7(a) or 504) better meets their needs.

To address these findings, the 2004 Budget proposes to increase program evaluations to determine the factors that affect both demand and performance in the 504 and 7(a) programs. The proposed evaluations would also compare the cost of 504, 7(a), and private sector loans. Further, SBA will solicit the public's views as it prepares to develop a regulation regarding long-term programmatic goals and increasing borrower choice for 504 and 7(a) loans.

Improving management by measuring and mitigating risks in SBA's $50 billion business loan portfolio is one of the agency's greatest challenges. As the agency delegates more responsibility to the private sector to administer SBA guaranteed loans, oversight functions become increasingly important. SBA established the Office of Lender Oversight, which is responsible for evaluating individual SBA lenders. This office will employ a variety of analytical techniques to ensure sound financial management by SBA and its lending partners, including overall financial performance analysis, industry concentration analysis, peer lending performance comparisons, portfolio performance analysis, and selected credit reviews. The oversight program will also encompass on-site safety and soundness examinations and off-site monitoring of Small Business Lending Companies (SBLCs) and compliance reviews of SBA lenders. In addition, the office will develop incentives for lenders to minimize defaults and to adopt measurable performance measures.

SBA has also been developing a Loan Monitoring System (LMS), which will further support lender oversight by improving SBA's data collection and processing capabilities, providing a direct and better interface with lenders, and helping to increase lender accountability.

Improving risk management also means improving SBA's ability to more accurately estimate the cost of subsidizing small business loans. This has been a source of some controversy for the Section 7(a) program in recent years. During the period of strong economic growth over the last few years, initial subsidy estimates appeared to significantly overstate actual experience for various loan cohorts. However, during the recent economic downturn, actual defaults have increased and are now more closely aligned with original projections. For the Section 7(a) program, SBA projected an estimate of $757 million in defaults for loans made in fiscal year 2002, which was only 2.3 percent higher than the actual amount of defaults, which was $740 million. For the Section 504 program, SBA underestimated fiscal year 2002 defaults by 8 percent. Although the agency projected $100 million in defaults for loans made in fiscal year 2002, actual defaults reached $108 million. Such swings in subsidy estimates are not surprising as statistical forecasts are not precise but rather represent the best estimates that can be made with available data.

The Administration has also made two technical improvements that enhance the Section 7(a) credit subsidy estimate. First, SBA has improved the quality of the data. Second, SBA has made significant progress in improving the accuracy of the subsidy estimate in the 7(a) program through the development of an econometric model. This new model incorporates predictive economic variables. As a result, the new model is more accurate in capturing yearly fluctuations in program performance than the straight averaging method applied in prior years. The difference can be substantial. Applying the econometric model to fiscal year 2003 produces a subsidy rate of 1.04 percent, rather than the 1.76 percent included in the fiscal year 2003 Budget that was delivered using the previous model.

Further, SBA is improving oversight and accounting practices in the ongoing sale of more than $5 billion in direct loans from SBA's portfolio. The agency is reassessing the accounting of prior sales to more accurately reflect the impact of asset sales on the overall cost of SBA's direct loans. SBA is committed to resolving accounting discrepancies prior to conducting any further asset sales. SBA also sells 7(a) guaranteed loans through a master reserve fund (MRF), which serves as the agency's vehicle for managing loans sold in the secondary market. To properly manage any risk associated with this fund, SBA will budget and account for the Government's liability in accordance with the Federal Credit Reform Act. Specifically, SBA will reflect in the 2004 Budget the estimated liability of MRF financial activity. In the future SBA will refine these estimates and develop financial reports to measure portfolio risk.

To operate more efficiently, SBA will automate loan origination activities in the disaster loan program with a paperless loan application. As a result, loan-processing costs, times, and errors will decrease, while Government responsiveness to the needs of disaster victims will increase. While still in the design stage, SBA expects to begin full implementation of the paperless disaster loan application in 2004. Additionally, because loan-servicing functions can often be better performed by the private sector, SBA is subjecting performance of these activities to competition. The agency will, therefore, focus its resources on core programs such as providing access to capital, technical assistance, and Federal contracting opportunities.

USDA Rural Infrastructure and Business Development Programs

USDA provides grants, loans, and loan guarantees to communities for constructing facilities such as health-care clinics, day-care centers, and water and wastewater systems. Direct loans are available at lower interest rates for the poorest communities. These pro-

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grams have very low default rates. The cost associated with them is due primarily to subsidized interest rates that are below the prevailing Treasury rates.

The program level for the Water and Waste (W&W) loan and grant program in the 2004 President's Budget is $1.5 billion. These funds are available to communities of 10,000 or less residents. The program finances drinking water, sewer, solid waste disposal, and storm drainage facilities through direct or guaranteed loans and grants. In order to qualify, applicant communities must be unable to finance their needs through their own resources or with credit from commercial lenders. Priority is given to loans serving smaller communities that have greater financial need, based on their median household income, poverty levels, and size of service population as determined by the USDA's field office staff. The community typically receives a combination of loans and grants depending on how much they can afford. The grant is usually for 35–45% of the project cost (it can be up to 75%). Loans are for 40 years with interest rates based on a three-tiered structure (poverty, intermediate, and market) depending on community income. The community facility programs are targeted to rural communities with fewer than 20,000 residents and have a program level of $477 million in 2004. USDA also provides grants, direct loans, and loan guarantees to assist rural businesses, including cooperatives, to increase employment and diversify the rural economy. In 2004, USDA proposes to provide $602 million in loan guarantees to rural businesses (these loans serve communities of 50,000 or less).

These community programs are all part of the Rural Community Advancement Program (RCAP). Under RCAP, States have increased flexibility within the three funding streams for Water and Wastewater, Community Facilities, and Business and Industry (B&I). USDA also provides loans through the Intermediary Relending Program (IRP), which provides loan funds at a 1 percent interest rate to an intermediary such as a State or local government agency that, in turn, provides funds for economic and community development projects in rural areas. In 2003, USDA expects to retain or create 53,494 new jobs through the B&I guarantee and the IRP loan programs.

Electric and Telecommunications Loans

USDA's rural electric and telecommunications program makes new loans to maintain existing infrastructure and to modernize electric and telephone service in rural America. Historically, the Federal risk associated with the $40 billion loan portfolio in electric and telephone loans has been small, although several large defaults have occurred in the electric program. In 1997, $667 million worth of largely nuclear power construction loans was written off, but this case was unusual. The large nuclear generation loans have proven to be the most risky electric loans. USDA has not approved a nuclear power generation loan for over 20 years.

The subsidy rates for most of the electric and telecommunication programs are negative. The subsidy rates have decreased largely due to the low interest rates that are projected in the Budget and used to discount future loan repayments. The default rates for both programs are very low, less than one percent. With increased deregulation, however, there is the possibility of increased defaults in the electric program because competition resulting from deregulation may erode the ability of some borrowers to repay. So far there has not been any significant effect on rural cooperatives due to deregulation. As information on the impact of deregulation increases, this risk will be factored into the default rates. In addition, recent problems in the telecommunications industry have not had a significant impact on rural telecommunications cooperatives. The number of electric loans has been increasing due to large increases in loan level appropriated over the last several years. The average size for electric loans has also been increasing. The number and the size of telecommunications loans have remained steady.

Providing funding and services to needy areas is of concern to USDA. Many rural cooperatives provide service to areas where there are high poverty rates. Based on findings of the PART analysis, the 2004 Budget proposes to increase funding (increases of $120 million for electric loans and $70 million for telecommunications loans) to those electric and telecommunications loans which are targeted to severely depressed areas. USDA will target electric loan funds to areas of high poverty. These changes will increase the availability of utility service in needy areas, improving the quality of life and helping to retain and attract businesses. In addition, to ensure the program's focus on rural areas, the Budget proposes to require recertification of rural status for each electric and telecommunications borrower on the first loan request received in or after FY 2004 and on the first loan request received after each subsequent Census.

USDA's Rural Utilities Service (RUS) proposes to make $2.6 billion in direct and guaranteed loans in 2004 to rural electric cooperatives, public bodies, nonprofit associations, and other utilities in rural areas for generating, transmitting, and distributing electricity. This funding request includes provision for guaranteeing $100 million in electric loans made by private banks. The demand for loans to rural electric cooperatives has been increasing and is expected to increase further as borrowers replace many of the 40-year-old electric plants. With the $2.6 billion in loans, RUS borrowers are expected to upgrade 225 rural electric systems, which will benefit over 3.4 million customers and create or preserve approximately 50,000 jobs.

USDA's RUS proposes to make $495 million in direct loans in 2004 to companies providing telecommunications in rural areas. The uses of the telecommunication loans are changing from bringing service to new customers to upgrading existing service with new technology. With the $495 million in loans, RUS borrowers are expected to fund over 50 telecommunication systems for advanced telecommunications services. This

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funding will provide broadband and high-speed Internet access and benefit over 300 thousand rural customers.

The Rural Telephone Bank (RTB), which provides financing for rural telecommunications systems, is in the process of privatization. The 2004 Budget does not propose funding to support new loans. There is significant member and borrower support for statutorily authorized privatization. The RTB is financially able to privatize by the end of 2004, and this provides enough time to finish a privatization study and prepare for privatization. The RTB is provided full salaries and expenses to service existing loans, to finish a privatization study, and prepare for privatization by the end of 2004.

The Distance Learning and Telemedicine program provides grants and loans to improve distance learning and telemedicine services in rural areas and encourage students, teachers, medical professionals, and rural residents to use telecommunications, computer networks, and related advanced technologies. With the $25 million in grants and $50 million in loans, RUS borrowers are expected to provide distance learning facilities to 300 schools, libraries, and rural education centers and also provide telemedicine equipment to 150 rural health care providers, benefiting millions of residents in rural America.

There were various legislative actions that impacted RUS. This includes the Local TV Act that provides authorization for RUS to provide loans to bring local television to rural customers. Funding was provided in the 2002 appropriations and in the 2002 Farm Bill. The 2002 Farm Bill also authorized a broadband loan program and provided funding through 2007. This program will help bring high speed Internet access to rural areas. The 2004 Budget proposes converting the mandatory broadband funding into discretionary funding.

Loans to Farm Operators

Farm Service Agency (FSA) assists low-income family farmers in starting and maintaining viable farming operations. Emphasis is placed upon aiding beginning and socially disadvantaged farmers. FSA offers operating loans and ownership loans, both of which may be either direct or guaranteed loans. Operating loans provide credit to farmers and ranchers for annual production expenses and purchases of livestock, machinery, and equipment. Farm ownership loans assist producers in acquiring and developing their farming or ranching operations. As a condition of eligibility for direct loans, borrowers must be unable to obtain private credit at reasonable rates and terms. As FSA is the "lender of last resort,"default rates on FSA direct loans are generally higher than those on private-sector loans. However, in recent years the loss rate has decreased to 4.8 percent in 2002, compared with 5.4 percent in 1999.

FSA guaranteed farm loans are made to more creditworthy borrowers who have access to private credit markets. Because the private loan originators must retain 10 percent of the risk, they exercise care in examining the repayment ability of borrowers. As a result, losses on guaranteed farm loans have been low. As for direct loans, the default rate on guaranteed loans declined in recent years; it was percent 0.6 percent in 2002, as compared with 0.9 percent in 1999.

The 2002 Farm Bill changed some of the requirements for managing inventory property. Property acquired through foreclosure on direct loans must now be sold at auction within 165, rather than 105 days of acquisition. The new rule allows more time to advertise and encourage participation from beginning farmers.

The subsidy rates for these programs have been fluctuating over the past several years. These fluctuations are mainly due to the interest component of the subsidy rate. The default rates for these programs tend to be below ten percent. As shown above, both the direct and guaranteed loans have experienced a decreasing default rate.

In fiscal year 2002, FSA provided loans and loan guarantees to approximately 30,000 family farmers totaling $3.5 billion. The number of loans provided by these programs have fluctuated over the past several years. The average size for farm loans has been increasing. The majority of assistance provided in the operating loan program is to existing FSA farm borrowers. In the farm ownership program, new customers receive the bulk of the benefits furnished.

In the last few years, the demand for FSA direct and guaranteed loans have been high due to crop/livestock price decreases and some regional production problems. In 2004, USDA's FSA proposes to make $3.5 billion in direct and guaranteed loans through discretionary programs.

USDA's Loan Sale Initiative

In 2004, USDA's Rural Development along with the Farm Service Agency will conduct a review and develop a pilot loan asset sale. The sale should include both performing and non-performing loans with a loan mix that results in the greater budgetary savings for the Federal government. Although the exact mix of loans has not been determined a placeholder has been included in the 2004 Budget to reflect the sale.

The Farm Credit System and Farmer Mac

The Farm Credit System (FCS or System) and the Federal Agricultural Mortgage Corporation (Farmer Mac) are Government-Sponsored Enterprises (GSEs) that enhance credit availability for the agricultural sector. The FCS provides production, equipment, and mortgage lending to farmers and ranchers, aquatic producers, their cooperatives, and related businesses, while Farmer Mac provides a secondary market for agricultural real estate and rural housing mortgages. Both GSEs face a business risk because their borrowers are generally dependent on a single economic sector, agriculture. The downturn in the agricultural sector in the 1980s caused severe financial difficulties within the FCS.

Legislation in 1987 provided temporary Federal assistance to the FCS and created Farmer Mac. The Nation's agricultural sector and, in turn, its lenders con-

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tinue to exhibit stability in their income and balance sheets. Unfortunately, this is due,in part, to ad-hoc Government emergency assistance payments that have been provided from 1998 through 2001. The current economic malaise that began in 2001 may not have a significant effect on the agricultural economy because the farm economic cycle doesn't quite coincide with the general economic cycle. Commodity prices remained relatively low in 2002, and drought conditions were widespread. Long-term forecasts are for gradual recovery in commodity prices. Farm income levels, including Government payments, have enabled most borrowers to maintain low debt-to-asset ratios and lenders to keep loan delinquencies well below problem thresholds. However, such aggregate facts may mask the problems of certain sectors within the farm economy as is evident in the rice and cotton sectors where prices are down 50 and 44 percent, respectively, this year when compared to their respective ten year price averages. Farmland values increased moderately in 2001 (up 4.5 percent) due to a combination of Government payments and urban influences. Projections for 2002 see a minimal rise of 1.0 percent in farmland values.

Commercial banks continued their long standing hold on the predominant market share of all farm debt registering a 40.5 percent share in 2001. The FCS trailed with a significant share of 28.3 percent. The United States Department of Agriculture (USDA) direct farm loan programs market share was 3.8 percent, though that percentage would more than double if adjusted for its guaranteed loans issued through private institutional lenders. USDA expects that both commercial banks and the FCS have maintained their market share in 2002.

The Farm Credit System

The financial condition of the System's banks and associations during 2002 continued a 14-year trend of improving financial health and performance. Improved asset quality and strong income generation enabled FCS to post record capital levels: on September 30, 2002, capital stood at $15.2 billion—an increase of 8.9 percent for the year. Not included in the $15.2 billion is restricted capital totaling $1.8 billion held by the Farm Credit System Insurance Corporation (FCSIC). Loan volume has increased since 1995 to $87.9 billion in September 2002, which easily surpasses the high of $81.9 billion in the early 1980s. The rate of asset growth seen in the years 2001 and 2000 has been significant, 7.2 percent and 6.0 percent respectively. The rate of capital accumulation, however, has been greater, resulting in total capital equaling 15.3 percent of total assets at yearend 2000 and 15.8 percent at yearend 2001. Non-performing assets increased slightly to 1.4 percent of the portfolio in September 2002 after remaining steadfast at 1.2 percent in both December 2001 and December 2000. Competitive pressures have narrowed the FCS's net interest margin from 3.03 percent in 1995 to 2.82 percent in 2001. The net interest margin has remained relatively stable at about the 2001 level during 2002. However, the net interest margin is expected to increase in the near-term, given the lower interest rate environment seen through 2002. Substantial consolidation continues in the structure of the FCS. In January 1995, there were nine banks and 232 associations; by October 2002, the numbers reduced to seven banks and 103 associations. From October 2001 to October 2002, the number of associations fell by 12 because of mergers and acquisitions.

The 1987 legislation established FCSIC to ensure timely payment of interest and principal on FCS obligations. FCSIC's net assets, largely comprised of premiums paid by FCS institutions, supplements the System's capital and supports the joint and several liability of all System banks for FCS obligations. On September 30, 2002, FCSIC's net assets totaling $1.6 billion were slightly below (1.94 percent) the statutory minimum of 2.0 percent of outstanding debt. The Insurance Corporation resumed premium collection from System institutions in 2002 and will quadruple its premium rate in 2003 to ensure the Insurance Fund grows in concert with the expansion in the System's outstanding debt necessitated by strong growth in its loan portfolio.

Improvement in the FCS's financial condition is also reflected in the examinations of FCS member institutions by the Farm Credit Administration (FCA), its Federal regulator. Each of the System institutions is rated under the FCA Financial Institution Rating System (FIRS) for capital, asset quality, management, earnings, liquidity, and sensitivity. At the beginning of 1995, 197 institutions carried the best FIRS ratings of 1 or 2, 36 were rated 3, one institution was rated 4, and no institutions received the lowest rating of 5. In September 2002, in contrast, all but one of the 111 institutions were given ratings of 1 or 2, the remaining one, a relatively small association, was rated 3. As of September 30, 2002, there were no FCS institutions under an enforcement action.

The System had $87.9 billion in gross loans outstanding as of September 30, 2002. Total loans outstanding have grown by $7.8 billion, or 9.8 percent, over the year ended September 30, 2002, and by $24.9 billion, or 39.5 percent, over the past five years. The volume of lending secured by farmland increased 47.6 percent, while farm-operating loans have increased 41.6 percent since 1997. Total members served increased about 3 percent during the past year. Agricultural producers represented by far the largest borrower group, with $68.1 billion including loans to rural homeowners and leases, or more than three-quarters of the total dollar amount of loans outstanding. As required by law, all borrowers are also stockholder of System institutions. The System has more than 444,000 stockholders; about 84 percent of these are farmers with voting stock. Over half of the System's total loan volume outstanding (51.0 percent) is in long-term real estate loans, over one-quarter (26.5 percent) is in short- and intermediate-term loans to agricultural producers, and 19.1 percent is to cooperatives. International loans (export financing) represent 3.4 percent of the System's loan portfolio.

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The System, while continuing to record strong earnings and capital growth, remains exposed to numerous risks, including concentration risk, changes in Government assistance payments, the volatility of exports and crop prices, and lower non-farm earnings of farm households associated with weakness in the general economy.

Farmer Mac

Farmer Mac was established in 1987 to facilitate a secondary market for farm real estate and rural housing loans. Since the Agricultural Credit Act of 1987, there have been several amendments to Farmer Mac's chartering statute. Perhaps the most significant amending legislation for Farmer Mac was the Farm Credit System Reform Act of 1996 that transformed Farmer Mac from a guarantor of securities backed by loan pools into a direct purchaser of mortgages, enabling it to form pools to securitize. The 1996 Act increased Farmer Mac's ability to achieve its statutory mission. Since the passage of the 1996 Act, Farmer Mac's program activities and business have steadily increased.

Farmer Mac continues to meet statutory minimum core capital requirements. Additionally, Farmer Mac was first required to be in compliance with FCA's risk-based capital rule and stress test on May 23, 2002. This rule and stress test determine the minimum level of regulatory capital necessary to enable Farmer Mac to maintain positive capital during stressful credit and interest rate risk conditions. Farmer Mac is in compliance with the regulatory capital requirements of the risk-based capital rule and stress test.

International Credit Programs

Seven Federal agencies, the Department of Agriculture (USDA), the Department of Defense, the Department of State, the Department of the Treasury, the Agency for International Development (USAID), the Export-Import Bank, and the Overseas Private Investment Corporation (OPIC), provide direct loans, loan guarantees, and insurance to a variety of foreign private and sovereign borrowers. These programs are intended to level the playing field for U.S. exporters, deliver robust support for U.S. manufactured goods, stabilize international financial markets, and promote sustainable development.

Leveling the Playing Field

Federal export credit programs counter subsidies that foreign governments, largely in Europe and Japan, provide their exporters, usually through export credit agencies (ECAs). The U.S. Government has worked since the 1970's to constrain official credit support through a multilateral agreement in the Organization for Economic Cooperation and Development (OECD). This agreement has significantly constrained direct interest rate subsidies and tied-aid grants. Further negotiations resulted in a multilateral agreement that standardized the fees for sovereign lending across all ECAs beginning in April 1999. Fees for non-sovereign lending, however, continue to vary widely across ECAs and markets, thereby providing implicit subsidies.

The Export-Import Bank attempts to strategically "level the playing field" and to fill gaps in the availability of private export credit. The Export-Import Bank provides export credits, in the form of direct loans or loan guarantees, to U.S. exporters who meet basic eligibility criteria and who request the Bank's assistance. USDA's "GSM" programs similarly help to level the playing field. Like programs of other agricultural exporting nations, GSM programs guarantee payment from countries and entities that want to import U.S. agricultural products but cannot easily obtain credit. The U.S. has been negotiating in the OECD the terms of agricultural export financing, the outcome of which could affect the GSM programs.

Stabilizing International Financial Markets

In today's global economy, the health and prosperity of the American economy depend importantly on the stability of the global financial system and the economic health of our major trading partners. The United States can contribute to orderly exchange arrangements and a stable system of exchange rates by providing resources on a multilateral basis through the IMF (discussed in other sections of the Budget), and through financial support provided by the Exchange Stabilization Fund (ESF).

The ESF may provide "bridge loans" to other countries in times of short-term liquidity problems and financial crises. In the past, "bridge loans" from ESF provided dollars to a country over a short period before the disbursement of an IMF loan to the country. Also, a package of up to $20 billion of medium-term ESF financial support was made available to Mexico during its crisis in 1995. Such support was essential in helping to stabilize Mexican and global financial markets. Mexico paid back its borrowings under this package ahead of schedule in 1997, and the United States earned almost $600 million in interest. There was zero subsidy cost for the United States as defined under credit reform, as the medium-term credit carried interest rates reflecting an appropriate country risk premium.

The United States also expressed a willingness to provide ESF support in response to the financial crises affecting some countries such as South Korea in 1997 and Brazil in 1998. It did not prove necessary to provide an ESF credit facility for Korea, but the United States agreed to guarantee through the ESF up to $5 billion of a $13.2 billion Bank for International Settlements credit facility for Brazil. Such support helped to provide the international confidence needed by these countries to begin the stabilization process.

Using Credit to Promote Sustainable Development

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Credit is an important tool in U.S. bilateral assistance to promote sustainable development. In 2002, all of USAID's credit programs were consolidated to create the unified Development Credit Authority (DCA), which allows USAID to use a variety of credit tools to support its development activities abroad. This unit encompasses newer DCA activities, such as municipal bond guarantees for local governments in developing countries, as well as USAID's traditional microenterprise and urban environmental credit programs. DCA provides non-sovereign loans and loan guarantees in targeted cases where credit serves more effectively than traditional grant mechanisms to achieve sustainable development. DCA is intended to mobilize host country private capital to finance sustainable development in line with USAID's strategic objectives. Through the use of partial loan guarantees and risk sharing with the private sector, DCA stimulates private-sector lending for financially viable development projects, thereby leveraging host-country capital and strengthening subnational capital markets in the developing world. While there is clear demand for DCA's facilities in some emerging economies, the utilization rate for these facilities is still very low.

OPIC also supports a mix of development, employment, and export goals by promoting U.S. direct investment in developing countries. OPIC pursues these goals through political risk insurance, direct loans, and guarantee products, which provide finance, as well as associated skills and technology transfers. These programs are intended to create more efficient financial markets, eventually encouraging the private sector to supplant OPIC finance in developing countries. OPIC has also created a number of investment funds that provide equity to local companies with strong development potential.

Ongoing Coordination

International credit programs are coordinated through two groups to ensure consistency in policy design and credit implementation. The Trade Promotion Coordinating Committee (TPCC) works within the Administration to develop a National Export Strategy to make the delivery of trade promotion support more effective and convenient for U.S. exporters.

The Interagency Country Risk Assessment System (ICRAS) standardizes the way in which agencies budget for the risk of international lending. The cost of lending by the agencies is governed by ratings and ICRAS default estimates. The methodology establishes assumptions about default risks in international lending using averages of international bond market data. The strength of this method is its link to the market.

For 2004, OMB used the 2003 methodology, updated for current market data. The 2003 methodology was a significant revision which uses more sophisticated financial analyses and comprehensive market data, and better isolates the expected cost of default implicit in interest rates charged by private investors to sovereign borrowers. All else equal, this change expands the level of international lending an agency can support with a given appropriation. For example, the Export-Import Bank will be able to generally provide higher lending levels using lower appropriations in 2004.

Adapting to Changing Market Conditions

Overall, officially supported finance and transfers account for a tiny fraction of international capital flows. Furthermore, the private sector is continuously adapting its size and role in emerging markets finance to changing market conditions. In response, the Administration is working to adapt international lending at Export-Import Bank and OPIC to dynamic private sector finance. The Export-Import Bank, for example, is developing a sharper focus on lending that would otherwise not occur without Federal assistance. Measures under development include reducing risks, collecting fees from program users, and improving the focus on exporters who truly cannot access private export finance.

OPIC in the past has focused relatively narrowly on providing financing and insurance services to large U.S. companies investing abroad. As a result, OPIC did not devote significant resources to its mission of promoting development through mobilizing private capital. OPIC is developing and implementing policy changes that reflect the mandate to revitalize its core development mission.

These changes at the Export-Import Bank and at OPIC will place more emphasis on correcting market imperfections as the private sector's ability to bear emerging market risks becomes larger, more sophisticated, and more efficient.

Due to sufficient carry-over resources, the Budget does not request subsidy appropriations for the Export-Import Bank. The carry-over balance will support a projected increase over the Bank's level of lending in 2003. The Budget provides $24 million for OPIC credit subsidy in 2004.

Performance Assessment

For FY 2004, The Administration used the Performance Assessment Rating Tool (PART) to rate Export-Import Bank's long term guarantee program and OPIC's finance program. The PART revealed that both of these programs were well-managed, but need to strengthen their performance measures. The Administration will work with these Agencies to develop and implement more effective performance measures.

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IV. INSURANCE PROGRAMS

Deposit Insurance

Federal deposit insurance was established in the depression of the 1930s, which prompted the need to protect small depositors and prevent bank failures from causing widespread disruption in financial markets. Before the establishment of Federal deposit insurance, failures of some depository institutions often caused depositors to lose confidence in the banking system as a whole and rush to withdraw deposits from other institutions. Such sudden withdrawals would seriously disrupt the economy.

The Federal Deposit Insurance Corporation (FDIC) insures the deposits in banks and savings associations (thrifts) through separate insurance funds, the Bank Insurance Fund (BIF) and the Savings Association Insurance Fund (SAIF). Deposits of credit unions are insured through the National Credit Union Administration (NCUA). Deposits are currently insured up to $100,000 per account. The FDIC insures a combined $3.3 trillion of deposits at almost 8,000 commercial banks and 1,500 savings institutions. The NCUA insures almost 10,000 credit unions with $432 billion in insured shares.

Current Industry and Insurance Fund Conditions

The 1980s and early 1990s were a turbulent period for the banking industry, with over 1,400 bank failures and 1,100 thrift failures. The Federal Government responded with the Financial Institutions Reform, Recovery and Enforcement Act of 1989 and the Federal Deposit Insurance Corporation Improvement Act of 1991, which were largely designed to improve the safety and soundness of the banking system. These reforms, combined with more favorable economic conditions, helped to restore the health of depository institutions and the deposit insurance system.

One SAIF member and 8 BIF members with a combined $2.5 billion dollars in assets failed during 2002. Since 1997, assets associated with BIF failures have averaged $778 million per year. During 2002, 14 Federally insured credit unions with $57 million in assets failed (including assisted mergers). The FDIC currently classifies 148 institutions with $42 billion in assets as "problem institutions," compared to 94 institutions with $18 billion in assets a year ago. By comparison, at the height of the banking crisis in 1989, failed assets rose to over $150 billion.

Bank earnings increased in fiscal year 2002. The industry net income totaled $87 billion in fiscal year 2002, an increase of 19 percent from fiscal year 2001. The largest factor in the earnings increase in 2002 is higher net interest income, which has more than offset a rise in loan loss provisions. Thrift earnings also increased in fiscal year 2002. Net income during fiscal year 2002 was $3 billion higher than a year ago. Despite these favorable conditions, the banking industry faces numerous challenges ahead. Specific areas of concern for FDIC-insured institutions include (1) continuing credit losses at large banks on loans to large, corporate borrowers, (2) concentrations of credit risk among smaller institutions headquartered in formerly fast-growing metro areas, and (3) subprime lenders, which continue to figure prominently among failed and troubled institutions.

In the first calendar year quarter of 2002, the reserve ratio (ratio of insurance reserves to insured deposits) of BIF fell to 1.23-percent, below the 1.25-percent statutory target. The ratio, however, recovered in subsequent quarters. As of September 30, 2002, BIF had estimated reserves of $31 billion, or 1.25 percent of insured deposits. The SAIF reserve ratio remained comfortably above 1.25-percent. As of September 30, 2002, SAIF had reserves of $12 billion, or 1.39 percent of insured deposits. Through June 30, 3003, the FDIC will continue to maintain deposit insurance premiums in a range from zero for the healthiest institutions to 27 cents per $100 of assessable deposits for the riskiest institutions. In May, the FDIC will set assessment rates for July through December of this year. Due to the strong financial condition of the industry and the insurance funds, 91 percent of commercial banks and 90 percent of thrifts did not pay insurance premiums in 2002.

The National Credit Union Share Insurance Fund (NCUSIF) also remains strong with assets of $6 billion. Each insured credit union is required to deposit and maintain an amount equal to 1 percent of its member share accounts in the fund. Premiums were waived during 2002 because sufficient investment income was generated. For the first time in six years, the NCUA Board did not approve a dividend for calendar year 2001, as the Fund's equity ratio did not exceed 1.30 percent. As the equity ratio did not exceed 1.30 percent in 2002, the Fund will not restore dividends this year.

As a result of consolidation, fewer large banks control an increasingly substantial share of banking assets. Thus, the failure of even one of these large institutions could strain the insurance fund. Banks are increasingly using sophisticated financial instruments such as asset-backed securities and financial derivatives, which could have unforeseen effects on risk levels. Whether or not these new instruments add to risk, they do complicate the work of regulators who must gauge each institution's financial health and the potential for deposit insurance losses that a troubled institution may represent.

Federal Deposit Insurance Reform

While the deposit insurance system is in good condition, the Administration proposes to make improvements in the operation and fairness of the deposit insurance system for banks and thrifts. The 2004 Budget proposes to merge the BIF and the SAIF, which offer an identical product. A single merged fund would be stronger and better diversified than either fund alone. A merged fund would prevent the possibility that insti-

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tutions posing similar risks would again pay significantly different premiums for the same product. Under the current system, the FDIC is required to maintain a designated reserve ratio (DRR, the ratio of insurance fund reserves to total insured deposits) of 1.25 percent. If insurance fund reserves falls below the DRR, the FDIC must charge either sufficient premiums to restore the reserve ratio to 1.25 percent within one year, or no less than 23 basis points if the reserve ratio remains below 1.25 percent for more than one year. The Administration's proposal would give the FDIC authority to adjust the DRR periodically within prescribed upper and lower bounds and greater discretion in determining how quickly it restores the DRR to target levels. This flexibility would help reduce potential pro-cyclical effects by stabilizing industry costs over time and avoiding sharp premium increases when the economy may be under stress. Finally, the FDIC has been prohibited since 1996 from charging premiums to "well-capitalized" and well-run institutions as long as insurance fund reserves equal or exceed 1.25 percent of insured deposits. Therefore, only nine percent of banks and ten percent of thrifts pay insurance premiums, allowing a large number of financial institutions to rapidly increase their insured deposits without any contribution to the insurance fund. The Administration proposal would repeal this prohibition to ensure that institutions with rapidly increasing insured deposits or greater risks appropriately compensate the insurance fund.

Pension Guarantees

The Pension Benefit Guaranty Corporation (PBGC) insures most defined-benefit pension plans sponsored by private employers. PBGC pays the benefits guaranteed by law when a company with an underfunded pension plan becomes insolvent. PBGC's exposure to claims relates to the underfunding of pension plans, that is, to any amount by which vested future benefits exceed plan assets. In the near term, its loss exposure results from financially distressed firms with underfunded plans. In the longer term, additional loss exposure results from the possibilities that currently healthy firms become distressed in the future and that currently well-funded plans become underfunded due to inadequate contributions or poor investment results.

The number of plans insured by PBGC has been declining as small companies with defined-benefit plans terminate them and shift to defined-contribution pension arrangements such as 401(k) accounts. The number of plans with 1,000 or more participants increased slightly during the1980's but started to decline in the 1990's. The increase in the number of participants in PBGC-insured plans—from 38 million in 1985 to almost 44 million in calendar 2002—is attributable to aging of the participant population, which includes retirees, separated vested workers, and beneficiaries of deceased workers and retirees, in addition to active workers. The number of active workers in PBGC-covered plans fell from almost 27 million in calendar1985 to fewer than 23 million in calendar 2000, a decrease of 15 percent. If the trend continues, active workers may constitute less than half of PBGC-insured participants in calendar 2003.

PBGC's single-employer program returned to a deficit position in 2002 for the first time in seven years, as a result of record losses on plan terminations in 2001 and 2002. LTV, a steel company, terminated its plan with underfunding of nearly $2 billion, which then was PBGC's largest claim ever. Other large underfunded terminations during the fiscal year included Reliance Insurance Company, RTI, Anchor Glass Container Corporation, and Polaroid Corporation. Additionally, in December 2002, an even larger pension plan than LTV terminated. Bethlehem Steel's plan covers 95,000 workers and retirees and is underfunded by about $4.3 billion, of which PBGC is liable for about $3.7 billion.

PBGC's "snapshot" current measure of financial position (deficit or surplus) includes the financial effects only of pension plans that have already terminated and of seriously underfunded large plans for which termination is considered "probable." Additional risk and exposure may remain for the future because of economic uncertainties and significant underfunding in pension plans. Some of the companies with the most underfunded plans are in troubled industries (like airlines or the old-line steel companies), or already are in Chapter 11 bankruptcy proceedings. Because pension underfunding and risk are concentrated in a relatively small number of plans and industries, the number and size of claims is often volatile from year to year. As a result of this volatility, budget estimates are based on an average of recent claims experience.

PBGC monitors troubled companies with underfunded plans and acts, in bankruptcies, to protect its beneficiaries and the future of the program. Such protections include, where necessary, initiating plan termination. Under its Early Warning Program, PBGC negotiates settlements with companies that improve pension security and reduce PBGC's future exposure to risk. Working with the rest of the Administration, PBGC is identifying options to address structural weaknesses that exacerbate pension underfunding and potential losses to PBGC, workers and retirees, in the event of plan termination.

In 2002, overall investment returns in PBGC's single-employer program were 2.1 percent, with negative returns in its trust funds, which hold mostly equities, and positive returns in the revolving funds, which are invested in U.S. Government securities. Single-employer premium revenues decreased slightly from $821 million to $787 million.

PBGC's multiemployer program, which guarantees pension benefits of certain unionized plans offered by several employers in an industry, remained financially strong, however. The program had a gain in 2002 as

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a result of reduced liability for future loans to such plans.

PBGC continues to speed up issuance of benefit determinations so that when a participant retires, PBGC can put him or her into pay status with a final (rather than estimated) benefit amount, thereby providing the participant certainty and avoiding the complexities and costs associated with benefit adjustments. The average calculation time for benefit determinations issued in 2002 was 3.3 years, down from 4.9 years in 2000. Improved automated benefit calculation programs are reducing the cost of determining the final benefits and helping to speed the process. This automation will help PBGC administer benefits for the 89,000 participants taken into trusteeship in 2001 and the 187,000 new participants in 2002, the largest increase in new participants in PBGC's history. PBGC is working to send first benefit checks more speedily. In 2002, 95 percent of pensioners got their first benefit checks within three months of completing their applications. PBGC also has established a pilot project that enables participants in certain plans to estimate their benefits online at PBGC's website.

Disaster Insurance

Flood Insurance

The Federal Government provides flood insurance through the National Flood Insurance Program (NFIP), which is administered by the Department of Homeland Security (DHS) (the program was formerly administered by the Federal Emergency Management Agency). Flood insurance is available to homeowners and businesses in communities that have adopted and enforced appropriate flood plain management measures. Coverage is limited to buildings and their contents. By 2004, the program is projected to have approximately 4.7 million policies from more than 19,000 communities with $699 billion of insurance in force.

Prior to the creation of the program in 1968, many factors made it cost prohibitive for private insurance companies alone to make affordable flood insurance available. In response, the NFIP was established to make insurance coverage widely available. The NFIP requires building standards and other mitigation efforts to reduce losses, and operates a flood hazard mapping program to quantify the geographic risk of flooding. These efforts have made substantial progress.

The number of policies in the program has grown significantly over time. The number of enrolled policies grew from 2.4 to 4.3 million between 1990 and 2001, and by about 42,000 policies in 2002. DHS is using three strategies to increase the number of flood insurance policies in force: lender compliance, program simplification, and expanded marketing. DHS is educating financial regulators about the mandatory flood insurance requirement for properties with mortgages from federally regulated lenders. The NFIP also has a multipronged strategy for reducing future flood damage. The NFIP offers mitigation insurance to allow flood victims to rebuild to code, thereby reducing future flood damage costs. Further, DHS adjusts premium rates to encourage community and State mitigation activities beyond those required by the NFIP.

Despite these efforts, the program faces financial challenges. The program's financing account, which is a cash fund, has sometimes had expenses greater than its revenue, preventing it from building sufficient long-term reserves. This is mostly because a large portion of the policyholders pay subsidized premiums. DHS charges subsidized premiums for properties built before a community adopted the NFIP building standards. Properties built subsequently are charged actuarially fair rates. The creators of the NFIP assumed that eventually the NFIP would become self-sustaining as older properties left the program. The share of subsidized properties in the program has fallen, but remains substantial; it was 70 percent in 1978 and is 29 percent today.

Until the mid-1980s, Congress appropriated funds periodically to support subsidized premiums. However, the program has not received appropriations since 1986. During the 1990s, FEMA relied on Treasury borrowing to help finance its loss expenses (the NFIP may borrow up to $1.5 billion). As of October 31, 2002, the NFIP had repaid all of its outstanding debt.

The NFIP was evaluated on its effectiveness and efficiency this year using the Program Assessment Rating Tool (PART). The PART revealed that the program has clear purpose and is well designed, with the exception of the fact that it is not actuarially sound. The program also received high marks for strategic planning, demonstrating that it has both well-defined long-term and annual goals.

Although the program is generally well run, it receives some criticism about the low participation rate and the inclusion of subsidized properties, especially those that are repetitively flooded. Currently, less than half of the eligible properties in identified flood plains participate in this program. In comparison, the participation rate for private wind and hurricane insurance is nearly 90 percent in at-risk areas. Given that flood damage causes roughly $6 billion in property damage annually, DHS will have to evaluate its incentive structure to attract more participation in the program, while not encouraging misuse of the program. The Budget also proposes a $300 million predisaster mitigation grant program to be funded within DHS, some of which will be targeted to buyouts of repetitively flooded properties.

Crop Insurance

Subsidized Federal crop insurance administered by USDA's Risk Management Agency (RMA) assists farmers in managing yield shortfalls due to bad weather or other natural disasters. Private companies are reluc-

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tant to offer multi-peril crop insurance without Government reinsurance because of the difficulty of limiting risk exposure; insurance companies are exposed to large losses because losses tend to occur across a wide geographic area. For example, a drought usually affects many farms at the same time. In 2002, much of the agriculture region across the US suffered from severe drought conditions. As a result, the amount of claim payments made under the crop insurance program increased significantly. This suggests that the Federal Government plays an important role in mitigating the risks faced by the agricultural community. RMA continues to create new products for commodities that are not offered coverage under the current crop insurance program so that the Government can reduce the need for ad-hoc disaster assistance payments to the agriculture community in bad years.

The USDA crop insurance program is a cooperative effort between the Federal Government and the private insurance industry. Private insurance companies sell and service crop insurance policies. The Federal Government reimburses private companies for the administrative expenses associated with providing crop insurance and reinsures the private companies for excess insurance losses on all policies. The Federal Government also subsidizes premiums for farmers. In crop year 2002, 216 million acres were insured, with an estimated $2.9 billion in total premium income, including $1.7 billion in premium subsidy.

Included in the 2004 Budget is a proposal to amend the Federal Crop Insurance Act by limiting the reimbursement rate the private insurance companies receive for administrative costs to 20 percent of the premiums sold. This rate has not changed since set at 24.5 percent in 1998, even though the 2000 Agriculture Risk Protection Act significantly increased the level and volume of insurance coverage by farmers. While, the total premiums received by each company grew correspondingly, the costs of selling and servicing these policies have grown much less (due to economies of scale). This would argue that the current rate exceeds a reasonable amount for the companies' costs related to selling and servicing these policies. A reimbursement rate of 20 percent would be more reasonable and is expected to save $68 million in 2004.

There are various types of insurance programs. The most basic type of coverage is Catastrophic Crop Insurance (CAT), which compensates the farmer for losses up to 50 percent of the individual's average yield at 55 percent of the expected market price. The CAT premium is entirely subsidized, and farmers pay only a small administrative fee. Commercial insurance companies deliver the product to the producer in all states. Additional coverage is available to producers who wish to insure crops above the basic coverage. Premium rates for additional coverage depend on the level of coverage selected and vary from crop to crop and county to county. The additional levels of insurance coverage are more attractive to farmers due to availability of optional units, other policy provisions not available with CAT coverage, and the ability to obtain a level of protection that permits them to use crop insurance as loan collateral and to achieve greater financial security. Private companies sell and adjust the catastrophic portion of the crop insurance program, and also provide higher levels of coverage, which are also federally subsidized. Approximately XX percent of eligible acres participated in one or more crop insurance programs in 2002.

Revenue insurance programs protect against loss of revenue stemming from low prices, poor yields, or a combination of both. The plans available are Revenue Coverage (CRC), Revenue Assurance (RA), and the Income Protection (IP) plan. These three plans have many similar features and some very distinctive features. All provide a guaranteed revenue by combining coverage on both yield and price variability. CRC and RA also provide protection against crop price changes. These programs extend traditional multi-peril crop insurance protection by adding price variability to production history. Indemnities are due when any combination of yield and price result in revenue that is less than the revenue guarantee. Revenue protection for all products is provided. The price component common to CRC, RA, and IP uses the commodity futures market for price discovery. These programs all seek to help ensure a certain level of annual income and are offered through private insurance companies. For 1999, a Group Risk Income Protection plan was developed by the private sector to provide protection against decline in county revenue, based on futures market prices and National Agricultural Statistics Service county average yields, as adjusted by Federal Crop Insurance Corporation (FCIC). FCIC is also piloting an Adjusted Gross Revenue (AGR) program, which is designed to insure a portion of producers' gross revenue based on their Schedule F Farm and Income Tax reports.

USDA continues to expand revenue coverage. RMA plans to roll out Round IV of the Dairy Options Pilot Program (DOPP) during 2002, which includes reaching producers in a total of 300 counties in 40 states. RMA's partners in the program are registered commodities brokers who are authorized by the Commodity Futures Trading Commission to buy put options on behalf of DOPP participants on the Chicago Mercantile Exchange. In September 2001, RMA published an interim rule that allows RMA to reimburse developers of private crop insurance products for their research and development costs and maintenance costs. In November 2001, two livestock pilot programs were approved—the Livestock Gross Margin and Livestock Risk Protection. The pilot livestock programs will cover swine in the State of Iowa and will be made available beginning in 2002.

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Insurance Against Security-Related Risks

The Federal Government newly offers terrorism risk insurance and Airline War Risk Insurance on a temporary basis, and has expanded the vaccine compensation program. After the September 11 attacks, private insurers became reluctant to insure against security-related risks such as terrorism and war. Those events are so uncertain in terms of both the frequency of occurrence and the magnitude of potential loss that private insurers can hardly estimate the expected loss. Furthermore, terrorism can produce a really large loss that can wipe out private insurers' capital. These uncertainties make the private sector reluctant to provide security-related insurance. Thus, it is necessary for the Federal Government to insure against security-related risks, at least until the private sector learns enough to be comfortable about estimating those risks, to ensure the smooth functioning of the economy.

Terrorism Risk Insurance

On November 26, 2002, President Bush signed into law the Terrorism Risk Insurance Act of 2002. Since the September 11, 2001 terrorist attacks, the economy has been harmed by the withdrawal of many insurance companies from the marketplace for terrorism risk insurance. Their withdrawal in the face of great uncertainty as to their risk exposure to future terrorist attacks led to the cancellation of construction projects, increased business costs for the insurance that was available, and substantial shifting of risk from reinsurers to primary insurers, and from insurers to policyholders (e.g., investors, businesses, and property owners). Ultimately, these costs are borne by American workers and communities with fewer construction projects and lower economic activity.

The new law establishes a temporary Federal program that provides for a system of shared public and private compensation for insured commercial property and casualty losses arising from acts of terrorism. The program is administered by the Treasury Department and will sunset on December 31, 2005.

Under the new law, insurance companies included under the program must make available to their policyholders coverage for losses from acts of terrorism under the program. The law also requires insurance companies to disclose to policyholders the premium charged for terrorism risk insurance and the Federal share of compensation provided under the law.

In the event of a future terrorist attack on private businesses and others covered by this program, insurance companies will cover insured losses up to each company's deductible as specified in the law. Insured losses above that amount in a given year would be shared between the insurance company and the Treasury, with Treasury covering 90 percent of the losses above the company's deductible. However, neither the Treasury nor any insurer would be liable for any amount exceeding the statutory annual cap of $100 billion in aggregate insured losses. The law also provides authority for the Treasury to recoup Federal payments via surcharges on policyholders.

Airline War Risk Insurance

After the September 11 attacks, private insurers cancelled third party liability war risk coverage for airlines and dramatically increased the cost of other war risk insurance. In response, the Department of Transportation (DOT) provided a short-term reimbursement to airlines for the increased cost of aviation hull and passenger liability war risk insurance under the authority provided in P.L. 107–42. Under Presidential Determination No. 01–29, the President delegated the authority to extend aviation insurance to the Secretary of Transportation. Due to the extended disruption in the marketplace, DOT also offered airlines third-party liability war risk insurance coverage at subsidized rates to replace coverage initially withdrawn by private insurers. For the last year, DOT has continued to provide this insurance coverage in 60-day increments.

On November 26, the President signed the Homeland Security Act of 2002 which included the Airline War Risk Insurance Legislation. This law extends the term of third party war risk coverage and expands the scope of coverage to include war risk hull, passenger, crew, and property liability insurance. Under the law, the Secretary of Transportation shall extend insurance policies until August 31, 2003, but may extend until December 31, 2003. At this time DOT is preparing policies that extend insurance coverage until August 31st 2003. In addition, the law states that the total premium for the three types of insurance shall not exceed twice the premium rate charged for the third party liability insurance as of June 19, 2002.

Currently 73 air carriers are insured by DOT. Coverage for individual carriers ranges from $80 million to $4 billion per carrier with the median insurance coverage at approximately $1.8 billion per occurrence. Premiums collected by the Government are deposited into the Aviation Insurance Revolving Fund. In 2002, the fund collected approximately $75 million in premiums for insurance provided by DOT and paid out $56 million in one time premium assistance reimbursements for coverage purchased from private insurers. In 2003, it is anticipated that up to $123 million in premiums may be collected by DOT for the provision of insurance. In 2004, the authorization for the war risk insurance program expires. Any claims by the airlines that exceed the balance in the aviation insurance revolving fund would be paid by the Federal Government.

Vaccine Injury Compensation

The National Vaccine Injury Compensation Program began in 1988 to encourage childhood vaccination by providing streamlined compensation for injuries resulting from vaccination. This program is jointly administered by the Department of Health and Human Services

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(HHS), the U.S. Court of Federal Claims, and the Department of Justice (DOJ). Vaccine-related victims file claims against HHS in the U.S. Court of Federal Claims. Then DOJ represents HHS in the court to ensure fair compensation. Compensation is paid out of the Vaccine Trust Fund, financed through per-dose assessments on vaccines.

To better prepare the Nation for potential biological attacks, the Homeland Security Act of 2002 expands the coverage of the National Vaccine Injury Compensation Program by broadening the interpretation of key terms, such as "vaccine" and "vaccine-related injury or death." The Act also provides medical liability protection to some private parties, such as doctors, drug manufacturers, and hospitals, when those entities, acting on behalf of the U.S. Public Health Service, are liable for the administration of the smallpox vaccine and other countermeasures. This protection is effective only during such period as declared by the Secretary of HHS.

REV_00106418

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 1/15/2003 7:44:23 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-JAN-2003 12:44:23.00
SUBJECT::
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

would horowitz maintain position at justice as well as being on sentencing
commission? press office just asked me.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: ashley snee/who/eop@exchange@eop [WHO] <ashley snee>
Sent: 1/15/2003 8:43:58 AM
Subject: : Re: judicial noms material????

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-JAN-2003 13:43:58.00
SUBJECT:: Re: judicial noms material????
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:ashley snee (CN=ashley snee/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

It's just the resumes for the 3 district court nominations today. That is a standard delivery when there are new nominations.

Heather Wingate
01/15/2003 01:37:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange@EOP
cc:
Subject: judicial noms material????

do you guys know anything about judicial nominations material/package being delivered to the Hill??? I just got a message from John Abegg indicated that a packet went to Bob Taylor in Nickles's old office, which now happens to be Reid's office!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: ashley snee/who/eop@exchange@eop [WHO] <ashley snee>
Sent: 1/15/2003 8:53:43 AM
Subject: : Re: judicial noms material????

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-JAN-2003 13:53:43.00
SUBJECT:: Re: judicial noms material????
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:ashley snee (CN=ashley snee/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

there is nothing bad about them ending up in a D office. they are written in factual way and go to press.

Heather Wingate
01/15/2003 01:37:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange@EOP
cc:
Subject: judicial noms material????

do you guys know anything about judicial nominations material/package being delivered to the Hill??? I just got a message from John Abegg indicated that a packet went to Bob Taylor in Nickles's old office, which now happens to be Reid's office!

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/15/2003 12:53:27 PM
Subject: : pls call me re: schumer

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:15-JAN-2003 17:53:27.00
SUBJECT:: pls call me re: schumer
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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;
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>
Sent: 1/15/2003 1:33:15 PM
Subject: : are you familiar with announced mcavoy vacancy in NDNY

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-JAN-2003 18:33:15.00
SUBJECT:: are you familiar with announced mcavoy vacancy in NDNY
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;David G. Leitch/WHO /EOP@EOP [WHO] <David G. Leitch>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 1/15/2003 1:37:35 PM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-JAN-2003 18:37:35.00
SUBJECT::
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I have no idea if this is related or unrelated, but Ken Starr's assistant
just called me for Scooter Libby's phone number.
```

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 1/15/2003 5:53:11 PM
Subject: pls call me re: schumer

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>
Sent: 1/15/2003 2:31:00 PM
Subject: : Re: are you familiar with announced mcavoy vacancy in NDNY

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-JAN-2003 19:31:00.00
SUBJECT:: Re: are you familiar with announced mcavoy vacancy in NDNY
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

Jennifer G. Newstead
01/15/2003 07:28:55 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: are you familiar with announced mcavoy vacancy in NDNY

I think so - it takes effect next August, correct?

.

From:	Goldman, Adam B.
To:	<Lefkowitz, Jay P.>;<Jackson, Barry S.>;<Silverberg, Kristen>;<Kavanaugh, Brett M.>;<Schacht, Diana L.>
CC:	<Vestewig, Lauren J.>;<Ellison, Kimberly>;<Winland, Emily>
Sent:	1/15/2003 7:25:58 PM
Subject:	Legal Reform meeting

Can we get together to discuss legal reform?

How about tom. after 3:30, Friday morning, or anytime before next Thurs.?

Thanks!

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/16/2003 3:38:29 AM
Subject: : Heads Up on VA Enrollment Regulation

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-JAN-2003 08:38:29.00
SUBJECT:: Heads Up on VA Enrollment Regulation
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi
---------- Forwarded by Helgard C. Walker/WHO/EOP on 01/16/2003 08:38 AM ----------

Mary M. Chuckerel
01/16/2003 08:03:51 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Heads Up on VA Enrollment Regulation

Message Sent
To:
Donald R. Arbuckle/OMB/EOP@EOP
William D. Badger/OPD/EOP@EOP
Daniel J. Bartlett/WHO/EOP@Exchange@EOP
Christine M. Burgeson/OMB/EOP@EOP
Amy L. Call/OMB/EOP@EOP
Alicia P. Clark/WHO/EOP@EOP
Robin Cleveland/OMB/EOP@EOP
Cesar Conda/OVP/EOP@EOP
Suzy DeFrancis/WHO/EOP@Exchange@EOP
Nancy Dorn/OMB/EOP@EOP
Elizabeth S. Dougherty/OPD/EOP@EOP
Trent D. Duffy/OMB/EOP@EOP
Lawrence A. Fleischer/WHO/EOP@Exchange@EOP
Alan Gilbert/OPD/EOP@EOP
Adam B. Goldman/WHO/EOP@EOP
Keith Hennessey/OPD/EOP@Exchange@EOP
Glenn Hubbard/CEA/EOP@EOP
Toni S. Hustead/OMB/EOP@EOP
Edward Ingle/WHO/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@Exchange@EOP
Lewis Libby/OVP/EOP@EOP
Ado A. Machida/OVP/EOP@EOP
Daniel J. Murphy/OMB/EOP@EOP
John Oxford/OMB/EOP@EOP
Eric C. Pelletier/OMB/EOP@EOP
Kathleen Peroff/OMB/EOP@EOP
Philip J. Perry/OMB/EOP@EOP
Josephine B. Robinson/WHO/EOP@EOP
Elizabeth L. Rossman/OMB/EOP@EOP

Matthew A. Schlapp/WHO/EOP@EOP
Aquiles F. Suarez/OPD/EOP@EOP
Tevi Troy/OPD/EOP@Exchange@EOP
Helgard C. Walker/WHO/EOP@EOP
Bessie M. Weaver/OMB/EOP@EOP
James R. Wilkinson/WHO/EOP@EOP
John F. Wood/OMB/EOP@EOP

Message Copied
To:_____
Lisa M. Jones/OMB/EOP@EOP
Karyn T. Carson/OMB/EOP@EOP
Krista L. Ritacco/WHO/EOP@Exchange@EOP
Carol J. Thompson/OPD/EOP@EOP
Katherine L. Disston/WHO/EOP@Exchange@EOP
Lauren K. Allgood/OMB/EOP@EOP
Megan S. Mollmann/OMB/EOP@EOP
Vickie A. McQuade/WHO/EOP@Exchange@EOP
Alice H. Williams/CEA/EOP@EOP
Carmen M. Ingwell/WHO/EOP@EOP
Lauren J. Vestewig/OPD/EOP@Exchange@EOP
Jennifer H. Mayfield/OVP/EOP@EOP
Penny G. Douglas/OMB/EOP@EOP
Melissa S. Bennett/WHO/EOP@Exchange@EOP

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Silverberg>;Kristen_Silverberg@who.eop.gov [WHO] <Kristen>;<Lefkowitz>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/JAY_P._LEFKOWITZ [UNKNOWN] <Jay P.>;<Wingate>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1E380BD8-ADE0CE5F-85256A87-5063AD [UNKNOWN] <Heather>;<Gilbert>;Alan_Gilbert@opd.eop.gov [OPD] <Alan>
Sent: 1/16/2003 7:36:38 AM
Subject: Medical Malpractice -- Feinstein

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ( [ UNKNOWN ] )
CREATION DATE/TIME:16-JAN-2003 12:36:38.00
SUBJECT:Medical Malpractice -- Feinstein
TO:Silverberg, Kristen ( Kristen_Silverberg@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Lefkowitz, Jay P. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=JAY_P._LEFKOWITZ [ UNKNOWN ] )
READ:UNKNOWN
TO:Wingate, Heather ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=1E380BD8-
ADE0CE5F-85256A87-5063AD [ UNKNOWN ] )
READ:UNKNOWN
TO:Gilbert, Alan ( Alan_Gilbert@opd.eop.gov [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

She was just on tv agreeing with President on non-economic damages and saying
that she would tweak punitives proposal in manner consistent with California
medical mal reform law (rather than Greenwood).
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alan Gilbert/OPD/EOP@EOP [OPD] <Alan Gilbert>;Jay P. Lefkowitz/OPD /EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Kristen Silverberg/WHO/EOP@Exchange@EOP [WHO] <Kristen Silverberg>
Sent: 1/16/2003 7:43:53 AM
Subject: : Medical Malpractice -- Feinstein

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:16-JAN-2003 12:43:53.00
SUBJECT:: Medical Malpractice -- Feinstein
TO:Alan Gilbert ( CN=Alan Gilbert/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

She was just on tv agreeing with President on non-economic damages and
saying that she would tweak punitives proposal in manner consistent with
California medical mal reform law (rather than Greenwood).
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>
Sent: 1/16/2003 7:56:14 AM
Subject: : can you FAX me copy of letter to Washington state senators

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:16-JAN-2003 12:56:14.00
SUBJECT:: can you FAX me copy of letter to Washington state senators
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/16/2003 4:16:20 AM
Subject: : Re: response to resumes

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-JAN-2003 09:16:20.00
SUBJECT:: Re: response to resumes
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I don't think Ken wants to send to the RNC. Most of the letters are coming addressed to ken now. can we say this? (on political paper)

Thank you for your letter expressing interest in the President's campaign for reelection. President Bush and Vice President Cheney appreciate your willingness to serve.

Please know that I will keep your resume/letter on file until the time is right. Thanks again for taking the time to write.

Brett M. Kavanaugh
08/29/2002 10:31:14 AM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: Re: response to resumes

How about this (on political paper):

Thank you for your letter to ____ expressing interest in the President,s campaign for reelection. At this time, the President has not formed a campaign committee, but your letter will be kept on file. In the meantime, you may send a resume to the Republican National Committee, 310 First Street, S.E., Washington, D.C. 20003.

Thanks again for taking the time to write.

From: Silverberg, Kristen
To: <Winland, Emily>;<Vestewig, Lauren J.>
CC: <Ellison, Kimberly>;<Goldman, Adam B.>;<Kavanaugh, Brett M.>
Sent: 1/16/2003 9:57:03 AM
Subject: RE: Legal Reform meeting

Yes

We should also ask alan gilbert to join.

-----Original Message-----
From: Winland, Emily
Sent: Thursday, January 16, 2003 9:31 AM
To: Vestewig, Lauren J.
Cc: Ellison, Kimberly; Goldman, Adam B.; Silverberg, Kristen; Kavanaugh, Brett M.
Subject: RE: Legal Reform meeting

Does 9:30 on Friday morning work for everyone's schedule?

thanks,
Emily

From: Lauren J. Vestewig/OPD/EOP@Exchange on 01/16/2003 08:11:16 AM
Record Type: Record

To: Kimberly Ellison/WHO/EOP@EOP, Adam B. Goldman/WHO/EOP@EOP, Kristen Silverberg/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc: Emily Winland/OPD/EOP@EOP
Subject: RE: Legal Reform meeting

Jay is free from 9:30-12:00 on Friday morning.

-----Original Message-----
From: Ellison, Kimberly
Sent: Thursday, January 16, 2003 6:46 AM
To: Goldman, Adam B.
Cc: Vestewig, Lauren J.; Winland, Emily
Subject: Re: Legal Reform meeting

The best time for Barry is tomorrow morning. Just let me know!

<< File: ole0.bmp >>
Adam B. Goldman

01/15/2003 07:31:06 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Lauren J. Vestewig/OPD/EOP@Exchange@EOP, Kimberly Ellison/WHO/EOP@EOP, Emily Winland/OPD/EOP@EOP
Subject: Legal Reform meeting

Can we get together to discuss legal reform?

How about tom. after 3:30, Friday morning, or anytime before next Thurs.?

Thanks!

Message Sent To:

Jay P. Lefkowitz/OPD/EOP@Exchange@EOP
Barry S. Jackson/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@Exchange@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Diana L. Schacht/OPD/EOP@EOP

From: [UNKNOWN] <Winland, Emily>
To: <Ellison>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/BB027C86-BD6FA36D-85256B73-676281 [UNKNOWN] <Kimberly>;<Goldman>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/698AA900-27350BE5-852569DD-5F23FE [UNKNOWN] <Adam B.>;<Silverberg>;Kristen_Silverberg@who.eop.gov [WHO] <Kristen>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;<Skelly>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/DAF45DD2-5A5A9C2C-85256B67-5D1918 [UNKNOWN] <Layton>
CC: <Schacht>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/3F815C7C-30F425B-85256A09-79EEF2 [UNKNOWN] <Diana L.>
Sent: 1/16/2003 5:59:04 AM
Subject: Legal Reform Meeting Friday 1/17 9:45am

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Winland, Emily ([UNKNOWN])
CREATION DATE/TIME:16-JAN-2003 10:59:04.00
SUBJECT:Legal Reform Meeting Friday 1/17 9:45am
TO:Ellison, Kimberly (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=BB027C86-BD6FA36D-85256B73-676281 [UNKNOWN])
READ:UNKNOWN
TO:Goldman, Adam B. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=698AA900-27350BE5-852569DD-5F23FE [UNKNOWN])
READ:UNKNOWN
TO:Silverberg, Kristen (Kristen_Silverberg@who.eop.gov [WHO])
READ:UNKNOWN
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
TO:Skelly, Layton (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=DAF45DD2-5A5A9C2C-85256B67-5D1918 [UNKNOWN])
READ:UNKNOWN
CC:Schacht, Diana L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=3F815C7C-30F425B-85256A09-79EEF2 [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The meeting to discuss Legal Reform will be at 9:45 Friday 1/17 in Jay Lefkowitz's office.

thanks,
Emily

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/16/2003 6:00:57 AM
Subject: : Op-ed by Sen. Graham in Today's Miami Herald about Judges

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-JAN-2003 11:00:57.00
SUBJECT:: Op-ed by Sen. Graham in Today's Miami Herald about Judges
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

BOB GRAHAM
Florida's judicial-nomination process under threat

For more than a decade, through both Democratic and Republican presidencies, Florida had an outstanding record of filling federal judicial vacancies through a nonpartisan, merit-based process.
The process was driven by the judicial nominating commissions, which took applications, interviewed candidates and submitted three names for consideration for each judicial vacancy. These commissions, appointed by the two senators, were made up of volunteers who represented a cross-section of our state: lawyers and lay persons, Democrats and Republicans. Both Florida senators interviewed the three finalists and passed their recommendations onto the White House.
The process worked. Over 10 years, we filled 26 District Court vacancies without a single significant controversy. Because of the confidence that the Senate Judiciary Committee vested in the Florida judicial-nominating process, between the 101st and 106th Congress, those vacancies were filled in an average of 108 days. This compares to the average time for all U.S. District Court vacancies of 151 days.
The process attracted highly qualified candidates for federal judicial vacancies. This is sometimes difficult because the open process makes all the information submitted by the candidates publicly available. However, because decisions were made on merit, candidates of the highest quality from private practice as well as the state courts and federal magistrates were attracted to apply.
RAISING CONCERNS
After George W. Bush became president, the process changed. Now the governor, along with the most senior Republicans in our state's

congressional delegation, are responsible for naming the nominating commission's members.

While Sen. Bill Nelson and I can interview the candidates, we cannot make recommendations to the White House anymore. We can only indicate whether any of the candidates might encounter difficulty in winning Senate confirmation.

Since this new system has taken effect, there have been two instances that raise concerns about the politicization of the judicial-nominating process, threatening to undermine the credibility of our judiciary.

A year ago, the nominating commission announced groups of three finalists to fill three U.S. marshals positions in Florida, including one in the Southern District of Florida. In March 2002, my office was informed that the three finalists for the position in the Southern District were being put aside in favor of a candidate who had not even applied. This candidate has been renominated in the 108th Congress and is now awaiting action by the Senate Judiciary Committee.

In February 2002, the Judicial Nominating Commission announced that it had selected three finalists for a Southern District court vacancy. The candidates included two state circuit-court judges and the sitting U.S. attorney for the Southern District, who were interviewed by the Judicial Nominating Commission and found to be qualified. Nelson and I informed the White House that, if nominated, any of the three would be expeditiously confirmed.

By April, however, the process took a mystifying turn. The nominating commission's chairman informed the fellow commissioners that the White House had requested three additional names, effectively disregarding the three initial candidates. A month later, at the direction of the governor and two U.S. House members, the commission met again and selected three new finalists. A nominee is expected from the White House any day now.

The qualifications of these three new candidates are not to be questioned. Rather, the concern is the deviation from a process that has been successful for more than a decade. The independence and integrity of our judicial system are at stake.

The legal counsel to the president, Alberto Gonz lez, said that the initial panel had been rejected because of inadequate diversity. I found this surprising because half of the federal court officers nominated in Florida by the Republican-appointed Judicial Nominating Commission and selected by the president were minorities.

With this record, if this recent set of recommendations by the Judicial Nominating Commission was found by the president to be insufficient, what recommendation would Gonz lez make to satisfy the diversity sought by the president?

PROUD TRADITION

We must live up to the words said by former Florida Bar President Herman J. Russamanno about our federal courts: ``Florida has been blessed with competent, experienced, compassionate and highly professional judges. These distinguished individuals bring to the court the highest standards and strong commitments to the administration of justice.''

I am committed to this proud tradition, which is why we must honor a system of nonpartisanship and cooperation in the selection of Florida's federal judges.

Bob Graham, a Democrat, is the senior U.S. senator from Florida.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Raquel Cabral/WHO/EOP@EOP [WHO] <Raquel Cabral>
Sent: 1/16/2003 6:19:54 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:16-JAN-2003 11:19:54.00
SUBJECT::
TO:Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Can you get "mcAvoy" letter from Jen Newstead for me. she will know what
I am talking about.
```

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Silverberg>;Kristen_Silverberg@who.eop.gov [WHO] <Kristen>;<Lefkowitz>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/JAY_P._LEFKOWITZ [UNKNOWN] <Jay P.>;<Wingate>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1E380BD8-ADE0CE5F-85256A87-5063AD [UNKNOWN] <Heather>;<Gilbert>;Alan_Gilbert@opd.eop.gov [OPD] <Alan>
Sent: 1/16/2003 7:36:38 AM
Subject: Medical Malpractice -- Feinstein

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ( [ UNKNOWN ] )
CREATION DATE/TIME:16-JAN-2003 12:36:38.00
SUBJECT:Medical Malpractice -- Feinstein
TO:Silverberg, Kristen ( Kristen_Silverberg@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Lefkowitz, Jay P. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=JAY_P._LEFKOWITZ [ UNKNOWN ] )
READ:UNKNOWN
TO:Wingate, Heather ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=1E380BD8-
ADE0CE5F-85256A87-5063AD [ UNKNOWN ] )
READ:UNKNOWN
TO:Gilbert, Alan ( Alan_Gilbert@opd.eop.gov [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

She was just on tv agreeing with President on non-economic damages and saying
that she would tweak punitives proposal in manner consistent with California
medical mal reform law (rather than Greenwood).
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alan Gilbert/OPD/EOP@EOP [OPD] <Alan Gilbert>;Jay P. Lefkowitz/OPD /EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Kristen Silverberg/WHO/EOP@Exchange@EOP [WHO] <Kristen Silverberg>
Sent: 1/16/2003 7:43:53 AM
Subject: : Medical Malpractice -- Feinstein

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:16-JAN-2003 12:43:53.00
SUBJECT:: Medical Malpractice -- Feinstein
TO:Alan Gilbert ( CN=Alan Gilbert/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

She was just on tv agreeing with President on non-economic damages and
saying that she would tweak punitives proposal in manner consistent with
California medical mal reform law (rather than Greenwood).
```

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/16/2003 7:48:26 AM
Subject: : RE: Medical Malpractice -- Feinstein

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [OPD])
CREATION DATE/TIME:16-JAN-2003 12:48:26.00
SUBJECT:: RE: Medical Malpractice -- Feinstein
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Great

Anything from PDC yet?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, January 16, 2003 12:37 PM
To: Silverberg, Kristen; Lefkowitz, Jay P.; Wingate, Heather;
Gilbert, Alan
Subject: Medical Malpractice -- Feinstein

She was just on tv agreeing with President on non-economic damages and
saying that she would tweak punitives proposal in manner consistent with
California medical mal reform law (rather than Greenwood).

From: [UNKNOWN] <Wingate, Heather>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;<Silverberg>;Kristen_Silverberg@who.eop.gov [WHO] <Kristen>;<Lefkowitz>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/JAY_P._LEFKOWITZ [UNKNOWN] <Jay P.>;<Wingate>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1E380BD8-ADE0CE5F-85256A87-5063AD [UNKNOWN] <Heather>;<Gilbert>;Alan_Gilbert@opd.eop.gov [OPD] <Alan>
Sent: 1/16/2003 7:50:32 AM
Subject: Re: Medical Malpractice -- Feinstein

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Wingate, Heather ([UNKNOWN])
CREATION DATE/TIME:16-JAN-2003 12:50:32.00
SUBJECT:Re: Medical Malpractice -- Feinstein
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
TO:Silverberg, Kristen (Kristen_Silverberg@who.eop.gov [WHO])
READ:UNKNOWN
TO:Lefkowitz, Jay P. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JAY_P._LEFKOWITZ [UNKNOWN])
READ:UNKNOWN
TO:Wingate, Heather (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=1E380BD8-ADE0CE5F-85256A87-5063AD [UNKNOWN])
READ:UNKNOWN
TO:Gilbert, Alan (Alan_Gilbert@opd.eop.gov [OPD])
READ:UNKNOWN
End Original ARMS Header

Excellent. The wildcard will be Lieberman... We'll reach out to him.

.

----- Original Message -----

From:Brett M. Kavanaugh/WHO/EOP

To:Kristen Silverberg/WHO/EOP@Exchange@EOP,

Jay P. Lefkowitz/OPD/EOP@Exchange@EOP,
Heather Wingate/WHO/EOP@EOP,

Alan Gilbert/OPD/EOP@EOP
Cc:
Date: 01/16/2003 12:40:17 PM

Subject: Medical Malpractice -- Feinstein

She was just on tv agreeing with President on non-economic damages and saying that she would tweak punitives proposal in manner consistent with California medical mal reform law (rather than Greenwood).

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>
Sent: 1/16/2003 7:56:14 AM
Subject: : can you FAX me copy of letter to Washington state senators

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:16-JAN-2003 12:56:14.00
SUBJECT:: can you FAX me copy of letter to Washington state senators
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 1/16/2003 8:03:14 AM
Subject: : Charlotte Observer (1/13/03) re: Judgeship impasse could end

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-JAN-2003 13:03:14.00
SUBJECT:: Charlotte Observer (1/13/03) re: Judgeship impasse could end
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Posted on Mon, Jan. 13, 2003

Judgeship impasse could end
Sens. Dole, Edwards discuss cooperating to place North Carolinian on appeals court
JIM MORRILL
Staff Writer

North Carolina's two U.S. senators say they're working together to do what hasn't been done in 22 years -- put a North Carolinian on the 4th U.S. Circuit Court of Appeals.

Years of partisan wrangling have left the state without a representative on the Richmond-based court, one step below the U.S. Supreme Court.

In recent years Republican Sen. Jesse Helms and Democratic Sen. John Edwards blocked each other's candidates to the bench.

The 4th Circuit covers Maryland, Virginia, West Virginia and the Carolinas. Every state but North Carolina has at least two judges on the bench.

Now Edwards and Helms' successor, Republican Elizabeth Dole, are trying to avoid a similar impasse. Both they and their staffs have talked about the need to fill judicial vacancies.

"They both seem to share a desire to move forward on the judicial nomination process," Dole spokeswoman Mary Brown Brewer said Friday.

Edwards' spokesman sounded a similar note. "There's great promise that they can both cooperate on a way that would help get North Carolinians on the bench," said Mike Briggs. "The senator is very optimistic."

Their first test will come soon.
On Tuesday President Bush renominated Terrence Boyle of Edenton, chief judge of the District Court for Eastern North Carolina and a one-time aide to Helms. It was the fourth time the 57-year-old jurist has been tapped for the post.
In 1991 he was nominated by Bush's father. Democrats who then controlled the Senate refused to hold a hearing on the nomination. Helms went on to block all of President Clinton's N.C. nominees to the 4th Circuit. Edwards killed Boyle's 2001 nomination by the current President Bush.
As a result, no North Carolinian has taken a seat on the court since the late Sam Ervin III in 1980.
The 4th Circuit has three vacancies. Nationwide there are 25 openings among the 179 appeals court seats. With the Supreme Court deciding fewer cases each year, appeals courts increasingly have the final word on many cases.
Most of the 4th Circuit's 12 current judges are generally regarded as conservative. Briggs said if Bush nominates another North Carolinian who offers ideological balance, "that would be the appropriate time (for Edwards) to take another look at the Boyle nomination."
During her campaign, Dole urged a quick hearing for Boyle, saying the 4th Circuit faced a "judicial emergency." The week after she was elected in November, Dole discussed judicial nominations with Edwards during a visit to his office. Their staffs have since held discussions on the subject.
And Brewer says Dole is still weighing a proposal Edwards made in a letter, in which he asked her to consider a recommendation from the N.C. Bar Association.
Last year the bar proposed a bipartisan nominating commission, with three members chosen by each senator. For each court vacancy, the commission would nominate three candidates from among whom the president would be urged to choose.
"It seemed to me to be a proposal that had tremendous common sense to it," said Hank Van Hoy of Mocksville, the bar association's immediate past president. "It essentially removed politics from the issue. ... Then you end this logjam and you get rid of this tit-for-tat game that's being played now."

From: Kavanaugh, Brett M.
To: <Silverberg, Kristen>;<Lefkowitz, Jay P.>;<Wingate, Heather>;<Gilbert, Alan>
Sent: 1/16/2003 12:36:38 PM
Subject: Medical Malpractice -- Feinstein

She was just on tv agreeing with President on non-economic damages and saying that she would tweak punitives proposal in manner consistent with California medical mal reform law (rather than Greenwood).

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>
Sent: 1/16/2003 12:45:48 PM
Subject: RE: Medical Malpractice -- Feinstein

by 1:00, he said. He said the question of who will sign is "trending in a reasonable way." We'll see.

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 01/16/2003 12:48:18 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: Medical Malpractice -- Feinstein

Great

Anything from PDC yet?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Thursday, January 16, 2003 12:37 PM

To: Silverberg, Kristen; Lefkowitz, Jay P.; Wingate, Heather; Gilbert, Alan

Subject: Medical Malpractice -- Feinstein

She was just on tv agreeing with President on non-economic damages and saying that she would tweak punitives proposal in manner consistent with California medical mal reform law (rather than Greenwood).

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 1/16/2003 12:48:18 PM
Subject: RE: Medical Malpractice -- Feinstein

Great

Anything from PDC yet?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, January 16, 2003 12:37 PM
To: Silverberg, Kristen; Lefkowitz, Jay P.; Wingate, Heather; Gilbert, Alan
Subject: Medical Malpractice -- Feinstein

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From: Wingate, Heather
To: <Kavanaugh, Brett M.>;<Silverberg, Kristen>;<Lefkowitz, Jay P.>;<Wingate, Heather>;<Gilbert, Alan>
Sent: 1/16/2003 12:50:32 PM
Subject: Re: Medical Malpractice -- Feinstein

Excellent. The wildcard will be Lieberman... We'll reach out to him.

.

----- Original Message -----

From:Brett M. Kavanaugh/WHO/EOP

To:Kristen Silverberg/WHO/EOP@Exchange@EOP,

Jay P. Lefkowitz/OPD/EOP@Exchange@EOP,

Heather Wingate/WHO/EOP@EOP,

Alan Gilbert/OPD/EOP@EOP

Cc:

Date: 01/16/2003 12:40:17 PM

Subject: Medical Malpractice -- Feinstein

She was just on tv agreeing with President on non-economic damages and saying that she would tweak punitives proposal in manner consistent with California medical mal reform law (rather than Greenwood).

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>;<Berenson, Bradford A.>
Sent: 1/16/2003 1:01:37 PM
Subject: Charlotte Observer (1/13/03) re: Judgeship impasse could end

Posted on Mon, Jan. 13, 2003

Judgeship impasse could end

Sens. Dole, Edwards discuss cooperating to place North Carolinian on appeals court

JIM MORRILL

Staff Writer

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And Brewer says Dole is still weighing a proposal Edwards made in a letter, in which he asked her to consider a recommendation from the N.C. Bar Association.

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"It seemed to me to be a proposal that had tremendous common sense to it," said Hank Van Hoy of Mocksville, the bar association's immediate past president. "It essentially removed politics from the issue. ... Then you end this logjam and you get rid of this tit-for-tat game that's being played now."

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/16/2003 9:50:49 AM
Subject: : mtg w/Harriet Part 2

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JAN-2003 14:50:49.00
SUBJECT:: mtg w/Harriet Part 2
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

They have tentatively scheduled the meeting between you, Ed McNally, and
Harriet at 9:00 am tomorrow morning in Harriet's office.;Please call Gayle
at 61195 ASAP to let her know if this works or not.
;
Charlotte
```

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;David S. Addington/OVP /EOP@EOP [OVP] <David S. Addington>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/16/2003 2:30:28 PM
Subject: : FW: Judge's morning show schedule

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JAN-2003 19:30:28.00
SUBJECT:: FW: Judge's morning show schedule
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

;
-----Original Message-----
From: Montiel, Charlotte L.
Sent: Thursday, January 16, 2003 6:47 PM
To: Leitch, David G.
Subject: Judge's morning show schedule


6:30 - CBS Early in Press Briefing
;
6:40 - NBC Today Show
;
6:50 - ABC GMA
```

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Nanette Everson/WHO /EOP@EOP [WHO] <Nanette Everson>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/16/2003 12:19:28 PM
Subject: : Who does FOIA stuff?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:16-JAN-2003 17:19:28.00
SUBJECT:: Who does FOIA stuff?
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/16/2003 1:10:00 PM
Subject: : RE: Question for you, Sir...

Begin Original ARMS Header
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange [OA])
CREATION DATE/TIME:16-JAN-2003 18:10:00.00
SUBJECT:: RE: Question for you, Sir...
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, January 16, 2003 6:02 PM
To: Greenstone, Adam F.
Subject: RE: Question for you, Sir...

this is correct.

From: Adam F. Greenstone/OA/EOP@Exchange on 01/16/2003 05:58:01 PM
Record Type: Record

To: Kimberly S. Anderson/OA/EOP@Exchange
cc:
Subject: RE: Question for you, Sir...

Please proceed on the Governor's request.

-----Original Message-----
From: Anderson, Kimberly S.
Sent: Monday, January 13, 2003 3:35 PM
To: Greenstone, Adam F.
Subject: FW: Question for you, Sir...

Was wondering if you had been able to get me an answer on this as of yet?
Please let me know as soon as possible.

Thank you,

Kim
-----Original Message-----
From: Anderson, Kimberly S.
Sent: Thursday, January 09, 2003 10:11 AM
To: Greenstone, Adam F.
Cc: Hill, Bartholomew G.; Crumling, Dorothy
Subject: Question for you, Sir...

Ashley Davis & Tom Ridge will both be leaving the EOP next week. Governor Ridge will be going to Homeland and Ashley to a law firm. They would both like to have us convert their contact information (personal and professional) from their palm pilots onto diskette/CD. Do you see any reason we should not do this?

Thank you,

Kim
<< File: Blank Bkgrd.gif >>

From: CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/16/2003 1:10:00 PM
Subject: : RE: Question for you, Sir...

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange [OA])
CREATION DATE/TIME:16-JAN-2003 18:10:00.00
SUBJECT:: RE: Question for you, Sir...
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, January 16, 2003 6:02 PM
To: Greenstone, Adam F.
Subject: RE: Question for you, Sir...

this is correct.

From: Adam F. Greenstone/OA/EOP@Exchange on 01/16/2003 05:58:01 PM
Record Type: Record

To: Kimberly S. Anderson/OA/EOP@Exchange
cc:
Subject: RE: Question for you, Sir...

Please proceed on the Governor's request.

-----Original Message-----
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Sent: Monday, January 13, 2003 3:35 PM
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Thank you,

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<< File: Blank Bkgrd.gif >>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 1/16/2003 5:48:25 PM
Subject: : Re: Who does FOIA stuff?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-JAN-2003 22:48:25.00
SUBJECT:: Re: Who does FOIA stuff?
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

me

Helgard C. Walker
01/16/2003 05:16:28 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Who does FOIA stuff?

Message Sent
To:_____
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Nanette Everson/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Francisco, Noel J.>;<Leitch, David G.>;<Lefkowitz, Jay P.>
Sent: 1/16/2003 6:30:44 PM
Subject: estimated time for next drafts

7:15 for Grutter [the main one]

8:15 for Gratz

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>
Sent: 1/16/2003 6:35:09 PM
Subject: : Re: response to resumes

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-JAN-2003 23:35:09.00
SUBJECT:: Re: response to resumes
TO:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

change to:
Thank you for your letter expressing interest in the President's campaign for reelection. President Bush and Vice President Cheney appreciate your willingness to serve. Please know that your letter will be kept on file until an appropriate time. Thanks again for taking the time to write.

Katherine M. Walters
01/16/2003 09:17:42 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: response to resumes

I don't think Ken wants to send to the RNC. Most of the letters are coming addressed to ken now. can we say this? (on political paper)

Brett M. Kavanaugh
08/29/2002 10:31:14 AM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: Re: response to resumes

How about this (on political paper):

Thank you for your letter to ____ expressing interest in the President,s campaign for reelection. At this time, the President has not formed a campaign committee, but your letter will be kept on file. In the meantime, you may send a resume to the Republican National Committee, 310 First Street, S.E., Washington, D.C. 20003.

Thanks again for taking the time to write.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;David G. Leitch/WHO /EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/16/2003 6:55:49 PM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:16-JAN-2003 23:55:49.00
SUBJECT::
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Clegg's ultimate aim is emerging:

Roger Clegg, general counsel for the Center for Equal Opportunity, a
Virginia-based think tank that opposes race-conscious affirmative action,
said that while the percentage plans are better than "racial preferences,"
they still amount to a thinly veiled system of selecting students by race.
"I think these plans are very vulnerable to a legal challenge," he said.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>
Sent: 1/16/2003 7:11:14 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-JAN-2003 00:11:14.00
SUBJECT::
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

for your own background tp: Governor Jeb Bush's brief takes a more
aggressive position than does the SG's brief.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/16/2003 7:44:27 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-JAN-2003 00:44:27.00
SUBJECT::
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

final briefs are posted on washingtonpost.com
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>
CC: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/16/2003 6:40:11 PM
Subject: : Re: question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-JAN-2003 23:40:11.00
SUBJECT:: Re: question
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

let me check with our expert on that. Noel?

From: Barry S. Jackson on 01/15/2003 08:35:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: question

If an outside group wanted to set up a charitable organization and call it "The No Child Left Behind Foundation" would there be any issues from our perspective?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@Exchange [OA] <Adam F. Greenstone>
Sent: 1/16/2003 7:02:51 PM
Subject: : Re: FW: Request for Josh Bolten

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JAN-2003 00:02:51.00
SUBJECT:: Re: FW: Request for Josh Bolten
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange [OA])
READ:UNKNOWN
End Original ARMS Header

fine

From: Adam F. Greenstone/OA/EOP@Exchange on 01/14/2003 07:08:59 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Request for Josh Bolten

For your review.;
-----Original Message-----
From: Crumling, Dorothy
Sent: Tuesday, January 14, 2003 6:19 PM
To: Greenstone, Adam F.
Cc: Solari, Carlos
Subject: FW: Request for Josh Bolten

Adam,
;
Per the following e-mail, Josh Bolten is requesting that his Lotus Notes e-mail database be downloaded to CD before we convert him to Outlook.; It's our understanding that this is a records issue requiring approval from White House Counsel.; Can you please contact them and let us know by Thursday morning (January 16) if we can comply with the request?;
;
Thank you,
Dottie
x5-6571
;
-----Original Message-----
From: Kyle, Ross M.
Sent: Friday, January 10, 2003 7:26 PM
To: Crumling, Dorothy
Subject: Request

OK - I know you thought you'd heard all the requests...

Josh wonders if it is possible to download all of his Lotus emails onto a disk (or multiple disks or a CD) so that he can have them.; I don't know if this is possible, or what kind of time delay this will make for his switching to Lotus - but I wanted to try to give you a heads up before Monday a.m.
;
Thanks Dottie - I'm here all day tomorrow if you have any questions.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>
Sent: 1/16/2003 7:12:45 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-JAN-2003 00:12:45.00
SUBJECT::
TO:Mary Ann Hanusa ( CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ok to do Presidential letter for Patterson.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/16/2003 7:44:27 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-JAN-2003 00:44:27.00
SUBJECT::
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

final briefs are posted on washingtonpost.com
```

From: Kavanaugh, Brett M.
To: <Greenstone, Adam F.>
Sent: 1/16/2003 11:59:14 PM
Subject: Re: FW: Request for Josh Bolten

fine

From: Adam F. Greenstone/OA/EOP@Exchange on 01/14/2003 07:08:59 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Request for Josh Bolten

For your review.

-----Original Message-----

From: Crumling, Dorothy

Sent: Tuesday, January 14, 2003 6:19 PM

To: Greenstone, Adam F.

Cc: Solari, Carlos

Subject: FW: Request for Josh Bolten

Adam,

Per the following e-mail, Josh Bolten is requesting that his Lotus Notes e-mail database be downloaded to CD before we convert him to Outlook. It's our understanding that this is a records issue requiring approval from White House Counsel. Can you please contact them and let us know by Thursday morning (January 16) if we can comply with the request?

Thank you,

Dottie

x5-6571

-----Original Message-----

From: Kyle, Ross M.

Sent: Friday, January 10, 2003 7:26 PM

To: Crumling, Dorothy

Subject: Request

OK - I know you thought you'd heard all the requests...

Josh wonders if it is possible to download all of his Lotus emails onto a disk (or multiple disks or a CD) so that he can have them. I don't know if this is possible, or what kind of time delay this will make for his switching to Lotus - but I wanted to try to give you a heads up before Monday a.m.

Thanks Dottie - I'm here all day tomorrow if you have any questions.

From: [UNKNOWN] <Francisco, Noel J.>
To: <Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>;<Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-c20fee19-852569da-7648dc [UNKNOWN] <Brett M.>;<Lefkowitz>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/Jay_P._Lefkowitz [UNKNOWN] <Jay P.>
Sent: 1/17/2003 5:14:12 AM
Subject: Sen. Specter and Michigan Case

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Francisco, Noel J. ( [ UNKNOWN ] )
CREATION DATE/TIME:17-JAN-2003 10:14:12.00
SUBJECT:Sen. Specter and Michigan Case
TO:Gonzales, Alberto R. ( Alberto_R._Gonzales@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Leitch, David G. ( David_G._Leitch@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
c20fee19-852569da-7648dc [ UNKNOWN ] )
READ:UNKNOWN
TO:Lefkowitz, Jay P. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=Jay_P._Lefkowitz [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Just talked to Mark Helprin of Specter's office. After explaining our brief to
him, he says that he doesn't think that it is that far off from Specter's own
views.
```

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Noel J. Francisco/WHO /EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/17/2003 5:45:12 AM
Subject: : RE: Sen. Specter and Michigan Case

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:17-JAN-2003 10:45:12.00
SUBJECT:: RE: Sen. Specter and Michigan Case
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I could have lived happily without knowing that.

-----Original Message-----
From: Francisco, Noel J.
Sent: Friday, January 17, 2003 10:14 AM
To: Alberto R. Gonzales/WHO/EOP@EOP; Leitch, David G.; Kavanaugh, Brett M.; Lefkowitz, Jay P.
Subject: Sen. Specter and Michigan Case

Just talked to Mark Helprin of Specter's office. After explaining our brief to him, he says that he doesn't think that it is that far off from Specter's own views.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jay P. Lefkowitz/OPD /EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 1/17/2003 2:46:33 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JAN-2003 07:46:33.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Other than greenhouse?

.

----- Original Message -----
From:Jay P. Lefkowitz/OPD/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/17/2003 07:31:25 AM
Subject: Re:

Coverage this am suggests that our statement about Breaking no new ground means we aupport Bakke.

Sent From Exchange 2000 Blackberry Handheld

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Gonzales, Alberto R. <agonzale@WHO.eop.gov>; Francisco, Noel J. <nfrancis@WHO.eop.gov>; Leitch, David G. <David_G._Leitch@who.eop.gov>; Lefkowitz, Jay P. <Jay_P._Lefkowitz@opd.eop.gov>
Sent: Thu Jan 16 23:51:27 2003
Subject:;

Clegg's ultimate aim is emerging:;

Roger Clegg, general counsel for the Center for Equal Opportunity, a Virginia-based think tank that opposes race-conscious affirmative action, said that while the percentage plans are better than "racial preferences," they still amount to a thinly veiled system of selecting students by race. "I think these plans are very vulnerable to a legal challenge," he said.;;

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Robert J. Delahunty/WHO/EOP@EOP [WHO] <Robert J. Delahunty>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Faisal M. Gill/WHO/EOP@EOP [WHO] <Faisal M. Gill>
Sent: 1/17/2003 8:17:25 AM
Subject: : Two memos not three

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JAN-2003 13:17:25.00
SUBJECT:: Two memos not three
TO:Robert J. Delahunty (CN=Robert J. Delahunty/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Faisal M. Gill (CN=Faisal M. Gill/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

B rett --
Not exactly -- there are only TWO entities -- WHO and OMB.

Everything else -- TPO, OHS, whatever -- fits within one of those two.

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:Robert J. Delahunty/WHO/EOP@EOP
Cc:edward mcnally/who/eop@eop
Date: 01/17/2003 01:07:38 PM
Subject: Re: Draft memo on document control

I will review this quickly. I think the idea is to have 3 essentially identical memos from the 3 different entities.

Robert J. Delahunty
01/17/2003 12:57:03 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Edward McNally/WHO/EOP@EOP
Subject: Draft memo on document control

Brett: Ed asked me to forward to you -- at this point, for your review alone -- a draft of the guidance we discussed this morning. Ed is still on the Hill and has not been able to review it in detail, but he has seen an earlier and slightly different version. He is calling you to flag a couple of questions. One further question for you is whether we should say anything in the "request-and-approve" process about classified materials people may want to take over to DHS.
Also, this draft is skimpy on practical guidance on boxing, filing, inventorying, etc. My sense is that there should be a separate Exec Sec-type memo to accompany this, giving all those thoughts. The shorter we keep each memo, the likelier each is to be read -- and followed.
Robert

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/17/2003 5:22:01 AM
Subject: : Sen. Specter and Michigan Case

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-JAN-2003 10:22:01.00
SUBJECT:: Sen. Specter and Michigan Case
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Just talked to Mark Helprin of Specter's office. After explaining our
brief to him, he says that he doesn't think that it is that far off from
Specter's own views.
```

From: David_G._Leitch@who.eop.gov [WHO] <Leitch, David G.>
To: <Francisco>;nfrancis@WHO.eop.gov [WHO] <Noel J.>;<Kavanaugh>;bkavanau@WHO.eop.gov [WHO] <Brett M.>
Sent: 1/17/2003 5:45:04 AM
Subject: RE: Sen. Specter and Michigan Case

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
CREATION DATE/TIME:17-JAN-2003 10:45:04.00
SUBJECT:RE: Sen. Specter and Michigan Case
TO:Francisco, Noel J. (nfrancis@WHO.eop.gov [WHO])
READ:UNKNOWN
TO:Kavanaugh, Brett M. (bkavanau@WHO.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

I could have lived happily without knowing that.

-----Original Message-----
From: Francisco, Noel J.

Sent: Friday, January 17, 2003 10:14 AM

To: Alberto R. Gonzales/WHO/EOP@EOP; Leitch, David G.; Kavanaugh, Brett M.; Lefkowitz, Jay P.
Subject: Sen. Specter and Michigan Case

Just talked to Mark Helprin of Specter's office. After explaining our brief to him, he says that he doesn't think that it is that far off from Specter's own views.

From: CN=Linda M. Gambatesa/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/17/2003 6:12:41 AM
Subject: : Re: Future Library

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JAN-2003 11:12:41.00
SUBJECT:: Re: Future Library
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks - oh well - first example that came to mind.

Brett M. Kavanaugh
01/17/2003 11:05:56 AM
Record Type: Record

To: Linda M. Gambatesa/WHO/EOP@EOP
cc: harriet miers/who/eop@eop, mary ann hanusa/who/eop@eop
bcc:
Subject: Re: Future Library

Very good idea (though not enthusiastic about that example!) and you can ask Archives if they would be willing to do so. Let me know if you need any assistance. Thanks.

Linda M. Gambatesa
01/17/2003 11:07:55 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc: Harriet Miers/WHO/EOP@EOP, Mary Ann Hanusa/WHO/EOP@EOP
bcc:
Subject: Re: Future Library

Another related question - we think it might be helpful to start purchasing books that are published about the President, i.e. the David Frum book, to keep for potential use in the future Library. (The logic is that by the time the Library is built, these books may no longer be available in hardback which would obviously make for a nicer display). Would it be permissible for us to ask the Archives to pay for these too?

Brett M. Kavanaugh
11/18/2002 10:17:41 AM
Record Type: Record

To: Linda M. Gambatesa/WHO/EOP@EOP

cc:
bcc:
Subject: Re: Future Library

I would think Archives might pay for shipment back. Storage in 501 makes sense to me.

Linda M. Gambatesa
11/15/2002 10:03:12 AM
Record Type: Record

To: Harriet Miers/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP, Mary Ann Hanusa/WHO/EOP@EOP
cc: Cathy Alix/WHO/EOP@EOP, Blake Gottesman/WHO/EOP@EOP
Subject: Future Library

FYI - WHMO has provided a list of items from Offutt AFB that the President used on 9/11 (still waiting to hear back from Barksdale AFB). The items identified so far are:

- Command Center Swivel Chair w/old US Strategic Command Seal
-Secure Telephone
- Plastic Water Pitcher
- Plate under Pitcher
- Goblet
- Paper coasters w/old US Strategic Command Seal
- Video Tele-Conference Center Chair

I recommend we advise we would like all these items to recreate the image down the road (even though we may not use all). Do you agree?

Issues to address:
1. Who should pay to ship these items to DC ?
2. Is it okay to store them in 501 EEOB?

From:	Francisco, Noel J.
To:	Alberto R. Gonzales/WHO/EOP <Alberto R. Gonzales/WHO/EOP@EOP>;Alberto R. Gonzales/WHO/EOP <Leitch, David G.>;Alberto R. Gonzales/WHO/EOP <Kavanaugh, Brett M.>;Alberto R. Gonzales/WHO/EOP <Lefkowitz, Jay P.>
Sent:	1/17/2003 10:14:12 AM
Subject:	Sen. Specter and Michigan Case

Just talked to Mark Helprin of Specter's office. After explaining our brief to him, he says that he doesn't think that it is that far off from Specter's own views.

From: Howard, Paul <phoward@Manhattan-Institute.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Young, Lindsay <lmy@Manhattan-Institute.org>;Sahm, Charles <csahm@Manhattan-Institute.org>
Sent: 1/17/2003 6:30:53 AM
Subject: : Meeting with Larry Mone

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Howard, Paul" <phoward@Manhattan-Institute.org> ( "Howard, Paul"
<phoward@Manhattan-Institute.org> [ UNKNOWN ] )
CREATION DATE/TIME:17-JAN-2003 11:30:53.00
SUBJECT:: Meeting with Larry Mone
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:"Young, Lindsay" <lmy@Manhattan-Institute.org> ( "Young, Lindsay" <lmy@Manhattan-
Institute.org> [ UNKNOWN ] )
READ:UNKNOWN
CC:"Sahm, Charles" <csahm@Manhattan-Institute.org> ( "Sahm, Charles" <csahm@Manhattan-
Institute.org> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett,

Good talking to you today. I can't tell you how impressed we've all been
lately with the President's agenda on tort reform and the courts. Best of
luck with all your efforts.

Our president, Lawrence (Larry) Mone, would like to come into the White
House to talk to you (and anyone else you think should be in the meeting)
regarding tort reform. The dates he has available are January 22nd, 28th,
31st, or February 4th. Let me know which of these dates works for you and
I'll lock it in.

If none of these dates are available, give me a few alternates from your
calendar and I'll work from those instead.

Best,

Paul Howard
Deputy Director
Center for Legal Policy
Manhattan Institute
```

From: Leitch, David G.
To: <Francisco, Noel J.>;<Kavanaugh, Brett M.>
Sent: 1/17/2003 10:45:03 AM
Subject: RE: Sen. Specter and Michigan Case

I could have lived happily without knowing that.

-----Original Message-----

From: Francisco, Noel J.

Sent: Friday, January 17, 2003 10:14 AM

To: Alberto R. Gonzales/WHO/EOP@EOP; Leitch, David G.; Kavanaugh, Brett M.; Lefkowitz, Jay P.

Subject: Sen. Specter and Michigan Case

Just talked to Mark Helprin of Specter's office. After explaining our brief to him, he says that he doesn't think that it is that far off from Specter's own views.

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>;<Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>;<Nelson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/49a0db8a-2a564f13-85256a2a-4e472e [UNKNOWN] <Carolyn>;<Bumatay>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /Patrick_J._Bumatay [UNKNOWN] <Patrick J.>;<Montiel>;Charlotte_L._Montiel@who.eop.gov [WHO] <Charlotte L.>
Sent: 1/17/2003 11:23:55 AM
Subject: weekend

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ( [ UNKNOWN ] )
CREATION DATE/TIME:17-JAN-2003 16:23:55.00
SUBJECT:weekend
TO:Gonzales, Alberto R. ( Alberto_R._Gonzales@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Leitch, David G. ( David_G._Leitch@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Nelson, Carolyn ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=49a0db8a-
2a564f13-85256a2a-4e472e [ UNKNOWN ] )
READ:UNKNOWN
TO:Bumatay, Patrick J. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=Patrick_J._Bumatay [ UNKNOWN ] )
READ:UNKNOWN
TO:Montiel, Charlotte L. ( Charlotte_L._Montiel@who.eop.gov [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I will be in Florida with my parents tomorrow and Sunday. I will be available
of course on cell and blackberry.
```

From: Wingate, Heather
To: <Gilbert, Alan>;<Kavanaugh, Brett M.>;<Silverberg, Kristen>
Sent: 1/17/2003 11:27:25 AM
Subject: FW: Med Mal Comparison 3.0
Attachments: att1.htm; MED MAL SIDE BY SIDE 3.0.doc

this is a side-by-side of various med/mal proposals out there that Hatch's office has pulled together. thought you all might be interested in it.

---------- Forwarded by Heather Wingate/WHO/EOP on 01/17/2003 11:35 AM ----------

"Seidel, Rebecca (Judiciary)"

01/16/2003 09:23:57 PM

Record Type: Record

To: Heather Wingate/WHO/EOP@EOP

cc:

Subject: FW: Med Mal Comparison 3.0

Oops - I said on the phone that I thought MICRA's atty fee caps were not

as good as the HEALTH (Greenwood) Act, they are identical.

-----Original Message-----

From: Seidel, Rebecca (Judiciary)

Sent: Thursday, January 16, 2003 7:56 PM

To: 'Heather_Wingate@who.eop.gov'

Subject: FW: Med Mal Comparison 3.0

Importance: High

Keep in mind that this chart says MICRA is silent on Punitives - I am

not sure that is accurate, I think it may have something regarding a

standard, though it does not have caps- I am double checking. Feinstein

did say that she would want reasonable stds for punitives.

-----Original Message-----

From: Greissing, John (Judiciary)

Sent: Thursday, January 16, 2003 5:41 PM

To: Seidel, Rebecca (Judiciary)

Subject: Med Mal Comparison 3.0

Rebecca, Attached is a comparison of just MICRA and the HEALTH Act.

Jay

- att1.htm <<...>>

- MED MAL SIDE BY SIDE 3.0.doc <<...>>

Oops – I said on the phone that I thought MICRA's atty fee caps were not as good as the HEALTH (Greenwood) Act, they are identical.

-----Original Message-----
From: Seidel, Rebecca (Judiciary)
Sent: Thursday, January 16, 2003 7:56 PM
To: 'Heather_Wingate@who.eop.gov'
Subject: FW: Med Mal Comparison 3.0
Importance: High

Keep in mind that this chart says MICRA is silent on Punitives – I am not sure that is accurate, I think it may have something regarding a standard, though it does not have caps- I am double checking. Feinstein did say that she would want reasonable stds for punitives.

-----Original Message-----
From: Greissing, John (Judiciary)
Sent: Thursday, January 16, 2003 5:41 PM
To: Seidel, Rebecca (Judiciary)
Subject: Med Mal Comparison 3.0

Rebecca, Attached is a comparison of just MICRA and the HEALTH Act.

Jay

COMPARISON OF MEDICAL LIABILITY STATUTES AND PROPOSALS

Legislation	HEALTH Act of 2002 – H.R. 4600 (Rep. Greenwood)	California's MICRA
Caps on Non-Economic Damages	• Limits the liability for non-economic loss to $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence. • An award for future damages shall not be discounted to present value. • The jury shall not be informed about this limitation, but an award in excess of $250,000 shall be reduced before judgment is entered and before accounting for any other reductions in damages.	• Limits the liability for non-economic loss to $250,000.
Limiting Joint and Several Liability	• Eliminates joint liability against any defendant. • Allows several liability against each defendant in accordance with the percentage of negligence attributable to each defendant.	• N/A
Periodic Payments	• Allows courts to require periodic payments for future damages awards equal to or exceeding $50,000.	• Allows courts to require periodic payments for future damages awards equal to or exceeding $50,000.
Limiting Contingency Fees	• Limits attorneys to 40% of the first $50,000 recovered; 33.3% of the next $50,000 recovered; 25% of the next $500,000 recovered; and 15% of any amount on which the recovery exceeds $600,000.	• Limits attorneys to 40% of the first $50,000 recovered; 33.3% of the next $50,000 recovered; 25% of the next $500,000 recovered; and 15% of any amount on which the recovery exceeds $600,000.
Caps on Punitive Damages	• Awards only made if proven by clear and convincing evidence that the defendant acted with malicious intent to injure the plaintiff, or deliberately failed to avoid unnecessary injury that the defendant knew the plaintiff was substantially certain to suffer. • Limits punitive damages awards to double the economic damages, or $250,000, whichever is greater.	• N/A

REV_00106630

Legislation	HEALTH Act of 2002 – H.R. 4600 (Rep. Greenwood)	California's MICRA
Statute of Limitations	• No action may be initiated after the expiration of a three-year period after the date of injury or one year after the alleged injury was or should have reasonably been discovered. • Period may be tolled for proof of fraud, intentional concealment, or the presence of a foreign body in the person of the injured person. • For minors under six years of age, action must be commenced within three years of the alleged occurrence of the injury or prior to his 8th birthday, whichever provides a longer period.	• No action may be initiated after the expiration of a three-year period after the date of injury or one year after the alleged injury was or should have reasonably been discovered. • Period may be tolled for proof of fraud, intentional concealment, or the presence of a foreign body in the person of the injured person. • For minors under six years of age, action must be commenced within three years of the alleged occurrence of the injury or prior to his 8th birthday, whichever provides a longer period.
Collateral Source Reform	• Authorizes defendants to introduce evidence showing the plaintiff received benefits from collateral sources. • The plaintiff may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of himself to secure the right to such collateral source benefits. • The court will then reduce the damages awards from these amounts.	• Authorizes defendants to introduce evidence showing the plaintiff received benefits from collateral sources. • The plaintiff may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of himself to secure the right to such collateral source benefits. • The court will then reduce the damages awards from these amounts.

REV_00106631

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Timothy C. Stout/WHO/EOP@EOP [WHO] <Timothy C. Stout>;Robert J. Delahunty/WHO /EOP@EOP [WHO] <Robert J. Delahunty>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Faisal M. Gill/WHO /EOP@EOP [WHO] <Faisal M. Gill>;Catherine S. Anderson/WHO/EOP@EOP [WHO] <Catherine S. Anderson>
Sent: 1/17/2003 8:13:35 AM
Subject: : Re: Harriet Miers task?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JAN-2003 13:13:35.00
SUBJECT:: Re: Harriet Miers task?
TO:Timothy C. Stout (CN=Timothy C. Stout/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert J. Delahunty (CN=Robert J. Delahunty/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Faisal M. Gill (CN=Faisal M. Gill/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Catherine S. Anderson (CN=Catherine S. Anderson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tim -- thanks for doing the heavy lifting on this. But oHS isn't the only WH component sending people to DHS. And we can't have a separate memo for each office. My strong recommendation is that there shld be just one, uniform set of instructions sent out by someone with WH-wide responsibilities. It cld be Harriet, or maybe McCord or Alix, or OA. But it should only be one memo, and it should go to all WHO.

Second, remember that you Tim and for that matter most of those named above can't tell OMB staff what to do or how to do it. And most of these docs are in OMB's possession -- NOT OHS or even WHO. So pls get w/ your counterparts who have office-wide authority at (a) WHO and (b) OMB re: this. They can use your draft or whatever has been been STANDARD WH text in the past.

.

----- Original Message -----
From:Robert J. Delahunty/WHO/EOP
To:Edward McNally/WHO/EOP@EOP
Cc:Catherine S. Anderson/WHO/EOP@EOP
Date: 01/17/2003 12:42:08 PM
Subject: Re: Harriet Miers task?

Ed: Here's a possible add on -- or maybe a separate but accompanying memo -- from OHS Exec Sec, which I asked them to do. Note that it mentions classified materials, which my draft didn't. Maybe we need to add something on that too, in the approval-for-copying process. Robert

Preparing Records for Storage

1) ONLY use storage boxes provided by the Office of Records Management. To order those please call ORM at 456-2240 or x 2242.
2) Place files upright in the box.
3) Prepare a detailed inventory list that includes contents in the order they appear in the box and be sure to include the staff member,s name and office at the top of the inventory list. Process security

classified documents separately. (ALL BOXES MUST HAVE AN INVENTORY LIST ON DISK AND PAPER WHEN GIVEN TO ORM)
4) Place the paper copy of list inside the box and provide the individual picking the boxes up with an envelope containing an electronic copy of the inventory on a 31/28 diskette. (Please note that only 1 disk is needed for each series of boxes picked up by ORM- disks can be provided by ORM if necessary)
5) Mark the top flap of the box appropriately with the staff member, s name, office and box number. If a series of boxes is being given to ORM, please archive as 1 of 5, 2 of 5, etc.
6) Call 456-2242 to arrange for pick-up. Be sure to provide the contact,s name, room, location, and the quantity of boxes that are being picked up.

If you have any questions, call 456-2242 or visit ORM at www.eop.gov/ORM.

Following these steps will help ensure that your material is accessible and organized when they are transferred to the Bush Presidential Library at the end of the

Edward McNally
01/17/2003 11:08:28 AM
Record Type: Record

To: Robert J. Delahunty/WHO/EOP@EOP
cc:
Subject: Re: Harriet Miers task?

Robert -- wld you like me to assign Faisal to take on this task today?

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Tim Goeglein/WHO /EOP@EOP [WHO] <Tim Goeglein>
Sent: 1/17/2003 12:17:50 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JAN-2003 17:17:50.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Not at all. Happy as always to help. Just let me know.

.

----- Original Message -----
From:Tim Goeglein/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/17/2003 05:02:49 PM
Subject: Re:

B

I thought I was imposing on your time, my friend.

Are you game to do them?

tsg

Brett M. Kavanaugh
01/17/2003 04:27:47 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
Subject:

any word on call and Norquist/Weyrich next week?

From: Miranda, Manuel (Judiciary) <Manuel_Miranda@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/17/2003 1:39:04 PM
Subject: : FW: Notice of Nominations Hearing: Wed., Jan. 29, 2003 at 9:30 a.m.
Attachments: P_NX64D003_WHO.TXT_1.html; P_NX64D003_WHO.TXT_2.wpd

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Miranda, Manuel (Judiciary)" <Manuel_Miranda@Judiciary.senate.gov> ("Miranda, Manuel (Judiciary)" <Manuel_Miranda@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:17-JAN-2003 18:39:04.00
SUBJECT:: FW: Notice of Nominations Hearing: Wed., Jan. 29, 2003 at 9:30 a.m.
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

January 17, 2003

NOTICE OF HEARING

The Senate Committee on the Judiciary will hold a hearing on Wednesday, January 29, 2003, at 9:30 a.m. in Room 226 of the Senate Dirksen Building, on "Judicial Nominations."

Senator Hatch will preside.

By order of the Chairman

Jane Butterfield
Senate Judiciary Committee
Dirksen 222
4-1444

- att1.htm - NotJanuary2903-ful.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NX64D003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NX64D003_WHO.TXT_2>

January 17, 2003

NOTICE OF HEARING

& nbsp; The Senate Committee on the Judiciary will hold a hearing on Wednesday, January 29, 2003, at **9:30 a.m.** in Room **226** of the **Senate Dirksen Building**, on **"Judicial Nominations.**"

Senator Hatch will preside.

B y order of the Chairman

& nbsp;

Jane Butterfield
Senate Judiciary Committee
Dirksen 222
4-1444

January 17, 2003

NOTICE OF HEARING

The Senate Committee on the Judiciary will hold a hearing on Wednesday, January 29, 2003, at **9:30 a.m.** in Room **226** of the **Senate Dirksen Building**, on **"Judicial Nominations."**

Senator Hatch will preside.

By order of the Chairman

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>;<Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>
Sent: 1/17/2003 11:34:30 AM
Subject: CNN Inside Politics

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ( [ UNKNOWN ] )
CREATION DATE/TIME:17-JAN-2003 16:34:30.00
SUBJECT:CNN Inside Politics
TO:Gonzales, Alberto R. ( Alberto_R._Gonzales@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Leitch, David G. ( David_G._Leitch@who.eop.gov [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

just discussed Dr. Rice's statement
```

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R>;<Leitch, David G.>
Sent: 1/17/2003 4:34:30 PM
Subject: CNN Inside Politics

just discussed Dr. Rice's statement

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 1/17/2003 1:46:13 PM
Subject: : Re: Draft docs memo to WHO staff transferring to DHS -- comments due Tues. a.m.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JAN-2003 18:46:13.00
SUBJECT:: Re: Draft docs memo to WHO staff transferring to DHS -- comments due Tues. a.m.
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can you email it in text.

.

----- Original Message -----
From:Edward McNally/WHO/EOP
To:Faisal M. Gill/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP,
Steven D. Aitken/OMB/EOP@EOP,
Lucy G. Clark TPO/TPO/OMB/EOP@EOP,
Timothy C. Stout/WHO/EOP@EOP,
John M. Mitnick TPO/TPO/OMB/EOP@EOP,
Robert J. Delahunty/WHO/EOP@EOP
Cc:Harriet Miers/WHO/EOP@EOP,
Stuart W. Bowen/WHO/EOP@EOP,
Carolyn E. Cleveland/WHO/EOP@EOP,
John F. Wood/OMB/EOP@EOP,
David G. Leitch/WHO/EOP@EOP,
Barbara A. Barclay/WHO/EOP@EOP,
Debra D. Bird/WHO/EOP@EOP,
Karen D. Cruson/WHF/EOP@EOP,
Terry W. Good/WHO/EOP@EOP,
Laura F. Fullerton/WHO/EOP@EOP,
John B. Bellinger/NSC/EOP@EOP
Date: 01/17/2003 06:42:51 PM
Subject: Draft docs memo to WHO staff transferring to DHS -- comments due Tues. a.m.

The att'd memo was initially drafted by Robert Delahunty after this a.m.'s meeting, and also reflects add'l drafting by Brett Kavanaugh and myself.
The ORM "check out" attachments and instructions are standard and can be viewed on the ORM website cited in the memo here.
Presumably OMB (Steve Aitken?) will be preparing a similar memo (as OMB GC did for TPO in July 2002), but that is OMB's call.
John Bellinger -- pls note the blank in the last sentence -- which NSC lawyer wld you like to approve any doc requests from NSC personnel who are at the TPO or moving to the new DHS?
Please send all edits and comments to OHS Assoc. Counsel Faisal Gill by 10:00 a.m. Tuesday.

Message Sent to:

To: Faisal Gill, Brett Kavanaugh, Steven D. Aitken/OMB/EOP, Lucy Clark TPO, Timothy Stout, John Mitnick TPO, Kenneth Hill TPO/TPO/OMB/EOP, Robert Delahunty
cc: Harriet Miers/WHO/EOP, Stuart W. Bowen/WHO/EOP, Carolyn E. Cleveland/WHO/EOP, John F. Wood/OMB/EOP, David Leitch, Barbara A.

Barclay/WHO/EOP, Debra D. Bird/WHO/EOP, Karen D. Cruson/WHF/EOP, Terry W. Good/WHO/EOP, Laura Fullerton, John B. Bellinger/NSC/EOP

From: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO /EOP@EOP [WHO] <Heather Wingate>
Sent: 1/17/2003 3:00:23 PM
Subject: : revised chart
Attachments: P_6G84D003_WHO.TXT_1.html; P_6G84D003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ("Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:17-JAN-2003 20:00:23.00
SUBJECT:: revised chart
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here is the revised chart, as I told Brett, I hadn't had a chance to review the other, it was a draft I sent you - but for a 1st draft my legal fellow did a bang up job. I finally have some help on this stuff! Once I reviewed it I noticed the Punitives standard issue and the House Flexicap was missing. Also, I would have written "proportionate liability" in the joint and several section, but he put in the more exact language which I am leaving in for my boss. Easier to understand for talking points. You can obviously change it.

I hope you don't have trouble printing it or reading it - I have spent a good part of this afternoon dealing with computer problems with our conversion over to Word and it screwing up these charts for printing (even though they were created in Word). More info than you need I am sure :-)

- att1.htm - Bush HEALTH CA.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_6G84D003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_6G84D003_WHO.TXT_2>

Here is the revised chart, as I told Brett, I hadn't had a chance to review the other, it was a draft I sent you – but for a 1 st draft my legal fellow did a bang up job. I finally have some help on this stuff! Once I reviewed it I noticed the Punitives standard issue and the House Flexicap was missing. Also, I would have written "proportiona te liability" in the joint and several section, but he put in the more exact language which I am leaving in for my boss. Easier to understand for talking points. You can obviously change it.

I hope you don't have trouble printing it or reading it – I have spent a good part of this afternoon dealing with computer problems with our conversion over to Word and it screwing up these charts for printing (even though they were created in Word). More info than you need I am sure ☺

COMPARISON OF MEDICAL LIABILITY STATUTES AND PROPOSALS

Legislation	HEALTH Act of 2002 – H.R. 4600 (Rep. Greenwood)	California's MICRA	President Bush's Proposal
Caps on Non-Economic Damages	• SAME as MICRA for limiting the liability for non-economic loss to $250,000. House bill adds language stating that this limit exists regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence. • An award for future damages shall not be discounted to present value. • The jury shall not be informed about this limitation, but an award in excess of $250,000 shall be reduced before judgment is entered and before accounting for any other reductions in damages.	• Limits the liability for non-economic loss to $250,000.	• SAME as MICRA
Limiting Joint and Several Liability	• Eliminates joint liability against any defendant. • Allows several liability against each defendant in accordance with the percentage of negligence attributable to each defendant.	• N/A	• Eliminates joint liability against any defendant. • Allows several liability against each defendant in accordance with the percentage of negligence attributable to each defendant.
Periodic Payments	• SAME as MICRA	• Allows courts to require periodic payments for future damages awards equal to or exceeding $50,000.	• Allows courts to require periodic payments for future damages awards. • NO SPECIFIC AMOUNT PROPOSED.

REV_00106688

Legislation	HEALTH Act of 2002 – H.R. 4600 (Rep. Greenwood)	California's MICRA	President Bush's Proposal
Limiting Contingency Fees	• SAME as MICRA	• Limits attorneys to 40% of the first $50,000 recovered; 33.3% of the next $50,000 recovered; 25% of the next $500,000 recovered; and 15% of any amount on which the recovery exceeds $600,000.	• N/A
Collateral Source Reform	• SAME as MICRA	• Authorizes defendants to introduce evidence showing the plaintiff received benefits from collateral sources. • The plaintiff may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of himself to secure the right to such collateral source benefits. • The court will then reduce the damages awards from these amounts.	• SAME as MICRA
Punitive Damages	• Awards only made if proven by **clear and convincing evidence** that the defendant acted with malicious intent to injure the plaintiff, or deliberately failed to avoid unnecessary injury that the defendant knew the plaintiff was substantially certain to suffer. • Limits punitive damages awards to double the economic damages, or $250,000, whichever is greater.	• Plaintiff may recover if it is proven by **clear and convincing evidence** that the defendant has been guilty of oppression, fraud, or malice. • NO MONETARY CAP. • Employer shall not be liable for damages based on acts of employee unless employer had advance knowledge of the employee's unfitness and employed him with a conscious disregard of the rights or safety of others, or authorized or ratified such wrongful conduct. As for corporate employer, it must be on the part of an officer, director, or managing agent of the corporation. • The court will not admit the defendant's financial condition into evidence until after the trier of fact returns a verdict for plaintiff awarding actual damages and find the defendant meets the standards for punitive damages. • Filing and notice requirements.	• Reserves punitive damages for cases when they are justified and limit them to reasonable amounts. • NO SPECIFIC CAP AMOUNT PROPOSED

REV_00106689

Legislation	HEALTH Act of 2002 – H.R. 4600 (Rep. Greenwood)	California's MICRA	President Bush's Proposal
Statute of Limitations	• SAME as MICRA	• No action may be initiated after the expiration of a three-year period after the date of injury or one year after the alleged injury was or should have reasonably been discovered. • Period may be tolled for proof of fraud, intentional concealment, or the presence of a foreign body in the person of the injured person. • For minors under six years of age, action must be commenced within three years of the alleged occurrence of the injury or prior to his 8th birthday, whichever provides a longer period.	• Ensures old cases cannot be brought years after an event. • NO SPECIFIC TIME PERIOD PROPOSED.
Patient Safety and Quality Improvement Programs	• N/A	• N/A	• Calls for legislation to make it possible for doctors and health care organizations to share information on quality problems and medical errors without fear of litigation.
Flexi-cap Provision	• HEALTH Act will not preempt state laws with lower caps or a shorter SOL already in place. • HEALTH Act will preempt state laws that allow a greater limit for damages and contingency fees, allow a longer SOL, reduce the applicability or scope of periodic payments and prohibit evidence of collateral source benefits or mandates or permits subrogation or liens on collateral source benefits.	• N/A	• N/A

REV_00106690

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/18/2003 6:18:52 AM
Subject: : Re: channel 63

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JAN-2003 11:18:52.00
SUBJECT:: Re: channel 63
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

what was this all about?

Brett M. Kavanaugh
01/17/2003 04:07:05 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject: channel 63

From: Alberto_R._Gonzales@who.eop.gov [WHO] <Gonzales, Alberto R>
To: <Kavanaugh>;bkavanau@WHO.eop.gov [WHO] <Brett M.>
Sent: 1/18/2003 4:47:39 AM
Subject: RE: CNN Inside Politics

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Gonzales, Alberto R (Alberto_R._Gonzales@who.eop.gov [WHO])
CREATION DATE/TIME:18-JAN-2003 09:47:39.00
SUBJECT:RE: CNN Inside Politics
TO:Kavanaugh, Brett M. (bkavanau@WHO.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

After the story in the Post, we need to tee up Chertoff.

-----Original Message-----
From: Kavanaugh, Brett M.

Sent: Friday, January 17, 2003 4:35 PM

To: Gonzales, Alberto R; Leitch, David G.

Subject: CNN Inside Politics

just discussed Dr. Rice's statement

From: [UNKNOWN] <Nelson, Carolyn>

To: <Addington>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/Ffab5a7d-85b03435-852569db-569229 [UNKNOWN] <David S.>;<Bartolomucci>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1a4dab1a-ebcd4db1-852569da-6039db [UNKNOWN] <H. Christopher>;<Berenson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/A98fcbc9-26b1da41-852569db-58f64b [UNKNOWN] <Bradford A.>;<Brilliant>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/59738820-f4c7b11f-85256b9f-47097a [UNKNOWN] <Hana F.>;<Bumatay>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/Patrick_J._Bumatay [UNKNOWN] <Patrick J.>;<Cabral>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/3e9f71da-51100fc2-85256ab7-60dfea [UNKNOWN] <Raquel>;Elizabeth N. Camp TPO/TPO/OMB/EOP@EOP [UNKNOWN] <Elizabeth N. Camp TPO/TPO/OMB/EOP@EOP>;<Carroll>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/Abe8caab-b5943fbd-85256b4b-69c8ce [UNKNOWN] <James W.>;<Everson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/Ff797a9b-218fe559-85256b99-4e9537 [UNKNOWN] <Nanette>;<Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>;<Francisco>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/Ceffce1d-3aa04cd4-852569da-68eb00 [UNKNOWN] <Noel J.>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-c20fee19-852569da-7648dc [UNKNOWN] <Brett M.>;<McNally>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B23459ea-8a5ae3b-85256b04-6cae82 [UNKNOWN] <Edward>;<Montiel>;Charlotte_L._Montiel@who.eop.gov [WHO] <Charlotte L.>;<Newstead>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/Cc23d9be-a5e0dbb1-85256bae-52469a [UNKNOWN] <Jennifer G.>;<Powell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/C457024b-b3447231-85256c00-44cfa6 [UNKNOWN] <Benjamin A.>;<Sampson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4e664a2b-51bb08d-852569dc-544ebe [UNKNOWN] <Kyle>;<Walker>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/75138057-db233081-85256a02-46fce4 [UNKNOWN] <Helgard C.>

Sent: 1/18/2003 8:44:18 AM

Subject: From Tomorrow's Washington Post

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Nelson, Carolyn ( [ UNKNOWN ] )
CREATION DATE/TIME:18-JAN-2003 13:44:18.00
SUBJECT:From Tomorrow's Washington Post
TO:Addington, David S. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Ffab5a7d-
85b03435-852569db-569229 [ UNKNOWN ] )
READ:UNKNOWN
TO:Bartolomucci, H. Christopher ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=1a4dab1a-ebcd4db1-852569da-6039db [ UNKNOWN ] )
READ:UNKNOWN
TO:Berenson, Bradford A. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=A98fcbc9-26b1da41-852569db-58f64b [ UNKNOWN ] )
READ:UNKNOWN
TO:Brilliant, Hana F. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=59738820-
f4c7b11f-85256b9f-47097a [ UNKNOWN ] )
READ:UNKNOWN
TO:Bumatay, Patrick J. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=Patrick_J._Bumatay [ UNKNOWN ] )
READ:UNKNOWN
TO:Cabral, Raquel ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=3e9f71da-
51100fc2-85256ab7-60dfea [ UNKNOWN ] )
READ:UNKNOWN
TO:Elizabeth N. Camp TPO/TPO/OMB/EOP@EOP ( Elizabeth N. Camp TPO/TPO/OMB/EOP@EOP [ UNKNOWN
] )
READ:UNKNOWN
TO:Carroll, James W. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Abe8caab-
b5943fbd-85256b4b-69c8ce [ UNKNOWN ] )
READ:UNKNOWN
TO:Everson, Nanette ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Ff797a9b-
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READ:UNKNOWN
TO:Leitch, David G. ( David_G._Leitch@who.eop.gov [ WHO ] )
READ:UNKNOWN
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TO:Francisco, Noel J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Ceffce1d-3aa04cd4-852569da-68eb00 [UNKNOWN])
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TO:Montiel, Charlotte L. (Charlotte_L._Montiel@who.eop.gov [WHO])
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TO:Newstead, Jennifer G. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Cc23d9be-a5e0dbb1-85256bae-52469a [UNKNOWN])
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Bush Set For High Court Battle

Strategy Is to Nominate Ideological Conservative

By Mike Allen and Charles Lane
Washington Post Staff Writers

Sunday, January 19, 2003; Page A01

White House aides have developed a strategy for filling a future vacancy on the Supreme Court that calls for nominating an ideological conservative even if it increases the chance that the person would not be confirmed, administration officials said.

With at least one retirement on the court this year increasingly viewed as likely, advisers to President Bush see no necessity to try to head off Democratic opposition by offering a moderate nominee without a long paper trail of opinions and academic writings.

The officials said they are more likely to choose someone inclined to more conservative interpretations of the Constitution and take their chances with the Senate, where Republicans hold a majority of 51 to 49.

"There is no fear of a confirmation fight," a senior administration official said. "That doesn't mean that we want to fight for the sake of having a fight, or that we aren't going to choose the fight carefully."

Officials said the more aggressive strategy was driven in part by Bush's political momentum after November's elections and a growing belief in the West Wing that Democrats plan to fight no matter who is nominated. But a third factor, they said, was the frank opposition among conservative activists to the prospective nomination of White House counsel Alberto R. Gonzales, who served as a Texas Supreme Court justice and as Bush's counsel in the Texas governor's office -- and has long been expected to be Bush's first choice for the court.

Gonzales is still very much in the running and might well be nominated -- if not at first, then eventually, the officials said. But they said for the first time that they are taking the conservatives' complaints to heart and would not automatically recommend putting him up first.

Gonzales's office has been in charge of vetting potential nominees for the high court. Sources said that his potential nomination posed no conflict because Bush would make that decision himself, and that Gonzales had been leading discussions of the issue as if he were not a candidate. White House officials said they have been researching potential nominees since shortly after Bush's inauguration.

Although Bush has pursued a middle course on some issues, this emerging approach to Supreme Court nominations signals the administration's intention to govern largely from the right now that the Senate is back in Republican hands. The strategy is in keeping with the White House's announcement of an economic plan heavy on tax cuts and the renomination of conservative lower court judges previously rejected by Senate Democrats.

The Supreme Court strategy also implies that Republican conservatives have gained the upper hand in the internal administration debate over whether the president's political interest lies in rewarding his core supporters or in courting Hispanic voters by naming the first member of that fast-growing voting population to the court.

Conservatives are concerned about Gonzales's views on affirmative action and abortion. The right blames him for the administration's initial hesitation to support a challenge at the Supreme Court to the University of Michigan's race-conscious admissions program. And antiabortion groups dislike an opinion he wrote as a Texas Supreme Court justice supporting a teenager's right to have an abortion without telling her parents.

One prominent conservative who is familiar with the White House's deliberations said activists are concerned that Gonzales's instincts "may not be that sound."

The conservative leader added: "But there's also a certain amount of resignation that if the president wants him, the president wants him."
.

Another top conservative activist spoke of "strong, vocal opposition," and said it has been communicated to Bush's senior adviser, Karl Rove.

Several senior officials explained that the ultimate choice would depend very much on precisely who vacates the court. Officials said Gonzales would be less likely to be nominated if the first member to step down were Chief Justice William H. Rehnquist, 78. Gonzales is not perceived as being "as rock-solid as the chief is," as one put it, so his elevation to the court could, in this view, actually move it to the left.

Among the right's favorites for the court are J. Harvie Wilkinson, chief judge of the U.S. Court of Appeals for the 4th Circuit, based in Richmond, and J. Michael Luttig, another judge on the same court. Also mentioned are Edith Jones, a judge on the New Orleans-based U.S. Court of Appeals for the 5th Circuit, and Solicitor General Theodore B. Olson. Administration officials said another possibility is Samuel A. Alito Jr., a judge on the U.S. Court of Appeals for the 3rd Circuit, in Philadelphia.

But Gonzales might be more acceptable to conservative activists if he were replacing Justice Sandra Day O'Connor, 72, a more moderate, Republican-appointed justice who, unlike Rehnquist, has voted to support abortion rights.

One official said an ideal scenario for the administration and its allies would be for Justice John Paul Stevens, 82, to retire. Though appointed by Republican President Gerald R. Ford, in 1975, Stevens is a consistently liberal voice on the court, so the administration could argue that installing Gonzales in the Stevens seat would be a net gain for the right.

If Rehnquist retired, Bush would have the option of elevating a current member to chief justice while installing a new nominee as associate justice. In that case, officials said, he would most likely choose from the court's other four Republican appointees, O'Connor, Antonin Scalia, Clarence Thomas or Anthony M. Kennedy.

William Kristol, editor of the Weekly Standard, said the strategy had evolved in part because of the White House's expectations that Democrats will oppose anyone it nominates. "Since you can't duck and dodge, they're going to go for a fighter," he said. "They want someone who will defend himself effectively."

Recalling Bush's campaign-trail praise for conservatives Scalia and Thomas, some conservative activists have taken to comparing any move by Bush to nominate a moderate to the court with his father President George H.W. Bush's violation of a campaign pledge not to raise taxes.

Conservatives have also pounded home the message that they expect no repeat of the elder's nomination of David H. Souter to the court. A little-known "stealth nominee" -- one without a long record or well-known ideology -- when he was named in 1990, Souter has infuriated the right by consistently voting with the court's four-member liberal bloc.

"The rallying cry on the right for 'No more Souters' is really intense," said Clint Bolick, a former Reagan administration Justice Department official. "Conservatives think that they've got an explicit promise to nominate conservative justices."
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From: Ken Mehlman <kmehlman@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/18/2003 11:54:33 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ken Mehlman <kmehlman@georgewbush.com> ( Ken Mehlman <kmehlman@georgewbush.com> [
UNKNOWN ] )
CREATION DATE/TIME:18-JAN-2003 16:54:33.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Your re-election rules question and answer piece is excellent and very
useful.
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Sent from my BlackBerry Wireless Handheld
```

From: Charnes, Adam <Adam.Charnes@usdoj.gov>
To: Miguel Estrada (E-mail) <mestrada@gibsondunn.com>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 1/19/2003 9:31:19 AM
Subject: : FW: Notice of Executive Business Meeting: Thurs., Jan. 30, 2003
Attachments: P_H1J4D003_WHO.TXT_1.html; P_H1J4D003_WHO.TXT_2.wpd

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CREATOR:"Charnes, Adam" <Adam.Charnes@usdoj.gov> ("Charnes, Adam" <Adam.Charnes@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:19-JAN-2003 14:31:19.00
SUBJECT:: FW: Notice of Executive Business Meeting: Thurs., Jan. 30, 2003
TO:"Miguel Estrada (E-mail)" <mestrada@gibsondunn.com> ("Miguel Estrada (E-mail)" <mestrada@gibsondunn.com> [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Miguel, fyi. You are scheduled to be on the agenda.

-----Original Message-----
From: Comisac, RenaJohnson (Judiciary)
[mailto:/DDV=Rena_Johnson_Comisac@Judiciary.senate.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/]
Sent: Friday, January 17, 2003 6:03 PM
To: Benczkowski, Brian A; Charnes, Adam; Brown, Jamie E (OLA); Abegg, John (McConnell); Vogel, Alex (Frist)
Subject: FW: Notice of Executive Business Meeting: Thurs., Jan. 30, 2003

-----Original Message-----
From: Butterfield, Jane (Judiciary)
Sent: Friday, January 17, 2003 5:54 PM
To: Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Wheeler, Patrick (Judiciary); Sonia Acosta (sonia_acosta@kohl.senate.gov); Stein, Beth (Cantwell); Ackerman, Ethan (Cantwell); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Pomerance, Lilah (Schumer); Thomas Swanton (thomas_swanton@specter.senate.gov); Frank Brown (frank_brown@specter.senate.gov); Larry Kosten (larry_kosten@specter.senate.gov); Seema Singh (seema_singh@specter.senate.gov); Skocki, Stan (DeWine); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Mark Heilbrun (mark_heilbrun@specter.senate.gov); Glazewski, Tim (Kyl); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Terrell, Louisa (Judiciary); Christensen, Stephani (Judiciary); Columbus, Eric (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary); MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark

(Judiciary); Longley, Michael (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary); Eichner, Leesa (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Howell, Beryl (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McKennerney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Schmidek, Robyn (Judiciary); Toomajian, Phil (Judiciary); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James (Judiciary); Judiciary, Schumer1 (Judiciary); Taylor, Steve (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Mauceri, Kelly (Judiciary); Stieber, Greg (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Reed, Matt (Judiciary); Wagner, Jennifer (Judiciary); Augustine, Rene (Judiciary); Bunker, Matt (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Greissing, John (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); Jones, David (Judiciary); Kim, Wan (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); Miranda, Manuel (Judiciary); Prior, Swen (Judiciary); Reily, Brian (Judiciary); Sampson, Nate (Judiciary); Seidel, Rebecca (Judiciary); Snell, Bethann (Judiciary); Soliemanzadeh, Payam (Judiciary); Stahl, Katie (Judiciary); Tapia, Margarita (Judiciary); Volkov, Michael (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Sander, Andrea (Judiciary); Judiciary, SheilaB (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, EmilyL (Judiciary); Judiciary, JohnF (Judiciary); Judiciary, MargueriteM (Judiciary); Shipp, Becky (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); DeLoatche, Patricia (Judiciary); Millette, Martin (Judiciary); Patt, Madhavi (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BryceP (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary)
Subject: Notice of Executive Business Meeting: Thurs., Jan. 30, 2003

January 17, 2003

NOTICE OF EXECUTIVE BUSINESS MEETING

An Executive Business Meeting has been scheduled by the Senate Committee on the Judiciary, for Thursday, January 30, 2003 at 9:30 a.m., in the Senate Dirksen Building, Room 226.

By order of the Chairman

Jane Butterfield
Senate Judiciary Committee
Dirksen 222
4-1444

- tmp.htm - NotJanuary30ful.wpd
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File attachment <P_H1J4D003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
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Sent: Friday, January 17, 2003 5:54 PM
To: Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Wheeler, Patrick (Judiciary); Sonia Acosta (sonia_acosta@kohl.senate.gov); Stein, Beth (Cantwell); Ackerman, Ethan (Cantwell); Carle, David (Leahy); Fleek, Susanne (Leahy); Gor don, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Pomerance, Lilah (Schumer); Thomas Swanton (thomas_swanton@specter.senate.gov); Frank Brown (frank_brown@specter.senate.go v); Larry Kosten (larry_kosten@specter.senate.gov); Seema Singh (seema_singh@specter.senate.gov); Skocki, Stan (DeWine); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Mark Heilbrun (mark_heilbrun@specter.senat e.gov); Glazewski, Tim (Kyl); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Terrell, Louisa (Judiciary); Christensen, Stephani (Judiciary); Columbus, Eric (Judiciary); 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Judiciary, KristenW (Judiciary)
Subject: Notice of Executive Business Meeting: Thurs., Jan. 30, 2003

January 17, 2003< /font>

&nb sp;
NOTICE OF EXECUTIVE BUSINESS MEETING< /span>

&nbs p; An Executive Business Meeting has been scheduled by the Senate Committee on the Judiciary, for Thursday, January 30, 2003 at 9:30 a.m.< /st1:time>, in the <st1:place>Senate Dirksen< /st1:PlaceName> Building, Room 226.

B y order of the Chairman

Jane Butterfield
Senate Judiciary Committee
Dirksen 222< /font>
4-1444

January 27, 2003

NOTICE OF EXECUTIVE BUSINESS MEETING

An Executive Business Meeting has been scheduled by the Senate Committee on the Judiciary, for Thursday, January 30, at 9:30 a.m., in the Senate Dirksen Building, Room 226.

By order of the Chairman

From: Alberto_R._Gonzales@who.eop.gov [WHO] <Gonzales, Alberto R>
To: <Kavanaugh>;bkavanau@WHO.eop.gov [WHO] <Brett M.>
Sent: 1/20/2003 1:30:40 PM
Subject: Re: possible op-ed

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Gonzales, Alberto R ( Alberto_R._Gonzales@who.eop.gov [ WHO ] )
CREATION DATE/TIME:20-JAN-2003 18:30:40.00
SUBJECT:Re: possible op-ed
TO:Kavanaugh, Brett M. ( bkavanau@WHO.eop.gov [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Agreed, put it together.
.
Sent From Exchange 2000 Blackberry Handheld
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From: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/20/2003 2:57:19 PM
Subject: : std for punitives
Attachments: P_R0Z4D003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ("Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:20-JAN-2003 19:57:19.00
SUBJECT:: std for punitives
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I know you are busy, but if you have a second, call me about the std set forth in California's MICRA statute, compared to the std in McConnell's amendment from last year. Thanks.

Hang in there!

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_R0Z4D003_WHO.TXT_1>

I know you are busy, but if you have a second, call me about the std set forth in California's MICRA statute, compared to the std in McConnell's amendment from last year. Thanks.
Hang in there!

From: David_G._Leitch@who.eop.gov [WHO] <Leitch, David G.>
To: <Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>;<Kavanaugh>;bkavanau@WHO.eop.gov [WHO] <Brett M.>;<Francisco>;nfrancis@WHO.eop.gov [WHO] <Noel J.>
Sent: 1/21/2003 6:47:05 AM
Subject: Kmiec on Michigan

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
CREATION DATE/TIME:21-JAN-2003 11:47:05.00
SUBJECT:Kmiec on Michigan
TO:Gonzales, Alberto R. (Alberto_R._Gonzales@who.eop.gov [WHO])
READ:UNKNOWN
TO:Kavanaugh, Brett M. (bkavanau@WHO.eop.gov [WHO])
READ:UNKNOWN
TO:Francisco, Noel J. (nfrancis@WHO.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

"This is one of those rare cases where the politics actually yielded a superior outcome," says Catholic University School of Law Dean Douglas Kmiec, a former official in the Reagan Justice Department. The political discussions, Kmiec says, may have allowed Solicitor General Theodore Olson to "cut through some of the legalisms," such as the precise meaning and weight of Justice Lewis Powell's controlling concurrence in the 1978 Bakke case.

Kmiec thinks the government's brief may win over more than the five justices needed to strike down the Michigan program, "if the oral argument is as successful, and the justices as open-minded as the decision-makers in this political debate."

From: CN=Raquel Cabral/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Carolyn Nelson/WHO/EOP@EOP [WHO] <Carolyn Nelson>;Charlotte L. Montiel/WHO/EOP@Exchange@EOP [WHO] <Charlotte L. Montiel>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/21/2003 3:59:39 AM
Subject: : Thank you

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-JAN-2003 08:59:39.00
SUBJECT:: Thank you
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

On Feb. 2nd I will be going back to Presidential Personnel to work for
Dina Powell - the new Assistant to the President for Presidential
Personnel. I have really enjoyed working with everyone and appreciate
being given the opportunity to work in Counsels Office. Thank you!
```

From: [UNKNOWN] <Jones, Alison>

To: john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>;david.aufhauser@do.treas.gov [UNKNOWN] <david.aufhauser@do.treas.gov>;robert.nichols@do.treas.gov [UNKNOWN] <robert.nichols@do.treas.gov>;tim.adams@do.treas.gov [UNKNOWN] <tim.adams@do.treas.gov>;april.lehman@do.treas.gov [UNKNOWN] <april.lehman@do.treas.gov>;<Goldman>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/698aa900-27350be5-852569dd-5f23fe [UNKNOWN] <Adam B.>;<Hennessey>;Keith_Hennessey@opd.eop.gov [OPD] <Keith>;<Powell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/583fb9ce-afbad6ff-852569dd-44bbda [UNKNOWN] <Dina>;<Snee>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/Ashley_M_Snee [UNKNOWN] <Ashley>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-c20fee19-852569da-7648dc [UNKNOWN] <Brett M.>;janet.jones@do.treas.gov [UNKNOWN] <janet.jones@do.treas.gov>;<Ojakli>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1b7998b0-abaaeca4-852569db-5ead8a [UNKNOWN] <Ziad S.>;<Everson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/Ff797a9b-218fe559-85256b99-4e9537 [UNKNOWN] <Nanette>;arnie_havens@csx.com [UNKNOWN] <arnie_havens@csx.com>;<Ingle>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/53838b5a-90e78711-852569dc-53f24b [UNKNOWN] <Edward>;linda_mathis@csx.com [UNKNOWN] <linda_mathis@csx.com>;<Wolff>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D55bba04-5a282e31-852569db-607283 [UNKNOWN] <Candida P.>;<Kratovil>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/60244d3e-aabbce0e-85256b74-5c655a [UNKNOWN] <Lindley>;<Warsh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/30fe7fce-d1703678-85256b59-6cfefc [UNKNOWN] <Kevin>;JT.Young@do.treas.gov [UNKNOWN] <JT.Young@do.treas.gov>

CC: <Ojakli>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1b7998b0-abaaeca4-852569db-5ead8a [UNKNOWN] <Ziad S.>

Sent: 1/21/2003 8:18:06 AM

Subject: 6pm Snow Conf. Call

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Jones, Alison ( [ UNKNOWN ] )
CREATION DATE/TIME:21-JAN-2003 13:18:06.00
SUBJECT:6pm Snow Conf. Call
TO:john.duncan@do.treas.gov ( john.duncan@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:david.aufhauser@do.treas.gov ( david.aufhauser@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:robert.nichols@do.treas.gov ( robert.nichols@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:tim.adams@do.treas.gov ( tim.adams@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:april.lehman@do.treas.gov ( april.lehman@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Goldman, Adam B. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=698aa900-27350be5-852569dd-5f23fe [ UNKNOWN ] )
READ:UNKNOWN
TO:Hennessey, Keith ( Keith_Hennessey@opd.eop.gov [ OPD ] )
READ:UNKNOWN
TO:Powell, Dina ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=583fb9ce-afbad6ff-
852569dd-44bbda [ UNKNOWN ] )
READ:UNKNOWN
TO:Snee, Ashley ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Ashley_M_Snee [
UNKNOWN ] )
READ:UNKNOWN
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
c20fee19-852569da-7648dc [ UNKNOWN ] )
READ:UNKNOWN
TO:janet.jones@do.treas.gov ( janet.jones@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Ojakli, Ziad S. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=1b7998b0-
abaaeca4-852569db-5ead8a [ UNKNOWN ] )
```

READ:UNKNOWN
TO:Everson, Nanette (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Ff797a9b-218fe559-85256b99-4e9537 [UNKNOWN])
READ:UNKNOWN
TO:arnie_havens@csx.com (arnie_havens@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Ingle, Edward (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=53838b5a-90e78711-852569dc-53f24b [UNKNOWN])
READ:UNKNOWN
TO:linda_mathis@csx.com (linda_mathis@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Wolff, Candida P. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D55bba04-5a282e31-852569db-607283 [UNKNOWN])
READ:UNKNOWN
TO:Kratovil, Lindley (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=60244d3e-aabbce0e-85256b74-5c655a [UNKNOWN])
READ:UNKNOWN
TO:Warsh, Kevin (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=30fe7fce-d1703678-85256b59-6cfefc [UNKNOWN])
READ:UNKNOWN
TO:JT.Young@do.treas.gov (JT.Young@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Ojakli, Ziad S. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=1b7998b0-abaaeca4-852569db-5ead8a [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

There will be a conference call tonight at 6pm.

Coordinates are:

456-2561
456-2565

code: 1494

From:	Nelson, Carolyn
To:	<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Berenson, Bradford A.>;<Sampson, Kyle>;<McNally, Edward>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Walker, Helgard C.>;<Bumatay, Patrick J.>;<Newstead, Jennifer G.>;<Brilliant, Hana F.>;<Everson, Nanette>;<Carroll, James W.>;<Montiel, Charlotte L.>;<Powell, Benjamin A.>;<Gonzales, Alberto R>;<Cabral, Raquel>;<Leitch, David G.>
Sent:	1/21/2003 8:42:09 AM
Subject:	TIME CHANGE: Meetings w/ President re: Judges/US Attys/Marshals

Please note that the meeting with the President has been moved to **11:00 am this Friday, January 24th**. Prep will be from **10:45-10:55** in the Judge's office.

---------- Forwarded by Carolyn Nelson/WHO/EOP on 01/21/2003 08:38 AM ----------

Elizabeth N. Camp

12/31/2002 11:24:43 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Meetings w/ President re: Judges/US Attys/Marshals

Thursday, Jan. 9th at 10:15 am

Friday, Jan. 24th at 10:15 am

Message Sent To:

David S. Addington/OVP/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

John B. Bellinger/NSC/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Edward McNally/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Patrick J. Bumatay/WHO/EOP@EOP

Jennifer G. Newstead/WHO/EOP@EOP

Hana F. Brilliant/WHO/EOP@EOP

Nanette Everson/WHO/EOP@EOP

James W. Carroll/WHO/EOP@EOP

Charlotte L. Montiel/WHO/EOP@EOP

Benjamin A. Powell/WHO/EOP@EOP

Alberto R. Gonzales/WHO/EOP@EOP

Carolyn Nelson/WHO/EOP@EOP

Raquel Cabral/WHO/EOP@EOP

David G. Leitch/WHO/EOP@EOP

From: [UNKNOWN] <Snee, Ashley>
To: <Kavanaugh>;bkavanau@WHO.eop.gov [WHO] <Brett M.>;<Wingate>;hwingate@WHO.eop.gov [WHO] <Heather>; <Goeglein>;tgoeglei@WHO.eop.gov [WHO] <Tim>
Sent: 1/21/2003 5:13:56 AM
Subject: RE: judges binders/packets status

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Snee, Ashley ( [ UNKNOWN ] )
CREATION DATE/TIME:21-JAN-2003 10:13:56.00
SUBJECT:RE: judges binders/packets status
TO:Kavanaugh, Brett M. ( bkavanau@WHO.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Wingate, Heather ( hwingate@WHO.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Goeglein, Tim ( tgoeglei@WHO.eop.gov [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

That sounds good. I'll be around.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, January 21, 2003 9:58 AM

To: Wingate, Heather; Goeglein, Tim; Snee, Ashley

Subject: judges binders/packets status

I worked again on these over weekend after receiving some more material from DOJ on some of the nominees. I have sent drafts back to DOJ for their review and input. The binder will include tabs for each of the 14 circuit nominees as well as 2 preliminary tabs -- one tab on the President's proposal on judges and a second tab that includes a single page that gives a general overview on the 14 pending circuit nominees.

Ashley, I would like to have someone in communications help put them into a nice format after the substance is complete. Is that doable? What I may do is bring a hard-copy draft to you as soon as I can later today.

We will send final versions to Heather and Tim for circulation to Hill and groups this week.

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/21/2003 5:19:55 AM
Subject: : Janice Brown

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:21-JAN-2003 10:19:55.00
SUBJECT:: Janice Brown
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Nice sermon at the end of her Personal Data Statement, isn't it?
```

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/21/2003 5:27:07 AM
Subject: : RNC mail

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-JAN-2003 10:27:07.00
SUBJECT:: RNC mail
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett- I sent you several rnc mail pieces through interoffice mail last week. have you had a chance to look at them? The only pressing item is the short fundraising letter for major donors (the others are direct mail). please let me know if you need another copy. thanks

also, i am going to walk down two pieces today, which are second priority to the letter. thanks

From: Kavanaugh, Brett M.
To: <Wingate, Heather>;<Goeglein, Tim>;<Snee, Ashley>
Sent: 1/21/2003 9:57:37 AM
Subject: judges binders/packets status

I worked again on these over weekend after receiving some more material from DOJ on some of the nominees. I have sent drafts back to DOJ for their review and input. The binder will include tabs for each of the 14 circuit nominees as well as 2 preliminary tabs -- one tab on the President's proposal on judges and a second tab that includes a single page that gives a general overview on the 14 pending circuit nominees.

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We will send final versions to Heather and Tim for circulation to Hill and groups this week.

From: Snee, Ashley
To: <Kavanaugh, Brett M.>;<Wingate, Heather>;<Goeglein, Tim>
Sent: 1/21/2003 10:13:56 AM
Subject: RE: judges binders/packets status

That sounds good. I'll be around.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, January 21, 2003 9:58 AM
To: Wingate, Heather; Goeglein, Tim; Snee, Ashley
Subject: judges binders/packets status

I worked again on these over weekend after receiving some more material from DOJ on some of the nominees. I have sent drafts back to DOJ for their review and input. The binder will include tabs for each of the 14 circuit nominees as well as 2 preliminary tabs -- one tab on the President's proposal on judges and a second tab that includes a single page that gives a general overview on the 14 pending circuit nominees.

Ashley, I would like to have someone in communications help put them into a nice format after the substance is complete. Is that doable? What I may do is bring a hard-copy draft to you as soon as I can later today.

We will send final versions to Heather and Tim for circulation to Hill and groups this week.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 1/21/2003 10:25:41 AM
Subject: Sen. Specter

Brett,

Do you know if ARG ever connected with Sen. Specter on Friday?

No one recalls if they talked on Friday.

Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632

From: Jones, Alison

To: john.duncan@do.treas.gov <john.duncan@do.treas.gov>;david.aufhauser@do.treas.gov <david.aufhauser@do.treas.gov>;robert.nichols@do.treas.gov <robert.nichols@do.treas.gov>;tim.adams@do.treas.gov <tim.adams@do.treas.gov>;april.lehman@do.treas.gov <april.lehman@do.treas.gov>;april.lehman@do.treas.gov <Goldman, Adam B.>;april.lehman@do.treas.gov <Hennessey, Keith>;april.lehman@do.treas.gov <Powell, Dina>;april.lehman@do.treas.gov <Snee, Ashley>;april.lehman@do.treas.gov <Kavanaugh, Brett M.>;janet.jones@do.treas.gov <janet.jones@do.treas.gov>;janet.jones@do.treas.gov <Ojakli, Ziad S.>;janet.jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Wolff, Candida P.>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>

CC: <Ojakli, Ziad S.>

Sent: 1/21/2003 1:18:06 PM

Subject: 6pm Snow Conf. Call

There will be a conference call tonight at 6pm.

Coordinates are:

456-2561

456-2565

code: 1494

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/21/2003 9:20:35 AM
Subject: : FYI: Judicial Mtg w/ Senator Frist & key Senators

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:21-JAN-2003 14:20:35.00
SUBJECT:: FYI: Judicial Mtg w/ Senator Frist & key Senators
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can you come over at 3:45 tomorrow afternoon to brief the Judge before he heads off to this meeting?
---------- Forwarded by Carolyn Nelson/WHO/EOP on 01/21/2003 02:15 PM ----------

Carolyn Nelson
01/21/2003 11:59:08 AM

Record Type: Record

To: David G. Leitch/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FYI: Judicial Mtg w/ Senator Frist & key Senators

The Judge will attend a working group tomorrow at 4:30pm in Frist's office.

Invited Senators:

Frist
Hatch
McConnell
Kyl
Sessions

Heather Wingate, Ziad and either Matt Schlapp or Ken Mehlman will also attend.

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Noel J. Francisco/WHO /EOP@EOP [WHO] <Noel J. Francisco>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 1/21/2003 9:43:48 AM
Subject: : From today's press briefing

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:21-JAN-2003 14:43:48.00
SUBJECT:: From today's press briefing
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Q;Ari, the date for oral arguments in the Michigan case has been set.;
Does the President intend to have some kind of a hands-on role, or will
White House attorneys have a hands-on role as the Justice Department
prepares its case?; What does the President do from this point --
;
;MR. FLEISCHER:; Ken, I haven't asked that specifically, but I would
anticipate at this point this becomes a matter for the Office of the
Solicitor General, the Department of Justice.; The President shaped the
vision of what he believes is the appropriate course to promote diversity
while not supporting quotas.; And at this point, the Department of
Justice, of course, represents the administration.
;
;Although, in this case, of course, as you know, the administration is not
a party to this case.; An amicus brief has been filed, a friend of the
court brief has been filed.; But the administration is not party to the
case; as is typical in a case like this, the administration would not be a
party.
```

From: [UNKNOWN] <Francisco, Noel J.>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-c20fee19-852569da-7648dc [UNKNOWN] <Brett M.>;<Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>
Sent: 1/21/2003 10:17:49 AM
Subject: first ROUGH draft of possible op-ed

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Francisco, Noel J. ([UNKNOWN])
CREATION DATE/TIME:21-JAN-2003 15:17:49.00
SUBJECT:first ROUGH draft of possible op-ed
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-c20fee19-852569da-7648dc [UNKNOWN])
READ:UNKNOWN
TO:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

This looks good. By I have one over-riding concern: Is it wise for the Judge to explicitly take on an issue that our brief at most addresses only implicitly? That is, this op-ed would essentially state that a governmental "goal" to "ensure minority...representation" is "constitutional." Regardless of whether this is true, it is an assertion to which at least some would object, and which our brief does not directly confront. Given that our briefs, without explicitly taking on this precise question, clearly endorse the Texas 10 percent plan, I am unsure what more is to be gained by specifically tackling this additional legal question.

---------- Forwarded by Noel J. Francisco/WHO/EOP on 01/21/2003 03:21 PM ----------

Brett M. Kavanaugh

01/21/2003 02:30:59 PM
Record Type: Record

To: David G. Leitch/WHO/EOP@Exchange@EOP, Noel J. Francisco/WHO/EOP@EOP
cc:

Subject: first ROUGH draft of possible op-ed

DRAFT (1/21/03)

Last week, President Bush re-stated his strong and long-standing commitment to educational admissions programs that remedy the effects of past discrimination and ensure that African-Americans, Hispanics, Asian-Americans, and Native Americans have access to and are represented in American universities (a result often described as diversity). He also stated that the appropriate way to achieve such minority access and representation is a race-neutral admissions program that does not treat individual applicants differently solely because of their race or ethnicity. The President cited the Texas plan (which guarantees state university admission to the top 10% of all state high-school classes) as

an example of a program that ensures minority access to and representation in institutions of higher education while also maintaining the basic constitutional principle that, absent a compelling justification, all Americans should be treated equally and without regard to race.

In response to the President?s statement last week, some have questioned whether race-neutral programs will work. Others have questioned whether there is a meaningful constitutional distinction between race-based programs (such as the critical-mass and bonus-point quota systems employed by the University of Michigan) and race-neutral programs that ensure minority access and representation.

These two questions are critically important, yet the answers are straightforward. Race-neutral programs that ensure minority access and representation will work and, indeed, have worked in states such as Texas, Florida, and California. And such race-neutral programs are plainly constitutional.

First, the Texas plan, like similar plans instituted in Florida and California, demonstrates convincingly that race-neutral programs ensure minority access to and representation in institutions of higher education. In Texas, 1996 was the last year that race was used as an admissions criterion. At the time, 4% of enrolled freshmen were African-American, 14% were Hispanic, and less than 1% were Native Americans. In 2002, under the new race-neutral program, 3% were African-American (the number has been between 3% and 4% since 1997), 14% were Hispanic, and less than 1% were Native American. Since Florida adopted its Talented Twenty program (which guarantees admission to the top 20% of all state high-school classes), the Florida state university system similarly has maintained or increased the number of enrolled minorities. And in California, the same kind of result has occurred. In 1997, the last year that race was a factor in admissions, African-American, Hispanic, and Native American students were 3.7%, 14.3%, and 0.8% of the freshmen classes. In 2002, these figures were 3.3%, 16.6%, and 0.7%. As demonstrated by these results in three of America?s largest States, race-neutral programs can and will work to ensure minority access to and representation in American universities.

Second, as the Supreme Court has repeatedly recognized, the Constitution permits and prefers efficacious race-neutral programs as the means to remedy the effects of past societal discrimination and ensure minority access to and representation in fields such as higher education, employment, and contracting. All of the Justices have agreed that race-neutral programs must be at least the primary means employed to achieve this objective (the Justices have disagreed, of course, about whether and under what circumstances race can be considered if race-neutral programs are not efficacious).

The Justices have expressly recognized, moreover, that race-neutral programs designed to remedy the effects of past societal discrimination are constitutional. In a 1989 case involving minority businesses, Justice O?Connor, joined by the Chief Justice, Justice White, and Justice Kennedy, wrote that the government had ?at its disposal a whole array of race-neutral devices to increase the accessibility of city contracting entrepreneurs of all races? and ?to increase the opportunities available to minority business without classifying individuals on the basis of race.? In that same case, Justice Scalia added: ?A State can, of course, act to undo the effects of past discrimination in many permissible ways that do not involve classification by race. In the particular field of state contracting, for example, it may adopt a preference for small businesses, or even for new businesses . . . . Such

programs may well have racially disproportionate impact, but they are not based on race.? And Justices Brennan, White, Marshall, and Blackmun concluded in the 1978 Bakke case that admissions programs expressly designed to remedy past discrimination and ensure minority access to and representation in universities were constitutional. In short, Justices with varying constitutional approaches have expressly agreed on one core point: Race-neutral programs to remedy past societal discrimination and ensure minority access and representation are plainly constitutional.

In recent weeks, some commentators have focused solely on the need to remedy past discrimination and ensure minority access and representation, and not on the need to treat individuals without regard to race. Others have focused solely on the need to treat individuals without regard to race, and not on the need to remedy past discrimination and ensure minority access and representation. President Bush has charted a course that shows us that both goals are attainable and constitutional. As the President has stated, government can and should remedy the effects of past racial discrimination in a way that will ensure minority access to and representation but not compromise the basic constitutional principle that all Americans should be treated equally.

From: [UNKNOWN] <Bumatay, Patrick J.>
To: <Kavanaugh>;bkavanau@WHO.eop.gov [WHO] <Brett M.>
Sent: 1/21/2003 10:29:56 AM
Subject: red tag

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Bumatay, Patrick J. ( [ UNKNOWN ] )
CREATION DATE/TIME:21-JAN-2003 15:29:56.00
SUBJECT:red tag
TO:Kavanaugh, Brett M. ( bkavanau@WHO.eop.gov [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Just a reminder, the "Small Business" red tag is due at 3:30 pm today.
Thanks

Patrick J. Bumatay
Office of Counsel to the President


o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kavanaughe@ctfa.org [UNKNOWN] <kavanaughe@ctfa.org>
Sent: 1/21/2003 4:49:18 PM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-JAN-2003 21:49:18.00
SUBJECT::
TO:kavanaughe@ctfa.org (kavanaughe@ctfa.org [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Still not for wide dissemination (please!), but it is technically public:

List: Bush's Camp David Overnight Guests

By The Associated Press

Associated Press

ÿ
Published Jan. 18, 2003
0118AP-SLEEPOVERS-LI

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President and Mrs. Bush's overnight guests at Camp David between Jan. 20, 2001, and Dec. 31, 2002, according to the White House press office:
Barbara Bush
President George H.W. Bush and First Lady Barbara Bush
Florida Gov. Jeb Bush, Columba Bush and family
Jenna Bush
Marvin and Margaret Bush and family
Neil and Sharon Bush and family
Chris Ellis and family
John and Susan Ellis and family
Bobby and Doro Koch and family
Danny and Trisha Koch and family
Scott and Jan Pierce
Jenna Welch
Mary Mark Welch
Robert Welch
^Others:
Energy Secretary Spencer Abraham, Jane Abraham and family
FEMA Director Joe Allbaugh, Diane Allbaugh and family
Scott Andrews, family friend
Former Rep. Dick Armey, R-Texas
Attorney General John Ashcroft and Janet Ashcroft
Ambassador Roy Austin and Glynis Austin
Spanish Prime Minister Jose Maria Aznar and Mrs. Aznar
Lori Baer, family friend
Lonnie and Andi Ball; Andi Ball is Mrs. Bush's chief of staff.
White House communications director Dan Bartlett and Allyson Bartlett

David and Trish Bearden, family friends
Friends Roland and Lois Betts and family; Roland Betts is a Bush campaign fund-raiser
Robert and Constance Birge, friends
British Prime Minister Tony Blair and Cherie Blair
Ken Blasingame, interior designer who decorated the Bushes' private quarters in the Texas governor's mansion and White House.
Rep. Roy Blunt, R-Mo.
Josh Bolten, White House deputy chief of staff
Christopher Brown and Jane Beddall, friends
Nick Calio, former White House chief laison to Congress, and Lydia Calio and family
Alistair Campbell, press aide to British Prime Minister Tony Blair
White House chief of staff Andrew Card and the Rev. Kathleen Card
Vice President Dick Cheney and Lynne Cheney
Jane Clarke, friend
Kenneth Cohen, Bush donor
Rex Cowdry, a medical consultant; and Donna Patterson
Rep. Christopher Cox, R-Calif.
Sen. Larry Craig, R-Idaho
Professional golfer Ben and Julie Crenshaw, family friends
Rep. Barbara Cubin, R-Wyo.
Office of Management and Budget Director Mitch Daniels, Cheri Daniels and family
Rep. Tom Davis, R-Va.
House Majority Leader Tom DeLay, R-Texas
Rep. David Dreier, R-Calif.
Ambassador Donald Ensenat, Taylor Ensenat and family
Ashley Estes, presidential assistant
Bush donor Don Etra and Paula Etra
Commerce Secretary Donald Evans, Susie Evans and family
White House press secretary Ari Fleischer
Bush fund-raiser Jim Francis and Debbie Francis
Gen. Tommy Franks
Bush campaign and Republican fund-raiser Brad Freeman
Senate Majority Leader Bill Frist, R-Tenn.
Bush donor Greg Gallico and Stephanie Gallico
Don and Linda Gambatesa, staff
Billy and Regan Gammon, friends,
Stephen and Sarah Garrison, members of the White House and Mrs. Bush's staff
White House speechwriter Mike Gerson and Dawn Gerson and family
Ramon Gil-Casares, director of Spanish International and Defense Department
White House counsel Al Gonzales and Rebecca Gonzales
Blake Gottesman, presidential aide
Sen. Judd Gregg, R-N.H., and Kathy Gregg
Robert and Helen Guthrie, friends
Deputy national security adviser Steve Hadley and Ann Hadley and family
Albert and Jackie Hawkins and family
Israel Hernandez, White House staffer
Jerry Hughes, former presidential counselor Karen Hughes and family
Interior Secretary Gale Norton and John Hughes
Sen. Kay Bailey Hutchison, R-Texas
House Speaker Dennis Hastert, R-Ill.
Housing and Urban Development Deputy Secretary Alphonso Jackson and Marcia Jackson
White House personnel director Clay Johnson and Anne Johnson
Coddy Johnson, friend
Kelley Johnson, friend
Terry and Liz Johnson, friends
Brett Kavanaugh, White House staffer
Britt and Margie Kolar, friends
Lindsey Kozberg, White House staffer
Texas House Speaker Pete Laney and Nelda Laney
Lewis "Scooter" Libby, assistant to Bush and chief of staff to Vice President Dick Cheney
Former White House economic adviser Larry Lindsey and Sue Lindsey

Sen. Trent Lott, R-Miss.
Dee and Adair Margo, friends
Housing and Urban Development Secretary Mel Martinez and Kitty Martinez
Mary Matalin, former top public relations strategist to Vice President Dick Cheney
Robert and Mimi McCallum, friends
Sen. Mitch McConnell, R-Ky. and Labor Secretary Elaine Chao
Ken Mehlman, White House political director
Ambassador Chris Meyer
Harriet Miers, staff secretary
Transportation Secretary Norman Mineta and Danealia Mineta
Megan Moran, former staffer
Egyptian President Mohamed Hosny Mubarak
Gamal Mubarak
FBI Director Robert Mueller and Ann Mueller
Marguerite Murer, friend
Gen. Richard Myers
Sen. Don Nickles, R-Okla.
Bush fund-raiser Joe O'Neill and Jan O'Neill, friends
Former Treasury Secretary Paul O'Neill and Nancy O'Neill
Education Secretary Rod Paige
Gerry Parsky, head of Bush's 2000 California campaign, and Robin Parsky
New York Gov. George Pataki and Libby Pataki
Marshall Persinger, friend
Rep. Rob Portman
Secretary of State Colin Powell and Alma Powell
James Powell, decorator
Jonathan Powell
Veterans Affairs Secretary Anthony Principi and Elizabeth Principi
Rep. Deborah Pryce
Gov. Mark Racicot
Dr. Condoleezza Rice
Gov. Tom Ridge, Michele Ridge and family
Bush fund-raiser Rusty Rose and Deedie Rose, friends
Bush political adviser Karl Rove and Darby Rove and family
Penny Royall, friend
Defense Secretary Donald Rumsfeld and Joyce Rumsfeld
Muhammad and Mary Saleh, friends
Sen. Rick Santorum
John Sawers, with Blair delegation
Tom Schmidt, friend
Don and Cheryl Schollander, friends
Carrie Southworth, friend
Sen. Arlen Specter
White House staffer Margaret Spellings and family
Ambassador Craig and Debbie Stapleton
CIA Director George Tenet
Brink Thorne and Mazie Cox, friends
Agriculture Secretary Ann Veneman
Shari Waldie, friend
Logan and Kate Walters, staff
Rep. J.C. Watts
Mike and Nancy Weiss, friends
EPA Administrator Christie Whitman and John Whitman
Dr. George and Pam Willeford
South Carolina House Speaker David Wilkins, Susan Wilkins and family
Mike and Judy Wood
Dr. Charlie and Frances Younger, friends
Francisco J. Zarzalejos, Spanish secretary general
Ambassador Robert Zoellick and Sherry Zoellick

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 1/21/2003 4:58:35 PM
Subject: RE: briefs by petitioners in Grutter and Gratz

Are they on line?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, January 21, 2003 8:55 AM
To: Gonzales, Alberto R; Leitch, David G.; Francisco, Noel J.
Subject: briefs by petitioners in Grutter and Gratz

they are well-done; they place heavy emphasis on the compelling-interest issue.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 1/21/2003 2:35:36 PM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-JAN-2003 19:35:36.00
SUBJECT::
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi:

Time/Cnn Poll
Do you favor the Supreme Court ruling that women have the right to an abortion during the first three months of their pregnancy?
Favor -- 55%
Oppose -- 40%
Not sure -- 5%

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>
BCC: Robert J. Delahunty (Robert J. Delahunty/WHO/EOP [WHO]), Faisal M. Gill (Faisal M. Gill/WHO/EOP [WHO])
Sent: 1/21/2003 3:38:16 PM
Subject: : OMB's draft memo for TPO staff re: OMB (FRA) docs

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-JAN-2003 20:38:16.00
SUBJECT:: OMB's draft memo for TPO staff re: OMB (FRA) docs
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Robert J. Delahunty (CN=Robert J. Delahunty/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Faisal M. Gill (CN=Faisal M. Gill/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Edward McNally/WHO/EOP on 01/21/2003 08:43 PM ----------

From: Edward McNally on 01/21/2003 08:36:13 PM
Record Type: Record

To: Kimberley S. Luczynski/OMB/EOP@EOP
cc: lucy g. clark tpo/tpo/omb/eop@eop
bcc:
Subject: Re: TPO memo

Thanks for copying us on the OMB draft, Kimberly. And you ask a fair question. I'll look at how the language interacts between the two drafts, as Lucy has rightly suggested. But given the very distinct and separate statuses of the WHO and the OMB, my inclination follows that of Phil's memo yesterday and David's today, which is that each entity receive separate and office-specific advice. That reflects the decision by WHCO and OMB GC in July when TPO was launched, and I don't see why that would be reversed.

Kimberley S. Luczynski
01/21/2003 07:54:51 PM
Record Type: Record

To: Lucy G. Clark TPO/TPO/OMB/EOP@EOP, Edward McNally/WHO/EOP@EOP
cc:
Subject: TPO memo

Lucy/Ed,
Here's our memo. I know this is probably late in the game, but do you think that perhaps one memo (addressing both OHS/TPO folks) might be a little less confusing?
Thanks.
Kimberley

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FROM: PHILIP J. PERRY, GENERAL COUNSEL

SUBJECT: TRANSFER AND HANDLING OF TPO RECORDS

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Message Sent to:

To: Kimberley S. Luczynski/OMB/EOP@EOP
cc: lucy g. clark tpo/tpo/omb/eop@eop

*** White House-controlled Materials/Protected from Disclosure. TPO staff (or others receiving
this e-mail in error) may not, under any circumstances, disseminate these materials outside TPO
or the White House.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: paul.d.clement@usdoj.gov @ inet [UNKNOWN] <paul.d.clement@usdoj.gov @ inet>
Sent: 1/21/2003 5:17:36 PM
Subject: : excerpt from remarks by President today

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-JAN-2003 22:17:36.00
SUBJECT:: excerpt from remarks by President today
TO:paul.d.clement@usdoj.gov @ inet (paul.d.clement@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I'll take a couple of questions. Ron.

Q Sir, last week in this room, you came out against quotas, which have been unconstitutional for 25 years. You didn't answer the central question, and that is whether race can be used as a factor in admissions. Dr. Rice says it could be, Colin Powell says it should be. What is your position? Can it be used as --

THE PRESIDENT: Well, my position is, is that as the -- as the brief says, that there are clearly unconstitutional means to achieve diversity, there are race-neutral ways to achieve diversity which I have put in place as the governor of Texas, and that we'll leave the Court to define the outer limits of the constitution.

Adam.

Q Yes, Mr. President --

Q You won't answer that question then?

THE PRESIDENT: I just answered it.

Q Whether or not you believe --

THE PRESIDENT: No, I answered it. The courts will make the definition of the outer limits of the -- and as Condi Rice said, she felt very comfortable in saying on national TV the decision I made was the right decision.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>;Kristen Silverberg/WHO /EOP@EOP [WHO] <Kristen Silverberg>
Sent: 1/21/2003 6:56:41 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-JAN-2003 23:56:41.00
SUBJECT::
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Excellent story on cnn tonight about medical liability reform in
california. If feinstein is on board with using that state law as model,
as she said she was, that would be excellent result in my judgment,
particularly given difficulty getting to 60 votes.

.
```

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Silverberg>;Kristen_Silverberg@who.eop.gov [WHO] <Kristen>;<Lefkowitz>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/Jay_P._Lefkowitz [UNKNOWN] <Jay P.>
Sent: 1/21/2003 7:00:21 PM
Subject:

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ( [ UNKNOWN ] )
CREATION DATE/TIME:22-JAN-2003 00:00:21.00
SUBJECT:
TO:Silverberg, Kristen ( Kristen_Silverberg@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Lefkowitz, Jay P. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=Jay_P._Lefkowitz [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Excellent story on cnn tonight about medical liability reform in california. If
feinstein is on board with using that state law as model, as she said she was,
that would be excellent result in my judgment, particularly given difficulty
getting to 60 votes.

.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Matthew E. Smith/WHO /EOP@EOP [WHO] <Matthew E. Smith>
Sent: 1/21/2003 7:01:51 PM
Subject: : Re: Can you?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-JAN-2003 00:01:51.00
SUBJECT:: Re: Can you?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Yes

.

----- Original Message -----
From:Matthew E. Smith/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/21/2003 03:36:48 PM
Subject: Can you?

Do Monday at 3:00 p.m. for a coalition meeting?
```

From: CN=Philip J. Perry/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 1/22/2003 2:32:43 AM
Subject: : TPO memo

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:22-JAN-2003 07:32:43.00
SUBJECT:: TPO memo
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi -- the simple approach.
---------- Forwarded by Philip J. Perry/OMB/EOP on 01/22/2003 07:20 AM ----------

Kimberley S. Luczynski
01/21/2003 08:03:56 PM
Record Type: Record

To: Philip J. Perry/OMB/EOP@EOP
cc:
Subject: TPO memo -- what I sent to Lucy/Ed

---------- Forwarded by Kimberley S. Luczynski/OMB/EOP on 01/21/2003 08:11 PM ----------

Kimberley S. Luczynski
01/21/2003 07:54:51 PM
Record Type: Record

To: Lucy G. Clark TPO/TPO/OMB/EOP@EOP, Edward McNally/WHO/EOP@EOP
cc:
Subject: TPO memo

Lucy/Ed,
Here's our memo. I know this is probably late in the game, but do you think that perhaps one memo (addressing both OHS/TPO folks) might be a little less confusing?
Thanks.
Kimberley

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>
Sent: 1/22/2003 8:00:24 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JAN-2003 13:00:24.00
SUBJECT::
TO:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ("Benczkowski, Brian A"
<Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

any luck on inserts for binders? also, do you have the ABA ratings handy
for the 14 pending circuit nominees?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>
Sent: 1/22/2003 4:07:22 AM
Subject: : Re: FW: Hearing prep

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JAN-2003 09:07:22.00
SUBJECT:: Re: FW: Hearing prep
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

I am supposed to be out at the "away place," but Bart plans to cover, I believe.

From: David G. Leitch/WHO/EOP@Exchange on 01/22/2003 07:23:24 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Hearing prep

Not sure I can go to this. Can you?

-----Original Message-----
From: Charnes, Adam [mailto:Adam.Charnes@usdoj.gov]
Sent: Tuesday, January 21, 2003 2:08 PM
To: John G. Roberts Jr. (E-mail)
Cc: Benczkowski, Brian A; Christopher Bartolomucci (E-mail); Leitch, David G.
Subject: Hearing prep

In preparation for your hearing a week from tomorrow, we'd like to schedule another meeting to conduct a practice hearing of about 3 hours. (2 hours of Q&A, 1 hour of discussion). How is 10 am Thursday?

In addition, we will meet jointly with all nominees -- including district court nominees -- on Tuesday afternoon, at a time TBD.

Thanks.

From: CN=Philip J. Perry/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/22/2003 4:14:53 AM
Subject: : Re: TPO memo

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:22-JAN-2003 09:14:53.00
SUBJECT:: Re: TPO memo
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

good point.

Brett M. Kavanaugh
01/22/2003 09:01:58 AM
Record Type: Record

To: Philip J. Perry/OMB/EOP@EOP
cc: edward mcnally/who/eop@eop, lucy g. clark/who/eop@eop
bcc:
Subject: Re: TPO memo

Yes, that should be part of the plan. Also, we need to make sure OVP documents are included in that, and that Addington is looped in.

Philip J. Perry
01/22/2003 07:38:27 AM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, Lucy G. Clark/WHO/EOP@EOP
Subject: Re: TPO memo

I don't have a stake in what goes into the memo to OHS. But I thought you all were doing a separate memo to TPO regarding the WH docs that were sent there "temporarily" from OHS etc. Is that not the plan?
---------------------- Forwarded by Philip J. Perry/OMB/EOP on 01/22/2003 07:25 AM ---------------------------

Kimberley S. Luczynski
01/21/2003 08:37:04 PM
Record Type: Record

To: Philip J. Perry/OMB/EOP@EOP
cc:
Subject: Re: TPO memo

FYI --
---------------------- Forwarded by Kimberley S. Luczynski/OMB/EOP on 01/21/2003 08:44 PM ---------------------------

From: Edward McNally on 01/21/2003 08:36:13 PM
Record Type: Record

To: Kimberley S. Luczynski/OMB/EOP@EOP
cc:
bcc:
Subject: Re: TPO memo

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Kimberley S. Luczynski
01/21/2003 07:54:51 PM
Record Type: Record

To: Lucy G. Clark TPO/TPO/OMB/EOP@EOP, Edward McNally/WHO/EOP@EOP
cc:
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Message Sent to:

To: Kimberley S. Luczynski/OMB/EOP@EOP
cc: lucy g. clark tpo/tpo/omb/eop@eop

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Tim Goeglein/WHO /EOP@EOP [WHO] <Tim Goeglein>
Sent: 1/22/2003 4:19:43 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-JAN-2003 09:19:43.00
SUBJECT::
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Tim/Matt: just checking in to see if you want me on tap for anything
today. Thanks.
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From: CN=Lucy G. Clark/OU=WHO/O=EOP [WHO]
To: Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: lucy g. clark/who/eop@eop [WHO] <lucy g. clark>;edward mcnally/who/eop@eop [WHO] <edward mcnally>
Sent: 1/22/2003 4:23:55 AM
Subject: : Re: TPO memo

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lucy G. Clark (CN=Lucy G. Clark/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JAN-2003 09:23:55.00
SUBJECT:: Re: TPO memo
TO:Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:lucy g. clark (CN=lucy g. clark/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:edward mcnally (CN=edward mcnally/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I will look at both today. We need to get this settled by COB today (ya'll get Addington in as you need) b/c paper and people are going to start to move.

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----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:Philip J. Perry/OMB/EOP@EOP
Cc:edward mcnally/who/eop@eop,
lucy g. clark/who/eop@eop
Date: 01/22/2003 09:01:58 AM
Subject: Re: TPO memo

Yes, that should be part of the plan. Also, we need to make sure OVP documents are included in that, and that Addington is looped in.

Philip J. Perry
01/22/2003 07:38:27 AM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, Lucy G. Clark/WHO/EOP@EOP
Subject: Re: TPO memo

I don't have a stake in what goes into the memo to OHS. But I thought you all were doing a separate memo to TPO regarding the WH docs that were sent there "temporarily" from OHS etc. Is that not the plan?
---------------------- Forwarded by Philip J. Perry/OMB/EOP on 01/22/2003 07:25 AM ---------------------------

Kimberley S. Luczynski
01/21/2003 08:37:04 PM
Record Type: Record

To: Philip J. Perry/OMB/EOP@EOP
cc:
Subject: Re: TPO memo

FYI --
---------------------- Forwarded by Kimberley S. Luczynski/OMB/EOP on 01/21/2003 08:44 PM ----------------------------

From: Edward McNally on 01/21/2003 08:36:13 PM
Record Type: Record

To: Kimberley S. Luczynski/OMB/EOP@EOP
cc:
bcc:
Subject: Re: TPO memo

Thanks for copying us on the OMB draft, Kimberly. And you ask a fair question. I'll look at how the language interacts between the two drafts, as Lucy has rightly suggested. But given the very distinct and separate statuses of the WHO and the OMB, my inclination follows that of Phil's memo yesterday and David's today, which is that each entity receive separate and office-specific advice. That reflects the decision by WHCO and OMB GC in July when TPO was launched, and I don't see why that would be reversed.

Kimberley S. Luczynski
01/21/2003 07:54:51 PM
Record Type: Record

To: Lucy G. Clark TPO/TPO/OMB/EOP@EOP, Edward McNally/WHO/EOP@EOP
cc:
Subject: TPO memo

Lucy/Ed,
Here's our memo. I know this is probably late in the game, but do you think that perhaps one memo (addressing both OHS/TPO folks) might be a little less confusing?
Thanks.
Kimberley

MEMORANDUM TO OMB TPO STAFF TRANSFERRING TO DHS

FROM: PHILIP J. PERRY, GENERAL COUNSEL

SUBJECT: TRANSFER AND HANDLING OF TPO RECORDS

This memorandum provides guidance to personnel of the Transition Planning Office (TPO) who are transferring to the new Department of Homeland Security (DHS). It addresses all documents or email in TPO files except those received from OHS or other White House entities. Please consult the attached memorandum from White House Counsel for special procedures regarding documents received from OHS and other White House entities.

ú Documents or Email Created at TPO: You may take to DHS copies of any paper documents or email you created at TPO. However, you should make copies only of materials that you will need to perform your mission at DHS. You do not need to check with a lawyer before taking these copies. Keep in mind that the Office of Administration (OA) will be able to provide you access to your TPO materials even after your transfer to DHS.

ú Documents Received from OMB: You may also take to DHS documents received from OMB, except for Director's Review Books, passback materials or other internal OMB deliberative material not typically shared with

agencies. If you have any questions about the nature of OMB documents in your possession, please consult Kimberley Luczynski at 5-7870.

ú Other Documents Received at TPO: Unless received from OHS or other White House entities, you are free to take copies to DHS.

When you depart for the new Department, OA will ensure that all of your original TPO files are properly archived. The appropriate contact at OA is Markus Most at 5-6471.

Message Sent to:

To: Kimberley S. Luczynski/OMB/EOP@EOP
cc: lucy g. clark tpo/tpo/omb/eop@eop

From: [UNKNOWN] <Moy, Edmund C.>

To: <Ayers>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D83122B3-EBB51AE2-85256B4F-4B74BA [UNKNOWN] <Dana>;<Azadian>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/7075B2A3-9A430FAA-85256C37-5681FD [UNKNOWN] <Charity>;<Badenhop>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B398554A-E75D198B-85256B1B-521CA9 [UNKNOWN] <Kimberly A.>;<Bailey>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1E3F34FF-E033CDB5-852569ED-645CE6 [UNKNOWN] <Christa J.>;<Baldwin>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/C71BB4A2-E5636A5C-85256B44-535F87 [UNKNOWN] <Jenica>;<Balls>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/AFBBF5FF-5A6129B6-85256AF0-5B65A2 [UNKNOWN] <Katharine>;<Barrales>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/54B63ED1-BC678BBB-85256A00-70D9A7 [UNKNOWN] <Ruben S.>;<Bartolomucci>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1A4DAB1A-EBCD4DB1-852569DA-6039DB [UNKNOWN] <H. Christopher>;<Bennett>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D5ADC957-BDF7AE6D-85256BCF-64DA23 [UNKNOWN] <Christopher>;<Biegun>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/3D470BD1-923D8663-85256A6F-684CC6 [UNKNOWN] <Stephen E.>;<Bourns>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/315140D4-2A286C8B-85256A9C-5C242F [UNKNOWN] <Lindsay J.>;<Bowen>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4A2C2EB-13942C40-852569DA-6125AE [UNKNOWN] <Stuart W.>;<Bridgeland>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/F780D323-9CDBC5CC-852569DC-694D86 [UNKNOWN] <John M.>;<Burmeister>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B09A4C99-81A2BC4F-85256C6A-4833C9 [UNKNOWN] <Janice L.>;<Caballero>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D889C7C2-8F7BF78C-85256B4A-50F75E [UNKNOWN] <Prescott M.>;<Campbell>;Anne_E._Campbell@who.eop.gov [WHO] <Anne E.>;<Carter>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/31352C29-A99E347A-85256C30-65C0B5 [UNKNOWN] <Walter>;<Christie>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D5A2EDAF-59ACEE7B-85256B6E-5882C8 [UNKNOWN] <Ronald I.>;<Click>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4A3AF2AB-D19499B4-852569FA-6F59B4 [UNKNOWN] <Carrie W.>;<Conner>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/EC0006FB-901F59D9-85256AFC-4D5FD0 [UNKNOWN] <Charles>;<Contreras>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/45024183-FDEF8824-852569DB-5DF936 [UNKNOWN] <Rebecca>;<Conway>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/C63969DB-CC624FDB-85256A0D-75885C [UNKNOWN] <Michael J.>;<Conway>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/7B4E5AD6-58FB1535-85256A56-4686CF [UNKNOWN] <Thais C.>;<Cook>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E4BF28A0-DF7D2250-852569EE-537A7D [UNKNOWN] <Jane M.>;<Crable>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D00C77A5-4DE21C74-852563CC-134C78 [UNKNOWN] <Lynn A.>;<Crowther>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4B514F8-3495605F-852569E0-6FFF2E [UNKNOWN] <Anne C.>;<Cruson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/9B54B821-5FDE6714-85256C60-5BA05C [UNKNOWN] <Karen D.>;<Deckard>;Josh_Deckard@who.eop.gov [WHO] <Josh>;<Dickens>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/REED_DICKENS [UNKNOWN] <Reed>;<Douglas>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D9838360-111C6EA0-85256BB8-6962FA [UNKNOWN] <Penny G.>;<Duvall>;rduvall@oa.eop.gov [OA] <Ranelle A.>;<Dwight>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/61D41FAE-34BA9F5E-85256B20-51FDE2 [UNKNOWN] <Catherine>;<Elliott>;relliott@NSC.eop.gov [NSC] <Ruth E.>;<Estes>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4C32A97D-998AE454-852569DB-5EAFD3 [UNKNOWN] <Ashley>;<Fertakis>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/43895768-44BAB869-852569D1-4A4A1C [UNKNOWN] <Katherine J.>;<Fishpaw>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/9A258890-8ECA9A45-85256A08-691DA9 [UNKNOWN] <Marie K.>;<Fitzgerald>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/3AB3C2F9-4139C67B-85256C59-44C418 [UNKNOWN] <Heather R.>;<Fraher>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/5DA00EE7-D919652C-85256C39-4AFBB8 [UNKNOWN] <Jennifer A.>;<Francisco>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/CF76D183-7344944F-85256BFE-61B685 [UNKNOWN] <Restituto M.>;<Gallimore>;jgallimo@OMB.eop.gov [OMB] <Jeffrey D.>;<Gannon>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D0CCBA32-C39723C3-85256AF6-6C3C00 [UNKNOWN] <Jane D.>;Stephen M. Garrison/OPD/EOP@EOP [UNKNOWN] <Stephen M. Garrison/OPD/EOP@EOP>;<Gerson>;Michael_J._Gerson@who.eop.gov [WHO] <Michael

J.>;<Gesiriech>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/8CF820C1-68E2EC8F-85256A4E-497BEC [UNKNOWN] <Sarah>;<Goeglein>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/45280CD0-28425E29-852569DC-58479D [UNKNOWN] <Tim>;<Gray>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/40289C9F-87E5BBFB-85256B42-56D1F7 [UNKNOWN] <Ann>;<Grove>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/A6D3C8F5-18533D52-852569FC-4F424F [UNKNOWN] <Justin A.>;<Hall>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B4C1FB0-6B402923-852567EB-5A8820 [UNKNOWN] <Wendy J.>;<Hansen>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/BF562470-AD46157E-85256A56-49F520 [UNKNOWN] <Nancy G.>;<Hanusa>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/7FB4C1DC-8D352753-85256A1E-617467 [UNKNOWN] <Mary Ann>;<Hardin>;ALHARDIN@WHMO.MIL [WHMO] <Anthony>;<Harrington>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/ABECDA95-E6C7AFCB-85256B73-52A5F4 [UNKNOWN] <Kathryn M.>;<Hawkins>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/299B67B0-403E8A7E-852569D9-615150 [UNKNOWN] <Albert>;<Hawthorne>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/C63751AE-7AEF0A77-852565D8-751665 [UNKNOWN] <Susan C.>;<Heath>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/C74032B2-703C38F1-85256B3E-2A489 [UNKNOWN] <Daniel D.>;<Hernandez>;Israel_Hernandez@who.eop.gov [WHO] <Israel>;LHofmann@whmo.mil [WHMO] <LHofmann@whmo.mil>;<Horton>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E8B9EF91-6E679534-85256B7C-7433DA [UNKNOWN] <John C.>;<Hurst>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/EE5B700A-E38F7324-85256AF0-567934 [UNKNOWN] <Kevin D.>;<Jackson>;Kathryn_W._Jackson@oa.eop.gov [OA] <Kathryn W.>;<Jackson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/DC698418-9FEC6247-85256BF4-66F6BF [UNKNOWN] <Tamara D.>;<Jezierski>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B08CE413-4D1559CA-85256A53-5118BC [UNKNOWN] <Jeffrey T.>;<Johnson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/A88FE60F-2208B0E2-852569DA-79D68E [UNKNOWN] <Collister W.>;yjubangt@tpo.omb.eop.gov [OMB] <yjubangt@tpo.omb.eop.gov>;<Kalavritinos>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E15EC920-2C6F737C-85256AA4-52ED79 [UNKNOWN] <John>;<Katzaman>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/207D5770-24D07F4D-85256BCF-64E67F [UNKNOWN] <Jennifer>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;<Crane>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FE473AEF-415AF4D0-85256BCF-64DDF8 [UNKNOWN] <Kenneth>;<Kelly>;pkelly@OMB.eop.gov [OMB] <Patrick>;<King>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/663682C7-FFC89542-85256B06-5E8D39 [UNKNOWN] <Stephen>;<Krauss>;lkrauss@OMB.eop.gov [OMB] <Lori A.>;<Krimmel>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/8364BCB2-33CF62F1-85256BA4-5A622C [UNKNOWN] <Rebekah A.>;<Kuo>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/EE787172-40C5EDCF-85256A9A-46BA73 [UNKNOWN] <David>;<Lankey>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1B0921A-AA8A90A-85256B42-4A4B98 [UNKNOWN] <Rebecca L.>;<Leech>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/2CBE34ED-EB21802C-85256886-4EE53C [UNKNOWN] <John L.>;<Lehnhardt>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D81777F1-67EF4FF5-85256BCF-64E7C4 [UNKNOWN] <Brian>;<Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>;<Lenti>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/BB04C26B-30F4C654-852569FB-4C3AC0 [UNKNOWN] <Sarah M.>;<Lindsey>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/LAWRENCE_B._LINDSEY [UNKNOWN] <Lawrence B.>;<Litterst>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/ROLAND_N._LITTERST [UNKNOWN] <Roland N.>;<Loewer>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B7C2DDDC-ABAF3A51-85256A48-6A2AEE [UNKNOWN] <Deborah A.>;<Looney>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FF7C5B1C-A1AE521A-85256B73-52BB01 [UNKNOWN] <John P.>;<Loper>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/527B67DA-80EA9637-85256BA4-4E24D0 [UNKNOWN] <Ginger G.>;<Marquez>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/33308984-635336F5-852569DC-766A71 [UNKNOWN] <Heidi K.>;<Mason>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/72DA8A4F-E9606FF1-85256B6F-598F51 [UNKNOWN] <Elizabeth L.>;<McConnell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/DABB57E8-A8F460AF-852569DD-5566AA [UNKNOWN] <John P.>;<McDaniel>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/A3BFF223-4D5B4085-85256B0A-6E9D14 [UNKNOWN] <Andrea>;<Merchant>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/5B2F1FE8-54C91389-852567F3-57EF99 [UNKNOWN] <Brian T.>;<Middlemas>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/DA96FDE-E0EE4384-85256A53-54910A [UNKNOWN] <A. Morgan>;<Miers>;/EOP/FIRST

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CC: valerie_largent@ensign.senate.gov [UNKNOWN] <valerie_largent@ensign.senate.gov>;leroy.rooker@ed.gov [UNKNOWN] <leroy.rooker@ed.gov>

Sent: 1/22/2003 8:29:31 AM

Subject: National Prayer Breakfast

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
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CREATION DATE/TIME:22-JAN-2003 13:29:31.00
SUBJECT:National Prayer Breakfast
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TO:Contreras, Rebecca (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=45024183-FDEF8824-852569DB-5DF936 [UNKNOWN])
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TO:Conway, Michael J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=C63969DB-CC624FDB-85256A0D-75885C [UNKNOWN])
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TO:Conway, Thais C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=7B4E5AD6-58FB1535-85256A56-4686CF [UNKNOWN])
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TO:Cook, Jane M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E4BF28A0-DF7D2250-852569EE-537A7D [UNKNOWN])
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TO:Crable, Lynn A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D00C77A5-4DE21C74-852563CC-134C78 [UNKNOWN])
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TO:Crowther, Anne C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4B514F8-3495605F-852569E0-6FFF2E [UNKNOWN])
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TO:Cruson, Karen D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9B54B821-5FDE6714-85256C60-5BA05C [UNKNOWN])
READ:UNKNOWN
TO:Deckard, Josh (Josh_Deckard@who.eop.gov [WHO])
READ:UNKNOWN
TO:Dickens, Reed (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=REED_DICKENS [UNKNOWN])
READ:UNKNOWN
TO:Douglas, Penny G. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D9838360-111C6EA0-85256BB8-6962FA [UNKNOWN])
READ:UNKNOWN
TO:Duvall, Ranelle A. (rduvall@oa.eop.gov [OA])
READ:UNKNOWN
TO:Dwight, Catherine (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=61D41FAE-34BA9F5E-85256B20-51FDE2 [UNKNOWN])
READ:UNKNOWN
TO:Elliott, Ruth E. (relliott@NSC.eop.gov [NSC])
READ:UNKNOWN
TO:Estes, Ashley (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4C32A97D-998AE454-852569DB-5EAFD3 [UNKNOWN])
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TO:Fertakis, Katherine J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=43895768-44BAB869-852569D1-4A4A1C [UNKNOWN])
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TO:Fishpaw, Marie K. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9A258890-8ECA9A45-85256A08-691DA9 [UNKNOWN])
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TO:Fitzgerald, Heather R. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=3AB3C2F9-4139C67B-85256C59-44C418 [UNKNOWN])
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TO:Fraher, Jennifer A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=5DA00EE7-D919652C-85256C39-4AFBB8 [UNKNOWN])
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TO:Francisco, Restituto M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=CF76D183-7344944F-85256BFE-61B685 [UNKNOWN])
READ:UNKNOWN
TO:Gallimore, Jeffrey D. (jgallimo@OMB.eop.gov [OMB])
READ:UNKNOWN
TO:Gannon, Jane D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D0CCBA32-C39723C3-85256AF6-6C3C00 [UNKNOWN])

READ:UNKNOWN
TO:Stephen M. Garrison/OPD/EOP@EOP (Stephen M. Garrison/OPD/EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO:Gerson, Michael J. (Michael_J._Gerson@who.eop.gov [WHO])
READ:UNKNOWN
TO:Gesiriech, Sarah (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=8CF820C1-68E2EC8F-85256A4E-497BEC [UNKNOWN])
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TO:Grove, Justin A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:Hall, Wendy J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:Hansen, Nancy G. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=BF562470-
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TO:Hanusa, Mary Ann (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=7FB4C1DC-
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READ:UNKNOWN
TO:Hardin, Anthony (ALHARDIN@WHMO.MIL [WHMO])
READ:UNKNOWN
TO:Harrington, Kathryn M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ABECDA95-
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TO:Heath, Daniel D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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READ:UNKNOWN
TO:Hernandez, Israel (Israel_Hernandez@who.eop.gov [WHO])
READ:UNKNOWN
TO:LHofmann@whmo.mil (LHofmann@whmo.mil [WHMO])
READ:UNKNOWN
TO:Horton, John C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=E8B9EF91-6E679534-85256B7C-7433DA [UNKNOWN])
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E38F7324-85256AF0-567934 [UNKNOWN])
READ:UNKNOWN
TO:Jackson, Kathryn W. (Kathryn_W._Jackson@oa.eop.gov [OA])
READ:UNKNOWN
TO:Jackson, Tamara D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=DC698418-9FEC6247-85256BF4-66F6BF [UNKNOWN])
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TO:Jezierski, Jeffrey T. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:Johnson, Collister W. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A88FE60F-
2208B0E2-852569DA-79D68E [UNKNOWN])
READ:UNKNOWN
TO:yjubangt@tpo.omb.eop.gov (yjubangt@tpo.omb.eop.gov [OMB])
READ:UNKNOWN
TO:Kalavritinos, John (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=E15EC920-2C6F737C-85256AA4-52ED79 [UNKNOWN])
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TO:Katzaman, Jennifer (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:Kelly, Patrick (pkelly@OMB.eop.gov [OMB])
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TO:King, Stephen (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=663682C7-FFC89542-85256B06-5E8D39 [UNKNOWN])
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TO:Krauss, Lori A. (lkrauss@OMB.eop.gov [OMB])
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TO:Krimmel, Rebekah A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=8364BCB2-33CF62F1-85256BA4-5A622C [UNKNOWN])
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TO:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
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TO:Lenti, Sarah M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=BB04C26B-30F4C654-852569FB-4C3AC0 [UNKNOWN])
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TO:Lindsey, Lawrence B. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=LAWRENCE_B._LINDSEY [UNKNOWN])
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TO:Litterst, Roland N. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ROLAND_N._LITTERST [UNKNOWN])
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TO:Loewer, Deborah A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B7C2DDDC-ABAF3A51-85256A48-6A2AEE [UNKNOWN])
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TO:Marquez, Heidi K. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=33308984-635336F5-852569DC-766A71 [UNKNOWN])
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TO:Mason, Elizabeth L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=72DA8A4F-E9606FF1-85256B6F-598F51 [UNKNOWN])
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TO:Merchant, Brian T. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=5B2F1FE8-54C91389-852567F3-57EF99 [UNKNOWN])
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TO:Miers, Harriet (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS

/CN=B2E77F63-672509FB-852569D9-6D71FD [UNKNOWN])
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TO:remiller@tpo.omb.eop.gov (remiller@tpo.omb.eop.gov [OMB])
READ:UNKNOWN
TO:Motley, Eric L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=64036674-
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TO:OVERTON#032#BRUCE@ustr.gov (OVERTON#032#BRUCE@ustr.gov [UNKNOWN])
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TO:Parker, Joyce (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=19B80A02-
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TO:Penny, Sarah (Sarah_Penny@who.eop.gov [WHO])
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TO:Pipes, Kasey S. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D167B5CF-
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TO:Pratt Jr, Robert T. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E5E54D2A-
97CF638F-852569EB-737160 [UNKNOWN])
READ:UNKNOWN
TO:Prichard, Curt (CBPRICHARD@WHMO.MIL [WHMO])
READ:UNKNOWN
TO:Ralston, Susan B. (Susan_B._Ralston@who.eop.gov [WHO])
READ:UNKNOWN
TO:Rice, Condoleezza (crice@NSC.eop.gov [NSC])
READ:UNKNOWN
TO:Riepenhoff, Allison L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E07714A6-
FC8F86D9-852569FB-6AFACD [UNKNOWN])
READ:UNKNOWN
TO:Ritacco, Krista L. (Krista_L._Ritacco@who.eop.gov [WHO])
READ:UNKNOWN
TO:Robinson, Josephine B. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=8F879CC9-3863F1B8-852569DD-61EEFB [UNKNOWN])
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TO:Roumel, Maria H. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A151855C-
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TO:Sigman, Charles L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:Springer, Linda (lspringe@OMB.eop.gov [OMB])

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TO:Stecher, Jennifer (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:Streeter, Ryan T. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B494B8C0-
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TO:Trumps, Joan (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JOAN_TRUMPS [
UNKNOWN])
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TO:Tubb, Richard (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=1CDEA792-89D3390B-
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TO:Tucker, Kirstie W. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=83A7C169-
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TO:Vogel, Daniel (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:Wehner, Peter H. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A520AC41-
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TO:Welborn, L. Camille (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=35166F2D-
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TO:White, Jeremy L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:White, Jocelyn (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=858939AD-
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TO:Wilkinson, James R. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E1B7E27B-
8B3B3CD-852569DB-5060D7 [UNKNOWN])
READ:UNKNOWN
TO:twillett@whf.eop.gov (twillett@whf.eop.gov [OPMWHF])
READ:UNKNOWN
TO:Wilson, Christina C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=55435553-
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READ:UNKNOWN
TO:Windsor, Jason (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=62C1F351-
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TO:Winland, Emily (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9A74D54A-
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TO:Zacharias, Naomi M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=47CFF825-B5B1F66F-85256C17-51A2A8 [UNKNOWN])
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TO:Larimore, Katherine L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=397F86A3-2CFA7DCD-85256C39-4AF9D1 [UNKNOWN])
READ:UNKNOWN
CC:valerie_largent@ensign.senate.gov (valerie_largent@ensign.senate.gov [UNKNOWN])
READ:UNKNOWN
CC:leroy.rooker@ed.gov (leroy.rooker@ed.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Each year, White House staffers are invited to usher at the National Prayer Breakfast. This year it is at the Washington Hilton on February 6th. This allows White House staffers the opportunity to attend without prior sponsors or official invitations. If you are interested, please email the following information to Valerie Largent (valerie_largent@ensign.senate.gov) with a cc to Lee Rooker (leroy.rooker@ed.gov) by Friday January 24th.

Name
White House Office
Daytime phone
email address
# of times volunteered at the National Prayer Breakfast
Date of birth
Social Security number

There will be a few organizational meetings prior to the NPB for the ushers. This is a great opportunity to serve. Consider this prayerfully.

From: [UNKNOWN] <Moy, Edmund C.>

To: <Ayers>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D83122B3-EBB51AE2-85256B4F-4B74BA [UNKNOWN] <Dana>;<Azadian>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/7075B2A3-9A430FAA-85256C37-5681FD [UNKNOWN] <Charity>;<Badenhop>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B398554A-E75D198B-85256B1B-521CA9 [UNKNOWN] <Kimberly A.>;<Bailey>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1E3F34FF-E033CDB5-852569ED-645CE6 [UNKNOWN] <Christa J.>;<Baldwin>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/C71BB4A2-E5636A5C-85256B44-535F87 [UNKNOWN] <Jenica>;<Balls>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/AFBBF5FF-5A6129B6-85256AF0-5B65A2 [UNKNOWN] <Katharine>;<Barrales>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/54B63ED1-BC678BBB-85256A00-70D9A7 [UNKNOWN] <Ruben S.>;<Bartolomucci>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1A4DAB1A-EBCD4DB1-852569DA-6039DB [UNKNOWN] <H. Christopher>;<Bennett>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D5ADC957-BDF7AE6D-85256BCF-64DA23 [UNKNOWN] <Christopher>;<Biegun>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/3D470BD1-923D8663-85256A6F-684CC6 [UNKNOWN] <Stephen E.>;<Bourns>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/315140D4-2A286C8B-85256A9C-5C242F [UNKNOWN] <Lindsay J.>;<Bowen>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4A2C2EB-13942C40-852569DA-6125AE [UNKNOWN] <Stuart W.>;<Bridgeland>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/F780D323-9CDBC5CC-852569DC-694D86 [UNKNOWN] <John M.>;<Burmeister>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B09A4C99-81A2BC4F-85256C6A-4833C9 [UNKNOWN] <Janice L.>;<Caballero>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D889C7C2-8F7BF78C-85256B4A-50F75E [UNKNOWN] <Prescott M.>;<Campbell>;Anne_E._Campbell@who.eop.gov [WHO] <Anne E.>;<Carter>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/31352C29-A99E347A-85256C30-65C0B5 [UNKNOWN] <Walter>;<Christie>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D5A2EDAF-59ACEE7B-85256B6E-5882C8 [UNKNOWN] <Ronald I.>;<Click>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4A3AF2AB-D19499B4-852569FA-6F59B4 [UNKNOWN] <Carrie W.>;<Conner>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/EC0006FB-901F59D9-85256AFC-4D5FD0 [UNKNOWN] <Charles>;<Contreras>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/45024183-FDEF8824-852569DB-5DF936 [UNKNOWN] <Rebecca>;<Conway>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/C63969DB-CC624FDB-85256A0D-75885C [UNKNOWN] <Michael J.>;<Conway>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/7B4E5AD6-58FB1535-85256A56-4686CF [UNKNOWN] <Thais C.>;<Cook>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E4BF28A0-DF7D2250-852569EE-537A7D [UNKNOWN] <Jane M.>;<Crable>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D00C77A5-4DE21C74-852563CC-134C78 [UNKNOWN] <Lynn A.>;<Crowther>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4B514F8-3495605F-852569E0-6FFF2E [UNKNOWN] <Anne C.>;<Cruson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/9B54B821-5FDE6714-85256C60-5BA05C [UNKNOWN] <Karen D.>;<Deckard>;Josh_Deckard@who.eop.gov [WHO] <Josh>;<Dickens>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/REED_DICKENS [UNKNOWN] <Reed>;<Douglas>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D9838360-111C6EA0-85256BB8-6962FA [UNKNOWN] <Penny G.>;<Duvall>;rduvall@oa.eop.gov [OA] <Ranelle A.>;<Dwight>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/61D41FAE-34BA9F5E-85256B20-51FDE2 [UNKNOWN] <Catherine>;<Elliott>;relliott@NSC.eop.gov [NSC] <Ruth E.>;<Estes>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4C32A97D-998AE454-852569DB-5EAFD3 [UNKNOWN] <Ashley>;<Fertakis>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/43895768-44BAB869-852569D1-4A4A1C [UNKNOWN] <Katherine J.>;<Fishpaw>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/9A258890-8ECA9A45-85256A08-691DA9 [UNKNOWN] <Marie K.>;<Fitzgerald>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/3AB3C2F9-4139C67B-85256C59-44C418 [UNKNOWN] <Heather R.>;<Fraher>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/5DA00EE7-D919652C-85256C39-4AFBB8 [UNKNOWN] <Jennifer A.>;<Francisco>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/CF76D183-7344944F-85256BFE-61B685 [UNKNOWN] <Restituto M.>;<Gallimore>;jgallimo@OMB.eop.gov [OMB] <Jeffrey D.>;<Gannon>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D0CCBA32-C39723C3-85256AF6-6C3C00 [UNKNOWN] <Jane D.>;Stephen M. Garrison/OPD/EOP@EOP [UNKNOWN] <Stephen M. Garrison/OPD/EOP@EOP>;<Gerson>;Michael_J._Gerson@who.eop.gov [WHO] <Michael

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ADMINISTRATIVE GROUP/RECIPIENTS/B2E77F63-672509FB-852569D9-6D71FD [UNKNOWN] <Harriet>;remiller@tpo.omb.eop.gov [OMB] <remiller@tpo.omb.eop.gov>; <Motley>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/64036674-A511AA73-85256A16-523001 [UNKNOWN] <Eric L.>;OVERTON#032#BRUCE@ustr.gov [UNKNOWN] <OVERTON#032#BRUCE@ustr.gov>;<Parker>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/19B80A02-D503C409-85256BCF-64ECD8 [UNKNOWN] <Joyce>; <Parrish>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /A29D8D35-22EC5C81-85256C3A-59A850 [UNKNOWN] <Jobi A.>;<Pedison>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/87315FAF-898BBD84-85256C9F-499976 [UNKNOWN] <Beth>;<Pelletier>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B1AD36A3-B8A7E0F9-852569DE-60469C [UNKNOWN] <Eric C.>;<Penny>;Sarah_Penny@who.eop.gov [WHO] <Sarah>;<Pipes>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D167B5CF-D56399E-852569DE-D9D25 [UNKNOWN] <Kasey S.>;<Pitts>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/CC763587-9663AB7D-85256BD1-6992DE [UNKNOWN] <Elizabeth>; <Powell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/583FB9CE-AFBAD6FF-852569DD-44BBDA [UNKNOWN] <Dina>;<Pratt Jr>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E5E54D2A-97CF638F-852569EB-737160 [UNKNOWN] <Robert T.>;<Prichard>;CBPRICHARD@WHMO.MIL [WHMO] <Curt>; <Ralston>;Susan_B._Ralston@who.eop.gov [WHO] <Susan B.>;<Rice>;crice@NSC.eop.gov [NSC] <Condoleezza>;<Riepenhoff>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /E07714A6-FC8F86D9-852569FB-6AFACD [UNKNOWN] <Allison L.>;<Ritacco>;Krista_L._Ritacco@who.eop.gov [WHO] <Krista L.>;<Robinson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/8F879CC9-3863F1B8-852569DD-61EEFB [UNKNOWN] <Josephine B.>;<Roumel>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /A151855C-148C7A6F-852569E0-701431 [UNKNOWN] <Maria H.>;<Rust>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FDDD706B-307261E0-85256B04-5D6F56 [UNKNOWN] <Kathryn E.>;<Ryun>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /80254183-7F0856D-852569FF-51B55C [UNKNOWN] <Catharine A.>;<Sayle>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B2A57BDD-1C82F4E5-852569DB-4D7FDE [UNKNOWN] <Desiree T.>;<Schlapp>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /854C04E1-91EF30AD-852569DA-76E1F8 [UNKNOWN] <Matthew A.>;<Sigman>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/A4F096E3-348CF303-85256594-4FF5AF [UNKNOWN] <Charles L.>;<Springer>;lspringe@OMB.eop.gov [OMB] <Linda>;<Stecher>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/892C55B2-5C7B2BB5-85256B8F-5BF45D [UNKNOWN] <Jennifer>;<Stout>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /F605B16E-8B76AFC1-852569F5-48044A [UNKNOWN] <Timothy C.>;<Streeter>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B494B8C0-A911FE01-85256BE9-659055 [UNKNOWN] <Ryan T.>;<Taplett>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B68ECFF2-D5F216CF-85256B8E-6AF040 [UNKNOWN] <Claire>;<Toth>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D2101E13-F6EAA2DC-85256C3D-5FE6B6 [UNKNOWN] <Michelle M.>;<Towey>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/CDECD61B-AEEB12DC-85256B53-69AA2D [UNKNOWN] <Jim>;<Trumps>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/JOAN_TRUMPS [UNKNOWN] <Joan>;<Tubb>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1CDEA792-89D3390B-85256BCF-64F382 [UNKNOWN] <Richard>;<Tucker>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /83A7C169-A4806FE9-85256B50-52F92B [UNKNOWN] <Kirstie W.>;<Vogel>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/C42680A7-2599BFE7-85256BD8-49934A [UNKNOWN] <Daniel>;<Wehner>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /A520AC41-AECCBA1A-852569E4-4C4324 [UNKNOWN] <Peter H.>;<Weinberg>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/668C8295-CE9312A0-85256BC3-55A67A [UNKNOWN] <Vicki S.>;<Welborn>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /35166F2D-15E67398-85256A30-6F5B63 [UNKNOWN] <L. Camille>;<White>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/BA04E865-57CC4858-85256B8F-5BD94A [UNKNOWN] <Jeremy L.>;<White>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /858939AD-8510F208-85256B4F-4CD9C3 [UNKNOWN] <Jocelyn>;<Wilkinson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E1B7E27B-8B3B3CD-852569DB-5060D7 [UNKNOWN] <James R.>;twillett@whf.eop.gov [OPMWHF] <twillett@whf.eop.gov>;<Wilson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/55435553-F3D1B90A-85256B7B-4A1039 [UNKNOWN] <Christina C.>;<Windsor>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/62C1F351-E46ABF16-85256BCF-64F62A [UNKNOWN] <Jason>;<Winland>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/9A74D54A-26F5BCA8-85256B3C-6BB206 [UNKNOWN] <Emily>;<Wright>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /1903A607-5559B292-85256BCF-64F66F [UNKNOWN] <Cynthia>;<Ahaev>;/EOP/FIRST

ADMINISTRATIVE GROUP/RECIPIENTS/D57A1F0E-357897D1-85256BBC-598CE3 [UNKNOWN] <Victoria>;<Woods>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /93987FE4-4858DC06-85256C2C-43BEA0 [UNKNOWN] <Nekeshia>;<Zacharias>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/47CFF825-B5B1F66F-85256C17-51A2A8 [UNKNOWN] <Naomi M.>;<Larimore>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /397F86A3-2CFA7DCD-85256C39-4AF9D1 [UNKNOWN] <Katherine L.>

CC: valerie_largent@ensign.senate.gov [UNKNOWN] <valerie_largent@ensign.senate.gov>;leroy.rooker@ed.gov [UNKNOWN] <leroy.rooker@ed.gov>

Sent: 1/22/2003 8:29:31 AM

Subject: National Prayer Breakfast

Begin Original ARMS Header
RECORD TYPE: FEDERAL (MS Mail)
CREATOR:Moy, Edmund C. ([UNKNOWN])
CREATION DATE/TIME:22-JAN-2003 13:29:31.00
SUBJECT:National Prayer Breakfast
TO:Ayers, Dana (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D83122B3-EBB51AE2-85256B4F-4B74BA [UNKNOWN])
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TO:Badenhop, Kimberly A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B398554A-E75D198B-85256B1B-521CA9 [UNKNOWN])
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TO:Bailey, Christa J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=1E3F34FF-E033CDB5-852569ED-645CE6 [UNKNOWN])
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TO:Campbell, Anne E. (Anne_E._Campbell@who.eop.gov [WHO])
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TO:Carter, Walter (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=31352C29-A99E347A-85256C30-65C0B5 [UNKNOWN])

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TO:Click, Carrie W. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4A3AF2AB-D19499B4-852569FA-6F59B4 [UNKNOWN])
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TO:Conner, Charles (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=EC0006FB-901F59D9-85256AFC-4D5FD0 [UNKNOWN])
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TO:Contreras, Rebecca (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=45024183-FDEF8824-852569DB-5DF936 [UNKNOWN])
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TO:Conway, Michael J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=C63969DB-CC624FDB-85256A0D-75885C [UNKNOWN])
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TO:Conway, Thais C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=7B4E5AD6-58FB1535-85256A56-4686CF [UNKNOWN])
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TO:Cook, Jane M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E4BF28A0-DF7D2250-852569EE-537A7D [UNKNOWN])
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TO:Crable, Lynn A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D00C77A5-4DE21C74-852563CC-134C78 [UNKNOWN])
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TO:Crowther, Anne C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4B514F8-3495605F-852569E0-6FFF2E [UNKNOWN])
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TO:Cruson, Karen D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9B54B821-5FDE6714-85256C60-5BA05C [UNKNOWN])
READ:UNKNOWN
TO:Deckard, Josh (Josh_Deckard@who.eop.gov [WHO])
READ:UNKNOWN
TO:Dickens, Reed (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=REED_DICKENS [UNKNOWN])
READ:UNKNOWN
TO:Douglas, Penny G. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D9838360-111C6EA0-85256BB8-6962FA [UNKNOWN])
READ:UNKNOWN
TO:Duvall, Ranelle A. (rduvall@oa.eop.gov [OA])
READ:UNKNOWN
TO:Dwight, Catherine (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=61D41FAE-34BA9F5E-85256B20-51FDE2 [UNKNOWN])
READ:UNKNOWN
TO:Elliott, Ruth E. (relliott@NSC.eop.gov [NSC])
READ:UNKNOWN
TO:Estes, Ashley (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4C32A97D-998AE454-852569DB-5EAFD3 [UNKNOWN])
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TO:Fertakis, Katherine J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=43895768-44BAB869-852569D1-4A4A1C [UNKNOWN])
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TO:Fishpaw, Marie K. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9A258890-8ECA9A45-85256A08-691DA9 [UNKNOWN])
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TO:Fitzgerald, Heather R. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=3AB3C2F9-4139C67B-85256C59-44C418 [UNKNOWN])
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TO:Fraher, Jennifer A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=5DA00EE7-D919652C-85256C39-4AFBB8 [UNKNOWN])
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TO:Francisco, Restituto M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=CF76D183-7344944F-85256BFE-61B685 [UNKNOWN])
READ:UNKNOWN
TO:Gallimore, Jeffrey D. (jgallimo@OMB.eop.gov [OMB])
READ:UNKNOWN
TO:Gannon, Jane D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D0CCBA32-C39723C3-85256AF6-6C3C00 [UNKNOWN])

READ:UNKNOWN
TO:Stephen M. Garrison/OPD/EOP@EOP (Stephen M. Garrison/OPD/EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO:Gerson, Michael J. (Michael_J._Gerson@who.eop.gov [WHO])
READ:UNKNOWN
TO:Gesiriech, Sarah (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=8CF820C1-68E2EC8F-85256A4E-497BEC [UNKNOWN])
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TO:Gray, Ann (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=40289C9F-87E5BBFB-
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TO:Grove, Justin A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=A6D3C8F5-18533D52-852569FC-4F424F [UNKNOWN])
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TO:Hall, Wendy J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=B4C1FB0-6B402923-852567EB-5A8820 [UNKNOWN])
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TO:Hansen, Nancy G. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=BF562470-
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TO:Hanusa, Mary Ann (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=7FB4C1DC-
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READ:UNKNOWN
TO:Hardin, Anthony (ALHARDIN@WHMO.MIL [WHMO])
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TO:Harrington, Kathryn M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ABECDA95-
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TO:Heath, Daniel D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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READ:UNKNOWN
TO:Hernandez, Israel (Israel_Hernandez@who.eop.gov [WHO])
READ:UNKNOWN
TO:LHofmann@whmo.mil (LHofmann@whmo.mil [WHMO])
READ:UNKNOWN
TO:Horton, John C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=E8B9EF91-6E679534-85256B7C-7433DA [UNKNOWN])
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TO:Hurst, Kevin D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=EE5B700A-
E38F7324-85256AF0-567934 [UNKNOWN])
READ:UNKNOWN
TO:Jackson, Kathryn W. (Kathryn_W._Jackson@oa.eop.gov [OA])
READ:UNKNOWN
TO:Jackson, Tamara D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=DC698418-9FEC6247-85256BF4-66F6BF [UNKNOWN])
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TO:Jezierski, Jeffrey T. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:Johnson, Collister W. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A88FE60F-
2208B0E2-852569DA-79D68E [UNKNOWN])
READ:UNKNOWN
TO:yjubangt@tpo.omb.eop.gov (yjubangt@tpo.omb.eop.gov [OMB])
READ:UNKNOWN
TO:Kalavritinos, John (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=E15EC920-2C6F737C-85256AA4-52ED79 [UNKNOWN])
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TO:Katzaman, Jennifer (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:Kelly, Patrick (pkelly@OMB.eop.gov [OMB])
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TO:King, Stephen (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=663682C7-FFC89542-85256B06-5E8D39 [UNKNOWN])
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TO:Krauss, Lori A. (lkrauss@OMB.eop.gov [OMB])
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TO:Krimmel, Rebekah A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=8364BCB2-33CF62F1-85256BA4-5A622C [UNKNOWN])
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TO:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
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TO:Lenti, Sarah M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=BB04C26B-30F4C654-852569FB-4C3AC0 [UNKNOWN])
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TO:Lindsey, Lawrence B. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=LAWRENCE_B._LINDSEY [UNKNOWN])
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TO:Litterst, Roland N. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ROLAND_N._LITTERST [UNKNOWN])
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TO:Loewer, Deborah A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B7C2DDDC-ABAF3A51-85256A48-6A2AEE [UNKNOWN])
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TO:Marquez, Heidi K. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=33308984-635336F5-852569DC-766A71 [UNKNOWN])
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TO:Mason, Elizabeth L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=72DA8A4F-E9606FF1-85256B6F-598F51 [UNKNOWN])
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TO:Merchant, Brian T. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=5B2F1FE8-54C91389-852567F3-57EF99 [UNKNOWN])
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TO:Miers, Harriet (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS

/CN=B2E77F63-672509FB-852569D9-6D71FD [UNKNOWN])
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TO:remiller@tpo.omb.eop.gov (remiller@tpo.omb.eop.gov [OMB])
READ:UNKNOWN
TO:Motley, Eric L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=64036674-
A511AA73-85256A16-523001 [UNKNOWN])
READ:UNKNOWN
TO:OVERTON#032#BRUCE@ustr.gov (OVERTON#032#BRUCE@ustr.gov [UNKNOWN])
READ:UNKNOWN
TO:Parker, Joyce (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=19B80A02-
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TO:Parrish, Jobi A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:Pelletier, Eric C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B1AD36A3-
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TO:Penny, Sarah (Sarah_Penny@who.eop.gov [WHO])
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TO:Pipes, Kasey S. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D167B5CF-
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TO:Pratt Jr, Robert T. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E5E54D2A-
97CF638F-852569EB-737160 [UNKNOWN])
READ:UNKNOWN
TO:Prichard, Curt (CBPRICHARD@WHMO.MIL [WHMO])
READ:UNKNOWN
TO:Ralston, Susan B. (Susan_B._Ralston@who.eop.gov [WHO])
READ:UNKNOWN
TO:Rice, Condoleezza (crice@NSC.eop.gov [NSC])
READ:UNKNOWN
TO:Riepenhoff, Allison L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E07714A6-
FC8F86D9-852569FB-6AFACD [UNKNOWN])
READ:UNKNOWN
TO:Ritacco, Krista L. (Krista_L._Ritacco@who.eop.gov [WHO])
READ:UNKNOWN
TO:Robinson, Josephine B. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=8F879CC9-3863F1B8-852569DD-61EEFB [UNKNOWN])
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TO:Roumel, Maria H. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A151855C-
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/CN=A4F096E3-348CF303-85256594-4FF5AF [UNKNOWN])
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TO:Springer, Linda (lspringe@OMB.eop.gov [OMB])

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TO:Stecher, Jennifer (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:Streeter, Ryan T. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B494B8C0-
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TO:Trumps, Joan (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JOAN_TRUMPS [
UNKNOWN])
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TO:Tubb, Richard (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=1CDEA792-89D3390B-
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TO:Tucker, Kirstie W. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=83A7C169-
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TO:Vogel, Daniel (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:Wehner, Peter H. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A520AC41-
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TO:Welborn, L. Camille (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=35166F2D-
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TO:White, Jeremy L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
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TO:White, Jocelyn (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=858939AD-
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TO:Wilkinson, James R. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E1B7E27B-
8B3B3CD-852569DB-5060D7 [UNKNOWN])
READ:UNKNOWN
TO:twillett@whf.eop.gov (twillett@whf.eop.gov [OPMWHF])
READ:UNKNOWN
TO:Wilson, Christina C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=55435553-
F3D1B90A-85256B7B-4A1039 [UNKNOWN])
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TO:Windsor, Jason (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=62C1F351-
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TO:Winland, Emily (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9A74D54A-
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TO:Ahaev, Victoria (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D57A1F0E-
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/CN=93987FE4-4858DC06-85256C2C-43BEA0 [UNKNOWN])

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TO:Zacharias, Naomi M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=47CFF825-B5B1F66F-85256C17-51A2A8 [UNKNOWN])
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TO:Larimore, Katherine L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=397F86A3-2CFA7DCD-85256C39-4AF9D1 [UNKNOWN])
READ:UNKNOWN
CC:valerie_largent@ensign.senate.gov (valerie_largent@ensign.senate.gov [UNKNOWN])
READ:UNKNOWN
CC:leroy.rooker@ed.gov (leroy.rooker@ed.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Each year, White House staffers are invited to usher at the National Prayer Breakfast. This year it is at the Washington Hilton on February 6th. This allows White House staffers the opportunity to attend without prior sponsors or official invitations. If you are interested, please email the following information to Valerie Largent (valerie_largent@ensign.senate.gov) with a cc to Lee Rooker (leroy.rooker@ed.gov) by Friday January 24th.

Name
White House Office
Daytime phone
email address
# of times volunteered at the National Prayer Breakfast
Date of birth
Social Security number

There will be a few organizational meetings prior to the NPB for the ushers. This is a great opportunity to serve. Consider this prayerfully.

From: CN=Edmund C. Moy/OU=WHO/O=EOP [WHO]

To: Katherine L. Larimore/WHO/EOP@EOP [WHO] <Katherine L. Larimore>;nekeshia_woods@whf.eop.gov @ inet [UNKNOWN] <nekeshia_woods@whf.eop.gov @ inet>;CKWright@whmo.mil @ inet [UNKNOWN] <CKWright@whmo.mil @ inet>;JSWindsor@whmo.mil @ inet [UNKNOWN] <JSWindsor@whmo.mil @ inet>;twillett@whf.eop.gov @ inet [OPM] <twillett@whf.eop.gov @ inet>;Jocelyn White/WHF /EOP@EOP [OPM] <Jocelyn White>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Kirstie W. Tucker/WHO/EOP@EOP [WHO] <Kirstie W. Tucker>;Joan Trumps/OA/EOP@Exchange@EOP [OA] <Joan Trumps>;Michelle M. Toth/WHO/EOP@EOP [WHO] <Michelle M. Toth>;Ryan T. Streeter/WHO/EOP@EOP [WHO] <Ryan T. Streeter>;Jennifer Stecher/WHO/EOP@EOP [WHO] <Jennifer Stecher>;Charles L. Sigman/OA/EOP@EOP [OA] <Charles L. Sigman>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Kathryn E. Rust/WHO /EOP@EOP [WHO] <Kathryn E. Rust>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Susan B. Ralston/WHO/EOP@Exchange@EOP [WHO] <Susan B. Ralston>;Robert T. Pratt Jr/WHO/EOP@EOP [WHO] <Robert T. Pratt Jr>;Elizabeth Pitts/WHO /EOP@EOP [WHO] <Elizabeth Pitts>;Sarah Penny/WHO/EOP@Exchange@EOP [WHO] <Sarah Penny>;Beth Pedison/WHO/EOP@EOP [WHO] <Beth Pedison>;japarker@whmo.mil @ inet [UNKNOWN] <japarker@whmo.mil @ inet>;Eric L. Motley/WHO/EOP@EOP [WHO] <Eric L. Motley>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Brian T. Merchant/NSC /EOP@EOP [NSC] <Brian T. Merchant>;John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>;Heidi K. Marquez/WHO/EOP@EOP [WHO] <Heidi K. Marquez>;John P. Looney/OSTP/EOP@EOP [OSTP] <John P. Looney>;Roland N. Litterst/WHO /EOP@Exchange@EOP [WHO] <Roland N. Litterst>;Sarah M. Lenti/NSC/EOP@EOP [NSC] <Sarah M. Lenti>;BDLehnhardt@whmo.mil @ inet [UNKNOWN] <BDLehnhardt@whmo.mil @ inet>;Rebecca L. Lankey/OSTP/EOP@EOP [OSTP] <Rebecca L. Lankey>;Rebekah A. Krimmel/OMB/EOP@EOP [OMB] <Rebekah A. Krimmel>;Stephen King/WHO/EOP@EOP [WHO] <Stephen King>;kscrane@whmo.mil @ inet [UNKNOWN] <kscrane@whmo.mil @ inet>;JMKatzaman@whmo.mil @ inet [UNKNOWN] <JMKatzaman@whmo.mil @ inet>;yjubangt@tpo.omb.eop.gov @ inet [OMB] <yjubangt@tpo.omb.eop.gov @ inet>;Jeffrey T. Jezierski/WHO/EOP@EOP [WHO] <Jeffrey T. Jezierski>;Kathryn W. Jackson/OA /EOP@Exchange@EOP [OA] <Kathryn W. Jackson>;John C. Horton/ONDCP/EOP@EOP [ONDCP] <John C. Horton>;Israel Hernandez/WHO/EOP@Exchange@EOP [WHO] <Israel Hernandez>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C. Hawthorne>;Kathryn M. Harrington/OSTP/EOP@EOP [OSTP] <Kathryn M. Harrington>;Mary Ann Hanusa/WHO /EOP@EOP [WHO] <Mary Ann Hanusa>;Wendy J. Hall/OSTP/EOP@EOP [OSTP] <Wendy J. Hall>;Ann Gray/WHO/EOP@EOP [WHO] <Ann Gray>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Stephen M. Garrison/OPD/EOP@EOP [WHO] <Stephen M. Garrison>;Jeffrey D. Gallimore/OMB/EOP@EOP [OMB] <Jeffrey D. Gallimore>;Jennifer A. Fraher/WHO/EOP@EOP [WHO] <Jennifer A. Fraher>;Marie K. Fishpaw/OVP/EOP@EOP [OVP] <Marie K. Fishpaw>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Catherine Dwight/WHO/EOP@EOP [WHO] <Catherine Dwight>;Penny_G._Douglas@omb.eop.gov @ inet [UNKNOWN] <Penny_G._Douglas@omb.eop.gov @ inet>;Josh Deckard/WHO /EOP@Exchange@EOP [WHO] <Josh Deckard>;Anne C. Crowther/WHO/EOP@EOP [WHO] <Anne C. Crowther>;Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Ronald I. Christie/OPD/EOP@EOP [OPD] <Ronald I. Christie>;Anne E. Campbell/WHO/EOP@Exchange@EOP [WHO] <Anne E. Campbell>;Janice L. Burmeister/WHO/EOP@EOP [WHO] <Janice L. Burmeister>;Stuart W. Bowen/WHO /EOP@EOP [WHO] <Stuart W. Bowen>;Stephen E. Biegun/NSC/EOP@EOP [NSC] <Stephen E. Biegun>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Katharine Balls/WHO/EOP@EOP [WHO] <Katharine Balls>;Christa J. Bailey/WHO/EOP@EOP [WHO] <Christa J. Bailey>;Charity Azadian/WHO/EOP@EOP [WHO] <Charity Azadian>;Naomi M. Zacharias/WHO/EOP@EOP [WHO] <Naomi M. Zacharias>;Victoria Ahaev/WHO/EOP@EOP [WHO] <Victoria Ahaev>;Emily Winland/OPD /EOP@EOP [OPD] <Emily Winland>;Christina C. Wilson/OPD/EOP@EOP [OPD] <Christina C. Wilson>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Jeremy_L._White@who.eop.gov @ inet [UNKNOWN] <Jeremy_L._White@who.eop.gov @ inet>;Vicki S. Weinberg/WHO/EOP@EOP [WHO] <Vicki S. Weinberg>;Daniel Vogel/WHO/EOP@EOP [WHO] <Daniel Vogel>;RJTubb@whmo.mil @ inet

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CC: leroy.rooker@ed.gov [UNKNOWN] <leroy.rooker@ed.gov>;valerie_largent@ensign.senate.gov @ inet [UNKNOWN] <valerie_largent@ensign.senate.gov @ inet>

Sent: 1/22/2003 8:50:38 AM

Subject: : National Prayer Breakfast

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edmund C. Moy ( CN=Edmund C. Moy/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-JAN-2003 13:50:38.00
SUBJECT:: National Prayer Breakfast
TO:Katherine L. Larimore ( CN=Katherine L. Larimore/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:nekeshia_woods@whf.eop.gov @ inet ( nekeshia_woods@whf.eop.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:CKWright@whmo.mil @ inet ( CKWright@whmo.mil @ inet [ UNKNOWN ] )
READ:UNKNOWN
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TO:JSWindsor@whmo.mil @ inet (JSWindsor@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
TO:twillett@whf.eop.gov @ inet (twillett@whf.eop.gov @ inet [OPM])
READ:UNKNOWN
TO:Jocelyn White (CN=Jocelyn White/OU=WHF/O=EOP@EOP [OPM])
READ:UNKNOWN
TO:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
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TO:Michelle M. Toth (CN=Michelle M. Toth/OU=WHO/O=EOP@EOP [WHO])
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TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
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TO:yjubangt@tpo.omb.eop.gov @ inet (yjubangt@tpo.omb.eop.gov @ inet [OMB])
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TO:Jeffrey T. Jezierski (CN=Jeffrey T. Jezierski/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN

TO:Patrick Kelly (CN=Patrick Kelly/OU=OMB/O=EOP@EOP [OMB])
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TO:Kevin D. Hurst (CN=Kevin D. Hurst/OU=OSTP/O=EOP@EOP [OSTP])
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TO:LHofmann@whmo.mil @ inet (LHofmann@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
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TO:ALHardin@whmo.mil @ inet (ALHardin@whmo.mil @ inet [UNKNOWN])
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TO:Nancy G. Hansen (CN=Nancy G. Hansen/OU=WHO/O=EOP@EOP [WHO])
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TO:Justin A. Grove (CN=Justin A. Grove/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN

TO:Dana Ayers (CN=Dana Ayers/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:leroy.rooker@ed.gov (leroy.rooker@ed.gov [UNKNOWN])
READ:UNKNOWN
CC:valerie_largent@ensign.senate.gov @ inet (valerie_largent@ensign.senate.gov @ inet [UNKNOWN])
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End Original ARMS Header

Each year, White House staffers are invited to usher at the National Prayer Breakfast. This year it is at the Washington Hilton on February 6th. This allows White House staffers the opportunity to attend without prior sponsors or official invitations. If you are interested, please email the following information to Valerie Largent (valerie_largent@ensign.senate.gov) with a cc to Lee Rooker (leroy.rooker@ed.gov) by Friday January 24th.

Name
White House Office
Daytime phone
email address
# of times volunteered at the National Prayer Breakfast
Date of birth
Social Security number

There will be a few organizational meetings prior to the NPB for the ushers. This is a great opportunity to serve. Consider this prayerfully.

From: CN=Edmund C. Moy/OU=WHO/O=EOP [WHO]

To: Katherine L. Larimore/WHO/EOP@EOP [WHO] <Katherine L. Larimore>;nekeshia_woods@whf.eop.gov @ inet [UNKNOWN] <nekeshia_woods@whf.eop.gov @ inet>;CKWright@whmo.mil @ inet [UNKNOWN] <CKWright@whmo.mil @ inet>;JSWindsor@whmo.mil @ inet [UNKNOWN] <JSWindsor@whmo.mil @ inet>;twillett@whf.eop.gov @ inet [OPM] <twillett@whf.eop.gov @ inet>;Jocelyn White/WHF /EOP@EOP [OPM] <Jocelyn White>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Kirstie W. Tucker/WHO/EOP@EOP [WHO] <Kirstie W. Tucker>;Joan Trumps/OA/EOP@Exchange@EOP [OA] <Joan Trumps>;Michelle M. Toth/WHO/EOP@EOP [WHO] <Michelle M. Toth>;Ryan T. Streeter/WHO/EOP@EOP [WHO] <Ryan T. Streeter>;Jennifer Stecher/WHO/EOP@EOP [WHO] <Jennifer Stecher>;Charles L. Sigman/OA/EOP@EOP [OA] <Charles L. Sigman>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Kathryn E. Rust/WHO /EOP@EOP [WHO] <Kathryn E. Rust>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Susan B. Ralston/WHO/EOP@Exchange@EOP [WHO] <Susan B. Ralston>;Robert T. Pratt Jr/WHO/EOP@EOP [WHO] <Robert T. Pratt Jr>;Elizabeth Pitts/WHO /EOP@EOP [WHO] <Elizabeth Pitts>;Sarah Penny/WHO/EOP@Exchange@EOP [WHO] <Sarah Penny>;Beth Pedison/WHO/EOP@EOP [WHO] <Beth Pedison>;japarker@whmo.mil @ inet [UNKNOWN] <japarker@whmo.mil @ inet>;Eric L. Motley/WHO/EOP@EOP [WHO] <Eric L. Motley>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Brian T. Merchant/NSC /EOP@EOP [NSC] <Brian T. Merchant>;John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>;Heidi K. Marquez/WHO/EOP@EOP [WHO] <Heidi K. Marquez>;John P. Looney/OSTP/EOP@EOP [OSTP] <John P. Looney>;Roland N. Litterst/WHO /EOP@Exchange@EOP [WHO] <Roland N. Litterst>;Sarah M. Lenti/NSC/EOP@EOP [NSC] <Sarah M. Lenti>;BDLehnhardt@whmo.mil @ inet [UNKNOWN] <BDLehnhardt@whmo.mil @ inet>;Rebecca L. Lankey/OSTP/EOP@EOP [OSTP] <Rebecca L. Lankey>;Rebekah A. Krimmel/OMB/EOP@EOP [OMB] <Rebekah A. Krimmel>;Stephen King/WHO/EOP@EOP [WHO] <Stephen King>;kscrane@whmo.mil @ inet [UNKNOWN] <kscrane@whmo.mil @ inet>;JMKatzaman@whmo.mil @ inet [UNKNOWN] <JMKatzaman@whmo.mil @ inet>;yjubangt@tpo.omb.eop.gov @ inet [OMB] <yjubangt@tpo.omb.eop.gov @ inet>;Jeffrey T. Jezierski/WHO/EOP@EOP [WHO] <Jeffrey T. Jezierski>;Kathryn W. Jackson/OA /EOP@Exchange@EOP [OA] <Kathryn W. Jackson>;John C. Horton/ONDCP/EOP@EOP [ONDCP] <John C. Horton>;Israel Hernandez/WHO/EOP@Exchange@EOP [WHO] <Israel Hernandez>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C. Hawthorne>;Kathryn M. Harrington/OSTP/EOP@EOP [OSTP] <Kathryn M. Harrington>;Mary Ann Hanusa/WHO /EOP@EOP [WHO] <Mary Ann Hanusa>;Wendy J. Hall/OSTP/EOP@EOP [OSTP] <Wendy J. Hall>;Ann Gray/WHO/EOP@EOP [WHO] <Ann Gray>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Stephen M. Garrison/OPD/EOP@EOP [WHO] <Stephen M. Garrison>;Jeffrey D. Gallimore/OMB/EOP@EOP [OMB] <Jeffrey D. Gallimore>;Jennifer A. Fraher/WHO/EOP@EOP [WHO] <Jennifer A. Fraher>;Marie K. Fishpaw/OVP/EOP@EOP [OVP] <Marie K. Fishpaw>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Catherine Dwight/WHO/EOP@EOP [WHO] <Catherine Dwight>;Penny_G._Douglas@omb.eop.gov @ inet [UNKNOWN] <Penny_G._Douglas@omb.eop.gov @ inet>;Josh Deckard/WHO /EOP@Exchange@EOP [WHO] <Josh Deckard>;Anne C. Crowther/WHO/EOP@EOP [WHO] <Anne C. Crowther>;Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Ronald I. Christie/OPD/EOP@EOP [OPD] <Ronald I. Christie>;Anne E. Campbell/WHO/EOP@Exchange@EOP [WHO] <Anne E. Campbell>;Janice L. Burmeister/WHO/EOP@EOP [WHO] <Janice L. Burmeister>;Stuart W. Bowen/WHO /EOP@EOP [WHO] <Stuart W. Bowen>;Stephen E. Biegun/NSC/EOP@EOP [NSC] <Stephen E. Biegun>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Katharine Balls/WHO/EOP@EOP [WHO] <Katharine Balls>;Christa J. Bailey/WHO/EOP@EOP [WHO] <Christa J. Bailey>;Charity Azadian/WHO/EOP@EOP [WHO] <Charity Azadian>;Naomi M. Zacharias/WHO/EOP@EOP [WHO] <Naomi M. Zacharias>;Victoria Ahaev/WHO/EOP@EOP [WHO] <Victoria Ahaev>;Emily Winland/OPD /EOP@EOP [OPD] <Emily Winland>;Christina C. Wilson/OPD/EOP@EOP [OPD] <Christina C. Wilson>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Jeremy_L._White@who.eop.gov @ inet [UNKNOWN] <Jeremy_L._White@who.eop.gov @ inet>;Vicki S. Weinberg/WHO/EOP@EOP [WHO] <Vicki S. Weinberg>;Daniel Vogel/WHO/EOP@EOP [WHO] <Daniel Vogel>;RJTubb@whmo.mil @ inet

[UNKNOWN] <RJTubb@whmo.mil @ inet>;Jim Towey/WHO/EOP@EOP [WHO] <Jim Towey>;Claire Taplett/WHO/EOP@EOP [WHO] <Claire Taplett>;Timothy C. Stout/WHO /EOP@EOP [WHO] <Timothy C. Stout>;Linda Springer/OMB/EOP@EOP [OMB] <Linda Springer>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Catharine A. Ryun/WHO/EOP@EOP [WHO] <Catharine A. Ryun>;Maria H. Roumel/WHO/EOP@EOP [WHO] <Maria H. Roumel>;Krista L. Ritacco/WHO/EOP@Exchange@EOP [WHO] <Krista L. Ritacco>;Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>;cbprichard@whmo.mil @ inet [UNKNOWN] <cbprichard@whmo.mil @ inet>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Eric C. Pelletier/OMB/EOP@EOP [OMB] <Eric C. Pelletier>;Jobi A. Parrish/OSTP/EOP@EOP [OSTP] <Jobi A. Parrish>;OVERTON#032#BRUCE@ustr.gov @ inet [UNKNOWN] <OVERTON#032#BRUCE@ustr.gov @ inet>;remiller@tpo.omb.eop.gov @ inet [OMB] <remiller@tpo.omb.eop.gov @ inet>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Andrea McDaniel/WHO/EOP@EOP [WHO] <Andrea McDaniel>;Elizabeth L. Mason/OVP/EOP@EOP [OVP] <Elizabeth L. Mason>;Ginger G. Loper/WHO/EOP@EOP [WHO] <Ginger G. Loper>;Deborah A. Loewer/NSC/EOP@EOP [NSC] <Deborah A. Loewer>;Lawrence B. Lindsey/OPD/EOP@Exchange@EOP [OPD] <Lawrence B. Lindsey>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;John L. Leech/ONDCP/EOP@EOP [ONDCP] <John L. Leech>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Lori A. Krauss/OMB/EOP@EOP [OMB] <Lori A. Krauss>;Patrick Kelly/OMB /EOP@EOP [OMB] <Patrick Kelly>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;John Kalavritinos/OMB/EOP@EOP [OMB] <John Kalavritinos>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Tamara D. Jackson/OSTP /EOP@EOP [OSTP] <Tamara D. Jackson>;Kevin D. Hurst/OSTP/EOP@EOP [OSTP] <Kevin D. Hurst>;LHofmann@whmo.mil @ inet [UNKNOWN] <LHofmann@whmo.mil @ inet>;Daniel D. Heath/OPD/EOP@EOP [OPD] <Daniel D. Heath>;Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;ALHardin@whmo.mil @ inet [UNKNOWN] <ALHardin@whmo.mil @ inet>;Nancy G. Hansen/WHO/EOP@EOP [WHO] <Nancy G. Hansen>;Justin A. Grove/WHO /EOP@EOP [WHO] <Justin A. Grove>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Michael J. Gerson/WHO/EOP@Exchange@EOP [WHO] <Michael J. Gerson>;Jane D. Gannon/WHO/EOP@EOP [WHO] <Jane D. Gannon>;Restituto M. Francisco/OA /EOP@EOP [OA] <Restituto M. Francisco>;Heather R. Fitzgerald/WHO/EOP@EOP [WHO] <Heather R. Fitzgerald>;Katherine J. Fertakis/NSC/EOP@EOP [NSC] <Katherine J. Fertakis>;Ruth E. Elliott/NSC/EOP@EOP [NSC] <Ruth E. Elliott>;Ranelle A. Duvall/OA /EOP@Exchange@EOP [OA] <Ranelle A. Duvall>;Reed Dickens/WHO/EOP@Exchange@EOP [WHO] <Reed Dickens>;Karen D. Cruson/WHF/EOP@EOP [OPM] <Karen D. Cruson>;Lynn A. Crable/WHO/EOP@EOP [WHO] <Lynn A. Crable>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;wlcarter@whmo.mil @ inet [UNKNOWN] <wlcarter@whmo.mil @ inet>;Prescott M. Caballero/OSTP/EOP@EOP [OSTP] <Prescott M. Caballero>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Lindsay J. Bourns/WHO/EOP@EOP [WHO] <Lindsay J. Bourns>;cpbennett@whmo.mil @ inet [UNKNOWN] <cpbennett@whmo.mil @ inet>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Jenica Baldwin/WHO/EOP@EOP [WHO] <Jenica Baldwin>;Kimberly A. Badenhop/OSTP/EOP@EOP [OSTP] <Kimberly A. Badenhop>;Dana Ayers/OMB/EOP@EOP [OMB] <Dana Ayers>

CC: leroy.rooker@ed.gov [UNKNOWN] <leroy.rooker@ed.gov>;valerie_largent@ensign.senate.gov @ inet [UNKNOWN] <valerie_largent@ensign.senate.gov @ inet>

Sent: 1/22/2003 8:50:38 AM

Subject: : National Prayer Breakfast

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CREATOR:Edmund C. Moy ( CN=Edmund C. Moy/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-JAN-2003 13:50:38.00
SUBJECT:: National Prayer Breakfast
TO:Katherine L. Larimore ( CN=Katherine L. Larimore/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:nekeshia_woods@whf.eop.gov @ inet ( nekeshia_woods@whf.eop.gov @ inet [ UNKNOWN ] )
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TO:CKWright@whmo.mil @ inet ( CKWright@whmo.mil @ inet [ UNKNOWN ] )
READ:UNKNOWN
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READ:UNKNOWN
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TO:Jocelyn White (CN=Jocelyn White/OU=WHF/O=EOP@EOP [OPM])
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TO:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
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TO:Jeremy_L._White@who.eop.gov @ inet (Jeremy_L._White@who.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Vicki S. Weinberg (CN=Vicki S. Weinberg/OU=WHO/O=EOP@EOP [WHO])
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TO:Daniel Vogel (CN=Daniel Vogel/OU=WHO/O=EOP@EOP [WHO])
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TO:Dana Ayers (CN=Dana Ayers/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:leroy.rooker@ed.gov (leroy.rooker@ed.gov [UNKNOWN])
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End Original ARMS Header

Each year, White House staffers are invited to usher at the National Prayer Breakfast. This year it is at the Washington Hilton on February 6th. This allows White House staffers the opportunity to attend without prior sponsors or official invitations. If you are interested, please email the following information to Valerie Largent (valerie_largent@ensign.senate.gov) with a cc to Lee Rooker (leroy.rooker@ed.gov) by Friday January 24th.

Name
White House Office
Daytime phone
email address
# of times volunteered at the National Prayer Breakfast
Date of birth
Social Security number

There will be a few organizational meetings prior to the NPB for the ushers. This is a great opportunity to serve. Consider this prayerfully.

From: Edmund_C._Moy@who.eop.gov [UNKNOWN]

To: Naomi M. Zacharias/WHO/EOP@EOP [WHO] <Naomi M. Zacharias>;Victoria Ahaev/WHO /EOP@EOP [WHO] <Victoria Ahaev>;Emily Winland/OPD/EOP@EOP [OPD] <Emily Winland>;Christina C. Wilson/OPD/EOP@EOP [OPD] <Christina C. Wilson>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Jeremy L. White/WHO/EOP@EOP [WHO] <Jeremy L. White>;Vicki S. Weinberg/WHO/EOP@EOP [WHO] <Vicki S. Weinberg>;Daniel Vogel/WHO/EOP@EOP [WHO] <Daniel Vogel>;RJTubb@whmo.mil [UNKNOWN] <RJTubb@whmo.mil>;Jim Towey/WHO/EOP@EOP [WHO] <Jim Towey>;Claire Taplett/WHO/EOP@EOP [WHO] <Claire Taplett>;Timothy C. Stout/WHO/EOP@EOP [WHO] <Timothy C. Stout>;Linda Springer/OMB/EOP@EOP [OMB] <Linda Springer>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Catharine A. Ryun/WHO/EOP@EOP [WHO] <Catharine A. Ryun>;Maria H. Roumel/WHO/EOP@EOP [WHO] <Maria H. Roumel>;Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>;Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>;cbprichard@whmo.mil [UNKNOWN] <cbprichard@whmo.mil>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Eric C. Pelletier/OMB/EOP@EOP [OMB] <Eric C. Pelletier>;Jobi A. Parrish/OSTP/EOP@EOP [OSTP] <Jobi A. Parrish>;OVERTON#032#BRUCE@ustr.gov [UNKNOWN] <OVERTON#032#BRUCE@ustr.gov>;Ronald E. Miller TPO/TPO/OMB/EOP@EOP [OMB] <Ronald E. Miller TPO>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Andrea McDaniel/WHO/EOP@EOP [WHO] <Andrea McDaniel>;Elizabeth L. Mason/OVP/EOP@EOP [OVP] <Elizabeth L. Mason>;Ginger G. Loper/WHO/EOP@EOP [WHO] <Ginger G. Loper>;Deborah A. Loewer/NSC/EOP@EOP [NSC] <Deborah A. Loewer>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;John L. Leech/ONDCP/EOP@EOP [ONDCP] <John L. Leech>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Lori A. Krauss/OMB/EOP@EOP [OMB] <Lori A. Krauss>;Patrick Kelly/OMB/EOP@EOP [OMB] <Patrick Kelly>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Yvonne Jubang TPO/TPO/OMB/EOP@EOP [OMB] <Yvonne Jubang TPO>;Jeffrey T. Jezierski/WHO /EOP@EOP [WHO] <Jeffrey T. Jezierski>;Kevin D. Hurst/OSTP/EOP@EOP [OSTP] <Kevin D. Hurst>;LHofmann@whmo.mil [UNKNOWN] <LHofmann@whmo.mil>;Daniel D. Heath/OPD /EOP@EOP [OPD] <Daniel D. Heath>;Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;ALHardin@whmo.mil [UNKNOWN] <ALHardin@whmo.mil>;Nancy G. Hansen/WHO /EOP@EOP [WHO] <Nancy G. Hansen>;Justin A. Grove/WHO/EOP@EOP [WHO] <Justin A. Grove>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Michael J. Gerson/WHO /EOP@EOP [WHO] <Michael J. Gerson>;Jane D. Gannon/WHO/EOP@EOP [WHO] <Jane D. Gannon>;Jennifer A. Fraher/WHO/EOP@EOP [WHO] <Jennifer A. Fraher>;Marie K. Fishpaw/OVP/EOP@EOP [OVP] <Marie K. Fishpaw>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Catherine Dwight/WHO/EOP@EOP [WHO] <Catherine Dwight>;Penny G. Douglas/OMB/EOP@EOP [OMB] <Penny G. Douglas>;Josh Deckard/WHO/EOP@EOP [WHO] <Josh Deckard>;Anne C. Crowther/WHO/EOP@EOP [WHO] <Anne C. Crowther>;Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Ronald I. Christie/OPD/EOP@EOP [OPD] <Ronald I. Christie>;Prescott M. Caballero/OSTP/EOP@EOP [OSTP] <Prescott M. Caballero>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Lindsay J. Bourns/WHO/EOP@EOP [WHO] <Lindsay J. Bourns>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Katharine Balls/WHO /EOP@EOP [WHO] <Katharine Balls>;Christa J. Bailey/WHO/EOP@EOP [WHO] <Christa J. Bailey>;Charity Azadian/WHO/EOP@EOP [WHO] <Charity Azadian>;Katherine L. Larimore/WHO/EOP@EOP [WHO] <Katherine L. Larimore>;Nekeshia Woods/WHF/EOP@EOP [OPM] <Nekeshia Woods>;CKWright@whmo.mil [UNKNOWN] <CKWright@whmo.mil>;JSWindsor@whmo.mil [UNKNOWN] <JSWindsor@whmo.mil>;Tiffany Willett/WHF/EOP@EOP [OPM] <Tiffany Willett>;Jocelyn White/WHF/EOP@EOP [OPM] <Jocelyn White>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Kirstie W. Tucker/WHO/EOP@EOP [WHO] <Kirstie W. Tucker>;Joan Trumps/OA/EOP@EOP [OA] <Joan Trumps>;Michelle M. Toth/WHO/EOP@EOP [WHO] <Michelle M. Toth>;Ryan T. Streeter/WHO/EOP@EOP [WHO] <Ryan T. Streeter>;Jennifer Stecher/WHO/EOP@EOP [WHO] <Jennifer Stecher>;Charles L. Sigman/OA/EOP@EOP [OA] <Charles L. Sigman>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Kathryn E. Rust/WHO/EOP@EOP [WHO] <Kathryn E. Rust>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Allison L. Riepenhoff/WHO

	/EOP@EOP [WHO] <Allison L. Riepenhoff>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Robert T. Pratt Jr/WHO/EOP@EOP [WHO] <Robert T. Pratt Jr>;Elizabeth Pitts/WHO/EOP@EOP [WHO] <Elizabeth Pitts>;Sarah Penny/WHO/EOP@EOP [WHO] <Sarah Penny>;Beth Pedison/WHO/EOP@EOP [WHO] <Beth Pedison>;japarker@whmo.mil [UNKNOWN] <japarker@whmo.mil>;Eric L. Motley/WHO/EOP@EOP [WHO] <Eric L. Motley>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Brian T. Merchant/NSC /EOP@EOP [NSC] <Brian T. Merchant>;John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>;Heidi K. Marquez/WHO/EOP@EOP [WHO] <Heidi K. Marquez>;John P. Looney/OSTP/EOP@EOP [OSTP] <John P. Looney>;Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>;Sarah M. Lenti/NSC/EOP@EOP [NSC] <Sarah M. Lenti>;BDLehnhardt@whmo.mil [UNKNOWN] <BDLehnhardt@whmo.mil>;Rebecca L. Lankey/OSTP/EOP@EOP [OSTP] <Rebecca L. Lankey>;Rebekah A. Krimmel/OMB /EOP@EOP [OMB] <Rebekah A. Krimmel>;Stephen King/WHO/EOP@EOP [WHO] <Stephen King>;kscrane@whmo.mil [UNKNOWN] <kscrane@whmo.mil>;JMKatzaman@whmo.mil [UNKNOWN] <JMKatzaman@whmo.mil>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Kathryn W. Jackson/OA/EOP@EOP [OA] <Kathryn W. Jackson>;John C. Horton/ONDCP/EOP@EOP [ONDCP] <John C. Horton>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C. Hawthorne>;Kathryn M. Harrington/OSTP/EOP@EOP [OSTP] <Kathryn M. Harrington>;Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>;Wendy J. Hall/OSTP/EOP@EOP [OSTP] <Wendy J. Hall>;Ann Gray/WHO/EOP@EOP [WHO] <Ann Gray>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Stephen M. Garrison/WHO/EOP@EOP [WHO] <Stephen M. Garrison>;Restituto M. Francisco/OA/EOP@EOP [OA] <Restituto M. Francisco>;Heather R. Fitzgerald/WHO/EOP@EOP [WHO] <Heather R. Fitzgerald>;Katherine J. Fertakis/NSC/EOP@EOP [NSC] <Katherine J. Fertakis>;Ruth E. Elliott/NSC/EOP@EOP [NSC] <Ruth E. Elliott>;Ranelle A. Duvall/OA/EOP@EOP [OA] <Ranelle A. Duvall>;Reed Dickens/WHO/EOP@EOP [WHO] <Reed Dickens>;Karen D. Cruson/WHF/EOP@EOP [OPM] <Karen D. Cruson>;Lynn A. Crable/WHO/EOP@EOP [WHO] <Lynn A. Crable>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;wlcarter@whmo.mil [UNKNOWN] <wlcarter@whmo.mil>;Janice L. Burmeister/WHO /EOP@EOP [WHO] <Janice L. Burmeister>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;cpbennett@whmo.mil [UNKNOWN] <cpbennett@whmo.mil>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Jenica Baldwin/WHO/EOP@EOP [WHO] <Jenica Baldwin>;Kimberly A. Badenhop/OSTP/EOP@EOP [OSTP] <Kimberly A. Badenhop>;Dana Ayers/OMB/EOP@EOP [OMB] <Dana Ayers>
CC:	leroy.rooker@ed.gov [UNKNOWN] <leroy.rooker@ed.gov>;valerie_largent@ensign.senate.gov [UNKNOWN] <valerie_largent@ensign.senate.gov>
Sent:	1/22/2003 8:58:46 AM
Subject:	: National Prayer Breakfast

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TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
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TO:Jane D. Gannon (CN=Jane D. Gannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer A. Fraher (CN=Jennifer A. Fraher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Marie K. Fishpaw (CN=Marie K. Fishpaw/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine Dwight (CN=Catherine Dwight/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Penny G. Douglas (CN=Penny G. Douglas/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Josh Deckard (CN=Josh Deckard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne C. Crowther (CN=Anne C. Crowther/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jane M. Cook (CN=Jane M. Cook/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles Conner (CN=Charles Conner/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Ronald I. Christie (CN=Ronald I. Christie/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Prescott M. Caballero (CN=Prescott M. Caballero/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lindsay J. Bourns (CN=Lindsay J. Bourns/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katharine Balls (CN=Katharine Balls/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christa J. Bailey (CN=Christa J. Bailey/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charity Azadian (CN=Charity Azadian/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katherine L. Larimore (CN=Katherine L. Larimore/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nekeshia Woods (CN=Nekeshia Woods/OU=WHF/O=EOP@EOP [OPM])
READ:UNKNOWN
TO:CKWright@whmo.mil (CKWright@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:JSWindsor@whmo.mil (JSWindsor@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:Tiffany Willett (CN=Tiffany Willett/OU=WHF/O=EOP@EOP [OPM])
READ:UNKNOWN
TO:Jocelyn White (CN=Jocelyn White/OU=WHF/O=EOP@EOP [OPM])
READ:UNKNOWN
TO:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirstie W. Tucker (CN=Kirstie W. Tucker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joan Trumps (CN=Joan Trumps/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN
TO:Michelle M. Toth (CN=Michelle M. Toth/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ryan T. Streeter (CN=Ryan T. Streeter/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer Stecher (CN=Jennifer Stecher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles L. Sigman (CN=Charles L. Sigman/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth Pitts (CN=Elizabeth Pitts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah Penny (CN=Sarah Penny/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Beth Pedison (CN=Beth Pedison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:japarker@whmo.mil (japarker@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:Eric L. Motley (CN=Eric L. Motley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian T. Merchant (CN=Brian T. Merchant/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Heidi K. Marquez (CN=Heidi K. Marquez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John P. Looney (CN=John P. Looney/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah M. Lenti (CN=Sarah M. Lenti/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:BDLehnhardt@whmo.mil (BDLehnhardt@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:Rebecca L. Lankey (CN=Rebecca L. Lankey/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Rebekah A. Krimmel (CN=Rebekah A. Krimmel/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Stephen King (CN=Stephen King/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:kscrane@whmo.mil (kscrane@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:JMKatzaman@whmo.mil (JMKatzaman@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kathryn W. Jackson (CN=Kathryn W. Jackson/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:John C. Horton (CN=John C. Horton/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Kathryn M. Harrington (CN=Kathryn M. Harrington/OU=OSTP/O=EOP@EOP [OSTP])

READ:UNKNOWN
TO:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy J. Hall (CN=Wendy J. Hall/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Ann Gray (CN=Ann Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah Gesiriech (CN=Sarah Gesiriech/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Restituto M. Francisco (CN=Restituto M. Francisco/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Heather R. Fitzgerald (CN=Heather R. Fitzgerald/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katherine J. Fertakis (CN=Katherine J. Fertakis/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ranelle A. Duvall (CN=Ranelle A. Duvall/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Reed Dickens (CN=Reed Dickens/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen D. Cruson (CN=Karen D. Cruson/OU=WHF/O=EOP@EOP [OPM])
READ:UNKNOWN
TO:Lynn A. Crable (CN=Lynn A. Crable/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thais C. Conway (CN=Thais C. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rebecca Contreras (CN=Rebecca Contreras/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:wlcarter@whmo.mil (wlcarter@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:Janice L. Burmeister (CN=Janice L. Burmeister/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:cpbennett@whmo.mil (cpbennett@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jenica Baldwin (CN=Jenica Baldwin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kimberly A. Badenhop (CN=Kimberly A. Badenhop/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Dana Ayers (CN=Dana Ayers/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:leroy.rooker@ed.gov (leroy.rooker@ed.gov [UNKNOWN])
READ:UNKNOWN
CC:valerie_largent@ensign.senate.gov (valerie_largent@ensign.senate.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Each year, White House staffers are invited to usher at the National Prayer Breakfast. This year it is at the Washington Hilton on February 6th. This allows White House staffers the opportunity to attend without prior sponsors or
official invitations. If you are interested, please email the following information to Valerie Largent (valerie_largent@ensign.senate.gov) with a cc to
Lee Rooker (leroy.rooker@ed.gov) by Friday January 24th.

Name
White House Office
Daytime phone
email address

# of times volunteered at the National Prayer Breakfast
Date of birth
Social Security number

There will be a few organizational meetings prior to the NPB for the ushers.
This is a great opportunity to serve. Consider this prayerfully.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>
Sent: 1/22/2003 5:19:30 AM
Subject: : Re: Reception for RNC EDs

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JAN-2003 10:19:30.00
SUBJECT:: Re: Reception for RNC EDs
TO:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

First, I thought the RNC was paying for it. Second, I would use outside caterers for this.

Katherine M. Walters
01/22/2003 10:09:16 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Reception for RNC EDs

Matt contacted you a couple of weeks ago to make sure it was ok to have Tony Feather's company sponsor a reception for the RNC Executive Directors here in the EEOB. You were comfortable, so we are doing it on Wed. 1/29 in the Indian Treaty Room. It is going to be catered, so here's my question.

Can we use the WH Mess catering services (charged to Ken's account) and have FLS reimburse Ken? Or do we need to use an outside caterer and have FLS pay directly?

Mess is just easier because you don't need to wave in trucks, etc.

Thanks.

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/22/2003 5:20:02 AM
Subject: : Re: Reception for RNC EDs

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JAN-2003 10:20:02.00
SUBJECT:: Re: Reception for RNC EDs
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We will use outside caterers. Can FLS be the sponsor, not the RNC?

Brett M. Kavanaugh
01/22/2003 10:15:49 AM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Reception for RNC EDs

First, I thought the RNC was paying for it. Second, I would use outside caterers for this.

Katherine M. Walters
01/22/2003 10:09:16 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Reception for RNC EDs

Matt contacted you a couple of weeks ago to make sure it was ok to have Tony Feather's company sponsor a reception for the RNC Executive Directors here in the EEOB. You were comfortable, so we are doing it on Wed. 1/29 in the Indian Treaty Room. It is going to be catered, so here's my question.

Can we use the WH Mess catering services (charged to Ken's account) and have FLS reimburse Ken? Or do we need to use an outside caterer and have FLS pay directly?

Mess is just easier because you don't need to wave in trucks, etc.

Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>
Sent: 1/22/2003 8:00:24 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JAN-2003 13:00:24.00
SUBJECT::
TO:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ("Benczkowski, Brian A"
<Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

any luck on inserts for binders? also, do you have the ABA ratings handy
for the 14 pending circuit nominees?

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/22/2003 8:02:24 AM
Subject: : Re: who is on duty out there tonight?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JAN-2003 13:02:24.00
SUBJECT:: Re: who is on duty out there tonight?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

why, it's you, mon ami

Brett M. Kavanaugh
01/22/2003 12:57:17 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc:
Subject: who is on duty out there tonight?

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/22/2003 8:14:28 AM
Subject: : Ben Nighthorse Campbell

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-JAN-2003 13:14:28.00
SUBJECT:: Ben Nighthorse Campbell
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Ginnie Kotnick (Ben Nighthorse Campbell's CoS) will be in town next week
(she's based in CO). She can meet w/us at 2pm on Wed., Jan 29th to talk
Owen/Pickering. Does that work for you? HW
```

From: [UNKNOWN] <Moy, Edmund C.>

To: <Ayers>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D83122B3-EBB51AE2-85256B4F-4B74BA [UNKNOWN] <Dana>;<Azadian>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/7075B2A3-9A430FAA-85256C37-5681FD [UNKNOWN] <Charity>;<Badenhop>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B398554A-E75D198B-85256B1B-521CA9 [UNKNOWN] <Kimberly A.>;<Bailey>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1E3F34FF-E033CDB5-852569ED-645CE6 [UNKNOWN] <Christa J.>;<Baldwin>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/C71BB4A2-E5636A5C-85256B44-535F87 [UNKNOWN] <Jenica>;<Balls>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/AFBBF5FF-5A6129B6-85256AF0-5B65A2 [UNKNOWN] <Katharine>;<Barrales>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/54B63ED1-BC678BBB-85256A00-70D9A7 [UNKNOWN] <Ruben S.>;<Bartolomucci>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1A4DAB1A-EBCD4DB1-852569DA-6039DB [UNKNOWN] <H. Christopher>;<Bennett>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D5ADC957-BDF7AE6D-85256BCF-64DA23 [UNKNOWN] <Christopher>;<Biegun>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/3D470BD1-923D8663-85256A6F-684CC6 [UNKNOWN] <Stephen E.>;<Bourns>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/315140D4-2A286C8B-85256A9C-5C242F [UNKNOWN] <Lindsay J.>;<Bowen>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4A2C2EB-13942C40-852569DA-6125AE [UNKNOWN] <Stuart W.>;<Bridgeland>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/F780D323-9CDBC5CC-852569DC-694D86 [UNKNOWN] <John M.>;<Burmeister>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B09A4C99-81A2BC4F-85256C6A-4833C9 [UNKNOWN] <Janice L.>;<Caballero>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D889C7C2-8F7BF78C-85256B4A-50F75E [UNKNOWN] <Prescott M.>;<Campbell>;Anne_E._Campbell@who.eop.gov [WHO] <Anne E.>;<Carter>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/31352C29-A99E347A-85256C30-65C0B5 [UNKNOWN] <Walter>;<Christie>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D5A2EDAF-59ACEE7B-85256B6E-5882C8 [UNKNOWN] <Ronald I.>;<Click>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4A3AF2AB-D19499B4-852569FA-6F59B4 [UNKNOWN] <Carrie W.>;<Conner>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/EC0006FB-901F59D9-85256AFC-4D5FD0 [UNKNOWN] <Charles>;<Contreras>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/45024183-FDEF8824-852569DB-5DF936 [UNKNOWN] <Rebecca>;<Conway>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/C63969DB-CC624FDB-85256A0D-75885C [UNKNOWN] <Michael J.>;<Conway>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/7B4E5AD6-58FB1535-85256A56-4686CF [UNKNOWN] <Thais C.>;<Cook>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/E4BF28A0-DF7D2250-852569EE-537A7D [UNKNOWN] <Jane M.>;<Crable>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D00C77A5-4DE21C74-852563CC-134C78 [UNKNOWN] <Lynn A.>;<Crowther>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4B514F8-3495605F-852569E0-6FFF2E [UNKNOWN] <Anne C.>;<Cruson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/9B54B821-5FDE6714-85256C60-5BA05C [UNKNOWN] <Karen D.>;<Deckard>;Josh_Deckard@who.eop.gov [WHO] <Josh>;<Dickens>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/REED_DICKENS [UNKNOWN] <Reed>;<Douglas>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D9838360-111C6EA0-85256BB8-6962FA [UNKNOWN] <Penny G.>;<Duvall>;rduvall@oa.eop.gov [OA] <Ranelle A.>;<Dwight>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/61D41FAE-34BA9F5E-85256B20-51FDE2 [UNKNOWN] <Catherine>;<Elliott>;relliott@NSC.eop.gov [NSC] <Ruth E.>;<Estes>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4C32A97D-998AE454-852569DB-5EAFD3 [UNKNOWN] <Ashley>;<Fertakis>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/43895768-44BAB869-852569D1-4A4A1C [UNKNOWN] <Katherine J.>;<Fishpaw>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/9A258890-8ECA9A45-85256A08-691DA9 [UNKNOWN] <Marie K.>;<Fitzgerald>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/3AB3C2F9-4139C67B-85256C59-44C418 [UNKNOWN] <Heather R.>;<Fraher>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/5DA00EE7-D919652C-85256C39-4AFBB8 [UNKNOWN] <Jennifer A.>;<Francisco>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/CF76D183-7344944F-85256BFE-61B685 [UNKNOWN] <Restituto M.>;<Gallimore>;jgallimo@OMB.eop.gov [OMB] <Jeffrey D.>;<Gannon>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D0CCBA32-C39723C3-85256AF6-6C3C00 [UNKNOWN] <Jane D.>;Stephen M. Garrison/OPD/EOP@EOP [UNKNOWN] <Stephen M. Garrison/OPD/EOP@EOP>;<Gerson>;Michael_J._Gerson@who.eop.gov [WHO] <Michael

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CC:	valerie_largent@ensign.senate.gov [UNKNOWN] <valerie_largent@ensign.senate.gov>;leroy.rooker@ed.gov [UNKNOWN] <leroy.rooker@ed.gov>
Sent:	1/22/2003 8:29:31 AM
Subject:	National Prayer Breakfast

Begin Original ARMS Header
RECORD TYPE: FEDERAL (MS Mail)
CREATOR:Moy, Edmund C. ([UNKNOWN])
CREATION DATE/TIME:22-JAN-2003 13:29:31.00
SUBJECT:National Prayer Breakfast
TO:Ayers, Dana (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D83122B3-EBB51AE2-85256B4F-4B74BA [UNKNOWN])
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TO:Campbell, Anne E. (Anne_E._Campbell@who.eop.gov [WHO])
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TO:Carter, Walter (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=31352C29-A99E347A-85256C30-65C0B5 [UNKNOWN])

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TO:Conner, Charles (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=EC0006FB-901F59D9-85256AFC-4D5FD0 [UNKNOWN])
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TO:Contreras, Rebecca (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=45024183-FDEF8824-852569DB-5DF936 [UNKNOWN])
READ:UNKNOWN
TO:Conway, Michael J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=C63969DB-CC624FDB-85256A0D-75885C [UNKNOWN])
READ:UNKNOWN
TO:Conway, Thais C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=7B4E5AD6-58FB1535-85256A56-4686CF [UNKNOWN])
READ:UNKNOWN
TO:Cook, Jane M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E4BF28A0-DF7D2250-852569EE-537A7D [UNKNOWN])
READ:UNKNOWN
TO:Crable, Lynn A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D00C77A5-4DE21C74-852563CC-134C78 [UNKNOWN])
READ:UNKNOWN
TO:Crowther, Anne C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4B514F8-3495605F-852569E0-6FFF2E [UNKNOWN])
READ:UNKNOWN
TO:Cruson, Karen D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9B54B821-5FDE6714-85256C60-5BA05C [UNKNOWN])
READ:UNKNOWN
TO:Deckard, Josh (Josh_Deckard@who.eop.gov [WHO])
READ:UNKNOWN
TO:Dickens, Reed (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=REED_DICKENS [UNKNOWN])
READ:UNKNOWN
TO:Douglas, Penny G. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D9838360-111C6EA0-85256BB8-6962FA [UNKNOWN])
READ:UNKNOWN
TO:Duvall, Ranelle A. (rduvall@oa.eop.gov [OA])
READ:UNKNOWN
TO:Dwight, Catherine (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=61D41FAE-34BA9F5E-85256B20-51FDE2 [UNKNOWN])
READ:UNKNOWN
TO:Elliott, Ruth E. (relliott@NSC.eop.gov [NSC])
READ:UNKNOWN
TO:Estes, Ashley (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4C32A97D-998AE454-852569DB-5EAFD3 [UNKNOWN])
READ:UNKNOWN
TO:Fertakis, Katherine J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=43895768-44BAB869-852569D1-4A4A1C [UNKNOWN])
READ:UNKNOWN
TO:Fishpaw, Marie K. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9A258890-8ECA9A45-85256A08-691DA9 [UNKNOWN])
READ:UNKNOWN
TO:Fitzgerald, Heather R. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=3AB3C2F9-4139C67B-85256C59-44C418 [UNKNOWN])
READ:UNKNOWN
TO:Fraher, Jennifer A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=5DA00EE7-D919652C-85256C39-4AFBB8 [UNKNOWN])
READ:UNKNOWN
TO:Francisco, Restituto M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=CF76D183-7344944F-85256BFE-61B685 [UNKNOWN])
READ:UNKNOWN
TO:Gallimore, Jeffrey D. (jgallimo@OMB.eop.gov [OMB])
READ:UNKNOWN
TO:Gannon, Jane D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D0CCBA32-C39723C3-85256AF6-6C3C00 [UNKNOWN])

READ:UNKNOWN
TO:Stephen M. Garrison/OPD/EOP@EOP (Stephen M. Garrison/OPD/EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO:Gerson, Michael J. (Michael_J._Gerson@who.eop.gov [WHO])
READ:UNKNOWN
TO:Gesiriech, Sarah (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=8CF820C1-68E2EC8F-85256A4E-497BEC [UNKNOWN])
READ:UNKNOWN
TO:Goeglein, Tim (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=45280CD0-28425E29-852569DC-58479D [UNKNOWN])
READ:UNKNOWN
TO:Gray, Ann (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=40289C9F-87E5BBFB-
85256B42-56D1F7 [UNKNOWN])
READ:UNKNOWN
TO:Grove, Justin A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=A6D3C8F5-18533D52-852569FC-4F424F [UNKNOWN])
READ:UNKNOWN
TO:Hall, Wendy J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=B4C1FB0-6B402923-852567EB-5A8820 [UNKNOWN])
READ:UNKNOWN
TO:Hansen, Nancy G. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=BF562470-
AD46157E-85256A56-49F520 [UNKNOWN])
READ:UNKNOWN
TO:Hanusa, Mary Ann (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=7FB4C1DC-
8D352753-85256A1E-617467 [UNKNOWN])
READ:UNKNOWN
TO:Hardin, Anthony (ALHARDIN@WHMO.MIL [WHMO])
READ:UNKNOWN
TO:Harrington, Kathryn M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ABECDA95-
E6C7AFCB-85256B73-52A5F4 [UNKNOWN])
READ:UNKNOWN
TO:Hawkins, Albert (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=299B67B0-403E8A7E-852569D9-615150 [UNKNOWN])
READ:UNKNOWN
TO:Hawthorne, Susan C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=C63751AE-
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READ:UNKNOWN
TO:Heath, Daniel D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=C74032B2-703C38F1-85256B3E-2A489 [UNKNOWN])
READ:UNKNOWN
TO:Hernandez, Israel (Israel_Hernandez@who.eop.gov [WHO])
READ:UNKNOWN
TO:LHofmann@whmo.mil (LHofmann@whmo.mil [WHMO])
READ:UNKNOWN
TO:Horton, John C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=E8B9EF91-6E679534-85256B7C-7433DA [UNKNOWN])
READ:UNKNOWN
TO:Hurst, Kevin D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=EE5B700A-
E38F7324-85256AF0-567934 [UNKNOWN])
READ:UNKNOWN
TO:Jackson, Kathryn W. (Kathryn_W._Jackson@oa.eop.gov [OA])
READ:UNKNOWN
TO:Jackson, Tamara D. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=DC698418-9FEC6247-85256BF4-66F6BF [UNKNOWN])
READ:UNKNOWN
TO:Jezierski, Jeffrey T. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=B08CE413-4D1559CA-85256A53-5118BC [UNKNOWN])
READ:UNKNOWN
TO:Johnson, Collister W. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A88FE60F-
2208B0E2-852569DA-79D68E [UNKNOWN])
READ:UNKNOWN
TO:yjubangt@tpo.omb.eop.gov (yjubangt@tpo.omb.eop.gov [OMB])
READ:UNKNOWN
TO:Kalavritinos, John (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=E15EC920-2C6F737C-85256AA4-52ED79 [UNKNOWN])
READ:UNKNOWN
TO:Katzaman, Jennifer (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=207D5770-24D07F4D-85256BCF-64E67F [UNKNOWN])

READ:UNKNOWN
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
TO:Crane, Kenneth (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FE473AEF-415AF4D0-85256BCF-64DDF8 [UNKNOWN])
READ:UNKNOWN
TO:Kelly, Patrick (pkelly@OMB.eop.gov [OMB])
READ:UNKNOWN
TO:King, Stephen (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=663682C7-FFC89542-85256B06-5E8D39 [UNKNOWN])
READ:UNKNOWN
TO:Krauss, Lori A. (lkrauss@OMB.eop.gov [OMB])
READ:UNKNOWN
TO:Krimmel, Rebekah A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=8364BCB2-33CF62F1-85256BA4-5A622C [UNKNOWN])
READ:UNKNOWN
TO:Kuo, David (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=EE787172-40C5EDCF-85256A9A-46BA73 [UNKNOWN])
READ:UNKNOWN
TO:Lankey, Rebecca L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=1B0921A-AA8A90A-85256B42-4A4B98 [UNKNOWN])
READ:UNKNOWN
TO:Leech, John L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=2CBE34ED-EB21802C-85256886-4EE53C [UNKNOWN])
READ:UNKNOWN
TO:Lehnhardt, Brian (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D81777F1-67EF4FF5-85256BCF-64E7C4 [UNKNOWN])
READ:UNKNOWN
TO:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
READ:UNKNOWN
TO:Lenti, Sarah M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=BB04C26B-30F4C654-852569FB-4C3AC0 [UNKNOWN])
READ:UNKNOWN
TO:Lindsey, Lawrence B. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=LAWRENCE_B._LINDSEY [UNKNOWN])
READ:UNKNOWN
TO:Litterst, Roland N. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ROLAND_N._LITTERST [UNKNOWN])
READ:UNKNOWN
TO:Loewer, Deborah A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B7C2DDDC-ABAF3A51-85256A48-6A2AEE [UNKNOWN])
READ:UNKNOWN
TO:Looney, John P. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FF7C5B1C-A1AE521A-85256B73-52BB01 [UNKNOWN])
READ:UNKNOWN
TO:Loper, Ginger G. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=527B67DA-80EA9637-85256BA4-4E24D0 [UNKNOWN])
READ:UNKNOWN
TO:Marquez, Heidi K. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=33308984-635336F5-852569DC-766A71 [UNKNOWN])
READ:UNKNOWN
TO:Mason, Elizabeth L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=72DA8A4F-E9606FF1-85256B6F-598F51 [UNKNOWN])
READ:UNKNOWN
TO:McConnell, John P. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=DABB57E8-A8F460AF-852569DD-5566AA [UNKNOWN])
READ:UNKNOWN
TO:McDaniel, Andrea (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A3BFF223-4D5B4085-85256B0A-6E9D14 [UNKNOWN])
READ:UNKNOWN
TO:Merchant, Brian T. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=5B2F1FE8-54C91389-852567F3-57EF99 [UNKNOWN])
READ:UNKNOWN
TO:Middlemas, A. Morgan (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=DA96FDE-E0EE4384-85256A53-54910A [UNKNOWN])
READ:UNKNOWN
TO:Miers, Harriet (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS

/CN=B2E77F63-672509FB-852569D9-6D71FD [UNKNOWN])
READ:UNKNOWN
TO:remiller@tpo.omb.eop.gov (remiller@tpo.omb.eop.gov [OMB])
READ:UNKNOWN
TO:Motley, Eric L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=64036674-
A511AA73-85256A16-523001 [UNKNOWN])
READ:UNKNOWN
TO:OVERTON#032#BRUCE@ustr.gov (OVERTON#032#BRUCE@ustr.gov [UNKNOWN])
READ:UNKNOWN
TO:Parker, Joyce (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=19B80A02-
D503C409-85256BCF-64ECD8 [UNKNOWN])
READ:UNKNOWN
TO:Parrish, Jobi A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=A29D8D35-22EC5C81-85256C3A-59A850 [UNKNOWN])
READ:UNKNOWN
TO:Pedison, Beth (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=87315FAF-
898BBD84-85256C9F-499976 [UNKNOWN])
READ:UNKNOWN
TO:Pelletier, Eric C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B1AD36A3-
B8A7E0F9-852569DE-60469C [UNKNOWN])
READ:UNKNOWN
TO:Penny, Sarah (Sarah_Penny@who.eop.gov [WHO])
READ:UNKNOWN
TO:Pipes, Kasey S. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D167B5CF-
D56399E-852569DE-D9D25 [UNKNOWN])
READ:UNKNOWN
TO:Pitts, Elizabeth (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=CC763587-9663AB7D-85256BD1-6992DE [UNKNOWN])
READ:UNKNOWN
TO:Powell, Dina (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=583FB9CE-AFBAD6FF-
852569DD-44BBDA [UNKNOWN])
READ:UNKNOWN
TO:Pratt Jr, Robert T. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E5E54D2A-
97CF638F-852569EB-737160 [UNKNOWN])
READ:UNKNOWN
TO:Prichard, Curt (CBPRICHARD@WHMO.MIL [WHMO])
READ:UNKNOWN
TO:Ralston, Susan B. (Susan_B._Ralston@who.eop.gov [WHO])
READ:UNKNOWN
TO:Rice, Condoleezza (crice@NSC.eop.gov [NSC])
READ:UNKNOWN
TO:Riepenhoff, Allison L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E07714A6-
FC8F86D9-852569FB-6AFACD [UNKNOWN])
READ:UNKNOWN
TO:Ritacco, Krista L. (Krista_L._Ritacco@who.eop.gov [WHO])
READ:UNKNOWN
TO:Robinson, Josephine B. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=8F879CC9-3863F1B8-852569DD-61EEFB [UNKNOWN])
READ:UNKNOWN
TO:Roumel, Maria H. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A151855C-
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READ:UNKNOWN
TO:Rust, Kathryn E. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FDDD706B-
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READ:UNKNOWN
TO:Ryun, Catharine A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=80254183-7F0856D-852569FF-51B55C [UNKNOWN])
READ:UNKNOWN
TO:Sayle, Desiree T. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B2A57BDD-
1C82F4E5-852569DB-4D7FDE [UNKNOWN])
READ:UNKNOWN
TO:Schlapp, Matthew A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=854C04E1-91EF30AD-852569DA-76E1F8 [UNKNOWN])
READ:UNKNOWN
TO:Sigman, Charles L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=A4F096E3-348CF303-85256594-4FF5AF [UNKNOWN])
READ:UNKNOWN
TO:Springer, Linda (lspringe@OMB.eop.gov [OMB])

READ:UNKNOWN
TO:Stecher, Jennifer (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=892C55B2-5C7B2BB5-85256B8F-5BF45D [UNKNOWN])
READ:UNKNOWN
TO:Stout, Timothy C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=F605B16E-
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READ:UNKNOWN
TO:Streeter, Ryan T. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B494B8C0-
A911FE01-85256BE9-659055 [UNKNOWN])
READ:UNKNOWN
TO:Taplett, Claire (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B68ECFF2-
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READ:UNKNOWN
TO:Toth, Michelle M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D2101E13-
F6EAA2DC-85256C3D-5FE6B6 [UNKNOWN])
READ:UNKNOWN
TO:Towey, Jim (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=CDECD61B-AEEB12DC-
85256B53-69AA2D [UNKNOWN])
READ:UNKNOWN
TO:Trumps, Joan (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JOAN_TRUMPS [
UNKNOWN])
READ:UNKNOWN
TO:Tubb, Richard (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=1CDEA792-89D3390B-
85256BCF-64F382 [UNKNOWN])
READ:UNKNOWN
TO:Tucker, Kirstie W. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=83A7C169-
A4806FE9-85256B50-52F92B [UNKNOWN])
READ:UNKNOWN
TO:Vogel, Daniel (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=C42680A7-2599BFE7-85256BD8-49934A [UNKNOWN])
READ:UNKNOWN
TO:Wehner, Peter H. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A520AC41-
AECCBA1A-852569E4-4C4324 [UNKNOWN])
READ:UNKNOWN
TO:Weinberg, Vicki S. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=668C8295-
CE9312A0-85256BC3-55A67A [UNKNOWN])
READ:UNKNOWN
TO:Welborn, L. Camille (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=35166F2D-
15E67398-85256A30-6F5B63 [UNKNOWN])
READ:UNKNOWN
TO:White, Jeremy L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=BA04E865-57CC4858-85256B8F-5BD94A [UNKNOWN])
READ:UNKNOWN
TO:White, Jocelyn (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=858939AD-
8510F208-85256B4F-4CD9C3 [UNKNOWN])
READ:UNKNOWN
TO:Wilkinson, James R. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E1B7E27B-
8B3B3CD-852569DB-5060D7 [UNKNOWN])
READ:UNKNOWN
TO:twillett@whf.eop.gov (twillett@whf.eop.gov [OPMWHF])
READ:UNKNOWN
TO:Wilson, Christina C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=55435553-
F3D1B90A-85256B7B-4A1039 [UNKNOWN])
READ:UNKNOWN
TO:Windsor, Jason (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=62C1F351-
E46ABF16-85256BCF-64F62A [UNKNOWN])
READ:UNKNOWN
TO:Winland, Emily (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9A74D54A-
26F5BCA8-85256B3C-6BB206 [UNKNOWN])
READ:UNKNOWN
TO:Wright, Cynthia (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=1903A607-5559B292-85256BCF-64F66F [UNKNOWN])
READ:UNKNOWN
TO:Ahaev, Victoria (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D57A1F0E-
357897D1-85256BBC-598CE3 [UNKNOWN])
READ:UNKNOWN
TO:Woods, Nekeshia (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=93987FE4-4858DC06-85256C2C-43BEA0 [UNKNOWN])

READ:UNKNOWN
TO:Zacharias, Naomi M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=47CFF825-B5B1F66F-85256C17-51A2A8 [UNKNOWN])
READ:UNKNOWN
TO:Larimore, Katherine L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=397F86A3-2CFA7DCD-85256C39-4AF9D1 [UNKNOWN])
READ:UNKNOWN
CC:valerie_largent@ensign.senate.gov (valerie_largent@ensign.senate.gov [UNKNOWN])
READ:UNKNOWN
CC:leroy.rooker@ed.gov (leroy.rooker@ed.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Each year, White House staffers are invited to usher at the National Prayer Breakfast. This year it is at the Washington Hilton on February 6th. This allows White House staffers the opportunity to attend without prior sponsors or official invitations. If you are interested, please email the following information to Valerie Largent (valerie_largent@ensign.senate.gov) with a cc to Lee Rooker (leroy.rooker@ed.gov) by Friday January 24th.

Name
White House Office
Daytime phone
email address
# of times volunteered at the National Prayer Breakfast
Date of birth
Social Security number

There will be a few organizational meetings prior to the NPB for the ushers. This is a great opportunity to serve. Consider this prayerfully.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/22/2003 8:36:12 AM
Subject: : Re: who is on duty out there tonight?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JAN-2003 13:36:12.00
SUBJECT:: Re: who is on duty out there tonight?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Dab is here. He says we are on duty.

Brett M. Kavanaugh
01/22/2003 01:05:33 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc:
bcc:
Subject: Re: who is on duty out there tonight?

no, I mean, the main guy out there. and are we still on duty rather than
on call?

H. Christopher Bartolomucci
01/22/2003 12:58:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: who is on duty out there tonight?

why, it's you, mon ami

Brett M. Kavanaugh
01/22/2003 12:57:17 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc:
Subject: who is on duty out there tonight?

From: CN=Kimberley S. Luczynski/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lucy G. Clark TPO/TPO /OMB/EOP@EOP [OMB] <Lucy G. Clark TPO>;John F. Wood/OMB/EOP@EOP [OMB] <John F. Wood>;Lucy G. Clark/WHO/EOP@EOP [WHO] <Lucy G. Clark>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>
Sent: 1/22/2003 8:38:26 AM
Subject: : New draft of OMB's TPO memo

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberley S. Luczynski (CN=Kimberley S. Luczynski/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:22-JAN-2003 13:38:26.00
SUBJECT:: New draft of OMB's TPO memo
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lucy G. Clark TPO (CN=Lucy G. Clark TPO/OU=TPO/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:John F. Wood (CN=John F. Wood/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Lucy G. Clark (CN=Lucy G. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

New draft. Comments welcome.

_____

MEMORANDUM TO OMB TPO STAFF

FROM: PHILIP J. PERRY, GENERAL COUNSEL

SUBJECT: TRANSFER AND HANDLING OF TPO RECORDS

This memorandum provides guidance to all personnel of the Transition Planning Office (TPO). It addresses all documents or email in TPO files, including those received from the White House. Please note that some sections apply to TPO employees who are transferring to the new Department of Homeland Security (DHS), while other sections apply to TPO employees transferring to other agencies.

White House Documents (applies to all TPO employees):
When TPO was created, the White House Counsel,s Office made special arrangements for handling documents from "White House" entities that were temporarily provided to TPO personnel. Those arrangements (addressed in depth in the attached memoranda) applied generally to emails and other documents from OHS and other White House entities. Pursuant to the attached memos, those materials should already bear the legend &White House-controlled Material/Protected from Disclosure.8
Please return all such materials to the White House entity from which they originated by routing them through Distie Carstensen or Brook Holladay at 1800 G Street, 9th floor [check].
Emails from White House entities will be automatically segregated by the Office of Administration [check].
You should not take copies of any materials from White House entities with you, unless you receive clearance to do so by Ed McNally, OHS GC.
If you have any questions regarding the treatment of materials from White House entities, please contact Ed McNally at 6-1700.

All other Documents (applies to TPO employees transferring to DHS):
ú Documents or Email Created at TPO: You may take to DHS copies of any paper documents or email you created at TPO. However, you should make copies only of materials that you will need to perform your mission at DHS. You do not need to check with a lawyer before taking these copies. Keep in mind that the Office of Administration (OA) will be able to provide you access to your TPO materials even after your transfer to DHS.

ú Documents Received from OMB: You may also take to DHS documents received from OMB, except for Director's Review Books, passback materials or other internal OMB deliberative material not typically shared with agencies. If you have any questions about the nature of OMB documents in your possession, please consult Kimberley Luczynski at 5-7870.

ú Other Documents Received at TPO: Unless received from OHS or other White House entities, you are free to take copies to DHS.

When you depart for the new Department, OA will ensure that all of your original TPO files are properly archived. The appropriate contact at OA is Markus Most at 5-6471. Mr. Most will send, under separate cover, instructions regarding archiving your originals.

For TPO employees transferring to agencies other than DHS: You may not take copies of any TPO documents with you. As above, OA will ensure that all of your original TPO files are properly archived.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/22/2003 8:41:22 AM
Subject: : revised chart
Attachments: P_VZ97D003_WHO.TXT_1.html; P_VZ97D003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JAN-2003 13:41:22.00
SUBJECT:: revised chart
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I haven't been able to connect w/Kristen on med/mal. Really, quickly, do you see any major problems with the California plan based on Rebecca's chart below (that is where it differs with the President's plan). Just want to know if you see a "hot spot" there.
---------- Forwarded by Heather Wingate/WHO/EOP on 01/22/2003 01:44 PM ----------

"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov>
01/17/2003 07:59:24 PM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: revised chart

Here is the revised chart, as I told Brett, I hadn't had a chance to review the other, it was a draft I sent you - but for a 1st draft my legal fellow did a bang up job. I finally have some help on this stuff! Once I reviewed it I noticed the Punitives standard issue and the House Flexicap was missing. Also, I would have written "proportionate liability" in the joint and several section, but he put in the more exact language which I am leaving in for my boss. Easier to understand for talking points. You can obviously change it.

I hope you don't have trouble printing it or reading it - I have spent a good part of this afternoon dealing with computer problems with our conversion over to Word and it screwing up these charts for printing (even though they were created in Word). More info than you need I am sure :-)

- att1.htm
- Bush HEALTH CA.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_VZ97D003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_VZ97D003_WHO.TXT_2>

Here is the revised chart, as I told Brett, I hadn't had a chance to review the other, it was a draft I sent you – but for a 1 st draft my legal fellow did a bang up job. I finally have some help on this stuff! Once I reviewed it I noticed the Punitives standard issue and the House Flexicap was missing. Also, I would have written "proportiona te liability" in the joint and several section, but he put in the more exact language which I am leaving in for my boss. Easier to understand for talking points. You can obviously change it.

I hope you don't have trouble printing it or reading it – I have spent a good part of this afternoon dealing with computer problems with our conversion over to Word and it screwing up these charts for printing (even though they were created in Word). More info than you need I am sure ☺

COMPARISON OF MEDICAL LIABILITY STATUTES AND PROPOSALS

Legislation	HEALTH Act of 2002 – H.R. 4600 (Rep. Greenwood)	California's MICRA	President Bush's Proposal
Caps on Non-Economic Damages	• SAME as MICRA for limiting the liability for non-economic loss to $250,000. House bill adds language stating that this limit exists regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence. • An award for future damages shall not be discounted to present value. • The jury shall not be informed about this limitation, but an award in excess of $250,000 shall be reduced before judgment is entered and before accounting for any other reductions in damages.	• Limits the liability for non-economic loss to $250,000.	• SAME as MICRA
Limiting Joint and Several Liability	• Eliminates joint liability against any defendant. • Allows several liability against each defendant in accordance with the percentage of negligence attributable to each defendant.	• N/A	• Eliminates joint liability against any defendant. • Allows several liability against each defendant in accordance with the percentage of negligence attributable to each defendant.
Periodic Payments	• SAME as MICRA	• Allows courts to require periodic payments for future damages awards equal to or exceeding $50,000.	• Allows courts to require periodic payments for future damages awards. • NO SPECIFIC AMOUNT PROPOSED.

REV_00106960

Legislation	HEALTH Act of 2002 – H.R. 4600 (Rep. Greenwood)	California's MICRA	President Bush's Proposal
Limiting Contingency Fees	• SAME as MICRA	• Limits attorneys to 40% of the first $50,000 recovered; 33.3% of the next $50,000 recovered; 25% of the next $500,000 recovered; and 15% of any amount on which the recovery exceeds $600,000.	• N/A
Collateral Source Reform	• SAME as MICRA	• Authorizes defendants to introduce evidence showing the plaintiff received benefits from collateral sources. • The plaintiff may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of himself to secure the right to such collateral source benefits. • The court will then reduce the damages awards from these amounts.	• SAME as MICRA
Punitive Damages	• Awards only made if proven by **clear and convincing evidence** that the defendant acted with malicious intent to injure the plaintiff, or deliberately failed to avoid unnecessary injury that the defendant knew the plaintiff was substantially certain to suffer. • Limits punitive damages awards to double the economic damages, or $250,000, whichever is greater.	• Plaintiff may recover if it is proven by **clear and convincing evidence** that the defendant has been guilty of oppression, fraud, or malice. • NO MONETARY CAP. • Employer shall not be liable for damages based on acts of employee unless employer had advance knowledge of the employee's unfitness and employed him with a conscious disregard of the rights or safety of others, or authorized or ratified such wrongful conduct. As for corporate employer, it must be on the part of an officer, director, or managing agent of the corporation. • The court will not admit the defendant's financial condition into evidence until after the trier of fact returns a verdict for plaintiff awarding actual damages and find the defendant meets the standards for punitive damages. • Filing and notice requirements.	• Reserves punitive damages for cases when they are justified and limit them to reasonable amounts. • NO SPECIFIC CAP AMOUNT PROPOSED

REV_00106961

Legislation	HEALTH Act of 2002 – H.R. 4600 (Rep. Greenwood)	California's MICRA	President Bush's Proposal
Statute of Limitations	• SAME as MICRA	• No action may be initiated after the expiration of a three-year period after the date of injury or one year after the alleged injury was or should have reasonably been discovered. • Period may be tolled for proof of fraud, intentional concealment, or the presence of a foreign body in the person of the injured person. • For minors under six years of age, action must be commenced within three years of the alleged occurrence of the injury or prior to his 8th birthday, whichever provides a longer period.	• Ensures old cases cannot be brought years after an event. • NO SPECIFIC TIME PERIOD PROPOSED.
Patient Safety and Quality Improvement Programs	• N/A	• N/A	• Calls for legislation to make it possible for doctors and health care organizations to share information on quality problems and medical errors without fear of litigation.
Flexi-cap Provision	• HEALTH Act will not preempt state laws with lower caps or a shorter SOL already in place. • HEALTH Act will preempt state laws that allow a greater limit for damages and contingency fees, allow a longer SOL, reduce the applicability or scope of periodic payments and prohibit evidence of collateral source benefits or mandates or permits subrogation or liens on collateral source benefits.	• N/A	• N/A

REV_00106962

From: CN=Edmund C. Moy/OU=WHO/O=EOP [WHO]

To: Katherine L. Larimore/WHO/EOP@EOP [WHO] <Katherine L. Larimore>;nekeshia_woods@whf.eop.gov @ inet [UNKNOWN] <nekeshia_woods@whf.eop.gov @ inet>;CKWright@whmo.mil @ inet [UNKNOWN] <CKWright@whmo.mil @ inet>;JSWindsor@whmo.mil @ inet [UNKNOWN] <JSWindsor@whmo.mil @ inet>;twillett@whf.eop.gov @ inet [OPM] <twillett@whf.eop.gov @ inet>;Jocelyn White/WHF /EOP@EOP [OPM] <Jocelyn White>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Kirstie W. Tucker/WHO/EOP@EOP [WHO] <Kirstie W. Tucker>;Joan Trumps/OA/EOP@Exchange@EOP [OA] <Joan Trumps>;Michelle M. Toth/WHO/EOP@EOP [WHO] <Michelle M. Toth>;Ryan T. Streeter/WHO/EOP@EOP [WHO] <Ryan T. Streeter>;Jennifer Stecher/WHO/EOP@EOP [WHO] <Jennifer Stecher>;Charles L. Sigman/OA/EOP@EOP [OA] <Charles L. Sigman>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Kathryn E. Rust/WHO /EOP@EOP [WHO] <Kathryn E. Rust>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Susan B. Ralston/WHO/EOP@Exchange@EOP [WHO] <Susan B. Ralston>;Robert T. Pratt Jr/WHO/EOP@EOP [WHO] <Robert T. Pratt Jr>;Elizabeth Pitts/WHO /EOP@EOP [WHO] <Elizabeth Pitts>;Sarah Penny/WHO/EOP@Exchange@EOP [WHO] <Sarah Penny>;Beth Pedison/WHO/EOP@EOP [WHO] <Beth Pedison>;japarker@whmo.mil @ inet [UNKNOWN] <japarker@whmo.mil @ inet>;Eric L. Motley/WHO/EOP@EOP [WHO] <Eric L. Motley>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Brian T. Merchant/NSC /EOP@EOP [NSC] <Brian T. Merchant>;John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>;Heidi K. Marquez/WHO/EOP@EOP [WHO] <Heidi K. Marquez>;John P. Looney/OSTP/EOP@EOP [OSTP] <John P. Looney>;Roland N. Litterst/WHO /EOP@Exchange@EOP [WHO] <Roland N. Litterst>;Sarah M. Lenti/NSC/EOP@EOP [NSC] <Sarah M. Lenti>;BDLehnhardt@whmo.mil @ inet [UNKNOWN] <BDLehnhardt@whmo.mil @ inet>;Rebecca L. Lankey/OSTP/EOP@EOP [OSTP] <Rebecca L. Lankey>;Rebekah A. Krimmel/OMB/EOP@EOP [OMB] <Rebekah A. Krimmel>;Stephen King/WHO/EOP@EOP [WHO] <Stephen King>;kscrane@whmo.mil @ inet [UNKNOWN] <kscrane@whmo.mil @ inet>;JMKatzaman@whmo.mil @ inet [UNKNOWN] <JMKatzaman@whmo.mil @ inet>;yjubangt@tpo.omb.eop.gov @ inet [OMB] <yjubangt@tpo.omb.eop.gov @ inet>;Jeffrey T. Jezierski/WHO/EOP@EOP [WHO] <Jeffrey T. Jezierski>;Kathryn W. Jackson/OA /EOP@Exchange@EOP [OA] <Kathryn W. Jackson>;John C. Horton/ONDCP/EOP@EOP [ONDCP] <John C. Horton>;Israel Hernandez/WHO/EOP@Exchange@EOP [WHO] <Israel Hernandez>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C. Hawthorne>;Kathryn M. Harrington/OSTP/EOP@EOP [OSTP] <Kathryn M. Harrington>;Mary Ann Hanusa/WHO /EOP@EOP [WHO] <Mary Ann Hanusa>;Wendy J. Hall/OSTP/EOP@EOP [OSTP] <Wendy J. Hall>;Ann Gray/WHO/EOP@EOP [WHO] <Ann Gray>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Stephen M. Garrison/OPD/EOP@EOP [WHO] <Stephen M. Garrison>;Jeffrey D. Gallimore/OMB/EOP@EOP [OMB] <Jeffrey D. Gallimore>;Jennifer A. Fraher/WHO/EOP@EOP [WHO] <Jennifer A. Fraher>;Marie K. Fishpaw/OVP/EOP@EOP [OVP] <Marie K. Fishpaw>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Catherine Dwight/WHO/EOP@EOP [WHO] <Catherine Dwight>;Penny_G._Douglas@omb.eop.gov @ inet [UNKNOWN] <Penny_G._Douglas@omb.eop.gov @ inet>;Josh Deckard/WHO /EOP@Exchange@EOP [WHO] <Josh Deckard>;Anne C. Crowther/WHO/EOP@EOP [WHO] <Anne C. Crowther>;Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Ronald I. Christie/OPD/EOP@EOP [OPD] <Ronald I. Christie>;Anne E. Campbell/WHO/EOP@Exchange@EOP [WHO] <Anne E. Campbell>;Janice L. Burmeister/WHO/EOP@EOP [WHO] <Janice L. Burmeister>;Stuart W. Bowen/WHO /EOP@EOP [WHO] <Stuart W. Bowen>;Stephen E. Biegun/NSC/EOP@EOP [NSC] <Stephen E. Biegun>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Katharine Balls/WHO/EOP@EOP [WHO] <Katharine Balls>;Christa J. Bailey/WHO/EOP@EOP [WHO] <Christa J. Bailey>;Charity Azadian/WHO/EOP@EOP [WHO] <Charity Azadian>;Naomi M. Zacharias/WHO/EOP@EOP [WHO] <Naomi M. Zacharias>;Victoria Ahaev/WHO/EOP@EOP [WHO] <Victoria Ahaev>;Emily Winland/OPD /EOP@EOP [OPD] <Emily Winland>;Christina C. Wilson/OPD/EOP@EOP [OPD] <Christina C. Wilson>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Jeremy_L._White@who.eop.gov @ inet [UNKNOWN] <Jeremy_L._White@who.eop.gov @ inet>;Vicki S. Weinberg/WHO/EOP@EOP [WHO] <Vicki S. Weinberg>;Daniel Vogel/WHO/EOP@EOP [WHO] <Daniel Vogel>;RJTubb@whmo.mil @ inet

[UNKNOWN] <RJTubb@whmo.mil @ inet>;Jim Towey/WHO/EOP@EOP [WHO] <Jim Towey>;Claire Taplett/WHO/EOP@EOP [WHO] <Claire Taplett>;Timothy C. Stout/WHO /EOP@EOP [WHO] <Timothy C. Stout>;Linda Springer/OMB/EOP@EOP [OMB] <Linda Springer>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Catharine A. Ryun/WHO/EOP@EOP [WHO] <Catharine A. Ryun>;Maria H. Roumel/WHO/EOP@EOP [WHO] <Maria H. Roumel>;Krista L. Ritacco/WHO/EOP@Exchange@EOP [WHO] <Krista L. Ritacco>;Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>;cbprichard@whmo.mil @ inet [UNKNOWN] <cbprichard@whmo.mil @ inet>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Eric C. Pelletier/OMB/EOP@EOP [OMB] <Eric C. Pelletier>;Jobi A. Parrish/OSTP/EOP@EOP [OSTP] <Jobi A. Parrish>;OVERTON#032#BRUCE@ustr.gov @ inet [UNKNOWN] <OVERTON#032#BRUCE@ustr.gov @ inet>;remiller@tpo.omb.eop.gov @ inet [OMB] <remiller@tpo.omb.eop.gov @ inet>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Andrea McDaniel/WHO/EOP@EOP [WHO] <Andrea McDaniel>;Elizabeth L. Mason/OVP/EOP@EOP [OVP] <Elizabeth L. Mason>;Ginger G. Loper/WHO/EOP@EOP [WHO] <Ginger G. Loper>;Deborah A. Loewer/NSC/EOP@EOP [NSC] <Deborah A. Loewer>;Lawrence B. Lindsey/OPD/EOP@Exchange@EOP [OPD] <Lawrence B. Lindsey>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;John L. Leech/ONDCP/EOP@EOP [ONDCP] <John L. Leech>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Lori A. Krauss/OMB/EOP@EOP [OMB] <Lori A. Krauss>;Patrick Kelly/OMB /EOP@EOP [OMB] <Patrick Kelly>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;John Kalavritinos/OMB/EOP@EOP [OMB] <John Kalavritinos>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Tamara D. Jackson/OSTP /EOP@EOP [OSTP] <Tamara D. Jackson>;Kevin D. Hurst/OSTP/EOP@EOP [OSTP] <Kevin D. Hurst>;LHofmann@whmo.mil @ inet [UNKNOWN] <LHofmann@whmo.mil @ inet>;Daniel D. Heath/OPD/EOP@EOP [OPD] <Daniel D. Heath>;Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;ALHardin@whmo.mil @ inet [UNKNOWN] <ALHardin@whmo.mil @ inet>;Nancy G. Hansen/WHO/EOP@EOP [WHO] <Nancy G. Hansen>;Justin A. Grove/WHO /EOP@EOP [WHO] <Justin A. Grove>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Michael J. Gerson/WHO/EOP@Exchange@EOP [WHO] <Michael J. Gerson>;Jane D. Gannon/WHO/EOP@EOP [WHO] <Jane D. Gannon>;Restituto M. Francisco/OA /EOP@EOP [OA] <Restituto M. Francisco>;Heather R. Fitzgerald/WHO/EOP@EOP [WHO] <Heather R. Fitzgerald>;Katherine J. Fertakis/NSC/EOP@EOP [NSC] <Katherine J. Fertakis>;Ruth E. Elliott/NSC/EOP@EOP [NSC] <Ruth E. Elliott>;Ranelle A. Duvall/OA /EOP@Exchange@EOP [OA] <Ranelle A. Duvall>;Reed Dickens/WHO/EOP@Exchange@EOP [WHO] <Reed Dickens>;Karen D. Cruson/WHF/EOP@EOP [OPM] <Karen D. Cruson>;Lynn A. Crable/WHO/EOP@EOP [WHO] <Lynn A. Crable>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;wlcarter@whmo.mil @ inet [UNKNOWN] <wlcarter@whmo.mil @ inet>;Prescott M. Caballero/OSTP/EOP@EOP [OSTP] <Prescott M. Caballero>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Lindsay J. Bourns/WHO/EOP@EOP [WHO] <Lindsay J. Bourns>;cpbennett@whmo.mil @ inet [UNKNOWN] <cpbennett@whmo.mil @ inet>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Jenica Baldwin/WHO/EOP@EOP [WHO] <Jenica Baldwin>;Kimberly A. Badenhop/OSTP/EOP@EOP [OSTP] <Kimberly A. Badenhop>;Dana Ayers/OMB/EOP@EOP [OMB] <Dana Ayers>

CC: leroy.rooker@ed.gov [UNKNOWN] <leroy.rooker@ed.gov>;valerie_largent@ensign.senate.gov @ inet [UNKNOWN] <valerie_largent@ensign.senate.gov @ inet>

Sent: 1/22/2003 8:50:38 AM

Subject: : National Prayer Breakfast

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Edmund C. Moy ( CN=Edmund C. Moy/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-JAN-2003 13:50:38.00
SUBJECT:: National Prayer Breakfast
TO:Katherine L. Larimore ( CN=Katherine L. Larimore/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:nekeshia_woods@whf.eop.gov @ inet ( nekeshia_woods@whf.eop.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:CKWright@whmo.mil @ inet ( CKWright@whmo.mil @ inet [ UNKNOWN ] )
READ:UNKNOWN
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TO:JSWindsor@whmo.mil @ inet (JSWindsor@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
TO:twillett@whf.eop.gov @ inet (twillett@whf.eop.gov @ inet [OPM])
READ:UNKNOWN
TO:Jocelyn White (CN=Jocelyn White/OU=WHF/O=EOP@EOP [OPM])
READ:UNKNOWN
TO:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
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TO:Kirstie W. Tucker (CN=Kirstie W. Tucker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joan Trumps (CN=Joan Trumps/OU=OA/O=EOP@Exchange@EOP [OA])
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TO:Michelle M. Toth (CN=Michelle M. Toth/OU=WHO/O=EOP@EOP [WHO])
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TO:Ryan T. Streeter (CN=Ryan T. Streeter/OU=WHO/O=EOP@EOP [WHO])
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TO:Jennifer Stecher (CN=Jennifer Stecher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles L. Sigman (CN=Charles L. Sigman/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
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TO:Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP@EOP [WHO])
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TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
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TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
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TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange@EOP [WHO])
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TO:Sarah Penny (CN=Sarah Penny/OU=WHO/O=EOP@Exchange@EOP [WHO])
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TO:Beth Pedison (CN=Beth Pedison/OU=WHO/O=EOP@EOP [WHO])
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TO:japarker@whmo.mil @ inet (japarker@whmo.mil @ inet [UNKNOWN])
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TO:Eric L. Motley (CN=Eric L. Motley/OU=WHO/O=EOP@EOP [WHO])
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TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
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TO:John P. Looney (CN=John P. Looney/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Sarah M. Lenti (CN=Sarah M. Lenti/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:BDLehnhardt@whmo.mil @ inet (BDLehnhardt@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
TO:Rebecca L. Lankey (CN=Rebecca L. Lankey/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Rebekah A. Krimmel (CN=Rebekah A. Krimmel/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Stephen King (CN=Stephen King/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:kscrane@whmo.mil @ inet (kscrane@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN

TO:JMKatzaman@whmo.mil @ inet (JMKatzaman@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
TO:yjubangt@tpo.omb.eop.gov @ inet (yjubangt@tpo.omb.eop.gov @ inet [OMB])
READ:UNKNOWN
TO:Jeffrey T. Jezierski (CN=Jeffrey T. Jezierski/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kathryn W. Jackson (CN=Kathryn W. Jackson/OU=OA/O=EOP@Exchange@EOP [OA])
READ:UNKNOWN
TO:John C. Horton (CN=John C. Horton/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Kathryn M. Harrington (CN=Kathryn M. Harrington/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy J. Hall (CN=Wendy J. Hall/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Ann Gray (CN=Ann Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah Gesiriech (CN=Sarah Gesiriech/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeffrey D. Gallimore (CN=Jeffrey D. Gallimore/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Jennifer A. Fraher (CN=Jennifer A. Fraher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Marie K. Fishpaw (CN=Marie K. Fishpaw/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine Dwight (CN=Catherine Dwight/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Penny_G._Douglas@omb.eop.gov @ inet (Penny_G._Douglas@omb.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Josh Deckard (CN=Josh Deckard/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Anne C. Crowther (CN=Anne C. Crowther/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jane M. Cook (CN=Jane M. Cook/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles Conner (CN=Charles Conner/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Ronald I. Christie (CN=Ronald I. Christie/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Anne E. Campbell (CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Janice L. Burmeister (CN=Janice L. Burmeister/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen E. Biegun (CN=Stephen E. Biegun/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katharine Balls (CN=Katharine Balls/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christa J. Bailey (CN=Christa J. Bailey/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charity Azadian (CN=Charity Azadian/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Naomi M. Zacharias (CN=Naomi M. Zacharias/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Victoria Ahaev (CN=Victoria Ahaev/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Emily Winland (CN=Emily Winland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Christina C. Wilson (CN=Christina C. Wilson/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeremy_L._White@who.eop.gov @ inet (Jeremy_L._White@who.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Vicki S. Weinberg (CN=Vicki S. Weinberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel Vogel (CN=Daniel Vogel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:RJTubb@whmo.mil @ inet (RJTubb@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
TO:Jim Towey (CN=Jim Towey/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire Taplett (CN=Claire Taplett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy C. Stout (CN=Timothy C. Stout/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Linda Springer (CN=Linda Springer/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Maria H. Roumel (CN=Maria H. Roumel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:cbprichard@whmo.mil @ inet (cbprichard@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Jobi A. Parrish (CN=Jobi A. Parrish/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:OVERTON#032#BRUCE@ustr.gov @ inet (OVERTON#032#BRUCE@ustr.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:remiller@tpo.omb.eop.gov @ inet (remiller@tpo.omb.eop.gov @ inet [OMB])
READ:UNKNOWN
TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrea McDaniel (CN=Andrea McDaniel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth L. Mason (CN=Elizabeth L. Mason/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Ginger G. Loper (CN=Ginger G. Loper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deborah A. Loewer (CN=Deborah A. Loewer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@Exchange@EOP [OPD])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:John L. Leech (CN=John L. Leech/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori A. Krauss (CN=Lori A. Krauss/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO:Patrick Kelly (CN=Patrick Kelly/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John Kalavritinos (CN=John Kalavritinos/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tamara D. Jackson (CN=Tamara D. Jackson/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Kevin D. Hurst (CN=Kevin D. Hurst/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:LHofmann@whmo.mil @ inet (LHofmann@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
TO:Daniel D. Heath (CN=Daniel D. Heath/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:ALHardin@whmo.mil @ inet (ALHardin@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
TO:Nancy G. Hansen (CN=Nancy G. Hansen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Justin A. Grove (CN=Justin A. Grove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Jane D. Gannon (CN=Jane D. Gannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Restituto M. Francisco (CN=Restituto M. Francisco/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Heather R. Fitzgerald (CN=Heather R. Fitzgerald/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katherine J. Fertakis (CN=Katherine J. Fertakis/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ranelle A. Duvall (CN=Ranelle A. Duvall/OU=OA/O=EOP@Exchange@EOP [OA])
READ:UNKNOWN
TO:Reed Dickens (CN=Reed Dickens/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Karen D. Cruson (CN=Karen D. Cruson/OU=WHF/O=EOP@EOP [OPM])
READ:UNKNOWN
TO:Lynn A. Crable (CN=Lynn A. Crable/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thais C. Conway (CN=Thais C. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rebecca Contreras (CN=Rebecca Contreras/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:wlcarter@whmo.mil @ inet (wlcarter@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
TO:Prescott M. Caballero (CN=Prescott M. Caballero/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lindsay J. Bourns (CN=Lindsay J. Bourns/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:cpbennett@whmo.mil @ inet (cpbennett@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jenica Baldwin (CN=Jenica Baldwin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kimberly A. Badenhop (CN=Kimberly A. Badenhop/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN

TO:Dana Ayers (CN=Dana Ayers/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:leroy.rooker@ed.gov (leroy.rooker@ed.gov [UNKNOWN])
READ:UNKNOWN
CC:valerie_largent@ensign.senate.gov @ inet (valerie_largent@ensign.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Each year, White House staffers are invited to usher at the National Prayer Breakfast. This year it is at the Washington Hilton on February 6th. This allows White House staffers the opportunity to attend without prior sponsors or official invitations. If you are interested, please email the following information to Valerie Largent (valerie_largent@ensign.senate.gov) with a cc to Lee Rooker (leroy.rooker@ed.gov) by Friday January 24th.

Name
White House Office
Daytime phone
email address
# of times volunteered at the National Prayer Breakfast
Date of birth
Social Security number

There will be a few organizational meetings prior to the NPB for the ushers. This is a great opportunity to serve. Consider this prayerfully.

From: CN=Edmund C. Moy/OU=WHO/O=EOP [WHO]

To: Katherine L. Larimore/WHO/EOP@EOP [WHO] <Katherine L. Larimore>;nekeshia_woods@whf.eop.gov @ inet [UNKNOWN] <nekeshia_woods@whf.eop.gov @ inet>;CKWright@whmo.mil @ inet [UNKNOWN] <CKWright@whmo.mil @ inet>;JSWindsor@whmo.mil @ inet [UNKNOWN] <JSWindsor@whmo.mil @ inet>;twillett@whf.eop.gov @ inet [OPM] <twillett@whf.eop.gov @ inet>;Jocelyn White/WHF /EOP@EOP [OPM] <Jocelyn White>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Kirstie W. Tucker/WHO/EOP@EOP [WHO] <Kirstie W. Tucker>;Joan Trumps/OA/EOP@Exchange@EOP [OA] <Joan Trumps>;Michelle M. Toth/WHO/EOP@EOP [WHO] <Michelle M. Toth>;Ryan T. Streeter/WHO/EOP@EOP [WHO] <Ryan T. Streeter>;Jennifer Stecher/WHO/EOP@EOP [WHO] <Jennifer Stecher>;Charles L. Sigman/OA/EOP@EOP [OA] <Charles L. Sigman>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Kathryn E. Rust/WHO /EOP@EOP [WHO] <Kathryn E. Rust>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Susan B. Ralston/WHO/EOP@Exchange@EOP [WHO] <Susan B. Ralston>;Robert T. Pratt Jr/WHO/EOP@EOP [WHO] <Robert T. Pratt Jr>;Elizabeth Pitts/WHO /EOP@EOP [WHO] <Elizabeth Pitts>;Sarah Penny/WHO/EOP@Exchange@EOP [WHO] <Sarah Penny>;Beth Pedison/WHO/EOP@EOP [WHO] <Beth Pedison>;japarker@whmo.mil @ inet [UNKNOWN] <japarker@whmo.mil @ inet>;Eric L. Motley/WHO/EOP@EOP [WHO] <Eric L. Motley>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Brian T. Merchant/NSC /EOP@EOP [NSC] <Brian T. Merchant>;John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>;Heidi K. Marquez/WHO/EOP@EOP [WHO] <Heidi K. Marquez>;John P. Looney/OSTP/EOP@EOP [OSTP] <John P. Looney>;Roland N. Litterst/WHO /EOP@Exchange@EOP [WHO] <Roland N. Litterst>;Sarah M. Lenti/NSC/EOP@EOP [NSC] <Sarah M. Lenti>;BDLehnhardt@whmo.mil @ inet [UNKNOWN] <BDLehnhardt@whmo.mil @ inet>;Rebecca L. Lankey/OSTP/EOP@EOP [OSTP] <Rebecca L. Lankey>;Rebekah A. Krimmel/OMB/EOP@EOP [OMB] <Rebekah A. Krimmel>;Stephen King/WHO/EOP@EOP [WHO] <Stephen King>;kscrane@whmo.mil @ inet [UNKNOWN] <kscrane@whmo.mil @ inet>;JMKatzaman@whmo.mil @ inet [UNKNOWN] <JMKatzaman@whmo.mil @ inet>;yjubangt@tpo.omb.eop.gov @ inet [OMB] <yjubangt@tpo.omb.eop.gov @ inet>;Jeffrey T. Jezierski/WHO/EOP@EOP [WHO] <Jeffrey T. Jezierski>;Kathryn W. Jackson/OA /EOP@Exchange@EOP [OA] <Kathryn W. Jackson>;John C. Horton/ONDCP/EOP@EOP [ONDCP] <John C. Horton>;Israel Hernandez/WHO/EOP@Exchange@EOP [WHO] <Israel Hernandez>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C. Hawthorne>;Kathryn M. Harrington/OSTP/EOP@EOP [OSTP] <Kathryn M. Harrington>;Mary Ann Hanusa/WHO /EOP@EOP [WHO] <Mary Ann Hanusa>;Wendy J. Hall/OSTP/EOP@EOP [OSTP] <Wendy J. Hall>;Ann Gray/WHO/EOP@EOP [WHO] <Ann Gray>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Stephen M. Garrison/OPD/EOP@EOP [WHO] <Stephen M. Garrison>;Jeffrey D. Gallimore/OMB/EOP@EOP [OMB] <Jeffrey D. Gallimore>;Jennifer A. Fraher/WHO/EOP@EOP [WHO] <Jennifer A. Fraher>;Marie K. Fishpaw/OVP/EOP@EOP [OVP] <Marie K. Fishpaw>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Catherine Dwight/WHO/EOP@EOP [WHO] <Catherine Dwight>;Penny_G._Douglas@omb.eop.gov @ inet [UNKNOWN] <Penny_G._Douglas@omb.eop.gov @ inet>;Josh Deckard/WHO /EOP@Exchange@EOP [WHO] <Josh Deckard>;Anne C. Crowther/WHO/EOP@EOP [WHO] <Anne C. Crowther>;Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Ronald I. Christie/OPD/EOP@EOP [OPD] <Ronald I. Christie>;Anne E. Campbell/WHO/EOP@Exchange@EOP [WHO] <Anne E. Campbell>;Janice L. Burmeister/WHO/EOP@EOP [WHO] <Janice L. Burmeister>;Stuart W. Bowen/WHO /EOP@EOP [WHO] <Stuart W. Bowen>;Stephen E. Biegun/NSC/EOP@EOP [NSC] <Stephen E. Biegun>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Katharine Balls/WHO/EOP@EOP [WHO] <Katharine Balls>;Christa J. Bailey/WHO/EOP@EOP [WHO] <Christa J. Bailey>;Charity Azadian/WHO/EOP@EOP [WHO] <Charity Azadian>;Naomi M. Zacharias/WHO/EOP@EOP [WHO] <Naomi M. Zacharias>;Victoria Ahaev/WHO/EOP@EOP [WHO] <Victoria Ahaev>;Emily Winland/OPD /EOP@EOP [OPD] <Emily Winland>;Christina C. Wilson/OPD/EOP@EOP [OPD] <Christina C. Wilson>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Jeremy_L._White@who.eop.gov @ inet [UNKNOWN] <Jeremy_L._White@who.eop.gov @ inet>;Vicki S. Weinberg/WHO/EOP@EOP [WHO] <Vicki S. Weinberg>;Daniel Vogel/WHO/EOP@EOP [WHO] <Daniel Vogel>;RJTubb@whmo.mil @ inet

[UNKNOWN] <RJTubb@whmo.mil @ inet>;Jim Towey/WHO/EOP@EOP [WHO] <Jim Towey>;Claire Taplett/WHO/EOP@EOP [WHO] <Claire Taplett>;Timothy C. Stout/WHO /EOP@EOP [WHO] <Timothy C. Stout>;Linda Springer/OMB/EOP@EOP [OMB] <Linda Springer>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Catharine A. Ryun/WHO/EOP@EOP [WHO] <Catharine A. Ryun>;Maria H. Roumel/WHO/EOP@EOP [WHO] <Maria H. Roumel>;Krista L. Ritacco/WHO/EOP@Exchange@EOP [WHO] <Krista L. Ritacco>;Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>;cbprichard@whmo.mil @ inet [UNKNOWN] <cbprichard@whmo.mil @ inet>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Eric C. Pelletier/OMB/EOP@EOP [OMB] <Eric C. Pelletier>;Jobi A. Parrish/OSTP/EOP@EOP [OSTP] <Jobi A. Parrish>;OVERTON#032#BRUCE@ustr.gov @ inet [UNKNOWN] <OVERTON#032#BRUCE@ustr.gov @ inet>;remiller@tpo.omb.eop.gov @ inet [OMB] <remiller@tpo.omb.eop.gov @ inet>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Andrea McDaniel/WHO/EOP@EOP [WHO] <Andrea McDaniel>;Elizabeth L. Mason/OVP/EOP@EOP [OVP] <Elizabeth L. Mason>;Ginger G. Loper/WHO/EOP@EOP [WHO] <Ginger G. Loper>;Deborah A. Loewer/NSC/EOP@EOP [NSC] <Deborah A. Loewer>;Lawrence B. Lindsey/OPD/EOP@Exchange@EOP [OPD] <Lawrence B. Lindsey>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;John L. Leech/ONDCP/EOP@EOP [ONDCP] <John L. Leech>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Lori A. Krauss/OMB/EOP@EOP [OMB] <Lori A. Krauss>;Patrick Kelly/OMB /EOP@EOP [OMB] <Patrick Kelly>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;John Kalavritinos/OMB/EOP@EOP [OMB] <John Kalavritinos>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Tamara D. Jackson/OSTP /EOP@EOP [OSTP] <Tamara D. Jackson>;Kevin D. Hurst/OSTP/EOP@EOP [OSTP] <Kevin D. Hurst>;LHofmann@whmo.mil @ inet [UNKNOWN] <LHofmann@whmo.mil @ inet>;Daniel D. Heath/OPD/EOP@EOP [OPD] <Daniel D. Heath>;Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;ALHardin@whmo.mil @ inet [UNKNOWN] <ALHardin@whmo.mil @ inet>;Nancy G. Hansen/WHO/EOP@EOP [WHO] <Nancy G. Hansen>;Justin A. Grove/WHO /EOP@EOP [WHO] <Justin A. Grove>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Michael J. Gerson/WHO/EOP@Exchange@EOP [WHO] <Michael J. Gerson>;Jane D. Gannon/WHO/EOP@EOP [WHO] <Jane D. Gannon>;Restituto M. Francisco/OA /EOP@EOP [OA] <Restituto M. Francisco>;Heather R. Fitzgerald/WHO/EOP@EOP [WHO] <Heather R. Fitzgerald>;Katherine J. Fertakis/NSC/EOP@EOP [NSC] <Katherine J. Fertakis>;Ruth E. Elliott/NSC/EOP@EOP [NSC] <Ruth E. Elliott>;Ranelle A. Duvall/OA /EOP@Exchange@EOP [OA] <Ranelle A. Duvall>;Reed Dickens/WHO/EOP@Exchange@EOP [WHO] <Reed Dickens>;Karen D. Cruson/WHF/EOP@EOP [OPM] <Karen D. Cruson>;Lynn A. Crable/WHO/EOP@EOP [WHO] <Lynn A. Crable>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;wlcarter@whmo.mil @ inet [UNKNOWN] <wlcarter@whmo.mil @ inet>;Prescott M. Caballero/OSTP/EOP@EOP [OSTP] <Prescott M. Caballero>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Lindsay J. Bourns/WHO/EOP@EOP [WHO] <Lindsay J. Bourns>;cpbennett@whmo.mil @ inet [UNKNOWN] <cpbennett@whmo.mil @ inet>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Jenica Baldwin/WHO/EOP@EOP [WHO] <Jenica Baldwin>;Kimberly A. Badenhop/OSTP/EOP@EOP [OSTP] <Kimberly A. Badenhop>;Dana Ayers/OMB/EOP@EOP [OMB] <Dana Ayers>

CC: leroy.rooker@ed.gov [UNKNOWN] <leroy.rooker@ed.gov>;valerie_largent@ensign.senate.gov @ inet [UNKNOWN] <valerie_largent@ensign.senate.gov @ inet>

Sent: 1/22/2003 8:50:38 AM

Subject: : National Prayer Breakfast

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edmund C. Moy ( CN=Edmund C. Moy/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-JAN-2003 13:50:38.00
SUBJECT:: National Prayer Breakfast
TO:Katherine L. Larimore ( CN=Katherine L. Larimore/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:nekeshia_woods@whf.eop.gov @ inet ( nekeshia_woods@whf.eop.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:CKWright@whmo.mil @ inet ( CKWright@whmo.mil @ inet [ UNKNOWN ] )
READ:UNKNOWN
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TO:JSWindsor@whmo.mil @ inet (JSWindsor@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
TO:twillett@whf.eop.gov @ inet (twillett@whf.eop.gov @ inet [OPM])
READ:UNKNOWN
TO:Jocelyn White (CN=Jocelyn White/OU=WHF/O=EOP@EOP [OPM])
READ:UNKNOWN
TO:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirstie W. Tucker (CN=Kirstie W. Tucker/OU=WHO/O=EOP@EOP [WHO])
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TO:Joan Trumps (CN=Joan Trumps/OU=OA/O=EOP@Exchange@EOP [OA])
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TO:Michelle M. Toth (CN=Michelle M. Toth/OU=WHO/O=EOP@EOP [WHO])
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TO:Ryan T. Streeter (CN=Ryan T. Streeter/OU=WHO/O=EOP@EOP [WHO])
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TO:Charles L. Sigman (CN=Charles L. Sigman/OU=OA/O=EOP@EOP [OA])
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TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
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TO:Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP@EOP [WHO])
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TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
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TO:Sarah Penny (CN=Sarah Penny/OU=WHO/O=EOP@Exchange@EOP [WHO])
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TO:Beth Pedison (CN=Beth Pedison/OU=WHO/O=EOP@EOP [WHO])
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TO:japarker@whmo.mil @ inet (japarker@whmo.mil @ inet [UNKNOWN])
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TO:Eric L. Motley (CN=Eric L. Motley/OU=WHO/O=EOP@EOP [WHO])
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TO:Rebekah A. Krimmel (CN=Rebekah A. Krimmel/OU=OMB/O=EOP@EOP [OMB])
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READ:UNKNOWN

TO:JMKatzaman@whmo.mil @ inet (JMKatzaman@whmo.mil @ inet [UNKNOWN])
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TO:yjubangt@tpo.omb.eop.gov @ inet (yjubangt@tpo.omb.eop.gov @ inet [OMB])
READ:UNKNOWN
TO:Jeffrey T. Jezierski (CN=Jeffrey T. Jezierski/OU=WHO/O=EOP@EOP [WHO])
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TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])
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READ:UNKNOWN
TO:Josh Deckard (CN=Josh Deckard/OU=WHO/O=EOP@Exchange@EOP [WHO])
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TO:Anne C. Crowther (CN=Anne C. Crowther/OU=WHO/O=EOP@EOP [WHO])
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TO:Victoria Ahaev (CN=Victoria Ahaev/OU=WHO/O=EOP@EOP [WHO])
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TO:Emily Winland (CN=Emily Winland/OU=OPD/O=EOP@EOP [OPD])
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TO:Andrea McDaniel (CN=Andrea McDaniel/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN

TO:Patrick Kelly (CN=Patrick Kelly/OU=OMB/O=EOP@EOP [OMB])
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READ:UNKNOWN
CC:leroy.rooker@ed.gov (leroy.rooker@ed.gov [UNKNOWN])
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CC:valerie_largent@ensign.senate.gov @ inet (valerie_largent@ensign.senate.gov @ inet [UNKNOWN])
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End Original ARMS Header

Each year, White House staffers are invited to usher at the National Prayer Breakfast. This year it is at the Washington Hilton on February 6th. This allows White House staffers the opportunity to attend without prior sponsors or official invitations. If you are interested, please email the following information to Valerie Largent (valerie_largent@ensign.senate.gov) with a cc to Lee Rooker (leroy.rooker@ed.gov) by Friday January 24th.

Name
White House Office
Daytime phone
email address
# of times volunteered at the National Prayer Breakfast
Date of birth
Social Security number

There will be a few organizational meetings prior to the NPB for the ushers. This is a great opportunity to serve. Consider this prayerfully.

From: Edmund_C._Moy@who.eop.gov [UNKNOWN]

To: Naomi M. Zacharias/WHO/EOP@EOP [WHO] <Naomi M. Zacharias>;Victoria Ahaev/WHO /EOP@EOP [WHO] <Victoria Ahaev>;Emily Winland/OPD/EOP@EOP [OPD] <Emily Winland>;Christina C. Wilson/OPD/EOP@EOP [OPD] <Christina C. Wilson>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Jeremy L. White/WHO/EOP@EOP [WHO] <Jeremy L. White>;Vicki S. Weinberg/WHO/EOP@EOP [WHO] <Vicki S. Weinberg>;Daniel Vogel/WHO/EOP@EOP [WHO] <Daniel Vogel>;RJTubb@whmo.mil [UNKNOWN] <RJTubb@whmo.mil>;Jim Towey/WHO/EOP@EOP [WHO] <Jim Towey>;Claire Taplett/WHO/EOP@EOP [WHO] <Claire Taplett>;Timothy C. Stout/WHO/EOP@EOP [WHO] <Timothy C. Stout>;Linda Springer/OMB/EOP@EOP [OMB] <Linda Springer>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Catharine A. Ryun/WHO/EOP@EOP [WHO] <Catharine A. Ryun>;Maria H. Roumel/WHO/EOP@EOP [WHO] <Maria H. Roumel>;Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>;Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>;cbprichard@whmo.mil [UNKNOWN] <cbprichard@whmo.mil>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Eric C. Pelletier/OMB/EOP@EOP [OMB] <Eric C. Pelletier>;Jobi A. Parrish/OSTP/EOP@EOP [OSTP] <Jobi A. Parrish>;OVERTON#032#BRUCE@ustr.gov [UNKNOWN] <OVERTON#032#BRUCE@ustr.gov>;Ronald E. Miller TPO/TPO/OMB/EOP@EOP [OMB] <Ronald E. Miller TPO>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Andrea McDaniel/WHO/EOP@EOP [WHO] <Andrea McDaniel>;Elizabeth L. Mason/OVP/EOP@EOP [OVP] <Elizabeth L. Mason>;Ginger G. Loper/WHO/EOP@EOP [WHO] <Ginger G. Loper>;Deborah A. Loewer/NSC/EOP@EOP [NSC] <Deborah A. Loewer>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;John L. Leech/ONDCP/EOP@EOP [ONDCP] <John L. Leech>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Lori A. Krauss/OMB/EOP@EOP [OMB] <Lori A. Krauss>;Patrick Kelly/OMB/EOP@EOP [OMB] <Patrick Kelly>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Yvonne Jubang TPO/TPO/OMB/EOP@EOP [OMB] <Yvonne Jubang TPO>;Jeffrey T. Jezierski/WHO /EOP@EOP [WHO] <Jeffrey T. Jezierski>;Kevin D. Hurst/OSTP/EOP@EOP [OSTP] <Kevin D. Hurst>;LHofmann@whmo.mil [UNKNOWN] <LHofmann@whmo.mil>;Daniel D. Heath/OPD /EOP@EOP [OPD] <Daniel D. Heath>;Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;ALHardin@whmo.mil [UNKNOWN] <ALHardin@whmo.mil>;Nancy G. Hansen/WHO /EOP@EOP [WHO] <Nancy G. Hansen>;Justin A. Grove/WHO/EOP@EOP [WHO] <Justin A. Grove>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Michael J. Gerson/WHO /EOP@EOP [WHO] <Michael J. Gerson>;Jane D. Gannon/WHO/EOP@EOP [WHO] <Jane D. Gannon>;Jennifer A. Fraher/WHO/EOP@EOP [WHO] <Jennifer A. Fraher>;Marie K. Fishpaw/OVP/EOP@EOP [OVP] <Marie K. Fishpaw>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Catherine Dwight/WHO/EOP@EOP [WHO] <Catherine Dwight>;Penny G. Douglas/OMB/EOP@EOP [OMB] <Penny G. Douglas>;Josh Deckard/WHO/EOP@EOP [WHO] <Josh Deckard>;Anne C. Crowther/WHO/EOP@EOP [WHO] <Anne C. Crowther>;Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Ronald I. Christie/OPD/EOP@EOP [OPD] <Ronald I. Christie>;Prescott M. Caballero/OSTP/EOP@EOP [OSTP] <Prescott M. Caballero>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Lindsay J. Bourns/WHO/EOP@EOP [WHO] <Lindsay J. Bourns>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Katharine Balls/WHO /EOP@EOP [WHO] <Katharine Balls>;Christa J. Bailey/WHO/EOP@EOP [WHO] <Christa J. Bailey>;Charity Azadian/WHO/EOP@EOP [WHO] <Charity Azadian>;Katherine L. Larimore/WHO/EOP@EOP [WHO] <Katherine L. Larimore>;Nekeshia Woods/WHF/EOP@EOP [OPM] <Nekeshia Woods>;CKWright@whmo.mil [UNKNOWN] <CKWright@whmo.mil>;JSWindsor@whmo.mil [UNKNOWN] <JSWindsor@whmo.mil>;Tiffany Willett/WHF/EOP@EOP [OPM] <Tiffany Willett>;Jocelyn White/WHF/EOP@EOP [OPM] <Jocelyn White>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Kirstie W. Tucker/WHO/EOP@EOP [WHO] <Kirstie W. Tucker>;Joan Trumps/OA/EOP@EOP [OA] <Joan Trumps>;Michelle M. Toth/WHO/EOP@EOP [WHO] <Michelle M. Toth>;Ryan T. Streeter/WHO/EOP@EOP [WHO] <Ryan T. Streeter>;Jennifer Stecher/WHO/EOP@EOP [WHO] <Jennifer Stecher>;Charles L. Sigman/OA/EOP@EOP [OA] <Charles L. Sigman>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Kathryn E. Rust/WHO/EOP@EOP [WHO] <Kathryn E. Rust>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Allison L. Riepenhoff/WHO

	/EOP@EOP [WHO] <Allison L. Riepenhoff>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Robert T. Pratt Jr/WHO/EOP@EOP [WHO] <Robert T. Pratt Jr>;Elizabeth Pitts/WHO/EOP@EOP [WHO] <Elizabeth Pitts>;Sarah Penny/WHO/EOP@EOP [WHO] <Sarah Penny>;Beth Pedison/WHO/EOP@EOP [WHO] <Beth Pedison>;japarker@whmo.mil [UNKNOWN] <japarker@whmo.mil>;Eric L. Motley/WHO/EOP@EOP [WHO] <Eric L. Motley>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Brian T. Merchant/NSC /EOP@EOP [NSC] <Brian T. Merchant>;John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>;Heidi K. Marquez/WHO/EOP@EOP [WHO] <Heidi K. Marquez>;John P. Looney/OSTP/EOP@EOP [OSTP] <John P. Looney>;Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>;Sarah M. Lenti/NSC/EOP@EOP [NSC] <Sarah M. Lenti>;BDLehnhardt@whmo.mil [UNKNOWN] <BDLehnhardt@whmo.mil>;Rebecca L. Lankey/OSTP/EOP@EOP [OSTP] <Rebecca L. Lankey>;Rebekah A. Krimmel/OMB /EOP@EOP [OMB] <Rebekah A. Krimmel>;Stephen King/WHO/EOP@EOP [WHO] <Stephen King>;kscrane@whmo.mil [UNKNOWN] <kscrane@whmo.mil>;JMKatzaman@whmo.mil [UNKNOWN] <JMKatzaman@whmo.mil>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Kathryn W. Jackson/OA/EOP@EOP [OA] <Kathryn W. Jackson>;John C. Horton/ONDCP/EOP@EOP [ONDCP] <John C. Horton>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C. Hawthorne>;Kathryn M. Harrington/OSTP/EOP@EOP [OSTP] <Kathryn M. Harrington>;Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>;Wendy J. Hall/OSTP/EOP@EOP [OSTP] <Wendy J. Hall>;Ann Gray/WHO/EOP@EOP [WHO] <Ann Gray>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Stephen M. Garrison/WHO/EOP@EOP [WHO] <Stephen M. Garrison>;Restituto M. Francisco/OA/EOP@EOP [OA] <Restituto M. Francisco>;Heather R. Fitzgerald/WHO/EOP@EOP [WHO] <Heather R. Fitzgerald>;Katherine J. Fertakis/NSC/EOP@EOP [NSC] <Katherine J. Fertakis>;Ruth E. Elliott/NSC/EOP@EOP [NSC] <Ruth E. Elliott>;Ranelle A. Duvall/OA/EOP@EOP [OA] <Ranelle A. Duvall>;Reed Dickens/WHO/EOP@EOP [WHO] <Reed Dickens>;Karen D. Cruson/WHF/EOP@EOP [OPM] <Karen D. Cruson>;Lynn A. Crable/WHO/EOP@EOP [WHO] <Lynn A. Crable>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;wlcarter@whmo.mil [UNKNOWN] <wlcarter@whmo.mil>;Janice L. Burmeister/WHO /EOP@EOP [WHO] <Janice L. Burmeister>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;cpbennett@whmo.mil [UNKNOWN] <cpbennett@whmo.mil>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Jenica Baldwin/WHO/EOP@EOP [WHO] <Jenica Baldwin>;Kimberly A. Badenhop/OSTP/EOP@EOP [OSTP] <Kimberly A. Badenhop>;Dana Ayers/OMB/EOP@EOP [OMB] <Dana Ayers>
CC:	leroy.rooker@ed.gov [UNKNOWN] <leroy.rooker@ed.gov>;valerie_largent@ensign.senate.gov [UNKNOWN] <valerie_largent@ensign.senate.gov>
Sent:	1/22/2003 8:58:48 AM
Subject:	: National Prayer Breakfast

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CREATOR:Edmund_C._Moy@who.eop.gov ( Edmund_C._Moy@who.eop.gov [ UNKNOWN ] )
CREATION DATE/TIME:22-JAN-2003 13:58:48.00
SUBJECT:: National Prayer Breakfast
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READ:UNKNOWN
TO:Victoria Ahaev ( CN=Victoria Ahaev/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:RJTubb@whmo.mil ( RJTubb@whmo.mil [ UNKNOWN ] )
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TO:Beth Pedison (CN=Beth Pedison/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
CC:leroy.rooker@ed.gov (leroy.rooker@ed.gov [UNKNOWN])
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CC:valerie_largent@ensign.senate.gov (valerie_largent@ensign.senate.gov [UNKNOWN])
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End Original ARMS Header

Each year, White House staffers are invited to usher at the National Prayer Breakfast. This year it is at the Washington Hilton on February 6th. This allows White House staffers the opportunity to attend without prior sponsors or
official invitations. If you are interested, please email the following information to Valerie Largent (valerie_largent@ensign.senate.gov) with a cc to
Lee Rooker (leroy.rooker@ed.gov) by Friday January 24th.

Name
White House Office
Daytime phone
email address

# of times volunteered at the National Prayer Breakfast
Date of birth
Social Security number

There will be a few organizational meetings prior to the NPB for the ushers.
This is a great opportunity to serve. Consider this prayerfully.

From: Edmund_C._Moy@who.eop.gov [UNKNOWN]

To: Naomi M. Zacharias/WHO/EOP@EOP [WHO] <Naomi M. Zacharias>;Victoria Ahaev/WHO /EOP@EOP [WHO] <Victoria Ahaev>;Emily Winland/OPD/EOP@EOP [OPD] <Emily Winland>;Christina C. Wilson/OPD/EOP@EOP [OPD] <Christina C. Wilson>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Jeremy L. White/WHO/EOP@EOP [WHO] <Jeremy L. White>;Vicki S. Weinberg/WHO/EOP@EOP [WHO] <Vicki S. Weinberg>;Daniel Vogel/WHO/EOP@EOP [WHO] <Daniel Vogel>;RJTubb@whmo.mil [UNKNOWN] <RJTubb@whmo.mil>;Jim Towey/WHO/EOP@EOP [WHO] <Jim Towey>;Claire Taplett/WHO/EOP@EOP [WHO] <Claire Taplett>;Timothy C. Stout/WHO/EOP@EOP [WHO] <Timothy C. Stout>;Linda Springer/OMB/EOP@EOP [OMB] <Linda Springer>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Catharine A. Ryun/WHO/EOP@EOP [WHO] <Catharine A. Ryun>;Maria H. Roumel/WHO/EOP@EOP [WHO] <Maria H. Roumel>;Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>;Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>;cbprichard@whmo.mil [UNKNOWN] <cbprichard@whmo.mil>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Eric C. Pelletier/OMB/EOP@EOP [OMB] <Eric C. Pelletier>;Jobi A. Parrish/OSTP/EOP@EOP [OSTP] <Jobi A. Parrish>;OVERTON#032#BRUCE@ustr.gov [UNKNOWN] <OVERTON#032#BRUCE@ustr.gov>;Ronald E. Miller TPO/TPO/OMB/EOP@EOP [OMB] <Ronald E. Miller TPO>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Andrea McDaniel/WHO/EOP@EOP [WHO] <Andrea McDaniel>;Elizabeth L. Mason/OVP/EOP@EOP [OVP] <Elizabeth L. Mason>;Ginger G. Loper/WHO/EOP@EOP [WHO] <Ginger G. Loper>;Deborah A. Loewer/NSC/EOP@EOP [NSC] <Deborah A. Loewer>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;John L. Leech/ONDCP/EOP@EOP [ONDCP] <John L. Leech>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Lori A. Krauss/OMB/EOP@EOP [OMB] <Lori A. Krauss>;Patrick Kelly/OMB/EOP@EOP [OMB] <Patrick Kelly>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Yvonne Jubang TPO/TPO/OMB/EOP@EOP [OMB] <Yvonne Jubang TPO>;Jeffrey T. Jezierski/WHO /EOP@EOP [WHO] <Jeffrey T. Jezierski>;Kevin D. Hurst/OSTP/EOP@EOP [OSTP] <Kevin D. Hurst>;LHofmann@whmo.mil [UNKNOWN] <LHofmann@whmo.mil>;Daniel D. Heath/OPD /EOP@EOP [OPD] <Daniel D. Heath>;Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;ALHardin@whmo.mil [UNKNOWN] <ALHardin@whmo.mil>;Nancy G. Hansen/WHO /EOP@EOP [WHO] <Nancy G. Hansen>;Justin A. Grove/WHO/EOP@EOP [WHO] <Justin A. Grove>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Michael J. Gerson/WHO /EOP@EOP [WHO] <Michael J. Gerson>;Jane D. Gannon/WHO/EOP@EOP [WHO] <Jane D. Gannon>;Jennifer A. Fraher/WHO/EOP@EOP [WHO] <Jennifer A. Fraher>;Marie K. Fishpaw/OVP/EOP@EOP [OVP] <Marie K. Fishpaw>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Catherine Dwight/WHO/EOP@EOP [WHO] <Catherine Dwight>;Penny G. Douglas/OMB/EOP@EOP [OMB] <Penny G. Douglas>;Josh Deckard/WHO/EOP@EOP [WHO] <Josh Deckard>;Anne C. Crowther/WHO/EOP@EOP [WHO] <Anne C. Crowther>;Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Ronald I. Christie/OPD/EOP@EOP [OPD] <Ronald I. Christie>;Prescott M. Caballero/OSTP/EOP@EOP [OSTP] <Prescott M. Caballero>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Lindsay J. Bourns/WHO/EOP@EOP [WHO] <Lindsay J. Bourns>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Katharine Balls/WHO /EOP@EOP [WHO] <Katharine Balls>;Christa J. Bailey/WHO/EOP@EOP [WHO] <Christa J. Bailey>;Charity Azadian/WHO/EOP@EOP [WHO] <Charity Azadian>;Katherine L. Larimore/WHO/EOP@EOP [WHO] <Katherine L. Larimore>;Nekeshia Woods/WHF/EOP@EOP [OPM] <Nekeshia Woods>;CKWright@whmo.mil [UNKNOWN] <CKWright@whmo.mil>;JSWindsor@whmo.mil [UNKNOWN] <JSWindsor@whmo.mil>;Tiffany Willett/WHF/EOP@EOP [OPM] <Tiffany Willett>;Jocelyn White/WHF/EOP@EOP [OPM] <Jocelyn White>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Kirstie W. Tucker/WHO/EOP@EOP [WHO] <Kirstie W. Tucker>;Joan Trumps/OA/EOP@EOP [OA] <Joan Trumps>;Michelle M. Toth/WHO/EOP@EOP [WHO] <Michelle M. Toth>;Ryan T. Streeter/WHO/EOP@EOP [WHO] <Ryan T. Streeter>;Jennifer Stecher/WHO/EOP@EOP [WHO] <Jennifer Stecher>;Charles L. Sigman/OA/EOP@EOP [OA] <Charles L. Sigman>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Kathryn E. Rust/WHO/EOP@EOP [WHO] <Kathryn E. Rust>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Allison L. Riepenhoff/WHO

/EOP@EOP [WHO] <Allison L. Riepenhoff>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Robert T. Pratt Jr/WHO/EOP@EOP [WHO] <Robert T. Pratt Jr>;Elizabeth Pitts/WHO/EOP@EOP [WHO] <Elizabeth Pitts>;Sarah Penny/WHO/EOP@EOP [WHO] <Sarah Penny>;Beth Pedison/WHO/EOP@EOP [WHO] <Beth Pedison>;japarker@whmo.mil [UNKNOWN] <japarker@whmo.mil>;Eric L. Motley/WHO/EOP@EOP [WHO] <Eric L. Motley>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Brian T. Merchant/NSC /EOP@EOP [NSC] <Brian T. Merchant>;John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>;Heidi K. Marquez/WHO/EOP@EOP [WHO] <Heidi K. Marquez>;John P. Looney/OSTP/EOP@EOP [OSTP] <John P. Looney>;Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>;Sarah M. Lenti/NSC/EOP@EOP [NSC] <Sarah M. Lenti>;BDLehnhardt@whmo.mil [UNKNOWN] <BDLehnhardt@whmo.mil>;Rebecca L. Lankey/OSTP/EOP@EOP [OSTP] <Rebecca L. Lankey>;Rebekah A. Krimmel/OMB /EOP@EOP [OMB] <Rebekah A. Krimmel>;Stephen King/WHO/EOP@EOP [WHO] <Stephen King>;kscrane@whmo.mil [UNKNOWN] <kscrane@whmo.mil>;JMKatzaman@whmo.mil [UNKNOWN] <JMKatzaman@whmo.mil>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Kathryn W. Jackson/OA/EOP@EOP [OA] <Kathryn W. Jackson>;John C. Horton/ONDCP/EOP@EOP [ONDCP] <John C. Horton>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C. Hawthorne>;Kathryn M. Harrington/OSTP/EOP@EOP [OSTP] <Kathryn M. Harrington>;Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>;Wendy J. Hall/OSTP/EOP@EOP [OSTP] <Wendy J. Hall>;Ann Gray/WHO/EOP@EOP [WHO] <Ann Gray>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Stephen M. Garrison/WHO/EOP@EOP [WHO] <Stephen M. Garrison>;Restituto M. Francisco/OA/EOP@EOP [OA] <Restituto M. Francisco>;Heather R. Fitzgerald/WHO/EOP@EOP [WHO] <Heather R. Fitzgerald>;Katherine J. Fertakis/NSC/EOP@EOP [NSC] <Katherine J. Fertakis>;Ruth E. Elliott/NSC/EOP@EOP [NSC] <Ruth E. Elliott>;Ranelle A. Duvall/OA/EOP@EOP [OA] <Ranelle A. Duvall>;Reed Dickens/WHO/EOP@EOP [WHO] <Reed Dickens>;Karen D. Cruson/WHF/EOP@EOP [OPM] <Karen D. Cruson>;Lynn A. Crable/WHO/EOP@EOP [WHO] <Lynn A. Crable>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;wlcarter@whmo.mil [UNKNOWN] <wlcarter@whmo.mil>;Janice L. Burmeister/WHO /EOP@EOP [WHO] <Janice L. Burmeister>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;cpbennett@whmo.mil [UNKNOWN] <cpbennett@whmo.mil>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Jenica Baldwin/WHO/EOP@EOP [WHO] <Jenica Baldwin>;Kimberly A. Badenhop/OSTP/EOP@EOP [OSTP] <Kimberly A. Badenhop>;Dana Ayers/OMB/EOP@EOP [OMB] <Dana Ayers>

CC: leroy.rooker@ed.gov [UNKNOWN] <leroy.rooker@ed.gov>;valerie_largent@ensign.senate.gov [UNKNOWN] <valerie_largent@ensign.senate.gov>

Sent: 1/22/2003 8:59:10 AM

Subject: : National Prayer Breakfast

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CREATOR:Edmund_C._Moy@who.eop.gov ( Edmund_C._Moy@who.eop.gov [ UNKNOWN ] )
CREATION DATE/TIME:22-JAN-2003 13:59:10.00
SUBJECT:: National Prayer Breakfast
TO:Naomi M. Zacharias ( CN=Naomi M. Zacharias/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Victoria Ahaev ( CN=Victoria Ahaev/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Emily Winland ( CN=Emily Winland/OU=OPD/O=EOP@EOP [ OPD ] )
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TO:Daniel Vogel ( CN=Daniel Vogel/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:RJTubb@whmo.mil ( RJTubb@whmo.mil [ UNKNOWN ] )
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TO:Jim Towey (CN=Jim Towey/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Charity Azadian (CN=Charity Azadian/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katherine L. Larimore (CN=Katherine L. Larimore/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nekeshia Woods (CN=Nekeshia Woods/OU=WHF/O=EOP@EOP [OPM])
READ:UNKNOWN
TO:CKWright@whmo.mil (CKWright@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:JSWindsor@whmo.mil (JSWindsor@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:Tiffany Willett (CN=Tiffany Willett/OU=WHF/O=EOP@EOP [OPM])
READ:UNKNOWN
TO:Jocelyn White (CN=Jocelyn White/OU=WHF/O=EOP@EOP [OPM])
READ:UNKNOWN
TO:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirstie W. Tucker (CN=Kirstie W. Tucker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joan Trumps (CN=Joan Trumps/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN
TO:Michelle M. Toth (CN=Michelle M. Toth/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ryan T. Streeter (CN=Ryan T. Streeter/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer Stecher (CN=Jennifer Stecher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles L. Sigman (CN=Charles L. Sigman/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth Pitts (CN=Elizabeth Pitts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah Penny (CN=Sarah Penny/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Beth Pedison (CN=Beth Pedison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:japarker@whmo.mil (japarker@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:Eric L. Motley (CN=Eric L. Motley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian T. Merchant (CN=Brian T. Merchant/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Heidi K. Marquez (CN=Heidi K. Marquez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John P. Looney (CN=John P. Looney/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah M. Lenti (CN=Sarah M. Lenti/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:BDLehnhardt@whmo.mil (BDLehnhardt@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:Rebecca L. Lankey (CN=Rebecca L. Lankey/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Rebekah A. Krimmel (CN=Rebekah A. Krimmel/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Stephen King (CN=Stephen King/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:kscrane@whmo.mil (kscrane@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:JMKatzaman@whmo.mil (JMKatzaman@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kathryn W. Jackson (CN=Kathryn W. Jackson/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:John C. Horton (CN=John C. Horton/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Kathryn M. Harrington (CN=Kathryn M. Harrington/OU=OSTP/O=EOP@EOP [OSTP])

READ:UNKNOWN
TO:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy J. Hall (CN=Wendy J. Hall/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Ann Gray (CN=Ann Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah Gesiriech (CN=Sarah Gesiriech/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Restituto M. Francisco (CN=Restituto M. Francisco/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Heather R. Fitzgerald (CN=Heather R. Fitzgerald/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katherine J. Fertakis (CN=Katherine J. Fertakis/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ranelle A. Duvall (CN=Ranelle A. Duvall/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Reed Dickens (CN=Reed Dickens/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen D. Cruson (CN=Karen D. Cruson/OU=WHF/O=EOP@EOP [OPM])
READ:UNKNOWN
TO:Lynn A. Crable (CN=Lynn A. Crable/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thais C. Conway (CN=Thais C. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rebecca Contreras (CN=Rebecca Contreras/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:wlcarter@whmo.mil (wlcarter@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:Janice L. Burmeister (CN=Janice L. Burmeister/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:cpbennett@whmo.mil (cpbennett@whmo.mil [UNKNOWN])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jenica Baldwin (CN=Jenica Baldwin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kimberly A. Badenhop (CN=Kimberly A. Badenhop/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Dana Ayers (CN=Dana Ayers/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:leroy.rooker@ed.gov (leroy.rooker@ed.gov [UNKNOWN])
READ:UNKNOWN
CC:valerie_largent@ensign.senate.gov (valerie_largent@ensign.senate.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Each year, White House staffers are invited to usher at the National Prayer Breakfast. This year it is at the Washington Hilton on February 6th. This allows White House staffers the opportunity to attend without prior sponsors or
official invitations. If you are interested, please email the following information to Valerie Largent (valerie_largent@ensign.senate.gov) with a cc to
Lee Rooker (leroy.rooker@ed.gov) by Friday January 24th.

Name
White House Office
Daytime phone
email address

# of times volunteered at the National Prayer Breakfast
Date of birth
Social Security number

There will be a few organizational meetings prior to the NPB for the ushers.
This is a great opportunity to serve. Consider this prayerfully.

From: Moy, Edmund C.

To: leroy.rooker@ed.gov <Ayers, Dana>;leroy.rooker@ed.gov <Azadian, Charity>;leroy.rooker@ed.gov <Badenhop, Kimberly A.>;leroy.rooker@ed.gov <Bailey, Christa J.>;leroy.rooker@ed.gov <Baldwin, Jenica>;leroy.rooker@ed.gov <Balls, Katharine>;leroy.rooker@ed.gov <Barrales, Ruben S.>;leroy.rooker@ed.gov <Bartolomucci, H. Christopher>;leroy.rooker@ed.gov <Bennett, Christopher>;leroy.rooker@ed.gov <Biegun, Stephen E.>;leroy.rooker@ed.gov <Bourns, Lindsay J.>;leroy.rooker@ed.gov <Bowen, Stuart W.>;leroy.rooker@ed.gov <Bridgeland, John M.>;leroy.rooker@ed.gov <Burmeister, Janice L.>;leroy.rooker@ed.gov <Caballero, Prescott M.>;leroy.rooker@ed.gov <Campbell, Anne E.>;leroy.rooker@ed.gov <Carter, Walter>;leroy.rooker@ed.gov <Christie, Ronald I.>;leroy.rooker@ed.gov <Click, Carrie W.>;leroy.rooker@ed.gov <Conner, Charles>;leroy.rooker@ed.gov <Contreras, Rebecca>;leroy.rooker@ed.gov <Conway, Michael J.>;leroy.rooker@ed.gov <Conway, Thais C.>;leroy.rooker@ed.gov <Cook, Jane M.>;leroy.rooker@ed.gov <Crable, Lynn A.>;leroy.rooker@ed.gov <Crowther, Anne C.>;leroy.rooker@ed.gov <Cruson, Karen D.>;leroy.rooker@ed.gov <Deckard, Josh>;leroy.rooker@ed.gov <Dickens, Reed>;leroy.rooker@ed.gov <Douglas, Penny G.>;leroy.rooker@ed.gov <Duvall, Ranelle A.>;leroy.rooker@ed.gov <Dwight, Catherine>;leroy.rooker@ed.gov <Elliott, Ruth E.>;leroy.rooker@ed.gov <Estes, Ashley>;leroy.rooker@ed.gov <Fertakis, Katherine J.>;leroy.rooker@ed.gov <Fishpaw, Marie K.>;leroy.rooker@ed.gov <Fitzgerald, Heather R.>;leroy.rooker@ed.gov <Fraher, Jennifer A.>;leroy.rooker@ed.gov <Francisco, Restituto M.>;leroy.rooker@ed.gov <Gallimore, Jeffrey D.>;leroy.rooker@ed.gov <Gannon, Jane D.>;Stephen M. Garrison/OPD/EOP <Stephen M. Garrison/OPD/EOP@EOP>;Stephen M. Garrison/OPD/EOP <Gerson, Michael J.>;Stephen M. Garrison/OPD/EOP <Gesiriech, Sarah>;Stephen M. Garrison/OPD/EOP <Goeglein, Tim>;Stephen M. Garrison/OPD/EOP <Gray, Ann>;Stephen M. Garrison/OPD/EOP <Grove, Justin A.>;Stephen M. Garrison/OPD/EOP <Hall, Wendy J.>;Stephen M. Garrison/OPD/EOP <Hansen, Nancy G.>;Stephen M. Garrison/OPD/EOP <Hanusa, Mary Ann>;ALHardin@whmo.mil <ALHardin@whmo.mil>;ALHardin@whmo.mil <Harrington, Kathryn M.>;ALHardin@whmo.mil <Hawkins, Albert>;ALHardin@whmo.mil <Hawthorne, Susan C.>;ALHardin@whmo.mil <Heath, Daniel D.>;ALHardin@whmo.mil <Hernandez, Israel>;LHofmann@whmo.mil <LHofmann@whmo.mil>;LHofmann@whmo.mil <Horton, John C.>;LHofmann@whmo.mil <Hurst, Kevin D.>;LHofmann@whmo.mil <Jackson, Kathryn W.>;LHofmann@whmo.mil <Jackson, Tamara D.>;LHofmann@whmo.mil <Jezierski, Jeffrey T.>;LHofmann@whmo.mil <Johnson, Collister W.>;yjubangt@tpo.omb.eop.gov <yjubangt@tpo.omb.eop.gov>;yjubangt@tpo.omb.eop.gov <Kalavritinos, John>;yjubangt@tpo.omb.eop.gov <Katzaman, Jennifer>;yjubangt@tpo.omb.eop.gov <Kavanaugh, Brett M.>;yjubangt@tpo.omb.eop.gov <Crane, Kenneth>;yjubangt@tpo.omb.eop.gov <Kelly, Patrick>;yjubangt@tpo.omb.eop.gov <King, Stephen>;yjubangt@tpo.omb.eop.gov <Krauss, Lori A.>;yjubangt@tpo.omb.eop.gov <Krimmel, Rebekah A.>;yjubangt@tpo.omb.eop.gov <Kuo, David>;yjubangt@tpo.omb.eop.gov <Lankey, Rebecca L.>;yjubangt@tpo.omb.eop.gov <Leech, John L.>;yjubangt@tpo.omb.eop.gov <Lehnhardt, Brian>;yjubangt@tpo.omb.eop.gov <Leitch, David G.>;yjubangt@tpo.omb.eop.gov <Lenti, Sarah M.>;yjubangt@tpo.omb.eop.gov <Lindsey, Lawrence B.>;yjubangt@tpo.omb.eop.gov <Litterst, Roland N.>;yjubangt@tpo.omb.eop.gov <Loewer, Deborah A.>;yjubangt@tpo.omb.eop.gov <Looney, John P.>;yjubangt@tpo.omb.eop.gov <Loper, Ginger G.>;yjubangt@tpo.omb.eop.gov <Marquez, Heidi K.>;yjubangt@tpo.omb.eop.gov <Mason, Elizabeth L.>;yjubangt@tpo.omb.eop.gov <McConnell, John P.>;yjubangt@tpo.omb.eop.gov <McDaniel, Andrea>;yjubangt@tpo.omb.eop.gov <Merchant, Brian T.>;yjubangt@tpo.omb.eop.gov <Middlemas, A. Morgan>;yjubangt@tpo.omb.eop.gov <Miers, Harriet>;remiller@tpo.omb.eop.gov <remiller@tpo.omb.eop.gov>;remiller@tpo.omb.eop.gov <Motley, Eric L.>;OVERTON#032#BRUCE@ustr.gov <OVERTON#032#BRUCE@ustr.gov>;OVERTON#032#BRUCE@ustr.gov <Parker, Joyce>;OVERTON#032#BRUCE@ustr.gov <Parrish, Jobi A.>;OVERTON#032#BRUCE@ustr.gov <Pedison, Beth>;OVERTON#032#BRUCE@ustr.gov <Pelletier, Eric C.>;OVERTON#032#BRUCE@ustr.gov <Penny, Sarah>;OVERTON#032#BRUCE@ustr.gov <Pipes, Kasey S.>;OVERTON#032#BRUCE@ustr.gov <Pitts, Elizabeth>;OVERTON#032#BRUCE@ustr.gov <Powell, Dina>;OVERTON#032#BRUCE@ustr.gov <Pratt Jr, Robert T.>;cbprichard@whmo.mil <cbprichard@whmo.mil>;cbprichard@whmo.mil <Ralston, Susan B.>;cbprichard@whmo.mil <Rice, Condoleezza>;cbprichard@whmo.mil <Riepenhoff, Allison L.>;cbprichard@whmo.mil

	<Ritacco, Krista L.>;cbprichard@whmo.mil <Robinson, Josephine B.>;cbprichard@whmo.mil <Roumel, Maria H.>;cbprichard@whmo.mil <Rust, Kathryn E.>;cbprichard@whmo.mil <Ryun, Catharine A.>;cbprichard@whmo.mil <Sayle, Desiree T.>;cbprichard@whmo.mil <Schlapp, Matthew A.>;cbprichard@whmo.mil <Sigman, Charles L.>;cbprichard@whmo.mil <Springer, Linda>;cbprichard@whmo.mil <Stecher, Jennifer>;cbprichard@whmo.mil <Stout, Timothy C.>;cbprichard@whmo.mil <Streeter, Ryan T.>;cbprichard@whmo.mil <Taplett, Claire>;cbprichard@whmo.mil <Toth, Michelle M.>;cbprichard@whmo.mil <Towey, Jim>;cbprichard@whmo.mil <Trumps, Joan>;cbprichard@whmo.mil <Tubb, Richard>;cbprichard@whmo.mil <Tucker, Kirstie W.>;cbprichard@whmo.mil <Vogel, Daniel>;cbprichard@whmo.mil <Wehner, Peter H.>;cbprichard@whmo.mil <Weinberg, Vicki S.>;cbprichard@whmo.mil <Welborn, L. Camille>;cbprichard@whmo.mil <White, Jeremy L.>;cbprichard@whmo.mil <White, Jocelyn>;cbprichard@whmo.mil <Wilkinson, James R.>;twillett@whf.eop.gov <twillett@whf.eop.gov>;twillett@whf.eop.gov <Wilson, Christina C.>;twillett@whf.eop.gov <Windsor, Jason>;twillett@whf.eop.gov <Winland, Emily>;twillett@whf.eop.gov <Wright, Cynthia>;twillett@whf.eop.gov <Ahaev, Victoria>;twillett@whf.eop.gov <Woods, Nekeshia>;twillett@whf.eop.gov <Zacharias, Naomi M.>;twillett@whf.eop.gov <Larimore, Katherine L.>
CC:	valerie_largent@ensign.senate.gov <valerie_largent@ensign.senate.gov>;leroy.rooker@ed.gov <leroy.rooker@ed.gov>
Sent:	1/22/2003 1:29:31 PM
Subject:	National Prayer Breakfast

Each year, White House staffers are invited to usher at the National Prayer Breakfast. This year it is at the Washington Hilton on February 6th. This allows White House staffers the opportunity to attend without prior sponsors or official invitations. If you are interested, please email the following information to Valerie Largent (valerie_largent@ensign.senate.gov) with a cc to Lee Rooker (leroy.rooker@ed.gov) by Friday January 24th.

Name

White House Office

Daytime phone

email address

# of times volunteered at the National Prayer Breakfast

Date of birth

Social Security number

There will be a few organizational meetings prior to the NPB for the ushers. This is a great opportunity to serve. Consider this prayerfully.

From: Jones, Alison

To: john.duncan@do.treas.gov <john.duncan@do.treas.gov>;david.aufhauser@do.treas.gov <david.aufhauser@do.treas.gov>;robert.nichols@do.treas.gov <robert.nichols@do.treas.gov>;tim.adams@do.treas.gov <tim.adams@do.treas.gov>;april.lehman@do.treas.gov <april.lehman@do.treas.gov>;april.lehman@do.treas.gov <Goldman, Adam B.>;april.lehman@do.treas.gov <Hennessey, Keith>;april.lehman@do.treas.gov <Powell, Dina>;april.lehman@do.treas.gov <Snee, Ashley>;april.lehman@do.treas.gov <Kavanaugh, Brett M.>;janet.jones@do.treas.gov <janet.jones@do.treas.gov>;janet.jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Wolff, Candida P.>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>

CC: <Ojakli, Ziad S.>

Sent: 1/22/2003 1:34:59 PM

Subject: 6pm Snow Conference Call

There will be a conference call tonight at 6pm. Coordinates are:

456-2561

456-2565

code: 8135

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>
Sent: 1/22/2003 10:04:20 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-JAN-2003 15:04:20.00
SUBJECT::
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

need to talk to you about issue with OLP vet reports. not urgent
```

From: Leitch, David G.
To: <McNally, Edward>;<Kavanaugh, Brett M.>
Sent: 1/22/2003 3:31:29 PM
Subject: RE: New draft of OMB's TPO memo

Brett and Ed -- Where are we on the WHO memo?

-----Original Message-----
From: Clark Tpo, Lucy G.
Sent: Wednesday, January 22, 2003 3:21 PM
To: Luczynski, Kimberley S.
Cc: Perry, Philip J.; Wood, John F.; McNally, Edward; Clark, Lucy G.; Kavanaugh, Brett M.; Leitch, David G.; Mitnick Tpo, John M.
Subject: Re: New draft of OMB's TPO memo

Thanks Kimberly. This memo looks great and will clarify things greatly for TPO staff. I will rely on you to perform the "checks" identified in the memo. I will tee up to my IT folks the need to make copies (of which I think they are already aware).

Ed -- So that there's no confusion, I would ask that you delete the line in your 1/22 draft memo from Gonzales that says "TPO and all other OMB staff should, obviously, consult with OMB counsel." Given that the OMB memo will go to all TPO folks, there's no need -- and it likely will create confusion -- to state affirmatively that people should consult. Thanks

<<...>>
Kimberley S. Luczynski
01/22/2003 01:38:25 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: New draft of OMB's TPO memo

New draft. Comments welcome.

MEMORANDUM TO OMB TPO STAFF

FROM: PHILIP J. PERRY, GENERAL COUNSEL

SUBJECT: TRANSFER AND HANDLING OF TPO RECORDS

This memorandum provides guidance to all personnel of the Transition Planning Office (TPO). It addresses all documents or email in TPO files, including those received from the White House. Please note that some sections apply to TPO employees who are transferring to the new Department of Homeland Security (DHS), while other sections apply to TPO employees transferring to other agencies.

White House Documents (applies to all TPO employees):

When TPO was created, the White House Counsel's Office made special arrangements for handling documents from "White House" entities that were temporarily provided to TPO personnel. Those arrangements (addressed in depth in the attached memoranda) applied generally to emails and other documents from OHS and other White House entities. Pursuant to the attached memos, those materials should already bear the legend "White House-controlled Material/Protected from Disclosure."

Please return all such materials to the White House entity from which they originated by routing them through Distie Carstensen or Brook Holladay at 1800 G Street, 9th floor [check].

Emails from White House entities will be automatically segregated by the Office of Administration [check].
You should not take copies of any materials from White House entities with you, unless you receive clearance to do so by Ed McNally, OHS GC.

If you have any questions regarding the treatment of materials from White House entities, please contact Ed McNally at 6-1700.

All other Documents (applies to TPO employees transferring to DHS):

· **Documents or Email Created at TPO**: You may take to DHS *copies* of any paper documents or email you created at TPO. However, you should make copies *only of materials that you will need to perform your mission at DHS*. You do not need to check with a lawyer before taking these copies. Keep in mind that the Office of Administration (OA) will be able to provide you access to your TPO materials even after your transfer to DHS.

· **Documents Received from OMB**: You may also take to DHS documents received from OMB, except for Director's Review Books, passback materials or other internal OMB deliberative material not typically shared with agencies. If you have any questions about the nature of OMB documents in your possession, please consult Kimberley Luczynski at 5-7870.

· **Other Documents Received at TPO**: Unless received from OHS or other White House entities, you are free to take copies to DHS.

When you depart for the new Department, OA will ensure that all of your original TPO files are properly archived. The appropriate contact at OA is Markus Most at 5-6471. Mr. Most will send, under separate cover, instructions regarding archiving your originals.

For TPO employees transferring to agencies other than DHS: You may not take copies of any TPO documents with you. As above, OA will ensure that all of your original TPO files are properly archived.

Message Sent To:

Philip J. Perry/OMB/EOP@EOP
John F. Wood/OMB/EOP@EOP
Edward McNally/WHO/EOP@EOP
Lucy G. Clark TPO/TPO/OMB/EOP@EOP
Lucy G. Clark/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

From: CN=Ashley Estes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/22/2003 1:58:41 PM
Subject: : Re: Brad's Going Away Party

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JAN-2003 18:58:41.00
SUBJECT:: Re: Brad's Going Away Party
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

no... it looks to be an attorney-only party

Brett M. Kavanaugh
01/22/2003 06:51:35 PM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
Subject: Brad's Going Away Party

did you ever get this?
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/22/2003 06:58 PM ----------

From: Charlotte L. Montiel/WHO/EOP@Exchange on 01/22/2003 06:50:05 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Brad's Going Away Party

;;;
6:30 pm - 8:30 pm
Thursday, Jan 23rd
Occidental Grill
1475 Pennsylvania Ave NW
(one block East of the Southeast Gate)
;
please pass this along to anyone who may be interested
;
;
;
Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632
;

Message Sent
To:_____
David S. Addington/OVP/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Hana F. Brilliant/WHO/EOP@EOP
Raquel Cabral/WHO/EOP@EOP
Elizabeth N. Camp TPO/TPO/OMB/EOP@EOP
James W. Carroll/WHO/EOP@EOP
Nanette Everson/WHO/EOP@EOP
David G. Leitch/WHO/EOP@Exchange
Noel J. Francisco/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@Exchange
Brett M. Kavanaugh/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Carolyn Nelson/WHO/EOP@Exchange
Jennifer G. Newstead/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@Exchange
Heather Wingate/WHO/EOP@EOP

From: Robert.Nichols@do.treas.gov
To: <Jones, Alison>;John.Duncan@do.treas.gov <John.Duncan@do.treas.gov>;David.Aufhauser@do.treas.gov <David.Aufhauser@do.treas.gov>;Robert.Nichols@do.treas.gov <Robert.Nichols@do.treas.gov>;Tim.Adams@do.treas.gov <Tim.Adams@do.treas.gov>;April.Lehman@do.treas.gov <April.Lehman@do.treas.gov>;April.Lehman@do.treas.gov <Goldman, Adam B.>;April.Lehman@do.treas.gov <Hennessey, Keith>;April.Lehman@do.treas.gov <Powell, Dina>;April.Lehman@do.treas.gov <Snee, Ashley>;April.Lehman@do.treas.gov <Kavanaugh, Brett M.>;Janet.Jones@do.treas.gov <Janet.Jones@do.treas.gov>;Janet.Jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Wolff, Candida P.>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>
CC: <Ojakli, Ziad S.>
Sent: 1/22/2003 6:32:30 PM
Subject: 1st wire story

Treasury Nominee Snow Agrees to Divest CSX Holdings
2003-01-22 18:24 (New York)

Treasury Nominee Snow Agrees to Divest CSX Holdings

(Adds Snow pledge in third paragraph, officials' comments in sixth-seventh paragraphs, stock sales in 16th paragraph)

Washington, Jan. 22 (Bloomberg) -- U.S. Treasury Secretary-nominee John Snow agreed to sell his holdings in CSX Corp., the company he ran for more than a decade, to avoid conflict-of-interest accusations similar to those that dogged his predecessor Paul O'Neill.

Within 90 days of being confirmed as Treasury chief, Snow said, he would divest all of his shares in the No. 3 U.S. rail company, sell stock in 60 other companies and resign from the boards of companies including CarMax Inc. and Johnson & Johnson. Snow's assets may exceed $150 million, according to his financial disclosure report.

``I believe that these steps will ensure that I avoid even the appearance of conflict of interest in the performance of my duties,'' Snow said in a letter to Kenneth Schmalzbach, the Treasury's assistant general counsel.

Snow's pledge to dispose of his holdings comes six days before his Senate confirmation hearing and may fend off criticism from Democrats. Members of President George W. Bush's administration from former Treasury Secretary O'Neill to Vice President Dick Cheney encountered barbs for their financial ties to corporations at a time when accounting scandals at Enron Corp. and WorldCom Inc. have shaken investor confidence.

Snow also promised to disqualify himself ``from participation in any matter involving specific parties in which CSX is or represents a party for the duration of my tenure.''

Ethics Issues

Past Treasury secretaries have stayed within ethical and legal rulings by placing shares in blind trusts, keeping some stocks in businesses not affected by Treasury business and only recusing themselves from decisions involving former employers for a year. A government ethics official told reporters that Snow had gone beyond what is required by the ethics laws.

``John Snow is committed to the highest standard of ethical

conduct," said Treasury spokesman Rob Nichols.

Snow's financial plans were released a day after he disclosed to the Senate Finance Committee, the panel reviewing his nomination, that he was arrested in 1982 on suspicion of drunken driving and was sued by his ex-wife in 1988 for failure to pay child support. The drunken driving charge was later dismissed, and he settled the child-support lawsuit in 1991.

The committee has scheduled a hearing Jan. 28 to consider Snow's nomination.

Snow had previously said he would surrender $5.6 million in stock and at least $4.5 million in severance that he could have received for leaving CSX for a government job. The proceeds from sales will be placed in assets not conflicted by his job, such as diversified mutual funds. Snow, for now the company's chairman and chief executive officer, has turned over day to day operations to company President Michael Ward.

CSX Holdings

Snow's CSX holdings consist of between $250,001 and $500,000 in a 401(k) plan that he said would be transferred into an individual retirement account.

Earnings in his previously deferred executive stock trust, valued between $5 million and $25 million, will be given to him as a cash payout. He also has an executive retirement plan worth between $25 million and $50 million, which he'll receive in a one-time payment should he be confirmed, according to the disclosure form.

His CSX stock options are valued between $5 million and $25 million. In the disclosure form, he said some of the options would be exercised and those that can't be will be forfeited.

CSX shares, which fell $1.87 to $26.85 at 4:16 p.m. New York time, are down 28 percent from a year ago.

Perks, Loans, Shares

Snow's disclosure form listed the value of some of the benefits he had while with CSX: $4,800 for car allowance; $45,870 for country club memberships; $4,977 for financial planning; and $20,625 for use of a company airplane.

He also disclosed a loan, secured by stock, of between $5 million and $25 million.

Snow also reported assets totaling between $119,006 and $375,000 in shares of Marathon Oil Corp., Bank of America Corp., Johnson & Johnson, Carmax Inc., Circuit City Stores Inc. and U.S. Steel Corp. He had stock holdings in 12 other companies, including WorldCom and Martha Stewart Living Omnimedia Inc., the values of which were too small to be reported. Those would also be sold, he said.

All told, stock and partnership holdings owned by Snow alone or with his wife will be sold within 90-days of the Senate endorsing his nomination. Snow said he would also resign memberships of 32 boards, trusteeships, think tanks and lobby groups.

Board Memberships

Stock options granted for his board memberships of Sapient Corp., Verizon Communications Inc., Circuit City Stores and Johnson & Johnson would also be exercised or surrendered within 90 days of Senate endorsement of his nomination, Snow said.

``I will not participate personally and substantially in an official capacity in any particular matter that would have a direct and predictable effect on the financial interests of such entities, of which I have knowledge, unless I qualify for a

regulatory exemption," he said.

After becoming Treasury secretary in January 2001, O'Neill drew criticism in Congress and elsewhere for initially refusing to divest almost $100 million in stock of Alcoa Inc., the aluminum maker where he had served as chairman. In March 2001, he agreed to divest the shares.

--Brendan Murray and Simon Kennedy in Washington (202) 624-1804, or at brmurray@bloomberg.net. Editor: Simison, Miller

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;john f. wood/omb/eop@eop [OMB] <john f. wood>;kimberley s. luczynski/omb/eop@eop [OMB] <kimberley s. luczynski>;faisal m. gill/who/eop@eop [WHO] <faisal m. gill>
Sent: 1/22/2003 6:45:46 PM
Subject: : Re: Faisal -- based on revision, no need to Fact check re: Brook/Distie

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JAN-2003 23:45:46.00
SUBJECT:: Re: Faisal -- based on revision, no need to Fact check re: Brook/Distie
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:john f. wood (CN=john f. wood/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:kimberley s. luczynski (CN=kimberley s. luczynski/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:faisal m. gill (CN=faisal m. gill/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

We should add OVP documents to this. Otherwise, I am ok with this.

From: Edward McNally on 01/22/2003 10:23:03 PM
Record Type: Record

To: Faisal M. Gill/WHO/EOP@EOP
cc: john f. wood/omb/eop@eop, kimberley s. luczynski/omb/eop@eop,
brett m. kavanaugh/who/eop@eop
bcc:
Subject: Faisal -- based on revision, no need to Fact check re:
Brook/Distie

FG -- pls note previous e-mail re: "One More Correction".
Based on my discussion with Phil and John today, OMB is simply going to
advise folks who're returning (e.g.) OHS materials to route them to OHS
Exec Sec.
(That's now reflected in the proposed language for the most recent draft.)

From: Edward McNally on 01/22/2003 08:43:03 PM
Record Type: Record

To: John F. Wood/OMB/EOP@EOP, Faisal Gill
cc: See the distribution list at the bottom of this message
bcc: David Leitch
Subject: Fact check: OMB's memo on the staff for routing returned
WHO docs from TPO

Faisal -- Pls check w/ Distie and/or Brook to provide this fact check to
John Wood/OMB (it's possible Robert or Tim Stout may know something about
the status as well). FYI if you're running this down, the memo John's
referencing is (the memo that names Brook and Distie) is Judge Gonzales'
memo of July 26, 2002.
Pls let John and Kim know asap Thurs a.m., obviously.

Thanks -- E.

John F. Wood
01/22/2003 04:21:03 PM
Record Type: Record

To: Lucy G. Clark TPO/TPO/OMB/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: New draft of OMB's TPO memo

The reference to routing the return of WH materials through "Distie Carstensen or Brook Holladay at 1800 G Street, 9th floor," was taken from Ed's original memo when TPO was created. We will need someone from OHS or TPO to let us know whether these are the correct people.

Lucy G. Clark TPO
01/22/2003 03:20:42 PM
Record Type: Record

To: Kimberley S. Luczynski/OMB/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: New draft of OMB's TPO memo

Thanks Kimberly. This memo looks great and will clarify things greatly for TPO staff. I will rely on you to perform the "checks" identified in the memo. I will tee up to my IT folks the need to make copies (of which I think they are already aware).

Ed -- So that there's no confusion, I would ask that you delete the line in your 1/22 draft memo from Gonzales that says "TPO and all other OMB staff should, obviously, consult with OMB counsel." Given that the OMB memo will go to all TPO folks, there's no need -- and it likely will create confusion -- to state affirmatively that people should consult. Thanks

Kimberley S. Luczynski
01/22/2003 01:38:25 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: New draft of OMB's TPO memo

New draft. Comments welcome.

MEMORANDUM TO OMB TPO STAFF

FROM: PHILIP J. PERRY, GENERAL COUNSEL

SUBJECT: TRANSFER AND HANDLING OF TPO RECORDS

This memorandum provides guidance to all personnel of the Transition Planning Office (TPO). It addresses all documents or email in TPO files, including those received from the White House. Please note that some sections apply to TPO employees who are transferring to the new Department

of Homeland Security (DHS), while other sections apply to TPO employees transferring to other agencies.

White House Documents (applies to all TPO employees):
When TPO was created, the White House Counsel,s Office made special arrangements for handling documents from "White House" entities that were temporarily provided to TPO personnel. Those arrangements (addressed in depth in the attached memoranda) applied generally to emails and other documents from OHS and other White House entities. Pursuant to the attached memos, those materials should already bear the legend &White House-controlled Material/Protected from Disclosure.8
Please return all such materials to the White House entity from which they originated by routing them through Distie Carstensen or Brook Holladay at 1800 G Street, 9th floor [check].
Emails from White House entities will be automatically segregated by the Office of Administration [check].
You should not take copies of any materials from White House entities with you, unless you receive clearance to do so by Ed McNally, OHS GC.
If you have any questions regarding the treatment of materials from White House entities, please contact Ed McNally at 6-1700.

All other Documents (applies to TPO employees transferring to DHS):
ú Documents or Email Created at TPO: You may take to DHS copies of any paper documents or email you created at TPO. However, you should make copies only of materials that you will need to perform your mission at DHS. You do not need to check with a lawyer before taking these copies. Keep in mind that the Office of Administration (OA) will be able to provide you access to your TPO materials even after your transfer to DHS.

ú Documents Received from OMB: You may also take to DHS documents received from OMB, except for Director's Review Books, passback materials or other internal OMB deliberative material not typically shared with agencies. If you have any questions about the nature of OMB documents in your possession, please consult Kimberley Luczynski at 5-7870.

ú Other Documents Received at TPO: Unless received from OHS or other White House entities, you are free to take copies to DHS.

When you depart for the new Department, OA will ensure that all of your original TPO files are properly archived. The appropriate contact at OA is Markus Most at 5-6471. Mr. Most will send, under separate cover, instructions regarding archiving your originals.

For TPO employees transferring to agencies other than DHS: You may not take copies of any TPO documents with you. As above, OA will ensure that all of your original TPO files are properly archived.

Message Sent
To:_____
Philip J. Perry/OMB/EOP@EOP
John F. Wood/OMB/EOP@EOP
Edward McNally/WHO/EOP@EOP
Lucy G. Clark TPO/TPO/OMB/EOP@EOP
Lucy G. Clark/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

Message Copied
To:_____
philip j. perry/omb/eop@eop
john f. wood/omb/eop@eop
edward mcnally/who/eop@eop
lucy g. clark/who/eop@eop

brett m. kavanaugh/who/eop@eop
David G. Leitch/WHO/EOP@Exchange@EOP
John M. Mitnick TPO/TPO/OMB/EOP@EOP

Message Copied
To:_____
kimberley s. luczynski/omb/eop@eop
philip j. perry/omb/eop@eop
john f. wood/omb/eop@eop
edward mcnally/who/eop@eop
lucy g. clark/who/eop@eop
brett m. kavanaugh/who/eop@eop
david g. leitch/who/eop@exchange@eop
john m. mitnick tpo/tpo/omb/eop@eop

Message Sent to:

To: John F. Wood/OMB/EOP@EOP, Faisal Gill
cc: lucy g. clark tpo/tpo/omb/eop@eop, kimberley s.
luczynski/omb/eop@eop, philip j. perry/omb/eop@eop, brett m.
kavanaugh/who/eop@eop, john m. mitnick tpo/tpo/omb/eop@eop

*** White House-controlled Materials/Protected from Disclosure. TPO staff
(or others receiving
this e-mail in error) may not, under any circumstances, disseminate these
materials outside TPO
or the White House.
Message Copied
To:_____
lucy g. clark tpo/tpo/omb/eop@eop
kimberley s. luczynski/omb/eop@eop
philip j. perry/omb/eop@eop
brett m. kavanaugh/who/eop@eop
john m. mitnick tpo/tpo/omb/eop@eop

Message Sent to:

To: Faisal Gill
cc: john f. wood/omb/eop@eop, lucy g. clark tpo/tpo/omb/eop@eop,
kimberley s. luczynski/omb/eop@eop, brett m. kavanaugh/who/eop@eop, john
m. mitnick tpo/tpo/omb/eop@eop

From: CN=Kimberley S. Luczynski/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/22/2003 6:52:21 PM
Subject: : Kimberley S. Luczynski/OMB/EOP will be out of the office for the rest of the afternoon.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberley S. Luczynski ( CN=Kimberley S. Luczynski/OU=OMB/O=EOP [ OMB ] )
CREATION DATE/TIME:22-JAN-2003 23:52:21.00
SUBJECT:: Kimberley S. Luczynski/OMB/EOP will be out of the office for the rest of the
afternoon.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I will be out of the office from 01/22/2003 until 01/23/2003.

For immediate assistance while I'm away, please contact John Wood at
395-3193.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
Sent: 1/23/2003 5:17:59 AM
Subject: : Re: Native American outreach

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-JAN-2003 10:17:59.00
SUBJECT:: Re: Native American outreach
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If the meeting is about formulation of policy, I would not. If it is about general outreach, that would be fine. I would host it at EEOB.

Douglas L. Hoelscher
01/23/2003 10:10:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Native American outreach

Brett,
Doug Domenech and some other political appointees at the Department of Interior have requested a meeting to discuss Native American outreach efforts and ideas. We are thinking of setting this meeting up to include some DOI politicals, some folks from OPA and IGA and if you think it is ok, a person from the RNC -- is it ok to have an RNC outreach person in this meeting?
-Doug

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/23/2003 7:25:47 AM
Subject: : What's your fax number?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:23-JAN-2003 12:25:47.00
SUBJECT:: What's your fax number?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Emily Winland/OPD/EOP@EOP [OPD] <Emily Winland>
Sent: 1/23/2003 8:33:40 AM
Subject: : Re: Liability Meeting (new location)

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-JAN-2003 13:33:40.00
SUBJECT:: Re: Liability Meeting (new location)
TO:Emily Winland (CN=Emily Winland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

I will be there.

Emily Winland
01/23/2003 01:31:02 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
bcc:
Subject: Re: Liability Meeting (new location)

This meeting will now be in Jay's office.

thanks,
Emily

Emily Winland
01/23/2003 01:24:00 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Layton Skelly/OPD/EOP@EOP, Lauren J.
Vestewig/OPD/EOP@Exchange@EOP, Diana L. Schacht/OPD/EOP@EOP
Subject: Liability Meeting

There will be a meeting tomorrow 1/24 to discuss strategy on medical
malpractice and class action.
It is at 9:30am in room 211, EEOB.
; ;
Please confirm your attendance.

thanks,
Emily
6-6534
;

Message Sent
To:_____
Alan Gilbert/OPD/EOP@EOP

Amy Jensen/WHO/EOP@Exchange
Heather Wingate/WHO/EOP@EOP
Robert Marsh/WHO/EOP@Exchange
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@Exchange@EOP

Message Sent
To:_____
alan gilbert/opd/eop@eop
amy jensen/who/eop@exchange
heather wingate/who/eop@eop
robert marsh/who/eop@exchange
brett m. kavanaugh/who/eop@eop
kristen silverberg/who/eop@exchange@eop
layton skelly/opd/eop@eop
lauren j. vestewig/opd/eop@exchange@eop
diana l. schacht/opd/eop@eop

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>
CC: jay p. lefkowitz/opd/eop@exchange@eop [OPD] <jay p. lefkowitz>;kristen silverberg/who /eop@exchange@eop [WHO] <kristen silverberg>;margaret m. spellings/opd /eop@exchange@eop [OPD] <margaret m. spellings>
Sent: 1/23/2003 8:56:40 AM
Subject: : Re: liability reform

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-JAN-2003 13:56:40.00
SUBJECT:: Re: liability reform
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=opd/O=eop@exchange@eop [OPD])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
CC:margaret m. spellings (CN=margaret m. spellings/OU=opd/O=eop@exchange@eop [OPD])
READ:UNKNOWN
End Original ARMS Header

I wonder why both cannot move fast in the House. We can explore that tomorrow.

Diana L. Schacht
01/23/2003 11:40:50 AM
Record Type: Record

To: Margaret M. Spellings/OPD/EOP@Exchange@EOP, Jay P. Lefkowitz/OPD/EOP@Exchange@EOP, Kristen Silverberg/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: liability reform

I've been told that because leadership has indicated to the House Judiciary Committee that we would like them to move quickly on medical liability, they have changed plans to move class action first. I think class action would have been able to move very fast (they've passed it twice already), but this now means that class action won't move til April.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
Sent: 1/23/2003 5:17:59 AM
Subject: : Re: Native American outreach

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-JAN-2003 10:17:59.00
SUBJECT:: Re: Native American outreach
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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Douglas L. Hoelscher
01/23/2003 10:10:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Native American outreach

Brett,
Doug Domenech and some other political appointees at the Department of Interior have requested a meeting to discuss Native American outreach efforts and ideas. We are thinking of setting this meeting up to include some DOI politicals, some folks from OPA and IGA and if you think it is ok, a person from the RNC -- is it ok to have an RNC outreach person in this meeting?
-Doug

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>
Sent: 1/23/2003 9:34:34 AM
Subject: Re: Please disregard last email--- oops!

no problem

From: Charlotte L. Montiel/WHO/EOP@Exchange on 01/23/2003 09:34:29 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Please disregard last email--- oops!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>
Sent: 1/23/2003 10:00:18 AM
Subject: : Re: Warner

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-JAN-2003 15:00:18.00
SUBJECT:: Re: Warner
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

this one came out ok. can you send me the index. thanks
```

From: CN=John F. Wood/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Edward McNally/WHO /EOP@EOP [WHO] <Edward McNally>
CC: Kimberley S. Luczynski/OMB/EOP@EOP [OMB] <Kimberley S. Luczynski>;Philip J. Perry/OMB /EOP@EOP [OMB] <Philip J. Perry>
Sent: 1/23/2003 10:24:05 AM
Subject: : memo to TPO

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:John F. Wood (CN=John F. Wood/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:23-JAN-2003 15:24:05.00
SUBJECT:: memo to TPO
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kimberley S. Luczynski (CN=Kimberley S. Luczynski/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

Final version of memo to TPO.
---------- Forwarded by John F. Wood/OMB/EOP on 01/23/2003 03:22 PM ----------

Bessie M. Weaver
01/22/2003 06:48:31 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Stephen A. Weigler/OMB/EOP@EOP, Philip J. Perry/OMB/EOP@EOP, John F. Wood/OMB/EOP@EOP
Subject:

MEMORANDUM TO OMB TPO STAFF

FROM: PHILIP J. PERRY, GENERAL COUNSEL

SUBJECT: TRANSFER AND HANDLING OF TPO RECORDS

This memorandum provides guidance to all personnel of the Transition Planning Office (TPO). It addresses all documents or email in TPO files, including those received from the White House. Please note that some sections apply to TPO employees who are transferring to the new Department of Homeland Security (DHS), while other sections apply to TPO employees transferring to other agencies.

White House Documents (applies to all TPO employees):
When TPO was created, the White House Counsel,s Office made special arrangements for handling documents from "White House" entities that were temporarily provided to TPO personnel (OMB is not a "White House" entity under relevant law). Those arrangements (addressed in depth in earlier memoranda from the White House Counsel's Office) applied generally to emails and other documents from OHS and other White House entities. Those materials should already have blue cover sheets and/or bear the legend & White House-controlled Material/Protected from Disclosure.8
Please return all such materials to the White House entity from which they originated by routing them through Ken Hill, Executive Secretary for TPO. You should not take copies of any materials from White House entities with you, unless you receive clearance to do so by Ed McNally, OHS General

Counsel.
If you have any questions regarding the treatment of materials from White House entities, please contact Ed McNally at 6-1700.

All other Documents (applies to TPO employees transferring to DHS):

Documents or Email Created at TPO: You may take to DHS copies of any paper documents or email you created at TPO. However, you should make copies only of materials that you will need to perform your mission at DHS . You do not need to check with a lawyer before taking these copies. Keep in mind that the Office of Administration (OA) will be able to provide you access to your TPO materials even after your transfer to DHS.

Documents Received from OMB: You may also take to DHS documents received from OMB, except for Director's Review Books, passback materials or other internal OMB deliberative material not typically shared with agencies. If you have any questions about the nature of OMB documents in your possession, please consult Kimberley Luczynski at 5-7870.

Other Documents Received at TPO: Unless received from OHS or other White House entities, you are free to take copies to DHS.

Archiving: When you depart for the new Department, OA will ensure that all of your original TPO files are properly archived. The appropriate contact at OA is Markus Most at 5-6471. Mr. Most will send, under separate cover, instructions regarding archiving your originals.

For TPO employees transferring to agencies other than DHS: You may not take copies of any TPO documents with you. As above, OA will ensure that all of your original TPO files are properly archived.

Message Sent
To:_____
Jessica Himanga TPO/TPO/OMB/EOP@EOP
Theodore Gangsei TPO/TPO/OMB/EOP@EOP
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Marc C. Sanderson TPO/TPO/OMB/EOP@EOP
Tillie M. James TPO/TPO/OMB/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Heather Wingate/WHO /EOP@EOP [WHO] <Heather Wingate>
Sent: 1/23/2003 7:23:48 AM
Subject: : current draft of op-ed

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-JAN-2003 12:23:48.00
SUBJECT:: current draft of op-ed
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Confirm Judge Pickering
by Alberto R. Gonzales

The controversy over President Bush's nomination of Judge Charles Pickering to the U.S. Court of Appeals for the Fifth Circuit, and the recent threats by some Senators to filibuster to prevent an up-or-down Senate vote, illustrate how far the judicial confirmation process has degenerated. Judge Pickering is well-qualified, he should receive an up-or-down Senate vote (as should all judicial nominees), and he should be confirmed.

In 1990, the Senate confirmed Judge Pickering unanimously to be a federal district judge, and he has served with distinction since then. He previously worked in private practice and as a county prosecutor, city judge, and state legislator. He graduated first in his law school class. He has been extraordinarily active in community service activities. The American Bar Association rated him &well-qualified.8 And he has very strong bipartisan support, including from Democrat Governor Musgrove, Democrat Attorney General Moore, Clinton Administration Assistant Attorney General Frank Hunger, and 18 past Presidents of the state bar, among many others.

While sometimes cloaked in other language, the opposition to Judge Pickering has boiled down to a single allegation: that he has demonstrated racial insensitivity during his life. That is a serious charge; indeed, no allegation with respect to a prospective judicial nominee is taken more seriously by President Bush. But the allegation does not square with Judge Pickering,s record, both professional and personal. Judge Pickering has a long record of advancing racial harmony and progress in Mississippi. His efforts began in the 1960,s and have continued to the present. As Charles Evers, the brother of slain Mississippi civil rights leader Medgar Evers, stated, Judge Pickering &was standing up for blacks in Mississippi when no other white man would.8 An account of these efforts demonstrates that the attacks against Judge Pickering have been ill-informed.

In the 1960,s, Judge Pickering was a county prosecutor in Mississippi who aggressively investigated and prosecuted the Ku Klux Klan. Charles Harrison, the first African-American police officer in the Laurel, Mississippi, police department, explained what this effort entailed: & Charles Pickering worked with the FBI to investigate and prosecute violent KKK members. He put his, his wife,s, and his children,s lives at risk by doing this.8 And as a direct result, Judge Pickering lost his re-election as county attorney. Chet Dillard, who was a Mississippi District Attorney at the time, stated: &Charles has always stood tall for justice when very few people would make a stand at all.8

In the 1960,s and 1970,s, Judge Pickering sent his children to

majority-black public schools in Mississippi. He explained: &My young daughters) the first year that they paired schools, which meant that they would be going to a majority-black school; it was a previously all-black school) they went to the previously black school and that is where they got their education. We stayed with the public schools. We helped integrate the public schools.8

In 1971, Judge Pickering ran for state senate and received two-thirds of the African-American vote. Then in 1976, soon after he became chair of the state Republican Party, Judge Pickering hired the state party,s first African-American staffer, James King. Mr. King has stated that Judge Pickering was a &mentor8 and added: &I have known Judge Pickering for 25 years and can and do state without hesitation that he is a man of great morals and principles and I have found him to be completely void of racism in his approach to dealing with issues of race.8

In 1981, as a private lawyer, Judge Pickering defended an African-American man accused of robbing a white woman at knifepoint. The defendant,s father stated that &Judge Pickering believed that my son was entitled to a good defense even though it was not a popular move for him politically.8

In 1983, while Judge Pickering was President of the Mississippi Baptists, the Southern Baptist Convention invited an African-American pastor to speak at the convention for the first time. And in the late 1980,s, when an African-American was denied admission to a fraternity that Judge Pickering had belonged to, Judge Pickering discussed the matter with his son (Congressman Pickering), who flew down from Washington, addressed the chapter, and integrated it.

Judge Pickering,s efforts have continued to this day. In 1988 and 1989, Judge Pickering chaired a bi-racial, bipartisan commission in Jones County that was formed to advance race relations. In 1998, Judge Pickering became a member of the University of Mississippi Institute for Racial Recononciliation and later served on the board. And Judge Pickering authored a 1999 article entitled &Racial Harmony Requires Commitment.8

Based on this extensive record, numerous people) black and white, Republican and Democrat) have written letters of support that debunk the Washington-based criticism of Judge Pickering. The former president of the NAACP in Forrest County (who also has served as a state coordinator for Rev. Jackson,s Rainbow Coalition) wrote that Judge Pickering has been a &major bridge builder8 and has &developed platforms that have eased racial tensions.8 Former Democrat Governor Winter wrote that Judge Pickering &has been one of this state,s most dedicated and effective voices for breaking down racial barriers.8 Johnny Dupree, the African-American Mayor of Hattiesburg, wrote that &Judge Pickering is a model citizen8 and &has received much praise from local and state African American leaders who can attest to his commitment to being fair toward all citizens.8 Judge Damon Keith, one of the country,s leading appeals court judges and an African-American appointee of President Carter, wrote that he was &absolutely convinced that Judge Pickering,s entire life has been dedicated to the principle spelled out in the Declaration of Independence that says all men are created equal.8 Finally, Frank Hunger, who was Assistant Attorney General under President Clinton and is Al Gore,s brother-in-law, wrote: &I have known Judge Pickering for nearly thirty years and have the utmost respect for him as a fair-minded judge who would never knowingly do anything improper or unethical. He is a person of great integrity, strong moral character, courage and compassion who treats all who come before him in a fair and dignified way. . . I think it most regrettable that his nomination has become controversial.8

Opponents have ignored this record and support and instead seized on two main issues to try to demonize Judge Pickering. First, Judge Pickering wrote a student paper in 1959 that analyzed Mississippi,s law against inter-racial marriage (nearly two dozen states had such laws in force before the Supreme Court declared them unconstitutional in 1967). The article analyzes the law, but does not take a moral position on it, and critics have seized on the lack of criticism to attack Judge Pickering.

The law was reprehensible and warrants explicit condemnation, as Judge Pickering himself has explained. The 1959 student analysis does not negate Judge Pickering,s extensive 40-year history of promoting racial harmony and progress for African-Americans in which he has worked to integrate his state, his church, his public schools, his fraternity, and his dinner table.

Second, some have pointed to Judge Pickering,s actions in a cross-burning case in 1994, arguing that he was lenient in sentencing a convicted cross-burner. That allegation is a gross distortion. Four facts bear emphasis. First, there were three defendants involved, and the prosecutors inexplicably allowed two (including the ringleader) to plead guilty with no prison time. Second, Judge Pickering sentenced the third defendant to 27 months, imprisonment, which was more prison time than the Justice Department had offered this defendant in plea bargain negotiations; moreover, the Justice Department did not appeal the sentencing decision. Third, Judge Pickering expressed concern about the inequitable sentences imposed on the three defendants (he has expressed similar concerns in other cases), which stemmed from the fact that the prosecutors had allowed the ringleader of the incident to plead guilty with no prison time. Fourth, and most important for present purposes, there is no doubt that Judge Pickering believed the crime reprehensible. At the sentencing hearings, Judge Pickering stated the following: &This is conduct that is reprehensible. It cannot, it will not be tolerated . . . . You are going to the penitentiary because of what you did. And it is an area that we have got to stamp out, that we have got to learn to live races among each other. And the type of conduct that you exhibited cannot and will not be tolerated. You did that which does hinder good race relations and was a despicable act. I would suggest to you that during the time that you are in the prison that you do some reading on race relations.8

Judge Pickering is, as the American Bar Association concluded, well qualified. His record should be debated and analyzed fairly, he should receive an up-or-down Senate vote, and he should be confirmed.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Emily Winland/OPD/EOP@EOP [OPD] <Emily Winland>
Sent: 1/23/2003 8:33:40 AM
Subject: : Re: Liability Meeting (new location)

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-JAN-2003 13:33:40.00
SUBJECT:: Re: Liability Meeting (new location)
TO:Emily Winland (CN=Emily Winland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

I will be there.

Emily Winland
01/23/2003 01:31:02 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
bcc:
Subject: Re: Liability Meeting (new location)

This meeting will now be in Jay's office.

thanks,
Emily

Emily Winland
01/23/2003 01:24:00 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Layton Skelly/OPD/EOP@EOP, Lauren J.
Vestewig/OPD/EOP@Exchange@EOP, Diana L. Schacht/OPD/EOP@EOP
Subject: Liability Meeting

There will be a meeting tomorrow 1/24 to discuss strategy on medical
malpractice and class action.
It is at 9:30am in room 211, EEOB.
; ;
Please confirm your attendance.

thanks,
Emily
6-6534
;

Message Sent
To:_____
Alan Gilbert/OPD/EOP@EOP

Amy Jensen/WHO/EOP@Exchange
Heather Wingate/WHO/EOP@EOP
Robert Marsh/WHO/EOP@Exchange
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@Exchange@EOP

Message Sent
To:_____
alan gilbert/opd/eop@eop
amy jensen/who/eop@exchange
heather wingate/who/eop@eop
robert marsh/who/eop@exchange
brett m. kavanaugh/who/eop@eop
kristen silverberg/who/eop@exchange@eop
layton skelly/opd/eop@eop
lauren j. vestewig/opd/eop@exchange@eop
diana l. schacht/opd/eop@eop

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>
Sent: 1/23/2003 12:51:31 PM
Subject: Re: What's your fax number?

202 757 0144 -- what is it

From: Charlotte L. Montiel/WHO/EOP@Exchange on 01/23/2003 12:25:24 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: What's your fax number?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>
CC: jay p. lefkowitz/opd/eop@exchange@eop [OPD] <jay p. lefkowitz>;kristen silverberg/who /eop@exchange@eop [WHO] <kristen silverberg>;margaret m. spellings/opd /eop@exchange@eop [OPD] <margaret m. spellings>
Sent: 1/23/2003 8:56:40 AM
Subject: : Re: liability reform

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-JAN-2003 13:56:40.00
SUBJECT:: Re: liability reform
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=opd/O=eop@exchange@eop [OPD])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
CC:margaret m. spellings (CN=margaret m. spellings/OU=opd/O=eop@exchange@eop [OPD])
READ:UNKNOWN
End Original ARMS Header

I wonder why both cannot move fast in the House. We can explore that tomorrow.

Diana L. Schacht
01/23/2003 11:40:50 AM
Record Type: Record

To: Margaret M. Spellings/OPD/EOP@Exchange@EOP, Jay P. Lefkowitz/OPD/EOP@Exchange@EOP, Kristen Silverberg/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: liability reform

I've been told that because leadership has indicated to the House Judiciary Committee that we would like them to move quickly on medical liability, they have changed plans to move class action first. I think class action would have been able to move very fast (they've passed it twice already), but this now means that class action won't move til April.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Charlotte L. Montiel/WHO/EOP@Exchange@EOP [WHO] <Charlotte L. Montiel>;Carolyn Nelson/WHO/EOP@Exchange@EOP [WHO] <Carolyn Nelson>
Sent: 1/23/2003 10:46:15 AM
Subject: : red tag

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-JAN-2003 15:46:15.00
SUBJECT:: red tag
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I only received one -- Mayors. No comments.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
CC: Charlotte L. Montiel/WHO/EOP@Exchange@EOP [WHO] <Charlotte L. Montiel>
Sent: 1/23/2003 10:59:50 AM
Subject: : RE: red tag

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-JAN-2003 15:59:50.00
SUBJECT:: RE: red tag
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No comments on radio address..

From: Carolyn Nelson/WHO/EOP@Exchange on 01/23/2003 03:49:23 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: red tag

I just resent the other, re: the President's weekly radio address.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, January 23, 2003 3:42 PM
To: Nelson, Carolyn; Montiel, Charlotte L.
Subject: red tag

I only received one -- Mayors. No comments.

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/23/2003 11:01:32 AM
Subject: : RE: did you get a chance to talk to dan?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:23-JAN-2003 16:01:32.00
SUBJECT:: RE: did you get a chance to talk to dan?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No, not yet, everything is pretty much SOTU here(. Trying and will definitely speak with him tonight or tomorrow morning...

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, January 23, 2003 3:55 PM
To: Snee, Ashley
Subject: did you get a chance to talk to dan?

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/23/2003 11:15:12 AM
Subject: : RE: red tag

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:23-JAN-2003 16:15:12.00
SUBJECT:: RE: red tag
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Perfecto. Thanks.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, January 23, 2003 3:56 PM
To: Nelson, Carolyn
Cc: Montiel, Charlotte L.
Subject: RE: red tag

No comments on radio address..

From: Carolyn Nelson/WHO/EOP@Exchange on 01/23/2003 03:49:23 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: red tag

I just resent the other, re: the President's weekly radio address.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, January 23, 2003 3:42 PM
To: Nelson, Carolyn; Montiel, Charlotte L.
Subject: red tag

I only received one -- Mayors. No comments.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 1/23/2003 11:19:07 AM
Subject: : Re: Pls let me know when Judge has signed docs memo
Attachments: P_FS29D003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-JAN-2003 16:19:07.00
SUBJECT:: Re: Pls let me know when Judge has signed docs memo
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Hooray. Another purple heart for you.

From: Edward McNally on 01/23/2003 04:17:19 PM
Record Type: Record

To: David G. Leitch/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Pls let me know when Judge has signed docs memo

We can handle distribution today quickly via OHS Exec. Sec. if you like since it's a limited group that needs to receive it.
Also, fyi re: your earlier question below, att'd is the housekeeping memo from OHS Exec Sec to DHS Exec Sec re: docs return.

From: Edward McNally on 01/23/2003 03:08:47 PM
Record Type: Record

To: David G. Leitch/WHO/EOP@Exchange
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc: Records Management@EOP
Subject: Re: Have we . . .

There is a draft OHS memo ready to go out re: this. Because it references the basic docs memo that the Judge is expected to sign today (Carrie tells me it's being looked at by the CoS office at the Judge's request) it has not yet been transmitted.

My expectation would be that this wld just be a routine housekeeping request, for the record (as it were), from OHS Exec. Sec to TPO Exec. Sec.
First, as a practical matter, this is largely (but not exclusively) an OHS-TPO docs matter. Second, the memos from Phil (yesterday to all TPO/OMB) and from the Judge (the one that's in the hopper today) pretty much cover the map and are fairly detailed as it is.
But if you think in terms of completeness it has to be a White House-wide request -- a formal memo from Judge Gonzales to Phil Perry, e.g. -- it'd still be easy to tweak the draft quickly and do it that way today.

For this housekeeping memo -- which route wld you prefer?

From: David G. Leitch/WHO/EOP@Exchange on 01/23/2003 12:34:08 PM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP
cc:
Subject: Have we . . .

;;; requested the return from TPO of all hard copies of White House materials?

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FS29D003_WHO.TXT_1>

January 23, 2003

MEMORANDUM FOR KEN HILL

FROM: TIM STOUT

SUBJECT: RETURN OF ANY OHS DOCUMENTS FROM TPO

This memorandum is respectfully submitted to help address any open housekeeping matters regarding document returns, and thus to help facilitate the relevant requests concerning certain White House materials made in yesterday's OMB GC memo to OMB TPO staff. In particular, we understand that TPO returns of any White House materials will be routed through your office. By way of background, we understand that on January 17, 2003, the Director of the Office of Management and Budget (OMB) issued a memorandum advising that on January 24, 2003, the "Transition Planning Office within OMB will cease operations". We also reference the Memorandum of Understanding (MOU) executed on behalf of the WHO, OMB and OVP on July 26, 2002. As you know, it is noted in that MOU (at section II, "Return of White House Materials") that certain "White House entities" (a defined term) will be making certain documents available to the Transition Planning Office (TPO) on a "temporary basis for the limited purpose of transition planning and related activities", and on condition of confidentiality, and that "TPO staff shall have an obligation to return such documents to the originating White House entity" in a prompt and timely manner.

White House Office (WHO) staff have this week retrieved the original WHO documents, blue cover sheets and other materials used by WHO personnel on the 9th floor at 1800 G Street to track White House materials that were made available to TPO pursuant to the MOU and my memorandum of July 26, 2002. They will be returned to the originating WHO offices. That said, we recognize that there may be additional Office of Homeland Security (OHS) or other White House materials that were made available to TPO that could still be at TPO. Pursuant to the July 26, 2002 WHCO memorandum and the MOU noted above, any such documents should bear the marking: "White House-controlled Material/Protected from Disclosure" (the MOU, e.g., notes that White House materials should be so marked "whenever practicable"). In keeping with OMB GC memo yesterday, we would ask that TPO please return any such remaining OHS materials to the OHS Executive Secretary's office. Assuming there is only a modest quantity of White House materials that originated in WHO offices other than OHS (if any), you are also welcome to transmit any such materials via our office and we will arrange to return them to the White House entity from which they originated. Please contact me or OHS Associate Counsel Faisal Gill with any questions.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
CC: david g. leitch/who/eop@exchange [WHO] <david g. leitch>
Sent: 1/23/2003 11:40:03 AM
Subject: : RE: USTR FOIA case

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-JAN-2003 16:40:03.00
SUBJECT:: RE: USTR FOIA case
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:david g. leitch (CN=david g. leitch/OU=who/O=eop@exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Once the appeal decision is rendered, I would hope the process at USTR proceeds more smoothly.

David S. Addington
01/23/2003 04:24:47 PM
Record Type: Record

To: David G. Leitch/WHO/EOP@Exchange
cc: brett m. kavanaugh/who/eop@eop
Subject: RE: USTR FOIA case

David:

USTR needs to get squared away -- if there is a real problem here, I wish USTR would just tell us what it is -- we might have some creative ideas for solving the problem.

They don't need a new Executive Order on classification to get the job done -- E.O. 12958 is clear on the applicable standards and is explicit on the post-FOIA request classifiability of documents. In addition, USTR GC has the authority to get the job done himself (see Fed. Reg. notice below):

* * * * *

NOTICES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Designation of Senior Agency Official Under Executive Order 12958

Wednesday, June 6, 2001

*30499 AGENCY: Office of the United States Trade Representative.

ACTION: Notice of designation of "Senior Agency Official" for certain purposes
under section 5.6 of Executive Order 12958 entitled "Classified National Security Information."

SUMMARY: The General Counsel of the Office of the U.S. Trade

Representative
has been designated as the senior agency official for purposes of section 1.8(d)
of Executive Order 12958 and has the authority, along with the United States Trade Representative (USTR) and the Deputy USTRs, to classify or re-classify information that has not previously been disclosed
to the public after a request for it has been received under the Freedom of
Information Act (FOIA) or the Privacy Act of 1974.

FOR FURTHER INFORMATION CONTACT: The FOIA Office, Office of the U.S. Trade Representative, 600 17th Street, NW., Washington, DC 20508. The telephone number is (202) 395-3419.

SUPPLEMENTARY INFORMATION: Executive Order 12958 ("the Order") provides that heads of agencies that originate or handle classified information
shall designate one or more senior agency officials to carry out certain duties and responsibilities under the Order. On May 10, 2001, U.S. Trade Representative Robert Zoellick designated the position of General Counsel as a "Senior Agency Official" pursuant to the provisions of section 5.6 of the Order.
The General Counsel shall have the authority to classify or re-classify information
after a request has been received under the Freedom of Information Act, 5 U.S.C. 552, or the Privacy Act of 1974, 5 U.S.C. 552a, so long as that information has not previously disclosed to the public. Such classification
or re-classification shall be done in a manner that meet the requirements of the Order and on a document-by-document basis.

Sybia Harrison,

Agency FOIA Officer.

[FR Doc. 01-14147 Filed 6-5-01; 8:45 am]

BILLING CODE 3190-01-M

66 FR 30499-01, 2001 WL 606856 (F.R.)
END OF DOCUMENT

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 1/23/2003 3:46:52 PM
Subject: Re: Meeting on FOIA obligations related to international trade negotiation

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/23/2003 03:50 PM ----------

Brett M. Kavanaugh

01/23/2003 03:45:53 PM

Record Type: Record

To: David S. Addington/OVP/EOP@EOP

cc:

bcc: Records Management@EOP

Subject: Re: Meeting on FOIA obligations related to international trade negotiation <<...>>

excellent. I think we are on same page entirely.

David S. Addington

01/23/2003 03:48:07 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: Meeting on FOIA obligations related to international trade negotiation

Brett: I sent Paul C. my two cents.

---------- Forwarded by David S. Addington/OVP/EOP on 01/23/2003 04:04 PM ----------

David S. Addington

01/23/2003 02:48:13 PM

Record Type: Record

To: David G. Leitch/WHO/EOP@Exchange@EOP

cc:

Subject: Re: Meeting on FOIA obligations related to international trade negotiation

Copy for your info.

---------- Forwarded by David S. Addington/OVP/EOP on 01/23/2003 03:04 PM ----------

David S. Addington

01/23/2003 02:47:23 PM

Record Type: Record

To: "Clement, Paul D"

cc:

Subject: Re: Meeting on FOIA obligations related to international trade negotiation <<...>>

Paul:

I don't plan to come to the meeting, but I thought I'd give you my thoughts:

1. **As a general proposition, the ability of the United States to obtain foreign government information on a promise of confidentiality and to keep it confidential is a very high priority U.S. interest.** (Judge Friedman's opinion acknowledged that the U.S. obtained the documents at issue from Chile on a promise of confidentiality. I have not, of course, seen the actual documents at issue here.)

2. Information obtained in confidence from a foreign government usually can be properly classified under Executive Order 12958 (which would bring them within the scope of FOIA exemption (b)(1) -- which I would bet the court would uphold, having noted Judge Friedman's comments that indicate he understands why the U.S. Government needs the ability to keep confidential information it receives on a promise of confidentiality from a foreign government).

3. Judge Friedman's rejection of FOIA exemption (b)(5) as a basis for withholding seems to me like it is on fairly strong ground -- appealing the (b)(5) decision to the DC Circuit poses a substantial risk of a damaging affirmance on the (b)(5) rejection.

4. The DC Circuit has decent law on coming in with a last-minute FOIA (b)(1) classification claim after a different exemption has been considered and rejected -- they don't like it, of course, but they allow it.

5. Do we know why USTR resists classification of the documents? One possibility is that the documents are not classifiable -- that seems unlikely. Another possibility is that USTR either has shown, or wants to be able to show, the documents to its advisory groups, which may include people who do not have clearances -- this is solvable. Also, I think the E.O. recognizes a concept of providing protection commensurate with that afforded by the foreign government, and I think there is decent case law on the point that the Government does not "waive" classification when it shows classified documents to some people for official purposes.

6. In short, without knowing any more than what is in Judge Friedman's opinion, it strikes me that the best way out of this is to classify the documents (assuming they are classifiable), claim (b)(1), and move to reconsider on (b)(1) grounds before Judge Friedman, being very sheepish about it and citing the DC last-minute-national-security cases. If there is absolutely no way that a (b)(1) claim can lawfully be made, then perhaps we need to bite the bullet now -- it strikes me as very unlikely that you would get a reversal in the DC Circuit of Judge Friedman's decision on the (b)(5) claim.

7. Let me emphasize that my key concern is with the principle that the U.S., in its dealings with foreign governments, needs the ability to promise and deliver confidentiality. I rely on you fellows who know the details of the case, and know best how to litigate, to get to that objective.

From:	Nelson, Carolyn
To:	<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Berenson, Bradford A.>;<Brilliant, Hana F.>;<Francisco, Noel J.>;<Gonzales, Alberto R>;<Kavanaugh, Brett M.>;<Montiel, Charlotte L.>;<Newstead, Jennifer G.>;<Powell, Benjamin>;<Sampson, Kyle>; <Walker, Helgard C.>
Sent:	1/23/2003 4:09:16 PM
Subject:	TIME CHANGE- Tomorrow's Meeting with the President re: Judges/US Attorney

Please note that the meeting will now be at **2:15 pm.** Prep from **2:00 - 2:10 pm** in the Judge's Office.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
CC: <Addington, David S.>
Sent: 1/23/2003 4:14:31 PM
Subject: RE: USTR FOIA case

perfect.

From: David G. Leitch/WHO/EOP@Exchange on 01/23/2003 04:16:43 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP

cc:

Subject: RE: USTR FOIA case

I think we're all on the same page. After David and the Judge and I talked this morning, I strongly hinted to Peter Davidson that we would want USTR to classify, and we agreed to talk after his meeting tomorrow at the SG's office. He's still holding out hope that an appeal will be approved; I believe that's a vain hope and told him as much, but it seemed to me we should let that play out tomorrow so he can realize it's classify or nothing. It certainly won't be shocking to Peter D. if Peter K. says that Counsel's office thinks USTR should classify. Davidson suggested they might need a new EO in order to classify; is that accurate?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Thursday, January 23, 2003 3:28 PM

To: Leitch, David G.; Addington, David S.

Subject: USTR FOIA case

To avoid confusion, fyi that I have had several conversations over the last several weeks with Peter Keisler about this case that reflect my views on it (not a very good appeal vehicle, have USTR classify). I am sure Peter believes these views represent the views of the Counsel's office and will so represent. I have not talked directly to Clement about it. Just wanted to let you know because there appear to be a lot of parallel discussions occurring on this one, and we obviously need to be on same page. I also have exchanged voice mails with Friberg (Dep. at USTR) about it but have not actually talked to him. Until today, I always have been told that classification was a viable option (and I believe it still is), so the only question was whether to appeal essentially on principle.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Addington, David S.>
Sent: 1/23/2003 4:16:43 PM
Subject: RE: USTR FOIA case

I think we're all on the same page. After David and the Judge and I talked this morning, I strongly hinted to Peter Davidson that we would want USTR to classify, and we agreed to talk after his meeting tomorrow at the SG's office. He's still holding out hope that an appeal will be approved; I believe that's a vain hope and told him as much, but it seemed to me we should let that play out tomorrow so he can realize it's classify or nothing. It certainly won't be shocking to Peter D. if Peter K. says that Counsel's office thinks USTR should classify. Davidson suggested they might need a new EO in order to classify; is that accurate?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Thursday, January 23, 2003 3:28 PM

To: Leitch, David G.; Addington, David S.

Subject: USTR FOIA case

To avoid confusion, fyi that I have had several conversations over the last several weeks with Peter Keisler about this case that reflect my views on it (not a very good appeal vehicle, have USTR classify). I am sure Peter believes these views represent the views of the Counsel's office and will so represent. I have not talked directly to Clement about it. Just wanted to let you know because there appear to be a lot of parallel discussions occurring on this one, and we obviously need to be on same page. I also have exchanged voice mails with Friberg (Dep. at USTR) about it but have not actually talked to him. Until today, I always have been told that classification was a viable option (and I believe it still is), so the only question was whether to appeal essentially on principle.

From: CN=Jennifer G. Newstead/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/23/2003 1:28:20 PM
Subject: : tomorrow's meeting

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-JAN-2003 18:28:20.00
SUBJECT:: tomorrow's meeting
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett, with the time change, I can't make tomorrow's meeting without major
disruption. If you don't mind covering for me I would appreciate it.
Thanks.
```

From: Jones, Alison

To: john.duncan@do.treas.gov <john.duncan@do.treas.gov>;david.aufhauser@do.treas.gov <david.aufhauser@do.treas.gov>;robert.nichols@do.treas.gov <robert.nichols@do.treas.gov>;tim.adams@do.treas.gov <tim.adams@do.treas.gov>;april.lehman@do.treas.gov <april.lehman@do.treas.gov>;april.lehman@do.treas.gov <Goldman, Adam B.>;april.lehman@do.treas.gov <Hennessey, Keith>;april.lehman@do.treas.gov <Powell, Dina>;april.lehman@do.treas.gov <Snee, Ashley>;april.lehman@do.treas.gov <Kavanaugh, Brett M.>;janet.jones@do.treas.gov <janet.jones@do.treas.gov>;janet.jones@do.treas.gov <Ojakli, Ziad>;janet.jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Wolff, Candida P.>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>

Sent: 1/23/2003 5:56:24 PM

Subject: NO Snow Conference Call Tonight

There will be a call tomorrow - time TBD.

Thanks.

From: Estrada, Miguel A. <MEstrada@gibsondunn.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/23/2003 2:39:57 PM
Subject: : Re: coherent?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ("Estrada, Miguel A."
<MEstrada@gibsondunn.com> [UNKNOWN])
CREATION DATE/TIME:23-JAN-2003 19:39:57.00
SUBJECT:: Re: coherent?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can't read the attachment.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov <Brett_M._Kavanaugh@who.eop.gov>
To: Estrada, Miguel A. <MEstrada@gibsondunn.com>
Sent: Thu Jan 23 16:07:23 2003
Subject: coherent?

Justice O

==========
===

This message may contain confidential and privileged information. If it
has been sent to you in error, please reply to advise the sender of the
error and then immediately delete this message.
==========
===

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>;David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>;Ashley Holbrook/WHO/EOP@EOP [WHO] <Ashley Holbrook>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/24/2003 4:42:04 AM
Subject: : Great turnout

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-JAN-2003 09:42:04.00
SUBJECT:: Great turnout
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alison Jones ( CN=Alison Jones/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Holbrook ( CN=Ashley Holbrook/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

The only repub missing from the markup this morning is specter.
Hatch just indicated he will move to hold over miguel in exchange for vote
on miguel occuring next thursday. So looks like vote will be next thurs
for sure.....

.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam B. Goldman/WHO/EOP@EOP [WHO] <Adam B. Goldman>
Sent: 1/24/2003 3:53:41 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-JAN-2003 08:53:41.00
SUBJECT::
TO:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

You are always free to attend fundraisers.
```

From: Lefkowitz, Jay P.
To: <Bellinger, John B.>;<Kavanaugh, Brett M.>
Sent: 1/24/2003 8:48:47 AM
Subject: RE: Blocked Assets Meeting

John -- Can you ask Jock to identify the key policy issues that need to be addressed in a concise format?

thanks

-----Original Message-----
From: Bellinger, John B.
Sent: Friday, January 24, 2003 8:42 AM
To: Lefkowitz, Jay P.; Kavanaugh, Brett M.
Subject: Blocked Assets Meeting

I've looked over Aufahauser's memo and am disappointed. It does not really set forth, as we had asked, the half dozen or so **policy** issues that need to be decided. We'll have to muddle through. I have an NSC mtg with the President until about 10:00 and may be a fewminutes late.

From: CN=Blake Gottesman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/24/2003 5:45:27 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-JAN-2003 10:45:27.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

thanks for coming to the mtg. i'm sure i've ruffled some feathers and
pissed a few people off, but oh well.

i'll wait to hear from you on the outstanding issues.
```

From: CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange [OA]
To: Bruce O'Dell/OA/EOP@Exchange [OA] <Bruce O'Dell>;Layton Clay/OA/EOP@Exchange [OA] <Layton Clay>;Carlos Solari/OA/EOP@Exchange [OA] <Carlos Solari>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kimberley S. Luczynski/OMB/EOP@EOP [OMB] <Kimberley S. Luczynski>;Edward McNally/WHO /EOP@EOP [WHO] <Edward McNally>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Faisal M. Gill/WHO/EOP@EOP [WHO] <Faisal M. Gill>
Sent: 1/24/2003 6:17:37 AM
Subject: : TOP/Homeland Transition

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Adam F. Greenstone ( CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange [ OA ] )
CREATION DATE/TIME:24-JAN-2003 11:17:37.00
SUBJECT:: TOP/Homeland Transition
TO:Bruce O'Dell ( CN=Bruce O'Dell/OU=OA/O=EOP@Exchange [ OA ] )
READ:UNKNOWN
TO:Layton Clay ( CN=Layton Clay/OU=OA/O=EOP@Exchange [ OA ] )
READ:UNKNOWN
TO:Carlos Solari ( CN=Carlos Solari/OU=OA/O=EOP@Exchange [ OA ] )
READ:UNKNOWN
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Kimberley S. Luczynski ( CN=Kimberley S. Luczynski/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
CC:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
CC:Faisal M. Gill ( CN=Faisal M. Gill/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Please note that nobody in the Office of Administration has legal
authority to execute a request to copy records on behalf of a departing;
employee without authorization from the employee's EOP Office.; We obtain
this authorization through counsel for that organization.;
;
We need;to ensure that determinations by the appropriate counsel are
properly represented.; Accordingly, we should not rely on the outgoing
employee's representation of what counsel has determined.; Generally, we
should request an e-mail with the determination from the proper attorney,
however brief.; (OHS Counsel for OHS, NSC Counsel for NSC, WH Counsel for
WHO generally, see below for TPO.); To confirm an oral description of
approval by counsel, you can;simultaneously route it;to me and the;
approving attorney (Faisal Gill for OHS, Brett Kavanaugh for WHO
generally, John Bellinger for NSC, see below for TPO).;
;
I note that Judge Gonzales has issued a memo on handling of Presidential
records indicating that wholesale copying of electronic records will
generally not be approved.;;
;
I also note that Phil Perry, OMB General Counsel, has issued a memo to TPO
staff, which is copied below.; Other than areas where the memo authorizes
the copying of materials without further legal review, no such copying
should take place without the legal clearance described.; Please advise me
of any questions regarding interpretation that you may encounter.;
;
If any of the cc's;have any clarifications for their office that will
assist;technical staff, please;chip in.; I wrote this quickly to help;get
everyone on the same page.;
;
;
;
;
```

;
MEMORANDUM TO OMB TPO STAFF
;
FROM: ;PHILIP J. PERRY, GENERAL COUNSEL
;;
SUBJECT:;TRANSFER AND HANDLING OF TPO RECORDS
;
This memorandum provides guidance to all personnel of the Transition Planning Office (TPO).; It addresses all documents or email in TPO files, including those received from the White House.; Please note that some sections apply to TPO employees who are transferring to the new Department of Homeland Security (DHS), while other sections apply to TPO employees transferring to other agencies.;;;
;
White House Documents (applies to all TPO employees):
When TPO was created, the White House Counsel,s Office made special arrangements for handling documents from "White House" entities that were temporarily provided to TPO personnel (OMB is not a "White House" entity under relevant law).; Those arrangements (addressed in depth in earlier memoranda from the White House Counsel's Office) applied generally to emails and other documents from OHS and other White House entities.; Those materials should already have blue cover sheets and/or bear the legend & White House-controlled Material/Protected from Disclosure.8
Please return all such materials to the White House entity from which they originated by routing them through Ken Hill, Executive Secretary for TPO.
You should not take copies of any materials from White House entities with you, unless you receive clearance to do so by Ed McNally, OHS General Counsel.;
If you have any questions regarding the treatment of materials from White House entities, please contact Ed McNally at 6-1700.
;
All other Documents (applies to TPO employees transferring to DHS):
;
Documents or Email Created at TPO:;; You may take to DHS copies of any paper documents or email you created at TPO.; However, you should make copies only of materials that you will need to perform your mission at DHS.; You do not need to check with a lawyer before taking these copies.;; Keep in mind that the Office of Administration (OA) will be able to provide you access to your TPO materials even after your transfer to DHS.;;
;
;
Documents Received from OMB:;; You may also take to DHS documents received from OMB, except for Director's Review Books, passback materials or other internal OMB deliberative material not typically shared with agencies.; If you have any questions about the nature of OMB documents in your possession, please consult; Kimberley Luczynski at 5-7870.;;;;
;
Other Documents Received at TPO:;; Unless received from OHS or other White House entities, you are free to take copies to DHS.
;
Archiving:; When you depart for the new Department, OA will ensure that all of your original TPO files are properly archived.;;; The appropriate contact at OA is Markus Most at 5-6471.; Mr. Most will send, under separate cover, instructions regarding archiving your originals.
;
For TPO employees transferring to agencies other than DHS:; You may not take copies of any TPO documents with you.; As above, OA will ensure that all of your original TPO files are properly archived.
;
;
;
;except as approved by;counsel as described in Phil Perry's;Wednesday memo.;;Certain materials may be copied without further legal review as specifically described in Phil Perry's Wednesday memo.; Please simulataneously advise me and Ed McNally of any questions of interpreation regarding the Wednesday memo that may arise.; If anyone asserts without a written determination by counsel (which under the Wednesday memo will usually be OHS Counsel);that counsel has approved a request, please

simultaneously route the request to Ed and myself to confirm.;

From:	Jones, Alison
To:	john.duncan@do.treas.gov <john.duncan@do.treas.gov>;david.aufhauser@do.treas.gov <david.aufhauser@do.treas.gov>;robert.nichols@do.treas.gov <robert.nichols@do.treas.gov>;tim.adams@do.treas.gov <tim.adams@do.treas.gov>;april.lehman@do.treas.gov <april.lehman@do.treas.gov>;april.lehman@do.treas.gov <Goldman, Adam B.>;april.lehman@do.treas.gov <Hennessey, Keith>;april.lehman@do.treas.gov <Powell, Dina>;april.lehman@do.treas.gov <Snee, Ashley>;april.lehman@do.treas.gov <Kavanaugh, Brett M.>;janet.jones@do.treas.gov <janet.jones@do.treas.gov>;janet.jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Wolff, Candida P.>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>
CC:	<Ojakli, Ziad>
Sent:	1/24/2003 10:34:22 AM
Subject:	3:00pm Snow Conf. Call Today

There will be a conference call today at 3pm. The coordinates are:

456-2565
456-6799

code: 7412

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
CC: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>
Sent: 1/24/2003 7:17:13 AM
Subject: : State of the Union

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-JAN-2003 12:17:13.00
SUBJECT:: State of the Union
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

"It is long past time to change the tone of the judicial confirmation process. I want to work together with both Republicans and Democrats to ensure that every judicial nominee gets a hearing and a vote, now and in the future, matter who is President or which party controls the Senate."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
CC: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>
Sent: 1/24/2003 7:17:13 AM
Subject: : revised State of the Union excerpt

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-JAN-2003 12:17:13.00
SUBJECT:: revised State of the Union excerpt
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

"It is long past time to change the tone of the judicial confirmation
process. I want to work together with both Republicans and Democrats to
ensure that every judicial nominee gets a prompt hearing and a full Senate
vote, both now and in the future, no matter who is President or which
party controls the Senate."
```

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 1/24/2003 11:57:40 AM
Subject: tomorrow's meeting

per discussion

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/24/2003 12:05 PM ----------

Jennifer G. Newstead

01/23/2003 06:24:37 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: tomorrow's meeting

Brett, with the time change, I can't make tomorrow's meeting without major disruption. If you don't mind covering for me I would appreciate it. Thanks.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R>
CC: <Leitch, David G.>
Sent: 1/24/2003 12:01:04 PM
Subject: State of the Union

"It is long past time to change the tone of the judicial confirmation process. I want to work together with both Republicans and Democrats to ensure that every judicial nominee gets a hearing and a vote, now and in the future, matter who is President or which party controls the Senate."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>
Sent: 1/24/2003 1:41:39 PM
Subject: : Re: OHIO Asbestos
Attachments: P_AKRAD003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-JAN-2003 18:41:39.00
SUBJECT:: Re: OHIO Asbestos
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I would kick the invitation to Domestic Policy and Alan Gilbert or Diana Schacht to see if they want to participate (which I doubt).

Collister W. Johnson
01/24/2003 05:11:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: OHIO Asbestos

Brett -
I assume I am not allowed to attend a meeting like the one suggested below?
c

---------- Forwarded by Collister W. Johnson/WHO/EOP on 01/24/2003 05:13 PM ----------

Coddy Johnson <cjohnson@georgewbush.com>
01/24/2003 05:12:06 PM
Record Type: Record

To: "Wise, Michael" <MWise@Calfee.com>
cc:
Subject: Re: OHIO Asbestos

MessageMike -
thanks for your note -
i need to check with our counsel here, as us political guys are usually kept away from anything court-related -
hope you're hanging in there and that you had a great holidays!
talk to you soon -
c

----- Original Message -----
From: Wise, Michael
To: Coddy Johnson
Sent: Friday, January 24, 2003 4:49 PM
Subject: OHIO Asbestos

Coddy - Hope you well. We are doing a legislative initiative regarding asbestos for 10 Fortune 500 companies. Would it be possible to meet with you in DC on Feb. 4-5 with one of the CEO's and his General Counsel?

Mike Wise
Calfee, Halter, & Griswold LLP
1400 McDonald Investment Center
800 Superior Ave.
Cleveland, Ohio 44114
216-622-8265

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AKRAD003_WHO.TXT_1>

Mike -
thanks for your note -
i need to check with our counsel here, as us political guys are usually kept away from anything court-related -
hope you're hanging in there and that you had a great holidays!
talk to you soon -
c

----- Original Message -----
From: Wise, Michael
To: Coddy Johnson
Sent: Friday, January 24, 2003 4:49 PM
Subject: OHIO Asbestos

Coddy - Hope you well. We are doing a legislative initiative regarding asbestos for 10 Fortune 500 companies. Would it be possible to meet with you in DC on Feb. 4-5 with one of the CEO's and his General Counsel?

Mike Wise
Calfee, Halter, & Griswold LLP
1400 McDonald Investment Center
800 Superior Ave.
Cleveland, Ohio 44114
216-622-8265

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam.Charnes@usdoj.gov [UNKNOWN] <Adam.Charnes@usdoj.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>
Sent: 1/24/2003 10:41:15 AM
Subject: : Re: Leahy

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-JAN-2003 15:41:15.00
SUBJECT:: Re: Leahy
TO:Adam.Charnes@usdoj.gov (Adam.Charnes@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:<Brian.A.Benczkowski@usdoj.gov> (<Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Brian. Can you send it to me in tetx

.

----- Original Message -----
From:<Adam.Charnes@usdoj.gov>
To:<mestrada@gibsondunn.com>
Cc:<Brian.A.Benczkowski@usdoj.gov>,
Brett M. Kavanaugh/WHO/EOP@EOP
Date: 01/24/2003 03:30:36 PM
Subject: Leahy

FYI: http://leahy.senate.gov/press/200301/012403a.html

From: Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/24/2003 10:45:03 AM
Subject: : RE: Leahy

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ("Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:24-JAN-2003 15:45:03.00
SUBJECT:: RE: Leahy
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Opening Statement
Of Senator Patrick Leahy,
Ranking Democratic Member,
Judiciary Committee Business
Meeting

January 24, 2003

WELCOME

I start by ceremonially handing a gavel to Senator Hatch. If we always used the same gavel it would be dizzy from the changes we have gone through over the last couple of years.

I welcome back to the Committee those stout-hearted Senators who have returned. I welcome Senator Craig, who sat with us during our bipartisan Ruby Ridge oversight hearings a few years ago and has now chosen to join the panel as a member. I also welcome the other new members of the Committee and look forward to working with them.

It is my hope that we will find consensus items on which we can all work closely together, as we have done, for example, with Senator Feinstein's Amber Alert bill that passed the Senate earlier this week. I always am looking for areas of agreement with Senator Hatch and other members of this Committee. It is with that in mind that I will especially miss Senator Brownback, who has chosen to leave the Committee for greener pastures. I appreciate, as I know Senator Kennedy does, his work on the Immigration Subcommittee and in support of our legislative effort on corporate responsibility. I look forward to working with him and with Senator McConnell on the Appropriations Committee and on matters within this Committee's jurisdiction in which they retain interest.

ORGANIZATION

In addition to handing the gavel over to Senator Hatch I can report that we have had a very smooth implementation of our 50-50 agreement for sharing resources and that we have already succeeded in having Republican phone lines and staff shifted to our Committee reception room and have agreed on a number of nondesignated staff members to serve the entire Committee.

We need to follow through on the Committee's organization for this Congress by organizing our subcommittees, designating chairs and ranking members and assigning members. We also need to reaffirm or revise our Committee rules and should consider whether we wish to continue the protocol we have had on commemorative resolutions, private relief bills and private immigration bills. Those have traditionally been matters that commanded the Committee's attention at its first markups early in the session.

With respect to subcommittees, I understand Senator Hatch was giving thought to creating a Homeland Security Subcommittee. My approach last Congress was to encourage all of our subcommittees, including Immigration, Crime and Drugs, Terrorism, Constitution and Administration Oversight, to be involved in hearings and matters affecting homeland security. Our Committee and subcommittees were among the most active in the last Congress on issues of Homeland Security. The expertise and energy of our members and of these subcommittees account for some of the special strengths we have on this Committee. I am happy to discuss with the Chairman any ideas he has for subcommittees and would want all members to be heard and involved in those considerations. That is obviously something we should do sooner rather than later so that Subcommittee chairs and Ranking Members can know their responsibilities and can begin working together on hearings.

OVERSIGHT

I also hope that we will build upon the important oversight activities we began in the last Congress. Our hearings of homeland security issues, our oversight of the Department of Justice and of the FBI, and in particular our whistleblower hearings were important and constructive work. Indeed, it was not by coincidence that it was on the day of our hearing with FBI Agent Rowley that the Bush Administration reversed its position and announced support for a Homeland Security Department.

Our oversight responsibilities are a fundamental part of our congressional responsibilities. I was glad to work with Senator Grassley and Senator Specter as well as Senator Hatch in the last Congress to ensure that we did our best to fulfill those responsibilities. The Senate was intended to be a check on Executive power and to provide balance and accountability in our government. We should not become a marketing affiliate for the Administration but need to fulfill our intended role in this constitutional democracy. I want to work with the Chairman to do that and look forward to our jointly announcing a series of oversight hearings very quickly.

BIPARTISAN INTELLECTUAL PROPERTY AND TECHNOLOGY AGENDA

I have also asked my staff to work with Senator Hatch's staff in developing a series of hearings and legislative initiatives relating to intellectual

property and technology matters, an area in which we have historically worked closely together with great success.

ANTITRUST POLICY

Given our partnership on the Curt Flood Act, by which we finally passed legislation ending professional baseball's antitrust exemption, I also want to invite Senator Hatch, in particular, but also all members of the Committee on both sides of the aisle, to join with Senator Kennedy, Senator Durbin, Senator Edwards and me in amending the immunity from federal antitrust laws for the insurance business in matters relating to medical malpractice insurance. Price-fixing, bid-rigging and market allocations in medical malpractice insurance is simply intolerable. Physicians, patients and our Nation's health care will be the beneficiaries of such long overdue congressional action.

EXECUTIVE NOMINATIONS

We begin this session with a number of important Executive Branch vacancies. The Secretary of the Homeland Security Department was promptly confirmed earlier this week. The Commerce Committee held a hearing and meeting on the nomination of the Undersecretary of Border and Transportation Security. I was disappointed that that nomination was not referred to this Committee, as I believe it should have been, given the traditional jurisdiction of this Committee. Indeed, I chaired Administrator Hutchinson's hearing to head the Drug Enforcement Administration in the last Congress, and this Committee has traditional exercised fundamental jurisdiction over immigration, our criminal laws, and our borders. It may be that a few of the dozens of presidential nominees to the new Homeland Security Department will be referred to this Committee, and I look forward to working with the Chairman to prepare for hearings on those nominations.

In addition, I expect that we will soon have pending before this Committee the nomination of the President for the Associate Attorney General position, the third- or fourth-highest post within the Department of Justice. The President announced his intention to make this nomination back in early December. We have yet even to discuss when that hearing might take place and how to deal with the orders involving that nominee issued by a federal court. That nominee to become the Associate has been the Assistant Attorney General for the Civil Division, so that is another vacancy that will arise. In addition, there is a vacancy in the important position of Assistant Attorney General for the Antitrust Division. I also understand that the Assistant Attorney General for Legislative Affairs has now been assigned other responsibilities and that position, the Attorney General's liaison to the Congress, is also without a nominee. Accordingly, we will face again this year the circumstance I faced in 2001 when we had to find time to prepare for and hold nominations hearings on important Executive Branch nominees as well as judicial nominees. The difference will be that while there will be a number of

Executive Branch nominations hearings this year, they will not be nearly as many as we had to hold in 2001 and, hopefully, we will be able to proceed without the unprecedented circumstances we had to overcome in the wake of the September 11 attack and the anthrax letters sent to Senator Daschle and to me that closed the Senate office buildings and displaced so many for so long.

JUDICIAL NOMINATIONS

Then there are the continuing problems caused by the Administration's refusal to work with Democratic Senators to select consensus judicial nominees who could be confirmed relatively quickly by the Senate. In spite of the President's lack of cooperation, the Senate in the 17 months of Democratic leadership of the Judiciary Committee was able to confirm100 judges and vastly reduce the judicial vacancies that had built up and that were kept vacant by inaction on the nominations of President Clinton.

Last year alone the Democratic-led Senate confirmed 72 judicial nominees, more than in any of the prior six years of Republican control. Not once did the Republican-controlled Committee consider that many of President Clinton's district and circuit court nominees, even though there were often more judicial nominees than that waiting for hearings. In our efforts to repair the damage of the past and to treat this President's nominees more fairly than his predecessor's had fared, we confirmed 100 judges in 17 months. It is somewhat remarkable that not a single elected Republican has yet acknowledged this tremendous bipartisanship and fairness. When Chief Justice Rehnquist thanked the Committee for confirming 100 judicial nominees earlier this month it was the first time this accomplishment had been acknowledged by anyone other than Democrats and a few reporters.

I mention this because we have been hearing so much in the press about the need, or should I say the desire, of Republicans to move quickly on judicial vacancies. One member of this Committee even suggested that the Senate needed to confirm the 100 nominees blocked by the Democrats, despite the fact that everyone here must know that 100 nominees were confirmed - not blocked - many of whom proved to be quite controversial. Almost all of the judges confirmed are conservatives, many of them quite to the right of the mainstream. Many of these nominees have been active in conservative political causes or groups, but we moved fairly and expeditiously on as many as we could.

We cut the number of vacancies on the courts from 110 to 59, despite an additional 50 new vacancies that arose during my tenure. I recall that the Chairman said in September of 1997 that 103 vacancies (during the Clinton Administration) did not constitute a "vacancy crisis." He also observed at one point that 67 vacancies meant "full employment" on the federal courts. With two additional vacancies since the beginning of this year, there are now 61 vacancies on the district and circuit courts, but the President has made nominations to only half of

those seats. I am sure that the Chairman will try to chart a steady course to address those vacancies, and I hope it will be a fair one that does not leave the public with the impression that nominees for lifetime positions are racing through the Committee with little time for hearing questions and for thorough review.

Last Congress, we worked hard to keep a steady pace of hearings, even though so many of this President's judicial picks proved to be quite divisive and raised serious questions about their willingness to be fair to all parties. We held hearings for 90 percent of the President's nominees eligible for hearings, a total of 103 nominees, including a record 20 circuit court nominees. We voted on 102 of them, two of which were defeated after fair hearings and lengthy debate. The President has taken this unprecedented action of re-nominating candidates voted down in Committee in spite of the serious concerns raised by fair-minded members of this Committee.

The President has chosen to re-nominate 28 other nominees who did not have Committee votes, most of whom lacked completed files, such as lacking the approval of the people's representatives of their home States, at the end of the last Congress. Some may try to claim that having 30 nominees not get reported out of Committee is somehow unfair, but that ignores the fact that many of these nominees do not have home-State approval, a longstanding Senate tradition which protects the interests of the people likely to be most affected by a nomination. Such a claim of unfairness would also ignore the record number of nominees confirmed in the prior Congress, 100. It is numbers of judges confirmed that matters to the workload of the federal judiciary, not percentages. And it is numbers of judges confirmed that reflects the true workload of the Committee in handling judicial nominations. Such a claim would also ignore the fact that 79 of President Clinton's judicial nominees did not get confirmed in the first Congress they were nominated when Republicans controlled the Senate, and that 59 of these judicial nominees of President Clinton were never allowed a vote by Republicans and were thus never confirmed during Republican control. Never.

Despite our efforts, we hear only harping and criticism. We were twice as productive as a Republican Senate had been when President Clinton was nominating a much more moderate group of highly qualified nominees. Republicans averaged 37 confirmations per 12 months. The Democratic Senate confirmed 100 in 17 months and 72 in calendar year 2002. Still we were vilified for not doing three or four times more than Republicans did. We moved away from the secret holds that Republicans had used for so many years and made blue slips public for the first time in history. We held fair and open hearings and open debates and voted on 102 judicial nominees in open session, rather than defeating nominees in the dark of night through anonymous holds, as was the common practice before.

We proceeded with hearings, as I had previously urged, every three or four weeks. We held more

hearings and more votes on nominees than Republicans had. At the same time we tried to be responsible by following the practice of this Committee of proceeding with one Court of Appeals nominee at a time and only one controversial nominee at a time. This President sent the Senate a large number of controversial nominees. We proceeded with more hearings on more of them than had previously been the practice under Republican leadership.

Throughout the last Congress I urged the President to work with us and stop politicizing the judicial confirmation process. I urged him to work with us to achieve a sense of balance on the circuits and to work with Democratic home-State Senators. I offered suggestions with respect to impasses in the 6th Circuit and the D.C. Circuit. All was to no avail. Instead, this White House chose to mischaracterize what we had achieved and to demagogue the issue during the last election. That partisan approach has continued from the White House and is most unfortunate. Sending the Senate divisive judicial nominations is something I have urged the President to avoid, but that is exactly what he has chosen to do.

As we begin this new Congress, it is also not helpful that the Chairman is apparently choosing to change practices in what appears to be an effort to railroad nominations through the Committee and the Senate without thorough hearings. We have not discussed any plans he has to change his own blue slip practices from the last three Congresses in which he chaired the Committee. When the President was a Republican, Senator Hatch was very careful to protect the rights and privileges of Republican Senators with respect to judicial nominations. I cannot recall a single occasion on which he proceeded to a hearing on a judicial nominee before both home-State Senators had returned blue slips indicating their agreement with proceeding.

I look forward to discussing this matter with him and do not intend to rely merely on press accounts. Those conversations have yet to take place.

In the same vein, the Chairman's intentions with respect to how hearings will be conducted is a source of some concern and apparent change. I have yet to see a witness list for the hearing that has been noticed for Wednesday. We have spoken preliminarily about the circuit court nominees. When Senator Thurmond chaired this Committee he agreed to a hearing process that included only one controversial nominee per hearing. All Chairs who followed have conformed to that practice. Now we hear that we may be faced with three controversial circuit nominees at one hearing next week. That is not only inconsistent with decades of practice, and certainly the practices of the last 10 years; it is inconsistent with good practices if the Committee is intended to do its job and thoroughly review these important lifetime appointments.

At the last Committee vote of the past Congress, the Committee was sharply divided in its evaluation of Judge Dennis Shedd to the Fourth Circuit.

Despite unfair attacks against me by a number of Republicans, I kept my commitment that he would receive a Committee vote. Judge Shedd's record in civil rights cases and his record on the bench raised serious concerns among many African Americans living in the Fourth Circuit and across the country. His floor vote was also contentious, with a confirmation vote of 55 to 44.

There also is the matter of the renomination of Judge Charles Pickering, whose record on the bench raised serious concerns among many and whose nomination was defeated by a majority vote in this Committee. I do not know of any precedent for a President renominating a judicial nominee voted upon and rejected by this Committee. This President has chosen to renominate Judge Pickering and Justice Priscilla Owen, who both were voted on by this Committee last year.

Although the campaign rhetoric of the Administration as it continued to politicize the selection of federal judges was in large measure about Judge Pickering and Justice Owen, and although the President has followed through on his threat to renominate them, the agenda for this our first meeting includes no mention of either of them. Perhaps this is a sign that the Republicans on this Committee recognize the unprecedented nature of these renominations and the divisiveness they engender.

THE ESTRADA NOMINATION

The Chairman has instead exercised his prerogative to list the nomination of Mr. Estrada to the D.C. Circuit. This, too, has been a difficult nomination for this Committee. I have significant concerns about Miguel Estrada's nomination to the U.S. Court of Appeals for the D.C. Circuit. Many of us would like to have sufficient confidence based on a record and a strong confidence about the type of judge he would be, in voting on this nomination. Sadly, that is not the record before this Committee. I am not convinced that he will not become an activist on that court, given what we have learned about him and given the insufficient record we have. Mr. Estrada has no judicial experience. He has no publications since his law school note. He is not a distinguished legal scholar or professor of law and has never taught a class. While he has experience arguing criminal cases before the Supreme Court, on which he clerked, he appears to have no experience handling the types of civil cases that make up the majority of the docket of the D.C. Circuit. Additionally, his selection for this court has generated tremendous controversy. I think that is, in part, because he appears to have been groomed to be an activist appellate judge by well-placed conservatives.

This has been another nomination that has divided, not united, the American people and the Senate.

Senator Schumer chaired a hearing for Mr. Estrada last September. I was hoping that the hearing would allay concerns that have been raised about this nomination, but I was left with more questions than answers after all of the steps Mr. Estrada took to avoid answering questions at that hearing. I was

also left with little hope that he would ever answer any of the concerns raised about entrusting him for the rest of his life with the responsibility for deciding cases fairly and without favor toward any personal or political agenda. When we vote on Mr. Estrada's nomination, I will submit a longer statement detailing my concerns. I would also like to submit for the record Senator Schumer's letter on the Department of Justice's refusal to follow precedent and provide the Committee with an opportunity to examine Mr. Estrada's writings.

My colleagues and I welcome the opportunity to discuss the merits of this nomination. It would be better if that debate and vote took place after the entire record on Mr. Estrada's nomination was assembled. Significant concerns have been raised and not answered. The opposition of so many Hispanic organizations and the Congressional Hispanic Caucus should also be of concern to the Committee. I will submit those letters and statements in opposition for the record.

# # # # #

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, January 24, 2003 3:41 PM
To: Charnes, Adam
Cc: Benczkowski, Brian A; Brett_M._Kavanaugh@who.eop.gov
Subject: Re: Leahy

Brian. Can you send it to me in tetx

...

----- Original Message -----
From:<Adam.Charnes@usdoj.gov>
To:<mestrada@gibsondunn.com>
Cc:<Brian.A.Benczkowski@usdoj.gov>,
Brett M. Kavanaugh/WHO/EOP@EOP
Date: 01/24/2003 03:30:36 PM
Subject: Leahy

FYI: http://leahy.senate.gov/press/200301/012403a.html

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/24/2003 12:11:59 PM
Subject: : Re: OHIO Asbestos
Attachments: P_SRMAD003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-JAN-2003 17:11:59.00
SUBJECT:: Re: OHIO Asbestos
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett -
I assume I am not allowed to attend a meeting like the one suggested below?
c

---------- Forwarded by Collister W. Johnson/WHO/EOP on 01/24/2003 05:13 PM ----------

Coddy Johnson <cjohnson@georgewbush.com>
01/24/2003 05:12:06 PM
Record Type: Record

To: "Wise, Michael" <MWise@Calfee.com>
cc:
Subject: Re: OHIO Asbestos

MessageMike -
thanks for your note -
i need to check with our counsel here, as us political guys are usually kept away from anything court-related -
hope you're hanging in there and that you had a great holidays!
talk to you soon -
c

----- Original Message -----
From: Wise, Michael
To: Coddy Johnson
Sent: Friday, January 24, 2003 4:49 PM
Subject: OHIO Asbestos

Coddy - Hope you well. We are doing a legislative initiative regarding asbestos for 10 Fortune 500 companies. Would it be possible to meet with you in DC on Feb. 4-5 with one of the CEO's and his General Counsel?

Mike Wise
Calfee, Halter, & Griswold LLP
1400 McDonald Investment Center
800 Superior Ave.
Cleveland, Ohio 44114
216-622-8265

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_SRMAD003_WHO.TXT_1>

Mike -
thanks for your note -
i need to check with our counsel here, as us political guys are usually kept away from anything court-related -
hope you're hanging in there and that you had a great holidays!
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----- Original Message -----
From: Wise, Michael
To: Coddy Johnson
Sent: Friday, January 24, 2003 4:49 PM
Subject: OHIO Asbestos

Coddy - Hope you well. We are doing a legislative initiative regarding asbestos for 10 Fortune 500 companies. Would it be possible to meet with you in DC on Feb. 4-5 with one of the CEO's and his General Counsel?

Mike Wise
Calfee, Halter, & Griswold LLP
1400 McDonald Investment Center
800 Superior Ave.
Cleveland, Ohio 44114
216-622-8265

From: CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/24/2003 12:54:10 PM
Subject: : After searching.....

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-JAN-2003 17:54:10.00
SUBJECT:: After searching.....
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

.....NOW posted an "update" about Kuhl on their web page today - see below.

Carolyn Kuhl
Nominated to the United States Court of Appeals, 9th Circuit. Currently a Los Angeles Superior Court judge. The committee has not set a hearing date.

While at the Justice Department, Kuhl was instrumental in persuading the Reagan administration to support the tax exempt status of Bob Jones University which had been revoked because of racially discriminatory policies.*

Co-authored the government's brief in Thornburgh v. American College of Obstetricians and Gynecologists which fought for the "outright reversal of Roe." She argued that the Roe decision was "flawed."**

Fought for the gag rule and parental notification for young women. She has also fought for detailed intrusive reporting requirements which forced women to disclose personal information such as the date of their last menstrual cycle, their race, marital status and where they lived.

Member of the Federalist Society, an ultra-conservative legal organization.

Wrote a brief in 1990 on behalf of the American Academy of Medical Ethics in which she argued that prohibiting doctors who receive federal funds from discussing abortion did not violate First Amendment guarantees of free speech.***

*Source: New York Times
**Source: NARAL
***Source: Women's eNews

last updated 1/25/02

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Gonzales, Alberto R>
Sent: 1/24/2003 5:10:42 PM
Subject: Re: Have some ideas about usa today. I will be back at 5:30. Can we meet.

Judge not coming back but I'm around.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Leitch, David G. ; Gonzales, Alberto R
Sent: Fri Jan 24 16:02:30 2003
Subject: Have some ideas about usa today. I will be back at 5:30. Can we meet.

.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>;<Kavanaugh, Brett M.>;<Gonzales, Alberto R>
Sent: 1/24/2003 5:21:08 PM
Subject: Re: Have some ideas about usa today. I will be back at 5:30. Can we meet.

Will come by. More around 545. Thx.

.

----- Original Message -----

From:David G. Leitch/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP,

Alberto R. Gonzales/WHO/EOP@Exchange

Cc:

Date: 01/24/2003 05:10:42 PM

Subject: Re: Have some ideas about usa today. I will be back at 5:30. Can we meet.

Judge not coming back but I'm around.

-----Original Message-----

From: Kavanaugh, Brett M.

To: Leitch, David G. ; Gonzales, Alberto R

Sent: Fri Jan 24 16:02:30 2003

Subject: Have some ideas about usa today. I will be back at 5:30. Can we meet.

.

From: Laurie Rubenstein) (Laurie_Rubenstein@govt-aff.senate.gov (Laurie Rubenstein) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Michael Bopp) (Michael_Bopp@collins.senate.gov (Michael Bopp) [UNKNOWN] <Michael_Bopp@collins.senate.gov>
Sent: 1/24/2003 1:26:48 PM
Subject: : documents

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Laurie_Rubenstein@govt-aff.senate.gov (Laurie Rubenstein) ( Laurie_Rubenstein@govt-
aff.senate.gov (Laurie Rubenstein) [ UNKNOWN ] )
CREATION DATE/TIME:24-JAN-2003 18:26:48.00
SUBJECT:: documents
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Michael_Bopp@collins.senate.gov (Michael Bopp) ( Michael_Bopp@collins.senate.gov
(Michael Bopp) [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I wanted to let you know that due to space constraints (the impending
committee
moves require us to convert the current secure room into an office) we are
making a minor alteration to our protocol for handling the documents
produced
last year in response to the Committee's subpoenas. Instead of keeping the
documents in a room with an alarm, we will be moving them to a locked
closet, to
which only two staffers (both designated under the protocol) will have the
key.
Access to the documents will still only be available to designated staff,
and if
any designated staff needs to review the documents, they will transport
them
directly from the closet to a room in the same suite, where they will
close the
door and not allow access except to designated staff.
```

From: Leitch, David G.
To: <Sampson, Kyle>;<Gonzales, Alberto R>;<Kavanaugh, Brett M.>
Sent: 1/24/2003 5:30:18 PM
Subject: RE: Standard Form -- Judicial Selection Senate Consultation Log

Is there a way to put a document such as this on a relatively secure shared drive such that each person in our office could place updates on one master list?

-----Original Message-----

From: Sampson, Kyle

Sent: Friday, January 24, 2003 3:54 PM

To: Gonzales, Alberto R; Leitch, David G.; Kavanaugh, Brett M.; Bartolomucci, H. Christopher; Walker, Helgard C.; Newstead, Jennifer G.; Francisco, Noel J.; Powell, Benjamin A.

Cc: Nelson, Carolyn; Montiel, Charlotte L.; Bumatay, Patrick J.

Subject: Standard Form -- Judicial Selection Senate Consultation Log

Attached is a sample Consultation Log.
I propose that we standardize our logs in this format, but am not wedded to it if any of you have better ideas.

<< File: Judicial Selection Senate Consultation Log.doc >>

From:	Bartolomucci, H. Christopher
To:	<Gonzales, Alberto R>;<Leitch, David G.>;<Berenson, Bradford A.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>; <Walker, Helgard C.>
Sent:	1/24/2003 6:02:06 PM
Subject:	AP Story: Hatch to Allow Hearings on Pickering & Owen

Pickering, Owen to Get Senate Hearings

By JESSE J. HOLLAND

ASSOCIATED PRESS

WASHINGTON (AP) - Two of President Bush's most contentious court nominations, Mississippi Judge Charles Pickering and Texas Judge Priscilla Owen, will face new questions this year from the same Democrats who rejected the appeals court appointments last year.

Pickering and Owen were the only two White House judicial nominees voted down by Judiciary Democrats when they controlled the Senate last year. Committee chairman Orrin Hatch, R-Utah, plans to let senators question the two again in hopes of rehabilitating their nominations.

Bush renominated the two earlier this month, much to the Democrats' chagrin.

"I'm trying to be cooperative," Hatch said. "We'll have a hearing on Pickering because I'm trying to show deference to them."

Pickering, a U.S. District judge in Hattiesburg, Miss., and a friend of Sen. Trent Lott, R-Miss., was blocked by Democrats last year after civil rights groups questioned his race-relations record. Owen, a Texas Supreme Court justice and a friend of the president, was rejected after Democrats complained that her rulings were overly influenced by her personal beliefs.

Both were nominated for seats on the 5th U.S. Circuit Court of Appeals in New Orleans, which handles federal appeals from Mississippi, Texas and Louisiana.

Opposition to Pickering's nomination increased among Democrats after Lott made racially insensitive remarks and ultimately stepped down as GOP leader.

Pickering's hearing - which could come as early as March - would be his third before the Senate Judiciary Committee since his May 2001 nomination. Hatch did not give a timetable for Owen. "We've got to see whether there will be obstructionist tactics," Hatch said.

Democrats say the Judiciary Committee has already rejected both, and they have threatened to filibuster Pickering's nomination if it goes to the full Senate. Sen. Patrick Leahy of Vermont, the panel's top Democrat, noted that the Republicans did not start their year by trying to get either Pickering or Owen approved quickly.

"Perhaps this is a sign that the Republicans on this committee recognize the unprecedented nature of these renominations and the divisiveness they engender," Leahy said in a statement.

Instead, the GOP will start with a Judiciary Committee vote on Miguel Estrada, who wants a seat on the U.S. Court of Appeals for the District of Columbia. That court has often been a stepping stone to

the Supreme Court.

Estrada received a unanimous well-qualified recommendation from the American Bar Association. If confirmed, he would become the first Hispanic on what is considered the second-highest court in the nation. He also has been mentioned as a possible Supreme Court nominee if a vacancy occurs during Bush's presidency.

A member of the law firm that represented Bush in his successful Supreme Court fight for the presidency in 2000, Estrada had to be renominated earlier this year because the Democratic-controlled Senate did not act on his nomination last year. Estrada has been waiting for a committee vote since May 2001. Republicans now control the Senate.

"It's an important vote," Hatch, R-Utah, said Friday. "I think he will pass out with significant support from this committee."

But Democrats, outnumbered 10-9 on the committee, already are gathering their forces to oppose Estrada.

"His selection for this court has generated tremendous controversy," Leahy said. "I think that is, in part, because he appears to have been groomed to be an activist appellate judge by well-placed conservatives."

During Estrada's five-hour confirmation hearing last year, Democrats repeatedly contended that he lacked judicial experience. That, plus his refusal to answer questions about specific cases, gave Democrats little to review, they said.

The Justice Department's solicitor general's office, where Estrada used to work, refused to release copies of memos and opinions he produced when he worked there.

"Miguel Estrada refused to answer question after question regarding his judicial philosophy and his views on Supreme Court cases of national interest," said Sen. Charles Schumer, D-N.Y. "He gave senators no real insight into his judicial philosophy."

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/24/2003 3:24:14 PM
Subject: : Re: OHIO Asbestos
Attachments: P_W3TAD003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-JAN-2003 20:24:14.00
SUBJECT:: Re: OHIO Asbestos
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks for guidance man!
c

Brett M. Kavanaugh
01/24/2003 06:37:54 PM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: OHIO Asbestos

I would kick the invitation to Domestic Policy and Alan Gilbert or Diana Schacht to see if they want to participate (which I doubt).

Collister W. Johnson
01/24/2003 05:11:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: OHIO Asbestos

Brett -
I assume I am not allowed to attend a meeting like the one suggested below?
c

---------- Forwarded by Collister W. Johnson/WHO/EOP on 01/24/2003 05:13 PM ----------

Coddy Johnson <cjohnson@georgewbush.com>
01/24/2003 05:12:06 PM
Record Type: Record

To: "Wise, Michael" <MWise@Calfee.com>
cc:

Subject: Re: OHIO Asbestos

MessageMike -
thanks for your note -
i need to check with our counsel here, as us political guys are usually kept away from anything court-related -
hope you're hanging in there and that you had a great holidays!
talk to you soon -
c

----- Original Message -----
From: Wise, Michael
To: Coddy Johnson
Sent: Friday, January 24, 2003 4:49 PM
Subject: OHIO Asbestos

Coddy - Hope you well. We are doing a legislative initiative regarding asbestos for 10 Fortune 500 companies. Would it be possible to meet with you in DC on Feb. 4-5 with one of the CEO's and his General Counsel?

Mike Wise
Calfee, Halter, & Griswold LLP
1400 McDonald Investment Center
800 Superior Ave.
Cleveland, Ohio 44114
216-622-8265

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_W3TAD003_WHO.TXT_1>

Mike -
thanks for your note -
i need to check with our counsel here, as us political guys are usually kept away from anything court-related -
hope you're hanging in there and that you had a great holidays!
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c

----- Original Message -----
From: Wise, Michael
To: Coddy Johnson
Sent: Friday, January 24, 2003 4:49 PM
Subject: OHIO Asbestos

Coddy - Hope you well. We are doing a legislative initiative regarding asbestos for 10 Fortune 500 companies. Would it be possible to meet with you in DC on Feb. 4-5 with one of the CEO's and his General Counsel?

Mike Wise
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1400 McDonald Investment Center
800 Superior Ave.
Cleveland, Ohio 44114
216-622-8265

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Laurie Rubenstein) (Laurie_Rubenstein@govt-aff.senate.gov (Laurie Rubenstein) [UNKNOWN] <Laurie_Rubenstein@govt-aff.senate.gov>
CC: michael bopp) (michael_bopp@collins.senate.gov (michael bopp) [UNKNOWN] <michael_bopp@collins.senate.gov>
Sent: 1/24/2003 3:29:06 PM
Subject: : Re: documents

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-JAN-2003 20:29:06.00
SUBJECT:: Re: documents
TO:Laurie_Rubenstein@govt-aff.senate.gov (Laurie Rubenstein) (Laurie_Rubenstein@govt-aff.senate.gov (Laurie Rubenstein) [UNKNOWN])
READ:UNKNOWN
CC:michael_bopp@collins.senate.gov (michael bopp) (michael_bopp@collins.senate.gov (michael bopp) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Laurie, thank you for the information.

Laurie_Rubenstein@govt-aff.senate.gov (Laurie Rubenstein)
01/24/2003 06:20:29 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Michael_Bopp@collins.senate.gov (Michael Bopp)
Subject: documents

I wanted to let you know that due to space constraints (the impending committee moves require us to convert the current secure room into an office) we are making a minor alteration to our protocol for handling the documents produced last year in response to the Committee's subpoenas. Instead of keeping the documents in a room with an alarm, we will be moving them to a locked closet, to which only two staffers (both designated under the protocol) will have the key. Access to the documents will still only be available to designated staff, and if any designated staff needs to review the documents, they will transport them directly from the closet to a room in the same suite, where they will close the door and not allow access except to designated staff.

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/24/2003 4:14:43 PM
Subject: : Re: Have some ideas about usa today. I will be back at 5:30. Can we meet.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JAN-2003 21:14:43.00
SUBJECT:: Re: Have some ideas about usa today. I will be back at 5:30. Can we meet.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Press shop decided that we should not participate.
.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: sheila.joy@usdoj.gov @ inet [UNKNOWN] <sheila.joy@usdoj.gov @ inet>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/25/2003 10:20:49 AM
Subject: : Colorado vacancy?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-JAN-2003 15:20:49.00
SUBJECT:: Colorado vacancy?
TO:sheila.joy@usdoj.gov @ inet ( sheila.joy@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Have we received a letter from the Judge Matsch, the
rumored-to-be-retiring district judge in Colorado?
```

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R>;<Leitch, David G.>
Sent: 1/25/2003 2:17:00 PM
Subject: Texas case -- procedural history

In the Lawrence v. Texas case, the defendants were arrested in September 1998 and convicted in the trial court of a misdemeanor violation of Texas "Homosexual Conduct" law. (That law was enacted in 1973 when the state's laws dealing with sexual conduct were revised.) The defendants were fined $200. The Texas Court of Appeals affirmed the convictions, with two judges dissenting. The Texas Court of Criminal Appeals then denied review. The U.S. Supreme Court then granted certiorari. Oral argument is scheduled for Wednesday, March 26.

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>;<Silverberg, Kristen>;<Schacht, Diana L.>;<Gilbert, Alan>
Sent: 1/25/2003 3:00:49 PM
Subject: medical liability

See following link for discussion of root causes of malpractice-insurance problem from expert on insurer portfolio management.

http://salsa.bbh.com/news/Articles/MedMal.html

Conclusion is:

> Asset allocation and investment returns have had little, if any, correlation to the development of the current malpractice problem. The crisis is rather the result of a generally unconstrained increase in losses and, over several years, inadequate premium income to cover those losses.

The magnitude of these changes suggests that the eventual solution to the current malpractice problem will be a blend of premium increases and tort reform. Since the financial shortfall compounds itself over time, it is imperative that the solution set be developed as quickly as possible. Without significant relief in fairly short order, the country may find itself facing an accelerating loss of available medical care.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 1/26/2003 11:38:26 AM
Subject: : article on Pickering in Kansas City Star (largely positive)

Begin Original ARMS Header
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CREATION DATE/TIME:26-JAN-2003 16:38:26.00
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READ:UNKNOWN
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Cross-burning case haunts judge's nomination
By MATT STEARNS
The Kansas City Star

WASHINGTON - A cross burning nine years ago in rural Mississippi is at the center of a Washington political battle.

Judge Charles W. Pickering Sr., renominated by President Bush to a seat on the Fifth U.S. Circuit Court of Appeals, presided over the 1994 case as a federal district court judge. He intervened to obtain a lesser prison sentence for one of three defendants in the case.

His opponents say that helps prove Pickering is racially insensitive. His supporters say it shows he is a fine judge who correctly questioned the fairness of a young man's sentence. Both sides also point to separate -- and usually incomplete -- aspects of Pickering's civil rights record.

Pickering's future likely will be determined by which view prevails in the U.S. Senate at a time when both parties are sensitive to racial politics.

Last year the then-Democratic-controlled Senate Judiciary Committee rejected his nomination for the same job over largely the same issues.

After last month's furor over comments by Republican Sen. Trent Lott of Mississippi that many interpreted as praising the era of segregation, some were surprised that President Bush nominated Pickering again, especially given the close ties between Lott and Pickering.

On Friday, Republican Sen. Orrin Hatch of Utah, the chairman of the Judiciary Committee, said Pickering would get a new hearing before the committee later this year.

Senate Democrats promise to make the nomination a big battle.

"Why anyone would go the whole nine yards, and then some, to get a lighter sentence for a convicted cross-burner is beyond me," said Sen. Charles Schumer of New York in threatening a filibuster earlier this month. "Why anyone would do that in 1994, and in a state with Mississippi's sad history of race relations, is simply mind-boggling."

But a close look shows that while Pickering did act unusually, he did not appear to take cross burning lightly. Also, Pickering's civil rights record cannot be as easily characterized as his opponents -- or his supporters -- have insisted.

Like many white Southerners who grew up during segregation and came of age when it was being dismantled, the 65-year-old Pickering's relationship with civil rights can best be described as complex and inconsistent.

"For his age and the time period -- the mid-'50s to the mid-'80s -- you're going to see a lot of people who changed, and people who didn't know they changed, and people who changed more than others," said Charles Eagles, a history professor at the University of Mississippi.

To be sure, Pickering's civil rights record is hardly unblemished, and his supporters try to dismiss the unflattering elements of it. As a law student in 1959, he wrote a law review article explaining how Mississippi could strengthen its law banning interracial marriage. He was coy with the

Senate Judiciary Committee when asked about the nature of his relationship with the racist Mississippi Sovereignty Commission in the 1970s.
As a federal judge, he questioned the underlying foundations of key civil rights laws in several cases.
Still, Pickering's opponents tend to ignore that as a young lawyer in the 1960s, he aided in the prosecution of a Ku Klux Klan leader, and that he sent his children to public schools after many other well-to-do white Mississippians had abandoned the integrated public education system.
Pickering's mixed record is something for his opponents to exploit -- and it is easier than taking on his conservative views on other social and judicial issues.
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Sent: 1/26/2003 12:48:57 PM
Subject: REUTERS STORY FILED SUNDAY

Hot Seat Awaits Treasury Nominee Snow

Jan. 26

- By Glenn Somerville

WASHINGTON (Reuters) - Lawmakers will get their chance to put U.S. Treasury nominee John Snow on the hot seat on Tuesday as President Bush seeks to rebuild his economic team in preparation for a tax-cut battle.

The wealthy rail executive is assured a courteous, but not placid, question-and-answer session before the Senate Finance Committee, which must confirm Bush's treasury chief choice before he can take up his post.

"Mr. Snow will receive a fair hearing, but not a rubber stamp," promises Max Baucus of Montana, ranking Democrat on the committee.

Snow, 63, was named by Bush in December as his choice to replace dismissed former Treasury Secretary Paul O'Neill, who was followed out the door the same day by Lawrence Lindsey, head of the White House's Council of Economic Advisers.

The council chairman, Glenn Hubbard, said last week he too will be departing at some point, which would make a clean sweep of Bush's top economic ranks at a time of rising public disaffection.

DISAFFECTION SPREADS

A New York Times/CBS poll published on Friday showed nearly 50 percent of Americans disapproved of Bush's handling of the economy and 41 percent were unhappy with his management of foreign policy --

the highest disapproval ratings since he became president two years ago.

Against that sobering backdrop, Snow will face close questioning on the Bush administration's $674 billion, 10-year tax-cutting program that he is expected to sell to lawmakers.

O'Neill's caution about maintaining fiscal discipline was widely seen as one reason he ran into trouble with the Bush White House, which estimates the stimulus proposals could drive budget deficits up by $359 billion from 2003 to 2007.

Snow was a deficit hawk himself in the past -- one of a group of top executives who took out an advertisement in major U.S. newspapers in December 1995 urging Democratic President Bill Clinton to balance the budget.

Some committee members want to know how he can endorse a stimulus plan that, by cutting tax revenues, must push deficits higher. That ultimately is more important than some personal issues such as a 2-decade-old arrest for driving under the influence of alcohol and a child-custody dispute.

"I think a DUI arrest 20 years ago is not material," Democratic Sen. Kent Conrad of North Dakota said. "A much greater concern for me is whether somebody who was concerned about deficits in the past no longer is."

Seeking to more sharply define their differences with the Bush administration, opposition Democrats on Friday unveiled an alternative stimulus program offering immediate tax relief to individuals in working families as opposed to the centerpiece ending of taxes on dividends in the Bush plan.

DIGGING A DITCH

Senate Minority Leader Tom Daschle said it would be aimed at poorer Americans and less likely to dig a "deficit ditch" than the Bush administration's offer, which he claimed would push interest rates higher -- something the White House contends will not occur but that Snow likely will be questioned about.

Snow, who pledged to give up his chairmanship of regional freight transportation giant CSX Corp. if made treasury secretary, was preparing the ground last week for his hearing. He made the rounds of senators' offices and has been briefed extensively by White House and treasury officials on the Bush administration's economic agenda.

One of the most sensitive issues with which a treasury chief must deal, currency policy, has grown in profile as the U.S. dollar's value has weakened on worries about the impact from possible war with Iraq. The greenback has slumped nearly 10 percent since early December.

Snow is expected to make a statement on the dollar -- likely a brief one -- but it would be surprising if he departed far from the administration's longstanding support for a strong dollar, a position the White House

repeated twice in the past month remained its policy.

Indications on Friday were that Snow would face a grilling on his corporate leadership at CSX, but not likely on his personal past. The 1982 charges for driving under the influence were dismissed and his child-support case was settled.

"I think that senators are going to be very interested in exploring Mr. Snow's record as a corporate CEO (chief executive officer) and other professional capacities over the course of his professional career," Daschle told reporters.

"There certainly is no agenda for democrats other than that -- to determine to the extent of our ability his qualifications, to clarify his past experiences, to get a better judgment from him about his intentions as secretary of Treasury," Daschle said, adding the state of the economy and "his thoughts about some of the presidents proposals" also will be on the agenda.

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
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Hey, is there a chance you send all 14 in Microsoft Word format. The
formatting got all screwed up when I attempted to convert and combine
them.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brian.A.Benczkowski@usdoj.gov [UNKNOWN] <Brian.A.Benczkowski@usdoj.gov>
Sent: 1/26/2003 5:21:21 PM
Subject: : Re: binders

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-JAN-2003 22:21:21.00
SUBJECT:: Re: binders
TO:Brian.A.Benczkowski@usdoj.gov (Brian.A.Benczkowski@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

We'll take care of it. Thx.

.

----- Original Message -----
From:<Brian.A.Benczkowski@usdoj.gov>
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/26/2003 08:24:24 PM
Subject: Re: binders

Problem here is that some of us use Word and others use WP. So we have
same conversion problem. Can your press staff deal with it? Otherwise,
will take some time...

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov <Brett_M._Kavanaugh@who.eop.gov>
To: Benczkowski, Brian A <Brian.A.Benczkowski@USDOJ.gov>
Sent: Sun Jan 26 17:38:01 2003
Subject: RE: binders

Hey, is there a chance you send all 14 in Microsoft Word format. The
formatting
got all screwed up when I attempted to convert and combine them.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 1/27/2003 3:41:02 AM
Subject: : Re: Off Site Schedule for February

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-JAN-2003 08:41:02.00
SUBJECT:: Re: Off Site Schedule for February
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

how soon

H. Christopher Bartolomucci
01/27/2003 08:34:55 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Off Site Schedule for February

The bad news is that there are only six of us in the rotation right now and Ben still doesn't have a hard pass. The good news is that this should all be over soon.

Feb. 3-5: Jen
Feb. 5-7: Kyle
Feb.10-12: Helgi
Feb 12-14: Brett
Feb. 17-19: Bart
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Message Sent
To:_____
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 1/27/2003 3:43:21 AM
Subject: : Re: Off Site Schedule for February

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-JAN-2003 08:43:21.00
SUBJECT:: Re: Off Site Schedule for February
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

what is likelihood of it ending it before feb. 12?

H. Christopher Bartolomucci
01/27/2003 08:38:50 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Off Site Schedule for February

not sure but my guess this is the last rotation

Brett M. Kavanaugh
01/27/2003 08:37:15 AM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Off Site Schedule for February

how soon

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01/27/2003 08:34:55 AM
Record Type: Record

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cc:
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To:_____
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Litkenhaus>;Colleen_Litkenhaus@who.eop.gov [WHO] <Colleen>
Sent: 1/27/2003 3:46:27 AM
Subject: Re: FW: Presidentiall Diarist

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:27-JAN-2003 08:46:27.00
SUBJECT:Re: FW: Presidentiall Diarist
TO:Litkenhaus, Colleen (Colleen_Litkenhaus@who.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

From: Colleen Litkenhaus/WHO/EOP@Exchange on 01/27/2003 08:48:35 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:

Subject: FW: Presidentiall Diarist

Are you the best person in Counsel's office to meet with us on this position?

-----Original Message-----

From: Gambatesa, Linda M.

Sent: Tuesday, January 21, 2003 2:20 PM

To: Hagin, Joseph W; Litkenhaus, Colleen; Gottesman, Blake
Subject: Presidentiall Diarist

A long, long time ago, we were trying to set up a meeting to discuss this position. It currently reports to Scheduling, but I suspect there is very little contact in that regard, and hence that position has no supervision or guidance.

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Thanks.

From: CN=Ashley Estes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/27/2003 2:52:31 AM
Subject: : you probably saw but

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-JAN-2003 07:52:31.00
SUBJECT:: you probably saw but
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Posted 1/27/2003 5:11 AM

Conservatives want Bush aide kept off court
By Joan Biskupic, USA TODAY

WASHINGTON * With legal and political insiders nearly certain President Bush soon will get to pick a new Supreme Court justice, conservatives close to the White House are quietly trying to derail the potential nomination of a top aide to the president.

Their target is White House counsel Alberto Gonzales, a longtime friend of Bush and a former Texas Supreme Court judge. Gonzales is a trusted aide in an administration that places a premium on loyalty. And White House sources have suggested that Bush wants to give the high court its first Hispanic justice.

The Gonzales file

Age: 47; born Aug. 4, 1955, San Antonio; grew up in Houston, the second of eight children.

Military service: Air Force, 1973-75.

Education: Air Force Academy, 1975-77; bachelor's degree in political science, Rice University, 1979; law degree, Harvard Law School, 1982.

Professional experience: lawyer, Vinson & Elkins, Houston, 1982-95; general counsel to Texas Gov. George W. Bush, 1995-97; Texas secretary of state, 1997-99; justice, Texas Supreme Court, 1999-2000; White House counsel, 2001-present (first Hispanic to serve in that position).

Personal: Married to Rebecca Turner Gonzales; three sons.

Source: White House

But conservatives inside and outside the administration have long suspected that Gonzales, 47, does not agree with them on key social policy issues * namely, their opposition to abortion and affirmative action. So when the Bush administration didn't go as far as many GOP hard-liners wanted in opposing the University of Michigan's affirmative action program this month, some blamed Gonzales.

That has led to an unusually aggressive "whisper" campaign. Conservative activists who have been successful in persuading Bush to nominate several hard-right candidates to lower

federal courts have made it clear to reporters,
Bush aides and others that they do not believe Gonzales is Supreme Court
material.

The campaign comes amid speculation that at least one of the nine justices
will retire this summer. Conservative Chief
Justice William Rehnquist, 78, appears to be the most likely to leave the
court soon. Analysts say the anti-Gonzales chatter
symbolizes the increasingly aggressive nature of the political maneuvering
behind Supreme Court nominations.

"In my 15 years of watching the nomination process, I have never seen
something so dramatic happen so early. This is a
very aggressive campaign by legal conservatives to hurt (Gonzales')
chances for the high court," says Ronald Klain, who
was chief counsel to Sen. Joseph Biden when the Delaware Democrat presided
over two Senate confirmation hearings.
Klain later was a top legal adviser to President Clinton during two
Supreme Court nominations.

The jockeying to influence Bush in the nomination process is important
because a president usually wants to have a
successor's name in hand when a Supreme Court retirement is first
announced.

In recent weeks, Bush aides debated over what stance to take in a Supreme
Court case that challenges the University
of Michigan's system of favoring minorities in admissions. Conservatives
such as Solicitor General Theodore Olson
argued that the administration should not only oppose Michigan's program,
but also encourage the high court to reject
affirmative action altogether.

But Gonzales successfully argued for a legal stance in which the White
House is opposing the Michigan program, but
is not pushing for an end to affirmative action. That angered some
conservatives, who are citing Gonzales' vote as a
Texas judge against a law requiring teenagers seeking abortions to notify
their parents * without exception.

Conservative columnist Robert Novak focused on those Gonzales moves in a
syndicated article last week. Novak
questioned whether Gonzales deserves a seat on the high court and said
conservatives were warning Bush not to
commit a "grave political blunder," as they believe Bush's father did in
appointing David Souter to the court in 1990.
Souter has turned out to be a liberal on the current court.

Earlier in January, The Wall Street Journal's conservative editorial page
challenged Gonzales to oppose affirmative
action to show that he had Supreme Court timbre. Meanwhile, prominent
conservatives inside and outside the Bush
administration are increasingly * but privately * complaining about
Gonzales.

That criticism of Gonzales is just one factor that could influence Bush if
he soon has the chance to make his first
appointment to the high court. Other factors: pressure from Hispanic
groups to pick a Hispanic other than Gonzales,
and a vow by Senate Democrats to oppose any court nominee whom they view
as too extreme in his or her views.

Gonzales is one of a few prominent lawyers who are on various "short
lists" of potential court nominees kept by
administration officials.

Others include J. Michael Luttig and J. Harvie Wilkinson, veteran judges
of the Richmond, Va.-based U.S. Court of

Appeals for the 4th Circuit; Judge Samuel Alito of the 3rd Circuit in Newark, N.J.; Judge Emilio Garza of the 5th Circuit in San Antonio; California Supreme Court Justice Janice Brown; and Olson.

Some conservatives also are touting Miguel Estrada, a native of Honduras and a former Justice Department lawyer who has been nominated by Bush to serve on the U.S. appeals court in Washington, D.C. Democrats are protesting his lower court nomination, so Estrada would be a long shot for any high court appointment this year.

For conservatives who would oppose a Gonzales nomination, speaking out against him "is a risky strategy, because Judge Gonzales is clearly a very powerful force in the administration," says Klain, who was an adviser to Democrat Al Gore when Gore lost to Bush in the 2000 election. That is likely why most of Gonzales' harshest critics, especially those in the administration, decline to speak publicly. And those who do speak up cast their words carefully.

"I am very disappointed in his position in the Michigan case, but he has done a fine job as White House counsel," says Todd Gaziano, a legal director at the Heritage Foundation, a policy group that is home to staunch conservatives.

"If it's true that Judge Gonzales played a strong role in weakening the Justice Department's criticism of racial preferences, then we would have very serious concerns about nominating (him) to the Supreme Court," says Roger Clegg of the Center for Equal Opportunity, which opposes affirmative action.

Gonzales supports allowing universities to consider an applicant's race in order to ensure diverse campuses. But White House insiders say that Bush already was inclined to agree with that stance, even as he opposed Michigan's specific policies. Gonzales did not return calls seeking comment for this story.

Much of conservatives' disapproval of Gonzales likely has less to do with the Michigan case than with their fear that a Bush nominee could be "another Souter."

Thirteen years ago, then-White House chief of staff John Sununu called Souter's nomination a "home run" for conservatives. But today, Souter is firmly in the high court's liberal bloc, supporting abortion rights, affirmative action and a high wall of separation between church and state.

A Republican president and the GOP takeover of the Senate in the November elections probably increased the chances that Rehnquist would step down. He was put on the bench by Republican President Nixon in 1972 and elevated to chief by Republican President Reagan in 1986.

If Bush were to replace the chief with Gonzales, he could actually move the divided court * which now has five conservative justices who generally vote as a bloc * to the left.

The other justices who might be considering retirement are Sandra Day O'Connor, 72, a conservative who sometimes votes with the court's more liberal justices; and John Paul Stevens, 82, who votes with the liberals. Neither has shown signs of slowing down.

If Rehnquist were to retire, the White House might consider elevating one of the sitting justices to chief and then putting a new member of the court into that person's seat. Such a move

could give Bush a chance to appease
competing constituencies.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Raquel Cabral/WHO/EOP@EOP [WHO] <Raquel Cabral>
Sent: 1/27/2003 3:33:11 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:27-JAN-2003 08:33:11.00
SUBJECT::
TO:Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

People from PA should have called you for interviews this afternoon and
tomorrow. Did that happen, and does DOJ know? Thanks.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 1/27/2003 3:43:21 AM
Subject: : Re: Off Site Schedule for February

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-JAN-2003 08:43:21.00
SUBJECT:: Re: Off Site Schedule for February
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

what is likelihood of it ending it before feb. 12?

H. Christopher Bartolomucci
01/27/2003 08:38:50 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Off Site Schedule for February

not sure but my guess this is the last rotation

Brett M. Kavanaugh
01/27/2003 08:37:15 AM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Off Site Schedule for February

how soon

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01/27/2003 08:34:55 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Off Site Schedule for February

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Message Sent
To:_____
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Litkenhaus>;Colleen_Litkenhaus@who.eop.gov [WHO] <Colleen>
Sent: 1/27/2003 3:46:27 AM
Subject: Re: FW: Presidentiall Diarist

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:27-JAN-2003 08:46:27.00
SUBJECT:Re: FW: Presidentiall Diarist
TO:Litkenhaus, Colleen (Colleen_Litkenhaus@who.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

From: Colleen Litkenhaus/WHO/EOP@Exchange on 01/27/2003 08:48:35 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:

Subject: FW: Presidentiall Diarist

Are you the best person in Counsel's office to meet with us on this position?

-----Original Message-----

From: Gambatesa, Linda M.

Sent: Tuesday, January 21, 2003 2:20 PM

To: Hagin, Joseph W; Litkenhaus, Colleen; Gottesman, Blake
Subject: Presidentiall Diarist

A long, long time ago, we were trying to set up a meeting to discuss this position. It currently reports to Scheduling, but I suspect there is very little contact in that regard, and hence that position has no supervision or guidance.

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From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/27/2003 3:48:54 AM
Subject: : FW: Presidentiall Diarist

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:27-JAN-2003 08:48:54.00
SUBJECT:: FW: Presidentiall Diarist
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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From: Colleen_Litkenhaus@who.eop.gov [WHO] <Litkenhaus, Colleen>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 1/27/2003 3:48:36 AM
Subject: FW: Presidentiall Diarist

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Litkenhaus, Colleen (Colleen_Litkenhaus@who.eop.gov [WHO])
CREATION DATE/TIME:27-JAN-2003 08:48:36.00
SUBJECT:FW: Presidentiall Diarist
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen Litkenhaus/WHO/EOP@Exchange [WHO] <Colleen Litkenhaus>
Sent: 1/27/2003 3:50:13 AM
Subject: : Re: FW: Presidentiall Diarist

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-JAN-2003 08:50:13.00
SUBJECT:: Re: FW: Presidentiall Diarist
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

From: Colleen Litkenhaus/WHO/EOP@Exchange on 01/27/2003 08:48:35 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Presidentiall Diarist

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Thanks.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 1/27/2003 7:54:44 AM
Subject: Re: Have some ideas about usa today. I will be back at 5:30. Can we meet.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/27/2003 08:02 AM ----------

From: Alberto R. Gonzales/WHO/EOP@Exchange on 01/24/2003 09:14:27 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: Have some ideas about usa today. I will be back at 5:30. Can we meet.

Press shop decided that we should not participate.

.

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/27/2003 4:09:48 AM
Subject: : FW: MESSAGE MEETING REMINDER

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:27-JAN-2003 09:09:48.00
SUBJECT:: FW: MESSAGE MEETING REMINDER
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Have you been going to these meetings?; Did you go to the ones on Mon or Wed?
;
Charlotte
;
-----Original Message-----
From: Ritacco, Krista L.
Sent: Monday, January 27, 2003 8:51 AM
To: Barrales, Ruben S.; Rust, Kathryn E.; Neely, Sarah E.; Gottesman, Blake; Gambatesa, Linda M.; Nipper, Wendy L.; Wozniak, Natalie S.; Jackson, Barry S.; Westine, Lezlee J.; Mehlman, Ken; Walters, Katherine M.; Litkenhaus, Colleen; Grant, Britt; Howard, Jack; Figg, Kara G.; Cleveland, Carolyn E.; Sforza, Scott N.; Ralston, Susan B.; McQuade, Vickie A.; Hernandez, Israel; Perez, Anna M.; Bennett, Melissa S.; Mooney, Leslie A.; Lefkowitz, Jay P.; Devenish, Nicolle; Bird, Debra D.; Miers, Harriet; Bowen, Stuart W.; Barclay, Barbara A.; Hughes, A. Merrill; Gillmor, Eleanor L.; Vestewig, Lauren J.; Burkhart, Shannon; Gray, Adrian G.; Conde, Roberta L.; Campbell, Anne E.; Middlemas, A. Morgan; Ellison, Kimberly; Gray, Ann; Rodriguez, Noelia; Duffy, Trent D.; Ryun, Catharine A.; Lineberry, Stephen M.; Millerwise, Jennifer; Kozberg, Lindsey C.; Towey, Jim; Hamilton, Parker B.; Williams, Mary C.; Ciafardini, Andrew D.; Eskew, Tucker A.; Spagnoli, Deborah A.; Hennessey, Keith; Canfield, Sally; Kaplan, Joel; Silverberg, Kristen; Montiel, Charlotte L.; Ingle, Edward; DeFrancis, Suzy; Mallea, Jose; Parell, Christie; Gerdelman, Sue H.; Rogers, Edwina C.; Marquez, Heidi K.; Kyle, Ross M.; Goergen, Barbara Jo; 'Buchan, Claire E.'; McClellan, Scott; Snee, Ashley; Hughes, Taylor A.; Wehner, Peter H.; McDonald, Rebekah; Yunker, Jacob H.; 'Nelson, Carolyn'; Disston, Katherine L.
Subject: MESSAGE MEETING REMINDER

There will be a message meeting today at noon in the Roosevelt Room.

From: Charlotte_L._Montiel@who.eop.gov [WHO] <Montiel, Charlotte L.>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 1/27/2003 4:09:38 AM
Subject: FW: MESSAGE MEETING REMINDER

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Montiel, Charlotte L. (Charlotte_L._Montiel@who.eop.gov [WHO])
CREATION DATE/TIME:27-JAN-2003 09:09:38.00
SUBJECT:FW: MESSAGE MEETING REMINDER
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Have you been going to these meetings? Did you go to the ones on Mon or Wed?

Charlotte

-----Original Message-----
From: Ritacco, Krista L.

Sent: Monday, January 27, 2003 8:51 AM

To: Barrales, Ruben S.; Rust, Kathryn E.; Neely, Sarah E.; Gottesman, Blake; Gambatesa, Linda M.; Nipper, Wendy L.; Wozniak, Natalie S.; Jackson, Barry S.; Westine, Lezlee J.; Mehlman, Ken; Walters, Katherine M.; Litkenhaus, Colleen; Grant, Britt; Howard, Jack; Figg, Kara G.; Cleveland, Carolyn E.; Sforza, Scott N.; Ralston, Susan B.; McQuade, Vickie A.; Hernandez, Israel; Perez, Anna M.; Bennett, Melissa S.; Mooney, Leslie A.; Lefkowitz, Jay P.; Devenish, Nicolle; Bird, Debra D.; Miers, Harriet; Bowen, Stuart W.; Barclay, Barbara A.; Hughes, A. Merrill; Gillmor, Eleanor L.; Vestewig, Lauren J.; Burkhart, Shannon; Gray, Adrian G.; Conde, Roberta L.; Campbell, Anne E.; Middlemas, A. Morgan; Ellison, Kimberly; Gray, Ann; Rodriguez, Noelia; Duffy, Trent D.; Ryun, Catharine A.; Lineberry, Stephen M.; Millerwise, Jennifer; Kozberg, Lindsey C.; Towey, Jim; Hamilton, Parker B.; Williams, Mary C.; Ciafardini, Andrew D.; Eskew, Tucker A.; Spagnoli, Deborah A.; Hennessey, Keith; Canfield, Sally; Kaplan, Joel; Silverberg, Kristen; Montiel, Charlotte L.; Ingle, Edward; DeFrancis, Suzy; Mallea, Jose; Parell, Christie; Gerdelman, Sue H.; Rogers, Edwina C.; Marquez, Heidi K.; Kyle, Ross M.; Goergen, Barbara Jo; 'Buchan, Claire E.'; McClellan, Scott; Snee, Ashley; Hughes, Taylor A.; Wehner, Peter H.; McDonald, Rebekah; Yunker, Jacob H.; 'Nelson, Carolyn'; Disston, Katherine L.

Subject: MESSAGE MEETING REMINDER

There will be a message meeting today at noon in the Roosevelt Room.

From: Higginbotham, Ryan (Judiciary) <Ryan_Higginbotham@Judiciary.senate.gov>
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Levitas, Peter (Judiciary) <Peter_Levitas@Judiciary.senate.gov>;Nichols, Amanda (Voinovich) <Amanda_Nichols@voinovich.senate.gov>;Miranda, Manuel (Judiciary) <Manuel_Miranda@Judiciary.senate.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>;King, Kevin (DeWine) <Kevin_King@dewine.senate.gov>;brian.a.benczkowski@usdoj.gov [UNKNOWN] <brian.a.benczkowski@usdoj.gov>;nathan.sales@usdoj.gov [UNKNOWN] <nathan.sales@usdoj.gov>;jamie.e.brown@usdoj.gov [UNKNOWN] <jamie.e.brown@usdoj.gov>;Dahl, Alex (Judiciary) <Alex_Dahl@Judiciary.senate.gov>;Taylor, Steve (Judiciary) <Steve_Taylor@Judiciary.senate.gov>
Sent: 1/27/2003 4:12:50 AM
Subject: : Another story on Sutton and Cook
Attachments: P_16GBD003_WHO.TXT_1.htm

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Higginbotham, Ryan (Judiciary)" <Ryan_Higginbotham@Judiciary.senate.gov> (
"Higginbotham, Ryan (Judiciary)" <Ryan_Higginbotham@Judiciary.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:27-JAN-2003 09:12:50.00
SUBJECT:: Another story on Sutton and Cook
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Levitas, Peter (Judiciary)" <Peter_Levitas@Judiciary.senate.gov> ( "Levitas, Peter
(Judiciary)" <Peter_Levitas@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Nichols, Amanda (Voinovich)" <Amanda_Nichols@voinovich.senate.gov> ( "Nichols, Amanda
(Voinovich)" <Amanda_Nichols@voinovich.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Miranda, Manuel (Judiciary)" <Manuel_Miranda@Judiciary.senate.gov> ( "Miranda, Manuel
(Judiciary)" <Manuel_Miranda@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [ UNKNOWN ]
)
READ:UNKNOWN
TO:"King, Kevin (DeWine)" <Kevin_King@dewine.senate.gov> ( "King, Kevin (DeWine)"
<Kevin_King@dewine.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:brian.a.benczkowski@usdoj.gov ( brian.a.benczkowski@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:nathan.sales@usdoj.gov ( nathan.sales@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:jamie.e.brown@usdoj.gov ( jamie.e.brown@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:"Dahl, Alex (Judiciary)" <Alex_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)"
<Alex_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Taylor, Steve (Judiciary)" <Steve_Taylor@Judiciary.senate.gov> ( "Taylor, Steve
(Judiciary)" <Steve_Taylor@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

http://www.lancastereaglegazette.com/news/stories/20030127/localnews/860
012.html

-----Original Message-----
From: Taylor, Steve (Judiciary)
Sent: Monday, January 27, 2003 8:47 AM
```

To: Brett_M._Kavanaugh@who.eop.gov; Dahl, Alex (Judiciary);
Heather_Wingate@who.eop.gov; jamie.e.brown@usdoj.gov; Miranda, Manuel
(Judiciary); nathan.sales@usdoj.gov; Nichols, Amanda (Voinovich);
brian.a.benczkowski@usdoj.gov; Levitas, Peter (Judiciary); King, Kevin
(DeWine); 'Bradford_A._Berenson@who.eop.gov'; Comisac, RenaJohnson
(Judiciary); Higginbotham, Ryan (Judiciary)
Subject: FW:
Importance: High

-----Original Message-----
From: Mike Dawson [mailto:midawson@columbus.rr.com]
Sent: Saturday, January 25, 2003 2:29 PM
To: Taylor, Steve (Judiciary); Levitas, Peter (Judiciary)
Subject:
Importance: High
http://www.ohio.com/mld/beaconjournal/news/state/5025783.htm
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_16GBD003_WHO.TXT_1>

http://www.lancastereaglegazette.com/news/ stories/20030127/localnews/860012.html

-----Original Message-----
From: Taylor, Steve (Judiciary) **Sent: Monday, January 27, 2003 8:47 AM< span style='font-size:10.0pt;font-family:Tahoma'>**
To: Brett_M._Kavanaugh@who.eop.gov ; Dahl, Alex (Judiciary); Heather_Wingate@who.eop.gov; jamie.e.brown@usdoj.gov; Miranda, Manuel (Judiciary); nathan.sales@usdoj.gov; Nichols, Amanda (Voinovich); brian.a.benczkowski@usdoj.gov; Levitas, Peter (Judiciary); King, Kevin (DeWine); 'Bradford_A._Berenson@who.eop.gov'; Comisac, RenaJohnson (Judiciary); Higginbotham, Ryan (Judiciary)
Subject: FW:
Importance: High

-----Original Message-----
From: Mike Dawson [mailto:midawson@columbus.rr.com]
Sent: Saturday, January 25, 2003 2:29 PM< span style='font-size:10.0pt;font-family:Tahoma'>
To: Taylor, Steve (Judiciary); Levitas, Peter (Judiciary)
Subject:
Importance: High

http://www. ohio.com/mld/beaconjournal/news/state/5025783.htm< /p>

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/27/2003 4:14:34 AM
Subject: : RE: FW: MESSAGE MEETING REMINDER

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:27-JAN-2003 09:14:34.00
SUBJECT:: RE: FW: MESSAGE MEETING REMINDER
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Oh. Wow. I thought you and Brad had split it up. Do you prefer going to both or do you want me to get someone to help you?

Charlotte

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, January 27, 2003 9:07 AM
To: Montiel, Charlotte L.
Subject: Re: FW: MESSAGE MEETING REMINDER

yes, I go to both.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 01/27/2003 09:09:37 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: MESSAGE MEETING REMINDER

Have you been going to these meetings? Did you go to the ones on Mon or Wed?

Charlotte

-----Original Message-----
From: Ritacco, Krista L.
Sent: Monday, January 27, 2003 8:51 AM
To: Barrales, Ruben S.; Rust, Kathryn E.; Neely, Sarah E.; Gottesman, Blake; Gambatesa, Linda M.; Nipper, Wendy L.; Wozniak, Natalie S.; Jackson, Barry S.; Westine, Lezlee J.; Mehlman, Ken; Walters, Katherine M.; Litkenhaus, Colleen; Grant, Britt; Howard, Jack; Figg, Kara G.; Cleveland, Carolyn E.; Sforza, Scott N.; Ralston, Susan B.; McQuade, Vickie A.; Hernandez, Israel; Perez, Anna M.; Bennett, Melissa S.; Mooney, Leslie A.; Lefkowitz, Jay P.; Devenish, Nicolle; Bird, Debra D.; Miers, Harriet; Bowen, Stuart W.; Barclay, Barbara A.; Hughes, A. Merrill; Gillmor, Eleanor L.; Vestewig, Lauren J.; Burkhart, Shannon; Gray, Adrian G.; Conde, Roberta L.; Campbell, Anne E.; Middlemas, A. Morgan; Ellison, Kimberly; Gray, Ann; Rodriguez, Noelia; Duffy, Trent D.; Ryun, Catharine A.; Lineberry, Stephen M.; Millerwise, Jennifer; Kozberg, Lindsey C.; Towey, Jim; Hamilton, Parker B.; Williams, Mary C.; Ciafardini, Andrew D.; Eskew, Tucker A.; Spagnoli, Deborah A.; Hennessey, Keith; Canfield, Sally; Kaplan, Joel; Silverberg, Kristen; Montiel, Charlotte L.; Ingle, Edward; DeFrancis, Suzy; Mallea, Jose; Parell, Christie; Gerdelman, Sue H.; Rogers, Edwina C.; Marquez, Heidi K.; Kyle, Ross M.; Goergen, Barbara Jo; 'Buchan, Claire E.'; McClellan, Scott; Snee, Ashley; Hughes, Taylor A.;

Wehner, Peter H.; McDonald, Rebekah; Yunker, Jacob H.; 'Nelson, Carolyn';
Disston, Katherine L.
Subject: MESSAGE MEETING REMINDER

There will be a message meeting today at noon in the Roosevelt Room.

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/27/2003 4:42:12 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:27-JAN-2003 09:42:12.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes.

Brett M. Kavanaugh
01/27/2003 09:36:25 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc:
Subject:

Are you going to coalition meeting at 3 today?

From: CN=Blake Gottesman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/27/2003 4:56:25 AM
Subject: : RE: Presidentiall Diarist

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-JAN-2003 09:56:25.00
SUBJECT:: RE: Presidentiall Diarist
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

it'll be just like the whtv meeting ...

kidding; should be much more calm

---------- Forwarded by Blake Gottesman/WHO/EOP on 01/27/2003 09:04 AM ----------

From: Colleen Litkenhaus/WHO/EOP@Exchange on 01/27/2003 09:04:04 AM
Record Type: Record

To: Linda M. Gambatesa/WHO/EOP@EOP, Blake Gottesman/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: RE: Presidentiall Diarist

Would you like to have this meeting with Brett Kavanaugh on Friday at 9AM?

;-----Original Message-----
From: ; Gambatesa, Linda M.;
Sent:;; Tuesday, January 21, 2003 2:20 PM
To:;;;; Hagin, Joseph W; Litkenhaus, Colleen; Gottesman, Blake
Subject:;;;;;;; Presidentiall Diarist

A long, long time ago, we were trying to set up a meeting to discuss this position.; It currently reports to Scheduling, but I suspect there is very little contact in that regard, and hence that position has no supervision or guidance.;

Further, we have come up with many questions as to what exactly the offices does, type of information being collected, the process for collecting information, where the records are kept (hard copy and computer version), which of these records is protected and which are not, what the Usher's Office provides in the way of logs, etc.;

We know she has all the information in a stand-alone computer system, but what exactly does this mean.; I am going to ask Ellen to send us a couple of examples of what his days look like ... maybe a regular day in the Oval, one on the road, and one a weekend at Camp David.; At present we never see what goes in there and have no way of checking the accuracy of the information or providing input on ways to capture what we are hoping to include.

I would like to renew the request to set up a meeting w/Counsel's office et al to discuss the background of this position and what the logical reporting structure should be.; I feel strongly that it should not be Scheduling, but rather should more likely report to OOO!; Then we should set up a meeting with the Diarist to get a full rundown/status report of what's been worked on ... how current or far behind they are, etc.;

Thanks.

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>
Sent: 1/27/2003 9:06:50 AM
Subject: Re: FW: MESSAGE MEETING REMINDER

yes, I go to both.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 01/27/2003 09:09:37 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: MESSAGE MEETING REMINDER

Have you been going to these meetings? Did you go to the ones on Mon or Wed?

Charlotte

-----Original Message-----

From: Ritacco, Krista L.

Sent: Monday, January 27, 2003 8:51 AM

To: Barrales, Ruben S.; Rust, Kathryn E.; Neely, Sarah E.; Gottesman, Blake; Gambatesa, Linda M.; Nipper, Wendy L.; Wozniak, Natalie S.; Jackson, Barry S.; Westine, Lezlee J.; Mehlman, Ken; Walters, Katherine M.; Litkenhaus, Colleen; Grant, Britt; Howard, Jack; Figg, Kara G.; Cleveland, Carolyn E.; Sforza, Scott N.; Ralston, Susan B.; McQuade, Vickie A.; Hernandez, Israel; Perez, Anna M.; Bennett, Melissa S.; Mooney, Leslie A.; Lefkowitz, Jay P.; Devenish, Nicolle; Bird, Debra D.; Miers, Harriet; Bowen, Stuart W.; Barclay, Barbara A.; Hughes, A. Merrill; Gillmor, Eleanor L.; Vestewig, Lauren J.; Burkhart, Shannon; Gray, Adrian G.; Conde, Roberta L.; Campbell, Anne E.; Middlemas, A. Morgan; Ellison, Kimberly; Gray, Ann; Rodriguez, Noelia; Duffy, Trent D.; Ryun, Catharine A.; Lineberry, Stephen M.; Millerwise, Jennifer; Kozberg, Lindsey C.; Towey, Jim; Hamilton, Parker B.; Williams, Mary C.; Ciafardini, Andrew D.; Eskew, Tucker A.; Spagnoli, Deborah A.; Hennessey, Keith; Canfield, Sally; Kaplan, Joel; Silverberg, Kristen; Montiel, Charlotte L.; Ingle, Edward; DeFrancis, Suzy; Mallea, Jose; Parell, Christie; Gerdelman, Sue H.; Rogers, Edwina C.; Marquez, Heidi K.; Kyle, Ross M.; Goergen, Barbara Jo; 'Buchan, Claire E.'; McClellan, Scott; Snee, Ashley; Hughes, Taylor A.; Wehner, Peter H.; McDonald, Rebekah; Yunker, Jacob H.; 'Nelson, Carolyn'; Disston, Katherine L.

Subject: MESSAGE MEETING REMINDER

There will be a message meeting today at noon in the Roosevelt Room.

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 1/27/2003 9:09:37 AM
Subject: FW: MESSAGE MEETING REMINDER

Have you been going to these meetings? Did you go to the ones on Mon or Wed?

Charlotte

-----Original Message-----
From: Ritacco, Krista L.
Sent: Monday, January 27, 2003 8:51 AM
To: Barrales, Ruben S.; Rust, Kathryn E.; Neely, Sarah E.; Gottesman, Blake; Gambatesa, Linda M.; Nipper, Wendy L.; Wozniak, Natalie S.; Jackson, Barry S.; Westine, Lezlee J.; Mehlman, Ken; Walters, Katherine M.; Litkenhaus, Colleen; Grant, Britt; Howard, Jack; Figg, Kara G.; Cleveland, Carolyn E.; Sforza, Scott N.; Ralston, Susan B.; McQuade, Vickie A.; Hernandez, Israel; Perez, Anna M.; Bennett, Melissa S.; Mooney, Leslie A.; Lefkowitz, Jay P.; Devenish, Nicolle; Bird, Debra D.; Miers, Harriet; Bowen, Stuart W.; Barclay, Barbara A.; Hughes, A. Merrill; Gillmor, Eleanor L.; Vestewig, Lauren J.; Burkhart, Shannon; Gray, Adrian G.; Conde, Roberta L.; Campbell, Anne E.; Middlemas, A. Morgan; Ellison, Kimberly; Gray, Ann; Rodriguez, Noelia; Duffy, Trent D.; Ryun, Catharine A.; Lineberry, Stephen M.; Millerwise, Jennifer; Kozberg, Lindsey C.; Towey, Jim; Hamilton, Parker B.; Williams, Mary C.; Ciafardini, Andrew D.; Eskew, Tucker A.; Spagnoli, Deborah A.; Hennessey, Keith; Canfield, Sally; Kaplan, Joel; Silverberg, Kristen; Montiel, Charlotte L.; Ingle, Edward; DeFrancis, Suzy; Mallea, Jose; Parell, Christie; Gerdelman, Sue H.; Rogers, Edwina C.; Marquez, Heidi K.; Kyle, Ross M.; Goergen, Barbara Jo; 'Buchan, Claire E.'; McClellan, Scott; Snee, Ashley; Hughes, Taylor A.; Wehner, Peter H.; McDonald, Rebekah; Yunker, Jacob H.; 'Nelson, Carolyn'; Disston, Katherine L.
Subject: MESSAGE MEETING REMINDER

There will be a message meeting today at noon in the Roosevelt Room.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 1/27/2003 9:12:48 AM
Subject: op-ed in Boston Globe today re Pickering

Any luck on submitting Judge's op-ed? We just continue to take it -- without any meaningful Administration response.

Questionable judges

1/27/2003

T'S A NEW year, but President Bush is backing outdated federal judges.

Now that Republicans control the Senate, there's a good chance Bush can push his nominees through. But in some cases this would be unfortunate match-making. The last two elections suggest that many voters have marched to the middle of the road. Federal judges should reflect this moderate mind-set.

Instead, Bush is nominating political lightning rods. Among them is US District Judge Charles Pickering of Mississippi, whose nomination was defeated last year by Democrats on the Senate Judiciary Committee.

Pickering has been criticized for his efforts to reduce the sentence of a convicted cross-burner. He has the support of Trent Lott, the former Republican leader in the Senate and a fellow Mississippian, but that has left Pickering smudged by Lott's praise of Strom Thurmond's segregationist run for the presidency in 1948. And Pickering has a record of dismissing employment discrimination cases without holding trials.

In a review, the American Bar Association found Pickering well qualified to be a judge. But the bar doesn't measure the importance of symbols. Pickering isn't the best person to reassure the country that the federal courts care about protecting hard-won social progress on workers' and civil rights.

The Senate Judiciary Committee - and, in turn, the full Senate - should scrutinize the records of Pickering and other nominees with a simple question in mind: Does this candidate fit the needs of the times?

Care must be taken. Some say Pickering is a stalking-horse, that Republicans will sacrifice his nomination hoping to draw opposition away from other conservative nominees who are younger and would likely spend far more time on the bench than Pickering, who is 65.

This group includes Judge Priscilla Owen of the Texas Supreme Court, who has been nominated to the Fifth Circuit Court of Appeals. She has been described as being too conservative.

Senator Patrick Leahy of Vermont, former chairman of the Judiciary Committee, called Owen's record "too extreme even in the context of the very conservative Texas Supreme Court." Leahy points to several cases when that court's Republican majority criticized Owen for extreme dissenting opinions, including a medical malpractice case in which she ignored precedents set by the court's earlier rulings. Owen also has a history of stretching the law too far to block minors from getting abortions, and she has compiled a troubling record on employment discrimination cases.

Bush and his allies often reassure the public about the administration's judicial nominees with platitudes about what fine people they are. This may be true.

The Senate must be tougher in its scrutiny. These nominees should have a proven ability to protect and promote

the progress of justice in America.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 1/27/2003 9:34:45 AM
Subject: RE: scheduling requests for meetings with President

Do you know if U.S. Attorneys or Marshals will be discussed at either meeting? If so, I'll need to note it on the proposal.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Saturday, January 25, 2003 4:37 PM
To: Nelson, Carolyn
Subject: scheduling requests for meetings with President

Can you prepare and submit requests for meetings with President on Friday, February 7 and Friday, February 14 for 20 minutes each regarding judicial selection.

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/27/2003 6:31:49 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:27-JAN-2003 11:31:49.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

At Bartlett's suggest, I have forwarded the text of my proposed letter to
Tim (after speaking with him about it).; He;is going to look at it and
probably send something like that to the Post in response to the NOvak
column.
;
```

From: David_G._Leitch@who.eop.gov [WHO] <Leitch, David G.>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 1/27/2003 6:31:31 AM
Subject:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
CREATION DATE/TIME:27-JAN-2003 11:31:31.00
SUBJECT:
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

At Bartlett's suggest, I have forwarded the text of my proposed letter to Tim (after speaking with him about it). He is going to look at it and probably send something like that to the Post in response to the NOvak column.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>
Sent: 1/27/2003 7:29:14 AM
Subject: : RE: draft letter to LA Daily Journal

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-JAN-2003 12:29:14.00
SUBJECT:: RE: draft letter to LA Daily Journal
TO:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

can you find out the correct fax and phone number for this woman. thx.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 01/27/2003 11:01:25 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: draft letter to LA Daily Journal

I have the revised letter signed by David. Did you want to fax it? If so, should I fax it to you?

Charlotte

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, January 27, 2003 9:26 AM
To: Gonzales, Alberto R; Montiel, Charlotte L.; Leitch, David G.
Subject: draft letter to LA Daily Journal

We should get this (or something like it) FAXed to LA Daily Journal today by about 2:00. I will take care of FAX mechanics once letter is finalized and signed.

Katrina Dewey
Editor
Los Angeles Daily Journal
915 E. First St.
Los Angeles, CA 90012

To the Editor:

I write regarding your January 22, 2003, article on Judge Glenda Sanders. The reporter characterized the White House's consideration and evaluation of Judge Glenda Sanders for a federal position on the basis of an anonymous source. Judge Sanders is a highly qualified candidate for a federal judicial position who has a very impressive record. She has acted forthrightly and honorably with the White House and Department of Justice throughout all aspects of the selection process. Finally, no nomination for the seat in question has been made.

Sincerely,

David G. Leitch
Deputy Counsel to President Bush

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 1/27/2003 11:51:43 AM
Subject: Re:

in whose name?

From: David G. Leitch/WHO/EOP@Exchange on 01/27/2003 11:31:30 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject:

At Bartlett's suggest, I have forwarded the text of my proposed letter to Tim (after speaking with him about it). He is going to look at it and probably send something like that to the Post in response to the NOvak column.

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>
Sent: 1/27/2003 11:52:05 AM
Subject: RE: draft letter to LA Daily Journal

FAX it to me. thanks.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 01/27/2003 11:01:25 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: draft letter to LA Daily Journal

I have the revised letter signed by David. Did you want to fax it? If so, should I fax it to you?

Charlotte

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Monday, January 27, 2003 9:26 AM

To: Gonzales, Alberto R; Montiel, Charlotte L.; Leitch, David G.

Subject: draft letter to LA Daily Journal

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915 E. First St.

Los Angeles, CA 90012

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Sincerely,

David G. Leitch

Deputy Counsel to President Bush

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/27/2003 8:16:18 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:27-JAN-2003 13:16:18.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tim's

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, January 27, 2003 11:52 AM
To: Leitch, David G.
Subject: Re:

in whose name?

From: David G. Leitch/WHO/EOP@Exchange on 01/27/2003 11:31:30 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

At Bartlett's suggest, I have forwarded the text of my proposed letter to Tim (after speaking with him about it). He is going to look at it and probably send something like that to the Post in response to the NOvak column.

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/27/2003 8:24:47 AM
Subject: : Today's Supreme Court decision in FCC v. NextWave

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-JAN-2003 13:24:47.00
SUBJECT:: Today's Supreme Court decision in FCC v. NextWave
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

[N.B. Ted Ullyot, the author of this e-mail, is a new Associate Counsel, and is taking over the NextWave case from Helgi Walker.]

Summary: The Supreme Court this morning handed down its decision in FCC v. NextWave. By a vote of 8-1, the Court ruled against the FCC, holding that the Commission's revocation of NextWave's licenses violated the Bankruptcy Code and was therefore invalid. This was the same conclusion reached by the DC Circuit. Justice Scalia wrote the majority opinion, and Justice Breyer dissented. The Court does not give any detailed guidance as to what the FCC, NextWave, or the second-round bidders can or should do next -- it concludes simply by saying that the DC Circuit's decision is affirmed. The DC Circuit, in its now-affirmed decision, had sent the proceedings back to the FCC, so that is where they will presumably resume (with the licenses now in NextWave's hands).

Detail: Scalia's opinion for the Court is brief and straightforward, marching through and rejecting each of the three arguments put forward by the FCC. The provision of the Bankruptcy Code at issue -- Section 525(a) -- provides that "a governmental unit may not . . . revoke . . . a license . . . to . . . a person that is . . . a debtor under [the Bankruptcy Code] . . . solely because such . . . debtor . . . has not paid a debt that is dischargeable . . . ." The FCC's three arguments, and the Court's reasons for rejecting them, were as follows. 1. FCC argued that it had not revoked NextWave's license "solely because" of NextWave's nonpayment; instead, the rejection was due at least in part to the FCC's pursuit of a "valid regulatory motive" (namely enforcing the conditions of the auction). The Court rejected this, saying that such an exception would swallow the rule, because there is virtually always some theoretically valid motive behind an agency's decision. 2. FCC argued that NextWave's obligation to make timely payments to the FCC was not a "debt that is dischargeable" in bankruptcy, but rather a license condition. The Court rejected this one -- reasoning that the Bankruptcy Code defines debts very broadly, so "a debt is a debt, even when the obligation to pay it is also a regulatory condition." 3. FCC argued that to read Section 525 of the Bankruptcy Code as prohibiting the FCC's revocation (as the Court did) would create an unnecessary conflict between the Bankruptcy Code and the Communications Act. The Court dismissed this argument, finding that there is no inherent conflict -- because the Communications Act does not make cancellation the only possible penalty for failure to make timely payments.

In dissent, Breyer contends that the Court has been too literal in reading the language of Section 525, and that if one considers the purposes of the Bankruptcy Code, it is clear that in certain cases (such as this one) the government should be allowed to enforce a sales contract through repossession (license revocation in this case).

From: Jones, Alison

To: john.duncan@do.treas.gov <john.duncan@do.treas.gov>;david.aufhauser@do.treas.gov <david.aufhauser@do.treas.gov>;robert.nichols@do.treas.gov <robert.nichols@do.treas.gov>;tim.adams@do.treas.gov <tim.adams@do.treas.gov>;april.lehman@do.treas.gov <april.lehman@do.treas.gov>;april.lehman@do.treas.gov <Goldman, Adam B.>;april.lehman@do.treas.gov <Hennessey, Keith>;april.lehman@do.treas.gov <Powell, Dina>;april.lehman@do.treas.gov <Snee, Ashley>;april.lehman@do.treas.gov <Kavanaugh, Brett M.>;janet.jones@do.treas.gov <janet.jones@do.treas.gov>;janet.jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Wolff, Candida P.>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>

CC: <Ojakli, Ziad>

Sent: 1/27/2003 12:32:36 PM

Subject: 6pm Snow Conference Call

There will be a 6pm conference call tonight. The coordinates are:

456-2561
456-2565

code 6103

From: Wingate, Heather
To: <Kavanaugh, Brett M.>
CC: <Snee, Ashley>
Sent: 1/27/2003 12:47:21 PM
Subject: Re: binders

Ignore my email on this then! But let's talk about best way to distribute to the Hill....

Brett M. Kavanaugh

01/27/2003 12:45:43 PM

Record Type: Record

To: Heather Wingate/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange@EOP

cc:

Subject: binders

At long last, we finally have the materials ready -- 59 pages worth -- I am now formatting and will send to you shortly. I propose that we e-mail as a PDF file to Goelgein's groups (with table of contents and page numbers) and also deliver some hard binders to Hill.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 1/27/2003 1:15:59 PM
Subject: RE:

Tim's

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, January 27, 2003 11:52 AM
To: Leitch, David G.
Subject: Re:

in whose name?

From: David G. Leitch/WHO/EOP@Exchange on 01/27/2003 11:31:30 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

At Bartlett's suggest, I have forwarded the text of my proposed letter to Tim (after speaking with him about it). He is going to look at it and probably send something like that to the Post in response to the NOvak column.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/27/2003 9:26:13 AM
Subject: : RE: Red tag

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:27-JAN-2003 14:26:13.00
SUBJECT:: RE: Red tag
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Okay, I'll re-fax

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, January 27, 2003 2:20 PM
To: Bumatay, Patrick J.
Subject: Re: Red tag

never received it

From: Patrick J. Bumatay/WHO/EOP@Exchange on 01/27/2003 02:23:45 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Red tag

Just a reminder, the red tag on National Consumer Protection Proclamation
was due at 2 pm.

thanks

Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632

From: [UNKNOWN] <Thomas, Julieanne H.>
To: <Walters>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/67C0AB5-BC3A9691-85256C05-580D47 [UNKNOWN] <Katherine M.>;<Ritacco>;Krista_L._Ritacco@who.eop.gov [WHO] <Krista L.>;<Ralston>;Susan_B._Ralston@who.eop.gov [WHO] <Susan B.>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 1/27/2003 10:01:48 AM
Subject: Briefing tomorrow

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Thomas, Julieanne H. ( [ UNKNOWN ] )
CREATION DATE/TIME:27-JAN-2003 15:01:48.00
SUBJECT:Briefing tomorrow
TO:Walters, Katherine M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=67C0AB5-
BC3A9691-85256C05-580D47 [ UNKNOWN ] )
READ:UNKNOWN
TO:Ritacco, Krista L. ( Krista_L._Ritacco@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Ralston, Susan B. ( Susan_B._Ralston@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
C20FEE19-852569DA-7648DC [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

As you may know, we are hosting a briefing tomorrow for the State of the Union.
I received a request for Jack Oliver, Mindy Tucker, and Jim Dyke to attend.
Adam asked me to have you check with Ken, Dan, and Karl and see if they are ok
with this?

Brett, Is this ok? Karl and Dan are doing the briefing.
```

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 1/27/2003 2:25:59 PM
Subject: RE: Red tag

Okay, I'll re-fax

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, January 27, 2003 2:20 PM
To: Bumatay, Patrick J.
Subject: Re: Red tag

never received it

From: Patrick J. Bumatay/WHO/EOP@Exchange on 01/27/2003 02:23:45 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Red tag

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thanks

Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632

From: Thomas, Julieanne H.
To: <Walters, Katherine M.>;<Ritacco, Krista L.>;<Ralston, Susan B.>;<Kavanaugh, Brett M.>
Sent: 1/27/2003 3:01:48 PM
Subject: Briefing tomorrow

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Brett, Is this ok? Karl and Dan are doing the briefing.

From: Robert.Nichols@do.treas.gov [UNKNOWN]

To: <Jones>;Alison_Jones@who.eop.gov [WHO] <Alison>;John.Duncan@do.treas.gov [UNKNOWN] <John.Duncan@do.treas.gov>;David.Aufhauser@do.treas.gov [UNKNOWN] <David.Aufhauser@do.treas.gov>;Robert.Nichols@do.treas.gov [UNKNOWN] <Robert.Nichols@do.treas.gov>;Tim.Adams@do.treas.gov [UNKNOWN] <Tim.Adams@do.treas.gov>;April.Lehman@do.treas.gov [UNKNOWN] <April.Lehman@do.treas.gov>;<Goldman>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/698AA900-27350BE5-852569DD-5F23FE [UNKNOWN] <Adam B.>;<Hennessey>;Keith_Hennessey@opd.eop.gov [OPD] <Keith>;<Powell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/583FB9CE-AFBAD6FF-852569DD-44BBDA [UNKNOWN] <Dina>;<Snee>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /ASHLEY_M_SNEE [UNKNOWN] <Ashley>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;Janet.Jones@do.treas.gov [UNKNOWN] <Janet.Jones@do.treas.gov>;<Everson>;/EOP /FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FF797A9B-218FE559-85256B99-4E9537 [UNKNOWN] <Nanette>;arnie_havens@csx.com [UNKNOWN] <arnie_havens@csx.com>; <Ingle>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/53838B5A-90E78711-852569DC-53F24B [UNKNOWN] <Edward>;linda_mathis@csx.com [UNKNOWN] <linda_mathis@csx.com>;<Wolff>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /D55BBA04-5A282E31-852569DB-607283 [UNKNOWN] <Candida P.>;<Kratovil>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/60244D3E-AABBCE0E-85256B74-5C655A [UNKNOWN] <Lindley>;<Warsh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN] <Kevin>;JT.Young@do.treas.gov [UNKNOWN] <JT.Young@do.treas.gov>

CC: <Ojakli>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/ZIAD_S._OJAKLI [UNKNOWN] <Ziad>

Sent: 1/27/2003 11:07:23 AM

Subject: fyi bloomberg curtain raiser

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Robert.Nichols@do.treas.gov ( Robert.Nichols@do.treas.gov [ UNKNOWN ] )
CREATION DATE/TIME:27-JAN-2003 16:07:23.00
SUBJECT:fyi bloomberg curtain raiser
TO:Jones, Alison ( Alison_Jones@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:John.Duncan@do.treas.gov ( John.Duncan@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:David.Aufhauser@do.treas.gov ( David.Aufhauser@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Robert.Nichols@do.treas.gov ( Robert.Nichols@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Tim.Adams@do.treas.gov ( Tim.Adams@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:April.Lehman@do.treas.gov ( April.Lehman@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Goldman, Adam B. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=698AA900-27350BE5-852569DD-5F23FE [ UNKNOWN ] )
READ:UNKNOWN
TO:Hennessey, Keith ( Keith_Hennessey@opd.eop.gov [ OPD ] )
READ:UNKNOWN
TO:Powell, Dina ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=583FB9CE-AFBAD6FF-
852569DD-44BBDA [ UNKNOWN ] )
READ:UNKNOWN
TO:Snee, Ashley ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ASHLEY_M_SNEE [
UNKNOWN ] )
READ:UNKNOWN
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
C20FEE19-852569DA-7648DC [ UNKNOWN ] )
READ:UNKNOWN
TO:Janet.Jones@do.treas.gov ( Janet.Jones@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Everson, Nanette ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FF797A9B-
```

218FE559-85256B99-4E9537 [UNKNOWN])
READ:UNKNOWN
TO:arnie_havens@csx.com (arnie_havens@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Ingle, Edward (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=53838B5A-90E78711-852569DC-53F24B [UNKNOWN])
READ:UNKNOWN
TO:linda_mathis@csx.com (linda_mathis@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Wolff, Candida P. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D55BBA04-5A282E31-852569DB-607283 [UNKNOWN])
READ:UNKNOWN
TO:Kratovil, Lindley (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=60244D3E-AABBCE0E-85256B74-5C655A [UNKNOWN])
READ:UNKNOWN
TO:Warsh, Kevin (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN])
READ:UNKNOWN
TO:JT.Young@do.treas.gov (JT.Young@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Ojakli, Ziad (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ZIAD_S._OJAKLI [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Treasury Nominee Snow Faces Senate on CSX Record, Bush Tax Cuts

2003-01-27 14:50 (New York)

Treasury Nominee Snow Faces Senate on CSX Record, Bush Tax Cuts

Washington, Jan. 27 (Bloomberg) -- John Snow, who once campaigned for a balanced federal budget, tomorrow will try to convince senators he's the right pick to become U.S. Treasury secretary in an era of slow economic growth and rising deficits.

Snow is expected to win confirmation and become the 73rd Treasury secretary, lawmakers said ahead of what may be a half-day hearing before the Senate Finance Committee. First, he may face questions about President George W. Bush's tax-cut plan, the dollar's decline, and why his pay as chief executive of CSX Corp. rose out of proportion with the railroad's stock performance.

``Mr. Snow will receive a fair hearing, but not a rubber

stamp,'' said Senator Max Baucus of Montana, the finance committee's ranking Democrat. ``During this time of economic uncertainty, we need a strong economic team.''

Bush upended his economic team last month after the U.S. lost jobs for a second year and experienced a third straight annual stock market decline. The Republican president tapped Snow, the chief executive of the No. 3 railroad, to replace the ousted Paul O'Neill and to champion a $670 billion, 10-year proposal to aid the economy.

``He's a solid pick -- he's going to get confirmed,'' said Senator John Breaux, a Louisiana Democrat.

One task the 63-year-old Snow may confront is squaring his previous congressional testimony supporting a balanced federal budget with the administration's latest spending and tax-cut plans. Several economists estimate the U.S. budget deficit may reach $300 billion or more this year, depending on whether and when the stimulus plan is approved, how fast the economy grows and the effect of a possible war with Iraq.

Dollar Policy

Currency traders await Snow's remarks on foreign-exchange policy. The White House in recent weeks that signaled Snow won't change the eight-year support for a strong dollar, which

economists say limits inflation at the expense of disappointing manufacturers who want a weaker dollar to help boost exports. The dollar fell 15 percent against a group of six main currencies last year, the biggest decline since 1987. So far this year, it's down 2.6 percent. The dollar fell today for a record 10th straight day against the euro, which was introduced in 1999.

Snow also will be the first corporate executive to undergo Senate confirmation for a Cabinet post since accounting scandals at companies including Enron Corp. and WorldCom Inc. Those crises brought attention to companies' accounting practices, weak oversight by directors and exorbitant pay packages.

``American businesses have taken a great hit in credibility throughout the world, '' said Nell Minow, editor of the Corporate Library, a Portland, Maine-based shareholder advocacy group.

Corporate Ties

Some senators have said they want the nominee's ties to other companies reviewed. While at CSX, Snow served at various times as a director of at least 22 other companies, including Circuit City Stores Inc., U.S. Steel Corp., Johnson & Johnson and Verizon Communications Inc.

``The record needs to be examined,'' Senator Jon Corzine, a New Jersey Democrat and a former Goldman, Sachs & Co. chairman who

is not on the confirmation panel, said last week. ``I'd like to examine it in detail and see whether there were conflicts.''

The nominee will cite his membership of a Conference Board panel that investigated corporate malfeasance and last week's pledge to go beyond the requirement of the law and sell his CSX holdings and stock in 60 other companies if confirmed.

Snow became CEO of CSX in 1989 and built a personal net worth estimated at $100 million. He sold ships, barges and warehouses to focus CSX on the railroad and led the purchase of Conrail Inc. assets with Norfolk Southern Corp. for $10.2 billion in 1997.

Logjams after that takeover almost wiped out 1999 profit, and CSX stock trades at about half its price before the Conrail offer.

During the decade that ended in December, CSX shares fell 17 percent while the Standard & Poor's 500 Stock Index more than doubled. Snow's salary rose to $1.25 million last year from $961,000 in 1996.

Personal Nature

While Snow is a former deputy Transportation secretary and since 1993 has appeared seven times before Congressional panels, the visit may get more personal. Administration officials have prepped him for questions about memberships to the Augusta National Golf Club, which excludes women, and the Commonwealth Club in Richmond, Virginia, which once barred blacks.

The nominee also may be asked for more details on a 1988 child-support dispute with his first wife and an arrest for drunk driving in 1982; at Treasury, he would oversee the department's newly formed Alcohol and Tobacco Tax and Trade Bureau.

Snow may have to backtrack on some earlier public comments seeking a balanced budget. Last February, he warned that a stimulus package at that time might trigger ``problems down the road,'' and in 1995 he led a $2 million advertising campaign for a balanced budget as chairman of the Business Roundtable.

``It's standard Senate theater to raise old quotes, and Snow will certainly be asked to respond to his past statements on deficits,'' said Kevin Hassett, resident scholar at the American Enterprise Institute and one of 15 economists who briefed Bush on the economy last week.

The White House predicts a budget deficit of 2 percent to 3 percent of gross domestic product in the next two fiscal years and Treasury is asking for an increase in its borrowing authority.

Democrats complain that Bush's plan to end taxes on stock dividends and accelerate income-tax cuts is biased toward the rich, will balloon the federal deficit and do little for the economy.

--Brendan Murray and Simon Kennedy in the Washington newsroom, (202) 624-1834, or at skennedy4@bloomberg.net, through the

REV_00107538

Washington newsroom/ Editor: Miller

-----Original Message-----

From: Jones, Alison [mailto:Alison_Jones@who.eop.gov]

Sent: Monday, January 27, 2003 12:33 PM

To: john.duncan@do.treas.gov; david.aufhauser@do.treas.gov;
robert.nichols@do.treas.gov; tim.adams@do.treas.gov; april.lehman@do.treas.gov;
Goldman, Adam B.; Hennessey, Keith; Powell, Dina; Snee, Ashley; Kavanaugh,
Brett M.; janet.jones@do.treas.gov; Everson, Nanette; arnie_havens@csx.com;
Ingle, Edward; linda_mathis@csx.com; Wolff, Candida P.; Kratovil, Lindley;
Warsh, Kevin; JT.Young@do.treas.gov
Cc: Ojakli, Ziad

Subject: 6pm Snow Conference Call

There will be a 6pm conference call tonight. The coordinates are:

456-2561
456-2565

code 6103
<mailto:'JT.Young@do.treas.gov'>

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/27/2003 11:35:49 AM
Subject: : one more question....

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:27-JAN-2003 16:35:49.00
SUBJECT:: one more question....
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

how are we doing on the thank you notes? would be good if the Members
rec'd them before Wed's hearing ...
;
also, any progress on call to Sen. Pryor?
;
thanks, HW
```

From: Kavanaugh, Brett M.
To: <Thomas, Julieanne H.>
CC: <Walters, Katherine M.>;<Ritacco, Krista L.>;<Ralston, Susan B.>
Sent: 1/27/2003 3:59:09 PM
Subject: Re: Briefing tomorrow

a briefing for outside groups? if so, yes, ok.

Julieanne H. Thomas

01/27/2003 03:17:09 PM

Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP, Krista L. Ritacco/WHO/EOP@Exchange@EOP, Susan B. Ralston/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Briefing tomorrow

As you may know, we are hosting a briefing tomorrow for the State of the Union. I received a request for Jack Oliver, Mindy Tucker, and Jim Dyke to attend. Adam asked me to have you check with Ken, Dan, and Karl and see if they are ok with this?

Brett, Is this ok? Karl and Dan are doing the briefing.

From: Robert.Nichols@do.treas.gov
To: <Jones, Alison>;John.Duncan@do.treas.gov <John.Duncan@do.treas.gov>;David.Aufhauser@do.treas.gov <David.Aufhauser@do.treas.gov>;Robert.Nichols@do.treas.gov <Robert.Nichols@do.treas.gov>;Tim.Adams@do.treas.gov <Tim.Adams@do.treas.gov>;April.Lehman@do.treas.gov <April.Lehman@do.treas.gov>;April.Lehman@do.treas.gov <Goldman, Adam B.>;April.Lehman@do.treas.gov <Hennessey, Keith>;April.Lehman@do.treas.gov <Powell, Dina>;April.Lehman@do.treas.gov <Snee, Ashley>;April.Lehman@do.treas.gov <Kavanaugh, Brett M.>;Janet.Jones@do.treas.gov <Janet.Jones@do.treas.gov>;Janet.Jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Wolff, Candida P.>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>
CC: <Ojakli, Ziad>
Sent: 1/27/2003 4:07:23 PM
Subject: fyi bloomberg curtain raiser

Treasury Nominee Snow Faces Senate on CSX Record, Bush Tax Cuts
2003-01-27 14:50 (New York)

Treasury Nominee Snow Faces Senate on CSX Record, Bush Tax Cuts

Washington, Jan. 27 (Bloomberg) -- John Snow, who once campaigned for a balanced federal budget, tomorrow will try to convince senators he's the right pick to become U.S. Treasury secretary in an era of slow economic growth and rising deficits.

Snow is expected to win confirmation and become the 73rd Treasury secretary, lawmakers said ahead of what may be a half-day hearing before the Senate Finance Committee. First, he may face questions about President George W. Bush's tax-cut plan, the dollar's decline, and why his pay as chief executive of CSX Corp. rose out of proportion with the railroad's stock performance.

``Mr. Snow will receive a fair hearing, but not a rubber stamp,'' said Senator Max Baucus of Montana, the finance committee's ranking Democrat. ``During this time of economic uncertainty, we need a strong economic team.''

Bush upended his economic team last month after the U.S. lost jobs for a second year and experienced a third straight annual stock market decline. The Republican president tapped Snow, the chief executive of the No. 3 railroad, to replace the ousted Paul O'Neill and to champion a $670 billion, 10-year proposal to aid the economy.

``He's a solid pick -- he's going to get confirmed,'' said Senator John Breaux, a Louisiana Democrat.

One task the 63-year-old Snow may confront is squaring his previous congressional testimony supporting a balanced federal budget with the administration's latest spending and tax-cut plans. Several economists estimate the U.S. budget deficit may reach $300 billion or more this year, depending on whether and when the stimulus plan is approved, how fast the economy grows and the effect of a possible war with Iraq.

Dollar Policy

Currency traders await Snow's remarks on foreign-exchange policy. The White House in recent weeks that signaled Snow won't change the eight-year support for a strong dollar, which economists say limits inflation at the expense of disappointing

manufacturers who want a weaker dollar to help boost exports.

The dollar fell 15 percent against a group of six main currencies last year, the biggest decline since 1987. So far this year, it's down 2.6 percent. The dollar fell today for a record 10th straight day against the euro, which was introduced in 1999.

Snow also will be the first corporate executive to undergo Senate confirmation for a Cabinet post since accounting scandals at companies including Enron Corp. and WorldCom Inc. Those crises brought attention to companies' accounting practices, weak oversight by directors and exorbitant pay packages.

``American businesses have taken a great hit in credibility throughout the world, '' said Nell Minow, editor of the Corporate Library, a Portland, Maine-based shareholder advocacy group.

Corporate Ties

Some senators have said they want the nominee's ties to other companies reviewed. While at CSX, Snow served at various times as a director of at least 22 other companies, including Circuit City Stores Inc., U.S. Steel Corp., Johnson & Johnson and Verizon Communications Inc.

``The record needs to be examined,'' Senator Jon Corzine, a New Jersey Democrat and a former Goldman, Sachs & Co. chairman who is not on the confirmation panel, said last week. ``I'd like to examine it in detail and see whether there were conflicts.''

The nominee will cite his membership of a Conference Board panel that investigated corporate malfeasance and last week's pledge to go beyond the requirement of the law and sell his CSX holdings and stock in 60 other companies if confirmed.

Snow became CEO of CSX in 1989 and built a personal net worth estimated at $100 million. He sold ships, barges and warehouses to focus CSX on the railroad and led the purchase of Conrail Inc. assets with Norfolk Southern Corp. for $10.2 billion in 1997. Logjams after that takeover almost wiped out 1999 profit, and CSX stock trades at about half its price before the Conrail offer.

During the decade that ended in December, CSX shares fell 17 percent while the Standard & Poor's 500 Stock Index more than doubled. Snow's salary rose to $1.25 million last year from $961,000 in 1996.

Personal Nature

While Snow is a former deputy Transportation secretary and since 1993 has appeared seven times before Congressional panels, the visit may get more personal. Administration officials have prepped him for questions about memberships to the Augusta National Golf Club, which excludes women, and the Commonwealth Club in Richmond, Virginia, which once barred blacks.

The nominee also may be asked for more details on a 1988 child-support dispute with his first wife and an arrest for drunk driving in 1982; at Treasury, he would oversee the department's newly formed Alcohol and Tobacco Tax and Trade Bureau.

Snow may have to backtrack on some earlier public comments seeking a balanced budget. Last February, he warned that a stimulus package at that time might trigger ``problems down the road,'' and in 1995 he led a $2 million advertising campaign for a balanced budget as chairman of the Business Roundtable.

``It's standard Senate theater to raise old quotes, and Snow will certainly be asked to respond to his past statements on deficits,'' said Kevin Hassett, resident scholar at the American Enterprise Institute and one of 15 economists who briefed Bush on the economy last week.

The White House predicts a budget deficit of 2 percent to 3 percent of gross domestic product in the next two fiscal years and Treasury is asking for an increase in its borrowing authority. Democrats complain that Bush's plan to end taxes on stock dividends and accelerate income-tax cuts is biased toward the rich, will balloon the federal deficit and do little for the economy.

--Brendan Murray and Simon Kennedy in the Washington newsroom, (202) 624-1834, or at skennedy4@bloomberg.net, through the Washington newsroom/ Editor: Miller

-----Original Message-----
From: Jones, Alison [mailto:Alison_Jones@who.eop.gov]
Sent: Monday, January 27, 2003 12:33 PM
To: john.duncan@do.treas.gov; david.aufhauser@do.treas.gov; robert.nichols@do.treas.gov; tim.adams@do.treas.gov; april.lehman@do.treas.gov; Goldman, Adam B.; Hennessey, Keith; Powell, Dina; Snee, Ashley; Kavanaugh, Brett M.; janet.jones@do.treas.gov; Everson, Nanette; arnie_havens@csx.com; Ingle, Edward; linda_mathis@csx.com; Wolff, Candida P.; Kratovil, Lindley; Warsh, Kevin; JT.Young@do.treas.gov
Cc: Ojakli, Ziad
Subject: 6pm Snow Conference Call

There will be a 6pm conference call tonight. The coordinates are:

456-2561
456-2565

code 6103

From: Robert.Nichols@do.treas.gov [UNKNOWN]

To: <Jones>;Alison_Jones@who.eop.gov [WHO] <Alison>;John.Duncan@do.treas.gov [UNKNOWN] <John.Duncan@do.treas.gov>;David.Aufhauser@do.treas.gov [UNKNOWN] <David.Aufhauser@do.treas.gov>;Robert.Nichols@do.treas.gov [UNKNOWN] <Robert.Nichols@do.treas.gov>;Tim.Adams@do.treas.gov [UNKNOWN] <Tim.Adams@do.treas.gov>;April.Lehman@do.treas.gov [UNKNOWN] <April.Lehman@do.treas.gov>;<Goldman>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/698AA900-27350BE5-852569DD-5F23FE [UNKNOWN] <Adam B.>;<Hennessey>;Keith_Hennessey@opd.eop.gov [OPD] <Keith>;<Powell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/583FB9CE-AFBAD6FF-852569DD-44BBDA [UNKNOWN] <Dina>;<Snee>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /ASHLEY_M_SNEE [UNKNOWN] <Ashley>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;Janet.Jones@do.treas.gov [UNKNOWN] <Janet.Jones@do.treas.gov>;<Everson>;/EOP /FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FF797A9B-218FE559-85256B99-4E9537 [UNKNOWN] <Nanette>;arnie_havens@csx.com [UNKNOWN] <arnie_havens@csx.com>; <Ingle>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/53838B5A-90E78711-852569DC-53F24B [UNKNOWN] <Edward>;linda_mathis@csx.com [UNKNOWN] <linda_mathis@csx.com>;<Wolff>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /D55BBA04-5A282E31-852569DB-607283 [UNKNOWN] <Candida P.>;<Kratovil>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/60244D3E-AABBCE0E-85256B74-5C655A [UNKNOWN] <Lindley>;<Warsh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN] <Kevin>;JT.Young@do.treas.gov [UNKNOWN] <JT.Young@do.treas.gov>

CC: <Ojakli>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/ZIAD_S._OJAKLI [UNKNOWN] <Ziad>

Sent: 1/27/2003 12:11:32 PM

Subject: !

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Robert.Nichols@do.treas.gov ( Robert.Nichols@do.treas.gov [ UNKNOWN ] )
CREATION DATE/TIME:27-JAN-2003 17:11:32.00
SUBJECT:!
TO:Jones, Alison ( Alison_Jones@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:John.Duncan@do.treas.gov ( John.Duncan@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:David.Aufhauser@do.treas.gov ( David.Aufhauser@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Robert.Nichols@do.treas.gov ( Robert.Nichols@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Tim.Adams@do.treas.gov ( Tim.Adams@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:April.Lehman@do.treas.gov ( April.Lehman@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Goldman, Adam B. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=698AA900-27350BE5-852569DD-5F23FE [ UNKNOWN ] )
READ:UNKNOWN
TO:Hennessey, Keith ( Keith_Hennessey@opd.eop.gov [ OPD ] )
READ:UNKNOWN
TO:Powell, Dina ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=583FB9CE-AFBAD6FF-
852569DD-44BBDA [ UNKNOWN ] )
READ:UNKNOWN
TO:Snee, Ashley ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ASHLEY_M_SNEE [
UNKNOWN ] )
READ:UNKNOWN
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
C20FEE19-852569DA-7648DC [ UNKNOWN ] )
READ:UNKNOWN
TO:Janet.Jones@do.treas.gov ( Janet.Jones@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Everson, Nanette ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FF797A9B-
```

218FE559-85256B99-4E9537 [UNKNOWN])
READ:UNKNOWN
TO:arnie_havens@csx.com (arnie_havens@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Ingle, Edward (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=53838B5A-90E78711-852569DC-53F24B [UNKNOWN])
READ:UNKNOWN
TO:linda_mathis@csx.com (linda_mathis@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Wolff, Candida P. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D55BBA04-5A282E31-852569DB-607283 [UNKNOWN])
READ:UNKNOWN
TO:Kratovil, Lindley (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=60244D3E-AABBCE0E-85256B74-5C655A [UNKNOWN])
READ:UNKNOWN
TO:Warsh, Kevin (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN])
READ:UNKNOWN
TO:JT.Young@do.treas.gov (JT.Young@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Ojakli, Ziad (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ZIAD_S._OJAKLI [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

01/27/2003 16:43:21

Sen Grassley: Snow Hearing May Run 2 Days;Corp Issues Key

Dow Jones Business News via Dow Jones

WASHINGTON (Dow Jones)--U.S. Senate Finance Committee Chairman Charles Grassley, R-Iowa, said Monday that his committee's confirmation hearing for John Snow as Treasury secretary may take more than one day, with corporate governance the primary issue.

"If it takes all day, it will take all day. If it takes the next day, we'll get through the hearing," Grassley told reporters. "We'll have to wait until the hearing to see if there are any problems... I don't anticipate any."

Corporate governance will likely be foremost among senators' concerns at Tuesday's hearing for the CSX Corp. (CSX) chairman and chief executive, the senator said.

"The only thing that I know negative about getting it up very early is members of both sides of the aisle - but particularly Democrats - have some questions on corporate governance that haven't been answered yet," he said.

Senate Minority Leader Tom Daschle, D-S.D., has said questioning will focus on corporate governance issues such as a $24.5 million loan Snow got from CSX to buy the company's stock. The loan was forgiven when the stock price dropped.

Grassley played down the significance of questions raised about the Treasury nominee's personal life. Since President George W. Bush nominated Snow last month, the public has learned of Snow's 1982 drunken-driving arrest and a 1988 child-support lawsuit his ex-wife filed.

"I'm going to wait until tomorrow to see what the reaction is, but based upon the early stories and what I've heard from my colleagues since then I don't anticipate problems now I didn't originally anticipate," he said.

-By Campion Walsh, Dow Jones Newswires; 202-862-9291; campion.walsh@dowjones.com

(END) Dow Jones Newswires

-----Original Message-----

From: Jones, Alison [mailto:Alison_Jones@who.eop.gov]

Sent: Monday, January 27, 2003 12:33 PM

To: john.duncan@do.treas.gov; david.aufhauser@do.treas.gov; robert.nichols@do.treas.gov; tim.adams@do.treas.gov; april.lehman@do.treas.gov; Goldman, Adam B.; Hennessey, Keith; Powell, Dina; Snee, Ashley; Kavanaugh, Brett M.; janet.jones@do.treas.gov; Everson, Nanette; arnie_havens@csx.com; Ingle, Edward; linda_mathis@csx.com; Wolff, Candida P.; Kratovil, Lindley; Warsh, Kevin; JT.Young@do.treas.gov
Cc: Ojakli, Ziad

Subject: 6pm Snow Conference Call

There will be a 6pm conference call tonight. The coordinates are:

456-2561
456-2565

code 6103
<mailto:'JT.Young@do.treas.gov'>

From:	Robert.Nichols@do.treas.gov
To:	<Jones, Alison>;John.Duncan@do.treas.gov <John.Duncan@do.treas.gov>;David.Aufhauser@do.treas.gov <David.Aufhauser@do.treas.gov>;Robert.Nichols@do.treas.gov <Robert.Nichols@do.treas.gov>;Tim.Adams@do.treas.gov <Tim.Adams@do.treas.gov>;April.Lehman@do.treas.gov <April.Lehman@do.treas.gov>;April.Lehman@do.treas.gov <Goldman, Adam B.>;April.Lehman@do.treas.gov <Hennessey, Keith>;April.Lehman@do.treas.gov <Powell, Dina>;April.Lehman@do.treas.gov <Snee, Ashley>;April.Lehman@do.treas.gov <Kavanaugh, Brett M.>;Janet.Jones@do.treas.gov <Janet.Jones@do.treas.gov>;Janet.Jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Wolff, Candida P.>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>
CC:	<Ojakli, Ziad>
Sent:	1/27/2003 5:11:32 PM
Subject:	!

01/27/2003 16:43:21

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-By Campion Walsh, Dow Jones Newswires; 202-862-9291; campion.walsh@dowjones.com

(END) Dow Jones Newswires

-----Original Message-----
From: Jones, Alison [mailto:Alison_Jones@who.eop.gov]
Sent: Monday, January 27, 2003 12:33 PM
To: john.duncan@do.treas.gov; david.aufhauser@do.treas.gov; robert.nichols@do.treas.gov; tim.adams@do.treas.gov;

april.lehman@do.treas.gov; Goldman, Adam B.; Hennessey, Keith; Powell, Dina; Snee, Ashley; Kavanaugh, Brett M.; janet.jones@do.treas.gov; Everson, Nanette; arnie_havens@csx.com; Ingle, Edward; linda_mathis@csx.com; Wolff, Candida P.; Kratovil, Lindley; Warsh, Kevin; JT.Young@do.treas.gov
Cc: Ojakli, Ziad
Subject: 6pm Snow Conference Call

There will be a 6pm conference call tonight. The coordinates are:

456-2561
456-2565

code 6103

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 1/27/2003 1:17:35 PM
Subject: : Simon is not member of Indiana bar; do you think Lugar and Bayh know this

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:27-JAN-2003 18:17:35.00
SUBJECT:: Simon is not member of Indiana bar; do you think Lugar and Bayh know this
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange@EOP [WHO] <Heather Wingate>
Sent: 1/27/2003 1:51:35 PM
Subject: : Wed.

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:27-JAN-2003 18:51:35.00
SUBJECT:: Wed.
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

If this remains a members' meeting of RPC, I feel strongly that Judge (or
AG) should be the Administration's rep. I love Viet, but an AAG does not
quite send the level of urgency and importance that President has devoted
to this issue.
```

From: Kavanaugh, Brett M.
To: <Wingate, Heather>
Sent: 1/27/2003 6:04:55 PM
Subject: Re: SRC Room for delivery of binders

great; thanks

From: Heather Wingate/WHO/EOP@Exchange on 01/27/2003 05:26:40 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: SRC Room for delivery of binders

Just wanted to let you know that the Sen Repub Conference room is 212 Dirksen SOB. I gave them a heads up that we'd be delivering a bunch of binders to them for distribution at the joint RPC/SRC Members meeting. (count: 75)

The 51 binders for Steering lunch on Wed should still go to the VP's office at S212.

Thank!

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 1/27/2003 6:19:53 PM
Subject:

Do you have a Senate pass? Do you need one?

From: Kavanaugh, Brett M.
To: <Wingate, Heather>
Sent: 1/27/2003 6:46:25 PM
Subject: Wed.

If this remains a members' meeting of RPC, I feel strongly that Judge (or AG) should be the Administration's rep. I love Viet, but an AAG does not quite send the level of urgency and importance that President has devoted to this issue.

From: Wingate, Heather
To: <Kavanaugh, Brett M.>
Sent: 1/27/2003 8:05:40 PM
Subject: Re: Wed.

I'll talk to kyl tomorrow about this and try to get it cleared up. I found out tonight that this is kyl driven... I think it's just a factor of new "green" Policy comm staff...

-----Original Message-----
From: Kavanaugh, Brett M.
To: Wingate, Heather
Sent: Mon Jan 27 18:46:25 2003
Subject: Wed.

If this remains a members' meeting of RPC, I feel strongly that Judge (or AG) should be the Administration's rep. I love Viet, but an AAG does not quite send the level of urgency and importance that President has devoted to this issue.

From: Brown, Jamie E \(OLA\) <Jamie.E.Brown@usdoj.gov>
To: Charnes, Adam <Adam.Charnes@usdoj.gov>;Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>;Sales, Nathan <Nathan.Sales@usdoj.gov>;Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>;Scottfinan, Nancy <Nancy.Scottfinan@usdoj.gov>;<Kavanaugh, Brett M.>;<Wingate, Heather>
Sent: 1/27/2003 8:58:38 PM
Subject: Cook hearing: Grassley intel

I spoke with Chad Groover this evening. They do not expect Grassley to attend the hearing Wednesday for more than half an hour (conflict with Budget Committee). However, they intend to submit some questions for the record (Cook only) related to whistleblowers (general questions on her view of whether the qui-tam provisions of the False Claims Act are constitutional). I asked him if, in the event Grassley returns to the hearing, he would be likely to ask these questions live. He said he doubted it. Thought it was worth you all (OLP) passing it along to Justice Cook in the slim chance he does raise it Wednesday during the hearing.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>
Sent: 1/27/2003 5:17:28 PM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:27-JAN-2003 22:17:28.00
SUBJECT::
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

No comments on consumer protection week message.
```

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Montiel>;Charlotte_L._Montiel@who.eop.gov [WHO] <Charlotte L.>;<Kavanaugh>;/EOP /FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 1/28/2003 3:46:37 AM
Subject: Re: Nora Fischer

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:28-JAN-2003 08:46:37.00
SUBJECT:Re: Nora Fischer
TO:Montiel, Charlotte L. (Charlotte_L._Montiel@who.eop.gov [WHO])
READ:UNKNOWN
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

She is planning to call raquel with it so please coordinate with raquel.

.

----- Original Message -----

From:Charlotte L. Montiel/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/28/2003 08:34:04 AM

Subject: Nora Fischer

I don't have any clearance information on her so I have WAVEd in everyone but her.

Charlotte

From: [UNKNOWN] <Addington, David S.>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
CC: <Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>;<Addington>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FFAB5A7D-85B03435-852569DB-569229 [UNKNOWN] <David S.>
Sent: 1/28/2003 5:07:01 AM
Subject: RE: USTR FOIA case

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Addington, David S. ([UNKNOWN])
CREATION DATE/TIME:28-JAN-2003 10:07:01.00
SUBJECT:RE: USTR FOIA case
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
CC:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
READ:UNKNOWN
CC:Addington, David S. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FFAB5A7D-85B03435-852569DB-569229 [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

In this matter, as in all other matters I have participated in that have involved USTR, I am greatly disappointed with USTR.

From: JT.Young@do.treas.gov [UNKNOWN]

To: Robert.Nichols@do.treas.gov [UNKNOWN] <Robert.Nichols@do.treas.gov>; <Jones>;Alison_Jones@who.eop.gov [WHO] <Alison>;John.Duncan@do.treas.gov [UNKNOWN] <John.Duncan@do.treas.gov>;David.Aufhauser@do.treas.gov [UNKNOWN] <David.Aufhauser@do.treas.gov>;Tim.Adams@do.treas.gov [UNKNOWN] <Tim.Adams@do.treas.gov>;April.Lehman@do.treas.gov [UNKNOWN] <April.Lehman@do.treas.gov>;<Goldman>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/698AA900-27350BE5-852569DD-5F23FE [UNKNOWN] <Adam B.>;<Hennessey>;Keith_Hennessey@opd.eop.gov [OPD] <Keith>;<Powell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/583FB9CE-AFBAD6FF-852569DD-44BBDA [UNKNOWN] <Dina>;<Snee>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /ASHLEY_M_SNEE [UNKNOWN] <Ashley>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;Janet.Jones@do.treas.gov [UNKNOWN] <Janet.Jones@do.treas.gov>;<Everson>;/EOP /FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FF797A9B-218FE559-85256B99-4E9537 [UNKNOWN] <Nanette>;arnie_havens@csx.com [UNKNOWN] <arnie_havens@csx.com>; <Ingle>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/53838B5A-90E78711-852569DC-53F24B [UNKNOWN] <Edward>;linda_mathis@csx.com [UNKNOWN] <linda_mathis@csx.com>;<Wolff>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /D55BBA04-5A282E31-852569DB-607283 [UNKNOWN] <Candida P.>;<Kratovil>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/60244D3E-AABBCE0E-85256B74-5C655A [UNKNOWN] <Lindley>;<Warsh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN] <Kevin>;Adam_Hollingsworth@csx.com [UNKNOWN] <Adam_Hollingsworth@csx.com>;Rob_Shinn@csx.com [UNKNOWN] <Rob_Shinn@csx.com>;LBlalack@OMM.com [UNKNOWN] <LBlalack@OMM.com>; <Ojakli>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/ZIAD_S._OJAKLI [UNKNOWN] <Ziad>

Sent: 1/28/2003 1:26:36 AM

Subject: RE: washpost on hearing today

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:JT.Young@do.treas.gov ( JT.Young@do.treas.gov [ UNKNOWN ] )
CREATION DATE/TIME:28-JAN-2003 06:26:36.00
SUBJECT:RE: washpost on hearing today
TO:Robert.Nichols@do.treas.gov ( Robert.Nichols@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Jones, Alison ( Alison_Jones@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:John.Duncan@do.treas.gov ( John.Duncan@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:David.Aufhauser@do.treas.gov ( David.Aufhauser@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Tim.Adams@do.treas.gov ( Tim.Adams@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:April.Lehman@do.treas.gov ( April.Lehman@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Goldman, Adam B. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=698AA900-27350BE5-852569DD-5F23FE [ UNKNOWN ] )
READ:UNKNOWN
TO:Hennessey, Keith ( Keith_Hennessey@opd.eop.gov [ OPD ] )
READ:UNKNOWN
TO:Powell, Dina ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=583FB9CE-AFBAD6FF-
852569DD-44BBDA [ UNKNOWN ] )
READ:UNKNOWN
TO:Snee, Ashley ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ASHLEY_M_SNEE [
UNKNOWN ] )
READ:UNKNOWN
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
C20FEE19-852569DA-7648DC [ UNKNOWN ] )
READ:UNKNOWN
TO:Janet.Jones@do.treas.gov ( Janet.Jones@do.treas.gov [ UNKNOWN ] )
```

READ:UNKNOWN
TO:Everson, Nanette (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FF797A9B-218FE559-85256B99-4E9537 [UNKNOWN])
READ:UNKNOWN
TO:arnie_havens@csx.com (arnie_havens@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Ingle, Edward (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=53838B5A-90E78711-852569DC-53F24B [UNKNOWN])
READ:UNKNOWN
TO:linda_mathis@csx.com (linda_mathis@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Wolff, Candida P. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=D55BBA04-5A282E31-852569DB-607283 [UNKNOWN])
READ:UNKNOWN
TO:Kratovil, Lindley (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=60244D3E-AABBCE0E-85256B74-5C655A [UNKNOWN])
READ:UNKNOWN
TO:Warsh, Kevin (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN])
READ:UNKNOWN
TO:Adam_Hollingsworth@csx.com (Adam_Hollingsworth@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Rob_Shinn@csx.com (Rob_Shinn@csx.com [UNKNOWN])
READ:UNKNOWN
TO:LBlalack@OMM.com (LBlalack@OMM.com [UNKNOWN])
READ:UNKNOWN
TO:Ojakli, Ziad (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ZIAD_S._OJAKLI [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Great. Sounds like it's all quiet on press front. Based on conversations with staff last night, reports below on hearing appear accurate: 1 day and a real push to swift confirmation. There is going to be a real push to get questions for the record submitted quickly and we have to be focused on getting an equally swift turnaround to keep our momentum.

-----Original Message-----
From: Nichols, Robert

Sent: Tuesday, January 28, 2003 6:22 AM

To: Nichols, Robert; 'Jones, Alison '; Duncan, John; Aufhauser, David; Adams, Tim; Lehman, April; 'Goldman, Adam B.'; 'Hennessey, Keith'; 'Powell, Dina'; 'Snee, Ashley'; 'Kavanaugh, Brett M.'; Jones, Janet; 'Everson, Nanette'; 'arnie_havens@csx.com'; 'Ingle, Edward'; 'linda_mathis@csx.com'; 'Wolff, Candida P.'; 'Kratovil, Lindley'; 'Warsh, Kevin'; Young, JT; 'Hollingsworth, Adam'; 'Shinn, Rob'; 'Blalack, K. Lee'; 'Ziad_S._Ojakli@who.eop.gov'

Subject: washpost on hearing today

washingtonpost.com

Bush's Treasury Choice To Be Questioned on Hill

CSX Chief Is Expected to Be Confirmed

By Mike Allen and Jonathan Weisman
Washington Post Staff Writers

Tuesday, January 28, 2003; Page A05

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Nevertheless, Senate Finance Committee officials said the hearing will last less than one day and even Democrats predicted that Snow will be swiftly confirmed when the committee votes, possibly within a few days of the hearing.

Bush nominated Snow, who is chairman and chief executive of the Richmond-based transportation conglomerate, to succeed Paul H. O'Neill after he was abruptly fired as Treasury secretary in December. Administration officials said a major reason for Snow's selection was that he would be a credible and committed advocate for Bush's $674 billion jobs and growth package, which has so far proved to be a tough sell on Capitol Hill.

The Finance Committee released Snow's responses to senators' questions about his sale of 120,000 CSX shares last year, less than a month before the company announced weak earnings expectations that prompted the stock price to fall. Snow said he had indicated his intent to sell the shares four months in advance, and said that at the time of the August sale, "I had no knowledge that the company's third-quarter revenues would result in lower earnings."

Snow also was asked about CSX's forgiveness of a $24 million corporate loan that he used to buy CSX stock in 1996. Snow said the loan was forgiven because of changes that were made in a program that encouraged managers to buy stock, and he said his 10-year proceeds from participating in the program were $4 million.

The administration portrayed Snow as a champion of ethical corporate policies, noting that he co-chaired the Conference Board's Blue Ribbon Commission on Public Trust and Private Enterprise, which called for tougher corporate governance practices before they drew widespread public attention.

"John Snow has been a leader in the area of corporate best practices and he looks forward to addressing his record on this at the hearing," said Robert Nichols, the Treasury Department's chief spokesman.

Snow has resigned from the Commonwealth Club of Richmond, which excluded African Americans during part of the time he was a member. Snow said on his questionnaire that he "actively supported the application of the Club's first African American member," who joined in 1988. The administration noted that Snow served on the board of Virginia Union University, a historically black institution.

The administration, turning to a key Democratic constituency in an effort to sway potential critics on the committee, collected letters of praise for Snow from union leaders he worked with at CSX.

© 2003 The Washington Post Company <mailto:'JT.Young@do.treas.gov'>

From:	Robert.Nichols@do.treas.gov
To:	Robert.Nichols@do.treas.gov <Robert.Nichols@do.treas.gov>;Robert.Nichols@do.treas.gov <Jones, Alison>;John.Duncan@do.treas.gov <John.Duncan@do.treas.gov>;David.Aufhauser@do.treas.gov <David.Aufhauser@do.treas.gov>;Tim.Adams@do.treas.gov <Tim.Adams@do.treas.gov>;April.Lehman@do.treas.gov <April.Lehman@do.treas.gov>;April.Lehman@do.treas.gov <Goldman, Adam B.>;April.Lehman@do.treas.gov <Hennessey, Keith>;April.Lehman@do.treas.gov <Powell, Dina>;April.Lehman@do.treas.gov <Snee, Ashley>;April.Lehman@do.treas.gov <Kavanaugh, Brett M.>;Janet.Jones@do.treas.gov <Janet.Jones@do.treas.gov>;Janet.Jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Wolff, Candida P.>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>;Adam_Hollingsworth@csx.com <Adam_Hollingsworth@csx.com>;Rob_Shinn@csx.com <Rob_Shinn@csx.com>;LBlalack@OMM.com <LBlalack@OMM.com>;LBlalack@OMM.com <Ojakli, Ziad>
Sent:	1/28/2003 6:21:55 AM
Subject:	washpost on hearing today

washingtonpost.com

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From: JT.Young@do.treas.gov
To: Robert.Nichols@do.treas.gov <Robert.Nichols@do.treas.gov>;Robert.Nichols@do.treas.gov <Jones, Alison>;John.Duncan@do.treas.gov <John.Duncan@do.treas.gov>;David.Aufhauser@do.treas.gov <David.Aufhauser@do.treas.gov>;Tim.Adams@do.treas.gov <Tim.Adams@do.treas.gov>;April.Lehman@do.treas.gov <April.Lehman@do.treas.gov>;April.Lehman@do.treas.gov <Goldman, Adam B.>;April.Lehman@do.treas.gov <Hennessey, Keith>;April.Lehman@do.treas.gov <Powell, Dina>;April.Lehman@do.treas.gov <Snee, Ashley>;April.Lehman@do.treas.gov <Kavanaugh, Brett M.>;Janet.Jones@do.treas.gov <Janet.Jones@do.treas.gov>;Janet.Jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Wolff, Candida P.>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;Adam_Hollingsworth@csx.com <Adam_Hollingsworth@csx.com>;Rob_Shinn@csx.com <Rob_Shinn@csx.com>;LBlalack@OMM.com <LBlalack@OMM.com>;LBlalack@OMM.com <Ojakli, Ziad>
Sent: 1/28/2003 6:26:36 AM
Subject: RE: washpost on hearing today

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-----Original Message-----
From: Nichols, Robert
Sent: Tuesday, January 28, 2003 6:22 AM
To: Nichols, Robert; 'Jones, Alison '; Duncan, John; Aufhauser, David; Adams, Tim; Lehman, April; 'Goldman, Adam B.'; 'Hennessey, Keith'; 'Powell, Dina'; 'Snee, Ashley'; 'Kavanaugh, Brett M.'; Jones, Janet; 'Everson, Nanette'; 'arnie_havens@csx.com'; 'Ingle, Edward'; 'linda_mathis@csx.com'; 'Wolff, Candida P.'; 'Kratovil, Lindley'; 'Warsh, Kevin'; Young, JT; 'Hollingsworth, Adam'; 'Shinn, Rob'; 'Blalack, K. Lee'; 'Ziad_S._Ojakli@who.eop.gov'
Subject: washpost on hearing today

washingtonpost.com

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From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2003 2:55:15 AM
Subject: : FW: 2 meetings

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:28-JAN-2003 07:55:15.00
SUBJECT:: FW: 2 meetings
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI: I'll send a notice out to the office this morning.
-----Original Message-----
From: Figg, Kara G.
Sent: Tuesday, January 28, 2003 7:43 AM
To: Nelson, Carolyn
Subject: 2 meetings

Carrie - the two meetings the judge requested are approved.; Here;are the times and here;is;how we will list them on the President's schedule.
;
Feb 7, 2003
11:35am;;;;;;; Meeting with Judge Gonzales
(20 min)
;
Feb 14, 2003
10:30am;;;;;;; Meeting with Judge Gonzales
(20 min)
;
;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange@EOP [WHO] <Heather Wingate>
CC: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 1/28/2003 7:47:37 AM
Subject: : updates

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2003 12:47:37.00
SUBJECT:: updates
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
CC:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We need to cancel the 2:00 with Campbell staff tomorrow, I assume, because of RPC?

Judge Gonzales update
1. He has signed the thank yous to the 10 Judiciary, Frist, McConnell, and Santorum. I took them back in to him so he could add handwritten notes at bottom.
2. He is calling Pryor today re Leon Holmes.
3. He is calling Specter today or tomorrow re PA judges.
4. He has RPC on his schedule for tomorrow.

On my end:
1. Producing binders today with paralegal; will be ready for delivery first thing in a.m.; will likely need Leg Affairs to deliver if possible
2. Need to get you draft letter from Frist and Hatch to President re plan
3. Owe you the binders on Owen and Pickering for Collins and Chafee staff
4. I will be there at RPC tomorrow and after
5. Waiting on Ashley for word on Pickering op-ed; she is checking with Dan
6. Preparing letters for Judge (i) to Leahy and Hatch re consultation, (ii) to Schumer re Pickering, and (iii) to Gephardt re Ronnie White

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 1/28/2003 7:55:09 AM
Subject: FW: 2 meetings

FYI: I'll send a notice out to the office this morning.
-----Original Message-----
From: Figg, Kara G.
Sent: Tuesday, January 28, 2003 7:43 AM
To: Nelson, Carolyn
Subject: 2 meetings

Carrie - the two meetings the judge requested are approved. Here are the times and here is how we will list them on the President's schedule.

Feb 7, 2003
11:35am Meeting with Judge Gonzales
(20 min)

Feb 14, 2003
10:30am Meeting with Judge Gonzales
(20 min)

From: Melissa_S._Bennett@who.eop.gov [WHO] <Bennett, Melissa S.>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 1/28/2003 4:15:45 AM
Subject: William Lovern

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Bennett, Melissa S. (Melissa_S._Bennett@who.eop.gov [WHO])
CREATION DATE/TIME:28-JAN-2003 09:15:45.00
SUBJECT:William Lovern
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

William Lovern called to talk to Sec. Card. He said he had been leaving messages for you too. He said he is with the Trial Management Associates. Can you or someone in your shop call Mr. Lovern back for the COS?? His number is 410-798-6698.

Thanks a ton.
Melissa

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>;<Kavanaugh, Brett M.>
Sent: 1/28/2003 8:46:37 AM
Subject: Re: Nora Fischer

She is planning to call raquel with it so please coordinate with raquel.

.

----- Original Message -----

From:Charlotte L. Montiel/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 01/28/2003 08:34:04 AM

Subject: Nora Fischer

I don't have any clearance information on her so I have WAVEd in everyone but her.

Charlotte

From: David_G._Leitch@who.eop.gov [WHO] <Leitch, David G.>
To: <Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>;<Kavanaugh>;/EOP /FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;<Sampson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /4E664A2B-51BB08D-852569DC-544EBE [UNKNOWN] <Kyle>;<Wingate>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/HEATHER_WINGATE [UNKNOWN] <Heather>
Sent: 1/28/2003 5:01:31 AM
Subject:

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Leitch, David G. ( David_G._Leitch@who.eop.gov [ WHO ] )
CREATION DATE/TIME:28-JAN-2003 10:01:31.00
SUBJECT:
TO:Gonzales, Alberto R. ( Alberto_R._Gonzales@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
C20FEE19-852569DA-7648DC [ UNKNOWN ] )
READ:UNKNOWN
TO:Sampson, Kyle ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4E664A2B-51BB08D-
852569DC-544EBE [ UNKNOWN ] )
READ:UNKNOWN
TO:Wingate, Heather ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=HEATHER_WINGATE
[ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Let the record show that my efforts to meet with Bruce Cohen have been rebuffed
thus far. I invited him to breakfast; he "likes to eat breakfast with his
kids." We were scheduled to meet at 12:45 today, and he has cancelled. It
happens, of course, but I wouldn't want to be hearing anything about him about
lack of consultation. I'll keep trying.
```

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Alberto R. Gonzales/WHO /EOP@Exchange [WHO] <Alberto R. Gonzales>;Heather Wingate/WHO/EOP@Exchange [WHO] <Heather Wingate>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>
Sent: 1/28/2003 5:14:34 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2003 10:14:34.00
SUBJECT:: Re:
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Keep a consultation log.

.

----- Original Message -----
From:David G. Leitch/WHO/EOP@Exchange
To:Alberto R. Gonzales/WHO/EOP@Exchange,
Brett M. Kavanaugh/WHO/EOP@EOP,
Kyle Sampson/WHO/EOP@EOP,
Heather Wingate/WHO/EOP@Exchange
Cc:
Date: 01/28/2003 10:01:31 AM
Subject:

Let the record show that my efforts to meet with Bruce Cohen have been rebuffed thus far.; I invited him to breakfast; he "likes to eat breakfast with his kids."; We were scheduled to meet at 12:45 today, and he has cancelled.; It happens, of course, but I wouldn't want to be hearing anything about him about lack of consultation.; I'll keep trying.;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
CC: david g. leitch/who/eop@exchange [WHO] <david g. leitch>
Sent: 1/28/2003 5:17:19 AM
Subject: : RE: USTR FOIA case

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2003 10:17:19.00
SUBJECT:: RE: USTR FOIA case
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:david g. leitch (CN=david g. leitch/OU=who/O=eop@exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Peter Keisler has just reiterated that they are prepared to go into court to argue that classification at this point is appropriate and thus precludes the documents from being disclosed under FOIA. Please be aware that the stay expires at the end of the day Thursday so USTR either needs to classify by then or seek an extension of the stay. USTR needs to talk to Shannen before Thursday so that papers of either sort can be prepared.

David S. Addington
01/28/2003 10:07:00 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: david g. leitch/who/eop@exchange, david s. addington/ovp/eop@eop
Subject: RE: USTR FOIA case

In this matter, as in all other matters I have participated in that have involved USTR, I am greatly disappointed with USTR.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
CC: <Addington, David S.>
Sent: 1/28/2003 9:55:33 AM
Subject: RE: USTR FOIA case

I had talked to Peter Keisler this morning before our staff meeting. He was expecting a final "no appeal" decision shortly. He said meeting Friday went as anticipated. Peter Keisler also has always said that classification at this point is acceptable. I will check again with him on that.

From: David G. Leitch/WHO/EOP@Exchange on 01/28/2003 09:43:55 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP

cc:

Subject: RE: USTR FOIA case

I spoke to Peter Davidson, who I call daily for reports on this because he doesn't report in as he promises. He says USTR is moving toward releasing the documents on Friday; that DOJ is counseling them to do so and believes that it's too late to classify; that they're in discussions with Chile to see how they would react; that despite our repeated expressions that he should be ready to classify the documents this week they don't know if they can pull that off; and that they are trying to add a line to some State Department EO that will help them classify in the future. I'm book solid today so I'm wondering Brett if you can check in with Peter K. to see where Justice is on (a) appeal and (b) classification at this point in the process, and let us know. According to Peter, they still haven't heard no on an appeal and Zoellick may try to prevail on Ted to let them do it.

From: Brown, Jamie E (OLA) <Jamie.E.Brown@usdoj.gov>
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Charnes, Adam <Adam.Charnes@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Sales, Nathan <Nathan.Sales@usdoj.gov>;Dinh, Viet <Viet.Dinh@usdoj.gov>
Sent: 1/28/2003 10:25:55 AM
Subject: : News on Estrada and SOTU

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Brown, Jamie E (OLA)" <Jamie.E.Brown@usdoj.gov> ("Brown, Jamie E (OLA)" <Jamie.E.Brown@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:28-JAN-2003 15:25:55.00
SUBJECT:: News on Estrada and SOTU
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Charnes, Adam" <Adam.Charnes@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Charnes, Adam" <Adam.Charnes@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Sent to me by House staffer (not sure of source):

Hispanic Caucus Decries Nominee's Presence At Speech
Responding to reports that Miguel Estrada, President Bush's nominee to the U.S. Circuit Court of Appeals for the District of Columbia, will be First Lady Laura Bush's guest at the State of the Union address tonight, Congressional Hispanic Caucus Chairman Ciro Rodriguez, D-Texas, said today that Estrada does not represent Hispanic ideals and does not have judicial experience. "We will support President Bush's Hispanic judicial nominees when they have a demonstrated commitment to protecting the rights of Latinos, and to preserving and expanding the progress that has been made on civil rights and individual liberties," Gonzalez said.
Estrada, who is from Honduras, is a partner with the firm Gibson, Dunn & Crutcher. He served as a clerk for Supreme Court Justice Anthony Kennedy, was an assistant U.S. Attorney for the Southern District of New York and an assistant to the Justice Department's solicitor general under former President Clinton. - by April Fulton

From: Cato Institute <kbrand@cato.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2003 6:54:20 AM
Subject: : Cato Institute Hill briefing 2/7/03: Technology Policy in the 108th Congress

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Cato Institute <kbrand@cato.org> (Cato Institute <kbrand@cato.org> [UNKNOWN])
CREATION DATE/TIME:28-JAN-2003 11:54:20.00
SUBJECT:: Cato Institute Hill briefing 2/7/03: Technology Policy in the 108th Congress
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Cato Institute
invites you to a Hill Briefing

Technology Policy in the
108th Congress

featuring

Steve Delbianco
Association for Competitive Technology

Clyde Wayne Crews Jr.
Cato Institute

Adam Thierer
Cato Institute

The 108th Congress will hold many important and contentious debates on issues of technology and telecom policy. Among them are intellectual property,
privacy policy, broadband deregulation, cyber security, and Internet taxation. Whatever happened to "hands off the Internet"? Join us for an overview
and recommendations regarding telecom policy in the 108th Congress.

Friday, February 7, 2003
B-369 Rayburn House Office Building
12:00 noon
(Luncheon included)

Cato Hill Briefings and luncheons are free of charge.
To register, visit www.cato.org, e-mail Krystal Brand at kbrand@cato.org,

fax (202) 371-0841, or call (202) 789-5229 by 12:00 noon, Thursday, February 6.

News media inquiries only (no registrations), please call (202) 789-5200.

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To unsubscribe, send an email to: unsubscribe-12146@uptilt.com with the address: brett_m._kavanaugh@who.eop.gov in the subject line.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO /EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/28/2003 6:57:28 AM
Subject: : 2:00 Nominee Prep at OLP

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:28-JAN-2003 11:57:28.00
SUBJECT:: 2:00 Nominee Prep at OLP
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Is anyone going?

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 1/28/2003 10:59:53 AM
Subject: he's back from Cabinet Meeting...come over when ready

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange@EOP [WHO] <Heather Wingate>
CC: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 1/28/2003 7:47:37 AM
Subject: : updates

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2003 12:47:37.00
SUBJECT:: updates
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
CC:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We need to cancel the 2:00 with Campbell staff tomorrow, I assume, because of RPC?

Judge Gonzales update
1. He has signed the thank yous to the 10 Judiciary, Frist, McConnell, and Santorum. I took them back in to him so he could add handwritten notes at bottom.
2. He is calling Pryor today re Leon Holmes.
3. He is calling Specter today or tomorrow re PA judges.
4. He has RPC on his schedule for tomorrow.

On my end:
1. Producing binders today with paralegal; will be ready for delivery first thing in a.m.; will likely need Leg Affairs to deliver if possible
2. Need to get you draft letter from Frist and Hatch to President re plan
3. Owe you the binders on Owen and Pickering for Collins and Chafee staff
4. I will be there at RPC tomorrow and after
5. Waiting on Ashley for word on Pickering op-ed; she is checking with Dan
6. Preparing letters for Judge (i) to Leahy and Hatch re consultation, (ii) to Schumer re Pickering, and (iii) to Gephardt re Ronnie White

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>
Sent: 1/28/2003 12:02:38 PM
Subject: : Re: Cover and Tabs
Attachments: P_SN3ED003_WHO.TXT_1.pdf; P_SN3ED003_WHO.TXT_2.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2003 17:02:38.00
SUBJECT:: Re: Cover and Tabs
TO:Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

good

Hana F. Brilliant
01/28/2003 05:01:38 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Cover and Tabs

Please review
---------- Forwarded by Hana F. Brilliant/WHO/EOP on
01/28/2003 04:59 PM ----------

Virginia M. LaFrance
01/28/2003 04:57:44 PM
Record Type: Record

To: Hana F. Brilliant/WHO/EOP@EOP
cc:
Subject: Cover and Tabs

Please let me know if these are OK and I can send over the camera ready for the tabs to the print shop. You will need to come over here (NEOB 5013) to pick up the original for the binder cover.

I also assume you need spines?

Thanks!
Ginny

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_SN3ED003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_SN3ED003_WHO.TXT_2>

Miguel Estrada | John Roberts | Terrence Boyle | Priscilla Owen | Charles Pickering

Jeffrey Sutton | Deborah Cook | Susan Neilson | Henry Saad | Richard Griffin

David McKeague | Carolyn Kuhl | Jay Bybee | Tim Tymkovich



President George W. Bush Court of Appeals Nominees

(as of January 29, 2003)

REV_00107688

From: Viet.Dinh@usdoj.gov [UNKNOWN] <Dinh, Viet>
To: <Joy>;Sheila.Joy@usdoj.gov [UNKNOWN] <Sheila>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;<Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>
Sent: 1/28/2003 8:06:08 AM
Subject: FW: I have asked the Committee to save

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Dinh, Viet (Viet.Dinh@usdoj.gov [UNKNOWN])
CREATION DATE/TIME:28-JAN-2003 13:06:08.00
SUBJECT:FW: I have asked the Committee to save
TO:Joy, Sheila (Sheila.Joy@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
TO:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Scottfinan, Nancy

Sent: Tuesday, January 28, 2003 1:02 PM

To: Dinh, Viet; Charnes, Adam; Benczkowski, Brian A; 'heather_wingate@who.eop.gov'

Subject: I have asked the Committee to save

14 seats to cover the administration: White House, OLP, OLA. Pls. let your folks know.

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2003 8:25:29 AM
Subject: : Fw: I have asked the Committee to save

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:28-JAN-2003 13:25:29.00
SUBJECT:: Fw: I have asked the Committee to save
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Who's coming from your shop?

-----Original Message-----
From: Scottfinan, Nancy <Nancy.Scottfinan@usdoj.gov>
To: Dinh, Viet <Viet.Dinh@usdoj.gov>; Charnes, Adam
<Adam.Charnes@usdoj.gov>; Benczkowski, Brian A
<Brian.A.Benczkowski@usdoj.gov>; Wingate, Heather;
<Heather_Wingate@who.eop.gov>
Sent: Tue Jan 28 13:01:59 2003
Subject: I have asked the Committee to save

14 seats to cover the administration:; White House, OLP, OLA.; Pls. let
your folks know.

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Joy, Sheila <Sheila.Joy@usdoj.gov>;<Kavanaugh, Brett M.>;<Leitch, David G.>
Sent: 1/28/2003 1:06:08 PM
Subject: FW: I have asked the Committee to save

-----Original Message-----
From: Scottfinan, Nancy
Sent: Tuesday, January 28, 2003 1:02 PM
To: Dinh, Viet; Charnes, Adam; Benczkowski, Brian A; 'heather_wingate@who.eop.gov'
Subject: I have asked the Committee to save

14 seats to cover the administration: White House, OLP, OLA. Pls. let your folks know.

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2003 9:10:18 AM
Subject: : Re: USTR update

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP [ OVP ] )
CREATION DATE/TIME:28-JAN-2003 14:10:18.00
SUBJECT:: Re: USTR update
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I think Gonzales or Leitch ought to haul the USTR General Counsel (it's
just across the street) over for a meeting with Addington and Kavanaugh,
and probably Coffin, this afternoon to explain why he can't properly
classify the documents by lunchtime tomorrow.
```

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2003 9:11:49 AM
Subject: : RE: USTR update

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:28-JAN-2003 14:11:49.00
SUBJECT:: RE: USTR update
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Call Davidson; tell him I'm tied up and asked you to pass along the message the judge gave me: "He needs to classify."

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, January 28, 2003 1:40 PM
To: Addington, David S.; Leitch, David G.
Subject: USTR update

Ted signed the "no appeal" decision. It will be difficult to get an extension to decide whether and what to classify, acc to Shannon. So USTR needs to classify by Thursday as I understand it. What do we/I need to do to make that happen?

From: Wingate, Heather
To: <Kavanaugh, Brett M.>
Sent: 1/28/2003 1:25:18 PM
Subject: Fw: I have asked the Committee to save

Who's coming from your shop?

-----Original Message-----
From: Scottfinan, Nancy
To: Dinh, Viet ; Charnes, Adam ; Benczkowski, Brian A ; Wingate, Heather

Sent: Tue Jan 28 13:01:59 2003
Subject: I have asked the Committee to save

14 seats to cover the administration: White House, OLP, OLA. Pls. let your folks know.

From: Kavanaugh, Brett M.
To: <Wingate, Heather>
Sent: 1/28/2003 1:29:40 PM
Subject: Re: Fw: I have asked the Committee to save

me, Chris Bartolomucci, Ben Powell, and Ted Ullyot (new guy).

From: Heather Wingate/WHO/EOP@Exchange on 01/28/2003 01:25:18 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Fw: I have asked the Committee to save

Who's coming from your shop?

-----Original Message-----

From: Scottfinan, Nancy

To: Dinh, Viet ; Charnes, Adam ; Benczkowski, Brian A ; Wingate, Heather

Sent: Tue Jan 28 13:01:59 2003

Subject: I have asked the Committee to save

14 seats to cover the administration: White House, OLP, OLA. Pls. let your folks know.

From: Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>
To: Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;Dinh, Viet <Viet.Dinh@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Brown, Jamie E (OLA) <Jamie.E.Brown@usdoj.gov>;Heather Wingate/WHO /EOP@EOP [WHO] <Heather Wingate>
CC: Dahl, Alex (Judiciary) <Alex_Dahl@Judiciary.senate.gov>;Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>
Sent: 1/28/2003 1:29:40 PM
Subject: : Tomorrow's Conference Mtg
Attachments: P_SCAED003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> ("Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:28-JAN-2003 18:29:40.00
SUBJECT:: Tomorrow's Conference Mtg
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Brown, Jamie E (OLA)" <Jamie.E.Brown@usdoj.gov> ("Brown, Jamie E (OLA)" <Jamie.E.Brown@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Dahl, Alex (Judiciary)" <Alex_Dahl@Judiciary.senate.gov> ("Dahl, Alex (Judiciary)" <Alex_Dahl@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
CC:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> ("Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Having not been involved in conference's planning for the judge's panel tomorrow, I would like to recommend that Judge Gonzales, Viet and Sen. Hatch give the same message to those members who may be there.

Heather/Brett: Can you tell me what the Judge intends to cover at this event/

Jamie/Viet: Can you tell me what Viet will cover?

Thanks. This will help me better prepare Sen. Hatch. Makan

Makan Delrahim
Staff Director / Chief Counsel
Committee on the Judiciary
United States Senate
Washington DC 20510
Fax: 202-228-1115
Phone: 202-224-0418

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_SCAED003_WHO.TXT_1>

Having not been involved in conference's planning for the judge's panel tomorrow, I would like to recommend that Judge Gonzales , Viet and Sen. Hatch give the same message to those members who may be there.

Heather/Brett: C an you tell me what the Judge intends to cover at this event/

Jamie/Viet: Can you tell me what Viet will cover?

Thanks. This wil I help me better prepare Sen. Hatch. Makan

Makan Delrahim
Staff Director / Chief Counsel
Committee on the Judiciary
United States Senate
Washington DC 20510
Fax: 202-228-1115
Phone: 202-224-0418

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2003 9:33:04 AM
Subject: : Senate badge

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:28-JAN-2003 14:33:04.00
SUBJECT:: Senate badge
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I need your date of birth and social security number in order to get you a
Senate badge, if you want one.
```

From: Wingate, Heather
To: <Kavanaugh, Brett M.>
Sent: 1/28/2003 1:36:58 PM
Subject: Re: I have asked the Committee to save

Thanks!

-----Original Message-----
From: Kavanaugh, Brett M.
To: Wingate, Heather
Sent: Tue Jan 28 13:29:40 2003
Subject: Re: Fw: I have asked the Committee to save

me, Chris Bartolomucci, Ben Powell, and Ted Ullyot (new guy).

From: Heather Wingate/WHO/EOP@Exchange on 01/28/2003 01:25:18 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fw: I have asked the Committee to save

Who's coming from your shop?

-----Original Message-----
From: Scottfinan, Nancy
To: Dinh, Viet ; Charnes, Adam ; Benczkowski, Brian A ; Wingate, Heather

Sent: Tue Jan 28 13:01:59 2003
Subject: I have asked the Committee to save

14 seats to cover the administration: White House, OLP, OLA. Pls. let your folks know.

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2003 11:50:34 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:28-JAN-2003 16:50:34.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

It's actually with Kyl himself. Will call you..

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Wingate, Heather; <Heather_Wingate@who.eop.gov>
Sent: Tue Jan 28 16:10:56 2003
Subject:;

according to brian, something weird going on with Kyl staff re Judge Gonzales . . .

From: Greenstone, Adam F.
To: <McNally, Edward>;<McCord, Lauren>
CC: <Kavanaugh, Brett M.>;<Powell, Benjamin A.>;<Gill, Faisal M.>
Sent: 1/28/2003 3:51:00 PM
Subject: RE: W. Asa Hutchinson TPO/TPO/OMB/EOP is out of the office.

Looks good to me.

-----Original Message-----
From: McNally, Edward
Sent: Tuesday, January 28, 2003 12:31 PM
To: Greenstone, Adam F.; McCord, Lauren
Cc: Kavanaugh, Brett M.; Powell, Benjamin A.; Gill, Faisal M.
Subject: W. Asa Hutchinson TPO/TPO/OMB/EOP is out of the office.

Adam and Laurie -- This seems like a practical way to address this issue of DHS officials/employees who still have TPO e-mail accounts, and wld avoid or at least minmize the generation of add'l records that cld be subject to litigation or other dispute.

---------- Forwarded by Edward McNally/WHO/EOP on 01/28/2003 12:30 PM ----------

<<...>>
W. Asa Hutchinson TPO
01/28/2003 09:42:02 AM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP
cc:
Subject: W. Asa Hutchinson TPO/TPO/OMB/EOP is out of the office.

I will be out of the office from 01/27/2003 until 12/31/2003.

I have moved over to the new Department. Unfortunately, I cannot access my Transition Office email from the new location. Please re-send your email to my current address, Asa.Hutchinson@dhs.gov, and I will respond to your message as soon as possible.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Paul Perkins/WHO/EOP@EOP [WHO] <Paul Perkins>
Sent: 1/28/2003 11:54:11 AM
Subject: : Re: Tomorrow

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2003 16:54:11.00
SUBJECT:: Re: Tomorrow
TO:Paul Perkins (CN=Paul Perkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I can do both.

Paul Perkins
01/28/2003 04:50:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Tomorrow

Hello,
Tim Goeglein would like to know if you could join him tomorrow for the Grover Norquist meeting at 10:30, and the Paul Weyrich meeting at 12:30.
Let me know.
Thank you,
Paul Perkins.

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2003 12:22:41 PM
Subject: : State assignments

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2003 17:22:41.00
SUBJECT:: State assignments
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

See below -- I had suggested to Kyle that I take Tennessee & Vermont. Is Kyle's proposal of Indiana & Vermont meaningfully better or worse?
---------- Forwarded by Theodore W. Ullyot/WHO/EOP on 01/28/2003 05:17 PM ----------

From: Patrick J. Bumatay/WHO/EOP@Exchange on 01/28/2003 05:03:00 PM
Record Type: Record

To: Theodore W. Ullyot/WHO/EOP@EOP
cc:
Subject: State assignments

Kyle called in and said that he traded California for "Indiana" and "Vermont."; Does that sound good to you?
;
Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632
;

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2003 12:43:14 PM
Subject: : FW: News on Estrada and SOTU

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:28-JAN-2003 17:43:14.00
SUBJECT:: FW: News on Estrada and SOTU
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Is Estrada in the box?

-----Original Message-----
From: Brown, Jamie E (OLA) [mailto:Jamie.E.Brown@usdoj.gov]
Sent: Tuesday, January 28, 2003 3:24 PM
To: Dinh, Viet; Charnes, Adam; Sales, Nathan; Wingate, Heather ;
Kavanaugh, Brett M.
Subject: News on Estrada and SOTU

Sent to me by House staffer (not sure of source):

Hispanic Caucus Decries Nominee's Presence At Speech
Responding to reports that Miguel Estrada, President Bush's nominee to the U.S. Circuit Court of Appeals for the District of Columbia, will be First Lady Laura Bush's guest at the State of the Union address tonight, Congressional Hispanic Caucus Chairman Ciro Rodriguez, D-Texas, said today that Estrada does not represent Hispanic ideals and does not have judicial experience. "We will support President Bush's Hispanic judicial nominees when they have a demonstrated commitment to protecting the rights of Latinos, and to preserving and expanding the progress that has been made on civil rights and individual liberties," Gonzalez said. Estrada, who is from Honduras, is a partner with the firm Gibson, Dunn & Crutcher. He served as a clerk for Supreme Court Justice Anthony Kennedy, was an assistant U.S. Attorney for the Southern District of New York and an assistant to the Justice Department's solicitor general under former President Clinton. - by April Fulton

From: Wingate, Heather
To: <Kavanaugh, Brett M.>
Sent: 1/28/2003 5:43:01 PM
Subject: FW: News on Estrada and SOTU

Is Estrada in the box?

-----Original Message-----
From: Brown, Jamie E (OLA) [mailto:Jamie.E.Brown@usdoj.gov]
Sent: Tuesday, January 28, 2003 3:24 PM
To: Dinh, Viet; Charnes, Adam; Sales, Nathan; Wingate, Heather ; Kavanaugh, Brett M.
Subject: News on Estrada and SOTU

Sent to me by House staffer (not sure of source):

Hispanic Caucus Decries Nominee's Presence At Speech
Responding to reports that Miguel Estrada, President Bush's nominee to the U.S. Circuit Court of Appeals for the District of Columbia, will be First Lady Laura Bush's guest at the State of the Union address tonight, Congressional Hispanic Caucus Chairman Ciro Rodriguez, D-Texas, said today that Estrada does not represent Hispanic ideals and does not have judicial experience. "We will support President Bush's Hispanic judicial nominees when they have a demonstrated commitment to protecting the rights of Latinos, and to preserving and expanding the progress that has been made on civil rights and individual liberties," Gonzalez said. Estrada, who is from Honduras, is a partner with the firm Gibson, Dunn & Crutcher. He served as a clerk for Supreme Court Justice Anthony Kennedy, was an assistant U.S. Attorney for the Southern District of New York and an assistant to the Justice Department's solicitor general under former President Clinton. - by April Fulton

From:	Delrahim, Makan \(Judiciary\) <Makan_Delrahim@Judiciary.senate.gov>
To:	<Wingate, Heather>;Dinh, Viet <Viet.Dinh@usdoj.gov>;Brown, Jamie E \(OLA\) <Jamie.E.Brown@usdoj.gov>;<Ojakli, Ziad>;<Kavanaugh, Brett M.>
CC:	Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Dahl, Alex \(Judiciary\) <Alex_Dahl@Judiciary.senate.gov>
Sent:	1/28/2003 5:56:17 PM
Subject:	Tomorrow's Conference Mtg

Having not been involved in conference's planning for the judge's panel tomorrow, I would like to recommend that Judge Gonzales, Viet and Sen. Hatch give the same message to those members who may be there.

Heather/Brett: Can you tell me what the Judge intends to cover at this event/

Jamie/Viet: Can you tell me what Viet will cover?

Thanks. This will help me better prepare Sen. Hatch. Makan

Makan Delrahim
Staff Director / Chief Counsel
Committee on the Judiciary
United States Senate
Washington DC 20510
Fax: 202-228-1115
Phone: 202-224-0418

From: Kavanaugh, Brett M.
To: <Kavanaugh, Brett M.>
CC: <Leitch, David G.>;<Addington, David S.>
Sent: 1/28/2003 8:08:24 PM
Subject: RE: USTR update

Ken Friberg (deputy gc at USTR) just called me whining about this whole thing. I stayed very firm with him, but this will require more hand-holding tomorrow.

Brett M. Kavanaugh

01/28/2003 04:55:18 PM

Record Type: Record

To: David G. Leitch/WHO/EOP@Exchange

cc: david s. addington/ovp/eop@eop

bcc: Records Management@EOP

Subject: RE: USTR update <<...>>

OK, I think we are making some progress. They are going to classify those documents that reflect communications from foreign government, and DOJ is preparing papers. I will make sure no slippage.

From: David G. Leitch/WHO/EOP@Exchange on 01/28/2003 02:04:24 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP

cc:

Subject: RE: USTR update

Call Davidson; tell him I'm tied up and asked you to pass along the message the judge gave me: "He needs to classify."

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, January 28, 2003 1:40 PM

To: Addington, David S.; Leitch, David G.

Subject: USTR update

Ted signed the "no appeal" decision. It will be difficult to get an extension to decide whether and what to classify, acc to Shannon. So USTR needs to classify by Thursday as I understand it. What do we/I need to do to make that happen?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>
Sent: 1/29/2003 4:30:27 AM
Subject: : ok to send up all 6 district court nominees?

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:29-JAN-2003 09:30:27.00
SUBJECT:: ok to send up all 6 district court nominees?
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>
Sent: 1/29/2003 4:36:33 AM
Subject: Re: ok to send up all 6 district court nominees?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:29-JAN-2003 09:36:33.00
SUBJECT:Re: ok to send up all 6 district court nominees?
TO:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

clerk's office would like to send up after noon. That timing also gives our and DOJ press office a chance to reach out to local media outlets and get good stories placed.

From: David G. Leitch/WHO/EOP@Exchange on 01/29/2003 09:34:16 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:

Subject: Re: ok to send up all 6 district court nominees?

Two files I haven't yet reviewed. When do we need final sign off?

-----Original Message-----

From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>

To: Leitch, David G. <David_G._Leitch@who.eop.gov>

Sent: Wed Jan 29 09:26:14 2003

Subject: ok to send up all 6 district court nominees?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 1/29/2003 6:26:47 AM
Subject: : reminder re fund, hallow, and roth

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:29-JAN-2003 11:26:47.00
SUBJECT:: reminder re fund, hallow, and roth
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>
CC: David E. Kalbaugh/WHO/EOP@EOP [WHO] <David E. Kalbaugh>
Sent: 1/29/2003 6:28:11 AM
Subject: : Patrick: The Selna vice on Judge's memo to clerk is wrong; please make it vice Letts

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:29-JAN-2003 11:28:11.00
SUBJECT:: Patrick: The Selna vice on Judge's memo to clerk is wrong; please make it vice
Letts
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:David E. Kalbaugh ( CN=David E. Kalbaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Bumatay, Patrick J.
To: <Walker, Helgard C.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Berenson, Bradford A.>;<Brilliant, Hana F.>;<Bumatay, Patrick J.>;<Cabral, Raquel>; <Camp, Elizabeth N.>;<Carroll, James W.>;<Everson, Nanette>;<Francisco, Noel J.>;<Gonzales, Alberto R.>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;<Leitch, David G.>;<McNally, Edward>; <Montiel, Charlotte L.>;<Nelson, Carolyn>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
Sent: 1/29/2003 8:28:30 AM
Subject: Press Releases

As you may have noticed, you have not been receiving any press releases lately. That is because Rachael Sunbarger has moved to Homeland Security. In order to continue receiving your daily dose of Press Reports, you need to email Elizabeth Donnan and ask to be placed on the new press release list.

Thanks

Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>
Sent: 1/29/2003 4:30:27 AM
Subject: : ok to send up all 6 district court nominees?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:29-JAN-2003 09:30:27.00
SUBJECT:: ok to send up all 6 district court nominees?
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO /EOP@EOP [WHO] <Heather Wingate>
Sent: 1/29/2003 4:58:27 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-JAN-2003 09:58:27.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Pdf will be sent to you around 1030. Binders look very good.

.

----- Original Message -----
From:Heather Wingate/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/29/2003 08:49:48 AM
Subject: RE:

Brett, would you please email me the PDF version, and also email it to Brian in OLP? Thanks!!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, January 29, 2003 7:57 AM
To: Wingate, Heather ; Snee, Ashley
Subject:

fyi that this is minor news for today, but 6 district court nominees will be sent up -- ashley will be getting paper [Heather: Judge did talk to Pryor and Judge actually said to him that Judge wanted to come by and visit in person at some point]

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO /EOP@EOP [WHO] <Heather Wingate>
Sent: 1/29/2003 4:58:25 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-JAN-2003 09:58:25.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Pdf will be sent to you around 1030. Binders look very good.

.

----- Original Message -----
From:Heather Wingate/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/29/2003 08:49:48 AM
Subject: RE:

Brett, would you please email me the PDF version, and also email it to Brian in OLP? Thanks!!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, January 29, 2003 7:57 AM
To: Wingate, Heather ; Snee, Ashley
Subject:

fyi that this is minor news for today, but 6 district court nominees will be sent up -- ashley will be getting paper [Heather: Judge did talk to Pryor and Judge actually said to him that Judge wanted to come by and visit in person at some point]

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Carolyn Nelson/WHO /EOP@EOP [WHO] <Carolyn Nelson>
Sent: 1/29/2003 5:20:21 AM
Subject: : Re: ARG

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:29-JAN-2003 10:20:21.00
SUBJECT:: Re: ARG
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Yes

.

----- Original Message -----
From:Carolyn Nelson/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/29/2003 10:11:59 AM
Subject: ARG

Do you need to meet with him before he heads to the hill this afternoon?
```

From: Carolyn_Nelson@who.eop.gov [WHO] <Nelson, Carolyn>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 1/29/2003 5:21:33 AM
Subject: RE: ARG

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Nelson, Carolyn (Carolyn_Nelson@who.eop.gov [WHO])
CREATION DATE/TIME:29-JAN-2003 10:21:33.00
SUBJECT:RE: ARG
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I'll block off from 1pm until he leaves (around 1:40).

-----Original Message-----
From: Kavanaugh, Brett M.

Sent: Wednesday, January 29, 2003 10:23 AM

To: Nelson, Carolyn; Kavanaugh, Brett M.

Subject: Re: ARG

Yes

.

----- Original Message -----

From:Carolyn Nelson/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:

Date: 01/29/2003 10:11:59 AM
Subject: ARG

Do you need to meet with him before he heads to the hill this afternoon?

From: Robert.Nichols@do.treas.gov [UNKNOWN]

To: <McCarthy>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/DANIEL_M._MCCARTHY [UNKNOWN] <Daniel>;John.Duncan@do.treas.gov [UNKNOWN] <John.Duncan@do.treas.gov>;David.Aufhauser@do.treas.gov [UNKNOWN] <David.Aufhauser@do.treas.gov>;Robert.Nichols@do.treas.gov [UNKNOWN] <Robert.Nichols@do.treas.gov>;Tim.Adams@do.treas.gov [UNKNOWN] <Tim.Adams@do.treas.gov>;April.Lehman@do.treas.gov [UNKNOWN] <April.Lehman@do.treas.gov>;<Goldman>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/698AA900-27350BE5-852569DD-5F23FE [UNKNOWN] <Adam B.>;<Hennessey>;Keith_Hennessey@opd.eop.gov [OPD] <Keith>;<Powell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/583FB9CE-AFBAD6FF-852569DD-44BBDA [UNKNOWN] <Dina>;<Snee>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /ASHLEY_M_SNEE [UNKNOWN] <Ashley>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;Janet.Jones@do.treas.gov [UNKNOWN] <Janet.Jones@do.treas.gov>;<Everson>;/EOP /FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FF797A9B-218FE559-85256B99-4E9537 [UNKNOWN] <Nanette>;arnie_havens@csx.com [UNKNOWN] <arnie_havens@csx.com>; <Ingle>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/53838B5A-90E78711-852569DC-53F24B [UNKNOWN] <Edward>;linda_mathis@csx.com [UNKNOWN] <linda_mathis@csx.com>;<Kratovil>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /60244D3E-AABBCE0E-85256B74-5C655A [UNKNOWN] <Lindley>;<Warsh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN] <Kevin>;JT.Young@do.treas.gov [UNKNOWN] <JT.Young@do.treas.gov>; <Wolff>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /D55BBA04-5A282E31-852569DB-607283 [UNKNOWN] <Candida P.>;<Kolesar>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4EE4A84A-3B9DC99C-85256C05-5C1061 [UNKNOWN] <Christina E.>;Linda.Figura@do.treas.gov [UNKNOWN] <Linda.Figura@do.treas.gov>

CC: <Jones>;Alison_Jones@who.eop.gov [WHO] <Alison>;<Ojakli>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/ZIAD_S._OJAKLI [UNKNOWN] <Ziad>

Sent: 1/29/2003 10:12:22 AM

Subject: fyi - from the Senate Finance Committee Press Office...

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Robert.Nichols@do.treas.gov ( Robert.Nichols@do.treas.gov [ UNKNOWN ] )
CREATION DATE/TIME:29-JAN-2003 15:12:22.00
SUBJECT:fyi - from the Senate Finance Committee Press Office...
TO:McCarthy, Daniel ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=DANIEL_M._MCCARTHY [ UNKNOWN ] )
READ:UNKNOWN
TO:John.Duncan@do.treas.gov ( John.Duncan@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:David.Aufhauser@do.treas.gov ( David.Aufhauser@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Robert.Nichols@do.treas.gov ( Robert.Nichols@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Tim.Adams@do.treas.gov ( Tim.Adams@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:April.Lehman@do.treas.gov ( April.Lehman@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Goldman, Adam B. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=698AA900-27350BE5-852569DD-5F23FE [ UNKNOWN ] )
READ:UNKNOWN
TO:Hennessey, Keith ( Keith_Hennessey@opd.eop.gov [ OPD ] )
READ:UNKNOWN
TO:Powell, Dina ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=583FB9CE-AFBAD6FF-
852569DD-44BBDA [ UNKNOWN ] )
READ:UNKNOWN
TO:Snee, Ashley ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ASHLEY_M_SNEE [
UNKNOWN ] )
READ:UNKNOWN
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TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
TO:Janet.Jones@do.treas.gov (Janet.Jones@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Everson, Nanette (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FF797A9B-218FE559-85256B99-4E9537 [UNKNOWN])
READ:UNKNOWN
TO:arnie_havens@csx.com (arnie_havens@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Ingle, Edward (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=53838B5A-90E78711-852569DC-53F24B [UNKNOWN])
READ:UNKNOWN
TO:linda_mathis@csx.com (linda_mathis@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Kratovil, Lindley (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=60244D3E-AABBCE0E-85256B74-5C655A [UNKNOWN])
READ:UNKNOWN
TO:Warsh, Kevin (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN])
READ:UNKNOWN
TO:JT.Young@do.treas.gov (JT.Young@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Wolff, Candida P. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=D55BBA04-5A282E31-852569DB-607283 [UNKNOWN])
READ:UNKNOWN
TO:Kolesar, Christina E. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4EE4A84A-3B9DC99C-85256C05-5C1061 [UNKNOWN])
READ:UNKNOWN
TO:Linda.Figura@do.treas.gov (Linda.Figura@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Jones, Alison (Alison_Jones@who.eop.gov [WHO])
READ:UNKNOWN
CC:Ojakli, Ziad (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ZIAD_S._OJAKLI [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

From: Press_Office@finance-rep.senate.gov
<mailto:Press_Office@finance-rep.senate.govSent> Sent: Wednesday, January 29, 2003 2:00 PM

To: Jill_Gerber@finance-rep.senate.gov

Subject: Snow vote status

We haven't scheduled a vote yet. We're waiting for completed answers to several senators' questions. There was a pretty significant number of questions that the Treasury folks are answering. We still hope to have a committee vote today, if possible. We'll let everyone know the minute we schedule a vote. -- Jill G.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 1/29/2003 10:21:33 AM
Subject: RE: ARG

I'll block off from 1pm until he leaves (around 1:40).

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Wednesday, January 29, 2003 10:23 AM

To: Nelson, Carolyn; Kavanaugh, Brett M.

Subject: Re: ARG

Yes

.

----- Original Message -----
From:Carolyn Nelson/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/29/2003 10:11:59 AM
Subject: ARG

Do you need to meet with him before he heads to the hill this afternoon?

From: Abiaad, Vanessa H.M. <VAbiaad@mayerbrownrowe.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/29/2003 6:48:51 AM
Subject: : Meeting or Luncheon with John Schmitz
Attachments: P_ME2FD003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Abiaad, Vanessa H.M." <VAbiaad@mayerbrownrowe.com> ("Abiaad, Vanessa H.M." <VAbiaad@mayerbrownrowe.com> [UNKNOWN])
CREATION DATE/TIME:29-JAN-2003 11:48:51.00
SUBJECT:: Meeting or Luncheon with John Schmitz
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Mr. Kavanaugh:

Would you be able to meet with John on Friday at 11:30 or so for lunch or a meeting? If lunch, I suggest either at the Metropolitan Club or someplace close to your office. Pls advise.

With kind regards,

Vanessa Abiaad
Assistant to John P. Schmitz, Esq.
Mayer, Brown, Rowe & Maw
1909 K Street, N.W.
Washington, D.C. 20006
Tel: (202) 263-3141
Fax: (202) 263-3300
e-mail: vabiaad@mayerbrownrowe.com

_____
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- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ME2FD003_WHO.TXT_1>

Mr. Kavanaugh:

Would you be able to mee t with John on Friday at 11:30 or so for lunch or a meeting? If lunch, I suggest either at the Metropolitan Club or someplace close to your office. ; Pls advise.

With kind regards,

---------- ----------
Vanessa Abiaad
Assistant to John P. Schmitz, Esq.
Mayer, Brown, Rowe & amp; Maw
1909 K Street, N.W.< /FONT>
Washington, D.C.&nbs p; 20006
Tel: &nbs p; (202) 263-3141
Fax: &nbs p; (202) 263-3300
e-mail: vabiaad@maye rbrownrowe.com
---------- ----------

NOTICE: This e -mail message and all attachments transmitted with it are intended solely for t he use of the addressee and may contain legally privileged and confidential inf ormation. If the reader of this message is not the intended recipient, or an em ployee or agent responsible for delivering this message to the intended recipie nt, you are hereby notified that any dissemination, distribution, copying, or o ther use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by replyi ng to this message and please delete it from your computer.

From: Lott) (John_Mashburn@lott.senate.gov [UNKNOWN] <Mashburn, John>
To: <Wingate>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/HEATHER_WINGATE [UNKNOWN] <Heather>;<Dahl>;Judiciary) (Alex_Dahl@Judiciary.senate.gov [UNKNOWN] <Alex>;E-mail)" (Anne_Womack@who.eop.gov [WHO] <Anne_Womack>; <Ledeen>;Republican-Conf) (Barbara_Ledeen@src.senate.gov [UNKNOWN] <Barbara>;E-mail)" (Bob_Taylor@nickles.senate.gov [UNKNOWN] <Bob Taylor>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;IMCEACCMAIL-Brian+2EA+2EBenczkowski+40usdoj+2Egov+20at+20INTERNET@routing.senate.gov [UNKNOWN] <Brian.A.Benczkowski@usdoj.gov at INTERNET>;E-mail)" (Don.Willett@usdoj.gov [UNKNOWN] <Don Willett>;IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY@routing.senate.gov [UNKNOWN] <Ed Haden at JUDICIARY>;<Willhauck>;Kyl) (Gregg_Willhauck@kyl.senate.gov [UNKNOWN] <Gregg>;OLA) (E-mail)" (Jamie.E.Brown@usdoj.gov [UNKNOWN] <Jamie E Brown>;<Matal>;Judiciary) (Joe_Matal@Judiciary.senate.gov [UNKNOWN] <Joe>;<Abegg>;McConnell) (John_Abegg@mcconnell.senate.gov [UNKNOWN] <John>;IMCEACCMAIL-Katie+20Gumerson+20at+20Assistant-Majority-Leader@routing.senate.gov [UNKNOWN] <Katie Gumerson at Assistant-Majority-Leader>;IMCEACCMAIL-Lincoln+20Oliphant+20at+20RPC@routing.senate.gov [UNKNOWN] <Lincoln Oliphant at RPC>;<Miranda>;Judiciary) (Manuel_Miranda@Judiciary.senate.gov [UNKNOWN] <Manuel>;E-mail)" (Nathan.Sales@usdoj.gov [UNKNOWN] <Nathan Sales>;IMCEACCMAIL-Pat+2EO+27Brien+40usdoj+2Egov+20at+20INTERNET@routing.senate.gov [UNKNOWN] <Pat.O'Brien@usdoj.gov at INTERNET>;<Comisac>;Judiciary) (Rena_Johnson_Comisac@Judiciary.senate.gov [UNKNOWN] <RenaJohnson>; <Higgins>;Judiciary) (Stephen_Higgins@Judiciary.senate.gov [UNKNOWN] <Stephen>; <Castle>;Judiciary) (William_Castle@Judiciary.senate.gov [UNKNOWN] <William>; <Smith>;Judiciary) (William_Smith@Judiciary.senate.gov [UNKNOWN] <William>
Sent: 1/29/2003 7:26:00 AM
Subject: Nw Job

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Mashburn, John (Lott) ( John_Mashburn@lott.senate.gov [ UNKNOWN ] )
CREATION DATE/TIME:29-JAN-2003 12:26:00.00
SUBJECT:Nw Job
TO:Wingate, Heather ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=HEATHER_WINGATE
[ UNKNOWN ] )
READ:UNKNOWN
TO:Dahl, Alex (Judiciary) ( Alex_Dahl@Judiciary.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:"Anne_Womack (E-mail)" ( Anne_Womack@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Ledeen, Barbara (Republican-Conf) ( Barbara_Ledeen@src.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:"Bob Taylor (E-mail)" ( Bob_Taylor@nickles.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
C20FEE19-852569DA-7648DC [ UNKNOWN ] )
READ:UNKNOWN
TO:Brian.A.Benczkowski@usdoj.gov at INTERNET ( IMCEACCMAIL-
Brian+2EA+2EBenczkowski+40usdoj+2Egov+20at+20INTERNET@routing.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:"Don Willett (E-mail)" ( Don.Willett@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Ed Haden at JUDICIARY ( IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY@routing.senate.gov [
UNKNOWN ] )
READ:UNKNOWN
TO:Willhauck, Gregg (Kyl) ( Gregg_Willhauck@kyl.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:"Jamie E Brown (OLA) (E-mail)" ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Matal, Joe (Judiciary) ( Joe_Matal@Judiciary.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
```

TO:Abegg, John (McConnell) (John_Abegg@mcconnell.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Katie Gumerson at Assistant-Majority-Leader (IMCEACCMAIL-
Katie+20Gumerson+20at+20Assistant-Majority-Leader@routing.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Lincoln Oliphant at RPC (IMCEACCMAIL-Lincoln+20Oliphant+20at+20RPC@routing.senate.gov [
UNKNOWN])
READ:UNKNOWN
TO:Miranda, Manuel (Judiciary) (Manuel_Miranda@Judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:"Nathan Sales (E-mail)" (Nathan.Sales@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Pat.O'Brien@usdoj.gov at INTERNET (IMCEACCMAIL-
Pat+2EO+27Brien+40usdoj+2Egov+20at+20INTERNET@routing.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Comisac, RenaJohnson (Judiciary) (Rena_Johnson_Comisac@Judiciary.senate.gov [UNKNOWN]
)
READ:UNKNOWN
TO:Higgins, Stephen (Judiciary) (Stephen_Higgins@Judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Castle, William (Judiciary) (William_Castle@Judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Smith, William (Judiciary) (William_Smith@Judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

FYI since I can't possibly get to you all, as of Monday, I will start as
"Dep.
AA & General Counsel" for Sen. Gregg.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/29/2003 11:32:16 AM
Subject: : FW: Crime Victims Award

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:29-JAN-2003 16:32:16.00
SUBJECT:: FW: Crime Victims Award
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

Remember the Crime Victims Award Plaque issue several months ago. Apparently, it is still not resolved. The way it ended in our office is that you drafted a letter for Harriet to sign with Trophy Mart. But Trophy Mart no longer exists. According to Harriet below, you were sent the orignial agreement or letter. Do you have this?

-----Original Message-----
From: Miers, Harriet
Sent: Wednesday, January 29, 2003 4:21 PM
To: Bumatay, Patrick J.
Subject: Re:

Patrick, after this email, Carol discovered that Trophy Mart had been sold and was no longer going to exist and she sent a package of materials to Brett (According to Carol, including the original proposed agreement). There was more email traffic that we could just get someone with the new company to sign. I am having difficulty determining if anything was ever done about it after that. Do you have the original agreement or letter in your files?

From: [UNKNOWN] <McCarthy, Daniel>

To: john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>;david.aufhauser@do.treas.gov [UNKNOWN] <david.aufhauser@do.treas.gov>;robert.nichols@do.treas.gov [UNKNOWN] <robert.nichols@do.treas.gov>;tim.adams@do.treas.gov [UNKNOWN] <tim.adams@do.treas.gov>;april.lehman@do.treas.gov [UNKNOWN] <april.lehman@do.treas.gov>;<Goldman>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/698AA900-27350BE5-852569DD-5F23FE [UNKNOWN] <Adam B.>;<Hennessey>;Keith_Hennessey@opd.eop.gov [OPD] <Keith>;<Powell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/583FB9CE-AFBAD6FF-852569DD-44BBDA [UNKNOWN] <Dina>;<Snee>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/ASHLEY_M_SNEE [UNKNOWN] <Ashley>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;janet.jones@do.treas.gov [UNKNOWN] <janet.jones@do.treas.gov>;<Everson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FF797A9B-218FE559-85256B99-4E9537 [UNKNOWN] <Nanette>;arnie_havens@csx.com [UNKNOWN] <arnie_havens@csx.com>;<Ingle>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/53838B5A-90E78711-852569DC-53F24B [UNKNOWN] <Edward>;linda_mathis@csx.com [UNKNOWN] <linda_mathis@csx.com>;<Kratovil>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/60244D3E-AABBCE0E-85256B74-5C655A [UNKNOWN] <Lindley>;<Warsh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN] <Kevin>;JT.Young@do.treas.gov [UNKNOWN] <JT.Young@do.treas.gov>;<Wolff>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/D55BBA04-5A282E31-852569DB-607283 [UNKNOWN] <Candida P.>;<Kolesar>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4EE4A84A-3B9DC99C-85256C05-5C1061 [UNKNOWN] <Christina E.>;linda.figura@do.treas.gov [UNKNOWN] <linda.figura@do.treas.gov>

CC: <Jones>;Alison_Jones@who.eop.gov [WHO] <Alison>;<Ojakli>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/ZIAD_S._OJAKLI [UNKNOWN] <Ziad>

Sent: 1/29/2003 7:46:36 AM

Subject: Snow Conference Call this evening, Wednesday 1/29/03, at 6:00pm

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:McCarthy, Daniel ( [ UNKNOWN ] )
CREATION DATE/TIME:29-JAN-2003 12:46:36.00
SUBJECT:Snow Conference Call this evening, Wednesday 1/29/03, at 6:00pm
TO:john.duncan@do.treas.gov ( john.duncan@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:david.aufhauser@do.treas.gov ( david.aufhauser@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:robert.nichols@do.treas.gov ( robert.nichols@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:tim.adams@do.treas.gov ( tim.adams@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:april.lehman@do.treas.gov ( april.lehman@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Goldman, Adam B. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=698AA900-27350BE5-852569DD-5F23FE [ UNKNOWN ] )
READ:UNKNOWN
TO:Hennessey, Keith ( Keith_Hennessey@opd.eop.gov [ OPD ] )
READ:UNKNOWN
TO:Powell, Dina ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=583FB9CE-AFBAD6FF-
852569DD-44BBDA [ UNKNOWN ] )
READ:UNKNOWN
TO:Snee, Ashley ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ASHLEY_M_SNEE [
UNKNOWN ] )
READ:UNKNOWN
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
C20FEE19-852569DA-7648DC [ UNKNOWN ] )
READ:UNKNOWN
TO:janet.jones@do.treas.gov ( janet.jones@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
```

TO:Everson, Nanette (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FF797A9B-218FE559-85256B99-4E9537 [UNKNOWN])
READ:UNKNOWN
TO:arnie_havens@csx.com (arnie_havens@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Ingle, Edward (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=53838B5A-90E78711-852569DC-53F24B [UNKNOWN])
READ:UNKNOWN
TO:linda_mathis@csx.com (linda_mathis@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Kratovil, Lindley (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=60244D3E-AABBCE0E-85256B74-5C655A [UNKNOWN])
READ:UNKNOWN
TO:Warsh, Kevin (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN])
READ:UNKNOWN
TO:JT.Young@do.treas.gov (JT.Young@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Wolff, Candida P. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=D55BBA04-5A282E31-852569DB-607283 [UNKNOWN])
READ:UNKNOWN
TO:Kolesar, Christina E. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4EE4A84A-3B9DC99C-85256C05-5C1061 [UNKNOWN])
READ:UNKNOWN
TO:linda.figura@do.treas.gov (linda.figura@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Jones, Alison (Alison_Jones@who.eop.gov [WHO])
READ:UNKNOWN
CC:Ojakli, Ziad (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ZIAD_S._OJAKLI [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Call In #'s 202-456-6755
202-456-6766

202-456-6777

Code: 5480

From: Kavanaugh, Brett M.
To: <Wingate, Heather>;<Snee, Ashley>
Sent: 1/29/2003 11:49:17 AM
Subject: response to NY Times editorial on Estrada

Can we distribute below at Weyrich lunch -- need to know by 12:30 p.m.

Miguel Estrada

Responses to New York Times Editorial of January 29, 2003

ALLEGATION: "People who have worked with him over the years, at the solicitor general's office and elsewhere, report that his interpretation of the law is driven by an unusually conservative agenda."

FACTS:

Estrada received the highest possible rating of "outstanding" in every category in every performance review at the Solicitor General's office. In addition, the following former colleagues have sent letters to the Committee:

Seth Waxman, former Solicitor General to President Clinton

"During the time Mr. Estrada and I worked together, he was a model of professionalism and competence.... I greatly enjoyed working with Miguel, profited from our interactions, and was genuinely sorry when he decided to leave the office in favor of private practice... I have great respect both for Mr. Estrada's intellect and for his integrity." (*Excerpt from Letter to Senator Leahy, September 17, 2001.)*

Ronald Klain, former Counselor to Vice President Al Gore

"Miguel is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent... Miguel will rule justly toward all, without showing favor to any group or individual.... the challenges he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and genuinely devoted to helping those in need." (*Excerpt from Letter to Senator Leahy, January 16, 2002.*)

Bipartisan group of 14 former colleagues in the Office of the Solicitor General at U.S. Department of Justice

"Miguel is a brilliant lawyer, with an extraordinary capacity for articulate and incisive legal analysis and a commanding knowledge and appreciation for the law. Moreover, he is a person whose conduct is characterized by the utmost integrity and scrupulous fairness, as befits a nominee to the federal bench. In addition, Miguel has a deep and abiding love for his adopted country and the principles for which it stands, and in particular the rule of law. We hold varying ideological views and affiliations that range across the political spectrum, but we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or political viewpoints." *(Excerpt from Letter to Senator Leahy, September 19, 2002.)*

ALLEGATION: "One way to begin to fill this gap [in the public record], and give the Senate something to work with, would be to make available the numerous memorandums of law that Mr. Estrada wrote when he worked for the solicitor general's office, as other nominees have done."

FACTS: Every living former Solicitor General -- including Archibald Cox, Drew Days, Walter Dellinger, and Seth Waxman -- signed a joint letter to the Committee in response to the Committee's request for these memos arguing that the Committee's request was unprecedented and would have a debilitating effect on the Office of

Solicitor General in representing the United States.

ALLEGATION: "In private practice, Mr. Estrada defended anti-loitering laws that civil rights groups have attacked as racist."

FACTS: In private practice, Estrada's primary *pro bono* work was to defend a death row inmate in the Supreme Court seeking to overturn the death sentence. He was retained to defend the anti-gang ordinances, which were enacted in Chicago with the strong support of Democrat Mayor Daley, after being contacted by the Democrat City Solicitor of Chicago.

From: McCarthy, Daniel

To: john.duncan@do.treas.gov <john.duncan@do.treas.gov>;david.aufhauser@do.treas.gov <david.aufhauser@do.treas.gov>;robert.nichols@do.treas.gov <robert.nichols@do.treas.gov>;tim.adams@do.treas.gov <tim.adams@do.treas.gov>;april.lehman@do.treas.gov <april.lehman@do.treas.gov>;april.lehman@do.treas.gov <Goldman, Adam B.>;april.lehman@do.treas.gov <Goldman, Adam B.>;april.lehman@do.treas.gov <Hennessey, Keith>;april.lehman@do.treas.gov <Powell, Dina>;april.lehman@do.treas.gov <Snee, Ashley>;april.lehman@do.treas.gov <Kavanaugh, Brett M.>;april.lehman@do.treas.gov <Kavanaugh, Brett M.>;janet.jones@do.treas.gov <janet.jones@do.treas.gov>;janet.jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>;JT.Young@do.treas.gov <Wolff, Candida P.>;JT.Young@do.treas.gov <Kolesar, Christina E.>;linda.figura@do.treas.gov <linda.figura@do.treas.gov>

CC: <Jones, Alison>;<Ojakli, Ziad>

Sent: 1/29/2003 12:46:36 PM

Subject: Snow Conference Call this evening, Wednesday 1/29/03, at 6:00pm

Call In #'s 202-456-6755
202-456-6766
202-456-6777

Code: 5480

From: Abegg, John \(McConnell\) <John_Abegg@mcconnell.senate.gov>
To: Pat.O'Brien@usdoj.gov <Pat.O'Brien@usdoj.gov>;Pat.O'Brien@usdoj.gov <Wingate, Heather>;Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>;Mashburn, John \(Lott\) <John_Mashburn@lott.senate.gov>;Dahl, Alex \(Judiciary\) <Alex_Dahl@Judiciary.senate.gov>;\"Anne_Womack \(E-mail\)\ <Anne_Womack@who.eop.gov>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;Taylor, Bob \(Budget\) <Bob_Taylor@budget.senate.gov>;Brian.A.Benczkowski@usdoj.gov <Kavanaugh, Brett M.>;\"Don Willett \(E-mail\)\ <Don.Willett@usdoj.gov>;Willhauck, Gregg \(Kyl\) <Gregg_Willhauck@kyl.senate.gov>;\"Jamie E Brown \(OLA\) \(E-mail\)\ <Jamie.E.Brown@usdoj.gov>;Matal, Joe \(Judiciary\) <Joe_Matal@Judiciary.senate.gov>;Miranda, Manuel \(Judiciary\) <Manuel_Miranda@Judiciary.senate.gov>;\"Nathan Sales \(E-mail\)\ <Nathan.Sales@usdoj.gov>;Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Higgins, Stephen \(Judiciary\) <Stephen_Higgins@Judiciary.senate.gov>;Castle, William \(Judiciary\) <William_Castle@Judiciary.senate.gov>;Smith, William \(Judiciary\) <William_Smith@Judiciary.senate.gov>
Sent: 1/29/2003 1:09:00 PM
Subject: RE: Nw Job

I thought you said you were going to be "Curmudgeon at Large?"

-----Original Message-----
From: Mashburn, John (Lott)
Sent: Wednesday, January 29, 2003 12:26 PM
To: Dahl, Alex (Judiciary); Anne_Womack (E-mail); Ledeen, Barbara (Republican-Conf); Bob Taylor (E-mail); Brett M. Kavanaugh (E-mail); Brian Benczkowski (E-mail); Don Willett (E-mail); Ed Haden (E-mail); Willhauck, Gregg (Kyl); Heather Wingate (E-mail); Jamie E Brown (OLA) (E-mail); Matal, Joe (Judiciary); Abegg, John (McConnell); Katie Gummerson (E-mail); Lincoln Oliphant (E-mail); Miranda, Manuel (Judiciary); Nathan Sales (E-mail); Pat O'Brien (E-mail); Comisac, RenaJohnson (Judiciary); Higgins, Stephen (Judiciary); Castle, William (Judiciary); Smith, William (Judiciary)
Subject: Nw Job

FYI since I can't possibly get to you all, as of Monday, I will start as "Dep. AA & General Counsel" for Sen. Gregg.

From: Abegg, John \(McConnell\) <John_Abegg@mcconnell.senate.gov>
To: Pat.O'Brien@usdoj.gov <Pat.O'Brien@usdoj.gov>;Pat.O'Brien@usdoj.gov <Wingate, Heather>;Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>;Mashburn, John \(Lott\) <John_Mashburn@lott.senate.gov>;Dahl, Alex \(Judiciary\) <Alex_Dahl@Judiciary.senate.gov>;\"Anne_Womack \(E-mail\)\ <Anne_Womack@who.eop.gov>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;\"Bob Taylor \(E-mail\)\ <Bob_Taylor@nickles.senate.gov>;Brian.A.Benczkowski@usdoj.gov <Kavanaugh, Brett M.>;\"Don Willett \(E-mail\)\ <Don.Willett@usdoj.gov>;Willhauck, Gregg \(Kyl\) <Gregg_Willhauck@kyl.senate.gov>;\"Jamie E Brown \(OLA\) \(E-mail\)\ <Jamie.E.Brown@usdoj.gov>;Matal, Joe \(Judiciary\) <Joe_Matal@Judiciary.senate.gov>;Miranda, Manuel \(Judiciary\) <Manuel_Miranda@Judiciary.senate.gov>;\"Nathan Sales \(E-mail\)\ <Nathan.Sales@usdoj.gov>;Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Higgins, Stephen \(Judiciary\) <Stephen_Higgins@Judiciary.senate.gov>;Castle, William \(Judiciary\) <William_Castle@Judiciary.senate.gov>;Smith, William \(Judiciary\) <William_Smith@Judiciary.senate.gov>
Sent: 1/29/2003 1:09:00 PM
Subject: RE: Nw Job

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-----Original Message-----
From: Mashburn, John (Lott)
Sent: Wednesday, January 29, 2003 12:26 PM
To: Dahl, Alex (Judiciary); Anne_Womack (E-mail); Ledeen, Barbara (Republican-Conf); Bob Taylor (E-mail); Brett M. Kavanaugh (E-mail); Brian Benczkowski (E-mail); Don Willett (E-mail); Ed Haden (E-mail); Willhauck, Gregg (Kyl); Heather Wingate (E-mail); Jamie E Brown (OLA) (E-mail); Matal, Joe (Judiciary); Abegg, John (McConnell); Katie Gummerson (E-mail); Lincoln Oliphant (E-mail); Miranda, Manuel (Judiciary); Nathan Sales (E-mail); Pat O'Brien (E-mail); Comisac, RenaJohnson (Judiciary); Higgins, Stephen (Judiciary); Castle, William (Judiciary); Smith, William (Judiciary)
Subject: Nw Job

FYI since I can't possibly get to you all, as of Monday, I will start as "Dep. AA & General Counsel" for Sen. Gregg.

From: Abegg, John (McConnell) <John_Abegg@mcconnell.senate.gov>

To: Smith, William (Judiciary) <William_Smith@Judiciary.senate.gov>;Higgins, Stephen (Judiciary) <Stephen_Higgins@Judiciary.senate.gov>;Pat O'Brien (E-mail) <IMCEACCMAIL-Pat+2EO+27Brien+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov>;Miranda, Manuel (Judiciary) <Manuel_Miranda@Judiciary.senate.gov>;Katie Gummerson (E-mail) <IMCEACCMAIL-Katie+20Gumerson+20at+20Assistant-Majority-Leader"@routing.senate.gov>;Jamie E Brown (OLA) (E-mail) <Jamie.E.Brown@usdoj.gov>;Willhauck, Gregg (Kyl) <Gregg_Willhauck@kyl.senate.gov>;Don Willett (E-mail) <Don.Willett@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>;Dahl, Alex (Judiciary) <Alex_Dahl@Judiciary.senate.gov>;Castle, William (Judiciary) <William_Castle@Judiciary.senate.gov>;Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Nathan Sales (E-mail) <Nathan.Sales@usdoj.gov>;Lincoln Oliphant (E-mail) <IMCEACCMAIL-Lincoln+20Oliphant+20at+20RPC"@routing.senate.gov>;Matal, Joe (Judiciary) <Joe_Matal@Judiciary.senate.gov>;Heather Wingate (E-mail) <IMCEACCMAIL-Heather+5FWingate+40who+2Eeop+2Egov+20at+20Internet"@routing.senate.gov>;Ed Haden (E-mail) <IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY"@routing.senate.gov>;Brian Benczkowski (E-mail) <IMCEACCMAIL-Brian+2EA+2EBenczkowski+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov>;Bob Taylor (E-mail) <Bob_Taylor@nickles.senate.gov>;Anne_Womack (E-mail) <Anne_Womack@who.eop.gov>;Mashburn, John (Lott) <John_Mashburn@lott.senate.gov>

Sent: 1/29/2003 9:46:10 AM

Subject: : RE: Nw Job

Attachments: P_0MFFD003_WHO.TXT_1.htm

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Abegg, John (McConnell)" <John_Abegg@mcconnell.senate.gov> ( "Abegg, John
(McConnell)" <John_Abegg@mcconnell.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:29-JAN-2003 14:46:10.00
SUBJECT:: RE: Nw Job
TO:"Smith, William (Judiciary)" <William_Smith@Judiciary.senate.gov> ( "Smith, William
(Judiciary)" <William_Smith@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Higgins, Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> ( "Higgins,
Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Pat O'Brien (E-mail)" <"IMCEACCMAIL-
Pat+2EO+27Brien+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov> ( "Pat O'Brien (E-mail)"
<"IMCEACCMAIL-Pat+2EO+27Brien+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov> [ UNKNOWN
] )
READ:UNKNOWN
TO:"Miranda, Manuel (Judiciary)" <Manuel_Miranda@Judiciary.senate.gov> ( "Miranda, Manuel
(Judiciary)" <Manuel_Miranda@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Katie Gummerson (E-mail)" <"IMCEACCMAIL-Katie+20Gumerson+20at+20Assistant-Majority-
Leader"@routing.senate.gov> ( "Katie Gummerson (E-mail)" <"IMCEACCMAIL-
Katie+20Gumerson+20at+20Assistant-Majority-Leader"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Jamie E Brown (OLA) (E-mail)" <Jamie.E.Brown@usdoj.gov> ( "Jamie E Brown (OLA)
(E-mail)" <Jamie.E.Brown@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Willhauck, Gregg (Kyl)" <Gregg_Willhauck@kyl.senate.gov> ( "Willhauck, Gregg (Kyl)"
<Gregg_Willhauck@kyl.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Don Willett (E-mail)" <Don.Willett@usdoj.gov> ( "Don Willett (E-mail)"
<Don.Willett@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Ledeen, Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov> ( "Ledeen, Barbara
(Republican-Conf)" <Barbara_Ledeen@src.senate.gov> [ UNKNOWN ] )
```

READ:UNKNOWN
TO:"Dahl, Alex (Judiciary)" <Alex_Dahl@Judiciary.senate.gov> ("Dahl, Alex (Judiciary)" <Alex_Dahl@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Castle, William (Judiciary)" <William_Castle@Judiciary.senate.gov> ("Castle, William (Judiciary)" <William_Castle@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> ("Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Nathan Sales (E-mail)" <Nathan.Sales@usdoj.gov> ("Nathan Sales (E-mail)" <Nathan.Sales@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Lincoln Oliphant (E-mail)" <"IMCEACCMAIL-Lincoln+20Oliphant+20at+20RPC"@routing.senate.gov> ("Lincoln Oliphant (E-mail)" <"IMCEACCMAIL-Lincoln+20Oliphant+20at+20RPC"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Matal, Joe (Judiciary)" <Joe_Matal@Judiciary.senate.gov> ("Matal, Joe (Judiciary)" <Joe_Matal@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Heather Wingate (E-mail)" <"IMCEACCMAIL-Heather+5FWingate+40who+2Eeop+2Egov+20at+20Internet"@routing.senate.gov> ("Heather Wingate (E-mail)" <"IMCEACCMAIL-Heather+5FWingate+40who+2Eeop+2Egov+20at+20Internet"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Ed Haden (E-mail)" <"IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY"@routing.senate.gov> ("Ed Haden (E-mail)" <"IMCEACCMAIL-Ed+20Haden+20at+20JUDICIARY"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Brian Benczkowski (E-mail)" <"IMCEACCMAIL-Brian+2EA+2EBenczkowski+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov> ("Brian Benczkowski (E-mail)" <"IMCEACCMAIL-Brian+2EA+2EBenczkowski+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Bob Taylor (E-mail)" <Bob_Taylor@nickles.senate.gov> ("Bob Taylor (E-mail)" <Bob_Taylor@nickles.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Anne_Womack (E-mail)" <Anne_Womack@who.eop.gov> ("Anne_Womack (E-mail)" <Anne_Womack@who.eop.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Mashburn, John (Lott)" <John_Mashburn@lott.senate.gov> ("Mashburn, John (Lott)" <John_Mashburn@lott.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I thought you said you were going to be "Curmudgeon at Large?"

-----Original Message-----
From: Mashburn, John (Lott)
Sent: Wednesday, January 29, 2003 12:26 PM
To: Dahl, Alex (Judiciary); Anne_Womack (E-mail); Ledeen, Barbara (Republican-Conf); Bob Taylor (E-mail); Brett M. Kavanaugh (E-mail); Brian Benczkowski (E-mail); Don Willett (E-mail); Ed Haden (E-mail); Willhauck, Gregg (Kyl); Heather Wingate (E-mail); Jamie E Brown (OLA) (E-mail); Matal, Joe (Judiciary); Abegg, John (McConnell); Katie Gummerson (E-mail); Lincoln Oliphant (E-mail); Miranda, Manuel (Judiciary); Nathan Sales (E-mail); Pat O'Brien (E-mail); Comisac, RenaJohnson (Judiciary); Higgins, Stephen (Judiciary); Castle, William (Judiciary); Smith, William (Judiciary)
Subject: Nw Job

FYI since I can't possibly get to you all, as of Monday, I will start as "Dep. AA & General Counsel" for Sen. Gregg.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_0MFFD003_WHO.TXT_1>

I thought you said you were going to be "Curmudgeon at Large?"

-----Original Message-----
From: Mashburn, John (Lott)
Sent: Wednesday, January 29, 2003 12:26 PM
To: Dahl, Ale x (Judiciary); Anne_Womack (E-mail); Ledeen, Barbara (Republican-Conf); Bob Taylor (E-mail); Brett M. Kavanaugh (E-mail); Brian Benczkowski (E-mail); Don Willett (E-mail); Ed Haden (E-mail); Willhauck, Gregg (Kyl); Heather Wingate (E-mail); Jamie E Brown (OLA) (E-mail); Matal, Joe (Judiciary); Abegg, John (McConnell); Katie Gummerson (E-mail); Lincoln Oliphant (E-mail); Miranda, Manuel (Judiciary); Nathan Sales (E-mail); Pat O'Brien (E-mail); Comisac, RenaJohnson (Judiciary); Higgins, Stephen (Judiciary); Castle, William (Judiciary); Smith, William (Judiciary)
Subject: Nw Job

FYI since I can't possibly get to you all, as of Monday, I will start as "Dep. AA & General Counsel" for Sen. Gregg.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 1/29/2003 2:43:26 PM
Subject: : Re: i'm leaving to go to gym

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:29-JAN-2003 19:43:26.00
SUBJECT:: Re: i'm leaving to go to gym
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Hearing is still going on. Hatch says it will go for several more hours.
But going well. Will call.

.

----- Original Message -----
From:Ashley Estes/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP
Cc:
Date: 01/29/2003 07:38:36 PM
Subject: i'm leaving to go to gym

will you let me know (either by email or message on my cell) what your
status is? just so i can plan. thanks and talk to you later!
```

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/29/2003 10:44:10 AM
Subject: : President's Commission on the United States Postal Service

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN]
)
CREATION DATE/TIME:29-JAN-2003 15:44:10.00
SUBJECT:: President's Commission on the United States Postal Service
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett, we have been made aware of the President's Commission on the United States Postal Service, established under EO 13278 on December 11, 2002. Although it is administratively associated with the Department of Treasury, the Commission is comprised of members appointed by the President, it reports solely to the President, and is slated to be finished by August 30, 2003.

Should we assume that it is creating Presidential records?

Given the very short duration of this Commission, it is important that NARA coordinate with it on records management as soon as possible. Can you please let us know your views on its record status as soon as you can.

Thanks.

Here is the EO:
http://www.whitehouse.gov/news/releases/2002/12/print/20021211.html

From:	Robert.Nichols@do.treas.gov
To:	<McCarthy, Daniel>;John.Duncan@do.treas.gov <John.Duncan@do.treas.gov>;David.Aufhauser@do.treas.gov <David.Aufhauser@do.treas.gov>;Robert.Nichols@do.treas.gov <Robert.Nichols@do.treas.gov>;Tim.Adams@do.treas.gov <Tim.Adams@do.treas.gov>;April.Lehman@do.treas.gov <April.Lehman@do.treas.gov>;April.Lehman@do.treas.gov <Goldman, Adam B.>;April.Lehman@do.treas.gov <Goldman, Adam B.>;April.Lehman@do.treas.gov <Hennessey, Keith>;April.Lehman@do.treas.gov <Powell, Dina>;April.Lehman@do.treas.gov <Snee, Ashley>;April.Lehman@do.treas.gov <Kavanaugh, Brett M.>;April.Lehman@do.treas.gov <Kavanaugh, Brett M.>;Janet.Jones@do.treas.gov <Janet.Jones@do.treas.gov>;Janet.Jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>;JT.Young@do.treas.gov <Wolff, Candida P.>;JT.Young@do.treas.gov <Kolesar, Christina E.>;Linda.Figura@do.treas.gov <Linda.Figura@do.treas.gov>
CC:	<Jones, Alison>;<Ojakli, Ziad>
Sent:	1/29/2003 3:12:22 PM
Subject:	fyi - from the Senate Finance Committee Press Office...

From: Press_Office@finance-rep.senate.govSent: Wednesday, January 29, 2003 2:00 PM

To: Jill_Gerber@finance-rep.senate.gov

Subject: Snow vote status

We haven't scheduled a vote yet. We're waiting for completed answers to several senators' questions. There was a pretty significant number of questions that the Treasury folks are answering. We still hope to have a committee vote today, if possible. We'll let everyone know the minute we schedule a vote. -- Jill G.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/29/2003 11:54:16 AM
Subject: : Leitch is calling for you

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:29-JAN-2003 16:54:16.00
SUBJECT:: Leitch is calling for you
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

call in and we'll connect
;
Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632
;
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 1/29/2003 12:06:54 PM
Subject: : Been on hill all day

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:29-JAN-2003 17:06:54.00
SUBJECT:: Been on hill all day
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

.

From: Steve Lilienthal <SLilienthal@freecongress.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/29/2003 12:26:11 PM
Subject: : Weyrich / Goeglein request

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Steve Lilienthal <SLilienthal@freecongress.org> (Steve Lilienthal <SLilienthal@freecongress.org> [UNKNOWN])
CREATION DATE/TIME:29-JAN-2003 17:26:11.00
SUBJECT:: Weyrich / Goeglein request
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett:

Tim Goeglein wants Paul Weyrich to write a piece about what the NY Times left out about Estrada. I need some of the points to refute what was in today's editorial and need them VERY QUICKLY. This is what has been done so far.

Steve Lilienthal

1. Harvard Law grad

2. legal immigrant

Right on the masthead of the The New York Times is its age-old slogan that proclaims the newspaper to have "all the news that's fit to print." Ever since I can remember, conservatives have been able to point out time and time again the cases in which the Times' news coverage or its editorials have either distorted or omitted the crucial facts. Evidently, what is fit to print is not really "all the news" but that which is deemed politically correct.

The most recent example came just yesterday in the Times' lead editorial on the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia circuit. It comes on the eve of his long-awaited vote by the Judiciary Committee.

The Left is going all out to stop this nomination because they realize that once seated on the federal bench, a judge like Estrada, who is committed to restraint in reaching decisions, can help to launch a counterrevolution to the sound constitutional principles that protect the ordered liberty of our citizens.

Back in September, I wrote a commentary on how the highly qualified Estrada might be in for a rough hearing because the Senate Judiciary Committee was then under the control of the "Gang of Ten." Led by Patrick Leahy, the then-Democratic majority on Judiciary had deep-sixed the nominations of Texas state Supreme Court Justice Priscilla Owen and U.S. District Court Judge Charles Pickering.

Estrada exemplifies the American Dream, an immigrant who came to this country as a legal immigrant, a teenager speaking little English but graduating from Harvard Law School and demonstrating his knowledge of the law by arguing 15 cases before the Supreme Court.

Thanks to the wisdom of the American people last November, Estrada will be given a vote by the Senate Judiciary Committee tomorrow, only the "Gang of Ten" has lost more than one of its ranks. Control of the committee has switched hands, and it appears that Estrada may no longer be sitting on the

sideline bench much longer.

But the newspaper that endorsed Al Gore in 2000 showed once again that its heart lies with the Left. Yesterday's editorial termed Estrada an "unacceptable" nominee.

Well, what should be "unacceptable" is the way this newspaper editorial

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: SLilienthal@freecongress.org [UNKNOWN] <SLilienthal@freecongress.org>
Sent: 1/29/2003 12:31:35 PM
Subject: : Fw: response to NY Times editorial on Estrada

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-JAN-2003 17:31:35.00
SUBJECT:: Fw: response to NY Times editorial on Estrada
TO:SLilienthal@freecongress.org (SLilienthal@freecongress.org [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Scroll down.

.

----- Original Message -----
From:Heather Wingate/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP,
Ashley Snee/WHO/EOP@Exchange
Cc:
Date: 01/29/2003 11:58:11 AM
Subject: Re: response to NY Times editorial on Estrada

Looks great! I'd love to get this to Members too. Can I distribute to Sen Repubs?

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Wingate, Heather; <Heather_Wingate@who.eop.gov>; Snee, Ashley <Ashley_Snee@who.eop.gov>
Sent: Wed Jan 29 11:49:17 2003
Subject: response to NY Times editorial on Estrada

Can we distribute below at Weyrich lunch -- need to know by 12:30 p.m.

Miguel Estrada
Responses to New York Times Editorial of January 29, 2003

ALLEGATION: &People who have worked with him over the years, at the solicitor general,s office and elsewhere, report that his interpretation of the law is driven by an unusually conservative agenda.8

FACTS:

Estrada received the highest possible rating of &outstanding8 in every category in every performance review at the Solicitor General,s office.; In addition, the following former colleagues have sent letters to the Committee:;

Seth Waxman, former Solicitor General to President Clinton

&During the time Mr. Estrada and I worked together, he was a model of professionalism and competence(. I greatly enjoyed working with Miguel, profited from our interactions, and was genuinely sorry when he decided to leave the office in favor of private practice(I have great respect both for Mr. Estrada,s intellect and for his integrity.8; (Excerpt from Letter to Senator Leahy, September 17, 2001.)

Ronald Klain, former Counselor to Vice President Al Gore

&Miguel is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent...; Miguel will rule justly toward all, without showing favor to any group or individual.... the challenges he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and genuinely devoted to helping those in need.8; (Excerpt from Letter to Senator Leahy, January 16, 2002.)

Bipartisan group of 14 former colleagues in the Office of the Solicitor General at U.S. Department of Justice

&Miguel is a brilliant lawyer, with an extraordinary capacity for articulate and incisive legal analysis and a commanding knowledge and appreciation for the law.; Moreover, he is a person whose conduct is characterized by the utmost integrity and scrupulous fairness, as befits a nominee to the federal bench.; In addition, Miguel has a deep and abiding love for his adopted country and the principles for which it stands, and in particular the rule of law. We hold varying ideological views and affiliations that range across the political spectrum, but we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or political viewpoints.8; (Excerpt from Letter to Senator Leahy, September 19, 2002.)

ALLEGATION:; &One way to begin to fill this gap [in the public record], and give the Senate something to work with, would be to make available the numerous memorandums of law that Mr. Estrada wrote when he worked for the solicitor general,s office, as other nominees have done.8

FACTS:; Every living former Solicitor General -- including Archibald Cox, Drew Days, Walter Dellinger, and Seth Waxman -- signed a joint letter to the Committee in response to the Committee,s request for these memos arguing that the Committee,s request was unprecedented and would have a debilitating effect on the Office of Solicitor General in representing the United States.

ALLEGATION:; &In private practice, Mr. Estrada defended anti-loitering laws that civil rights groups have attacked as racist.8

FACTS:; In private practice, Estrada,s primary pro bono work was to defend a death row inmate in the Supreme Court seeking to overturn the death sentence.; He was retained to defend the anti-gang ordinances, which were enacted in Chicago with the strong support of Democrat Mayor Daley, after being contacted by the Democrat City Solicitor of Chicago.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 1/29/2003 4:32:05 PM
Subject: FW: Crime Victims Award

Brett,

Remember the Crime Victims Award Plaque issue several months ago. Apparently, it is still not resolved. The way it ended in our office is that you drafted a letter for Harriet to sign with Trophy Mart. But Trophy Mart no longer exists. According to Harriet below, you were sent the orignial agreement or letter. Do you have this?

-----Original Message-----

From: Miers, Harriet

Sent: Wednesday, January 29, 2003 4:21 PM

To: Bumatay, Patrick J.

Subject: Re:

Patrick, after this email, Carol discovered that Trophy Mart had been sold and was no longer going to exist and she sent a package of materials to Brett (According to Carol, including the original proposed agreement). There was more email traffic that we could just get someone with the new company to sign. I am having difficulty determining if anything was ever done about it after that. Do you have the original agreement or letter in your files?

From: Robert.Nichols@do.treas.gov [UNKNOWN]

To: <McCarthy>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/DANIEL_M._MCCARTHY [UNKNOWN] <Daniel>;John.Duncan@do.treas.gov [UNKNOWN] <John.Duncan@do.treas.gov>;David.Aufhauser@do.treas.gov [UNKNOWN] <David.Aufhauser@do.treas.gov>;Robert.Nichols@do.treas.gov [UNKNOWN] <Robert.Nichols@do.treas.gov>;Tim.Adams@do.treas.gov [UNKNOWN] <Tim.Adams@do.treas.gov>;April.Lehman@do.treas.gov [UNKNOWN] <April.Lehman@do.treas.gov>;<Goldman>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/698AA900-27350BE5-852569DD-5F23FE [UNKNOWN] <Adam B.>;<Hennessey>;Keith_Hennessey@opd.eop.gov [OPD] <Keith>;<Powell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/583FB9CE-AFBAD6FF-852569DD-44BBDA [UNKNOWN] <Dina>;<Snee>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /ASHLEY_M_SNEE [UNKNOWN] <Ashley>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;Janet.Jones@do.treas.gov [UNKNOWN] <Janet.Jones@do.treas.gov>;<Everson>;/EOP /FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FF797A9B-218FE559-85256B99-4E9537 [UNKNOWN] <Nanette>;arnie_havens@csx.com [UNKNOWN] <arnie_havens@csx.com>; <Ingle>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/53838B5A-90E78711-852569DC-53F24B [UNKNOWN] <Edward>;linda_mathis@csx.com [UNKNOWN] <linda_mathis@csx.com>;<Kratovil>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /60244D3E-AABBCE0E-85256B74-5C655A [UNKNOWN] <Lindley>;<Warsh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN] <Kevin>;JT.Young@do.treas.gov [UNKNOWN] <JT.Young@do.treas.gov>; <Wolff>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /D55BBA04-5A282E31-852569DB-607283 [UNKNOWN] <Candida P.>;<Kolesar>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4EE4A84A-3B9DC99C-85256C05-5C1061 [UNKNOWN] <Christina E.>;Linda.Figura@do.treas.gov [UNKNOWN] <Linda.Figura@do.treas.gov>;Rob_Shinn@csx.com [UNKNOWN] <Rob_Shinn@csx.com>;LBlalack@OMM.com [UNKNOWN] <LBlalack@OMM.com>

CC: <Jones>;Alison_Jones@who.eop.gov [WHO] <Alison>;<Ojakli>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/ZIAD_S._OJAKLI [UNKNOWN] <Ziad>

Sent: 1/29/2003 1:32:20 PM

Subject: from the SENATE FINACNE COMMITTEE press office [630pm]

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Robert.Nichols@do.treas.gov ( Robert.Nichols@do.treas.gov [ UNKNOWN ] )
CREATION DATE/TIME:29-JAN-2003 18:32:20.00
SUBJECT:from the SENATE FINACNE COMMITTEE press office [630pm]
TO:McCarthy, Daniel ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=DANIEL_M._MCCARTHY [ UNKNOWN ] )
READ:UNKNOWN
TO:John.Duncan@do.treas.gov ( John.Duncan@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:David.Aufhauser@do.treas.gov ( David.Aufhauser@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Robert.Nichols@do.treas.gov ( Robert.Nichols@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Tim.Adams@do.treas.gov ( Tim.Adams@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:April.Lehman@do.treas.gov ( April.Lehman@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Goldman, Adam B. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=698AA900-27350BE5-852569DD-5F23FE [ UNKNOWN ] )
READ:UNKNOWN
TO:Hennessey, Keith ( Keith_Hennessey@opd.eop.gov [ OPD ] )
READ:UNKNOWN
TO:Powell, Dina ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=583FB9CE-AFBAD6FF-
852569DD-44BBDA [ UNKNOWN ] )
READ:UNKNOWN
TO:Snee, Ashley ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ASHLEY_M_SNEE [
UNKNOWN ] )
```

READ:UNKNOWN
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
TO:Janet.Jones@do.treas.gov (Janet.Jones@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Everson, Nanette (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FF797A9B-218FE559-85256B99-4E9537 [UNKNOWN])
READ:UNKNOWN
TO:arnie_havens@csx.com (arnie_havens@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Ingle, Edward (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=53838B5A-90E78711-852569DC-53F24B [UNKNOWN])
READ:UNKNOWN
TO:linda_mathis@csx.com (linda_mathis@csx.com [UNKNOWN])
READ:UNKNOWN
TO:Kratovil, Lindley (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=60244D3E-AABBCE0E-85256B74-5C655A [UNKNOWN])
READ:UNKNOWN
TO:Warsh, Kevin (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN])
READ:UNKNOWN
TO:JT.Young@do.treas.gov (JT.Young@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Wolff, Candida P. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=D55BBA04-5A282E31-852569DB-607283 [UNKNOWN])
READ:UNKNOWN
TO:Kolesar, Christina E. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4EE4A84A-3B9DC99C-85256C05-5C1061 [UNKNOWN])
READ:UNKNOWN
TO:Linda.Figura@do.treas.gov (Linda.Figura@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Rob_Shinn@csx.com (Rob_Shinn@csx.com [UNKNOWN])
READ:UNKNOWN
TO:LBlalack@OMM.com (LBlalack@OMM.com [UNKNOWN])
READ:UNKNOWN
CC:Jones, Alison (Alison_Jones@who.eop.gov [WHO])
READ:UNKNOWN
CC:Ojakli, Ziad (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ZIAD_S._OJAKLI [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The Finance Committee will meet in open session on Thursday, January 30, 2003, at 10 a.m., in 215 Dirksen Senate Office Building, to consider favorably reporting the nomination of John W. Snow, to be secretary of the U.S. Department of Treasury.

The hearing entitled, "U.S. Borders: Safe or Sieve?", is scheduled to begin immediately following the conclusion of the vote on the nomination of John W. Snow. Please note: We'll distribute copies of the senators' follow-up questions to Mr. Snow and Mr. Snow's responses at 10 a.m. These are the questions and responses that senators said they wanted answered prior to the vote. Responses to other questions are still forthcoming.

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/29/2003 1:33:20 PM
Subject: : 3pm tomorrow w/Campbell CoS

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:29-JAN-2003 18:33:20.00
SUBJECT:: 3pm tomorrow w/Campbell CoS
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

our meeting tomorrow w/Campbell's CoS has been moved to 3pm. Okay by you?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO /EOP@EOP [WHO] <Heather Wingate>
Sent: 1/29/2003 1:49:58 PM
Subject: : Re: 3pm tomorrow w/Campbell CoS

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-JAN-2003 18:49:58.00
SUBJECT:: Re: 3pm tomorrow w/Campbell CoS
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes and by the way we have a bunch more binders if need be.

.

----- Original Message -----
From:Heather Wingate/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/29/2003 06:33:14 PM
Subject: 3pm tomorrow w/Campbell CoS

our meeting tomorrow w/Campbell's CoS has been moved to 3pm. Okay by you?

From:	Robert.Nichols@do.treas.gov
To:	<McCarthy, Daniel>;John.Duncan@do.treas.gov <John.Duncan@do.treas.gov>;David.Aufhauser@do.treas.gov <David.Aufhauser@do.treas.gov>;Robert.Nichols@do.treas.gov <Robert.Nichols@do.treas.gov>;Tim.Adams@do.treas.gov <Tim.Adams@do.treas.gov>;April.Lehman@do.treas.gov <April.Lehman@do.treas.gov>;April.Lehman@do.treas.gov <Goldman, Adam B.>;April.Lehman@do.treas.gov <Goldman, Adam B.>;April.Lehman@do.treas.gov <Hennessey, Keith>;April.Lehman@do.treas.gov <Powell, Dina>;April.Lehman@do.treas.gov <Snee, Ashley>;April.Lehman@do.treas.gov <Kavanaugh, Brett M.>;April.Lehman@do.treas.gov <Kavanaugh, Brett M.>;Janet.Jones@do.treas.gov <Janet.Jones@do.treas.gov>;Janet.Jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>;JT.Young@do.treas.gov <Wolff, Candida P.>;JT.Young@do.treas.gov <Kolesar, Christina E.>;Linda.Figura@do.treas.gov <Linda.Figura@do.treas.gov>;arnie_havens@csx.com <arnie_havens@csx.com>;Rob_Shinn@csx.com <Rob_Shinn@csx.com>;LBlalack@OMM.com <LBlalack@OMM.com>
CC:	<Jones, Alison>;<Ojakli, Ziad>
Sent:	1/29/2003 6:32:20 PM
Subject:	from the SENATE FINACNE COMMITTEE press office [630pm]

The Finance Committee will meet in open session on Thursday, January 30, 2003, at 10 a.m., in 215 Dirksen Senate Office Building, to consider favorably reporting the nomination of John W. Snow, to be secretary of the U.S. Department of Treasury.

The hearing entitled, "U.S. Borders: Safe or Sieve?", is scheduled to begin immediately following the conclusion of the vote on the nomination of John W. Snow. Please note: We'll distribute copies of the senators' follow-up questions to Mr. Snow and Mr. Snow's responses at 10 a.m. These are the questions and responses that senators said they wanted answered prior to the vote. Responses to other questions are still forthcoming.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 1/29/2003 2:43:26 PM
Subject: : Re: i'm leaving to go to gym

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-JAN-2003 19:43:26.00
SUBJECT:: Re: i'm leaving to go to gym
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Hearing is still going on. Hatch says it will go for several more hours.
But going well. Will call.

.

----- Original Message -----
From:Ashley Estes/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP
Cc:
Date: 01/29/2003 07:38:36 PM
Subject: i'm leaving to go to gym

will you let me know (either by email or message on my cell) what your
status is? just so i can plan. thanks and talk to you later!

From: Kavanaugh, Brett M.
To: <Wingate, Heather>;<Kavanaugh, Brett M.>
Sent: 1/29/2003 6:52:52 PM
Subject: Re: 3pm tomorrow w/Campbell CoS

Yes and by the way we have a bunch more binders if need be.

.

----- Original Message -----

From:Heather Wingate/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 01/29/2003 06:33:14 PM

Subject: 3pm tomorrow w/Campbell CoS

our meeting tomorrow w/Campbell's CoS has been moved to 3pm. Okay by you?

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Addington>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FFAB5A7D-85B03435-852569DB-569229 [UNKNOWN] <David S.>;<Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>
Sent: 1/29/2003 6:01:19 PM
Subject: can we meet on USTR matter at 8:00 before staff meeting

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ( [ UNKNOWN ] )
CREATION DATE/TIME:29-JAN-2003 23:01:19.00
SUBJECT:can we meet on USTR matter at 8:00 before staff meeting
TO:Addington, David S. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FFAB5A7D-
85B03435-852569DB-569229 [ UNKNOWN ] )
READ:UNKNOWN
TO:Gonzales, Alberto R. ( Alberto_R._Gonzales@who.eop.gov [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 1/29/2003 6:05:27 PM
Subject: : can we meet on USTR matter at 8:00 before staff meeting

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:29-JAN-2003 23:05:27.00
SUBJECT:: can we meet on USTR matter at 8:00 before staff meeting
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 1/29/2003 6:14:00 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-JAN-2003 23:14:00.00
SUBJECT:: Re:
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

tried to call you a few minutes ago; call me at work

Ashley Estes
01/29/2003 11:12:46 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject:

Glad to hear today went well. Sorry it was such a long day... Get some sleep tonight.

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/29/2003 6:21:52 PM
Subject: : glenda sanders

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-JAN-2003 23:21:52.00
SUBJECT:: glenda sanders
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Dear Mr. Kavanaugh,

The letter ran today with a large and favorable heading..."Judgeship Candidate Acted Honorably". Thank you for your efforts. I know you were in the midst of a busy time at the White House. Please pass on my thanks to Mr. Leitch.

Yours sincerely,
Glenda Sanders

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 1/29/2003 7:30:37 PM
Subject: : Ugghhh

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:30-JAN-2003 00:30:37.00
SUBJECT:: Ugghhh
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Just read about you in post. Really hope that is not true, for our sake!
But if so, sounds great.

.
```

From: Kavanaugh, Brett M.
To: <Wingate, Heather>
Sent: 1/30/2003 12:33:37 AM
Subject: Ugghhh

Just read about you in post. Really hope that is not true, for our sake! But if so, sounds great.

.

From: CN=Jan E. Williams/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2003 3:18:12 AM
Subject: : Re: call me

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JAN-2003 08:18:12.00
SUBJECT:: Re: call me
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

i left a message.

Brett M. Kavanaugh
01/29/2003 11:11:52 PM
Record Type: Record

To: Jan E. Williams/WHO/EOP@EOP
cc:
Subject: call me

From: Miranda, Manuel (Judiciary) <Manuel_Miranda@Judiciary.senate.gov>
To: Brian.A.Benczkowski@usdoj.gov [UNKNOWN] <Brian.A.Benczkowski@usdoj.gov>;Tapia, Margarita (Judiciary) <Margarita_Tapia@Judiciary.senate.gov>;Mark.Corallo@usdoj.gov [UNKNOWN] <Mark.Corallo@usdoj.gov>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>;Monica.Goodling@usdoj.gov [UNKNOWN] <Monica.Goodling@usdoj.gov>;Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>;Miranda, Manuel (Judiciary) <Manuel_Miranda@Judiciary.senate.gov>
CC: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Leonardo F. Gorordo/WHO/EOP@EOP [WHO] <Leonardo F. Gorordo>;rfernandez@rnchq.org [UNKNOWN] <rfernandez@rnchq.org>;monica.goodling@usdoj.gov [UNKNOWN] <monica.goodling@usdoj.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>;Tim Goeglein/WHO /EOP@EOP [WHO] <Tim Goeglein>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;scastillo@rnchq.org [UNKNOWN] <scastillo@rnchq.org>;brian.a.benczkowski@usdoj.gov [UNKNOWN] <brian.a.benczkowski@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>
Sent: 1/30/2003 3:32:54 AM
Subject: : Estrada MEDIA

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CC:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
CC:brian.a.benczkowski@usdoj.gov (brian.a.benczkowski@usdoj.gov [UNKNOWN])
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CC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Herman Badillo is a former Deputy Mayor of NYC, 4-term Congressman, and Board Chairman of the City University of New York. Media (Spanish and English) can reach him at 212-826-2000.

Wall Street Journal
January 30, 2003

Que Pasa, Chuck?

By Herman Badillo
Source: The Wall Street Journal Date: January 30, 2003 Page: A14
NEW YORK -- Nothing makes Democrats more frenzied than when a Hispanic or African-American goes off the reservation. Witness now the opposition that the Puerto Rican Legal Defense Fund and the usual Washington special interests are giving Miguel Estrada, the young Honduran immigrant-turned-New Yorker that President Bush has nominated to the D.C. Circuit Court of Appeals.
Congressional Democrats have gone so far as to say that Mr. Estrada is a Hispanic "in name only."
But if their behaviour is outrageous it is also par for the course. Half of the Democrats' energy lately seems focused on corraling the nation's two largest minority groups into an intellectual ghetto. The vitriol we saw most famously directed at Clarence Thomas, and more recently at Condoleezza Rice, demands that blacks and Hispanics toe a political line to have their success acknowledged by their own community.
When confirmed by the Senate, Miguel Estrada, a brilliant lawyer with extraordinary credentials, will be the first Hispanic on the second most prestigious court in the land. He will be a role model not just for Hispanics, but for all immigrants and their children. His is the great American success story.
But his confirmation by the Senate will come no thanks to Chuck Schumer, his home-state senator. Mr. Schumer has thrown every old booby-trap in Mr. Estrada's way, and invented a few new ones just for him. When the Senate held a hearing for Mr. Estrada last year, Mr. Estrada's mother told Mr. Schumer that she had voted for him and hoped that he would return the favor. He hasn't yet.
It is hard to blame Democrats of course. They know how their bread is buttered and by whom -- the monied special interest groups that have made a profitable business of opposing the nominations of President Bush. The Hispanic groups that shun Mr. Estrada, including the Congressional Hispanic Caucus, which announced its opposition to his nomination last September, are a different matter. They should be ashamed of themselves.
Sen. Orrin Hatch (R., Utah), who heads both the Senate Judiciary and the Senate Republican Hispanic Task Force, put it well when he said that these liberal Hispanic groups "have sold out the aspirations of their people just to sit around schmoozing with the Washington power elite."
Mr. Schumer's one-man campaign against Mr. Estrada has grown tiresome too. Despite the rebuke of every living U.S. solicitor general of both parties dating back four decades, Mr. Schumer continues to make irresponsible demands, never made before for a non-Hispanic nominee, and insists on making backhanded and unfounded insinuations about Mr. Estrada's career and temperament. This treatment of Mr. Estrada is

demeaning and unfair, not only to the nominee but also to the confirmation process and the integrity of the Senate.

Mr. Schumer's petulance ignores Mr. Estrada's qualifications, intellect, judgment, bipartisan support, and that he received a unanimous "well qualified" rating -- the highest possible rating -- from the American Bar Association. The liberal Hispanic groups that challenge Mr. Estrada's personal identity as a Hispanic ignore his support by non-partisan Hispanic organizations, such as the Hispanic National Bar Association, the League of United Latin American Citizens, and the U.S. Hispanic Chamber of Commerce.

Mr. Schumer and his colleagues are fond of speaking about the need for "diversity" on the courts. Apparently that talk does not extend to President Bush's nominees, since the confirmation of Mr. Estrada would provide just such diversity on this important court. It is past time that Mr. Schumer put an end to his embarrassing grandstanding on Mr. Estrada's nomination.

One would think that a New York senator would know that, whether Puerto Rican, Dominican or Honduran, Hispanics are most united in one thing -- the pride we take in our advancement as Americans regardless of where we started. One suspects that Mr. Schumer may learn this lesson yet, and that Miguel Estrada's name is one that Charles Schumer will hear repeated when he runs for re-election all too soon.

Mr. Badillo, a former Congressman, is a lawyer in New York City.

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Ziad S. Ojakli/WHO/EOP@Exchange [WHO] <Ziad S. Ojakli>;David W. Hobbs/WHO /EOP@Exchange [WHO] <David W. Hobbs>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2003 4:32:16 AM
Subject: : Fw: RPC/SRC Conf. Attendance

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TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Fyi...

-----Original Message-----
From: Gumerson, Katie (RPC) <Katie_Gumerson@RPC.Senate.Gov>
To: Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>; Willcox, Lawrence (RPC) <Lawrence_Willcox@RPC.Senate.Gov>; Duffield, Steven (RPC) <Steven_Duffield@RPC.Senate.Gov>; Myers, Chris (Republican-Conf) <Chris_Myers@src.senate.gov>; Alex Dahl (E-mail) <IMCEACCMAIL-Alex+20Dahl+20at+20Judiciary@routing.senate.gov>; Ann Loughlin (E-mail) <ann.l.loughlin@usdoj.gov>; Barbara Ledeen (E-mail) <barbara_ledeen@src.senate.gov>; Brett Kavanaugh (E-mail) <brett_kavanaugh@who.eop.gov>; Brown, Jamie E (E-mail) <jamie.e.brown@usdoj.gov>; Wingate, Heather; <Heather_Wingate@who.eop.gov>; Jason Lundell (E-mail) <IMCEACCMAIL-Jason+20Lundell+20at+20Judiciary@routing.senate.gov>; John Abegg (E-mail) <IMCEACCMAIL-John+20Abegg+20at+20McConnell-DC@routing.senate.gov>; Manuel Miranda (E-mail) <IMCEACCMAIL-Manuel+20Miranda+20at+20Judiciary@routing.senate.gov>; Kirk, Matthew; <Matthew_Kirk@who.eop.gov>; Matt Letourneau <matthew_letourneau@Judiciary.senate.gov>; Pat. O'Brien@usdoj. gov (E-mail) <Pat.O'Brien@usdoj.gov>; Rena Johnson (E-mail) <IMCEACCMAIL-Rena+20Johnson+20at+20Judiciary@routing.senate.gov>; Stephen Higgins (E-mail) <IMCEACCMAIL-Stephen+20Higgins+20at+20Judiciary@routing.senate.gov>
Sent: Thu Jan 30 08:21:32 2003
Subject: RPC/SRC Conf. Attendance

RPC/SRC Judges Conference
Wednesday, January 29, 2003
2:00 pm

ATTENDANCE (29 Members):
Alexander
Allard
Allen
Bennett
Bunning
Burns
Campbell
Chafee
Coleman
Collins

Craig
Crapo
Dole
Ensign
Enzi
Frist
Grassley
Hutchison
Inhofe
Kyl
McConnell
Murkowski
Nickles
Santorum
Sessions
Snowe
Specter
Sununu
Talent

Katie Gumerson
Deputy Staff Director
Republican Policy Committee
347 Russell
Washington, D.C. 20510
(202) 224-2946

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2003 2:25:06 AM
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CREATION DATE/TIME:30-JAN-2003 07:25:06.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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###### End Original ARMS Header ######

B

Thanks a million for everything; you do superb work

tsg
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From: CN=Faisal M. Gill/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2003 6:27:29 AM
Subject: : Conference call

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TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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Do you have time at 1 PM to be on a conference call with Ed and DOJ
attorneys re: EPIC litigation?

Faisal
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Faisal M. Gill/WHO/EOP@EOP [WHO] <Faisal M. Gill>
Sent: 1/30/2003 7:17:30 AM
Subject: : Re: Conference call

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how about 1:30

Faisal M. Gill
01/30/2003 11:27:27 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Conference call

Do you have time at 1 PM to be on a conference call with Ed and DOJ attorneys re: EPIC litigation?

Faisal

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;Raquel Cabral/WHO/EOP@EOP [WHO] <Raquel Cabral>
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Thanks for all your help on the binders. They turned out great and the
Senators loved them. Thanks much.
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From:	CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To:	Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Heather Wingate/WHO/EOP@Exchange@EOP [WHO] <Heather Wingate>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
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Colleagues

fyi

tsg

Free Congress Foundation's
Notable News Now
January 30, 2003

The Free Congress Commentary
Miguel Estrada: Will Today Bring
News That Is Truly Fit to Print?
By Paul M. Weyrich


Right on the masthead of the The New York Times is its age-old slogan that
proclaims the newspaper contains "all the news that's fit to print." I must
admit that it is a great slogan.

No doubt The New York Times is truly a well-read paper. Many Americans rely
on the Times for its in-depth coverage of financial and foreign news, and
the arts and entertainment. It has some talented, very knowledgeable
reporters. However, many of these reporters openly display in their writing
the predictable liberal, establishment viewpoint, and they are also not
afraid to demonstrate a hostility toward viewpoints considered to be
Politically Incorrect.

Ever since I can remember, conservatives have constantly been citing cases
in which the Times' news coverage or its editorials have either distorted
or
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omitted the crucial facts. I've certainly done so a few times myself during the more than three decades that I've lived in Washington. Evidently, what is fit to print in the Times is not always "all the news" or the whole story
but often times that which is deemed to be PC.

The most recent example came just yesterday in the Times' lead editorial on the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia circuit.

The Left is going all out to stop this nomination. They realize that once seated on the federal bench, a judge like Estrada, who is committed to restraint and textualism in reaching decisions, can protect and defend the sound constitutional principles that ensure ordered liberty for our citizens.

Back in September, I wrote a commentary on how the highly qualified Estrada might be in for a rough hearing because the Senate Judiciary Committee was then under the control of the "Gang of Ten." Led by Senator Patrick Leahy (D-VT), the then-Democratic majority on Judiciary had deep-sixed the nominations of Texas state Supreme Court Justice Priscilla Owen and U.S. District Court Judge Charles Pickering.

Estrada exemplifies the American Dream, a legal immigrant who came to this country as a teenager speaking little English, but graduating from Harvard Law School and demonstrating his knowledge of the law by arguing 15 cases before the Supreme Court.

Thanks to the wisdom exhibited by the American people last November, Estrada
is expected to be given a vote by the Senate Judiciary Committee today. The "Gang of Ten" has seen its majority status diminished. Control of the committee has switched hands.

But the newspaper that endorsed Al Gore in 2000 showed once again that its heart lies with the Left. Yesterday's editorial branded Estrada as an "unacceptable" nominee.

What should be "unacceptable" is the way this newspaper editorial failed to tell the whole truth about Miguel Estrada.

For example, take the Times' assertion that Estrada lacked the respect of his peers, who viewed him as someone more interested in being an ideologue than in interpreting the law.

Well, then why would Ron Klain, who served as counselor to Vice President Al
Gore, credit Estrada for having a "deep commitment to the faithful application of precedent...Miguel will rule justly toward all, without showing favor to any group or individual"? And why would Seth Waxman, who was President Clinton's Solicitor General and Estrada's boss, strongly support Estrada's nomination?

Why would a bipartisan group of fourteen former colleagues of Estrada who worked with him in the Office of Solicitor General, write to Leahy last year
in his support? Their letter said that even though they "hold varying ideological views and affiliations that range across the political spectrum...we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or
political viewpoints."

That sounds like someone who was a good colleague and who will be a judge who exhibits restraint in his rulings, who will interpret the law as written, who will not be an activist who whips up rulings using the Left's ideological litmus tests as the recipe. The Left's interest groups are

brazenly seeking judges who will be very open in admitting their intention to make laws -- even if there is no real precedent to do so -- that will fulfill their item-by-item wish lists. Those who do not openly endorse the wish lists will find themselves disparaged by these groups as being "anti" this or that issue. It's a simplistic way of looking at things, and an inappropriate way to select judges for our Federal courts.

Indeed, leave it to the Times to charge that "Mr. Estrada defended anti-loitering laws that civil rights and [sic] groups have attacked as racist." In reality, Estrada was retained to defend anti-gang ordinances enacted in Chicago with the strong backing of Mayor Richard Daley.

Just ask yourself: Who are most often the victims of gang activity?

This much I can tell you: It's not upper-middle-class editorial writers living in Manhattan in luxury apartments with 24 hour security guards or out
on Long Island in one of its exclusive suburbs.

The Times editorial leaves the impression that, unlike past nominees, the memorandums that Estrada wrote while working in the Solicitor General's office should be made available to the Judiciary Committee.

The Times forgot to point out what every living ex-Solicitor General had to say about the then-Democrat dominated Judiciary Committee's request for the memos that Estrada wrote in the Solicitor General's office. What these distinguished attorneys told the "Gang of Ten" was that this was an unprecedented request that, if granted, would have a debilitating effect on the Office of Solicitor General in representing the United States. Signing that letter were Democrats Archibald Cox, Drew Days, Walter Dellinger, and Seth Waxman as well as Republicans Robert Bork, Kenneth Starr, and Charles Fried.

Don't be surprised today if a member of the "Gang of Nine" cites this editorial as providing reasons why Estrada should not have his nomination sent to the Senate floor. They will recite it, expecting that many impressed
C-SPAN viewers will view the Times name with reverence. However, in this case, The New York Times failed to print all it should have about Miguel Estrada. What it did print was, in the instances that I cited, misleading and certainly not the whole story about this fine attorney who has the potential to be an outstanding jurist.

Now, that the "Gang of Ten" is no more, I hope that there will be enough senators on the Judiciary Committee who won't be relying on the judgment of the editorial writers of The New York Times. If senators follow their judgment, then I have no doubt that this nomination will finally be sent to the floor of the United States Senate.

Now, given the problems that some of the most qualified, respected and able nominees of President Bush, encountered from the "Gang of Ten," if the Senate Judiciary Committee, under its new leadership, votes today to send Estrada's nomination to the Senate floor, that will definitely be news that is fit to print.

Paul M. Weyrich is Chairman and CEO of the Free Congress Foundation.

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;joschal@att.net [UNKNOWN] <joschal@att.net>;Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>
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Subject: : Miguel Estrada
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---------- Forwarded by Matthew E. Smith/WHO/EOP on 01/30/2003 09:02 AM ----------

ABEL
GUERRA
01/30/2003 08:33:49 AM

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To: Lezlee J. Westine/WHO/EOP@EOP, Leonard B. Rodriguez/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP, Tim Goeglein/WHO/EOP@EOP
cc:
Subject: Miguel Estrada

US Pan Asian Chamber press release

---------- Forwarded by Abel Guerra/WHO/EOP on 01/30/2003 08:33 AM ----------

Susan Allen <susanallen@uspac.us>
01/29/2003 11:17:25 PM
Record Type: Record

To: Abel Guerra/WHO/EOP@EOP
cc:
Subject: Miguel Estrada

January 28, 2003

An Immigrant Success Story: Miguel Estrada Nominated for the United States Court of Appeals for the District of Columbia

Miguel Estrada immigrated to the United States from Honduras while 17 years old. He spoke very little English, but through hard work gained admission

into Columbia College in New York where he graduated magna cum laude and Phi
Beta Kappa in 1983. Three years later, he received his law degree magna cum laude from Harvard Law School, and worked as a law clerk for Judge Amalya L. Kearse and clerked for U.S. Supreme Court Justice Anthony Kennedy. At the U.S. Department of Justice, his former colleagues in the Clinton Administration described him a person of outstanding character, tremendous intellect and fairness, compassionate, principled and ethical.

Now an attorney in private practice at Gibson & Dunn, Mr. Estrada is a living testimony that for immigrants, good work ethic and determination could lead to the great opportunities this country offers.

If confirmed by the U.S. Senate, Mr. Estrada will be the first immigrant to
serve in the nation?s second highest court. We should all be proud of the achievements of this fellow immigrant and give him our support. So please, call your Senators and tell them to vote to confirm President Bush?s nomination of Miguel Estrada.

Susan Au Allen

President & CEO

US Pan Asian American

Chamber of Commerce

1329 18th Street, NW

Washington, DC 20036

(202) 296-5221

(202) 296-5225

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
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January 28, 2003

An Immigrant Success Story: Miguel Estrada Nominated for the United States Court of Appeals for the Distric t of Columbia

Miguel Estrada immigrated to the United States from Honduras while 17 years old. He spoke very little English, but through hard work gained admission into Columbia College in New York where he graduated *magna cum laude* and Phi Beta Kappa in 1983. Three years later, he received his law degree *magna cum laude* from Harvard Law School , and worked as a law clerk for Judg e Amalya L. Kearse and clerked for U.S. Supreme Court Justice Anthony Kennedy. At the U.S. Department of Justice, his former colleagues in the Clinton Administration described him a person of outstanding character, tremendous intellect and fairness, compassionate, principled and ethical.

Now an attorney in private practice at Gibson & Dunn, Mr. Estrada is a living testimony that for immigrants, good work ethic and determination could lead to the great opportunities this country offers.

If confirmed by the U.S. Senate, Mr. Estrada will be the first immigrant to serve in the nations second highest court. We should all be proud of the achievements of this fellow immigrant and give him our support. So please, call your Senators and tell them to vote to confirm President Bushs nomination of Miguel Estrada.

Susan Au Allen
President & CEO
US Pan Asian American
Chamber of Commerce
1329 18th Street, NW
Washington, DC 20036
(202) 296-5221
(202) 296-5225

From:	Miranda, Manuel \(Judiciary\) <Manuel_Miranda@Judiciary.senate.gov>
To:	Miranda, Manuel \(Judiciary\) <Manuel_Miranda@Judiciary.senate.gov>;rfernandez@rnchq.org <Rodriguez, Leonard B.>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;Mark.Corallo@usdoj.gov <Mark.Corallo@usdoj.gov>;Monica.Goodling@usdoj.gov <Monica.Goodling@usdoj.gov>;Tapia, Margarita \(Judiciary\) <Margarita_Tapia@Judiciary.senate.gov>;Viet.Dinh@usdoj.gov <Viet.Dinh@usdoj.gov>;Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>;Brian.A.Benczkowski@usdoj.gov <Kavanaugh, Brett M.>
CC:	<Viana, Mercedes M.>;<Guerra, Abel>;<Kavanaugh, Brett M.>;<Wingate, Heather>;brian.a.benczkowski@usdoj.gov <brian.a.benczkowski@usdoj.gov>;monica.goodling@usdoj.gov <monica.goodling@usdoj.gov>;scastillo@rnchq.org <scastillo@rnchq.org>;rfernandez@rnchq.org <rfernandez@rnchq.org>;rfernandez@rnchq.org <Mehlman, Ken>;rfernandez@rnchq.org <Gorordo, Leonardo F.>;rfernandez@rnchq.org <Goeglein, Tim>;rfernandez@rnchq.org <Schlapp, Matthew A.>
Sent:	1/30/2003 8:32:08 AM
Subject:	Estrada MEDIA

Herman Badillo is a former Deputy Mayor of NYC, 4-term Congressman, and Board Chairman of the City University of New York. Media (Spanish and English) can reach him at 212-826-2000.

Wall Street Journal
January 30, 2003

Que Pasa, Chuck?

By Herman Badillo
Source: The Wall Street Journal Date: January 30, 2003 Page: A14
NEW YORK -- Nothing makes Democrats more frenzied than when a Hispanic or African-American goes off the reservation. Witness now the opposition that the Puerto Rican Legal Defense Fund and the usual Washington special interests are giving Miguel Estrada, the young Honduran immigrant-turned-New Yorker that President Bush has nominated to the D.C. Circuit Court of Appeals.
Congressional Democrats have gone so far as to say that Mr. Estrada is a Hispanic "in name only."
But if their behaviour is outrageous it is also par for the course. Half of the Democrats' energy lately seems focused on corraling the nation's two largest minority groups into an intellectual ghetto. The vitriol we saw most famously directed at Clarence Thomas, and more recently at Condoleezza Rice, demands that blacks and Hispanics toe a political line to have their success acknowledged by their own community.
When confirmed by the Senate, Miguel Estrada, a brilliant lawyer with extraordinary credentials, will be the first Hispanic on the second most prestigious court in the land. He will be a role model not just for Hispanics, but for all immigrants and their children. His is the great American success story.
But his confirmation by the Senate will come no thanks to Chuck Schumer, his home-state senator. Mr. Schumer has thrown every old booby-trap in Mr. Estrada's way, and invented a few new ones just for him. When the Senate held a hearing for Mr. Estrada last year, Mr. Estrada's mother told Mr. Schumer that she had voted for him and hoped that he would return the favor. He hasn't yet.
It is hard to blame Democrats of course. They know how their bread is buttered and by whom -- the monied special interest groups that have made a profitable business of opposing the nominations of President Bush. The Hispanic groups that shun Mr. Estrada, including the Congressional Hispanic Caucus, which announced its opposition to his

nomination last September, are a different matter. They should be ashamed of themselves.

Sen. Orrin Hatch (R., Utah), who heads both the Senate Judiciary and the Senate Republican Hispanic Task Force, put it well when he said that these liberal Hispanic groups "have sold out the aspirations of their people just to sit around schmoozing with the Washington power elite."

Mr. Schumer's one-man campaign against Mr. Estrada has grown tiresome too. Despite the rebuke of every living U.S. solicitor general of both parties dating back four decades, Mr. Schumer continues to make irresponsible demands, never made before for a non-Hispanic nominee, and insists on making backhanded and unfounded insinuations about Mr. Estrada's career and temperament. This treatment of Mr. Estrada is demeaning and unfair, not only to the nominee but also to the confirmation process and the integrity of the Senate.

Mr. Schumer's petulance ignores Mr. Estrada's qualifications, intellect, judgment, bipartisan support, and that he received a unanimous "well qualified" rating -- the highest possible rating -- from the American Bar Association. The liberal Hispanic groups that challenge Mr. Estrada's personal identity as a Hispanic ignore his support by non-partisan Hispanic organizations, such as the Hispanic National Bar Association, the League of United Latin American Citizens, and the U.S. Hispanic Chamber of Commerce.

Mr. Schumer and his colleagues are fond of speaking about the need for "diversity" on the courts. Apparently that talk does not extend to President Bush's nominees, since the confirmation of Mr. Estrada would provide just such diversity on this important court. It is past time that Mr. Schumer put an end to his embarrassing grandstanding on Mr. Estrada's nomination.

One would think that a New York senator would know that, whether Puerto Rican, Dominican or Honduran, Hispanics are most united in one thing -- the pride we take in our advancement as Americans regardless of where we started. One suspects that Mr. Schumer may learn this lesson yet, and that Miguel Estrada's name is one that Charles Schumer will hear repeated when he runs for re-election all too soon.

Mr. Badillo, a former Congressman, is a lawyer in New York City.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange [WHO] <Heather Wingate>
Sent: 1/30/2003 8:43:50 AM
Subject: : Re: Judge

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JAN-2003 13:43:50.00
SUBJECT:: Re: Judge
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

From: Heather Wingate/WHO/EOP@Exchange on 01/30/2003 01:41:29 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Judge

Would judge do some radio/tv on estrada?

From: Carolyn_Nelson@who.eop.gov [WHO] <Nelson, Carolyn>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 1/30/2003 4:50:07 AM
Subject: FW: Mtg with the Judge on Feb 7?

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Nelson, Carolyn ( Carolyn_Nelson@who.eop.gov [ WHO ] )
CREATION DATE/TIME:30-JAN-2003 09:50:07.00
SUBJECT:FW: Mtg with the Judge on Feb 7?
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
C20FEE19-852569DA-7648DC [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Unable to convert backlog_02:[message.d42]sreop4760002ALI.MSG ?1
oÍ«¡ To ASCII,
The following is a HEX dump of the file:
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From:	Goeglein, Tim
To:	<Kavanaugh, Brett M.>;<Smith, Matthew E.>;<Wingate, Heather>;<Schlapp, Matthew A.>;<Rodriguez, Leonard B.>;<Guerra, Abel>
CC:	<Westine, Lezlee J.>
Sent:	1/30/2003 8:53:25 AM
Subject:	fPaul M. Weyrich's Commentary: Miguel Estrada : Will Today Bring News That Is Truly Fit To Print?

Colleagues

fyi

tsg

Free Congress Foundation's

Notable News Now

January 30, 2003

The Free Congress Commentary

Miguel Estrada: Will Today Bring

News That Is Truly Fit to Print?

By Paul M. Weyrich

Right on the masthead of the The New York Times is its age-old slogan that proclaims the newspaper contains "all the news that's fit to print." I must admit that it is a great slogan.

No doubt The New York Times is truly a well-read paper. Many Americans rely on the Times for its in-depth coverage of financial and foreign news, and the arts and entertainment. It has some talented, very knowledgeable reporters. However, many of these reporters openly display in their writing the predictable liberal, establishment viewpoint, and they are also not afraid to demonstrate a hostility toward viewpoints considered to be Politically Incorrect.

Ever since I can remember, conservatives have constantly been citing cases in which the Times' news coverage or its editorials have either distorted or omitted the crucial facts. I've certainly done so a few times myself during the more than three decades that I've lived in Washington. Evidently, what is fit to print in the Times is not always "all the news" or the whole story

but often times that which is deemed to be PC.

The most recent example came just yesterday in the Times' lead editorial on the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia circuit.

The Left is going all out to stop this nomination. They realize that once seated on the federal bench, a judge like Estrada, who is committed to restraint and textualism in reaching decisions, can protect and defend the sound constitutional principles that ensure ordered liberty for our citizens.

Back in September, I wrote a commentary on how the highly qualified Estrada might be in for a rough hearing because the Senate Judiciary Committee was then under the control of the "Gang of Ten." Led by Senator Patrick Leahy (D-VT), the then-Democratic majority on Judiciary had deep-sixed the nominations of Texas state Supreme Court Justice Priscilla Owen and U.S. District Court Judge Charles Pickering.

Estrada exemplifies the American Dream, a legal immigrant who came to this country as a teenager speaking little English, but graduating from Harvard Law School and demonstrating his knowledge of the law by arguing 15 cases before the Supreme Court.

Thanks to the wisdom exhibited by the American people last November, Estrada is expected to be given a vote by the Senate Judiciary Committee today. The "Gang of Ten" has seen its majority status diminished. Control of the committee has switched hands.

But the newspaper that endorsed Al Gore in 2000 showed once again that its heart lies with the Left. Yesterday's editorial branded Estrada as an "unacceptable" nominee.

What should be "unacceptable" is the way this newspaper editorial failed to tell the whole truth about Miguel Estrada.

For example, take the Times' assertion that Estrada lacked the respect of his peers, who viewed him as someone more interested in being an ideologue than in interpreting the law.

Well, then why would Ron Klain, who served as counselor to Vice President Al

Gore, credit Estrada for having a "deep commitment to the faithful application of precedent...Miguel will rule justly toward all, without showing favor to any group or individual"? And why would Seth Waxman, who was President Clinton's Solicitor General and Estrada's boss, strongly support Estrada's nomination?

Why would a bipartisan group of fourteen former colleagues of Estrada who worked with him in the Office of Solicitor General, write to Leahy last year in his support? Their letter said that even though they "hold varying ideological views and affiliations that range across the political spectrum...we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or political viewpoints."

That sounds like someone who was a good colleague and who will be a judge who exhibits restraint in his rulings, who will interpret the law as written, who will not be an activist who whips up rulings using the Left's ideological litmus tests as the recipe. The Left's interest groups are brazenly seeking judges who will be very open in admitting their intention to make laws -- even if there is no real precedent to do so -- that will fulfill their item-by-item wish lists. Those who do not openly endorse the wish lists will find themselves disparaged by these groups as being "anti" this or that issue. It's a simplistic way of looking at things, and an inappropriate way to select judges for our Federal courts.

Indeed, leave it to the Times to charge that "Mr. Estrada defended anti-loitering laws that civil rights and [sic] groups have attacked as racist." In reality, Estrada was retained to defend anti-gang ordinances enacted in Chicago with the strong backing of Mayor Richard Daley.

Just ask yourself: Who are most often the victims of gang activity?

This much I can tell you: It's not upper-middle-class editorial writers living in Manhattan in luxury apartments with 24 hour security guards or out on Long Island in one of its exclusive suburbs.

The Times editorial leaves the impression that, unlike past nominees, the

memorandums that Estrada wrote while working in the Solicitor General's office should be made available to the Judiciary Committee.

The Times forgot to point out what every living ex-Solicitor General had to say about the then-Democrat dominated Judiciary Committee's request for the memos that Estrada wrote in the Solicitor General's office. What these distinguished attorneys told the "Gang of Ten" was that this was an unprecedented request that, if granted, would have a debilitating effect on the Office of Solicitor General in representing the United States. Signing that letter were Democrats Archibald Cox, Drew Days, Walter Dellinger, and Seth Waxman as well as Republicans Robert Bork, Kenneth Starr, and Charles Fried.

Don't be surprised today if a member of the "Gang of Nine" cites this editorial as providing reasons why Estrada should not have his nomination sent to the Senate floor. They will recite it, expecting that many impressed C-SPAN viewers will view the Times name with reverence. However, in this case, The New York Times failed to print all it should have about Miguel Estrada. What it did print was, in the instances that I cited, misleading and certainly not the whole story about this fine attorney who has the potential to be an outstanding jurist.

Now, that the "Gang of Ten" is no more, I hope that there will be enough senators on the Judiciary Committee who won't be relying on the judgment of the editorial writers of The New York Times. If senators follow their judgment, then I have no doubt that this nomination will finally be sent to the floor of the United States Senate.

Now, given the problems that some of the most qualified, respected and able nominees of President Bush, encountered from the "Gang of Ten," if the Senate Judiciary Committee, under its new leadership, votes today to send Estrada's nomination to the Senate floor, that will definitely be news that is fit to print.

Paul M. Weyrich is Chairman and CEO of the Free Congress Foundation.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>
Sent: 1/30/2003 8:59:22 AM
Subject: RE: possible "Statement by President" after Estrada Committee vote

I let Ashley Snee know that we would not do any statement until perhaps the actual confirmation.

From: Alberto R. Gonzales/WHO/EOP@Exchange on 01/30/2003 06:30:22 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange

cc: Heather Wingate/WHO/EOP@Exchange

Subject: RE: possible "Statement by President" after Estrada Committee vote

Brett, I am not sure the President should issue a statement here. I do not think this is significant enough to warrant a statement.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Wednesday, January 29, 2003 10:08 PM

To: Snee, Ashley

Cc: Gonzales, Alberto R.; Wingate, Heather

Subject: possible "Statement by President" after Estrada Committee vote

Ashley: You could use some or all of below as raw material in crafting a statement. I think such a statement would be a good thing tomorrow given the attention this nomination has received. (I think statements on certain other nominees in the future also will be appropriate.)

DRAFT

"I applaud the Senate Judiciary Committee's vote today to approve the nomination of Miguel Estrada to be a judge on the United States Court of Appeals for the District of Columbia Circuit, and to forward the nomination to the full Senate for an up-or-down vote. I now call on the full Senate to act promptly on this superb nominee and to confirm him.

Miguel Estrada came to this country at age 17 as an immigrant from Honduras speaking little English. He has risen to the very top of the legal profession, arguing 15 cases before the Supreme Court and earning strong bipartisan respect, admiration, and support. He received a unanimous "well-qualified" rating from the American Bar Association, the highest possible rating. If confirmed, Miguel Estrada would become the first Hispanic ever to serve on the U.S. Court of Appeals for the D.C. Circuit, breaking down a barrier that has stood for too long.

I announced the nomination of Miguel Estrada in the East Room on May 9, 2001, along with 10 other excellent nominees. Yet today, only five of those 11 nominees have received Senate votes. I call on the Senate to end the delays and partisanship on judicial nominations and to ensure that every judicial nominee receives a fair hearing and prompt up-or-down floor vote, no matter who is President or which party controls the Senate."

From: Adam_F._Greenstone@oa.eop.gov [OA] <Greenstone, Adam F.>
To: <McNally>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B23459EA-8A5AE3B-85256B04-6CAE82 [UNKNOWN] <Edward>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
CC: <Luczynski>;kluczyns@OMB.eop.gov [OMB] <Kimberley S.>
Sent: 1/30/2003 5:05:37 AM
Subject: FW: Transfer of Data

Begin Original ARMS Header
RECORD TYPE: FEDERAL (MS Mail)
CREATOR:Greenstone, Adam F. (Adam_F._Greenstone@oa.eop.gov [OA])
CREATION DATE/TIME:30-JAN-2003 10:05:37.00
SUBJECT:FW: Transfer of Data
TO:McNally, Edward (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B23459EA-8A5AE3B-85256B04-6CAE82 [UNKNOWN])
READ:UNKNOWN
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
CC:Luczynski, Kimberley S. (kluczyns@OMB.eop.gov [OMB])
READ:UNKNOWN
End Original ARMS Header

Fyi.
-----Original Message-----
From: Solari, Carlos

Sent: Thursday, January 30, 2003 8:58 AM
To: Greenstone, Adam F.

Subject: FW: Transfer of Data

Adam, As discussed. Carlos

-----Original Message-----

From: Cooper, Steve [mailto:Steve.Cooper@DHS.GOV]

Sent: Tuesday, January 28, 2003 8:07 PM
To: Solari, Carlos

Cc: Peters, Joe; Newberry, David; Meermans, Bruce; Mccarty, Gary

Subject: RE: Transfer of Data

Carlos,

While this documents a process that you have proposed, it does not document the fact that you advised me that you would be unable to allow your network drives to serve as a staging area for us to copy to/from, because your team would not be able to restore the copied data in a timely manner?we have now developed a process that follows all legal guidelines and directions issued by OMB, TPO, and White House General Counsels, and will communicate this process

to all appropriate personnel?we will not require assistance from your resources for purposes of migration/copying of approved data and work products?

Thank you for your assistance in this matter,

Steve

-----Original Message-----

From: Solari, Carlos [mailto:csolari@oa.eop.gov]

Sent: Tuesday, January 28, 2003 6:22 PM
To: Cooper, Steve

Subject: FW: Transfer of Data

-----Original Message-----

From: Solari, Carlos
Sent: Tuesday, January 28, 2003 6:12 PM

To: Cooper Tpo, Steven I.
Cc: O'Dell, Bruce; Greenstone, Adam F.

Subject: Transfer of Data

Steve,

Per my call to you on Monday ? this e-mail serves to document the recommended process for transitioning individual system account data such as e-mail or documents in other formats (MS Word, PowerPoint, etc). This prescribed process draws from and is intended to be fully compliant with directions provided by OMB General Counsel as noted in the attached e-mails. Note that the alternative process is to run filters for the non-transferable data ? a process that would take so much time as to be unusable.

Process: Personnel assigned to DHS who have an assigned EOP system (WHO, TPO, OMB) account are permitted take a copy of ?permitted? data that they maintained on their respective system drives (C-drive, J-drive, etc) - procedures on how to copy the data to be provided by the DHS technical support staff. To accommodate the authorized copying of the data, respective individual system accounts will be maintained active until COB February 12, 2003.

It is my understanding that our respective technical staff members are already in discussion.

Provided below is Phil Perry?s direction to OMB TPO staff that states the conditions for data that would be permitted to be copied.

Any question - pls give me a call: (202-494-3197).

Best Regards, Carlos

MEMORANDUM TO OMB TPO STAFF

FROM: PHILIP J. PERRY, GENERAL COUNSEL

SUBJECT: TRANSFER AND HANDLING OF TPO RECORDS

This memorandum provides guidance to all personnel of the Transition Planning Office (TPO). It addresses all documents or email in TPO files, including those received from the White House. Please note that some sections apply to TPO employees who are transferring to the new Department of Homeland Security (DHS), while other sections apply to TPO employees transferring to other agencies.

White House Documents (applies to all TPO employees):

When TPO was created, the White House Counsel?s Office made special arrangements for handling documents from "White House" entities that were temporarily provided to TPO personnel (OMB is not a "White House" entity under relevant law). Those arrangements (addressed in depth in earlier memoranda from the White House Counsel's Office) applied generally to emails and other documents from OHS and other White House entities. Those materials should already have blue cover sheets and/or bear the legend ?White House-controlled Material/Protected from Disclosure.?

Please return all such materials to the White House entity from which they

originated by routing them through Ken Hill, Executive Secretary for TPO.

You should not take copies of any materials from White House entities with you, unless you receive clearance to do so by Ed McNally, OHS General Counsel.

If you have any questions regarding the treatment of materials from White House entities, please contact Ed McNally at 6-1700.

All other Documents (applies to TPO employees transferring to DHS):

Documents or Email Created at TPO: You may take to DHS copies of any paper documents or email you created at TPO. However, you should make copies only of materials that you will need to perform your mission at DHS. You do not need to check with a lawyer before taking these copies. Keep in mind that the Office of Administration (OA) will be able to provide you access to your TPO materials even after your transfer to DHS.

Documents Received from OMB: You may also take to DHS documents received from OMB, except for Director's Review Books, passback materials or other internal OMB deliberative material not typically shared with agencies. If you have any questions about the nature of OMB documents in your possession, please consult Kimberley Luczynski at 5-7870.

Other Documents Received at TPO: Unless received from OHS or other White House entities, you are free to take copies to DHS.

Archiving: When you depart for the new Department, OA will ensure that all of your original TPO files are properly archived. The appropriate contact at OA is Markus Most at 5-6471. Mr. Most will send, under separate cover, instructions regarding archiving your originals.

For TPO employees transferring to agencies other than DHS: You may not take copies of any TPO documents with you. As above, OA will ensure that all of your original TPO files are properly archived.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2003 5:11:53 AM
Subject: : Are you in the mark up room?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:30-JAN-2003 10:11:53.00
SUBJECT:: Are you in the mark up room?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I'm next door watching on TV.

.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly Ellison/WHO/EOP@EOP [WHO] <Kimberly Ellison>
Sent: 1/30/2003 9:23:32 AM
Subject: : Re: strategery

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:30-JAN-2003 14:23:32.00
SUBJECT:: Re: strategery
TO:Kimberly Ellison ( CN=Kimberly Ellison/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

room 208




Kimberly Ellison
01/30/2003 11:42:38 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: strategery

hey there...
couldn't remember if i told you 2:45pm or 3pm for strategery. it's
2:45pm.
and i asked barry -- it's completely fine if you attend without the
judge.
```

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: MEstrada@gibsondunn.com [UNKNOWN] <MEstrada@gibsondunn.com>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2003 5:26:43 AM
Subject: : Re: Vote

Begin Original ARMS Header
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CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JAN-2003 10:26:43.00
SUBJECT:: Re: Vote
TO:MEstrada@gibsondunn.com (MEstrada@gibsondunn.com [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Rs can vote by proxy if they are absent.

.

----- Original Message -----
From:H. Christopher Bartolomucci/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP,
MEstrada@gibsondunn.com,
H. Christopher Bartolomucci/WHO/EOP@EOP
Cc:
Date: 01/30/2003 10:25:22 AM
Subject: Re: Vote

I admit I was more bullish. But I am a Reagan optimist.

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:MEstrada@gibsondunn.com,
H. Christopher Bartolomucci/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/30/2003 10:22:07 AM
Subject: Re: Vote

Well, I said "maybe feinstein and biden".

.

----- Original Message -----
From:<MEstrada@gibsondunn.com>
To:H. Christopher Bartolomucci/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/30/2003 10:16:08 AM
Subject: RE: Vote

I told you.

-----Original Message-----
From: H._Christopher_Bartolomucci@who.eop.gov
[mailto:H._Christopher_Bartolomucci@who.eop.gov]
Sent: Thursday, January 30, 2003 7:14 AM
To: Brett_M._Kavanaugh@who.eop.gov; Estrada, Miguel A.
Subject: Re: Vote

And she is not singing your praises.

..

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:MEstrada@gibsondunn.com,
H. Christopher Bartolomucci/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/30/2003 10:11:41 AM
Subject: Re: Vote

So far schumer and durbin have said they will vote no. Feinstein speaking now.

..

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This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.
==========
===

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: MEstrada@gibsondunn.com [UNKNOWN] <MEstrada@gibsondunn.com>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2003 5:35:55 AM
Subject: : Re: Vote

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JAN-2003 10:35:55.00
SUBJECT:: Re: Vote
TO:MEstrada@gibsondunn.com (MEstrada@gibsondunn.com [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Leahy just said you are "obviously personable."

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:H. Christopher Bartolomucci/WHO/EOP@EOP,
MEstrada@gibsondunn.com,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/30/2003 10:33:57 AM
Subject: Re: Vote

Lots of suspense here.

.

----- Original Message -----
From:H. Christopher Bartolomucci/WHO/EOP
To:MEstrada@gibsondunn.com,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 01/30/2003 10:31:00 AM
Subject: Re: Vote

Leahy now has the microphone.

.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 1/30/2003 9:56:35 AM
Subject: FW:

Two things -
1) You still have those Political tapings red tag due yesterday at 4pm
2) Do you know what Harriet is referring to below on the Trophy Mart issue of the Crime Victims Plaque?

-----Original Message-----

From: Miers, Harriet

Sent: Wednesday, January 29, 2003 4:21 PM

To: Bumatay, Patrick J.

Subject: Re:

Patrick, after this email, Carol discovered that Trophy Mart had been sold and was no longer going to exist and she sent a package of materials to Brett (According to Carol, including the original proposed agreement). There was more email traffic that we could just get someone with the new company to sign. I am having difficulty determining if anything was ever done about it after that. Do you have the original agreement or letter in your files?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>;AGonzale@who.eop.gov [WHO] <AGonzale@who.eop.gov>
Sent: 1/30/2003 6:27:11 AM
Subject: : Estrada approved 10 to 9

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:30-JAN-2003 11:27:11.00
SUBJECT:: Estrada approved 10 to 9
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:AGonzale@who.eop.gov ( AGonzale@who.eop.gov [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

.

From: Estrada, Miguel A. <MEstrada@gibsondunn.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 1/30/2003 6:27:24 AM
Subject: : RE: 10-9

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ("Estrada, Miguel A." <MEstrada@gibsondunn.com> [UNKNOWN])
CREATION DATE/TIME:30-JAN-2003 11:27:24.00
SUBJECT:: RE: 10-9
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I told you.

-----Original Message-----
From: H._Christopher_Bartolomucci@who.eop.gov
[mailto:H._Christopher_Bartolomucci@who.eop.gov]
Sent: Thursday, January 30, 2003 8:18 AM
To: Estrada, Miguel A.; Brett_M._Kavanaugh@who.eop.gov
Subject: 10-9

..

==========
===

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.
==========
===

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Faisal M. Gill/WHO/EOP@EOP [WHO] <Faisal M. Gill>;Gayle S. Worthy/WHO/EOP@EOP [WHO] <Gayle S. Worthy>
Sent: 1/30/2003 6:31:49 AM
Subject: : Brett -- is 1:00 ok for you for conf. call w/ Shannen Coffin?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:30-JAN-2003 11:31:49.00
SUBJECT:: Brett -- is 1:00 ok for you for conf. call w/ Shannen Coffin?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Faisal M. Gill ( CN=Faisal M. Gill/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Gayle S. Worthy ( CN=Gayle S. Worthy/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Faisal M. Gill/WHO/EOP@EOP [WHO] <Faisal M. Gill>
Sent: 1/30/2003 7:17:30 AM
Subject: : Re: Conference call

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JAN-2003 12:17:30.00
SUBJECT:: Re: Conference call
TO:Faisal M. Gill (CN=Faisal M. Gill/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

how about 1:30

Faisal M. Gill
01/30/2003 11:27:27 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Conference call

Do you have time at 1 PM to be on a conference call with Ed and DOJ attorneys re: EPIC litigation?

Faisal

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>
CC: delrahim, makan (judiciary) <makan_delrahim@judiciary.senate.gov>;dahl, alex (judiciary) <alex_dahl@judiciary.senate.gov>
Sent: 1/30/2003 11:17:17 AM
Subject: : RE: checking an important fact

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:30-JAN-2003 16:17:17.00
SUBJECT:: RE: checking an important fact
TO:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [ UNKNOWN ]
)
READ:UNKNOWN
CC:"delrahim, makan (judiciary)" <makan_delrahim@judiciary.senate.gov> ( "delrahim, makan
(judiciary)" <makan_delrahim@judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
CC:"dahl, alex (judiciary)" <alex_dahl@judiciary.senate.gov> ( "dahl, alex (judiciary)"
<alex_dahl@judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Yes, I agree with that on nominations since 1917 -- the year when
the cloture rule came into effect. I will check whether there were any
successful filibusters on pre-1917 appeals court nominees. I doubt it,
but will keep digging.




"Comisac, RenaJohnson (Judiciary)"
<Rena_Johnson_Comisac@Judiciary.senate.gov>
01/30/2003 04:00:07 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, "Dahl, Alex (Judiciary)"
<Alex_Dahl@Judiciary.senate.gov>
cc: "Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov>
Subject: RE: checking an important fact



I see your point, but I think it's a safe bet that no nominations
filibuster would have gone on unfettered without a motion to invoke
cloture. Accordingly, it's a safe bet that the report contains the
universe of attempted filibusters against nominees.


-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, January 30, 2003 3:15 PM
To: Dahl, Alex (Judiciary)
Cc: Delrahim, Makan (Judiciary); Comisac, RenaJohnson (Judiciary)
Subject: RE: checking an important fact

This report does not seem to answer the question whether, before
an
appeals court nominee has ever been filibustered and not confirmed as a
result
```

(that is, because no up-or-down vote was ever taken)?

(Embedded
image moved "Dahl, Alex (Judiciary)"
to file: <Alex_Dahl@Judiciary.senate.gov>
pic14300.pcx) 01/30/2003 12:04:05 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, "Delrahim, Makan (Judiciary)"
<Makan_Delrahim@Judiciary.senate.gov>, "Comisac, RenaJohnson
(Judiciary)"
<Rena_Johnson_Comisac@Judiciary.senate.gov>

cc:
Subject: RE: checking an important fact

Here you go

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, January 30, 2003 11:37 AM
To: Delrahim, Makan (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl,
Alex (Judiciary)
Subject: checking an important fact

Our understanding/research is that there has never been a successful
filibuster
of appeals court nominee. Do you have any different understanding?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly Ellison/WHO/EOP@EOP [WHO] <Kimberly Ellison>
Sent: 1/30/2003 9:23:32 AM
Subject: : Re: strategery

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JAN-2003 14:23:32.00
SUBJECT:: Re: strategery
TO:Kimberly Ellison (CN=Kimberly Ellison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

room 208

Kimberly Ellison
01/30/2003 11:42:38 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: strategery

hey there...
couldn't remember if i told you 2:45pm or 3pm for strategery. it's 2:45pm.
and i asked barry -- it's completely fine if you attend without the judge.

From: CN=Kimberly Ellison/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2003 9:28:08 AM
Subject: : Re: strategery

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberly Ellison (CN=Kimberly Ellison/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JAN-2003 14:28:08.00
SUBJECT:: Re: strategery
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes sir.

Brett M. Kavanaugh
01/30/2003 02:19:42 PM
Record Type: Record

To: Kimberly Ellison/WHO/EOP@EOP
cc:
bcc:
Subject: Re: strategery

room 208

Kimberly Ellison
01/30/2003 11:42:38 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: strategery

hey there...
couldn't remember if i told you 2:45pm or 3pm for strategery. it's 2:45pm.
and i asked barry -- it's completely fine if you attend without the judge.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
Sent: 1/30/2003 2:43:28 PM
Subject: : update

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:30-JAN-2003 19:43:28.00
SUBJECT:: update
TO:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Call me when you get a chance, and I will update you on our effort to
obtain confirmation from the two relevant legal entities of our
interpretation/conclusion that it is (and remains) permissible for a
federal official to be a guest speaker at fundraising events for state and
local candidates (even when max is greater than $2000). Given the caution
and possible ambiguity raised today, we are seeking such confirmation
asap.
```

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2003 11:00:34 AM
Subject: : 2 Political Red Tags

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:30-JAN-2003 16:00:34.00
SUBJECT:: 2 Political Red Tags
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Just a reminder, there are 2 political speeches that are due at 4 pm.
;
Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632
;
```

From: CN=Robert C. McNally/OU=OPD/O=EOP [OPD]
To: Adam F. Greenstone/OA/EOP@Exchange [OA] <Adam F. Greenstone>
CC: faisal m. gill/who/eop@eop [WHO] <faisal m. gill>;kimberley s. luczynski/omb/eop@eop [OMB] <kimberley s. luczynski>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;philip j. perry/omb/eop@eop [OMB] <philip j. perry>
Sent: 1/30/2003 11:20:10 AM
Subject: : Re: FW: Transfer of Data

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:30-JAN-2003 16:20:10.00
SUBJECT:: Re: FW: Transfer of Data
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange [OA])
READ:UNKNOWN
CC:faisal m. gill (CN=faisal m. gill/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kimberley s. luczynski (CN=kimberley s. luczynski/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:philip j. perry (CN=philip j. perry/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
End Original ARMS Header

I think Ed McNally, not Bob McNally, was supposed to get this.
Bob

From: Adam F. Greenstone/OA/EOP@Exchange on 01/30/2003 04:16:48 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FW: Transfer of Data

The significance of this is that Homeland Department is asking OA to allow them to hook up their own network to our network to facilitate some kind of high volume transfer of information.; Given that they assert compliance with the guidance of your offices, please advise us on whether OA may proceed, or of any further information you require.;
-----Original Message-----
From: Greenstone, Adam F.
Sent: Thursday, January 30, 2003 10:06 AM
To: McNally, Edward; Kavanaugh, Brett M.
Cc: Luczynski, Kimberley S.
Subject: FW: Transfer of Data

Fyi.;
-----Original Message-----
From: Solari, Carlos
Sent: Thursday, January 30, 2003 8:58 AM
To: Greenstone, Adam F.
Subject: FW: Transfer of Data

Adam, As discussed. Carlos
-----Original Message-----
From: Cooper, Steve [mailto:Steve.Cooper@DHS.GOV]

Sent: Tuesday, January 28, 2003 8:07 PM
To: Solari, Carlos
Cc: Peters, Joe; Newberry, David; Meermans, Bruce; Mccarty, Gary
Subject: RE: Transfer of Data

Carlos,

While this documents a process that you have proposed, it does not document the fact that you advised me that you would be unable to allow your network drives to serve as a staging area for us to copy to/from, because your team would not be able to restore the copied data in a timely manner(we have now developed a process that follows all legal guidelines and directions issued by OMB, TPO, and White House General Counsels, and will communicate this process to all appropriate personnel(we will not require assistance from your resources for purposes of migration/copying of approved data and work products(

Thank you for your assistance in this matter,

Steve

;

-----Original Message-----
From: Solari, Carlos [mailto:csolari@oa.eop.gov]
Sent: Tuesday, January 28, 2003 6:22 PM
To: Cooper, Steve
Subject: FW: Transfer of Data

;

;

-----Original Message-----
From: Solari, Carlos
Sent: Tuesday, January 28, 2003 6:12 PM
To: Cooper Tpo, Steven I.
Cc: O'Dell, Bruce; Greenstone, Adam F.
Subject: Transfer of Data

Steve,

;

Per my call to you on Monday) this e-mail serves to document the recommended process for transitioning individual system account data such as e-mail or documents in other formats (MS Word, PowerPoint, etc). This prescribed process draws from and is intended to be fully compliant with directions provided by OMB General Counsel as noted in the attached e-mails. Note that the alternative process is to run filters for the non-transferable data) a process that would take so much time as to be unusable.

;

Process: Personnel assigned to DHS who have an assigned EOP system (WHO, TPO, OMB) account are permitted take a copy of &permitted8 data that they maintained on their respective system drives (C-drive, J-drive, etc) - procedures on how to copy the data to be provided by the DHS technical support staff. To accommodate the authorized copying of the data, respective individual system accounts will be maintained active until COB February 12, 2003.

;

It is my understanding that our respective technical staff members are

already in discussion.

;

Provided below is Phil Perry,s direction to OMB TPO staff that states the conditions for data that would be permitted to be copied.

;

Any question - pls give me a call: (202-494-3197).

;

Best Regards, Carlos

;

MEMORANDUM TO OMB TPO STAFF

;

FROM: ;PHILIP J. PERRY, GENERAL COUNSEL
;;
SUBJECT:;TRANSFER AND HANDLING OF TPO RECORDS

;

This memorandum provides guidance to all personnel of the Transition Planning Office (TPO).; It addresses all documents or email in TPO files, including those received from the White House.; Please note that some sections apply to TPO employees who are transferring to the new Department of Homeland Security (DHS), while other sections apply to TPO employees transferring to other agencies.;;;

;

White House Documents (applies to all TPO employees):
When TPO was created, the White House Counsel,s Office made special arrangements for handling documents from "White House" entities that were temporarily provided to TPO personnel (OMB is not a "White House" entity under relevant law).; Those arrangements (addressed in depth in earlier memoranda from the White House Counsel's Office) applied generally to emails and other documents from OHS and other White House entities.; Those materials should already have blue cover sheets and/or bear the legend & White House-controlled Material/Protected from Disclosure.8
Please return all such materials to the White House entity from which they originated by routing them through Ken Hill, Executive Secretary for TPO.
You should not take copies of any materials from White House entities with you, unless you receive clearance to do so by Ed McNally, OHS General Counsel.;
If you have any questions regarding the treatment of materials from White House entities, please contact Ed McNally at 6-1700.

;

All other Documents (applies to TPO employees transferring to DHS):

;

Documents or Email Created at TPO:;; You may take to DHS copies of any paper documents or email you created at TPO.; However, you should make copies only of materials that you will need to perform your mission at DHS.; You do not need to check with a lawyer before taking these copies.;;
Keep in mind that the Office of Administration (OA) will be able to provide you access to your TPO materials even after your transfer to DHS.;;
;

;

Documents Received from OMB:;; You may also take to DHS documents received from OMB, except for Director's Review Books, passback materials or other internal OMB deliberative material not typically shared with agencies.; If you have any questions about the nature of OMB documents in your possession, please consult; Kimberley Luczynski at 5-7870.;;;;

;

Other Documents Received at TPO:;; Unless received from OHS or other White House entities, you are free to take copies to DHS.

;

Archiving:; When you depart for the new Department, OA will ensure that all of your original TPO files are properly archived.;;; The appropriate contact at OA is Markus Most at 5-6471.; Mr. Most will send, under separate cover, instructions regarding archiving your originals.

;

For TPO employees transferring to agencies other than DHS:; You may not take copies of any TPO documents with you.; As above, OA will ensure that all of your original TPO files are properly archived.

;

Message Sent
To:_____
Robert C. McNally/OPD/EOP@EOP
Philip J. Perry/OMB/EOP@EOP
Kimberley S. Luczynski/OMB/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Faisal M. Gill/WHO/EOP@EOP

From: Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>
To: Jafari, Beth (Cornyn) <Beth_Jafari@cornyn.senate.gov>;Abegg, John (McConnell) <John_Abegg@mcconnell.senate.gov>;Ashley Snee/WHO/EOP@Exchange [WHO] <Ashley Snee>;Heather Wingate/WHO/EOP@Exchange [WHO] <Heather Wingate>;Kyle Sampson/WHO/EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Brown, Jamie E (OLA) <Jamie.E.Brown@usdoj.gov>;Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>;Smith, William (Judiciary) <William_Smith@Judiciary.senate.gov>;Vogel, Alex (Frist) <Alex_Vogel@frist.senate.gov>;Goodling, Monica <Monica.Goodling@usdoj.gov>;Charnes, Adam <Adam.Charnes@usdoj.gov>;Dinh, Viet <Viet.Dinh@usdoj.gov>
CC: Dahl, Alex (Judiciary) <Alex_Dahl@Judiciary.senate.gov>;Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>
Sent: 1/30/2003 12:09:42 PM
Subject: : Meeting Tomorrow
Attachments: P_R0AHD003_WHO.TXT_1.html

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> ( "Delrahim,
Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:30-JAN-2003 17:09:42.00
SUBJECT:: Meeting Tomorrow
TO:"Jafari, Beth (Cornyn)" <Beth_Jafari@cornyn.senate.gov> ( "Jafari, Beth (Cornyn)"
<Beth_Jafari@cornyn.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Abegg, John (McConnell)" <John_Abegg@mcconnell.senate.gov> ( "Abegg, John (McConnell)"
<John_Abegg@mcconnell.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
TO:"Brown, Jamie E (OLA)" <Jamie.E.Brown@usdoj.gov> ( "Brown, Jamie E (OLA)"
<Jamie.E.Brown@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ( "Benczkowski, Brian A"
<Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Smith, William (Judiciary)" <William_Smith@Judiciary.senate.gov> ( "Smith, William
(Judiciary)" <William_Smith@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Vogel, Alex (Frist)" <Alex_Vogel@frist.senate.gov> ( "Vogel, Alex (Frist)"
<Alex_Vogel@frist.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Goodling, Monica" <Monica.Goodling@usdoj.gov> ( "Goodling, Monica"
<Monica.Goodling@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Charnes, Adam" <Adam.Charnes@usdoj.gov> ( "Charnes, Adam" <Adam.Charnes@usdoj.gov> [
UNKNOWN ] )
READ:UNKNOWN
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ( "Dinh, Viet" <Viet.Dinh@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
CC:"Dahl, Alex (Judiciary)" <Alex_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)"
<Alex_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
CC:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [ UNKNOWN ]
)
READ:UNKNOWN
###### End Original ARMS Header ######
```

The Judiciary Committee staff invites you all to come to a meeting tomorrow at 10 a.m. in Dirksen 147 to discuss next week's hearing & markup, the Estrada nomination, and future hearings. An agenda is attached. Hope you can make it.

Makan Delrahim
Staff Director / Chief Counsel
Committee on the Judiciary
United States Senate
Washington DC 20510
Fax: 202-228-1115
Phone: 202-224-0418

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_R0AHD003_WHO.TXT_1>

The Judiciary Committee staff invites you all to come to a meeting tomorrow at 10 a.m. in Dirksen 147 to discuss next week's hearing & markup, the Estrada nomination, and future hearings. An agenda is attached. Hope you can make it.

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Fax: 202-228-1115
Phone: 202-224-0418

From: Manus Cooney <Manus.Cooney@potomaccounsel.com>
To: Kyle Sampson/WHO/EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2003 12:09:37 PM
Subject: :
Attachments: P_F0AHD003_WHO.TXT_1.html

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Been a crazy couple of days for you guys, I expect. Congrats on getting Miguel out of Committee. Thought the Senate Republicans did a great job yesterday and today.

At some point, I would like to talk seriously about what I can do to help you all with the nominations backlog. I certainly have some ideas and have an appreciation for the way in which the Committee works. I was up in the Senate the last two days watching our nominees get the tar beat out of them. Who is running point inside the WH on organizing the outside?

Manus Cooney

CEO

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& nbsp; &n bsp; &nb sp;

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Tel-202-543-2800
Fax-202-544-6770
Mobile-202-669-2537

From: CN=Mercedes M. Viana/OU=WHO/O=EOP [WHO]
To: manny_miranda@judiciary.senate.gov @ inet [UNKNOWN] <manny_miranda@judiciary.senate.gov @ inet>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO/EOP@Exchange@EOP [WHO] <Heather Wingate>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Abel Guerra/WHO /EOP@EOP [WHO] <Abel Guerra>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>
CC: rfernandez@rnchq.org @ inet [UNKNOWN] <rfernandez@rnchq.org @ inet>;monica.goodling@usdoj.gov [UNKNOWN] <monica.goodling@usdoj.gov>;scastillo@rnchq.org @ inet [UNKNOWN] <scastillo@rnchq.org @ inet>;brian.a.benczkowski@usdoj.gov [UNKNOWN] <brian.a.benczkowski@usdoj.gov>
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Subject: : The Miami Herald: Controversial Judicial Nominee Divides Hispanic Groups

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The Miami Herald
Controversial Judicial Nominee Divides Hispanic Groups
By Frank Davies

WASHINGTON _ President Bush's drive to name staunch conservatives to the
federal judiciary, including two rejected last year, begins this week with
Miguel Angel Estrada, a Honduran-born legal whiz whose nomination has
divided Hispanic groups.

Estrada's backers for one of the nation's most powerful judgeships cite his
Horatio Alger life story. An immigrant at 17, he learned English as a
teenager, graduated from Harvard Law School with honors, argued 15 cases
before the Supreme Court and gained a reputation as a forceful courtroom
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His opponents portray him as a right-wing ideologue, unsympathetic to
affirmative action, who lacks the temperament to be a judge. They see him
as
a "stealth" nominee with no "paper trail" _ he has never been a judge, law
professor or commentator _ and who was evasive during his hearing last
fall.
```

Estrada, 41, has become a rallying point or target because of one overriding
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"That's why his nomination has great urgency," said Michael Gerhardt, a College of William and Mary professor who tracks judicial nominations.. "It's
clear the White House has invested a lot in him and sees him as a candidate for the Supreme Court."

Now that Republicans have regained control of the Senate, the Bush administration plans to push through several controversial nominees. The Senate Judiciary Committee, with a 10-9 GOP advantage, has scheduled a vote on Estrada for Thursday.

"This is an important vote," said Sen. Orrin Hatch, R-Utah, the new chairman. "I think he will pass out with significant support from this committee."

Sen. Patrick Leahy, D-Vt., who was chairman before the GOP takeover, remains
opposed to Estrada: "His selection has generated tremendous controversy in part because he appears to have been groomed to be an activist appellate judge by well-placed conservatives."

Estrada is just the first of many battles. Bush has resubmitted 28 other judgeship nominees who were stalled in committee last year when Democrats were in control. And Bush renominated two judges for an appellate court, Charles Pickering of Mississippi and Priscilla Owen of Texas, who were voted
down by the Judiciary Democrats last year.

Hatch said a new hearing for Pickering could come in March.

This week, a coalition of about 30 civil rights, labor and environmental groups organized to oppose Pickering, Owen, Estrada and other judicial nominees, saying Bush was trying "to pack the courts with right-wing extremists."

Senate Democrats are now in the minority and must decide which nominees they
will oppose. They have threatened a filibuster against Pickering and Owen.

Estrada, with his skimpy record and Hispanic background, is a special case.

He served in the solicitor general's office in the first Bush and Clinton administrations. One former deputy solicitor general, Paul Bender, said last
year that "Miguel is too much of an ideologue to be an appellate judge _ you
could not count on him to be fair or neutral."

But other Clinton appointees, including Drew Days and Randolph Moss, support
Estrada, and the American Bar Association rated him "well qualified."

The League of United Latin American Citizens, the Hispanic Business Roundtable and the Latino Coalition back Estrada.

He is opposed by the Congressional Hispanic Caucus, the Puerto Rican Legal Defense and Education Fund and the Mexican American Legal Defense and Education Fund (MALDEF).

"The most difficult situation for an organization like mine is when a president nominates a Latino who does not reflect, resonate or associate

with the Latino community," said Marisa Demeo, regional counsel for MALDEF.

Opponents note that Estrada, who once clerked for Justice Anthony Kennedy, dismissed complaints about the lack of minorities among Supreme Court clerks.

"If there was some reason for underrepresentation, it would be something to look into," Estrada told USA Today in 1998. "But I don't have any reason to think it's anything other than a reflection of trends in society."

In a 1999 radio interview, Estrada said courts were being misused by citizens who lose a dispute in a legislature or city council, "then try to bring the courts in to trump" that decision.

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"I will follow the binding case law in every case, without any influence whatsoever of any personal views I may have on the subject matter," he said.

While some critics liken Estrada to Clarence Thomas as a conservative ideologue no more representative of Hispanics than Thomas is of blacks, some Hispanic Republicans cry foul.

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From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2003 12:38:57 PM
Subject: : Floor

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SUBJECT:: Floor
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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Going to the floor on monday. Cloture vote on wed or thurs. We need to
talk to karl and make sure he understands importance of getting public
liaisaon operation in high gear....
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From:	Viana, Mercedes M.
To:	rfernandez@rnchq.org <Rodriguez, Leonard B.>;rfernandez@rnchq.org <Wingate, Heather>;rfernandez@rnchq.org <Guerra, Abel>;rfernandez@rnchq.org <Kavanaugh, Brett M.>;rfernandez@rnchq.org <Snee, Ashley>;manny_miranda@judiciary.senate.gov <manny_miranda@judiciary.senate.gov>
CC:	brian.a.benczkowski@usdoj.gov <brian.a.benczkowski@usdoj.gov>;monica.goodling@usdoj.gov <monica.goodling@usdoj.gov>;scastillo@rnchq.org <scastillo@rnchq.org>;rfernandez@rnchq.org <rfernandez@rnchq.org>
Sent:	1/30/2003 5:23:37 PM
Subject:	The Miami Herald: Controversial Judicial Nominee Divides Hispanic Groups

The Miami Herald

Controversial Judicial Nominee Divides Hispanic Groups

By Frank Davies

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Sent: 1/30/2003 1:43:14 PM
Subject: : key provisions to examine

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11 CFR 300.61, 300.62, and 300.64.
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Call me when you get a chance, and I will update you on our effort to
obtain confirmation from the two relevant legal entities of our
interpretation/conclusion that it is (and remains) permissible for a
federal official to be a guest speaker at fundraising events for state and
local candidates (even when max is greater than $2000). Given the caution
and possible ambiguity raised today, we are seeking such confirmation
asap.
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From: Tom Jipping <Tjipping@cwfa.org>
To: 'manuel_miranda@judiciary.senate.gov' <manuel_miranda@judiciary.senate.gov>;'barbara_ledeen@src.senate.gov' <barbara_ledeen@src.senate.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;'nathan.sales@usdoj.gov' <nathan.sales@usdoj.gov>;'rena_johnson_comisac@judiciary.senate.gov' <rena_johnson_comisac@judiciary.senate.gov>;'david_g._leitch@who.rop.gov' <david_g._leitch@who.rop.gov>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
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The EOP mail server deleted it as a safety precaution.
For more information contact the EOP Information Assurance Office
at 395-3304.

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To:	Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
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From today's Arkansas Democrat-Gazette.

- Getting to know W. What Leon Holmes' appointment reveals.htm



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Getting to know W.

What Leon Holmes appointme nt reveals

HOW ABOUT that? A superbly qualified nominee has jus t been chosen for the federal judiciary. The formal announcement came after a s pate of rumors had whetted the wildest hopes for weeks: The newest federal judg e for the Eastern District of Arkansas is to be James Leon Holmesoutstanding la wyer, working scholar, and eminent spirit among us. Goodness. The news goes aga inst the whole tide of mediocrity not just in American law but in American cult ure. Were shocked.

But not so shocked that we wont hasten to c ongratulate the Bush administration and its chief on an appointment that revive s our faith in the systemand in the American presidency. For once quality has t riumphed over stereotype. We came to know Mr. Holmes when he represented the De mocrat-Gazette, and it was an education. Were impressed by George W.s judgment. Once again hes been misunderestimated.

Lest we forget, this p resident is supposed to be some kind of dyslexic moron, if youll recall the car icature the oh-soknowing have painted of him. So he appoints a Leon Holmes to t he federal bench, while someone as supposedly brilliant, learned, and Rhodes Sc holarly as Bill Clinton never managed to appoint Richard S. Arnold, another rea l intellect from Arkansas, to the Supreme Court of the United States.

; Mr. Holmes appointment speaks leather-bound legal volumes about the dif ference between this president and his predecessor. William Jefferson Clinton, who is now suspended from the practice of law in Arkansas, though only for five years, passed over a luminary like Richard Arnold for an opening on the Suprem e Court not once but twice. Instead, he settled for a couple of mediocrities, a dding to the decided majority of same on the highest court in the land.

&nb sp; Chief Judge Arnold of the Eighth Circuit would have made a great addi tion to the high court. A scholar and gentleman, the honorable Richard Arnold i s also a remarkably clear and concise writer, which has become a rare distincti on in the law. He can say more in fewer words than just about any writer weve e ver read, and certainly any lawyer. All of which may explain why he was passed over. He couldnt measure down to the standards of the Clinton administration. **There will always be those pseudointellectuals and fashion-sett ers in general who dismiss George W. Bush out of hand, but if anything could op en their eyes, it would be the contrast between these two judicial appointments : one made and one, sadly, never made.**

This story was published Friday, Janua ry 31, 2003

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From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/31/2003 4:40:42 AM
Subject: : wingate

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:31-JAN-2003 09:40:42.00
SUBJECT:: wingate
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Wingate can't open the email you sent her from Lexis article.; if you
email me, I'll cut and paste to her.
;
Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632
;
```

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
Sent: 1/31/2003 5:01:02 AM
Subject: : Conflict w/conf call and coalitions meeting?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:31-JAN-2003 10:01:02.00
SUBJECT:: Conflict w/conf call and coalitions meeting?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Hey, just wanted to draw to your attn that there's going to be some
considerable overlap b/w those of us who need to be on the Hispanic call
and the coalitions meeting. (call begin at 2:45 and coalitions meeting at
2:30). Not sure this will work? should one be moved forward or back?
;
```

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Ashley Snee/WHO/EOP@Exchange [WHO] <Ashley Snee>;Mercedes M. Viana/WHO /EOP@EOP [WHO] <Mercedes M. Viana>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
CC: Ziad S. Ojakli/WHO/EOP@Exchange [WHO] <Ziad S. Ojakli>
Sent: 1/31/2003 5:37:29 AM
Subject: : 4pm Estrada internal meeting in 156 EEOB (Brett's office)

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:31-JAN-2003 10:37:29.00
SUBJECT:: 4pm Estrada internal meeting in 156 EEOB (Brett's office)
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Please try to make it! shouldn't take long.
```

From: Wingate, Heather
To: <Smith, Matthew E.>;<Rodriguez, Leonard B.>;<Goeglein, Tim>;<Kavanaugh, Brett M.>
Sent: 1/31/2003 10:00:48 AM
Subject: Conflict w/conf call and coalitions meeting?

Hey, just wanted to draw to your attn that there's going to be some considerable overlap b/w those of us who need to be on the Hispanic call and the coalitions meeting. (call begin at 2:45 and coalitions meeting at 2:30). Not sure this will work? should one be moved forward or back?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David E. Kalbaugh/WHO/EOP [WHO] <David E. Kalbaugh>
Sent: 1/31/2003 6:23:34 AM
Subject: RECEIVED: Designation Language for Diane Stuart

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-JAN-2003 11:23:34.00
SUBJECT:RECEIVED: Designation Language for Diane Stuart
TO:David E. Kalbaugh (CN=David E. Kalbaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Designation Language for Diane Stuart
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
01/31/2003 11:27:21 AM

From:	Greenstone, Adam F.
To:	<McNally, Edward>;<Gill, Faisal M.>;<Perry, Philip J.>;<Luczynski, Kimberley S.>;<Kavanaugh, Brett M.>
CC:	<Solari, Carlos>;<Leitch, David G.>;<Bellinger, John B.>
Sent:	1/31/2003 10:26:08 AM
Subject:	FW: venn diagram
Attachments:	DHS Document Transfer.ppt

Regarding the Homeland Department's request to OA for a hook up to copy data from the EOP network--for accounts covered by the request (which we understand to be accounts of people at the EOP--both WHO and TPO--who moved to DHS):

The striped area indicates what they theoretically need.

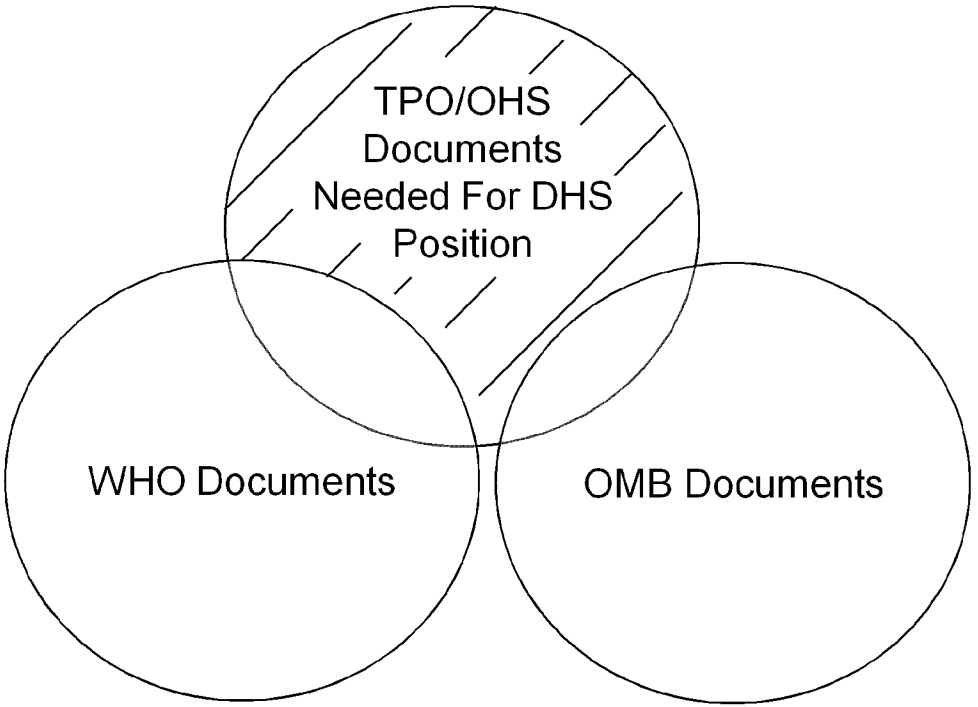
The WHO and OMB circles indicates what DHS, through its technical staff, will be able to copy (for accounts described above) without any further OA action or permission if we were to make the hook up requested by DHS.

I want to emphasize that we can certainly fulfill this request but we want to make sure that your offices understand what DHS is asking OA to do and have approved it before it happens. It also appears to me that DHS is interpreting guidance from both WH and OMB Counsel to justify this request, and I want to confirm that your offices agree with with any such interpretations.

Please let me know if you need any further information.

John--I am not sure if any NSC accounts are covered but wanted to fill you in on this just in case.

-----Original Message-----
From: Solari, Carlos
Sent: Friday, January 31, 2003 9:57 AM
To: Greenstone, Adam F.
Subject: venn diagram



TPO/DHS Documents maintained at any of various network or PC drives…includes e-mail, etc

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
Sent: 1/31/2003 7:18:49 AM
Subject: : RE: Judicial Coalition Meeting Friday

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-JAN-2003 12:18:49.00
SUBJECT:: RE: Judicial Coalition Meeting Friday
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

From: Carolyn Nelson/WHO/EOP@Exchange on 01/31/2003 12:18:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Judicial Coalition Meeting Friday

Thanks! Will you be heading up there with him?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, January 31, 2003 12:09 PM
To: Nelson, Carolyn
Subject: Judicial Coalition Meeting Friday
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
01/31/2003 12:16 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
Matthew E. Smith
<< OLE Object: Picture (Device Independent Bitmap) >>
01/30/2003 06:09:12 PM
<< OLE Object: Picture (Device Independent Bitmap) >>
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: Judicial Coalition Meeting Friday

We will hold a Judicial Coalition meeting tomorrow.
Please plan on attending.

Date: Friday, January 31, 2003
Time: 2:30 p.m.
Location: Room 476 of the Eisenhower Exective Office Building

NOTE: This meeting will be inside the White House complex. Please e-mail
your Social Security and Date of Birth to Ryan_L._Cole@who.eop.gov or
phone Ryan at 456-2380. Thank you.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/31/2003 7:18:27 AM
Subject: : RE: Judicial Coalition Meeting Friday

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:31-JAN-2003 12:18:27.00
SUBJECT:: RE: Judicial Coalition Meeting Friday
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks! Will you be heading up there with him?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, January 31, 2003 12:09 PM
To: Nelson, Carolyn
Subject: Judicial Coalition Meeting Friday
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
01/31/2003 12:16 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
Matthew E. Smith
<< OLE Object: Picture (Device Independent Bitmap) >>
01/30/2003 06:09:12 PM
<< OLE Object: Picture (Device Independent Bitmap) >>
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: Judicial Coalition Meeting Friday

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Time: 2:30 p.m.
Location: Room 476 of the Eisenhower Exective Office Building

NOTE: This meeting will be inside the White House complex. Please e-mail your Social Security and Date of Birth to Ryan_L._Cole@who.eop.gov or phone Ryan at 456-2380. Thank you.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
Sent: 1/31/2003 7:45:04 AM
Subject: : RE: Judicial Coalition Meeting Friday

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-JAN-2003 12:45:04.00
SUBJECT:: RE: Judicial Coalition Meeting Friday
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

I will come over at 2:10.

From: Carolyn Nelson/WHO/EOP@Exchange on 01/31/2003 12:18:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Judicial Coalition Meeting Friday

Thanks! Will you be heading up there with him?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, January 31, 2003 12:09 PM
To: Nelson, Carolyn
Subject: Judicial Coalition Meeting Friday
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
01/31/2003 12:16 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
Matthew E. Smith
<< OLE Object: Picture (Device Independent Bitmap) >>
01/30/2003 06:09:12 PM
<< OLE Object: Picture (Device Independent Bitmap) >>
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: Judicial Coalition Meeting Friday

We will hold a Judicial Coalition meeting tomorrow.
Please plan on attending.

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Time: 2:30 p.m.
Location: Room 476 of the Eisenhower Exective Office Building

NOTE: This meeting will be inside the White House complex. Please e-mail your Social Security and Date of Birth to Ryan_L._Cole@who.eop.gov or phone Ryan at 456-2380. Thank you.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange@EOP [WHO] <Heather Wingate>;Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 1/31/2003 8:02:45 AM
Subject: : very strong Arkansas Dem Gazette editorial on President's judicial nominee in Arkansas

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-JAN-2003 13:02:45.00
SUBJECT:: very strong Arkansas Dem Gazette editorial on President's judicial nominee in Arkansas
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Getting to know W.
What Leon Holmes, appointment reveals
HOW ABOUT that? A superbly qualified nominee has just been chosen for the federal judiciary. The formal announcement came after a spate of rumors had whetted the wildest hopes for weeks: The newest federal judge for the Eastern District of Arkansas is to be James Leon Holmes*outstanding lawyer, working scholar, and eminent spirit among us. Goodness. The news goes against the whole tide of mediocrity not just in American law but in American culture. We,re shocked.
ÿ ÿBut not so shocked that we won,t hasten to congratulate the Bush administration and its chief on an appointment that revives our faith in the system*and in the American presidency. For once quality has triumphed over stereotype. We came to know Mr. Holmes when he represented the Democrat-Gazette, and it was an education. We,re impressed by George W.,s judgment. Once again he,s been misunderestimated.
ÿ ÿLest we forget, this president is supposed to be some kind of dyslexic moron, if you,ll recall the caricature the oh-soknowing have painted of him. So he appoints a Leon Holmes to the federal bench, while someone as supposedly brilliant, learned, and Rhodes Scholarly as Bill Clinton never managed to appoint Richard S. Arnold, another real intellect from Arkansas, to the Supreme Court of the United States.
ÿ ÿMr. Holmes, appointment speaks leather-bound legal volumes about the difference between this president and his predecessor. William Jefferson Clinton, who is now suspended from the practice of law in Arkansas, though only for five years, passed over a luminary like Richard Arnold for an opening on the Supreme Court not once but twice. Instead, he settled for a couple of mediocrities, adding to the decided majority of same on the highest court in the land.
ÿ ÿChief Judge Arnold of the Eighth Circuit would have made a great addition to the high court. A scholar and gentleman, the honorable Richard Arnold is also a remarkably clear and concise writer, which has become a rare distinction in the law. He can say more in fewer words than just about any writer we,ve ever read, and certainly any lawyer. All of which may explain why he was passed over. He couldn,t measure down to the standards of the Clinton administration.
ÿ ÿThere will always be those pseudointellectuals and fashion-setters in general who dismiss George W. Bush out of hand, but if anything could open their eyes, it would be the contrast between these two judicial appointments: one made and one, sadly, never made.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 1/31/2003 12:08:50 PM
Subject: Judicial Coalition Meeting Friday

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/31/2003 12:16 PM ----------

Matthew E. Smith

01/30/2003 06:09:12 PM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP

cc:

Subject: Judicial Coalition Meeting Friday

We will hold a Judicial Coalition meeting tomorrow.

Please plan on attending.

Date: Friday, January 31, 2003

Time: 2:30 p.m.

Location: Room 476 of the Eisenhower Exective Office Building

NOTE: This meeting will be inside the White House complex. Please e-mail your Social Security and Date of Birth to Ryan_L._Cole@who.eop.gov or phone Ryan at 456-2380. Thank you.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/31/2003 8:10:17 AM
Subject: : RE: Judicial Coalition Meeting Friday

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:31-JAN-2003 13:10:17.00
SUBJECT:: RE: Judicial Coalition Meeting Friday
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Fyi, he'll be in an interview from 2-2:20 or so.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, January 31, 2003 12:41 PM
To: Nelson, Carolyn
Subject: RE: Judicial Coalition Meeting Friday

I will come over at 2:10.

From: Carolyn Nelson/WHO/EOP@Exchange on 01/31/2003 12:18:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Judicial Coalition Meeting Friday

Thanks! Will you be heading up there with him?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, January 31, 2003 12:09 PM
To: Nelson, Carolyn
Subject: Judicial Coalition Meeting Friday
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
01/31/2003 12:16 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
Matthew E. Smith
<< OLE Object: Picture (Device Independent Bitmap) >>
01/30/2003 06:09:12 PM
<< OLE Object: Picture (Device Independent Bitmap) >>
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: Judicial Coalition Meeting Friday

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From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 1/31/2003 12:14:59 PM
Subject: RE: Judicial Coalition Meeting Friday

yes

From: Carolyn Nelson/WHO/EOP@Exchange on 01/31/2003 12:18:12 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: Judicial Coalition Meeting Friday

Thanks! Will you be heading up there with him?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, January 31, 2003 12:09 PM

To: Nelson, Carolyn

Subject: Judicial Coalition Meeting Friday

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/31/2003 12:16 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>

Matthew E. Smith

<< OLE Object: Picture (Device Independent Bitmap) >>

01/30/2003 06:09:12 PM

<< OLE Object: Picture (Device Independent Bitmap) >>

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP

cc:

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From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 1/31/2003 12:18:12 PM
Subject: RE: Judicial Coalition Meeting Friday

Thanks! Will you be heading up there with him?

-----Original Message-----
From: Kavanaugh, Brett M.
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To: Nelson, Carolyn
Subject: Judicial Coalition Meeting Friday
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/31/2003 12:16 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
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<< OLE Object: Picture (Device Independent Bitmap) >>
01/30/2003 06:09:12 PM
<< OLE Object: Picture (Device Independent Bitmap) >>
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
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From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 1/31/2003 12:41:15 PM
Subject: RE: Judicial Coalition Meeting Friday

I will come over at 2:10.

From: Carolyn Nelson/WHO/EOP@Exchange on 01/31/2003 12:18:12 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: Judicial Coalition Meeting Friday

Thanks! Will you be heading up there with him?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, January 31, 2003 12:09 PM

To: Nelson, Carolyn

Subject: Judicial Coalition Meeting Friday

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/31/2003 12:16 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>

Matthew E. Smith

<< OLE Object: Picture (Device Independent Bitmap) >>

01/30/2003 06:09:12 PM

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Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP

cc:

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From:	Bartolomucci, H. Christopher
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>;<Walker, Helgard C.>
Sent:	1/31/2003 12:49:16 PM
Subject:	Arkansas Dem.-Gazette Editoral Strongly Supporting President's Nomination of Leon Holmes to ED Ark
Attachments:	Getting to know W. What Leon Holmes' appointment reveals.htm

From today's Arkansas Democrat-Gazette.

- Getting to know W. What Leon Holmes' appointment reveals.htm <<...>>

Getting to know W.

What Leon Holmes' appointment reveals

HOW ABOUT that? A superbly qualified nominee has just been chosen for the federal judiciary. The formal announcement came after a spate of rumors had whetted the wildest hopes for weeks: The newest federal judge for the Eastern District of Arkansas is to be James Leon Holmes—outstanding lawyer, working scholar, and eminent spirit among us. Goodness. The news goes against the whole tide of mediocrity not just in American law but in American culture. We're shocked.

But not so shocked that we won't hasten to congratulate the Bush administration and its chief on an appointment that revives our faith in the system—and in the American presidency. For once quality has triumphed over stereotype. We came to know Mr. Holmes when he represented the Democrat-Gazette, and it was an education. We're impressed by George W.'s judgment. Once again he's been misunderestimated.

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Chief Judge Arnold of the Eighth Circuit would have made a great addition to the high court. A scholar and gentleman, the honorable Richard Arnold is also a remarkably clear and concise writer, which has become a rare distinction in the law. He can say more in fewer words than just about any writer we've ever read, and certainly any lawyer. All of which may explain why he was passed over. He couldn't measure down to the standards of the Clinton administration.

There will always be those pseudointellectuals and fashion-setters in general who dismiss George W. Bush out of hand, but if anything could open their eyes, it would be the contrast between these two judicial appointments: one made and one, sadly, never made.

This story was published Friday, January 31, 2003

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From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Mamo, Jeanie S.>;<Devenish, Nicolle>;<Wingate, Heather>
Sent: 1/31/2003 12:57:26 PM
Subject: very strong Arkansas Dem Gazette editorial on President's judicial nominee in Arkansas

Getting to know W.

What Leon Holmes' appointment reveals

HOW ABOUT that? A superbly qualified nominee has just been chosen for the federal judiciary. The formal announcement came after a spate of rumors had whetted the wildest hopes for weeks: The newest federal judge for the Eastern District of Arkansas is to be James Leon Holmes—outstanding lawyer, working scholar, and eminent spirit among us. Goodness. The news goes against the whole tide of mediocrity not just in American law but in American culture. We're shocked.

But not so shocked that we won't hasten to congratulate the Bush administration and its chief on an appointment that revives our faith in the system—and in the American presidency. For once quality has triumphed over stereotype. We came to know Mr. Holmes when he represented the Democrat-Gazette, and it was an education. We're impressed by George W.'s judgment. Once again he's been misunderestimated.

Lest we forget, this president is supposed to be some kind of dyslexic moron, if you'll recall the caricature the oh-soknowing have painted of him. So he appoints a Leon Holmes to the federal bench, while someone as supposedly brilliant, learned, and Rhodes Scholarly as Bill Clinton never managed to appoint Richard S. Arnold, another real intellect from Arkansas, to the Supreme Court of the United States.

Mr. Holmes' appointment speaks leather-bound legal volumes about the difference between this president and his predecessor. William Jefferson Clinton, who is now suspended from the practice of law in Arkansas, though only for five years, passed over a luminary like Richard Arnold for an opening on the Supreme Court not once but twice. Instead, he settled for a couple of mediocrities, adding to the decided majority of same on the highest court in the land.

Chief Judge Arnold of the Eighth Circuit would have made a great addition to the high court. A scholar and gentleman, the honorable Richard Arnold is also a remarkably clear and concise writer, which has become a rare distinction in the law. He can say more in fewer words than just about any writer we've ever read, and certainly any lawyer. All of which may explain why he was passed over. He couldn't measure down to the standards of the Clinton administration.

There will always be those pseudointellectuals and fashion-setters in general who dismiss George W. Bush out of hand, but if anything could open their eyes, it would be the contrast between these two judicial appointments: one made and one, sadly, never made.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Wingate, Heather>;<Goeglein, Tim>
CC: <Griffin, William T.>
Sent: 1/31/2003 1:01:19 PM
Subject: talk radio off and running

just did Arkansas and California shows

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 1/31/2003 1:10:10 PM
Subject: RE: Judicial Coalition Meeting Friday

Fyi, he'll be in an interview from 2-2:20 or so.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, January 31, 2003 12:41 PM
To: Nelson, Carolyn
Subject: RE: Judicial Coalition Meeting Friday

I will come over at 2:10.

From: Carolyn Nelson/WHO/EOP@Exchange on 01/31/2003 12:18:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Judicial Coalition Meeting Friday

Thanks! Will you be heading up there with him?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, January 31, 2003 12:09 PM
To: Nelson, Carolyn
Subject: Judicial Coalition Meeting Friday
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/31/2003 12:16 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
Matthew E. Smith
<< OLE Object: Picture (Device Independent Bitmap) >>
01/30/2003 06:09:12 PM
<< OLE Object: Picture (Device Independent Bitmap) >>
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: Judicial Coalition Meeting Friday

We will hold a Judicial Coalition meeting tomorrow.
Please plan on attending.

Date: Friday, January 31, 2003
Time: 2:30 p.m.
Location: Room 476 of the Eisenhower Exective Office Building

NOTE: This meeting will be inside the White House complex. Please e-mail your Social Security and Date of Birth to Ryan_L._Cole@who.eop.gov or phone Ryan at 456-2380. Thank you.

From: Snee, Ashley
To: <Wingate, Heather>;<Kavanaugh, Brett M.>
Sent: 1/31/2003 1:48:24 PM
Subject: FW: Sunday Show Lineup: Sunday, Feb. 2, 2003

-----Original Message-----
From: Wolff, Harry W
Sent: Friday, January 31, 2003 1:42 PM
Subject: Sunday Show Lineup: Sunday, Feb. 2, 2003

ABC: Prime Minister Blair

NBC: House Majority Leader Delay
Gov. Howard Dean

CBS: Sen. Frist
Sen. Biden

FOX: Sen. Kyl
Sen. Levin,
Mohammed Aldouri, Iraqi Ambassador to the UN

CNN: Sen. Nickles
Sen. Breaux
Robert Baer
Ambassador Joe Wilson
David Albright, Fmr. Weapons Inspector
Michael Lisobey, Fmr. Weapons Inspector
Dick Armey
Gene Sperling
Sir Christopher Meyer
German Ambassador Ischinger
Yashwant Sinaha, Indian External Affairs Officer

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 1/31/2003 1:54:21 PM
Subject: : tried to call you back

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:31-JAN-2003 18:54:21.00
SUBJECT:: tried to call you back
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Rodriguez, Leonard B.
To: <Wingate, Heather>
CC: <Kavanaugh, Brett M.>
Sent: 1/31/2003 3:41:36 PM
Subject: Estrada

---------- Forwarded by Leonard B. Rodriguez/WHO/EOP on 01/31/2003 03:37 PM ----------

"Brown, Jamie E (OLA)"

01/31/2003 02:58:17 PM

Record Type: Record

To: Leonard B. Rodriguez/WHO/EOP@EOP

cc: "'charles.cooper@mail.house.gov" (Receipt Notification Requested) (IPM Return Requested)

Subject: Estrada

Leonard,

Charles is with Mario Diaz-Balart and has requested the material on Estrada so that he can talk to his boss this afternoon. Can you have someone provide this to him? Thanks much.

Jamie

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO /EOP@Exchange [WHO] <Heather Wingate>
Sent: 1/31/2003 12:03:12 PM
Subject: : Conference Call re: Estrada

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:31-JAN-2003 17:03:12.00
SUBJECT:: Conference Call re: Estrada
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

call in: 456-2561
code: 4255
;
Saturday, Feb 1st, 6pm
10 lines
```

From: Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/31/2003 1:54:57 PM
Subject: : RE:

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ( "Benczkowski, Brian A"
<Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:31-JAN-2003 18:54:57.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Unable to deliver the PDF of our October letter to Leahy re: SG memos.
This is the long one with charts attached. If you have a copy, please
utilize your.

BAB
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>
Sent: 1/31/2003 1:55:44 PM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-JAN-2003 18:55:44.00
SUBJECT:: RE:
TO:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ("Benczkowski, Brian A"
<Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

great work. thanks

"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov>
01/31/2003 06:53:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Unable to deliver the PDF of our October letter to Leahy re: SG memos.
This is the long one with charts attached. If you have a copy, please
utilize your.

BAB

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange [WHO] <Ashley Snee>
Sent: 2/1/2003 8:19:53 AM
Subject: : Re: Conf call

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 1-FEB-2003 13:19:53.00
SUBJECT:: Re: Conf call
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

My guess is that today's new could have an impact on congressional schedule next week...
Brett, let me know if you disgree with canceling...

-----Original Message-----
From: Snee, Ashley <Ashley_Snee@who.eop.gov>
To: Wingate, Heather; <Heather_Wingate@who.eop.gov>; Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>; Snee, Ashley <Ashley_Snee@who.eop.gov>
Sent: Sat Feb 01 13:17:32 2003
Subject: Re: Conf call

I tend to agree.; As long as they have the packets that Brett sent, they should be fine in the event he comes up. (which I doubt it will) I really think that the only issues will be today's new and Iraq.

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Heather Wingate/WHO/EOP@Exchange [WHO] <Heather Wingate>;Ashley Snee/WHO /EOP@Exchange [WHO] <Ashley Snee>
Sent: 2/1/2003 8:52:14 AM
Subject: : RE: Judge: few items

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 1-FEB-2003 13:52:14.00
SUBJECT:: RE: Judge: few items
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett , I am happy to help. I, however, wonder about participating in a press conference on the Hill, that is the Senate's deal. I think in the past I have declined to do public events on the Hill. We should talk about this.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, January 31, 2003 6:43 PM
To: Nelson, Carolyn; Gonzales, Alberto R.
Cc: Snee, Ashley; Wingate, Heather
Subject: Judge: few items

Judge:

1. Senate leadership would like you to participate in a press conference Tuesday at 11:30 on Hill with Senate leaders, Hispanic groups, et al.

2. We had meeting this afternoon re overall leg/communications strategy. Among other things, Ashley may have a few tv interviews set up for you early next week if broadcast/cable networks run stories on Estrada and are interested, which seems likely.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/1/2003 10:15:35 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-FEB-2003 15:15:35.00
SUBJECT::
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This is from ABC's The Note (written by Mark Halperin), which does a daily political commentatary and seems pretty in the know.

After talking to leading strategists in both parties, The Note thinks it remains an open question of who would win the PR battle if the Democrats filibuster a SCOTUS or other judicial nomination.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>
Sent: 2/1/2003 1:01:17 PM
Subject: I'm here if anything is needed

From: Wingate, Heather
To: <Kavanaugh, Brett M.>;<Snee, Ashley>
Sent: 2/1/2003 1:11:44 PM
Subject: Conf call

I don't think miguel will come up tomorrow with columbia tragedy this morning. I'd think that perhaps the sunday line up will likely change even. I'm inclined to cancel. Let me know if either of you disagree.

Very sad...

From: Kavanaugh, Brett M.
To: <Wingate, Heather>
CC: <Snee, Ashley>
Sent: 2/1/2003 1:17:31 PM
Subject: Re: Conf call

I am fine with canceling.

From: Heather Wingate/WHO/EOP@Exchange on 02/01/2003 01:19:39 PM

Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: Conf call

My guess is that today's new could have an impact on congressional schedule next week...

Brett, let me know if you disgree with canceling...

-----Original Message-----

From: Snee, Ashley

To: Wingate, Heather ; Kavanaugh, Brett M. ; Snee, Ashley

Sent: Sat Feb 01 13:17:32 2003

Subject: Re: Conf call

I tend to agree. As long as they have the packets that Brett sent, they should be fine in the event he comes up. (which I doubt it will) I really think that the only issues will be today's new and Iraq.

From: Wingate, Heather
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 2/1/2003 1:19:39 PM
Subject: Re: Conf call

My guess is that today's new could have an impact on congressional schedule next week...
Brett, let me know if you disgree with canceling...

-----Original Message-----
From: Snee, Ashley
To: Wingate, Heather ; Kavanaugh, Brett M. ; Snee, Ashley

Sent: Sat Feb 01 13:17:32 2003
Subject: Re: Conf call

I tend to agree. As long as they have the packets that Brett sent, they should be fine in the event he comes up. (which I doubt it will) I really think that the only issues will be today's new and Iraq.

From:	Kavanaugh, Brett M.
To:	<Gonzales, Alberto R.>;<Wingate, Heather>;<Snee, Ashley>;<Guerra, Abel>;<Viana, Mercedes M.>
Sent:	2/1/2003 1:50:56 PM
Subject:	correction in today's NY Times re Estrada

"An article yesterday about a vote by the Senate Judiciary Committee to approve the nomination of Miguel Estrada to a federal appeals court misstated the position taken by the Hispanic advocacy group La Raza on his nomination. While La Raza has expressed concern about Mr. Estrada, it did not oppose him."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Abel Guerra/WHO /EOP@EOP [WHO] <Abel Guerra>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Heather Wingate/WHO/EOP@Exchange@EOP [WHO] <Heather Wingate>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/1/2003 10:23:00 AM
Subject: : from People for American Way web site

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 1-FEB-2003 15:23:00.00
SUBJECT:: from People for American Way web site
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

URGENT!
Send key Senators a fax urging them to filibuster the nomination of Miguel
Estrada to a lifetime seat on the federal appeals court in Washington, DC.
Please move quickly, there is little time to stop the nomination!
```

From: Nelson, Carolyn
To: <Addington, David S.>;<Bartolomucci, H. Christopher>;<Ullyot, Theodore W.>;<Brilliant, Hana F.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Leitch, David G.>;<Francisco, Noel J.>;<Gonzales, Alberto R.>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Walker, Helgard C.>
Sent: 2/1/2003 3:00:30 PM
Subject: White House Tours CANCELLED

Please note that West Wing tours have been cancelled for the remainder of the weekend.

From:	Kavanaugh, Brett M.
To:	<Gonzales, Alberto R.>;<Goeglein, Tim>;<Wingate, Heather>;<Snee, Ashley>;<Rodriguez, Leonard B.>;<Guerra, Abel>;<Viana, Mercedes M.>;<Smith, Matthew E.>
Sent:	2/1/2003 3:17:33 PM
Subject:	from People for American Way web site

URGENT!

Send key Senators a fax urging them to filibuster the nomination of Miguel Estrada to a lifetime seat on the federal appeals court in Washington, DC. Please move quickly, there is little time to stop the nomination!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/1/2003 1:32:13 PM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-FEB-2003 18:32:13.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Interesting and probably accurate analysis of Pickering issue in Mississippi paper.

Capitol Hill fight over Pickering about abortion
It's about abortion, not race.
While the noise about the nomination and eventual renomination of Mississippi U.S. District Judge Charles Pickering to the 5th U.S. Circuit Court of Appeals has been primarily about race, that's not the real reason liberal senators from the West Coast and the Northeast oppose him.
Based on his status as an evangelical Christian and former president of the Mississippi Baptist Convention, national liberal opposition to Pickering is about his stance * at least the perception of his stance * on abortion. That's why the Ted Kennedys and the Hillary Clintons in the Senate and the rest of the Democratic Party's pro-choice lobby won't stop talking about race when they mention Pickering's nomination.
Playing the race card on Pickering is an easy play indeed for the pro-choice lobby. Pickering's a Mississippian, a Friend of Trent, a born-again Christian and once wrote a paper examining the state's interracial marriage laws. Oh, yes, and he once questioned Al Gore's brother-in-law about the fairness of federal sentencing guidelines in a cross-burning case in which the least guilty defendant seemed to be getting the lion's share of the punishment.
In America today, that's apparently enough to get one branded a racist. Forget the fact that Pickering battled the Ku Klux Klan in the bad old days, forget that he was pro-active in helping to lead state efforts at racial reconciliation, forget all of that.
The usual suspects
The pro-choice lobby has Pickering in its sights. It's easier to demonize someone on a false charge of racism than it is to deal forthrightly with the fact that Republicans and Democrats don't agree on the abortion issue.
The New York Times, in parroting U.S. Sen. Charles Schumer's recent attacks on the Bush administration's judicial nominees that include Pickering, recently claimed that the right to legal abortions in America was in "dire peril." Indeed, when Democrats controlled the Senate two other Bush judicial nominees were rejected based on the abortion issue.
The pattern is clear.
Senate Democrats said Texas Judge Priscilla Owen had been an anti-abortion judicial activist whose opinions and rulings were overly influenced by her personal beliefs. Utah law professor Michael McConnell * another Bush nominee to the 10th U.S. Circuit Court of Appeals * was pounded by Senate Democrats for his anti-abortion advocacy and conservative views.
NARAL defines debate
Don't think abortion is the root of Pickering's troubles? Here's what the National Abortion and Reproductive Rights Action League has to say on the question in a Web-posted "fact" sheet:
"Currently, the 5th Circuit has a nine-to-five majority of Republican-nominated judges.
"Upon confirmation of three pending Bush nominees, this court will consist of 12 Republican and five Democratic appointees. The seven-seat majority

for Republican-nominated judges will affect the balance literally for decades.

"Ultra-conservative nominees to the 5th Circuit will do far more harm than on other circuit courts that are closer to philosophical parity," the group said.

In Pickering's case, false charges of racism is the handle pro-choice forces are using to pick up the suitcase of their opposition to the judge on grounds of his religion and stance on abortion.

Apparently, conservative judges should keep their pro-life "personal beliefs" out of judicial decisions. One has to wonder, however, if a judge's pro-choice "personal beliefs" are an equal constitutional danger in the minds of Senate Democrats. Doubtful.

From: Wingate, Heather
To: <Kavanaugh, Brett M.>
Sent: 2/2/2003 2:22:34 PM
Subject: Re: Daschle/Leahy/Menendez/MALDEF press conference Monday at 1:30 on Estrada at 138 Dirksen

Think it would be hard to scare up enough members with no votes monday, but will check with the conference...

-----Original Message-----
From: Kavanaugh, Brett M.
To: Wingate, Heather
Sent: Sun Feb 02 14:02:29 2003
Subject: Daschle/Leahy/Menendez/MALDEF press conference Monday at 1:30 on Estrada at 138 Dirksen

Should the R's do something Monday to counter this? [Note: I assume schedule could change due to shuttle accident]

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 02/02/2003 02:10 PM ----------

Brett M. Kavanaugh
02/02/2003 01:59:53 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Daschle/Leahy/Menendez/MALDEF press conference Monday at 1:30 on Estrada at 138 Dirksen

Message Sent To:

Heather Wingate/WHO/EOP@Exchange@EOP
Ashley Snee/WHO/EOP@Exchange@EOP
Alberto R. Gonzales/WHO/EOP@Exchange@EOP
Leonard B. Rodriguez/WHO/EOP@EOP
Abel Guerra/WHO/EOP@EOP
Mercedes M. Viana/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 2/2/2003 8:16:36 PM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-FEB-2003 01:16:36.00
SUBJECT::
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Do not forget to email devenish.

.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 2/2/2003 8:16:36 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-FEB-2003 01:16:36.00
SUBJECT::
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Do not forget to email devenish.

.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 2/2/2003 8:23:44 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-FEB-2003 01:23:44.00
SUBJECT::
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Do not forget to email devenish.

.
```

From: CN=Grayson Hoffman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/3/2003 5:17:15 AM
Subject: : Adam Goldman Request

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Grayson Hoffman (CN=Grayson Hoffman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-FEB-2003 10:17:15.00
SUBJECT:: Adam Goldman Request
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Mr. Kavanaugh:

I am writing for Mr. Adam Goldman of OPL, who requests your assistance with an upcoming White House briefing. Mr. Goldman wanted me to emphasize that normally he would give a briefing of this nature, but he will be in California on this particular day.

The International Safety Equipment Association's (ISEA) Board of Trustees has requested a briefing on February 24th. They have requested, in part, a discussion on "general product liability reform" and "liability relief for protective equipment and clothing used by responders in a terrorist incident." The briefing is scheduled to take place at 4:00 PM in Room 180. The ISEA estimates that approximately 12 persons will attend.

Below please find the actual request from ISEA. Please let me know if I can provide any additional information.

Thank you for your consideration of this request,

Grayson Hoffman
Office of Public Liaison
6-5183

REQUEST:

January 14, 2003

Adam Goldman
Deputy Director
Office of Public Liaison
The White House
Washington, D.C. 20500
Re: Meeting Request

Dear Mr. Goldman:

The International Safety Equipment Association's (ISEA) Board of Trustees will be in Washington, D.C. on February 24. The group, which includes nine senior manufacturing executives, has expressed great interest in a White House briefing on the President's growth agenda and homeland security.

ISEA's members are global companies that manufacture personal protective equipment such as respirators, protective apparel, gloves, detection equipment, hard hats, emergency shower and eyewashes and other equipment used to keep people safe - including those involved in terrorism response and recovery.

As manufacturers, they are naturally interested in the Administration's initiatives on trade, taxes, legal reform and economic growth. In addition, as long-time suppliers of protective clothing and equipment for

emergency response, they have a special interest in homeland security planning.

Now that the Homeland Security Department is a reality, there are many questions about funding for responder equipment and training. ISEA is prepared to help in any way it can to link the funding agencies, the organizations receiving the funds, and the suppliers of clothing and equipment, to ensure that responders are getting the equipment they need. Maintaining high-level contacts with the Administration is key to our efforts to protect the protectors. We would welcome your perspective on ways manufacturers can assist homeland security planners and the federal, state and local levels. Your remarks to the group would enable the industry to better understand the immediate and long-term needs of those involved in terrorism preparedness, and plan effectively to meet those needs.

Liability reform is also an important issue to ISEA members. Not only do we support general product liability reform, our members are also concerned that there is some liability relief for protective equipment and clothing used by responders in a terrorist incident.

Our Board would be grateful for the opportunity to discuss these and other issues with senior White House staff members. Dan Glucksman, ISEA's public affairs director, will follow up with you. I have also included a list of our Board members. Please call me if you have any questions.

Sincerely,

- Daniel K. Shipp
- President, ISEA

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange [WHO] <Heather Wingate>
Sent: 2/3/2003 6:15:16 AM
Subject: : Re: Should we bring binders to the 1:30; how many??

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-FEB-2003 11:15:16.00
SUBJECT:: Re: Should we bring binders to the 1:30; how many??
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

in addition to the 100 that are delivered to VP's office, correct?

From: Heather Wingate/WHO/EOP@Exchange on 02/03/2003 11:14:20 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Should we bring binders to the 1:30; how many??

Yes, 50

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Wingate, Heather; <Heather_Wingate@who.eop.gov>
Sent: Mon Feb 03 11:08:37 2003
Subject: Should we bring binders to the 1:30; how many??

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange [WHO] <Heather Wingate>
Sent: 2/3/2003 6:20:43 AM
Subject: : Re: Should we bring binders to the 1:30; how many??

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-FEB-2003 11:20:43.00
SUBJECT:: Re: Should we bring binders to the 1:30; how many??
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

ok, sorry, so a total of 151, correct?

From: Heather Wingate/WHO/EOP@Exchange on 02/03/2003 11:18:55 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Should we bring binders to the 1:30; how many??

Woops, bring 51. We'll make it clear that there's only one for each repub office -- still need 100 delivered to vp office though.

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Wingate, Heather; <Heather_Wingate@who.eop.gov>
Sent: Mon Feb 03 11:08:37 2003
Subject: Should we bring binders to the 1:30; how many??

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO /EOP@EOP [WHO] <Noel J. Francisco>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 2/3/2003 2:57:45 AM
Subject: : Omnibus letter

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 3-FEB-2003 07:57:45.00
SUBJECT:: Omnibus letter
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Just a reminder, please take a quick read of this letter to the
Appropriators by 9:30 AM TODAY.; It contains something on virtually all of
your departments.
;
Thanks.
;
The Honorable Ted Stevens
Committee on Appropriations
United States Senate
Washington, D.C.; 20510
;
Dear Chairman Stevens:
;
The purpose of this letter is to provide the Administration,s views on the
current House and Senate versions of the remaining eleven appropriations
bills.; The Administration applauds the commitment of the Appropriations
Committee Chairmen to the top line agreement with the President.
;
;The Administration will support versions of the remaining eleven bills
that are consistent with the agreed upon non-defense discretionary
spending limit of $385.9 billion, the amount remaining within the top line
after enactment of the Defense and Military Construction Appropriations
Acts.; It is important that this limit be reached transparently.; Should
the final version of the bill exceed this level, including expanded use of
advance appropriations or other &gimmicks,8 the President,s senior
advisors would recommend that he veto the bill.
;
;There are several other issues that may impact the agreed upon top line
funding level discussed above, including the $3.9 billion in essential
funding for defense included in the Senate bill, which the Administration
```

supports.; The Administration would support additional drought assistance for those truly in need as long as it is offset within existing agriculture funding.; At the time of enactment, the 2002 Farm Bill was estimated to provide $180 billion, an increase of $82 billion above the baseline -- an historically high level of agriculture spending that can accommodate funding for emergencies, economic assistance, rural development, and other purposes. Further, the Administration believes that physician fees in Medicare need to be adjusted and that those costs can and should be fully offset through statutory changes or legislative action.; We look forward to working with the Congress to address this critical matter.;
;
The Federal government has been operating under a series of Continuing Resolutions for nearly one-half of FY 2003. Completion of the nation,s budget for the current year is long overdue, and we look forward to working with the Congress to ensure an acceptable bill is presented to the President.; Spending restraint is critical to encouraging continued economic growth.;; We appreciate your consideration of these views.
;
Homeland Security
;
On November 25, 2002, the President signed the Homeland Security Act of 2002 (HSA).; The legislation transfers 22 Federal agencies and programs to the new Department of Homeland Security (DHS).; The Act lays out an orderly process for transferring entities to DHS.; Provisions that would preclude, complicate, or delay transfers of functions or resources to DHS are unacceptable.
;
Both the House and Senate bills, as currently written, include numerous unacceptable restrictions that undermine implementation of the HSA.; Most broadly, a number of the House bills prohibit the transfer of funds unless the transfer is provided for in an Appropriations Act.; This is contrary to existing law, which provides the authority to execute these transfers.; Many bills contain specific unacceptable prohibitions on individual programs.; For example, both the House and Senate bills seek to prohibit the transfer of Customs aircraft from the Treasury Department, and the House bill seeks to prevent the transfer of the Federal Law Enforcement Training Center.; In addition, while funds are provided in the Senate version of bill for the Immigration and Naturalization Service (INS) Chimera IT and Entry-Exit systems, these funds are not provided within INS, complicating consolidation within DHS.; The conferees must correct these restrictive provisions.;
;
The House version of the bill cuts the request for the Transportation Security Administration (TSA) by $200 million, and the Senate bill earmarks nearly $400 million, for unrequested and lower-priority activities.
;
The Senate version of the bill underfunds the homeland security programs of the Immigration and Naturalization Service (INS), including the Entry-Exit System.; The Senate version of the bill also includes unacceptable restrictions on the National Security Entry-Exit Registration System (NSEERS), an Administration initiative to enhance homeland security by requiring certain foreign nationals to register with the INS.;
;
The Senate bill earmarks funding provided for our nation,s First Responders, which will prevent the program from funding the highest priority programs.; The Administration believes that these funds would be better targeted for homeland security and Federal law enforcement activities.; The Senate version of the bill underfunds the Federal Emergency Management Agency,s Disaster Relief Fund, by nearly $1 billion.; The Administration urges the conferees to adopt the House level for Disaster Relief to ensure adequate resources are available to address emergency situations.
;
Finally, the Senate bill provides $3.3 billion for bioterrorism defense and research, which is $370 million less than the request.; It is critical that the House and Senate provide the full amount requested for NIH

biodefense research, including the request to accelerate investments in biodefense research infrastructure.; The Administration is concerned as it appears that the Senate bill does not fund the $250 million requested for a next-generation anthrax vaccine.; The Administration urges the Senate to restore funding for this important program that will help defend against the anthrax threat as well as inspire new vaccine research breakthroughs.;
;
Other High-Priority Issues
;
A few significant problems remain to be addressed before a final version of an Omnibus bill would be acceptable to the President. The current House and Senate versions of the eleven remaining bills underfund major areas of responsibility and divert these funds to lesser needs.; The Administration, s major concerns are outlined below:
;
Education Funding.; The Administration appreciates the House,s support for funding for the Education Department.; The Senate,s use of gimmicks that will compromise next year's budget by increasing advance appropriations for several programs in Education, including IDEA and Title I, is unacceptable.; This is a misleading practice to avoid spending limitations that Congress and the Administration agreed to curtail last year.
;
The Administration strongly urges the Congress to adopt the House mark for the Pell Grant program, which maintains the maximum award at the current $4,000 level and provides $11.2 billion to help address the program,s current funding shortfall.; The Senate bill raises the Pell Grant maximum award to students while failing to provide sufficient funding, significantly increasing the shortfall above the House level.
;
;Transportation Department.; The Senate bill proposes $31.8 billion for highways, an unsustainable level of spending that breaks dramatically with the tradition of tying highway spending to trust fund revenue.; This would put the program on a path to an inevitable gas tax increase, which the Administration strongly opposes.; The Administration strongly supports the highway funding level authorized by the FY 2002 Supplemental Appropriations Act and included in the House version. The Senate bill also provides $1.2 billion for Amtrak without including any of the reforms necessary to improve its operations and promote financial stability.; We urge the conferees to adopt the House position and institute operational and structural reforms as a condition for increased funding for Amtrak. Finally, funding earmarks in the bill would significantly constrain flexibility in the Office of the Secretary of Transportation and the Federal Aviation Administration.
;
Election Reform.; The Administration strongly supports the inclusion of funds to support reform and improvement of election administration systems in the Senate bill.
;
Wildland Firefighting.; The Administration supports the inclusion of the $825 million for wildland firefighting in the Senate bill within the top line funding agreement.;
;
Unemployment Insurance.; The Senate bill raises the contingency trigger in the Unemployment Insurance program significantly.; As a result, many unemployed workers may not receive timely benefit payments and States will incur workload for which there will be no federal financing.; Conferees are urged to adopt the Administration,s contingency trigger level.
;
LIHEAP.; We appreciate the House,s support for the overall Administration request for this important program.; Conferees are encouraged to adopt the House position.
;
;Farm Bill Conservation Programs.; The Administration strongly objects to Senate language prohibiting the use of funding in USDA,s Conservation Operations account to implement the recently-enacted Farm bill conservation programs.; This is contrary to past practice and, without enacting the Administration,s proposed budget amendment, would result in only about 10 percent of this year,s authorized Farm bill conservation

activities being implemented.; The Administration,s proposal would provide appropriate funding to ensure the farm conservation programs are properly implemented.
;
;Energy Department.; The Administration appreciates that the Senate version of the bill includes the Price-Anderson Act indemnification provisions.; However, the Administration strongly objects to the Senate,s reduction of $255 million for Yucca Mountain, which would severely delay and diminish the quality of DOE's submission to the Nuclear Regulatory Commission (NRC) to proceed with construction of this vital facility.; The Administration urges the conferees to support the request, which would enable DOE to submit its repository license application to the NRC by December 2004, accelerate essential national transportation-related activities, and ensure the site is a safe working environment.;
;
Housing Programs.; The Senate bill contains an unacceptable provision that, as currently drafted, could result in considerable additional costs in the Housing Certificate program.; The House,s reform approach is acceptable provided that amounts in the final bill are sufficient to support all units under lease.; We look forward to working with the conferees to ensure proposed changes to the program do not result in unintended costs.
;
Treasury/IRS.; The Administration urges the conferees to provide the $70 million requested for the Internal Revenue Service to address new requirements under P.L. 107-210, the Trade Act of 2002, which established a new refundable Health Insurance Tax Credit (HITC) program.;
;
;Patent Office (PTO).;; The Senate bill would reduce requested funding for PTO by almost $300 million, compromising PTO's ability to carry out its new strategic plan.;
;
;Justice Department.; The Senate bill does not provide adequate funding for the Department of Justice,s core legal staff, including the U.S. Attorneys and Justice,s Legal Divisions, which would severely hamper the Department,s efforts in the war on terrorism.; The Administration is concerned with Senate bill language that earmarks funding, thus constraining the FBI and the Bureau of Prisons from responding to emerging events such as the war on terrorism or prison emergencies.;
;
;The Senate bill reduces the request for the FBI by $75 million by requiring the use of prior year unobligated balances to fund 2003 initiatives.; The Administration believes that these prior year funds are still required by the FBI and urges that they not be diverted.
;
;The House and Senate bills provide significantly more funds for crime prevention grant programs than requested.; The Administration believes that these funds would be better targeted for homeland security programs, especially funds for first responders.
;
;Mother-to-Child HIV/AIDS Transmission Initiative.; The Administration urges the conferees to fully fund the $100 million requested for each USAID and HHS for this important initiative.; The Senate bill provides the request for USAID, without cutting into base HIV/AIDS programs, as the House bill does.; It appears both the House and Senate have underfunded the HHS portion of this initiative by $60 million.
;
;State Department/Foreign Affairs.; The Administration strongly encourages the conferees to fund State Department Diplomatic and Consular Programs at a level that supports ongoing operations and the Diplomatic Readiness Initiative.; The Administration strongly supports the language included in the Senate bill allowing funds to pay for the costs of debt reduction for Pakistan and Jordan.;
;
;Corps of Engineers.; The House and the Senate have provided funds well in excess of the request that could be re-directed to higher priority items; the House and Senate bills provide nearly $600 million and $400 million, respectively, above the request for the Corps of Engineers.; The bills

divert funds from the large backlog of existing projects and fund activities outside the Corps main mission areas.; They also fund projects that have not been previously approved or authorized.; The Administration urges the conferees to redirect funds to higher-priority national projects.;
;
Objectionable Language Provisions
;
The current version of the Senate bill omits several current law provisions relating to abortion. If the final version of the bill did not include all current law provisions prohibiting the use of federal funds for abortions, the President,s senior advisors would recommend that he veto the bill.; The Administration also urges the conferees to support the Administration position on UNFPA, including full compliance with Kemp-Kasten.
;
;The House bill contains provisions that would weaken current sanctions against the Cuban government.; The Administration believes it is vitally important to maintain these sanctions.; Lifting the sanctions now would provide a helping hand to a desperate and repressive regime, whereas the President's policy calls for reaching out to help the Cuban people.; As noted in the July 11, 2002 letter from Secretaries Powell and O'Neill, the President's senior advisors would recommend that he veto a bill that contained such changes.
;
The Administration also objects to a number of provisions, which, inconsistent with the Supreme Court ruling in INS vs. Chadha, purport to require Committee approval before Executive Branch execution.
;
The Administration supports final passage of an Omnibus bill that meets our national priorities and is within the agreed upon top line funding level.; We are committed to working with the Congress as the process moves forward to enact the remaining eleven appropriations bills as expeditiously as possible.; We look forward to working with the conferees to address our mutual concerns as a final version of the bill is developed.
;
;;;;;;;Sincerely,
;

;;;;;;;Mitchell E. Daniels, Jr.
;

Identical Letter Sent to The Honorable C.W. Bill Young,
The Honorable David R. Obey, The Honorable Robert C. Byrd,
and The Honorable Ted Stevens
;
Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632
;

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Ashley Holbrook/WHO/EOP@Exchange [WHO] <Ashley Holbrook>
Sent: 2/3/2003 4:05:41 AM
Subject: : Binders

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 3-FEB-2003 09:05:41.00
SUBJECT:: Binders
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Ashley Holbrook ( CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

When will the estrada binders be ready? Ashley has the unenviable task of
figuring out a way to get them up there to vp office today.
```

From: Clark, Lucy <Lucy.Clark@DHS.GOV>
To: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Faisal M. Gill/WHO/EOP@EOP [WHO] <Faisal M. Gill>;Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: Hale, Janet <Janet.Hale@DHS.GOV>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Kimberley S. Luczynski/OMB/EOP@EOP [OMB] <Kimberley S. Luczynski>;Lawlor, Bruce <Bruce.Lawlor@DHS.GOV>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>
Sent: 2/3/2003 4:31:44 AM
Subject: : RE: New Development
Attachments: F_THSJD003_NSC.TXT_1.htm

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:"Clark, Lucy" <Lucy.Clark@DHS.GOV> ( "Clark, Lucy" <Lucy.Clark@DHS.GOV> [ UNKNOWN ]
)
CREATION DATE/TIME: 3-FEB-2003 09:31:44.00
SUBJECT:: RE: New Development
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Faisal M. Gill ( CN=Faisal M. Gill/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Adam F. Greenstone ( CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [ OA ] )
READ:UNKNOWN
CC:"Hale, Janet" <Janet.Hale@DHS.GOV> ( "Hale, Janet" <Janet.Hale@DHS.GOV> [ UNKNOWN ] )
READ:UNKNOWN
CC:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
CC:Kimberley S. Luczynski ( CN=Kimberley S. Luczynski/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
CC:"Lawlor, Bruce" <Bruce.Lawlor@DHS.GOV> ( "Lawlor, Bruce" <Bruce.Lawlor@DHS.GOV> [
UNKNOWN ] )
READ:UNKNOWN
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Steve - Adam asked that I circle up with you. Please proceed. There is
nothing new here legally. Also, I would suggest that OHS employees do
not present the immediate issue. It is TPO employees who need their
documents as soon as possible. The legal analysis for this was approved
prior to 1/24 by Phil Perry and all counsel involved. For TPO, we need
to get the user files copied and transferred; the actual mechanics are
happily up to you all. Please make these transfers happen as soon as
possible. Thank you.




-----Original Message-----
From: Greenstone, Adam F. [mailto:Adam_F._Greenstone@oa.eop.gov]
Sent: Sunday, February 02, 2003 4:59 PM
To: Clark, Lucy; McNally, Edward; Gill, Faisal M.
Cc: Perry, Philip J.; Luczynski, Kimberley S.; Kavanaugh, Brett M.;
Bellinger, John B.
Subject: RE: New Development



Lucy--Friday afternoon, Ed proposed an approach on transferring this
information with which I agree and have advised our CIO's office to
proceed with. Each user transferring to DHS from the OHS (WHO) would
```

delete information not authorized for transfer to DHS from their hard and network drives. (Direction on this and any advice necessary to ensure records management of non-transferred materials will be provided to users by White House Counsel.) Once each user has completed that process, we would go through our standard check out and copy the user files on the hard and network drives onto disks. However, we would make a second copy of each disk on checkout, to be provided to DHS.

We can consult with White House Counsel through Ed and Faisal on when to close and copy the accounts and give the disks to OHS. This process would not involve any direct connection between the EOP network and DHS equipment.

Phil/Kimberley--We're hoping to use this kind of approach to transfer the information in the TPO accounts so we can all move in sync. Would be great if you can let me know.

I believe that this solution will work for all parties in all significant respects. Lucy, we would appreciate if you can advise Steve of the resolution. If there are any outstanding issues let me know. Adam, 395-1268

-----Original Message-----
From: Cooper, Steve [mailto:Steve.Cooper@DHS.GOV]
Sent: Sunday, February 02, 2003 2:17 PM
To: Solari, Carlos
Cc: Greenstone, Adam F.; O'Dell, Bruce; Clark, Lucy; Peters, Joe; Newberry, David; Tedesco, Gail; Gill, Faisal M.
Subject: RE: New Development

Carlos,

Thanks for the update...we'll await guidance from you via adam to lucy clark...I have been instructed to have no further conversations on this matter unless they come through my counsel...steve

-----Original Message-----
From: Solari, Carlos [mailto:csolari@oa.eop.gov]
Sent: Saturday, February 01, 2003 1:05 PM
To: Cooper, Steve
Cc: Greenstone, Adam F.; O'Dell, Bruce
Subject: New Development

Steve, I'm advised by Adam that he's had further discussion with Ed McNally and that we are to get further instruction on Sunday or first thing Monday that will get this matter resolved. Standing by...Carlos

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_THSJD003_NSC.TXT_1>

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To: Clark, Lucy; McNally, Edward; Gill, Faisal M.
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Sent: Sunday, February 02, 2003 2:17 PM
To: Solari, Carlos
Cc: Greenstone, Adam F.; O'Dell, Bruce; Clark, Lucy; Peters, Joe; Newberry, David; Tedesco, Gail; Gill, Faisal M.
Subject: RE: New Development

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Sent: Saturday, February 01, 2003 1:05 PM
To: Cooper, Steve
Cc: Greenstone, Adam F.; O'Dell, Bruce
Subject: New Development

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From: CN=Sara M. Taylor/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/3/2003 8:58:03 AM
Subject: : fax

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sara M. Taylor ( CN=Sara M. Taylor/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-FEB-2003 13:58:03.00
SUBJECT:: fax
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I just sent you a fax - please let me know your advice. thx.
```

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Dinh, Viet <Viet.Dinh@usdoj.gov>;Corallo, Mark <Mark.Corallo@usdoj.gov>;Goodling, Monica <Monica.Goodling@usdoj.gov>
Sent: 2/3/2003 5:28:36 AM
Subject: : RE: Jackie Judd doing estrada story for Tuesday evening broadcast

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 3-FEB-2003 10:28:36.00
SUBJECT:: RE: Jackie Judd doing estrada story for Tuesday evening broadcast
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov>@SMTP@Exchange ( "Dinh, Viet"
<Viet.Dinh@usdoj.gov>@SMTP@Exchange [ UNKNOWN ] )
READ:UNKNOWN
TO:"Corallo, Mark" <Mark.Corallo@usdoj.gov>@SMTP@Exchange ( "Corallo, Mark"
<Mark.Corallo@usdoj.gov>@SMTP@Exchange [ UNKNOWN ] )
READ:UNKNOWN
TO:"Goodling, Monica" <Monica.Goodling@usdoj.gov>@SMTP@Exchange ( "Goodling, Monica"
<Monica.Goodling@usdoj.gov>@SMTP@Exchange [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Jackie is in Houston and the Estrada story has been postponed.

-----Original Message-----
From: Goodling, Monica [mailto:Monica.Goodling@usdoj.gov]
Sent: Friday, January 31, 2003 6:41 PM
To: Dinh, Viet; Corallo, Mark; Kavanaugh, Brett M.; Snee, Ashley
Subject: Re: Jackie Judd doing estrada story for Tuesday evening
broadcast


We like jackie.


-----Original Message-----
From: Dinh, Viet <Viet.Dinh@USDOJ.gov>
To: Goodling, Monica <Monica.Goodling@USDOJ.gov>; Corallo, Mark
<Mark.Corallo@USDOJ.gov>; 'Ashley_Snee@who.eop.gov'
<Ashley_Snee@who.eop.gov>; 'Kavanaugh, Brett'
<brett_m._kavanaugh@who.eop.gov>
Sent: Fri Jan 31 18:30:03 2003
Subject: Jackie Judd doing estrada story for Tuesday evening broadcast

I gave her the SG letter and some other background.
```

From: Kavanaugh, Brett M.
To: <Wingate, Heather>
Sent: 2/3/2003 11:08:37 AM
Subject: Should we bring binders to the 1:30; how many??

From: Kavanaugh, Brett M.
To: <Wingate, Heather>
Sent: 2/3/2003 11:11:24 AM
Subject: Re: Should we bring binders to the 1:30; how many??

in addition to the 100 that are delivered to VP's office, correct?

From: Heather Wingate/WHO/EOP@Exchange on 02/03/2003 11:14:20 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: Should we bring binders to the 1:30; how many??

Yes, 50

-----Original Message-----

From: Kavanaugh, Brett M.

To: Wingate, Heather

Sent: Mon Feb 03 11:08:37 2003

Subject: Should we bring binders to the 1:30; how many??

From: Kavanaugh, Brett M.
To: <Wingate, Heather>
Sent: 2/3/2003 11:16:52 AM
Subject: Re: Should we bring binders to the 1:30; how many??

ok, sorry, so a total of 151, correct?

From: Heather Wingate/WHO/EOP@Exchange on 02/03/2003 11:18:55 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: Should we bring binders to the 1:30; how many??

Woops, bring 51. We'll make it clear that there's only one for each repub office -- still need 100 delivered to vp office though.

-----Original Message-----

From: Kavanaugh, Brett M.

To: Wingate, Heather

Sent: Mon Feb 03 11:08:37 2003

Subject: Should we bring binders to the 1:30; how many??

From: Wingate, Heather
To: <Kavanaugh, Brett M.>
Sent: 2/3/2003 11:18:55 AM
Subject: Re: Should we bring binders to the 1:30; how many??

Woops, bring 51. We'll make it clear that there's only one for each repub office -- still need 100 delivered to vp office though.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Wingate, Heather
Sent: Mon Feb 03 11:08:37 2003
Subject: Should we bring binders to the 1:30; how many??

From: Wingate, Heather
To: <Kavanaugh, Brett M.>
Sent: 2/3/2003 11:19:24 AM
Subject: Re: Should we bring binders to the 1:30; how many??

Yes

-----Original Message-----
From: Kavanaugh, Brett M.
To: Wingate, Heather
Sent: Mon Feb 03 11:11:24 2003
Subject: Re: Should we bring binders to the 1:30; how many??

in addition to the 100 that are delivered to VP's office, correct?

From: Heather Wingate/WHO/EOP@Exchange on 02/03/2003 11:14:20 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Should we bring binders to the 1:30; how many??

Yes, 50

-----Original Message-----
From: Kavanaugh, Brett M.
To: Wingate, Heather
Sent: Mon Feb 03 11:08:37 2003
Subject: Should we bring binders to the 1:30; how many??

From: McCord, Lauren
To: <Greenstone, Adam F.>;<McNally, Edward>
CC: <Kavanaugh, Brett M.>;<Powell, Benjamin A.>;<Gill, Faisal M.>
Sent: 2/3/2003 11:34:30 AM
Subject: RE: W. Asa Hutchinson TPO/TPO/OMB/EOP is out of the office.

I've forwarded the suggestion to Libby Camp, White House Liaison at DHS so she can pass along the practice.
Thanks, Laurie

-----Original Message-----
From: Greenstone, Adam F.
Sent: Tuesday, January 28, 2003 3:51 PM
To: McNally, Edward; McCord, Lauren
Cc: Kavanaugh, Brett M.; Powell, Benjamin A.; Gill, Faisal M.
Subject: RE: W. Asa Hutchinson TPO/TPO/OMB/EOP is out of the office.

Looks good to me.

-----Original Message-----
From: McNally, Edward
Sent: Tuesday, January 28, 2003 12:31 PM
To: Greenstone, Adam F.; McCord, Lauren
Cc: Kavanaugh, Brett M.; Powell, Benjamin A.; Gill, Faisal M.
Subject: W. Asa Hutchinson TPO/TPO/OMB/EOP is out of the office.

Adam and Laurie -- This seems like a practical way to address this issue of DHS officials/employees who still have TPO e-mail accounts, and wld avoid or at least minmize the generation of add'l records that cld be subject to litigation or other dispute.

---------- Forwarded by Edward McNally/WHO/EOP on 01/28/2003 12:30 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
W. Asa Hutchinson TPO
01/28/2003 09:42:02 AM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP
cc:
Subject: W. Asa Hutchinson TPO/TPO/OMB/EOP is out of the office.

I will be out of the office from 01/27/2003 until 12/31/2003.

I have moved over to the new Department. Unfortunately, I cannot access my Transition Office email from the new location. Please re-send your email to my current address, Asa.Hutchinson@dhs.gov, and I will respond to your message as soon as possible.

From: Wingate, Heather
To: <Kavanaugh, Brett M.>
Sent: 2/3/2003 11:39:20 AM
Subject: RE: Should we bring binders to the 1:30; how many??

Exactly. But only 51 need to go up for 1:30 briefing... the other 100 can go up later via Ashley's arrangements. I assume you'll get the 51 to the car for 1:15 pick up at West Basement? Do you need help with that? If you need bodies for that, let me know and we'll help.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, February 03, 2003 11:17 AM
To: Wingate, Heather
Subject: Re: Should we bring binders to the 1:30; how many??

ok, sorry, so a total of 151, correct?

From: Heather Wingate/WHO/EOP@Exchange on 02/03/2003 11:18:55 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Should we bring binders to the 1:30; how many??

Woops, bring 51. We'll make it clear that there's only one for each repub office -- still need 100 delivered to vp office though.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Wingate, Heather
Sent: Mon Feb 03 11:08:37 2003
Subject: Should we bring binders to the 1:30; how many??

From: Carolyn_Nelson@who.eop.gov [WHO] <Nelson, Carolyn>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 2/3/2003 12:32:38 PM
Subject: For the record

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Nelson, Carolyn (Carolyn_Nelson@who.eop.gov [WHO])
CREATION DATE/TIME: 3-FEB-2003 17:32:38.00
SUBJECT:For the record
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I left messages with all 8 Senators, details noted below.

John Breaux (LA) 224-4623 Paige: he's out of office for afternoon

Ben Nelson (NE) 224-6551 Martha: he's in the air- lands 7pm - in TX tomorrow
Bill Nelson(FL) 224-5274 Out of Office- IN TX tomorrow

Max Baucus(MT) 224-2651 In Meeting-will call back

Evan Bayh (IN) 224-5623 Claire: Will call back

Thomas Carper (DE) 224-2441 Connie: Left message

Blanche Lincoln (AR) 224-4843 Katie: Left message

Jeff Bingaman (NM) 224-5521 Virginia White: 224-3803

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/3/2003 12:44:06 PM
Subject: : RE: For the record

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 3-FEB-2003 17:44:06.00
SUBJECT:: RE: For the record
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

excellent

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, February 03, 2003 5:33 PM
To: Wingate, Heather
Subject: For the record

Judge's calls

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 02/03/2003 05:41 PM ----------

From: Carolyn Nelson/WHO/EOP@Exchange on 02/03/2003 05:32:37 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: For the record

I left messages with all 8 Senators, details noted below.

John Breaux (LA) 224-4623 Paige: he's out of office for afternoon
Ben Nelson (NE) 224-6551 Martha: he's in the air- lands 7pm - in TX tomorrow
Bill Nelson(FL) 224-5274 Out of Office- IN TX tomorrow
Max Baucus(MT) 224-2651 In Meeting-will call back
Evan Bayh (IN) 224-5623 Claire: Will call back
Thomas Carper (DE) 224-2441 Connie: Left message
Blanche Lincoln (AR) 224-4843 Katie: Left message
Jeff Bingaman (NM) 224-5521 Virginia White: 224-3803

From: Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/3/2003 10:47:56 AM
Subject: : Tyco

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> ("Azar, Alex (HHS/OS)"
<Alex.Azar@hhs.gov> [UNKNOWN])
CREATION DATE/TIME: 3-FEB-2003 15:47:56.00
SUBJECT:: Tyco
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I had a scare for a minute until I caught the name of the GC!!!
<<...OLE_Obj...>>
Business News
Monday, Feb. 3, 2003
Ex-Tyco Gen. Counsel Accused of Larceny

BOSTON (Reuters) - Former Tyco International Ltd. (TYC.N) general counsel Mark Belnick was charged on Monday with stealing $12 million from the conglomerate by accepting a special bonus the board of directors had not approved. The indictment adds three new charges against Belnick, who served as Tyco's top legal counsel until last year. He faces up to 25 years in prison if convicted of the new felony larceny charge, which stems from a bonus he allegedly received in the form of $2 million cash and 200,000 Tyco shares. In New York, Manhattan District Attorney Robert Morgenthau unveiled the superseding indictment against Belnick. It was the latest revelation in an investigation that helped drive down shares of Bermuda-based Tyco more than 70 percent last year. Belnick also is accused of failing to disclose a $2.5 million related-party transaction that resulted in a payment to a Tyco director. Morgenthau identified Lord Michael Ashcroft, who resigned from Tyco's board last year, as the director who received the payment. Belnick's lawyer, Reid Weingarten, said the director transaction happened a year before Belnick arrived at Tyco. The indictment includes the original six counts brought against Belnick last year. He has pleaded innocent to those charges, which accuse him of falsifying documents to conceal $14 million in loans to himself from Tyco. Belnick's lawyers have said that Tyco's outside auditor and compensation committee knew about the loans. In fact, Belnick told the auditors he owed more than what they calculated, according to court papers filed in the case. But on Monday, Belnick was led into the New York state supreme court in handcuffs. His lawyer called the latest charges frivolous. "These charges are frivolous and should be dismissed," Belnick's lawyer, Weingarten, said in a statement.
"The district attorney's new charges are equally frivolous." Weingarten said Belnick received the bonus for "exemplary performance." A former Iran-Contra investigator, Belnick joined Tyco in 1998 and came highly regarded after a 26-year career at the powerhouse law firm Paul, Weiss, Rifkind, Wharton & Garrison. He got the job after former U.S. Senator Warren Rudman recommended him to then-Tyco Chairman Dennis Kozlowski. But last

year, Belnick got tangled up in the same investigation by Morgenthau's office that accused Kozlowski and ex-Tyco finance chief Mark Swartz of stealing $600 million from Tyco through unauthorized compensation and fraudulent stock sales. Besides the special bonus, prosecutors claim Belnick also obtained $25 million by selling Tyco stock. In addition, the indictment charges Belnick and others with scheming to obtain favorable proxy cards from Tyco shareholders that had the effect of keeping them in control of the company. Tyco, a Bermuda-based conglomerate whose offices are in Exeter, New Hampshire, makes products ranging from fire alarms to diapers. At the end of last year, Tyco said an investigation by its new management uncovered $382 million in accounting mistakes, which it blamed on
aggressive accounting by its former management team.

_____
This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED and/or PRIVILEGED, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.
_____

From:	Robert.Nichols@do.treas.gov
To:	<Jones, Alison>;John.Duncan@do.treas.gov <John.Duncan@do.treas.gov>;David.Aufhauser@do.treas.gov <David.Aufhauser@do.treas.gov>;Robert.Nichols@do.treas.gov <Robert.Nichols@do.treas.gov>;Tim.Adams@do.treas.gov <Tim.Adams@do.treas.gov>;April.Lehman@do.treas.gov <April.Lehman@do.treas.gov>;April.Lehman@do.treas.gov <Goldman, Adam B.>;April.Lehman@do.treas.gov <Hennessey, Keith>;April.Lehman@do.treas.gov <Powell, Dina>;April.Lehman@do.treas.gov <Snee, Ashley>;April.Lehman@do.treas.gov <Kavanaugh, Brett M.>;Janet.Jones@do.treas.gov <Janet.Jones@do.treas.gov>;Janet.Jones@do.treas.gov <Everson, Nanette>;arnie_havens@csx.com <arnie_havens@csx.com>;arnie_havens@csx.com <Ingle, Edward>;linda_mathis@csx.com <linda_mathis@csx.com>;linda_mathis@csx.com <Wolff, Candida P.>;linda_mathis@csx.com <Kratovil, Lindley>;linda_mathis@csx.com <Warsh, Kevin>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>;Adam_Hollingsworth@csx.com <Adam_Hollingsworth@csx.com>;arnie_havens@csx.com <arnie_havens@csx.com>;LBlalack@OMM.com <LBlalack@OMM.com>
CC:	<Ojakli, Ziad>
Sent:	2/3/2003 6:43:48 PM
Subject:	snow swearing in coverage fyi

Snow Takes Oath as Treasury Chief, to Push Tax Cut

By Simon Kennedy and Brendan Murray

Washington, Feb. 3 (Bloomberg) -- John Snow was sworn in as the 73rd U.S. Treasury secretary the day before he is to begin campaigning for President George W. Bush's proposed $690 billion tax cut.

The former chief executive of CSX Corp. stepped into the top Treasury post at a private ceremony held at the department he will now run. His predecessor, Paul O'Neill, left office Dec. 31 after being fired.

Snow is now the leader of Bush's revamped economic team, charged by the president with the task of persuading Congress to lower taxes during the next decade to bolster an economy that has lost jobs for two straight years and a stock market that has dropped for three.

``He is looking forward to implementing President Bush's agenda to strengthen economic growth and create jobs,'' said Rob Nichols, the Treasury's acting assistant secretary of public affairs.

Deputy Treasury Secretary Kenneth Dam, who ran the department on an interim basis after O'Neill left, administered the oath to Snow, whose wife held a copy of the Bible. Two of Snow's three sons, one of his daughters-in-law and all of his three grandchildren attended the ceremony, which took place beneath a portrait of Alexander Hamilton, the first Treasury secretary, in the secretary's office on the third floor of the Treasury building.

The new Treasury chief is expected to appear before a series of congressional panels this week to lobby for the tax cut and for Bush's fiscal 2004 budget. He is to start tomorrow afternoon with the House Ways and Means Committee before visiting the House Budget and Senate Finance panels Wednesday. The Senate confirmed his nomination Thursday.

Growth Forecasts

Bush overhauled his economics team Dec. 6, firing O'Neill and chief White House economic adviser Lawrence Lindsey. Stephen Friedman, a former Goldman Sachs Group Inc. co-chairman was appointed to succeed Lindsey.

After falling into recession in March 2001, the economy is expected to grow less than 3 percent for the third successive year in 2003, according to Bush's fiscal 2004 budget, released today. It will grow 2.9 percent this year and 3.6 percent in 2004 after a 2.4 percent expansion last year, the budget forecast.

The tepid recovery and the war on terrorism mean the government will run a budget deficit of $199 billion this year and won't log a surplus until 2007, the Congressional Budget Office said last week. Wall Street analysts have said this year's shortfall will be closer to $300 billion after Congress approves tax cuts and additional spending. The White House today estimated the deficit at $304 billion on its $2.23 trillion budget proposal for fiscal 2004.

Snow on the Deficit

The administration said the projected deficit for this year would amount to 2.8 percent of gross domestic product, well below the 6 percent of 1983, which was the most since World War II.

Bush hopes his call to eliminate taxes on dividends, accelerate income-tax reductions and aid the unemployed will bolster the economy and help him win re-election in 2004.

Snow, who campaigned for balanced budgets in the 1990s as chairman of the Business Roundtable, last week told the Senate that Bush's plan would create 500,000 jobs by year end and leave ``relatively modest'' deficits that wouldn't harm growth or worry financial markets.

``Getting the economy strong is the best way to service that debt,'' Snow told the Senate Finance panel. ``Reducing taxes stimulates the economy and puts us in a better position to do that.''

Democrats complain Bush's plan is biased toward the rich, will boost the deficit and would do little for the economy. ``His plan will push up interest rates, retard economic growth, and create massive problems,'' said Senator Kent Conrad of North Dakota, the ranking Democrat on the Senate Budget Committee.

Student of Two Nobelists

The 63-year old Snow has a net worth of around $100 million and has pledged to sell his stock in CSX and 60 other companies within 90 days. CSX, the No. 3 railroad company, named Michael Ward, its president, to replace him as chief executive and chairman.

Snow holds a doctorate in economics from the University of Virginia, where he was a student of two Nobel laureates. He has also been employed as a lawyer and as an academic. He served as a deputy secretary of Transportation under President Gerald Ford and last year co-chaired a Conference Board study of corporate malfeasance. He joined CSX in 1977.

At the Treasury, Snow will earn $171,900 a year and oversee an $11 billion annual budget. His initial staff of 117,000 will drop by around a quarter as Treasury agencies such as the Secret Service and the Customs Service are absorbed by the new Homeland Security Department.

Paris Debut

As well as formulating domestic economic and tax policy, Snow will be responsible for leading the U.S. crackdown on terrorism financing, managing the nation's debt and crafting the Bush administration's approach to international financial institutions.

His debut on the world stage will come Feb. 21 when he travels to Paris for a meeting of finance ministers from the Group of Seven industrial nations. The gathering was scheduled for last week until the French government delayed it amid doubt Snow would receive Senate confirmation in time to attend.

Snow's signature will also begin appearing on U.S. dollar bills and notes in April or May, according to the Bureau of Engraving and Print.

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Snow Sworn in As Treasury Secretary

By JEANNINE AVERSA, Associated Press Writer

WASHINGTON - Former CSX railroad executive John Snow was sworn in Monday as the nation's 73rd treasury secretary, and he has his work cut out for him: Trying to steer the wobbly U.S. economy back onto firmer footing.

One of Snow's first major jobs will be selling President Bush (news - web sites)'s $695 billion tax-cut plan, aimed at energizing the $10.5 trillion economy. The proposal was included in the $2.23 trillion budget for 2004 that Bush sent to Congress on Monday.

Snow - sworn in during a private ceremony at 5 p.m. - was confirmed by the Senate last week and spent all day Monday getting briefed on the president's budget, said Treasury Secretary Rob Nichols. Snow will testify on the president's 2004 budget on Capitol Hill three times in the next two days, Nichols said.

The private ceremony took place inside the blue office of the treasury secretary and underneath the portrait of the nation's first treasury secretary, Alexander Hamilton. Snow's wife, Carolyn, two of his sons and his grandchildren attended.

Snow has pledged to sell his extensive stock holdings in CSX Corp. and 60 other companies and put his money in diversified mutual funds. He will do so within 90 days. Snow has said he would recuse himself from participating in any decisions involving CSX while at Treasury, and would forego a lucrative severance package estimated at up to $15 million.

Snow, the head of railroad giant CSX for the past 14 years, was picked by Bush in December to replace Paul O'Neill after the president decided to shake up his economic team in an effort to find more effective salesmen for his new economic stimulus package.

Ken Dam, the deputy treasury secretary who took over the department's helm after O'Neill's departure, administered the oath of office to Snow. A public ceremony for Snow could take place at the White House this week. A ceremony was slated for Tuesday but was moved because of a memorial service in Houston for the Columbia shuttle astronauts.

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John Snow Sworn In As US Treasury Secretary At 5 PM Mon

DOW JONES NEWSWIRES

WASHINGTON -- John **Snow** was sworn in as the 73rd Treasury Secretary at about 5 p.m. EST Monday, the U.S. Treasury said.

Deputy Treasury Secretary Kenneth Dam administered Snow's oath in the Treasury Secretary's office in the main Treasury building, said Treasury spokesman Rob Nichols. The ceremony was private and included Snow's wife, Carolyn, two of his three sons and his three grandchildren.

Snow was at work all day Monday, attending briefings President George W. Bush's budget, Nichols said. **Snow** is slated to go before three Congressional panels this week to discuss the budget.

Tuesday afternoon he will testify before the House Ways and Means Committee. Wednesday morning he is set to appear before the House Budget Committee, followed by the Senate Finance Committee in the afternoon.

"During those hearings, Secretary **Snow** will share his views on the President's jobs and growth package and what the President is doing to accelerate economic growth," Nichols said.

Treasury has been without a secretary since the end of last year, when Secretary Paul O'Neill resigned under pressure. O'Neill's last day on the job was Dec. 31 and Dam has been serving as acting Treasury secretary.

Snow stepped down last week from his job as chairman and chief executive of CSX Corp. (CSX). Friday CSX named Michael Ward as the railroad company's new chairman and CEO.

The clock has started ticking for **Snow** and his wife to sell their stock holdings. In an ethics agreement released last month, **Snow** and his wife also pledged to sell their holdings in CSX and some 70 other companies, including AOL Time Warner Inc. (AOL), CarMax Inc. (KMX), Duke Energy Corp. (DUK), HSBC Holdings PLC (HBC) and Tyco International Ltd. (TYC). The money will be reinvested in diversified mutual funds, among other ventures.

Snow's personal financial-disclosure form doesn't list his specific net wealth, but said it is at least $70 million. **Snow** said he and his wife would sell CSX stock within 90 days of confirmation, which was Jan. 30, and he pledged to disqualify himself involving matters involving CSX Corp. for the duration of his Treasury term.

In addition to Monday's private swearing-in ceremony, **Snow** may go through a public ceremony with the President later this week, in line with usual procedure for appointments.

-By Rebecca Christie, Dow Jones Newswires; 202 862 9249;rebecca.christie@dowjones.com

++++++++++++++++++++++++++

Snow Sworn in as New Treasury Secretary
Mon February 03, 2003 06:09 PM ET

By Glenn Somerville

WASHINGTON (Reuters) - Railroad executive John Snow was sworn in on Monday as treasury secretary, taking over the senior Cabinet post left vacant by the resignation under fire of Paul O'Neill in December.

Snow, attended by his wife Carolyn and other family members, was sworn in to office by acting Treasury

Secretary Kenneth Dam at a private ceremony at the Treasury. Typically, there is a public ceremony later with President Bush, but it was unclear when that would happen.

Snow will be the principal spokesman for Bush's economic policies, including his $2.24-trillion budget for next year, sent to Congress on Monday. He also has the job of selling Bush's $674-billion economic stimulus program, a task he will begin with three appearances before lawmakers on Capitol Hill on Tuesday and Wednesday.

Snow spent all day on Monday being briefed on the budget proposals.

He was scheduled to testify on Tuesday morning to the Senate Finance Committee, but that was rescheduled to Wednesday so lawmakers can attend a memorial ceremony for the seven astronauts lost in the Columbia space shuttle tragedy on Saturday.

TRIPLE TESTIMONY AHEAD

Snow will testify on Tuesday before the tax-writing House Ways and Means Committee. On Wednesday, he will testify twice -- before the House Budget Committee in the morning and to the Senate Finance Committee in the afternoon.

Snow is expected to face tough questioning from lawmakers on the budget proposals, which project deficits of $304 billion for the current fiscal year ending Sept. 30 and $307 billion next year, surpassing a 1992 record of $290 billion.

The 63-year-old Snow was chairman of regional freight giant CSX Corp., a position he surrendered at the end of last week. The wealthy industrialist also said he will give up the directorships he holds on the boards of other companies to avoid any conflicts of interest.

Treasury spokesman Robert Nichols said Snow was preparing for his new duties. "Secretary Snow is looking forward to implementing President Bush's agenda to strengthen economic growth and create jobs," Nichols said.

At his hearing last Tuesday, Snow said he supported a strong dollar and, in written questions and answers made public before Thursday night's confirmation vote, he pledged to push the United States' trading partners to do more to boost their economic growth.

Snow will get an early chance to do that when finance ministers from the Group of Seven industrial nations -- the United States, Britain, Canada, France, Germany, Italy and Japan -- gather in Paris on Feb. 21-22. The session was originally scheduled to take place on last weekend but was rescheduled to accommodate Snow.

Rob Nichols

U.S. Department of the Treasury

202-622-2910

From: James C. Ho <JamesCHo@stanfordalumni.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/3/2003 4:49:02 PM
Subject: : Re: new job information

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"James C. Ho" <JamesCHo@stanfordalumni.org> ( "James C. Ho"
<JamesCHo@stanfordalumni.org> [ UNKNOWN ] )
CREATION DATE/TIME: 3-FEB-2003 21:49:02.00
SUBJECT:: Re: new job information
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Thanks and likewise.

At 09:20 a.m. 2/3/2003, Brett_M._Kavanaugh@who.eop.gov wrote:
>awesome. I look forward to working with you in that new capacity. He is
a
>great man. Congrats.
>
>To:
>cc:
>Subject: new job information
>
>Just wanted to write to inform you that, after nearly two years of
service in
>the Civil Rights Division and the Office of Legal Counsel, I will be
leaving the
>U.S. Department of Justice. After President's Day Weekend, I will become
Chief
>Counsel to the Subcommittee on the Constitution, Civil Rights, and
Property
>Rights, chaired by freshman U.S. Senator John Cornyn of Texas, my once and
>future home state. I will be coordinating all Judiciary Committee
matters for
>the Senator.
>
>I will be sure to circulate my new contact information when it becomes
>available. My home contact info and personal mobile phone will not
change, and
>my permanent e-mail address remains <JamesCHo@stanfordalumni.org>.
```

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 2/4/2003 7:11:46 AM
Subject:

Opening shots

The political war to get President Bush's judicial nominees confirmed begins at 2:15 p.m. tomorrow, according to conservative activist Kay Daly.

That's when the Senate is scheduled to consider Miguel Estrada, the first Hispanic nominated to the D.C. Circuit Court of Appeals.

"Ralph Neas, if you are out there and you want to filibuster Miguel Estrada, bring it on," said Mrs. Daly, a spokeswoman for the Coalition for a Fair Judiciary and recipient of the Ronald Reagan Award at the 30th annual Conservative Political Action Conference last week.

Mr. Neas, president of People for the American Way, has called Mr. Estrada "the Hispanic Clarence Thomas."

In accepting the award from American Conservative Union Chairman David A. Keene, Mrs. Daly urged the nearly 4,000 activists attending the conference to "write, call, e-mail or send carrier pigeons to their senators requesting that they do the right thing and vote to confirm Miguel Estrada."

Several liberal organizations have promised a bare-knuckles brawl to defeat the Estrada nomination. New York Democratic Sen. Charles E. Schumer has threatened a filibuster.

Mr. Keene described Mrs. Daly, five months pregnant with her second child, as a "modern-day Phyllis Schlafly," reports Ralph Z. Hallow of The Washington Times.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 2/4/2003 8:44:42 AM
Subject: RE: can you fax me feinstein letter

Done. Did you chat with Heather about Judge's meeting with Pryor?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, February 04, 2003 8:38 AM
To: Nelson, Carolyn
Subject: can you fax me feinstein letter

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
Sent: 2/4/2003 9:30:30 AM
Subject: : Re: Meeting with David Leitch and Judge

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-FEB-2003 14:30:30.00
SUBJECT:: Re: Meeting with David Leitch and Judge
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

thank you for the notice.

From: Carolyn Nelson/WHO/EOP@Exchange on 02/04/2003 02:05:44 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Meeting with David Leitch and Judge

3:30-4:30 this afternoon in the Judge's Office.

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 2/4/2003 11:43:50 AM
Subject: TELL THEM IT'S TAKING TOO LONG AND IT'S URGENT

this is taking too long

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 02/04/2003 11:51 AM ----------

Brett M. Kavanaugh

02/04/2003 11:42:10 AM

Record Type: Record

To: Hana F. Brilliant/WHO/EOP@EOP

cc:

Subject: TELL THEM IT'S TAKING TOO LONG AND IT'S URGENT

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange [WHO] <Heather Wingate>
Sent: 2/4/2003 8:33:37 AM
Subject: : Frist/Hatch letter
Attachments: P_PZRLD003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-FEB-2003 13:33:37.00
SUBJECT:: Frist/Hatch letter
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Judge was asking about this. I attach the latest draft. Not sure when you would want to float by Alex/Makan. If you have any thoughts about draft, let me know, and I will make changes.

DRAFT LETTER FROM SENATORS FRIST AND HATCH

Dear Mr. President:

We write in response to your October 30 East Room announcement of a specific plan that would resolve the continuing problem of delay in the judicial confirmation process, as well as the judicial vacancies and emergencies caused by such delay. We greatly appreciate and support your leadership and effort to resolve this difficult problem -- and to do so, as you said, on a permanent basis no matter who is President or which party controls the Senate.

You proposed that federal appeals and district court judges notify the President at least a year in advance of retirement where possible, that Presidents submit nominations within 180 days of a nomination, and that the Senate hold a Judiciary Committee hearing within 90 days and an up-or-down floor vote within 180 days of nomination. We agree with you that all three Branches have a responsibility for working together to end the judicial vacancy crisis and to ensure that the judicial confirmation process works in an orderly and predictable manner.

In particular, we agree with you that judges should notify the President, where possible, at least a year in advance of their intended retirement, a proposal that builds upon existing Judicial Conference policy. We also agree with you that Presidents should submit nominations within 180 days of learning of a vacancy. We recognize and appreciate that you are complying with this 180-day time frame in submitting your judicial nominations to the Senate. Both of these steps, if adopted and followed permanently, would greatly improve the process and assist in ending the vacancy crisis.

As to the Senate, you specifically proposed that the Judiciary Committee hold a hearing on each nominee within 90 days of nomination and that the full Senate hold an up-or-down floor vote on each nominee no later than 180 days after nomination. The Constitution provides that the Senate act on a President,s judicial nominations. And in the past, Senators of both parties, including leading Democrats such as Senator Leahy, have expressly supported similar (or shorter) deadlines for hearings and up-or-down floor votes on judicial nominees. We agree with you that, absent unusual or extraordinary circumstances, every judicial nominee should receive a prompt Judiciary Committee hearing and prompt up-or-down floor vote. There may be unusual or extraordinary circumstances when such deadlines are not feasible) for example, where the Judiciary Committee concludes

that a President has not adequately consulted home-State Senators about a nomination. But absent unusual or extraordinary circumstances, every judicial nominee deserves a prompt hearing and prompt up-or-down floor vote. We will work with Senators of both parties to ensure that this policy is adopted and complied with -- both now and in the future, no matter who is President or which party controls the Senate.

We appreciate your leadership in seeking to resolve this difficult problem on a permanent basis. We look forward to working with you on it.

Sincerely,

Bill Frist
Orrin G. Hatch

cc: The Honorable Thomas A. Daschle
The Honorable Patrick J. Leahy

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_PZRLD003_WHO.TXT_1>

DRAFT LETTER FROM SENATORS FRIST AND HATCH

Dear Mr. President:

We write in response to your October 30 East Room announcement of a specific plan that would resolve the continuing problem of delay in the judicial confirmation process, as well as the judicial vacancies and emergencies caused by such delay. We greatly appreciate and support your leadership and effort to resolve this difficult problem -- and to do so, as you said, on a permanent basis no matter who is President or which party controls the Senate.

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We appreciate your leadership in seeking to resolve this difficult problem on a permanent basis. We look forward to working with you on it.

Sincerely,

Bill Frist
Orrin G. Hatch

cc: The Honorable Thomas A. Daschle
The Honorable Patrick J. Leahy

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>
Sent: 2/4/2003 12:57:40 PM
Subject: : Re: Conference call tomorrow with WH Liaisons

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-FEB-2003 17:57:40.00
SUBJECT:: Re: Conference call tomorrow with WH Liaisons
TO:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

done
```

```
Katherine M. Walters
02/04/2003 05:54:59 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Conference call tomorrow with WH Liaisons

We are aiming for 5:30 pm. Please hold that time. thanks
```

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/4/2003 9:07:00 AM
Subject: : Meeting with David Leitch and Judge

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 4-FEB-2003 14:07:00.00
SUBJECT:: Meeting with David Leitch and Judge
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

3:30-4:30 this afternoon in the Judge's Office.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
Sent: 2/4/2003 9:30:30 AM
Subject: : Re: Meeting with David Leitch and Judge

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-FEB-2003 14:30:30.00
SUBJECT:: Re: Meeting with David Leitch and Judge
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

thank you for the notice.

From: Carolyn Nelson/WHO/EOP@Exchange on 02/04/2003 02:05:44 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Meeting with David Leitch and Judge

3:30-4:30 this afternoon in the Judge's Office.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>;<Brilliant, Hana F.>
Sent: 2/4/2003 1:55:48 PM
Subject: RE: stauts report???

It's ready. Hana has it.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, February 04, 2003 1:51 PM
To: Brilliant, Hana F.; Bumatay, Patrick J.
Subject: stauts report???

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 2/4/2003 2:26:36 PM
Subject: Re: Meeting with David Leitch and Judge

thank you for the notice.

From: Carolyn Nelson/WHO/EOP@Exchange on 02/04/2003 02:05:44 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Meeting with David Leitch and Judge

3:30-4:30 this afternoon in the Judge's Office.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Wingate, Heather>
Sent: 2/4/2003 3:15:58 PM
Subject: Chicago Tribune editorial on Sutton

HEADLINE: Playing judicial 'gotcha'

BODY:

Judicial nominations in the post-Bork era often descend into a game of "gotcha." It requires finding anything the appointee has ever said or done that is halfway controversial, blowing it far out of proportion, and using it to depict him or her as a rabid zealot or a conscious agent of evil.

It's not hard to do, particularly when it comes to lawyers, who often represent unpopular clients, or scholars, who get paid to explore unconventional ideas. But it's not a boon to a calm, reasoned process of advise and consent. The latest nominee to get this treatment is **Jeffrey Sutton,** named by President Bush to the 6th Circuit Court of Appeals in Cincinnati. He's been targeted by Democrats and disabled-rights activists for his litigation on behalf of "the new federalism"--decisions that have buttressed the long-diminishing power of state governments versus the federal governments. In a recent letter to Judiciary Committee Chairman Orrin Hatch, Access Living, an organization representing the disabled, called him a "radical" with "intolerable" views who favors discrimination against the disabled.

The chief proof of this claim is that Sutton argued before the Supreme Court that disabled state employees may not rely on the Americans with Disabilities Act to sue the state government for discrimination. But that case wasn't based on hostility to the handicapped. It was based on the conviction that the Constitution reserves some powers to the states. Just because you don't think the federal government should set the speed limit on every street in America doesn't mean you're in favor of dangerous driving.

What's more, Sutton's argument in the ADA was so solidly grounded in constitutional theory and precedent that the court agreed with him. The court found that the ADA was intended to combat discrimination in the private sector, and said Congress couldn't impose such burdens on the states except to remedy constitutional violations--which had not been found. Sutton didn't write the law or the Constitution, and he shouldn't be faulted for pointing out when one is in conflict with the other.

For his part, the nominee said at last week's hearing that he has handled cases on both sides of the disabled-rights issue. In one, he successfully represented a blind woman whose medical school application was rejected.

Sutton has taken other cases aimed at preserving the legitimate powers of state governments. That's a perfectly valid function for a lawyer. Even if you assume he was pushing his own ideas, there's nothing morally defective about the belief that some powers belong to the states. That belief happens to lie at the heart of our system.

The new federalism, in any case, is a product of the Supreme Court's reading of the Constitution, not the preferences of any individual litigant. Anyone dissatisfied with that interpretation should direct complaints to the justices. When disability advocates oppose Sutton, it's because they fear he will abide by the court's decisions on these matters. But that's what lower court judges are supposed to do.

Sutton is a lawyer of uncommon gifts whose insights have illuminated the Supreme Court's understanding of the constitution's division of power between the national government and the states. Contrary to what his opponents say, those qualities are virtues, not vices.

From:	Loy, Carrie B.
To:	<Card, Andrew H.>;<Bolten, Joshua B.>;<Hagin, Joseph W>;<Bartlett, Daniel J.>;Suzy_DeFrancis/WHO/EOP <Suzy_DeFrancis/WHO/EOP@EOP>;Suzy_DeFrancis /WHO/EOP <Gerson, Michael J.>;Suzy_DeFrancis/WHO/EOP <Eskew, Tucker A.>;Suzy_DeFrancis/WHO/EOP <Fleischer, Lawrence A.>;Suzy_DeFrancis/WHO/EOP <Buchan, Claire>;Suzy_DeFrancis/WHO/EOP <McClellan, Scott>;Suzy_DeFrancis/WHO/EOP <Gonzales, Alberto R.>;Suzy_DeFrancis/WHO/EOP <Leitch, David G.>;Suzy_DeFrancis/WHO/EOP <Hobbs, David W.>;Suzy_DeFrancis/WHO/EOP <Ojakli, Ziad>;Suzy_DeFrancis/WHO/EOP <Westine, Lezlee J.>;Suzy_DeFrancis/WHO/EOP <Powell, Dina>;Suzy_DeFrancis/WHO/EOP <Blakeman, Bradley A.>;Suzy_DeFrancis/WHO/EOP <Ball, Andrea G.>;Suzy_DeFrancis/WHO/EOP <Ruhlen, Stephen S.>;Suzy_DeFrancis/WHO/EOP <Libby, Lewis>;Catherin Martin/OVP/EOP <Catherin Martin/OVP/EOP@EOP>;Catherin Martin/OVP/EOP <Conda, Cesar>;Catherin Martin/OVP/EOP <Wolff, Candida P.>;Catherin Martin/OVP/EOP <Spellings, Margaret M.>;Catherin Martin/OVP/EOP <Bridgeland, John M.>;Catherin Martin/OVP/EOP <Friedman, Stephen>;Catherin Martin/OVP/EOP <Barrales, Ruben S.>;Catherin Martin/OVP/EOP <Clark, Alicia P.>;Catherin Martin/OVP/EOP <Kaplan, Joel>;Catherin Martin/OVP/EOP <Carlson-thies, Stanley W.>;Catherin Martin/OVP/EOP <Hernandez, Israel>;Catherin Martin/OVP/EOP <Jackson, Barry S.>;Catherin Martin/OVP/EOP <Ciccone, Christine>;Catherin Martin/OVP/EOP <Lefkowitz, Jay P.>;Catherin Martin/OVP/EOP <Spagnoli, Deborah A.>;Catherin Martin/OVP/EOP <Connaughton, James>;Catherin Martin/OVP/EOP <Garrison, Stephen M.>;Catherin Martin/OVP/EOP <Addington, David S.>;Catherin Martin/OVP/EOP <Bartolomucci, H. Christopher>;Catherin Martin/OVP/EOP <Bellinger, John B.>;Bradford A. Berenson/WHO/EOP <Bradford A. Berenson/WHO/EOP@EOP>;Bradford A. Berenson/WHO/EOP <Leitch, David G.>;Bradford A. Berenson/WHO/EOP <Francisco, Noel J.>;Bradford A. Berenson/WHO/EOP <Kavanaugh, Brett M.>;Bradford A. Berenson/WHO/EOP <Walker, Helgard C.>;Bradford A. Berenson/WHO/EOP <Riepenhoff, Allison L.>;Bradford A. Berenson/WHO/EOP <Bennett, Melissa S.>;Bradford A. Berenson/WHO/EOP <Graham, John>;Bradford A. Berenson/WHO/EOP <Goldman, Adam B.>;Bradford A. Berenson/WHO/EOP <Anderson, David R.>;Carl Buchholz/WHO/EOP <Carl Buchholz/WHO/EOP@EOP>;Carl Buchholz/WHO/EOP <Mehlman, Ken>;Carl Buchholz/WHO/EOP <MacHida, Ado A.>;Carl Buchholz/WHO/EOP <Cooney, Phil>;Carl Buchholz/WHO/EOP <Newstead, Jennifer G.>;Carl Buchholz/WHO/EOP <Dunn, David>;Carl Buchholz/WHO/EOP <Zimmerman, Neil H.>;Carl Buchholz/WHO/EOP <Keniry, Daniel>;Carl Buchholz/WHO/EOP <Flannery, Julian M.>;Carl Buchholz/WHO/EOP <Silverberg, Kristen>;Carl Buchholz/WHO/EOP <Marburger, John H.>;Carl Buchholz/WHO/EOP <Russell, Richard M.>;Carl Buchholz/WHO/EOP <Jeffrey, William A.>;Carl Buchholz/WHO/EOP <Alexander, Bretton S.>;Carl Buchholz/WHO/EOP <Falkenrath, Richard>;Carl Buchholz/WHO/EOP <McNally, Edward>;Carl Buchholz/WHO/EOP <Klinger, Gil I.>;Carl Buchholz/WHO/EOP <Bellinger, John B.>;Carl Buchholz/WHO/EOP <Besanceney, Brian R.>;Carl Buchholz/WHO/EOP <McClellan, Scott>;Carl Buchholz/WHO/EOP <Wood, Joseph R.>;Carl Buchholz/WHO/EOP <Peacock, Marcus>;Carl Buchholz/WHO/EOP <Olsen, Kathie L.>;Carl Buchholz/WHO/EOP <Dale, Shana L.>;Carl Buchholz/WHO/EOP <Hays, Sharon L.>;Carl Buchholz/WHO/EOP <O'Brien, Maureen R.>;Carl Buchholz/WHO/EOP <Harrington, Kathryn M.>;Carl Buchholz/WHO/EOP <Abbot, Charles S.>
CC:	<Campbell, Anne E.>;<Grant, Britt>;<Ritacco, Krista L.>;<Nipper, Wendy L.>;<McQuade, Vickie A.>;<Ralston, Susan B.>;<Kyle, Ross M.>;<Litkenhaus, Colleen>;<Gillmor, Eleanor L.>;<Ingle, Edward>;<Lawlor, Laura S.>;<Tulbah, Ali H.>;<Koch, Matthew>;<Parell, Christie>;<Ingwell, Carmen M.>;<Montgomery, Brian D.>;<Hughes, Taylor A.>
Sent:	2/4/2003 4:47:14 PM
Subject:	NASA Invitation to Columbia Memorial Service
Attachments:	30342-Invitation.pdf

Attached is an electronic version of the NASA invitation to the memorial service at the **Washington National Cathedral on Thursday, February 6 at 10:00am.** Please confirm your attendance via email no later than noon on Wednesday, February 5. If group transportation is organized for WH Staff, details will be provided.

For those using their own transportation, you will need to present a printout or photocopy of the attached invitation for admission to the service. Please plan to arrive in time to go through magnetometers and be **seated no later than 9:30am**. Parking around the cathedral is limited, so please plan accordingly.

Should you have additional questions, please contact the Office of Cabinet Affairs at 456-2572.

- 30342-Invitation.pdf << 30342-Invitation.pdf >>

The Bishop of Washington
The Dean of Washington National Cathedral
and
The Administrator,
National Aeronautics and Space Administration
Invite you to join

The Vice President of the United States of America

at

a Service in Celebration of and Thanksgiving for

the lives of the Crew
of the Space Shuttle Columbia

on Thursday, February 6, 2003
at ten o'clock a.m.

Washington National Cathedral
Massachusetts and Wisconsin Avenues, NW
Washington, DC

RSVP 202-358-1711
202-358-1718

Please Present Invitation
for Admittance

REV_00108550

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>
Sent: 2/4/2003 1:20:08 PM
Subject: : Re: signed TEFOS forms needed

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-FEB-2003 18:20:08.00
SUBJECT:: Re: signed TEFOS forms needed
TO:Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I do not think I have these?

Hana F. Brilliant
02/04/2003 05:10:37 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: signed TEFOS forms needed

Kathy is looking for these TEFOS forms. They are all political and not official travel. -Hana
---------- Forwarded by Hana F. Brilliant/WHO/EOP on 02/04/2003 05:07 PM ----------

From: Katherine M. Prendergast/WHO/EOP@Exchange on 02/04/2003 10:06:40 AM
Record Type: Record

To: Hana F. Brilliant/WHO/EOP@EOP
cc: Joseph W. Fricks III/WHO/EOP@EOP, Deborah J. Eng/WHO/EOP@EOP
Subject: signed TEFOS forms needed

Hi Hana -
;
In addition to the two Political Affairs TEFOS forms we were looking for yesterday (still need for Coddy Johnson and Ken Mehlman, departing mid Feb), I am now looking for the following:
;
Paul Dyck departing 2/6 for Jackson, MS
Secretary Card departing 2/24 for Bethlehem, PA
Jose Mallea departing 2/24 for Bethlehem, PA
These can be faxed to me at 66472 when they are signed.; Thanks!; Kathy
Kathy Prendergast
White House Management
ph: (202) 456-5106
fx: (202) 456-6472
kprender@who.eop.gov
;

From: CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/4/2003 1:47:38 PM
Subject: :
Attachments: P_OSDMD003_WHO.TXT_1.doc

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone ( CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange [ OA ] )
CREATION DATE/TIME: 4-FEB-2003 18:47:38.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett--This draft letter relates to the matter of removing Presidential
record e-mails from former administrations that are at NARA.; I think I
copied you on a draft we worked;with Brad awhile back.;
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OSDMD003_WHO.TXT_1>
```

January 14, 2003

Dear Mr. Stern:

As a follow up to our previous discussions, this letter confirms the intention of the Office of Administration to delete our duplicate set of certain Presidential record e-mails from the Presidency of George H.W. Bush that remain on EOP computer systems. These e-mails were restored from backup tapes under the resolution of Armstrong v. Executive Office of the President, and were loaded into the Automated Records Management System (ARMS) located on the EOP complex using the same output tapes that are now in NARA's possession. In addition, we understand that NARA has made preservation copies of these output tapes that are also in NARA's possession.[1] Moreover, we are awaiting word from the Department of Justice that notice to any appropriate courts or other parties has been provided. If I do not hear from you on or before January 27, 2003, I will assume that NARA has no objection to OA's planned deletion of this non-record copy.

Please call me directly if you have any questions or would like to discuss this matter.

Sincerely,

Adam F. Greenstone
General Counsel

Gary Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

[1] Pursuant to earlier correspondence dated May 22, 2001 from Bradford A. Berenson, Associate Counsel to the President, to Mr. Stern, Mr. Berenson provided similar notice that the Office of Administration intends to delete the corresponding duplicate copy set of Clinton Administration presidential record e-mails which were loaded onto the ARMS system located on the EOP complex. We anticipate that deletion of both duplicates will take place at the same time once full clearance to delete both is obtained, although we reserve the option of deleting each group separately.

From: Greenstone, Adam F.
To: <Kavanaugh, Brett M.>
Sent: 2/4/2003 6:47:24 PM
Subject:
Attachments: BushIdelete2.doc

Brett--This draft letter relates to the matter of removing Presidential record e-mails from former administrations that are at NARA. I think I copied you on a draft we worked with Brad awhile back.

January 14, 2003

Dear Mr. Stern:

As a follow up to our previous discussions, this letter confirms the intention of the Office of Administration to delete our duplicate set of certain Presidential record e-mails from the Presidency of George H.W. Bush that remain on EOP computer systems. These e-mails were restored from backup tapes under the resolution of Armstrong v. Executive Office of the President, and were loaded into the Automated Records Management System (ARMS) located on the EOP complex using the same output tapes that are now in NARA's possession. In addition, we understand that NARA has made preservation copies of these output tapes that are also in NARA's possession.[1] Moreover, we are awaiting word from the Department of Justice that notice to any appropriate courts or other parties has been provided. If I do not hear from you on or before January 27, 2003, I will assume that NARA has no objection to OA's planned deletion of this non-record copy.

Please call me directly if you have any questions or would like to discuss this matter.

Sincerely,

Adam F. Greenstone
General Counsel

Gary Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

[1] Pursuant to earlier correspondence dated May 22, 2001 from Bradford A. Berenson, Associate Counsel to the President, to Mr. Stern, Mr. Berenson provided similar notice that the Office of Administration intends to delete the corresponding duplicate copy set of Clinton Administration presidential record e-mails which were loaded onto the ARMS system located on the EOP complex. We anticipate that deletion of both duplicates will take place at the same time once full clearance to delete both is obtained, although we reserve the option of deleting each group separately.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Benjamin Powell/OMB /EOP@EOP [OMB] <Benjamin Powell>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;Theodore W. Ullyot/WHO /EOP@EOP [WHO] <Theodore W. Ullyot>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David G. Leitch/WHO /EOP@Exchange [WHO] <David G. Leitch>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 2/5/2003 4:03:48 AM
Subject: : 2nd time change for this week's meeting with the President

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 5-FEB-2003 09:03:48.00
SUBJECT:: 2nd time change for this week's meeting with the President
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin Powell ( CN=Benjamin Powell/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Friday, February 7
1:55pm
(20 Minutes)
;
Prep from 1:30-1:50 in the Judge's Office.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: William T. Griffin/WHO/EOP@EOP [WHO] <William T. Griffin>
Sent: 2/5/2003 7:50:39 AM
Subject: : Re: KCNN RESCHEDULED

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2003 12:50:39.00
SUBJECT:: Re: KCNN RESCHEDULED
TO:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

William T. Griffin
02/05/2003 12:42:55 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: KCNN RESCHEDULED

Got in touch with KCNN. They gave me the tape line, not the live line -- sorry. Can you do it tomorrow at the same time (12:30?)

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 2/5/2003 8:55:26 AM
Subject: media today

The 3:15 CBN interview today will be out on pebble beach, why don't you come here first and we can go out there. In addition to your radio interviews and CBN interview today, we are still trying to set up ed boards it the target states. These will likely be spread out in the week. The Post editorial today should help drive interest in the issue.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2003 5:32:21 AM
Subject: : Re: Byron York column today on Estrada

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2003 10:32:21.00
SUBJECT:: Re: Byron York column today on Estrada
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

good job!

Brett M. Kavanaugh
02/05/2003 10:02:40 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Byron York column today on Estrada

The White House Case for Miguel Estrada
A final attempt to correct the record.

Senate debate is set to begin today on the nomination of Miguel Estrada to a place on the D.C. Circuit Court of Appeals. It is still not clear whether Democrats will attempt to block a vote on Estrada, who won approval from the Senate Judiciary Committee last week on a straight party-line vote. On Monday, White House Counsel Alberto Gonzales sent a letter to Democratic Sen. Dianne Feinstein in a last attempt to gain her support * if not for the nomination itself, then at least for allowing a full-Senate vote. Although the letter is framed as an effort to correct some of the "inaccurate or incomplete information" that Feinstein has cited in her opposition to Estrada, it is in fact the most concise and effective argument the White House has yet made for the nomination. What follows is the full text of the Gonzales letter.
* Byron York

February 3, 2003

Dear Senator Feinstein:
I write in response to your vote in the Judiciary Committee on the nomination of Miguel Estrada and to respectfully urge that you reconsider this important nomination when you vote on it in the full Senate. I write in particular because it appears from your statement in the Committee (and on your web site) that you may possess inaccurate or incomplete information on certain issues that you have deemed important to the Estrada nomination.
First, it appears you relied on the fact that Estrada has no previous judicial service. But five of the eight judges currently serving on the D.C. Circuit had no previous judicial experience when appointed. That includes two of President Clinton's nominees, Merrick Garland, whose

Justice Department record was quite similar to that of Miguel Estrada, and David Tatel. In addition, Judge Harry Edwards had no prior judicial experience when he was nominated by President Carter in 1979, and he was younger than Estrada. In addition, several Ninth Circuit judges from California who were appointed by President Clinton, and had your support, had no prior judicial experience. That includes Judge William Fletcher, Judge Raymond Fisher, and Judge Marsha Berzon.

The American Bar Association, which Democrat Senators Leahy and Schumer have referred to as the "gold standard," unanimously rated Estrada "well qualified" for the D.C. Circuit, the ABA's highest possible rating. We think the ABA rating was quite appropriate in light of Estrada's excellent record, including his work as an Assistant Solicitor General in the Clinton and Bush Administrations, his record as a federal prosecutor in New York, his service as a law clerk to Justice Kennedy, and his pro bono work including his volunteer representation of a death row inmate before the Supreme Court. He has argued 15 cases before the Supreme Court of the United States, a figure that few lawyers can match, and particularly impressive for someone who immigrated to this country at age 17 speaking little English.

Second, you also referenced a news report quoting the views of Paul Bender, a former Deputy Solicitor General. Mr. Bender has not written a letter to the Committee or otherwise publicly explained his views, so we are unclear whether this news report was accurate. But more important, as I explained in a September 17, 2002, letter to then-Chairman Leahy and Senator Hatch, Paul Bender in fact signed the performance reviews of Miguel Estrada for the two years that they worked together. The performance reviews for those years gave Estrada the highest possible rating of "outstanding" in every possible category. Significantly, the performance reviews that Bender signed also stated the following to support the judgment that Estrada's performance was "outstanding."

"states the operative facts and applicable law completely and persuasively, with record citations, and in conformance with court and office rules, and with concern for fairness, clarity, simplicity, and conciseness."

"[i]s extremely knowledgeable of resource materials and uses them expertly; acting independently, goes directly to point of the matter and gives reliable, accurate, responsive information in communicating position to others."

"[a]ll dealings, oral and written, with the courts, clients, and others are conducted in a diplomatic, cooperative, and candid manner."

"[a]ll briefs, motions or memoranda reviewed consistently reflect no policies at variance with Departmental or Governmental policies, or fails to discuss and analyze relevant authorities."

"[i]s constantly sought for advice and counsel. Inspires co-workers by example."

Apart from the contemporaneous reviews that Mr. Bender himself signed, it also bears mention that the Committee has received letters from Seth Waxman, President Clinton's Solicitor General, and a bipartisan group of 14 former colleagues of Mr. Estrada in the Solicitor General's office. Seth Waxman wrote to the Committee that Estrada is a "model of professionalism and competence" and that he has "great respect both for Mr. Estrada's intellect and for his integrity." He continued: "In no way did I ever discern that the recommendations Mr. Estrada made or the views he propounded were colored in any way by his personal views - or indeed that they reflected anything other than the long-term interests of the United States." And the bipartisan group of former colleagues from the Office of Solicitor General wrote to the Committee that Estrada "would be a fair and honest judge who would decide cases in accordance with applicable legal principles and precedents." Finally, to the extent Mr. Bender's own personal political and ideological views are relevant, we call your attention to Senator Hatch's opening statement at the hearing on September 26, 2002.

Third, you referenced the fact that Miguel Estrada has been "accused" of using an ideological litmus test when assisting Justice Kennedy in the selection of his law clerks. We respectfully do not think this "accusation" is credible or supported. In fact, Mr. Estrada explained at his hearing that he in fact had been very supportive, for example, of the

hiring of one law clerk for Justice Kennedy who at the time worked for President Clinton, is a strong Democrat, and now works for Senator Leahy on the Judiciary Committee.

Fourth, you noted concern among "Hispanic organizations." In fact, the overwhelming majority of national Hispanic organizations have supported Mr. Estrada. That includes the Hispanic National Bar Association, the League of United Latin American Citizens, the U.S. Hispanic Chamber of Commerce, the Hispanic Business Roundtable, and the Latino Coalition, among many others. To be sure, MALDEF and PRLDEF do oppose Mr. Estrada. As to Hispanic members of the House, we understand that all of the Republican Hispanics support him while the Democrat Hispanics do not. In any event, LULAC's statement is noteworthy, as it states: "[Estrada] is truly one of the rising stars in the Hispanic community and a role model for our youth."

Thank you for considering this nominee in light of the above information. This is an historic nomination, as Miguel Estrada would be the first Hispanic to serve on the D.C. Circuit. We urge you to vote to confirm him.

Sincerely,

Alberto R. Gonzales
Counsel to the President

Message Sent
To:_____
H. Christopher Bartolomucci/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 2/5/2003 5:48:48 AM
Subject: : Byron York column today on Estrada

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2003 10:48:48.00
SUBJECT:: Byron York column today on Estrada
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 02/05/2003 10:52 AM ----------

Brett M. Kavanaugh
02/05/2003 10:02:40 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Byron York column today on Estrada

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A final attempt to correct the record.

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Alberto R. Gonzales
Counsel to the President

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To:_____
H. Christopher Bartolomucci/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2003 6:01:13 AM
Subject: : RE: Nat Hentoff column (positive) on Pickering

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 5-FEB-2003 11:01:13.00
SUBJECT:: RE: Nat Hentoff column (positive) on Pickering
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

How did the radio this morning go?
-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, February 05, 2003 10:50 AM
To: Gonzales, Alberto R.; Leitch, David G.; Snee, Ashley; Wingate, Heather
Subject: Nat Hentoff column (positive) on Pickering

NAT HENTOFF SWEET LAND OF LIBERTY
According to vociferous Democrats on the Senate judiciary committee, Mississippi Judge Charles Pickering is an especially outrageous presidential nominee to the 5th Circuit Court of Appeals. Minority Senate leader Tom Daschle of South Dakota pledges that ''we're going to do eve rything we can to stop that nomination.'' If need be, say Sens. Ted Kennedy (Massachusetts) and Charles Schumer (New York), they will paralyze Senate business and filibuster.
Whatever one's attitude about whether Pickering merits the promotion, the way these Democratic senators have ignored -- or deliberately misstated -- the facts in their key charge against Pickering reveals how scrofulous the partisanship on this committee c an become.
This behavior is not exclusive to these senators. I also include in this the various anti-Pickering organizations who imply that he is a racist, and who are complicit in denying him basic fairness on this widely publicized accusation.
Indeed, I cite The Washington Post, which last year called the U.S. District Court judge's first hearing ''a degradation of the confirmation process.''
The anti-Pickering campaign's keystone concerns United States v. Swan, a 1994 case involving three white men who burned a cross in front of the home of a white man and his black wife in a rural Mississippi county. The Civil Rights Division of the U.S. Justice Department decided to make a plea bargain with two of the three defendants. It made sense for 25-year-old Mickey Thomas, because of his low I.Q. But the other, a 17-year-old whose name was not released because of his age, turned out to be the ringleader. Both pleaded guilty and, based on the prosecutors' recommendations, received no jail time.
But the government insisted that 20-year-old Daniel Swan be given a mandatory minimum sentence of 7 1/2 years under the federal hate crimes statute. According to that law, the government had to prove that the considerable jail time was justified because the defendant had sufficient racial animus to be punished under that law.
The ringleader had previously fired a gun into the home of the interracial couple. The other defendants were not involved in that incident. And the 17-year-old defendant also had a history of anti-black attitudes. Swan, clearly involved in the cross-burning, did not have a prior record of violent hostility toward blacks.
Swan refused to bargain and pleaded not guilty. In a two-part documented account of why Pickering did not want to impose the 7 1/2 year sentence on Swan -- as appeared in the National Review Online article ''The Cross-Burning Case: What Really Happened'' -- reporter Byron York wrote: ''When it came time to sentence Swan, Pickering questioned whether it made

sense that the most-guilty defendant got off with a misdemeanor and no jail time, while a less-guilty defendant would be sentenced to 7 1/2 years in prison.''

One of the prosecutors, Jack Lacy, wrote to Pickering that he ''personally agreed with the judge that the sentence is draconian,'' but added that Swan had ''repeatedly chucked our (plea) offer in our teeth.''

Pickering did try hard to get the Justice Department to recommend a lower sentence that would have more to do with justice than with the prosecutor's pique that Swan had refused to accept a plea bargain.

''Finally,'' York wrote, ''Pickering got word from Civil Rights Division prosecutors, who said they had decided to drop the demand that Swan be given the five-year minimum portion of the recommended sentence. Pickering then sentenced Swan to 27 months in jail.''

At the sentencing, Pickering told Swan that he had committed ''a despicable act ... and it's an area that we've got to stamp out; that we've got to learn to live (together).'' Yet, Schumer threatened to filibuster against Pickering's elevation to the 5th Circuit because the judge, Schumer said, showed ''glaring racial insensitivity'' in working to get a lighter sentence for Swan. And New York Times columnist Maureen Dowd writes that Pickering has ''a soft spot for cross-burners.''

Sen. Kennedy has also charged that Pickering showed selective leniency toward this white cross-burner, while coming down hard on black defendants before him.

However, I have copies of the letters to the Senate Judiciary Committee from four lawyers in Hattiesburg, Miss., who represented black defendants before Pickering. Each tells of cases in which Pickering made significant downward departures from federal sentencing guidelines for these black defendants. Are these the actions of a racist?

From: Loy, Carrie B.

To: Karen D. Cruson/WHO/EOP <Abbot, Charles S.>;Andrea_G._Ball/WHO/EOP@EOP <Andrea_G._Ball/WHO/EOP@EOP>;Ruben_S._Barrales/WHO/EOP@EOP <Ruben_S._Barrales/WHO/EOP@EOP>;Daniel_j._Bartlett/WHO/EOP@EOP <Daniel_j._Bartlett/WHO/EOP@EOP>;Bradley_A._Blakeman/WHO/EOP@EOP <Bradley_A._Blakeman/WHO/EOP@EOP>;Joshua_B._Bolten/WHO/EOP@EOP <Joshua_B._Bolten/WHO/EOP@EOP>;Stuart_W._Bowen/WHO/EOP@EOP <Stuart_W._Bowen/WHO/EOP@EOP>;John_M._Bridgeland/OPD/EOP@EOP <John_M._Bridgeland/OPD/EOP@EOP>;Andrew_H._Card/WHO/EOP@EOP <Andrew_H._Card/WHO/EOP@EOP>;Gary_R._Edson/NSC/EOP@EOP <Gary_R._Edson/NSC /EOP@EOP>;Tucker_A._Eskew/WHO/EOP@EOP <Tucker_A._Eskew/WHO /EOP@EOP>;Tucker_A._Eskew/WHO/EOP@EOP <Fleischer, Lawrence A.>;Linda_M._Gambatesa/WHO/EOP@EOP <Linda_M._Gambatesa/WHO /EOP@EOP>;Michael_J._Gerson/WHO/EOP@EOP <Michael_J._Gerson/WHO /EOP@EOP>;Alberto_R._Gonzales/WHO/EOP@EOP <Alberto_R._Gonzales/WHO /EOP@EOP>;Alberto_R._Gonzales/WHO/EOP@EOP <Gordon, John A.>;Stephen_J._Hadley/NSC/EOP@EOP <Stephen_J._Hadley/NSC /EOP@EOP>;Joseph_W._Hagin/WHO/EOP@EOP <Joseph_W._Hagin/WHO /EOP@EOP>;Joseph_W._Hagin/WHO/EOP@EOP <Hennessey, Keith>;David_W._Hobbs/WHO /EOP@EOP <David_W._Hobbs/WHO/EOP@EOP>;Edward_Ingle/WHO/EOP <Edward_Ingle/WHO/EOP@EOP>;Hector_F._Irastorza/WHO/EOP@EOP <Hector_F._Irastorza/WHO/EOP@EOP>;Barry_S._Jackson/WHO/EOP@EOP <Barry_S._Jackson/WHO/EOP@EOP>;Clay_Johnson_III/WHO/EOP <Clay_Johnson_III/WHO /EOP@EOP>;Clay_Johnson_III/WHO/EOP <Lefkowitz, Jay P.>;Clay_Johnson_III/WHO/EOP <Libby, Lewis>;Mary_J._Matalin/OVP/EOP@EOP <Mary_J._Matalin/OVP /EOP@EOP>;Scott_McClellan/WHO/EOP <Scott_McClellan/WHO/EOP@EOP>;John_P._ <McConnell@ovp.eop.gov@inet>;Ken_Mehlman/WHO/EOP <Ken_Mehlman/WHO /EOP@EOP>;Harriet_Miers/WHO/EOP <Harriet_Miers/WHO /EOP@EOP>;Brian_D._Montgomery/WHO/EOP@EOP <Brian_D._Montgomery/WHO /EOP@EOP>;Ziad_S._Ojakli/WHO/EOP@EOP <Ziad_S._Ojakli/WHO /EOP@EOP>;Anna_M._Perez/NSC/EOP@EOP <Anna_M._Perez/NSC /EOP@EOP>;Condoleezza_Rice/NSC/EOP <Condoleezza_Rice/NSC /EOP@EOP>;Mark_V._Rosenker/WHO/EOP@EOP <Mark_V._Rosenker/WHO /EOP@EOP>;Karl_C._Rove/WHO/EOP@EOP <Karl_C._Rove/WHO /EOP@EOP>;Margaret_M._Spellings/OPD/EOP@EOP <Margaret_M._Spellings/OPD /EOP@EOP>;Jim_Towey/WHO/EOP <Jim_Towey/WHO/EOP@EOP>;Lezlee_J._Westine /WHO/EOP@EOP <Lezlee_J._Westine/WHO/EOP@EOP>;Lezlee_J._Westine /WHO/EOP@EOP <Keniry, Daniel>;Lezlee_J._Westine/WHO/EOP@EOP <Hobbs, David W.>;Lezlee_J._Westine/WHO/EOP@EOP <Powell, Dina>;Lezlee_J._Westine/WHO/EOP@EOP <Gordon, John A.>;Lezlee_J._Westine/WHO/EOP@EOP <DeFrancis, Suzy>;Lezlee_J._Westine/WHO/EOP@EOP <Wehner, Peter H.>;Lezlee_J._Westine/WHO /EOP@EOP <Abrams, Elliott>;Lezlee_J._Westine/WHO/EOP@EOP <Alix, Cathy>;Lezlee_J._Westine/WHO/EOP@EOP <Andricos, George M.>;Lezlee_J._Westine/WHO /EOP@EOP <Arends, Jackie>;Lezlee_J._Westine/WHO/EOP@EOP <Arends, Jackie>;Lezlee_J._Westine/WHO/EOP@EOP <Badger, William D.>;Lezlee_J._Westine/WHO /EOP@EOP <Bartolomucci, H. Christopher>;Lezlee_J._Westine/WHO/EOP@EOP <Beers, R. Rand>;Lezlee_J._Westine/WHO/EOP@EOP <Bellinger, John B.>;Lezlee_J._Westine/WHO /EOP@EOP <Beynon, Rebecca A.>;Lezlee_J._Westine/WHO/EOP@EOP <Biegun, Stephen E.>;Lezlee_J._Westine/WHO/EOP@EOP <Blahous, Charles P.>;Lezlee_J._Westine/WHO /EOP@EOP <Bonilla, Carlos E.>;Lezlee_J._Westine/WHO/EOP@EOP <Buchan, Claire>;Lezlee_J._Westine/WHO/EOP@EOP <Bullock, Katja>;Lezlee_J._Westine/WHO /EOP@EOP <Campen, Tim>;Lezlee_J._Westine/WHO/EOP@EOP <Chadwick, Kirsten>;Lezlee_J._Westine/WHO/EOP@EOP <Christie, Ronald I.>;Lezlee_J._Westine/WHO /EOP@EOP <Ciccone, Christine>;Lezlee_J._Westine/WHO/EOP@EOP <Cilluffo, Frank>;Lezlee_J._Westine/WHO/EOP@EOP <Clark, Alicia P.>;Lezlee_J._Westine/WHO /EOP@EOP <Cloud, John A.>;Lezlee_J._Westine/WHO/EOP@EOP <Conner, Charles>;Lezlee_J._Westine/WHO/EOP@EOP <Contreras, Rebecca>;Lezlee_J._Westine/WHO /EOP@EOP <Cooper, Steven>;Lezlee_J._Westine/WHO/EOP@EOP <Devenish, Nicolle>;Lezlee_J._Westine/WHO/EOP@EOP <Dougherty, Elizabeth S.>;Lezlee_J._Westine/WHO/EOP@EOP <Dunn, David>;Lezlee_J._Westine/WHO/EOP@EOP <Everson, Nanette>;Lezlee_J._Westine/WHO/EOP@EOP <Falkenrath,

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CC: <Bennett, Melissa S.>;<McQuade, Vickie A.>;<Cleveland, Carolyn E.>;<Litkenhaus, Colleen>; <Ralston, Susan B.>;<Mayfield, Jennifer H.>;<Hughes, A. Merrill>;<Gillmor, Eleanor L.>;<Ritacco, Krista L.>;<Campbell, Anne E.>;<Grant, Britt>;<Lineberry, Laura E.>;Karen D. Cruson/WHO/EOP <Karen D. Cruson/WHO/EOP@EOP>;Karen D. Cruson/WHO/EOP <Barclay, Barbara A.>;Karen D. Cruson/WHO/EOP <Bird, Debra D.>;Karen D. Cruson/WHO/EOP <Barnett, Cheryl E.>;Karen D. Cruson/WHO/EOP <Heishman, Jane C.>;Karen D. Cruson/WHO/EOP <Kyle, Ross M.>;Karen D. Cruson/WHO/EOP <Conde, Roberta L.>;Karen D. Cruson/WHO/EOP <Heiden, Debra>;Karen D. Cruson/WHO/EOP <Lang, Mary K.>;Karen D. Cruson/WHO/EOP <Kleppe, Elizabeth W.>;Karen D. Cruson/WHO/EOP <Williams, Alice H.>;Karen D. Cruson/WHO/EOP <Ingols, Adam B.>;Karen D. Cruson/WHO/EOP <Nelson, Carolyn>;Karen D. Cruson/WHO/EOP <Otto, Eric H.>;Karen D. Cruson/WHO/EOP <Gerdelman, Sue H.>;Karen D. Cruson/WHO/EOP <Cabral, Raquel>;Karen D. Cruson/WHO/EOP <Ingle, Edward>;Karen D. Cruson/WHO/EOP <Lawlor, Laura S.>;Karen D. Cruson/WHO/EOP <Tulbah, Ali H.>;Karen D. Cruson/WHO/EOP <Koch, Matthew>;Karen D. Cruson/WHO/EOP <Parell, Christie>;Karen D. Cruson/WHO/EOP <Ingwell, Carmen M.>;Karen D. Cruson/WHO/EOP <Montgomery, Brian D.>;Karen D. Cruson/WHO/EOP <Hughes, Taylor A.>;Karen D. Cruson/WHO/EOP <Hubbard, Glenn>;Karen D. Cruson/WHO/EOP <Connaughton, James>;Karen D. Cruson/WHO/EOP <Marburger, John H.>

Sent: 2/5/2003 10:24:56 AM

Subject: Transportation - NASA Invitation to Columbia Memorial Service

Attachments: 30342-Invitation.pdf

Due to very limited parking on-site, Carpet is providing three staff vans for transportation to/from the NASA Memorial at the National Cathedral. The vans will depart from West Executive Drive at 9:10 am. The Service begins at 10:00 am and is expected to last one hour. Please bring a copy of the NASA email invite for access.

Please respond to Carrie Loy (CLoy@who.eop.gov) or call 456-2572 if you plan to utilize the staff vans.

---------- Forwarded by Carrie B. Loy/WHO/EOP on 02/05/2003 10:27 AM ----------

Carrie B. Loy

02/04/2003 06:16:17 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: NASA Invitation to Columbia Memorial Service

Attached is an electronic version of the NASA invitation to the memorial service at the **Washington National Cathedral on Thursday, February 6 at 10:00am.** Please confirm your attendance via email no later than noon on Wednesday, February 5. If group transportation is organized for WH Staff, details will be provided.

For those using their own transportation, you will need to present a printout or photocopy of the attached invitation for admission to the service. Please plan to arrive in time to go through magnetometers and be **seated no later than 9:30am**. Parking around the cathedral is limited, so please plan accordingly.

Should you have additional questions, please contact the Office of Cabinet Affairs at 456-2572.

- 30342-Invitation.pdf << 30342-Invitation.pdf >>

The Bishop of Washington
The Dean of Washington National Cathedral
and
The Administrator,
National Aeronautics and Space Administration
Invite you to join

The Vice President of the United States of America

at

a Service in Celebration of and Thanksgiving for

the lives of the Crew
of the Space Shuttle Columbia

on Thursday, February 6, 2003
at ten o'clock a.m.

Washington National Cathedral
Massachusetts and Wisconsin Avenues, NW
Washington, DC

RSVP 202-358-1711
202-358-1718

Please Present Invitation
for Admittance

REV_00108620

From: Loy, Carrie B.

To: Raquel_Cabral@oa.eop.gov <Abbot, Charles S.>;Andrea_G._Ball@oa.eop.gov <Andrea_G._Ball@oa.eop.gov>;Ruben_S._Barrales@oa.eop.gov <Ruben_S._Barrales@oa.eop.gov>;Daniel_j._Bartlett@oa.eop.gov <Daniel_j._Bartlett@oa.eop.gov>;Bradley_A._Blakeman@oa.eop.gov <Bradley_A._Blakeman@oa.eop.gov>;Joshua_B._Bolten@oa.eop.gov <Joshua_B._Bolten@oa.eop.gov>;Stuart_W._Bowen@oa.eop.gov <Stuart_W._Bowen@oa.eop.gov>;John_M._Bridgeland@oa.eop.gov <John_M._Bridgeland@oa.eop.gov>;Andrew_H._Card@oa.eop.gov <Andrew_H._Card@oa.eop.gov>;Gary_R._Edson@oa.eop.gov <Gary_R._Edson@oa.eop.gov>;Tucker_A._Eskew@oa.eop.gov <Tucker_A._Eskew@oa.eop.gov>;Tucker_A._Eskew@oa.eop.gov <Fleischer, Lawrence A.>;Linda_M._Gambatesa@oa.eop.gov <Linda_M._Gambatesa@oa.eop.gov>;Michael_J._Gerson@oa.eop.gov <Michael_J._Gerson@oa.eop.gov>;Alberto_R._Gonzales@oa.eop.gov <Alberto_R._Gonzales@oa.eop.gov>;Alberto_R._Gonzales@oa.eop.gov <Gordon, John A.>;Stephen_J._Hadley@oa.eop.gov <Stephen_J._Hadley@oa.eop.gov>;Joseph_W._Hagin@oa.eop.gov <Joseph_W._Hagin@oa.eop.gov>;Joseph_W._Hagin@oa.eop.gov <Hennessey, Keith>;David_W._Hobbs@oa.eop.gov <David_W._Hobbs@oa.eop.gov>;Edward_Ingle@oa.eop.gov <Edward_Ingle@oa.eop.gov>;Hector_F._Irastorza@oa.eop.gov <Hector_F._Irastorza@oa.eop.gov>;Barry_S._Jackson@oa.eop.gov <Barry_S._Jackson@oa.eop.gov>;Clay_Johnson_III@oa.eop.gov <Clay_Johnson_III@oa.eop.gov>;Clay_Johnson_III@oa.eop.gov <Lefkowitz, Jay P.>;Clay_Johnson_III@oa.eop.gov <Libby, Lewis>;Mary_J._Matalin@oa.eop.gov <Mary_J._Matalin@oa.eop.gov>;Scott_McClellan@oa.eop.gov <Scott_McClellan@oa.eop.gov>;Ken_Mehlman@oa.eop.gov <Ken_Mehlman@oa.eop.gov>;Harriet_Miers@oa.eop.gov <Harriet_Miers@oa.eop.gov>;Brian_D._Montgomery@oa.eop.gov <Brian_D._Montgomery@oa.eop.gov>;Ziad_S._Ojakli@oa.eop.gov <Ziad_S._Ojakli@oa.eop.gov>;Anna_M._Perez@oa.eop.gov <Anna_M._Perez@oa.eop.gov>;Condoleezza_Rice@oa.eop.gov <Condoleezza_Rice@oa.eop.gov>;Mark_V._Rosenker@oa.eop.gov <Mark_V._Rosenker@oa.eop.gov>;Karl_C._Rove@oa.eop.gov <Karl_C._Rove@oa.eop.gov>;Margaret_M._Spellings@oa.eop.gov <Margaret_M._Spellings@oa.eop.gov>;Jim_Towey@oa.eop.gov <Jim_Towey@oa.eop.gov>;Lezlee_J._Westine@oa.eop.gov <Lezlee_J._Westine@oa.eop.gov>;Daniel_J._Keniry@oa.eop.gov <Daniel_J._Keniry@oa.eop.gov>;David_W._Hobbs@oa.eop.gov <David_W._Hobbs@oa.eop.gov>;Dina_Powell@oa.eop.gov <Dina_Powell@oa.eop.gov>;Dina_Powell@oa.eop.gov <Gordon, John A.>;Suzy_DeFrancis@oa.eop.gov <Suzy_DeFrancis@oa.eop.gov>;Suzy_DeFrancis@oa.eop.gov <Wehner, Peter H.>;Suzy_DeFrancis@oa.eop.gov <Abrams, Elliott>;Suzy_DeFrancis@oa.eop.gov <Alix, Cathy>;Suzy_DeFrancis@oa.eop.gov <Andricos, George M.>;Suzy_DeFrancis@oa.eop.gov <Arends, Jackie>;Suzy_DeFrancis@oa.eop.gov <Arends, Jackie>;Suzy_DeFrancis@oa.eop.gov <Badger, William D.>;Suzy_DeFrancis@oa.eop.gov <Bartolomucci, H. Christopher>;Suzy_DeFrancis@oa.eop.gov <Beers, R. Rand>;Suzy_DeFrancis@oa.eop.gov <Bellinger, John B.>;Suzy_DeFrancis@oa.eop.gov <Beynon, Rebecca A.>;Suzy_DeFrancis@oa.eop.gov <Biegun, Stephen E.>;Suzy_DeFrancis@oa.eop.gov <Blahous, Charles P.>;Suzy_DeFrancis@oa.eop.gov <Bonilla, Carlos E.>;Claire_E._Buchan@oa.eop.gov <Claire_E._Buchan@oa.eop.gov>;Claire_E._Buchan@oa.eop.gov <Bullock, Katja>;Claire_E._Buchan@oa.eop.gov <Campen, Tim>;Kirsten_A._Chadwick@oa.eop.gov <Kirsten_A._Chadwick@oa.eop.gov>;Kirsten_A._Chadwick@oa.eop.gov <Christie, Ronald I.>;Christine_Ciccone@oa.eop.gov <Christine_Ciccone@oa.eop.gov>;Christine_Ciccone@oa.eop.gov <Cilluffo, Frank>;Christine_Ciccone@oa.eop.gov <Clark, Alicia P.>;Christine_Ciccone@oa.eop.gov <Conner, Charles>;Christine_Ciccone@oa.eop.gov <Contreras, Rebecca>;Christine_Ciccone@oa.eop.gov <Cooper, Steven>;Christine_Ciccone@oa.eop.gov <Devenish, Nicolle>;Christine_Ciccone@oa.eop.gov <Dougherty, Elizabeth

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CC: <Bennett, Melissa S.>;<McQuade, Vickie A.>;<Cleveland, Carolyn E.>;<Litkenhaus, Colleen>;<Ralston, Susan B.>;<Mayfield, Jennifer H.>;<Hughes, A. Merrill>;<Gillmor, Eleanor L.>;<Ritacco, Krista L.>;<Campbell, Anne E.>;<Grant, Britt>;<Lineberry, Laura E.>;Karen_D._Cruson@oa.eop.gov <Karen_D._Cruson@oa.eop.gov>;Karen_D._Cruson@oa.eop.gov <Barclay, Barbara A.>;Karen_D._Cruson@oa.eop.gov <Bird, Debra D.>;Karen_D._Cruson@oa.eop.gov <Barnett, Cheryl E.>;Karen_D._Cruson@oa.eop.gov <Heishman, Jane C.>;Ross_M._Kyle@oa.eop.gov <Ross_M._Kyle@oa.eop.gov>;Ross_M._Kyle@oa.eop.gov <Conde, Roberta L.>;Ross_M._Kyle@oa.eop.gov <Heiden, Debra>;Ross_M._Kyle@oa.eop.gov <Lang, Mary K.>;Ross_M._Kyle@oa.eop.gov <Kleppe, Elizabeth W.>;Ross_M._Kyle@oa.eop.gov <Williams, Alice H.>;Adam_B._Ingols@oa.eop.gov <Adam_B._Ingols@oa.eop.gov>;Carolyn_Nelson@oa.eop.gov <Carolyn_Nelson@oa.eop.gov>;Eric_H._Otto@oa.eop.gov <Eric_H._Otto@oa.eop.gov>;Eric_H._Otto@oa.eop.gov <Gerdelman, Sue H.>;Raquel_Cabral@oa.eop.gov <Raquel_Cabral@oa.eop.gov>;Raquel_Cabral@oa.eop.gov <Ingle, Edward>;Raquel_Cabral@oa.eop.gov <Lawlor, Laura S.>;Raquel_Cabral@oa.eop.gov <Tulbah, Ali H.>;Raquel_Cabral@oa.eop.gov <Koch, Matthew>;Raquel_Cabral@oa.eop.gov <Parell, Christie>;Raquel_Cabral@oa.eop.gov <Ingwell, Carmen M.>;Raquel_Cabral@oa.eop.gov <Montgomery, Brian D.>;Raquel_Cabral@oa.eop.gov <Hughes, Taylor A.>;Raquel_Cabral@oa.eop.gov <Hubbard, Glenn>;Raquel_Cabral@oa.eop.gov <Connaughton, James>;Raquel_Cabral@oa.eop.gov <Marburger, John H.>

Sent: 2/5/2003 11:34:59 AM

Subject: Transportation - NASA Invitation to Columbia Memorial Service

Attachments: 30342-Invitation.pdf

Due to very limited parking on-site, Carpet is providing three staff vans for transportation to/from the NASA Memorial at the National Cathedral. The vans will depart from West Executive Drive at 9:10 am. The Service begins at 10:00 am and is expected to last one hour. Please bring a copy of the NASA email invite for access.

Please respond to Carrie Loy (CLoy@who.eop.gov) or call 456-2572 if you plan to utilize the staff vans.

---------- Forwarded by Carrie B. Loy/WHO/EOP on 02/05/2003 10:27 AM ----------

Carrie B. Loy
02/04/2003 06:16:17 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message
Subject: NASA Invitation to Columbia Memorial Service

Attached is an electronic version of the NASA invitation to the memorial service at the Washington National Cathedral on Thursday, February 6 at 10:00am. Please confirm your attendance via email no later than noon on Wednesday, February 5. If group transportation is organized for WH Staff, details will be provided.

For those using their own transportation, you will need to present a printout or photocopy of the attached invitation for admission to the service. Please plan to arrive in time to go through magnetometers and be seated no later than 9:30am . Parking around the cathedral is limited, so please plan accordingly.

Should you have additional questions, please contact the Office of Cabinet Affairs at 456-2572.

The Bishop of Washington
The Dean of Washington National Cathedral
and
The Administrator,
National Aeronautics and Space Administration
Invite you to join

The Vice President of the United States of America

at

a Service in Celebration of and Thanksgiving for

the lives of the Crew
of the Space Shuttle Columbia

on Thursday, February 6, 2003
at ten o'clock a.m.

Washington National Cathedral
Massachusetts and Wisconsin Avenues, NW
Washington, DC

RSVP 202-358-1711
202-358-1718

Please Present Invitation
for Admittance

REV_00108630

From: CN=Leonard B. Rodriguez/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: heather wingate/who/eop@exchange@eop [WHO] <heather wingate>
Sent: 2/5/2003 11:48:33 AM
Subject: : Re: Urgent matter, need to get the 3 of us on the phone

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2003 16:48:33.00
SUBJECT:: Re: Urgent matter, need to get the 3 of us on the phone
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:heather wingate (CN=heather wingate/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Wingate got back to me, we are okay.
thx

Brett M. Kavanaugh
02/05/2003 04:43:59 PM
Record Type: Record

To: Leonard B. Rodriguez/WHO/EOP@EOP, Heather Wingate/WHO/EOP@Exchange@EOP
cc:
bcc:
Subject: Re: Urgent matter, need to get the 3 of us on the phone

how's 5:20

Leonard B. Rodriguez
02/05/2003 04:01:54 PM
Record Type: Record

To: Heather Wingate/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Urgent matter, need to get the 3 of us on the phone

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange [WHO] <Heather Wingate>
Sent: 2/5/2003 12:59:37 PM
Subject: : Re: 9:30-10am

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2003 17:59:37.00
SUBJECT:: Re: 9:30-10am
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

I will be there.

From: Heather Wingate/WHO/EOP@Exchange on 02/05/2003 05:42:18 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: 9:30-10am

Can you be up here in the LBJ room of the capitol tomorrow for a press secretary briefing? I don't think it will be very formal, but I think it would be good for you to be up here for it.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@Exchange@EOP [WHO] <Joel D. Kaplan>
Sent: 2/5/2003 9:32:23 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-FEB-2003 14:32:23.00
SUBJECT::
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

http://www.foxnews.com/story/0,2933,77667,00.html
```

From: CN=Alicia W. Davis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: James M. Kelly/WHO/EOP@EOP [WHO] <James M. Kelly>
Sent: 2/5/2003 9:32:19 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-FEB-2003 14:32:19.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:James M. Kelly ( CN=James M. Kelly/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

If the Committee to Elect Republican Senators in New Hampshire is
sponsoring a trip to Washington DC for the Republican Caucus and business
leaders from the state, may they attend a briefing at the White House?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO /EOP@EOP [WHO] <Helgard C. Walker>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/5/2003 9:33:12 AM
Subject: : FOX News reports Dems plan to filibuster

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2003 14:33:12.00
SUBJECT:: FOX News reports Dems plan to filibuster
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

WASHINGTONÿ*ÿDemocratic lawmakers will attempt to filibuster the nomination of Miguel Estrada for Washington's U.S. Circuit Court of Appeals before a vote on his confirmation Wednesday, sources close to the Democrats' game plan told Fox News.

Sources said Democratic members of the Senate Judiciary Committee -- including Sen. Patrick Leahy, the ranking member, and Sens. Dick Durbin of Illinois, John Edwards of North Carolina, Ted Kennedy of Massachusetts, Dianne Feinstein of California and Charles Schumer of New York -- met with Senate Minority Leader Tom Daschle of South Dakota and his whip, Sen. Harry Reidÿof Nevada, last week to come up with the Democratic strategy for the upcoming floor battle.
Many of the same players met again Tuesday nightÿwith Daschle and Reid to firm up the plan.

According to sources, Democratic planners apparently decided to filibuster -- to block or delay Senate action with proceduralÿor otherwise obstructive motions,ÿfrequently with never-ending speechifyingÿ-- "if they have the votes" to defeat action to end debate.
Sixty votes are needed to end debate andÿprevent a filibuster. Democrats say that even if they don't get the votes, they will attempt to filibuster anyway, on the theory that an uncontested loss "would be worse than no contest," the sources said.
The Senate Judiciary Committee approved the Honduran-born Estrada last Thursday on a 10-9 party line vote.ÿIf President Bush's nominee is confirmed, making him the first Hispanicÿon the appeals court, he would also become a top-tier candidate for the Supreme Court, should any of the justices retire.ÿThree of the current justices ascended to the high court fromÿthe D.C. Circuit Court of Appeals.
Estrada, a member of the law firm that represented Bush in his successful Supreme Court fight for the presidency, came to the United Statesÿas a teenager from the Honduran capital of Tegucigalpa. Now 41, he quickly learned English, thrived in school and graduated from Harvard Law School in 1986. He has since practiced constitutional law and has argued 15 cases before the Supreme Court.
Democrats in the committee's confirmation hearing last September, 16 months after Estrada's nomination, complained they didn't know enough about his legal opinions and did not have a paper trail to whichÿthey couldÿrefer.
Estrada worked for the Justice Department under the first President Bush, but the department refused to release his briefs, saying it would chill the free exchange of legal thought in the agency.
Nonetheless, Democrats argue he is too conservative for the bench.
On Wednesday, Kennedy told his Democratic colleagues, "If we allow a stealth right-winger on this court, we have only ourselves to blame."
"We must filibuster Miguel Estrada's nomination," he told lawmakers at the weekly Democratic policy lunch. "The White House is almost telling us that they plan to nominate him to the Supreme Court. We can't repeat the mistake we made with [Supreme Court Justice]Clarence Thomas."
Democrats say his nomination is one that should be stopped for several reasons, not the least of which is their opinion that the base is "particularly energized" over the issue.
Democrats also argue that not to do so would set a precedent permitting Republicans to "force through all future controversial nominees" without answering senators' questions or providing important information.
They also say that it will be much harder to defeatÿEstrada for a Supreme Court seat if his confirmation goes smoothly now.
Democrats, led by Schumer, also argue that the confirmation process "must be slowed down," so as to thwart what is seen as a Republican attempt to establish what one source called "an automatic assembly line of controversial nominees."
Prior to the explosion of space shuttle Columbia, Democrats had expected the nomination to be brought to the floor this past Monday with a motion to end debate expected for Wednesday. The Democrats were not going to oppose a motion to bring the nomination to the floor.
Reid is said to be working hard to mount Democratic opposition to the Estrada nomination, particularly in southern states with large Hispanic populations, including Florida.
One new tactic is Kennedy's assertion that Estrada has "serious temperament problems," a claim that hasn't previously been made. On Wednesday, Kennedy told his Democratic colleagues that members of the Hispanic caucus and other Latino leaders see Estrada as not being "even-tempered" and having a "short fuse."
One influential Hispanic who heard the remarks told Fox News that he found Kennedy's comments "offensive" and "racist." A GOP source,ÿadded: "They're trying to make him into Ricky Ricardo."
But two Democraticÿsenators -- ÿJohn Breaux of Louisiana and Byron Dorgan of North Dakota -- have approached GOP Senate Judiciary Committee staff aides and requested information about Estrada that they can use to defend a potential vote in favor of his nomination.
Breaux's state has one of the largest concentrations of Hondurans in the

United States.
Republicans say they are prepared to debate Estrada's nomination "as long as it takes, for days, weeks, if necessary," one source told Fox News. "This is going to be an unprecedented fight over a nominee," the source said

From: CN=Catherine J. Martin/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2003 1:52:22 PM
Subject: : Re: tonight
Attachments: P_0NWND003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME: 5-FEB-2003 18:52:22.00
SUBJECT:: Re: tonight
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

perfect

Brett M. Kavanaugh
02/05/2003 06:47:04 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP
cc:
bcc:
Subject: Re: tonight

I'll come up at 7:15

Catherine J. Martin
02/05/2003 06:24:07 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: tonight

not black tie but a black cocktail suit. We will call you. Don't want to be there right at 7. Perhaps we can depart at 7ish.

Brett M. Kavanaugh
02/05/2003 05:59:59 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP
cc:
bcc:
Subject: Re: tonight

Whenever you 2 are leaving is fine with me; just let me know. Should I come up to your office? Also, are you wearing the equivalent of black-tie gear?

Catherine J. Martin
02/05/2003 06:00:06 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: tonight

not early. when do you want to go?

Brett M. Kavanaugh
02/05/2003 05:22:55 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP
cc:
bcc:
Subject: Re: tonight

yes, what time are you leaving.

Catherine J. Martin
02/05/2003 04:58:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: tonight

I have your ticket - do you want to go over there tonight with jennifer
and me.

Brett M. Kavanaugh
02/05/2003 04:45:08 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP
cc:
bcc:
Subject: Re: tonight

yes

Catherine J. Martin
02/05/2003 04:17:52 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: tonight

my assistant is going to pick up the tickets from lower press - want us to
get yours for you?

---------- Forwarded by Catherine J. Martin/OVP/EOP on 02/05/2003 04:20 PM ----------

"Lipper, Tamara" <Tamara.Lipper@Newsweek.com>
02/05/2003 02:58:18 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: tonight

i have left both of your tickets in lower press and hopefully they'll somehow get to you shortly. the reception starts at 7pm so i will see you all there.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_0NWND003_WHO.TXT_1>

i have left both of your tickets in lowe r press and hopefully they'll somehow get to you shortly. the reception starts at 7pm so i will see you all there.

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2003 2:16:57 PM
Subject: : Re: cannot pick you up tomorrow; please confirm you got this e-mail

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-FEB-2003 19:16:57.00
SUBJECT:: Re: cannot pick you up tomorrow; please confirm you got this e-mail
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Got it; thanks appreciate it. I will figure out an alternative solution.




Brett M. Kavanaugh
02/05/2003 06:56:06 PM
Record Type: Record

To: Theodore W. Ullyot/WHO/EOP@EOP
cc:
Subject: cannot pick you up tomorrow; please confirm you got this
e-mail
```

From:	Kavanaugh, Brett M.
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Walker, Helgard C.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>
Sent:	2/5/2003 2:27:35 PM
Subject:	FOX News reports Dems plan to filibuster

WASHINGTON — Democratic lawmakers will attempt to filibuster the nomination of Miguel Estrada for Washington's U.S. Circuit Court of Appeals before a vote on his confirmation Wednesday, sources close to the Democrats' game plan told Fox News.

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party line vote. If President Bush's nominee is confirmed, making him the first Hispanic on the appeals court, he would also become a top-tier candidate for the Supreme Court, should any of the justices retire. Three of the current justices ascended to the high court from the D.C. Circuit Court of Appeals.

Estrada, a member of the law firm that represented Bush in his successful Supreme Court fight for the presidency, came to the United States as a teenager from the Honduran capital of Tegucigalpa. Now 41, he quickly learned English, thrived in school and graduated from Harvard Law School in 1986. He has since practiced constitutional law and has argued 15 cases before the Supreme Court.

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Nonetheless, Democrats argue he is too conservative for the bench.

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"We must filibuster Miguel Estrada's nomination," he told lawmakers at the weekly Democratic policy lunch. "The White House is almost telling us that they plan to nominate him to the Supreme Court. We can't repeat the mistake we made with [Supreme Court Justice]Clarence Thomas."

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Republicans say they are prepared to debate Estrada's nomination "as long as it takes, for days, weeks, if necessary," one source told Fox News.

"This is going to be an unprecedented fight over a nominee," the source said

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange@EOP [WHO] <Heather Wingate>
Sent: 2/5/2003 10:30:57 AM
Subject: : how late will debate go tonight?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-FEB-2003 15:30:57.00
SUBJECT:: how late will debate go tonight?
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Lipper, Tamara <Tamara.Lipper@Newsweek.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Catherine J. Martin/OVP /EOP@EOP [OVP] <Catherine J. Martin>
Sent: 2/5/2003 10:36:01 AM
Subject: : tonight
Attachments: P_DFHND003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Lipper, Tamara" <Tamara.Lipper@Newsweek.com> ( "Lipper, Tamara"
<Tamara.Lipper@Newsweek.com> [ UNKNOWN ] )
CREATION DATE/TIME: 5-FEB-2003 15:36:01.00
SUBJECT:: tonight
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Catherine J. Martin ( CN=Catherine J. Martin/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
###### End Original ARMS Header ######

i have left both of your tickets in lower press and hopefully they'll
somehow get to you shortly. the reception starts at 7pm so i will see you
all there.
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_DFHND003_WHO.TXT_1>
```

i have left both of your tickets in lowe r press and hopefully they'll somehow get to you shortly. the reception starts at 7pm so i will see you all there.

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2003 10:37:13 AM
Subject: : Re: how late will debate go tonight?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 5-FEB-2003 15:37:13.00
SUBJECT:: Re: how late will debate go tonight?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Not late

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Wingate, Heather; <Heather_Wingate@who.eop.gov>
Sent: Wed Feb 05 15:26:51 2003
Subject: how late will debate go tonight?

From: CN=Leonard B. Rodriguez/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO /EOP@Exchange@EOP [WHO] <Heather Wingate>
Sent: 2/5/2003 11:01:56 AM
Subject: : Urgent matter, need to get the 3 of us on the phone

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-FEB-2003 16:01:56.00
SUBJECT:: Urgent matter, need to get the 3 of us on the phone
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Wingate, Heather
To: <Kavanaugh, Brett M.>
Sent: 2/5/2003 3:37:04 PM
Subject: Re: how late will debate go tonight?

Not late

-----Original Message-----
From: Kavanaugh, Brett M.
To: Wingate, Heather
Sent: Wed Feb 05 15:26:51 2003
Subject: how late will debate go tonight?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange@EOP [WHO] <Heather Wingate>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>
Sent: 2/5/2003 11:47:52 AM
Subject: : Re: Urgent matter, need to get the 3 of us on the phone

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2003 16:47:52.00
SUBJECT:: Re: Urgent matter, need to get the 3 of us on the phone
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

how's 5:20

Leonard B. Rodriguez
02/05/2003 04:01:54 PM
Record Type: Record

To: Heather Wingate/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Urgent matter, need to get the 3 of us on the phone

From: CN=Catherine J. Martin/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2003 11:59:01 AM
Subject: : Re: tonight
Attachments: P_1ANND003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME: 5-FEB-2003 16:59:01.00
SUBJECT:: Re: tonight
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I have your ticket - do you want to go over there tonight with jennifer
and me.

Brett M. Kavanaugh
02/05/2003 04:45:08 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP
cc:
bcc:
Subject: Re: tonight

yes

Catherine J. Martin
02/05/2003 04:17:52 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: tonight

my assistant is going to pick up the tickets from lower press - want us to
get yours for you?
---------------------- Forwarded by Catherine J. Martin/OVP/EOP on
02/05/2003 04:20 PM ----------------------------

"Lipper, Tamara" <Tamara.Lipper@Newsweek.com>
02/05/2003 02:58:18 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: tonight

i have left both of your tickets in lower press and hopefully they'll
somehow get to you shortly. the reception starts at 7pm so i will see you

all there.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1ANND003_WHO.TXT_1>

i have left both of your tickets in lowe r press and hopefully they'll somehow get to you shortly. the reception starts at 7pm so i will see you all there.

From: CN=Catherine J. Martin/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2003 1:00:09 PM
Subject: : Re: tonight
Attachments: P_0MTND003_WHO.TXT_1.html

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Catherine J. Martin ( CN=Catherine J. Martin/OU=OVP/O=EOP [ OVP ] )
CREATION DATE/TIME: 5-FEB-2003 18:00:09.00
SUBJECT:: Re: tonight
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

not early. when do you want to go?




Brett M. Kavanaugh
02/05/2003 05:22:55 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP
cc:
bcc:
Subject: Re: tonight

yes, what time are you leaving.




Catherine J. Martin
02/05/2003 04:58:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: tonight

I have your ticket - do you want to go over there tonight with jennifer
and me.




Brett M. Kavanaugh
02/05/2003 04:45:08 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP
cc:
bcc:
Subject: Re: tonight

yes
```

Catherine J. Martin
02/05/2003 04:17:52 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: tonight

my assistant is going to pick up the tickets from lower press - want us to get yours for you?
---------- Forwarded by Catherine J. Martin/OVP/EOP on 02/05/2003 04:20 PM ----------

"Lipper, Tamara" <Tamara.Lipper@Newsweek.com>
02/05/2003 02:58:18 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: tonight

i have left both of your tickets in lower press and hopefully they'll somehow get to you shortly. the reception starts at 7pm so i will see you all there.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_0MTND003_WHO.TXT_1>

i have left both of your tickets in lowe r press and hopefully they'll somehow get to you shortly. the reception starts at 7pm so i will see you all there.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Catherine J. Martin/OVP/EOP@EOP [OVP] <Catherine J. Martin>
Sent: 2/5/2003 1:17:10 PM
Subject: : Re: tonight
Attachments: P_PIUND003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2003 18:17:10.00
SUBJECT:: Re: tonight
TO:Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
End Original ARMS Header

Whenever you 2 are leaving is fine with me; just let me know. Should I come up to your office? Also, are you wearing the equivalent of black-tie gear?

Catherine J. Martin
02/05/2003 06:00:06 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: tonight

not early. when do you want to go?

Brett M. Kavanaugh
02/05/2003 05:22:55 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP
cc:
bcc:
Subject: Re: tonight

yes, what time are you leaving.

Catherine J. Martin
02/05/2003 04:58:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: tonight

I have your ticket - do you want to go over there tonight with jennifer and me.

Brett M. Kavanaugh
02/05/2003 04:45:08 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP
cc:
bcc:
Subject: Re: tonight

yes

Catherine J. Martin
02/05/2003 04:17:52 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: tonight

my assistant is going to pick up the tickets from lower press - want us to get yours for you?
---------- Forwarded by Catherine J. Martin/OVP/EOP on 02/05/2003 04:20 PM ----------

"Lipper, Tamara" <Tamara.Lipper@Newsweek.com>
02/05/2003 02:58:18 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: tonight

i have left both of your tickets in lower press and hopefully they'll somehow get to you shortly. the reception starts at 7pm so i will see you all there.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_PIUND003_WHO.TXT_1>

i have left both of your tickets in lowe r press and hopefully they'll somehow get to you shortly. the reception starts at 7pm so i will see you all there.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2003 1:23:53 PM
Subject: : RE: did judge call duard bradshaw

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 5-FEB-2003 18:23:53.00
SUBJECT:: RE: did judge call duard bradshaw
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes. He ran out of here before telling me how it went.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, February 05, 2003 6:16 PM
To: Nelson, Carolyn
Subject: did judge call duard bradshaw

From: CN=Catherine J. Martin/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2003 1:24:10 PM
Subject: : Re: tonight
Attachments: P_9CVND003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME: 5-FEB-2003 18:24:10.00
SUBJECT:: Re: tonight
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

not black tie but a black cocktail suit. We will call you. Don't want to be there right at 7. Perhaps we can depart at 7ish.

Brett M. Kavanaugh
02/05/2003 05:59:59 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP
cc:
bcc:
Subject: Re: tonight

Whenever you 2 are leaving is fine with me; just let me know. Should I come up to your office? Also, are you wearing the equivalent of black-tie gear?

Catherine J. Martin
02/05/2003 06:00:06 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: tonight

not early. when do you want to go?

Brett M. Kavanaugh
02/05/2003 05:22:55 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP
cc:
bcc:
Subject: Re: tonight

yes, what time are you leaving.

Catherine J. Martin
02/05/2003 04:58:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: tonight

I have your ticket - do you want to go over there tonight with jennifer and me.

Brett M. Kavanaugh
02/05/2003 04:45:08 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP
cc:
bcc:
Subject: Re: tonight

yes

Catherine J. Martin
02/05/2003 04:17:52 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: tonight

my assistant is going to pick up the tickets from lower press - want us to get yours for you?
---------- Forwarded by Catherine J. Martin/OVP/EOP on 02/05/2003 04:20 PM ----------

"Lipper, Tamara" <Tamara.Lipper@Newsweek.com>
02/05/2003 02:58:18 PM
Record Type: Record

To: Catherine J. Martin/OVP/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: tonight

i have left both of your tickets in lower press and hopefully they'll somehow get to you shortly. the reception starts at 7pm so i will see you all there.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9CVND003_WHO.TXT_1>

i have left both of your tickets in lowe r press and hopefully they'll somehow get to you shortly. the reception starts at 7pm so i will see you all there.

From: Kavanaugh, Brett M.
To: <Wingate, Heather>
Sent: 2/5/2003 5:55:43 PM
Subject: Re: 9:30-10am

I will be there.

From: Heather Wingate/WHO/EOP@Exchange on 02/05/2003 05:42:18 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: 9:30-10am

Can you be up here in the LBJ room of the capitol tomorrow for a press secretary briefing? I don't think it will be very formal, but I think it would be good for you to be up here for it.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 2/6/2003 2:34:15 AM
Subject: : Re: quick question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2003 07:34:15.00
SUBJECT:: Re: quick question
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This is what I was told:

Right now, over 40 alumni are going up to spend a weekend and raise money for
a scholarship in honor of the 4 guys who were killed.

Don't know if you followed it at all, but the toxicology reports on the DKE brother driving the vehicle were negative... he did NOT have a drop of alcohol in his system plus he was going the speed limit. The main cause of the crash looks to be that the lights on the highway were not working. The Safety board recreated the crash scene and said that from 50 feet you could not see the trailer -- this was a freak accident.

Anyway, didn't know if you knew anyone i could talk to about facilitating this... The current president of DKE is Nick Sinatra.

Ashley Estes
02/06/2003 07:29:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
bcc:
Subject: Re: quick question

let me check into it. he knew one family and sent them a note, but hasn't done any others. is it a memorial service? is it some sort of "event?"

Brett M. Kavanaugh

02/06/2003 07:19:35 AM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
Subject: quick question

Is there any way to get a sympathy letter to the DKE chapter at Yale (home of the 4 Yale students killed a few weeks ago) turned around and signed by tomorrow? Whom would you suggest I consult?

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Heather Wingate/WHO/EOP@Exchange [WHO] <Heather Wingate>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2003 4:55:24 AM
Subject: : FW: Reuters - Democrats Unsure if Can Block Bush Judge Nominee

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 6-FEB-2003 09:55:24.00
SUBJECT:: FW: Reuters - Democrats Unsure if Can Block Bush Judge Nominee
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

;
-----Original Message-----
From: Bravo, Brian
Sent: Thursday, February 06, 2003 9:31 AM
Subject: Reuters - Democrats Unsure if Can Block Bush Judge Nominee

Democrats Unsure if Can Block Bush Judge Nominee

By Thomas Ferraro

WASHINGTON (Reuters) - U.S. Senate Democratic Leader Tom Daschle said on Wednesday he was uncertain if he would have the votes to block President Bush's nomination of Miguel Estrada, a conservative Hispanic, to a federal appeals court.

But as the Senate opened debate on Estrada, Daschle, of South Dakota, vowed an all-out fight and said "there's overwhelming opposition" within his 48-member Democratic caucus to the nominee.

Estrada, 41, is a Harvard-educated private attorney and former assistant U.S. solicitor general. He came to the United States as a teen-ager from Honduras a generation ago.

Republicans hail Estrada as a bona fide American success story who deserves to be confirmed to a seat on the U.S. Court of Appeals for the District of Columbia Circuit.

But Democrats and liberal groups, including a number of Hispanic organizations, oppose Estrada, saying he is part of Bush's effort to pack the courts with right-wing ideologues.

Republicans control the Senate, 51 to 48 with one independent. Yet Democrats would need just 41 senators to sustain a filibuster and prevent a confirmation vote.

Daschle, asked at a news conference if he expected to have enough Democrats to sustain a filibuster, replied, "I don't know."

"We will not make a final determination to what our strategy will be until this plays out," said Daschle, flanked by Hispanic leaders opposed to Estrada. "We will consider all our options."

The Senate is not expected to vote on Estrada until at least next week. Sen. Rick Santorum of Pennsylvania, a member of the Republican leadership, said on Wednesday he was confident all 51 Republicans would back the nominee.

"The Democrats are proving that they are against anybody who has any kind of conservative background," Santorum said. "It's an outrage. I say we stand and fight. Bring it on."

The Estrada nomination was the chief topic of discussion at the Senate Democrats' weekly luncheon meeting on Wednesday, triggering what one member described as a "feisty debate."

A number of Democrats spoke out against Estrada, while just one, John Breaux, a Louisiana moderate, voiced support for him, participants said.

"I will vote for him. I think he is uniquely qualified," Breaux told reporters, noting he received the highest rating from the American Bar Association. "If someone disagrees ... they can vote against him, but I think it would be wrong to prevent a vote on him with a filibuster."

Another moderate Senate Democrat, Ben Nelson of Nebraska, said he would defer a decision until he meets with Estrada and reads a transcript from his Senate confirmation hearing last year. "I want to be fair," Nelson said.

;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@Exchange@EOP [WHO] <Kristen Silverberg>
Sent: 2/6/2003 2:20:04 AM
Subject: : debt ceiling

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2003 07:20:04.00
SUBJECT:: debt ceiling
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Is Treasury consulting us on this?

&The federal government will run out of borrowing authority in about two weeks, forcing the Bush administration to ask Congress to boost the debt limit while selling a budget that envisions even bigger deficits. The Treasury said Wednesday that it expects to hit the statutory limit on how much debt it can issue around Feb. 20, although it could use several bookkeeping maneuvers to delay that to the beginning of April. The current debt ceiling is $6.4 trillion. As of Tuesday, debt subject to that ceiling stood at $6.34 trillion, meaning only $60 billion more can be issued.8

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 2/6/2003 2:23:28 AM
Subject: : quick question

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-FEB-2003 07:23:28.00
SUBJECT:: quick question
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Is there any way to get a sympathy letter to the DKE chapter at Yale (home
of the 4 Yale students killed a few weeks ago) turned around and signed by
tomorrow? Whom would you suggest I consult?
```

From: CN=Ashley Estes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2003 2:27:55 AM
Subject: : Re: quick question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2003 07:27:55.00
SUBJECT:: Re: quick question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

let me check into it. he knew one family and sent them a note, but hasn't done any others. is it a memorial service? is it some sort of "event?"

Brett M. Kavanaugh
02/06/2003 07:19:35 AM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
Subject: quick question

Is there any way to get a sympathy letter to the DKE chapter at Yale (home of the 4 Yale students killed a few weeks ago) turned around and signed by tomorrow? Whom would you suggest I consult?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/6/2003 2:48:54 AM
Subject: : can you get me copy of Match letter

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-FEB-2003 07:48:54.00
SUBJECT:: can you get me copy of Match letter
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Kavanaugh, Brett M.
To: <Silverberg, Kristen>
Sent: 2/6/2003 7:15:47 AM
Subject: debt ceiling

Is Treasury consulting us on this?

"The federal government will run out of borrowing authority in about two weeks, forcing the Bush administration to ask Congress to boost the debt limit while selling a budget that envisions even bigger deficits. The Treasury said Wednesday that it expects to hit the statutory limit on how much debt it can issue around Feb. 20, although it could use several bookkeeping maneuvers to delay that to the beginning of April. The current debt ceiling is $6.4 trillion. As of Tuesday, debt subject to that ceiling stood at $6.34 trillion, meaning only $60 billion more can be issued."

From:	CN=Martha B. Schiele/OU=OA/O=EOP [OA]
To:	Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Carol E. Ehrlich/OA /EOP@Exchange@EOP [OA] <Carol E. Ehrlich>;Keith L. Roberts/OA/EOP@Exchange@EOP [OA] <Keith L. Roberts>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Nanette Everson/WHO /EOP@EOP [WHO] <Nanette Everson>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;William Perhach/CEQ/EOP@EOP [CEQ] <William Perhach>;Dinah Bear/CEQ /EOP@EOP [CEQ] <Dinah Bear>;Zakia Mull/OA/EOP@Exchange@EOP [OA] <Zakia Mull>;Courtney S. Elwood/OVP/EOP@EOP [OVP] <Courtney S. Elwood>;Catherine Lotrionte/PFIAB/EOP@EOP [PFIAB] <Catherine Lotrionte>;Carolyn Nelson/WHO /EOP@Exchange@EOP [WHO] <Carolyn Nelson>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Patrick J. Bumatay/WHO /EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Edward A. Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>;Sandra C. Steele/OA/EOP@Exchange@EOP [OA] <Sandra C. Steele>;Adam F. Greenstone/OA/EOP@Exchange@EOP [OA] <Adam F. Greenstone>
CC:	Nikky Cogdell/OA/EOP@EOP [OA] <Nikky Cogdell>;Cynthia J. Lizik/OA/EOP@EOP [OA] <Cynthia J. Lizik>;Karen E. Kaufmann/OA/EOP@EOP [OA] <Karen E. Kaufmann>;Melinda A. Garroway/OA/EOP@EOP [OA] <Melinda A. Garroway>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C. Hawthorne>;Jacqueline C. Cragg/OA/EOP@EOP [OA] <Jacqueline C. Cragg>
Sent:	2/6/2003 4:03:50 AM
Subject:	: LexisNexis Legal Professionals Newsletters for January and February
Attachments:	P_1M7OD003_WHO.TXT_1.pdf; P_1M7OD003_WHO.TXT_2.pdf

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Martha B. Schiele ( CN=Martha B. Schiele/OU=OA/O=EOP [ OA ] )
CREATION DATE/TIME: 6-FEB-2003 09:03:50.00
SUBJECT:: LexisNexis Legal Professionals Newsletters for January and February
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carol E. Ehrlich ( CN=Carol E. Ehrlich/OU=OA/O=EOP@Exchange@EOP [ OA ] )
READ:UNKNOWN
TO:Keith L. Roberts ( CN=Keith L. Roberts/OU=OA/O=EOP@Exchange@EOP [ OA ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:William Perhach ( CN=William Perhach/OU=CEQ/O=EOP@EOP [ CEQ ] )
READ:UNKNOWN
TO:Dinah Bear ( CN=Dinah Bear/OU=CEQ/O=EOP@EOP [ CEQ ] )
READ:UNKNOWN
TO:Zakia Mull ( CN=Zakia Mull/OU=OA/O=EOP@Exchange@EOP [ OA ] )
READ:UNKNOWN
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Catherine Lotrionte ( CN=Catherine Lotrionte/OU=PFIAB/O=EOP@EOP [ PFIAB ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
```

READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN
TO:Sandra C. Steele (CN=Sandra C. Steele/OU=OA/O=EOP@Exchange@EOP [OA])
READ:UNKNOWN
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange@EOP [OA])
READ:UNKNOWN
CC:Nikky Cogdell (CN=Nikky Cogdell/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Cynthia J. Lizik (CN=Cynthia J. Lizik/OU=OA/O=EOP@EOP [OA])
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CC:Karen E. Kaufmann (CN=Karen E. Kaufmann/OU=OA/O=EOP@EOP [OA])
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CC:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])
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find of interest.

Martha Schiele
Supervisory Librarian
Room 308 EEOB
Library and Research Services Division
x57000

- FedAdv_Legal 1-2003.pdf
- FedAdv_Legal 2-2003.pdf
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LexisNexis

January 2003 Volume #2 Issue #1

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- Utilize the **Federal Litigation Practice Page** as your single location on the web for virtually all your litigation needs. From the practice page, you can research analytical & primary law sources; find people, property, & financial information; track recent news & developments concerning federal procedure and evidence; and draft forms... It's all just a "click" away!

- Keep on top of recent decisions with The **Daily Opinion Service** from LexisNexis, your electronic daily advance sheet. Updated every two hours throughout the day, this service provides you with the most timely and comprehensive coverage of electronic caselaw from Federal and State appellate and high courts nationwide. Simply select one or more courts that are of interest to your practice, select one or more dates, and click on "Search". It's that easy! The Daily Opinion Service provides you with FREE cite lists that include our revolutionary Core Terms summaries. You can easily and efficiently review summaries of today's opinions to determine which cases deal directly with the issues you are researching. The full text of the documents is available through the use of a LexisNexis ID. Access to the Daily Opinion Service is on the sign-in page for *lexis.com*®.

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- Check all of the cites in your document or brief using **CheckCite®.** CheckCite software collects the citations from your document, verifies them through *Shepard's* Citation Service and then generates a summary report that tags problem cites for immediate attention. It even verifies quotes!

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Coming Soon...A LexisNexis website for our federal government customers. Visit this site to find out what's new at LexisNexis, to get PDF versions of LexisNexis literature, to see what events are taking place at LexisNexis...and to get the current as well as previous issues of the Federal Advantage Newsletter!

Note from the editors: As we start 2003 and the second year of publication of the Federal Advantage Newsletter, we would like to make sure that the newsletter is meeting the needs of our legal customers. If you would like to make any suggestions or comments about this issue or any issue of the LexisNexis Federal Advantage, please feel free to e-mail carron.laake@lexisnexis.com.

To learn more about any of the products or enhancements mentioned in this issue of LexisNexis Federal Advantage, contact your LexisNexis Account Manager or Research Consultant or call our 24 hour customer service number at 1-800-543-6862.

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February 2003 Volume #2 Issue #2

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  Adding multiple tabs, deleting tabs, re-ordering tabs is also easy to do through the 'Add/Edit" tab links.

- *Increased search limits*…retrieve more answers from a single search! Now your search will allow you to retrieve up to 3000 documents before giving you the message to narrow your search. The prior limit was 1000 search results.

  Remember: FOCUS™ is the way to narrow your search once your retrieve your initial results. You can FOCUS as many times as you'd like and can always go back out and view all of your initial results.

- *New Default Print Font.* You print results will look much better in the new default font, Times Roman.

Take some time to check out these new enhancements. If you have any questions, call your Research Consultant or LexisNexis Customer Service.

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January 2003 Volume #2 Issue #1

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February 2003 Volume #2 Issue #2

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CC:	Nikky Cogdell/OA/EOP@EOP [OA] <Nikky Cogdell>;Cynthia J. Lizik/OA/EOP@EOP [OA] <Cynthia J. Lizik>;Karen E. Kaufmann/OA/EOP@EOP [OA] <Karen E. Kaufmann>;Melinda A. Garroway/OA/EOP@EOP [OA] <Melinda A. Garroway>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C. Hawthorne>;Jacqueline C. Cragg/OA/EOP@EOP [OA] <Jacqueline C. Cragg>
Sent:	2/6/2003 4:03:50 AM
Subject:	: LexisNexis Legal Professionals Newsletters for January and February
Attachments:	F_1M7OD003_OA.TXT_1.pdf; F_1M7OD003_OA.TXT_2.pdf

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Martha B. Schiele ( CN=Martha B. Schiele/OU=OA/O=EOP [ OA ] )
CREATION DATE/TIME: 6-FEB-2003 09:03:50.00
SUBJECT:: LexisNexis Legal Professionals Newsletters for January and February
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carol E. Ehrlich ( CN=Carol E. Ehrlich/OU=OA/O=EOP@Exchange@EOP [ OA ] )
READ:UNKNOWN
TO:Keith L. Roberts ( CN=Keith L. Roberts/OU=OA/O=EOP@Exchange@EOP [ OA ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:William Perhach ( CN=William Perhach/OU=CEQ/O=EOP@EOP [ CEQ ] )
READ:UNKNOWN
TO:Dinah Bear ( CN=Dinah Bear/OU=CEQ/O=EOP@EOP [ CEQ ] )
READ:UNKNOWN
TO:Zakia Mull ( CN=Zakia Mull/OU=OA/O=EOP@Exchange@EOP [ OA ] )
READ:UNKNOWN
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Catherine Lotrionte ( CN=Catherine Lotrionte/OU=PFIAB/O=EOP@EOP [ PFIAB ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
```

READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN
TO:Sandra C. Steele (CN=Sandra C. Steele/OU=OA/O=EOP@Exchange@EOP [OA])
READ:UNKNOWN
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@Exchange@EOP [OA])
READ:UNKNOWN
CC:Nikky Cogdell (CN=Nikky Cogdell/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Cynthia J. Lizik (CN=Cynthia J. Lizik/OU=OA/O=EOP@EOP [OA])
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CC:Karen E. Kaufmann (CN=Karen E. Kaufmann/OU=OA/O=EOP@EOP [OA])
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READ:UNKNOWN
CC:Jacqueline C. Cragg (CN=Jacqueline C. Cragg/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

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find of interest.

Martha Schiele
Supervisory Librarian
Room 308 EEOB
Library and Research Services Division
x57000

- FedAdv_Legal 1-2003.pdf
- FedAdv_Legal 2-2003.pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_1M7OD003_OA.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_1M7OD003_OA.TXT_2>

LexisNexis

January 2003 Volume #2 Issue #1

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- Utilize the **Federal Litigation Practice Page** as your single location on the web for virtually all your litigation needs. From the practice page, you can research analytical & primary law sources; find people, property, & financial information; track recent news & developments concerning federal procedure and evidence; and draft forms... It's all just a "click" away!

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- Check all of the cites in your document or brief using **CheckCite®.** CheckCite software collects the citations from your document, verifies them through *Shepard's* Citation Service and then generates a summary report that tags problem cites for immediate attention. It even verifies quotes!

Search Tip- Changing your Options to view more than 10 documents on the first page of your cite list... Did you know that you can change the number of documents you see on the first page of your cite list? If you are only seeing 1-10 or 1-25 on that first page, you can quickly and easily change that so you will see 1-50. Just go to the top right section of your lexis.com screen and click on the button for "options". On the left hand side of the screen, you will see a section for "Retrieve..." and under that will be a pull down for how many documents you want to retrieve at a time. Choose the maximum number of 50 and then click on "Set" at the bottom of the options page. From that point on, any searches that you run under your ID number will automatically give you the first 1-50 in your cite list.

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Coming Soon...A LexisNexis website for our federal government customers. Visit this site to find out what's new at LexisNexis, to get PDF versions of LexisNexis literature, to see what events are taking place at LexisNexis...and to get the current as well as previous issues of the Federal Advantage Newsletter!

Note from the editors: As we start 2003 and the second year of publication of the Federal Advantage Newsletter, we would like to make sure that the newsletter is meeting the needs of our legal customers. If you would like to make any suggestions or comments about this issue or any issue of the LexisNexis Federal Advantage, please feel free to e-mail carron.laake@lexisnexis.com.

To learn more about any of the products or enhancements mentioned in this issue of LexisNexis Federal Advantage, contact your LexisNexis Account Manager or Research Consultant or call our 24 hour customer service number at 1-800-543-6862.

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LexisNexis

February 2003 Volume #2 Issue #2

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  Adding multiple tabs, deleting tabs, re-ordering tabs is also easy to do through the 'Add/Edit" tab links.

- *Increased search limits*…retrieve more answers from a single search! Now your search will allow you to retrieve up to 3000 documents before giving you the message to narrow your search. The prior limit was 1000 search results.

  Remember: FOCUS™ is the way to narrow your search once your retrieve your initial results. You can FOCUS as many times as you'd like and can always go back out and view all of your initial results.

- *New Default Print Font.* You print results will look much better in the new default font, Times Roman.

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Matthew Bender® Tax Treatises…rely on the experts!

Matthew Bender and Company publishes over 100 tax, estate and elder law publications, most of which are treatises examining Federal income and estate gift taxation. Matthew Bender also publishes 55 products that are "state specific" and typically examine estate planning, probate and elder law in particular states.

What makes Matthew Bender treatises different from other treatises? Matthew Bender authors place themselves in the shoes of the tax practitioner and design their materials to cover the full range of transactions they will encounter. To make the treatises even more useful, they are loaded with hypothetical examples, tax-planning tips, caveats, checklists, model forms and agreements, and many other things a tax practitioner would need at their fingertips!

Search Tip- To specify the number of times a searchable word must appear in a document…use the ATLEAST command.

Use the ATLEAST command before a word or phrase that you would like to appear more than one time in a document. The ATLEAST command will qualify that

the word or phrase has the number of occurrences (between 1-250) you specify in the document.

For instance, to find a document with 20 or more occurrences of the word negligence, type: atleast20(negligence). This will insure that the word "negligence" appears at least 20 times in your document results.

To learn more about any of the products or enhancements mentioned in this issue of LexisNexis Federal Advantage, contact your LexisNexis Account Manager or Research Consultant or call our 24 hour customer service number at 1-800-543-6862.

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From: CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2003 4:35:58 AM
Subject: : FW: reminder
Attachments: P_XYAOD003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 6-FEB-2003 09:35:58.00
SUBJECT:: FW: reminder
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Call after you read.

-----Original Message-----
From: Reardon, Brian
Sent: Wednesday, February 05, 2003 4:06 PM
To: Silverberg, Kristen; Hennessey, Keith
Subject: Re: reminder

Debt Ceiling Memo

From: Kristen Silverberg/WHO/EOP@Exchange on 02/05/2003 03:07:31 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: reminder

that we need quick briefers on ...

Growth plan (update on Hill discussions and the best talking pts on dividends)
Medicaid
CARE
CSA
Healthy Forests
AIDS
Bioshield
Partial Birth
Banking Issues (FDIC/ Corp. Gov/ Bankruptcy)
LSA/RSAs
PBOR

Message Sent
To:_____
Keith Hennessey/OPD/EOP@Exchange
Brian Reardon/OPD/EOP@EOP
William D. Badger/OPD/EOP@EOP
Jim Towey/WHO/EOP@EOP
Stephen M. Garrison/WHO/EOP@EOP
Joseph F. O'Neill/OPD/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@Exchange
Kenneth Bernard/WHO/EOP@EOP
Kevin Warsh/OPD/EOP@EOP

Alan Gilbert/OPD/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XYAOD003_WHO.TXT_1>

To: Josh Bolton
From: Brian Reardon, NEC
Date: 2/4/2003
RE: Debt Ceiling Increase

This morning, Treasury issued a vanilla statement (copied below) announcing:

- The current debt ceiling of $6.4 trillion will be reached on or about February 20th; and

- Using past practices, they could keep the government solvent until early April, when a large set of payments is due.

What they didn't say is Treasury can keep the government solvent into early June using the "Debt Suspension Authority" they have. Moving beyond early June would require extraordinary efforts.

Congress

According to the leg shop, the House's initial thought is to pass the debt increase with the budget conference report. This enables them to increase the debt ceiling without voting on it directly using the so-called Gephardt Rule. Waiting for a budget conference report could push us into May or June. Then the Senate would have to act.

Members – especially House Members – will have three issues.

- First, is what is Treasury's "drop dead date" for needing a debt ceiling increase.

- Second, is Treasury going to play Chicken Little as they have in the past about what the drop dead date is?

- Third, how much of an increase do we need?

Our Position:

My suggested message for Congress – again mostly the House – is the following:

- We shouldn't play games with the debt ceiling. If you're going to use the budget conference report, make sure the budget moves quickly. April is better than May.

- Treasury is prepared to do what's necessary to keep the government solvent. The longer we wait, the more draconian their options become. That's not healthy for the economy. Waiting until late May or June is a real risk.

- The increase should be sufficient to get us through 2004. (The House especially should be eager to do the same.)

TREASURY STATEMENT ON THE DEBT CEILING

This morning the Treasury issued its quarterly refunding statement, reflecting revised projections of the government's borrowing needs for the next two quarters of the 2003 fiscal year. Under these projections, debt subject to limit is expected to reach the statutory ceiling of $6,400 billion on or about February 20th and will likely remain above the current debt ceiling thereafter.

If the statutory debt ceiling is not raised, the Treasury will have to begin to use a number of stopgap devices - some costly - to manage debt subject to limit, which have been previously utilized under established legal authority.

On current projections, this additional limited borrowing capacity may only be adequate to meet the government's needs until the beginning of April, when recurring benefit and tax refund payments occur.

The Treasury will continue to work with Congress to ensure the government's ability to finance its operations. Prompt action by Congress to raise the debt ceiling is necessary to ensure success in our efforts to combat terrorism, continue the economic recovery and maintain the soundness of federal government securities.

From:	Schiele, Martha B.
To:	<Greenstone, Adam F.>;<Mull, Zakia>;<Steele, Sandra C.>;<Bear, Dinah>;<Boling, Edward A.>;<Perhach, William>;<Bartolomucci, H. Christopher>;<Brilliant, Hana F.>;<Bumatay, Patrick J.>;<Everson, Nanette>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Riepenhoff, Allison L.>;<Sampson, Kyle>;<Walker, Helgard C.>;<Powell, Benjamin A.>;<Roberts, Keith L.>;<Nelson, Carolyn>;<Ehrlich, Carol E.>;<Lotrionte, Catherine>;<Ullyot, Theodore W.>;<Elwood, Courtney S.>
CC:	<Cragg, Jacqueline C.>;<Kaufmann, Karen E.>;<Hawthorne, Susan C.>;<Lizik, Cynthia J.>;<Garroway, Melinda A.>;<Cogdell, Nikky>
Sent:	2/6/2003 8:55:16 AM
Subject:	LexisNexis Legal Professionals Newsletters for January and February
Attachments:	FedAdv_Legal 1-2003.pdf; FedAdv_Legal 2-2003.pdf

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Martha Schiele

Supervisory Librarian

Room 308 EEOB

Library and Research Services Division

x57000

- FedAdv_Legal 1-2003.pdf << FedAdv_Legal 1-2003.pdf >>

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LexisNexis

January 2003 Volume #2 Issue #1

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February 2003 Volume #2 Issue #2

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From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2003 5:01:42 AM
Subject: : Daily Update - February 5, 2003

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2003 10:01:42.00
SUBJECT:: Daily Update - February 5, 2003
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Christian Coalition also did another action alert.
---------- Forwarded by Matthew E. Smith/WHO/EOP on 02/06/2003 10:01 AM ----------

Citizen Link <CitizenLink@FOTF.ORG>
02/05/2003 07:39:26 PM
Please respond to Citizen Link <citizenlink@FOTF.ORG>
Record Type: Record

To: LinkMembers@LISTSERV.FAMILY.ORG
cc:
Subject: Daily Update - February 5, 2003

CITIZENLINK
February 5, 2003

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PROGRAM NOTE:
Dr. James Dobson, president and founder of Focus on the Family, will appear on "Larry King Live" Friday, Feb. 7. Dr. Dobson, who has been a frequent guest of Mr. King's, will be the only guest for the show. He will also take phone calls from viewers during the show. "Larry King Live" airs on CNN at 9 p.m. Eastern. For more information, check your local listings, or visit the "Larry King Live" Web site:
http://www.cnn.com/CNN/Programs/larry.king.live/
==========

SENATE BEGINS DEBATE ON ESTRADA:
Though no vote was taken, senators started their heated debate over judicial nominee Miguel Estrada.
(See "CitizenLink E-mail Exclusive" Below)

'LIFE AT CONCEPTION ACT' TO BE INTRODUCED IN CONGRESS:
A California congressman plans to offer a bill that would help protect the preborn.
http://www.family.org/cforum/fnif/news/a0024475.html

FOX'S 'MARRIED BY AMERICA' CRITICIZED:
Fox introduces another reality show with a twist . . . America decides who you marry.
http://www.family.org/cforum/fnif/news/a0024473.html

N.J. CONSIDERS CONTROVERSIAL CLONING BILL:
New Jersey is on the verge of legalizing cloning humans for the

purpose of harvesting organs and cells.
http://www.family.org/cforum/fnif/news/a0024472.html

VATICAN SPEAKS OUT AGAINST NEW AGE:
The Vatican has issued a warning for Catholics thinking about the "New Age" movement.
http://www.family.org/cforum/fnif/news/a0024470.html

NEWS BRIEFS:
Senate majority leader has an online cloning poll, and Adelphia carries porn channels.
(See "News Briefs" Below)

ASTRONAUTS' FAITH TOUCHES LIVES:
Each time tragedy strikes America, people seem to step up to remind us of the comfort in turning to God.
http://www.family.org/cforum/feature/a0024420.html

Encourage a friend to sign up for this e-mail:
http://www.family.org/cforum/clinksignup.cfm

To visit our Web site:
http://www.citizenlink.org

To contact your congressman or senators:
http://www.family.org/citizenaction

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EDITOR'S PICKS: Tools for Engaging Your World

"Certain Peace in Uncertain Times"
By Shirley Dobson
http://www.family.org/resources/itempg.cfm?itemid=2996&CE03BCZL&tvar=no

In "Certain Peace in Uncertain Times", Shirley Dobson -- National Day of Prayer Task Force chairman -- shares personal stories and an exciting, four-step approach to prayer: Praise, Repent, Ask and Yield. You'll be motivated and encouraged to communicate daily with the Lord, bringing a new richness and meaning to your life.
Item Code: BD538
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CITIZENLINK E-MAIL EXCLUSIVE

Senate Begins Debate on Estrada
By Ben Taylor, CitizenLink editor

Heated debate filled the U.S. Senate chamber on Wednesday, as senators began their much-anticipated consideration of judicial nominee Miguel Estrada.

Estrada, who has been nominated by President Bush to fill a seat on the U.S. Court of Appeals for the D.C. Circuit, has long been opposed by liberals for his conservative views.

Democrats complained that Estrada evaded questions about his views during his hearing last year before the Senate Judiciary Committee.

"I have never seen such an incredible display of avoidance and of ultimate stonewalling in any confirmation process than I have seen when Miguel Estrada came before our committee," said Sen. Charles Schumer, D-N.Y., who is Estrada's biggest opponent in the Senate.

Yet, the nominee's supporters claim Estrada is eminently

qualified, and that Democrats are fighting against him simply because he is a conservative.

"I fear that some Democrats are creating a new intellectual glass ceiling for Hispanics,'' said Sen. Orrin Hatch, R-Utah. "If they do not think a certain liberal way that they do, then they are not good enough for upward mobility and advancement. That is wrong and this body should not perpetuate that.''

Democrats reportedly have yet to decide whether to try blocking Estrada's nomination with a filibuster. If they do, it would take 60 votes to overcome the filibuster.

A vote on Estrada is expected to be delayed until next week.

TAKE ACTION
If you believe liberal ideologues ought not dominate the judicial nomination process, and that well-qualified conservatives like Estrada deserve to be added to the federal judiciary, now is the time to speak out. Contact your two U.S. senators and urge them to vote IN FAVOR of Miguel Estrada's nomination to the U.S. Court of Appeals for the District of Columbia Circuit.

To contact your senators, call the Capitol switchboard at 202-224-3121, or for help in finding out who your senators are or to send them an e-mail, please see our Legislative Action Center: http://www.family.org/citizenaction

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FAMILY NEWS IN FOCUS STORIES

'Life at Conception Act' to be Introduced in Congress
By David Brody, Washington, D.C., correspondent

SUMMARY: A California congressman plans to offer a bill that would help protect the preborn.

It might be tough legislation to pass, but Rep. Duncan Hunter, R-Calif., is set to introduce a bill called the "Life at Conception Act of 2003." Hunter's bill makes clear that life does begin at conception, and the California congressman hopes that if it ever becomes law, abortion supporters will have no legal leg on which to stand.

"The only way that we're going to legislatively overturn Roe v. Wade is to establish personhood early on -- and that is at conception," Hunter said.

But getting the bill passed into law will be an uphill fight. The legislation has been introduced in previous sessions of Congress but because of its' controversial nature, it hasn't moved. Hunter sees a different political climate now.

"I think there's certainly more opportunity than there was when we had fewer (pro-life) numbers, he said. "And obviously, when the Senate was in the control of Democrats that made it virtually impossible, so this is a better opportunity than we've had in the past."

Hunter and the pro-life movement seem to have science on their side. Kelly Hollowell, a scientist for Science Ministries Incorporated, points out that cloning and other technologies have actually proved that life begins at conception.

"Technology can tell us exactly when life begins," Hollowell said. "People in the pro-life movement should recognize how we should use this technology to advance our position. We should be standing up (and) ... redefining protecting all life from the very

moment of conception."

With technology on the side of the bill's supporters, the real question remains if enough House members will see that truth and be bold enough to take a stand for the preborn.

The bill, which already has 26 cosponsors, is expected to be introduced this week. Speaker of the House Dennis Hastert is pro-life, but there has been no word yet whether or not the bill will be brought up for a vote on the House floor.

TAKE ACTION:
This bill is an important step towards overturning Roe v. Wade and protecting the lives of the preborn. Please contact your House representative and ask him or her to support the "Life at Conception Act of 2003," sponsored by Congressman Duncan Hunter, when it is introduced. Call the Capitol switchboard at 202-224-3121, or to find out who your representative is and how to send him or her an e-mail, please visit our Legislative Action Center at:
http://www.family.org/citizenaction

Fox's 'Married by America' Criticized
By Stuart Shepard, correspondent

SUMMARY: Fox introduces another reality show with a twist ... America decides who you marry.

Is it a good idea for two strangers to marry because TV viewers decide they should be together? That's the premise of Fox's new TV reality show, "Married by America."

The program is set to begin airing on March 10, and the premise of the show is strangers make the ultimate commitment and agree to get married to whomever America deems fit.

Ed Vitagliano, a spokesman for the American Family Association, said it shows the low view of marriage held by entertainment executives.

"This trivializes it," Vitagliano said. "This is not like arranged marriages 400 years ago when marriage was still considered to be something worthwhile. This is just getting married on a lark."

Glenn Stanton, director of social research and cultural affairs for Focus on the Family, described the show as a corrupted version of a bedrock truth about marriage -- "which is not emotion, which is not this warm euphoric love feeling; it's commitment. It's willful commitment, that I am going to commit myself to this other person.".

Stanton also said he's giving the TV show a thumbs down and not recommending the show.

Vitagliano said if viewers want to express their opinions, they should view the show once, and if they think it devalues marriage they should let their local Fox affiliate know what you think. And then -- tune out.

FOR MORE INFORMATION:
To find contact information for your local Fox affiliate, please see the Media Guide of our Legislative Action Center at:
http://capwiz.com/fof/dbq/media/

Focus on the Family has several resources relating to discernment in choosing what to watch. We recommend the following:

"Mind over Media: The Power of Making Sound Media Choices"
http://www.family.org/resources/itempg.cfm?itemid=2154&CE03BCZL&tvar=no

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N.J. Considers Controversial Cloning Bill
By Terry Phillips, state issues correspondent

SUMMARY: New Jersey is on the verge of legalizing the cloning of humans for the purpose of harvesting organs and cells.

The New Jersey Assembly may be on the verge of legalizing the most appalling sort of scientific experimentation. Assembly Bill 2840 will not only allow, but demand, the killing of certain preborn babies as long as it is not later than the moment of birth.

The measure, a cloning bill, sailed through the New Jersey Senate without receiving a single "no" vote. Marie Tasy, head of New Jersey Right to Life, outlined the bill's provisions.

"It would allow cloned embryonic human beings to be implanted into the womb, be brought up to the ninth month of pregnancy, and at any point be destroyed for organs and cells," Tasy said.

Some are arguing that a last-minute amendment by the Senate made the bill into anti-cloning legislation. However, Len Deo, president of the New Jersey Family Policy Council, says it did exactly the opposite.

"A number of legislators were very disingenuous that there would be no cloning. And here it is," Deo said.

The bill makes the live birth of a cloned baby a crime, and makes everyone involved -- even the mother -- a criminal if the infant survives. However, the measure allows abortion right up until the moment of birth, because it only considers the baby to be a clone if he or she is born. This, in turn, would provide scientists with tissue on which to conduct research. Deo said the bill essentially would create an "organ farm."

Tasy added: "It's ghoulish, it's gruesome, and yet in New Jersey 25 senators gave their approval for this type of mad science to proceed."

On Monday, the legislation moved a step closer to becoming law when the bill passed out of a state Assembly Committee by a vote of 5 to 2. It is expected the full Assembly will vote on the legislation early next week.

TAKE ACTION (New Jersey residents only):
Assembly Speaker, Albio Sires, is now in control of the cloning bill, Assembly Bill 2840. If you are repelled by the thought of organs being harvested from unborn children, call Speaker Sires (pronounced SEER-eez) at 201-854-0900 and urge him to stop Assembly Bill 2840 from being approved by the Assembly. Also, call your own Assembly member and urge him or her to OPPOSE Assembly Bill 2840. To find out who your Assembly member is and how to contact him or her, see our Legislative Action Center at:
http://capwiz.com/fof/officials/state/?lvl=C&state=nj

For additional information about this issue, contact the New Jersey Family Policy Council by calling 1-800-FAMILY-1 (in-state only), or 973-263-5258. You can also visit the group's Web site at:
http://www.njfpc.org

Vatican Speaks Out Against New Age
By David Brody, Washington, D.C., correspondent

SUMMARY: The Vatican has a very stern warning for Catholics thinking about dabbling in the "New Age" movement: Don't do it.

The message from the Vatican is pretty simple. It makes clear that the "New Age" promise of special powers and self-fulfillment can in no way be a replacement for the Christian faith. Dr. John Borelli, with the U.S. Conference of Catholic Bishops, said the timing of the announcement reflects the growing New Age movement.

"There's a lot of attitudes that are throughout our society and so forth that people are encountering, and I guess they thought it was better now to get something out there," Borelli said.

He noted that many times people turn to the New Age as a fall-back.

"If you have serious problems, if you yourself are having problems living the Christian life, very often you're running away from those problems and you'll take up all kinds of things," he said.

The Vatican's overall response to the New Age movement is one shared by many denominations within the Christian faith. Charles Crabtree, with Assemblies of God USA, said practicing such New Age techniques is risky business.

"Christians are becoming very susceptible to what looks good or feels good or looks harmless," Crabtree said. "When we deny the supremacy of Jesus Christ and His lordship by saying there is nothing wrong, in spite of what the Lord says, then we're in mortal danger."

The Vatican is hoping Christians worldwide will see the danger signs ahead.

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NEWS BRIEFS

Frist Has Online Cloning Poll

Americans want to ban all human cloning, according to an online poll on the Web site of Senate Majority Leader Bill Frist.

A poll on Frist's Web site asks two questions: "Should human embryo research cloning be banned?" and "Should human reproductive cloning be banned?" Respondents indicate overwhelming support for a ban in both cases, which is good news for a bill to ban all human cloning.

Focus on the Family Bioethics Analyst Carrie Gordon Earll says opponents of such a bill are being deceitful because they are trying to make cloning for research sound like a different process than cloning with the intent of birthing a baby.

"Hopefully, (Frist) is building a case to bring this bill up before the Senate shortly," she said. "All cloning creates an individually unique human life."

Earll said no matter the purpose, the process is identical.

Adelphia Beams Adult Fare

Adelphia cable has decided to carry pornographic television

channels -- something it vowed not to do last year.

Former Adelphia owner John Rigas, who is under federal indictment for financial fraud, said last year that Adelphia would not carry adult fare for moral reasons. With Rigas gone, the company is going after the money. Randy Sharp, of the American Family Association, says the company has even turned a deaf ear to its customers.

"They are now refusing to accept concerns from citizens all across America," he said. "The president's office and all the high executives are rejecting any e-mails from consumers or just concerned citizens."

-- Written by Steve Jordahl, and Stuart Shepard

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RECOMMENDED READING

"Astronauts' Faith Touches Lives" (CitizenLink Feature Story)
By Ben Taylor
http://www.family.org/cforum/feature/a0024420.html

Each time America is hit with tragedy, key people seem to step up to remind us of the comfort found in turning to God. The explosion of the Space Shuttle Columbia is no different.

CE03BCZL

=========
Ben Taylor
Editor

Pete Winn
Associate Editor

Trish Amason
Editorial Coordinator

Peter Brandt
Director, Issues Response

Tom Minnery
Vice President, Public Policy

Dr. James C. Dobson
President, Focus on the Family

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If you would like further information on Family News in Focus stories, call (800) 782-8227.

REMOVAL INSTRUCTIONS: If you would like to be removed from the list, please send an e-mail to listserv@listserv.family.org with the text UNSUBSCRIBE LINKMEMBERS as the body of your message.

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From: Charnes, Adam <Adam.Charnes@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2003 5:14:08 AM
Subject: : Leahy SJC

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Charnes, Adam" <Adam.Charnes@usdoj.gov> ( "Charnes, Adam" <Adam.Charnes@usdoj.gov>
[ UNKNOWN ] )
CREATION DATE/TIME: 6-FEB-2003 10:14:08.00
SUBJECT:: Leahy SJC
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Do you have talking points on all the bad "firsts" of the committee under Leahy? I seem to recall that these were drafted a few weeks ago but cannot locate them. Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2003 5:29:34 AM
Subject: : Cong. Melissa Hart call/ Brett

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 6-FEB-2003 10:29:34.00
SUBJECT:: Cong. Melissa Hart call/ Brett
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

When: Friday, February 07, 2003 12:45 PM-1:00 PM (GMT-05:00) Eastern Time
(US & Canada).

*~*~*~*~*~*~*~*~*~*
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From: Silverberg, Kristen
To: <Kavanaugh, Brett M.>
Sent: 2/6/2003 9:34:30 AM
Subject: RE: debt ceiling

Brian Reardon, the new special, has been mtg with them. I will send you a one-pager he did for Josh. We should discuss.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, February 06, 2003 7:16 AM
To: Silverberg, Kristen
Subject: debt ceiling

Is Treasury consulting us on this?

"The federal government will run out of borrowing authority in about two weeks, forcing the Bush administration to ask Congress to boost the debt limit while selling a budget that envisions even bigger deficits. The Treasury said Wednesday that it expects to hit the statutory limit on how much debt it can issue around Feb. 20, although it could use several bookkeeping maneuvers to delay that to the beginning of April. The current debt ceiling is $6.4 trillion. As of Tuesday, debt subject to that ceiling stood at $6.34 trillion, meaning only $60 billion more can be issued."

From: Silverberg, Kristen
To: <Kavanaugh, Brett M.>
Sent: 2/6/2003 9:35:49 AM
Subject: FW: reminder
Attachments: Memo to Josh.doc

Call after you read.

-----Original Message-----
From: Reardon, Brian
Sent: Wednesday, February 05, 2003 4:06 PM
To: Silverberg, Kristen; Hennessey, Keith
Subject: Re: reminder

Debt Ceiling Memo

<< Memo to Josh.doc >>

From: Kristen Silverberg/WHO/EOP@Exchange on 02/05/2003 03:07:31 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: reminder

that we need quick briefers on ...

Growth plan (update on Hill discussions and the best talking pts on dividends)
Medicaid
CARE
CSA
Healthy Forests
AIDS
Bioshield
Partial Birth
Banking Issues (FDIC/ Corp. Gov/ Bankruptcy)
LSA/RSAs
PBOR

Message Sent To:

Keith Hennessey/OPD/EOP@Exchange
Brian Reardon/OPD/EOP@EOP
William D. Badger/OPD/EOP@EOP
Jim Towey/WHO/EOP@EOP
Stephen M. Garrison/WHO/EOP@EOP
Joseph F. O'Neill/OPD/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@Exchange
Kenneth Bernard/WHO/EOP@EOP
Kevin Warsh/OPD/EOP@EOP

Alan Gilbert/OPD/EOP@EOP

To: Josh Bolton
From: Brian Reardon, NEC
Date: 2/4/2003
RE: Debt Ceiling Increase

This morning, Treasury issued a vanilla statement (copied below) announcing:

- The current debt ceiling of $6.4 trillion will be reached on or about February 20th; and

- Using past practices, they could keep the government solvent until early April, when a large set of payments is due.

What they didn't say is Treasury can keep the government solvent into early June using the "Debt Suspension Authority" they have. Moving beyond early June would require extraordinary efforts.

Congress

According to the leg shop, the House's initial thought is to pass the debt increase with the budget conference report. This enables them to increase the debt ceiling without voting on it directly using the so-called Gephardt Rule. Waiting for a budget conference report could push us into May or June. Then the Senate would have to act.

Members – especially House Members – will have three issues.

- First, is what is Treasury's "drop dead date" for needing a debt ceiling increase.

- Second, is Treasury going to play Chicken Little as they have in the past about what the drop dead date is?

- Third, how much of an increase do we need?

Our Position:

My suggested message for Congress – again mostly the House – is the following:

- We shouldn't play games with the debt ceiling. If you're going to use the budget conference report, make sure the budget moves quickly. April is better than May.

- Treasury is prepared to do what's necessary to keep the government solvent. The longer we wait, the more draconian their options become. That's not healthy for the economy. Waiting until late May or June is a real risk.

- The increase should be sufficient to get us through 2004. (The House especially should be eager to do the same.)

TREASURY STATEMENT ON THE DEBT CEILING

This morning the Treasury issued its quarterly refunding statement, reflecting revised projections of the government's borrowing needs for the next two quarters of the 2003 fiscal year. Under these projections, debt subject to limit is expected to reach the statutory ceiling of $6,400 billion on or about February 20th and will likely remain above the current debt ceiling thereafter.

If the statutory debt ceiling is not raised, the Treasury will have to begin to use a number of stopgap devices - some costly - to manage debt subject to limit, which have been previously utilized under established legal authority.

On current projections, this additional limited borrowing capacity may only be adequate to meet the government's needs until the beginning of April, when recurring benefit and tax refund payments occur.

The Treasury will continue to work with Congress to ensure the government's ability to finance its operations. Prompt action by Congress to raise the debt ceiling is necessary to ensure success in our efforts to combat terrorism, continue the economic recovery and maintain the soundness of federal government securities.

From:	Francisco, Noel J.
To:	<Bartolomucci, H. Christopher>;<Camp, Elizabeth N.>;<Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>;<Addington, David S.>;<Everson, Nanette>;<Sampson, Kyle>;<Leitch, David G.>;<Ullyot, Theodore W.>
Sent:	2/6/2003 9:49:38 AM
Subject:	Pigs on the Run

"The creatures outside looked from pig to man, and from man to pig, and from pig to man again: but already it was impossible to say which was which."

FDA seeks altered-gene piglets sold as food U.S. says they pose no risk to public, but critics fear 'incidents like this'

By Elizabeth Weise

USA TODAY

The Food and Drug Administration said Wednesday that it is trying to track down as many as 386 piglets that might have been genetically engineered and wrongfully sold into the U.S. food supply.

The focus of the FDA investigation are pigs raised by researchers at the University of Illinois in Urbana-Champaign. They engineered the animals with two genes: One is a cow gene that increases milk production in the sow. The other, a synthetic gene, makes the milk easier for piglets to digest. The goal was to raise bigger pigs faster.

There has been no evidence that either genetically altered plants or animals trigger human illness, but critics warn that potential side effects remain unknown. University officials say their tests showed the piglets were not born with the altered genes, but FDA rules require even the offspring of genetically engineered animals to be destroyed so they don't get into the food supply.

The FDA, in a quickly arranged news conference Wednesday prompted by inquiries by USA TODAY, said the University of Illinois will face possible sanctions and fines for selling the piglets to a livestock broker, who in turn sells to processing plants.

Both the FDA and the university say the pigs that entered the market do not pose a risk to consumers. But the investigation follows action by the U.S. Department of Agriculture in December to fine a Texas company that contaminated 500,000 bushels of soybeans with corn that had been genetically altered to produce a vaccine for pigs.

Opponents see such cases as evidence of the need for more government oversight of a burgeoning area of scientific research.

"This is a small incident, but it's incidents like this that could destroy consumer confidence and export confidence," said Stephanie Childs of the Grocery Manufacturers of America. "We already have Europe shaky on biotech. The countries to whom we export are going to look at this."

The University of Illinois said it tested the DNA of every piglet eight times to make sure that the animal hadn't inherited the genetic engineering of its mother. Those piglets that did were put back into the study. Those that didn't were sold to the pig broker.

"Any pig that has tested negative for the genes since 1999 has been sent off to market," said Charles Zukoski, vice chancellor for research.

But FDA deputy commissioner Lester Crawford said that under the terms of the university's agreement with the FDA, the researchers were forbidden to remove the piglets without FDA approval.

"The University of Illinois failed to check with FDA to see whether or not the animals could be sold on the open market. And they were not to be used under any circumstance for food," he said.

The FDA is responsible for regulating and overseeing transgenic animals because such genetic manipulation is considered an unapproved animal drug.

From: CN=Leonard B. Rodriguez/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
Sent: 2/6/2003 5:51:00 AM
Subject: : Mayor's Op-ed

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-FEB-2003 10:51:00.00
SUBJECT:: Mayor's Op-ed
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

If you have any thoughts, please get them to Ken. He will be speaking
with the mayor's office after 11:30am.
```

From: Howard, Paul <phoward@Manhattan-Institute.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2003 6:49:19 AM
Subject: : Walter Olson in Austin, Texas; Program on Medical Malpractice

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Howard, Paul" <phoward@Manhattan-Institute.org> ( "Howard, Paul"
<phoward@Manhattan-Institute.org> [ UNKNOWN ] )
CREATION DATE/TIME: 6-FEB-2003 11:49:19.00
SUBJECT:: Walter Olson in Austin, Texas; Program on Medical Malpractice
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett,

Thanks very much for taking the time to meet with us last week. We hope
that you found the meeting to be as productive as we did.

Our senior fellow Walter Olson is going to be in Austin, Texas on March
28th
promoting his new book The Rule of Lawyers: How the New Litigation Elite
Threatens America's Rule of Law. I'm hoping you could recommend someone in
the Governor's office we could contact about setting up a meeting (or a
dinner) for Wally to speak to a (hopefully) bi-partisan group of
legislators, business representatives, etc. about the need for sensible,
consumer oriented legal reform.

FYI, we're holding an event on medical malpractice on February 25th, in New
York, with Phil Howard (Founder of Common Good) and William Brody
(President
of Johns Hopkins University). The invitation is attached below.

Best of luck with all your work. Let Lindsay or I know if there is
anything
you need from our end.

Very sincerely,

Paul Howard
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From: CN=Joseph W. Fricks III/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2003 7:17:32 AM
Subject: : Lincoln Day Invitation

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joseph W. Fricks III ( CN=Joseph W. Fricks III/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-FEB-2003 12:17:32.00
SUBJECT:: Lincoln Day Invitation
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Per you request for the Lincoln Day invitation you approved for Paul Dyck
this morning, the cost of admission is as follows:
REC members $75
General Public $150
VIP $350
Table of 8 $1200

Is this sufficient information?

Thanks
Wesley
60384
```

From: Lipper, Tamara <Tamara.Lipper@Newsweek.com>
To: Catherine J. Martin/OVP/EOP@EOP [OVP] <Catherine J. Martin>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2003 7:26:44 AM
Subject: :
Attachments: P_NDNOD003_WHO.TXT_1.html

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Lipper, Tamara" <Tamara.Lipper@Newsweek.com> ( "Lipper, Tamara"
<Tamara.Lipper@Newsweek.com> [ UNKNOWN ] )
CREATION DATE/TIME: 6-FEB-2003 12:26:44.00
SUBJECT::
TO:Catherine J. Martin ( CN=Catherine J. Martin/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

thanks again for sitting through the chris and kathleen matthews train
wreck
with me last night - i had great fun with you all alst night although i was
not quite in tip top shape this morning as a result. needless to say i was
not at my 6:30am yoga class. hope to see you all soon.
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NDNOD003_WHO.TXT_1>
```

thanks again for sitting through the chr is and kathleen matthews train wreck with me last night - i had great fun with you all alst night although i was not quite in tip top shape this morning as a result. needless to say i was not at my 6:30am yoga class. hope to see you all soon.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>
Sent: 2/6/2003 11:47:47 AM
Subject: : Re: tonight

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2003 16:47:47.00
SUBJECT:: Re: tonight
TO:Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thansk for all your help today

Hana F. Brilliant
02/06/2003 04:45:44 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: tonight

I've got class both tonight and tomorrow night. I'm heading out shortly. The main line will be forwarded to Patrick in the WW. Please call him if you need anything taken care of tonight. I'll be at 8am to take care of anything you need tomorrow.
Good night
Hana

Message Sent
To:_____
Brett M. Kavanaugh/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Theodore W. Ullyot/WHO/EOP@EOP

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/6/2003 8:36:58 AM
Subject: : IMPORTANT: Off Site

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-FEB-2003 13:36:58.00
SUBJECT:: IMPORTANT: Off Site
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I had a call from Dab. Joe H. has decreed that we need to take off site
duty seriously for the near future.

They need someone "on call" for this weekend. Under our traditional
approach, that would mean Kyle is on call on Saturday and Helgi is on call
on Sunday.

They also need the people scheduled for next week to go off site. That's
Helgi for M-W and Brett for W-F.
```

From:	Skelly, Layton
To:	bobby.jindal@hhs.gov <bobby.jindal@hhs.gov>;bobby.jindal@hhs.gov <Lefkowitz, Jay P.>;bobby.jindal@hhs.gov <Perry, Philip J.>;bobby.jindal@hhs.gov <Schacht, Diana L.>;bobby.jindal@hhs.gov <Silverberg, Kristen>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;wendy.j.keefer@usdoj.gov <wendy.j.keefer@usdoj.gov>;wendy.j.keefer@usdoj.gov <Newstead, Jennifer G.>;wendy.j.keefer@usdoj.gov <Deleire, Thomas C.>;wendy.j.keefer@usdoj.gov <Kavanaugh, Brett M.>;alex.azar@hhs.gov <alex.azar@hhs.gov>;john.hoff@hhs.gov <john.hoff@hhs.gov>;john.hoff@hhs.gov <Jensen, Amy>;john.hoff@hhs.gov <Loper, Ginger G.>;john.hoff@hhs.gov <Wingate, Heather>;john.hoff@hhs.gov <Badger, William D.>;john.hoff@hhs.gov <Gilbert, Alan>;john.hoff@hhs.gov <Hall, Philo D.>
CC:	<Skelly, Layton>;<Vestewig, Lauren J.>;<Winland, Emily>;tracy.t.washington@usdoj.gov <tracy.t.washington@usdoj.gov>;pamela.roller@hhs.gov <pamela.roller@hhs.gov>;marie.belt@hhs.gov <marie.belt@hhs.gov>;marie.belt@hhs.gov <Smith, Marty P.>
Sent:	2/6/2003 2:21:15 PM
Subject:	Medical Liability Working Group

There will be Medical Liability Working Group meeting next Monday (2/10) at 3:00 in room 472 EEOB. An agenda will follow. Please let me know if you will be unable to attend or if there are any additional participants from your office that should also attend/attend in your place. For our outside guests, please include clearance information for any additional participants. Thank you.

Layton

456-5086

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>
Sent: 2/6/2003 11:17:50 AM
Subject: : Re: Medical Liability Working Group

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2003 16:17:50.00
SUBJECT:: Re: Medical Liability Working Group
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes, this is me. i'm planning to go to meeting.

Jennifer G. Newstead
02/06/2003 03:56:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Medical Liability Working Group

Brett, I think this may be your issue. I can go if not. JN
---------- Forwarded by Jennifer G. Newstead/WHO/EOP on
02/06/2003 03:57 PM ----------

Layton Skelly

02/06/2003 02:45:37 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Medical Liability Working Group

There will be Medical Liability Working Group meeting next Monday (2/10)
at 3:00 in room 472 EEOB. An agenda will follow. Please let me know if
you will be unable to attend or if there are any additional participants
from your office that should also attend/attend in your place. For our
outside guests, please include clearance information for any additional
participants. Thank you.

Layton
456-5086

Message Sent
To:_____
bobby.jindal@hhs.gov
Jay P. Lefkowitz/OPD/EOP@Exchange@EOP
Philip J. Perry/OMB/EOP@EOP
Diana L. Schacht/OPD/EOP@EOP
Kristen Silverberg/WHO/EOP@Exchange@EOP
viet.dinh@usdoj.gov @ inet
wendy.j.keefer@usdoj.gov @ inet
Jennifer G. Newstead/WHO/EOP@EOP
Thomas C. DeLeire/CEA/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
alex.azar@hhs.gov @ inet
john.hoff@hhs.gov @ inet
Amy Jensen/WHO/EOP@Exchange@EOP
Ginger G. Loper/WHO/EOP@Exchange@EOP
Heather Wingate/WHO/EOP@Exchange@EOP
William D. Badger/OPD/EOP@EOP
Alan Gilbert/OPD/EOP@EOP
Philo D. Hall/OPD/EOP@EOP

Message Copied
To:_____
Layton Skelly/OPD/EOP@EOP
Lauren J. Vestewig/OPD/EOP@Exchange@EOP
Emily Winland/OPD/EOP@EOP
tracy.t.washington@usdoj.gov
pamela.roller@hhs.gov
marie.belt@hhs.gov
Marty P. Smith/OPD/EOP@EOP

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 2/6/2003 3:35:23 PM
Subject: RE: what time will Prado deal be announced? asking only because HNBA will issue statement

It has left my desk and gone to lower press - they know it is a priority - should be soon.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, February 06, 2003 3:16 PM
To: Snee, Ashley
Subject: what time will Prado deal be announced? asking only because HNBA will issue statement

From: CN=Hana F. Brilliant/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2003 11:45:46 AM
Subject: : tonight

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-FEB-2003 16:45:46.00
SUBJECT:: tonight
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I've got class both tonight and tomorrow night. I'm heading out shortly.
The main line will be forwarded to Patrick in the WW. Please call him if
you need anything taken care of tonight. I'll be at 8am to take care of
anything you need tomorrow.
Good night
Hana
```

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 2/7/2003 2:12:34 AM
Subject: : FW: A WorldNetDaily.com article from tjipping@cwfa.org

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 7-FEB-2003 07:12:34.00
SUBJECT:: FW: A WorldNetDaily.com article from tjipping@cwfa.org
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI
-----Original Message-----
From: Tom Jipping [mailto:tjipping@cwfa.org]
Sent: Friday, February 07, 2003 7:09 AM
To: Goeglein, Tim; rena_johnson_comisac@judiciary.senate.gov; Manuel_miranda@judiciary.senate.gov; james_galyean@lgraham.senate.gov; Leitch, David G.; tiffany_turner@cornyn.senate.gov
Subject: A WorldNetDaily.com article from tjipping@cwfa.org

You have been sent this message from Tom Jipping (tjipping@cwfa.org) as a courtesy of WorldNetDaily.com (http://www.worldnetdaily.com <http://www.worldnetdaily.com>).

To view the entire article, visit http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=30919 <http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=30919>

Friday, February 7, 2003

Too conservative to be Hispanic or sit on bench?
By Thomas Jipping

Posted: February 7, 2003
1:00 a.m. Eastern

The games have begun! Miguel Estrada, or at least his appeals court nomination, was in the Senate arena Wednesday and the jousting, jostling and posturing are in full swing.

Sen. Patrick Leahy of Vermont, lead Judiciary Committee Democrat, came out swinging, claiming all he and his colleagues really know about Mr. Estrada is that he seems like "a pleasant person." That's it. His Judiciary Committee questionnaire and hearing, his FBI background check, his White House vetting) all apparently yielded no information at all about Mr. Estrada.

Imagine going through Columbia College and Harvard Law School, federal court clerkships, years practicing with two nationally prominent law firms, and five years in the U.S. Department of Justice, all without a trace!

Yes, that is as silly as it sounds. And so are the ridiculous claims from

leftist groups and Senate Democrats that they know nothing about Mr. Estrada. Sen. Leahy is especially disingenuous since, as Judiciary Committee chairman the last several years, he waited 505 days after Mr. Estrada's nomination even to give him a hearing. When these leftists say the record is inadequate, that the nominee should be "more forthcoming," they really mean that the very public and very full record just doesn't contain what they need to defeat him.

Sen. Leahy, echoing the Congressional Hispanic Caucus, also said Mr. Estrada's lack of judicial experience disqualifies him from this appeals court appointment. Funny, though, that Sen. Leahy and his fellow Democrats loudly supported Clinton nominees lacking any judicial experience to the U.S. Court of Appeals for the First, Second, Third, Fourth, Sixth, Seventh, Eighth, Ninth, Tenth, D.C., and Federal Circuits. Most, if not all, of them were white.

Let's compare Mr. Estrada's credentials with those of Merrick Garland, a 1997 Clinton appointee to the same court Mr. Estrada would join. Both graduated from college Phi Beta Kappa and from Harvard Law School magna cum laude. Both were editors of the Harvard Law Review, both clerked on the same U.S. Court of Appeals for the Second Circuit and on the U.S. Supreme Court. Both were in private practice for seven years and became partners with a nationally prominent law firm. Both served in the Justice Department, one with the Attorney General and the other with the Solicitor General, at the same time) in the Clinton administration. Only three years separates their ages.

I do see two differences. First, it took the Senate Judiciary Committee more than six times as long to approve the Hispanic Republican as the white Democrat (he still awaits Senate confirmation). Second, Sen. Leahy says the Hispanic Republican is unqualified but said the white Democrat was "highly qualified." You're not the only one wondering what's going on here.

Sen. Harry Reid, D-Nev., the Assistant Minority Leader, emphasized during Wednesday's debate that the Congressional Hispanic Caucus opposes the Estrada nomination. He claimed that the CHC is "not known for its radicalism." Then why has every Republican Hispanic member of Congress refused even to join the caucus? CHC member Robert Menendez, D-N.J., said on Wednesday that the only thing Hispanic about Mr. Estrada is his surname. How's that for radical?

Sen. Edward Kennedy, D-Mass., someone certainly known for his radicalism, also opposes Mr. Estrada. He attacked the nominee for doing pro bono work, or at least the wrong pro bono work. At the invitation of Democratic mayors, Mr. Estrada helped defend the constitutionality of anti-loitering ordinances in heavily Democratic Chicago and Annapolis, Maryland. I once thought that Hispanics, like everyone else, had an interest in safe streets and freedom from violence and drugs. I doubt Sen. Kennedy's neighborhood needs an anti-loitering ordinance.

Back in the Clinton years, leftist groups cried foul when Republicans questioned the causes to which Clinton judicial nominees had donated free legal help. In November 1997, for example, the Alliance for Justice's Nan Aron said, "Some of the senators on the Judiciary Committee seem to be setting a standard of what is politically correct pro bono work and what isn't. If it is not pro bono in service of the conservative legal movement, it is automatic grounds for scrutiny and perhaps disqualification." Surely Miss Aron is equally apoplectic over Sen. Kennedy's ideological litmus test applied to Mr. Estrada's pro bono work. Surely she is. Well, maybe not.

You'd think public officials such as U.S. senators would be too embarrassed to say that knowing absolutely nothing about a judicial nominee convinces them he is a right-wing extremist ideologue. You'd think.

, 2003 ;

_____

Thomas L. Jipping, J.D. <mailto:tjipping@worldnetdaily.com>, is a senior fellow in Legal Studies at Concerned Women for America, the nation,s largest public policy women,s organization.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
Sent: 2/7/2003 3:37:35 AM
Subject: : coalition

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-FEB-2003 08:37:35.00
SUBJECT:: coalition
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I think we should change it to a conference call at 1 because of
weather and also because not a whole lot new to say and I do not want
people to be unhappy that they were dragged in in this weather.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/7/2003 6:36:52 AM
Subject: : St. Louis Post Dispatch editorial

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2003 11:36:52.00
SUBJECT:: St. Louis Post Dispatch editorial
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

St. Louis Post Dispatch
A filibuster is not a fix

02/07/2003
THE PROCESS for appointing federal judges is badly broken. A filibuster won't fix it.

Democrats are trying to decide whether to filibuster the nomination of Miguel Estrada to the powerful federal appeals court for the District of Columbia. They consider Mr. Estrada a stealth conservative who is being groomed for the U.S. Supreme Court as a Hispanic Clarence Thomas.

The Democrats' fear may turn out to be valid. But the filibuster is the parliamentary equivalent of declaring war. Instead of declaring war, the Democrats should sue for peace and try to fix the process.

The Senate's confirmation process is not supposed to be a rubber stamp. Judicial nominees have been defeated for political reasons * often good political reasons. The Supreme Court is a better place without Clement Haynsworth, Harrold Carswell and Robert Bork. But ever since Mr. Bork, the process of advise and consent has become attack and delay.

During Bill Clinton's presidency, the GOP-controlled Senate held up highly qualified nominees for ideological reasons. Then, during the two years of Democratic control, the Senate held up highly qualified nominees from President George W. Bush. Now the Republicans are ramming through judges as fast as McDonald's slings burgers.

The only consistent principle in this recent Senate history is that turnabout is fair play. That's a poor way to choose judges.

Mr. Bush, like Ronald Reagan, considers conservative ideology a key qualification for judgeship. Unfortunately, Senate Democrats have set upon highly qualified nominees * such as Michael McConnell, a brilliant law professor, who was eventually confirmed * as wolfishly as they have upon weaker nominees, such as Charles Pickering.

In an ideal world, Mr. Bush would realize that the lackluster Mr. Pickering, a friend of Sen. Trent Lott, R-Miss., raises divisive racial questions. In an ideal world, the president would nominate the best-qualified legal minds, not ideologues.

But in the real world, Mr. Pickering is acceptable and Mr. Estrada is well-qualified. Mr. Estrada is an immigrant from Honduras who went to Harvard Law School, clerked on the Supreme Court and worked in the Solicitor General's office. Democrats, frustrated by the absence of a paper trail, and Mr. Estrada's sometimes-evasive answers on issues such as abortion, tried to get legal memos that Mr. Estrada wrote while in the

Solicitor General's office. But both Democratic and Republican solicitors general have urged that the memos be kept private so that future solicitors general receive candid views from their staff.

In short, the Democratic position doesn't justify a filibuster. Instead, Democrats should reach out to Republicans and try to develop a bipartisan truce that gives judges prompt, but thorough, hearings that will speed the important process of filling the many vacancies on the federal bench.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 2/7/2003 7:39:36 AM
Subject: : Re: request for letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2003 12:39:36.00
SUBJECT:: Re: request for letter
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I just got the additional information.

Ashley Estes
02/07/2003 12:40:53 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
bcc:
Subject: Re: request for letter

4 hours notice?

Brett M. Kavanaugh
02/07/2003 12:33:01 PM
Record Type: Record

To: Harriet Miers/WHO/EOP@EOP
cc: Ashley Estes/WHO/EOP@EOP
Subject: request for letter

Harriet: We have received a request for a signed Presidential letter addressed to the DKE fraternity at Yale. Four DKE students were recently killed in a car crash in Connecticut when a truck crashed through the median barrier and hit their car. The President was head of the DKE fraternity when he attended Yale. The requester would like it to read at a hastily planned event this weekend at the DKE fraternity at Yale; many alums are visiting to express support for them. Please let me know how to proceed. Thanks much.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
CC: David McMaster/WHO/EOP@EOP [WHO] <David McMaster>
Sent: 2/7/2003 9:32:23 AM
Subject: : Boyden group's leadership list

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-FEB-2003 14:32:23.00
SUBJECT:: Boyden group's leadership list
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:David McMaster ( CN=David McMaster/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Chairman of the Committee
The Honorable C. Boyden Gray
Partner - Wilmer, Cutler & Pickering
Members of the Committee
Ms. M. Diane Allbaugh
Of Counsel, Barbour Griffith & Rogers, Inc.
Mr. Stan Anderson
Partner, McDermott Will & Emery
Mr. Haley Barbour
Chairman and CEO, Barbour Griffith & Rogers, Inc.
Ms. Lillian BeVier
Research Professor, University of Virginia School of Law
The Honorable Jennifer C. Braceras
Senior Fellow, Independent Women's Forum
The Honorable John Engler
Former Governor of the State of Michigan
The Honorable Fred Fielding
Partner, Wiley, Rein & Fielding
Mr. Lanny Griffith
Chief Operating Officer, Barbour Griffith & Rogers, Inc.
Ms. Judith R. Hope
Partner, Paul, Hastings, Janofsky & Walker
The Honorable Frank Keating
President and CEO of the American Council of Life Insurers
The Honorable Connie Mack
Senior Policy Advisor, Shaw Pittman
The Honorable William Roth
United States Senator, Retired
The Honorable Edwin Williamson
Partner, Sullivan & Cromwell
Board of Directors
The Honorable C. Boyden Gray
Partner, Wilmer, Cutler & Pickering
Mr. Edward M. Rogers
Vice Chairman, Barbour Griffith & Rogers, Inc.
The Honorable Edwin Williamson
Partner, Sullivan & Cromwell
```

From: Rodriguez, Leonard B.
To: <Snee, Ashley>
CC: <Wingate, Heather>;<Kavanaugh, Brett M.>
Sent: 2/7/2003 3:05:39 PM
Subject: Guiliani Op-ed

Mayor's communications Dir has sent it to Dallas Moning News, and they are giving them another hour to decide on running it. Their question to us is if we new of any press outlets that wanted it???

From:	Bellinger, John B.
To:	<Silverberg, Kristen>;<Lefkowitz, Jay P.>;<Bolten, Joshua B.>;<Schacht, Diana L.>;<Moore, Holly T.>;<Kavanaugh, Brett M.>;<Abrams, Elliott>
Sent:	2/9/2003 3:09:32 PM
Subject:	Iraqi Terrorist Victims -- Request for Meeting

I had lunch on Friday with, John Norton Moore, who is, as many of you know, a professor of international law at UVA Law School and generally helpful to the Administration. Among other things, however, Professor Moore mentioned that he is co-counsel (with Steptoe & Johnson) for US nationals who were held prisoner and abused by Saddam during the first Gulf War; he wants to try to reach Andy Card or Karl Rove in the next few days to request a meeting to urge Administration support for their claims against Iraq and efforts to attach Iraqi frozen assets. He wants the White House to put pressure on State to support these claims. I told Professor Moore that the White House is well aware of these cases; that they are tragic; but that we cannot get involved in these individual cases at the White House. If Karl or Andy do get a call, I would urge that we refer Professor Moore to the Legal Adviser of the State Department or the General Counsel of the Treasury Department.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/9/2003 12:51:01 PM
Subject: : Hartford Courant op-ed by Juan Figueroa

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-FEB-2003 17:51:01.00
SUBJECT:: Hartford Courant op-ed by Juan Figueroa
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

HEADLINE: EXTREMISTS UNDERMINE LATINO SUPREME COURT CANDIDATE

BYLINE: Juan A. Figueroa; Juan A. Figueroa is president of the Anthem Foundation, a health care foundation based in New Haven. His column appears every month. To leave him a comment, please e-mail him at jfigueroa@anthemfdnct.org.

BODY:
Alberto "Al" Gonzales may be the first Latino to reach the U.S. Supreme Court. As President Bush's White House counsel, he has both the legal experience and the political dossier to be a top contender for the job. Word is that Chief Justice William H. Rehnquist or Justice Sandra Day O'Connor will retire this year, giving the president an opportunity to name the first Hispanic American to the high court.

To reach this most coveted place in history, however, Gonzales will have to survive the spotlight glaring on him, particularly from the right flank of the president's party. The same Republican extremists who want to give conservative Miguel A. Estrada a free pass to the federal appeals court should not be allowed to choose who is a potentially qualified Latino Supreme Court candidate by pre-empting Gonzales. Unlike Estrada (nominated to the U.S. Court of Appeals for the District of Columbia Circuit), Gonzales does have a compelling personal story that resonates with Latinos in this country. Gonzales was one of eight children of Mexican immigrants who settled in Texas and who had never finished elementary school. In remarks he made during National Hispanic Heritage Month in 2001, Gonzales recalled patiently waiting for his father to return home from work every day, six days a week. He said his father worked harder than any person he has ever known. After graduating from high school, Gonzales joined the U.S. Air Force, attended the Air Force Academy and eventually realized his childhood dream by transferring to Rice University: "At the age of 12, I got a job selling soft drinks at Rice Stadium. I dreamed of being a student there one day." Gonzales was the first in his family to go to college.

From Rice, he went to Harvard Law School. He became a lawyer in 1982 and went on to practice corporate business law for 13 years at Vinson and Elkins in Houston. He became the first minority partner at Vinson. While at Vinson, he caught then-Gov. George W. Bush's eye, becoming his general counsel in 1995. Thereafter, Bush appointed him Texas' secretary of state and later to the state Supreme Court. The president then brought him to Washington to be his White House counsel. Gonzales clearly has the president's confidence.

The close relationship between these two Tejanos may not be enough to elevate Gonzales to the job. Influential voices within the president's party have started a campaign to discredit Gonzales. They claim he is simply not conservative enough. Patrick Buchanan says Gonzales may be another David Souter. Justice Souter was appointed by President George

H.W. Bush and is a disappointment to many conservatives because he is not in the extreme mold of Justices Antonin Scalia and Clarence Thomas. Recently, syndicated conservative columnist Robert D. Novak echoed Buchanan's concern when he said that conservatives were cautioning Bush not to commit a "grave political blunder" by appointing Gonzales to the high court. Some are beginning to call the attacks on Gonzales a whisper campaign, although the voices don't seem so hushed.

These attacks are familiar. They often happen to high-ranking, successful individuals of color in positions of real power. Similar attacks were made when Secretary of State Colin Powell was emerging as a leading figure in the Republican Party. Such attacks are an odious tool used to discredit people who don't meet the ideological agenda set forth by extremists in the Republican Party. The president should be leery of those who need to discredit the likes of Gonzales because they do not meet the far-right litmus test. That is nothing more than a flagrant attempt to curtail Latino power and influence. And it will surely affect one of Karl Rove's current obsessions: the Latino vote in next year's presidential election.

Alberto Gonzales needs to be vetted like anyone else being considered for such an important position. The Latino community is far from endorsing him. If the president does nominate him, a careful analysis will need to be done concerning his commitment to individual rights and civil liberties as a government official and as a Texas Supreme Court justice. He will need to respond to questions concerning White House policies to set up military commissions/tribunals, state-sponsored assassinations and other matters in which he has pushed the envelope on the law as the president's lawyer.

The packaging is nearly perfect for this potential Supreme Court nominee. Extremists within the president's party should not be allowed to pre-empt it.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 2/9/2003 5:51:14 PM
Subject: Newsweek blurb on Supreme Court

It's been nine years since the last vacancy opened up on the U.S. Supreme Court. That historically long drought could end this year with at least one resignation. Eager White House aides are stepping up preparation efforts, vetting candidates and contemplating a special media operation to deal with a potential confirmation battle.

WITH THE WHITE HOUSE and the Senate both in Republican hands, GOP-nominated Justices William Rehnquist, 78, and Sandra Day O'Connor, 72, are considered most likely to depart. Some reports suggested that Rehnquist has already given President George W. Bush a heads up on his departure. But a senior administration official dismisses the idea, saying the White House has no "inside information."

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Many strategists have predicted Bush will fill the open seat with the court's first Hispanic justice. Early betting centered on White House counsel and Bush confidant Alberto Gonzales. But some elements of Bush's conservative base seem to have cooled on the idea. And White House insiders say Gonzales himself has never been enthusiastic about going on the high court. (More likely, the sources say, is that Gonzales, succumbing to President Bush's personal entreaties, would fill a second vacancy.) Other possibilities: appellate Judge Emilio M. Garza of Texas and, if he's confirmed to the D.C. Circuit Court, lawyer Miguel Estrada.

Other observers think Bush could take another approach, appointing California Supreme Court Justice Janice Rogers Brown instead. Brown is a conservative African-American who's ruled against affirmative action and abortion rights. Her nomination would let Bush add the court's third woman and second African-American in one swoop. And White House lawyers have already interviewed her. Tom Goldstein, a Washington lawyer who argues cases before the court, believes Brown could even get the nod for chief justice. "An African-American female nominee is not going to be filibustered," he says. "She doesn't have a record that will stop Democrats in their tracks." And after months of bitter Senate fights over nominations to lower courts, that could have an appeal all its own.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wiley, Ladd (HHS/OS) <Ladd.Wiley@hhs.gov>
Sent: 2/10/2003 4:54:10 AM
Subject: : Re: Roggensack Event

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-FEB-2003 09:54:10.00
SUBJECT:: Re: Roggensack Event
TO:"Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov> ("Wiley, Ladd (HHS/OS)"
<Ladd.Wiley@hhs.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I have reviewed this, and it is approved. Thanks very much for checking
with us.

"Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov>
02/10/2003 09:45:42 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Roggensack Event

Brett,

Per the conference call last week relating to fundraisers and the new
campaign finance law, we faxed to you an invite for a Wisconsin Supreme
Court candidate, Pat Roggensack, for which Tommy Thompson plans to be the
featured guest.

We thought the invite was ok, since the asked for amount was under $2,000
(the asked for amount was $250 per couple), but understood that everything
needed to go past you.

The event is schedule for this Saturday, so any direction you have would be
much appreciated. You can either e-mail me back or call me at 690-7545.

_____
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From:	Leitch, David G.
To:	<Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Francisco, Noel J.>;<Lefkowitz, Jay P.>;<Bartlett, Daniel J.>
Sent:	2/10/2003 7:27:09 AM
Subject:	Good WSJ column
Attachments:	storyend_dingbat.gif

This Robert Bartley column concludes that "the Bush brief . . . ha[s] it about right."

THINKING THINGS OVER

'Affirmative Action': Devil in the Details

The administration's middle-ground position gets it right.

BY ROBERT L. BARTLEY
Monday, February 10, 2003 12:01 a.m.

Second only to the pending war, "affirmative action" is the issue of the day. The Supreme Court will rule on racially oriented admissions policies at the University of Michigan, and the Bush administration finally filed its amicus brief. What does it say, what do Colin Powell and Condi Rice think?

The current confusion has deep roots. This society has been through slavery, the Civil War, radical reconstruction, the end of reconstruction after the disputed 1876 election, the "Jim Crow" era, and the civil rights revolution of the 1950s. In the 14th Amendment, passed after emancipation, the Constitution provides that no state can "deny to any person within its jurisdiction the equal protection of the laws." This was intended to outlaw discrimination against Negroes; surely it's progress that we're now debating discrimination in their favor.

Indeed nearly all major institutions look for ways to advance blacks and other minorities, bending over backwards to make sure they have every chance to succeed. Surely this is a good thing, both in terms of historic justice and in terms of strengthening the institutions themselves. Yet there is also a great deal of wisdom in the 14th Amendment proposition that racial classifications are inherently suspect. Society and the courts wrestle with this dilemma.

In the Michigan law school case, the Sixth Circuit Court of Appeals was sharply divided. By a 5-4 vote, it reversed the district judge's finding that the procedures were unconstitutional. The opinions included an exchange on suggestions of bad faith in timing the case to tilt which judges would hear it. The Supreme Court took the companion case regarding the undergraduate admissions program after the appellate court heard oral arguments but before it issued a decision.

Court precedents suggest that only a "compelling state interest" can justify racial classifications. Usually this means remedying past discrimination, which is not at issue in the Michigan cases. But in the landmark *Bakke* case, Justice Lewis Powell said that seeking a diverse student body met the compelling interest test, at least so long as race was only a "plus" in competition. With other justices split 4-4, his opinion decided the case.

Yet no other justice joined the part of the Powell opinion finding diversity a compelling interest, and the actual decision was to overturn racial quotas at the University of California Davis. The Sixth Circuit judges argue over whether Powell's comment is the law of the land or mere dicta that can be ignored. Other appeals courts are split; most notably, the Fifth Circuit found in *Hopwood* that mere diversity did not justify the use of racial classifications.

From the furor over the Bush administration briefs, you might suppose they urge the Supreme Court to outlaw affirmative action once and for all. To the contrary, they never make the argument that diversity is not a compelling interest. Rather, they say the case "requires this court to break no new ground" to find

the Michigan procedures unconstitutional.

The Michigan law school argues that it doesn't have a quota as outlawed by *Bakke*. It merely ensures that each class include a "critical mass" of minorities; in practice this is a quota employing a small range rather than a single number. The undergraduate college once used a similar system, but now assigns minorities an extra 20 points in the admission process. The district judge decided that the old system was a quota but the new one is not; the Bush brief argues that it's still a de facto quota, that the change was in "the mechanics, not the substance."

The Bush brief stresses programs now used in Texas and California, admitting the top students from the state's high schools. While the rule is race-neutral, it promotes diversity because some high schools are predominantly black. These programs at least help inner-city blacks rather than middle-class suburban blacks, but run the risk of putting students into a competition for which they're not prepared. The real test is not admission rates but graduation rates.

The reality here is that the academic community is determined to credential blacks, whatever the Constitution says. Elite educational institutions can hand out prizes because they typically have 100 openings and 1,000 applicants who can do the work. The value of their credential, though, is based less on providing better education than on admitting bright students. As the Sixth Circuit's Judge Danny Boggs noted in his heated dissent, they could always achieve racially neutral diversity by conducting a lottery among all applicants meeting the minimum standards now applied to minorities.

Judge Boggs elaborates on the dangers of racial preferences. For one thing, how do you determine who's a minority--"a drop of black blood?" Harvard last used quotas, he adds, to restrict Jews. And he cites the Supreme Court itself in the *Croson* case: "Classifications based on race carry a danger of stigmatic harm. Unless they are strictly reserved for remedial settings, they may in fact promote notions of racial inferiority and lead to a politics of racial hostility."

The equal protection clause, that is, is there for a reason. Do we really want to live permanently as a society where one of two neighbors in Grosse Pointe gets 20 extra points on the basis of skin color? It's one thing for the academic community to pursue its current muse, and another for the Michigan policies to be upheld and cemented as law of the land.

Yet after all this society has been through, do we really want to say it's unconstitutional ever to put race in the mix, as most of us do every day? I think maybe the Bush brief, and a separate dissent by Judge Ronald Gilman, have it about right. The Michigan procedures are clearly unconstitutional, but the ultimate disposition of affirmative action can wait another day.

Mr. Bartley is editor emeritus of The Wall Street Journal. His column appears Mondays in the Journal and on OpinionJournal.com.

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From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO /EOP@EOP [WHO] <Noel J. Francisco>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 2/10/2003 3:28:43 AM
Subject: : Newsweek article

Begin Original ARMS Header
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CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:10-FEB-2003 08:28:43.00
SUBJECT:: Newsweek article
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Supreme Court: Moving On, Moving In, Moving Up

A vacancy could open up in the U.S. Supreme Court soon

By Daniel Klaidman, Debra Rosenberg and Tamara Lipper
NEWSWEEK

; ; Feb. 17 issue * ;It,s been nine years since the last vacancy opened up on the U.S. Supreme Court. That historically long drought could end this year with at least one resignation. Eager White House aides are stepping up preparation efforts, vetting candidates and contemplating a special media operation to deal with a potential confirmation battle.
;
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;
Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
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;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/10/2003 4:28:59 AM
Subject: : Estrada Editorials (Atlanta Journal Constitution/Tampa Tribune/ Jacksonville Times Union

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CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-FEB-2003 09:28:59.00
SUBJECT:: Estrada Editorials (Atlanta Journal Constitution/Tampa Tribune/ Jacksonville Times Union
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
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---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 02/10/2003 09:32 AM ----------

Jeanie S. Mamo
02/10/2003 09:27:11 AM
Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Estrada Editorials (Atlanta Journal Constitution/Tampa Tribune/ Jacksonville Times Union

OUR VIEW

Estrada worthy of appellate seat
Atlanta Journal Constitution
February 10, 2003

Miguel Estrada, a Harvard-educated lawyer who has argued 15 cases before the U.S. Supreme Court, is well qualified for the federal appellate bench. Democrats, who are threatening to stall a vote on this confirmation, are choosing the wrong target.

In recent years, unfortunately, leaders in both parties have treated nominations to the federal judiciary as an extension of partisan politics rather than a serious constitutional responsibility. Nominations and confirmation debates should center on meritorious legal qualifications and performance.

President Bush himself has often failed to meet that standard. He sent a string of conservative ideologues to the Senate Judiciary Committee, and then used legitimate questions about their suitability for the bench as an inflammatory partisan theme during the last election.

Still, that is no reason for Democratic senators to play the same game. Estrada is no right-wing nut. The scholarly Latino lawyer, who came to this country at age 17 from Honduras, has earned respect for his intellect and his legal acumen.

While its true his lack of judicial experience has left no record for the Senate to examine, he would not be the first nominee to a high court in that position.

U.S. Supreme Court Chief Justice William Rehnquist had never served as a

judge, either, though he had been an assistant U.S. attorney general during the Nixon administration. Estrada was an assistant U.S. solicitor general during the Clinton years.
Sen. Charles Schumer (D-N.Y.) and other members of the Judiciary Committee asked Estrada to submit nonconfidential legal memos from his days in the solicitor's office, which could shed light on his judicial philosophy; Estrada made a mistake in not producing those.
Still, the 41-year-old lawyer, whose confirmation is scheduled for debate on the Senate floor this week, should be approved for a post on the U.S. Court of Appeals for the D.C. Circuit. There are some scary ideologues among the nominees that Bush has sent forward, but Estrada is not one of them.

Filibuster Threat On Estrada Does The Democrats No Honor

Published: Feb 8, 2003
Tampa Tribune
N ow that the Democrats on the Senate Judiciary Committee cannot cynically distort the record of President Bush's appointments to federal appeals courts in an effort to block the nominations, they are threatening another maneuver - the filibuster.
Leading the charge are committee members picked by the Democratic leadership precisely because of their ideological bent. Until the new Congress was seated, they thought nothing of thwarting the constitutional mandate that gives the Senate - the full Senate - the advise and consent power over judicial nominations.
These are senators who have maliciously maligned Bush's nominees to cater to the left-wing base of their party, never mind that the lawyers and judges they have discredited and rejected or delayed have received the highest recommendation of the American Bar Association, the party's so-called gold standard.
Never mind that they have distorted the records of some nominees beyond recognition.
The Democrats claim they are concerned about protecting civil rights and liberties, about defending the right to abortion, about making sure there will not be another Antonin Scalia or Clarence Thomas on the court.
Currently their fangs are out for Miguel Estrada, a 41-year-old lawyer whose biography would thrill most champions of diversity. The native of Honduras moved to the United States as a teenager, learned English, succeeded in school, wound up at Harvard, clerked for Justice Anthony Kennedy and worked in Bill Clinton's Justice Department.
He has the enthusiastic support of, among others, Ron Klain, who helped run Al Gore's campaign in 2000.
Yet the Democrats claim they don't know enough about Estrada. They have demanded to see copies of his work in the Justice Department, intentionally seeking papers they knew to be confidential. Because Estrada did not turn them over, they have attempted to crucify him, this despite letters from former solicitors general complaining that their demand amounted to legislative overreach and that acceding to it would set a dangerous precedent.
Sen. Dianne Feinstein of California, who occasionally shows some modicum of fair-mindedness, calls Estrada a cipher, and now committee members, because they didn't have the votes to deny him full consideration by the Senate, threaten to use the filibuster.
We suspect they will fail because some sane Democrats in the Senate, such as Louisiana's John Breaux, have said they would not support a filibuster. We hope that other moderates, like Florida's Bob Graham and Bill Nelson, come around.
Estrada needs only 50 votes for confirmation, but to stop a filibuster, the Republicans would need 60. So let the Democrats try if they dare. The judiciary was a major theme in the last election. Let's see how they will explain to voters how subverting the confirmation process with a months-long delay is in the public good.

Saturday, February 8, 2003

Last modified at 10:10 p.m. on Friday, February 7, 2003
Jacksonville Times Union
JUDICIARY: Blocking Hispanics

If the system were functioning as the founders intended, Miguel Estrada would be confirmed quickly to the federal D.C. Circuit Court of Appeals. He is extremely qualified in both education and experience -- and the American Bar Association unanimously awarded him its highest possible rating. Democrats have called the ABA rating their "gold standard" for evaluating judicial nominees. Estrada has been endorsed by previous administration legal officials and numerous Hispanic groups that normally support Democrats.

Estrada also has a compelling personal story, as an immigrant who arrived speaking virtually no English and a few years later graduated from Harvard law school.

Nevertheless, Democrats kept Estrada's nomination bottled up in committee until they lost the Senate -- and now may filibuster, hoping to prevent a floor vote they would lose.

Far-left interest groups don't question Estrada's qualifications. However, Rep. Bob Menendez, D-N.J., says Estrada isn't Hispanic enough. By that, he means Estrada is suspected of being insufficiently liberal. But, under his rules, Menendez wouldn't recognize most residents of Miami's "Little Havana" area as Hispanic.

Liberals worry that Estrada will prove himself worthy of someday becoming the first Hispanic on the U.S. Supreme Court -- a position that would make him, and perhaps his moderate philosophy, a role model for young Hispanics nationwide. They fear that might hurt them politically. The founders, however, tried to isolate the courts from politics.

Fanaticism will serve only to alienate the party further from the public.

From:	Bumatay, Patrick J.
To:	<Walker, Helgard C.>;<Bartolomucci, H. Christopher>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
Sent:	2/10/2003 8:28:27 AM
Subject:	Newsweek article

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entreaties, would fill a second vacancy.) Other possibilities: appellate Judge Emilio M. Garza of Texas and, if he's confirmed to the D.C. Circuit Court, lawyer Miguel Estrada.

Other observers think Bush could take another approach, appointing California Supreme Court Justice Janice Rogers Brown instead. Brown is a conservative African-American who's ruled against affirmative action and abortion rights. Her nomination would let Bush add the court's third woman and second African-American in one swoop. And White House lawyers have already interviewed her. Tom Goldstein, a Washington lawyer who argues cases before the court, believes Brown could even get the nod for chief justice. "An African-

American female nominee is not going to be filibustered," he says. "She doesn't have a record that will stop Democrats in their tracks." And after months of bitter Senate fights over nominations to lower courts, that could have an appeal all its own.

Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
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mainline: 202-456-2632

From: CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Parker B. Hamilton/WHO /EOP@EOP [WHO] <Parker B. Hamilton>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>;Nicolle Devenish/WHO /EOP@EOP [WHO] <Nicolle Devenish>
Sent: 2/10/2003 5:45:05 AM
Subject: : Estrada - The Orange County Register - Editorial - 2/9/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-FEB-2003 10:45:05.00
SUBJECT:: Estrada - The Orange County Register - Editorial - 2/9/03
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Parker B. Hamilton (CN=Parker B. Hamilton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

A feckless threat to filibuster

Feb. 9, 2003 Orange County Register Editorial

Senate Democrats and liberal interest groups have adopted a despicable strategy of character assassination against some Bush administration judicial selections. The latest victim is Miguel Estrada, a well-qualified nominee to the U.S. Court of Appeals for the D.C. Circuit and potential Supreme Court nominee in the future. He is facing a possible filibuster from Democrats who do not even want his nomination brought to a vote.

In a less partisan atmosphere, Mr. Estrada would be a noncontroversial nominee to the appeals court. The Honduran-born attorney is, in the view of the generally liberal Washington Post, "well qualified for the bench" and someone who "should not be a tough case for confirmation." As the Post sees it, senators who disagree with his views should vote against him, but "should not deny him a vote."

So why the efforts to put together the rarely used filibuster? Why portray a man with a long, distinguished background as some sort of ideological radical? It's simply not so, and should be no surprise that a president would appoint federal judicial nominees who tend to reflect his own judicial views.

"Certain Washington interest groups," a senior White House official told us, want to oppose nominees with "a lack of stated support for certain positions." In other words, Mr. Estrada will not do what the left wants him to do: commit in advance to support the political positions they support. These "interest groups see judges as a means to an end," the official said, rather than as people who will rule based on the law and court precedents.

Consider the shallow arguments against Mr. Estrada. The National Organization for Women, a liberal interest group urging senators to "defeat the nomination of Miguel Estrada by any means necessary," could mainly come up with this issue from his background: "His troublesome record entering the hearing included having defended anti-loitering laws which have been shown to have a disproportionately negative effect on minorities."

This is an indictment? That he argued on behalf of an anti-gang ordinance supported by the Democratic mayor of Chicago?

Another point of contention by Democrats: Mr. Estrada didn't answer direct questions about his positions at a hearing. But the Democrats were playing a game of "gotcha," asking broad questions (Were there any Supreme Court cases with which you disagreed over the last 40 years?) designed to entrap the nominee into expressing a non-politically correct opinion. Then that opinion could be used as a rallying cry by Democrats who are looking for any excuse to stop the nomination with cries of "extremism." We don't blame Mr. Estrada for not falling into that trap.

As the White House official explained, Mr. Estrada is being held to a double standard. He answered the questions in the appropriate way that judicial nominees are supposed to answer questions - by talking about his qualifications rather than committing to certain positions.

Unfortunately, some liberal activists are playing the ethnicity card. Mr. Estrada has the backing of mainstream Hispanic groups, but some of the more liberal ones argue that he is not a "real" Hispanic because his views don't conform to their political views. This race-baiting is unseemly, and Democratic senators should rebuke it rather than tolerate it.

Mr. Estrada does not have a long record of political positions, but appears to hold a traditional, constitutional view of his role - that the judiciary should rule based on the law and not take "activist" positions to advance any particular political agenda, of the left or the right.

Regardless of one's leanings, a president deserves to have his nominees voted on before the full Senate, and not filibustered away.

Democrats should drop the filibuster idea, and let their colleagues vote on Miguel Estrada.

From: Lisaius, Kenneth A.
To: <Kavanaugh, Brett M.>;<Snee, Ashley>;<Hamilton, Parker B.>
CC: <Devenish, Nicolle>;<Mamo, Jeanie S.>
Sent: 2/10/2003 10:43:38 AM
Subject: Estrada - The Orange County Register - Editorial - 2/9/03

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>
CC: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>
Sent: 2/10/2003 12:07:26 PM
Subject: : question with Andi Ball re travel is resolved

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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-FEB-2003 17:07:26.00
SUBJECT:: question with Andi Ball re travel is resolved
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
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CC:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/10/2003 8:12:26 AM
Subject: : FW: SFGate - Op-Ed "View from the Right" - 2/10/03

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SUBJECT:: FW: SFGate - Op-Ed "View from the Right" - 2/10/03
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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-----Original Message-----
From: Lisaius, Kenneth A.
Sent: Monday, February 10, 2003 10:52 AM
To: Snee, Ashley; Hamilton, Parker B.; Griffin, William T.
Subject: SFGate - Op-Ed "View from the Right" - 2/10/03

This was "special to SFGate - the website run by the Chronicle...not sure whether it was in the paper or not.....

Disorder in the court!
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Adam Sparks, Special to SF Gate Monday, February 10, 2003

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Last year, the Democrat-dominated Congress stalled 64 of Bush's district-court nominees and all 27 of his appeals-court appointments. Now that the Republicans have taken back the Senate, the president has renominated most of these justices with the hope that they'll fare better with the GOP-controlled Senate Judiciary Committee. The tortuous and partisan confirmation process hit its peak in 2002, with the 107th Congress, which left some 91 judgeships unfilled, and the constitutional integrity of the Senate's "advise and consent" function was lost in partisan bickering. Even now, months after the GOP took back control, most of those positions remain vacant.

Prior to November, for example, Judge Miguel Estrada, the nominee for U.S. Court of Appeals for the District of Columbia Circuit, was sent through a Demo-orchestrated wringer. The Judiciary Committee deemed him unsatisfactory because he had wandered off from the liberal reservation, where all good minorities are supposed to graze. One of the charges against him is that he is a strong supporter of capital punishment. (Unfortunately for the Judiciary Committee, so are a majority of Americans.)

The committee complained when it couldn't find enough briefs he had written to determine his ideology. In other words, committee members were trying to prove he's a conservative so they could reject him. Two weeks ago, however, the committee finally allowed Estrada's confirmation to proceed to the full Senate for a vote.

The Democrats are using several litmus-test issues to determine who will

get the nod. Republicans, by contrast, gave Justice Ruth Bader Ginsburg, who worked with the American Civil Liberties Union and disagrees with nearly every issue Republicans believe in, unanimous approval during her confirmation hearing. The GOP gave the Democratic president his due respect, but the opposition party's senators are simply not playing by the same courteous rules. It's dirty partisan politics for them.

For example, following in the footsteps of the coordinated character assassination that reached a crescendo with Judge Robert Bork, whose nomination was torpedoed by the Democrats, the liberals in California, led by Sen. Barbara Boxer, are sharpening their knives, getting ready to pounce on Judge Carolyn B. Kuhl, a nominee for the U.S. Court of Appeals for the Ninth Circuit. Kuhl apparently committed a most heinous and unspeakable sin when she wrote a brief critical of Roe v. Wade.

Kuhl, who has served as U.S. deputy assistant attorney general and deputy solicitor-general, unfortunately had the temerity to indicate that the U.S. Constitution is silent on the issue of abortion. And the Constitution itself is clear in pronouncing that when it does not specifically address an issue, each state should decide the matter for itself. This is not right-wing lunacy, it's right there in the 10th Amendment. (Look it up.) Ironically, those liberals who want all their freedoms and abortion rights as allegedly granted by the Bill of Rights have never even taken a few minutes to actually read the 10th Amendment. (The 14th amendment, which liberals use to grant the federal government power over the states, actually applies mostly to civil rights cases.)

California liberals are fearful of conservatives taking over the Ninth Circuit, but they can breathe a sigh of relief now. There's no immediate danger of its decidedly left-of-center bias being upset now or in the near future. Of the 25 active judges serving on the court, Bill Clinton appointed 18 and Jimmy Carter gave the nod to four. Only seven were appointed by Republican presidents, three by Ronald Reagan and four by George H. W. Bush. So, if anyone should be screaming about a lack of "balance in the court," it should be the conservatives.

Seventeen months ago, the Supreme Court issued its ruling for United States v. Oakland Cannabis Buyers Cooperative, the closely watched "medical marijuana" case. By a vote of eight to zero, the court reversed the Ninth Circuit and reached the unsurprising conclusion that properly authorized federal law prevails over state law. That opinion came directly from the U.S. Constitution itself, which provides in Article VI that "this Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land."

The Ninth Circuit had held that there was an implied "medical necessity" exemption to the federal drug laws, a theory made of whole cloth. It cannot be found in the Constitution, which these justices promised to uphold and interpret without prejudice or personal bias. The Supreme Court unanimously held otherwise, and their decision set the groundwork for the well-publicized federal conviction of Oakland medicinal-marijuana grower Ed Rosenthal last month.

The Supreme Court ruling was all over the news, but what wasn't mentioned is that it marked the fifth time the Ninth Circuit -- the most overturned court in the nation -- had been overruled in a month. That's embarrassing, but the ideologically committed Ninth Circuit keeps making faulty ruling after faulty ruling. It couldn't care less. What does this say about the rule of law it's supposed to uphold?

The Ninth Circuit is by far the largest appellate court in the country: the largest geographically, covering California, Arizona, Nevada, Oregon, Washington, Idaho, Montana, Alaska and Hawaii -- more than one-third of the entire nation -- and the largest in terms of the number of judges, with 28 positions authorized for the court. The president should get his judges appointed. Supreme Court Chief Justice William H. Rehnquist recently said that "vacancies cannot remain at such high levels without eroding the quality of justice that traditionally has been associated with

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The American Bar Association's Judicial Commission on Separation of Powers and Judicial Independence studied the confirmation process and produced a report that had this to say about the Senate's proper role in the confirmation process: "Problems arise when legitimate inquiries into a nominee's judicial philosophy degenerate into thinly veiled efforts to preordain how the nominee will rule on specific issues in the future. Such 'litmus test' questions cut to the quick of would-be judges' decisional independence and are properly resisted by the nominees."

The organization might have added that such litmus-test inquiries run contrary to the Constitution and reek of high-art partisanship. They're also tacky, reducing the Judiciary Committee to an immature kangaroo court.

Adam Sparks is a San Francisco conservative writer. He can be reached at adamstyle@aol.com.

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 2/10/2003 1:12:04 PM
Subject: FW: SFGate - Op-Ed "View from the Right" - 2/10/03

-----Original Message-----
From: Lisaius, Kenneth A.
Sent: Monday, February 10, 2003 10:52 AM
To: Snee, Ashley; Hamilton, Parker B.; Griffin, William T.
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From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]

To: patrick.philbin@usdoj.gov @ inet [UNKNOWN] <patrick.philbin@usdoj.gov @ inet>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;Benjamin Powell/OMB/EOP@EOP [OMB] <Benjamin Powell>;H. Christopher Bartolomucci/WHO/EOP [WHO] <H. Christopher Bartolomucci>;Kyle Sampson/WHO/EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Colleen Litkenhaus/WHO /EOP@Exchange@EOP [WHO] <Colleen Litkenhaus>;Raquel Cabral/WHO /EOP@Exchange@EOP [WHO] <Raquel Cabral>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Michael Heath/WHO/EOP@EOP [WHO] <Michael Heath>;libby.camp@dhs.gov @ inet [UNKNOWN] <libby.camp@dhs.gov @ inet>;Anne E. Campbell/WHO/EOP@Exchange@EOP [WHO] <Anne E. Campbell>;Jose Mallea/WHO /EOP@Exchange@EOP [WHO] <Jose Mallea>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Christopher Anderson <christopherbanderson@hotmail.com>;Vachon, Marie <Marie.Vachon@DHS.GOV>;Jeff.palmore@mail.house.gov @ inet [UNKNOWN] <Jeff.palmore@mail.house.gov @ inet>;Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>;Carol J. Thompson/OPD/EOP@EOP [OPD] <Carol J. Thompson>;Denise A. Dunckel/WHO/EOP@EOP [WHO] <Denise A. Dunckel>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Dinh, Viet <Viet.Dinh@usdoj.gov>;Noel_J._Francisco@who.eop.gov [UNKNOWN] <Noel_J._Francisco@who.eop.gov>;David_G._Leitch@who.eop.gov [UNKNOWN] <David_G._Leitch@who.eop.gov>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;john.c.yoo@usdoj.gov @ inet [UNKNOWN] <john.c.yoo@usdoj.gov @ inet>;Jill Davie/WHO/EOP@Exchange@EOP [WHO] <Jill Davie>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;Britt Grant/OPD /EOP@EOP [OPD] <Britt Grant>;Bradford D. Dayspring/WHO/EOP@EOP [WHO] <Bradford D. Dayspring>;Krista L. Ritacco/WHO/EOP@Exchange@EOP [WHO] <Krista L. Ritacco>;Tim Reynolds/WHO/EOP@Exchange@EOP [WHO] <Tim Reynolds>;Carolyn Nelson/WHO /EOP@Exchange@EOP [WHO] <Carolyn Nelson>;Christina Roberts <robertsaway@yahoo.com>;Alex Reeh <alexreeh@hotmail.com>;Flippin, Laura <Laura.Flippin@usdoj.gov>;Lauren J. Vestewig/OPD/EOP@Exchange@EOP [OPD] <Lauren J. Vestewig>;Patrick_J._Bumatay@who.eop.gov [UNKNOWN] <Patrick_J._Bumatay@who.eop.gov>

Sent: 2/10/2003 9:18:37 AM

Subject: : Bumatay turns 25 (and it is Valentines Day).

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff ( CN=Allison L. Riepenhoff/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-FEB-2003 14:18:37.00
SUBJECT:: Bumatay turns 25 (and it is Valentines Day).
TO:patrick.philbin@usdoj.gov @ inet ( patrick.philbin@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin Powell ( CN=Benjamin Powell/OU=OMB/O=EOP@EOP [ OMB ] )
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READ:UNKNOWN
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```

READ:UNKNOWN
TO:Raquel Cabral (CN=Raquel Cabral/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael Heath (CN=Michael Heath/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:libby.camp@dhs.gov @ inet (libby.camp@dhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Anne E. Campbell (CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Jose Mallea (CN=Jose Mallea/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Christopher Anderson <christopherbanderson@hotmail.com> @ inet (Christopher Anderson <christopherbanderson@hotmail.com> @ inet [UNKNOWN])
READ:UNKNOWN
TO:"Vachon, Marie" <Marie.Vachon@DHS.GOV> @ inet ("Vachon, Marie" <Marie.Vachon@DHS.GOV> @ inet [UNKNOWN])
READ:UNKNOWN
TO:Jeff.palmore@mail.house.gov @ inet (Jeff.palmore@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carol J. Thompson (CN=Carol J. Thompson/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Denise A. Dunckel (CN=Denise A. Dunckel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James W. Carroll (CN=James W. Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> @ inet ("Dinh, Viet" <Viet.Dinh@usdoj.gov> @ inet [UNKNOWN])
READ:UNKNOWN
TO:Noel_J._Francisco@who.eop.gov (Noel_J._Francisco@who.eop.gov [UNKNOWN])
READ:UNKNOWN
TO:David_G._Leitch@who.eop.gov (David_G._Leitch@who.eop.gov [UNKNOWN])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:john.c.yoo@usdoj.gov @ inet (john.c.yoo@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Britt Grant (CN=Britt Grant/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Bradford D. Dayspring (CN=Bradford D. Dayspring/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Tim Reynolds (CN=Tim Reynolds/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Christina Roberts <robertsaway@yahoo.com> @ inet (Christina Roberts <robertsaway@yahoo.com> @ inet [UNKNOWN])
READ:UNKNOWN
TO:Alex Reeh <alexreeh@hotmail.com> @ inet (Alex Reeh <alexreeh@hotmail.com> @ inet [UNKNOWN])
READ:UNKNOWN
TO:"Flippin, Laura" <Laura.Flippin@usdoj.gov> @ inet ("Flippin, Laura" <Laura.Flippin@usdoj.gov> @ inet [UNKNOWN])

READ:UNKNOWN
TO:Lauren J. Vestewig (CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange@EOP [OPD])
READ:UNKNOWN
TO:Patrick_J._Bumatay@who.eop.gov (Patrick_J._Bumatay@who.eop.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

To celebrate Patrick Bumatay's birthday and Valentines Day,
please join us:
Friday, February 14 at the ESPN Zone, 6:00 pm.
Hope to see you there!
(Patrick promises not to wear his cupid costume).
Please pass invitation to all who are interested.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange@EOP [WHO] <Heather Wingate>
Sent: 2/10/2003 9:37:32 AM
Subject: : Wilmer Cutler number is 663-6000

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-FEB-2003 14:37:32.00
SUBJECT:: Wilmer Cutler number is 663-6000
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: amy_hayward@judiciary.senate.gov @ inet [UNKNOWN] <amy_hayward@judiciary.senate.gov @ inet>
Sent: 2/10/2003 9:50:25 AM
Subject: : tell rena info will be sent by 3:30; thx

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-FEB-2003 14:50:25.00
SUBJECT:: tell rena info will be sent by 3:30; thx
TO:amy_hayward@judiciary.senate.gov @ inet ( amy_hayward@judiciary.senate.gov @ inet [
UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Walker, Helgard C.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
CC: <Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>;<Sampson, Kyle>; <Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>;<Francisco, Noel J.>;<Newstead, Jennifer G.>;<Everson, Nanette>
Sent: 2/10/2003 1:50:07 PM
Subject: Feinstein on CSPAN2 "rebutting" ARG letter, point by point, now

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>
CC: john j. healey/who/eop@eop [WHO] <john j. healey>
Sent: 2/10/2003 9:53:51 AM
Subject: : Re: question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-FEB-2003 14:53:51.00
SUBJECT:: Re: question
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:john j. healey (CN=john j. healey/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

let me see it first

Benjamin A. Powell
02/10/2003 12:38:48 PM
Record Type: Record

To: John J. Healey/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: question

John -- Brett Kavanaugh handles these types of issues and can advise.

John J. Healey
02/10/2003 12:31:06 PM
Record Type: Record

To: Benjamin A. Powell/WHO/EOP@EOP
cc:
Subject: question

Ben,

Can a County Committee enclose a copy of Sec. Card's bio when sending out their invites?

John Healey

From: Kavanaugh, Brett M.
To: <Wingate, Heather>
Sent: 2/10/2003 2:44:58 PM
Subject: Re: Wilmer Cutler number is 663-6000

I just left Seth Waxman a voice mail alerting him to possibility of call. So go ahead and give # to them. (Have they talked to Klain??)

From: Heather Wingate/WHO/EOP@Exchange on 02/10/2003 02:47:29 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: Wilmer Cutler number is 663-6000

Is it okay for me to give this to landrieu? I can stall for a bit.

-----Original Message-----

From: Kavanaugh, Brett M.

To: Wingate, Heather

Sent: Mon Feb 10 14:32:59 2003

Subject: Wilmer Cutler number is 663-6000

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Francisco, Noel J.>;<Lefkowitz, Jay P.>
Sent: 2/10/2003 2:50:15 PM
Subject: From today's Legal Times

NO AFFIRMATIVE ACTION, BUT ...

The Department of Justice may be opposing affirmative action in the courts, but it is instituting initiatives to boost minority representation in its own attorney ranks. Last week Attorney General **John Ashcroft** and Deputy AG **Larry Thompson** announced plans to create a new position devoted to recruiting minority lawyers. Other plans for increasing the racial, ethnic, economic, and geographic mix among Justice Department lawyers include diversity training for managers, a formal mentoring program for new hires, and the posting of attorney vacancies on the Internet. The new initiatives come one year after the Justice Department commissioned an outside study by KPMG Consulting to analyze diversity in the department's attorney work force. The completed report has not been released. The Justice Department also announced a student loan repayment program for new attorneys, through which eligible lawyers may receive up to $6,000 annually toward the repayment of federal student loans.

From: Wingate, Heather
To: MEstrada@gibsondunn.com <MEstrada@gibsondunn.com>
CC: <Kavanaugh, Brett M.>;<Grubbs, Wendy J.>
Sent: 2/10/2003 3:54:48 PM
Subject: 5:45 today

Miguel, can you do a 5:45 meeting today with Bill Nelson? Very important... He met with klain today and is open. Klain may be able to give you a read out.

Meet me in 716 Hart.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>
CC: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>
Sent: 2/10/2003 12:07:26 PM
Subject: : question with Andi Ball re travel is resolved

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-FEB-2003 17:07:26.00
SUBJECT:: question with Andi Ball re travel is resolved
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/10/2003 12:09:23 PM
Subject: : Leahy just said Ron Clark "lied" to the Judiciary Committee and that both Clark and WH acted "unethically"

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-FEB-2003 17:09:23.00
SUBJECT:: Leahy just said Ron Clark "lied" to the Judiciary Committee and that both Clark
and WH acted "unethically"
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John F. Wood/OMB/EOP@EOP [OMB] <John F. Wood>
Sent: 2/10/2003 12:52:05 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-FEB-2003 17:52:05.00
SUBJECT::
TO:John F. Wood ( CN=John F. Wood/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
###### End Original ARMS Header ######

please call re Iran cause of action asap
```

From: CN=Julieanne H. Thomas/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/10/2003 2:08:30 PM
Subject: : Re: event on Wednesday

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-FEB-2003 19:08:30.00
SUBJECT:: Re: event on Wednesday
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes, thank you!

Brett M. Kavanaugh
02/10/2003 06:58:44 PM
Record Type: Record

To: Julieanne H. Thomas/WHO/EOP@EOP
cc:
bcc:
Subject: Re: event on Wednesday

These participants are non-government employees, I gather? If so, then it is not a concern to us.

Julieanne H. Thomas
02/10/2003 05:34:48 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: event on Wednesday

Brett,

We are having a roundtable and remarks at Charles Schwab on Wednesday. Mr. Schwab has offered to buy lunch for the participants and meet with them for a little bit before the President arrives. Does that raise any flags for you? is that ok?

Just let me know.

Thanks.

From: MailRouter [SYS]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/10/2003 4:49:37 PM
Subject: DELIVERY FAILURE: Host connect failed - destination host not responding; <PREVIOUS REASON ALSO APPLIES TO: >; adam.charnes@usdoj.gov; brian.a.benczkowski@usdoj.gov

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT )
CREATOR:MailRouter ( MailRouter [ SYS ] )
CREATION DATE/TIME:10-FEB-2003 21:49:37.00
SUBJECT:DELIVERY FAILURE: Host connect failed - destination host not responding; <PREVIOUS
REASON ALSO APPLIES TO: >; adam.charnes@usdoj.gov; brian.a.benczkowski@usdoj.gov
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

DELIVERY FAILURE REPORT

Your Document:

could not be delivered to:
viet.dinh@usdoj.gov;adam.charnes@usdoj.gov;brian.a.benczkowski@usdoj.gov
because:
Host connect failed - destination host not responding;<PREVIOUS REASON ALSO APPLIES TO:
>;adam.charnes@usdoj.gov;brian.a.benczkowski@usdoj.gov
Routing Path:
CN=Mail2/O=EOP;CN=SGEOP03/O=EOP;CN=SGEOP03/O=EOP%sgeop03.eop.gov(SMTP/MIME
MTA);CN=SGEOP03/O=EOP;CN=Mail2/O=EOP
```

From: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/10/2003 5:06:07 PM
Subject: : funny
Attachments: P_4JHSD003_WHO.TXT_1.html

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ( "Seidel,
Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:10-FEB-2003 22:06:07.00
SUBJECT:: funny
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Just thinking - It was funny that somehow you knew I would still be
here. And even funnier that when I saw the caller ID say TEL EX, I knew
it had to be you. We both have a bad reputation of never leaving the
office! :-)



- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4JHSD003_WHO.TXT_1>
```

Just thinking – It was funny that somehow you knew I would still be here. And even funnier that when I saw the caller ID say T EL EX, I knew it had to be you. We both have a bad reputation of never leavi ng the office! ☺

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
Sent: 2/10/2003 5:17:50 PM
Subject: : Re: funny
Attachments: P_5QHSD003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-FEB-2003 22:17:50.00
SUBJECT:: Re: funny
TO:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ("Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

yes, somehow I knew you would answer. I feel like I can almost speak Spanish given how deep in the Estrada nom I am!

"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov>
02/10/2003 10:05:08 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: funny

Just thinking - It was funny that somehow you knew I would still be here. And even funnier that when I saw the caller ID say TEL EX, I knew it had to be you. We both have a bad reputation of never leaving the office! :-)

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5QHSD003_WHO.TXT_1>

Just thinking – It was funny that somehow you knew I would still be here. And even funnier that when I saw the caller ID say T EL EX, I knew it had to be you. We both have a bad reputation of never leavi ng the office! ☺

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Britt Grant/OPD/EOP@EOP [OPD] <Britt Grant>
Sent: 2/10/2003 5:20:33 PM
Subject: : Re: travel question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-FEB-2003 22:20:33.00
SUBJECT:: Re: travel question
TO:Britt Grant (CN=Britt Grant/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

This is treated as a mixed trip. He should keep track of generally what percentage is official activity and what percentage is political. Then, we make sure that government picks up corresponding percentage of overall travel costs. I think Kathy Prendergast helps. Please call with any q's.

Britt Grant

02/10/2003 09:19:01 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: travel question

Hi Brett -- another question about Bridge's trip to Cincy. He is speaking at the Hamilton County Republican Party dinner, but will also be doing a number of official events, including 2 site visits and an editorial board. How do we legally handle travel costs in this case? Thanks, and please let me know if I can provide you with any more information.
Britt

From: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/10/2003 10:56:37 PM
Subject: : repub staff memo
Attachments: P_C7MSD003_WHO.TXT_1.html; P_C7MSD003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ("Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:11-FEB-2003 03:56:37.00
SUBJECT:: repub staff memo
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Dirksen 141 is where the binder will be (note there will be one page talking point rebuttals in the pocket of the binder - we did not prepare these, the HELP staff did, I assume that they are OK, and skimming over them they seem to be, but haven't examined closely).

And on Anti trust Mike Volkov prepared this -

Background

The McCarran-Ferguson Act provides a limited exemption to the insurance industry from the federal antitrust laws. The Act provides that the Sherman Act, the Clayton Act and the federal Trade Commission Act apply to the business of insurance "to the extent that such business is not regulated by state law." That limited exemption from federal antitrust law does not extend to "any agreement to boycott, coerce or intimidate, or act of boycott, coercion or intimidation." State insurance commissions retain the right to review insurance rates and exercise regulatory authority over such rates.

The practical impact of the antitrust exemption has been eroded in recent years as courts have narrowed the definition of the business of insurance and broadened the definition of boycott and as an increasing number of states have subjected the industry to state antitrust law.

Proposed Bill

The proposed bill provides: "nothing in [McCarran-Ferguson Act] shall be construed to permit commercial insurers to engage in any form of price fixing, bid rigging, or market allocations in connection with the conduct of the business of providing medical malpractice insurance."

The legislation -- which is limited in application to only medical malpractice insurers -- is predicated on an unproven assumption -- that

the high rates for medical malpractice insurance are the result of collusion among insurance companies. This contention, while clever and offered only to cloud the debate, lacks any evidentiary support. To the contrary, the most significant cause of higher malpractice rates is rising costs of the underlying tort system. In general, the price of medical malpractice insurance must rise to reflect expected cost of the losses against which policy holders are insured. The allegation of price fixing, bid-rigging and territorial allocations is without evidentiary support, and offered only to deflect attention from the problems with the underlying civil justice system.

While antitrust policy purists contend that there is nothing unique about the insurance industry to warrant the current exemption, the insurance industry is heavily regulated by the states and no one has questioned the ability of states to regulate the industry and prevent clear anti-competitive conduct. Moreover, there are some who suggest that application of the antitrust laws may, in fact, chill legitimate and pro-competitive information sharing activities among competing insurance companies such as joint data collection, joint analysis and reporting of historical data, loss development and trending.

- att1.htm - Republican staff memo.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_C7MSD003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_C7MSD003_WHO.TXT_2>

Dirksen 141 is where the binder will be (note there will be one page talking point rebuttals in the pocket of the binder – we did not prepare these, the HELP staff did, I assume that they are OK, and skimming over them they seem to be, but haven't examined closely).

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The practical impact of the antitrust exemption has been eroded in recent years as courts have narrowed the definition of the business of insurance and broadened the definition of boycott and as an increasing number of states have subjected the industry to state antitrust law.

Proposed Bill</p>

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The legislation -- which is limited in application to only medical malpractice insurers -- is predicated on an unproven assumption -- that the high rates for medical malpractice insurance are the result of collusion among insurance companies. This contention, while clever and offered only to cloud the debate, lacks any evidentiary support. To the contrary, the most significant cause of higher malpractice rates is rising costs of the underlying tort system. In general, the price of medical malpractice insurance must rise to reflect expected cost of the losses against which policy holders are insured. The allegation of price fixing, bid-rigging and territorial allocations is without evidentiary support, and offered only to deflect attention from the problems with the underlying civil justice system.

While antitrust policy purists contend that there is nothing unique about the insurance industry to warrant the current exemption, the insurance industry is heavily regulated by the states and no one has questioned the ability of states to regulate the indu stry and prevent clear anti-competitive conduct. Moreover, there are some who suggest that application of the antitrust laws may, in fact, chill legitimate and pro-competitive information sharing activities among competing insurance companies such as joint data collection, joint analysis and reporting of historical data, loss development and trending.

Memorandum

TO: Republican Judiciary Committee Staff
FROM: Rebecca Seidel and Mark Carlson
SUBJECT: Hearing; "Patient Access Crisis, the Effect of Medical Litigation;" 2/11/03
DATE: 02-07-03

This joint Judiciary Committee and HELP Committee hearing will focus on understanding better the causes, the effects, and the scope of the medical litigation crisis that is affecting every American. The Republican witnesses (two Judiciary, three HELP) include a patient, a patient's wife, one physician, the President of Physician Insurers Association of America (PIAA), and the Texas State Insurance Commissioner.

In the last few years, medical liability insurance costs have increased dramatically and several companies have stopped writing this insurance. Doctors, unable to find or pay for insurance, are moving or leaving practice. Patients are left without access to necessary care. Significant evidence indicates that frivolous lawsuits and excessive jury awards for non-economic damages are responsible for the high cost of insurance. The direct costs and indirect costs (due to defensive medicine) of out-of-control medical litigation increase the cost of health care for all Americans and increase risk unnecessarily for patients. Although opponents of reform may now acknowledge that a problem exists, they blame insurance companies, claiming that poor investments, the business cycle, and monopolistic pricing are responsible for sky-rocketing premiums.

Hearing Witnesses:
For the Republicans

1) **Leanne Dyess, Wife of patient Tony Dyess, Vicksburg, Mississipi:**
Mrs. Dyess's husband had a single car accident and sustained a massive head injury while returning from a business trip in Gulfport, Mississippi to Vicksburg, Mississippi. It is thought that he fell asleep at the wheel. He was taken to Garden Park Hospital in Gulfport where a neurosurgeon was unavailable to provide the care he urgently needed, a shunt to reduce the life-threatening high pressure in his brain. She was told that all but one neurosurgeon had left the area due to medical liability costs and the one remaining neurosurgeon was not available that day. Mr. Dyess was transported via helicopter to the University Medical Center in Jackson Mississippi, arriving about six hours after the accident. He received immediate neurosurgical care at the University Medical Center but remained in a coma for several weeks and is permanently and severely disabled today. Earlier care would likely have reduced the extent of his injury and the severity of his disability. Due to his disability, he lives with his parents while his wife looks for work and looks after their two teenage children, one a sophomore in high school, the other a freshman in junior college.

2) **Lawrence E. Smarr, President of Physician Insurers Association of America (PIAA), Rockville, MD:**
PIAA is an association of provider-owned and or operated (doctors, dentists, hospitals etc) organizations that provides medical liability insurance to over 60% of the nation's doctors and dentists. Mr. Smarr will testify on the causes of the current crisis and the effects of medical litigation on medical liability insurance rates. He can address the validity of the argument that factors other than medical litigation costs are driving the increase in medical liability insurance premiums. He testified in June, 2002 before the House Subcommittee on Commercial and Administrative Law. He is scheduled to testify before the House Energy and Commerce Committee in a field hearing in Pennsylvania on Monday, February 10, 2003.

3) **Jose Montemayor, Commissioner of Insurance, Austin, Texas:**
Mr. Montemayor will testify on the effects of Medical litigation on medical insurance premiums and on the states. He will address the causes of the current crisis and what has not caused the crisis.

4) **Laurie Peel, Ob/Gyn patient, Raleigh, NC:**
Mrs. Peel participated in the recent Republican Press Conference on February 4, 2003. She is from Raleigh, North Carolina. Her OB/GYN of five years, left North Carolina because of premium rates. No other practice would take her because they were already full and because she had suffered a miscarriage prior to moving to Raleigh and was therefore high risk. Dr. Schmitt was the only one who would take her. Ms. Peel was on the President's panel in North Carolina.

5) **Shelby Wilbourn, MD, Belfast Maine:** After completing his training at the University of Tennessee and Tulane University, Dr. Wilbourn settled in Las Vegas, NV where he practiced for 12 years and served as an Assistant Professor at the University of Nevada School of Medicine. He recently relocated to Belfast, Maine. He recently testified on the President's panel regarding the effects of increasing medical liability insurance premiums. At the time of his testimony, Dr. Wilbourn had no medical liability claims. He has since been served with a claim from the family of a woman who had an amniotic fluid embolism that caused seizures and ultimately left her brain dead. Amniotic fluid embolisms are a **rare** complication for which Obstetricians say there is **no known** prevention.

For the Democrats

6) **Jay Angoff, Of Counsel, Roger G. Brown & Associates, Jefferson City, MO:**
He is a medical malpractice attorney. He is the former Missouri Commissioner under Governor Carnahan. He testified before Judiciary Committee during the medical liability crisis of the 1980's.
(see http://www.consumerwatchdog.org/insurance/rp/rp002610.pdf).

5) **Linda McDougal, Patient from Woodville, Wisconsin:**
She had an unnecessary double mastectomy for breast cancer that did not exist. It is alleged that a laboratory error (the biopsy slides were mixed up with those of another patient) resulted in the misdiagnosis and the unnecessary procedure. She has been in the news and reportedly was part of the "bus tour."

From: EOP.GOV Postmaster General <Postmaster@EOP2.EOP.GOV>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/10/2003 9:34:03 PM
Subject: : Delivery Notification: Delivery has been delayed

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"EOP.GOV Postmaster General" <Postmaster@EOP2.EOP.GOV> ( "EOP.GOV Postmaster
General" <Postmaster@EOP2.EOP.GOV> [ UNKNOWN ] )
CREATION DATE/TIME:11-FEB-2003 02:34:03.00
SUBJECT:: Delivery Notification: Delivery has been delayed
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

This report relates to a message you sent with the following header fields:

Message-id: <85256CCA.00101D79.00@sgeop03.eop.gov>
Date: Mon, 10 Feb 2003 21:52:07 -0500
From: Brett_M._Kavanaugh@who.eop.gov
To: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>
Subject: Re: FW: New Pardon Documents FOIA case

Your message has been enqueued and undeliverable for 4 hours
to the following recipients:

Recipient address: m.edward.whelan@usdoj.gov
Reason: unable to deliver this message after 4 hours
Recipient address: Paul.P.Colborn@usdoj.gov
Reason: unable to deliver this message after 4 hours

Delivery attempt history for your mail:

Tue, 11 Feb 2003 01:10:39 EST
TCP active open: Failed connect() Error: connection timed out


Mon, 10 Feb 2003 23:10:25 EST
TCP active open: Failed connect() Error: connection timed out


Mon, 10 Feb 2003 22:13:03 EST
TCP active open: Failed connect() Error: connection timed out


The mail system will continue to try to deliver your message
for an additional 68 hours.

Original-envelope-id: 01KSAEGJ6S6QA8I2U7@EOP.GOV
Reporting-MTA: dns;EP.EOP.GOV

Action: delayed
Status: 4.0.0 (unable to deliver this message after 4 hours)
Original-recipient: rfc822;m.edward.whelan@usdoj.gov
Final-recipient: rfc822;m.edward.whelan@usdoj.gov

Action: delayed
Status: 4.0.0 (unable to deliver this message after 4 hours)
Original-recipient: rfc822;Paul.P.Colborn@usdoj.gov
Final-recipient: rfc822;Paul.P.Colborn@usdoj.gov
Return-path: <Brett_M._Kavanaugh@who.eop.gov>
Received: from EP.EOP.GOV by EOP.GOV (PMDF V5.2-33 #41062)
id <01KSANL5IC34A9Q5VP@EOP.GOV>; Tue, 11 Feb 2003 02:33:35 EST
Received: from CONVERSION-DAEMON by EOP.GOV (PMDF V5.2-33 #41062)
id <01KSAEGJ62RKA8I2U7@EOP.GOV>; Mon, 10 Feb 2003 22:11:48 EST
```

Received: from mhub2.eop.gov ([198.137.241.13])
by EOP.GOV (PMDF V5.2-33 #41062) with ESMTP id
<01KSAEGI0TDMA9Q43O@EOP.GOV>;
Mon, 10 Feb 2003 22:11:45 -0500 (EST)
Received: from sgeop03.eop.gov ([165.119.1.37])
by mhub.eop.gov (PMDF V6.1-1 #41014)
with SMTP id <01KSAEG440769S3P4Y@mhub.eop.gov>; Mon,
10 Feb 2003 22:11:28 -0500 (EST)
Received: by sgeop03.eop.gov(Lotus SMTP MTA v4.6.7 (934.1 12-30-1999))
id 85256CCA.00101E3B ; Mon, 10 Feb 2003 21:56:03 -0500
Date: Mon, 10 Feb 2003 21:52:07 -0500
From: Brett_M._Kavanaugh@who.eop.gov
Subject: Re: FW: New Pardon Documents FOIA case
To: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>
Cc: "whelan, m edward iii" <m.edward.whelan@usdoj.gov>
Message-id: <85256CCA.00101D79.00@sgeop03.eop.gov>
MIME-version: 1.0
Content-type: multipart/mixed;
boundary="Boundary_(ID_qOJwTej/MqRA1RdoEC29xg)"
X-Lotus-FromDomain: EOP

--Boundary_(ID_qOJwTej/MqRA1RdoEC29xg)
Content-type: text/plain; charset=us-ascii
Content-disposition: inline

let's discuss.

(Embedded
image moved "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>
to file: 02/10/2003 01:34:55 PM
pic19634.pcx)

From: CN=Arthur B. Applegate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: emory rounds/who/eop@eop [WHO] <emory rounds>;nanette everson/who/eop@eop [WHO] <nanette everson>
Sent: 2/11/2003 2:43:21 AM
Subject: : Re: Hatch Act Crib Sheet

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Arthur B. Applegate ( CN=Arthur B. Applegate/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-FEB-2003 07:43:21.00
SUBJECT:: Re: Hatch Act Crib Sheet
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:emory rounds ( CN=emory rounds/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:nanette everson ( CN=nanette everson/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Thanks Brett. I will start working on incorporating your suggestions into
the next draft. We appreciate your help.
```

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 2/11/2003 7:05:43 AM
Subject: FW: Congratulations

Note the upcoming Card/Specter event; might be a useful time if we want to tee Andy up for a conversation on PA judges.

-----Original Message-----
From: Arthur J. Rothkopf [mailto:rothkopa@mail.lafayette.edu]
Sent: Monday, February 10, 2003 2:48 PM
To: Leitch, David G.
Subject: Congratulations

David:

Just wanted to congratulate you on your meteoric rise through the ranks. Best of luck in your new role.

Hope to have Andy Card on our campus on February 24. He will be in the area for a Specter fund-raiser.

Regards,
Art

Arthur J. Rothkopf
President
Lafayette College
316 Markle Hall
Easton, PA 18042-1768
phone: 610-330-5200
fax: 610-330-5700

From: CN=Mercedes M. Viana/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;rfernandez@rnchq.org @ inet [UNKNOWN] <rfernandez@rnchq.org @ inet>;Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>;Heather Wingate/WHO/EOP@Exchange@EOP [WHO] <Heather Wingate>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;scastillo@rnchq.org @ inet [UNKNOWN] <scastillo@rnchq.org @ inet>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>
Sent: 2/11/2003 4:08:18 AM
Subject: : AJC: Estrada short on civil rights

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-FEB-2003 09:08:18.00
SUBJECT:: AJC: Estrada short on civil rights
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:rfernandez@rnchq.org @ inet ( rfernandez@rnchq.org @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:scastillo@rnchq.org @ inet ( scastillo@rnchq.org @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

The Atlanta Journal and Constitution

February 10, 2003
Editorial

Estrada short on civil rights

Dorothy I. Height, Wade Henderson

Dorothy I. Height, chairwoman of the Leadership Conference on Civil Rights, and Wade Henderson, its executive director, recently wrote a letter to Sen. Orrin Hatch (R-Utah) expressing opposition to the nomination of Miguel Estrada to the United States Court of Appeals for the D.C. Circuit. Here are excerpts:

A review of Estrada's record to date indicates that his positions, opinions and legal activities in numerous areas are troublesome and raise serious questions about his commitment to equal justice and civil rights for all Americans. In addition, by refusing to adequately answer numerous questions posed to him at his Sept. 26, 2002, hearing, as well as written questions following the hearing, Estrada has failed to demonstrate a commitment to the continued vigorous enforcement of critical constitutional and statutory rights in the areas of civil rights and civil liberties. Estrada's nomination has special significance for the communities we represent for a number of reasons, including the unique status of the D.C. Circuit. The U.S. Court of Appeals for the District of Columbia Circuit has a critical role in our federal judicial system and is widely regarded as the second most important court in the United States, after the U.S. Supreme Court. Because of the importance of this court and because several senators have spoken out about the prospects of Estrada being subsequently elevated to the Supreme Court if confirmed, it is important that his nomination be scrutinized.

In our review of Estrada's record made public to date, we are troubled by many of the positions that he has taken in litigation for public and private clients. For example, Estrada has devoted a good deal of time to defending so-called anti-loitering statutes, which have been shown to have a disproportionately negative impact on African-Americans and Latinos.

These statutes have been attacked on several grounds, including concerns that they inhibit expression in violation of the First Amendment and that they are inconsistent with the 14th Amendment's guarantee of due process. State and federal courts, including the U.S. Supreme Court, have struck down these statutes as unconstitutional. Moreover, we are troubled by claims made by Estrada regarding the standing of civil rights organizations to pursue constitutional challenges to these laws.

Estrada's career thus far also reveals a troubling tendency to favor powerful corporate interests over the interests of normal citizens. His work in at least one case hints at a troubling bias against organized labor, and his work for a large pharmaceutical company suggests a cavalier attitude toward the rights of consumers.

In addition, Estrada has made disturbing public statements expressing disdain for judicial review of legislative enactments.

According to Estrada, in our democracy "we" do not bring challenges to laws in court, but rather "try out" the laws to see if they "work" and only "scrap" them if they don't. This understanding of our constitutional democracy dramatically undermines the role of the judiciary in reviewing executive and legislative branch decisions to ensure that the constitutional rights of minorities (racial or otherwise) are protected.

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2003 4:49:37 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:11-FEB-2003 09:49:37.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If I had to put $5 on one side or the other, I'd put it on filibuster.
They are just that crazy.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, February 11, 2003 9:25 AM
To: Wingate, Heather
Subject:

Chris Bart in our office heard from a friend/source in Daschle's office
that they are going to filibuster. Not sure how reliable, but fyi.

From: Rodriguez, Leonard B.
To: Remington, Kristi L <Kristi.L.Remington@usdoj.gov>;Myers, Chris \(Republican-Conf\) <Chris_Myers@src.senate.gov>;joschal@att.net <joschal@att.net>;joschal@att.net <Wingate, Heather>;alafferty@traditionalvalues.org <alafferty@traditionalvalues.org>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;alafferty@traditionalvalues.org <Viana, Mercedes M.>;alafferty@traditionalvalues.org <Kavanaugh, Brett M.>;Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Lizette Jenness Olmos - Communications <LJenness_Olmos@rnchq.org>;scastillo@rnchq.org <scastillo@rnchq.org>;Duffield, Steven \(RPC\) <Steven_Duffield@rpc.senate.gov>;Abegg, John \(McConnell\) <John_Abegg@mcconnell.senate.gov>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;rfernandez@rnchq.org <rfernandez@rnchq.org>;Stevenson, Bob \(Frist\) <Bob_Stevenson@FRIST.SENATE.GOV>
Sent: 2/11/2003 8:51:26 AM
Subject: NY post article today

---------- Forwarded by Leonard B. Rodriguez/WHO/EOP on 02/11/2003 08:47 AM ----------

John J. Healey

02/11/2003 08:47:38 AM

Record Type: Record

To: Leonard B. Rodriguez/WHO/EOP@EOP

cc:

Subject: NY post article today

CHUCK'S FULL OF FILI-BLUSTER: GOP

By VINCENT MORRIS and KENNETH LOVETT

February 11, 2003 --

New York Republicans yesterday attacked Sen. Charles Schumer (D-N.Y.) for threatening to filibuster against Miguel Estrada,

a Hispanic lawyer President Bush nominated as a judge.

Gov. Pataki ripped Schumer's "hypocrisy" in an upstate speech.

"Those on the left who talk about immigrants, who talk about America being an inclusive society, are blocking him because he

may not fit their political ideology," Pataki said.

And state GOP Chairman Sandy Treadwell accused Schumer of "petty, partisan political games to prevent this highly qualified

Hispanic-American from becoming a judge."

Former Congressman Herman Badillo hinted he might work against Schumer's re-election, saying, "New York Hispanics will not forget this next year."

Senate Republicans want a vote on Estrada's nomination tomorrow. It was unclear yesterday if Democrats would block the vote with a filibuster.

Schumer and other Democrats complain the appeals-court nominee offered no opinion on several hot-button issues.

Estrada is a Washington D.C., lawyer who came to the United States from Honduras as a teenager and graduated from Harvard Law School in 1986. He has practiced constitutional law and argued 15 cases before the Supreme Court.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 2/11/2003 8:55:19 AM
Subject: NY post article today re Pataki/Estrada

CHUCK'S FULL OF FILI-BLUSTER: GOP

By VINCENT MORRIS and KENNETH LOVETT

February 11, 2003 --

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Estrada is a Washington D.C., lawyer who came to the United States from Honduras as a teenager and graduated from

Harvard Law School in 1986. He has practiced constitutional law and argued 15 cases before the Supreme Court.

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2003 5:38:27 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN]
)
CREATION DATE/TIME:11-FEB-2003 10:38:27.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes for tomorrow at 11:00. I will get you the list, and check on your
question. Thanks.

>>><Brett_M._Kavanaugh@who.eop.gov> 2/10/03 10:19:36 PM >>>
We can do phone. How about Wed. at 11:00 for 1/2 hour? In interim, can you
send me updated list of all outstanding issues (and notices) from your
perspective. Also, I have one new issue: namely, whether NARA can pay for
items
that seem appropriate to purchase for future Presidential library (e.g.,
books
about President, desk and chairs from Offutt on 9/11/01, etc.).

(Embedded
image moved GaryM Stern <garym.stern@nara.gov>
to file: 02/10/2003 08:55:22 AM
pic20294.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Re:

Wednesday, anytime except 1:00, would be better for me; also, Thursday
11-2, or
after 3; or anytime on Friday. If no other time works for you, then I could
probably work out tomorrow at 4:00.

>>><Brett_M._Kavanaugh@who.eop.gov> 2/9/03 7:01:50 PM >>>
Can we arrange time to talk this week. I want to go through pending notices
with you. I could do Tuesday at 4:00.

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Nelson>;Carolyn_Nelson@who.eop.gov [WHO] <Carolyn>
Sent: 2/11/2003 10:11:49 AM
Subject: RE: on conference call; what are you calling about

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:11-FEB-2003 15:11:49.00
SUBJECT:RE: on conference call; what are you calling about
TO:Nelson, Carolyn (Carolyn_Nelson@who.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

want to talk to judge about that after call is over ar
230

From: Carolyn Nelson/WHO/EOP@Exchange on 02/11/2003 02:14:37 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:

Subject: RE: on conference call; what are you calling about

Any truth to the rumor that you may want to cancel this week's meeting with the President?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, February 11, 2003 2:09 PM

To: Nelson, Carolyn

Subject: on conference call; what are you calling about

From: CN=Heather Wingate/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2003 7:09:42 AM
Subject: : Re: how did our side's press conference go.

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:11-FEB-2003 12:09:42.00
SUBJECT:: Re: how did our side's press conference go.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Excellent



-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Wingate, Heather; <Heather_Wingate@who.eop.gov>
Sent: Tue Feb 11 11:49:33 2003
Subject: how did our side's press conference go.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Kristen Silverberg/WHO /EOP@Exchange@EOP [WHO] <Kristen Silverberg>;Jay P. Lefkowitz/OPD /EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>
Sent: 2/11/2003 8:46:41 AM
Subject: : ABA on asbestos

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-FEB-2003 13:46:41.00
SUBJECT:: ABA on asbestos
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

By GINA HOLLAND
The Associated Press
Tuesday, February 11, 2003; 1:36 PM

The nation's largest lawyers group voted Tuesday to recommend limits on asbestos lawsuits, a stand intended to help people who are really sick and to relieve overwhelmed courts.

Critics argued that the American Bar Association should not try to cut off access to jury trials, while supporters said there is a national crisis with 600,000 pending claims.

"It is fair. It is long overdue, and it is clearly in the national interest," said Nathaniel Jones, a former federal judge who now practices law in Cincinnati.

The proposal, which easily cleared the ABA's policy-making board at the ABA's winter meeting here, sets medical standards for people who have been exposed to asbestos but do not have cancer. Those who do not qualify under the standards could sue later if their conditions worsen.

The ABA will now lobby Congress, which is already expected to consider ways to control asbestos lawsuits.

The stand is a little unusual, because it puts the 400,000-member legal organization on the same side as big business groups the ABA often opposes.

Mary Alexander, president of the Association of Trial Lawyers of America, argued Tuesday that the plan "restricts open access to justice," and is at odds with the ABA's usual positions.

"Those who are sick but not dying would be denied," she said.

The issue was one of the more controversial of the proposals taken up during the meeting, which was ending on Tuesday.

Both sides brought people with asbestos-related health problems to Seattle to influence the debate.

"You've got to be knocking on death's door, close to the Grim Reaper to get into court," under the ABA standard, said Les Skramstad, a former mine worker from Libby, Mont., who suffers from asbestos and who says his wife and children have lung ailments too.

That town has been plagued by asbestos problems related to a former vermiculite mine.

ABA leaders said the Libby victims would not be hurt by the proposal.

Brian Harvey, a former college employee from Marysville, Wash., said he's skeptical of claims filed by people who he believes rushed to court after getting just a few tests. He said people who are not truly sick are getting undeserved settlements.

"If I had any hair on my back, it would rise," said Harvey, who has undergone chemotherapy and has mesothelioma, a rare and inoperable form of lung cancer.

The asbestosis lawsuits have provided lucrative work for many defense and plaintiffs' lawyers who make up the ABA.

But ABA President A.P. Carlton said most people agree that there is a crisis.
The resolution, Carlton said, "is an earnest and sincere attempt to get some balance into the system."
Asbestos is a heat-resistant mineral that has been found to cause severe health problems. Lawsuits over asbestos have forced more than 60 companies into bankruptcy protection since 2000.
Critics of the ABA proposal said 90 percent of pending cases would be barred under the recommended standard.
Sen. Max Baucus, D-Mont., said in a letter that the proposal "would place the ABA in the position of advocating for the arbitrary denial of justice to those that have been injured by the actions of others."

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Lefkowitz>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/JAY_P._LEFKOWITZ [UNKNOWN] <Jay P.>;<Schacht>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/3F815C7C-30F425B-85256A09-79EEF2 [UNKNOWN] <Diana L.>;<Silverberg>;Kristen_Silverberg@who.eop.gov [WHO] <Kristen>
Sent: 2/11/2003 9:42:17 AM
Subject: ABA on asbestos

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:11-FEB-2003 14:42:17.00
SUBJECT:ABA on asbestos
TO:Lefkowitz, Jay P. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=JAY_P._LEFKOWITZ [UNKNOWN])
READ:UNKNOWN
TO:Schacht, Diana L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=3F815C7C-
30F425B-85256A09-79EEF2 [UNKNOWN])
READ:UNKNOWN
TO:Silverberg, Kristen (Kristen_Silverberg@who.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

By GINA HOLLAND
The Associated Press

Tuesday, February 11, 2003; 1:36 PM

The nation's largest lawyers group voted Tuesday to recommend limits on asbestos lawsuits, a stand intended to help people who are really sick and to relieve overwhelmed courts.

Critics argued that the American Bar Association should not try to cut off access to jury trials, while supporters said there is a national crisis with 600,000 pending claims.

"It is fair. It is long overdue, and it is clearly in the national interest," said Nathaniel Jones, a former federal judge who now practices law in Cincinnati.

The proposal, which easily cleared the ABA's policy-making board at the ABA's winter meeting here, sets medical standards for people who have been exposed to asbestos but do not have cancer. Those who do not qualify under the standards could sue later if their conditions worsen.

The ABA will now lobby Congress, which is already expected to consider ways to control asbestos lawsuits.

The stand is a little unusual, because it puts the 400,000-member legal organization on the same side as big business groups the ABA often opposes.

Mary Alexander, president of the Association of Trial Lawyers of America, argued Tuesday that the plan "restricts open access to justice," and is at odds with the ABA's usual positions.

"Those who are sick but not dying would be denied," she said.

The issue was one of the more controversial of the proposals taken up during the meeting, which was ending on Tuesday.

Both sides brought people with asbestos-related health problems to Seattle to influence the debate.

"You've got to be knocking on death's door, close to the Grim Reaper to get into court," under the ABA standard, said Les Skramstad, a former mine worker from Libby, Mont., who suffers from asbestos and who says his wife and children have lung ailments too.

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"If I had any hair on my back, it would rise," said Harvey, who has undergone chemotherapy and has mesothelioma, a rare and inoperable form of lung cancer.

The asbestosis lawsuits have provided lucrative work for many defense and plaintiffs' lawyers who make up the ABA.

But ABA President A.P. Carlton said most people agree that there is a crisis.

The resolution, Carlton said, "is an earnest and sincere attempt to get some balance into the system."

Asbestos is a heat-resistant mineral that has been found to cause severe health problems. Lawsuits over asbestos have forced more than 60 companies into bankruptcy protection since 2000.

Critics of the ABA proposal said 90 percent of pending cases would be barred under the recommended standard.

Sen. Max Baucus, D-Mont., said in a letter that the proposal "would place the ABA in the position of advocating for the arbitrary denial of justice to those that have been injured by the actions of others."

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>;<Schacht, Diana L.>;<Silverberg, Kristen>
Sent: 2/11/2003 1:42:16 PM
Subject: ABA on asbestos

By GINA HOLLAND

The Associated Press

Tuesday, February 11, 2003; 1:36 PM

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From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 2/11/2003 3:50:07 PM
Subject: Message Mtg Changes

See below.

-----Original Message-----
From: Ritacco, Krista L.
Sent: Tuesday, February 11, 2003 3:49 PM
To: Yunker, Jacob H.; Barclay, Barbara A.; Barrales, Ruben S.; Bennett, Melissa S.; Bird, Debra D.; Bowen, Stuart W.; Buchan, Claire ; Burkhart, Shannon; Campbell, Anne E.; Canfield, Sally; Ciafardini, Andrew D.; Cleveland, Carolyn E.; Conde, Roberta L.; DeFrancis, Suzy; Devenish, Nicolle; Duffy, Trent D.; Ellison, Kimberly; Eskew, Tucker A.; Figg, Kara G.; Gambatesa, Linda M.; Gerdelman, Sue H.; Gillmor, Eleanor L.; Goergen, Barbara Jo; Gottesman, Blake; Grant, Britt; Gray, Adrian G.; Gray, Ann; Hamilton, Parker B.; Hennessey, Keith; Hernandez, Israel; Hughes, A. Merrill; Hughes, Taylor A.; Ingle, Edward; Jackson, Barry S.; Kaplan, Joel; Kozberg, Lindsey C.; Kyle, Ross M.; Lefkowitz, Jay P.; Lineberry, Stephen M.; Litkenhaus, Colleen; Mallea, Jose; Marquez, Heidi K.; McClellan, Scott ; McDonald, Rebekah; McQuade, Vickie A.; Mehlman, Ken; Middlemas, A. Morgan; Miers, Harriet; Millerwise, Jennifer; Montiel, Charlotte L.; Neely, Susan K.; Nelson, Carolyn; Nipper, Wendy L.; Parell, Christie; Pelletier, Eric C.; Perez, Anna M.; Ralston, Susan B.; Rodriguez, Noelia ; Rogers, Edwina C.; Rust, Kathryn E.; Ryun, Catharine A.; Sforza, Scott N.; Silverberg, Kristen; Snee, Ashley; Spagnoli, Deborah A.; Towey, Jim; Vestewig, Lauren J.; Walters, Katherine M.; Wehner, Peter H.; Westine, Lezlee J.; Williams, Mary C.; Wozniak, Natalie S.
Subject: MESSAGE MEETING update for next week

Message Meeting is cancelled on Monday, February 17. Have a nice holiday!

Instead, there **will** be a message meeting on **TUESDAY, February 18** at **11:00 am** in the Roosevelt Room.

Thanks!

From: Kirk Blalock <kblalock@fierce-isakowitz.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2003 2:12:53 PM
Subject: : AP story on today's ABA vote - consistent with the NAM/AIA Asbestos Alliance approach
Attachments: P_LPSTD003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock <kblalock@fierce-isakowitz.com> (Kirk Blalock <kblalock@fierce-isakowitz.com> [UNKNOWN])
CREATION DATE/TIME:11-FEB-2003 19:12:53.00
SUBJECT:: AP story on today's ABA vote - consistent with the NAM/AIA Asbestos Alliance approach
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ABA Recommends Curbs on Asbestos Lawsuits
By GINA HOLLAND
ASSOCIATED PRESS
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The ABA will now lobby Congress, which is already expected to consider ways to control asbestos lawsuits. The stand is a little unusual, because it puts the 400,000-member legal organization on the same side as big business groups the ABA often opposes.

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"Those who are sick but not dying would be denied," she said. The issue was one of the more controversial of the proposals taken up during the meeting, which was ending on Tuesday. Both sides brought people with asbestos-related health problems to Seattle to influence the debate. "You've got to be knocking on death's door, close to the Grim Reaper to get into court," under the ABA standard, said Les Skramstad, a former mine worker from Libby, Mont., who suffers from asbestos and who says his wife and children have lung ailments too.

That town has been plagued by asbestos problems related to a former vermiculite mine. ABA leaders said the Libby victims would not be hurt by the proposal. Brian Harvey, a former college employee from Marysville, Wash., said he's skeptical of claims filed by people who he believes rushed to court after getting just a few tests. He said people who are not truly sick are getting undeserved settlements.

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Critics of the ABA proposal said 90 percent of pending cases would be barred under the recommended standard.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LPSTD003_WHO.TXT_1>

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ASSOCIATED PRESS
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From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
Sent: 2/12/2003 3:00:38 AM
Subject: : National Review

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CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:12-FEB-2003 08:00:38.00
SUBJECT:: National Review
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

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Copyright 2003 National Review ;
National Review

February 11, 2003, Tuesday

SECTION: National Review Online; Ramesh Ponnuru

LENGTH: 1189 words

HEADLINE: Judging Gonzales

BYLINE: By Ramesh Ponnuru; NR Senior Editor

BODY:
Is White House counsel Alberto Gonzales on the short list to fill the next
Supreme Court vacancy? That's been the subject of speculation since even
before President Bush took office. That speculation had declined in recent
months, and a recent Washington Post story suggested he was out of the
running. But the rumor mill is up and running again. Some social
conservatives are reporting that the White House is trying to sell them on
Gonzales's merits. They're worried that a Justice Gonzales could be in our
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future.

In the Senate, Republican staffers who share this alarm have taken to saying that "Gonzales is Spanish for Souter." The reference is to Justice David Souter, a nominee of the first President Bush. Souter was picked because he lacked a paper trail and could thus easily be confirmed. Souter got 90 votes in the Senate. But on the bench he turned out to be a fairly reliable liberal vote. In the latest issue of NR, my colleagues editorialize that it is unfair to compare Gonzales to Souter: "When Souter was nominated, we didn't know anything about his views. We do know something about Gonzales's views, and what we know is not encouraging."

Gonzales opponents say there are two strikes against him. The first is that he weakened the administration's brief to the Supreme Court in the University of Michigan racial-preference cases. Solicitor General Ted Olson wanted the administration to say that the use of racial preferences to achieve diversity is constitutionally impermissible. Gonzales overruled him.

The second strike is Gonzales's record on abortion as a justice of the Texas supreme court. The state had passed a law requiring parents to be notified before a minor could get an abortion. That law, like most parental-notification laws, allowed judges to waive the requirement if observing it could be expected to lead to the abuse of the girl in question. In its first cases dealing with the law, the court read this judicial-bypass provision broadly - so broadly that one dissenter furiously charged that the law had been gutted.

Priscilla Owen, whom Bush has nominated to a federal court of appeals, sat on the Texas supreme court with Gonzales during the notification cases. She was a dissenter, and last year her opponents seized on a remark Gonzales made in the cases to cast her as an extremist. Gonzales had supposedly tagged Owen as a right-wing activist. Some conservatives believe that Gonzales made this remark, and hold it against him. It appears, however, that Gonzales was referring not to Owen but to one of their colleagues on the Texas supreme court.

I reviewed Gonzales's opinions (and those of his colleagues) for a profile of him in NR two years ago. My conclusion was that while the dissenters had the better argument about how to construe the statute, the cases do not prove Gonzales to be a lawless judge, a supporter of Roe v. Wade, or even a proponent of a right to abortion. On the other hand, nothing in Gonzales's jurisprudence in that case or others would lead people to believe that he would be a Supreme Court justice in the mold of Antonin Scalia or Clarence Thomas - which is what Bush said he wanted on the campaign trail.

So far, the White House campaign for Gonzales has found few takers among social conservatives or legal conservatives generally. Some of the former are regularly discussing what to do if Bush nominates Gonzales.

The short answer is that there's not much they would be able to do to stop Gonzales's confirmation. Social conservatives would feel betrayed - the rank-and-filers, that is, not just the leaders of the Washington groups - since the chief reason they were given to vote for Bush was that he would nominate "strict constructionists" like Scalia and Thomas. But Republican senators are not going to vote against a Bush nominee who's also the first Hispanic nominee to the Supreme Court, whatever conservatives say. Conservative opponents of Gonzales will have to be careful not to threaten more than they can deliver.

Two months ago, Jeff Bell, an influential social-conservative activist, told me how he thought a Gonzales nomination would play out. "Every article would say that the pro-life movement is over," he said. "[Gonzales would] make [his non-conservatism] obvious as early as the hearings. Leahy would whisk him through, a handful would vote against him. It'd be 90-10. It would be seen as a complete victory for the other side on every difficult liberal-conservative issue before the Supreme Court. . . .

Gonzales is not going to resist the zeitgeist on anything for any length of time and everybody knows that. I think it's a major risk for Bush to make a nomination like that and I think he won't. It might not hurt short-run but in the medium-run and long-run it is very dangerous to his base."

Bell could be wrong about the danger. Everyone can understand the political point of nominating the first Hispanic Supreme Court justice and avoiding a confirmation fight with the Democrats. Says one opponent, "If I was just a Machiavellian Republican, without any desire to do the right thing, I'd try to make this thing work." If Gonzales is nominated, however, it will be hard to see what the point of all the pro-life positions that Bush has taken was.

The president has run real political risks in standing with pro-lifers on stem cells, cloning, and international family-planning funding. He has gained their enthusiastic support as a result - and that's all he has gained. Nominating Gonzales this year would instantly wipe out that enthusiasm. Gonzales's nomination would also raise another question: What was the point of Bush's nominating Scalia-Thomas-style conservatives to the federal courts of appeal? If Bush thought it was worth fighting with liberals over those courts, why not over the court to whose precedents they are bound?

Perhaps the point of all these moves was to build up Bush's credibility among pro-lifers to the point that they would give Gonzales the benefit of the doubt as Bush's friend. But pro-lifers have several reasons not to give Supreme Court nominees the benefit of the doubt. They have been burned before. Pro-lifers were bitterly disappointed with Justices Sandra Day O'Connor, Anthony Kennedy, and Souter, all of whom were nominated by political allies and expected to vote against Roe, but didn't. Another such disappointment would leave the court split 7-2 for Roe. That's the same as the original vote for it. We'd be right back to 1973.

Some people believe that it would be easier to sell conservatives on Gonzales as a replacement for Justice O'Connor than as a replacement for Chief Justice William Rehnquist. The White House could tell conservatives that trading O'Connor for Gonzales was a step up, even if Gonzales is not conservatives' ideal justice. That won't work for everyone: Bush's promise was to appoint "strict constructionists," not to improve the Supreme Court incrementally. It might, however, work for a lot of conservatives - especially if Bush had already gotten a conservative justice confirmed and Gonzales were his second nominee.

;
Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632
;

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2003 5:09:01 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN]
)
CREATION DATE/TIME:12-FEB-2003 10:09:01.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yeah, yeah, I guess I'll forgive you. (Don't forget that NARA officials
can review Presidential records that are closed to the public, so I might
be checking up on you a bit before then.)

Tomorrow, anytime between 10 and 2 works for me. Let me know when you're
available.

>>> <Brett_M._Kavanaugh@who.eop.gov> 2/12/03 9:53:51 AM >>>
I need to postpone until tomorrow. Twenty years from now, when reading my
e-mails, you will see that I have a good excuse! Anyway, what time
tomorrow is
ok for you.

(Embedded
image moved GaryM Stern <garym.stern@nara.gov>
to file: 02/11/2003 08:54:18 AM
pic08342.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Re:

Yes for tomorrow at 11:00. I will get you the list, and check on your
question.
Thanks.

>>><Brett_M._Kavanaugh@who.eop.gov> 2/10/03 10:19:36 PM >>>
We can do phone. How about Wed. at 11:00 for 1/2 hour? In interim, can you
send me updated list of all outstanding issues (and notices) from your
perspective. Also, I have one new issue: namely, whether NARA can pay for
items
that seem appropriate to purchase for future Presidential library (e.g.,
books
about President, desk and chairs from Offutt on 9/11/01, etc.).

(Embedded
image moved GaryM Stern <garym.stern@nara.gov>
to file: 02/10/2003 08:55:22 AM
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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Re:

Wednesday, anytime except 1:00, would be better for me; also, Thursday 11-2, or
after 3; or anytime on Friday. If no other time works for you, then I could probably work out tomorrow at 4:00.

>>><Brett_M._Kavanaugh@who.eop.gov> 2/9/03 7:01:50 PM >>>
Can we arrange time to talk this week. I want to go through pending notices with you. I could do Tuesday at 4:00.

From: Abiaad, Vanessa H.M. <VAbiaad@mayerbrownrowe.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2003 6:14:23 AM
Subject: : Invitation to AEI Dinner - Feb. 26th
Attachments: P_STLUD003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Abiaad, Vanessa H.M." <VAbiaad@mayerbrownrowe.com> ("Abiaad, Vanessa H.M." <VAbiaad@mayerbrownrowe.com> [UNKNOWN])
CREATION DATE/TIME:12-FEB-2003 11:14:23.00
SUBJECT:: Invitation to AEI Dinner - Feb. 26th
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Dear Mr. Kavanaugh:

John Schmitz would like to invite you and your wife to be his guests at the annual AEI dinner honoring Allan H. Meltzer. The dinner will be held at the Washington Hilton hotel on Wednesday, Feb. 26th from 6:00 - 11:00 p.m.

See www.aei.org/events/eventid.88/event_detail.asp for details. Please let me know as soon as you can whether you will be able to attend.

With kind regards,

Vanessa Abiaad
Assistant to John P. Schmitz, Esq.
Mayer, Brown, Rowe & Maw
1909 K Street, N.W.
Washington, D.C. 20006
Tel: (202) 263-3141
Fax: (202) 263-3300
e-mail: vabiaad@mayerbrownrowe.com

_____
NOTICE: This e-mail message and all attachments transmitted with it are intended solely for the use of the addressee and may contain legally privileged and confidential information. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying to this message and please delete it from your computer.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_STLUD003_WHO.TXT_1>

Dear Mr. Kavanaugh:

John Schmitz would like to invite you and your wife to be his guests at the annual AEI dinner honoring Allan H. Meltzer. The dinner will be held at the Washington Hilton hotel on Wednesday, Feb. 26th from 6:00 - 11:00 p.m.

See www.aei.org/events/e ventid.88/event_detail.asp for details. Please let me know as soon as you can whether you will be able to attend.

With kind regards,

---------- ----------
Vanessa Abiaad
Assistant to John P. Schmitz, Esq.
Mayer, Brown, Rowe & amp; Maw
1909 K Street, N.W.< /FONT>
Washington, D.C.&nbs p; 20006
Tel: &nbs p; (202) 263-3141
Fax: &nbs p; (202) 263-3300
e-mail: vabiaad@maye rbrownrowe.com
---------- ----------

NOTICE: This e -mail message and all attachments transmitted with it are intended solely for t he use of the addressee and may contain legally privileged and confidential inf ormation. If the reader of this message is not the intended recipient, or an em ployee or agent responsible for delivering this message to the intended recipie nt, you are hereby notified that any dissemination, distribution, copying, or o ther use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by replyi ng to this message and please delete it from your computer.

From: Griffin, William T.
To: <Snee, Ashley>;<Gross, Taylor S.>;<Kavanaugh, Brett M.>
Sent: 2/12/2003 4:55:46 PM
Subject: Hatch on Hannity right now

off now. they also had Kenneth Starr today.

---------- Forwarded by William T. Griffin/WHO/EOP on 02/12/2003 04:55 PM ----------

William T. Griffin

02/12/2003 04:55:29 PM

Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange@EOP, Taylor S. Gross/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Hatch on Hannity right now

www.hannity.com

From:	McCarthy, Daniel
To:	rfernandez@rnchq.org <Kavanaugh, Brett M.>
CC:	scastillo@rnchq.org <scastillo@rnchq.org>;scastillo@rnchq.org <Mehlman, Ken>;scastillo@rnchq.org <Rodriguez, Leonard B.>;rfernandez@rnchq.org <rfernandez@rnchq.org>;rfernandez@rnchq.org <Mamo, Jeanie S.>;rfernandez@rnchq.org <Wingate, Heather>;rfernandez@rnchq.org <Viana, Mercedes M.>;rfernandez@rnchq.org <Grubbs, Wendy J.>
Sent:	2/12/2003 6:33:43 PM
Subject:	RE: CONFERENCE CALL TONIGHT AT 6:30pm re: Estrada Fillibuster
Attachments:	ATTACH000.eml

Just got off with operator, they said it should work now.

Dan

<< Re: CONFERENCE CALL TONIGHT AT 6:30pm re: Estrada Fillibuster >>

From: Kavanaugh, Brett M.
To: McCarthy, Daniel
CC: scastillo@rnchq.org; Mehlman, Ken; Rodriguez, Leonard B.; rfernandez@rnchq.org; Mamo, Jeanie S.; Wingate, Heather ; Viana, Mercedes M.; Grubbs, Wendy J.
Sent: 2/12/2003 6:24:38 PM
Subject: Re: CONFERENCE CALL TONIGHT AT 6:30pm re: Estrada Fillibuster

having trouble getting in

From: Daniel McCarthy/WHO/EOP@Exchange on 02/12/2003 11:05:05 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: CONFERENCE CALL TONIGHT AT 6:30pm re: Estrada Fillibuster

Call in #'s: 456-6777

456-6799

Code: 2052

Message Sent To:

scastillo@rnchq.org@SMTP@Exchange

Ken Mehlman/WHO/EOP@EOP

Leonard B. Rodriguez/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

rfernandez@rnchq.org@SMTP@Exchange

Jeanie S. Mamo/WHO/EOP@EOP

Heather Wingate/WHO/EOP@Exchange

Mercedes M. Viana/WHO/EOP@EOP

Wendy J. Grubbs/WHO/EOP@EOP

From: Craig S Burkhardt <csburkhardt@sorlinglaw.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2003 3:14:53 PM
Subject: : RE: fyi, for your use
Attachments: P_5IHVD003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Craig S Burkhardt <csburkhardt@sorlinglaw.com> (Craig S Burkhardt
<csburkhardt@sorlinglaw.com> [UNKNOWN])
CREATION DATE/TIME:12-FEB-2003 20:14:53.00
SUBJECT:: RE: fyi, for your use
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks Brett. We can use it with our media panel.

At 6:15 p.m. your time we kicked-off the separate Senate/Editor
communications program. 1,350 of our lawyers were each e-mailed 2
customized letters on RNLA letterhead to fax to both of their Senators.
The
download rate is incredible -- there will be a crush on the fax machines
tomorrow. Similar e-mails and letters are going to newspapers.

Regards,
Craig

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, February 12, 2003 6:26 PM
To: Craig S Burkhardt
Subject: fyi, for your use

(See attached file: FINAL ESTRADA LETTER - email version.pdf)
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5IHVD003_WHO.TXT_1>

Thanks Brett. We can use it with our media panel. < /FONT>

At 6:15 p.m. your time we kicked-off the separate Senate/Editor communications program. 1,350 of our lawyers were each e-mailed 2 custom ized letters on RNLA letterhead to fax to both of their Senators. The dow nload rate is incredible -- there will be a crush on the fax machines tomorrow. Similar e-mails and letters are going to newspapers.

Regards,
Craig

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, February 12, 2003 6:26 PM
To: Craig S Burkhardt
Subject: fyi, for your use

(See attached file: FINAL ESTRADA LETTER - email version.pdf)

From: Leitch, David G.
To: <Gonzales, Alberto R.>
CC: <Kavanaugh, Brett M.>
Sent: 2/12/2003 10:03:00 PM
Subject: Are you watching CSPAN?

High drama

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>
CC: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 2/12/2003 6:14:47 PM
Subject: Re: Are you watching CSPAN?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:12-FEB-2003 23:14:47.00
SUBJECT:Re: Are you watching CSPAN?
TO:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
READ:UNKNOWN
CC:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

What. I am in car.

.

----- Original Message -----

From:David G. Leitch/WHO/EOP@Exchange

To:Alberto R. Gonzales/WHO/EOP@Exchange

Cc:Brett M. Kavanaugh/WHO/EOP@EOP
Date: 02/12/2003 10:03:00 PM

Subject: Are you watching CSPAN?

High drama

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2003 5:32:41 AM
Subject: : Re:Radio
Attachments: P_7EWVD003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-FEB-2003 10:32:41.00
SUBJECT:: Re:Radio
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett

Three follow ups

x Jay Sekulow wants to interview Judge G. tomorrow

x National Religious Broadcasters want to interview the Judge next week

x I would like to have the Judge come on a teleconference tomorrow with the state think tanks, the family policy councils, and the state legal foundations.

Will he do?

Cheers

tsg

---------- Forwarded by Tim Goeglein/WHO/EOP on 02/13/2003 10:25 AM ----------

Dlcwashdc@aol.com
02/13/2003 10:22:14 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
Subject: Re:Radio

Tim,
As a followup to our meeting, we would like to have the Judge on Jay Sekulow Live next week.

Dan

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7EWVD003_WHO.TXT_1>

Tim,
As a followup to our meeting, we would like to hav e the Judge on Jay Sekulow Live next week.

Dan

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange@EOP [WHO] <Heather Wingate>
Sent: 2/13/2003 4:05:10 AM
Subject: : mention Judge Gonzales' letter when talking to groups; we can e-mail that to them; Goeglein has it

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-FEB-2003 09:05:10.00
SUBJECT:: mention Judge Gonzales' letter when talking to groups; we can e-mail that to
them; Goeglein has it
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=John F. Wood/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2003 4:50:37 AM
Subject: : FW: New tort study
Attachments: P_RATVD003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:John F. Wood (CN=John F. Wood/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:13-FEB-2003 09:50:37.00
SUBJECT:: FW: New tort study
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi
---------- Forwarded by John F. Wood/OMB/EOP on 02/13/2003 09:48 AM ----------

From: Matthew J. Schneider on 02/13/2003 09:29:49 AM
Record Type: Record

To: John F. Wood/OMB/EOP@EOP
cc:
Subject: FW: New tort study

John, are you working on any civil justice / tort reform issues? There is a new study out sponsored by ATRA. Before you came to OMB we used an earlier version of this study to estimate some of our tort costs. This updated study finds that:

- Including insured and self-insured costs, the U.S. tort system cost $205 billion in 2001.
- Tort costs increased 14.3% in 2001, the highest percentage increase in tort costs since 1986.
- U.S. tort costs accounted for 2.04% of gross domestic product (GDP) in 2001. This signals the end of a 13-year decline in the ratio of tort costs to GDP in the U.S.
- Tort costs were $721 per U.S. citizen in 2001. This compares to a cost of $12 per citizen in 1950 (or $87 when adjusted for inflation).

---------- Forwarded by Matthew J. Schneider/OMB/EOP on 02/13/2003 09:10 AM ----------

michael hotra <mhotra@atra.org>
02/11/2003 02:08:11 PM
Record Type: Record

To: Matthew J. Schneider/OMB/EOP@EOP
cc:
Subject: FW: New tort study

Matt: fyi; attached is a revised version of the tillinghast survey with new numbers

(See attached file: Tort_Costs_2002_Update_rev.pdf)

- Tort_Costs_2002_Update_rev.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RATVD003_WHO.TXT_1>

Tillinghast - Towers Perrin

U.S. Tort Costs: 2002 Update

Trends and Findings on the Costs of the U.S. Tort System



REV_00109377

Table of Contents

1 Executive Summary

5 A Word About This Study

6 Introduction

7 Summary of Key Findings

8 Change in Tort Costs From 2000

9 Tort Costs Relative to GDP

11 Tort Costs Relative to Population

12 Change in Tort Costs Relative to Inflation

13 Components of Tort Costs

17 What's Included?

18 What's Not Included?

19 Looking Ahead

Appendices

REV_00109378

Executive Summary

Key Findings

The cost of the U.S. tort system grew by 14.3% in 2001, the highest single-year percentage increase since 1986. As indicated in the table below, the growth in tort costs experienced in 2001 is in stark contrast to the moderate rate of growth experienced in the past decade and is more akin to the double-digit growth rates experienced in the decades of the 1950s, 1970s and 1980s.

Years	Average Annual Increase in Tort System Costs
1951-1960	11.6%
1961-1970	9.8%
1971-1980	12.0%
1981-1990	11.7%
1991-2000	3.3%
2001	14.3%
50 years (1951-2001)	9.7%

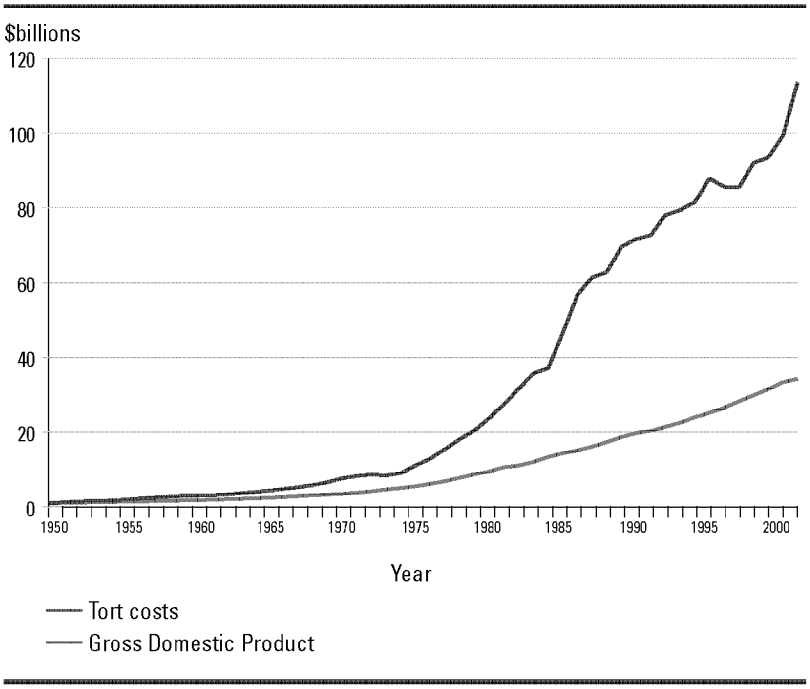
At current levels, U.S. tort costs are equivalent to a 5% tax on wages. The U.S. tort system cost $205 billion in 2001, or $721 per U.S. citizen. This compares to $12 per citizen in 1950.

Over the last 50 years, tort costs in the U.S. have increased more than 100-fold. In contrast, overall economic growth (as measured by GDP) has grown by a factor of 34 and the population has grown by a factor of less than two.

When viewed as a method of compensating injured parties, the U.S. tort system is highly inefficient, returning less than 50 cents on the dollar to the people it is designed to help and returning only 22 cents to compensate for actual economic loss. Inefficiency in the system has increased over time; when our Tort Cost Study was first conducted in 1985, 25 cents on the dollar was returned to injured parties for their actual economic loss.

REV_00109379

The 14.3% rate of growth in tort costs in 2001 greatly exceeded overall economic growth of 2.6%. During the past 50 years, growth in tort costs has exceeded growth in GDP by an average of two to three percentage points, with the largest disparity having been nearly 6% in the 1950s. In the 1990s this trend reversed itself, with GDP growth exceeding the growth in tort costs. This change reflected a period of steady economic growth and low inflation without significant growth in tort costs. As of 2001, U.S. tort costs accounted for slightly more than 2% of GDP, after five consecutive years of levels below 2%.



Since 1975 (the first year in this study for which medical malpractice costs are separately identified), the increase in medical malpractice costs has outpaced increases in overall U.S. tort costs. Medical malpractice costs have risen an average of 11.6% per year, in contrast to an average annual increase of 9.4% per year in overall tort costs.

REV_00109380

Future Implications

Does the sudden surge in tort costs in 2001 signal the start of another period of high tort cost growth in the U.S., or does it represent merely a one-year anomaly?

The most notable event contributing to the rise in tort costs in 2001 was a significant upward reassessment of liabilities associated with asbestos claims, whose numbers have continued to mushroom. We estimate that this reassessment accounts for $6 billion of the increase in 2001 tort costs over 2000 levels. Absent these costs, the increase in U.S. tort system costs between 2000 and 2001 would have been approximately 11%, still well above the increases seen in the past decade and well in excess of overall economic growth in 2001. This increase in tort costs, following more than a decade of moderate increases, should not be surprising in light of news reports during the past few years citing:

- increases in class action lawsuits and large claim awards
- jury awards of record amounts in medical malpractice cases
- an increase in the number and size of shareholder lawsuits against boards of directors of publicly traded companies, reflecting poor stock performance and possibly further exacerbated by recent corporate accounting scandals and general consumer mistrust of U.S. corporations
- an increase in medical cost inflation, leading to higher costs of personal injury claims.

These trends continued in 2002, with no sign of abatement in the near future. Thus, while it is impossible to accurately predict future increases in tort costs, it does not seem unreasonable to assume that, absent sweeping structural changes to the U.S. tort system, annual increases will be in the 7% to 11% range for the next several years. At this rate of increase, tort costs could approach $1,000 per U.S. citizen by 2005 — representing a new quadruple-digit benchmark.

REV_00109381

The implications of a return to a period of higher growth in tort system costs may be gleaned by recalling what occurred during the last period of large tort cost increases in the 1980s, namely:

- continued increases in insurance prices as companies respond to new information suggesting higher underlying costs than initially assumed in the pricing of their products
- a shift away from insurance and toward self-insurance as corporations attempt to gain more control over their costs
- more insurer insolvencies and/or business curtailment in response to poor profitability
- increased pressure to enact tort reform and/or asbestos reform.

U.S. tort costs continue to grow faster than overall economic growth. While the exact causes of this growth are unclear, it is possible that a sense of entitlement (the so-called litigious society), coupled with a mistrust of corporations fueled by recent scandals, may be major contributors to the cost increases. Whatever the causes, the rapid increases suggest a continued need for public scrutiny and debate about the cost and relative benefits of the U.S. tort system.

REV_00109382

A Word About This Study

U.S. Tort Costs: 2002 Update is an update of previous studies published by Tillinghast – Towers Perrin in 1985, 1989, 1992 and 1995. The most recent study, incorporating U.S. results through 2000, was published in February 2002.

Tillinghast presented the results of the original study to the American Insurance Association in the fall of 1985. The study was expanded in 1989 for the Actuarial Centennial Celebration, marking the 100th anniversary of the actuarial profession in North America, and was presented at a panel on liability insurance. Subsequently, Tillinghast testified on its findings before the U.S. Congress Joint Economic Committee.

The results of the earlier studies have been widely quoted by both proponents and opponents of tort reform, suggesting that the studies' straightforward analyses of the tort system's cost and trends have proved to be not only informative, but also objective and unbiased.

REV_00109383

Introduction

This edition of *U.S. Tort Costs: 2002 Update* is similar to previous studies published in 1985, 1989, 1992, 1995 and February 2002. This analysis tracks the cost of the U.S. tort system from 1950 to 2001 and compares the growth of tort costs to increases in various U.S. economic indicators.

The costs and relative benefits of the U.S. tort system have come under considerable public scrutiny and debate. Proponents of "tort reform" cite the high cost of the system as one reason for change. It is not surprising, then, that the Tillinghast studies have themselves attracted increasing interest and attention and have served as the basic data source for numerous articles in business and popular periodicals.

This update confirms a prediction made in the February 2002 study, namely, that the 13-year downward trend in the ratio of U.S. tort costs to GDP that began in the late 1980s ended abruptly in the year 2000. The growth in tort costs in 2001 was the largest since 1986, while GDP growth was modest.

As with the previous studies, this study's purpose is to provide a straightforward, objective analysis of cost and trends, and not to support any particular point of view.

REV_00109384

Summary of Key Findings

- Including insured and self-insured costs, the U.S. tort system cost $205 billion in 2001.
- Tort costs increased 14.3% in 2001, the highest percentage increase in tort costs since 1986.
- U.S. tort costs accounted for 2.04% of gross domestic product (GDP) in 2001. This signals the end of a 13-year decline in the ratio of tort costs to GDP* in the U.S.
- Tort costs were $721 per U.S. citizen in 2001. This compares to a cost of $12 per citizen in 1950 (or $87 when adjusted for inflation). When viewed as a method of compensating claimants, the U.S. tort system is highly inefficient, returning less than 50 cents on the dollar to the people it is designed to help — and returning only 22 cents of the tort cost dollar to compensate for actual economic losses.
- The tort system has both indirect cost and indirect benefits that are not measured by this study. We do not attempt to measure or to judge the relative utility of these factors, but rather to provide a reasonable and consistent measurement of total direct tort costs over a long period of time.
- We expect the 2002 ratio of tort costs to GDP to increase to 2.15%. We expect the ratio to grow to 2.21% in 2003, based on a forecasted 9% increase in tort costs.

*Throughout this report, unadjusted, or nominal, GDP is used. Most news releases on GDP rely on inflation-adjusted, or real, GDP.

REV_00109385

Change in Tort Costs From 2000

Total insured and self-insured tort costs in the U.S. are estimated at $205.4 billion for 2001. This is an increase of $26 billion, or 14.3%, from the estimated $179.7 billion of tort costs in 2000. The $26 billion increase is the largest in U.S. history; the 14.3% increase is the largest since 1986.

Of the $26 billion increase, roughly $6 billion is attributable to a significant upward reassessment of estimated future payments associated with asbestos claims. In addition, 2001 saw an increase in the number and size of shareholder lawsuits against boards of directors of publicly held companies. This increase may be partially due to corporate accounting scandals and to poor stock performance after a number of years of unprecedented growth. It is also interesting to note that personal auto liability costs, unaffected by any particular newsworthy events, experienced the largest increase in costs since 1990. This may reflect an increase in medical cost inflation, leading in turn to higher costs for personal injury claims.

REV_00109386

Tort Costs Relative to GDP

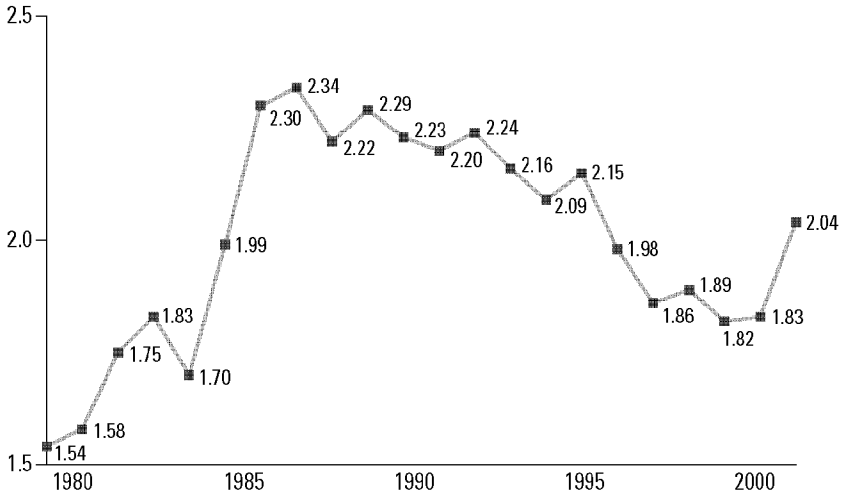
Over the last 50 years, tort costs in the U.S. have increased by over 100-fold — from less than $2 billion in 1950 to $205 billion in 2001. Tort cost growth has far outstripped U.S. economic growth as measured by GDP, which increased by a factor of 34 during that time.

	$billions		
	U.S. Tort Costs	U.S. GDP	Tort Cost as % of GDP
1950	$ 1.8	$ 294	0.61%
1960	5.4	527	1.03%
1970	13.9	1,040	1.33%
1980	43.0	2,796	1.54%
1990	129.6	5,803	2.23%
2000	179.7	9,825	1.83%
2001	205.4	10,082	2.04%

REV_00109387

When we focus on the last 20 years, a different perspective emerges. Relative to GDP, tort costs appear to have peaked in 1987. The ratio of tort costs to GDP decreased significantly from 1995 (2.15%) to 1999 (1.82%). The 2000 ratio of 1.83% was little changed from the 1999 ratio, but the ratio jumped considerably in 2001.

U.S. Tort Costs as % of GDP — 1980-2001



The 1990s were a decade of substantial economic growth coupled with a low rate of inflation. Against this backdrop, it is not surprising that the rate of GDP growth in the decade exceeded the rate of tort cost growth.

The slowdown in economic growth in 2001, coupled with significant increases in tort costs, caused the surge in the ratio of tort cost growth to GDP in 2001. This suggests that the ratio bottomed out in the 1999-2000 period. We believe that 2001 will be the start of a multiyear period of increasing tort costs relative to GDP.

REV_00109388

Tort Costs Relative to Population

Growth in U.S. tort costs since 1950 has far exceeded the U.S. population growth. Tort cost per citizen has risen by a factor of 61 from 1950 ($12 per citizen, or $87 when adjusted for inflation) to 2001 ($721 per citizen). Clearly, only some of this increase is due to inflation. Even after adjusting for changes in the consumer price index, the tort cost per citizen has risen by a factor of more than eight since 1950.

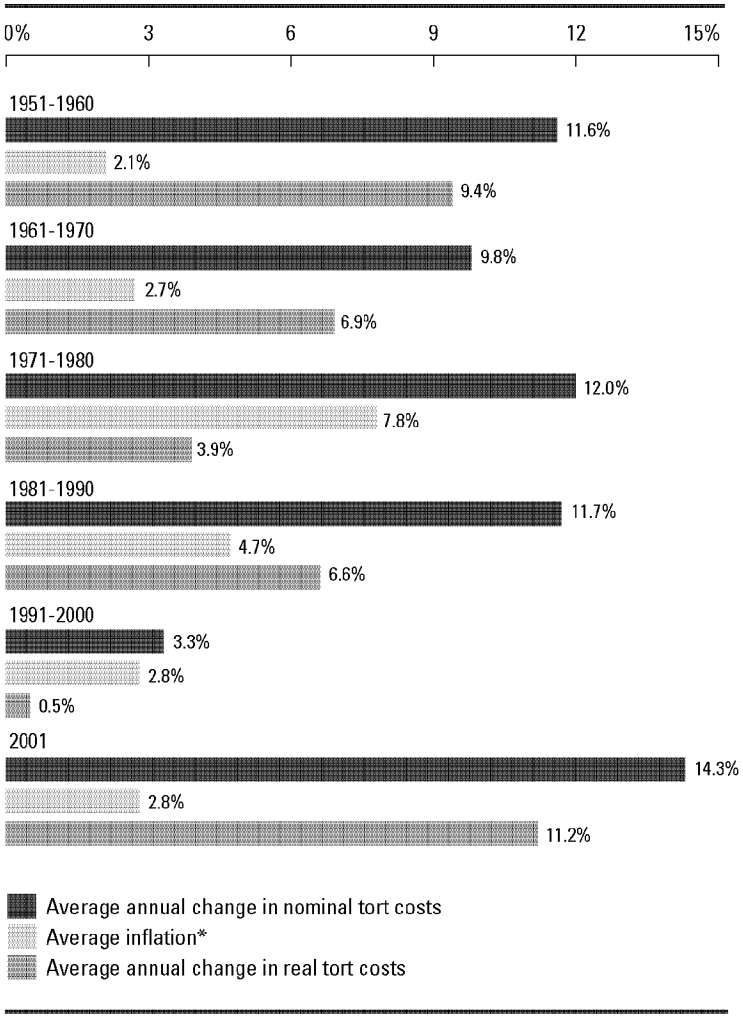
	U.S. Population (millions)	U.S. Tort Costs ($billions)	Tort Cost per Citizen	Inflation-Adjusted* Tort Cost per Citizen
1950	152	$ 1.8	$ 12	$ 87
1960	181	5.4	30	180
1970	205	13.9	68	309
1980	228	43.0	189	406
1990	249	129.6	520	704
2000	281	179.7	638	657
2001	285	205.4	721	721

*Restated in year-2001 dollars

REV_00109389

Change in Tort Costs Relative to Inflation

The growth in U.S. tort costs since 1950 can only be partly explained by inflation. As shown below, the change in tort costs far exceeded inflation from 1950 through 1990, with the 1950s showing the biggest difference.



*As measured by the Consumer Price Index — All Items

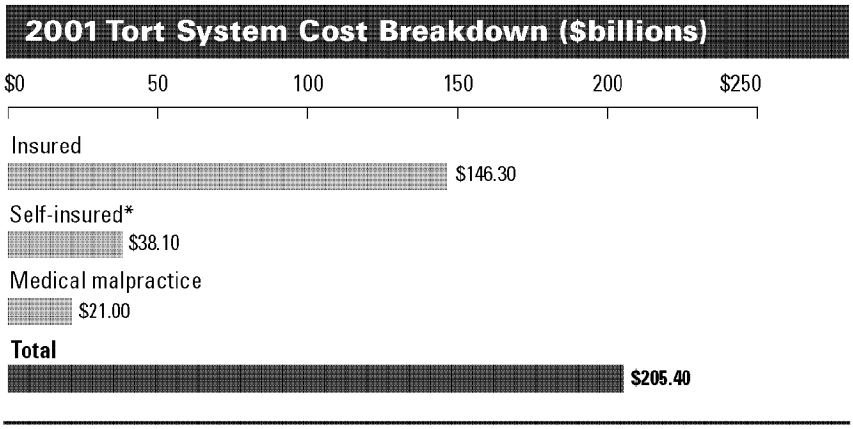
One would expect the change in tort costs to exceed inflation due to increases in population. However, as shown in Appendix 1, U.S. population growth averaged only 1.2% per year from 1950 to 2001. Moreover, as shown on page 7, U.S. tort costs increased relative to inflation and population from 1950 to 1990. Costs fell on an inflation-adjusted per-person basis from 1990 to 2000, but increased in 2001.

REV_00109390

Components of Tort Costs

Total Tort Cost Dollars in 2001

The $205.4 billion cost of the U.S. tort system in 2001 is broken down as follows:



*Excluding medical malpractice

Insured Component

Insured cost estimates are derived from composite financial data (excluding medical malpractice) for the U.S. insurance industry as compiled and published by A.M. Best.* These data are considered highly reliable in that they are subject to audit and are reviewed by state regulatory agencies. Moreover, while certain product lines have changed over time, more than 60 years of consistent data are available.

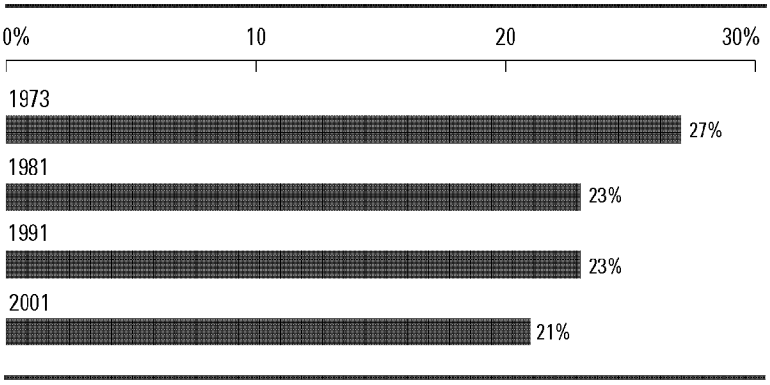
The insurance costs included are:

- benefits paid to third parties (or their attorneys) alleging injury or damages caused by insured persons or companies
- benefits paid to first-party insureds in the form of claim handling and legal defense costs
- insurance company administrative costs, or overhead.

*Insurance purchased directly from a non-U.S. insurance company would not be included in the "insured component" of this study. Rather, such business would be considered in our estimates of self-insured tort costs.

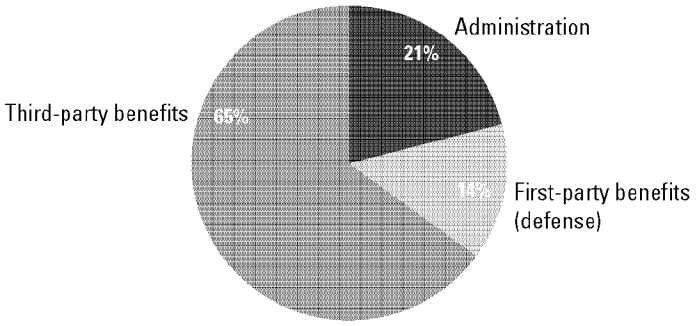
REV_00109391

Some users of our previous surveys have questioned our decision to include insurance company overhead costs in the total. We take no position regarding the efficiency of this administrative system. Nevertheless, these are real costs, directly associated with administering the settlement of tort claims, and these costs are consistently defined and measurable over time. Although the inclusion of this administrative component obviously increases our definition of absolute cost, it actually dampens the rate of increase because administrative costs have generally declined as a percentage of the total, as follows:



The breakdown of insured costs for 2001 is shown below:

2001 Insured Costs ($146.3 billion)



REV_00109392

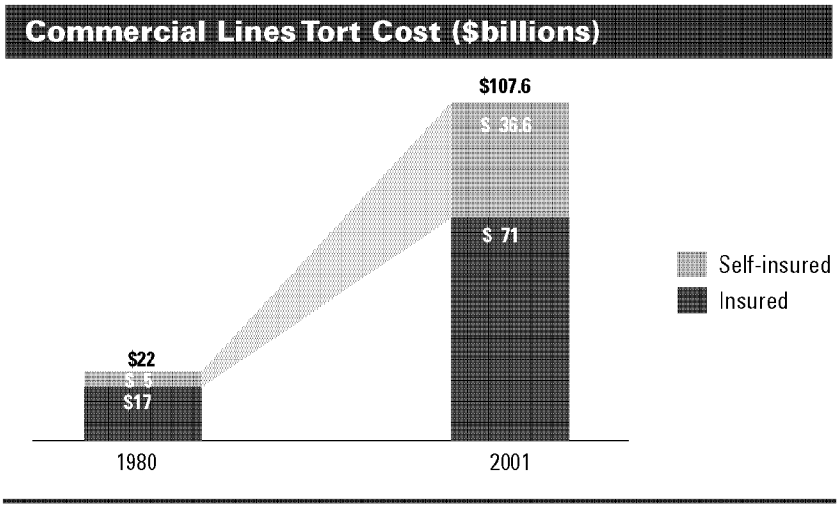
Self-Insured Component

The second component of the $205.4 billion cost total is the self-insured component (excluding medical malpractice). No consistent data set exists for this component, but several specialized studies have been published. The information that we reviewed for commercial lines included Conning and Company's periodic reports on the alternative risk market as well as various studies published by Tillinghast.

We estimate that 2% of personal insurance coverage cost and 34% of total commercial insurance coverage cost (up from less than 20% prior to 1980) are self-insured (see Appendix 4).

Our estimate of self-insured costs is approximately $36.6 billion for commercial risks in 2001. This has been calculated to include tort costs paid by various forms of self-insurance such as large deductibles, captives and risk retention groups. However, our estimate does not capture certain extraordinary costs such as those resulting from the 1998 settlement between tobacco manufacturers and various state attorneys general for health care cost reimbursement.

As shown in the chart below, the growth in self-insured commercial lines tort costs has exceeded the growth in insured tort costs. Given rate increases for commercial insurance in 2001 that appear to have continued in 2002, we would expect the portion of self-insured commercial lines tort costs to continue to grow.



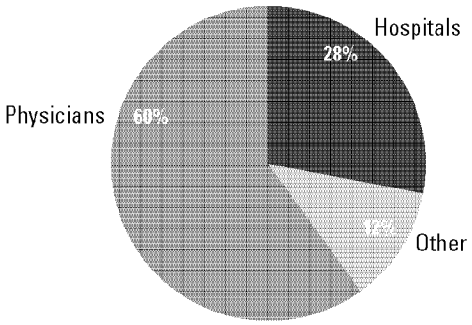
REV_00109393

Medical Malpractice Component

Our estimate of medical malpractice cost is not based on A.M. Best insurance industry data, but rather on Tillinghast–Towers Perrin's internal database of state-by-state medical malpractice cost. We have broken this cost out because the definition of insured versus self-insured costs has changed significantly over the last 30 years. Many group captives started in the mid-1970s as "self-insurance" alternatives to the commercial insurance market have become fully licensed insurance companies, and they are now included in insurance industry data. As of 2001, less than half of the $21 billion total medical malpractice cost is reported by Best.

Our approach to quantifying medical malpractice costs is by type of provider, as shown below (see also Appendix 5).

2001 Medical Malpractice Cost Breakdown by Category of Provider



The tort costs attributable to medical malpractice have been aggregated since 1975. Since then, medical malpractice tort costs have grown at an annual rate of 11.6%, versus 9.4% for all U.S. tort costs.

REV_00109394

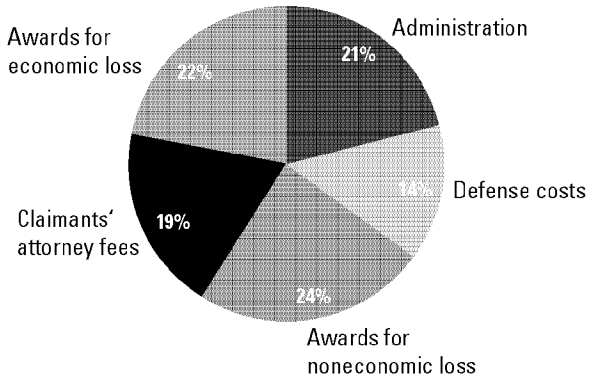
What's Included?

We have defined insured tort cost to include first-party benefits (the cost of legal defense and claims handling), benefits paid to third parties (claimants and plaintiffs) or their attorneys, and an administrative, or overhead, component. Our definition includes such costs associated with all claims, not just those that reach the courthouse.

The tort system provides both direct and indirect benefits. The direct benefits include compensation to victims for their economic losses, including damaged property, lost wages and medical expenses. No consistent historical database exists to measure these components of the tort system. However, we do know that of the total benefits paid to third parties (65% of tort costs), one portion compensates for economic losses, one portion compensates for noneconomic losses (such as pain and suffering, loss of consortium, etc.) and a third portion goes to plaintiffs' attorneys.

There have been several studies of this split, but they typically have been limited to a particular state, coverage or exposure. Our best estimate of the breakdown of insured cost is illustrated in the chart below.

Where Tort Cost Goes



If viewed as a mechanism for compensating victims for their economic losses, the tort system is extremely inefficient, returning only 22 cents of the tort cost dollar for that purpose. Of course, the tort system also provides compensation for victims' pain and suffering and other noneconomic losses. However, even including these benefits, the system is less than 50% efficient.

REV_00109395

What's Not Included?

Our definition of tort cost is largely governed by traditional liability insurance coverages. (We previously noted the exclusion of tobacco settlements.) There are gray areas where awards and settlements are typically, but not always, excluded (e.g., certain types of contract and shareholder litigation, and punitive damages, which are included in the insurance contract in certain states and not in others). The costs reflected in this study are consistent with those reported by the insurance companies themselves. Therefore, while certain of these costs may be included in the tort cost totals, we are unable to account for them separately.

We have not included costs incurred by federal and state court systems in administering actual suits. Reliable estimates of these costs do exist, but not back to 1950. Estimates by the Institute of Civil Justice (Rand Corporation) put these costs at less than 1% of the other costs involved. We do not believe the omission of these costs significantly understates our cost index or in any material way distorts long-term trends.

We have also omitted certain indirect costs, such as those associated with litigation avoidance. Indirect costs can range from unnecessary and duplicative medical tests ordered by doctors as a defense against possible malpractice allegations to the disappearance of certain products or entire industries from the marketplace because of high product liability cost.

The tort system also provides indirect benefits that are not measured in this study. Such benefits include a systematic resolution of disputes, thereby reducing conflict, possibly including violence. The tort system may also act as a deterrent to unsafe practices and products. From this perspective, compensation for pain and suffering can be seen as beneficial to society as a whole.

REV_00109396

Looking Ahead

Several factors contributed to the resurgence of tort costs in 2001, including:

- an increase in losses associated with asbestos
- an increase in the number and size of shareholder lawsuits against the boards of directors of publicly held companies
- an increase in medical cost inflation, leading to higher costs of personal injury claims.

These trends continued in 2002 as well and show no signs of abating in the near future. We expect total tort costs to increase approximately 9% in 2002, to $223.9 billion. We expect GDP to increase by 3.5% in 2002. Consequently, the 2002 ratio of tort costs to GDP is anticipated to increase to 2.15%.

Looking ahead, we anticipate growth in U.S. tort costs to range from 7% to 11% in 2003, with a midpoint of 9%. We expect similar increases in 2004 and 2005. We also anticipate GDP growth to increase to 6% per year. These assumptions yield projected tort costs, GDP and tort-to-GDP ratios as shown below:

	$billions		
	Tort Costs	GDP	Tort Cost as % of GDP
2000	$179.7	$ 9,825	1.83%
2001	205.4	10,082	2.04%
2002 (est.)	223.9	10,435	2.15%
2003 (est.)	244.1	11,061	2.21%
2004 (est.)	266.0	11,725	2.27%
2005 (est.)	290.0	12,428	2.33%

The 9% growth in tort costs forecasted for the 2003-2005 period assumes no material impact on losses arising from tort reforms that may be implemented in the 2003-2005 period.

REV_00109397

Our premise of a three-point gap in the growth rates of tort costs and GDP during the 2003-2005 period is consistent with the long-run history of 1951-2001, which shows a gap of 2.5 points. When the gap is measured through 1995 only, it widens to 3.1 points.

We feel the 1996-2000 period is not reflective of current trends. For example, health care cost increases were more contained during that period, both in absolute terms and relative to core CPI. From 1996 to 2000, medical care inflation was less than one point higher than the core CPI. This slowed trend appears to have ended; the 2001 CPI for medical care grew nearly two points more than core CPI. This two-point gap is more consistent with the long-term trend. Results for 2002, through October, show a three-point gap.

The chart below shows the long-term history and our predictions for the 2003-2005 period for CPI, medical care CPI, GDP and tort costs.

	CPI	Medical Care CPI	Nominal GDP	Tort Costs
1951-1995	4.2%	6.1%	7.4%	10.5%
1996-2000	2.5%	3.4%	5.8%	2.5%
2001	2.8%	4.6%	2.6%	15.4%
2002 (est.)	1.6%*	4.6%*	3.5%*	9.0%
2003-2005 (est.)	3.0%	5.0%	6.0%	9.0%

*Estimated based on results through October 2002

There are certainly factors beyond health care costs that influence tort costs. The comparison of health care costs to tort costs is merely used to show differences in trends observed in the late 1990s with those observed over a longer time horizon.

REV_00109398

Appendices

Appendix 1 U.S. Data (1950-2001)

Appendix 2 Summary of All Tort System Costs (1950-2001)

Appendix 3 Insured Costs

Appendix 4 Self-Insured Costs

Appendix 5 Medical Malpractice Costs

REV_00109399

Appendix 1a

Cost of the U.S. Tort System — 1950-2001

Year	U.S. Population (millions)	U.S. Civilian Workforce (millions)	CPI (all items)	CPI (medical care)	Gross Domestic Product ($billions)	Tort System Costs ($billions)	Tort Costs as % of GDP
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1950	152	62.2	0.241	0.151	$ 294	$ 1.8	0.61%
1951	155	62.0	0.260	0.159	---	2.3	---
1952	158	62.1	0.265	0.167	---	2.7	---
1953	160	63.0	0.267	0.173	---	3.0	---
1954	163	63.6	0.269	0.178	---	3.1	---
1955	166	65.0	0.268	0.182	415	3.4	0.82
1956	169	66.6	0.272	0.189	---	3.9	---
1957	172	66.9	0.281	0.197	---	4.5	---
1958	175	67.6	0.289	0.206	---	4.9	---
1959	178	68.4	0.291	0.215	---	5.2	---
1960	181	69.6	0.296	0.223	527	5.4	1.03
1961	184	70.5	0.299	0.229	---	5.7	---
1962	187	70.6	0.302	0.235	---	6.0	---
1963	189	71.8	0.306	0.241	---	6.6	---
1964	192	73.1	0.310	0.246	---	7.3	---
1965	194	74.5	0.315	0.252	720	7.9	1.10
1966	197	75.8	0.324	0.263	---	8.7	---
1967	199	77.3	0.334	0.282	---	9.6	---
1968	201	78.7	0.348	0.299	---	10.6	---
1969	203	80.7	0.367	0.319	---	12.0	---
1970	205	82.8	0.388	0.340	1,040	13.9	1.33
1971	208	84.4	0.405	0.361	1,129	15.0	1.33
1972	210	87.0	0.418	0.373	1,240	15.7	1.26
1973	212	89.4	0.444	0.388	1,386	15.2	1.10
1974	214	91.9	0.493	0.424	1,501	16.5	1.10
1975	216	93.8	0.538	0.475	1,635	20.1	1.23
1976	218	96.2	0.569	0.520	1,824	23.4	1.28
1977	220	99.0	0.606	0.570	2,031	28.0	1.38
1978	223	102.3	0.652	0.618	2,296	32.8	1.43
1979	225	105.0	0.726	0.675	2,566	37.0	1.44
1980	228	106.9	0.824	0.749	2,796	43.0	1.54
1981	230	108.7	0.909	0.829	3,131	49.6	1.58
1982	232	110.2	0.965	0.925	3,259	57.0	1.75
1983	234	111.6	0.996	1.006	3,535	64.6	1.83
1984	236	113.5	1.039	1.068	3,933	66.9	1.70
1985	239	115.5	1.076	1.135	4,213	83.8	1.99
1986	241	117.8	1.096	1.220	4,453	102.4	2.30
1987	243	119.9	1.136	1.301	4,743	111.1	2.34
1988	245	121.7	1.183	1.386	5,108	113.6	2.22
1989	247	123.9	1.240	1.493	5,489	125.7	2.29
1990	249	124.8	1.307	1.628	5,803	129.6	2.23
1991	252	125.3	1.362	1.770	5,986	131.4	2.20
1992	255	126.9	1.403	1.901	6,319	141.3	2.24
1993	258	128.4	1.445	2.014	6,642	143.7	2.16
1994	260	131.4	1.482	2.110	7,054	147.5	2.09
1995	263	132.0	1.524	2.205	7,401	158.8	2.15
1996	265	134.6	1.569	2.282	7,813	154.8	1.98
1997	268	136.7	1.605	2.346	8,318	154.6	1.86
1998	270	138.3	1.630	2.421	8,782	166.4	1.89
1999	273	139.9	1.666	2.506	9,269	169.0	1.82
2000	281	141.3	1.722	2.608	9,825	179.7	1.83
2001	285	141.9	1.771	2.728	$10,082	$205.4	2.04%

Notes

(2) From U.S Census Bureau

(3), (4), (5) From U.S. Department of Labor, Bureau of Labor Statistics

(6) From U.S. Department of Commerce, Bureau of Economic Analysis

(7) From Appendix 2, column (5).

(8) (7)/(6)

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Appendix 1b

Cost of the U.S. Tort System — 1950-2001

Average Annual Changes by Groups of Years

Year	U.S. Population (millions)	U.S. Civilian Workforce (millions)	CPI (all items)	CPI (medical care)	Gross Domestic Product ($billions)	Tort System Costs ($billions)	Tort Costs as % of GDP
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1951-2001	1.2%	1.6%	4.0%	5.8%	7.2%	9.7%	2.4%
1951-1960	1.7	1.1	2.1	4.0	6.0	11.6	5.3
1961-1970	1.3	1.8	2.7	4.3	7.0	9.8	2.6
1971-1980	1.1	2.6	7.8	8.2	10.4	12.0	1.4
1981-1990	0.9	1.6	4.7	8.1	7.6	11.7	3.8
1991-2000	1.2	1.3	2.8	4.8	5.4	3.3	-2.0
2001	1.2	0.4	2.8	4.6	2.6	14.3	11.4
1951-1995	1.2	1.7	4.2	6.1	7.4	10.5	2.8
1996-2000	1.4%	1.4%	2.5%	3.4%	5.8%	2.5%	-3.2%

Notes
Based on figures in Appendix 1a

REV_00109401

Appendix 2

Summary of all Tort System Costs

Year	Liability Insured Cost	Medical Malpractice	Self (Un) Insured	Total Cost
(1)	(2)	(3)	(4)	(5)
1950	$ 1,723,059	$ 0	$ 86,153	$ 1,809,212
1951	2,177,633	0	108,882	2,286,515
1952	2,557,353	0	127,868	2,685,221
1953	2,828,158	0	141,408	2,969,566
1954	2,950,051	0	147,503	3,097,553
1955	3,250,829	0	162,541	3,413,370
1956	3,719,824	0	185,991	3,905,815
1957	4,293,067	0	214,653	4,507,720
1958	4,624,008	0	231,200	4,855,208
1959	4,971,526	0	248,576	5,220,102
1960	5,186,101	0	259,305	5,445,407
1961	5,394,567	0	269,728	5,664,295
1962	5,704,594	0	285,230	5,989,824
1963	6,299,547	0	314,977	6,614,525
1964	6,924,227	0	346,211	7,270,438
1965	7,570,265	0	378,513	7,948,778
1966	8,322,529	0	416,126	8,738,655
1967	9,150,869	0	457,543	9,608,413
1968	10,102,273	0	505,114	10,607,387
1969	11,413,351	0	570,668	11,984,019
1970	13,208,732	0	660,437	13,869,169
1971	14,304,768	0	715,238	15,020,007
1972	14,933,112	0	746,656	15,679,768
1973	14,621,296	0	563,240	15,184,535
1974	15,837,813	0	623,535	16,461,347
1975	17,914,909	1,207,935	960,444	20,083,288
1976	20,687,521	1,473,438	1,245,574	23,406,533
1977	24,073,405	1,883,906	2,081,899	28,039,211
1978	27,616,588	2,333,373	2,814,504	32,764,465
1979	30,934,883	2,845,024	3,173,691	36,953,598
1980	34,057,943	3,521,673	5,418,781	42,998,398
1981	38,929,780	4,253,390	6,370,703	49,553,873
1982	44,438,093	5,127,669	7,477,175	57,042,937
1983	49,946,629	6,088,689	8,533,669	64,568,987
1984	51,208,738	6,642,205	9,053,811	66,904,754
1985	64,455,656	6,555,428	12,819,129	83,830,213
1986	78,167,587	6,524,532	17,700,355	102,392,474
1987	85,112,183	6,927,943	19,062,797	111,102,923
1988	88,462,814	6,994,292	18,117,623	113,574,728
1989	97,030,370	8,057,020	20,627,499	125,714,889
1990	100,602,676	8,704,495	20,342,640	129,649,810
1991	101,016,143	9,448,491	20,950,674	131,415,308
1992	106,652,899	10,432,893	24,211,030	141,296,823
1993	108,560,517	11,495,182	23,601,507	143,657,206
1994	112,042,831	12,534,394	22,924,867	147,502,091
1995	118,478,058	13,558,984	26,794,394	158,831,435
1996	115,362,594	14,497,630	24,928,258	154,788,482
1997	113,561,713	16,066,919	24,933,360	154,561,992
1998	121,428,366	17,061,754	27,882,980	166,373,099
1999	122,863,786	18,414,531	27,742,868	169,021,185
2000	129,528,854	19,792,534	30,339,729	179,661,117
2001	$146,267,595	$21,025,033	$38,122,981	$205,415,609

Notes
All values in 000s
(2) From Appendix 3 [1975-2001 excludes Medical Malpractice]
(3) From Appendix 5
(4) From Appendix 4, [Prior to 1973, .05 x (2)]

REV_00109402

Appendix 3

Liability Insured Cost

Year	Earned Premium	Loss & LAE Ratio	Expense Ratio	Combined Ratio	Liability Insured Cost
(1)	(2)	(3)	(4)	(5)	(6)
1950	$ 1,752,857	64.3%	34.0%	98.3%	$ 1,723,059
1951	2,083,720	71.1	33.4	104.5	2,177,633
1952	2,515,153	69.3	32.4	101.7	2,557,353
1953	2,981,588	63.2	31.6	94.9	2,828,158
1954	3,155,435	61.4	32.1	93.5	2,950,051
1955	3,337,773	64.9	32.5	97.4	3,250,829
1956	3,619,255	70.1	32.7	102.8	3,719,824
1957	4,035,199	74.0	32.4	106.4	4,293,067
1958	4,442,849	72.6	31.4	104.1	4,624,008
1959	4,951,128	69.9	30.6	100.4	4,971,526
1960	5,276,984	67.7	30.6	98.3	5,186,101
1961	5,504,507	67.1	30.9	98.0	5,394,567
1962	5,819,378	67.3	30.8	98.0	5,704,594
1963	6,224,657	70.5	30.7	101.2	6,299,547
1964	6,688,473	73.4	30.1	103.5	6,924,227
1965	7,379,531	73.5	29.1	102.6	7,570,265
1966	8,187,339	73.4	28.3	101.7	8,322,529
1967	8,947,529	74.1	28.1	102.3	9,150,869
1968	9,768,188	75.6	27.8	103.4	10,102,273
1969	10,957,402	76.9	27.2	104.2	11,413,351
1970	12,715,930	77.5	26.4	103.9	13,208,732
1971	14,273,904	74.1	26.1	100.2	14,304,768
1972	15,144,973	71.8	26.8	98.6	14,933,112
1973	14,360,195	74.8	27.0	101.8	14,621,296
1974	14,908,953	78.5	27.7	106.2	15,837,813
1975	16,500,824	81.5	27.0	108.6	17,914,909
1976	20,090,047	77.3	25.7	103.0	20,687,521
1977	24,973,118	71.4	25.0	96.4	24,073,405
1978	28,692,720	70.5	25.8	96.2	27,616,588
1979	31,088,697	73.1	26.4	99.5	30,934,883
1980	32,194,946	78.7	27.1	105.8	34,057,943
1981	32,838,195	90.7	27.8	118.6	38,929,780
1982	34,170,095	101.5	28.6	130.0	44,438,093
1983	36,235,619	109.2	28.6	137.8	49,946,629
1984	39,843,449	101.1	27.4	128.5	51,208,738
1985	50,372,373	102.9	25.1	128.0	64,455,656
1986	68,516,069	90.7	23.3	114.1	78,167,587
1987	78,337,490	84.8	23.9	108.6	85,112,183
1988	81,771,490	83.7	24.5	108.2	88,462,814
1989	83,745,030	89.7	26.1	115.9	97,030,370
1990	87,971,533	89.1	25.2	114.4	100,602,676
1991	89,311,786	87.0	26.1	113.1	101,016,143
1992	92,659,338	89.9	25.2	115.1	106,652,899
1993	96,562,526	87.6	24.8	112.4	108,560,517
1994	101,730,356	85.7	24.4	110.1	112,042,831
1995	105,299,103	87.6	24.9	112.5	118,478,058
1996	108,378,052	81.7	24.8	106.4	115,362,594
1997	110,525,049	77.4	25.4	102.7	113,561,713
1998	113,325,370	81.2	25.9	107.2	121,428,366
1999	111,429,324	83.7	26.5	110.3	122,863,786
2000	113,589,472	87.4	26.6	114.0	129,528,854
2001	$124,498,080	92.5%	25.0%	117.5%	$146,267,595

Notes
(2), (6) All values in 000s
All data reflect direct revenues and costs from "Best's Aggregates and Averages"
Prior to 1975, Medical Malpractice is included; for 1975-2001 it is excluded.
(6) (2) x (5)

REV_00109403

Comparisons of Personal Lines to Commercial Lines Costs and Impact of Self-Insurance

	Personal Lines			Commercial Lines			
Year	Insured	Self (Un) Insured	Total	Insured	Self (Un) Insured	Total	Self (Un) Insured
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1973	$ 8,521,899	2.0%	$ 8,695,815	$ 6,099,397	6.0%	$ 6,488,720	$ 563,240
1974	8,921,581	2.0	9,103,654	6,916,232	6.0	7,357,694	623,535
1975	10,336,734	2.0	10,547,688	7,578,176	9.0	8,327,665	960,444
1976	11,609,756	2.0	11,846,690	9,077,764	10.0	10,086,405	1,245,574
1977	12,902,054	2.0	13,165,362	11,171,351	14.0	12,989,943	2,081,899
1978	14,381,293	2.0	14,674,789	13,235,295	16.0	15,756,304	2,814,504
1979	15,985,767	2.0	16,312,007	14,949,116	16.0	17,796,566	3,173,691
1980	17,084,039	2.0	17,432,692	16,973,905	23.0	22,044,032	5,418,781
1981	18,892,570	2.0	19,278,133	20,037,210	23.0	26,022,350	6,370,703
1982	20,828,903	2.0	21,253,983	23,609,190	23.0	30,661,286	7,477,175
1983	22,945,067	2.0	23,413,333	27,001,563	23.0	35,066,965	8,533,669
1984	25,615,607	2.0	26,138,375	25,593,130	25.0	34,124,174	9,053,811
1985	29,695,287	2.0	30,301,313	34,760,369	26.0	46,973,472	12,819,129
1986	34,460,827	2.0	35,164,110	43,706,759	28.0	60,703,833	17,700,355
1987	38,092,590	2.0	38,869,990	47,019,592	28.0	65,304,989	19,062,797
1988	41,783,652	2.0	42,636,380	46,679,161	27.0	63,944,056	18,117,623
1989	46,424,500	2.0	47,371,939	50,605,870	28.0	70,285,931	20,627,499
1990	50,967,722	2.0	52,007,879	49,634,954	28.0	68,937,436	20,342,640
1991	52,338,179	2.0	53,406,306	48,677,963	29.0	68,560,512	20,950,674
1992	55,274,662	2.0	56,402,716	51,378,237	31.0	74,461,213	24,211,030
1993	56,164,851	2.0	57,311,072	52,395,666	30.0	74,850,952	23,601,507
1994	58,857,222	2.0	60,058,389	53,185,609	29.0	74,909,308	22,924,867
1995	60,222,560	2.0	61,451,592	58,255,497	30.5	83,820,860	26,794,394
1996	61,414,886	2.0	62,668,251	53,947,707	30.5	77,622,601	24,928,258
1997	62,097,411	2.0	63,364,705	51,464,302	31.5	75,130,367	24,933,360
1998	64,995,727	2.0	66,322,170	56,432,639	32.0	82,989,175	27,882,980
1999	66,807,453	2.0	68,170,870	56,056,333	32.0	82,435,784	27,742,868
2000	70,866,341	2.0	72,312,592	58,662,514	33.0	87,555,990	30,339,729
2001	$75,245,057	2.0%	$76,780,671	$71,022,538	34.0%	$107,609,906	$38,122,981

Notes
All values in 000s
(2), (5) From "Best's Aggregates and Averages" (excludes Medical Malpractice)
(3) Based on internal Tillinghast interviews
(4) (2) / [1.0 - (3)]
(6) Based on various studies published by Tillinghast and Conning and Company.
(7) (5) / [1.0 - (6)]
(8) [(4) - (2)] + [(7) - (5)]

REV_00109404

Appendix 5

Medical Malpractice Tort Costs

Year	Loss and LAE Costs				U/W Expense Ratio	Total Cost
	Hospital	Physicians	Other	Total		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1975	$ 431,295	$ 526,255	$ 86,179	$ 1,043,729	13.6%	$ 1,207,935
1976	536,046	635,651	109,671	1,281,367	13.0	1,473,438
1977	655,857	820,691	143,733	1,620,281	14.0	1,883,906
1978	798,413	1,018,936	183,984	2,001,333	14.2	2,333,373
1979	986,951	1,273,884	238,037	2,498,871	12.2	2,845,024
1980	1,201,618	1,623,391	309,335	3,134,344	11.0	3,521,673
1981	1,444,598	1,954,352	387,068	3,786,019	11.0	4,253,390
1982	1,794,892	2,313,503	486,573	4,594,969	10.4	5,127,669
1983	2,102,377	2,733,138	595,596	5,431,111	10.8	6,088,689
1984	2,229,526	3,063,070	677,971	5,970,568	10.1	6,642,205
1985	2,188,006	3,160,955	685,192	6,034,153	8.0	6,555,428
1986	2,262,752	2,995,117	673,523	5,931,392	9.1	6,524,532
1987	2,341,454	3,133,703	701,357	6,176,515	10.8	6,927,943
1988	2,386,797	3,165,040	711,180	6,263,017	10.5	6,994,292
1989	2,508,767	3,513,026	771,380	6,793,173	15.7	8,057,020
1990	2,678,230	3,864,158	838,067	7,380,455	15.2	8,704,495
1991	2,752,049	4,296,635	902,923	7,951,606	15.8	9,448,491
1992	3,012,438	5,006,678	1,027,233	9,046,350	13.3	10,432,893
1993	3,156,714	5,404,734	1,096,705	9,658,153	16.0	11,495,182
1994	3,289,229	5,793,081	1,163,426	10,245,736	18.3	12,534,394
1995	3,443,943	6,384,556	1,271,602	11,100,101	18.1	13,558,984
1996	3,582,983	6,994,025	1,382,128	11,959,135	17.5	14,497,630
1997	3,858,486	7,551,287	1,505,857	12,915,630	19.6	16,066,919
1998	4,105,995	8,204,416	1,640,970	13,951,381	18.2	17,061,754
1999	4,417,857	9,083,029	1,817,656	15,318,542	16.8	18,414,531
2000	4,672,328	10,099,337	2,008,631	16,780,296	15.2	19,792,534
2001	$5,092,837	$11,008,277	$2,189,408	$18,290,523	13.0%	$21,025,033

Notes
All values in 000s
(2), (3), (4) From internal Tillinghast study
(5) (2) + (3) + (4)
(6) From "Best's Aggregates and Averages"; the ratio of underwriting expenses to all losses and expenses combined
(7) (5) / [1.0 - (6)]

REV_00109405

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2003 5:32:40 AM
Subject: : Family Facts

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-FEB-2003 10:32:40.00
SUBJECT:: Family Facts
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Tim Goeglein/WHO/EOP on 02/13/2003 10:28 AM ----------

Louisiana Family Forum <info@lafamilyforum.org>
02/12/2003 06:00:37 PM
Record Type: Record

To: genemills@lafamilyforum.org
cc:
Subject: Family Facts

FYI from LA on Estrada.

>>> "Louisiana Family Forum" <info@lafamilyforum.org> 02/12/03 06:00PM
>>>
FAMILY FACTS
A publication of Louisiana Family Forum
Volume 5, Issue 7
February 12, 2003

IN THIS ISSUE:
Democrats Scapegoat Estrada
Landrieu Chooses Party Over Principle
Over 100 Terrorist Attacks Thwarted
Negative Secondary Effects
Only One Vote
Anger Resolution Seminar
LA's Longest Married Couple

DEMOCRATS SCAPEGOAT ESTRADA
The partisan maneuvering now underway in the U.S. Senate over judicial nominee Miguel Estrada really has nothing to do with Mr. Estrada. This is really about the United States Supreme Court. Far-left Democrats are determined to kill this nomination in order to send an unmistakable signal to President Bush. The Democrats' accusations against Mr. Estrada, a superbly qualified and distinguished lawyer, are laughable. Every one of the ugly smears has been repeatedly answered and refuted. So this has nothing to do with Miguel Estrada and his qualifications. Rather, Mr. Estrada is a scapegoat, a test case, an example, a stand-in for a future Supreme

Court
nominee. If the Democrats can filibuster to death the Estrada nomination-and
no appeals court nominee ever has been successfully filibustered in Senate
history-then they will have shown their muscle, paid off their pro-abortion
liberal allies, and put President Bush on notice of what he can expect when
he seeks to fill a Supreme Court vacancy. Republicans cannot allow the
Democrats to prevail. Not only is the president's constitutional prerogative
to appoint judges at risk, but the independence of a non-politicized judiciary.
Source: Washington Update, 2-11-03

LANDRIEU CHOOSES PARTY OVER PRINCIPLE
U.S. Sen. Mary Landrieu, D-La., said Tuesday that she probably will vote
against President Bush's nomination of Miguel Estrada to a federal
judgeship, but she also was forced to disown her own campaign ad telling
Louisiana's Hispanic voters that she supports the nomination. In a statement
released by her office, Landrieu said the campaign ad was "an error, and I
apologize to anyone who was misled." In the ad, the announcer said, "Mary
Landrieu has supported the candidacy of Honduran Miguel Estrada for the
federal court of appeals." Landrieu characterized the ad's message as a
miscommunication between her campaign and Hispanic supporters who helped in
the ad's preparation. While stopping short of saying they would kill the
nomination, some Democrats said they would filibuster-or delay a vote-until
Estrada more fully answers questions about his legal views and the Bush
administration provides memoranda he wrote while he worked in the office of
the solicitor general in the Justice Department. To overcome a filibuster,
the Bush administration would have to muster 60 votes for Estrada, instead
of a simple majority of 51 votes. Landrieu said she supports the filibuster
"at this time."
Source: The Advocate, 2-12-03
TAKE ACTION: Please call Senator Landrieu (202-224-5824 or 225-389-0395)
TODAY and urge her to reconsider and vote in favor of the nomination of
Miguel Estrada, and also urge her to vote against any filibuster attempts.

OVER 100 TERRORIST ATTACKS THWARTED
Federal authorities, in an affidavit, reported that more than 100 terrorist
attacks planned against the U.S. and its allies have been thwarted since
September 11, 2001. Targets of the planned attacks included American
embassies on three continents, a military base in Europe, and American cargo
ships. The New York Police Department also issued a terror bulletin stating
that detailed plots to blow up a terminal at JFK Airport, a nearby gas

station, and a city clerk's office were also uncovered.
Source: Intercessors for America, 2-2003

NEGATIVE SECONDARY EFFECTS
A new study shows that young people who use alcohol, marijuana, and other illicit drugs in their early adolescent years are prime targets for major depression and other psychological disorders in their late 20s. The research by Dr. David W. Brook of Mount Sinai School of Medicine and other colleagues indicates that early substance abuse among adolescents often precedes such problems. It was previously unclear whether drug and alcohol abuse was simply more prevalent among people who already had mental health problems.
The "Children in the Community Study" involved 736 New Yorkers who were interviewed, on average, at ages 14, 16, 22, and 27. Those who reported early use of alcohol and drugs were more likely to experience major depression, alcohol dependence and substance use disorders at age 27. For example, early alcohol users were 50% more likely to experience problems than those who were not early users.
Source: Agape Press, 2-10-03

ONLY ONE VOTE
The main body of the sexually oriented businesses (SOB) ordinances passed in Shreveport last night, as expected, by a vote of 7 to 0. The revision will now: require SOB owners to obtain licenses and employees to obtain SOB cards; prevent sex and drug offenders from being employed; prevent closed door "back room" private dances; and confirm stage height requirements and the state "no touch" rule between patrons and strippers. Unfortunately, Amendments 3 (the 6 ft. "buffer zone") and 4 (the hours of operation limitations) each failed by a single, heartbreaking vote. Those two provisions held the main teeth of the ordinance and would have been the most effective means of reducing the adverse effects of the SOBs upon Shreveport.
Source: Mike Johnson, Alliance Defense Fund, 2-12-03

ANGER RESOLUTION SEMINAR
The Institute for Basic Life Principles' "Anger Resolution Seminar," taught by Dr. Bill Gothard, will be held via video at The Chapel On The Campus Friday, March 28 and Saturday, March 29. Anger has been identified as a major cause of damaged marriages, abused children, and violence in the home, school, and workplace. What is often written off as merely impatience, frustration, or irritability likely stems from a spirit of anger which can be removed before greater damage occurs. The seminar traces anger to its root causes and gives steps of action for resolving anger and repairing its damage. For more information or to register, contact Bob Welch (lmwelch@cox.net, 225-769-3662) or Dee Alberty (albertybr@cox.net,

225-769-6925).
Source: LFF, 2-10-03

LA's LONGEST MARRIED COUPLE IDENTIFIED!
Louisiana Family Forum, in conjunction with the Diocese of Baton Rouge's
Family Life Office and the Louisiana Commission on Marriage and Family, has
identified George and Germaine Briant of Hammond, LA as Louisiana's longest
married couple. They were married July 20, 1921, and they are 101 and 98
years old respectively. Administrators at the assisted living facility at
which they reside testify that they kiss, hug, and dance regularly, with
George singing "Let Me Call You Sweetheart" to Germaine every chance he
gets.
Source: LFF, 2-11-03

_____
To change subscription information please contact LFF at
info@lafamilyforum.org

A publication of the Louisiana Family Forum
655 Saint Ferdinand St., Baton Rouge, LA 70802
800-606-6470, Fax 225-344-9006
http://www.lafamilyforum.org

From: CN=William T. Griffin/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2003 6:38:07 AM
Subject: : RADIO

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:William T. Griffin ( CN=William T. Griffin/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-FEB-2003 11:38:07.00
SUBJECT:: RADIO
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

are you free for a 2:30 PM interview with KERN radio in CA?
```

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 2/13/2003 2:47:26 PM
Subject: Mobile (AL) Register (2/13/03) re: Estrada nomination (Dems fail their own words)

Dems fail their own words

02/13/03

ON THE matter of judicial nominee Miguel Estrada, Vermont Democratic Sen. Patrick Leahy has proved himself a hypocrite.

In 1998, Sen. Leahy said this on the Senate floor: "I have stated over and over again ... that I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported."

Now, at Sen. Leahy's express urging, the Democrats are implementing a filibuster to block President George W. Bush's nomination of Mr. Estrada for a key federal appeals court judgeship. (A filibuster is a procedural move to continue debate on a topic, without end, in order to deny a final vote.)

Democratic Senate Leader Tom Daschle joined Mr. Leahy on Tuesday to again demand to see memos Mr. Estrada wrote while working for the U.S. solicitor general's office at the Justice Department. They made this demand despite knowing that all seven former solicitors general -- four of them Democrats -- wrote a scathing letter saying that in no circumstances should those memos be released.

Nevertheless, said Mr. Daschle, "Until that information is provided, we will not be in the position to allow this vote to come to the floor."

So what happened to Sen. Leahy's vow to "object and fight against any filibuster on a judge, whether it is somebody I opposed or supported"?

He knows that all precedent indicates that a filibuster against judicial nominations, for any reason but one concerning the nominee's very integrity, is essentially dirty pool. Not even Sen. Leahy has questioned Mr. Estrada's integrity.

The senator ought to heed his own words and let the Senate vote, up or down, on Mr. Estrada's nomination.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2003 11:10:40 AM
Subject: : conference room

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:13-FEB-2003 16:10:40.00
SUBJECT:: conference room
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

the only room available is PPO's 153 Room right next to Noel's office.
it is all set for your use tomorrow at 2:30 pm
;
Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632
;
```

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@Exchange@EOP [WHO] <Heather Wingate>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2003 3:46:27 PM
Subject: : Specter will not sign the Michigan brief, but staff

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-FEB-2003 20:46:27.00
SUBJECT:: Specter will not sign the Michigan brief, but staff
TO:Heather Wingate ( CN=Heather Wingate/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

also changed their minds about giving us a copy. Thanks.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>
Sent: 2/13/2003 11:52:30 AM
Subject: : Re: conference room

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-FEB-2003 16:52:30.00
SUBJECT:: Re: conference room
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

book it.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 02/13/2003 04:04:36 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: conference room

the only room available is PPO's 153 Room right next to Noel's office.
it is all set for your use tomorrow at 2:30 pm
;
Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632
;

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2003 11:56:04 AM
Subject: : RE: conference room

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:13-FEB-2003 16:56:04.00
SUBJECT:: RE: conference room
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Done.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, February 13, 2003 4:48 PM
To: Bumatay, Patrick J.
Subject: Re: conference room

book it.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 02/13/2003 04:04:36 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: conference room

the only room available is PPO's 153 Room right next to Noel's office.
it is all set for your use tomorrow at 2:30 pm

Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/13/2003 12:11:49 PM
Subject: : Next Off Site Schedule

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-FEB-2003 17:11:49.00
SUBJECT:: Next Off Site Schedule
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Here's the next schedule, gang. I don't know how long it will be until
the new structure goes into effect.

Feb. 24-26: Jen
Feb. 26-28: Kyle
Mar. 3-5: Helgi
Mar. 5-7: Brett
Mar. 10-12: Bart
Mar. 12-14: Noel
```

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 2/13/2003 4:48:28 PM
Subject: Re: conference room

book it.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 02/13/2003 04:04:36 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: conference room

the only room available is PPO's 153 Room right next to Noel's office.

it is all set for your use tomorrow at 2:30 pm

Patrick J. Bumatay

Office of Counsel to the President

o: 202-456-5214

f: 202-456-6279

mainline: 202-456-2632

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 2/13/2003 4:55:43 PM
Subject: RE: conference room

Done.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, February 13, 2003 4:48 PM
To: Bumatay, Patrick J.
Subject: Re: conference room

book it.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 02/13/2003 04:04:36 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: conference room

the only room available is PPO's 153 Room right next to Noel's office.
it is all set for your use tomorrow at 2:30 pm

Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;David M. Thomas/WHO /EOP@EOP [WHO] <David M. Thomas>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
Sent: 2/13/2003 5:30:36 PM
Subject: : San Jose Mercury News on Consuelo Callahan nomination to Ninth Circuit in California

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-FEB-2003 22:30:36.00
SUBJECT:: San Jose Mercury News on Consuelo Callahan nomination to Ninth Circuit in
California
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David M. Thomas ( CN=David M. Thomas/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Bush nominates Palo Alto Latina for appeals court bench
By Howard Mintz
Mercury News

In a move that could bolster Latino representation on the nation's largest federal appeals court, President George W. Bush today nominated a Latina state appeals court justice to the 9th U.S. Circuit Court of Appeals.

Consuelo Maria Callahan, who currently serves on the Sacramento-based Third District Court of Appeal, would become the second Latino judge on the 28-member 9th Circuit if she is confirmed by the U.S. Senate. Bush nominated Callahan to fill one of four vacancies on the San Francisco-based appeals court, which interprets law for California and eight other western states.

A native of Palo Alto and a Stanford University graduate, Callahan, 52, has been a state appeals court justice since 1996, when she was named to the court by former Gov. Pete Wilson. Callahan was previously a San Joaquin County Superior Court judge and a longtime prosecutor in Stockton.

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>
Sent: 2/13/2003 7:17:42 PM
Subject: : Re: FW: you probably already know this

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2003 00:17:42.00
SUBJECT:: Re: FW: you probably already know this
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

will talk to you friday. honored by it and good by me. but let's talk first.

From: David G. Leitch/WHO/EOP@Exchange on 02/12/2003 09:15:02 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: you probably already know this

Seems like a good day to add "Senior" to your title. What do you think?

-----Original Message-----
From: Nelson, Carolyn
Sent: Wednesday, February 12, 2003 8:09 AM
To: Addington, David S.; Bartolomucci, H. Christopher; Bellinger, John B.; Ullyot, Theodore W.; Brilliant, Hana F.; Carroll, James W.; Everson, Nanette; Leitch, David G.; Francisco, Noel J.; Gonzales, Alberto R.; Jucas, Tracy; McNally, Edward; Montiel, Charlotte L.; Newstead, Jennifer G.; Powell, Benjamin A.; Sampson, Kyle; Walker, Helgard C.
Subject: FW: you probably already know this

Fyi!
-----Original Message-----
From: Estes, Ashley
Sent: Wednesday, February 12, 2003 8:04 AM
To: Bumatay, Patrick J.; Nelson, Carolyn
Subject: you probably already know this

but it's brett's birthday today!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/13/2003 4:40:39 PM
Subject: : San Jose Mercury News on Consuelo Callahan nomination

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-FEB-2003 21:40:39.00
SUBJECT:: San Jose Mercury News on Consuelo Callahan nomination
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Bush nominates Palo Alto Latina for appeals court bench
By Howard Mintz
Mercury News

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Manuel_Miranda@frist.senate.gov [UNKNOWN] <Manuel_Miranda@frist.senate.gov>
CC: makan_delrahim@judiciary.senate.gov [UNKNOWN] <makan_delrahim@judiciary.senate.gov>;barbara_ledeen@rpc.senate.gov [UNKNOWN] <barbara_ledeen@rpc.senate.gov>;alex_dahl@judiciary.senate.gov [UNKNOWN] <alex_dahl@judiciary.senate.gov>;rena_comisac_johnson@judiciary.senate.gov [UNKNOWN] <rena_comisac_johnson@judiciary.senate.gov>
Sent: 2/13/2003 4:48:11 PM
Subject: : San Jose Mercury News on President's Ninth Circuit nomination of Consuelo Callahan on Wednesday

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-FEB-2003 21:48:11.00
SUBJECT:: San Jose Mercury News on President's Ninth Circuit nomination of Consuelo Callahan on Wednesday
TO:Manuel_Miranda@frist.senate.gov (Manuel_Miranda@frist.senate.gov [UNKNOWN])
READ:UNKNOWN
CC:makan_delrahim@judiciary.senate.gov (makan_delrahim@judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
CC:barbara_ledeen@rpc.senate.gov (barbara_ledeen@rpc.senate.gov [UNKNOWN])
READ:UNKNOWN
CC:alex_dahl@judiciary.senate.gov (alex_dahl@judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
CC:rena_comisac_johnson@judiciary.senate.gov (rena_comisac_johnson@judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
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From:	CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To:	Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;David M. Thomas/WHO /EOP@EOP [WHO] <David M. Thomas>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
Sent:	2/13/2003 5:30:36 PM
Subject:	: San Jose Mercury News on Consuelo Callahan nomination to Ninth Circuit in California

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-FEB-2003 22:30:36.00
SUBJECT:: San Jose Mercury News on Consuelo Callahan nomination to Ninth Circuit in
California
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David M. Thomas ( CN=David M. Thomas/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Snee, Ashley>
Sent: 2/13/2003 9:34:25 PM
Subject: San Jose Mercury News on Consuelo Callahan nomination

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Subject: : Re: FW: you probably already know this

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CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
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TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
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cc:
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
Sent: 2/14/2003 4:10:21 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2003 09:10:21.00
SUBJECT:: RE:
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
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From: Carolyn Nelson/WHO/EOP@Exchange on 02/14/2003 09:08:46 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Didn't we decide that with the President's travel schedule we'd postpone
it til the 28th?

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From: Kavanaugh, Brett M.
Sent: Friday, February 14, 2003 8:57 AM
To: Nelson, Carolyn
Subject: RE:

for the 28th rather than the 21st?

From: Carolyn Nelson/WHO/EOP@Exchange on 02/14/2003 07:49:15 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Already done... I put it in on Wednesday.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, February 13, 2003 11:24 PM
To: Nelson, Carolyn
Subject:

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thanks.

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange [WHO] <Ashley Snee>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 2/14/2003 5:47:40 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:14-FEB-2003 10:47:40.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Boston Herald calls Estrada filibuster a "democratic debacle";;;
;
Delay on Estrada: Democratic debacle

A Boston Herald editorial
Friday, February 14, 2003

With war on the horizon and the nation taking seriously a level Orange terrorism alert, you'd think Senate Democrats might have better things to do than play obstructionist games with a nominee to an important federal appellate court.

But sometimes Democrats just can't help themselves.

The man who's got those Senate Democrats in such a tizzy is Miguel Estrada, Harvard Law grad and assistant to the solicitor general of the United States under both Presidents George H.W. Bush and Bill Clinton. Estrada, if confirmed, would be the first Hispanic-American to serve on the federal appeals court for the D.C. circuit. And apparently what truly scares the living daylights out of Senate Democrats is that such a high-profile judgeship would surely put him in line to become the first Hispanic to serve on the U.S. Supreme Court.

And so in a display of virtually unparalleled partisanship, Senate Democrats have raised one specious issue after another. Former New York Mayor Rudy Giuliani, a huge Estrada fan, wrote eloquently on these pages Tuesday in support of his nomination, putting down one phony Democratic excuse after another for blocking the nomination.

The latest one has to do with the White House's refusal to release memos and documents written by Estrada during his tenure in the solicitor general's office. Now all of the living former solicitors general - four Democrats and three Republicans - happen to agree with the White House position. There is such a thing as attorney-client privilege, even for the solicitor general.

But that's not enough to satisfy Massachusetts' own Sen. Edward M. Kennedy, who said, ``The Senate cannot look the other way and rubber stamp a nominee like Mr. Estrada to such an important court, when we know so little about him, when what we do know about him raises so many serious questions.''

Rubber stamp? The Estrada nomination has been before the Senate for 21

months. If Kennedy and his pals haven't been able to turn up anything to disqualify Estrada in that time, they just aren't going to.

It's time they ended this mindless opposition, before it becomes even more of an embarrassment.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2003 4:05:20 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:14-FEB-2003 09:05:20.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes!

-----Original Message-----
From: Kavanaugh, Brett M.
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To: Nelson, Carolyn
Subject: RE:

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To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2003 4:08:55 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:14-FEB-2003 09:08:55.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
Sent: 2/14/2003 4:10:21 AM
Subject: : RE:

Begin Original ARMS Header
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CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2003 09:10:21.00
SUBJECT:: RE:
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
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Sent: 2/14/2003 8:18:37 AM
Subject: 9th Circuit - Idaho article

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The Idaho Statesman

February 12, 2003 Wednesday

SECTION: LOCAL; Pg. 1

LENGTH: 861 words

HEADLINE: Craig nominates 4 Idahoans for 9th Circuit seat

BYLINE: Dan Popkey

BODY:
Dan Popkey

Staff

As President Bush seeks to leave his mark on the federal courts, four Idahoans have become part of the drama.

No longer blocked by foot-dragging Democrats who ran the Senate until last month, Bush is moving aggressively to appoint judges across the country.

One of those appointments will fill a seat on the 9th Circuit Court of Appeals that's been held by an Idahoan since 1937. The seat will open Nov. 14, when Judge Thomas Nelson of Boise, an appointee of the first President Bush, becomes a "senior" judge on his 67th birthday. Moving quickly at the prompting of the **White House,** Idaho's senior Republican, Sen. Larry Craig, last week suggested four names for the $164,000-a-year lifetime appointments to the president's counsel, **Alberto Gonzales:**

Blake Hall, 49, a lawyer in Idaho Falls who was considered for the last 9th Circuit opening by then-Sen. Jim McClure in 1988. Hall is president of the State Board of Education, a former state GOP chairman and, since 1990, Republican national committeeman. He currently is vice chairman of the RNC for 16 Western states.

William Myers III, who is in his mid-40s and the solicitor, or chief legal officer, at the U.S. Department of the Interior in Washington. Meyers, who began practicing law in Wyoming, worked at the Boise office of Holland & Hart before becoming solicitor in 2001. He also was a lobbyist for the public lands livestock industry, a lawyer at the Department of Energy and an aide to former Sen. Alan Simpson, R-Wyo.

Kaye O'Riordan, 53, corporate secretary and senior attorney at Albertsons Inc. in Boise. O'Riordan, the first woman president of the Idaho State Bar Association, has also worked as a lawyer for MCI, as a law professor at Catholic University in Washington, D.C., and as a partner at Elam & Burke in Boise. For the past 12 years, she has been Craig's campaign treasurer.

Sixth District Judge Randy Smith, 53, of Pocatello, the only one of the four with experience as a judge. Also a former Idaho GOP chairman, Smith was appointed to the bench by Gov. Phil Batt in 1996. A former corporate

counsel for the J.R. Simplot Co., Smith had a private practice in Pocatello and has taught at Brigham Young, Idaho State and Boise State universities.

"I know all of these people well, and I have high regard for them," said Craig, who extended the courtesy of having Sen. Mike Crapo, R-Idaho, endorse his nominees in a letter to Gonzales, a former judge, on Thursday. "Judge Gonzales was saying, 'We need names, we need to make a selection and start a process.' It is happening all over the country."

Craig listed the four in alphabetical order and said he had no first choice. The appointment is Bush's to make, but home-state senior senators traditionally suggest names to the **White House.** Craig, a new member of the Judiciary Committee, is in a good position to speed Senate confirmation.

Bush, knowing the long process of background checks, confirmation hearings and the prospect of 2004 presidential election politics, is making up for time lost when Democrats slowed nominations. Unfortunately, that's not a new phenomenon. It took two years for Nelson, an expert on water law, to get through the process before he was confirmed in 1990.

The 9th Circuit, one of 13 in the country, covers Idaho and eight other Western states. Circuit courts are one rung below the U.S. Supreme Court and have enormous influence on law and policy. Conservatives have long complained about the 9th Circuit, which has 17 Democratic appointees, seven Republicans and four vacancies.

Former Sen. McClure urges Bush to appoint "activist" judges to right the balance. "Conservatives sometimes make the mistake of saying, 'I don't want an activist,'" McClure said. "That means only liberals are activists, and policy always moves to the left. I think there has to be room for a conservative occasionally to recorrect the excesses."

Craig, knowing an "activist" label could slow the Idaho nominee, is wary of such talk. "I appreciate judges who are not political in the sense of activism, judges who follow the Constitution and the laws," he said. "Politics should be left to the politicians."

Craig said he has no litmus tests, except "character, competence and judicial philosophy."

I think Bush wants to counter the Clinton liberals. But the trick is not setting off the opposition, as has happened with Miguel Estrada, Bush's nominee for the D.C. Circuit Court of Appeals. Democrats are mulling the obstructionist tactic of a filibuster against Estrada, though they've not been able to pin him down on many of his conservative views, and the administration has declined to provide confidential memos he wrote while in government.

The Idaho candidates are following that lead, keeping mum. Myers didn't return my calls. And Hall, O'Riordan and Smith all had just one thing to say: They are "honored" to be considered.

Sadly, that's a sound strategy in an era when appointments to the federal bench have become a long-running partisan guerrilla conflict.

Dan Popkey's column runs Sunday, Wednesday and Friday. Phone 377-6438 or e-mail dpopkey idahostatesman.com

GRAPHIC: Sen. Larry Craig

Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2003 4:21:55 AM
Subject: : Library Meeting

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN]
)
CREATION DATE/TIME:14-FEB-2003 09:21:55.00
SUBJECT:: Library Meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

** High Priority **

The key people for this meeting are Sharon Fawcett and Nancy Smith, and next week the only day that works for them is Wednesday, ideally in the afternoon. Can you do it then? If not, then we'll have to try for the week after. Let us know.

Also, this weekend I will be at the Kennedy Library for a conference on presidential tapes, et al. It is quite possible we will be pressed on the EO. If so, I would like to be able to respond that things are now getting much better, including that the WH has now agreed to generally clear notices within 45 days. Do you have a problem with me so saying?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: GaryM Stern <garym.stern@nara.gov>
Sent: 2/14/2003 4:35:07 AM
Subject: : Re: Library Meeting

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2003 09:35:07.00
SUBJECT:: Re: Library Meeting
TO:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I would rather you say that the process under the EO is moving promptly and that there is no backlog at the White House. The current White House has cleared ___ thousand pages of Reagan and Bush VP records [what is the current number?] and have only under 2500 pages currently under review and should have review of those completed early next week. The comparative judgment (doing "much better") implies a criticism of the WH which is neither appropriate nor justified. Also, I would not publicly identify any WH commitment on time while we remain in litigation.

In our most recent discussions with historians, they identified the real problem they face as a problem at the front end -- getting documents processed by the Libraries and Archives, rather than with WH and EO.

GaryM Stern <garym.stern@nara.gov>
02/14/2003 09:21:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Library Meeting

** High Priority **

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From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 2/14/2003 8:57:22 AM
Subject: RE:

for the 28th rather than the 21st?

From: Carolyn Nelson/WHO/EOP@Exchange on 02/14/2003 07:49:15 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE:

Already done... I put it in on Wednesday.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Thursday, February 13, 2003 11:24 PM

To: Nelson, Carolyn

Subject:

Can we put in request for meeting with President on Friday Feb. 28. thanks.

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Addington, David S.>;<Kavanaugh, Brett M.>
Sent: 2/14/2003 8:57:35 AM
Subject:
Attachments: black.gif; newyorkpost_oe3.gif; web02140306.jpg

Since when did David Addington start writing for the NY Post? Check out the first line

New York Post

IT'S SHOWDOWN TIME AT U.N. AS POWELL TAKES ON EURO-WEASELS

By DEBORAH ORIN and BRIAN BLOMQUIST

PHOTO **BABE AND ARMS:** President Bush cuddles an unhappy little baby yesterday at Mayport Naval Station in Jacksonville, Fla., where he challenged our wavering allies to get some "backbone" on confronting Iraq. AP

February 14, 2003 -- WASHINGTON - Weasel so-called allies France and Germany will hear fresh evidence today of Iraqi stonewalling, at an 11th-hour showdown with the United States in the U.N. Security Council.

As chief weapons inspector Hans Blix gives his final report, Secretary of State Colin Powell has vowed to confront the war wimps - who are leading the push against American military action - and ask them if they are simply buying time to get Saddam Hussein "off the hook."

With the United Nations set to decide whether to impose the "serious consequences" it threatened in a unanimous vote last year, President Bush yesterday bluntly challenged France and Germany to get some "backbone."

"The decision is this for the United Nations: When you say something, does it mean anything?" Bush told troops yesterday at the Mayport Naval Station in Jacksonville, Fla.

"I'm optimistic that free nations will show backbone and courage in the face of true threats to peace and freedom," added the president, who sported a military jacket and spoke flanked by rows of sailors in crisp uniforms.

Bush stressed that America must protect the world "from these thugs" but U.S. troops won't have to go it alone even if the United Nations balks since there are plenty of "friends and allies" who agree that Saddam must be stopped.

If it comes to war, "America will act deliberately, America will act decisively and America will act victoriously with the world's greatest military," he vowed to the cheering troops.

Chief weapons inspectors Hans Blix and Mohamed ElBaradei today are expected to report that Iraq has longer-range missiles that explicitly violate the 93-mile U.N. limit aimed at keeping Saddam from attacking his neighbors.

ElBaradei said yesterday that he will ask for more time for inspections to continue.

Blix gave a surprisingly tough report on Jan. 27 and has since spoken of only limited progress and no real sign Iraq will disarm. The big question is how tough he'll be today.

France and Germany insist there's not enough to justify war - not the missiles, nor Saddam's failure to account for tons of lethal VX nerve gas and 25,000 liters of anthrax, as well as a host of other

mass-murder weapons.

Powell and other foreign ministers will be at the Security Council for the huddle that could begin the countdown to war - and Powell has vowed to confront the reluctant French and Germans.

"The question I will put to them is, 'Why more inspections? And how much more time? Or are you just delaying for the sake of delaying in order to get Saddam off the hook and no disarmament?' That's a challenge I will put them," Powell told Congress.

WASTE WATCH

Help save the city budget! If you are aware of waste, fraud or mismanagement anywhere in city government, let The Post know. Send an email with details about the problem to govwaste@nypost.com

Home

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From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 2/14/2003 9:05:07 AM
Subject: RE:

Yes!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, February 14, 2003 8:57 AM
To: Nelson, Carolyn
Subject: RE:

for the 28th rather than the 21st?

From: Carolyn Nelson/WHO/EOP@Exchange on 02/14/2003 07:49:15 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Already done... I put it in on Wednesday.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, February 13, 2003 11:24 PM
To: Nelson, Carolyn
Subject:

Can we put in request for meeting with President on Friday Feb. 28. thanks.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 2/14/2003 9:08:46 AM
Subject: RE:

Didn't we decide that with the President's travel schedule we'd postpone it til the 28th?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, February 14, 2003 8:57 AM
To: Nelson, Carolyn
Subject: RE:

for the 28th rather than the 21st?

From: Carolyn Nelson/WHO/EOP@Exchange on 02/14/2003 07:49:15 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Already done... I put it in on Wednesday.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, February 13, 2003 11:24 PM
To: Nelson, Carolyn
Subject:

Can we put in request for meeting with President on Friday Feb. 28. thanks.

From: Kirk Blalock <kblalock@fierce-isakowitz.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2003 6:07:30 AM
Subject: : Asbestos - Medical Criteria w/Venue and Consolidation - Senate Bill 413
Attachments: P_RKDXD003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock <kblalock@fierce-isakowitz.com> ( Kirk Blalock <kblalock@fierce-
isakowitz.com> [ UNKNOWN ] )
CREATION DATE/TIME:14-FEB-2003 11:07:30.00
SUBJECT:: Asbestos - Medical Criteria w/Venue and Consolidation - Senate Bill 413
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Senator Nickles introduced S. 413 late last night, which is basically
the Asbestos Alliance's medical criteria proposal. S. 413 does carve
out cancer cases from the venue provision. He is due to go to the
floor and make a statement @ 11:30 am and will proceed to the press
gallery for interviews.



I will keep you posted as details become available. Thanks.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RKDXD003_WHO.TXT_1>
```

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I will keep you posted as details become available. Thanks.

From: Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2003 6:35:30 AM
Subject: : RE: I assume no 10:00 Friday meeting?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [UNKNOWN]
)
CREATION DATE/TIME:14-FEB-2003 11:35:30.00
SUBJECT:: RE: I assume no 10:00 Friday meeting?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks -- I, too, have been impressed.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, February 13, 2003 11:18 PM
To: Comisac, RenaJohnson (Judiciary)
Subject: RE: I assume no 10:00 Friday meeting?

ok. btw, I know you know this, but your boss has been fantastic.

(Embedded
image moved "Comisac, RenaJohnson (Judiciary)"
to file: <Rena_Johnson_Comisac@Judiciary.senate.gov>
pic06778.pcx) 02/13/2003 11:20:51 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: I assume no 10:00 Friday meeting?

If Makan's hasn't noticed it, then I don't think so. I've been on the
floor all day, so I haven't seen a notice.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, February 13, 2003 10:25 PM
To: Comisac, RenaJohnson (Judiciary)
Subject: I assume no 10:00 Friday meeting?

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2003 9:35:48 AM
Subject: : New Official Portrait of President George W. Bush
Attachments: P_OHRXD003_WHO.TXT_1.jpeg

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2003 14:35:48.00
SUBJECT:: New Official Portrait of President George W. Bush
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If the Photo Office bills the RNC for this picture, can they use it in a fundraising brochure?

---------- Forwarded by Katherine M. Walters/WHO/EOP on 02/14/2003 02:35 PM ----------

Jennifer L. Davis
01/24/2003 10:51 AM
Record Type: Record

To: Jenica Baldwin/WHO/EOP@EOP, Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: New Official Portrait of President George W. Bush

Official portrait of President George W. Bush.

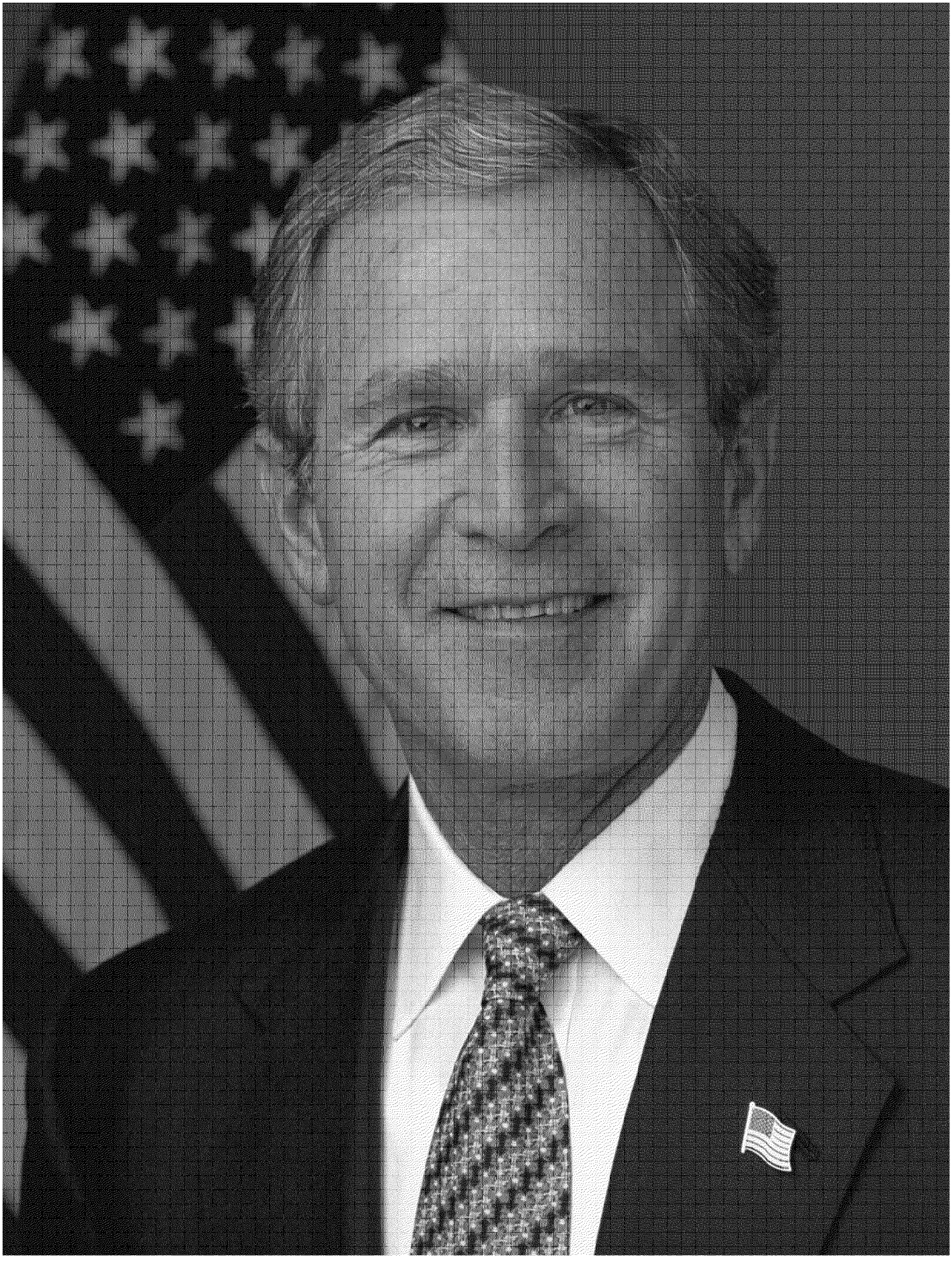
This is the new official portrait of President George W. Bush. Please discard the old official portrait and start using the new version. If you need printed copies of the new portrait please email Marilyn Jacanin in the West Wing Photo Office.

Thank you,
Jennifer Davis
Photo Editor

Message Sent
To:_____
Erin Benit/OVP/EOP@EOP
David R. Bohrer/OVP/EOP@EOP
Jane M. Cook/WHO/EOP@EOP
Michael Davis/WHO/EOP@EOP
Ashley Estes/WHO/EOP@EOP
Parker B. Hamilton/WHO/EOP@EOP
Katharina M. Hager/WHO/EOP@EOP

Brandy A. Hood/WHO/EOP@EOP
Marilyn R. Jacanin/WHO/EOP@EOP
Janet M. Philips/WHO/EOP@EOP
Alexia Poe/WHO/EOP@EOP
Noelia Rodriguez/WHO/EOP@EOP
Susan L. Sterner/WHO/EOP@EOP
Mercedes M. Viana/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OHRXD003_WHO.TXT_1>



REV_00109600

From:	Hunerwadel, Joan
To:	<Cleveland, Robin>;<Kavanaugh, Brett M.>;<Lefkowitz, Jay P.>;<Silverberg, Kristen>;<Dworken, Jonathan T.>
CC:	<Vestewig, Lauren J.>;<Carson, Karyn T.>;<Kale, Dora>
Sent:	2/14/2003 3:10:40 PM
Subject:	Iraqi Frozen Assets Mtg

John Bellinger and Elliott Abrams will host a meeting on Iraqi Frozen Assets on Thursday, February 20, from 10:30 am to 11:30 am in Room 472 EEOB. Please let Jo or Keisha know if you can attend by email or phone 69111. Thanks.

From:	Kavanaugh, Brett M.
To:	<Snee, Ashley>;<Viana, Mercedes M.>;<Rodriguez, Leonard B.>;<Guerra, Abel>;<Mamo, Jeanie S.>;<Goeglein, Tim>;<Smith, Matthew E.>;<Grubbs, Wendy J.>
Sent:	2/14/2003 3:38:28 PM
Subject:	Hartford Courant editorial today on Estrada

Please distribute widely . . .

Give Mr. Estrada A Vote

February 14, 2003

It would be best if a president's - any president's - nominees to the federal bench were not too far left or right of the ideological center and were as forthcoming as possible during Senate confirmation hearings. It would be helpful if the opposition party in the Senate did not employ delaying tactics during the confirmation process that for years have left scores of vacancies in the federal district and circuit courts.

But in the real world, filling federal judgeships is often a vituperative, ideological slugfest in which the ideals of moderation and consultation between the president and members of the opposition in Congress are ignored. President Bill Clinton, for example, put forward nominees thought to be too liberal and activist by Republicans, who did their best in many cases to slow or stop such appointments. Democrats have done the same in the case of some of President Bush's nominees. It's time that toxic partisanship is drained from the all-important pursuit of selecting judges.

A case in point is Mr. Bush's nomination of 42-year-old lawyer Miguel Estrada to the U.S. Court of Appeals for the District of Columbia Circuit. Senate Democrats are filibustering the appointment, preventing the body from considering any other business. They believe Mr. Estrada to be extremely conservative and complain that he did not answer questions fully during his confirmation hearing.

The nominee's defenders charge that Democrats are being "unfair to a Hispanic lawyer." Republicans' playing the ethnicity card is a cheap political ploy. The fact that Mr. Estrada is Hispanic is not an issue. Democrats should give up their filibuster nonetheless.

Mr. Estrada probably could have been more cooperative in hearings, but there is little reason to doubt his qualifications and fitness for the job. Reputed to be a brilliant lawyer, Mr. Estrada received rave reviews from superiors for his work in the office of solicitor general, where he has served under both the Clinton and Bush administrations. Further, he was given high marks by the American Bar Association committee that reviews judicial nominees. That he is thought to be very conservative is not reason enough for Democrats to try to block his confirmation.

His opponents can vote against him if they wish. But this able lawyer who has Mr. Bush's confidence deserves a vote by the full Senate.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 2/14/2003 1:42:09 PM
Subject: : when is heather's last day?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-FEB-2003 18:42:09.00
SUBJECT:: when is heather's last day?
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 2/14/2003 6:18:23 PM
Subject: Rocky Mountain News editorial

Democrats turn ugly on Estrada

February 14, 2003

Miguel Estrada is - uh oh - a conservative, and if that makes your heart pound with fear you may very well be a U.S. Senate Democrat. Then you may also be among those trying to thwart the Senate's majoritarian decision-making with a filibuster.

It's irresponsible, this hysteria being acted out to keep Estrada from serving on the U.S. Court of Appeals for the District of Columbia. But Democratic senators do have their excuses, each more petty than the next.

One excuse is that they don't know enough about Estrada - implausible because there's a well-known and rather amazing life history here: Estrada immigrated to this country from Honduras, graduated with honors at Columbia College, was editor of the Law Review at Harvard Law School, a clerk to a Supreme Court justice, argued before the Supreme Court 15 times, and received the highest possible recommendation of the American Bar Association.

Opponents of Estrada are piqued because he stayed true to a widely endorsed tradition of refusing to indicate how as a judge he might decide cases that could come before him. Instead, Estrada merely said he would be an impartial judge loyal to the law.

The Democrats have no excuse (although it's clear they fear Estrada would be in line for a Supreme Court nomination if he gets this other judgeship first). If liberals in the Senate think conservatives will spell the end of civilization if they become judges, they can vote against Estrada. But keeping others from voting their consciences on this particular matter is simply out of line.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 2/14/2003 6:19:08 PM
Subject: Hartford Courant editorial today on Estrada

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His opponents can vote against him if they wish. But this able lawyer who has Mr. Bush's confidence deserves a vote by the full Senate.

From:	Kavanaugh, Brett M.
To:	<Snee, Ashley>;<Viana, Mercedes M.>;<Rodriguez, Leonard B.>;<Guerra, Abel>;<Mamo, Jeanie S.>;<Goeglein, Tim>;<Smith, Matthew E.>;<Grubbs, Wendy J.>
Sent:	2/14/2003 6:20:08 PM
Subject:	Rocky Mountain News editorial

Democrats turn ugly on Estrada

February 14, 2003

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From: [UNKNOWN] <Hunerwadel, Joan>
To: <Cleveland>;rclevela@OMB.eop.gov [OMB] <Robin>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;<Lefkowitz>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /JAY_P._LEFKOWITZ [UNKNOWN] <Jay P.>;<Silverberg>;Kristen_Silverberg@who.eop.gov [WHO] <Kristen>;<Dworken>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /92947463-86CAC324-85256B1F-697915 [UNKNOWN] <Jonathan T.>
CC: <Vestewig>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/LAUREN_J._VESTEWIG [UNKNOWN] <Lauren J.>;<Carson>;kcarson@OMB.eop.gov [OMB] <Karyn T.>;<Kale>;/EOP /FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B9C46875-C18DBAF3-8525667C-729A3F [UNKNOWN] <Dora>
Sent: 2/14/2003 3:10:40 PM
Subject: Iraqi Frozen Assets Mtg

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Hunerwadel, Joan ( [ UNKNOWN ] )
CREATION DATE/TIME:14-FEB-2003 20:10:40.00
SUBJECT:Iraqi Frozen Assets Mtg
TO:Cleveland, Robin ( rclevela@OMB.eop.gov [ OMB ] )
READ:UNKNOWN
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
C20FEE19-852569DA-7648DC [ UNKNOWN ] )
READ:UNKNOWN
TO:Lefkowitz, Jay P. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=JAY_P._LEFKOWITZ [ UNKNOWN ] )
READ:UNKNOWN
TO:Silverberg, Kristen ( Kristen_Silverberg@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Dworken, Jonathan T. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=92947463-86CAC324-85256B1F-697915 [ UNKNOWN ] )
READ:UNKNOWN
CC:Vestewig, Lauren J. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=LAUREN_J._VESTEWIG [ UNKNOWN ] )
READ:UNKNOWN
CC:Carson, Karyn T. ( kcarson@OMB.eop.gov [ OMB ] )
READ:UNKNOWN
CC:Kale, Dora ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B9C46875-
C18DBAF3-8525667C-729A3F [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

John Bellinger and Elliott Abrams will host a meeting on Iraqi Frozen Assets on
Thursday, February 20, from 10:30 am to 11:30 am in Room 472 EEOB. Please let
Jo or Keisha know if you can attend by email or phone 69111. Thanks.
```

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>;<Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>
Sent: 2/14/2003 6:18:23 PM
Subject: Rocky Mountain News editorial

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ( [ UNKNOWN ] )
CREATION DATE/TIME:14-FEB-2003 23:18:23.00
SUBJECT:Rocky Mountain News editorial
TO:Gonzales, Alberto R. ( Alberto_R._Gonzales@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Leitch, David G. ( David_G._Leitch@who.eop.gov [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

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February 14, 2003

Miguel Estrada is - uh oh - a conservative, and if that makes your heart pound with fear you may very well be a U.S. Senate Democrat. Then you may also be among those trying to thwart the Senate's majoritarian decision-making with a filibuster.

It's irresponsible, this hysteria being acted out to keep Estrada from serving on the U.S. Court of Appeals for the District of Columbia. But Democratic senators do have their excuses, each more petty than the next.

One excuse is that they don't know enough about Estrada - implausible because there's a well-known and rather amazing life history here: Estrada immigrated to this country from Honduras, graduated with honors at Columbia College, was editor of the Law Review at Harvard Law School, a clerk to a Supreme Court justice, argued before the Supreme Court 15 times, and received the highest possible recommendation of the American Bar Association.

Opponents of Estrada are piqued because he stayed true to a widely endorsed tradition of refusing to indicate how as a judge he might decide cases that could come before him. Instead, Estrada merely said he would be an impartial judge loyal to the law.

The Democrats have no excuse (although it's clear they fear Estrada would be in line for a Supreme Court nomination if he gets this other judgeship first). If liberals in the Senate think conservatives will spell the end of civilization if they become judges, they can vote against Estrada. But keeping others from voting their consciences on this particular matter is simply out of line.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>
Sent: 2/17/2003 3:13:20 AM
Subject: : Re: NRCC event

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-FEB-2003 08:13:20.00
SUBJECT:: Re: NRCC event
TO:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

On the cover letter, delete the reference to "Administration officials."
Also, call me about this. I have some questions. 6-7984.

From: Adrian G. Gray on 02/14/2003 04:52:19 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: NRCC event

I sent you a fax for your approval - it is an invite for Dep Sec Claude Allen to attend an NRCC event for doctors.

AG

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 2/17/2003 4:28:53 AM
Subject: : Re: Next Off Site Schedule

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-FEB-2003 09:28:53.00
SUBJECT:: Re: Next Off Site Schedule
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

let's get the new structure in effect!
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>
Sent: 2/17/2003 6:02:18 AM
Subject: : Re: another correspondence question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-FEB-2003 11:02:18.00
SUBJECT:: Re: another correspondence question
TO:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

might delete the part about the outcome of elections. otherwise ok.

Katherine M. Walters
02/12/2003 07:59:46 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: another correspondence question

I have a handful of letters from the President asking him to endorse either certain candidates or themselves for election in '02. Some also ask for a donation to their campaign. Would the following response be okay? I don't want to answer them, but I feel guilty. Some of the letters are really old.

We apologize for the delay in responding to your letter. Due to mail procedures we only recently received your correspondence. Please know that your views and suggestions were/are very important to President Bush. The President was pleased with the outcome of the elections in November and appreciates your continued support. Best Wishes.
Sincerely,
Kate Walters or Ken Mehlman
Office of Political Affairs
White House

on some on the letters I might want to scratch the part about the President being pleased with the outcome of the elections because I don;t know if their candidate or the Republican won. (a lot of them are local elections)

Do you have any desire to see the actual letters? I doubt it. they are painful. Thanks.

---------- Forwarded by Katherine M. Walters/WHO/EOP on 02/12/2003 07:53 PM ----------

HEIDI K.
MARQUEZ
02/12/2003 07:27:34 PM

Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:

bcc:
Subject: Re: another correspondence question

The letters you have not responded to about 02 elections in November. I would suggest sending a ty for your views from you - if at all possible or having a card made up saying -

We apologize for the delay in responding to your letter. Due to mail procedures we only recently received your correspondence. Please know that your views and suggestions were/are very important to President Bush. The President was pleased with the outcome of the elections and appreciates your continued support. Best Wishes.
Sincerely,
Kate Walters or Ken Mehlman
Office of Political Affairs
White House
or
Best Wishes,
White house OPA

(The only thing is we'd have to get this lg. approved first - make sure everyone is on board)

Also, depending on the author - it may be best not to respond at this late date and offend them more.

As for 04 suggestions - it is too early to say, you may just want to do a ty for your views your suggestions will be shared with the President or you may wait until the campaign starts. The lg. we have wouldn't work b.c. Cheney is the VP and he just may be again. Here it is so you have an idea.

I hope this is somewhat helpful, if not give me a call.
Thank you for your kind words of support, and for sharing your views on my choice for a running mate.
Throughout the vice presidential selection process, my foremost goal was to select an outstanding individual who is capable of serving as President of the United States. I wanted the selection process to be thorough and dignified, and so I reached out to a distinguished and experienced statesman to lead the search) Dick Cheney. For months, we worked closely together to review the qualifications of many impressive candidates.
As we worked to evaluate the strengths of others, I saw firsthand Dick Cheney,s outstanding judgment. As we considered many different credentials, I benefited from his keen insight. I was impressed by the thoughtful and thorough way he approached his mission. And gradually, I realized that the person who was best qualified to be my vice presidential nominee was working by my side.
I am proud that Dick Cheney) a man of great integrity and judgement and experience) has agreed to join me in accomplishing some great goals for our country: to save and strengthen Social Security, to improve Medicare and provide immediate prescription drug benefits to seniors, to reform our public schools, and to rebuild our nation,s military.
I have to admit, I didn,t select Dick because of Wyoming,s three electoral votes) although we want and will work hard to earn them. I picked him because he is without a doubt fully capable of being President of the United States, and he will be a valuable partner in a Bush administration. Dick Cheney has served our country as chief of staff to a President, served in the United States Congress, and as Secretary of Defense. He is a man of integrity who is respected by Republicans and Democrats alike. Even my opponent, Vice President Gore, once said Dick Cheney is a good man who is well liked and respected by his colleagues. I am proud to call him my friend, and am honored to call him my running mate.
The remaining days will be tough, but Dick and I welcome the contest. We, re grateful to know we can count on you.

Katherine M. Walters

02/12/2003 06:41:08 PM
Record Type: Record

To: Heidi K. Marquez/WHO/EOP@EOP
cc:
Subject: another correspondence question

Is there any language that says we are sorry we did not respond to their original letter? I have decided to not respond to the old endoresement requests or letters pertaining to the '02 election. It is too late and the responses are so tricky. Ken hates non-answer responses and will never sign them. It takes me a week to do a stack of letters and then he will x through them.

It would probably do more harm than good to respond now. But I feel so guilty!

Also, I have no idea how to respond to some of the 04 letters. (like new vp suggestions, etc.) I feel like if I write a letter that has a decent response, it will end up in the newspaper.

thanks

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 2/17/2003 3:42:04 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-FEB-2003 08:42:04.00
SUBJECT::
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Rachel Brand party on Friday the 28th
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly A. Douglass/WHO/EOP@Exchange [WHO] <Kimberly A. Douglass>
Sent: 2/17/2003 4:16:21 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-FEB-2003 09:16:21.00
SUBJECT:: Re:
TO:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

From: Kimberly A. Douglass/WHO/EOP@Exchange on 02/14/2003 08:52:33
AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

will you be in on Tuesday (or later today)?; I have a bit of paperwork for
you.
;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 2/17/2003 4:28:53 AM
Subject: : Re: Next Off Site Schedule

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-FEB-2003 09:28:53.00
SUBJECT:: Re: Next Off Site Schedule
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

let's get the new structure in effect!
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John F. Wood/OMB/EOP@EOP [OMB] <John F. Wood>
Sent: 2/17/2003 5:38:01 AM
Subject: : Re: FW: New tort study
Attachments: P_52KYD003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-FEB-2003 10:38:01.00
SUBJECT:: Re: FW: New tort study
TO:John F. Wood (CN=John F. Wood/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

can I get the report?

John F. Wood
02/13/2003 09:50:35 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: New tort study

fyi
---------- Forwarded by John F. Wood/OMB/EOP on 02/13/2003 09:48 AM ----------

From: Matthew J. Schneider on 02/13/2003 09:29:49 AM
Record Type: Record

To: John F. Wood/OMB/EOP@EOP
cc:
Subject: FW: New tort study

John, are you working on any civil justice / tort reform issues? There is a new study out sponsored by ATRA. Before you came to OMB we used an earlier version of this study to estimate some of our tort costs. This updated study finds that:

- Including insured and self-insured costs, the U.S. tort system cost $205 billion in 2001.
- Tort costs increased 14.3% in 2001, the highest percentage increase in tort costs since 1986.
- U.S. tort costs accounted for 2.04% of gross domestic product (GDP) in 2001. This signals the end of a 13-year decline in the ratio of tort costs to GDP in the U.S.
- Tort costs were $721 per U.S. citizen in 2001. This compares to a cost of $12 per citizen in 1950 (or $87 when adjusted for inflation).

---------- Forwarded by Matthew J. Schneider/OMB/EOP on 02/13/2003 09:10 AM ----------

michael hotra <mhotra@atra.org>
02/11/2003 02:08:11 PM
Record Type: Record

To: Matthew J. Schneider/OMB/EOP@EOP
cc:
Subject: FW: New tort study

Matt: fyi; attached is a revised version of the tillinghast survey with new numbers

(See attached file: Tort_Costs_2002_Update_rev.pdf)

- Tort_Costs_2002_Update_rev.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_52KYD003_WHO.TXT_1>

Tillinghast - Towers Perrin

U.S. Tort Costs: 2002 Update

Trends and Findings on the Costs of the U.S. Tort System



REV_00109760

Table of Contents

1 Executive Summary

5 A Word About This Study

6 Introduction

7 Summary of Key Findings

8 Change in Tort Costs From 2000

9 Tort Costs Relative to GDP

11 Tort Costs Relative to Population

12 Change in Tort Costs Relative to Inflation

13 Components of Tort Costs

17 What's Included?

18 What's Not Included?

19 Looking Ahead

Appendices

REV_00109761

Executive Summary

Key Findings

The cost of the U.S. tort system grew by 14.3% in 2001, the highest single-year percentage increase since 1986. As indicated in the table below, the growth in tort costs experienced in 2001 is in stark contrast to the moderate rate of growth experienced in the past decade and is more akin to the double-digit growth rates experienced in the decades of the 1950s, 1970s and 1980s.

Years	Average Annual Increase in Tort System Costs
1951-1960	11.6%
1961-1970	9.8%
1971-1980	12.0%
1981-1990	11.7%
1991-2000	3.3%
2001	14.3%
50 years (1951-2001)	9.7%

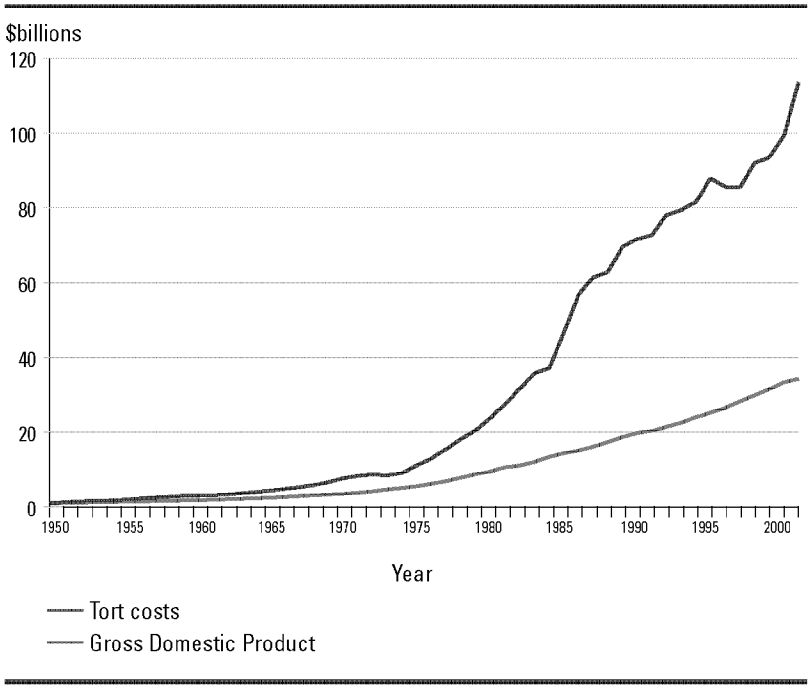
At current levels, U.S. tort costs are equivalent to a 5% tax on wages. The U.S. tort system cost $205 billion in 2001, or $721 per U.S. citizen. This compares to $12 per citizen in 1950.

Over the last 50 years, tort costs in the U.S. have increased more than 100-fold. In contrast, overall economic growth (as measured by GDP) has grown by a factor of 34 and the population has grown by a factor of less than two.

When viewed as a method of compensating injured parties, the U.S. tort system is highly inefficient, returning less than 50 cents on the dollar to the people it is designed to help and returning only 22 cents to compensate for actual economic loss. Inefficiency in the system has increased over time; when our Tort Cost Study was first conducted in 1985, 25 cents on the dollar was returned to injured parties for their actual economic loss.

REV_00109762

The 14.3% rate of growth in tort costs in 2001 greatly exceeded overall economic growth of 2.6%. During the past 50 years, growth in tort costs has exceeded growth in GDP by an average of two to three percentage points, with the largest disparity having been nearly 6% in the 1950s. In the 1990s this trend reversed itself, with GDP growth exceeding the growth in tort costs. This change reflected a period of steady economic growth and low inflation without significant growth in tort costs. As of 2001, U.S. tort costs accounted for slightly more than 2% of GDP, after five consecutive years of levels below 2%.



Since 1975 (the first year in this study for which medical malpractice costs are separately identified), the increase in medical malpractice costs has outpaced increases in overall U.S. tort costs. Medical malpractice costs have risen an average of 11.6% per year, in contrast to an average annual increase of 9.4% per year in overall tort costs.

REV_00109763

Future Implications

Does the sudden surge in tort costs in 2001 signal the start of another period of high tort cost growth in the U.S., or does it represent merely a one-year anomaly?

The most notable event contributing to the rise in tort costs in 2001 was a significant upward reassessment of liabilities associated with asbestos claims, whose numbers have continued to mushroom. We estimate that this reassessment accounts for $6 billion of the increase in 2001 tort costs over 2000 levels. Absent these costs, the increase in U.S. tort system costs between 2000 and 2001 would have been approximately 11%, still well above the increases seen in the past decade and well in excess of overall economic growth in 2001. This increase in tort costs, following more than a decade of moderate increases, should not be surprising in light of news reports during the past few years citing:

- increases in class action lawsuits and large claim awards
- jury awards of record amounts in medical malpractice cases
- an increase in the number and size of shareholder lawsuits against boards of directors of publicly traded companies, reflecting poor stock performance and possibly further exacerbated by recent corporate accounting scandals and general consumer mistrust of U.S. corporations
- an increase in medical cost inflation, leading to higher costs of personal injury claims.

These trends continued in 2002, with no sign of abatement in the near future. Thus, while it is impossible to accurately predict future increases in tort costs, it does not seem unreasonable to assume that, absent sweeping structural changes to the U.S. tort system, annual increases will be in the 7% to 11% range for the next several years. At this rate of increase, tort costs could approach $1,000 per U.S. citizen by 2005 — representing a new quadruple-digit benchmark.

REV_00109764

The implications of a return to a period of higher growth in tort system costs may be gleaned by recalling what occurred during the last period of large tort cost increases in the 1980s, namely:

- continued increases in insurance prices as companies respond to new information suggesting higher underlying costs than initially assumed in the pricing of their products
- a shift away from insurance and toward self-insurance as corporations attempt to gain more control over their costs
- more insurer insolvencies and/or business curtailment in response to poor profitability
- increased pressure to enact tort reform and/or asbestos reform.

U.S. tort costs continue to grow faster than overall economic growth. While the exact causes of this growth are unclear, it is possible that a sense of entitlement (the so-called litigious society), coupled with a mistrust of corporations fueled by recent scandals, may be major contributors to the cost increases. Whatever the causes, the rapid increases suggest a continued need for public scrutiny and debate about the cost and relative benefits of the U.S. tort system.

REV_00109765

A Word About This Study

U.S. Tort Costs: 2002 Update is an update of previous studies published by Tillinghast – Towers Perrin in 1985, 1989, 1992 and 1995. The most recent study, incorporating U.S. results through 2000, was published in February 2002.

Tillinghast presented the results of the original study to the American Insurance Association in the fall of 1985. The study was expanded in 1989 for the Actuarial Centennial Celebration, marking the 100th anniversary of the actuarial profession in North America, and was presented at a panel on liability insurance. Subsequently, Tillinghast testified on its findings before the U.S. Congress Joint Economic Committee.

The results of the earlier studies have been widely quoted by both proponents and opponents of tort reform, suggesting that the studies' straightforward analyses of the tort system's cost and trends have proved to be not only informative, but also objective and unbiased.

REV_00109766

Introduction

This edition of *U.S. Tort Costs: 2002 Update* is similar to previous studies published in 1985, 1989, 1992, 1995 and February 2002. This analysis tracks the cost of the U.S. tort system from 1950 to 2001 and compares the growth of tort costs to increases in various U.S. economic indicators.

The costs and relative benefits of the U.S. tort system have come under considerable public scrutiny and debate. Proponents of "tort reform" cite the high cost of the system as one reason for change. It is not surprising, then, that the Tillinghast studies have themselves attracted increasing interest and attention and have served as the basic data source for numerous articles in business and popular periodicals.

This update confirms a prediction made in the February 2002 study, namely, that the 13-year downward trend in the ratio of U.S. tort costs to GDP that began in the late 1980s ended abruptly in the year 2000. The growth in tort costs in 2001 was the largest since 1986, while GDP growth was modest.

As with the previous studies, this study's purpose is to provide a straightforward, objective analysis of cost and trends, and not to support any particular point of view.

REV_00109767

Summary of Key Findings

- Including insured and self-insured costs, the U.S. tort system cost $205 billion in 2001.
- Tort costs increased 14.3% in 2001, the highest percentage increase in tort costs since 1986.
- U.S. tort costs accounted for 2.04% of gross domestic product (GDP) in 2001. This signals the end of a 13-year decline in the ratio of tort costs to GDP* in the U.S.
- Tort costs were $721 per U.S. citizen in 2001. This compares to a cost of $12 per citizen in 1950 (or $87 when adjusted for inflation). When viewed as a method of compensating claimants, the U.S. tort system is highly inefficient, returning less than 50 cents on the dollar to the people it is designed to help — and returning only 22 cents of the tort cost dollar to compensate for actual economic losses.
- The tort system has both indirect cost and indirect benefits that are not measured by this study. We do not attempt to measure or to judge the relative utility of these factors, but rather to provide a reasonable and consistent measurement of total direct tort costs over a long period of time.
- We expect the 2002 ratio of tort costs to GDP to increase to 2.15%. We expect the ratio to grow to 2.21% in 2003, based on a forecasted 9% increase in tort costs.

*Throughout this report, unadjusted, or nominal, GDP is used. Most news releases on GDP rely on inflation-adjusted, or real, GDP.

REV_00109768

Change in Tort Costs From 2000

Total insured and self-insured tort costs in the U.S. are estimated at $205.4 billion for 2001. This is an increase of $26 billion, or 14.3%, from the estimated $179.7 billion of tort costs in 2000. The $26 billion increase is the largest in U.S. history; the 14.3% increase is the largest since 1986.

Of the $26 billion increase, roughly $6 billion is attributable to a significant upward reassessment of estimated future payments associated with asbestos claims. In addition, 2001 saw an increase in the number and size of shareholder lawsuits against boards of directors of publicly held companies. This increase may be partially due to corporate accounting scandals and to poor stock performance after a number of years of unprecedented growth. It is also interesting to note that personal auto liability costs, unaffected by any particular newsworthy events, experienced the largest increase in costs since 1990. This may reflect an increase in medical cost inflation, leading in turn to higher costs for personal injury claims.

REV_00109769

Tort Costs Relative to GDP

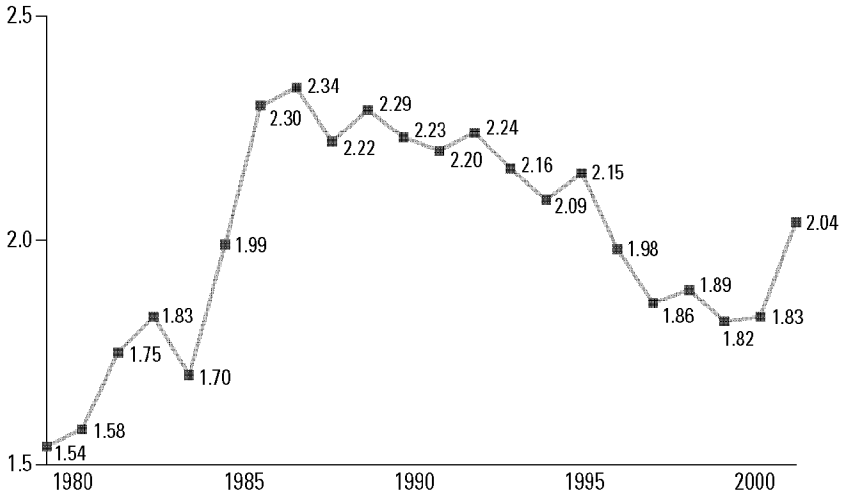
Over the last 50 years, tort costs in the U.S. have increased by over 100-fold — from less than $2 billion in 1950 to $205 billion in 2001. Tort cost growth has far outstripped U.S. economic growth as measured by GDP, which increased by a factor of 34 during that time.

	$billions		
	U.S. Tort Costs	U.S. GDP	Tort Cost as % of GDP
1950	$ 1.8	$ 294	0.61%
1960	5.4	527	1.03%
1970	13.9	1,040	1.33%
1980	43.0	2,796	1.54%
1990	129.6	5,803	2.23%
2000	179.7	9,825	1.83%
2001	205.4	10,082	2.04%

REV_00109770

When we focus on the last 20 years, a different perspective emerges. Relative to GDP, tort costs appear to have peaked in 1987. The ratio of tort costs to GDP decreased significantly from 1995 (2.15%) to 1999 (1.82%). The 2000 ratio of 1.83% was little changed from the 1999 ratio, but the ratio jumped considerably in 2001.

U.S. Tort Costs as % of GDP — 1980-2001



The 1990s were a decade of substantial economic growth coupled with a low rate of inflation. Against this backdrop, it is not surprising that the rate of GDP growth in the decade exceeded the rate of tort cost growth.

The slowdown in economic growth in 2001, coupled with significant increases in tort costs, caused the surge in the ratio of tort cost growth to GDP in 2001. This suggests that the ratio bottomed out in the 1999-2000 period. We believe that 2001 will be the start of a multiyear period of increasing tort costs relative to GDP.

REV_00109771

Tort Costs Relative to Population

Growth in U.S. tort costs since 1950 has far exceeded the U.S. population growth. Tort cost per citizen has risen by a factor of 61 from 1950 ($12 per citizen, or $87 when adjusted for inflation) to 2001 ($721 per citizen). Clearly, only some of this increase is due to inflation. Even after adjusting for changes in the consumer price index, the tort cost per citizen has risen by a factor of more than eight since 1950.

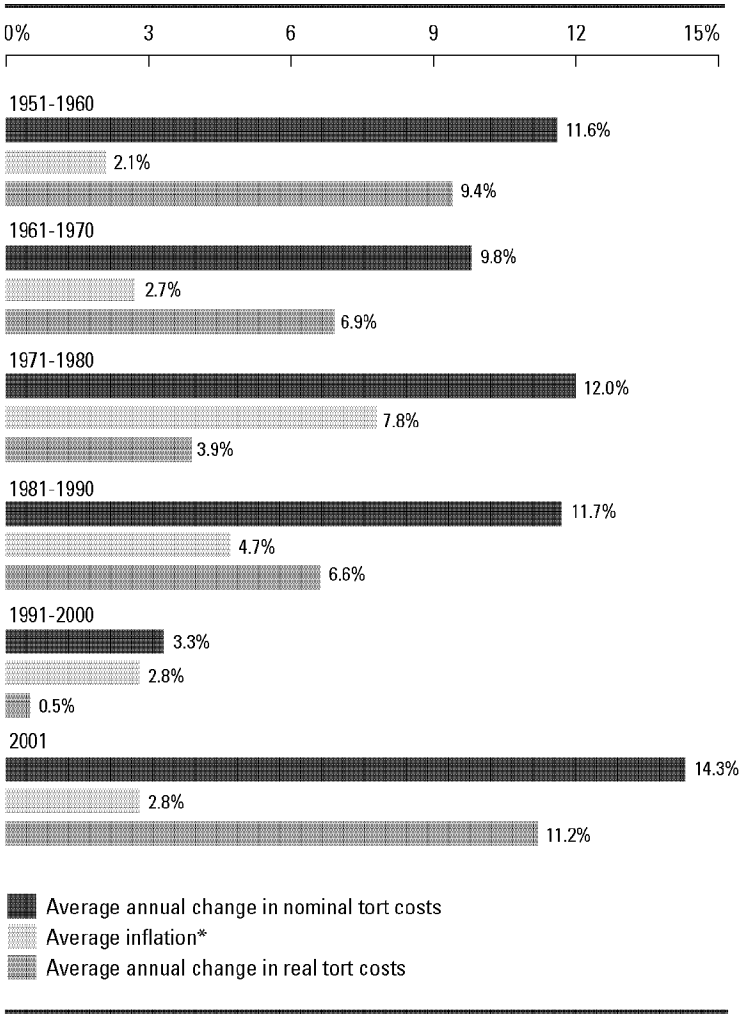
	U.S. Population (millions)	U.S. Tort Costs ($billions)	Tort Cost per Citizen	Inflation-Adjusted* Tort Cost per Citizen
1950	152	$ 1.8	$ 12	$ 87
1960	181	5.4	30	180
1970	205	13.9	68	309
1980	228	43.0	189	406
1990	249	129.6	520	704
2000	281	179.7	638	657
2001	285	205.4	721	721

*Restated in year-2001 dollars

REV_00109772

Change in Tort Costs Relative to Inflation

The growth in U.S. tort costs since 1950 can only be partly explained by inflation. As shown below, the change in tort costs far exceeded inflation from 1950 through 1990, with the 1950s showing the biggest difference.



*As measured by the Consumer Price Index — All Items

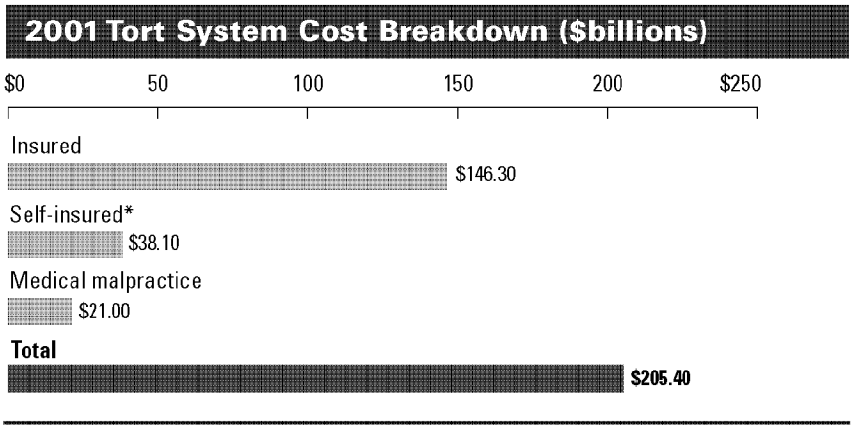
One would expect the change in tort costs to exceed inflation due to increases in population. However, as shown in Appendix 1, U.S. population growth averaged only 1.2% per year from 1950 to 2001. Moreover, as shown on page 7, U.S. tort costs increased relative to inflation and population from 1950 to 1990. Costs fell on an inflation-adjusted per-person basis from 1990 to 2000, but increased in 2001.

REV_00109773

Components of Tort Costs

Total Tort Cost Dollars in 2001

The $205.4 billion cost of the U.S. tort system in 2001 is broken down as follows:



*Excluding medical malpractice

Insured Component

Insured cost estimates are derived from composite financial data (excluding medical malpractice) for the U.S. insurance industry as compiled and published by A.M. Best.* These data are considered highly reliable in that they are subject to audit and are reviewed by state regulatory agencies. Moreover, while certain product lines have changed over time, more than 60 years of consistent data are available.

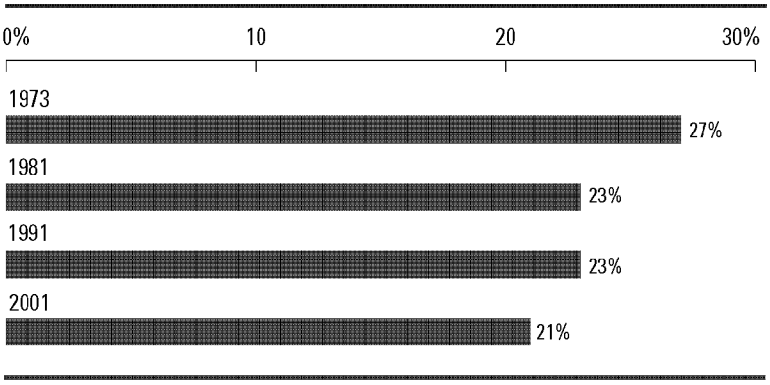
The insurance costs included are:

- benefits paid to third parties (or their attorneys) alleging injury or damages caused by insured persons or companies
- benefits paid to first-party insureds in the form of claim handling and legal defense costs
- insurance company administrative costs, or overhead.

*Insurance purchased directly from a non-U.S. insurance company would not be included in the "insured component" of this study. Rather, such business would be considered in our estimates of self-insured tort costs.

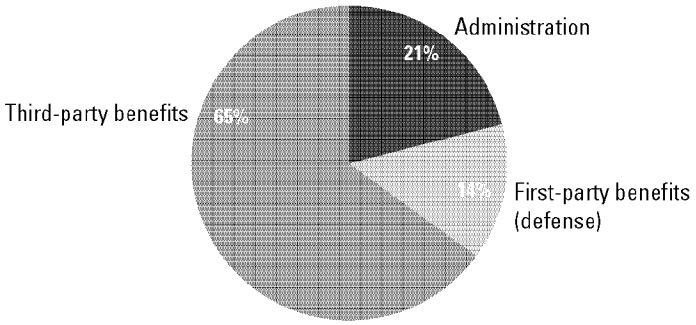
REV_00109774

Some users of our previous surveys have questioned our decision to include insurance company overhead costs in the total. We take no position regarding the efficiency of this administrative system. Nevertheless, these are real costs, directly associated with administering the settlement of tort claims, and these costs are consistently defined and measurable over time. Although the inclusion of this administrative component obviously increases our definition of absolute cost, it actually dampens the rate of increase because administrative costs have generally declined as a percentage of the total, as follows:



The breakdown of insured costs for 2001 is shown below:

2001 Insured Costs ($146.3 billion)



REV_00109775

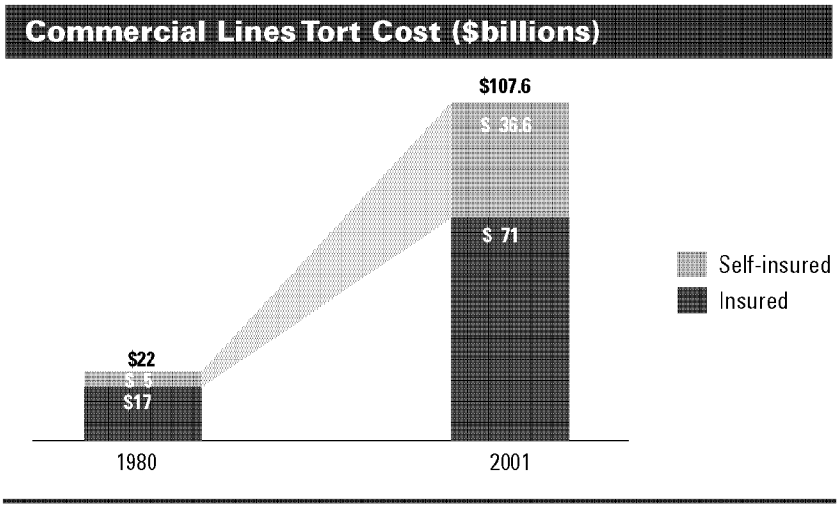
Self-Insured Component

The second component of the $205.4 billion cost total is the self-insured component (excluding medical malpractice). No consistent data set exists for this component, but several specialized studies have been published. The information that we reviewed for commercial lines included Conning and Company's periodic reports on the alternative risk market as well as various studies published by Tillinghast.

We estimate that 2% of personal insurance coverage cost and 34% of total commercial insurance coverage cost (up from less than 20% prior to 1980) are self-insured (see Appendix 4).

Our estimate of self-insured costs is approximately $36.6 billion for commercial risks in 2001. This has been calculated to include tort costs paid by various forms of self-insurance such as large deductibles, captives and risk retention groups. However, our estimate does not capture certain extraordinary costs such as those resulting from the 1998 settlement between tobacco manufacturers and various state attorneys general for health care cost reimbursement.

As shown in the chart below, the growth in self-insured commercial lines tort costs has exceeded the growth in insured tort costs. Given rate increases for commercial insurance in 2001 that appear to have continued in 2002, we would expect the portion of self-insured commercial lines tort costs to continue to grow.



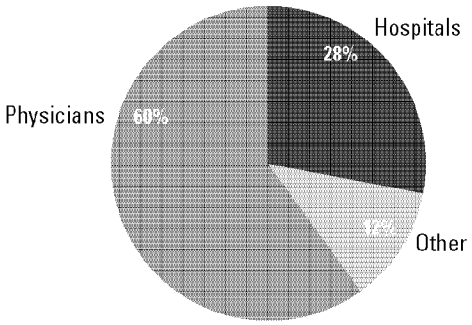
REV_00109776

Medical Malpractice Component

Our estimate of medical malpractice cost is not based on A.M. Best insurance industry data, but rather on Tillinghast–Towers Perrin's internal database of state-by-state medical malpractice cost. We have broken this cost out because the definition of insured versus self-insured costs has changed significantly over the last 30 years. Many group captives started in the mid-1970s as "self-insurance" alternatives to the commercial insurance market have become fully licensed insurance companies, and they are now included in insurance industry data. As of 2001, less than half of the $21 billion total medical malpractice cost is reported by Best.

Our approach to quantifying medical malpractice costs is by type of provider, as shown below (see also Appendix 5).

2001 Medical Malpractice Cost Breakdown by Category of Provider



The tort costs attributable to medical malpractice have been aggregated since 1975. Since then, medical malpractice tort costs have grown at an annual rate of 11.6%, versus 9.4% for all U.S. tort costs.

REV_00109777

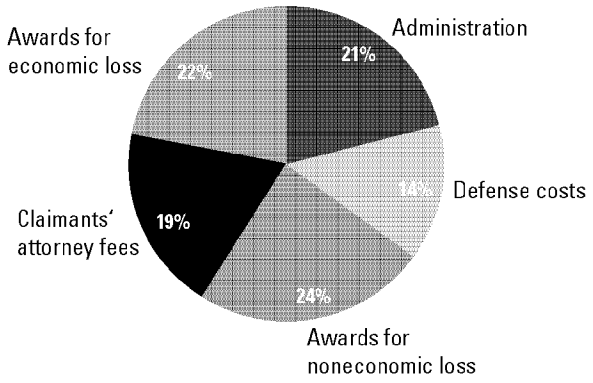
What's Included?

We have defined insured tort cost to include first-party benefits (the cost of legal defense and claims handling), benefits paid to third parties (claimants and plaintiffs) or their attorneys, and an administrative, or overhead, component. Our definition includes such costs associated with all claims, not just those that reach the courthouse.

The tort system provides both direct and indirect benefits. The direct benefits include compensation to victims for their economic losses, including damaged property, lost wages and medical expenses. No consistent historical database exists to measure these components of the tort system. However, we do know that of the total benefits paid to third parties (65% of tort costs), one portion compensates for economic losses, one portion compensates for noneconomic losses (such as pain and suffering, loss of consortium, etc.) and a third portion goes to plaintiffs' attorneys.

There have been several studies of this split, but they typically have been limited to a particular state, coverage or exposure. Our best estimate of the breakdown of insured cost is illustrated in the chart below.

Where Tort Cost Goes



If viewed as a mechanism for compensating victims for their economic losses, the tort system is extremely inefficient, returning only 22 cents of the tort cost dollar for that purpose. Of course, the tort system also provides compensation for victims' pain and suffering and other noneconomic losses. However, even including these benefits, the system is less than 50% efficient.

REV_00109778

What's Not Included?

Our definition of tort cost is largely governed by traditional liability insurance coverages. (We previously noted the exclusion of tobacco settlements.) There are gray areas where awards and settlements are typically, but not always, excluded (e.g., certain types of contract and shareholder litigation, and punitive damages, which are included in the insurance contract in certain states and not in others). The costs reflected in this study are consistent with those reported by the insurance companies themselves. Therefore, while certain of these costs may be included in the tort cost totals, we are unable to account for them separately.

We have not included costs incurred by federal and state court systems in administering actual suits. Reliable estimates of these costs do exist, but not back to 1950. Estimates by the Institute of Civil Justice (Rand Corporation) put these costs at less than 1% of the other costs involved. We do not believe the omission of these costs significantly understates our cost index or in any material way distorts long-term trends.

We have also omitted certain indirect costs, such as those associated with litigation avoidance. Indirect costs can range from unnecessary and duplicative medical tests ordered by doctors as a defense against possible malpractice allegations to the disappearance of certain products or entire industries from the marketplace because of high product liability cost.

The tort system also provides indirect benefits that are not measured in this study. Such benefits include a systematic resolution of disputes, thereby reducing conflict, possibly including violence. The tort system may also act as a deterrent to unsafe practices and products. From this perspective, compensation for pain and suffering can be seen as beneficial to society as a whole.

REV_00109779

Looking Ahead

Several factors contributed to the resurgence of tort costs in 2001, including:

- an increase in losses associated with asbestos
- an increase in the number and size of shareholder lawsuits against the boards of directors of publicly held companies
- an increase in medical cost inflation, leading to higher costs of personal injury claims.

These trends continued in 2002 as well and show no signs of abating in the near future. We expect total tort costs to increase approximately 9% in 2002, to $223.9 billion. We expect GDP to increase by 3.5% in 2002. Consequently, the 2002 ratio of tort costs to GDP is anticipated to increase to 2.15%.

Looking ahead, we anticipate growth in U.S. tort costs to range from 7% to 11% in 2003, with a midpoint of 9%. We expect similar increases in 2004 and 2005. We also anticipate GDP growth to increase to 6% per year. These assumptions yield projected tort costs, GDP and tort-to-GDP ratios as shown below:

	$billions		
	Tort Costs	GDP	Tort Cost as % of GDP
2000	$179.7	$ 9,825	1.83%
2001	205.4	10,082	2.04%
2002 (est.)	223.9	10,435	2.15%
2003 (est.)	244.1	11,061	2.21%
2004 (est.)	266.0	11,725	2.27%
2005 (est.)	290.0	12,428	2.33%

The 9% growth in tort costs forecasted for the 2003-2005 period assumes no material impact on losses arising from tort reforms that may be implemented in the 2003-2005 period.

REV_00109780

Our premise of a three-point gap in the growth rates of tort costs and GDP during the 2003-2005 period is consistent with the long-run history of 1951-2001, which shows a gap of 2.5 points. When the gap is measured through 1995 only, it widens to 3.1 points.

We feel the 1996-2000 period is not reflective of current trends. For example, health care cost increases were more contained during that period, both in absolute terms and relative to core CPI. From 1996 to 2000, medical care inflation was less than one point higher than the core CPI. This slowed trend appears to have ended; the 2001 CPI for medical care grew nearly two points more than core CPI. This two-point gap is more consistent with the long-term trend. Results for 2002, through October, show a three-point gap.

The chart below shows the long-term history and our predictions for the 2003-2005 period for CPI, medical care CPI, GDP and tort costs.

	CPI	Medical Care CPI	Nominal GDP	Tort Costs
1951-1995	4.2%	6.1%	7.4%	10.5%
1996-2000	2.5%	3.4%	5.8%	2.5%
2001	2.8%	4.6%	2.6%	15.4%
2002 (est.)	1.6%*	4.6%*	3.5%*	9.0%
2003-2005 (est.)	3.0%	5.0%	6.0%	9.0%

*Estimated based on results through October 2002

There are certainly factors beyond health care costs that influence tort costs. The comparison of health care costs to tort costs is merely used to show differences in trends observed in the late 1990s with those observed over a longer time horizon.

REV_00109781

Appendices

Appendix 1 U.S. Data (1950-2001)

Appendix 2 Summary of All Tort System Costs (1950-2001)

Appendix 3 Insured Costs

Appendix 4 Self-Insured Costs

Appendix 5 Medical Malpractice Costs

REV_00109782

Appendix 1a

Cost of the U.S. Tort System — 1950-2001

Year	U.S. Population (millions)	U.S. Civilian Workforce (millions)	CPI (all items)	CPI (medical care)	Gross Domestic Product ($billions)	Tort System Costs ($billions)	Tort Costs as % of GDP
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1950	152	62.2	0.241	0.151	$ 294	$ 1.8	0.61%
1951	155	62.0	0.260	0.159	---	2.3	---
1952	158	62.1	0.265	0.167	---	2.7	---
1953	160	63.0	0.267	0.173	---	3.0	---
1954	163	63.6	0.269	0.178	---	3.1	---
1955	166	65.0	0.268	0.182	415	3.4	0.82
1956	169	66.6	0.272	0.189	---	3.9	---
1957	172	66.9	0.281	0.197	---	4.5	---
1958	175	67.6	0.289	0.206	---	4.9	---
1959	178	68.4	0.291	0.215	---	5.2	---
1960	181	69.6	0.296	0.223	527	5.4	1.03
1961	184	70.5	0.299	0.229	---	5.7	---
1962	187	70.6	0.302	0.235	---	6.0	---
1963	189	71.8	0.306	0.241	---	6.6	---
1964	192	73.1	0.310	0.246	---	7.3	---
1965	194	74.5	0.315	0.252	720	7.9	1.10
1966	197	75.8	0.324	0.263	---	8.7	---
1967	199	77.3	0.334	0.282	---	9.6	---
1968	201	78.7	0.348	0.299	---	10.6	---
1969	203	80.7	0.367	0.319	---	12.0	---
1970	205	82.8	0.388	0.340	1,040	13.9	1.33
1971	208	84.4	0.405	0.361	1,129	15.0	1.33
1972	210	87.0	0.418	0.373	1,240	15.7	1.26
1973	212	89.4	0.444	0.388	1,386	15.2	1.10
1974	214	91.9	0.493	0.424	1,501	16.5	1.10
1975	216	93.8	0.538	0.475	1,635	20.1	1.23
1976	218	96.2	0.569	0.520	1,824	23.4	1.28
1977	220	99.0	0.606	0.570	2,031	28.0	1.38
1978	223	102.3	0.652	0.618	2,296	32.8	1.43
1979	225	105.0	0.726	0.675	2,566	37.0	1.44
1980	228	106.9	0.824	0.749	2,796	43.0	1.54
1981	230	108.7	0.909	0.829	3,131	49.6	1.58
1982	232	110.2	0.965	0.925	3,259	57.0	1.75
1983	234	111.6	0.996	1.006	3,535	64.6	1.83
1984	236	113.5	1.039	1.068	3,933	66.9	1.70
1985	239	115.5	1.076	1.135	4,213	83.8	1.99
1986	241	117.8	1.096	1.220	4,453	102.4	2.30
1987	243	119.9	1.136	1.301	4,743	111.1	2.34
1988	245	121.7	1.183	1.386	5,108	113.6	2.22
1989	247	123.9	1.240	1.493	5,489	125.7	2.29
1990	249	124.8	1.307	1.628	5,803	129.6	2.23
1991	252	125.3	1.362	1.770	5,986	131.4	2.20
1992	255	126.9	1.403	1.901	6,319	141.3	2.24
1993	258	128.4	1.445	2.014	6,642	143.7	2.16
1994	260	131.4	1.482	2.110	7,054	147.5	2.09
1995	263	132.0	1.524	2.205	7,401	158.8	2.15
1996	265	134.6	1.569	2.282	7,813	154.8	1.98
1997	268	136.7	1.605	2.346	8,318	154.6	1.86
1998	270	138.3	1.630	2.421	8,782	166.4	1.89
1999	273	139.9	1.666	2.506	9,269	169.0	1.82
2000	281	141.3	1.722	2.608	9,825	179.7	1.83
2001	285	141.9	1.771	2.728	$10,082	$205.4	2.04%

Notes

(2) From U.S Census Bureau

(3), (4), (5) From U.S. Department of Labor, Bureau of Labor Statistics

(6) From U.S. Department of Commerce, Bureau of Economic Analysis

(7) From Appendix 2, column (5).

(8) (7)/(6)

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Appendix 1b

Cost of the U.S. Tort System — 1950-2001

Average Annual Changes by Groups of Years

Year	U.S. Population (millions)	U.S. Civilian Workforce (millions)	CPI (all items)	CPI (medical care)	Gross Domestic Product ($billions)	Tort System Costs ($billions)	Tort Costs as % of GDP
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1951-2001	1.2%	1.6%	4.0%	5.8%	7.2%	9.7%	2.4%
1951-1960	1.7	1.1	2.1	4.0	6.0	11.6	5.3
1961-1970	1.3	1.8	2.7	4.3	7.0	9.8	2.6
1971-1980	1.1	2.6	7.8	8.2	10.4	12.0	1.4
1981-1990	0.9	1.6	4.7	8.1	7.6	11.7	3.8
1991-2000	1.2	1.3	2.8	4.8	5.4	3.3	-2.0
2001	1.2	0.4	2.8	4.6	2.6	14.3	11.4
1951-1995	1.2	1.7	4.2	6.1	7.4	10.5	2.8
1996-2000	1.4%	1.4%	2.5%	3.4%	5.8%	2.5%	-3.2%

Notes
Based on figures in Appendix 1a

REV_00109784

Appendix 2

Summary of all Tort System Costs

Year	Liability Insured Cost	Medical Malpractice	Self (Un) Insured	Total Cost
(1)	(2)	(3)	(4)	(5)
1950	$ 1,723,059	$ 0	$ 86,153	$ 1,809,212
1951	2,177,633	0	108,882	2,286,515
1952	2,557,353	0	127,868	2,685,221
1953	2,828,158	0	141,408	2,969,566
1954	2,950,051	0	147,503	3,097,553
1955	3,250,829	0	162,541	3,413,370
1956	3,719,824	0	185,991	3,905,815
1957	4,293,067	0	214,653	4,507,720
1958	4,624,008	0	231,200	4,855,208
1959	4,971,526	0	248,576	5,220,102
1960	5,186,101	0	259,305	5,445,407
1961	5,394,567	0	269,728	5,664,295
1962	5,704,594	0	285,230	5,989,824
1963	6,299,547	0	314,977	6,614,525
1964	6,924,227	0	346,211	7,270,438
1965	7,570,265	0	378,513	7,948,778
1966	8,322,529	0	416,126	8,738,655
1967	9,150,869	0	457,543	9,608,413
1968	10,102,273	0	505,114	10,607,387
1969	11,413,351	0	570,668	11,984,019
1970	13,208,732	0	660,437	13,869,169
1971	14,304,768	0	715,238	15,020,007
1972	14,933,112	0	746,656	15,679,768
1973	14,621,296	0	563,240	15,184,535
1974	15,837,813	0	623,535	16,461,347
1975	17,914,909	1,207,935	960,444	20,083,288
1976	20,687,521	1,473,438	1,245,574	23,406,533
1977	24,073,405	1,883,906	2,081,899	28,039,211
1978	27,616,588	2,333,373	2,814,504	32,764,465
1979	30,934,883	2,845,024	3,173,691	36,953,598
1980	34,057,943	3,521,673	5,418,781	42,998,398
1981	38,929,780	4,253,390	6,370,703	49,553,873
1982	44,438,093	5,127,669	7,477,175	57,042,937
1983	49,946,629	6,088,689	8,533,669	64,568,987
1984	51,208,738	6,642,205	9,053,811	66,904,754
1985	64,455,656	6,555,428	12,819,129	83,830,213
1986	78,167,587	6,524,532	17,700,355	102,392,474
1987	85,112,183	6,927,943	19,062,797	111,102,923
1988	88,462,814	6,994,292	18,117,623	113,574,728
1989	97,030,370	8,057,020	20,627,499	125,714,889
1990	100,602,676	8,704,495	20,342,640	129,649,810
1991	101,016,143	9,448,491	20,950,674	131,415,308
1992	106,652,899	10,432,893	24,211,030	141,296,823
1993	108,560,517	11,495,182	23,601,507	143,657,206
1994	112,042,831	12,534,394	22,924,867	147,502,091
1995	118,478,058	13,558,984	26,794,394	158,831,435
1996	115,362,594	14,497,630	24,928,258	154,788,482
1997	113,561,713	16,066,919	24,933,360	154,561,992
1998	121,428,366	17,061,754	27,882,980	166,373,099
1999	122,863,786	18,414,531	27,742,868	169,021,185
2000	129,528,854	19,792,534	30,339,729	179,661,117
2001	$146,267,595	$21,025,033	$38,122,981	$205,415,609

Notes
All values in 000s
(2) From Appendix 3 [1975-2001 excludes Medical Malpractice]
(3) From Appendix 5
(4) From Appendix 4, [Prior to 1973, .05 x (2)]

REV_00109785

Appendix 3

Liability Insured Cost

Year	Earned Premium	Loss & LAE Ratio	Expense Ratio	Combined Ratio	Liability Insured Cost
(1)	(2)	(3)	(4)	(5)	(6)
1950	$ 1,752,857	64.3%	34.0%	98.3%	$ 1,723,059
1951	2,083,720	71.1	33.4	104.5	2,177,633
1952	2,515,153	69.3	32.4	101.7	2,557,353
1953	2,981,588	63.2	31.6	94.9	2,828,158
1954	3,155,435	61.4	32.1	93.5	2,950,051
1955	3,337,773	64.9	32.5	97.4	3,250,829
1956	3,619,255	70.1	32.7	102.8	3,719,824
1957	4,035,199	74.0	32.4	106.4	4,293,067
1958	4,442,849	72.6	31.4	104.1	4,624,008
1959	4,951,128	69.9	30.6	100.4	4,971,526
1960	5,276,984	67.7	30.6	98.3	5,186,101
1961	5,504,507	67.1	30.9	98.0	5,394,567
1962	5,819,378	67.3	30.8	98.0	5,704,594
1963	6,224,657	70.5	30.7	101.2	6,299,547
1964	6,688,473	73.4	30.1	103.5	6,924,227
1965	7,379,531	73.5	29.1	102.6	7,570,265
1966	8,187,339	73.4	28.3	101.7	8,322,529
1967	8,947,529	74.1	28.1	102.3	9,150,869
1968	9,768,188	75.6	27.8	103.4	10,102,273
1969	10,957,402	76.9	27.2	104.2	11,413,351
1970	12,715,930	77.5	26.4	103.9	13,208,732
1971	14,273,904	74.1	26.1	100.2	14,304,768
1972	15,144,973	71.8	26.8	98.6	14,933,112
1973	14,360,195	74.8	27.0	101.8	14,621,296
1974	14,908,953	78.5	27.7	106.2	15,837,813
1975	16,500,824	81.5	27.0	108.6	17,914,909
1976	20,090,047	77.3	25.7	103.0	20,687,521
1977	24,973,118	71.4	25.0	96.4	24,073,405
1978	28,692,720	70.5	25.8	96.2	27,616,588
1979	31,088,697	73.1	26.4	99.5	30,934,883
1980	32,194,946	78.7	27.1	105.8	34,057,943
1981	32,838,195	90.7	27.8	118.6	38,929,780
1982	34,170,095	101.5	28.6	130.0	44,438,093
1983	36,235,619	109.2	28.6	137.8	49,946,629
1984	39,843,449	101.1	27.4	128.5	51,208,738
1985	50,372,373	102.9	25.1	128.0	64,455,656
1986	68,516,069	90.7	23.3	114.1	78,167,587
1987	78,337,490	84.8	23.9	108.6	85,112,183
1988	81,771,490	83.7	24.5	108.2	88,462,814
1989	83,745,030	89.7	26.1	115.9	97,030,370
1990	87,971,533	89.1	25.2	114.4	100,602,676
1991	89,311,786	87.0	26.1	113.1	101,016,143
1992	92,659,338	89.9	25.2	115.1	106,652,899
1993	96,562,526	87.6	24.8	112.4	108,560,517
1994	101,730,356	85.7	24.4	110.1	112,042,831
1995	105,299,103	87.6	24.9	112.5	118,478,058
1996	108,378,052	81.7	24.8	106.4	115,362,594
1997	110,525,049	77.4	25.4	102.7	113,561,713
1998	113,325,370	81.2	25.9	107.2	121,428,366
1999	111,429,324	83.7	26.5	110.3	122,863,786
2000	113,589,472	87.4	26.6	114.0	129,528,854
2001	$124,498,080	92.5%	25.0%	117.5%	$146,267,595

Notes
(2), (6) All values in 000s
All data reflect direct revenues and costs from "Best's Aggregates and Averages"
Prior to 1975, Medical Malpractice is included; for 1975-2001 it is excluded.
(6) (2) x (5)

REV_00109786

Comparisons of Personal Lines to Commercial Lines Costs and Impact of Self-Insurance

	Personal Lines			Commercial Lines			
Year	Insured	Self (Un) Insured	Total	Insured	Self (Un) Insured	Total	Self (Un) Insured
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1973	$ 8,521,899	2.0%	$ 8,695,815	$ 6,099,397	6.0%	$ 6,488,720	$ 563,240
1974	8,921,581	2.0	9,103,654	6,916,232	6.0	7,357,694	623,535
1975	10,336,734	2.0	10,547,688	7,578,176	9.0	8,327,665	960,444
1976	11,609,756	2.0	11,846,690	9,077,764	10.0	10,086,405	1,245,574
1977	12,902,054	2.0	13,165,362	11,171,351	14.0	12,989,943	2,081,899
1978	14,381,293	2.0	14,674,789	13,235,295	16.0	15,756,304	2,814,504
1979	15,985,767	2.0	16,312,007	14,949,116	16.0	17,796,566	3,173,691
1980	17,084,039	2.0	17,432,692	16,973,905	23.0	22,044,032	5,418,781
1981	18,892,570	2.0	19,278,133	20,037,210	23.0	26,022,350	6,370,703
1982	20,828,903	2.0	21,253,983	23,609,190	23.0	30,661,286	7,477,175
1983	22,945,067	2.0	23,413,333	27,001,563	23.0	35,066,965	8,533,669
1984	25,615,607	2.0	26,138,375	25,593,130	25.0	34,124,174	9,053,811
1985	29,695,287	2.0	30,301,313	34,760,369	26.0	46,973,472	12,819,129
1986	34,460,827	2.0	35,164,110	43,706,759	28.0	60,703,833	17,700,355
1987	38,092,590	2.0	38,869,990	47,019,592	28.0	65,304,989	19,062,797
1988	41,783,652	2.0	42,636,380	46,679,161	27.0	63,944,056	18,117,623
1989	46,424,500	2.0	47,371,939	50,605,870	28.0	70,285,931	20,627,499
1990	50,967,722	2.0	52,007,879	49,634,954	28.0	68,937,436	20,342,640
1991	52,338,179	2.0	53,406,306	48,677,963	29.0	68,560,512	20,950,674
1992	55,274,662	2.0	56,402,716	51,378,237	31.0	74,461,213	24,211,030
1993	56,164,851	2.0	57,311,072	52,395,666	30.0	74,850,952	23,601,507
1994	58,857,222	2.0	60,058,389	53,185,609	29.0	74,909,308	22,924,867
1995	60,222,560	2.0	61,451,592	58,255,497	30.5	83,820,860	26,794,394
1996	61,414,886	2.0	62,668,251	53,947,707	30.5	77,622,601	24,928,258
1997	62,097,411	2.0	63,364,705	51,464,302	31.5	75,130,367	24,933,360
1998	64,995,727	2.0	66,322,170	56,432,639	32.0	82,989,175	27,882,980
1999	66,807,453	2.0	68,170,870	56,056,333	32.0	82,435,784	27,742,868
2000	70,866,341	2.0	72,312,592	58,662,514	33.0	87,555,990	30,339,729
2001	$75,245,057	2.0%	$76,780,671	$71,022,538	34.0%	$107,609,906	$38,122,981

Notes
All values in 000s
(2), (5) From "Best's Aggregates and Averages" (excludes Medical Malpractice)
(3) Based on internal Tillinghast interviews
(4) (2) / [1.0 - (3)]
(6) Based on various studies published by Tillinghast and Conning and Company.
(7) (5) / [1.0 - (6)]
(8) [(4) - (2)] + [(7) - (5)]

REV_00109787

Appendix 5

Medical Malpractice Tort Costs

Year	Loss and LAE Costs Hospital	Physicians	Other	Total	U/W Expense Ratio	Total Cost
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1975	$ 431,295	$ 526,255	$ 86,179	$ 1,043,729	13.6%	$ 1,207,935
1976	536,046	635,651	109,671	1,281,367	13.0	1,473,438
1977	655,857	820,691	143,733	1,620,281	14.0	1,883,906
1978	798,413	1,018,936	183,984	2,001,333	14.2	2,333,373
1979	986,951	1,273,884	238,037	2,498,871	12.2	2,845,024
1980	1,201,618	1,623,391	309,335	3,134,344	11.0	3,521,673
1981	1,444,598	1,954,352	387,068	3,786,019	11.0	4,253,390
1982	1,794,892	2,313,503	486,573	4,594,969	10.4	5,127,669
1983	2,102,377	2,733,138	595,596	5,431,111	10.8	6,088,689
1984	2,229,526	3,063,070	677,971	5,970,568	10.1	6,642,205
1985	2,188,006	3,160,955	685,192	6,034,153	8.0	6,555,428
1986	2,262,752	2,995,117	673,523	5,931,392	9.1	6,524,532
1987	2,341,454	3,133,703	701,357	6,176,515	10.8	6,927,943
1988	2,386,797	3,165,040	711,180	6,263,017	10.5	6,994,292
1989	2,508,767	3,513,026	771,380	6,793,173	15.7	8,057,020
1990	2,678,230	3,864,158	838,067	7,380,455	15.2	8,704,495
1991	2,752,049	4,296,635	902,923	7,951,606	15.8	9,448,491
1992	3,012,438	5,006,678	1,027,233	9,046,350	13.3	10,432,893
1993	3,156,714	5,404,734	1,096,705	9,658,153	16.0	11,495,182
1994	3,289,229	5,793,081	1,163,426	10,245,736	18.3	12,534,394
1995	3,443,943	6,384,556	1,271,602	11,100,101	18.1	13,558,984
1996	3,582,983	6,994,025	1,382,128	11,959,135	17.5	14,497,630
1997	3,858,486	7,551,287	1,505,857	12,915,630	19.6	16,066,919
1998	4,105,995	8,204,416	1,640,970	13,951,381	18.2	17,061,754
1999	4,417,857	9,083,029	1,817,656	15,318,542	16.8	18,414,531
2000	4,672,328	10,099,337	2,008,631	16,780,296	15.2	19,792,534
2001	$5,092,837	$11,008,277	$2,189,408	$18,290,523	13.0%	$21,025,033

Notes
All values in 000s
(2), (3), (4) From internal Tillinghast study
(5) (2) + (3) + (4)
(6) From "Best's Aggregates and Averages"; the ratio of underwriting expenses to all losses and expenses combined
(7) (5) / [1.0 - (6)]

REV_00109788

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>
Sent: 2/17/2003 6:02:18 AM
Subject: : Re: another correspondence question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-FEB-2003 11:02:18.00
SUBJECT:: Re: another correspondence question
TO:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

might delete the part about the outcome of elections. otherwise ok.

Katherine M. Walters
02/12/2003 07:59:46 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: another correspondence question

I have a handful of letters from the President asking him to endorse either certain candidates or themselves for election in '02. Some also ask for a donation to their campaign. Would the following response be okay? I don't want to answer them, but I feel guilty. Some of the letters are really old.

We apologize for the delay in responding to your letter. Due to mail procedures we only recently received your correspondence. Please know that your views and suggestions were/are very important to President Bush. The President was pleased with the outcome of the elections in November and appreciates your continued support. Best Wishes.
Sincerely,
Kate Walters or Ken Mehlman
Office of Political Affairs
White House

on some on the letters I might want to scratch the part about the President being pleased with the outcome of the elections because I don;t know if their candidate or the Republican won. (a lot of them are local elections)

Do you have any desire to see the actual letters? I doubt it. they are painful. Thanks.

---------- Forwarded by Katherine M. Walters/WHO/EOP on 02/12/2003 07:53 PM ----------

HEIDI K.
MARQUEZ
02/12/2003 07:27:34 PM

Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:

bcc:
Subject: Re: another correspondence question

The letters you have not responded to about 02 elections in November. I would suggest sending a ty for your views from you - if at all possible or having a card made up saying -

We apologize for the delay in responding to your letter. Due to mail procedures we only recently received your correspondence. Please know that your views and suggestions were/are very important to President Bush. The President was pleased with the outcome of the elections and appreciates your continued support. Best Wishes.
Sincerely,
Kate Walters or Ken Mehlman
Office of Political Affairs
White House
or
Best Wishes,
White house OPA

(The only thing is we'd have to get this lg. approved first - make sure everyone is on board)

Also, depending on the author - it may be best not to respond at this late date and offend them more.

As for 04 suggestions - it is too early to say, you may just want to do a ty for your views your suggestions will be shared with the President or you may wait until the campaign starts. The lg. we have wouldn't work b.c. Cheney is the VP and he just may be again. Here it is so you have an idea.

I hope this is somewhat helpful, if not give me a call.
Thank you for your kind words of support, and for sharing your views on my choice for a running mate.
Throughout the vice presidential selection process, my foremost goal was to select an outstanding individual who is capable of serving as President of the United States. I wanted the selection process to be thorough and dignified, and so I reached out to a distinguished and experienced statesman to lead the search) Dick Cheney. For months, we worked closely together to review the qualifications of many impressive candidates.
As we worked to evaluate the strengths of others, I saw firsthand Dick Cheney,s outstanding judgment. As we considered many different credentials, I benefited from his keen insight. I was impressed by the thoughtful and thorough way he approached his mission. And gradually, I realized that the person who was best qualified to be my vice presidential nominee was working by my side.
I am proud that Dick Cheney) a man of great integrity and judgement and experience) has agreed to join me in accomplishing some great goals for our country: to save and strengthen Social Security, to improve Medicare and provide immediate prescription drug benefits to seniors, to reform our public schools, and to rebuild our nation,s military.
I have to admit, I didn,t select Dick because of Wyoming,s three electoral votes) although we want and will work hard to earn them. I picked him because he is without a doubt fully capable of being President of the United States, and he will be a valuable partner in a Bush administration. Dick Cheney has served our country as chief of staff to a President, served in the United States Congress, and as Secretary of Defense. He is a man of integrity who is respected by Republicans and Democrats alike. Even my opponent, Vice President Gore, once said Dick Cheney is a good man who is well liked and respected by his colleagues. I am proud to call him my friend, and am honored to call him my running mate.
The remaining days will be tough, but Dick and I welcome the contest. We, re grateful to know we can count on you.

Katherine M. Walters

02/12/2003 06:41:08 PM
Record Type: Record

To: Heidi K. Marquez/WHO/EOP@EOP
cc:
Subject: another correspondence question

Is there any language that says we are sorry we did not respond to their original letter? I have decided to not respond to the old endoresement requests or letters pertaining to the '02 election. It is too late and the responses are so tricky. Ken hates non-answer responses and will never sign them. It takes me a week to do a stack of letters and then he will x through them.

It would probably do more harm than good to respond now. But I feel so guilty!

Also, I have no idea how to respond to some of the 04 letters. (like new vp suggestions, etc.) I feel like if I write a letter that has a decent response, it will end up in the newspaper.

thanks

From: David_G._Leitch@who.eop.gov [WHO] <Leitch, David G.>
To: <Bartolomucci>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1A4DAB1A-EBCD4DB1-852569DA-6039DB [UNKNOWN] <H. Christopher>;<Bumatay>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/PATRICK_J._BUMATAY [UNKNOWN] <Patrick J.>;<Everson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FF797A9B-218FE559-85256B99-4E9537 [UNKNOWN] <Nanette>;<Francisco>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/CEFFCE1D-3AA04CD4-852569DA-68EB00 [UNKNOWN] <Noel J.>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;<McNally>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/B23459EA-8A5AE3B-85256B04-6CAE82 [UNKNOWN] <Edward>;<Nelson>;Carolyn_Nelson@who.eop.gov [WHO] <Carolyn>;<Powell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/C457024B-B3447231-85256C00-44CFA6 [UNKNOWN] <Benjamin A.>;<Sampson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4E664A2B-51BB08D-852569DC-544EBE [UNKNOWN] <Kyle>;<Ullyot>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/20AA0CA2-4AAE30FC-85256CB0-52CA15 [UNKNOWN] <Theodore W.>;<Walker>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/75138057-DB233081-85256A02-46FCE4 [UNKNOWN] <Helgard C.>;<Bellinger>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/FC4B795A-A3360AAA-852569F3-6FC037 [UNKNOWN] <John B.>
Sent: 2/17/2003 9:10:20 PM
Subject:

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Leitch, David G. ( David_G._Leitch@who.eop.gov [ WHO ] )
CREATION DATE/TIME:18-FEB-2003 02:10:20.00
SUBJECT:
TO:Bartolomucci, H. Christopher ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=1A4DAB1A-EBCD4DB1-852569DA-6039DB [ UNKNOWN ] )
READ:UNKNOWN
TO:Bumatay, Patrick J. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=PATRICK_J._BUMATAY [ UNKNOWN ] )
READ:UNKNOWN
TO:Everson, Nanette ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FF797A9B-
218FE559-85256B99-4E9537 [ UNKNOWN ] )
READ:UNKNOWN
TO:Francisco, Noel J. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=CEFFCE1D-
3AA04CD4-852569DA-68EB00 [ UNKNOWN ] )
READ:UNKNOWN
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
C20FEE19-852569DA-7648DC [ UNKNOWN ] )
READ:UNKNOWN
TO:McNally, Edward ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B23459EA-
8A5AE3B-85256B04-6CAE82 [ UNKNOWN ] )
READ:UNKNOWN
TO:Nelson, Carolyn ( Carolyn_Nelson@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Powell, Benjamin A. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=C457024B-
B3447231-85256C00-44CFA6 [ UNKNOWN ] )
READ:UNKNOWN
TO:Sampson, Kyle ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4E664A2B-51BB08D-
852569DC-544EBE [ UNKNOWN ] )
READ:UNKNOWN
TO:Ullyot, Theodore W. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
/CN=20AA0CA2-4AAE30FC-85256CB0-52CA15 [ UNKNOWN ] )
READ:UNKNOWN
TO:Walker, Helgard C. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=75138057-
DB233081-85256A02-46FCE4 [ UNKNOWN ] )
READ:UNKNOWN
TO:Bellinger, John B. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FC4B795A-
A3360AAA-852569F3-6FC037 [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

No staff meeting tomorrow.

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/18/2003 5:34:50 AM
Subject: : Re: DRAFT Invitation for Friday

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-FEB-2003 10:34:50.00
SUBJECT:: Re: DRAFT Invitation for Friday
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

perfect -
you are the man - thanks Brett -
c

Brett M. Kavanaugh
02/18/2003 10:13:29 AM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: DRAFT Invitation for Friday

How's something like this. I tried to edit to suit her/your purposes and also keep the title out.

You are invited to a VIP Briefing with our special guest Coddy Johnson on Friday, February 21, 2003. Coddy worked for President Bush on the 2000 campaign as ____ and worked for Karl Rove and Ken Mehlman to help the President and Republicans throughout the country in the recent mid-term elections.

We will discuss the strengths and weaknesses of the 2000 and 2002 elections and look ahead to 2004. Since you played such a key role in Congresswoman Shelley Moore Capito's tremendous victory, the President and the Republican leadership in Washington are very interested in your thoughts and suggestions. Coddy Johnson also plans to brief this small group on the latest with the President and the game plan for 2004.

The meeting will begin at 1:30 p.m. Location details to follow. Please RSVP to Amy McKinley either by replying to this email (amymckinley@capito2004.com) or calling 304-389-5790. Thank you very much and we look forward to seeing you this Friday!

Collister W. Johnson
02/18/2003 10:06:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: DRAFT Invitation for Friday

Brett -
I am going to WV on Friday -
Congresswoman Capito has asked that I speak to a number of her VIP donors -
it is not a fundraiser, but rather a time for her key supporters to ask questions and touch base with an Admin. official.
Below is the invite she wants to send out... I imagine we need to change the title. Anything else?
c

==========

You are invited to a VIP Briefing with White House Deputy Political Director Coddy Johnson on Friday, February 21, 2003.

We will discuss the strengths and weaknesses of the 2000 and 2002 elections and look ahead to 2004. Since you played such a key role in Congresswoman Shelley Moore Capito's tremendous victory, the White House is very interested in your thoughts and suggestions. Coddy Johnson also plans to brief this small group on the latest with the White House and their game plan for 2004.

The meeting will begin at 1:30 p.m. Location details to follow. Please RSVP to Amy McKinley either by replying to this email (amymckinley@capito2004.com) or calling 304-389-5790. Thank you very much and we look forward to seeing you this Friday!

From:	[UNKNOWN] <Kavanaugh, Brett M.>
To:	<Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent:	2/18/2003 8:35:14 AM
Subject:	Re: Draft letter to editor of Washington Post in response to Kinsley; need to send today; PLEASE REVIEW

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:18-FEB-2003 13:35:14.00
SUBJECT:Re: Draft letter to editor of Washington Post in response to Kinsley; need to send today; PLEASE REVIEW
TO:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
READ:UNKNOWN
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Will run this week, I am told.

.

----- Original Message -----
From:David G. Leitch/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 02/18/2003 07:43:10 AM

Subject: RE: Draft letter to editor of Washington Post in response to Kinsley; need to send today; PLEASE REVIEW

Did they print this?

-----Original Message-----
From: Kavanaugh, Brett M.

Sent: Friday, February 14, 2003 10:07 AM

To: Gonzales, Alberto R.; Leitch, David G.; Snee, Ashley

Cc: Nelson, Carolyn

Subject: Draft letter to editor of Washington Post in response to Kinsley; need to send today; PLEASE REVIEW

February 14, 2003

Dear Editor:

Michael Kinsley?s column of February 14 contained several important errors.

First, he writes that President Bush has nominated only one Hispanic to the U.S. Courts of Appeals. In fact, three of President Bush?s 34 appeals court nominees (9%) have been Hispanic: Miguel Estrada (D.C. Circuit), Ed Prado (Texas, 5th Circuit), and Consuelo Callahan (California, 9th Circuit).

Second, he claims that the nomination of Miguel Estrada to the D.C. Circuit is possible only because President Clinton?s last two nominees to that court (of his five overall) were not confirmed. In fact, there are four current vacancies on the D.C. Circuit and only two pending nominees, Estrada and John Roberts. Therefore, the two vacancies that Mr. Estrada and Mr. Roberts will fill would exist regardless whether President Clinton?s last two nominees had been confirmed.

Third, he writes that President Bush ?fired? the American Bar Association after the ABA allegedly gave some Republican nominees ?a lousy grade.? In fact, President Bush has always invited the American Bar Association and all other interested outside groups to review nominees? qualifications after nomination. The President also decided that no single outside group should have a preferential, quasi-official, pre-nomination role in the President?s judicial selection process. The President made that decision in early 2001, before the ABA had rated any of his nominees. Since then, moreover, all of the President?s appeals court nominees have received well-qualified or qualified ratings from the ABA (not one appeals court nominee has received a ?not qualified? rating).

Fourth, he writes that Republican Senator Hatch labeled the ABA rating as the gold standard. Rather, Democrat Senators Leahy and Schumer coined that term for the ABA rating in their letter to the President in March 2001. All of the President?s appeals court nominees subsequently have met the Democrats? ?gold standard.? Despite that, 12 of them have been pending since 2001.

Fifth, he writes that President Bush has 42 appeals court vacancies to fill. In fact, there are 28 current and known future vacancies on the appeals courts.

Sixth, he writes that judges should provide their personal views on disputed social, policy, and legal issues during confirmation hearings. The relevant canon of judicial ethics provides, however, that prospective judges ?shall not . . . make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court.? Justice Thurgood Marshall made the point when asked about the Fifth Amendment: ?I do not think you want me to be in a position of giving you a statement on the Fifth Amendment and then, if I am confirmed and sit on the Court, when a Fifth Amendment case comes up, I will have to disqualify myself.? Justice Ginsburg described the traditional practice last year: ?In the context of the federal system, how a prospective nominee for the bench would resolve particular contentious issues would certainly be ?on interest? to the President and the Senate . . . . But in accord with a longstanding norm, every Member of this Cour

t declined to furnish such information to the Senate, and presumably to the President as well.?

Sincerely,

Alberto R. Gonzales

Counsel to the President

Editor
Washington Post

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/18/2003 4:46:57 AM
Subject: : FW: MESSAGE MEETING REMINDER

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:18-FEB-2003 09:46:57.00
SUBJECT:: FW: MESSAGE MEETING REMINDER
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

;
-----Original Message-----
From: Ritacco, Krista L.
Sent: Tuesday, February 18, 2003 9:43 AM
To: Cooper, Rory S.; Yunker, Jacob H.; Barclay, Barbara A.; Barrales, Ruben S.; Bennett, Melissa S.; Besanceney, Brian R.; Bird, Debra D.; Bowen, Stuart W.; Buchan, Claire ; Burkhart, Shannon; Campbell, Anne E.; Canfield, Sally; Christie, Ronald I.; Ciafardini, Andrew D.; Cleveland, Carolyn E.; Conde, Roberta L.; DeFrancis, Suzy; Devenish, Nicolle; Duffy, Trent D.; Ellison, Kimberly; Eskew, Tucker A.; Figg, Kara G.; Gambatesa, Linda M.; Gerdelman, Sue H.; Gillmor, Eleanor L.; Goergen, Barbara Jo; Gottesman, Blake; Grant, Britt; Gray, Adrian G.; Gray, Ann; Hamilton, Parker B.; Healy, Erin E.; Hennessey, Keith; Hernandez, Israel; Hughes, A. Merrill; Hughes, Taylor A.; Ingle, Edward; Jackson, Barry S.; Kaplan, Joel; Kozberg, Lindsey C.; Kyle, Ross M.; Lefkowitz, Jay P.; Lineberry, Stephen M.; Litkenhaus, Colleen; Mallea, Jose; Marquez, Heidi K.; McClellan, Scott ; McDonald, Rebekah; McQuade, Vickie A.; Mehlman, Ken; Middlemas, A. Morgan; Miers, Harriet; Millerwise, Jennifer; Montiel, Charlotte L.; Neely, Susan K.; Nelson, Carolyn; Nipper, Wendy L.; Parell, Christie; Pelletier, Eric C.; Perez, Anna M.; Ralston, Susan B.; Reese, Shelley; Rodriguez, Noelia ; Rogers, Edwina C.; Rust, Kathryn E.; Ryun, Catharine A.; Sforza, Scott N.; Silverberg, Kristen; Snee, Ashley; Spagnoli, Deborah A.; Towey, Jim; Vestewig, Lauren J.; Walters, Katherine M.; Wehner, Peter H.; Westine, Lezlee J.; Williams, Mary C.; Wozniak, Natalie S.
Cc: Purcell, Kristopher N.
Subject: MESSAGE MEETING REMINDER

There;is;still;a Message Meeting today in the Roosevelt Room. NOTE: TIME CHANGE 11:30am. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>
Sent: 2/18/2003 4:58:27 AM
Subject: : Re: draft -- permissble under 2635.808(c)?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-FEB-2003 09:58:27.00
SUBJECT:: Re: draft -- permissble under 2635.808(c)?
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You are good to go with invite edited as attached

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 02/18/2003 10:02 AM ----------

Nanette Everson
02/18/2003 09:51:52 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: draft -- permissble under 2635.808(c)?

absolutely

Brett M. Kavanaugh
02/17/2003 11:27:20 AM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: draft -- permissble under 2635.808(c)?

Please join

Susan and Doug Flack

with special guest

Ken Mehlman

For a Cocktail Reception and Dinner in honor of
Mark,s Run:
A 5K Race to benefit the Juvenile Diabetes Research Foundation and the
Landon School Scholarship Fund

Thursday, March 6, 2003
7:00 p.m.) 9:00 p.m.

The Flack Residence
2233 Bancroft Place, NW
Washington, DC

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 2/18/2003 5:42:03 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-FEB-2003 10:42:03.00
SUBJECT:: Re:
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I don't think many people are here

Ashley Estes
02/18/2003 09:46:45 AM
Record Type: Non-Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject:

are you here? are there lots of people from your office?

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 2/18/2003 9:46:50 AM
Subject: FW: MESSAGE MEETING REMINDER

-----Original Message-----
From: Ritacco, Krista L.
Sent: Tuesday, February 18, 2003 9:43 AM
To: Cooper, Rory S.; Yunker, Jacob H.; Barclay, Barbara A.; Barrales, Ruben S.; Bennett, Melissa S.; Besanceney, Brian R.; Bird, Debra D.; Bowen, Stuart W.; Buchan, Claire ; Burkhart, Shannon; Campbell, Anne E.; Canfield, Sally; Christie, Ronald I.; Ciafardini, Andrew D.; Cleveland, Carolyn E.; Conde, Roberta L.; DeFrancis, Suzy; Devenish, Nicolle; Duffy, Trent D.; Ellison, Kimberly; Eskew, Tucker A.; Figg, Kara G.; Gambatesa, Linda M.; Gerdelman, Sue H.; Gillmor, Eleanor L.; Goergen, Barbara Jo; Gottesman, Blake; Grant, Britt; Gray, Adrian G.; Gray, Ann; Hamilton, Parker B.; Healy, Erin E.; Hennessey, Keith; Hernandez, Israel; Hughes, A. Merrill; Hughes, Taylor A.; Ingle, Edward; Jackson, Barry S.; Kaplan, Joel; Kozberg, Lindsey C.; Kyle, Ross M.; Lefkowitz, Jay P.; Lineberry, Stephen M.; Litkenhaus, Colleen; Mallea, Jose; Marquez, Heidi K.; McClellan, Scott ; McDonald, Rebekah; McQuade, Vickie A.; Mehlman, Ken; Middlemas, A. Morgan; Miers, Harriet; Millerwise, Jennifer; Montiel, Charlotte L.; Neely, Susan K.; Nelson, Carolyn; Nipper, Wendy L.; Parell, Christie; Pelletier, Eric C.; Perez, Anna M.; Ralston, Susan B.; Reese, Shelley; Rodriguez, Noelia ; Rogers, Edwina C.; Rust, Kathryn E.; Ryun, Catharine A.; Sforza, Scott N.; Silverberg, Kristen; Snee, Ashley; Spagnoli, Deborah A.; Towey, Jim; Vestewig, Lauren J.; Walters, Katherine M.; Wehner, Peter H.; Westine, Lezlee J.; Williams, Mary C.; Wozniak, Natalie S.
Cc: Purcell, Kristopher N.
Subject: MESSAGE MEETING REMINDER

There is still a Message Meeting today in the Roosevelt Room. NOTE: TIME CHANGE 11:30am. Thanks.

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/18/2003 10:41:42 AM
Subject: : Target states

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:18-FEB-2003 15:41:42.00
SUBJECT:: Target states
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here is a whack at it. For press purposes, we will focus our earned media efforts in the tier one states first and then the second. Let me know if any should be moved.

Leg Targets

Tier One:
Indiana
Florida
New York
Louisiana
Arkansas
California

Tier Two:
New Mexico
West Virginia
South Carolina
North Dakota
South Dakota
Vermont
Illinois
Hawaii

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>;<Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 2/18/2003 8:35:14 AM
Subject: Re: Draft letter to editor of Washington Post in response to Kinsley; need to send today; PLEASE REVIEW

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:18-FEB-2003 13:35:14.00
SUBJECT:Re: Draft letter to editor of Washington Post in response to Kinsley; need to send today; PLEASE REVIEW
TO:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
READ:UNKNOWN
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Will run this week, I am told.

.

----- Original Message -----
From:David G. Leitch/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 02/18/2003 07:43:10 AM

Subject: RE: Draft letter to editor of Washington Post in response to Kinsley; need to send today; PLEASE REVIEW

Did they print this?

-----Original Message-----
From: Kavanaugh, Brett M.

Sent: Friday, February 14, 2003 10:07 AM

To: Gonzales, Alberto R.; Leitch, David G.; Snee, Ashley

Cc: Nelson, Carolyn

Subject: Draft letter to editor of Washington Post in response to Kinsley; need to send today; PLEASE REVIEW

February 14, 2003

Dear Editor:

Michael Kinsley?s column of February 14 contained several important errors.

First, he writes that President Bush has nominated only one Hispanic to the U.S. Courts of Appeals. In fact, three of President Bush?s 34 appeals court nominees (9%) have been Hispanic: Miguel Estrada (D.C. Circuit), Ed Prado (Texas, 5th Circuit), and Consuelo Callahan (California, 9th Circuit).

Second, he claims that the nomination of Miguel Estrada to the D.C. Circuit is possible only because President Clinton?s last two nominees to that court (of his five overall) were not confirmed. In fact, there are four current vacancies on the D.C. Circuit and only two pending nominees, Estrada and John Roberts. Therefore, the two vacancies that Mr. Estrada and Mr. Roberts will fill would exist regardless whether President Clinton?s last two nominees had been confirmed.

Third, he writes that President Bush ?fired? the American Bar Association after the ABA allegedly gave some Republican nominees ?a lousy grade.? In fact, President Bush has always invited the American Bar Association and all other interested outside groups to review nominees? qualifications after nomination. The President also decided that no single outside group should have a preferential, quasi-official, pre-nomination role in the President?s judicial selection process. The President made that decision in early 2001, before the ABA had rated any of his nominees. Since then, moreover, all of the President?s appeals court nominees have received well-qualified or qualified ratings from the ABA (not one appeals court nominee has received a ?not qualified? rating).

Fourth, he writes that Republican Senator Hatch labeled the ABA rating as the gold standard. Rather, Democrat Senators Leahy and Schumer coined that term for the ABA rating in their letter to the President in March 2001. All of the President?s appeals court nominees subsequently have met the Democrats? ?gold standard.? Despite that, 12 of them have been pending since 2001.

Fifth, he writes that President Bush has 42 appeals court vacancies to fill. In fact, there are 28 current and known future vacancies on the appeals courts.

Sixth, he writes that judges should provide their personal views on disputed social, policy, and legal issues during confirmation hearings. The relevant canon of judicial ethics provides, however, that prospective judges ?shall not . . . make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court.? Justice Thurgood Marshall made the point when asked about the Fifth Amendment: ?I do not think you want me to be in a position of giving you a statement on the Fifth Amendment and then, if I am confirmed and sit on the Court, when a Fifth Amendment case comes up, I will have to disqualify myself.? Justice Ginsburg described the traditional practice last year: ?In the context of the federal system, how a prospective nominee for the bench would resolve particular contentious issues would certainly be ?on interest? to the President and the Senate . . . . But in accord with a longstanding norm, every Member of this Cour

t declined to furnish such information to the Senate, and presumably to the President as well.?

Sincerely,

Alberto R. Gonzales

Counsel to the President

Editor
Washington Post

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/18/2003 10:11:52 AM
Subject: : let's postpone the 11 for tomorrow

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-FEB-2003 15:11:52.00
SUBJECT:: let's postpone the 11 for tomorrow
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I promise I wont break any laws.; Linda wants to reach out to the Judge
first.
```

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/18/2003 2:47:30 PM
Subject: : Re: Estrada Update

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-FEB-2003 19:47:30.00
SUBJECT:: Re: Estrada Update
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Glad it was at least roughly consistent. And Klain is McClain, right?
Catching up here with stacks of heather's files...
```

From:	Sheedy, Bridget A.
To:	<Beyer, Todd W.>;<Ray, Craig>;<Gannon, Kelley>;<Lawlor, Laura S.>;<Hughes, Taylor A.>;<Williams, Alice H.>;<Fibich, Mary>;<Swagel, Phillip L.>;<Sforza, Scott N.>;<Ritacco, Krista L.>;<Besanceney, Brian R.>;<Flannery, Julian M.>;<Kaplan, Joel>;<Bennett, Melissa S.>;<Litkenhaus, Colleen>;<Silverberg, Kristen>;<Hanusa, Mary Ann>;<Gilbert, Alan>;<Schacht, Diana L.>;<Suarez, Aquiles F.>;<Dougherty, Elizabeth S.>;<Crable, Lynn A.>;<Kalbaugh, David E.>;<Nelson, Carolyn>;<Bartolomucci, H. Christopher>;<Kavanaugh, Brett M.>;<Walker, Helgard C.>;<Newstead, Jennifer G.>;<Sampson, Kyle>;<Francisco, Noel J.>;<Everson, Nanette>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>;<Cilluffo, Frank>;<Peterman, Brian>;<Bernard, Kenneth>;<Rozek, Joseph D.>;<Spagnoli, Deborah A.>;<Kelly, James M.>;<Ingols, Adam B.>;<Devenish, Nicolle>;<Conner, Charles>;<Bonilla, Carlos E.>;<McNally, Robert C.>;<Blahous, Charles P.>;<Badger, William D.>;<Maisto, John F.>;<Miller, Franklin C.>;<Sturtevant, Mary K.>;<Beers, R. Rand>;<Hembree, Kenneth K.>;<Campen, Tim>;<Goeglein, Tim>;<Goldman, Adam B.>;<Wehner, Peter H.>;<Clark, Alicia P.>;<Ralston, Susan B.>;<Conda, Cesar>;<Heiden, Debra>;<Karow, Terry L.>;<Kleppe, Elizabeth W.>;<Knutson, Karen Y.>;<Mayfield, Jennifer H.>;<Boyer, Cecelia>;<Patel, Neil S.>;<Schlapp, Matthew A.>;<Garvin, Dorothy C>;<Cabral, Raquel>;<McQuade, Vickie A.>;<Buchan, Claire>;<Dickens, Reed>;<Nash, Charles B.>;<Simpson, Wandra E.>;<Figg, Kara G.>;<Campbell, Anne E.>;<Neusner, Noam M.>;<Scully, Matthew>;<Djossou, Rhonda B.>;<Garrison, Stephen M.>;<Evans, Sandra K.>;<McClure, Kelli R.>
Sent:	2/18/2003 3:28:56 PM
Subject:	State Place Parking
Attachments:	Blank Bkgrd.gif

Please be advised that State Place will be plowed at 8 pm tonight, February 18. If you need to find alternate parking, please move your car to the Ellipse.

If you have any questions or concerns please feel free to email me.

Thank you.

From: CN=Mercedes M. Viana/OU=WHO/O=EOP [WHO]

To: rfernandez@rnchq.org @ inet [UNKNOWN] <rfernandez@rnchq.org @ inet>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;scastillo@rnchq.org @ inet [UNKNOWN] <scastillo@rnchq.org @ inet>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>;Manuel_Miranda@frist.senate.gov @ inet [UNKNOWN] <Manuel_Miranda@frist.senate.gov @ inet>;Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Israel Hernandez/WHO/EOP@Exchange@EOP [WHO] <Israel Hernandez>;maria_p._tamburri@hud.gov @ inet [UNKNOWN] <maria_p._tamburri@hud.gov @ inet>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>

CC: Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>;Nicolle Devenish/WHO /EOP@EOP [WHO] <Nicolle Devenish>

Sent: 2/18/2003 12:21:11 PM

Subject: : Published in El Nuevo Herald today: El nombramiento de Miguel Estrada (Secretary Martinez's op-ed)

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-FEB-2003 17:21:11.00
SUBJECT:: Published in El Nuevo Herald today: El nombramiento de Miguel Estrada (Secretary
Martinez's op-ed)
TO:rfernandez@rnchq.org @ inet ( rfernandez@rnchq.org @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:scastillo@rnchq.org @ inet ( scastillo@rnchq.org @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Ruben S. Barrales ( CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Manuel_Miranda@frist.senate.gov @ inet ( Manuel_Miranda@frist.senate.gov @ inet [
UNKNOWN ] )
READ:UNKNOWN
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:maria_p._tamburri@hud.gov @ inet ( maria_p._tamburri@hud.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Nicolle Devenish ( CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Posted on Tue, Feb. 18, 2003

El nombramiento de Miguel Estrada
MEL MARTINEZ

Como primer inmigrante hispano del pa¡s que ocupa un cargo de secretario del gabinete, puedo identificarme personalmente con los deseos de Miguel Estrada de servir a su pa¡s, y con su disposici¢n a retribuir algo a la naci¢n que lo bendijo con esta oportunidad.
El presidente George W. Bush ha nombrado dos veces al se¤or Estrada para ser el primer hispano en el Tribunal de Apelaciones del Circuito del Distrito de Columbia, un honor para el cual est eminentemente calificado. Lamentablemente, los l¡deres dem¢cratas le han venido negando el voto de confirmaci¢n en el Senado desde la primavera de 2001.
Para los hispanos y otros inmigrantes la oportunidad de servir a esta gran naci¢n en un cargo p£blico es parte de su sue¤o americano. Yo lo s? bien. A los 15 a¤os de edad hu¡ de la Cuba de Castro en busca de una vida mejor en los Estados Unidos. Pronto estuve ansioso por dar algo a cambio a mi pa¡s adoptivo. Esto fue posible, seg£n me ense¤aron, porque en este pa¡s no importa cu l sea la raza, el grupo ?tnico o la religi¢n, si uno trabaja duro y sigue las reglas del juego, todo es posible.
El se¤or Estrada y yo compartimos un trayecto similar en nuestra b£squeda del sue¤o americano. A la tierna edad de 17 a¤os, y con un dominio m¡nimo del idioma ingl?s, ?l emigr¢ de su nativa Honduras. El trabajo duro y una f?rrea determinaci¢n le permitieron graduarse de la Universidad de Columbia con los m s altos honores, y despu?s obtuvo su diploma de leyes, tambi?n con honores, de la Escuela de Derecho de Harvard.
Despu?s de terminar sus estudios universitarios, el se¤or Estrada desempe¤¢ el cargo de oficial de juzgado para el magistrado del Tribunal Supremo de los EU Anthony Kennedy, y posteriormente trabaj¢ para las administraciones republicana y dem¢crata en el Departamento de Justicia, incluyendo cinco a¤os en la oficina del subsecretario de Justicia. Compareci¢ 15 veces ante el Tribunal Supremo y gan¢ 10 de sus casos. Reconociendo su habilidad y experiencia jur¡dica, la American Bar Association confiri¢ un nimemente sus m s altas calificaciones al se¤or Estrada.
En otras palabras, no entiendo qu? es lo que temen los opositores del se¤or Estrada si dejan que su nombramiento se presente a votaci¢n. Esta es una tierra de oportunidades, y nunca debemos interponernos en el camino de las personas calificadas que est n dispuestas a dedicar su vida al servicio p£blico.
Adem s, un cuerpo judicial que refleje a Am?rica y toda su gloria debiera incluir a hispanos, ahora que se han convertido en el mayor grupo minoritario del pa¡s. Si una ?tica incuestionable, unas credenciales sobresalientes y unas calificaciones profesionales superiores no son suficientes para que un hispano califique para este cargo, un gran n£mero de nuestros ciudadanos perder la confianza en la integridad de nuestro sistema judicial.
Otros pa¡ses se maravillan de la manera en que Estados Unidos, en el transcurso de su historia, puede acoger a los inmigrantes y ofrecerles la oportunidad sin restricciones de a¤adir sus propias contribuciones a la grandeza de esta tierra. Negarle un voto de confirmaci¢n al se¤or Estrada, que est excepcionalmente calificado, ser¡a una tr gica violaci¢n de esta larga y orgullosa tradici¢n.
Secretario del Departamento de Vivienda y Desarrollo Urbano de Estados Unidos, ejerci¢ como abogado en Orlando, Florida, durante 25 a¤os.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/18/2003 1:40:00 PM
Subject: : Raleigh News & Observer (1/31/03) re: Standoff over 4th Circuit may end

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-FEB-2003 18:40:00.00
SUBJECT:: Raleigh News & Observer (1/31/03) re: Standoff over 4th Circuit may end
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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The News and Observer (Raleigh, NC)

January 31, 2003 Friday, FINAL EDITION

SECTION: NEWS; Pg. A1

LENGTH: 1019 words

HEADLINE: Standoff over 4th Circuit may end

BYLINE: John Wagner, Washington Correspondent

BODY:
ÿÿÿÿÿÿÿÿÿÿÿÿÿÿÿÿÿÿ

WASHINGTON -- A long-standing impasse over North Carolina's representation on the 4th U.S. Circuit Court of Appeals could end soon with President Bush's expected nomination of Raleigh lawyer Allyson K. Duncan.ÿÿ

Sen. John Edwards, a Raleigh Democrat, said Thursday that the White House had told him that it intends to nominate Duncan, a black Republican who is a former state appeals court judge and is president-elect of the N.C. Bar Association.ÿÿ

The move, Edwards said, would be a "very positive step" toward ending a feud that has kept North Carolina from having a full-time judge on the 4th Circuit since 1999.ÿÿ

The 15-member court hears appeals from five Southeastern states, the largest of which is North Carolina. It is the last stop for federal cases before the U.S. Supreme Court.ÿÿ "I'm very encouraged by what I have learned about Allyson Duncan after an initial review of her judicial record," Edwards said in a statement issued by his office Thursday. "If President Bush nominates her, I look forward to working with Senator Dole so the Senate can consider the nomination as soon as possible."ÿÿ

Mary Brown Brewer, Sen. Elizabeth Dole's spokeswoman, said the Salisbury Republican considers Duncan to be among several well-qualified judicial nominees whom Bush has already put forward or is likely to nominate.ÿÿ

But Brewer said Dole is also eager to see Terrence Boyle, a previous 4th Circuit nominee, get a fair hearing -- preferably before Duncan does.ÿÿ

Over the past decade, North Carolina's senators have taken advantage of a tradition that allows home-state senators to effectively veto judicial nominations.ÿÿ

Former Sen. Jesse Helms blocked a string of Democratic judges from North Carolina during the Clinton administration. Edwards then refused to let the Senate consider the nomination of Boyle, a former Helms aide whom Bush first nominated in May 2001.ÿÿ

Bush renominated Boyle for the 4th Circuit this month.

Boyle's prospects -- and how they might affect Duncan's nomination -- were not entirely clear Thursday.ÿÿ

Edwards spokesman Mike Briggs said that Edwards still has some concerns about Boyle's record as chief judge on the U.S. District Court for the Eastern District of North Carolina. But such concerns might not carry as much weight as they did in the past.ÿÿ

Sen. Orrin Hatch of Utah, the new Republican chairman of the Judiciary Committee, said last week that he does not believe the objections of a single senator should be enough to hold up the nomination of an appeals judge.ÿÿ

Judiciary Committee spokeswoman Margarita Tapia said a hearing for Boyle has yet to be scheduled, but she said Hatch wants to move all of Bush's nominees "in a timely fashion."ÿÿ

In a statement, Dole said she wants to see Bush's picks "confirmed so they can start doing the important work of the federal judiciary -- work like helping fight the war on terror and putting drug dealers in jail."ÿÿ

But Dole said she also believes all of Bush's nominees are entitled to a hearing "in the order of their nominations, and based on how long they've been waiting."ÿÿ

Duncan, 51, is a partner in the Raleigh office of Kilpatrick Stockton who specializes in government relations and utility-related issues. She previously served on the state Utilities Commission, as a judge on the N.C. Court of Appeals and as a law professor at N.C. Central University in Durham.ÿÿ

If confirmed, Duncan would be only the second black judge to receive a lifetime appointment to the 4th Circuit.ÿÿ

White House spokeswoman Jeanie Mamo declined to comment on the status of Duncan's nomination. Duncan did not return a phone call placed to her law office.ÿÿ

Norfleet Pruden, president of the N.C. Bar Association, said Duncan's nomination has been "the object of a lot of speculation."ÿÿ

"If she's the one to break the logjam, that's super," said Pruden, a Charlotte lawyer. "She's a delight to work with. She's extremely bright. She can be very passionate yet very deliberate. I can't think of a better person, if this is something Allyson wants to do."ÿÿ

The current lineup on the 4th Circuit includes four judges from Virginia, four from South Carolina, two from Maryland and two from West Virginia. Three slots are vacant.ÿÿ

Boyle was first nominated for the 4th Circuit more than a decade ago by the elder President Bush.ÿÿ

After Senate Democrats denied Boyle a hearing, Helms blocked a string of nominees during the Clinton administration, including some candidates recommended by Edwards after his arrival in the Senate in 1999.ÿÿ

In July 2000, President Clinton accused Helms of undermining his efforts to integrate the court, which had no black members at the time.ÿÿ

Clinton later put Roger Gregory, a black lawyer from Virginia, on the 4th Circuit on a temporary basis. He was nominated for a lifetime appointment by Bush and rapidly confirmed by the Senate in 2001.ÿÿ

Earlier this month, Bush re-nominated Raleigh lawyer James C. Dever for a seat on the U.S. District Court for the Eastern District of North Carolina. Dever was nominated for the same post last May but never got a hearing.ÿÿ

On Wednesday, Bush nominated Louise Flanagan, a magistrate judge from New Bern, for another opening on the same court.ÿÿ

Briggs said Edwards was still examining those nominations and had not yet decided whether to support them.ÿ

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/18/2003 1:45:19 PM
Subject: : AJC (2/16/03) COLUMN by Jim Wooten re: Critics fail to make case vs. Estrada

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-FEB-2003 18:45:19.00
SUBJECT:: AJC (2/16/03) COLUMN by Jim Wooten re: Critics fail to make case vs. Estrada
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

[The Atlanta Journal-Constitution: 2/16/03]
Critics fail to make case vs. Estrada
Column by

Jim Wooten

He's an odd choice for a Senate filibuster, an up-from-poverty Hispanic immigrant whose legal career includes nothing that can be distorted by the groups that pick through the graveyard bones in search of material to blacken the reputations of judicial nominees.

Indeed, 41-year-old Miguel Estrada, who came to this country as a 17-year-old from Honduras, is ably qualified for the D.C. Court of Appeals. A graduate of Harvard Law School, he's a partner in the Washington firm that successfully pursued President Bush's case to the U.S. Supreme Court. He is well regarded by the American Bar Association, the reviewing organization accepted by most Democrats.

From 1992 to 1997, Estrada served in the Clinton administration as assistant solicitor general. He has argued 15 cases before the U.S. Supreme Court, and before that served as a clerk for Supreme Court Justice Anthony Kennedy.

Estrada is clearly a nominee qualified by accomplishment, by the obstacles he's faced and overcome in the true spirit of the American Dream, to -- in the words of U.S. Sen. Saxby Chambliss (R-Ga.) -- "break a glass ceiling by being the first Latino judge to serve on the D.C. Court of Appeals."

"If he is not confirmed," said Chambliss, "it would not just be terrible for the District of Columbia, but it would send the wrong message to Hispanic communities in my home state of Georgia and across the nation."

Accept, then, that he's qualified. Employ any reasonable standard and Miguel Estrada wins on merit.

But party-line Democrats are filibustering, blocking his nomination last week and vowing to continue their jihad when the Senate reconvenes on Feb. 24. U.S. Sens. Zell Miller (D-Ga.) and John Breaux (D-La.) are specifically not joining in party efforts. And one or two others are lukewarm on the filibuster to keep Estrada off the bench.

Democrats say he lacks judicial experience and a written record, especially on abortion. In the absence of judicial opinions or public writings, Democrats have sought ammunition in confidential work memos Estrada authored while in the solicitor general's office. Every living solicitor general in both parties has signed a letter opposing the

request. "Our decision-making process required the unbridled, open exchange of ideas -- an exchange that simply cannot take place if [staff] attorneys have reason to fear that their private recommendations are not private at all," they wrote.

Opposition groups, in the absence of written opinion, have looked to his work as a lawyer to find an offense that will disqualify him in the court of public opinion. One example is his representation of Chicago and Annapolis, Md., in unsuccessfully defending the constitutionality of anti-loitering laws that are described by Estrada's critics as giving police officers broad authority to rid streets of racial minorities. Chicago's ordinance was an effort by Democratic Mayor Richard Daley to rid inner-city neighborhoods of gang activity. The Supreme Court held it to be too vague, but Justices Sandra Day O'Connor and Stephen Breyer provided direction that allowed municipalities to reinstitute the antigang ordinances, which Chicago did two years ago. No disqualifying bones here.

Chambliss, who voted as a member of the Senate Judiciary Committee to confirm Estrada, has heard the evidence and the innuendo, along with the arguments that a client's position is the lawyer's, too.

"Their argument really has no substance to it," he said Friday. "There's nothing in my mind that in any way indicates that he would be radical on the bench. He's just a conservative and they can't stand it. It's driving them crazy. But they've picked the wrong guy" for the filibuster.

Bush and Senate Republicans won't back down on Estrada. "We are going to keep at it," Chambliss said. "At the end of the day, we are going to win this."

From: Mamo, Jeanie S.
To: <Kavanaugh, Brett M.>;<Snee, Ashley>
Sent: 2/18/2003 6:44:04 PM
Subject: AJC (2/16/03) COLUMN by Jim Wooten re: Critics fail to make case vs. Estrada

[The Atlanta Journal-Constitution: 2/16/03]

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From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jeanie S. Mamo/WHO /EOP@EOP [WHO] <Jeanie S. Mamo>
Sent: 2/18/2003 3:20:00 PM
Subject: : Re: AJC (2/16/03) COLUMN by Jim Wooten re: Critics fail to make case vs. Estrada

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-FEB-2003 20:20:00.00
SUBJECT:: Re: AJC (2/16/03) COLUMN by Jim Wooten re: Critics fail to make case vs. Estrada
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Media affairs rocks!
```

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/19/2003 4:05:09 AM
Subject: : State of the union mail piece

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-FEB-2003 09:05:09.00
SUBJECT:: State of the union mail piece
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

On friday, we brought down a RNC mail piece that they want to send. It
includes a large lithograph of the President's State of the Union.
Unfortunately, they need it today. Karl was fine with it. Please let me
know if you need us to bring down another copy. thanks
```

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/19/2003 8:23:34 AM
Subject: : never mind -- but thanks! got called off

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-FEB-2003 13:23:34.00
SUBJECT:: never mind -- but thanks! got called off
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Davis, Alicia W.
To: <Kavanaugh, Brett M.>
CC: <Bennett, Melissa S.>
Sent: 2/19/2003 8:25:54 AM
Subject: FW: New Hampshire

Brett-we discussed this before and you indicated that if they were traded in it would not be a problem-that number was 50. How do you want to handle this? Should we cancel?

---------- Forwarded by Alicia W. Davis/WHO/EOP on 02/19/2003 08:28 AM ----------

From: Melissa S. Bennett/WHO/EOP@Exchange on 02/19/2003 08:29:00 AM

Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP

cc:

Subject: FW: New Hampshire

-----Original Message-----

From: Mallea, Jose

Sent: Wednesday, February 19, 2003 8:28 AM

To: Everson, Nanette

Cc: Nelson, Carolyn; Bennett, Melissa S.

Subject: New Hampshire

Copyright 2003 Union Leader Corp.

The Union Leader (Manchester NH)

February 16, 2003 Sunday STATE EDITION

SECTION: NEWS; Pg. A3

LENGTH: 750 words

HEADLINE: (UNDER THE STATE HOUSE DOME) Labor committee expected to favor right-to-work bill

BYLINE: By TOM FAHEY

BODY:

Going to the Reagan-Lincoln Day Dinner on Friday at Yoken's in Portsmouth? Check your ticket. If it identifies guest speaker **Andrew Card** as the White House chief of staff, trade it in quick.

State Republican Committee Chairwoman Jayne Millerick said the Strafford and Belknap county Republicans printed the tickets without knowing the latest campaign finance laws. Now-departed state GOP Executive Director Chuck McGee warned event organizers that using Card's title on the tickets or advertising fliers could be construed as a felony.

About 500 of the tickets were printed up, so 500 new tickets were printed up with the instructions to distributors to exchange old tickets for new. The new ones just describe Card as "Honorable."

Most people willing to pay $40 to hear him speak know the rest anyway.

Millerick, meanwhile, is seeking a replacement for McGee, who resigned right after word came out that a Republican-hired company jammed get-out-the-vote phone lines in four New Hampshire cities. She has about a dozen resumes on her desk.

"We want to make sure that our next executive director is the best candidate," she said. "We're looking forward to hiring a very qualified and hard-working person."

LOAD-DATE: February 18, 2003

From: Bennett, Melissa S.
To: <Davis, Alicia W.>;<Kavanaugh, Brett M.>
CC: <Mallea, Jose>
Sent: 2/19/2003 9:32:51 AM
Subject: RE: New Hampshire

Please let us know, as soon as you can.
MB

-----Original Message-----
From: Davis, Alicia W.
Sent: Wednesday, February 19, 2003 8:26 AM
To: Kavanaugh, Brett M.
Cc: Bennett, Melissa S.
Subject: FW: New Hampshire

Brett-we discussed this before and you indicated that if they were traded in it would not be a problem-that number was 50. How do you want to handle this? Should we cancel?

---------- Forwarded by Alicia W. Davis/WHO/EOP on 02/19/2003 08:28 AM ----------

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Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP
cc:
Subject: FW: New Hampshire

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Sent: Wednesday, February 19, 2003 8:28 AM
To: Everson, Nanette
Cc: Nelson, Carolyn; Bennett, Melissa S.
Subject: New Hampshire

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LOAD-DATE: February 18, 2003

From: Addington, David S.
To: <Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 2/19/2003 10:07:37 AM
Subject:

I find Representative Waxman's theory of the role of GAO under our Constitution fascinating (perhaps grotesque is a better word) -- now the GAO should be independent of Congress and should serve as a constitutional "check and balance" against the elected branches:

"If you have a GOP Congress not interested in exercising the role of oversight, and GAO doesn't act independently of the Congress, there is nobody providing the job of checks and balances called for in our Constitution," said Waxman. "This jeopardizes GAO's ability to act independently in the future." (The Hill, 2/19/03)

From: Bennett, Melissa S.
To: <Kavanaugh, Brett M.>
Sent: 2/19/2003 10:14:16 AM
Subject: RE: New Hampshire

Thanks a ton!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, February 19, 2003 10:03 AM
To: Bennett, Melissa S.
Cc: Davis, Alicia W.; Mallea, Jose
Subject: RE: New Hampshire

This should not change our previous decision to proceed, but I told Alicia that I am confirming with relevant office that provides advisory guidance on these issues just to make sure they agree and back us up. That confirmation should happen this morning. I will let you know as soon as I know. (Btw, the consequences described in the news article are dramatically overstated.)

From: Melissa S. Bennett/WHO/EOP@Exchange on 02/19/2003 09:32:51 AM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jose Mallea/WHO/EOP@Exchange
Subject: RE: New Hampshire

Please let us know, as soon as you can.
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Record Type: Record

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From: Mallea, Jose
Sent: Wednesday, February 19, 2003 8:28 AM
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February 16, 2003 Sunday STATE EDITION

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LENGTH: 750 words

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LOAD-DATE: February 18, 2003

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/19/2003 1:12:38 PM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:19-FEB-2003 18:12:38.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI.; You may have seen this at the time it was published; I was nosing around some web sites and it was reprinted on one of them:
;
The San Francisco Chronicle SEPTEMBER 15, 2002, SUNDAY,

Copyright 2002 The Chronicle Publishing Co.

The San Francisco Chronicle

SEPTEMBER 15, 2002, SUNDAY, FINAL EDITION

SECTION: INSIGHT; Pg. D3; HOLDING COURT

LENGTH: 695 words

HEADLINE: California candidate for the Supreme Court

BYLINE: Reynolds Holding

BODY:
So what's all this fuss about Priscilla Owen?

Truth be told, very few people outside of Texas and its branch office at 1600 Pennsylvania Ave. give two shakes about the demise of her nomination to the U.S. Court of Appeals in New Orleans.

I know, I know. The federal appeals courts are important. In practice, they might as well be the highest courts of the land, considering how few cases the U.S. Supreme Court reviews each year. But partisan bellowing aside, Owen's recent defeat before the Senate Judiciary Committee was a distraction. Democrats got the chance to flex their political pecs, but they -- and we -- know the hearings were just an undercard for the touted Thrill on the Hill: President Bush's first nomination to the U.S. Supreme Court.

It shouldn't be long now. Justice John Paul Stevens approaches 83, Justice Sandra Day O'Connor begins her third decade on the court and Chief Justice William Rehnquist, at 77, begins his fourth. A successor looms.

So who's it going to be?

Even Bush probably doesn't know. But that won't slow speculation, including a Web site devoted to tracking how often the national media mentions certain potential nominees.

Take a look at Jurist: The Legal Education Network online at jurist.law.pitt.edu/mentions.htm. At last count, it included more than two dozen names of possible high-court candidates.

Which is about two dozen names too many to be helpful, especially when the site gives no indication of how the potential candidates might rule on issues of particular interest.

Fortunately, three political science professors have solved the problem by identifying the six possibilities mentioned most often in the national media, and then analyzing their decisions as appellate-court judges.

The result is a snapshot of where these likely nominees stand ideologically -- and why liberally inclined Americans may wish to consider fleeing to Canada.

Compiled by Kenneth Manning, Bruce Carroll and Robert Carp and reported in a recent issue of Judicature magazine, the list names as likely nominees Janice Rogers Brown of the California Supreme Court and U.S. Court of Appeals Judges Frank Easterbrook, Edith Jones, J. Michael Luttig and J. Harvie Wilkinson.

The professors reviewed the judges' decisions in three legal categories -- criminal justice, economic regulation and civil rights -- and then rated the decisions ideologically. Decisions favoring criminal defendants, government regulators and labor unions or people claiming civil rights violations were tagged liberal. Decisions that went the other way were considered conservative.

Many Californians will be pleased -- and surprised -- to learn that their own Justice Brown emerged as the most moderate of the bunch. But that's not saying much.

About 60 percent of Brown's decisions scored conservative, more than 8 percent less than her nearest rival, Luttig, and about 20 percent less than Wilkinson, the most conservative of the group.

Brown reached conservative decisions most often in criminal cases -- about 68 percent of the time -- and least often in civil rights cases, 52.5 percent. Brown is an African American woman, but don't jump to conclusions. Garza, a Latino, was the most conservative on civil rights.

As a group, the judges were least conservative on economic regulation and most conservative on civil rights. Overall, they stand to the right of the average federal appellate judge, and Wilkinson approaches Attila the Hun status.

Who gets the nod?

One contender is White House counsel Alberto Gonzales, although his scant judicial record on the Texas Supreme Court defies analysis. Nevertheless, because of his excellent relationship with the president, he remains a strong possibility in many people's eyes.

But Brown's nomination makes the most sense. Unless she pulls a Clarence Thomas and shocks us with a suspect past, it's hard to imagine the Senate rejecting her.

Of course, if Bush, still steamed over the Owen defeat, wishes to stick it to the Democrats, he could choose Wilkinson. Or even Owen herself.

Now that would be worth a fuss.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/19/2003 1:17:20 PM
Subject: : Update on Media Coverage from Telemundo Interview

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2003 18:17:20.00
SUBJECT:: Update on Media Coverage from Telemundo Interview
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

re President's Telemundo interview today

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 02/19/2003 06:20 PM ----------

Mercedes M. Viana
02/19/2003 06:15:45 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Brett M. Kavanaugh/WHO/EOP@EOP, Jeanie S. Mamo/WHO/EOP@EOP, Nicolle Devenish/WHO/EOP@EOP
Subject: Update on Media Coverage from Telemundo Interview

Here's an update on the media coverage following the Telemundo interview:

MSNBC reported at approximately 4:45 p.m. that the President's interview with Telemundo included his comments on Iraq, North Korea and Estrada. MSNBC aired a soundbite from the President's comments on Iraq and then spoke with Telemundo's anchor Pedro Sevcec, who said that the President was "upset" about the Estrada situation and that shameful politics are standing in the way of Estrada's confirmation. Pedro Sevcec also said the President would defend Estrada until the end.

Telemundo will air the interview tonight at 6:30 p.m. and again on their 11:00 p.m. newcast. Other media outlets, including Reuters and Knight Ridder, have been calling Telemundo for copies of the tape.

Message Sent
To:_____
Daniel J. Bartlett/WHO/EOP@Exchange@EOP
Lawrence A. Fleischer/WHO/EOP@Exchange@EOP
Ashley Snee/WHO/EOP@Exchange@EOP
Adam L. Levine/WHO/EOP@Exchange@EOP
Ken Mehlman/WHO/EOP@EOP
Leonard B. Rodriguez/WHO/EOP@EOP
Abel Guerra/WHO/EOP@EOP
scastillo@rnchq.org @ inet
rfernandez@rnchq.org @ inet

From: Silverberg, Kristen
To: <Kavanaugh, Brett M.>
CC: <Reardon, Brian>
Sent: 2/19/2003 1:48:02 PM
Subject: FW: Debt Limit -- opps!

-----Original Message-----
From: Reardon, Brian
Sent: Wednesday, February 19, 2003 1:41 PM
To: DeFrancis, Suzy
Cc: Silverberg, Kristen
Subject: FW: Debt Limit -- opps!

Hey Suzy! Wanted to alert you to the attached letter, which Treasury intends to send out today. I sent Claire a copy the other day but wanted to make sure you had seen it in case there are any questions.

Brian 60360

---------- Forwarded by Brian Reardon/OPD/EOP on 02/19/2003 01:41 PM ----------



JT.Young@do.treas.gov
02/12/2003 06:34:42 PM

Record Type: Record

To: Brian Reardon/OPD/EOP@EOP
cc:
Subject: FW: Debt Limit -- opps!

-----Original Message-----
From: Young, JT
Sent: Wednesday, February 12, 2003 6:34 PM
To: Brian Reardon (Brian_Reardon@RPC.Senate.gov)
Subject: Debt Limit

Below is a draft of the letter that we will send out next week to officially notify the Hill that we are beginning our contingency measures (G Fund in this case). I will give them a heads-up the day before it is released. We generally release a day or 2 ahead of time (same as

last year), so that could be as early as 2/18.

DRAFT

February 18, 2003

The Honorable Dennis Hastert

Speaker of the House

United States House of Representatives

Washington, D.C. 20515

Dear Mr. Speaker:

In December of last year, Deputy Secretary Kenneth Dam wrote Congress requesting an increase in the statutory debt limit. Because the debt limit has not yet been raised, I must inform Congress that, pursuant to 5 U.S.C. § 8438(h)(2), it is my determination that by reason of the public debt limit I will be unable to fully comply with the requirements of 5 U.S.C. § 8438(e), beginning on February 20, 2003. This statute provides for the investment of the Government Securities Investment Fund ("G-Fund") of the Federal Employees Retirement System in special interest-bearing Treasury securities; it also grants the Secretary of the Treasury explicit authority to suspend this G-Fund investment to avoid breaching the statutory debt limit. Such a suspension action was taken by my predecessors both last year and also in 1995.

G-Fund beneficiaries are fully protected and will suffer no adverse consequences from this action. The statute ensures that once the Secretary of the Treasury can make the G-Fund whole without exceeding the public debt limit, he is to do so. Under the governing law in this case, the G-Fund will receive complete restoration of all funds temporarily affected by this necessary action, including full and automatic restoration of any interest that would have been credited to the Fund. In short, the result on the G-Fund and its beneficiaries will be the same as if this temporary action had never taken place.

I know that you share the President's and my commitment to maintaining the full faith and credit of the U.S.

government, especially at this critical time. Together we must continue working to enact an increase in the statutory debt limit as quickly as possible to avoid any negative repercussions at home or abroad.

Sincerely,

From: CN=Halley M. Roberson/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Joseph F. Lackey Jr./OMB/EOP@EOP [OMB] <Joseph F. Lackey Jr.>;Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>;Mary M. Chuckerel/OMB/EOP@EOP [OMB] <Mary M. Chuckerel>;Stephen S. McMillin/OMB/EOP@EOP [OMB] <Stephen S. McMillin>;John F. Morrall III/OMB /EOP@EOP [OMB] <John F. Morrall III>;Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>;John Graham/OMB/EOP@EOP [OMB] <John Graham>
Sent: 2/19/2003 10:09:44 AM
Subject: : LOCATION CHANGE for 10:00 am 2/20 Terrorism Insurance meeting rm. 248

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Halley M. Roberson ( CN=Halley M. Roberson/OU=OMB/O=EOP [ OMB ] )
CREATION DATE/TIME:19-FEB-2003 15:09:44.00
SUBJECT:: LOCATION CHANGE for 10:00 am 2/20 Terrorism Insurance meeting rm. 248
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Joseph F. Lackey Jr. ( CN=Joseph F. Lackey Jr./OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:Carla B. Stone ( CN=Carla B. Stone/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:Mary M. Chuckerel ( CN=Mary M. Chuckerel/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:Stephen S. McMillin ( CN=Stephen S. McMillin/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:John F. Morrall III ( CN=John F. Morrall III/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:John Graham ( CN=John Graham/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
###### End Original ARMS Header ######

The location has changed from Dr. Graham's office to room 248 for Thursday
2/20 10:00 am Terrorism Insurance meeting.
Thank you,
Halley
```

From: Melissa_S._Bennett@who.eop.gov [WHO] <Bennett, Melissa S.>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 2/19/2003 10:14:16 AM
Subject: RE: New Hampshire

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Bennett, Melissa S. (Melissa_S._Bennett@who.eop.gov [WHO])
CREATION DATE/TIME:19-FEB-2003 15:14:16.00
SUBJECT:RE: New Hampshire
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Thanks a ton!

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Wednesday, February 19, 2003 10:03 AM

To: Bennett, Melissa S.
Cc: Davis, Alicia W.; Mallea, Jose

Subject: RE: New Hampshire

This should not change our previous decision to proceed, but I told Alicia that I am confirming with relevant office that provides advisory guidance on these issues just to make sure they agree and back us up. That confirmation should happen this morning. I will let you know as soon as I know. (Btw, the consequences described in the news article are dramatically overstated.)

From: Melissa S. Bennett/WHO/EOP@Exchange on 02/19/2003 09:32:51 AM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc: Jose Mallea/WHO/EOP@Exchange
Subject: RE: New Hampshire

Please let us know, as soon as you can.
MB

-----Original Message-----
From: Davis, Alicia W.

Sent: Wednesday, February 19, 2003 8:26 AM

To: Kavanaugh, Brett M.
Cc: Bennett, Melissa S.

Subject: FW: New Hampshire

Brett-we discussed this before and you indicated that if they were traded in it would not be a problem-that number was 50. How do you want to handle this? Should we cancel?

---------- Forwarded by Alicia W. Davis/WHO/EOP on 02/19/2003 08:28 AM ----------

From: Melissa S. Bennett/WHO/EOP@Exchange on 02/19/2003 08:29:00 AM

Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP

cc:
Subject: FW: New Hampshire

-----Original Message-----
From: Mallea, Jose

Sent: Wednesday, February 19, 2003 8:28 AM
To: Everson, Nanette

Cc: Nelson, Carolyn; Bennett, Melissa S.

Subject: New Hampshire

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The Union Leader (Manchester NH)

February 16, 2003 Sunday STATE EDITION

SECTION: NEWS; Pg. A3

LENGTH: 750 words

HEADLINE: (UNDER THE STATE HOUSE DOME) Labor committee expected to favor right-to-work bill

BYLINE: By TOM FAHEY

BODY:

Going to the Reagan-Lincoln Day Dinner on Friday at Yoken's in Portsmouth? Check your ticket. If it identifies guest speaker Andrew Card as the White House chief of staff, trade it in quick.

State Republican Committee Chairwoman Jayne Millerick said the Strafford and Belknap county Republicans printed the tickets without knowing the latest campaign finance laws. Now-departed state GOP Executive Director Chuck McGee warned event organizers that using Card's title on the tickets or advertising fliers could be construed as a felony.

About 500 of the tickets were printed up, so 500 new tickets were printed up with the instructions to distributors to exchange old tickets for new. The new ones just describe Card as "Honorable."

Most people willing to pay $40 to hear him speak know the rest anyway.

Millerick, meanwhile, is seeking a replacement for McGee, who resigned right after word came out that a Republican-hired company jammed get-out-the-vote phone lines in four New Hampshire cities. She has about a dozen resumes on her desk.

"We want to make sure that our next executive director is the best candidate," she said. "We're looking forward to hiring a very qualified and hard-working person."

LOAD-DATE: February 18, 2003

From:	Sheedy, Bridget A.
To:	whsb@usss.treas.gov <Williams, Alice H.>;whsb@usss.treas.gov <Badger, William D.>;whsb@usss.treas.gov <Bartolomucci, H. Christopher>;whsb@usss.treas.gov <Beers, R. Rand>;whsb@usss.treas.gov <Bennett, Melissa S.>;whsb@usss.treas.gov <Bernard, Kenneth>;whsb@usss.treas.gov <Besanceney, Brian R.>;whsb@usss.treas.gov <Beyer, Todd W.>;whsb@usss.treas.gov <Blahous, Charles P.>;whsb@usss.treas.gov <Bonilla, Carlos E.>;whsb@usss.treas.gov <Boyer, Cecelia>;whsb@usss.treas.gov <Buchan, Claire>;whsb@usss.treas.gov <Cabral, Raquel>;whsb@usss.treas.gov <Campbell, Anne E.>;whsb@usss.treas.gov <Campen, Tim>;whsb@usss.treas.gov <Cilluffo, Frank>;whsb@usss.treas.gov <Clark, Alicia P.>;whsb@usss.treas.gov <Conda, Cesar>;whsb@usss.treas.gov <Conner, Charles>;whsb@usss.treas.gov <Crable, Lynn A.>;whsb@usss.treas.gov <Devenish, Nicolle>;whsb@usss.treas.gov <Dickens, Reed>;whsb@usss.treas.gov <Djossou, Rhonda B.>;whsb@usss.treas.gov <Dougherty, Elizabeth S.>;whsb@usss.treas.gov <Evans, Sandra K.>;whsb@usss.treas.gov <Everson, Nanette>;whsb@usss.treas.gov <Fibich, Mary>;whsb@usss.treas.gov <Figg, Kara G.>;whsb@usss.treas.gov <Flannery, Julian M.>;whsb@usss.treas.gov <Francisco, Noel J.>;whsb@usss.treas.gov <Gannon, Kelley>;whsb@usss.treas.gov <Garrison, Stephen M.>;whsb@usss.treas.gov <Garvin, Dorothy C>;whsb@usss.treas.gov <Gilbert, Alan>;whsb@usss.treas.gov <Goeglein, Tim>;whsb@usss.treas.gov <Goldman, Adam B.>;whsb@usss.treas.gov <Hanusa, Mary Ann>;whsb@usss.treas.gov <Heiden, Debra>;whsb@usss.treas.gov <Hembree, Kenneth K.>;whsb@usss.treas.gov <Hughes, Taylor A.>;whsb@usss.treas.gov <Ingols, Adam B.>;whsb@usss.treas.gov <Kalbaugh, David E.>;whsb@usss.treas.gov <Kaplan, Joel>;whsb@usss.treas.gov <Karow, Terry L.>;whsb@usss.treas.gov <Kavanaugh, Brett M.>;whsb@usss.treas.gov <Kelly, James M.>;whsb@usss.treas.gov <Kleppe, Elizabeth W.>;whsb@usss.treas.gov <Knutson, Karen Y.>;whsb@usss.treas.gov <Lawlor, Laura S.>;whsb@usss.treas.gov <Litkenhaus, Colleen>;whsb@usss.treas.gov <Maisto, John F.>;whsb@usss.treas.gov <Mayfield, Jennifer H.>;whsb@usss.treas.gov <McClure, Kelli R.>;whsb@usss.treas.gov <McNally, Robert C.>;whsb@usss.treas.gov <McQuade, Vickie A.>;whsb@usss.treas.gov <Miller, Franklin C.>;whsb@usss.treas.gov <Nash, Charles B.>;whsb@usss.treas.gov <Nelson, Carolyn>;whsb@usss.treas.gov <Neusner, Noam M.>;whsb@usss.treas.gov <Newstead, Jennifer G.>;whsb@usss.treas.gov <Patel, Neil S.>;whsb@usss.treas.gov <Peterman, Brian>;whsb@usss.treas.gov <Powell, Benjamin A.>;whsb@usss.treas.gov <Ralston, Susan B.>;whsb@usss.treas.gov <Ray, Craig>;whsb@usss.treas.gov <Ritacco, Krista L.>;whsb@usss.treas.gov <Rozek, Joseph D.>;whsb@usss.treas.gov <Sampson, Kyle>;whsb@usss.treas.gov <Schacht, Diana L.>;whsb@usss.treas.gov <Schlapp, Matthew A.>;whsb@usss.treas.gov <Scully, Matthew>;whsb@usss.treas.gov <Sforza, Scott N.>;whsb@usss.treas.gov <Silverberg, Kristen>;whsb@usss.treas.gov <Simpson, Wandra E.>;whsb@usss.treas.gov <Spagnoli, Deborah A.>;whsb@usss.treas.gov <Sturtevant, Mary K.>;whsb@usss.treas.gov <Suarez, Aquiles F.>;whsb@usss.treas.gov <Swagel, Phillip L.>;whsb@usss.treas.gov <Ullyot, Theodore W.>;whsb@usss.treas.gov <Walker, Helgard C.>;whsb@usss.treas.gov <Wehner, Peter H.>
CC:	whsb@usss.treas.gov <whsb@usss.treas.gov>
Sent:	2/19/2003 3:30:05 PM
Subject:	State Place
Attachments:	Blank Bkgrd.gif

The National Park Service was unable to plow State Place last night since some of the machinery was unable to maneuver through some of the curves that make up the lot. We apologize for any inconvenience this may have caused.

Please be advised that GSA will plow State Place tonight, February 19. Therefore, we will need you to move your car by 8 pm. Alternate parking may be found on the Ellipse.

Again, we apologize for the inconvenience. If you have any questions or concerns please email me.

Thank you.

From: Kimberly_A._Douglass@who.eop.gov [WHO] <Douglass, Kimberly A.>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 2/20/2003 10:17:30 AM
Subject: RE: help...

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Douglass, Kimberly A. (Kimberly_A._Douglass@who.eop.gov [WHO])
CREATION DATE/TIME:20-FEB-2003 15:17:30.00
SUBJECT:RE: help...
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

You are the best! Thanks!!!!!!!!!

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Thursday, February 20, 2003 3:13 PM

To: Douglass, Kimberly A.
Subject: Re: help...

All will be done today.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 02/20/2003 03:16:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: help...

I'm desperate. I know your inbox is piling up but...could you sign the trip summaries I just dropped off (and the other purple folder you have and the one page (Scranton, PA) that it is your inbox) as soon as possible? We can't pay any bills until these are signed.

Thank you, thank you. I really appreciate it.

From: Sara Taylor <Staylor@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;tomj@rnchq.org [UNKNOWN] <tomj@rnchq.org>
Sent: 2/20/2003 6:28:15 AM
Subject: : FW: Linn Eagles invitation
Attachments: P_JV21E003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sara Taylor <Staylor@georgewbush.com> (Sara Taylor <Staylor@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:20-FEB-2003 11:28:15.00
SUBJECT:: FW: Linn Eagles invitation
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:tomj@rnchq.org (tomj@rnchq.org [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

FYI on the Linn Eagles.
-----Original Message-----
From: Nicole Schlinger [mailto:nicolesl@netins.net]
Sent: Thursday, February 20, 2003 11:18 AM
To: Sara Taylor
Subject: RE: Linn Eagles invitation

Sara,
The Linn Eagles is a PAC that supports GOP candidates in Linn County. They are not formally associated with the Linn County GOP Central Committee. I hope this helps.
Thanks.
Nicole
-----Original Message-----
From: Sara Taylor [mailto:Staylor@georgewbush.com]
Sent: Thursday, February 20, 2003 10:13 AM
To: nicolesl@netins.net
Subject: FW: Linn Eagles invitation

Thoughts?? Are they are subsidiary of the Linn Co. GOP?
-----Original Message-----
From: Tom Josefiak - Legal [mailto:tomj@rnchq.org]
Sent: Thursday, February 20, 2003 11:00 AM
To: Sara Taylor
Subject: RE: Linn Eagles invitation

Do you have any backround on the group. Is it a County Party event? If not, is it affiliated with any political party organization?
-----Original Message-----
From: Sara Taylor
Sent: Thursday, February 20, 2003 10:28 AM
To: Tom Josefiak - Legal; cspeis@rnchq.org
Cc: Kevin Shuvalov - Political
Subject: FW: Linn Eagles invitation

Attached is an event invite that Ken is speaking at. I will run it by Brett Kavanaugh, but could you also please look at it for any errors.

Sara
-----Original Message-----
From: Nicole Schlinger [mailto:nicolesl@netins.net]
Sent: Thursday, February 20, 2003 10:10 AM

To: Sara Taylor
Subject: Linn Eagles invitation

Sara,
Attached is the draft of the Linn Eagles invitation. They would like to include a bio of Ken Mehlman, because they are concerned that not everyone knows who he is, but when they find out his important role in the White House they will be interested in coming to meet him.

Also, I have a procedural question for you. They would like to send a "blast fax" to their past members for whom they have fax numbers and then call them to recruit them to be on the host committee. In order to send the invitations by next Friday, we'd need to do that right[Sara Taylor] T away and start making our calls. Do we need approval from you to send faxed materials, or only the printed invitation?

Particularly with the new campaign finance reform, I am eager to stick to the rules and make sure no one gets in trouble.

Thanks so much!
Nicole Schlinger
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_JV21E003_WHO.TXT_1>

FYI o n the Linn Eagles.
-----Original Message-----
From: Nicole Schlinger [mailto:nicolesl@netins.net]
Sent: Thursday, February 20, 2003 11:18 AM
To: Sara Taylor
Subject: RE: Linn Eagles invitation

Sara,
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Thanks.
Nicole

-----Original Message-----
From: Sara Taylor [mailto:Staylor@georgewbush.com]
Sent: Thursday, February 20, 2003 10:13 AM
To: nicolesl@netins.net
Subject: FW: Linn Eagles invitation

Thoughts?? Are they are subsidiary of the Linn Co. GOP?
-----Original Message-----
From: Tom Josefiak - Legal [mailto:tomj@rnchq.org]
Sent: Thursday, February 20, 2003 11:00 AM
To: Sara Taylor
Subject: RE: Linn Eagles invitation

Do you have any backround on the group. Is it a County Party event? If not , is it affiliated with any political party organization?

-----Original Message-----
From: Sara Taylor
Sent: Thursday, February 20, 2003 10:28 AM
To: Tom Josefiak - Legal; cspeis@rnchq.org
Cc: Kevin Shuvalov - Political
Subject: FW: Linn Eagles invitation

Attached is an event invite that Ken is speaking at. I will ru n it by Brett Kavanaugh, but could you also please look at it for any errors.

Sara
-----Original Message-----
From: Nicole Schlinger [mailto:nicolesl@netins.net]
Sent: Thursday, February 20, 2003 10:10 AM
To: Sara Taylor
Subject: Linn Eagles invitation

Sara,
Attached is the draft of the Linn Eagles invitation. They would like to include a bio of Ke n Mehlman, because they are concerned that not everyone knows who he is, but when they find out his important role in the White House they will be interested in coming to meet him.

Also, I have a procedural question for you. They would like to send a "blast fax" to their past members for whom they have fax numbers and then call them to recruit them to be on the host committee. In order to send the invitations by next Friday, we'd need to do that right[Sara Taylor] T away and start making our calls. Do we need approval from you to send faxed materials, or only the printed invitation?

Particularly with the new campaign finance reform, I am eager to stick to the rules and make sure no one gets in trouble.

Thanks so much!
Nicole Schlinger

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>
Sent: 2/20/2003 6:49:05 AM
Subject: : Taping in Judge's Office

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:20-FEB-2003 11:49:05.00
SUBJECT:: Taping in Judge's Office
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Hispanics Today will be shooting in the Judge's Office in the next 5
minutes... if you are available, please head over to be an extra!
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>
Sent: 2/20/2003 7:38:17 AM
Subject: : can you send me copies of invites for Andy and Karl's events

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-FEB-2003 12:38:17.00
SUBJECT:: can you send me copies of invites for Andy and Karl's events
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Ken Mehlman/OU=WHO/O=EOP [WHO]
To: Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 2/20/2003 8:14:57 AM
Subject: : Mike Long's Letter to Senator Schumer

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-FEB-2003 13:14:57.00
SUBJECT:: Mike Long's Letter to Senator Schumer
TO:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

See the attached from our friend NY Conservative Party Chairman Mike Long
---------- Forwarded by Ken Mehlman/WHO/EOP on 02/20/2003 01:09 PM ----------

cpnys <cpnys@nycap.rr.com>
02/20/2003 01:07:27 PM
Record Type: Record

To:
cc:
Subject: Mike Long's Letter to Senator Schumer

I thought you would be interested in the following letter sent to Sen. Charles Schumer:

February 19, 2003

Hon. Charles Schumer

United States Senate

757 Third Avenue, Suite 1702

New York, New York 10017

Dear Senator Schumer:

In the past year many fair-minded observers have begun to wonder the extent to which your efforts to defeat President Bush's judicial nominees have been coordinated with liberal Washington-based special interest groups. In the current instance I note that even as the United States is on the brink of war with a madman whose weapons of mass destruction could bring even more carnage to the streets of New York, you insist on stopping the U.S. Senate to demand confidential, internal memoranda written by judicial nominee Miguel Estrada, for no other reason than that he is a Hispanic whom you suspect of-gasp!-conservatism.

Two years into your continuing campaign against common-sense judges, you have managed to bring up an interesting point. The influence of people with ideological agendas on our government is certainly a source of concern. And I agree with you that it is time to open our government to the public - in this case, to your fellow New Yorkers. Therefore, I am requesting that you immediately release the following information to the media and the general public:

a.. A list of all meetings held by you and/or your staff with the special interest group opponents of both Miguel Estrada and all other Bush nominees.

b.. Copies of all memoranda written to you by your staff on this subject, all memoranda written by your staff to you, and all memoranda from you and your staff to the interest groups.

c.. Phone records listing calls between your office and the interest groups. All relevant e-mails and notes taken in meetings between you, your staff and said interest groups.

d.. A listing of all campaign contributions received by you from either the groups themselves or the members of these groups.

You've continually reminded us that the Senate must have access to information when assessing the merits of a judicial nominee. So I'm sure you
'll agree that the citizens of New York have an equal right to information to assess the quality of their representation in Washington. Sauce for the goose, Senator Schumer, is sauce for the gander.

Very truly yours,

Michael R. Long

State Chairman

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>
Sent: 2/20/2003 12:43:49 PM
Subject: : Re: FW: DRAFT PROCLAMATION -- IRISH-AMERICAN HERITAGE MONTH, 2003
Attachments: P_1DQ1E003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-FEB-2003 17:43:49.00
SUBJECT:: Re: FW: DRAFT PROCLAMATION -- IRISH-AMERICAN HERITAGE MONTH, 2003
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

No comments. Please pass along.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 02/20/2003 03:16:29 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: DRAFT PROCLAMATION -- IRISH-AMERICAN HERITAGE MONTH,
2003

Just a reminder, this is due at 4 pm.

-----Original Message-----
From: Deguzman Jr, Danilo
Sent: Wednesday, February 19, 2003 4:17 PM
To: Kalbaugh, David E.; Williams, Sherman A.; Blakeman, Bradley A.;
Ritacco, Krista L.; Gillmor, Eleanor L.; Baldwin, Jenica; Loy, Carrie B.;
Davie, Jill ; Mehlman, Ken; Griffin, William T.; Bumatay, Patrick J.;
Burkhart, Shannon; Ficklin, John W.; Darnes, Victoria J.; Marsh, Thomas S.
Cc: Rowley, Jill C.; Dickey, Lana
Subject: DRAFT PROCLAMATION -- IRISH-AMERICAN HERITAGE MONTH, 2003
Importance: High

Attached for your review is a draft proclamation designating March 2003,
as Irish-American Heritage Month.

A response to JILL C. ROWLEY is requested by THURSDAY, FEBRUARY 20, 2003,
at 4:00 P.M. If we do not hear back from you by 4:00 P.M., we will assume
you have no comment. Thank you.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1DQ1E003_WHO.TXT_1>

IRISH-AMERICAN HERITAGE MONTH, 2003

- - - - - - -

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

From the earliest days of our Republic, America has inspired the hopes and dreams of countless individuals from around the world who have come to share in our gifts of freedom, justice, and opportunity. During Irish-American Heritage Month, we celebrate the contributions of these talented and industrious citizens and recognize their rich legacy of ingenuity, creativity, and achievement.

Throughout our history, America has welcomed millions of Irish immigrants to our shores. These proud people arrived in our country seeking a better life for their families, themselves, and future generations. Many courageous individuals came during the terrible years of Ireland's Great Famine in the middle of the 19th century, and their road to prosperity was not easy, as most faced significant obstacles, including discrimination and poverty. Despite these challenges, Irish Americans have risen to success in every sector of our society.

Americans of Irish descent have played a vital role in shaping our history and culture. Nineteen Presidents of the United States have claimed Irish heritage. One-third to one-half of the American troops during the Revolutionary War and 9 of the 56 signers of the Declaration of Independence were Irish Americans. Irish Americans explored our frontiers, built many

of our Nation's bridges, canals, and railroads, and their proud record of public service helped to fortify our democracy.

In all areas of American life, Irish Americans have made significant and enduring contributions to our great country. America is a better Nation because of the efforts of Irish Americans like Henry Ford, who spurred innovation, Bing Crosby, who entertained countless people around the world, and activist Mary Kenney O'Sullivan, who worked for critical and compassionate

social reform. These individuals are a few of the many Irish Americans who helped to transform our national identity and whose accomplishments reflect the determination, joy, and hope of the Irish. The faith, perseverance, and spirit of the Irish have helped to strengthen our families, our communities, our ideals, and our national character.

Today, approximately one in four Americans can trace their ancestry in part to Ireland's green shores. We are proud of these deep and lasting ties, and are grateful for the many Irish Americans who continue to enrich our country.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 2003 as Irish-American Heritage Month. I call upon all Americans to observe this month by learning about and commemorating the contributions of Irish Americans to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this day of , in the year of our Lord two thousand three, and of the Independence of the United States of America the two hundred and twenty-seventh.

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>
Sent: 2/20/2003 9:27:44 AM
Subject: : Speech inserts to be distributed
Attachments: P_TQD1E003_WHO.TXT_1.doc; P_TQD1E003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-FEB-2003 14:27:44.00
SUBJECT:: Speech inserts to be distributed
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

related.
---------------------- Forwarded by Noel J. Francisco/WHO/EOP on 02/20/2003 02:26 PM ----------------------------

From: Edward Ingle on 02/20/2003 02:21:22 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: Speech inserts to be distributed

it's the economy speech insert below.
---------------------- Forwarded by Edward Ingle/WHO/EOP on 02/20/2003 02:23 PM ----------------------------

Brian R. Besanceney
02/12/2003 03:56:17 PM
Record Type: Record

To: Brian D. Montgomery/WHO/EOP@EOP
cc: Edward Ingle/WHO/EOP@EOP, Laura S. Lawlor/WHO/EOP@EOP
Subject: Speech inserts to be distributed

Can you guys get these to your department Chiefs of Staff? We'll get them to the PAOs. Thanks.
---------------------- Forwarded by Brian R. Besanceney/WHO/EOP on 02/12/2003 03:55 PM ----------------------------

From: Suzy DeFrancis/WHO/EOP@Exchange on 02/12/2003 02:14:34 PM
Record Type: Record

To: Brian R. Besanceney/WHO/EOP@EOP
cc: Shannon Burkhart/WHO/EOP@EOP
Subject: Speech inserts to be distributed

Brian and Shannon--
Consistent with our theme for the next two weeks of Diplomacy Abroad and Jobs at Home, please email to appropriate lists the attached two speech

inserts on:

1. The President's Jobs and Growth Plan
2. The War on Terrorism

P.S.; Don't forget our internal folks. Mehlman and others are using them in their speeches. tx.
;
;

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TQD1E003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TQD1E003_WHO.TXT_2>

Speech Insert on President Bush's Jobs and Economic Growth Plan 2/10/2003

I'd like to take a moment to talk about an issue that is very important to this President—the state our economy and his plan to boost economic growth and job creation.

The American economy is in its second consecutive year of growth—yet it is not growing fast enough, or strongly enough. Too many people cannot find work, many family budgets are strained, and many companies are holding back on new investments and on hiring new people.

President Bush has proposed a bold plan that will boost the economy by providing tax relief for every American who pays federal income taxes. Under the President's plan, 92 million Americans would receive, on average, a tax cut of $1,083 this year. That's real money to help pay the bills and push the economy forward. The President's plan includes:

- Across the board tax rate reductions that would start showing up in every taxpayer's paycheck as soon as Congress passes the plan;
- Accelerated relief from the marriage penalty for working couples;
- An increase in the child tax credit from $600 to $1,000 per child. Families would get that extra $400 per child in a check mailed to them weeks after the bill is signed.

This is tax relief that Republicans and Democrats in Congress passed in 2001 and promised for future years. The President believes the time to deliver it is now when it can do the most good for families and businesses. If tax relief is good for Americans three, or five, or seven years from now, it is even better for Americans today.

The President's plan also calls for abolishing the unfair double-taxation of dividends. The President believes it's fair to tax a company's profits; but it's unfair to tax that dollar twice when it is paid out to shareholders. Half of all American households today own stock. Ending the double tax on dividends will be especially good for seniors, who receive more than half of all dividend income. It will be good for workers, who will see wages rise and more jobs created as companies have more capital to invest. And it will encourage more companies to pay dividends. Microsoft recently announced it will pay dividends. We hope other companies will follow.

Small businesses—America's job engine—will also benefit under the President's plan, which triples the amount they can expense for equipment such as computers and machinery.

As we work to grow the economy, we must not forget men and women struggling today. The President's plan would help the unemployed by creating Personal Re-employment Accounts. These accounts would provide unemployed workers with up to $3,000 to use for job training, child care, transportation and other expenses associated with finding a new job. A person who finds a job within 13 weeks will be able to keep the leftover funds from their account.

President Bush will not be satisfied until every American who wants a job can find one; until every business has a chance to grow; and until we turn our economic recovery into lasting prosperity that reaches every corner of America.

I hope you will join me in calling on Congress to pass the President's plan.

Speech Insert on the War on Terrorism 2/12/2003

I'd like to turn now to the challenges our President and our country are facing in the war on terrorism.

On September 11th, a terrible act of war was committed against our country. Since then, our Nation—led by President Bush—has been dedicated to the task of defending the American people from further harm and defeating terrorists wherever they operate. As the President said at the time: any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.

At home, our government has taken unprecedented measures to defend against terrorism:

- Intensifying our security at the borders and ports of entry
- Posting more than 50,000 newly trained federal screeners in airports
- Deploying the first early warning network of sensors to detect biological attack
- Inoculating our troops and first responders against smallpox
- Proposing project BioShield to speed development and delivery of medicines to counter smallpox, anthrax, botulinum toxin and other dangerous agents
- Improving our intelligence capabilities through better coordination among government agencies
- Creating a new Department of Homeland Security and doubling its overall budget
- Engaging Americans in emergency preparedness and response through 300+ citizen corps councils

We have also taken the fight to the terrorists, with our allies, by destroying terrorist camps and disrupting their networks in Afghanistan and other countries, removing key leaders, arresting more than 3,000 terrorists worldwide and breaking up terrorist cells in dozens of countries—including our own.

Yet, the gravest danger in the war on terror—the gravest danger facing America and the world—remains outlaw regimes that seek, possess and may share with terrorist groups nuclear, chemical, radiological and biological weapons. We have seen what terrorists could do using four airplanes as weapons. Imagine what they could do with weapons of mass destruction. It would take just one vial, one canister, one crate slipped into this country to bring a day of horror like none we have ever known.

We have known for some time, through U.N. and U.S. intelligence sources, that Saddam Hussein has such weapons. He agreed to disarm as a condition of ending the Gulf War, but he has not. And, to date, he has not accounted for material sufficient to produce:

- More than 25,000 liters of anthrax—enough to kill several million people
- More than 38,000 liters of botulinum toxin
- As much as 500 tons of sarin, mustard and VX nerve agents
- Also, he has not accounted for almost 30,000 munitions capable of delivering chemical agents

Last November, the United Nations Security Council gave Saddam Hussein one final chance to disarm. Instead, as Secretary of State Colin Powell's recent presentation to the United Nations made crystal clear: Saddam Hussein is not disarming. To the contrary, he is deceiving.

Now the nations of the U.N. Security Council must make a choice. When they demanded the immediate disarmament of Iraq, they spoke with unity and forcefulness. Now that their demands have been defied, they must not back down.

The United States would welcome and support a new resolution making clear that the Security Council stands behind its previous demands. Yet, as the President has said, resolutions mean little without resolve. And the United States, along with a growing coalition of nations, is resolved to take whatever action is necessary to defend ourselves and disarm the Iraqi regime of these terrible weapons of mass destruction.

Whatever action is required, whenever action is necessary, I can assure you that President Bush will defend the freedom and security of the American people.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Sara Taylor <Staylor@georgewbush.com>
CC: tomj@rnchq.org [UNKNOWN] <tomj@rnchq.org>
Sent: 2/20/2003 9:47:29 AM
Subject: : Re: FW: Linn Eagles invitation
Attachments: P_9UE1E003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-FEB-2003 14:47:29.00
SUBJECT:: Re: FW: Linn Eagles invitation
TO:Sara Taylor <Staylor@georgewbush.com> (Sara Taylor <Staylor@georgewbush.com> [UNKNOWN])
READ:UNKNOWN
CC:tomj@rnchq.org (tomj@rnchq.org [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Ken should not do this at this time.

Sara Taylor <Staylor@georgewbush.com>
02/20/2003 11:30:53 AM
Record Type: Record

To: tomj@rnchq.org, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Linn Eagles invitation

FYI on the Linn Eagles.
-----Original Message-----
From: Nicole Schlinger [mailto:nicolesl@netins.net]
Sent: Thursday, February 20, 2003 11:18 AM
To: Sara Taylor
Subject: RE: Linn Eagles invitation

Sara,
The Linn Eagles is a PAC that supports GOP candidates in Linn County. They are not formally associated with the Linn County GOP Central Committee. I hope this helps.
Thanks.
Nicole
-----Original Message-----
From: Sara Taylor [mailto:Staylor@georgewbush.com]
Sent: Thursday, February 20, 2003 10:13 AM
To: nicolesl@netins.net
Subject: FW: Linn Eagles invitation

Thoughts?? Are they are subsidiary of the Linn Co. GOP?
-----Original Message-----
From: Tom Josefiak - Legal [mailto:tomj@rnchq.org]
Sent: Thursday, February 20, 2003 11:00 AM
To: Sara Taylor
Subject: RE: Linn Eagles invitation

Do you have any backround on the group. Is it a County Party event? If not, is it affiliated with any political party organization?
-----Original Message-----
From: Sara Taylor
Sent: Thursday, February 20, 2003 10:28 AM
To: Tom Josefiak - Legal; cspeis@rnchq.org
Cc: Kevin Shuvalov - Political
Subject: FW: Linn Eagles invitation

Attached is an event invite that Ken is speaking at. I will run it by Brett Kavanaugh, but could you also please look at it for any errors.

Sara
-----Original Message-----
From: Nicole Schlinger [mailto:nicolesl@netins.net]
Sent: Thursday, February 20, 2003 10:10 AM
To: Sara Taylor
Subject: Linn Eagles invitation

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Also, I have a procedural question for you. They would like to send a "blast fax" to their past members for whom they have fax numbers and then call them to recruit them to be on the host committee. In order to send the invitations by next Friday, we'd need to do that right[Sara Taylor] T away and start making our calls. Do we need approval from you to send faxed materials, or only the printed invitation?

Particularly with the new campaign finance reform, I am eager to stick to the rules and make sure no one gets in trouble.

Thanks so much!
Nicole Schlinger

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9UE1E003_WHO.TXT_1>

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-----Original Message-----
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Sent: Thursday, February 20, 2003 11:18 AM
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Subject: RE: Linn Eagles invitation

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Thanks so much!
Nicole Schlinger

From: Francisco, Noel J.
To: <Bartolomucci, H. Christopher>;<Camp, Elizabeth N.>;<Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>;<Addington, David S.>;<Everson, Nanette>;<Sampson, Kyle>;<Leitch, David G.>;<Ullyot, Theodore W.>
Sent: 2/20/2003 2:06:07 PM
Subject: High Noon

This is worth reading again, though it came out a year ago.

Where's the Posse?

It's high noon for the civilized world. Let timorous Europeans go home to their kids.

BY R. JAMES WOOLSEY

Monday, February 25, 2002 12:01 a.m.

Paris, Berlin and Brussels are unhappy with the United States. French Foreign Minister Hubert Vedrine has called President Bush's axis-of-evil characterization of Iraq, Iran and North Korea "simplistic." German Foreign Minister Joschka Fischer said the U.S. was treating Europeans like "satellites." And the normally sensible European Foreign Affairs Commissioner Chris Patten called Mr. Bush's approach "absolutist" and "unilateralist overdrive."

Mr. Patten excepted, much of what is going on here is that many generally leftist members of the European elite have craws in which plain talk gets stuck--they gagged on Ronald Reagan's characterization of the Soviet Union as an evil empire and they are gagging again now.

It's hard to understand the Europeans' problem if one looks at the specific behavior of the regimes that rule Iraq and North Korea by torture and murder, and that also develop weapons of mass destruction and ballistic missiles in violation of their international obligations. There's virtually nothing about them that is not evil. Iran is a more complex case, because there is a genuine reform movement in the country as a whole and within part of the government, but the nation's power is still wielded--and the use of terrorism supported--by the small group of murderous mullahs whose behavior is on a par with their kindred spirits in North Korea and Iraq.

"Axis" may be a slight stretch because Germany, Japan and Italy were somewhat more aligned than the current gang, although there is definite cooperation on missilery between Iran and North Korea, and some past cooperation on terror between Iran and Iraq.

And my goodness, as Secretary of Defense Donald Rumsfeld might say, how is the U.S. not consulting? Mr. Bush has just been in Asia consulting. Vice President Dick Cheney is headed to the Mideast to consult. Secretary of State Colin Powell is never *not* consulting.

No, what is agitating the Europeans is not really any inaccuracy in what the president has said, nor is it any failure on America's part to act collegially. Rather, it is a perverse commitment to the proposition that no American good deed should go unpunished. Many members of Europe's elites--British Prime Minister Tony Blair and a few other stalwarts being conspicuous exceptions--persist in a waspish and reality-denying worldview, the centerpiece of which is that anything that America is decisive and enthusiastic about is highly questionable at best.

A substantial part of this derives from their having chosen to lead the good life, to maintain generous social services, take long vacations and let the U.S. bear the principal burden of preserving the world's peace. There is no disdain quite as sour as guilt-driven disdain.

Life is imitating art here--the particular piece of art being the classic Western of half a century ago: "High Noon."

In the film, the marshal of the small town of Hadleyville, Will Kane (played by Gary Cooper), has just stepped down from his job and gotten married. As he is leaving town with his new bride, played by Grace Kelly, he learns that the gang leader who once dominated and terrorized the town has been pardoned by the governor of the state and is arriving on the noon train to meet his old gang and return to power. After a few minutes of indecision, the marshal decides to return to town over the strong objections of his pacifist wife. He starts to organize a posse to protect the town.

But as high noon nears, it becomes increasingly clear that the good citizens of Hadleyville, who had helped the marshal clean the town up years before, can now produce only a cornucopia of excuses: "If the marshal's not here there won't be any trouble--it's just personal trouble between him and Miller [the gang leader]"; "the politicians up north caused the mess--let them deal with it"; "what will they [potential investors] think if they read about shooting in the streets?"; "I'm no lawman, I just live here."

Most poignant is the scene between the marshal and a longtime loyal deputy who backs out of helping as noon approaches because he is worried about his young children. "Go on home to your kids, Herb," says the marshal, and goes out to face the gang alone.

Only the marshal's new wife, who at first had left him, returns at the last minute and helps him prevail against all odds. For a small Quaker lady who hates guns, she does quite well: one kill and one assist. As the townspeople realize he has won and come out of hiding to congratulate him, the marshal looks at them sternly, drops his badge in the dirt, and he and his wife drive away.

In today's front-page version of this story, the work on weapons of mass destruction being conducted by states that support terrorism is the noon train pulling relentlessly nearer. The French government and French oil companies are surely Academy Award material as a collective real-life version of the film's hotel clerk who is fixated on how good the saloon business will be once the gang is back in town.

Many other Europeans will find excellent models in the film to help them perfect both their excuses for inaction and their condescension toward their protector. Fred Zinnemann, the director of "High Noon," knew this moral territory well--as a refugee from Austria he had seen all the techniques for rationalizing appeasement and the deadly consequences of not challenging evil regimes before they can wreak total havoc.

"Ah," anti-American Europeans reading this very piece this morning will likely respond, "you see how the Americans idealize the impulsive Wild West cowboy and his unilateralist approach to dealing with the world. How naive. How droll."

So here are two quick ripostes. Cowboys are normal people--some are impulsive, some are loners, some are neither. But what you are rejecting is not a modern-day cowboy, but rather a modern-day marshal, and marshals are different. They and their equivalents, such as GIs, have chosen to live a life of protecting others, whatever it takes. That's not being impulsive--it's deciding to be a shepherd instead of a sheep.

Second, like the U.S. today in moving against the axis, the marshal in "High Noon" was trying very hard to be multilateral--he desperately wanted a posse. He just had no takers. What the marshal was unwilling to do is to give up doing his duty just because everyone else found excuses to stay out of the fight.

Go on home to your kids, Europeans. Go on home to your kids. And then start praying that when it's over we won't drop our badge in the dirt.

Mr. Woolsey, a Washington attorney, was director of Central Intelligence from 1993 to 1995.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: wittesb@washpost.com @ inet [UNKNOWN] <wittesb@washpost.com @ inet>
Sent: 2/20/2003 2:07:49 PM
Subject: : Are they refusing to publish correction of factual mistakes?

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-FEB-2003 19:07:49.00
SUBJECT:: Are they refusing to publish correction of factual mistakes?
TO:wittesb@washpost.com @ inet ( wittesb@washpost.com @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: [UNKNOWN] <Goeglein, Tim>
To: <Rove>;Karl_C._Rove@who.eop.gov [WHO] <Karl C.>;<Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>;<Kavanaugh>;/EOP /FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
CC: <Westine>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS /8B7BA508-5A8860A0-852569DD-622504 [UNKNOWN] <Lezlee J.>;<Smith>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6BF4B26C-5CAAC856-852569DE-66F827 [UNKNOWN] <Matthew E.>
Sent: 2/20/2003 10:54:01 AM
Subject: End of Day -- 2/20/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Goeglein, Tim ([UNKNOWN])
CREATION DATE/TIME:20-FEB-2003 15:54:01.00
SUBJECT:End of Day -- 2/20/03
TO:Rove, Karl C. (Karl_C._Rove@who.eop.gov [WHO])
READ:UNKNOWN
TO:Gonzales, Alberto R. (Alberto_R._Gonzales@who.eop.gov [WHO])
READ:UNKNOWN
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
CC:Westine, Lezlee J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS /CN=8B7BA508-5A8860A0-852569DD-622504 [UNKNOWN])
READ:UNKNOWN
CC:Smith, Matthew E. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6BF4B26C-5CAAC856-852569DE-66F827 [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Tim Goeglein/WHO/EOP on 02/20/2003 03:58 PM ----------

Gary Bauer <garybauer@mail.cwfpac.com>
02/20/2003 12:51:00 PM

Record Type: Record

To: undisclosed-recipients: ;
cc:

Subject: End of Day -- 2/20/03

To: Friends and Supporters of the Campaign for Working Families

From: Gary L. Bauer, Chairman

Date: Thursday, February 20, 2003

A Crack In The Wall?

Tuesday, Washington's leading liberal newspaper, the Washington Post, did

something rather unusual: The Post sided with President Bush and joined

the growing chorus of media outlets coming to the defense of embattled

judicial nominee Miguel Estrada. While the Post may be a liberal paper,

it is not dominated by vicious ideologues and it actually maintains a

fairly balanced sense of how the system should operate.

In an official editorial entitled "Just Vote," the Washington Post

castigated Senate Democrats in very harsh rhetoric. The Post blasted

Democrat arguments against Estrada as ranging from "the unpersuasive to

the offensive." The Post went even further, calling racial charges

lobbied by Senate liberals "as repugnant as they are incoherent." The

editorial board summed up the Democrats' obstructionism by saying "the
Estrada filibuster is a step beyond...deplorable games."

If you have not already done so, please contact your senators and urge

them to oppose the Estrada filibuster. Senators should be back home

during this recess break, so be certain to visit CWF's online

Congressional Directory at http://www.cwfpac.com to look up the district

office numbers for your senators. Tell them to follow the advice of the

Washington Post and "Just Vote."

Please feel free to pass on this "End of Day" update to interested friends
and family members.

If you would like to receive this update by e-mail or fax, you can sign up
online at http://www.cwfpac.com/cwf_eod_request.htm.

If you would like to support our work, please click on the following link:
http://www.cwfpac.com/join_campaign.htm.

Campaign for Working Families
2800 Shirlington Road
Suite 605

Arlington, VA 22206
Phone:703-671-8800
Fax: 703-671-8899

Web: www.cwfpac.com

From: Kavanaugh, Brett M.
To: <Douglass, Kimberly A.>
Sent: 2/20/2003 3:12:42 PM
Subject: Re: help...

All will be done today.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 02/20/2003 03:16:04 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: help...

I'm desperate. I know your inbox is piling up but...could you sign the trip summaries I just dropped off (and the other purple folder you have and the one page (Scranton, PA) that it is your inbox) as soon as possible? We can't pay any bills until these are signed.

Thank you, thank you. I really appreciate it.

From: Douglass, Kimberly A.
To: <Kavanaugh, Brett M.>
Sent: 2/20/2003 3:17:29 PM
Subject: RE: help...

You are the best! Thanks!!!!!!!!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, February 20, 2003 3:13 PM
To: Douglass, Kimberly A.
Subject: Re: help...

All will be done today.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 02/20/2003 03:16:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: help...

I'm desperate. I know your inbox is piling up but...could you sign the trip summaries I just dropped off (and the other purple folder you have and the one page (Scranton, PA) that it is your inbox) as soon as possible? We can't pay any bills until these are signed.

Thank you, thank you. I really appreciate it.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 2/20/2003 4:40:13 PM
Subject: outstanding items

Hey Brett,

Just a reminder, this is what I have assigned to you:

- Presidential Message - Dept of Treasury Transition to Homeland due COB today
- Proposed E.O. - Blocking Zimbabwe - due 12 pm today.
- Enrolled Bill Memo S. 141 - Small Busines - due 12 pm tomorrow
- Irish-American Day due today at 4 pm.

Thanks

Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Francisco, Noel J.>
Sent: 2/20/2003 5:01:02 PM
Subject: FW: Quick update

Thought you'd be interested in the attached from my law school roommate, who works for Gerry Reynolds in OCR at Education.
-----Original Message-----
From: Sutherland, Dan [mailto:Dan.Sutherland@ed.gov]
Sent: Thursday, February 20, 2003 4:54 PM
To: Leitch, David G.
Subject: Quick update

Dave,

Hope all is well. I thought you'd be interested in this. Friday, I gave the first speech defending the concept of race-neutral approaches to diversity. We looked at this speech as an opportunity to "field test" some of our ideas. We picked a small conference being held here in Washington, the 12th annual conference of the "Quality Education for Minorities Mathematics, Science and Engineering Network." No press, only about 50 or so in attendance - low key opportunity. As I understand it, your office and DPC reviewed my remarks before the speech.

The audience was quite hostile to the President and to the President's position in the Michigan litigation. I thought I was going to be jeered during the speech! But when I finished, the moderator of the panel stood up and gave an impassioned speech agreeing with me! He said that those defending affirmative action should have been looking for innovative approaches like this 20 years ago, that they never should have allowed the issue to evolve this way. The next presenter was supposed to criticize the Texas 10 Percent Plan, but he agreed with much of our presentation and actually talked about some of the positive aspects of the Texas plan. The questions from the audience and the conversations afterward were also positive. People didn't necessarily agree, but they were willing to talk it through.

The conclusion we reached is this: despite all the controversy surrounding the Michigan litigation, people are open to considering new approaches on this issue. Even the skeptics are willing to listen and discuss new ideas.

How about getting together sometime? No word from DHS.

Dan

Daniel W. Sutherland
Chief of Staff and Senior Counsel
to the Assistant Secretary for Civil Rights
202-205-8162

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>
CC: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 2/20/2003 1:32:38 PM
Subject: : Re: need counsel

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-FEB-2003 18:32:38.00
SUBJECT:: Re: need counsel
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Kyle Sampson is our guy on this.

From: Barry S. Jackson on 02/20/2003 06:19:35 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: need counsel

who should we (CEQ and me) talk to in your shop about natural resource issues? first out of the gate is Klamath River - we fear the 9th circuit may close the project down this year and want to make sure that DOJ understands how important it is to quickly turn around an appeal.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 2/20/2003 3:21:14 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-FEB-2003 20:21:14.00
SUBJECT:: Re:
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
End Original ARMS Header

Thanks. Good work as always by Speechwriting.

David S. Addington
02/20/2003 10:09:29 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Brett -- well done to you and whoever else worked on the Saturday Radio Address on Estrada.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B. Dyck>
Sent: 2/20/2003 5:44:33 PM
Subject: : Harris County event 4/17 with Karl

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-FEB-2003 22:44:33.00
SUBJECT:: Harris County event 4/17 with Karl
TO:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I have edits on letter; will be on my chair opposite my desk. We should
consult with Josefiak/Spies on this one as well.
```

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/21/2003 4:04:15 AM
Subject: : Re: Fwd: RE: Nelson Letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN]
)
CREATION DATE/TIME:21-FEB-2003 09:04:15.00
SUBJECT:: Re: Fwd: RE: Nelson Letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Excellent. I will get back to you on next Friday, which I presume will
work.

>>> <Brett_M._Kavanaugh@who.eop.gov> 2/20/03 8:17:44 PM >>>
I am alive. Will FAX a letter Friday.

(Embedded
image moved GaryM Stern <garym.stern@nara.gov>
to file: 02/19/2003 11:05:35 AM
pic05895.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Fwd: RE: Nelson Letter

Will you be able to clear this, and all the other pending notices this
week?

Any comments on the letter?

Received: from webshield2.nara.gov by smtp.nara.gov; Mon, 17 Feb 2003
10:40:50
-0500
Received: from wdcsun4.usdoj.gov(149.101.1.103) by webshield2.nara.gov via
csmap
id 14157; Mon, 17 Feb 2003 10:43:15 -0500 (EST)
Received: from wt6.usdoj.gov (localhost [127.0.0.1]) by wdcsun022.usdoj.gov
(Netscape Messaging Server 4.15) with ESMTP id HAGM8100.Q0B; Mon, 17 Feb
2003
10:40:49 -0500
Received: (from x400@localhost) by wt6.usdoj.gov (8.9.3
(PHNE_24419)/8.9.3) id
KAA16958; Mon, 17 Feb 2003 10:40:49 -0500 (EST)
Received: by TELEMAIL; Mon, 17 Feb 2003 10:40:17 -0500
Date: Mon, 17 Feb 2003 10:40:17 -0500

From: "Blackwell, Craig" <Craig.Blackwell@usdoj.gov>
Subject: RE: Nelson Letter
To: "'GaryM Stern'" <garym.stern@nara.gov> (Receipt Notification
Requested) (IPM
Return Requested), "'Brett_M._Kavanaugh@who.eop.gov'"
<Brett_M._Kavanaugh@who.eop.gov> (Receipt Notification Requested)
Message-id: <"CIVEX04-030217154017Z-20160*/PRMD=USDOJ/ADMD= /C=US/"@MHS>
Autoforwarded: FALSE
Content-identifier: RE: Nelson Lette
MIME-version: 1.0
X-Mailer: NetJunction (NetJunction 5.1.1-p2)/MIME
Content-type: multipart/mixed;
boundary="Boundary_(ID_mss5KY7TIfh9p/D8XJJ1Nw)"
Importance: Normal
Original-encoded-information-types: IA5-Text
Priority: Normal
X-Priority: 3 (Normal)
Precedence: first-class
UA-content-id: RE: Nelson Lette
X400-MTS-identifier: [/P=USDOJ/A= /C=US/;CIVEX04-030217154017Z-20160]

Looks good to me. I agree we should resolve these issues early this week.

-----Original Message-----
From: GaryM Stern [mailto:garym.stern@nara.gov]
Sent: Friday, February 14, 2003 4:37 PM
To: Blackwell, Craig; Brett_M._Kavanaugh@who.eop.gov
Subject: Nelson Letter

Here is a draft letter to Scott Nelson, responding to his FOIA request for
the
1654, in anticipation of Brett okaying the release, at least in part,
early next
week. Any comments are welcome.

Brett, let me know if you end up resolving the privileged records at the
same
time, in which case I would make this a final response.

Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 2/21/2003 5:17:43 AM
Subject: : Re: 2:30 meeting in 153 EEOB

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-FEB-2003 10:17:43.00
SUBJECT:: Re: 2:30 meeting in 153 EEOB
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I also think Manny is trying also to organize a 3:00 call with Hill, DOJ and WH. Lots of coordination!

Wendy J. Grubbs
02/21/2003 10:06:42 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: 2:30 meeting in 153 EEOB

as an fyi, i plan to do a hill conf call at 4pm today so we are on the same pg for monday...

Brett M. Kavanaugh
02/21/2003 09:44:46 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 2:30 meeting in 153 EEOB

Message Sent
To:_____
Ashley Snee/WHO/EOP@Exchange@EOP
Mercedes M. Viana/WHO/EOP@EOP
Leonard B. Rodriguez/WHO/EOP@EOP
Abel Guerra/WHO/EOP@EOP
Jeanie S. Mamo/WHO/EOP@EOP
Tim Goeglein/WHO/EOP@EOP
Matthew E. Smith/WHO/EOP@EOP
Wendy J. Grubbs/WHO/EOP@EOP

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>;<Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>
Sent: 2/21/2003 7:08:52 AM
Subject: even the Austin American-Statesman . . .

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:21-FEB-2003 12:08:52.00
SUBJECT:even the Austin American-Statesman . . .
TO:Gonzales, Alberto R. (Alberto_R._Gonzales@who.eop.gov [WHO])
READ:UNKNOWN
TO:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

Editorial Board
AUSTIN AMERICAN-STATESMAN

Friday, February 21, 2003

If Democrats have something substantive to block Miguel Estrada's confirmation to the U.S. Court of Appeals for the District of Columbia, it's past time they share it. Estrada's nomination was announced in May and has been held hostage since by Senate Democrats who have yet to clearly articulate their objections to it.

Those unschooled in Washington-think -- that would be most of us -- are bewildered why Estrada, who worked in the Clinton admin-istration, is now deemed unworthy to sit on the bench. So instead of clear reasons, we are treated to a sideshow involving the nominee's ethnicity. Estrada was born in Honduras, immigrated to the United States as a teenager and graduated from Harvard Law School in 1986.

Democrats and their supporters hint that Estrada may not be "Hispanic enough" -- whatever that means -- while his Republican supporters note that the nominee's opponents are "anti-Latino." Though vaguely amusing, the arguments have nothing to do with whether Estrada has the intellectual ability and temperament to become a judge on the second most influential court in the nation.

Competence, ability and commitment to the law are what should matter, but don't, in winner-take-all ideology fights. In any event, Democrats appear to be the same kind of ideology-driven obstructionists they accused Republicans of being when President Clinton's nominees hit confirmation roadblocks.

Though partisans may not quite see it, what is really imperiled by this judicial hostage-taking is confidence in the American court system. What we're seeing here is an ugly legal brawl in which the participants use big words instead of bottles to hit the opponents on the head.

Enough is enough. We don't expect the partisan brawl over judicial appointments to ever end, but Estrada has clocked enough time as a punching bag for Democrats. Call the vote.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/21/2003 7:17:51 AM
Subject: : even the Austin American-Statesman . . .

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-FEB-2003 12:17:51.00
SUBJECT:: even the Austin American-Statesman . . .
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Editorial Board
AUSTIN AMERICAN-STATESMAN
Friday, February 21, 2003
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Competence, ability and commitment to the law are what should matter, but don't, in winner-take-all ideology fights. In any event, Democrats appear to be the same kind of ideology-driven obstructionists they accused Republicans of being when President Clinton's nominees hit confirmation roadblocks.
Though partisans may not quite see it, what is really imperiled by this judicial hostage-taking is confidence in the American court system. What we're seeing here is an ugly legal brawl in which the participants use big words instead of bottles to hit the opponents on the head.
Enough is enough. We don't expect the partisan brawl over judicial appointments to ever end, but Estrada has clocked enough time as a punching bag for Democrats. Call the vote.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Grubbs, Wendy J.>
Sent: 2/21/2003 7:34:46 AM
Subject: Dionne piece in post

Will talk to judge and wittes of post about judge doing taking exception piece in response to dionne piece today. Dionne does explain a root cause of D objections but he fails to note that bush 41 noms received same treatment and fails to note that president has prescribed a way out of the cycle of revenge and bitterness. He also assumes that judging is an inherently political policymaking task, which it is not. Any objection/concern to drafting something like this which we would of course shoot to you monday before submitting to post?

.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 2/21/2003 8:42:37 AM
Subject: RE: FW: Republican Women's Flyer

Okay.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, February 21, 2003 8:38 AM
To: Bumatay, Patrick J.
Subject: Re: FW: Republican Women's Flyer

Do not clear this until you hear back from me. Thanks.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 02/21/2003 08:33:27 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Republican Women's Flyer

Brett,
here is the invite for Margaret's talk.

-----Original Message-----
From: Gillmor, Eleanor L.
Sent: Friday, February 21, 2003 8:32 AM
To: Bumatay, Patrick J.
Subject: FW: Republican Women's Flyer

Hi Patrick,

From what they've told me, Karen Hughes did this either last year or the year before. I just wanted to make sure we were in the clear.

Thanks, Eleanor

-----Original Message-----
From: Marion & Charlie Burton @EOP
Sent: Thursday, February 20, 2003 9:52 PM
To: Gillmor, Eleanor L.
Subject: Fw: Republican Women's Flyer

<< OLE Object: Picture (Device Independent Bitmap) >>
Eleanor: Attached is the invitation we are running. FYI Thanks! Marion Burton

<< OLE Object: Picture (Device Independent Bitmap) >> - att1.htm << File: att1.htm >>

<< OLE Object: Picture (Device Independent Bitmap) >> - Republican Womens - Spellings.pdf << File: Republican Womens - Spellings.pdf >>

<< OLE Object: Picture (Device Independent Bitmap) >> - att3.eml << File: att3.eml >>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 2/21/2003 5:17:43 AM
Subject: : Re: 2:30 meeting in 153 EEOB

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-FEB-2003 10:17:43.00
SUBJECT:: Re: 2:30 meeting in 153 EEOB
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I also think Manny is trying also to organize a 3:00 call with Hill, DOJ and WH. Lots of coordination!

Wendy J. Grubbs
02/21/2003 10:06:42 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: 2:30 meeting in 153 EEOB

as an fyi, i plan to do a hill conf call at 4pm today so we are on the same pg for monday...

Brett M. Kavanaugh
02/21/2003 09:44:46 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 2:30 meeting in 153 EEOB

Message Sent
To:_____
Ashley Snee/WHO/EOP@Exchange@EOP
Mercedes M. Viana/WHO/EOP@EOP
Leonard B. Rodriguez/WHO/EOP@EOP
Abel Guerra/WHO/EOP@EOP
Jeanie S. Mamo/WHO/EOP@EOP
Tim Goeglein/WHO/EOP@EOP
Matthew E. Smith/WHO/EOP@EOP
Wendy J. Grubbs/WHO/EOP@EOP

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 2/21/2003 5:19:55 PM
Subject: Re: red tag

yes, read it and no comments.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 02/21/2003 05:20:32 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: red tag

just a reminder, the red tag entitled to Q&A Economic Roundtable w. Reporters was due at 4 pm

Patrick J. Bumatay

Office of Counsel to the President

o: 202-456-5214

f: 202-456-6279

mainline: 202-456-2632

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 2/21/2003 8:20:46 PM
Subject: Fw: ASAP Staffing tomorrow

Brett -- do you know -- who's our person on Medicare

-----Original Message-----
From: Gonzales, Alberto R.
To: Leitch, David G.
Sent: Fri Feb 21 20:08:04 2003
Subject: Fw: ASAP Staffing tomorrow

Can you make sure one of our lawyers handles this?
.

-----Original Message-----
From: Miers, Harriet
To: Burks, Jonathan W. ; Bennett, Melissa S. ; Bartlett, Daniel J. ; Bolten, Josh B ; Daniels, Mitchell ; Smythe, Augustine T. ; Fleischer, Lawrence A. ; Friedman, Stephen ; Gerson, Michael J. ; Gonzales, Alberto R. ; Hobbs, David W. ; Hubbard, Glenn ; Montgomery, Brian D. ; Rove, Karl C. ; Spellings, Margaret M. ; Silverberg, Kristen ; Bumatay, Patrick J. ; Davie, Jill ; Ingle, Edward ; Hernandez, Israel

Sent: Fri Feb 21 19:19:38 2003
Subject: ASAP Staffing tomorrow

We already know that there will be a staffing tomorrow concerning Medicare that will require quick review and return of comments. We should have the memo by noon tomorrow. We will send it around as soon as we can and request comments back by 4 p.m. We will appreciate your help in getting this cleared. Thanks.

From: Susan_B._Ralston@who.eop.gov [WHO] <Ralston, Susan B.>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 2/24/2003 7:02:11 AM
Subject: FW: Promotional piece
Attachments: P_69O7000674POERS_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Ralston, Susan B. (Susan_B._Ralston@who.eop.gov [WHO])
CREATION DATE/TIME:24-FEB-2003 12:02:11.00
SUBJECT:FW: Promotional piece
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

See this promotional piece w/ Karl's name on it. Can you find a reason for Karl NOT to do this?

-----Original Message-----

From: Heather Shuvalov [mailto:heather@od-s.com]

Sent: Sunday, December 21, 2003 2:28 PM
To: Ralston, Susan B.

Subject: Re: Promotional piece

Here it is. Let me know if you cannot print.
--
Heather Shuvalov

Olsen, Delisi & Shuvalov
1609 Shoal Creek Blvd., #203

Austin, TX 78701
512/479-6602 x114

> From: "Ralston, Susan B." <Susan_B._Ralston@who.eop.gov>

> Date: Fri, 21 Feb 2003 13:54:47 -0500
> To: heather@od-s.com

> Subject: FW: Promotional piece
>

> Karl is traveling and sent me a copy of your email, but the attachment

> didn't come through. Can you resend to me directly so I can print it

> for him?
>
>
>
> -----Original Message-----

> From: Heather Shuvalov <heather@od-s.com>

> To: Karl Rove <KR@georgewbush.com>
> Sent: Sun Dec 21 12:00:29 2003

> Subject: Promotional piece
>

> I wanted to show you our promotional piece because it mentions you. Do

> we
> have your permission to send this out?
> --
> Heather Shuvalov

> Olsen, Delisi & Shuvalov
> 1609 Shoal Creek Blvd., #203

> Austin, TX 78701
> 512/479-6602 x114
>
>
>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_69O7000674POERS_WHO.TXT_1>

1609 Shoal Creek, Suite 203
Austin, Texas 78701

REV_00110179

OLSEN & SHUVALOV

RAISING MONEY AND WINNING VOTES THROUGH THE MAIL

A Brief History

In 1999, Karl Rove joined Bush for President after many years of helping devise winning political strategies and direct mail campaigns.

From that great opportunity, a new company is born. Rove asked Todd Olsen and Heather Shuvalov, both former Executive Vice Presidents of Rove + Company, to lead his former firm.

Today, we have a proven track record as an award-winning direct marketing and consulting firm. We specialize in developing and implementing strategic voter contact campaigns and direct mail fundraising and have helped winning Presidential, Congressional, Gubernatorial and statewide campaigns across 31 states.

Let us help you raise money and win votes. With creative packages. Strong copy. Attention-grabbing graphics. Political savvy and a love for meeting deadlines and budgets.

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Todd Olsen **Heather Shuvalov**

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Austin, Texas 78701
512/479-6602
512/479-8031 Fax
www.olsen-shuvalov.com

DELIVERING A WINNING MESSAGE SINCE 1999.

ANNOUNCING A NEW PARTNERSHIP TODAY.

REV_00110180

To Commemorate Our Company's New Name, We'd Like To Present You With This Gift.



The "Register – Vote" collectible postage stamp is meant to grow in value over time. Please accept this token of our appreciation for your relationship with us.

This "Register – Vote" definitive stamp was issued on Aug. 1, 1964 with the simple slogan: "Vote...and the choice is yours! Don't vote...and the choice is theirs! Register...or you have no choice!"

We are proud of our long history of helping candidates win elections. We want to be your political consulting and direct marketing firm, and we pledge every effort to exceed your expectations for personal attention, creativity, excellence and return on your investment.

We invite you to log-on to
www.olsen-shuvalov.com
for more information or to view samples of our work.

REV_00110181

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/24/2003 7:34:59 AM
Subject: : RE: interviews

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:24-FEB-2003 12:34:59.00
SUBJECT:: RE: interviews
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Set for:
11:15 Tues
2:00 Tues
11:00 Wed

Please send resumes to me ASAP.

Charlotte

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, February 24, 2003 12:09 PM
To: Montiel, Charlotte L.
Subject: interviews

Can David do interviews for ED Washington tomorrow at 11:00 and 2:00 and
again Wednesday at 11:00?

From: Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/24/2003 8:15:38 AM
Subject: : FW: D.C. Circuit
Attachments: P_7EE4E003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ("Benczkowski, Brian A"
<Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:24-FEB-2003 13:15:38.00
SUBJECT:: FW: D.C. Circuit
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI. Looks like no way to get Tatel, Rogers or Garland until later today
at best.

-----Original Message-----
From: Dahl, Alex (Judiciary) [mailto:Alex_Dahl@Judiciary.senate.gov]
Sent: Monday, February 24, 2003 1:12 PM
To: Benczkowski, Brian A
Subject: FW: D.C. Circuit

Probably bad news. We do not have copies in the Committee files or
library. However, our librarian has contacted the archives, and they
should get back to us by the end of the day on whether they have them.
I'll let you know asap, but it looks like end of the day at best.

-----Original Message-----
From: Dahl, Alex (Judiciary)
Sent: Monday, February 24, 2003 12:48 PM
To: 'brian.a.benczkowski@usdoj.gov'
Subject: D.C. Circuit

Got your message. We're cranking on it.

- tmp.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7EE4E003_WHO.TXT_1>

Probably bad news. We do not have copies in the Committee files or library. However, our librarian has contacted the archives, and they should get back to us by the end of the day on whether they have them. I'll let you know asap, but it looks like end of the day at best.

-----Orig inal Message-----
From: Dahl, Alex (Judiciary)
Sent: Monday, February 24, 2003 12:48 PM< /span>
To: 'brian.a.benczkowski@usdoj.gov'
Subject: D.C. Circuit

Got your message. We're cranking on it.

From: David_G._Leitch@who.eop.gov [WHO] <Leitch, David G.>
To: <Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>;<Kavanaugh>;/EOP /FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 2/24/2003 6:02:13 AM
Subject: FYI re Fielding
Attachments: P_WWU7000674POERS_WHO.TXT_1.gif; P_WWU7000674POERS_WHO.TXT_2.gif; P_WWU7000674POERS_WHO.TXT_3.gif

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
CREATION DATE/TIME:24-FEB-2003 11:02:13.00
SUBJECT:FYI re Fielding
TO:Gonzales, Alberto R. (Alberto_R._Gonzales@who.eop.gov [WHO])
READ:UNKNOWN
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Looks like Newsday is picking up the cudgels for the Dems on this one:

Estrada Endorser Had Partisan Role

Apparent conflict with ABA rules

<javascript:void(window.open('/templates/misc/emailstory.jsp?slug=ny%2Dusaba233144576feb24&section=%2Fnews%2Flocal%2Flongisland%2Fpolitics', '_blank', 'width=300,height=420,resizable=1'))> Email this story

<http://www.newsday.com/templates/misc/printstory.jsp?slug=ny%2Dusaba233144576feb24&section=%2Fnews%2Flocal%2Flongisland%2Fpolitics> Printer friendly format

Top Stories

A <http://www.newsday.com/news/local/longisland/politics/ny-licps243144568feb24,0,5856945.story?coll=ny%2Dlipolitics%2Dheadlines> Slow Path to Safety

Call <http://www.newsday.com/news/local/longisland/politics/ny-nycoun243144614feb24,0,2654891.story?coll=ny%2Dlipolitics%2Dheadlines> to Return Council Posts

SUNY
<http://www.newsday.com/news/local/longisland/politics/ny-lisuny243144583feb24,0,4288703.story?coll=ny%2Dlipolitics%2Dheadlines> Students to Pataki: Back Off

By Tom Brune
WASHINGTON BUREAU

February 24, 2003

Washington - The lawyer who recommended the American Bar Association's highest rating for controversial appellate judge candidate Miguel Estrada took part in partisan Republican activities during his term as a nonpartisan judicial nomination evaluator for the Bar, according to records and interviews.

While serving on the ABA's nonpartisan Standing Committee on the Federal Judiciary, veteran Washington lawyer Fred F. Fielding also worked for the Bush-Cheney Transition Team, accepted an appointment from the Bush administration and helped found a group to promote and run ads supporting Bush judicial nominees, including Estrada.

Fielding evaluated Estrada in the month after President George W. Bush nominated him on May 9, 2001, ABA officials said. That was just weeks after Fielding vetted executive appointments for Bush's transition team and a year before he helped start the partisan Committee for Justice, records show.

The overlap has thrust Fielding - and his evaluation that led to the 15-member ABA Standing Committee's unanimous vote to rate Estrada "well qualified" - into the heated political battle over Estrada's nomination to the prestigious U.S. Court of Appeals for the District of Columbia, a stepping-stone to the Supreme Court.

Stephen Burbank, a judicial expert at the University of Pennsylvania, said Fielding's overlap raises an appearance of conflict, but even if he had stepped aside Estrada likely would have won the top ABA rating because of his strong academic and legal credentials.

Estrada, 41, a Washington attorney, graduated from Harvard Law School with honors, served as an assistant solicitor general in the Justice Department and has argued 15 cases before the Supreme Court.

That ABA rating has become a selling point for Republicans seeking to rebut Democrats, who two weeks ago began to filibuster a vote on Estrada, charging the conservative Hispanic lawyer is a "stealth nominee" who has a scant written record and won't answer questions on his views.

On Feb. 12, Sen. Harry Reid (D-Nev.) charged that Fielding had a conflict: "Doesn't Mr. Fielding's dual role - purportedly 'independent' evaluator and partisan foot soldier - violate ABA rules?"

Those rules say no Standing Committee member should participate in an evaluation if it would "give rise to the appearance of impropriety or would otherwise be incompatible" with the committee's purpose of a fair and nonpartisan process.

ABA officials said the Standing Committee does not evaluate a nominee's ideology or politics, only his professional competence, integrity and judicial temperament, based on many interviews and research.

ABA president A.P. Carlton rejected Reid's charges. "That's what happens when you have a filibuster," he said.

But his predecessor as ABA president, Robert Hirshon, said he was concerned when in late July 2002 he read reports that Fielding had joined Republican C. Boyden Gray to start the Committee for Justice.

"That raised some concerns in my mind," said Hirshon, "given the fact that our committee has been tarred by both conservatives and liberals as poster boys for the other side, and knowing that we needed to be absolutely nonpartisan."

He called Roscoe Trimmier Jr., then the Standing Committee chair, and asked him to talk with Fielding. "I don't see how you can do both," Hirshon said. If Fielding became involved in Gray's group, he couldn't serve as an ABA evaluator again, he said.

Trimmier talked to Fielding. "The upshot," he said, "was that Fred Fielding would not take part in any activities until his [ABA] term ended" in mid-August 2002.

Fielding is still listed as a board member of the Committee for Justice. He did not return telephone calls.

The Committee for Justice recently unveiled an ad accusing Democrats of "intolerance" for filibustering a vote on Estrada that it plans to air in a few states.

"I don't see the conflict," Gray said, adding Fielding didn't vet Estrada while on the transition team and left the ABA post soon after his group formed.

But Nan Aron, executive director of the liberal Alliance for Justice, which opposes Estrada, charges that Fielding is too partisan to do a fair evaluation.

Fielding was President Ronald Reagan's White House counsel, an adviser to Vice President Dan Quayle and assistant to John Dean, President Richard M. Nixon's White House counsel when Watergate broke.

In May, Bush appointed Fielding to an international center that settles trade disputes, a job that pays $2,000 a day plus expenses, and last fall thanked Fielding publicly during a rally for his judicial nominees.

Burbank says Fielding's activities raise questions of appearances, which could cause more damage to the ABA. Ironically, Bush removed the ABA from its long-held role pre-screening judicial nominees because of the evaluators' perceived liberal bias.

"In light of the controversy concerning the proper role of the ABA Standing Committee," Burbank said, "it seems to me to be a shame to structure the process in such a way that reasonable people might be concerned."

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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WWU7000674POERS_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WWU7000674POERS_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WWU7000674POERS_WHO.TXT_3>







From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/24/2003 6:10:44 AM
Subject: : Re: Fwd: RE: Nelson Letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN]
)
CREATION DATE/TIME:24-FEB-2003 11:10:44.00
SUBJECT:: Re: Fwd: RE: Nelson Letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

** High Priority **

I assume you are still alive, but I never got the fax that you promised
for Friday.

Can you do it today, please (and can it address the privilege issue
also)??? Thanks.

>>> <Brett_M._Kavanaugh@who.eop.gov> 2/20/03 8:17:44 PM >>>
I am alive. Will FAX a letter Friday.

(Embedded
image moved GaryM Stern <garym.stern@nara.gov>
to file: 02/19/2003 11:05:35 AM
pic05895.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Fwd: RE: Nelson Letter

Will you be able to clear this, and all the other pending notices this
week?

Any comments on the letter?

Received: from webshield2.nara.gov by smtp.nara.gov; Mon, 17 Feb 2003
10:40:50
-0500
Received: from wdcsun4.usdoj.gov(149.101.1.103) by webshield2.nara.gov via
csmap
id 14157; Mon, 17 Feb 2003 10:43:15 -0500 (EST)
Received: from wt6.usdoj.gov (localhost [127.0.0.1]) by wdcsun022.usdoj.gov
(Netscape Messaging Server 4.15) with ESMTP id HAGM8100.Q0B; Mon, 17 Feb
2003
10:40:49 -0500
Received: (from x400@localhost) by wt6.usdoj.gov (8.9.3
(PHNE_24419)/8.9.3) id
KAA16958; Mon, 17 Feb 2003 10:40:49 -0500 (EST)
Received: by TELEMAIL; Mon, 17 Feb 2003 10:40:17 -0500
Date: Mon, 17 Feb 2003 10:40:17 -0500
From: "Blackwell, Craig" <Craig.Blackwell@usdoj.gov>
Subject: RE: Nelson Letter
To: "'GaryM Stern'" <garym.stern@nara.gov> (Receipt Notification

Requested) (IPM
Return Requested), "'Brett_M._Kavanaugh@who.eop.gov'"
<Brett_M._Kavanaugh@who.eop.gov> (Receipt Notification Requested)
Message-id: <"CIVEX04-030217154017Z-20160*/PRMD=USDOJ/ADMD= /C=US/"@MHS>
Autoforwarded: FALSE
Content-identifier: RE: Nelson Lette
MIME-version: 1.0
X-Mailer: NetJunction (NetJunction 5.1.1-p2)/MIME
Content-type: multipart/mixed;
boundary="Boundary_(ID_mss5KY7TIfh9p/D8XJJ1Nw)"
Importance: Normal
Original-encoded-information-types: IA5-Text
Priority: Normal
X-Priority: 3 (Normal)
Precedence: first-class
UA-content-id: RE: Nelson Lette
X400-MTS-identifier: [/P=USDOJ/A= /C=US/;CIVEX04-030217154017Z-20160]

Looks good to me. I agree we should resolve these issues early this week.

-----Original Message-----
From: GaryM Stern [mailto:garym.stern@nara.gov]
Sent: Friday, February 14, 2003 4:37 PM
To: Blackwell, Craig; Brett_M._Kavanaugh@who.eop.gov
Subject: Nelson Letter

Here is a draft letter to Scott Nelson, responding to his FOIA request for
the
1654, in anticipation of Brett okaying the release, at least in part,
early next
week. Any comments are welcome.

Brett, let me know if you end up resolving the privileged records at the
same
time, in which case I would make this a final response.

Thanks.

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: makan_delrahim@judiciary.senate.gov@SMTP@Exchange [UNKNOWN] <makan_delrahim@judiciary.senate.gov@SMTP@Exchange>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/24/2003 6:35:54 AM
Subject: : FW:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:24-FEB-2003 11:35:54.00
SUBJECT:: FW:
TO:makan_delrahim@judiciary.senate.gov@SMTP@Exchange (
makan_delrahim@judiciary.senate.gov@SMTP@Exchange [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Check out this exchange.
;
-----Original Message-----
From: Leitch, David G.
Sent: Monday, February 24, 2003 11:34 AM
To: 'Cohen, Bruce (Judiciary)'
Subject: RE:

Sure.; I certainly don't want to get in the way of Sen. Hatch's effort to clear up the backlog.;

-----Original Message-----
From: Cohen, Bruce (Judiciary) [mailto:Bruce_Cohen@Judiciary.senate.gov]
Sent: Monday, February 24, 2003 11:01 AM
To: Leitch, David G.
Subject: RE:

Love to. We have not had a traditional start to the year and Senator Hatch has insisted on a schedule that has not left much time for meetings. Let me think about this week and next and get back to you. bac

;

-----Original Message-----
From: Leitch, David G. [mailto:David_G._Leitch@who.eop.gov]
Sent: Monday, February 24, 2003 9:55 AM
To: Cohen, Bruce (Judiciary)
Subject:

;

Any chance of rescheduling our meeting of several weeks ago?; I had no particular agenda, but was just trying to follow up on the desire you expressed in our initial meeting to make sure we stay in communication.; I'd be happy to come up there for a visit if that's more convenient.;

From: CN=Linda M. Gambatesa/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>
CC: Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>
Sent: 2/24/2003 6:58:41 AM
Subject: : Smithsonian

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-FEB-2003 11:58:41.00
SUBJECT:: Smithsonian
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The September 11th exhibit at the National Museum of American History continues to be popular, and the Smithsonian is extending it for a second time through Sunday, July 6th. Consequently, they have sent me a request to sign to extend our "loan" of the bullhorn through August 8th. They have indicated the bullhorn would be returned as quickly as possible, but the month would allow them sufficient time to pack and ship the object and coordinate delivery with our schedule.

I do not see a problem with extending the loan, but I would prefer to send someone to pick it up shortly after July 6th!

Your thoughts please?

From: CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/24/2003 7:11:05 AM
Subject: : FW: Promotional piece
Attachments: P_FW94E003_WHO.TXT_1.pdf

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-FEB-2003 12:11:05.00
SUBJECT:: FW: Promotional piece
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

See this promotional piece w/ Karl's name on it. Can you find a reason
for Karl NOT to do this?

-----Original Message-----
From: Heather Shuvalov [mailto:heather@od-s.com]
Sent: Sunday, December 21, 2003 2:28 PM
To: Ralston, Susan B.
Subject: Re: Promotional piece

Here it is. Let me know if you cannot print.
--
Heather Shuvalov
Olsen, Delisi & Shuvalov
1609 Shoal Creek Blvd., #203
Austin, TX 78701
512/479-6602 x114

> From: "Ralston, Susan B." <Susan_B._Ralston@who.eop.gov>
> Date: Fri, 21 Feb 2003 13:54:47 -0500
> To: heather@od-s.com
> Subject: FW: Promotional piece
>
> Karl is traveling and sent me a copy of your email, but the attachment
> didn't come through. Can you resend to me directly so I can print it
> for him?
>
>
>
> -----Original Message-----
> From: Heather Shuvalov <heather@od-s.com>
> To: Karl Rove <KR@georgewbush.com>
> Sent: Sun Dec 21 12:00:29 2003
> Subject: Promotional piece
>
> I wanted to show you our promotional piece because it mentions you. Do
> we
> have your permission to send this out?
> --
> Heather Shuvalov
> Olsen, Delisi & Shuvalov
> 1609 Shoal Creek Blvd., #203
> Austin, TX 78701
> 512/479-6602 x114
>
>
>
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FW94E003_WHO.TXT_1>
```

1609 Shoal Creek, Suite 203
Austin, Texas 78701

REV_00110221

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From that great opportunity, a new company is born. Rove asked Todd Olsen and Heather Shuvalov, both former Executive Vice Presidents of Rove + Company, to lead his former firm.

Today, we have a proven track record as an award-winning direct marketing and consulting firm. We specialize in developing and implementing strategic voter contact campaigns and direct mail fundraising and have helped winning Presidential, Congressional, Gubernatorial and statewide campaigns across 31 states.

Let us help you raise money and win votes. With creative packages. Strong copy. Attention-grabbing graphics. Political savvy and a love for meeting deadlines and budgets.

Contact

OLSEN & SHUVALOV

Todd Olsen **Heather Shuvalov**

1609 Shoal Creek Boulevard, Suite 203
Austin, Texas 78701
512/479-6602
512/479-8031 Fax
www.olsen-shuvalov.com

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REV_00110222

To Commemorate Our Company's New Name, We'd Like To Present You With This Gift.



The "Register – Vote" collectible postage stamp is meant to grow in value over time. Please accept this token of our appreciation for your relationship with us.

This "Register – Vote" definitive stamp was issued on Aug. 1, 1964 with the simple slogan: "Vote...and the choice is yours! Don't vote...and the choice is theirs! Register...or you have no choice!"

We are proud of our long history of helping candidates win elections. We want to be your political consulting and direct marketing firm, and we pledge every effort to exceed your expectations for personal attention, creativity, excellence and return on your investment.

We invite you to log-on to
www.olsen-shuvalov.com
for more information or to view samples of our work.

REV_00110223

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;makan_delrahim@judiciary.senate.gov <makan_delrahim@judiciary.senate.gov>
Sent: 2/24/2003 11:35:44 AM
Subject: FW:

Check out this exchange.

-----Original Message-----
From: Leitch, David G.
Sent: Monday, February 24, 2003 11:34 AM
To: 'Cohen, Bruce (Judiciary)'
Subject: RE:

Sure. I certainly don't want to get in the way of Sen. Hatch's effort to clear up the backlog.
-----Original Message-----
From: Cohen, Bruce (Judiciary) [mailto:Bruce_Cohen@Judiciary.senate.gov]
Sent: Monday, February 24, 2003 11:01 AM
To: Leitch, David G.
Subject: RE:

Love to. We have not had a traditional start to the year and Senator Hatch has insisted on a schedule that has not left much time for meetings. Let me think about this week and next and get back to you. bac

> -----Original Message-----
> **From:** Leitch, David G. [mailto:David_G._Leitch@who.eop.gov]
> **Sent:** Monday, February 24, 2003 9:55 AM
> **To:** Cohen, Bruce (Judiciary)
> **Subject:**
>
> Any chance of rescheduling our meeting of several weeks ago? I had no particular agenda, but was just trying to follow up on the desire you expressed in our initial meeting to make sure we stay in communication. I'd be happy to come up there for a visit if that's more convenient.

From: Gambatesa, Linda M.
To: <Miers, Harriet>;<Kavanaugh, Brett M.>
CC: <Hanusa, Mary Ann>
Sent: 2/24/2003 11:47:29 AM
Subject: Smithsonian

The September 11th exhibit at the National Museum of American History continues to be popular, and the Smithsonian is extending it for a second time through Sunday, July 6th. Consequently, they have sent me a request to sign to extend our "loan" of the bullhorn through August 8th. They have indicated the bullhorn would be returned as quickly as possible, but the month would allow them sufficient time to pack and ship the object and coordinate delivery with our schedule.

I do not see a problem with extending the loan, but I would prefer to send someone to pick it up shortly after July 6th!

Your thoughts please?

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/24/2003 11:47:16 AM
Subject: : Re: NEW draft 3

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-FEB-2003 16:47:16.00
SUBJECT:: Re: NEW draft 3
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

For kicks check out leahy.senate.gov and read his response to radio
address..no mention of memos.

.
```

From: [UNKNOWN] <Winland, Emily>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>;<Johnson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/265B6ABF-C51E7ED8-85256B52-4B5457 [UNKNOWN] <Clarence C.>;<Goldman>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/698AA900-27350BE5-852569DD-5F23FE [UNKNOWN] <Adam B.>;<Silverberg>;Kristen_Silverberg@who.eop.gov [WHO] <Kristen>;<Warsh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN] <Kevin>
CC: <Schacht>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/3F815C7C-30F425B-85256A09-79EEF2 [UNKNOWN] <Diana L.>;<Vestewig>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/LAUREN_J._VESTEWIG [UNKNOWN] <Lauren J.>;<Smith>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/F04AC38B-61413986-85256ABA-87320 [UNKNOWN] <Marty P.>
Sent: 2/24/2003 7:50:02 AM
Subject: Asbestos Reform Meeting

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Winland, Emily ([UNKNOWN])
CREATION DATE/TIME:24-FEB-2003 12:50:02.00
SUBJECT:Asbestos Reform Meeting
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
TO:Johnson, Clarence C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=265B6ABF-C51E7ED8-85256B52-4B5457 [UNKNOWN])
READ:UNKNOWN
TO:Goldman, Adam B. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=698AA900-27350BE5-852569DD-5F23FE [UNKNOWN])
READ:UNKNOWN
TO:Silverberg, Kristen (Kristen_Silverberg@who.eop.gov [WHO])
READ:UNKNOWN
TO:Warsh, Kevin (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=30FE7FCE-D1703678-85256B59-6CFEFC [UNKNOWN])
READ:UNKNOWN
CC:Schacht, Diana L. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=3F815C7C-30F425B-85256A09-79EEF2 [UNKNOWN])
READ:UNKNOWN
CC:Vestewig, Lauren J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=LAUREN_J._VESTEWIG [UNKNOWN])
READ:UNKNOWN
CC:Smith, Marty P. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=F04AC38B-61413986-85256ABA-87320 [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

There will be a meeting to discuss Asbestos Reform on Monday March 10 at 2:00pm.
The meeting will be held in room 211, EEOB.

Please confirm your attendance.

thanks,
Emily
6-6534

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
Sent: 2/24/2003 12:02:10 PM
Subject: FW: Promotional piece
Attachments: stamp.pdf

See this promotional piece w/ Karl's name on it. Can you find a reason for Karl NOT to do this?

-----Original Message-----
From: Heather Shuvalov [mailto:heather@od-s.com]
Sent: Sunday, December 21, 2003 2:28 PM
To: Ralston, Susan B.
Subject: Re: Promotional piece

Here it is. Let me know if you cannot print.
--
Heather Shuvalov
Olsen, Delisi & Shuvalov
1609 Shoal Creek Blvd., #203
Austin, TX 78701
512/479-6602 x114

> From: "Ralston, Susan B."
> Date: Fri, 21 Feb 2003 13:54:47 -0500
> To: heather@od-s.com
> Subject: FW: Promotional piece
>
> Karl is traveling and sent me a copy of your email, but the attachment
> didn't come through. Can you resend to me directly so I can print it
> for him?
>
>
>
> -----Original Message-----
> From: Heather Shuvalov
> To: Karl Rove
> Sent: Sun Dec 21 12:00:29 2003
> Subject: Promotional piece
>
> I wanted to show you our promotional piece because it mentions you. Do
> we
> have your permission to send this out?
> --
> Heather Shuvalov
> Olsen, Delisi & Shuvalov
> 1609 Shoal Creek Blvd., #203
> Austin, TX 78701
> 512/479-6602 x114
>
>
>

1609 Shoal Creek, Suite 203
Austin, Texas 78701

REV_00110231

OLSEN & SHUVALOV

RAISING MONEY AND WINNING VOTES THROUGH THE MAIL

A Brief History

In 1999, Karl Rove joined Bush for President after many years of helping devise winning political strategies and direct mail campaigns.

From that great opportunity, a new company is born. Rove asked Todd Olsen and Heather Shuvalov, both former Executive Vice Presidents of Rove + Company, to lead his former firm.

Today, we have a proven track record as an award-winning direct marketing and consulting firm. We specialize in developing and implementing strategic voter contact campaigns and direct mail fundraising and have helped winning Presidential, Congressional, Gubernatorial and statewide campaigns across 31 states.

Let us help you raise money and win votes. With creative packages. Strong copy. Attention-grabbing graphics. Political savvy and a love for meeting deadlines and budgets.

Contact

OLSEN & SHUVALOV

Todd Olsen **Heather Shuvalov**

1609 Shoal Creek Boulevard, Suite 203
Austin, Texas 78701
512/479-6602
512/479-8031 Fax
www.olsen-shuvalov.com

DELIVERING A WINNING MESSAGE SINCE 1999.

ANNOUNCING A NEW PARTNERSHIP TODAY.

REV_00110232

To Commemorate Our Company's New Name, We'd Like To Present You With This Gift.



The "Register – Vote" collectible postage stamp is meant to grow in value over time. Please accept this token of our appreciation for your relationship with us.

This "Register – Vote" definitive stamp was issued on Aug. 1, 1964 with the simple slogan: "Vote...and the choice is yours! Don't vote...and the choice is theirs! Register...or you have no choice!"

We are proud of our long history of helping candidates win elections. We want to be your political consulting and direct marketing firm, and we pledge every effort to exceed your expectations for personal attention, creativity, excellence and return on your investment.

We invite you to log-on to
www.olsen-shuvalov.com
for more information or to view samples of our work.

REV_00110233

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/24/2003 12:37:03 PM
Subject: : Call me 494 3923

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-FEB-2003 17:37:03.00
SUBJECT:: Call me 494 3923
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

.
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/24/2003 8:53:14 AM
Subject: : Sen. Reid is trashing Fred Fielding and ABA on floor

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-FEB-2003 13:53:14.00
SUBJECT:: Sen. Reid is trashing Fred Fielding and ABA on floor
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/24/2003 8:54:58 AM
Subject: : Harry Reid now attacking Fred Fielding on Ch. 18

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-FEB-2003 13:54:58.00
SUBJECT:: Harry Reid now attacking Fred Fielding on Ch. 18
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Preposterous. And absurdly tangential.
```

From: Lisa Budzynski <lisab@fed-soc.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/24/2003 8:59:03 AM
Subject: : New Orleans
Attachments: P_ABH4E003_WHO.TXT_1.htm; P_ABH4E003_WHO.TXT_2.txt

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lisa Budzynski <lisab@fed-soc.org> ( Lisa Budzynski <lisab@fed-soc.org> [ UNKNOWN ]
)
CREATION DATE/TIME:24-FEB-2003 13:59:03.00
SUBJECT:: New Orleans
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Hi Brett --

I just wanted to touch base with you before our Southern Leadership
Meeting next Saturday (3/8) in New Orleans. Do you need a hotel room or
any help making travel reservations?

Lisa
- att1.htm - Lisa A Budzynski.vcf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ABH4E003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ABH4E003_WHO.TXT_2>
```

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Lisa

Full Name:	Lisa A Budzynski
Last Name:	Budzynski
First Name:	Lisa
Job Title:	Director, Lawyers Chapters
Company:	The Federalist Society
Business Address:	1015 18th Street, N.W.=0D=0ASuite 425 Wash ington, DC 20036
Business:	(202) 822-8138
Business Fax:	(202) 296-8061
E-mail:	lisab@fed-soc.org
E-mail Display As:	Lisa A Budzynski <lisab@fed-soc.org>
Web Page:	http://www.fed-soc.org

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 2/24/2003 9:26:54 AM
Subject: :
Attachments: P_D0J4E003_WHO.TXT_1.gif; P_D0J4E003_WHO.TXT_2.gif

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-FEB-2003 14:26:54.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

The New Mexican Editorial | Mon, Feb 24 Bingaman Should Lead Dems' Filibuster Retreat

The New Mexican 02/24/2003

s legendary prizefighter Joe Louis said of an upcoming opponent reputed to be fast on his feet: "He can run, but he can't hide.''

Senate Democrats, along with the Republican majority, fled Washington last week as their way of honoring Presidents' Day. The annual recess suspended their filibuster against a federal judgeship vote. The Dems are making an unwarranted stand, and an unseemly fuss, over the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit.

The filibuster - protracted talking under senatorial privilege - had consumed a week of debate about Estrada before the senators left town. Now they're gravitating back to the Potomac, and the Dems can hide no longer. Resumption of their verbose balking will make them look ridiculous - at a time when the nation needs statesmen to stand up against the White House warmonger and his partisans commanding Capitol Hill.

The Democrats have chosen a particularly poor target: Estrada, who came from Honduras as a boy and went on to lead his law class at Harvard, is better qualified than many a Democratic appointee now holding life tenure on one federal bench or another.

But after confirming so many less-qualified judges while they held power, Estrada's senatorial tormentors now offer "reasons'' why he shouldn't be confirmed: too young; too bashful about answering leading questions; appointed only because he's Hispanic - or, to some senators' way of thinking, not Hispanic enough.

What really rankles with the Democrats, though, is Estrada's politics. He's a conservative. Surprise, surprise; we've got a conservative president, and it's the president who makes the appointments to the federal judiciary.

As the party on the outs, the Dems had better get used to like-minded appointments from the president. If their game-playing goes on, a disgusted American public might keep George W. Bush in office for the next six years. The country certainly didn't see any reason to balance Bush against a Democratic Congress when it had a chance just a few months ago. With their spiteful behavior toward Bush appointees, the Dems aren't exactly gaining goodwill.

If they find the Republican so repugnant, let 'em vote against him; at least they'll be putting their ideals - or their party colors - on display. But this is no Mr. Smith against some diabolical establishment; it's a bunch of sore losers making themselves even more so.

To break a filibuster by cloture takes 60 senators. The Senate's 51 Republicans need nine of the 48 Democrats, or eight of them and ex-Republican Jim Jeffords of Vermont.

New Mexico's Jeff Bingaman should lead the Democratic blockade-runners. By all measures, Bingaman is a class act; a lawyer who knows that senators have no business obstructing appointments on purely political grounds. He also knows that Republicans aren't going to hold the White House forever; that sooner or later a Democratic president will be choosing judges. And he realizes that Republicans, like their mascot, have long memories.

The last thing our justice system needs is an ongoing feud over appointments to district and appellate judgeships. Let Judge Estrada's confirmation be a landmark of partisan politics' retreat from the courtroom.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_D0J4E003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_D0J4E003_WHO.TXT_2>

A

From: David_G._Leitch@who.eop.gov [WHO] <Leitch, David G.>
To: <Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>;<Kavanaugh>;/EOP /FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 2/24/2003 9:26:44 AM
Subject:
Attachments: P_ALV2000674POERS_WHO.TXT_1.gif; P_ALV2000674POERS_WHO.TXT_2.gif

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
CREATION DATE/TIME:24-FEB-2003 14:26:44.00
SUBJECT:
TO:Gonzales, Alberto R. (Alberto_R._Gonzales@who.eop.gov [WHO])
READ:UNKNOWN
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

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The New Mexican 02/24/2003

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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ALV2000674POERS_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ALV2000674POERS_WHO.TXT_2>

A

From: CN=Leonard B. Rodriguez/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Matthew E. Smith/WHO /EOP@EOP [WHO] <Matthew E. Smith>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/24/2003 9:33:02 AM
Subject: : Estrada Report

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-FEB-2003 14:33:02.00
SUBJECT:: Estrada Report
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Can this be circulated to the rest of us??
```

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 2/24/2003 1:48:32 PM
Subject: Sen. Reid is trashing Fred Fielding and ABA on floor

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 2/24/2003 2:26:44 PM
Subject:
Attachments: DC-A.gif; spacer.gif

The New Mexican Editorial | Mon, Feb 24

Bingaman Should Lead Dems' Filibuster Retreat

The New Mexican 02/24/2003

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The last thing our justice system needs is an ongoing feud over appointments to district and appellate judgeships. Let Judge Estrada's confirmation be a landmark of partisan politics' retreat from the courtroom.

From: Schacht, Diana L.
To: <Kavanaugh, Brett M.>;<Johnson, Clarence C.>;<Goldman, Adam B.>;<Silverberg, Kristen>;<Warsh, Kevin>
Sent: 2/24/2003 2:53:32 PM
Subject: Asbestos Reform Meeting

this meeting will be a presentation by an Ohio CEO who has been active in promoting asbestos liability reform

---------- Forwarded by Diana L. Schacht/OPD/EOP on 02/24/2003 02:57 PM ----------

Emily Winland

02/24/2003 12:57:26 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Diana L. Schacht/OPD/EOP@EOP, Lauren J. Vestewig/OPD/EOP@Exchange@EOP, Marty P. Smith/OPD/EOP@EOP

Subject: Asbestos Reform Meeting

There will be a meeting to discuss Asbestos Reform on Monday March 10 at 2:00pm.

The meeting will be held in room 211, EEOB.

Please confirm your attendance.

thanks,

Emily

6-6534

Message Sent To:

Brett M. Kavanaugh/WHO/EOP@EOP

Clarence C. Johnson/NSC/EOP@EOP

Adam B. Goldman/WHO/EOP@EOP

Kristen Silverberg/WHO/EOP@Exchange@EOP

Kevin Warsh/OPD/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 2/24/2003 3:46:51 PM
Subject: : Re: 41 Invite
Attachments: P_OW35E003_WHO.TXT_1.htm; P_OW35E003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-FEB-2003 20:46:51.00
SUBJECT:: Re: 41 Invite
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

Approved.

Kate Walters <kate@georgewbush.com>
02/24/2003 07:46:45 PM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: 41 Invite

Save the Date!Do you want to look at a RNC invite for an event that 41 is attending?

-----Original Message-----
From: Debbie LeHardy - Finance [mailto:DLehardy@rnchq.org]
Sent: Monday, February 24, 2003 1:28 PM
To: Kate Walters
Subject: Save the Date!
Importance: High

Hi Kate--this is a save-the-date for the Eagles Spring trip to Texas. Everyone here has approved--and Jack has asked to run it by Ken. As usual, the issue for us is that we must get this out by COB today as we are tring to have it in people's hands prior to our phone Day--Which is Wednesday!! AAAAAAGH.

I am so sorry to put you in a pinch, but would it be possible to run this by
Ken?

Thank you so much!! <<Save the date.doc>>

- att1.htm
- Save the date.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OW35E003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OW35E003_WHO.TXT_2>

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-----Original Message-----
From: Debbie LeHardy - Finance [mailto:DLehardy@rnchq.org]
Sent: Monday, February 24, 2003 1:28 PM
To: Kate Walters
Subject: Save the Date!
Importance: High

Hi Kate--this is a save-the-date for the Eagles Spring trip to Texas. Everyone here has approved--and Jack has asked to run it by Ken. As usual, the issue for us is that we must get this out by COB today as we are tring to have it in people's hands prior to our phone Day--Which is Wednesday!! AAAAAAGH.

I am so sorry to put you in a pinch, but would it be possible to run this by Ken?

Thank you so much!! <<Save the date.doc>>

Howdy Republican Eagles!!

SAVE THE DATE!!
April 24-26, 2003

Put your Eagles' boots on and plan to travel to Texas.

Don't Mess With Texas!!

Eagles Spring Round-Up

Date: **Thursday, April 24th through Saturday April 26th**

Location: **The Four Seasons Hotel in Austin, Texas**

Check-in: **Thursday, April 24 ☆ 12:00 – 4:00 p.m.**
Reserve your rooms NOW! Please be advised that space is limited—first come, first served.

For reservations: 512.685.8100 ☆Ask for the Republican National Committee's Eagles room block

Itinerary in Brief :

Thursday, April 24	Cocktails and Dinner at the Four Season Special keynote speaker: TBA
Friday, April 25	George H. W. Bush Library Road Trip College Station, Texas

☆Special Guest, President George H.W. Bush☆

Saturday, April 26	Send-off breakfast Special keynote: TBA

Incredible details to follow—you will NOT want to miss this meeting! Please call 202.863.8720 if you have any questions, and COMING SOON, a formal invitation and RSVP form.

Paid for by the Republican National Committee

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
CC: sralston@georgewbush.com [WHO] <sralston@georgewbush.com>
Sent: 2/24/2003 4:05:18 PM
Subject: : Re: Rove Invite
Attachments: P_V345E003_WHO.TXT_1.htm; P_V345E003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-FEB-2003 21:05:18.00
SUBJECT:: Re: Rove Invite
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
CC:sralston@georgewbush.com (sralston@georgewbush.com [WHO])
READ:UNKNOWN
End Original ARMS Header

Approved from here. I assume Josefiak also has approved?

Kate Walters <kate@georgewbush.com>
02/24/2003 02:54:45 PM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Sralston@georgewbush.com
Subject: Rove Invite

can u please get approval?Brett- Can you please approve this? thanks

-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Monday, February 24, 2003 12:43 PM
To: Kate Walters
Subject: can u please get approval?

<<rove invite.doc>>
hi kate. this is the rove invite for majority fund for march 19. it has
been
signed off on over here- let me know of any questions. thanks very much!

sb

- att1.htm
- rove invite.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_V345E003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_V345E003_WHO.TXT_2>

Brett - Can you please approve this? thanks

-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Monday, February 24, 2003 12:43 PM
To: Kate Walters
Subject: can u please get approval?

<<rove invite.doc>>
hi kate. this is the rove invite for majority fund for march 19. it has been signed off on over here- let me know of any questions. thanks very much!

sb

The RNC Majority Fund

Cordially invites you to attend our first 2003 Quarterly Dinner

FEATURING

Karl Rove

AND HOST

Jack Oliver

WEDNESDAY, MARCH 19, 2003
THE OCCIDENTAL
1475 PENNSYLVANIA AVENUE, NW
WASHINGTON DC

Cocktails at 6:30 p.m.
Dinner at 7:00 p.m.

PAID FOR BY THE REPUBLICAN NATIONAL COMMITTEE

REV_00110275

THE RNC MAJORITY FUND

QUARTERLY DINNER WITH KARL ROVE

WEDNESDAY, MARCH 19, 2003
6:30 COCKTAILS
7:00 DINNER
THE OCCIDENTAL
1475 PENNSYLVANIA AVE, NW
WASHINGTON, DC

PLEASE FAX TO (202) 863-8634 BY FRIDAY, MARCH 14, 2003

YOU MUST RSVP AND HAVE AN EXECUTIVE MEMBERSHIP TO ATTEND. ONLY 1 PERSON PER MEMBERSHIP PLEASE.

☐ **Yes! I will attend.**

☐ **No, I will not be able to attend.**

PAC: _____

ATTENDEE: _____

PAID FOR BY THE REPUBLICAN NATIONAL COMMITTEE

REV_00110276

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@Exchange [WHO] <Susan B. Ralston>
Sent: 2/24/2003 4:15:32 PM
Subject: : Re: FW: Promotional piece
Attachments: P_K745E003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-FEB-2003 21:15:32.00
SUBJECT:: Re: FW: Promotional piece
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

This strikes me as quite odd. Please call if you want to proceed.

From: Susan B. Ralston/WHO/EOP@Exchange on 02/24/2003 12:02:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Promotional piece

See this promotional piece w/ Karl's name on it. Can you find a reason
for Karl NOT to do this?

-----Original Message-----
From: Heather Shuvalov [mailto:heather@od-s.com]
Sent: Sunday, December 21, 2003 2:28 PM
To: Ralston, Susan B.
Subject: Re: Promotional piece

Here it is. Let me know if you cannot print.
--
Heather Shuvalov
Olsen, Delisi & Shuvalov
1609 Shoal Creek Blvd., #203
Austin, TX 78701
512/479-6602 x114

> From: "Ralston, Susan B." <Susan_B._Ralston@who.eop.gov>
> Date: Fri, 21 Feb 2003 13:54:47 -0500
> To: heather@od-s.com
> Subject: FW: Promotional piece
>
> Karl is traveling and sent me a copy of your email, but the attachment
> didn't come through. Can you resend to me directly so I can print it
> for him?
>
>
>
> -----Original Message-----
> From: Heather Shuvalov <heather@od-s.com>
> To: Karl Rove <KR@georgewbush.com>
> Sent: Sun Dec 21 12:00:29 2003
> Subject: Promotional piece
>
> I wanted to show you our promotional piece because it mentions you. Do
> we
> have your permission to send this out?

> --
> Heather Shuvalov
> Olsen, Delisi & Shuvalov
> 1609 Shoal Creek Blvd., #203
> Austin, TX 78701
> 512/479-6602 x114
>
>
>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_K745E003_WHO.TXT_1>

1609 Shoal Creek, Suite 203
Austin, Texas 78701

REV_00110280

OLSEN & SHUVALOV

RAISING MONEY AND WINNING VOTES THROUGH THE MAIL

A Brief History

In 1999, Karl Rove joined Bush for President after many years of helping devise winning political strategies and direct mail campaigns.

From that great opportunity, a new company is born. Rove asked Todd Olsen and Heather Shuvalov, both former Executive Vice Presidents of Rove + Company, to lead his former firm.

Today, we have a proven track record as an award-winning direct marketing and consulting firm. We specialize in developing and implementing strategic voter contact campaigns and direct mail fundraising and have helped winning Presidential, Congressional, Gubernatorial and statewide campaigns across 31 states.

Let us help you raise money and win votes. With creative packages. Strong copy. Attention-grabbing graphics. Political savvy and a love for meeting deadlines and budgets.

Contact

OLSEN & SHUVALOV

Todd Olsen **Heather Shuvalov**

1609 Shoal Creek Boulevard, Suite 203
Austin, Texas 78701
512/479-6602
512/479-8031 Fax
www.olsen-shuvalov.com

DELIVERING A WINNING MESSAGE SINCE 1999.

ANNOUNCING A NEW PARTNERSHIP TODAY.

REV_00110281

To Commemorate Our Company's New Name, We'd Like To Present You With This Gift.



The "Register – Vote" collectible postage stamp is meant to grow in value over time. Please accept this token of our appreciation for your relationship with us.

This "Register – Vote" definitive stamp was issued on Aug. 1, 1964 with the simple slogan: "Vote...and the choice is yours! Don't vote...and the choice is theirs! Register...or you have no choice!"

We are proud of our long history of helping candidates win elections. We want to be your political consulting and direct marketing firm, and we pledge every effort to exceed your expectations for personal attention, creativity, excellence and return on your investment.

We invite you to log-on to
www.olsen-shuvalov.com
for more information or to view samples of our work.

REV_00110282

From: Bowen, Stuart W.

To: <Abbot, Charles S.>;<Addington, David S.>;<Amorsingh, L. Linus>;<Andrews, Mary C.>;<Arends, Jackie>;<Badenhop, Kimberly A.>;<Badger, William D.>;<Baer, Christine K.>;<Bailey, Christa J.>;<Ball, Andrea G.>;<Balls, Katharine>;<Barrales, Ruben S.>;<Bartlett, Daniel J.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Besanceney, Brian R.>;<Beyer, Todd W.>;<Beynon, Rebecca A.>;<Blahous, Charles P.>;<Blakeman, Bradley A.>;<Bonilla, Carlos E.>;<Bourns, Lindsay J.>;<Bridgeland, John M.>;<Bullock, Katja>;<Bumatay, Patrick J.>;<Burks, Jonathan W.>;<Burmeister, Janice L.>;<Cabral, Raquel>;<Cairns, Brian>;<Camp, Elizabeth N.>;<Canfield, Sally>;<Capretta, James C.>;<Chadwick, Kirsten>;<Chambers, Shane P.>;<Christie, Ronald I.>;<Ciafardini, Andrew D.>;<Ciccone, Christine>;<Cilluffo, Frank>;<Clark, Alicia P.>;<Cleveland, Robin>;<Click, Carrie W.>;<Cloud, John A.>;<Conklin, Brian C.>;<Connaughton, James>;<Contreras, Rebecca>;<Conway, Thais C.>;<Cooper, Colby J.>;<Crable, Lynn A.>;<Crowther, Anne C.>;<Cruson, Karen D.>;<Daniels, Mitchell>;<Davidson, Peter>;<Davis, Michael>;<Deckard, Josh>;<DeFrancis, Suzy>;<Deguzman Jr, Danilo>;<Deservi, Robert>;<Devenish, Nicolle>;<Dickens, Reed>;<Dickey, Lana>;<Dorn, Nancy>;<Droege, Philip C.>;<Drummond, Ashley D.>;<Dyck, Paul B.>;<Edson, Gary R.>;<Elliott, Ruth E.>;<Elwood, Courtney S.>;<Eskew, Tucker A.>;<Estes, Ashley>;<Estes, John D.>;<Evans, Sandra K.>;<Everson, Mark>;<Everson, Nanette>;<Faoro, Daniel D.>;<Fenton, Catherine S.>;<Figg, Jeanie L.>;<Figg, Kara G.>;<Fleischer, Lawrence A.>;<Foley, Jennifer>;<Francisco, Noel J.>;<Francisco, Restituto M.>;<Furchtgott-roth, Diana E.>;<Gambatesa, Linda M.>;<Gannon, Kelley>;<Garrison, Sarah M.>;<Garrison, Stephen M.>;<Gerson, Michael J.>;<Gibson, John D.>;<Goeglein, Tim>;<Goldman, Adam B.>;<Gonzales, Alberto R.>;<Good, Terry W.>;<Gottesman, Blake>;<Gottshall, Donna B.>;<Grant, Britt>;<Gray, Ann>;<Gray, Wendy E.>;<Gross, Taylor S.>;<Guerra, Abel>;<Hadley, Stephen J.>;<Hager, Henry C.>;<Hagin, Joseph W>;<Haines, Mary A.>;<Hanusa, Mary Ann>;<Healy, Erin E.>;<Heath, Daniel D.>;<Hobbs, David W.>;<Horton, John>;<Hughes, A. Merrill>;<Ishikawa, Moreen>;<Jablonka, Curtis R.>;<Jacanin, Marilyn R.>;<Jackson, Barry S.>;<Jenkins, Gregory J.>;<Johnson III, Clay>;<Johnson, Collister W.>;<Jones, Brian C.>;<Joshi, M. Kay>;<Jucas, Tracy>;<Kalbaugh, David E.>;<Kaplan, Joel>;<Karow, Terry L.>;<Kavanaugh, Brett M.>;<Keniry, Daniel>;<Kirk, Matthew>;<Kozberg, Lindsey C.>;<Kuo, David>;<Lefkowitz, Jay P.>;<Leitch, David G.>;<Lineberry, Laura E.>;<Lobrano, Lauren C.>;<Loewer, Deborah A.>;<Loper, Ginger G.>;<Loy, Carrie B.>;<Maisto, John F.>;<Mallea, Jose>;<Mamo, Jeanie S.>;<Marquez, Heidi K.>;<Marsh, Robert>;<Marshall, Misty C.>;<McCathran, William W.>;<McClellan, Scott>; <McConnell, John P.>;<McDaniel, Andrea>;<McNally, Edward>;<Mehlman, Ken>;<Middlemas, A. Morgan>;<Millerwise, Jennifer>;<Millison, Cathy L.>;<Montanus, Paul D.>;<Montgomery, Brian D.>;<Montiel, Charlotte L.>;<Motley, Eric L.>;<Moy, Edmund C.>;<Mynster, Kathleen>; <Newstead, Jennifer G.>;<Nipper, Wendy L.>;<Ojakli, Ziad>;<Overton, Bruce>;<Perino, Dana M.>;<Perry, Philip J.>;<Pipes, Kasey S.>;<Powell, Benjamin>;<Powell, Dina>;<Pritchett, Clare>; <Ralston, Susan B.>;<Rawson, Kimberly D.>;<Ray, Craig>;<Reed, McGavock D.>;<Reid, Margaret A.>;<Reynolds, Tim>;<Rice, Condoleezza>;<Ridge, Thomas J.>;<Riepenhoff, Allison L.>;<Ritacco, Krista L.>;<Rove, Karl C.>;<Rowley, Jill C.>;<Rust, Kathryn E.>;<Ryun, Catharine A.>;<Sampson, Kyle>;<Saunders, G. Timo>;<Schacht, Diana L.>;<Schlapp, Matthew A.>;<Sechser, Scott D.>;<Sforza, Scott N.>;<Silverberg, Kristen>;<Smith, Matthew E.>;<Spellings, Margaret M.>;<Sterner, Susan L.>;<Suarez, Aquiles F.>;<Sunbarger, Rachael L.>;<Towey, Jim>;<Vargo, Erin A.>;<Vestewig, Lauren J.>;<Viana, Mercedes M.>;<Walker, Helgard C.>;<Walters, Katherine M.>;<Warsh, Kevin>;<Weinstein, Jared B.>;<Westine, Lezlee J.>;<Wiegmann, John B.>;<Yeager, Karen A.>;<Young, Tracy>

CC: <Miers, Harriet>;<Cleveland, Carolyn E.>;<Barclay, Barbara A.>;<Bird, Debra D.>;<Boisvenue, Michael J.>

Sent: 2/24/2003 4:34:13 PM

Subject: Farewell

To My Friends and Colleagues at the White House:

On this Friday, February 28, I will conclude my tenure at the White House, ending eight years of service as a member President and Governor Bush's staff. Thanks to all for helping to make my time here rewarding; and I remain grateful for the friendships I have made and the experiences I have had here. The President has a great team serving him and our Nation. I wish you all my very best.

Stuart

ps

On March 31, I will begin work as a partner at the law firm of Patton Boggs LLP. You can reach me there at 202-457-6000.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne E. Campbell/WHO/EOP@Exchange@EOP [WHO] <Anne E. Campbell>
CC: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>
Sent: 2/24/2003 2:14:38 PM
Subject: : from Counsel: No comments on remarks for meeting with NEC

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-FEB-2003 19:14:38.00
SUBJECT:: from Counsel: No comments on remarks for meeting with NEC
TO:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: \"Ledeen, Barbara \(Republican-Conf\)\ <Barbara_Ledeen@src.senate.gov>
To: <Rodriguez, Leonard B.>;Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;<Snee, Ashley>;Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>;Myers, Chris \(Republican-Conf\) <Chris_Myers@src.senate.gov>;joschal@att.net <joschal@att.net>;joschal@att.net <Wingate, Heather>;alafferty@traditionalvalues.org <alafferty@traditionalvalues.org>;alafferty@traditionalvalues.org <Viana, Mercedes M.>;alafferty@traditionalvalues.org <Kavanaugh, Brett M.>;LJenness_Olmos@rnchq.org <LJenness_Olmos@rnchq.org>;scastillo@rnchq.org <scastillo@rnchq.org>;Duffield, Steven \(RPC\) <Steven_Duffield@rpc.senate.gov>;Abegg, John \(McConnell\) <John_Abegg@mcconnell.senate.gov>;Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>;scastillo@rnchq.org <scastillo@rnchq.org>;rfernandez@rnchq.org <rfernandez@rnchq.org>;rfernandez@rnchq.org <Smith, Matthew E.>;rfernandez@rnchq.org <Goeglein, Tim>;LJenness_Olmos@rnchq.org <LJenness_Olmos@rnchq.org>;LJenness_Olmos@rnchq.org <Guerra, Abel>;LJenness_Olmos@rnchq.org <Grubbs, Wendy J.>;Rodgers, Mark \(Republican-Conf\) <Mark_Rodgers@src.senate.gov>;Keys, Elizabeth \(Republican-Conf\) <Elizabeth_Keys@src.senate.gov>
Sent: 2/24/2003 6:25:55 PM
Subject: From Rush
Attachments: att1.eml

"People on the right are fighting back, not letting the monopoly of left wing control of the media and politics run the day anymore. I don't know what the outcome of this will be, but nevertheless, it's a

great move. It has made news and people know about it. It's fighting fire with fire."

<http://rushlimbaugh.com/home/daily/site_022103/content/stack_a.guest.html>

<http://rushlimbaugh.com/home/daily/site_021903/content/on_the_rushwire.guest.html>

<http://rushlimbaugh.com/home/weekend_sites/week_in_review_021003___021403/content/democrats__effort_to_derail_estrada_.guest.html>

<http://rushlimbaugh.com/home/daily/site_021303/content/quotes.guest.html>

<http://rushlimbaugh.com/home/daily/site_021303/content/across_the_fruited_plain.guest.html>

<http://rushlimbaugh.com/home/daily/site_021303/content/eib_a_b.guest.html>

<http://rushlimbaugh.com/home/daily/site_021303/content/the_limbaugh_library.guest.html>

<http://rushlimbaugh.com/home/daily/site_021203/content/truth_detector.guest.html>

Barbara Ledeen

Director of Coalitions

Senate Republican Conference

202-224-2763

- att1.eml << att1.eml >>

From: Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>
To: Leonard_B._Rodriguez@who.eop.gov; Comisac, RenaJohnson (Judiciary); Ashley_Snee@who.eop.gov; Kristi.L.Remington@usdoj.gov; Myers, Chris (Republican-Conf); joschal@att.net; Heather_Wingate@oa.eop.gov; alafferty@traditionalvalues.org; Mercedes_M._Viana@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov; LJenness_Olmos@rnchq.org; scastillo@rnchq.org; Duffield, Steven (RPC); Abegg, John (McConnell); Miranda, Manuel (Frist); scastillo@rnchq.org; rfernandez@rnchq.org; Matthew_E._Smith@who.eop.gov; Tim_Goeglein@who.eop.gov; LJenness_Olmos@rnchq.org; Abel_Guerra@who.eop.gov; Wendy_J._Grubbs@who.eop.gov; Rodgers, Mark (Republican-Conf); Keys, Elizabeth (Republican-Conf)
Sent: 2/24/2003 6:25:55 PM
Subject: From Rush

"People on the right are fighting back, not letting the monopoly of left wing control of the media and politics run the day anymore. I don't know what the outcome of this will be, but nevertheless, it's a
great move. It has made news and people know about it. It's fighting fire with fire."

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<http://rushlimbaugh.com/home/daily/site_021903/content/on_the_rushwire.guest.html>

<http://rushlimbaugh.com/home/weekend_sites/week_in_review_021003___021403/content/democrats__effort_to_derail_estrada_.guest.html>

<http://rushlimbaugh.com/home/daily/site_021303/content/quotes.guest.html>

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<http://rushlimbaugh.com/home/daily/site_021303/content/eib_a_b.guest.html>

<http://rushlimbaugh.com/home/daily/site_021303/content/the_limbaugh_library.guest.html>

<http://rushlimbaugh.com/home/daily/site_021203/content/truth_detector.guest.html>

Barbara Ledeen
Director of Coalitions
Senate Republican Conference
202-224-2763

From: Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>
To: <Rodriguez, Leonard B.>;Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;<Snee, Ashley>;Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>;Myers, Chris \(Republican-Conf\) <Chris_Myers@src.senate.gov>;joschal@att.net <joschal@att.net>;Heather_Wingate@oa.eop.gov <Heather_Wingate@oa.eop.gov>;alafferty@traditionalvalues.org <alafferty@traditionalvalues.org>;alafferty@traditionalvalues.org <Viana, Mercedes M.>;alafferty@traditionalvalues.org <Kavanaugh, Brett M.>;LJenness_Olmos@rnchq.org <LJenness_Olmos@rnchq.org>;scastillo@rnchq.org <scastillo@rnchq.org>;Duffield, Steven \(RPC\) <Steven_Duffield@rpc.senate.gov>;Abegg, John \(McConnell\) <John_Abegg@mcconnell.senate.gov>;Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>;scastillo@rnchq.org <scastillo@rnchq.org>;rfernandez@rnchq.org <rfernandez@rnchq.org>;rfernandez@rnchq.org <Smith, Matthew E.>;rfernandez@rnchq.org <Goeglein, Tim>;LJenness_Olmos@rnchq.org <LJenness_Olmos@rnchq.org>;LJenness_Olmos@rnchq.org <Guerra, Abel>;LJenness_Olmos@rnchq.org <Grubbs, Wendy J.>;Rodgers, Mark \(Republican-Conf\) <Mark_Rodgers@src.senate.gov>;Keys, Elizabeth \(Republican-Conf\) <Elizabeth_Keys@src.senate.gov>
Sent: 2/24/2003 6:25:55 PM
Subject: From Rush

"People on the right are fighting back, not letting the monopoly of left wing control of the media and politics run the day anymore. I don't know what the outcome of this will be, but nevertheless, it's a
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<http://rushlimbaugh.com/home/daily/site_021903/content/on_the_rushwire.guest.html>

<http://rushlimbaugh.com/home/weekend_sites/week_in_review_021003___021403/content/democrats__effort_to_derail_estrada_.guest.html>

<http://rushlimbaugh.com/home/daily/site_021303/content/quotes.guest.html>

<http://rushlimbaugh.com/home/daily/site_021303/content/across_the_fruited_plain.guest.html>

<http://rushlimbaugh.com/home/daily/site_021303/content/eib_a_b.guest.html>

<http://rushlimbaugh.com/home/daily/site_021303/content/the_limbaugh_library.guest.html>

<http://rushlimbaugh.com/home/daily/site_021203/content/truth_detector.guest.html>

Barbara Ledeen
Director of Coalitions
Senate Republican Conference
202-224-2763

From: Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David G. Leitch/WHO /EOP@EOP [WHO] <David G. Leitch>
Sent: 2/24/2003 2:39:59 PM
Subject: : RE:
Attachments: P_NO25E003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> ("Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:24-FEB-2003 19:39:59.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ooh! Great response! He is just incorrigible. Best, Makan.

-----Original Message-----
From: Leitch, David G. [mailto:David_G._Leitch@who.eop.gov]
Sent: Monday, February 24, 2003 11:36 AM
To: Kavanaugh, Brett M.; Delrahim, Makan (Judiciary)
Subject: FW:

Check out this exchange.

-----Original Message-----
From: Leitch, David G.
Sent: Monday, February 24, 2003 11:34 AM
To: 'Cohen, Bruce (Judiciary)'
Subject: RE:
Sure. I certainly don't want to get in the way of Sen. Hatch's effort to clear up the backlog.
-----Original Message-----
From: Cohen, Bruce (Judiciary)
[mailto:Bruce_Cohen@Judiciary.senate.gov]
Sent: Monday, February 24, 2003 11:01 AM
To: Leitch, David G.
Subject: RE:
Love to. We have not had a traditional start to the year and Senator Hatch has insisted on a schedule that has not left much time for meetings. Let me think about this week and next and get back to you. bac

-----Original Message-----
From: Leitch, David G. [mailto:David_G._Leitch@who.eop.gov]
Sent: Monday, February 24, 2003 9:55 AM
To: Cohen, Bruce (Judiciary)
Subject:

Any chance of rescheduling our meeting of several weeks ago? I had no particular agenda, but was just trying to follow up on the desire you expressed in our initial meeting to make sure we stay in communication. I'd be happy to come up there for a visit if that's more convenient.
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NO25E003_WHO.TXT_1>

Ooh! & nbsp; Great response! He is just incorrigible. Best, Makan.

-----Original Message-----
From: Leitch, David G. [mailto:David_G._Leitch@who.eop.gov]
Sent: Monday, February 24, 2003 11:36 AM
To: Kavanaugh, Brett M.; Delrahim, Makan (Judiciary)
Subject: FW:

Check out this exchange.

-----Original Message-----
From: Leitch, David G.
Sent: Monday, February 24, 2003 11:34 AM
To: 'Cohen, Bruce (Judiciary)'
Subject: RE:

Sure. I certainly don't want to get in the way of Sen. Hatch's effort to clear up the backlog.

> -----Original Message-----
> **From:** Cohen, Bruce (Judiciary) [mailto:Bruce_Cohen@Judiciary.senate.gov]
> **Sent:** Monday, February 24, 2003 11:01 AM
> **To:** Leitch, David G.
> **Subject:** RE:
>
> Love to. We have not had a traditional start to the year and Senator Hatch has insisted on a schedule that has not left much time for meetings. Let me think about this week and next and get back to you. bac
>
> > -----Original Message-----
> > **From:** Leitch, David G. [mailto:David_G._Leitch@who.eop.gov]
> > **Sent:** Monday, February 24, 2003 9:55 AM
> > **To:** Cohen, Bruce (Judiciary)
> > **Subject:**
> >
> > Any chance of rescheduling our meeting of several weeks ago? I had no particular agenda, but was just trying to follow up on the desire you expressed in our initial meeting to make sure we stay in communication. I'd be happy to come up there for a visit if that's more convenient.

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/24/2003 3:16:05 PM
Subject: : 41 Invite
Attachments: P_WC35E003_WHO.TXT_1.htm; P_WC35E003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:24-FEB-2003 20:16:05.00
SUBJECT:: 41 Invite
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Save the Date!Do you want to look at a RNC invite for an event that 41 is attending?

-----Original Message-----
From: Debbie LeHardy - Finance [mailto:DLehardy@rnchq.org]
Sent: Monday, February 24, 2003 1:28 PM
To: Kate Walters
Subject: Save the Date!
Importance: High

Hi Kate--this is a save-the-date for the Eagles Spring trip to Texas. Everyone here has approved--and Jack has asked to run it by Ken. As usual, the issue for us is that we must get this out by COB today as we are tring to have it in people's hands prior to our phone Day--Which is Wednesday!! AAAAAAGH.

I am so sorry to put you in a pinch, but would it be possible to run this by
Ken?

Thank you so much!! <<Save the date.doc>>

- att1.htm - Save the date.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WC35E003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WC35E003_WHO.TXT_2>

Do yo u want to look at a RNC invite for an event that 41 is attending?

-----Original Message-----
From: Debbie LeHardy - Finance [mailto:DLehardy@rnchq.org]
Sent: Monday, February 24, 2003 1:28 PM
To: Kate Walters
Subject: Save the Date!
Importance: High

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I am so sorry to put you in a pinch, but would it be possible to run this by Ken?

Thank you so much!! <<Save the date.doc>>

Howdy Republican Eagles!!

SAVE THE DATE!!
April 24-26, 2003

Put your Eagles' boots on and plan to travel to Texas.

Don't Mess With Texas!!

Eagles Spring Round-Up

Date: **Thursday, April 24th through Saturday April 26th**

Location: **The Four Seasons Hotel in Austin, Texas**

Check-in: **Thursday, April 24 ☆ 12:00 – 4:00 p.m.**
Reserve your rooms NOW! Please be advised that space is limited—first come, first served.

For reservations: 512.685.8100 ☆Ask for the Republican National Committee's Eagles room block

Itinerary in Brief :

Thursday, April 24	Cocktails and Dinner at the Four Season Special keynote speaker: TBA
Friday, April 25	George H. W. Bush Library Road Trip College Station, Texas

☆Special Guest, President George H.W. Bush☆

Saturday, April 26	Send-off breakfast Special keynote: TBA

Incredible details to follow—you will NOT want to miss this meeting! Please call 202.863.8720 if you have any questions, and COMING SOON, a formal invitation and RSVP form.

Paid for by the Republican National Committee

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 2/24/2003 3:46:51 PM
Subject: : Re: 41 Invite
Attachments: P_OW35E003_WHO.TXT_1.htm; P_OW35E003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-FEB-2003 20:46:51.00
SUBJECT:: Re: 41 Invite
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

Approved.

Kate Walters <kate@georgewbush.com>
02/24/2003 07:46:45 PM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: 41 Invite

Save the Date!Do you want to look at a RNC invite for an event that 41 is attending?

-----Original Message-----
From: Debbie LeHardy - Finance [mailto:DLehardy@rnchq.org]
Sent: Monday, February 24, 2003 1:28 PM
To: Kate Walters
Subject: Save the Date!
Importance: High

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I am so sorry to put you in a pinch, but would it be possible to run this by
Ken?

Thank you so much!! <<Save the date.doc>>

- att1.htm
- Save the date.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OW35E003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OW35E003_WHO.TXT_2>

Do yo u want to look at a RNC invite for an event that 41 is attending?

-----Original Message-----
From: Debbie LeHardy - Finance [mailto:DLehardy@rnchq.org]
Sent: Monday, February 24, 2003 1:28 PM
To: Kate Walters
Subject: Save the Date!
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☆Special Guest, President George H.W. Bush☆

Saturday, April 26	Send-off breakfast Special keynote: TBA

Incredible details to follow—you will NOT want to miss this meeting! Please call 202.863.8720 if you have any questions, and COMING SOON, a formal invitation and RSVP form.

Paid for by the Republican National Committee

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lisa Budzynski <lisab@fed-soc.org>
Sent: 2/24/2003 4:08:46 PM
Subject: : Re: New Orleans
Attachments: P_A545E003_WHO.TXT_1.htm; P_A545E003_WHO.TXT_2.txt

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-FEB-2003 21:08:46.00
SUBJECT:: Re: New Orleans
TO:Lisa Budzynski <lisab@fed-soc.org> ( Lisa Budzynski <lisab@fed-soc.org> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Yes, let's talk Tuesday morning.




Lisa Budzynski <lisab@fed-soc.org>
02/24/2003 01:57:33 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: New Orleans



Hi Brett --

I just wanted to touch base with you before our Southern Leadership
Meeting next Saturday (3/8) in New Orleans. Do you need a hotel room or
any help making travel reservations?

Lisa

- att1.htm
- Lisa A Budzynski.vcf




ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_A545E003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_A545E003_WHO.TXT_2>
```

Hi Brett --

I just wanted to touch base with you before our Southern Leadership Meetin g next Saturday (3/8) in New Orleans. Do you need a hotel room or any help making travel reservations?

Lisa

Full Name:	Lisa A Budzynski
Last Name:	Budzynski
First Name:	Lisa
Job Title:	Director, Lawyers Chapters
Company:	The Federalist Society
Business Address:	1015 18th Street, N.W.=0D=0ASuite 425 Wash ington, DC 20036
Business:	(202) 822-8138
Business Fax:	(202) 296-8061
E-mail:	lisab@fed-soc.org
E-mail Display As:	Lisa A Budzynski <lisab@fed-soc.org>
Web Page:	http://www.fed-soc.org

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@Exchange [WHO] <Susan B. Ralston>
Sent: 2/24/2003 4:15:32 PM
Subject: : Re: FW: Promotional piece
Attachments: P_K745E003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-FEB-2003 21:15:32.00
SUBJECT:: Re: FW: Promotional piece
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

This strikes me as quite odd. Please call if you want to proceed.

From: Susan B. Ralston/WHO/EOP@Exchange on 02/24/2003 12:02:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Promotional piece

See this promotional piece w/ Karl's name on it. Can you find a reason
for Karl NOT to do this?

-----Original Message-----
From: Heather Shuvalov [mailto:heather@od-s.com]
Sent: Sunday, December 21, 2003 2:28 PM
To: Ralston, Susan B.
Subject: Re: Promotional piece

Here it is. Let me know if you cannot print.
--
Heather Shuvalov
Olsen, Delisi & Shuvalov
1609 Shoal Creek Blvd., #203
Austin, TX 78701
512/479-6602 x114

> From: "Ralston, Susan B." <Susan_B._Ralston@who.eop.gov>
> Date: Fri, 21 Feb 2003 13:54:47 -0500
> To: heather@od-s.com
> Subject: FW: Promotional piece
>
> Karl is traveling and sent me a copy of your email, but the attachment
> didn't come through. Can you resend to me directly so I can print it
> for him?
>
>
>
> -----Original Message-----
> From: Heather Shuvalov <heather@od-s.com>
> To: Karl Rove <KR@georgewbush.com>
> Sent: Sun Dec 21 12:00:29 2003
> Subject: Promotional piece
>
> I wanted to show you our promotional piece because it mentions you. Do
> we
> have your permission to send this out?

> --
> Heather Shuvalov
> Olsen, Delisi & Shuvalov
> 1609 Shoal Creek Blvd., #203
> Austin, TX 78701
> 512/479-6602 x114
>
>
>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_K745E003_WHO.TXT_1>

1609 Shoal Creek, Suite 203
Austin, Texas 78701

REV_00110326

OLSEN & SHUVALOV

RAISING MONEY AND WINNING VOTES THROUGH THE MAIL

A Brief History

In 1999, Karl Rove joined Bush for President after many years of helping devise winning political strategies and direct mail campaigns.

From that great opportunity, a new company is born. Rove asked Todd Olsen and Heather Shuvalov, both former Executive Vice Presidents of Rove + Company, to lead his former firm.

Today, we have a proven track record as an award-winning direct marketing and consulting firm. We specialize in developing and implementing strategic voter contact campaigns and direct mail fundraising and have helped winning Presidential, Congressional, Gubernatorial and statewide campaigns across 31 states.

Let us help you raise money and win votes. With creative packages. Strong copy. Attention-grabbing graphics. Political savvy and a love for meeting deadlines and budgets.

Contact

OLSEN & SHUVALOV

Todd Olsen **Heather Shuvalov**

1609 Shoal Creek Boulevard, Suite 203
Austin, Texas 78701
512/479-6602
512/479-8031 Fax
www.olsen-shuvalov.com

DELIVERING A WINNING MESSAGE SINCE 1999.

ANNOUNCING A NEW PARTNERSHIP TODAY.

REV_00110327

To Commemorate Our Company's New Name, We'd Like To Present You With This Gift.



The "Register – Vote" collectible postage stamp is meant to grow in value over time. Please accept this token of our appreciation for your relationship with us.

This "Register – Vote" definitive stamp was issued on Aug. 1, 1964 with the simple slogan: "Vote...and the choice is yours! Don't vote...and the choice is theirs! Register...or you have no choice!"

We are proud of our long history of helping candidates win elections. We want to be your political consulting and direct marketing firm, and we pledge every effort to exceed your expectations for personal attention, creativity, excellence and return on your investment.

We invite you to log-on to
www.olsen-shuvalov.com
for more information or to view samples of our work.

REV_00110328

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>
Sent: 2/24/2003 9:11:20 PM
Subject: Re: FW: Promotional piece
Attachments: stamp.pdf

This strikes me as quite odd. Please call if you want to proceed.

From: Susan B. Ralston/WHO/EOP@Exchange on 02/24/2003 12:02:10 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Promotional piece

See this promotional piece w/ Karl's name on it. Can you find a reason for Karl NOT to do this?

-----Original Message-----

From: Heather Shuvalov [mailto:heather@od-s.com]

Sent: Sunday, December 21, 2003 2:28 PM

To: Ralston, Susan B.

Subject: Re: Promotional piece

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--

Heather Shuvalov

Olsen, Delisi & Shuvalov

1609 Shoal Creek Blvd., #203

Austin, TX 78701

512/479-6602 x114

> From: "Ralston, Susan B."

> Date: Fri, 21 Feb 2003 13:54:47 -0500

> To: heather@od-s.com

> Subject: FW: Promotional piece

>

> Karl is traveling and sent me a copy of your email, but the attachment

> didn't come through. Can you resend to me directly so I can print it

> for him?

>

>

>

> -----Original Message-----

> From: Heather Shuvalov

> To: Karl Rove

> Sent: Sun Dec 21 12:00:29 2003

> Subject: Promotional piece

>

> I wanted to show you our promotional piece because it mentions you. Do

> we

> have your permission to send this out?

> --

> Heather Shuvalov

> Olsen, Delisi & Shuvalov

> 1609 Shoal Creek Blvd., #203

> Austin, TX 78701

> 512/479-6602 x114

>

>

>

<< stamp.pdf >>

1609 Shoal Creek, Suite 203
Austin, Texas 78701

REV_00110352

OLSEN & SHUVALOV

RAISING MONEY AND WINNING VOTES THROUGH THE MAIL

A Brief History

In 1999, Karl Rove joined Bush for President after many years of helping devise winning political strategies and direct mail campaigns.

From that great opportunity, a new company is born. Rove asked Todd Olsen and Heather Shuvalov, both former Executive Vice Presidents of Rove + Company, to lead his former firm.

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REV_00110353

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We are proud of our long history of helping candidates win elections. We want to be your political consulting and direct marketing firm, and we pledge every effort to exceed your expectations for personal attention, creativity, excellence and return on your investment.

We invite you to log-on to
www.olsen-shuvalov.com
for more information or to view samples of our work.

REV_00110354

From: Kavanaugh, Brett M.
To: <Gambatesa, Linda M.>
CC: <Miers, Harriet>;<Hanusa, Mary Ann>
Sent: 2/24/2003 9:12:00 PM
Subject: Re: Smithsonian

I have no problems with this.

Linda M. Gambatesa

02/24/2003 12:00:19 PM

Record Type: Record

To: Harriet Miers/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP

cc: Mary Ann Hanusa/WHO/EOP@EOP

Subject: Smithsonian

The September 11th exhibit at the National Museum of American History continues to be popular, and the Smithsonian is extending it for a second time through Sunday, July 6th. Consequently, they have sent me a request to sign to extend our "loan" of the bullhorn through August 8th. They have indicated the bullhorn would be returned as quickly as possible, but the month would allow them sufficient time to pack and ship the object and coordinate delivery with our schedule.

I do not see a problem with extending the loan, but I would prefer to send someone to pick it up shortly after July 6th!

Your thoughts please?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 2/24/2003 5:21:21 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-FEB-2003 22:21:21.00
SUBJECT::
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brian said you needed a binder for House guys. Is that the basic Estrada
binder. If so, we have the extras over here in my office and can have
delivered.
```

From: Kavanaugh, Brett M.
To: <Greenstone, Adam F.>
Sent: 2/24/2003 9:33:00 PM
Subject: RE: FW: Response on Nonrecord Emails

Send me your idea. I hate to put the onus on everyone for every e-mail. That's a system designed to fail or be wildly underinclusive.

From: Adam F. Greenstone/OA/EOP@Exchange on 02/21/2003 11:12:00 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: FW: Response on Nonrecord Emails

It's not. Gary said that he wanted to write a response and offered the chance to review it. If we were moving forward on the subject line idea, I think that would obviate at much of the stated reasons for the letter. I'm inclined to take a stab at drafting something that could go out to the whole complex on that. Okay with you?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Thursday, February 20, 2003 8:06 PM

To: Greenstone, Adam F.

Subject: Re: FW: Response on Nonrecord Emails

Why is this necessary?

From: Adam F. Greenstone/OA/EOP@Exchange on 02/20/2003 10:55:23 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Response on Nonrecord Emails

Fyi. I wasn't sure if I forwarded this to you before. Gary called this morning and asked if we had any comments.

-----Original Message-----

From: GaryM Stern [mailto:garym.stern@nara.gov <mailto:garym.stern@nara.gov>]

Sent: Tuesday, January 21, 2003 2:27 PM

To: Greenstone, Adam F.

Cc: Jason Baron

Subject: Response on Nonrecord Emails

As discussed, here is a proposed response to your letter. Let us know what you think. Thanks.

<< File: nonrecor.doc >>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Clark, Jeffrey B. (ENRD) <Jeffrey.B.Clark@usdoj.gov>
Sent: 2/24/2003 5:46:39 PM
Subject: : RE: Lunch

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-FEB-2003 22:46:39.00
SUBJECT:: RE: Lunch
TO:"Clark, Jeffrey B. (ENRD)" <Jeffrey.B.Clark@usdoj.gov> ("Clark, Jeffrey B. (ENRD)" <Jeffrey.B.Clark@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

yes, sounds good

"Clark, Jeffrey B. (ENRD)" <Jeffrey.B.Clark@usdoj.gov>
02/24/2003 10:42:00 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: "Miranda, Gail" <Gail.Miranda@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Subject: RE: Lunch

Brett, are we on for lunch tomorrow (Tuesday)? I'm afraid my secretary was out today and may not have solidified things before the end of last Friday with your secretary. But getting a reservation at the Ebbitt shouldn't be that hard if my secretary gets to it early morning.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov [mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, February 17, 2003 8:44 AM
To: Clark, Jeffrey B. (ENRD)
Subject: Re: Lunch

how about 25th? do you want to make reservations (maybe Ebbitt for a booth)?

(Embedded image moved "Clark, Jeffrey B. (ENRD)" to file: <Jeffrey.B.Clark@usdoj.gov> pic08086.pcx) 02/14/2003 12:14:36 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Lunch

Brett,

Hope things are going well. Any availability to do lunch in the next couple of weeks? I'm free Thursday the 20th, and Monday and Tuesday the following week (24th and 25th). Let me know. If none of those days work for you, let me know your availability for the 2 weeks after that in March.

Jeff

From: Kavanaugh, Brett M.
To: <Silverberg, Kristen>;<Kavanaugh, Brett M.>
Sent: 2/25/2003 12:05:53 AM
Subject: Re: Justice comments on Foreign Rel Auth - State Dept Drft

Not yet. Brian mentioned today that he needs to set up.

.

----- Original Message -----

From:Kristen Silverberg/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 02/24/2003 09:41:40 PM

Subject: RE: Justice comments on Foreign Rel Auth - State Dept Drft

Did you have your debt ceiling mtg?

.

From: CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/25/2003 2:23:03 AM
Subject: : Another Nethercutt/Kuhling Story

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-FEB-2003 07:23:03.00
SUBJECT:: Another Nethercutt/Kuhling Story
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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The Spokesman-Review (Spokane, Wa.)

February 22, 2003 Saturday Spokane Edition

SECTION: REGION; Pg.B2

LENGTH: 536 words

HEADLINE: Spokane lawyer seeks federal judgeship After not making final three, he asks backers to intercede

BYLINE: Bill Morlin, Staff writer

BODY:
The former head of the Republican Party in Spokane County, who isn't among three finalists to become a federal judge, is mounting his own campaign for the post.

Spokane lawyer Richard Kuhling confirmed Friday that he is asking supporters to write letters to Rep. George Nethercutt, R-Wash.

Kuhling began his effort last week after a bipartisan screening committee selected three finalists and didn't include him.

''There's no end run here," Kuhling said. ''This committee is merely recommending candidates for the job.

''I've always been applying for the job," Kuhling said. ''The committee's three selections was not the end of it, as far as I'm concerned."

Kuhling is a close friend and former campaign manager for Nethercutt, who spent Thursday and Friday interviewing the three finalists, Lonnie Suko, Jim
King and Richard Miller.

A spokeswoman for Nethercutt said Friday that only the names of Suko, King and Miller were forwarded to President Bush for consideration. They are scheduled for interviews next week by White House staff.

The three finalists were interviewed this week in Spokane by Sens. Patty Murray and Maria Cantwell, both Washington Democrats. The Senate must confirm the lifetime appointments to the federal judiciary made by the president. If a senator doesn't approve of a judicial nomination from the White House, the lawmaker can ''blue tag" the candidate's name, delaying or derailing the process.

Kuhling was among 20 applicants who submitted their names to the six-member, bipartisan selection committee that met in Spokane earlier this month.

The selection committee's members were appointed by Nethercutt and Republican Rep. Doc Hastings, and the two Democratic senators.

The bipartisan selection process has been in place for several years in Washington state. But the process was reaffirmed last year by the state's Democratic senators and Alberto R. Gonzales, counsel to President Bush.

''This is a process the White House has agreed to and has served the people of Washington state well for years," said Todd Webster, a spokesman for Murray.

April Gentry, press spokeswoman for Nethercutt, said his office had ''received a handful of letters" supporting Kuhling's bid for the appointment to succeed retiring Judge Frem Nielsen.

''The congressman's position is he worked with the senators to set up of screening committee, and it selected three highly qualified finalists," Gentry said. ''Congressman Nethercutt has forwarded those three names to the White House."

Kuhling made the initial cut by the screening committee when it cut the field in half, to 10 semifinalists. That group also included Spokane lawyer Bill Hyslop, who also reportedly is talking about pitching his candidacy for the judgeship to Nethercutt.

Hyslop, a former U.S. attorney appointed by President George H. Bush, did not return telephone calls on Friday.

The group of 10 semifinalists was cut to five, then to the three. Suko is a federal magistrate and Miller is an Adams County Superior Court judge. King is a private attorney in Spokane.

From: CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To: Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/25/2003 4:13:03 AM
Subject: : Judge's Interview on NPR

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-FEB-2003 09:13:03.00
SUBJECT:: Judge's Interview on NPR
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

NPR: Morning Edition
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Monday, February 24, 2003

Interview: Alberto Gonzales discusses the Democrats' blocking of the controversial nomination of Miguel Estrada to the US Court of Appeals for the District of Columbia

BOB EDWARDS, host: This is MORNING EDITION from NPR News. I'm Bob Edwards.

The Senate returns from a recess today, and Democrats promise to block the controversial nomination of Miguel Estrada to the US Court of Appeals for the District of Columbia. Republicans are running campaign style ads complaining the Democrats are being unfair to a Hispanic judicial nominee. President Bush used his weekly radio address on Saturday to complain about the Democrats' handling of the Estrada nomination.

(Soundbite of radio address)

President GEORGE W. BUSH: I submitted his nomination in May of 2001,

and Miguel Estrada has been waiting ever since. That's almost two years, and that's a disgrace.

EDWARDS: The man leading the Bush administration's effort to get Estrada confirmed is White House counsel Alberto Gonzales. He spoke with NPR senior correspondent Juan Williams at the White House.

JUAN WILLIAMS reporting:

The nomination of the 41-year-old Estrada, a Honduran born partner at a DC law firm, has become a major ideological battleground. Democrats contend that Republicans blocked President Clinton's nominees to the federal courts on the grounds that they were too liberal. Now the Democrats contend they're not going to allow a Republican president to nominate conservative judges to the court without encountering the same roadblocks. Part of the drama is the expectation that there will soon be several Supreme Court vacancies, and both sides are trying to get the upper hand in advance of any upcoming fight over a high court nominee. I asked White House counsel Gonzales why the Estrada nomination has become such a pivotal fight.

Mr. ALBERTO GONZALES (White House Counsel): This nomination is not just important for Miguel Estrada, but it may tell us something about the future of other nominees of this president, maybe perhaps even Supreme Court nominees in the future. And so it's an important test I think for the new leadership in the Senate.

WILLIAMS: Now the Democrats would contend that, in fact, under Bill Clinton, the Republicans were playing hardball and blocking President Clinton's ability to put judges of a more liberal bent on the court. So they ask why should they open the gates for Mr. Bush's more conservative nominees?

Mr. GONZALES: You know, the president has said and I have said what happened in the past was inexcusable. I mean, to have nominees sit for years and years, in my judgment, there's no reason for that. The president has said that nominees are entitled to a fair hearing and a vote up or down as quickly as possible, no matter who controls the White House and no matter who controls the Senate.

WILLIAMS: Now you've got a situation where the Democrats say if they were to allow the president to have his nominees, in fact, most of the courts in the country would become majority Republican nominees and, therefore, the political scales would be unbalanced. It would be mostly Republican judges dominating these courts. Do you feel that that's a legitimate argument?

Mr. GONZALES: I doubt--the 9th Circuit is heavily balanced by Democratic nominees, the 2nd Circuit and the 3rd Circuit, so there are a lot of circuits around the country where if you look purely at which president nominated the judges, you could argue that the circuits are not properly balanced. We don't look at balance, quite frankly. The president has an obligation under the Constitution to fill vacancies, so we take them where we find them. If there is a vacancy in the circuit, no matter what the composition of the circuit, this president has an obligation to make a nomination and to get those nominees confirmed as quickly as possible.

WILLIAMS: Now there are people on the Democratic side who said,

'Well, if there was a deal that would assure some balance in the future in terms of getting more liberal judges confirmed, as well as more conservative judges, maybe then we could end this filibuster.' Does that kind of deal-making appeal to you?

Mr. GONZALES: Whether it appeals to me or not is sort of irrelevant. The question is whether or not that's something that would be acceptable to the president. He made it clear, in connection with the campaign, the type of people that he would place on the bench, and I think he feels he has a commitment to follow through with what he campaigned on.

WILLIAMS: So no deals?

Mr. GONZALES: Juan, I don't foresee a situation now where we'd be making a deal, because we believe that what we're doing is right.

WILLIAMS: At the same time, you have former colleagues of Mr. Estrada who say he was an ideologue, that he didn't look at the laws, the facts fairly. He was always taking a strongly conservative position, and as a result, they felt they couldn't always trust his interpretation of the law. Do you think that's a fair criticism?

Mr. GONZALES: I think it's an unfair criticism. I think there was some concerns about similar statements made by a supervisor of Miguel Estrada, but when we went back and looked at the evaluations of Miguel, evaluations by this one individual, they were all stellar, talk about what a wonderful lawyer Miguel was. And so if you look behind the accusations, oftentimes there just are no facts to substantiate the accusations.

WILLIAMS: And the notion that he's an ideologue, you said earlier, is not something that you take seriously as a criticism.

Mr. GONZALES: What does it mean to be an ideologue? I mean, obviously, Miguel has a philosophy, a belief in terms of what his role as a judge should be. It is one that we embrace, that the president supports. He expects that of every man and woman that he nominates to the federal bench. And so if that is an ideologue, then that's something that we would support and we're not ashamed of it. I don't think people should be critical of it. I think the American people, if you were to poll every person, every citizen would say, 'Yeah, that's what we expect of our judges,' because to settle for anything less than that means that you would permit men and women to go on the federal bench totally unaccountable to the American citizen and pursue a personal agenda, and I just don't think the American people want that or expect that of their judges.

WILLIAMS: Well, I guess the contrary position would be that the American people might expect independence of their judges as opposed to a highly politicized judiciary.

Mr. GONZALES: Well, I haven't heard any criticism or concern that perhaps these judges are not independent. You know, we hope that they will be independent.

WILLIAMS: By the way, on the Hispanic point, some people would say, 'Oh, it's a cynical approach. They've got somebody there that's going

to be very hard for the Democrats to oppose because he is a minority group member, but really, it's just a veil for the fact that he is a hard-line conservative.' Is that a legitimate line of criticism?

Mr. GONZALES: I don't think so. If I recited to you his qualifications without telling you the color of his skin, you would say, 'This is a wonderfully accomplished young man.'

WILLIAMS: What about the Supreme Court? Do you guys have any ideas if any vacancies are coming or any thoughts as you look at possible nominees for the high court, should a vacancy occur?

Mr. GONZALES: Yeah. We're not aware of any vacancy that may occur anytime soon.

WILLIAMS: Republicans in the Senate have 51 votes to confirm Estrada, but they do not have the 60 votes to stop the ongoing Democratic filibuster. The question now is who will blink first? Will the president withdraw the nomination or will the Democrats feel pressure to allow a vote? Juan Williams, NPR News, Washington.

From: CN=Christopher J. Orr/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/25/2003 4:44:02 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-FEB-2003 09:44:02.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

The updated corrected corrected version of the radio addresss should be up
very soon. Just as an FYI, if the web site never receives the corrected
version -- it obviously won't be up there. We finally received it this
morning.
```

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 2/25/2003 7:14:11 AM
Subject: Column in today's NY Times re Cook
Attachments: t.gif

Deborah Cook Is the Typical Bush Judicial Nominee — So Watch Out

By ADAM COHEN

The case before the Ohio Supreme Court looked simple enough. Thomas Davis, a forklift operator at an Ohio Wal-Mart, was crushed to death at work. When his widow sued, Wal-Mart fought hard — and its employees may have lied and destroyed evidence. When she learned of the possible deception, Mrs. Davis went to court to try to add an important legal claim. Too bad, Wal-Mart argued. She had missed her chance — even if it did trick her by lying.

As they say in law school, What result?

The predominantly Republican court properly ruled, 6 to 1, that Wal-Mart's legal defense had been bogus. Even if it wasn't, the court held, it would be fundamentally unjust "to reward a party for misrepresenting or destroying evidence." Only one justice took Wal-Mart's side. That justice was Deborah Cook.

She is now President Bush's nominee to fill a vacancy on the United States Court of Appeals for the Sixth Circuit in Cincinnati. Ms. Cook is no Miguel Estrada, the so-called conservative "stealth nominee," who is facing a Senate filibuster. Blacks are not rallying against her, the way they are against Charles Pickering, the Trent Lott protégé who lobbied the Justice Department to go easy on a convicted cross-burner. Disabled people are not lined up against her, as they are against Jeffrey Sutton, who argued a major case that weakened the Americans With Disabilities Act.

Deborah Cook, a 51-year-old onetime corporate lawyer from Akron, Ohio, may actually be the most utterly typical of the Bush administration's judicial nominees. Which is why, based on her judicial record, we should all be very worried about the future of the federal courts.

In eight years on the Ohio Supreme Court, Justice Cook has been a steady voice against injured workers, discrimination victims and consumers. The court's most prolific dissenter, she frequently breaks with her Republican colleagues to side with big business and insurance companies. Often she reaches for a harsh legal technicality to send a hapless victim home empty-handed.

Take David Norgard, a beryllium plant worker in Elmore. When he developed skin ulcers, dizziness and coughing fits, he suspected beryllium poisoning, but his company told him he was fine. It didn't tell him his blood tests showed he was unusually sensitive to beryllium — and that it had filed a workers' compensation claim on his behalf. The Ohio Supreme Court ruled that Mr. Norgard could sue, but Justice Cook argued that it was too late. The statute of limitations started running, she said, when he first suspected he was being poisoned, not when he learned his employer was lying about it.

Justice Cook's dissents in age-discrimination cases have taken tortuous paths to leave older workers in the lurch. The Ohio Supreme Court ruled that Michael Oker, an attorney fired by Ameritech, could sue for age bias. But Justice Cook disagreed, saying the 180-day period for filing a complaint began not when he was fired, but months before he left the job. The court ruled that Phyllis Ruth Mauzy, a 61-year-old office manager, could proceed against an employer who berated her in front of her colleagues, pressed her to retire and wrote in her final evaluation, "you can't teach an old dog new tricks." But Justice Cook would have thrown the case out before Ms.

Mauzy appeared before a jury.

In case after case, Justice Cook has found ways to protect corporations pestered by sick or fired workers. When a bank argued that a jury's sex-discrimination verdict should be thrown out because the judge improperly "steered" the jurors to their result, Justice Cook was the only member of the Ohio Supreme Court to buy it. When a female Dairy Mart employee sued for psychological injuries after she was robbed while working alone, Justice Cook argued, in dissent, that the woman had no claim — a position a majority of the court called "absurd."

At Judge Cook's confirmation hearing, even the Senate Judiciary Committee chairman, Orrin Hatch, a strong supporter, felt a need to ask her why she dissents so often. It is not, "as has been implied," she said, "a matter of my particular bent or preference for any side of a case." She dissents, she said, when she disagrees about the law.

There were senators who were prepared to explore the matter further. But Republicans on the Judiciary Committee, in an extraordinary move, had scheduled a single confirmation hearing for Justice Cook, Mr. Sutton and a third nominee. Democratic senators devoted most of their question time to Mr. Sutton. Justice Cook was all but ignored. When Senator Charles Schumer asked for her to return for more questions, Senator Hatch refused, saying it would not be fair to Justice Cook.

The Bush administration has a long list of Deborah Cooks — nominees who are not stirring controversy, but who will radically reshape the federal judiciary for a generation. The administration is loading the courts with judges who rule in favor of discriminating companies, abusive bosses and employers who injure their workers and lie about it. And it is counting on the rest of us not to notice.

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/25/2003 3:22:40 AM
Subject: : talking points

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [OPD])
CREATION DATE/TIME:25-FEB-2003 08:22:40.00
SUBJECT:: talking points
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The President strongly supports diversity, including racial diversity, of all kinds.; He believes schools have to take serious, aggressive, and honest efforts to promote broad educational diversity, and come up with constitutional ways to increase the number of minority students.; He believes we have made significant progress, but not enough progress.

;

ú;;;;;;; The brief will argue that the University of Michigan undergraduate and law school admissions programs are unconstitutional.; They operate as de facto quotas and go too far.

;

o;;;;;; The undergraduate school bases admissions decisions on a 150 point scale.; If you are a member of an underrepresented minority group, which means African American, American Hispanic, or Native American, you automatically get 20 points.; By contrast, a perfect SAT score is worth only 12 points.

o;;;;;; The law school has a target of a critical mass of minority students, and the target is basically between 10 and 12 percent.

;

ú;;;;;; The Justice Department,s brief will not address the question of whether racial diversity may ever be a &compelling8 interest.; And the brief does not urge the rollback of Bakke.; It will not address the outer limits of what the Constitution may or may not permit.; It will not address the outer limits of what admissions officers may do.; Instead, the brief is narrowly focused and only addresses the Michigan programs at issue.;

;

ú;;;;;; The brief will argue that the way to address diversity is through race-neutral means.; The President wants to support the broadest possible diversity without taking race into account and without racial quotas.; An example of this is the Top Ten Percent Plan in Texas, which admits the top ten percent of students from every high school into the University of Texas system school of their choice.; Florida and California are also examples.; Diversity can be achieved by means other than race -- by considering socioeconomic factors and looking at people,s potential and life experiences.; Schools; have lots of work to do, and they should do it, in order to reach out to minority students.; But schools should not fall back on quotas as an easy way to achieve racial diversity.

;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>
Sent: 2/25/2003 3:55:16 AM
Subject: : from Lefkowitz

Begin Original ARMS Header
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CREATION DATE/TIME:25-FEB-2003 08:55:16.00
SUBJECT:: from Lefkowitz
TO:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The President strongly supports diversity, including racial diversity, of all kinds.; He believes schools have to take serious, aggressive, and honest efforts to promote broad educational diversity, and come up with constitutional ways to increase the number of minority students.; He believes we have made significant progress, but not enough progress.

;

ú;;;;;;; The brief argues that the University of Michigan undergraduate and law school admissions programs are unconstitutional.; They operate as de facto quotas and go too far.

;

o;;;;;; The undergraduate school bases admissions decisions on a 150 point scale.; If you are a member of an underrepresented minority group, which means African American, American Hispanic, or Native American, you automatically get 20 points.; By contrast, a perfect SAT score is worth only 12 points.

o;;;;;; The law school has a target of a critical mass of minority students, and the target is basically between 10 and 12 percent.

;

ú;;;;;; The Justice Department,s brief does not address the question of whether racial diversity may ever be a &compelling8 interest.; And the brief does not urge the rollback of Bakke.; It does not address the outer limits of what the Constitution may or may not permit.; It does not address the outer limits of what admissions officers may do.; Instead, the brief is narrowly focused and only addresses the Michigan programs at issue.;

;
ú;;;;;; The brief argues that the way to address diversity is through race-neutral means.; The President wants to support the broadest possible diversity without taking race into account and without racial quotas.; An example of this is the Top Ten Percent Plan in Texas, which admits the top ten percent of students from every high school into the University of Texas system school of their choice.; Florida and California are also examples.; Diversity can be achieved by means other than race -- by considering socioeconomic factors and looking at people,s potential and life experiences.; Schools; have lots of work to do, and they should do it, in order to reach out to minority students.; But schools should not fall back on quotas as an easy way to achieve racial diversity.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange@EOP [WHO] <Carolyn Nelson>
Sent: 2/25/2003 4:35:44 AM
Subject: :

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SUBJECT::
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Leg does want to get those letters up this morning. Ashley Holbrook will
be in touch with you.
```

From: MailRouter [SYS]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/25/2003 5:36:45 AM
Subject: DELIVERY FAILURE: An SMTP protocol error was detected. The peer SMTP returned an invalid reply code.; <PREVIOUS F
bill_wichterman@frist.senate.gov;
eric_ueland%frist.senate.gov>,_alex_vogel%frist.senate.gov,_mitch_bainwol%frist.senate.gov,_paul_jacobson%frist.senate.g

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SUBJECT:DELIVERY FAILURE: An SMTP protocol error was detected. The peer SMTP returned an
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alex_dahl@judiciary.senate.gov; makan_delrahim@judiciary.senate.gov;
bill_wichterman@frist.senate.gov;
eric_ueland%frist.senate.gov>,_alex_vogel%frist.senate.gov,_mitch_bainwol%frist.senate.gov,_paul_j
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

DELIVERY FAILURE REPORT

Your Document:
new Judge Gonzales letter to Sen. Schumer 2/24/03
could not be delivered to:
rena_johnson_comisac@judiciary.senate.gov;steven_duffield@rpc.senate.gov;alex_dahl@judiciary.senat
because:
An SMTP protocol error was detected. The peer SMTP returned an invalid reply code.;
<PREVIOUS REASON ALSO APPLIES TO:
>;steven_duffield@rpc.senate.gov;alex_dahl@judiciary.senate.gov;makan_delrahim@judiciary.senate.go
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MTA);CN=SGEOP03/O=EOP;CN=Mail2/O=EOP
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From: Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Brown, Jamie E (OLA) <Jamie.E.Brown@usdoj.gov>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>
Sent: 2/25/2003 6:18:50 AM
Subject: : Reid

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ("Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:25-FEB-2003 11:18:50.00
SUBJECT:: Reid
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Brown, Jamie E (OLA)" <Jamie.E.Brown@usdoj.gov> ("Brown, Jamie E (OLA)" <Jamie.E.Brown@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Can you get me the tape of Reid's comments when he is done. His comments about the ABA's role were quite interesting.

Thanks.

BAB

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/25/2003 8:41:40 AM
Subject: : Schumer letter

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CREATION DATE/TIME:25-FEB-2003 13:41:40.00
SUBJECT:: Schumer letter
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Great letter. Devastating, and he has no honest response.
```

From: Snee, Ashley
To: <Griffin, William T.>;<Kavanaugh, Brett M.>
Sent: 2/25/2003 2:18:30 PM
Subject: RE: Estrada release

This is great - thanks Taylor

-----Original Message-----
From: Griffin, William T.
Sent: Tuesday, February 25, 2003 12:15 PM
To: Snee, Ashley; Kavanaugh, Brett M.
Subject: Estrada release

Attached is a release for editorial boards and radio shows bringing their attention to the Wittes column from today's post. Could you take a look and let me know if you think it looks ok?

<< File: estrada w-post silence columnFINAL.doc >>

From: Bonilla, Carlos E.

To: <Abbot, Charles S.>;<Abrams, Elliott>;<Addington, David S.>;<Arbuckle, Donald R.>;<Badger, William D.>;<Barfield, Tiffany L.>;<Barrales, Ruben S.>;<Bartolomucci, H. Christopher>; <Besanceney, Brian R.>;<Beyer, Todd W.>;<Blahous, Charles P.>;<Boeckel, Caroline>;<Boyer, Cecelia>;<Brecht-clark, Jan>;<Bridgeland, John M.>;<Buchan, Claire>;<Burks, Jonathan W.>;<Canfield, Sally>;<Capretta, James C.>;<Cervantes, Jennifer>;<Chadwick, Kirsten>; <Chambers, Jayne H.>;<Christie, Ronald I.>;<Ciccone, Christine>;<Clark, Alicia P.>;<Cloud, John A.>;<Collender, Robert N.>;<Conda, Cesar>;<Conklin, Brian C.>;<Connaughton, James>; <Conner, Charles>;<Contreras, Rebecca>;<Dale, Shana L.>;<Dayspring, Bradford D.>;<Devenish, Nicolle>;<Doherty, Clare C.>;<Dorn, Nancy>;<Everson, Mark>;<Everson, Nanette>;<Fishpaw, Marie K.>;<Fleischer, Lawrence A.>;<Foster, James D.>;<Francisco, Noel J.>;<Furchtgott-roth, Diana E.>;<Garrison, Stephen M.>;<Gerdelman, Sue H.>;<Graham, John>; <Grubbs, Wendy J.>;<Guerra, Abel>;<Goldman, Adam B.>;<Hagin, Joseph W>;<Heath, Daniel D.>;<Henick, Chris>;<Hennessey, Keith>;<Hernandez, Israel>;<Hobbs, David W.>;<Howard, John L.>;<Hubbard, Glenn>;<Ingle, Edward>;<Johnson, Collister W.>;<Kaplan, Joel>;<Lefkowitz, Jay P.>;<Leitch, David G.>;<Levine, Adam L.>;<Litterst, Roland N.>;<Lundquist, Andrew>; <MacHida, Ado A.>;<Malphrus, Garry>;<Mamo, Jeanie S.>;<Marburger, John H.>;<Marsh, Robert>;<Martin, Catherine J.>;<McClellan, Scott>;<Lawlor, Laura S.>;<McMillin, Stephen S.>;<McNally, Edward>;<McNally, Robert C.>;<Mehlman, Ken>;<Messenger, P. Thaddeus>; <Mertens, Steven M.>;<Miers, Harriet>;<Moy, Edmund C.>;<O'Donovan, Kevin M.>;<Otto, Eric H.>;<Parell, Christie>;<Patel, Neil S.>;<Pelletier, Eric C.>;<Perez, Anna M.>;<Peterman, Brian>; <Ralston, Susan B.>;<Reardon, Brian>;<Riepenhoff, Allison L.>;<Ritacco, Krista L.>;<Rosado, Timothy A.>;<Rove, Karl C.>;<Ruhlen, Stephen S.>;<Russell, Richard M.>;<Schacht, Diana L.>;<Schlapp, Matthew A.>;<Scully, Matthew>;<Silverberg, Kristen>;<Simms, Sally S.>;<Simonetta, Suzanne>;<Skelly, Layton>;<Skinner, Jonathan S.>;<Smith, Marty P.>;<Smythe, Augustine T.>;<Spagnoli, Deborah A.>;<Spellings, Margaret M.>;<Stanzel, Scott>;<Stolpe, Elizabeth A.>;<Suh, Stephen>;<Swagel, Phillip L.>;<Thompson, Carol J.>;<Viana, Mercedes M.>;<Walker, Helgard C.>;<Wingate, Heather>;<Winland, Emily>;<Wolff, Candida P.>;<Bennett, Melissa S.>;<Kavanaugh, Brett M.>;<DeFrancis, Suzy>;<McConnell, John P.>;<McGrath Jr, Charles D.>;<Millerwise, Jennifer>;<Elwood, Courtney S.>;<Knutson, Karen Y.>;<Cropper, Stacia L.>;<Perry, Philip J.>;<Reed, McGavock D.>;<Troy, Tevi>;<Suarez, Aquiles F.>;<Gesiriech, Sarah>;<Sharp, Jess>;<Friedman, Stephen>

Sent: 2/25/2003 2:26:21 PM

Subject: Moving on

After two years, Friday will be my last day here at the White House. It has been an honor to work with such a wonderful team and to have the privilege to serve this President. There are so many people who I feel deserve thanks for making my tenure so much better and productive that I couldn't begin to thank each of you individually without overloading the email server. Please know that I value your advice, counsel and most of all friendship.

Carlos

My contact information will be

Carlos Bonilla

Senior Vice President

The Washington Group

1401 K Street, NW

Washington DC 20005

202.789.2111

cbonilla@the washingtongroup.com

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>
CC: <Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>
Sent: 2/25/2003 3:58:43 PM
Subject: Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:25-FEB-2003 20:58:43.00
SUBJECT:Re:
TO:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
READ:UNKNOWN
CC:Gonzales, Alberto R. (Alberto_R._Gonzales@who.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

sent this along to dewine folks

From: David G. Leitch/WHO/EOP@Exchange on 02/25/2003 04:37:06 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Alberto R. Gonzales/WHO/EOP@Exchange
Subject:

I haven't waded my way entirely through this response to the Cook piece in the New York Times, but you might find it interesting.

http://lsolum.blogspot.com/2003_02_01_lsolum_archive.html#89717693
<http://lsolum.blogspot.com/2003_02_01_lsolum_archive.html#89717693>

From: CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [WHO]

To: Gretchen P. Steen/WHO/EOP@EOP [WHO] <Gretchen P. Steen>;Jeannette B. Reilly/WHO /EOP@EOP [WHO] <Jeannette B. Reilly>;Harriet Miers/WHO/EOP@Exchange [WHO] <Harriet Miers>;Lindsey C. Kozberg/WHO/EOP@EOP [WHO] <Lindsey C. Kozberg>;Adam B. Ingols/WHO/EOP@Exchange [WHO] <Adam B. Ingols>;Israel Hernandez/WHO /EOP@Exchange [WHO] <Israel Hernandez>;Britt Grant/OPD/EOP@EOP [OPD] <Britt Grant>;Eleanor L. Gillmor/OPD/EOP@Exchange [OPD] <Eleanor L. Gillmor>;Rory S. Cooper/WHO/EOP@EOP [WHO] <Rory S. Cooper>;Brian R. Besanceney/WHO/EOP@EOP [WHO] <Brian R. Besanceney>;Erin A. Vargo/WHO/EOP@EOP [WHO] <Erin A. Vargo>;Krista L. Ritacco/WHO/EOP@Exchange [WHO] <Krista L. Ritacco>;Christie Parell/WHO/EOP@EOP [WHO] <Christie Parell>;Carrie B. Loy/WHO/EOP@EOP [WHO] <Carrie B. Loy>;Brian C. Jones/WHO/EOP@EOP [WHO] <Brian C. Jones>;Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>;Henry C. Hager/WHO/EOP@EOP [WHO] <Henry C. Hager>;Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>;Jill Davie/WHO/EOP@Exchange [WHO] <Jill Davie>;Todd W. Beyer/WHO/EOP@EOP [WHO] <Todd W. Beyer>;Christal R. West/WHO/EOP@Exchange [WHO] <Christal R. West>

CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Colleen M. Carroll/WHO /EOP@EOP [WHO] <Colleen M. Carroll>

Sent: 2/25/2003 12:30:42 PM

Subject: : Tomorrow's acknowledgments

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne E. Campbell ( CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:25-FEB-2003 17:30:42.00
SUBJECT:: Tomorrow's acknowledgments
TO:Gretchen P. Steen ( CN=Gretchen P. Steen/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jeannette B. Reilly ( CN=Jeannette B. Reilly/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Lindsey C. Kozberg ( CN=Lindsey C. Kozberg/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Adam B. Ingols ( CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO:Eleanor L. Gillmor ( CN=Eleanor L. Gillmor/OU=OPD/O=EOP@Exchange [ OPD ] )
READ:UNKNOWN
TO:Rory S. Cooper ( CN=Rory S. Cooper/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brian R. Besanceney ( CN=Brian R. Besanceney/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Erin A. Vargo ( CN=Erin A. Vargo/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Krista L. Ritacco ( CN=Krista L. Ritacco/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carrie B. Loy ( CN=Carrie B. Loy/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brian C. Jones ( CN=Brian C. Jones/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Henry C. Hager ( CN=Henry C. Hager/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jill Davie ( CN=Jill Davie/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
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TO:Todd W. Beyer (CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Colleen M. Carroll (CN=Colleen M. Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please review tomorrow's acknowledgments.; If you are aware of any changes or additions, please let me know ASAP.

Thank you.

;

Drop-by The Latino Coalition Briefing

Acknowledgments

ú;;;;;;; Judge Alberto Gonzales, White House Counsel (will introduce the President)

ú;;;;;;; Secretary Mel Martinez, Department of Housing and Urban Development

ú;;;;;;; Hans Hertell, U.S. Ambassador to the Dominican Republic

ú;;;;;;; Hector Barreto, Administrator, Small Business Administration

ú;;;;;;; Rosario Marin, Treasurer of the United States

ú;;;;;;; Josefina Carbonell, Assistant Secretary, Aging, Health and Human Services

ú;;;;;;; Governor Manuel Angel Nunez Soto, Mexican state of Hidalgo

ú;;;;;;; Robert Deposada, President, The Latino Coalition

ú;;;;;;; Jane Delgado, President and CEO, National Alliance for Hispanic Health

;

;

From: CN=William T. Griffin/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/25/2003 12:58:51 PM
Subject: : Estrada interview

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:William T. Griffin ( CN=William T. Griffin/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-FEB-2003 17:58:51.00
SUBJECT:: Estrada interview
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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Can you do Good Day USA Monday or Tuesday morning at 9:05 AM?
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From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/25/2003 2:01:28 PM
Subject: : Re: Nora odonnell

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-FEB-2003 19:01:28.00
SUBJECT:: Re: Nora odonnell
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

What is your fax number?

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From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 2/25/2003 7:47:36 PM
Subject:

letters faxed, confirmations received. I'm heading out.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
CC: <Gonzales, Alberto R.>
Sent: 2/25/2003 8:58:42 PM
Subject: Re:

sent this along to dewine folks

From: David G. Leitch/WHO/EOP@Exchange on 02/25/2003 04:37:06 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Alberto R. Gonzales/WHO/EOP@Exchange

Subject:

I haven't waded my way entirely through this response to the Cook piece in the New York Times, but you might find it interesting.

http://lsolum.blogspot.com/2003_02_01_lsolum_archive.html#89717693 <http://lsolum.blogspot.com/2003_02_01_lsolum_archive.html#89717693>

From: Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/25/2003 7:42:45 PM
Subject: : RE: new Judge Gonzales letter to Sen. Schumer 2/24/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> ("Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:26-FEB-2003 00:42:45.00
SUBJECT:: RE: new Judge Gonzales letter to Sen. Schumer 2/24/03
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Great response. Also great letter (though with more cajonas than I expected) on the hearing request letter of the 9 Dems.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, February 25, 2003 12:12 PM
To: Comisac, RenaJohnson (Judiciary); Duffield, Steven (RPC); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Wichterman, Bill (Frist); Vogel, Alex (Frist); Bainwol, Mitch (Frist)
Subject: new Judge Gonzales letter to Sen. Schumer 2/24/03

(See attached file: Letter to Sen Schumer 2 24 03.pdf)

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Scott Stanzel/WHO /EOP@EOP [WHO] <Scott Stanzel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/26/2003 3:11:26 AM
Subject: : The Democrats' judicial stall - Chicago Tribune

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:26-FEB-2003 08:11:26.00
SUBJECT:: The Democrats' judicial stall - Chicago Tribune
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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Chicago Tribune

;

February 26, 2003 Wednesday, NORTH SPORTS FINAL EDITION

SECTION: Editorial; Pg. 22; ZONE: N

LENGTH: 522 words

HEADLINE: The Democrats' judicial stall

BODY:
Miguel Estrada, nominated to the federal bench by President Bush, is an indisputable conservative who, in the view of many Senate Democrats, has failed to provide enough information about his views on legal issues. They worry that he'll be a conservative activist. They want him to tell them more about his views, and they insist that the administration release confidential memos he wrote while serving in the Justice Department. But they have had no luck in getting their way.

What are they to do? Their options are clear and simple. Democrats could a) vote against Estrada because they think he's too conservative, b) vote against him because they don't have enough information, or c) vote for him because he's an exceptionally able lawyer, who got the highest possible rating from the American Bar Association and would be the first Hispanic judge on the most important appellate court in the nation. But they've chosen d)--none of the above. Since the Judiciary Committee sent the nomination to the floor, Senate Democrats have successfully maneuvered to keep Estrada from getting a simple up-or-down vote. And they are determined to block a decision on his confirmation until the administration capitulates.

It's a shameless display of partisanship that they should end immediately. Their case against Estrada is strikingly unconvincing. In his appearance before the Judiciary Committee last year, he declined to answer some questions, saying that it would be improper for him to indicate how he would rule on cases. That kind of circumspection is perfectly routine for judicial nominees, who have a duty to protect the courts' reputation for impartiality.

The administration has likewise balked at turning over memos he wrote while serving as a lawyer in the office of the solicitor general, which

decides what position the government should take on cases before the Supreme Court. All the living former solicitors general, Democrats as well as Republicans, have strenuously opposed the demand, arguing that it would impede the office's work by discouraging government attorneys from stating their views honestly during internal deliberations.

The decision to prevent a floor vote also has to be resisted. The Senate has never before killed an appeals court nominee by the use of a filibuster, as Democrats are trying to do here. If it succeeds this time, President Bush can assume he'll have to get 60 votes (the number needed to force a vote) to confirm any judicial nominee who's the least bit controversial--instead of the simple majority stipulated in the Constitution.

Trying to block a nominee because you don't like his views is not a new tactic--Republicans used it against some of President Clinton's judicial appointments. But that doesn't make it excusable. As The Tribune said three years ago in reference to a long-stalled Clinton choice, the right way to address a controversial figure is "to debate the nomination fully and then vote to confirm or reject" the nominee.

If Senate Democrats think they can't in good conscience vote for Estrada, they should vote against him. But they should vote.

LOAD-DATE: February 26, 2003

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>;<Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>
Sent: 2/26/2003 3:15:27 AM
Subject: Fw: The Democrats' judicial stall - Chicago Tribune

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:26-FEB-2003 08:15:27.00
SUBJECT:Fw: The Democrats' judicial stall - Chicago Tribune
TO:Gonzales, Alberto R. (Alberto_R._Gonzales@who.eop.gov [WHO])
READ:UNKNOWN
TO:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
READ:UNKNOWN
End Original ARMS Header

Very strong.

.

----- Original Message -----

From:Ashley Snee/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP,

Wendy J. Grubbs/WHO/EOP@EOP,
Scott Stanzel/WHO/EOP@EOP
Cc:

Date: 02/26/2003 08:11:15 AM

Subject: The Democrats' judicial stall - Chicago Tribune

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Chicago Tribune

February 26, 2003 Wednesday, NORTH SPORTS FINAL EDITION

SECTION: Editorial; Pg. 22; ZONE: N

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LOAD-DATE: February 26, 2003

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>
Sent: 2/26/2003 3:53:19 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:26-FEB-2003 08:53:19.00
SUBJECT::
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

can I get a PDF of the Judge's letter to Feinstein on 2-3. thanks.
```

From: Snee, Ashley
To: <Kavanaugh, Brett M.>;<Grubbs, Wendy J.>;<Stanzel, Scott>
Sent: 2/26/2003 8:11:15 AM
Subject: The Democrats' judicial stall - Chicago Tribune

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Chicago Tribune

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LOAD-DATE: February 26, 2003

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Tim Goeglein/WHO /EOP@EOP [WHO] <Tim Goeglein>;Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>;Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 2/26/2003 4:29:47 AM
Subject: : quotes from Democrat Senators on May 9, 2001

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:26-FEB-2003 09:29:47.00
SUBJECT:: quotes from Democrat Senators on May 9, 2001
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Senator Daschle: &We are pleased that the White House has chosen to work
with us on the first group of nominations.8
Question to Senator Leahy: &Does this strike you, on first impression, as
a balanced slate?8 Answer by Sen. Leahy: &Had I not been encouraged, I
would not have been here [at the White House] today.8
Senator Leahy: &I know them well enough that I would assume they'll go
through all right.8
Senator Leahy: &I would hope that we would go forward quickly.8
Senator Kennedy: &I think we ought to move ahead with these judges that
the president submitted.8
```

From: Carolyn_Nelson@who.eop.gov [WHO] <Nelson, Carolyn>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 2/26/2003 4:30:38 AM
Subject: reminder

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Nelson, Carolyn ( Carolyn_Nelson@who.eop.gov [ WHO ] )
CREATION DATE/TIME:26-FEB-2003 09:30:38.00
SUBJECT:reminder
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
C20FEE19-852569DA-7648DC [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Judge will visit with Sen. Lindsey Graham today.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
Sent: 2/26/2003 4:32:58 AM
Subject: : Re: reminder

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-FEB-2003 09:32:58.00
SUBJECT:: Re: reminder
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Helgi should have the talkers for that.

From: Carolyn Nelson/WHO/EOP@Exchange on 02/26/2003 09:30:37 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: reminder

Judge will visit with Sen. Lindsey Graham today.

From: Kavanaugh, Brett M.
To: <McQuade, Vickie A.>
CC: <Davis, Alicia W.>
Sent: 2/26/2003 8:51:13 AM
Subject: political events in April for Ari

The Boehlert event is permissible. The state party event is permissible if it does not cost more than $2000 per person to attend and no corporate contributions are accepted. Please make sure to clear DRAFT invites by me. Note that his official title cannot be used on invites to the event, and he cannot personally solicit contributions. (Alicia: Please make sure Josefiak also clears.) Thanks.

From: McQuade, Vickie A.
To: <Kavanaugh, Brett M.>
Sent: 2/26/2003 9:00:50 AM
Subject: RE: political events in April for Ari

Thanks Brett -- will do.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, February 26, 2003 8:51 AM
To: McQuade, Vickie A.
Cc: Davis, Alicia W.
Subject: political events in April for Ari

The Boehlert event is permissible. The state party event is permissible if it does not cost more than $2000 per person to attend and no corporate contributions are accepted. Please make sure to clear DRAFT invites by me. Note that his official title cannot be used on invites to the event, and he cannot personally solicit contributions. (Alicia: Please make sure Josefiak also clears.) Thanks.

From: CN=John F. Wood/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/26/2003 9:24:08 AM
Subject: : victims comp litigation

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:John F. Wood ( CN=John F. Wood/OU=OMB/O=EOP [ OMB ] )
CREATION DATE/TIME:26-FEB-2003 14:24:08.00
SUBJECT:: victims comp litigation
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

This Friday, DOJ is filing an answer to the first of the now three
lawsuits challenging the 9/11 Fund, due to an unusual expedited briefing
schedule in which we have to file an answer before filing the motion to
dismiss. Let me know if you want me to send you the draft answer. (It's
probably not worth your time.)
```

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/26/2003 5:30:51 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:26-FEB-2003 10:30:51.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Can you do a mtg at 5:30 with Macon and David?
```

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 2/26/2003 9:35:47 AM
Subject: RE: reminder

She does. Just thought you'd like to know.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, February 26, 2003 9:29 AM
To: Nelson, Carolyn
Subject: Re: reminder

Helgi should have the talkers for that.

From: Carolyn Nelson/WHO/EOP@Exchange on 02/26/2003 09:30:37 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: reminder

Judge will visit with Sen. Lindsey Graham today.

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>;<Viana, Mercedes M.>
Sent: 2/26/2003 9:46:37 AM
Subject: AP (2/26/03) re: Gov. Bush appeals to Graham, Nelson for Estrada support

Wednesday, February 26, 2003

Story last updated at 09:30 a.m. on Wednesday, February 26, 2003

Gov. Bush appeals to Graham, Nelson for Estrada support

By TIM REYNOLDS

Associated Press Writer

MIAMI - Gov. Jeb Bush has asked Florida's two Democratic senators to support Hispanic judicial nominee Miguel Estrada, saying the path Estrada has taken since coming to the United States epitomizes "the American dream."

Bush sent identical letters to Sens. Bob Graham and Bill Nelson, urging the Democrats to support Estrada's nomination to the U.S. Court of Appeals for the District of Columbia, a court generally considered as a gateway to a future Supreme Court appointment.

It was unclear Tuesday if either senator had actually seen Bush's letter, which was dated Monday.

"Sen. Graham is still kind of reviewing all this information," said Graham spokeswoman Jill Greenberg. "He should have a decision soon."

Graham has not indicated whether he supports Estrada's nomination; Nelson, according to spokesman Dan McLaughlin, is leaning toward favoring Estrada, a conservative Washington-based lawyer.

"Certainly, we appreciate the governor's thoughts," McLaughlin said. "But in this particular case, as far as we're concerned they are coming after the fact."

Sen.s are in their third week of debate over whether Estrada should become the first Hispanic to sit on the federal appeals court in the nation's capital.

Republican supporters of Estrada, including President Bush, the governor's brother, have implored Democratic leaders to stop the filibuster they're using to delay the nomination. Many Democrats contend that they cannot support Estrada because, they say, he is a largely unknown entity.

In his letter, Gov. Bush detailed how Estrada arrived in this country from Honduras as a teenager who spoke virtually no English, but then earned degrees from Columbia and Harvard and has argued 15 cases before the Supreme Court.

"His nomination is historic and important to the Hispanic community in Florida," he wrote.

Nelson said Monday he doesn't support the filibuster, something else which Bush implored the senators to avoid.

Gov. Bush said the filibuster would "demean" Estrada.

The GOP has the 51 votes needed to confirm Estrada's nomination - but not the 60 needed to stop a filibuster and end Senate debate to allow a vote.

Some Senate Democrats say they want to question Estrada further and to review memos written when he worked at the solicitor general's office during the Clinton administration. The White House has not allowed the Democrats access to the memos.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: sara m. taylor/who/eop@eop [WHO] <sara m. taylor>;benjamin a. powell/who/eop@eop [WHO] <benjamin a. powell>;wendy j. grubbs/who/eop@eop [WHO] <wendy j. grubbs>
Sent: 2/26/2003 9:55:35 AM
Subject: : Re: can we have conference call at 3:00 for 5 minutes about Colloton/Harkin/Iowa

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-FEB-2003 14:55:35.00
SUBJECT:: Re: can we have conference call at 3:00 for 5 minutes about Colloton/Harkin/Iowa
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:sara m. taylor (CN=sara m. taylor/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:benjamin a. powell (CN=benjamin a. powell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:wendy j. grubbs (CN=wendy j. grubbs/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I will call everyone

Brett M. Kavanaugh
02/26/2003 01:50:42 PM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP, Sara M. Taylor/WHO/EOP@EOP,
Benjamin A. Powell/WHO/EOP@EOP
cc:
Subject: can we have conference call at 3:00 for 5 minutes about
Colloton/Harkin/Iowa

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange [WHO] <Ashley Snee>
Sent: 2/26/2003 5:56:51 AM
Subject: : FW: Please join us on Friday

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:26-FEB-2003 10:56:51.00
SUBJECT:: FW: Please join us on Friday
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Should the Judge do this? EJ Dionne just faxed a formal invitation for ARG to speak on Friday.

-----Original Message-----
From: Leitch, David G.
Sent: Wednesday, February 26, 2003 10:52 AM
To: Nelson, Carolyn
Subject: FW: Please join us on Friday

FYI

-----Original Message-----
From: Christina Counselman [mailto:CCOUNSELMAN@brookings.edu]
Sent: Wednesday, February 26, 2003 10:46 AM
To: Viet.Dinh@usdoj.gov; Leitch, David G.
Cc: Jason.J.Sutton@usdoj.gov
Subject: RE: Please join us on Friday

Sorry to miss you this time around, but thanks for getting back to me. Any idea if Judge Gonzales might be interested? I can fax the information over his way, but would also appreciate any guidance you may have on how best to reach him.

Thanks!

Best,
Christina

>>> "Leitch, David G." <David_G._Leitch@who.eop.gov> 02/26/03 10:21AM
>>>
I'd be very pleased to attend but unfortunately I too am scheduled to give a speech during the lunch hour on Friday. I'd be happy to try to attend in the future.

-----Original Message-----
From: Christina Counselman [mailto:CCOUNSELMAN@brookings.edu]
Sent: Wednesday, February 26, 2003 9:49 AM
To: Viet.Dinh@usdoj.gov
Cc: Jason.J.Sutton@usdoj.gov; Leitch, David G.
Subject: RE: Please join us on Friday

Viet--

I am sorry to hear that you cannot make it, but I will certainly pass along your well wishes to EJ. We would be happy to have Judge Gonzales or

Mr. Leitch attend, if either of them are able. I will await word from them..?

Thanks,
Christina

>>> "Dinh, Viet" <Viet.Dinh@usdoj.gov> 02/26/03 09:41AM >>>
Dear Christina,

Please pass my best on to E.J. Unfortunately, I am out of town on Friday in order to speak to the Japanese American Bar Association. I do not know their schedules, but I would recommend Judge Gonzales, the WH Counsel, or David Leitch, the Deputy WH Counsel, who is copied on this message. Thank you much,

Viet

-----Original Message-----
From: Christina Counselman [mailto:CCOUNSELMAN@brookings.edu]
Sent: Wednesday, February 26, 2003 9:34 AM
To: Dinh, Viet
Cc: Sutton, Jason
Subject: Please join us on Friday

Mr. Dinh--

I am writing this email to follow up on my voice mail message of this morning. I hope that you will be able to join us as a guest at Friday Lunch here at the Brookings Institution. (Friday, February 28, from 12:15--1:45 pm). This week's session will focus on the Estrada nomination, and we would be honored to have you here to share your thoughts.

As background, Friday Lunch is a weekly gathering for informal, off-the-record conversations involving around 30 Brookings and outside scholars, public officials, journalists, and others interested or active in politics. Senior fellow, EJ Dionne, serves as the moderator, and he typically has outside guests speak for about 5 minutes, before opening up the gathering to questions and discussion. In past months, we have been joined by guests such as OMB Director Mitch Daniels, Secretary Tommy Thompson, Senator John McCain, Congresswoman Nancy Pelosi, and Senator Fred Thompson, to name a few. These roundtable discussions prove to be both lively and informative. As the name implies, Friday Lunch takes place here at Brookings every Friday at the same time, from 12:15 until 1:45.

I can be reached via email or by phone at 202-797-6178. I very much hope you will be able to join us!

Best,
Christina

Christina Counselman
Governance Studies Program
The Brookings Institution
1775 Massachusetts Ave, NW
Washington, DC 20036

(tel) 202-797-6178
(fax) 202-797-2964

From: Nelson, Carolyn
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 2/26/2003 10:55:18 AM
Subject: FW: Please join us on Friday

Should the Judge do this? EJ Dionne just faxed a formal invitation for ARG to speak on Friday.

-----Original Message-----
From: Leitch, David G.
Sent: Wednesday, February 26, 2003 10:52 AM
To: Nelson, Carolyn
Subject: FW: Please join us on Friday

FYI

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From: Christina Counselman [mailto:CCOUNSELMAN@brookings.edu]
Sent: Wednesday, February 26, 2003 10:46 AM
To: Viet.Dinh@usdoj.gov; Leitch, David G.
Cc: Jason.J.Sutton@usdoj.gov
Subject: RE: Please join us on Friday

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>>> "Leitch, David G." 02/26/03 10:21AM
>>>
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From: Christina Counselman [mailto:CCOUNSELMAN@brookings.edu]
Sent: Wednesday, February 26, 2003 9:49 AM
To: Viet.Dinh@usdoj.gov
Cc: Jason.J.Sutton@usdoj.gov; Leitch, David G.
Subject: RE: Please join us on Friday

Viet--

I am sorry to hear that you cannot make it, but I will certainly pass along your well wishes to EJ. We would be happy to have Judge Gonzales or Mr. Leitch attend, if either of them are able. I will await word from them..?

Thanks,
Christina

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Viet

-----Original Message-----
From: Christina Counselman [mailto:CCOUNSELMAN@brookings.edu]
Sent: Wednesday, February 26, 2003 9:34 AM
To: Dinh, Viet
Cc: Sutton, Jason
Subject: Please join us on Friday

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I can be reached via email or by phone at 202-797-6178. I very much hope you will be able to join us!

Best,
Christina

Christina Counselman
Governance Studies Program
The Brookings Institution
1775 Massachusetts Ave, NW
Washington, DC 20036

(tel) 202-797-6178
(fax) 202-797-2964

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>
Sent: 2/26/2003 11:38:28 AM
Subject: : Re: just curious

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:26-FEB-2003 16:38:28.00
SUBJECT:: Re: just curious
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Fine with me.

.

----- Original Message -----
From:Colleen Litkenhaus/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP,
Theodore W. Ullyot/WHO/EOP@EOP
Cc:
Date: 02/26/2003 03:02:42 PM
Subject: just curious

Tomorrow Linda and I are meeting with both of you.
;
Brett at 11am
;
Ted at 3pm
;
Anyway to switch that?; So Brett is at 3 am;and Ted is at 11 am?
```

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Matthew E. Smith/WHO /EOP@EOP [WHO] <Matthew E. Smith>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/26/2003 12:01:51 PM
Subject: : FYI

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-FEB-2003 17:01:51.00
SUBJECT:: FYI
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi

tsg

---------- Forwarded by Tim Goeglein/WHO/EOP on 02/26/2003 05:01 PM ----------

Richard Lessner <REL@FRC.ORG>
02/26/2003 04:15:15 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
Subject: FYI

Tim,

Our FPC guy in Lousiana, Gene Mills, thinks Landrieu might be ready to roll with a little more encouragement. We're launching phone banks this evening. Gene has been trying to get the RCs and the bishop to lean on Landrieu. He has very good relations with the RCs down there.

--RL

From:	Nelson, Carolyn
To:	<Bartolomucci, H. Christopher>;<Ullyot, Theodore W.>;<Bumatay, Patrick J.>;<Leitch, David G.>;<Kavanaugh, Brett M.>;<Montiel, Charlotte L.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Walker, Helgard C.>;<Montiel, Charlotte L.>
Sent:	2/26/2003 4:48:21 PM
Subject:	FW: Meeting next Week

FYI: For next week...
-----Original Message-----
From: Figg, Kara G.
Sent: Wednesday, February 26, 2003 3:52 PM
To: Nelson, Carolyn
Subject: Meeting next Week

Your meeting with the President was approved for next week on March 7 at 1:55pm for 20 minutes.

From: CN=Scott Stanzel/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/26/2003 12:48:13 PM
Subject: : column from David Yepsen

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-FEB-2003 17:48:13.00
SUBJECT:: column from David Yepsen
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

David Yepsen is a political columnist for the Des Moines Register. He's the dean of Iowa political reporters. Here's an interesting item from his column today.

http://desmoinesregister.com/opinion/stories/c5917686/20526472.html

JUSTICE COLLOTON? Steve Colloton, U.S. attorney for the Southern District of Iowa, has been nominated for the 8th U.S. Circuit Court of Appeals in St. Louis. Lots of Republican insiders say the 40-year-old Colloton, who caught the eye of conservatives when he worked on Whitewater probes for Ken Starr in 1994-96, might make a good Supreme Court nominee someday. Colloton also clerked for Chief Justice William Rehnquist in 1989. The Iowa City native is young, conservative and doesn't have a big paper trail for liberals to use against him.
But Colloton's confirmation is far from a sure thing. The word from Tom Harkin's camp is the senator is not inclined to go along with Colloton if the Bush administration makes state Senator Chuck Larson of Cedar Rapids his replacement as U.S. attorney.
Larson is angling for the governorship, and Harkin folks worry the new job with enable Larson to get favorable attention as a crime-busting lawman.

From: Davis, Alicia W.
To: <Kavanaugh, Brett M.>
CC: <McQuade, Vickie A.>
Sent: 2/26/2003 4:55:30 PM
Subject: Re: political events in April for Ari

The state party event is not a fundraiser and no corporate contributions are used to pay for the event. Spies from Josefiak's shop has cleared the events-so we should be ready to let them know. Thanks! -AWD

Brett M. Kavanaugh

02/26/2003 08:54:52 AM

Record Type: Record

To: Vickie A. McQuade/WHO/EOP@Exchange@EOP

cc: Alicia W. Davis/WHO/EOP@EOP

Subject: political events in April for Ari

The Boehlert event is permissible. The state party event is permissible if it does not cost more than $2000 per person to attend and no corporate contributions are accepted. Please make sure to clear DRAFT invites by me. Note that his official title cannot be used on invites to the event, and he cannot personally solicit contributions. (Alicia: Please make sure Josefiak also clears.) Thanks.

From: Rodriguez, Leonard B.

To: Rena_Johnson_Comisac@Judiciary.senate.gov <Rena_Johnson_Comisac@Judiciary.senate.gov>;Rena_Johnson_Comisac@Judiciary.senate.gov <Snee, Ashley>;Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>;Chris_Myers@src.senate.gov <Chris_Myers@src.senate.gov>;joschal@att.net <joschal@att.net>;joschal@att.net <Wingate, Heather>;alafferty@traditionalvalues.org <alafferty@traditionalvalues.org>;Barbara_Ledeen@src.senate.gov <Barbara_Ledeen@src.senate.gov>;Barbara_Ledeen@src.senate.gov <Viana, Mercedes M.>;Barbara_Ledeen@src.senate.gov <Kavanaugh, Brett M.>;LJenness_Olmos@rnchq.org <LJenness_Olmos@rnchq.org>;scastillo@rnchq.org <scastillo@rnchq.org>;Steven_Duffield@rpc.senate.gov <Steven_Duffield@rpc.senate.gov>;John_Abegg@mcconnell.senate.gov <John_Abegg@mcconnell.senate.gov>;Manuel_Miranda@FRIST.SENATE.GOV <Manuel_Miranda@FRIST.SENATE.GOV>;scastillo@rnchq.org <scastillo@rnchq.org>;rfernandez@rnchq.org <rfernandez@rnchq.org>;LJenness_Olmos@rnchq.org <LJenness_Olmos@rnchq.org>

Sent: 2/26/2003 6:48:23 PM

Subject: Thursday's event

Need media Advisory and seq of events for Rosario and Carmona

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 2/26/2003 5:04:36 PM
Subject: : Hatch is on a roll!

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:26-FEB-2003 22:04:36.00
SUBJECT:: Hatch is on a roll!
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 2/26/2003 10:03:29 PM
Subject: Hatch is on a roll!

From: Charles Spies - Legal <CSpies@rnchq.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alicia Davis <adavis@georgewbush.com>
Sent: 2/27/2003 4:22:12 AM
Subject: : RE: RE: RE: Gregg Invite
Attachments: P_5V98E003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charles Spies - Legal <CSpies@rnchq.org> (Charles Spies - Legal <CSpies@rnchq.org> [UNKNOWN])
CREATION DATE/TIME:27-FEB-2003 09:22:12.00
SUBJECT:: RE: RE: RE: Gregg Invite
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia Davis <adavis@georgewbush.com> (Alicia Davis <adavis@georgewbush.com> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Only issue I see is that on the reply card (the fourth thing...where they ask for name, address, etc.) at the bottom, the disclaimer needs to be in the same size font as the rest of the writing on the card, and specifically the "paid for by..." needs to be in a box.

- Charlie

-----Original Message-----
From: Alicia Davis
Sent: Wednesday, February 26, 2003 6:25 PM
To: Charles Spies - Legal; bkavanau@who.eop.gov
Subject: FW: RE: RE: Gregg Invite

I have sent over a copy of the attached invitation to each of you for your review. Please let me know if you have any questions or concerns and if you approve.

Many thanks!
-AWD
-----Original Message-----
From: Sahl,Maianne [mailto:maianne@johncornyn.com]
Sent: Wednesday, February 26, 2003 5:07 PM
To: Alicia Davis
Subject: FW: RE: RE: Gregg Invite

Apparently, I spelled George wrong the first time. Duh.

Call me at 512-461-1680 as soon as you know. Thanks. Maianne

-----Original Message-----
From: Sahl,Maianne
Sent: Wed 2/26/2003 1:36 PM
To: adavis@gerogewbush.com
Cc:
Subject: FW: RE: RE: Gregg Invite

Alicia:

Beth Sturgeon asked me to forward this to you. We are trying to go to print on this invitation today. Please call me with any questions.
512-461-1680

Thanks. Maianne Sahl

-----Original Message-----
From: Rod Richburg [mailto:rr@rsdadvertising.com]
Sent: Wed 2/26/2003 1:26 PM
To: Sahl,Maianne
Cc:
Subject: Re: RE: RE: Gregg Invite

maianne@johncornyn.com writes:
>Can you list Charles Wyly above Beecherl and Meyer?
>
>Charles Wyly, Chairman
>Louis Beecherl & Fred Meyer, Co-Chairmen
>
>Also, please add Beth to Please Direct Inquiries to Beth Sturgeon
>512-448-1850 or Maianne Sahl at 512-294-8535
>
>
> -----Original Message-----
> From: Rod Richburg [mailto:rr@rsdadvertising.com]
> Sent: Wed 2/26/2003 1:04 PM
> To: Sahl,Maianne
> Cc: pj@rsdadvertising.com; bethsturgeon@austin.rr.com
> Subject: Re: RE: Gregg Invite
>
>
>
> Invite Package design enclosed
>
> maianne@johncornyn.com writes:
> >Here is the host committee list. When can we expect a draft for
review?
> >
> > -----Original Message-----
> > From: Patrick Dempsey [mailto:pj@rsdadvertising.com]
> > Sent: Tue 2/25/2003 5:33 PM
> > To: bethsturgeon@austin.rr.com
> > Cc: rr@rsdadvertising.com; Sahl,Maianne
> > Subject: Re: Gregg Invite
> >
> >
> >
> > Beth, we did not make it into the office today, and Rod
has not
>been able
> > to get online today. We'll work on this Wednesday and get
>something to
> > you both to look at. Let us know when you have the names
>together.
> >Also,
> > you can forward the list to Texas Mailhouse
>(list@texasmailhouse.com) and
> > they will coordinate the mailing part. Thanks.
> >
> > Patrick
> >
> >
> >
> > bethsturgeon@austin.rr.com writes:
> > >Rod / Patrick - can 1 of y'all call me to discuss the
invite
>that
> >Maianne
> > >sent yesterday? I tried your office but couldn't get
thru the

>voice
> >mail.
> > >
> > >448-1540
> > >
> > >Thanks.
> > >
> >
> >
> >
> >
>
>
>
> Rod Richburg
> RSD Advertising
> 512/302-0794
> fax 512/302-0765
> _____
> The information transmitted is intended only for the person or
entity to
> which it is addressed and may contain confidential and/or
privileged
> material. Any review, retransmission, dissemination or other use
of, or
> taking of any action in reliance upon, this information by persons
or
> entities other than the intended recipient is prohibited. If you
> received this in error, please contact the sender and delete the
material
> from any computer.
>
>
>
>

Rod Richburg
RSD Advertising
512/302-0794
fax 512/302-0765

_____
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from any computer.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5V98E003_WHO.TXT_1>

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- Charlie

-----Original Message-----
From: Alicia Davis
Sent: Wednesday, February 26, 2003 6:25 PM
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Man y thanks!
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-----Original Message-----
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To: Alicia Davis
Subject: FW: RE: RE: Gregg Invite

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Call me at 512-461-1680 as soon as you know. Thanks. Maianne

-----Original Message-----
From: Sahl,Maianne
Sent: Wed 2/26/2003 1:36 PM
To: adavis@gerogewbush.co m
Cc:
Subject: FW: RE: RE: Gregg Invite

Alicia:

Beth Sturgeon asked me to forward this to you. We are trying to go to print on this invitation today. Please call me with any questions. 512-461-1680

Thanks. Maianne Sahl

-----Original Message-----
From: Rod Richbur g [mailto:rr@rsdadvertising.com]
Sent: Wed 2/26/2003 1:26 PM
To: Sahl,Maianne
Cc:
Subject: Re: RE: RE : Gregg Invite

maianne@johncornyn.com writes:
>Can you list Charle s Wyly above Beecherl and Meyer?
>
>Charles Wyly, Chairman
>Louis Beecherl & Fred Meyer, Co-Chairmen
>
>Also, please add Beth to Please Direct Inquiries to Beth Sturgeon
>512-448-1850 or Maianne Sahl at 512-294-8535

>
>
> -----Original Message-----
> From: Rod Richburg [mailto:rr@rsdadvertising.com]
> Sent: Wed 2/26/2003 1:04 PM
> To: Sahl,Maianne
> Cc: pj@rsdadvertising.com; bethsturgeon@austin.rr.com
> Subject: Re: RE: Gregg Invite
>
> &nb sp;
>
> Invite Package design enclosed
>
> & nbsp; maianne@johncornyn.com writes:
> ; >Here is the host committee list. When can we expect a draft for review?
> >
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> > From: Patrick Dempsey [mailto:pj@rsdadvertising.com]
> > Sent: Tue 2/25/2003 5:33 PM
> > To: bethsturgeon@austin.rr.com
> > Cc: rr@rsdadvertising.com; Sahl,Maianne
> > Subject: Re: Gregg Invite
> >
> & nbsp; >
> & nbsp; >
> > Beth, we did not make it into th e office today, and Rod has not
>been able
> > to get online today. We'll work on this Wednesday and get
>something to
> > you both to look at. Let u s know when you have the names
>together.
> >Also,
> > you can forward the list to Texa s Mailhouse
>(list@texasmailhouse.com) and
> > they will coordinate the mailing part. Thanks.
> >
> & nbsp; > Patrick
> >
> & nbsp; >
> & nbsp; >
> & nbsp; > bethsturgeon@austin.rr.com writes:
> > >Rod / Patrick - can 1 of y'all call me to discuss the invite
>that
> >Maianne
> > >sent yesterday? I trie d your office but couldn't get thru the
>voice
> >mail.
> > >
> > >448-1540
> > >
> > >Thanks.
> > >
> >
> & nbsp; >
> & nbsp; >
> & nbsp; >
>
> ;
>

> &n bsp; Rod Richburg
> RSD Advertising
> 512/302-0794
> fax 512/302-0765
> _____
&g t; The information transmitted is intended only for the person or entity to
> which it is addressed and may contain confidential and/or privileged
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> from any computer.
>
>
>
>

Rod Richburg
RSD Advertising
512/302-0794
fax 512/302-0765

_____ _____

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received this in error, please contact the sender and delete the material
from any computer.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen Litkenhaus/WHO/EOP@Exchange [WHO] <Colleen Litkenhaus>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/27/2003 3:23:39 AM
Subject: : Re: also for our meeting tomorrow....

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-FEB-2003 08:23:39.00
SUBJECT:: Re: also for our meeting tomorrow....
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Should we have 1 meeting. Alternatively what is on the agenda.

.

----- Original Message -----
From:Theodore W. Ullyot/WHO/EOP
To:Colleen Litkenhaus/WHO/EOP@Exchange
Cc:Brett M. Kavanaugh/WHO/EOP@EOP
Date: 02/27/2003 08:09:43 AM
Subject: Re: also for our meeting tomorrow....

Brett is our FOIA expert, so I would first raise it in your meeting with him.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 02/26/2003 09:14:49 PM
Record Type: Record

To: Theodore W. Ullyot/WHO/EOP@EOP
cc:
Subject: also for our meeting tomorrow....

Ted - Can you help us to clarify the FOIA issues for us between OA and; M&A?

From: Kavanaugh, Brett M.
To: <Greenstone, Adam F.>
Sent: 2/27/2003 7:51:52 AM
Subject: IMPORTANT: ND Ilinois inquiry

They would like to interview someone today who is familiar with what phone records we have in terms of outgoing and incoming calls. They will be here at 2:00. Who is that person and can we make him or her available at that time? Thanks.

From: Kavanaugh, Brett M.
To: <Ullyot, Theodore W.>;<Litkenhaus, Colleen>
CC: <Kavanaugh, Brett M.>
Sent: 2/27/2003 8:27:24 AM
Subject: Re: also for our meeting tomorrow....

Should we have 1 meeting. Alternatively what is on the agenda.

.

----- Original Message -----

From:Theodore W. Ullyot/WHO/EOP

To:Colleen Litkenhaus/WHO/EOP@Exchange

Cc:Brett M. Kavanaugh/WHO/EOP@EOP

Date: 02/27/2003 08:09:43 AM

Subject: Re: also for our meeting tomorrow....

Brett is our FOIA expert, so I would first raise it in your meeting with him.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 02/26/2003 09:14:49 PM

Record Type: Record

To: Theodore W. Ullyot/WHO/EOP@EOP

cc:

Subject: also for our meeting tomorrow....

Ted - Can you help us to clarify the FOIA issues for us between OA and M&A?

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/27/2003 4:59:22 AM
Subject: : Mark up

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:27-FEB-2003 09:59:22.00
SUBJECT:: Mark up
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Because there's no quorum, Leahy won't deliver his statement until they
have ten.

.
```

From: Dunlap, Kady
To: <Newstead, Jennifer G.>;<Kavanaugh, Brett M.>
Sent: 2/27/2003 9:16:54 AM
Subject: political photos

I have a question regarding photos that Mrs. Bush took while on her political swing in November. The RNC is going to pay for the printing of all of the greeter photos from each event. However, police photos were paid by the WH because apparently the WH always pays for those since the police serve Mrs. Bush as First Lady, not as a member of the Republican party.

So... who should pay for motorcade driver pictures? Are those people serving Mrs. Bush in an official capacity even when she is in a state solely for political events?

Thanks for your help.

From: Kaplan, Joel
To: <Kavanaugh, Brett M.>
Sent: 2/27/2003 9:30:54 AM
Subject: RE: Campbell brown.

Huh?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, February 27, 2003 1:13 AM
To: Kaplan, Joel
Subject: Campbell brown.

.

From: Kirk Blalock <kblalock@fierce-isakowitz.com>
To: <Silverberg, Kristen>;<Kavanaugh, Brett M.>;<Schacht, Diana L.>
Sent: 2/27/2003 9:50:53 AM
Subject: LA Times Editorial Today - First, Help the Sick

Los Angeles Times
latimes.com

EDITORIAL: First, Help the Sick

February 27, 2003

The continuing flood of asbestos injury lawsuits clogging courts around the country now represents the longest-running legal saga in American history. That unhappy distinction should prod Congress to step in at last.

In recent decades, more than half a million men and women, most of them blue-collar workers, have sued companies that made or used products containing asbestos. Many are desperately sick with respiratory cancers or other conditions causing severe breathing difficulties, but most who say they were exposed to asbestos aren't currently ill.

Lawyers for the earliest asbestos victims were heroes. In the 1970s, they exposed corporate bosses who for decades had told their employees to mine asbestos or insulate ships with it even though company officials knew the material was deadly. When workers fell ill, many coughing up blood, their bosses refused to tell them that asbestos might be the reason. In trial after trial, executives swore that something else must have caused the plaintiffs' diseases -- though juries increasingly refused to buy that line.

At this point, there's plenty of dishonor to be shared. By the labor unions that have shamelessly trolled their ranks for plaintiffs, many of them likely never to fall ill with asbestos-caused disease. By lawyers who have grown rich off these cases but still charge 30% contingency fees to process plaintiffs in impersonal batches of 1,000 or more. And certainly by the corporate defendants.

Asbestos litigation has already cost the U.S. economy $54 billion, according to a Rand Corp. estimate. Plaintiffs have sued some 6,000 companies. Legal fees and payouts have bankrupted dozens of corporations, with more failures to come. Desperately sick plaintiffs can still wait years before they get to court; many have died before their trial dates.

By clumping cases into huge groups, lawyers haggle with the corporations and their insurers over the value of workers' injuries, often shaking them down on behalf of clients who were merely exposed to asbestos while underpaying people who are acutely ill.

For years, policymakers have tried to devise a speedier, fairer way to resolve this mess. The continuing bankruptcies and estimates of half a million or more asbestos lawsuits to come may have created momentum for reform.

The most thoughtful proposal, which Sen. Don Nickles (R-Okla.) introduced as legislation this month, would make sure that payouts go where they are most needed, to people who are already ill. Those who fall ill in the future would be able to seek compensation then. This approach won important support in recent weeks from the American Bar Assn. Congress should pass Nickles' legislation.

Copyright 2003 Los Angeles Times

From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Viana, Mercedes M.>;<Rodriguez, Leonard B.>;<Guerra, Abel>;<Mamo, Jeanie S.>;<Goeglein, Tim>;<Smith, Matthew E.>;<Grubbs, Wendy J.>;<Mehlman, Ken>;<Gonzales, Alberto R.>
Sent: 2/27/2003 11:43:28 AM
Subject: from ABC News The Note

Those Republicans who have been critical in the past of the party's pre-Bush communications efforts can't help but be pleased at the coordinated effort between the White House and the party on the Hill to coalition-build and Hispanic-media-outreach on this, but, as (belated) birthday boy Bob Novak says and writes regularly, it still isn't clear what the Republican end game on this shall be.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/27/2003 12:59:07 PM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:27-FEB-2003 17:59:07.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Done.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, February 27, 2003 5:48 PM
To: Nelson, Carolyn
Subject: RE:

go ahead; use the one with WH letterhead

From: Carolyn Nelson/WHO/EOP@Exchange on 02/27/2003 05:47:58 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Yes, indeed.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, February 27, 2003 5:43 PM
To: Nelson, Carolyn
Subject: Re:

Does Leg Affairs have some master e-mail list they can employ?

From: Carolyn Nelson/WHO/EOP@Exchange on 02/27/2003 05:43:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

taking the snow into consideration, why don't we email out to chiefs of
staff and/or schedulers?

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/27/2003 12:48:42 PM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:27-FEB-2003 17:48:42.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes, indeed.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, February 27, 2003 5:43 PM
To: Nelson, Carolyn
Subject: Re:

Does Leg Affairs have some master e-mail list they can employ?

From: Carolyn Nelson/WHO/EOP@Exchange on 02/27/2003 05:43:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

taking the snow into consideration, why don't we email out to chiefs of
staff and/or schedulers?

From: Bumatay, Patrick J.
To: <Leitch, David G.>;<Nelson, Carolyn>;<Kavanaugh, Brett M.>
Sent: 2/27/2003 5:06:28 PM
Subject: Levin

Levin's office just called, he's writing a letter to ARG.

Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 2/27/2003 5:11:40 PM
Subject: please send me final in PDF as well; THANKS

From: Kavanaugh, Brett M.
To: <Bartolomucci, H. Christopher>
CC: <Gonzales, Alberto R.>
Sent: 2/27/2003 5:18:00 PM
Subject: Re: anything more on Mike Fisher?

Karl is still troubled. They are waiting for Santorum.

H. Christopher Bartolomucci

02/27/2003 05:15:28 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: anything more on Mike Fisher?

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Walker, Helgard C.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 2/27/2003 5:19:12 PM
Subject: Daschle on floor

Sen. Daschle on floor just said that alleged procedural violations at hearing today by Sen. Hatch re votes on Roberts, Cook, and Bybee "will not be tolerated."

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 2/27/2003 5:58:43 PM
Subject: RE:

Done.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, February 27, 2003 5:48 PM
To: Nelson, Carolyn
Subject: RE:

go ahead; use the one with WH letterhead

From: Carolyn Nelson/WHO/EOP@Exchange on 02/27/2003 05:47:58 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

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From: Carolyn Nelson/WHO/EOP@Exchange on 02/27/2003 05:43:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

taking the snow into consideration, why don't we email out to chiefs of staff and/or schedulers?

From: Susan_B._Ralston@who.eop.gov [WHO] <Ralston, Susan B.>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 2/27/2003 2:16:44 PM
Subject: FW: Post-Reception Dinner

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Ralston, Susan B. (Susan_B._Ralston@who.eop.gov [WHO])
CREATION DATE/TIME:27-FEB-2003 19:16:44.00
SUBJECT:FW: Post-Reception Dinner
TO:Kavanaugh, Brett M. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-C20FEE19-852569DA-7648DC [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Karl is being honored by the Texas Legislative Conference. See below where they've offered to pay for a reception. Please advise if this is OK.

-----Original Message-----

From: Mike Meek [mailto:meek@nbcham.org]

Sent: Wednesday, February 26, 2003 3:11 PM
To: Ralston, Susan B.

Subject: Post-Reception Dinner

Susan: I wanted to mention a opportunity for Mr. Rove following his reception Thursday evening, March 20 here in Texas. The reception is at 7pm and ends around 8:30pm. Mr. Rove and his friends from Austin may want to go to dinner and visit.

We have the offer to reserve a semi-private room at a local restaurant, the Huisache, that can serve 20 plus easily. Joe Guinn of our Arrangements Committee and Pacificare has offered to cover the cost. They have done this many times in the past.

We could invite his special guests like the Oles, Herndons, Richburgs, and Thomas', etc..If there are other guests he wants to be invited let me know. Is Mrs. Rove and or other family members coming?

Our tickets are at the printer and we can send out the complimentary tickets soon. Let me know. Also, let me know what we owe you on his airline arrangements.

Thanks! MIKE

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
Sent: 2/27/2003 7:16:44 PM
Subject: FW: Post-Reception Dinner

Karl is being honored by the Texas Legislative Conference. See below where they've offered to pay for a reception. Please advise if this is OK.

-----Original Message-----
From: Mike Meek [mailto:meek@nbcham.org]
Sent: Wednesday, February 26, 2003 3:11 PM
To: Ralston, Susan B.
Subject: Post-Reception Dinner

Susan: I wanted to mention a opportunity for Mr. Rove following his reception Thursday evening, March 20 here in Texas. The reception is at 7pm and ends around 8:30pm. Mr. Rove and his friends from Austin may want to go to dinner and visit.

We have the offer to reserve a semi-private room at a local restaurant, the Huisache, that can serve 20 plus easily. Joe Guinn of our Arrangements Committee and Pacificare has offered to cover the cost. They have done this many times in the past.

We could invite his special guests like the Oles, Herndons, Richburgs, and Thomas', etc..If there are other guests he wants to be invited let me know. Is Mrs. Rove and or other family members coming?

Our tickets are at the printer and we can send out the complimentary tickets soon. Let me know. Also, let me know what we owe you on his airline arrangements.

Thanks! MIKE

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 2/28/2003 8:59:20 AM
Subject: FW: conference info

20 lines have been added for a total of 60. Same dial-in information.
-----Original Message-----
From: Nelson, Carolyn
Sent: Thursday, February 27, 2003 7:03 PM
To: Kavanaugh, Brett M.
Subject: conference info

Friday, Feb. 28th
11:15am-12:15pm
40 lines

Dial in # 202-395-6392
Code: 304060

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/28/2003 5:08:30 AM
Subject: : Re: press coverage of Judge's letter offer of yesterday

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:28-FEB-2003 10:08:30.00
SUBJECT:: Re: press coverage of Judge's letter offer of yesterday
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Would it be good for z, hobbs and me to sit down with u and the judge
today to get evryone on same page? Z and I think it would be helpful..do
you?

.
```

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 2/28/2003 9:40:39 AM
Subject: pending nominees

(do not count the claims court folks listed at bottom)

http://www.usdoj.gov/olp/nominations.htm#courtofappeals

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 2/28/2003 9:42:31 AM
Subject: pending

total number of Article III judges now pending is 40 -- 17 circuit, 21 district, and 1 Int'l Trade

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/28/2003 6:44:37 AM
Subject: : Ms. Ledeen is making me NUTS

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:28-FEB-2003 11:44:37.00
SUBJECT:: Ms. Ledeen is making me NUTS
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 2/28/2003 11:16:54 AM
Subject: RE: press coverage of Judge's letter offer of yesterday

Meeting is set for 3:30 this afternoon.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, February 28, 2003 10:00 AM
To: Nelson, Carolyn
Cc: Grubbs, Wendy J.
Subject: Re: press coverage of Judge's letter offer of yesterday

Carrie: can you arrange with Leg to set up a time for Z, Hobbs, Wendy, Judge, and I to meet (some time after our meeting with President).

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 02/28/2003 10:08 AM ----------



Wendy J. Grubbs
02/28/2003 10:02:59 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: press coverage of Judge's letter offer of yesterday

Would it be good for z, hobbs and me to sit down with u and the judge today to get evryone on same page? Z and I think it would be helpful..do you?

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]

To: matthew e. smith/who/eop@eop [WHO] <matthew e. smith>;wendy j. grubbs/who/eop@eop [WHO] <wendy j. grubbs>;omar.franco@mail.house.gov [UNKNOWN] <omar.franco@mail.house.gov>;katie_gumerson@rpc.senate.gov [UNKNOWN] <katie_gumerson@rpc.senate.gov>;kyle_simmons@mcconnell.senate.gov [UNKNOWN] <kyle_simmons@mcconnell.senate.gov>;leonard b. rodriguez/who/eop@eop [WHO] <leonard b. rodriguez>;tim goeglein/who/eop@eop [WHO] <tim goeglein>;paul_jacobson@frist.senate.gov [UNKNOWN] <paul_jacobson@frist.senate.gov>;alex_vogel@frist.senate.gov [UNKNOWN] <alex_vogel@frist.senate.gov>;elizabeth_keys@src.senate.gov [UNKNOWN] <elizabeth_keys@src.senate.gov>;don_stewart@cornyn.senate.gov [UNKNOWN] <don_stewart@cornyn.senate.gov>;krdaly@aol.com [UNKNOWN] <krdaly@aol.com>;stephen_higgins@judiciary.senate.gov [UNKNOWN] <stephen_higgins@judiciary.senate.gov>;alex_dahl@judiciary.senate.gov [UNKNOWN] <alex_dahl@judiciary.senate.gov>;srushton@cagw.org [UNKNOWN] <srushton@cagw.org>;barbara_ledeen@src.senate.gov [UNKNOWN] <barbara_ledeen@src.senate.gov>;rena_johnson_comisac@judiciary.senate.gov [UNKNOWN] <rena_johnson_comisac@judiciary.senate.gov>;monica.goodling@usdoj.gov [UNKNOWN] <monica.goodling@usdoj.gov>;brian.a.benczkowski@usdoj.gov [UNKNOWN] <brian.a.benczkowski@usdoj.gov>;scastillo@rnchq.org [UNKNOWN] <scastillo@rnchq.org>;jeanie s. mamo/who/eop@eop [WHO] <jeanie s. mamo>;ashley snee/who/eop@exchange@eop [WHO] <ashley snee>;margaret.hoover@mail.house.gov [UNKNOWN] <margaret.hoover@mail.house.gov>;john_abegg@mcconnell.senate.gov [UNKNOWN] <john_abegg@mcconnell.senate.gov>;neil.bradley@mail.house.gov [UNKNOWN] <neil.bradley@mail.house.gov>;abel guerra/who/eop@eop [WHO] <abel guerra>;mercedes m. viana/who/eop@eop [WHO] <mercedes m. viana>;bob_stevenson@frist.senate.gov [UNKNOWN] <bob_stevenson@frist.senate.gov>;bill_wichterman@frist.senate.gov [UNKNOWN] <bill_wichterman@frist.senate.gov>;stevenjduffield@hotmail.com [UNKNOWN] <stevenjduffield@hotmail.com>;joschal@att.net [UNKNOWN] <joschal@att.net>;makan_delrahim@judiciary.senate.gov [UNKNOWN] <makan_delrahim@judiciary.senate.gov>;margarita_tapia@judiciary.senate.gov [UNKNOWN] <margarita_tapia@judiciary.senate.gov>;alafferty@traditionalvalues.org [UNKNOWN] <alafferty@traditionalvalues.org>;steven_duffield@rpc.senate.gov [UNKNOWN] <steven_duffield@rpc.senate.gov>;jamie.e.brown@usdoj.gov [UNKNOWN] <jamie.e.brown@usdoj.gov>;viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>;mark.corallo@usdoj.gov [UNKNOWN] <mark.corallo@usdoj.gov>;manuel_miranda@frist.senate.gov [UNKNOWN] <manuel_miranda@frist.senate.gov>

Sent: 2/28/2003 7:17:38 AM

Subject: : NEW Byron York story today

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:28-FEB-2003 12:17:38.00
SUBJECT:: NEW Byron York story today
TO:matthew e. smith ( CN=matthew e. smith/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
TO:wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
TO:omar.franco@mail.house.gov ( omar.franco@mail.house.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:katie_gumerson@rpc.senate.gov ( katie_gumerson@rpc.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:kyle_simmons@mcconnell.senate.gov ( kyle_simmons@mcconnell.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:leonard b. rodriguez ( CN=leonard b. rodriguez/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
TO:tim goeglein ( CN=tim goeglein/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
TO:paul_jacobson@frist.senate.gov ( paul_jacobson@frist.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:alex_vogel@frist.senate.gov ( alex_vogel@frist.senate.gov [ UNKNOWN ] )
```

READ:UNKNOWN
TO:elizabeth_keys@src.senate.gov (elizabeth_keys@src.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:don_stewart@cornyn.senate.gov (don_stewart@cornyn.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:krdaly@aol.com (krdaly@aol.com [UNKNOWN])
READ:UNKNOWN
TO:stephen_higgins@judiciary.senate.gov (stephen_higgins@judiciary.senate.gov [UNKNOWN]
)
READ:UNKNOWN
TO:alex_dahl@judiciary.senate.gov (alex_dahl@judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:srushton@cagw.org (srushton@cagw.org [UNKNOWN])
READ:UNKNOWN
TO:barbara_ledeen@src.senate.gov (barbara_ledeen@src.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:rena_johnson_comisac@judiciary.senate.gov (rena_johnson_comisac@judiciary.senate.gov [
UNKNOWN])
READ:UNKNOWN
TO:monica.goodling@usdoj.gov (monica.goodling@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:brian.a.benczkowski@usdoj.gov (brian.a.benczkowski@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:scastillo@rnchq.org (scastillo@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO:jeanie s. mamo (CN=jeanie s. mamo/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:ashley snee (CN=ashley snee/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
TO:margaret.hoover@mail.house.gov (margaret.hoover@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:john_abegg@mcconnell.senate.gov (john_abegg@mcconnell.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:neil.bradley@mail.house.gov (neil.bradley@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:abel guerra (CN=abel guerra/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:mercedes m. viana (CN=mercedes m. viana/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:bob_stevenson@frist.senate.gov (bob_stevenson@frist.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:bill_wichterman@frist.senate.gov (bill_wichterman@frist.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:stevenjduffield@hotmail.com (stevenjduffield@hotmail.com [UNKNOWN])
READ:UNKNOWN
TO:joschal@att.net (joschal@att.net [UNKNOWN])
READ:UNKNOWN
TO:makan_delrahim@judiciary.senate.gov (makan_delrahim@judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:margarita_tapia@judiciary.senate.gov (margarita_tapia@judiciary.senate.gov [UNKNOWN]
)
READ:UNKNOWN
TO:alafferty@traditionalvalues.org (alafferty@traditionalvalues.org [UNKNOWN])
READ:UNKNOWN
TO:steven_duffield@rpc.senate.gov (steven_duffield@rpc.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:jamie.e.brown@usdoj.gov (jamie.e.brown@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:mark.corallo@usdoj.gov (mark.corallo@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:manuel_miranda@frist.senate.gov (manuel_miranda@frist.senate.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

A New Move on Estrada
The White House challenges Democrats to put up or shut up.

n perhaps its most forceful effort yet to break the stalemate over the appeals-court nomination of Miguel Estrada, the White House has now invited every member of the Senate who has doubts about Estrada's legal views to submit written questions to Estrada by the close of business Friday. In a letter delivered Thursday to all 100 senators, White House Counsel Alberto Gonzales said Estrada will respond by next Tuesday.

"He would answer the questions forthrightly, appropriately, and in a manner consistent with the traditional practice and obligations of judicial nominees, as he has before," Gonzales wrote.

Gonzales also renewed a White House offer to set up personal meetings between Estrada and any senator who wants to have a one-on-one talk. "We continue to believe that such meetings could be very useful to senators who wish to learn more about Mr. Estrada's record and character," Gonzales wrote.

Finally, Gonzales asked that Democrats with questions about Estrada's work "immediately ask in writing for the views of the Solicitors General, United States Attorney, and judges for whom Mr. Estrada worked and ask them to respond by Tuesday, March 4." Gonzales specifically named appeals-court judge Amalya Kearse, Supreme Court Justice Anthony Kennedy, former United States Attorney Otto Obermaier, and former Solicitors General Ken Starr, Drew Days, Walter Dellinger, and Seth Waxman.

The last three names * Days, Dellinger, and Waxman * are particularly significant. All were high-ranking appointees of President Clinton, and their inclusion on the list suggests that the White House is confident they will not voice any objections to Estrada.

In addition, all three have seen at least some, if not all, of the internal memos Estrada wrote while working in the Solicitor General's office. In recent weeks, Democrats have argued that the memos might reveal some heretofore unknown aspect of Estrada's legal views, and thus must be made public before Estrada is confirmed. The White House has refused, calling the documents "highly privileged" * a position endorsed by all seven living former Solicitors General.

In his letter, Gonzales wrote that the former officials "could provide their views on Mr. Estrada's background and suitability to be a circuit judge by March 4 without sacrificing the integrity of the decisionmaking processes of the Judiciary, United States Attorney's office, and Solicitor General's office."

"We believe that these sources of information, which have been available for some time, would readily accommodate the desire for additional information expressed by some Senators who have thus far supported the filibuster of a vote on this nominee," Gonzales concluded. "We ask that you encourage Senators who have objected to the scheduling of a vote to avail themselves of these sources of information."

The letter is the White House's clearest move yet to call the bluff of Democrats who have been demanding more information on Estrada before they will allow a vote on his nomination. In the letter, the administration is saying to Democrats: You want more information, you can ask for more information.

What is not stated, however, is that the letter will give the White House a powerful argument against any Democrats who oppose Estrada and do not ask for more information. You said you wanted more information, the administration will be able to argue, and yet when we offered it you didn't even bother to ask.

Meanwhile, the Democratic filibuster goes on. Sources say the Republican leadership
still made no decision on whether or when to call for a vote to cut off debate and force an up-or-down vote on the nomination. At the moment, Republicans, who have all 51 of their own votes plus four Democrats, would fall five votes short of the 60 needed to cut off debate. But Republicans believe they are making progress and that the filibuster is beginning to take a political toll on moderate Democrats who are so far supporting the filibuster. Thus, the talking will continue. "We are on this next week," one Republican says. "We're committed to it."

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 2/28/2003 11:25:14 AM
Subject: mercy is on

From: [UNKNOWN] <Kavanaugh, Brett M.>
To: <Gonzales>;Alberto_R._Gonzales@who.eop.gov [WHO] <Alberto R.>;<Leitch>;David_G._Leitch@who.eop.gov [WHO] <David G.>;<Walker>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/75138057-DB233081-85256A02-46FCE4 [UNKNOWN] <Helgard C.>;<Newstead>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/CC23D9BE-A5E0DBB1-85256BAE-52469A [UNKNOWN] <Jennifer G.>;<Bartolomucci>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/1A4DAB1A-EBCD4DB1-852569DA-6039DB [UNKNOWN] <H. Christopher>;<Sampson>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/4E664A2B-51BB08D-852569DC-544EBE [UNKNOWN] <Kyle>;<Francisco>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/CEFFCE1D-3AA04CD4-852569DA-68EB00 [UNKNOWN] <Noel J.>;<Powell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/C457024B-B3447231-85256C00-44CFA6 [UNKNOWN] <Benjamin A.>;<Ullyot>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/20AA0CA2-4AAE30FC-85256CB0-52CA15 [UNKNOWN] <Theodore W.>
Sent: 2/28/2003 7:33:28 AM
Subject: PDF of pledge en banc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Kavanaugh, Brett M. ([UNKNOWN])
CREATION DATE/TIME:28-FEB-2003 12:33:28.00
SUBJECT:PDF of pledge en banc
TO:Gonzales, Alberto R. (Alberto_R._Gonzales@who.eop.gov [WHO])
READ:UNKNOWN
TO:Leitch, David G. (David_G._Leitch@who.eop.gov [WHO])
READ:UNKNOWN
TO:Walker, Helgard C. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=75138057-DB233081-85256A02-46FCE4 [UNKNOWN])
READ:UNKNOWN
TO:Newstead, Jennifer G. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=CC23D9BE-A5E0DBB1-85256BAE-52469A [UNKNOWN])
READ:UNKNOWN
TO:Bartolomucci, H. Christopher (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=1A4DAB1A-EBCD4DB1-852569DA-6039DB [UNKNOWN])
READ:UNKNOWN
TO:Sampson, Kyle (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4E664A2B-51BB08D-852569DC-544EBE [UNKNOWN])
READ:UNKNOWN
TO:Francisco, Noel J. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=CEFFCE1D-3AA04CD4-852569DA-68EB00 [UNKNOWN])
READ:UNKNOWN
TO:Powell, Benjamin A. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=C457024B-B3447231-85256C00-44CFA6 [UNKNOWN])
READ:UNKNOWN
TO:Ullyot, Theodore W. (/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=20AA0CA2-4AAE30FC-85256CB0-52CA15 [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

http://www.ca9.uscourts.gov/ca9/newopinions.nsf/1AC18E7FEB98DB6D88256CDB000AFCF4/$file/0016423.pdf?openelement

From:	Kavanaugh, Brett M.
To:	<Sampson, Kyle>;<Schlapp, Matthew A.>;<Taylor, Sara M.>;<Powell, Benjamin A.>;<Grubbs, Wendy J.>
CC:	<Gonzales, Alberto R.>
Sent:	2/28/2003 11:53:45 AM
Subject:	From Des Moines Register re Larson/Colloton

Senator won't pursue U.S. attorney job

Sen. Charles Larson Jr. of Cedar Rapids said Thursday he would not pursue an appointment to be U.S. attorney for the Southern District of Iowa.

Last week, U.S. Sen. Charles Grassley said Larson had approached him about the job, now held by Steve Colloton. Colloton has been nominated to a judgeship on the 8th U.S. Circuit Court of Appeals in St. Louis. Larson, 34, is a lawyer and state Republican Party chairman.

"My priorities are re-electing our president and Senator Grassley, and representing the people of District 19 in the Iowa Senate," Larson said.

From: Rodriguez, Leonard B.

To: Rena_Johnson_Comisac@Judiciary.senate.gov <Rena_Johnson_Comisac@Judiciary.senate.gov>;Rena_Johnson_Comisac@Judiciary.senate.gov <Snee, Ashley>;Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>;Chris_Myers@src.senate.gov <Chris_Myers@src.senate.gov>;joschal@att.net <joschal@att.net>;joschal@att.net <Wingate, Heather>;alafferty@traditionalvalues.org <alafferty@traditionalvalues.org>;Barbara_Ledeen@src.senate.gov <Barbara_Ledeen@src.senate.gov>;Barbara_Ledeen@src.senate.gov <Viana, Mercedes M.>;Barbara_Ledeen@src.senate.gov <Kavanaugh, Brett M.>;LJenness_Olmos@rnchq.org <LJenness_Olmos@rnchq.org>;scastillo@rnchq.org <scastillo@rnchq.org>;Steven_Duffield@rpc.senate.gov <Steven_Duffield@rpc.senate.gov>;John_Abegg@mcconnell.senate.gov <John_Abegg@mcconnell.senate.gov>;Manuel_Miranda@FRIST.SENATE.GOV <Manuel_Miranda@FRIST.SENATE.GOV>;scastillo@rnchq.org <scastillo@rnchq.org>;rfernandez@rnchq.org <rfernandez@rnchq.org>;LJenness_Olmos@rnchq.org <LJenness_Olmos@rnchq.org>

Sent: 2/28/2003 12:07:52 PM

Subject: Press at yesterday's event

What press covered the Surgeon General Carmona, US Treasurer Marin, Senate Leadership Press Conference?

From: Carolyn_Nelson@who.eop.gov [WHO] <Nelson, Carolyn>
To: <Kavanaugh>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/6246020-C20FEE19-852569DA-7648DC [UNKNOWN] <Brett M.>
Sent: 2/28/2003 8:11:47 AM
Subject: ARG is back

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (MS Mail)
CREATOR:Nelson, Carolyn ( Carolyn_Nelson@who.eop.gov [ WHO ] )
CREATION DATE/TIME:28-FEB-2003 13:11:47.00
SUBJECT:ARG is back
TO:Kavanaugh, Brett M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6246020-
C20FEE19-852569DA-7648DC [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

He's in his office eating with becky.
```

From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Grubbs, Wendy J.>
Sent: 2/28/2003 12:21:39 PM
Subject: Should Goeglein send Gonzales 2/27 letter and Byron York piece around?

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 2/28/2003 12:28:40 PM
Subject: RE: AMA speech

Newstead already cleared the rest.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, February 28, 2003 12:23 PM
To: Bumatay, Patrick J.
Subject: Re: AMA speech

Who is reviewing rest?

From: Patrick J. Bumatay/WHO/EOP@Exchange on 02/28/2003 12:25:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: AMA speech

Brett,

I am faxing you the AMA speech because it contains some med mal practice language. Please review that section. Thanks

Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
CC: <Snee, Ashley>
Sent: 2/28/2003 12:29:50 PM
Subject: Re: Should Goeglein send Gonzales 2/27 letter and Byron York piece around?

yes

Brett M. Kavanaugh

02/28/2003 12:22:15 PM

Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange@EOP, Wendy J. Grubbs/WHO/EOP@EOP

cc:

Subject: Should Goeglein send Gonzales 2/27 letter and Byron York piece around?

From: Kavanaugh, Brett M.
To: <Kavanaugh, Brett M.>
CC: <Gonzales, Alberto R.>;<Leitch, David G.>;<Walker, Helgard C.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 2/28/2003 12:32:35 PM
Subject: Re: Ninth Circuit denies rehearing en banc in pledge case over dissent of 9 judges (note: 6 Clinton appointees and Richard Clifton among the 9 dissenters)

And yes, that was not a typo; they DENIED rehearing en banc so the pledge decision stands for now in CA9.

Brett M. Kavanaugh

02/28/2003 12:28:01 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Ninth Circuit denies rehearing en banc in pledge case over dissent of 9 judges (note: 6 Clinton appointees and Richard Clifton among the 9 dissenters)

Message Sent To:

Alberto R. Gonzales/WHO/EOP@Exchange@EOP

David G. Leitch/WHO/EOP@Exchange@EOP

Helgard C. Walker/WHO/EOP@EOP

Jennifer G. Newstead/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Benjamin A. Powell/WHO/EOP@EOP

Theodore W. Ullyot/WHO/EOP@EOP

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 2/28/2003 1:11:47 PM
Subject: ARG is back

He's in his office eating with becky.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 2/28/2003 10:06:22 AM
Subject: : AP story on pledge

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:28-FEB-2003 15:06:22.00
SUBJECT:: AP story on pledge
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

By JUSTIN PRITCHARD
The Associated Press
Friday, February 28, 2003; 2:23 PM
A federal appeals court on Friday rejected the Bush administration's
request to reconsider its decision that the Pledge of Allegiance is an
unconstitutional endorsement of religion when recited in public
classrooms, setting up a showdown at the Supreme Court.
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© 2003 The Associated Press

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/28/2003 12:31:04 PM
Subject: : Re: Senate recess

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-FEB-2003 17:31:04.00
SUBJECT:: Re: Senate recess
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Are you trying to depress me? I like to look at it in terms of workdays. We are now wrapping up number five of 35, so 30 to go...sounds better than 6 weeks to me.

Brett M. Kavanaugh
02/28/2003 05:17:34 PM
Record Type: Record

To: David W. Hobbs/WHO/EOP@Exchange@EOP, Ziad S. Ojakli/WHO/EOP@Exchange@EOP, Wendy J. Grubbs/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@Exchange@EOP
cc:
Subject: Senate recess

According to Senate's web site, Senate will go out for next recess on or about Friday April 11 and return Monday April 28. Therefore, Senate will be in session for 6 more weeks before the next recess.

From: Hunerwadel, Joan
To: <Silverberg, Kristen>;<Kavanaugh, Brett M.>;<Cleveland, Robin>;<Lefkowitz, Jay P.>
CC: <Vestewig, Lauren J.>
Sent: 2/28/2003 7:43:27 PM
Subject: Iraqi Frozen Assets Meeting

John Bellinger and Elliott Abrams will chair another Iraqi Frozen Assets Meeting on Monday, March 3, 2003, at 5:30 pm in Room 180. Please let me know if you can attend. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: kyle sampson/who/eop@eop [WHO] <kyle sampson>;wendy j. grubbs/who/eop@eop [WHO] <wendy j. grubbs>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 3/1/2003 12:15:19 PM
Subject: : Re: Article re Graham's Blocking of US Marshals

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-MAR-2003 17:15:19.00
SUBJECT:: Re: Article re Graham's Blocking of US Marshals
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:wendy j. grubbs (CN=wendy j. grubbs/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I think this article makes Graham look bad.

H. Christopher Bartolomucci
03/01/2003 04:08:17 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP, Wendy J. Grubbs/WHO/EOP@EOP
cc:
Subject: Article re Graham's Blocking of US Marshals

Graham, Bush tussle over marshals
The senator, feeling that the president ignored recommendations, stalls three confirmations.
By LUCY MORGAN, Times Tallahassee Bureau Chief
St. Petersburg Times
published March 1, 2003
TALLAHASSEE -- A political battle between the White House and U.S. Sen. Bob Graham is holding up the appointments of Florida's three U.S. marshals.
Graham is blocking Senate confirmation of the nominees because one of them was not recommended by a nominating commission set up to handle such appointments.
It's a matter of principle, a Graham spokesman said Friday.
"We have highly respected, bipartisan groups who have volunteered to serve on nominating commissions," said spokesman Paul Anderson. "The senator wants an adequate explanation from the White House for why they circumvented this well-respected process."
The White House overruled the nominating commission's choice for South Florida U.S. marshal for the sake of diversity. The president nominated a Hispanic woman instead of the white men the commission recommended.
Caught up in the political battle are Tom Hurlburt Jr. and Dennis Williamson, two widely respected law enforcement officers who gave up

high-powered careers six months ago to take the posts in Tampa and Tallahassee. Both were recommended by the nominating commission.
Hurlburt, 57, who was a longtime police chief in Orlando, gave up his $140,000-a-year job as Orange County director of public safety in September to become U.S. marshal in Tampa.
Williamson, 52, deputy commissioner at the Florida Department of Law Enforcement, gave up a $104,000 job the same month to take over the marshal's job in Tallahassee.
Both are still waiting.
"I've been mowing my grass, working on the fence, painting the house and trimming the trees," Hurlburt said Friday when asked how he has used the time off. "It's a pretty sad scenario."
"I'm down to insulating the pipes underneath my house," Williamson said. "I've painted everything, rearranged my garage, cut trees down; it's ridiculous."
Both were advised by federal authorities to leave their old jobs so they would be ready to take their new posts. Hurlburt said he thought it was only fair to step aside so Orlando officials could replace him.
James T. "Tim" Moore, head of the FDLE and chairman of the federal nominating committee, said the appointments should be immediately approved.
"We are the fourth-largest state in the country, and we have two vacancies unfilled," Moore complained. "We had a good process and got two quality individuals that are well-respected and highly regarded."
Moore said he has no problem with Christina Pharo, a deputy marshal in Miami the president nominated for the South Florida post.
Anderson said Graham is concerned that the White House ignored the nominating process set up when former Republican U.S. Sen. Connie Mack was in office and Democrat Bill Clinton was in the White House.
Graham would like "an adequate explanation" from the White House, Anderson added. "He doesn't feel he has put any undue burden on security at courthouses."
The three incumbent marshals remain on the job until their successors are confirmed.

From: Colloton, Steve <Steve.Colloton@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/1/2003 2:58:14 PM
Subject: : Re: my suggestions incorporated in attached

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colloton, Steve" <Steve.Colloton@usdoj.gov> ( "Colloton, Steve"
<Steve.Colloton@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME: 1-MAR-2003 19:58:14.00
SUBJECT:: Re: my suggestions incorporated in attached
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I have a couple. Not sure how this will work logistically. I think the
earlier version was already distributed, and the "sign-ups" were to that
letter. Plus I think Downer is going out of town for a week. May have to
get Stetson involved.
--------------------------
Sent from my BlackBerry Wireless Handheld
```

From: Colloton, Steve <Steve.Colloton@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/1/2003 4:40:49 PM
Subject: : RE: my suggestions incorporated in attached

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colloton, Steve" <Steve.Colloton@usdoj.gov> ("Colloton, Steve"
<Steve.Colloton@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 1-MAR-2003 21:40:49.00
SUBJECT:: RE: my suggestions incorporated in attached
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

OK.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Saturday, March 01, 2003 8:38 PM
To: Colloton, Steve; Brett_M._Kavanaugh@who.eop.gov
Subject: Re: my suggestions incorporated in attached

Hm. He said they would incorporate but why don't you and I talk sunday.
2023654120

...

----- Original Message -----
From:<Steve.Colloton@usdoj.gov>
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 03/01/2003 07:56:51 PM
Subject: Re: my suggestions incorporated in attached

I have a couple. Not sure how this will work logistically. I think the
earlier
version was already distributed, and the "sign-ups" were to that letter.
Plus I
think Downer is going out of town for a week. May have to get Stetson
involved.

Sent from my BlackBerry Wireless Handheld

From: H._Christopher_Bartolomucci@who.eop.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 3/2/2003 11:41:18 AM
Subject: : Re: Letter to Graham

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H._Christopher_Bartolomucci@who.eop.gov (H._Christopher_Bartolomucci@who.eop.gov [UNKNOWN])
CREATION DATE/TIME: 2-MAR-2003 16:41:18.00
SUBJECT:: Re: Letter to Graham
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Sure. I will call Brett at 5.

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:wendy j. grubbs/who/eop@eop,
h._christopher_bartolomucci@who.eop.gov
Date: 03/02/2003 04:34:49 PM
Subject: Re: Letter to Graham

should we all 3 get on the phone at 5:00? I will be at 456-7984.

Brett M. Kavanaugh
03/02/2003 04:08:46 PM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP, H._Christopher_Bartolomucci@who.eop.gov,
Brett
M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Letter to Graham

Yes. In y office in about 5 minutes.

.

----- Original Message -----
From:Wendy J. Grubbs/WHO/EOP
To:H._Christopher_Bartolomucci@who.eop.gov,
Wendy J. Grubbs/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 03/02/2003 03:42:47 PM
Subject: Re: Letter to Graham

Tomorrow am is ok, but would like to confer on judge's changes. Brett, you

around?

.

----- Original Message -----
From:H._Christopher_Bartolomucci@who.eop.gov
To:Wendy J. Grubbs/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 03/02/2003 03:28:04 PM
Subject: Letter to Graham

Is tomorrow going to be OK or must it go out today?

.

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/2/2003 12:32:04 PM
Subject: : Re: offer on written questions

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 2-MAR-2003 17:32:04.00
SUBJECT:: Re: offer on written questions
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I sent all the letters so far to AP and Reuters (among others, as did
media affairs) -to the guys who cover this issue and the WH beat guys.;
Unless there is something new to offer, I don't see a need to send another
letter.
```

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Wendy_J._Grubbs@who.eop.gov [UNKNOWN] <Wendy_J._Grubbs@who.eop.gov>
Sent: 3/2/2003 10:28:11 AM
Subject: : Letter to Graham

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 2-MAR-2003 15:28:11.00
SUBJECT:: Letter to Graham
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Wendy_J._Grubbs@who.eop.gov ( Wendy_J._Grubbs@who.eop.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Is tomorrow going to be OK or must it go out today?

.
```

From: Gonzales, Alberto R.
To: <Kavanaugh, Brett M.>
Sent: 3/2/2003 3:16:07 PM
Subject: Re: Draft Letter to Bob Graham re Commission Process

This has already been communicated to Graham and Card should remind Graham.
.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: H. Christopher Bartolomucci/WHO/EOP [WHO] <H. Christopher Bartolomucci>;wendy j. grubbs/who/eop@eop [WHO] <wendy j. grubbs>
Sent: 3/2/2003 11:39:06 AM
Subject: : Re: Letter to Graham

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAR-2003 16:39:06.00
SUBJECT:: Re: Letter to Graham
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:wendy j. grubbs (CN=wendy j. grubbs/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

should we all 3 get on the phone at 5:00? I will be at 456-7984.

Brett M. Kavanaugh
03/02/2003 04:08:46 PM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP,
H._Christopher_Bartolomucci@who.eop.gov, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Letter to Graham

Yes. In y office in about 5 minutes.

.

----- Original Message -----
From:Wendy J. Grubbs/WHO/EOP
To:H._Christopher_Bartolomucci@who.eop.gov,
Wendy J. Grubbs/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 03/02/2003 03:42:47 PM
Subject: Re: Letter to Graham

Tomorrow am is ok, but would like to confer on judge's changes. Brett, you
around?

.

----- Original Message -----
From:H._Christopher_Bartolomucci@who.eop.gov
To:Wendy J. Grubbs/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 03/02/2003 03:28:04 PM
Subject: Letter to Graham

Is tomorrow going to be OK or must it go out today?

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 3/2/2003 11:50:21 AM
Subject: : Re: Letter to Graham

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAR-2003 16:50:21.00
SUBJECT:: Re: Letter to Graham
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We do not need to do this call any more.

H. Christopher Bartolomucci
03/02/2003 04:40:17 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: wendy j. grubbs/who/eop@eop,
h._christopher_bartolomucci@who.eop.gov
Subject: Re: Letter to Graham

Sure. I will call Brett at 5.

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:wendy j. grubbs/who/eop@eop,
h._christopher_bartolomucci@who.eop.gov
Date: 03/02/2003 04:34:49 PM
Subject: Re: Letter to Graham

should we all 3 get on the phone at 5:00? I will be at 456-7984.

Brett M. Kavanaugh
03/02/2003 04:08:46 PM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP,
H._Christopher_Bartolomucci@who.eop.gov, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Letter to Graham

Yes. In y office in about 5 minutes.

.

----- Original Message -----
From:Wendy J. Grubbs/WHO/EOP
To:H._Christopher_Bartolomucci@who.eop.gov,
Wendy J. Grubbs/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 03/02/2003 03:42:47 PM
Subject: Re: Letter to Graham

Tomorrow am is ok, but would like to confer on judge's changes. Brett, you around?

.

----- Original Message -----
From:H._Christopher_Bartolomucci@who.eop.gov
To:Wendy J. Grubbs/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 03/02/2003 03:28:04 PM
Subject: Letter to Graham

Is tomorrow going to be OK or must it go out today?

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>
Sent: 3/2/2003 5:39:42 PM
Subject: : RE: FW: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAR-2003 22:39:42.00
SUBJECT:: RE: FW: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference
TO:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thoughts on Miguel attending? Note that both Judge Gonzales and Menendez are receiving awards.

February 5, 2003

Mr.Estrada
mestrada@gibsondunn.com

Dear Mr. Estrada:

The United States Hispanic Chamber of Commerce (USHCC) will be hosting its 13th Annual Legislative Conference on March 12-13, 2003. This event is intended to provide an opportunity for USHCC members to come to Washington, D.C. to interact with key federal elected and appointed officials.

On behalf of the Board of Directors of the USHCC, I am pleased to invite you to attend the Legislative Awards Dinner on Thursday, March 13 at the Capital Hilton, located at 1001 16th Street, NW, beginning at 7:00 p.m., with an opening reception beginning at 6:00 p.m. The Awards Dinner is the culmination of our Legislative Conference that will attract more than 500 leaders from the Hispanic business community, corporate America and the public sector.

Every year at the Legislative Conference we honor those who have demonstrated great leadership in promoting the interests of the Hispanic community. This year, White House Counsel Albert Gonzales will receive the President's Award and Congressman Robert Menendez (D-NJ) will receive the Chair's Award. We will also recognize the two Latinos serving as White House fellows - Cesar Conde at the U.S. Department of the State and Cesar Aristeiguieta at the U.S. Department of Health and Human Services.

As you may know, the USHCC's primary mission is to represent the interests of
over 1.2 million Hispanic-owned businesses in the United States and Puerto Rico.
Through a network of more than 130 local Hispanic chambers of commerce and business organizations, the USHCC stands as the preeminent business organization
that effectively communicates the needs of Hispanic enterprise to corporate America and the Federal government. It is for this reason we find it critical to
have an event in Washington, D.C. to bring together the Hispanic business community and government leaders to engage in constructive dialogues around mutual interest.

Attached you will find information about our Legislative Conference. I would be
honored if your schedule permits you to join us. If you require additional information or would like to confirm your attendance, please email <
mailto:esilva@ushcc.com?Subject=RSVP USHCC Legislative Event> or call Elsa Silva, Executive Assistant, at 202-842-1212, ext. 110.

Sincerely,
<http://www.ushcc.com/eblast/Legislative03/sig.jpg>
George Herrera
President and Chief Executive Officer

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colloton, Steve <Steve.Colloton@usdoj.gov>
Sent: 3/2/2003 1:53:05 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAR-2003 18:53:05.00
SUBJECT:: Re:
TO:"Colloton, Steve" <Steve.Colloton@usdoj.gov> ("Colloton, Steve"
<Steve.Colloton@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

what is your new cell #

"Colloton, Steve" <Steve.Colloton@usdoj.gov>
03/02/2003 04:53:58 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

I will be in my office for about another 50 minutes. 515.284.6341.

From: Kavanaugh, Brett M.
To: <Kaplan, Joel>
Sent: 3/2/2003 6:34:33 PM
Subject:

By JOHN J. LUMPKIN

The Associated Press

Sunday, March 2, 2003; 4:59 PM

The CIA wants to get inside Khalid Shaikh Mohammed's head. But his interrogators - CIA, FBI or from a foreign security service - are working against the clock. Mohammed's information about impending terrorist operations and the location of al-Qaida leaders and cells grows more dated by the hour.

Whether the CIA can learn anything useful from the alleged Sept. 11 mastermind depends on the skills and methods of the interrogators, Mohammed's willingness to talk and perhaps simply time.

Captured early Saturday in a raid in Pakistan, he is now believed to be in U.S. custody overseas.

Of top priority during the questioning is gaining intelligence that could help quickly disrupt attacks being planned or lead to added precautions, American counterterrorism officials said.

That could mean a domestic law enforcement raid to break up a cell ready to strike, or an increase of security at areas Mohammed names as targets subject to imminent attacks. Intelligence about Mohammed's activities led in part to the orange alert that lasted most of February, counterterrorism officials said.

Overseas, it could mean an operation that leads to the capture of al-Qaida leader Osama bin Laden.

But such information is just what he is most likely to try to keep secret, or lie about. Still, terrorists who learn of Mohammed's capture may alter their plans, abandon safe houses or make hurried telephone calls - actions that could expose them to detection.

The only al-Qaida capture that approaches the magnitude of Mohammed's was that of Abu Zubaydah last March. Zubaydah more than once provided information that sent American security officials scurrying to provide warnings to cities and sectors of the economy, knowing all the while that he could be lying.

Zubaydah did provide some information that was later verified through other sources, officials said. That included intelligence that led to the detention of Jose Padilla, the American whom federal officials allege was plotting to use a radiological weapon on U.S. soil.

U.S. officials were elated by Mohammed's capture.

"This is equal to the liberation of Paris in the second World War," said GOP Rep. Porter Goss of Florida, chairman of the House Intelligence Committee, on ABC's "This Week."

"This is a giant step backward for the al-Qaida," Republican Sen. Pat Roberts of Kansas, chairman of the Senate Intelligence Committee, told "Fox News Sunday." "Now their operations commander is simply out of operations."

Officials were not releasing details of Mohammed's detention. Previous high-level al-Qaida captives have not been brought to U.S. soil; they would have rights not afforded on foreign soil, U.S. officials say. Where they are, however, has not been disclosed.

Another secret is how officials will attempt to get information from Mohammed.

U.S. officials insist they eschew physical, violent torture, although it is unclear if all of America's allies live by a similar code.

Also less clear are to what extent interrogators use certain methods that human rights groups also regard as torture: sleep deprivation, threats of torture and other techniques intended to confuse, frighten or wear down a captive.

"We don't sanction torture but there are psychological and other ways that we can get most of what we need," said Sen. Jay Rockefeller, D-W.Va., vice chairman of the Senate Intelligence Committee.

Whatever the method, the goal is to get inside a prisoner's head and get him talking, experts say. An interrogator may try to appeal to Mohammed's vanity, his fears, or whatever lever seems to offer the best avenue to getting information that will stop terrorist attacks.

As his interrogation moves away from the immediate, Mohammed can provide counterterrorism officials with a deeper understanding of al-Qaida and its history.

Officials believe he can detail how Sept. 11 was put together, answering long-standing questions about the plot's origins: Who chose the World Trade Center and Pentagon as targets? Who picked Sept. 11 as the date?

American officials say Mohammed, who was born in Kuwait and has both Pakistani citizenship and ancestry, planned and coordinated key aspects of the Sept. 11 operation.

His information can be cross-checked with Ramzi Binalshibh's, his former aide who was captured in September. Binalshibh was a part of the cell that included Mohamed Atta, chief among the Sept. 11 hijackers.

In the mid-1990s, Mohammed also worked with his nephew Ramzi Yousef and two others in the Philippines on a number of operations. Yousef is in prison for his role in the 1993 World Trade Center bombing.

One plan called for bombing up a dozen trans-Pacific airliners in flight. A second involved crashing an airplane into CIA headquarters outside of Washington. Officials have suggested these plots - broken up in their infancy with the arrests of Mohammed's associations - were the seeds of Sept. 11.

The four plotters were linked to al-Qaida through a financial operative named Khalifa, who is bin Laden's brother-in-law, officials have said. Khalifa is believed to remain at large.

© 2003 The Associated Press

From: Estrada, Miguel A. <MEstrada@gibsondunn.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/2/2003 3:11:19 PM
Subject: : RE: Chicago Tribune From humble beginnings to Senate storm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ("Estrada, Miguel A."
<MEstrada@gibsondunn.com> [UNKNOWN])
CREATION DATE/TIME: 2-MAR-2003 20:11:19.00
SUBJECT:: RE: Chicago Tribune From humble beginnings to Senate storm
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

It was fine. Are you in your office?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Sunday, March 02, 2003 8:05 PM
To: Estrada, Miguel A.
Subject: Re: Chicago Tribune From humble beginnings to Senate storm

yes and sent it along to others. pretty good. what did you think.

(Embedded
image moved "Estrada, Miguel A." <MEstrada@gibsondunn.com>
to file: 03/02/2003 08:07:51 PM
pic05860.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Chicago Tribune From humble beginnings to Senate storm

Did you see this?

http://www.chicagotribune.com/news/nationworld/chi-0303020227mar02,1,197976
5.story

<<Chicago Tribune From humble beginnings to Senate storm.url>>

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and

then immediately delete this message.
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From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/2/2003 3:29:43 PM
Subject: : Re: op-ed

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 2-MAR-2003 20:29:43.00
SUBJECT:: Re: op-ed
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

For tomorrow's meeting, can we at least offer the idea of a hearing with
the sg's???anything out there to offer?

.
```

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/2/2003 3:41:33 PM
Subject: : Re: op-ed

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 2-MAR-2003 20:41:33.00
SUBJECT:: Re: op-ed
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Please don't tell me that he would put politics ovwer principle.
Sincerely,
Mr.smith

.
```

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/2/2003 3:49:00 PM
Subject: : Re: reminder re Jenny Brosnahan

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 2-MAR-2003 20:49:00.00
SUBJECT:: Re: reminder re Jenny Brosnahan
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I would say no as to Margaret and Lucy holds an important position and I
do not know whether I can pull her out.
.
```

From: Gonzales, Alberto R.
To: <Kavanaugh, Brett M.>
Sent: 3/2/2003 8:48:48 PM
Subject: Re: reminder re Jenny Brosnahan

I would say no as to Margaret and Lucy holds an important position and I do not know whether I can pull her out.
.

From: Estrada, Miguel A. <MEstrada@gibsondunn.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/2/2003 5:26:10 PM
Subject: : FW: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference
Attachments: P_8T3BE003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ("Estrada, Miguel A." <MEstrada@gibsondunn.com> [UNKNOWN])
CREATION DATE/TIME: 2-MAR-2003 22:26:10.00
SUBJECT:: FW: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I just found this email, which slipped through the cracks. Do you know anything about this?
-----Original Message-----
From: U.S.H.C.C. [mailto:ushcc@ushcc.com]
Sent: Thursday, February 06, 2003 1:07 PM
To: Estrada, Miguel A.
Subject: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference

<http://www.ushcc.com>
<http://www.ushcc.com/eblast/Legislative03/LegBack2_02.gif>

February 5, 2003

Mr.Estrada
Department of Justice
mestrada@gibsondunn.com

Dear Mr. Estrada:

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Every year at the Legislative Conference we honor those who have demonstrated great leadership in promoting the interests of the Hispanic community. This year, White House Counsel Albert Gonzales will receive the President's Award and Congressman Robert Menendez (D-NJ) will receive the Chair's Award. We will also recognize the two Latinos serving as White House fellows - Cesar Conde at the U.S. Department of the State and Cesar Aristeiguieta at the U.S. Department of Health and Human Services.

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Attached you will find information about our Legislative Conference. I would be honored if your schedule permits you to join us. If you require additional information or would like to confirm your attendance, please email <mailto:esilva@ushcc.com?Subject=RSVP USHCC Legislative Event> or call Elsa Silva, Executive Assistant, at 202-842-1212, ext. 110.

Sincerely,
<http://www.ushcc.com/eblast/Legislative03/sig.jpg>
George Herrera
President and Chief Executive Officer

<http://www.ushcc.com/eblast/Legislative03/DSC00852(jefMem).jpg>
<http://www.ushcc.com/eblast/Legislative03/DSC00857(monum).jpg>
<http://www.ushcc.com/eblast/Legislative03/DSC00802(capit).jpg>
<http://www.ushcc.com/eblast/Legislative03/DSC00849(colm).jpg>
<http://www.ushcc.com/eblast/Legislative03/DSC00814(col).jpg>
<http://www.ushcc.com/eblast/Legislative03/DSC00880(georg).jpg>

<http://www.ushcc.com/eblast/Legislative03/78129(clock).jpg> Schedule of Events

Wednesday 12, 2003

12:00 PM - 6:00 PM
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Capital Hilton Hotel

3:30 PM - 5:00 PM
Corporate Partner Legislative Hearing
Capital Hilton Hotel

3:30 PM - 5:00 PM
How to Lobby Workshop
Capital Hilton Hotel

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Hosted by the
Congressional Hispanic Caucus
Location to be determined

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10:45 AM - 12:30 PM
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Capital Hilton Hotel

1:00 PM - 5:00 PM
Capitol Hill Visits

6:00 PM - 7:00 PM
Legislative Awards Reception
Capital Hilton Hotel

7:00 PM - 10:00 PM
Legislative Awards Dinner
Capital Hilton Hotel

Friday 14, 2003

8:30 AM - 11:30 AM
Federal Procurement Fair
Hosted by The Greater Ibero-American Chamber of Commerce
Capital Hilton Hotel

*Schedule subject to change. Visit www.ushcc.com for updates

For registration information and updates visit www.ushcc.com or call
1-800-874-2286

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error and then immediately delete this message.
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- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_8T3BE003_WHO.TXT_1>

I jus t found this email, which slipped through the cracks. Do you know anything about this?
-----Original Message-----
From: U.S.H.C.C. [mailto:ushcc@ushcc.com]
Sent: Thursday, February 06, 2003 1:07 PM
To: Estrada, Miguel A.
Subject: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference




February 5, 2003

Mr.Estrada
Department of Justice
mestrada@gibsondunn.com

Dear Mr. Estrada:

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Attached you will find information about our Legislative Conference. I would be honored if you r schedule permits you to join us. If you require additional information or would like to confirm your attendance, please em ail or call Elsa Silva, Executive Assistant, at 202-842-1212, ext. 110.

Sincerely,

George Herrera
President and Chief Executive Officer

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Location to be determined

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==========

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advise the sender of the error and the n immediately delete this message.
==========< br>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Estrada, Miguel A. <MEstrada@gibsondunn.com>
Sent: 3/2/2003 5:27:34 PM
Subject: : Re: FW: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference
Attachments: P_GT3BE003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAR-2003 22:27:34.00
SUBJECT:: Re: FW: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference
TO:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ("Estrada, Miguel A." <MEstrada@gibsondunn.com> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

what in particular about it?

"Estrada, Miguel A." <MEstrada@gibsondunn.com>
03/02/2003 10:25:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference

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-----Original Message-----
From: U.S.H.C.C. [mailto:ushcc@ushcc.com]
Sent: Thursday, February 06, 2003 1:07 PM
To: Estrada, Miguel A.
Subject: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference

<http://www.ushcc.com>
<http://www.ushcc.com/eblast/Legislative03/LegBack2_02.gif>

February 5, 2003

Mr.Estrada
Department of Justice
mestrada@gibsondunn.com

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Sincerely,
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President and Chief Executive Officer

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http://www.ushcc.com/eblast/Legislative03/DSC00857(monum).jpg> <
http://www.ushcc.com/eblast/Legislative03/DSC00802(capit).jpg> <
http://www.ushcc.com/eblast/Legislative03/DSC00849(colm).jpg> <
http://www.ushcc.com/eblast/Legislative03/DSC00814(col).jpg> <
http://www.ushcc.com/eblast/Legislative03/DSC00880(georg).jpg>

<http://www.ushcc.com/eblast/Legislative03/78129(clock).jpg> Schedule of Events

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- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GT3BE003_WHO.TXT_1>

I jus t found this email, which slipped through the cracks. Do you know anything about this?
-----Original Message-----
From: U.S.H.C.C. [mailto:ushcc@ushcc.com]
Sent: Thursday, February 06, 2003 1:07 PM
To: Estrada, Miguel A.
Subject: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference




February 5, 2003

Mr.Estrada
Department of Justice
mestrada@gibsondunn.com

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advise the sender of the error and the n immediately delete this message.
==========< br>

From: Estrada, Miguel A. <MEstrada@gibsondunn.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/2/2003 5:30:39 PM
Subject: : RE: FW: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ("Estrada, Miguel A." <MEstrada@gibsondunn.com> [UNKNOWN])
CREATION DATE/TIME: 2-MAR-2003 22:30:39.00
SUBJECT:: RE: FW: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Who these people are, what the event is, whether this is one of those things you insist I go to (knowing how much I enjoy cast-of-thousands shindigs with strangers) . . .

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov [mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Sunday, March 02, 2003 10:23 PM
To: Estrada, Miguel A.
Subject: Re: FW: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference

what in particular about it?

(Embedded image moved "Estrada, Miguel A." <MEstrada@gibsondunn.com> to file: 03/02/2003 10:25:04 PM pic18045.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
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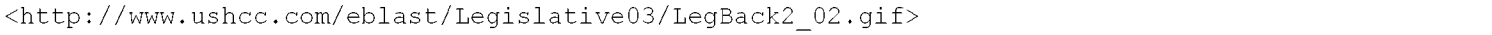
<http://www.ushcc.com>

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Dear Mr. Estrada:

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On behalf of the Board of Directors of the USHCC, I am pleased to invite you to attend the Legislative Awards Dinner on Thursday, March 13 at the Capital Hilton, located at 1001 16th Street, NW, beginning at 7:00 p.m., with an opening reception beginning at 6:00 p.m. The Awards Dinner is the culmination of our Legislative Conference that will attract more than 500 leaders from the Hispanic business community, corporate America and the public sector.

Every year at the Legislative Conference we honor those who have demonstrated great leadership in promoting the interests of the Hispanic community. This year, White House Counsel Albert Gonzales will receive the President's Award and Congressman Robert Menendez (D-NJ) will receive the Chair's Award. We will also recognize the two Latinos serving as White House fellows - Cesar Conde at the U.S. Department of the State and Cesar Aristeiguieta at the U.S. Department of Health and Human Services.

As you may know, the USHCC's primary mission is to represent the interests of over 1.2 million Hispanic-owned businesses in the United States and Puerto Rico. Through a network of more than 130 local Hispanic chambers of commerce and business organizations, the USHCC stands as the preeminent business organization that effectively communicates the needs of Hispanic enterprise to corporate America and the Federal government. It is for this reason we find it critical to have an event in Washington, D.C. to bring together the Hispanic business community and government leaders to engage in constructive dialogues around mutual interest.

Attached you will find information about our Legislative Conference. I would be honored if your schedule permits you to join us. If you require additional information or would like to confirm your attendance, please email <mailto:esilva@ushcc.com?Subject=RSVP USHCC Legislative Event> or call Elsa

Silva, Executive Assistant, at 202-842-1212, ext. 110.

Sincerely,
<http://www.ushcc.com/eblast/Legislative03/sig.jpg>
George Herrera
President and Chief Executive Officer

<http://www.ushcc.com/eblast/Legislative03/DSC00852(jefMem).jpg> <
http://www.ushcc.com/eblast/Legislative03/DSC00857(monum).jpg> <
http://www.ushcc.com/eblast/Legislative03/DSC00802(capit).jpg> <
http://www.ushcc.com/eblast/Legislative03/DSC00849(colm).jpg> <
http://www.ushcc.com/eblast/Legislative03/DSC00814(col).jpg> <
http://www.ushcc.com/eblast/Legislative03/DSC00880(georg).jpg>

<http://www.ushcc.com/eblast/Legislative03/78129(clock).jpg> Schedule of Events

Wednesday 12, 2003

12:00 PM - 6:00 PM
Registration
Capital Hilton Hotel

3:30 PM - 5:00 PM
Corporate Partner Legislative Hearing
Capital Hilton Hotel

3:30 PM - 5:00 PM
How to Lobby Workshop
Capital Hilton Hotel

6:00 PM - 8:00 PM
Welcoming Reception
Hosted by the
Congressional Hispanic Caucus
Location to be determined

Thursday 13, 2003

7:00 AM - 5:00 PM
Registration
Capital Hilton Hotel

8:00 AM - 9:30 AM
Continental Breakfast
Capital Hilton Hotel

8:00 AM - 8:45 AM
USHCC Regional Meetings
Capital Hilton Hotel

9:00 AM - 10:30 AM
Legislative Briefing
Capital Hilton Hotel

10:45 AM - 12:30 PM
Issues Briefing: Contract Bundling
Capital Hilton Hotel

1:00 PM - 5:00 PM
Capitol Hill Visits

6:00 PM - 7:00 PM
Legislative Awards Reception

Capital Hilton Hotel

7:00 PM - 10:00 PM
Legislative Awards Dinner
Capital Hilton Hotel

Friday 14, 2003

8:30 AM - 11:30 AM
Federal Procurement Fair
Hosted by The Greater Ibero-American Chamber of Commerce
Capital Hilton Hotel

*Schedule subject to change. Visit www.ushcc.com for updates

For registration information and updates visit www.ushcc.com or call 1-800-874-2286

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This message may contain confidential and privileged information. If it has
been sent to you in error, please reply to advise the sender of the error and
then immediately delete this message.
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This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.
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===

From: Kavanaugh, Brett M.
To: <Dunlap, Kady>
CC: <Newstead, Jennifer G.>
Sent: 3/2/2003 9:36:44 PM
Subject: Re: political photos

Appropriate to have them paid by RNC.

From: Kady Dunlap/WHO/EOP@Exchange on 02/27/2003 09:16:54 AM

Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: political photos

I have a question regarding photos that Mrs. Bush took while on her political swing in November. The RNC is going to pay for the printing of all of the greeter photos from each event. However, police photos were paid by the WH because apparently the WH always pays for those since the police serve Mrs. Bush as First Lady, not as a member of the Republican party.

So... who should pay for motorcade driver pictures? Are those people serving Mrs. Bush in an official capacity even when she is in a state solely for political events?

Thanks for your help.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>
Sent: 3/2/2003 6:35:33 PM
Subject: : need to get those 2 almanacs from library; please ask them (politely) to order 2 additional if they need to

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 2-MAR-2003 23:35:33.00
SUBJECT:: need to get those 2 almanacs from library; please ask them (politely) to order 2
additional if they need to
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Abel Guerra/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/3/2003 3:24:05 AM
Subject: : RE: FW: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-MAR-2003 08:24:05.00
SUBJECT:: RE: FW: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

BK,

I think it is a great idea....he has been invited. Not sure where they sent the invite. If you could have him attend I will let them know he is coming. As you know the Judge is receiving an award that evening.

Let me know.

Abel

Brett M. Kavanaugh
03/02/2003 10:35:25 PM
Record Type: Record

To: Abel Guerra/WHO/EOP@EOP, Leonard B. Rodriguez/WHO/EOP@EOP, Mercedes M. Viana/WHO/EOP@EOP
cc:
Subject: RE: FW: United States Hispanic Chamber of Commerce 13th Annual Legislative Conference

thoughts on Miguel attending? Note that both Judge Gonzales and Menendez are receiving awards.

February 5, 2003

Mr.Estrada
mestrada@gibsondunn.com

Dear Mr. Estrada:

The United States Hispanic Chamber of Commerce (USHCC) will be hosting its 13th
Annual Legislative Conference on March 12-13, 2003. This event is intended to
provide an opportunity for USHCC members to come to Washington, D.C. to interact
with key federal elected and appointed officials.

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attend the Legislative Awards Dinner on Thursday, March 13 at the Capital Hilton, located at 1001 16th Street, NW, beginning at 7:00 p.m., with an opening reception beginning at 6:00 p.m. The Awards Dinner is the culmination of our Legislative Conference that will attract more than 500 leaders from the Hispanic business community, corporate America and the public sector.

Every year at the Legislative Conference we honor those who have demonstrated great leadership in promoting the interests of the Hispanic community. This year, White House Counsel Albert Gonzales will receive the President's Award and Congressman Robert Menendez (D-NJ) will receive the Chair's Award. We will also recognize the two Latinos serving as White House fellows - Cesar Conde at the U.S. Department of the State and Cesar Aristeiguieta at the U.S. Department of Health and Human Services.

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Attached you will find information about our Legislative Conference. I would be honored if your schedule permits you to join us. If you require additional information or would like to confirm your attendance, please email <mailto:esilva@ushcc.com?Subject=RSVP USHCC Legislative Event> or call Elsa Silva, Executive Assistant, at 202-842-1212, ext. 110.

Sincerely,
<http://www.ushcc.com/eblast/Legislative03/sig.jpg>
George Herrera
President and Chief Executive Officer

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/3/2003 4:10:25 AM
Subject: : Re: crapo

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-MAR-2003 09:10:25.00
SUBJECT:: Re: crapo
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

No...

.
```

From: CN=Jonathan F. Ganter/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/3/2003 4:24:14 AM
Subject: : Re: can you order me a carpet car for Hill to depart at 10:10 a.m.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-MAR-2003 09:24:14.00
SUBJECT:: Re: can you order me a carpet car for Hill to depart at 10:10 a.m.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Where on the hill are you going (they will want to know)? Also, should I
plan on getting you a car back as well?

-Jon
```

From: Dunlap, Kady
To: <Kavanaugh, Brett M.>
CC: <Newstead, Jennifer G.>
Sent: 3/3/2003 8:28:19 AM
Subject: RE: political photos

Thank you.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Sunday, March 02, 2003 9:37 PM
To: Dunlap, Kady
Cc: Newstead, Jennifer G.
Subject: Re: political photos

Appropriate to have them paid by RNC.

From: Kady Dunlap/WHO/EOP@Exchange on 02/27/2003 09:16:54 AM
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: political photos

I have a question regarding photos that Mrs. Bush took while on her political swing in November. The RNC is going to pay for the printing of all of the greeter photos from each event. However, police photos were paid by the WH because apparently the WH always pays for those since the police serve Mrs. Bush as First Lady, not as a member of the Republican party.

So... who should pay for motorcade driver pictures? Are those people serving Mrs. Bush in an official capacity even when she is in a state solely for political events?

Thanks for your help.

From: Charles Spies - Legal <CSpies@rnchq.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/3/2003 5:22:07 AM
Subject: : RE: Republican National Legislators Assoc.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charles Spies - Legal <CSpies@rnchq.org> (Charles Spies - Legal <CSpies@rnchq.org>
[UNKNOWN])
CREATION DATE/TIME: 3-MAR-2003 10:22:07.00
SUBJECT:: RE: Republican National Legislators Assoc.
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If this is a legislators conference (and not a fundraiser or "donor
maintenance event"), the we think it's ok to attend.

- Charlie

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Sunday, March 02, 2003 9:28 PM
To: Charles Spies - Legal
Subject: Re: Republican National Legislators Assoc.

So what do you think about speaking to them at a non-fundraising meeting?

(Embedded
image moved Joe Jaso - Government Affairs <JJaso@rnchq.org>
to file: 02/27/2003 12:39:37 PM
pic02791.pcx)

Record Type: Record

To: Charles Spies - Legal <CSpies@rnchq.org>

cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Re: Republican National Legislators Assoc.

They raise dollars to elect state legislators. NRLA is a 527.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>
Sent: 3/3/2003 9:26:13 AM
Subject: : need car to Senate steps at 3:40 and pick-up at 4:30

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-MAR-2003 14:26:13.00
SUBJECT:: need car to Senate steps at 3:40 and pick-up at 4:30
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Bumatay, Patrick J.
To: <Nelson, Carolyn>;<Kavanaugh, Brett M.>;<Gonzales, Alberto R.>
Sent: 3/3/2003 10:28:25 AM
Subject: Sen. Crapo

He is going to try to call ARG between 12 and 1:30 pm today.

Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>
Sent: 3/3/2003 11:08:20 AM
Subject:

Frist will file cloture petition today, which means cloture vote wednesday.
Will fill you in.

.

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/3/2003 7:09:09 AM
Subject: : Re: Draft letter from Secretary Card to Senator Bob Graham to be sent today if possible

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-MAR-2003 12:09:09.00
SUBJECT:: Re: Draft letter from Secretary Card to Senator Bob Graham to be sent today if
possible
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Let it be known that the clinton line could cause problems...

.
```

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/3/2003 7:09:46 AM
Subject: : You and childress alone today

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-MAR-2003 12:09:46.00
SUBJECT:: You and childress alone today
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

At 4pm, his office. Who loves ya? Let's talk.

.
```

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/3/2003 7:14:26 AM
Subject: : Re: Fwd: RE: Nelson Letter

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:GaryM Stern <garym.stern@nara.gov> ( GaryM Stern <garym.stern@nara.gov> [ UNKNOWN ]
)
CREATION DATE/TIME: 3-MAR-2003 12:14:26.00
SUBJECT:: Re: Fwd: RE: Nelson Letter
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Fabulous!

We're still available to come and meet on Library issues. Not tomorrow,
but after that is generally good.

>>> <Brett_M._Kavanaugh@who.eop.gov> 3/3/03 11:48:41 AM >>>
letter is signed and approved and coming shortly
```

From: Newstead, Jennifer G.
To: <Kavanaugh, Brett M.>
CC: <Bumatay, Patrick J.>
Sent: 3/3/2003 11:50:36 AM
Subject: Nominations?

Anyone know if/when the nominations are going up? I'm getting calls from Senators. Thanks

From: CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/3/2003 9:53:16 AM
Subject: : Please call Wendy Grubbs as soon as possible. Thanks! 6-6493

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Holbrook ( CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 3-MAR-2003 14:53:16.00
SUBJECT:: Please call Wendy Grubbs as soon as possible. Thanks! 6-6493
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

;
```

From: CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/3/2003 11:16:27 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 3-MAR-2003 16:16:27.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

did you get my fax???
```

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/3/2003 1:16:27 PM
Subject: : RE: Can I see judge at 645

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 3-MAR-2003 18:16:27.00
SUBJECT:: RE: Can I see judge at 645
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Let me check. Not sure if he'll still be here.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 03, 2003 6:18 PM
To: Nelson, Carolyn
Subject: Can I see judge at 645

.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 3/3/2003 6:17:01 PM
Subject: RE: Can I see judge at 645

He'll be here... See you at 6:45.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 03, 2003 6:18 PM
To: Nelson, Carolyn
Subject: Can I see judge at 645

.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 3/3/2003 6:18:27 PM
Subject: Can I see judge at 645

.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 3/3/2003 6:46:23 PM
Subject: Re: Can I see judge at 645

Will be 655.

.

----- Original Message -----

From:Carolyn Nelson/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 03/03/2003 06:17:01 PM

Subject: RE: Can I see judge at 645

He'll be here... See you at 6:45.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Monday, March 03, 2003 6:18 PM

To: Nelson, Carolyn

Subject: Can I see judge at 645

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 3/4/2003 6:26:41 AM
Subject: : Any word on Bob Graham?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-MAR-2003 11:26:41.00
SUBJECT:: Any word on Bob Graham?
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Colloton, Steve <Steve.Colloton@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/4/2003 6:50:43 AM
Subject: : CA8

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colloton, Steve" <Steve.Colloton@usdoj.gov> ( "Colloton, Steve"
<Steve.Colloton@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME: 4-MAR-2003 11:50:43.00
SUBJECT:: CA8
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Can you spare three minutes on an issue arising this morning?
515.284.6341.
```

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/4/2003 8:38:05 AM
Subject: : Re: Any word on Bob Graham?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAR-2003 13:38:05.00
SUBJECT:: Re: Any word on Bob Graham?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yup. I am not having a successful day. And, Lincoln wants questions answered to the "committee" so we can send a letter to Leahy and Hatch with her questions and his answers and cc Lincoln. What does that get us, you ask? DUNNO.

Brett M. Kavanaugh
03/04/2003 01:29:49 PM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Any word on Bob Graham?

good lord

Wendy J. Grubbs
03/04/2003 01:33:44 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Any word on Bob Graham?

Just got word that he is upset with second draft.

Brett M. Kavanaugh
03/04/2003 11:22:22 AM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP
cc:
Subject: Any word on Bob Graham?

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/4/2003 5:18:43 AM
Subject: : FW: Question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 4-MAR-2003 10:18:43.00
SUBJECT:: FW: Question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Judge will do this tomorrow @ 10:30am, and would like for you to compose talking points re: class action reform. Katy Hayes in OPL (65449) is the staff contact.

-----Original Message-----
From: Montiel, Charlotte L.
Sent: Thursday, February 27, 2003 3:30 PM
To: Nelson, Carolyn
Subject: FW: Question

OPL wanted to see if the Judge could talk to this group about Class Action Reform and Estrada. I tried to get all the relevant information for you.

-----Original Message-----
From: Hayes, Kathryn J.
Sent: Thursday, February 27, 2003 3:28 PM
To: Montiel, Charlotte L.
Subject: RE: Question

Next Wednesday, March 5th. The full mtg time is 10-11:30 in the Indian Treaty Room. I would need 15 minutes of his time (half speaking, half questions) and he could definitely bring any appropriate staffers with him. THANKS!!

The group is TechNet (my old home!!).

From: Charlotte L. Montiel/WHO/EOP@Exchange on 02/27/2003 03:25:57 PM
Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP
cc:
Subject: RE: Question

What's the date and time and I'll see what I can do.

-----Original Message-----
From: Hayes, Kathryn J.
Sent: Thursday, February 27, 2003 3:21 PM
To: Montiel, Charlotte L.
Subject: RE: Question

Both, preferably.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 02/27/2003 03:15:47 PM
Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP
cc:
Subject: RE: Question

He does sometimes meet with groups. Would he need to speak on Class Action Reform also or would he just be there to speak on Estrada?

Charlotte

-----Original Message-----
From: Hayes, Kathryn J.
Sent: Thursday, February 27, 2003 3:12 PM
To: Montiel, Charlotte L.
Subject: Question

Hey Charlotte!

Does the Judge ever do briefing w/outside groups? I have Tech CEOs coming in next week that want to hear about Class Action Reform and it might be good for him to also talk about Estrada since they're doing Hill visits after the WH meeting.

What do you think?

Let me know.

Thanks!
Katy

From: Reardon, Brian
To: JT.Young@do.treas.gov <JT.Young@do.treas.gov>;chris.smith@do.treas.gov <chris.smith@do.treas.gov>;chris.smith@do.treas.gov <Silverberg, Kristen>;chris.smith@do.treas.gov <Pelletier, Eric C.>;chris.smith@do.treas.gov <Kavanaugh, Brett M.>
Sent: 3/4/2003 9:26:10 AM
Subject: Debt Limit Meeting

JT... absent a better room, we can meet at 590 eeob. Eric, if you have something closer to the east side, let me know.

jt, send me your clearance info.

JT.Young@do.treas.gov

03/04/2003 07:18:29 AM

Record Type: Record

To: Brian Reardon/OPD/EOP@EOP

cc:

Subject: FW:

Old address sorry

-----Original Message-----

From: Young, JT

Sent: Tuesday, March 04, 2003 7:18 AM

To: Brian Reardon (Brian_Reardon@RPC.Senate.gov); Smith, Chris

Subject:

Chris, we are available at 10:30to meet w/ Brian. Please include your clearance info. Brian, just let us know where we are meeting.

From: Pelletier, Eric C.
To: <Reardon, Brian>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>;chris.smith@do.treas.gov <chris.smith@do.treas.gov>;chris.smith@do.treas.gov <Silverberg, Kristen>;chris.smith@do.treas.gov <Kavanaugh, Brett M.>
CC: <Keniry, Daniel>;<Burgeson, Christine M.>;<Liang, Elan>
Sent: 3/4/2003 9:35:39 AM
Subject: RE: Debt Limit Meeting

Okay. General Keniry has kindly agreed to host us in the East Wing. Most should know where that is and it doesn't involve a long ride on an elevator....

-----Original Message-----
From: Reardon, Brian
Sent: Tuesday, March 04, 2003 9:26 AM
To: JT.Young@do.treas.gov; chris.smith@do.treas.gov; Silverberg, Kristen; Pelletier, Eric C.; Kavanaugh, Brett M.
Subject: Debt Limit Meeting

JT... absent a better room, we can meet at 590 eeob. Eric, if you have something closer to the east side, let me know.

jt, send me your clearance info.

JT.Young@do.treas.gov
03/04/2003 07:18:29 AM

Record Type: Record

To: Brian Reardon/OPD/EOP@EOP
cc:
Subject: FW:

Old address sorry

-----Original Message-----
From: Young, JT
Sent: Tuesday, March 04, 2003 7:18 AM
To: Brian Reardon (Brian_Reardon@RPC.Senate.gov); Smith, Chris
Subject:

Chris, we are available at 10:30to meet w/ Brian. Please include your clearance info. Brian, just let us

know where we are meeting.

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/4/2003 6:39:19 AM
Subject: : Re: Any word on Bob Graham?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-MAR-2003 11:39:19.00
SUBJECT:: Re: Any word on Bob Graham?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

No. Will call again.

.
```

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/4/2003 6:55:36 AM
Subject: : LIUNA Video Request
Attachments: P_6I5DE003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAR-2003 11:55:36.00
SUBJECT:: LIUNA Video Request
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ken may have discussed this request with you a while ago, but he asked me to resend. The Laborers International want a video for their 100th anniversary.
---------- Forwarded by Katherine M. Walters/WHO/EOP on 03/04/2003 11:54 AM ----------

Michael J. Napolitano
03/03/2003 06:23:08 PM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: LIUNA Video Request

---------- Forwarded by Michael J. Napolitano/WHO/EOP on 03/03/2003 06:27 PM ----------

Michael J. Napolitano
03/03/2003 06:22:46 PM
Record Type: Record

To: kwalters@georgewbush.com @ inet
cc:
Subject: LIUNA Video Request

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_6I5DE003_WHO.TXT_1>

SCHEDULE PROPOSAL **November 14, 2002**

TO:	Bradley A. Blakeman Deputy Assistant to the President For Appointments and Scheduling
FROM:	Karl Rove Assistant to the President and Senior Advisor
REQUEST:	Record video for the Laborers' International Union of North America (LIUNA) 100th anniversary celebration.
PURPOSE:	To congratulate the union on its achievement, and thank its members for their many contributions to the nation by building monuments, school, roads, and bridges.
BACKGROUND:	In April 2003, LIUNA will celebrate its 100th birthday at a gala celebration on Las Vegas, Nevada. The event will gather some 4,000 delegates and guests of the organization. LIUNA represents nearly 800,000 men and women across North America.
PREVIOUS PARTICIPATION:	The President has attended several union events, and met with LIUNA president, Terence O'Sullivan.
DATE AND TIME:	Anytime before March 31, 2003
DURATION:	3 minutes.
BRIEFING TIME:	N/A
LOCATION:	The Map Room
PARTICIPANTS:	The President
OUTLINE OF EVENT:	The President will enter the Map Room and record the video.
REMARKS REQUIRED:	Brief Remarks will be prepared by the speechwriting department.

MEDIA COVERAGE: Closed Press

FIRST LADY'S ATTENDANCE: The First Lady will not be asked to participate.

RECOMMENDED BY: Karl Rove

__ACCEPT __REGRET __PENDING

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/4/2003 7:53:58 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-MAR-2003 12:53:58.00
SUBJECT::
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

reminder to call Sec. Abraham re Helene White
```

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>
Sent: 3/4/2003 12:49:02 PM
Subject:

reminder to call Sec. Abraham re Helene White

From: aWarren1@doc.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/4/2003 10:13:47 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:aWarren1@doc.gov (aWarren1@doc.gov [UNKNOWN])
CREATION DATE/TIME: 4-MAR-2003 15:13:47.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett, this is in follow-up to a conversation you had with David Maggi of this office last month about invitations to political events. We understood that the White House wanted all invitations to political events cleared through you and the White House Office of Political Affairs for the next several weeks. We wanted to find out whether that policy is still in effect and whether it extends to political events which are not fundraisers. We've received a request from an employee to clear her attendance at a breakfast meeting for Republican elected officials (not a fundraiser) during a National League of Cities conference. Is this the kind of event you want to see? If so, do you have a concern about the employee(Elizabeth Dial, a non-PAS employe in the Department's Office of Legislative and Intergovernmental Affairs) attending in her personal capacity?

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 3/4/2003 2:17:29 PM
Subject:

Schumer is going off about the 3 judges on one panel and the committee's violation of its own rules last week.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 3/4/2003 10:52:34 AM
Subject: : Senate is doing a resolution on pledge at 4:20 today

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-MAR-2003 15:52:34.00
SUBJECT:: Senate is doing a resolution on pledge at 4:20 today
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 3/4/2003 11:46:20 AM
Subject: : Re: Reid is making the point that R-appointed judges are to blame for Pledge decision

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAR-2003 16:46:20.00
SUBJECT:: Re: Reid is making the point that R-appointed judges are to blame for Pledge decision
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Actually, it was one R appointee and one D appointee in the panel majority. The panel dissenter was an R.

Noel J. Francisco
03/04/2003 04:41:07 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Reid is making the point that R-appointed judges are to blame for Pledge decision

Isn't the response: Every single judge that voted to invalidate the Pledge save one is a Democrat, including 2 Clinton nominees, and that these are the types of people that the Dems would, and have, put on the courts.

Brett M. Kavanaugh
03/04/2003 04:20:20 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: Reid is making the point that R-appointed judges are to blame for Pledge decision

From: CN=Eleanor Stone/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/4/2003 3:31:58 PM
Subject: : political gift thank you letter approval

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Eleanor Stone (CN=Eleanor Stone/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAR-2003 20:31:58.00
SUBJECT:: political gift thank you letter approval
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If you get a moment, would you mind confirming your approval of the political gift letters faxed to you last week? Thank you for your help with this request.

---------- Forwarded by Eleanor Stone/WHO/EOP on 03/04/2003 08:34 PM ----------

Eleanor Stone 03/03/2003 12:33:25 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: political gift thank you letter approval

Brett -

Brian just forwarded your approval on to me. Just to complete the background for archives, would you mind emailing me a list of the donors names and confirm your approval. Thanks for your help!!

Eleanor

From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Viana, Mercedes M.>;<Rodriguez, Leonard B.>;<Guerra, Abel>;<Mamo, Jeanie S.>;<Goeglein, Tim>;<Smith, Matthew E.>;<Grubbs, Wendy J.>
Sent: 3/4/2003 7:45:47 PM
Subject: FW: Hispanic Opposition to Estrada

Diverse Group of Latino Leaders Unite Against Estrada Nomination;

Estrada's Views Would Harm Community

To: Assignment Desk, Daybook Editor

Contact: Marie Watteau of MALDEF, 202-293-2828, ext. 16

Vanessa Gonzalez of the Congressional Hispanic Caucus,

202-226-5629

News Advisory:

Many Latino leaders of the broad and growing opposition to the nomination of Miguel Estrada to the D.C. Circuit Court of Appeals will come together at a press event on Capitol Hill on Wednesday, March 5 at 10:30 a.m. The Latino opposition to Estrada includes: United Farm Workers of America, 15 past presidents of the Hispanic National Bar Association; Latino College Professors; United States Hispanic Leadership Institute; Southwest Voter Registration and Education Project; Labor Council for Latin American Advancement; California branch of League of United Latin American Citizens; Coalition of Immokalee Workers; Congressional Hispanic Caucus; Farm Labor Organizing Committee, The Farmworker Association of Florida; La Raza Lawyers Association of California; Mexican American Legal Defense and Educational Fund; National Farm Worker Ministry; National Latina Institute for Reproductive Health; PCUN; Puerto Rican Legal Defense and Educational Fund; and William C. Velasquez Institute. Opposition letters to the Estrada nomination will be released from several groups at the press event.

EVENT SUMMARY

WHAT: Latinos from all walks of life come together to voice

their opposition to Miguel Estrada

WHO:

-- Congressional Hispanic Caucus

-- Linda Chavez-Thompson, executive vice president, AFL-CIO

-- Pierre LaRamee, executive vice president, Puerto Rican Legal Defense and Education Fund

-- Marisa Demeo, regional counsel, MALDEF

-- Jose Roberto Suarez, professor of law, St. Mary's University School of Law

WHEN: Wednesday, March 5, 10:30 a.m.

WHERE: Cannon House Office Building Terrace Room

Washington, D.C.

http://www.usnewswire.com

-0-

/U.S. Newswire 202-347-2770/

From: CN=Nanette Everson/OU=WHO/O=EOP [WHO]
To: Brian R. Besanceney/WHO/EOP@EOP [WHO] <Brian R. Besanceney>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2003 2:57:01 AM
Subject: : Re: Guidance on Attending Political Event

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2003 07:57:01.00
SUBJECT:: Re: Guidance on Attending Political Event
TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You may certainly attend; you may even speak provided you don't solicit and don't use your title in connection with political activity. I am ccing Brett Kavanaugh in the event he has additional thoughts.

Brian R. Besanceney
03/04/2003 04:03:30 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: Guidance on Attending Political Event

Nanette -

I recently received an invitation to attend a fundraiser for my former employer, who is a current Member of Congress. I would have no speaking role nor any other role at the event.

As I read the guidelines that I have been provided, such attendance would be permissable so long as I have clearance from Political Affairs and the Counsel's Office.

Please let me know if my understanding is correct.

Thanks again.

-- Brian Besanceney

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Tim Goeglein/WHO /EOP@EOP [WHO] <Tim Goeglein>
Sent: 3/5/2003 4:05:46 AM
Subject: : RE: Sen. Frist on call with groups today

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2003 09:05:46.00
SUBJECT:: RE: Sen. Frist on call with groups today
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/05/2003 09:09 AM ----------

"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov>
03/05/2003 09:01:23 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Sen. Frist on call with groups today

I have forwarded the request. As an alternative we could have Marty Gold and me do it.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov [mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, March 05, 2003 8:53 AM
To: Miranda, Manuel (Frist)
Cc: Tim_Goeglein@who.eop.gov; Matthew_E._Smith@who.eop.gov
Subject: Sen. Frist on call with groups today

Would Senator Frist be willing to get on phone with groups for a few minutes
this afternoon, perhaps at 2:15?

From: Kirk Blalock <kblalock@fierce-isakowitz.com>
To: <Silverberg, Kristen>;<Schacht, Diana L.>;<Kavanaugh, Brett M.>;<Rove, Karl C.>;<Westine, Lezlee J.>
Sent: 3/5/2003 9:13:47 AM
Subject: Washington Times - Tackling Asbestos Reform

EDITORIAL • March 5, 2003

Tackling asbestos reform

In the wake of the American Bar Association's historic decision to break with trial-lawyer advocacy groups and support commonsense limits on asbestos-related lawsuits, the Senate Judiciary Committee this afternoon will hold a hearing on the growing problem of asbestos litigation and bankruptcies. Asbestos, a mineral once widely used in fireproofing and insulation, can cause severe and even fatal health damage to individuals receiving prolonged exposure. The most serious problem today, however, is a proliferation of lawsuits coming from people who received little or no actual harm from asbestos.

According to a Rand Corp. study released in January, between 65 percent and 90 percent of asbestos plaintiffs in the courts today have no physical impairment. The ABA made its move last month after hearing angry lawyers complain that lawsuits from non-victims were inhibiting the ability of persons injured by asbestos to receive compensation.

Sen. Don Nickles, Oklahoma Republican, has introduced legislation (S. 413) that he says would move actual asbestos victims to the front of the line when it comes to compensation by establishing medical criteria based on American Medical Association (AMA) standards for determining asbestos-related illnesses. Like the ABA proposal, Mr. Nickles' proposal, the Asbestos Claims Criteria and Compensation Act, would also protect the rights of individuals who are concerned that they may some day develop an asbestos-related illness "by keeping the statute of limitations clock from ticking until the illness is discovered."

This afternoon's Judiciary Committee witness list represents something of a political and philosophical cross-section on asbestos and tort reform in general, ranging from ABA President-elect Dennis Archer to a representative of the AFL—CIO. The latter can be expected to make the case for some sort of trust fund that would handle asbestos-related claims — something that is likely to deteriorate into an expensive boondoggle for persons who aren't really sick (and their lawyers).

But this afternoon's most powerful witness for change could prove to be Steven Kazan. A partner in an Oakland law firm, he has spent the last 15 to 20 years representing plaintiffs suffering from mesothelioma, an asbestos-related cancer. In testimony before the Judiciary Committee in September, Mr. Kazan delivered an impassioned plea for reform. "Other plaintiffs' attorneys are filing tens of thousands of claims every year for people who have absolutely nothing wrong with them. This bankrupts defendants — who are not there when it comes time to seek compensation for cancer victims and their families," he said. "Moreover, non-malignant claims in particular accrue value they wouldn't otherwise have because they can find the courthouses with the most favorable procedural practices and the most generous juries."

When the Judiciary meets this afternoon, it should listen carefully to Mr. Kazan's powerful plea for reform.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen Litkenhaus/WHO/EOP@Exchange@EOP [WHO] <Colleen Litkenhaus>
Sent: 3/5/2003 6:37:14 AM
Subject: : cannot do 11 45

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-MAR-2003 11:37:14.00
SUBJECT:: cannot do 11 45
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 3/5/2003 11:32:46 AM
Subject: cannot do 11 45

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2003 8:24:48 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 5-MAR-2003 13:24:48.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 05, 2003 1:19 PM
To: Nelson, Carolyn
Subject: Re:

yes; has it been faxed

From: Carolyn Nelson/WHO/EOP@Exchange on 03/05/2003 01:20:45 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

are you ready for Leg Affairs to mass email?

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 3/5/2003 1:13:31 PM
Subject: Re:

Please put White House letterhead on. thanks

From: Carolyn Nelson/WHO/EOP@Exchange on 03/05/2003 12:55:04 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject:

From: CN=William T. Griffin/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2003 9:17:28 AM
Subject: : 6:20 PM interview

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:William T. Griffin ( CN=William T. Griffin/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-MAR-2003 14:17:28.00
SUBJECT:: 6:20 PM interview
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Can you do this show at 6:20? Big show in California and Roger is Rush's
back-up host.

6:20 PM Roger Hedgecock (CA)
Hotline: 858-560-6604 or 6676
```

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2003 9:19:54 AM
Subject: : Re: How does the Frist letter to colleagues mesh with the President's letter??

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-MAR-2003 14:19:54.00
SUBJECT:: Re: How does the Frist letter to colleagues mesh with the President's letter??
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

We are tracking it down now. This stinks.

.
```

From: Andrea Lafferty <alafferty@traditionalvalues.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2003 9:23:33 AM
Subject: : FW: URGENT: ASK YOUR SENATOR TO OPPOSE BYBEE NOMINATION
Attachments: P_ETUEE003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Andrea Lafferty <alafferty@traditionalvalues.org> (Andrea Lafferty <alafferty@traditionalvalues.org> [UNKNOWN])
CREATION DATE/TIME: 5-MAR-2003 14:23:33.00
SUBJECT:: FW: URGENT: ASK YOUR SENATOR TO OPPOSE BYBEE NOMINATION
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thought you might like to see this.
Andrea

<http://hrc.grassroots.com/TrackLoadObject.dyn?objectId=6410&objectType=2&memberId=754868>
<http://hrc.grassroots.com/images/dotclear.gif>
<http://hrc.grassroots.com/images/header_action.gif>
919 18th St, NW, Washington, DC 20006
<http://hrc.grassroots.com/images/address.gif>
<http://www.hrc.org/actioncenter> Take Action <http://www.hrc.org/joinus> Join HRC

<http://hrc.grassroots.com/judicialnominees/BYBEEOPPOSE/?lk=754868-754868-0-6410-zPpGTIJ29r9xC84NLIvuK5-Jo074wMCs>
CLICK HERE TO TAKE ACTION

URGENT ACTION ALERT:
CONTACT YOUR SENATOR ON THE NOMINATION OF JAY BYBEE

HRC opposes the nomination of Jay Bybee to the United States Court of Appeals for the Ninth Circuit. Bybee's record shows a lack of respect for Supreme Court precedent on the constitutional rights of lesbian, gay, bisexual and transgender Americans, and he has characterized sexual orientation-inclusive civil rights laws as "preferences" for "homosexuals." Bybee helped drafted a brief for the Justice Department regarding security clearance for gays and lesbians working in defense-related jobs. The Department of Defense labeled homosexuality "deviant sexual conduct" and lumped it together with "bestiality, fetishism, exhibitionism, necrophilia, nymphomania or satyriasis, masochism, sadism, pedophilia, transvestism, and voyeurism."

In addition, Bybee exhibited further disregard for civil rights protections with his critical views regarding a court ruling in Bob Jones University v. United States, which stated that the IRS could deny tax-exempt status to a university that banned interracial dating.

For further background on Jay Bybee, click <https://admin.grassroots.com/clientAdmin/campaigns/authoring/index.jhtml?view=actionPage&campaignID=2391&actionPageId=8145> here.

On Feb. 27, the Senate Judiciary Committee voted 12-6 to approve Bybee's nomination. If your senator sits on the Judiciary Committee, please see how he or she voted in the list below.

Voting to approve were: Sens. Chambliss (R-GA), Cornyn (R-TX), Craig (R-ID), DeWine (R-OH), Graham (R-SC), Grassley (IA), Hatch (R-UT), Kohl (D-WI), Kyl (R-AZ), Schumer (D-NY), Sessions (R-AL), and Specter (R-PA).

Voting "NO" were Sens. Biden (D-Delaware), Durbin (D-IL), Edwards (D-NC), Feingold (D-WI), Feinstein (D-CA), and Kennedy (D-MA).

Senator Leahy (D-VT) voted "present/pass."

ACTIONS TO TAKE IMMEDIATELY:

* If you have not already contacted your senator, please send a free fax to your senator IMMEDIATELY by clicking on the "take action" button above. Urge him or her to oppose the nomination of Jay Bybee.

* For residents of New York, Vermont and Wisconsin: Please send your fax AND specifically call your Senator:

Schumer-NY 202/224-6542
Leahy-VT 202/224-4242
Kohl-WI 202/224-5653

Tell your senator, in a respectful and pleasant manner, that you are very concerned about Bybee's record on civil rights issues and you urge him to vote "NO" in a full floor vote.

Thank you for being a member of HRC's action network and for taking this important step towards equality.

Change your contact information, password and other information by updating your profile in the HRC Action Center. Go to

http://www.hrc.org/actioncenter and click on "My Action Center Profile".
To help HRC fund the Action Center and support gay, lesbian, bisexual and
transgender equality, please join HRC or renew your membership today.
Visit our membership page at http://www.hrc.org/joinus. Thank you for
taking action and for supporting HRC.

_____

This e-mail communication is provided to users of HRC's Online Action
Center to keep you informed of breaking news, legislative developments,
and when you should take action. To comment on this service please e-mail
us at field@hrc.org.

<http://www.hrc.org/actioncenter> Take Action at
http://www.hrc.org/takeaction <http://www.hrc.org/joinus> Join HRC at
http://www.hrc.org/joinus
<http://hrc.grassroots.com//standard/systemMessagesandOperations/?spType=un
subscribe&lk=754868-754868-0-6410-zPpGTIJ29r9xC84NLIvuK5-Jo074wMCs>
Unsubscribe
<http://hrc.grassroots.com/images/dotclear.gif>

<http://www.grassroots.com> Powered by Grassroots Enterprise, Inc.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ETUEE003_WHO.TXT_1>

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 3/5/2003 1:24:28 PM
Subject: RE:

Yes.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 05, 2003 1:19 PM
To: Nelson, Carolyn
Subject: Re:

yes; has it been faxed

From: Carolyn Nelson/WHO/EOP@Exchange on 03/05/2003 01:20:45 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

are you ready for Leg Affairs to mass email?

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>
Sent: 3/5/2003 9:30:18 AM
Subject: : RE: draft letter from President

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 5-MAR-2003 14:30:18.00
SUBJECT:: RE: draft letter from President
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Ok with me.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 05, 2003 2:14 PM
To: Nelson, Carolyn
Cc: Gonzales, Alberto R.; Leitch, David G.
Subject: draft letter from President

Carrie: If Judge and David approve, please put into staffing with Staff Secretary with close hold stamp and comments due by 6:00 p.m. to me.

<< File: judges letter from President on Estrada 3 5 03.doc >>

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2003 10:14:23 AM
Subject: : So it acceptable

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-MAR-2003 15:14:23.00
SUBJECT:: So it acceptable
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

For me to miss the 4:45 again given my issues up here? I know I missed the
last one, but right now it is critical that I am here. Is that ok?

.
```

From:	McNally, Edward
To:	<Kavanaugh, Brett M.>;<Walker, Helgard C.>;<Francisco, Noel J.>;<Sampson, Kyle>; <Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Ullyot, Theodore W.>;<Bumatay, Patrick J.>;<Addington, David S.>
Sent:	3/5/2003 2:24:49 PM
Subject:	Murkowski: New bill this week for breaking up 9th Cir.

Sen. Lisa Murkowski said today that she would introduce a bill this week to break up the 9th Circuit so that its Appeals Court would not hear Alaska cases, as it does now. The report adds that reducing the power of the 9th Circuit Court is a goal her father sought for many years when he was in the Senate.

Sen. Murkowski speaks out for 'under God' in pledge

SPONSOR: She plans to introduce bill to break up 9th Circuit Court of Appeals.

By Liz Ruskin

Anchorage Daily News

(Published: March 5, 2003)

Washington -- Sen. Lisa Murkowski, in her first speech on the Senate floor, condemned a California court decision that would strike the words "under God" from the Pledge of Allegiance in public schools. A resolution she sponsored expressing the Senate's support for the pledge was approved 94-0.

"The day that my kids come home from school and say, 'Mom, we had to stop saying the pledge today,' I'm telling you, all hell is going to break loose," she told reporters before the vote.

In June, a three-judge panel of the California-based 9th Circuit Court of Appeals ruled that because of the "under God" phrase, the pledge is an unconstitutional endorsement of religion when recited in public schools.

Friday, a larger panel of the court declined to review that decision.

The court's decision not to reconsider the case "represents a type of extremism carried out by individuals who want to substitute their values in place of the Constitution," Murkowski said. "What they want to do is simply eradicate any reference to religion in public life. That is not what the First Amendment mandates."

She also said she would introduce a bill this week to break up the 9th Circuit so that its Appeals Court would not hear Alaska cases, as it does now. Reducing the power of the 9th Circuit Court is a goal her father sought for many years when he was in the Senate.

A pledge ban -- or a ban on the words "under God" -- was to begin next week in Alaska and the eight other Western states that make up the 9th Circuit, but Tuesday the court put the ban on hold while the case is under appeal.

The pledge decision was extremely unpopular among lawmakers and many of their constituents.

A reporter suggested to Murkowski on Tuesday that the resolution supporting the pledge is an "easy political opportunity for you to take."

"Sure!" she responded. "It's a no-brainer." Her constituents feel as she does, she said.

"I bet you talk radio is burning up today over the 9th Circuit and the crazy rulings that come out of the 9th Circuit," she said.

Hardly anyone supports the court decision, she suggested.

Some do, though.

"The government should not link religion and patriotism," Barry Lynn, director of Americans United for Separation of Church and State, said last week. "An individual can express love of country regardless of his or her religious or philosophical outlook."

Public schools shouldn't coerce children into taking part in religious exercises, even seemingly generic and benign ones, he said.

Until a 1954 act of Congress, he points out, the pledge was recited without the words "under God."

Al Sundquist, a founder of the Alaska chapter of Americans United, said he agrees with Lynn's position.

Reporter Liz Ruskin can be reached at 1-202-383-0007 or lruskinadn.com.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 3/5/2003 3:28:59 PM
Subject: request for meeting with President

can you request a 10-minute meeting with President on Friday March 14

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2003 3:32:19 PM
Subject: : FW: report to congress re: effort to safely open tours to public

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 5-MAR-2003 20:32:19.00
SUBJECT:: FW: report to congress re: effort to safely open tours to public
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We handed you the request from Congress for a report on opening wh tours.;
Do you know which attorney has been asked to draft a response?
;
-----Original Message-----
From: Pritchett, Clare
Sent: Wednesday, March 05, 2003 11:22 AM
To: Gambatesa, Linda M.; Litkenhaus, Colleen
Subject: report to congress re: effort to safely open tours to public

I received a call from Steve McDevitt who is managing the creation of our new on-line tour system.; He asked if they needed to provide any information or take anything into account re: this report.; Having this new system may contribute to our ability to process requests from smaller groups and individuals.

From: CN=Alicia W. Davis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ken Mehlman/WHO /EOP@EOP [WHO] <Ken Mehlman>
Sent: 3/5/2003 12:34:10 PM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2003 17:34:10.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

County Republican Chairman Rich Stampahar decried the Army's ruling as "downright ludicrous."
"I can't believe someone would go against someone who is serving. I can't believe it. This is absolutely crazy," he said.

Army says Pippy can't run for state Senate or serve in House
Wednesday, March 05, 2003
By Mark Belko, Post-Gazette Staff Writer
Less than a week before the special election, the Army said today that state Rep. John Pippy could not be a candidate for state Senate in the 37th District, ruling that he is barred from running while serving on extended active duty.
The decision by Army Deputy General Counsel Matt Reres reverses a Feb. 14 ruling that had cleared the way for Pippy, a captain in the Army Reserves, to continue his candidacy.
"Contrary to the informal advice given by the Army to Mrs. [Katherine] Pippy on Feb. 14 that he did not need to withdraw from the race, it is the official Army position that he may not serve as a state representative, campaign or be a candidate for the state Senate while on extended active duty," Reres wrote.
Katherine Pippy said today that Rere's ruling is being reviewed and that she was confident it would be overturned.
"It is our belief that this letter will be rescinded," she said.
She declined further comment.
It was unclear this afternoon what impact the ruling will have on Tuesday's special election, in which Republican Pippy is facing Democrat Paul Gitnik to represent communities in Pittsburgh's southern and western suburbs.
Allison Hrestak, a spokeswoman for the Pennsylvania Department of State, said Pippy's name would remain on the ballot pending the outcome of a federal lawsuit filed earlier this week by three South Hills residents seeking an injunction to block Pippy's candidacy.
"At this point, it's too late to withdraw his name," she said. "There is nothing we can do, pending [the] decision in the court."
County Republican Chairman Rich Stampahar decried the Army's ruling as "downright ludicrous."
"I can't believe someone would go against someone who is serving. I can't believe it. This is absolutely crazy," he said.

From: Estes, Ashley
To: <Kavanaugh, Brett M.>
Sent: 3/5/2003 5:33:57 PM
Subject: RE: Contact Info and Background

I don't remember her offhand...

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 05, 2003 1:12 PM
To: Estes, Ashley
Subject: Contact Info and Background

hi and tonight sounds good and here is that person and hope you are not tired!

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/05/2003 01:20 PM ----------



J. Elizabeth Farrell
03/05/2003 12:45:00 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Contact Info and Background

Good afternoon all,

I'm finally set up on email correctly - you'll find me listed as J. Elizabeth Farrell in the address book (a change from yesterday), you can also use JFarrell.

Phone extension is 65942.

Carrie suggested I attach my resume to give you information about my background. Here's a short summary:

2000 - Communications at Bush/Cheney Campaign in Austin (worked in the war room with Brent Greenfield).
2001 - Faith-Based Initiative at HUD
2002 - Faith-Based Initiative at Education
Faith-Based Work: Because they were small start up offices, I did everything from policy, legal analysis and regulation reform to outreach, strategic planning and public speaking. While at Education, I developed and executed the initial regional conferences that the White House Faith-Based Office eventually adopted and continues to offer around the country.

Skills:
In college, I had the benefit of several undergrad law classes which covered basic constitutional law, law of politics and judicial process. These classes and my campaign work gave me extensive experience with Westlaw, Lexis and Nexis.

Issues:
Besides HUD, Education and Faith-Based Issues, I'm extremely interested in International Affairs and International Development. I would be more than happy to aid you in any of your work in these areas.

Future plans likely include a joint-degree program: JD/MA in International Development

I hope this information is helpful. It has been wonderful working with you this last week - please let me know how I can most effectively help you with your work.

Thanks,

Elizabeth

Message Sent To:

Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
James W. Carroll/WHO/EOP@EOP
Nanette Everson/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Theodore W. Ullyot/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2003 2:57:38 PM
Subject: : RE: when can I come over?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 5-MAR-2003 19:57:38.00
SUBJECT:: RE: when can I come over?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Shoot! I just got this. Are you still here? If not, tomorrow I'm available from 9-10 or 11-2pm. Or after 3pm. OR, should I go to David Leitch with a bunch of random questions? Up to you.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 05, 2003 6:13 PM
To: Litkenhaus, Colleen
Subject: Re: when can I come over?

645

From: Colleen Litkenhaus/WHO/EOP@Exchange on 03/05/2003 05:49:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: when can I come over?

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 3/5/2003 7:57:25 PM
Subject: RE: when can I come over?

Shoot! I just got this. Are you still here? If not, tomorrow I'm available from 9-10 or 11-2pm. Or after 3pm. OR, should I go to David Leitch with a bunch of random questions? Up to you.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 05, 2003 6:13 PM
To: Litkenhaus, Colleen
Subject: Re: when can I come over?

645

From: Colleen Litkenhaus/WHO/EOP@Exchange on 03/05/2003 05:49:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: when can I come over?

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 3/5/2003 8:32:01 PM
Subject: FW: report to congress re: effort to safely open tours to public

We handed you the request from Congress for a report on opening wh tours. Do you know which attorney has been asked to draft a response?

-----Original Message-----
From: Pritchett, Clare
Sent: Wednesday, March 05, 2003 11:22 AM
To: Gambatesa, Linda M.; Litkenhaus, Colleen
Subject: report to congress re: effort to safely open tours to public

I received a call from Steve McDevitt who is managing the creation of our new on-line tour system. He asked if they needed to provide any information or take anything into account re: this report. Having this new system may contribute to our ability to process requests from smaller groups and individuals.

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 3/5/2003 9:02:17 PM
Subject: RE: when can I come over?

THANK YOU!!!!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 05, 2003 9:06 PM
To: Litkenhaus, Colleen; Kavanaugh, Brett M.
Subject: Re: when can I come over?

How about 1130 thursday in your office

.

----- Original Message -----
From:Colleen Litkenhaus/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 03/05/2003 07:57:25 PM
Subject: RE: when can I come over?

Shoot! I just got this. Are you still here? If not, tomorrow I'm available from 9-10 or 11-2pm. Or after 3pm. OR, should I go to David Leitch with a bunch of random questions? Up to you.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 05, 2003 6:13 PM
To: Litkenhaus, Colleen
Subject: Re: when can I come over?

645

From: Colleen Litkenhaus/WHO/EOP@Exchange on 03/05/2003 05:49:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: when can I come over?

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>
Sent: 3/5/2003 9:05:33 PM
Subject: Re: when can I come over?

How about 1130 thursday in your office

.

----- Original Message -----

From:Colleen Litkenhaus/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 03/05/2003 07:57:25 PM

Subject: RE: when can I come over?

Shoot! I just got this. Are you still here? If not, tomorrow I'm available from 9-10 or 11-2pm. Or after 3pm. OR, should I go to David Leitch with a bunch of random questions? Up to you.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Wednesday, March 05, 2003 6:13 PM

To: Litkenhaus, Colleen

Subject: Re: when can I come over?

645

From: Colleen Litkenhaus/WHO/EOP@Exchange on 03/05/2003 05:49:42 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: when can I come over?

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Theodore W. Ullyot/WHO /EOP@EOP [WHO] <Theodore W. Ullyot>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/6/2003 3:35:53 AM
Subject: : Estrada

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-MAR-2003 08:35:53.00
SUBJECT:: Estrada
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

On the Editorial Page
http://www.opinionjournal.com/editorial/?id=110003161

Democrats take judicial confirmation battles to a new low.
12:01 a.m. EST
```

From:	CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To:	Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Alberto R. Gonzales/WHO /EOP@Exchange [WHO] <Alberto R. Gonzales>;Susan B. Ralston/WHO/EOP@Exchange [WHO] <Susan B. Ralston>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Noel J. Francisco/WHO /EOP@EOP [WHO] <Noel J. Francisco>;David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>;Melissa S. Bennett/WHO/EOP@Exchange [WHO] <Melissa S. Bennett>
CC:	Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>
Sent:	3/6/2003 4:41:25 AM
Subject:	: reminder: Meeting with the President

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 6-MAR-2003 09:41:25.00
SUBJECT:: reminder: Meeting with the President
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
CC:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
CC:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Friday, March 7 from;1:55PM - 2:15PM in the Oval Office.;
;
Thanks!
;
;
;
```

From: Sampson, Kyle
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Addington, David S.>;<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>;<Ullyot, Theodore W.>;<Walker, Helgard C.>;<Newstead, Jennifer G.>;<Francisco, Noel J.>;<Powell, Benjamin A.>
Sent: 3/6/2003 8:30:46 AM
Subject: Estrada

On the Editorial Page

http://www.opinionjournal.com/editorial/?id=110003161

Democrats take judicial confirmation battles to a new low.

12:01 a.m. EST

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>
Sent: 3/6/2003 4:54:10 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-MAR-2003 09:54:10.00
SUBJECT::
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

please call me re Susan Ralston and political activity questions. We need
to be sure we are coordinated.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 3/6/2003 5:33:26 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-MAR-2003 10:33:26.00
SUBJECT::
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

http://www.nola.com/news/t-p/frontpage/index.ssf?/base/news-0/1046933723651
5.xml
```

From:	Nelson, Carolyn
To:	<Bennett, Melissa S.>;<Ralston, Susan B.>;<Leitch, David G.>;<Gonzales, Alberto R.>;<Francisco, Noel J.>;<Newstead, Jennifer G.>;<Sampson, Kyle>;<Bartolomucci, H. Christopher>;<Kavanaugh, Brett M.>;<Walker, Helgard C.>
CC:	<Bumatay, Patrick J.>;<Montiel, Charlotte L.>
Sent:	3/6/2003 9:41:07 AM
Subject:	reminder: Meeting with the President

Friday, March 7 from 1:55PM - 2:15PM in the Oval Office.

Thanks!

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/6/2003 6:30:19 AM
Subject: : please don't forget us, we need you.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 6-MAR-2003 11:30:19.00
SUBJECT:: please don't forget us, we need you.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

;
```

From: Yeager, Karen A.

To: <Motley, Eric L.>;<Marquez, Heidi K.>;<Contreras, Rebecca>;<Tucker, Kirstie W.>;<Allen, Michael>;<Terpeluk, Meredith A.>;<Powell, Dina>;<Johnson III, Clay>;<Cabral, Raquel>;<Garvin, Dorothy C>;<Arends, Jackie>;<Anthony, Christine>;<Marslender, Julia>;<Balls, Katharine>; <Lapeyre, Julie A.>;<Hogan, Elizabeth>;<Montiel, Charlotte L.>;<McDaniel, Andrea>;<Nelson, Carolyn>;<Carrell, Courtney A.>;<Hattersley, Erin M.>;<Ingwell, Carmen M.>;<Snee, Ashley>; <Fitzgerald, Heather R.>;<Moy, Edmund C.>;<Estes, Ashley>;<Loper, Ginger G.>;<Kirk, Matthew>;<Abbot, Charles S.>;<Aidekman, David>;<Albright, Penrose C.>;<Angulo, Magda E.>;<Ballenger, Andrew>;<Bartlett, Daniel J.>;<Bearson, Darren W.>;<Blahous, Charles P.>;<Brown, Illa S.>;<Bullock, Katja>;<Burgeson, Christine M.>;<Byrne, Michael F.>;<Cervantes, Jennifer>;<Cilluffo, Frank>;<Cooper, Rory S.>;<Delahunty, Robert J.>;<Diamond, Rory J.>;<Everson, Nanette>;<Falkenrath, Richard>;<Flannery, Julian M.>;<Furlow, Christopher>; <Garrison, Sarah M.>;<Garrison, Stephen M.>;<Goldman, Adam B.>;<Gross, Taylor S.>;<Grubbs, Wendy J.>;<Guerra, Abel>;<Harrelson, Leah J.>;<Hennessey, Keith>;<Herr, John K.>;<Hildebrand, Kirsten J.>;<Hornbarger, Chris>;<Hughes, A. Merrill>;<Irwin, Richard G.>;<Jones, Alison>;<Kaplan, Joel>;<Kavanaugh, Brett M.>;<Lenti, Sarah M.>;<Litkenhaus, Colleen>;<Martin, Catherine J.>;<Middlemas, A. Morgan>;<Nank, Timothy D.>;<Rasmussen, Philip C.>;<Rodriguez, Leonard B.>;<Sanders, Michael A.>;<Schlapp, Matthew A.>;<Sokul, Stanley S.>;<Spaner, Jon>;<Stout, Timothy C.>;<Westine, Lezlee J.>;<Gottshall, Donna B.>;<Pipes, Kasey S.>;<Card, Andrew H.>

Sent: 3/6/2003 11:11:46 AM

Subject:

Tomorrow (3/07/03) will be my last day at the White House, however I will continue to serve the President at the Department of Homeland Security as a Business Liaison in the Office of the Private Sector. It has been honor to work here over the last two years in both Presidential Personnel and OHS. It's been a great experience and challenge beyond belief. One I'm blessed to have had. The President has the best team around him and my prayers are with him and all of you.

Starting Monday (3/10/03) my new contact info. will be:

Office of the Private Sector Liaison

Department of Homeland Security

Phone: 202.282.8000

Direct: 202.282.8047

Fax: 202.282-8407

e-mail: karen.yeager@dhs.gov

Please keep in touch and I will do the same.

Many thanks,

Karen

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Katherine M. Prendergast/WHO/EOP@Exchange [WHO] <Katherine M. Prendergast>
CC: Sarah K. Kayson/ONDCP/EOP@EOP [ONDCP] <Sarah K. Kayson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Lauren McCord/WHO/EOP@Exchange [WHO] <Lauren McCord>
Sent: 3/6/2003 7:24:34 AM
Subject: : RE: Federal Travel Regulation regarding the use of taxis by employees

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 6-MAR-2003 12:24:34.00
SUBJECT:: RE: Federal Travel Regulation regarding the use of taxis by employees
TO:Katherine M. Prendergast (CN=Katherine M. Prendergast/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:Sarah K. Kayson (CN=Sarah K. Kayson/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Lauren McCord (CN=Lauren McCord/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Great!; Thanks.; Do you often see folks using taxis to and/or from home,
or was this unusual?

-----Original Message-----
From: Prendergast, Katherine M.
Sent: Thursday, March 06, 2003 12:04 PM
To: Litkenhaus, Colleen
Cc: McCord, Lauren
Subject: Federal Travel Regulation regarding the use of taxis by employees

FTR SECTION;QUESTION;ANSWER
301-10.420;When may I use a taxi or shuttle service?;
;
(d); Between residence and office in cases of necessity.; Your agency may
authorize/approve the usual taxicab fare plus tip for travel between your
office and home when you perform official business at your official
station and:(1) You are dependent on public transportation for officially
ordered work outside regular working hours; and(2) The travel between your
office and home is during hours of infrequently scheduled public
transportation or darkness.
;
Colleen - The regulation is above.; There was definitely "infrequently
scheduled public transportation" during the snowstorm on 2/18 when the
staffer needed to get from her home to the Kennedy Center and back on
official business.; Like all travel regulations, they are a bit open to
interpretation, and when in doubt I always;consult WH Counsel. Let me know
if you want me to ask Counsel to look at this particular case.; In my
opinion;the regulation above clearly indicates that her choice of
transportation that day was legitimate. ;Thanks.; Kathy
;
Kathy Prendergast
White House Management
ph: (202) 456-5106
fx: (202) 456-6472
kprender@who.eop.gov
;

From: Charnes, Adam <Adam.Charnes@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/6/2003 7:39:49 AM
Subject: : CA4

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Charnes, Adam" <Adam.Charnes@usdoj.gov> ( "Charnes, Adam" <Adam.Charnes@usdoj.gov>
[ UNKNOWN ] )
CREATION DATE/TIME: 6-MAR-2003 12:39:49.00
SUBJECT:: CA4
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Can I get a copy of that 4th Circuit document you mentioned at the SJC
meeting yesterday? Thanks.
```

From: CN=Eleanor Stone/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/6/2003 8:17:30 AM
Subject: : Re: political gift thank you letter approval

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Eleanor Stone (CN=Eleanor Stone/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 13:17:30.00
SUBJECT:: Re: political gift thank you letter approval
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please let me know if you need me to re-fax the background to you to help in this determination. Thanks.

---------- Forwarded by Eleanor Stone/WHO/EOP on 03/06/2003 01:20 PM ----------

Eleanor Stone 03/04/2003 08:33:44 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc: Records Management@EOP
Subject: Re: political gift thank you letter approval

I'm sorry - I didn't realize. Please let me know if you need me to fax over the background, text, or any other information. Thanks!

Mrs. Betsy DeVos
Mrs. Sherry Hickerson
Ms. Larita Nelson
Mrs. Irene Mecklenburg
Dr. Margarita Gangotena

Brett M. Kavanaugh
03/04/2003 08:31:04 PM
Record Type: Record

To: Eleanor Stone/WHO/EOP@EOP
cc:
bcc:
Subject: Re: political gift thank you letter approval

ok, I left the names on the voice mail with him and then sent the document off for filing. Does he have them?

Eleanor Stone 03/04/2003 08:27:38 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: political gift thank you letter approval

If you get a moment, would you mind confirming your approval of the political gift letters faxed to you last week? Thank you for your help with this request.

---------- Forwarded by Eleanor Stone/WHO/EOP on 03/04/2003 08:34 PM ----------

Eleanor Stone 03/03/2003 12:33:25 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: political gift thank you letter approval

Brett -

Brian just forwarded your approval on to me. Just to complete the background for archives, would you mind emailing me a list of the donors names and confirm your approval. Thanks for your help!!

Eleanor

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
CC: <Eskew, Tucker A.>;<Powell, Benjamin A.>
Sent: 3/6/2003 12:56:52 PM
Subject: equipment and travel

On the clothing/equipment question, we should pay out of WH appropriation (or DOD if we can) as we would for other equipment that employees need. On the travel cost issue, Ben is handling with Tucker. My understanding is that, as of now, WH may have to pay for travel out of WH money, but Ben and Tucker are working on that and will let you know.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Aaron D. Schwitters/WHO/EOP@EOP [WHO] <Aaron D. Schwitters>
Sent: 3/6/2003 2:17:59 PM
Subject: : Re: Ad campaign

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 19:17:59.00
SUBJECT:: Re: Ad campaign
TO:Aaron D. Schwitters (CN=Aaron D. Schwitters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Is this a commercial ad or political ad?

Aaron D. Schwitters
03/05/2003 05:39:37 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Ad campaign

Brett,

I work for David Thomas and he recently received a request from a group for videos of the President to use in a potential ad campaign. We spoke with people in Media Affairs who informed us that was not possible, which we told to these people. Now, they are going to pursue getting footage from a media outlet or C-Span and they want to know about permission. Do they need permission to use footage of the President? Who would give them that permission? Thanks for your advice.

Aaron Schwitters

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: aWarren1@doc.gov [UNKNOWN] <aWarren1@doc.gov>
Sent: 3/6/2003 2:27:36 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 19:27:36.00
SUBJECT:: Re:
TO:aWarren1@doc.gov (aWarren1@doc.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Approved for this event. Thanks for checking.

aWarren1@doc.gov
03/06/2003 05:07:31 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Brett, I have an additional fact regarding the political event I sent to you for clearance on Tuesday, a breakfast for Republican elected officials held in conjunction with a National League of Cities conference. A second Department employee, Chris Gilbert (also a non-PAS employee in the Department's Office of Legislative and Intergovernmental Affairs), has expressed interest in attending. As I mentioned in my first e-mail, the event is not a fundraiser.

It was unclear to us whether your direction to obtain White House clearance for political invitations extends to events which are not fundraisers. Unless we hear otherwise from you, we will assume that it does not cover such events. Likewise, because the breakfast in question is scheduled for Monday, we will advise our employees tomorrow that they may attend, unless you tell us otherwise.

From: Lisa Budzynski <lisab@fed-soc.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/6/2003 12:46:39 PM
Subject: : travel
Attachments: P_1NKGE003_WHO.TXT_1.htm; P_1NKGE003_WHO.TXT_2.txt

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lisa Budzynski <lisab@fed-soc.org> ( Lisa Budzynski <lisab@fed-soc.org> [ UNKNOWN ]
)
CREATION DATE/TIME: 6-MAR-2003 17:46:39.00
SUBJECT:: travel
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I just faxed you an updated itinerary. You're leaving at 6:45 am on
Saturday, arriving at 10:11 am. On Sunday, you're leaving at 9:05 am and
arriving back in DC at 2:10 pm. If you have any questions or don't receive
the fax, you can contact Rhonda Moaland here tomorrow and she can get you
the info.

See you Saturday,
Lisa
- att1.htm - Lisa A Budzynski.vcf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1NKGE003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1NKGE003_WHO.TXT_2>
```

I just faxed you an updated itinerary. You're leaving at 6:45 am on Saturday, arriving at 10:11 am. On Sunday, you're leaving at 9:05 am and arriving back in DC at 2:10 pm. If you have any questions or don't receive the fax, you can contact Rhonda Moaland here tomorrow and she can get you the info.

See you Saturday,
Lisa

Full Name:	Lisa A Budzynski
Last Name:	Budzynski
First Name:	Lisa
Job Title:	Director, Lawyers Chapters
Company:	The Federalist Society
Business Address:	1015 18th Street, N.W.=0D=0ASuite 425 Wash ington, DC 20036
Business:	(202) 822-8138
Business Fax:	(202) 296-8061
E-mail:	lisab@fed-soc.org
E-mail Display As:	Lisa A Budzynski <lisab@fed-soc.org>
Web Page:	http://www.fed-soc.org

From: Alicia W. Davis <adavis@georgewbush.com>
To: cspies@rnchq.org [UNKNOWN] <cspies@rnchq.org>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: John J. Healey/WHO/EOP@EOP [WHO] <John J. Healey>
Sent: 3/6/2003 12:54:19 PM
Subject: : FW: Lilac Luncheon
Attachments: P_78LGE003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Alicia W. Davis" <adavis@georgewbush.com> ("Alicia W. Davis" <adavis@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME: 6-MAR-2003 17:54:19.00
SUBJECT:: FW: Lilac Luncheon
TO:cspies@rnchq.org (cspies@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:John J. Healey (CN=John J. Healey/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Lilac Luncheon
-----Original Message-----
From: John_J._Healey@who.eop.gov [mailto:John_J._Healey@who.eop.gov]
Sent: Thursday, March 06, 2003 5:37 PM
To: Alicia Davis
Subject: Lilac Luncheon

A- this is the email I received from Dottie Morin. Brett had said he needed this
information. I hope the net figure includes the cost of Mrs. Cheney's trip, or
else they will be strapped to cover, and probably will not make any $.

John,

Based on 700 attendees at $30, the gross would be $21,000, net $8,400.
These numbers will of vary depending on the attendance. Hope this helps.

Dottie

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_78LGE003_WHO.TXT_1>

-----Original Message-----
From: John_J._Healey@who.eop.gov [mailto:John_J._Healey@who.eop.gov]
Sent: Thursday, March 06, 2003 5:37 PM
To: Alicia Davis
Subject: Lilac Luncheon

A- this is the email I received from Dottie Morin. Brett had said he needed this information. I hope the net figure includes the cost of Mrs. Cheney's trip, or else they will be strapped to cover, and probably will not make any $.

John,

Based on 700 attendees at $30, the gross would be $21,000, net $8,400. These numbers will of vary depending on the attendance. Hope this helps.

Dottie

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lisa Budzynski <lisab@fed-soc.org>
Sent: 3/6/2003 12:57:12 PM
Subject: : Re: travel
Attachments: P_XFLGE003_WHO.TXT_1.htm; P_XFLGE003_WHO.TXT_2.txt

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-MAR-2003 17:57:12.00
SUBJECT:: Re: travel
TO:Lisa Budzynski <lisab@fed-soc.org> ( Lisa Budzynski <lisab@fed-soc.org> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

perfect, thanks so much




Lisa Budzynski <lisab@fed-soc.org>
03/06/2003 05:41:00 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: travel



I just faxed you an updated itinerary. You're leaving at 6:45 am on
Saturday, arriving at 10:11 am. On Sunday, you're leaving at 9:05 am and
arriving back in DC at 2:10 pm. If you have any questions or don't receive
the fax, you can contact Rhonda Moaland here tomorrow and she can get you
the info.

See you Saturday,
Lisa

- att1.htm
- Lisa A Budzynski.vcf




ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XFLGE003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XFLGE003_WHO.TXT_2>
```

I just faxed you an updated itinerary. You're leaving at 6:45 am on Saturday, arriving at 10:11 am. On Sunday, you're leaving at 9:05 am and arriving back in DC at 2:10 pm. If you have any questions or don't receive the fax, you can contact Rhonda Moaland here tomorrow and she can get you the info.

See you Saturday,
Lisa

Full Name:	Lisa A Budzynski
Last Name:	Budzynski
First Name:	Lisa
Job Title:	Director, Lawyers Chapters
Company:	The Federalist Society
Business Address:	1015 18th Street, N.W.=0D=0ASuite 425 Wash ington, DC 20036
Business:	(202) 822-8138
Business Fax:	(202) 296-8061
E-mail:	lisab@fed-soc.org
E-mail Display As:	Lisa A Budzynski <lisab@fed-soc.org>
Web Page:	http://www.fed-soc.org

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 3/6/2003 4:58:24 PM
Subject:

More drivel re the Fed Soc.

http://www.prospect.org/print/V14/3/garbus-m.html

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/6/2003 1:18:09 PM
Subject: : Graham still wants card letter with changes.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-MAR-2003 18:18:09.00
SUBJECT:: Graham still wants card letter with changes.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Alicia W. Davis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: John J. Healey/WHO/EOP@EOP [WHO] <John J. Healey>
Sent: 3/6/2003 2:12:49 PM
Subject: : Question
Attachments: P_IFOGE003_WHO.TXT_1.doc; P_IFOGE003_WHO.TXT_2.jpg

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 19:12:49.00
SUBJECT:: Question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:John J. Healey (CN=John J. Healey/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett-
Can the New Hampshire Federation of Republican Women use a Bio and Photo of Mrs. Cheney in their event program?
Thanks! -AWD
---------- Forwarded by Alicia W. Davis/WHO/EOP on 03/06/2003 07:11 PM ----------

Natalie Rule
03/06/2003 06:06:05 PM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP
cc:
Subject: Mrs. Cheney photo and bio

Alicia, Elizabeth Mason said you were looking for these... Natalie

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IFOGE003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IFOGE003_WHO.TXT_2>

Lynne V. Cheney


White House photo by David Bohrer

Lynne V. Cheney, wife of Vice President Richard B. Cheney, has loved history for as long as she can remember, and she has spent much of her professional life writing and speaking about the importance of knowing history and teaching it well.

As chairman of the National Endowment for the Humanities from 1986 to 1993, she published American Memory, a report that warned about the failure of schools to transmit knowledge of the past to upcoming generations. "A system of education that fails to nurture memory of the past denies its students a great deal," Mrs. Cheney wrote: "the satisfactions of mature thought, an attachment to abiding concerns, a perspective on human existence." Today, as a senior fellow at the American Enterprise Institute, she particularly emphasizes the value of knowing our nation's history. "One of the important lessons we can learn is that freedom isn't inevitable," she says. "This realization should make the liberty we enjoy all the more important to us, all the more worth defending."

Mrs. Cheney has written articles about history for numerous publications on topics ranging from woman suffrage in the West and the way Americans celebrated the country's centennial to more tongue-in-cheek assessments, such as the impact of technological advances like air conditioning, the Xerox machine, and the paper shredder on life in Washington, D. C. She was a member of the Commission on the Bicentennial of the Constitution and, more recently, served on Texas Governor George W. Bush's education team. She was part of a group that revised Texas standards for the study of history.

She is author or co-author of six books, including *Kings of the Hill* (second edition, 1996), a book about figures from Henry Clay to Sam Rayburn who played powerful roles in the House of Representatives. She wrote this book with her husband, who was a Congressman from Wyoming from 1979 to 1989. Mrs. Cheney's 1995, *Telling the Truth* (Simon & Schuster, paperback, 1996), analyzed the effect of postmodernism on study in the humanities.

Mrs. Cheney's most recent book is *America: A Patriotic Primer*, an alphabet book for children of all ages and their families. The book, released May 21, 2002, celebrates the ideas and ideals that are the foundations of our country. Mrs. Cheney is presently at her work on a second children's book on American history, *A Is for Abigail Adams*, to be published this fall. Mrs. Cheney's net proceeds from both children's books are being donated to charity.

Mrs. Cheney currently serves as a director of the Reader's Digest Association.

Mrs. Cheney earned her Bachelor of Arts degree with highest honors from Colorado College, her Master of Arts from the University of Colorado, and her Ph.D. with a specialization in 19th century British literature from the University of Wisconsin. She is the recipient of awards and honorary degrees from numerous colleges and universities.

Vice President and Mrs. Cheney were married in 1964. They have two grown daughters, Mary and Elizabeth, and three grandchildren, Kate, Elizabeth, and Grace.

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 3/6/2003 6:14:29 PM
Subject: Opposition research

On line chat with Nan Aron linked below. Many softballs asked, some information about future plans contained in the answers.

http://discuss.washingtonpost.com/wp-srv/zforum/03/sp_politics_aron030603.htm

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>
CC: john j. healey/who/eop@eop [WHO] <john j. healey>
Sent: 3/6/2003 2:14:16 PM
Subject: : Re: Question
Attachments: P_NHOGE003_WHO.TXT_1.doc; P_NHOGE003_WHO.TXT_2.jpg

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 19:14:16.00
SUBJECT:: Re: Question
TO:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:john j. healey (CN=john j. healey/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

No problem here. You should be sure VP's office has signed off.

Alicia W. Davis
03/06/2003 07:08:29 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: John J. Healey/WHO/EOP@EOP
Subject: Question

Brett-
Can the New Hampshire Federation of Republican Women use a Bio and Photo of Mrs. Cheney in their event program?
Thanks! -AWD
---------- Forwarded by Alicia W. Davis/WHO/EOP on 03/06/2003 07:11 PM ----------

Natalie Rule
03/06/2003 06:06:05 PM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP
cc:
Subject: Mrs. Cheney photo and bio

Alicia, Elizabeth Mason said you were looking for these... Natalie

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NHOGE003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NHOGE003_WHO.TXT_2>

Lynne V. Cheney


White House photo by David Bohrer

Lynne V. Cheney, wife of Vice President Richard B. Cheney, has loved history for as long as she can remember, and she has spent much of her professional life writing and speaking about the importance of knowing history and teaching it well.

As chairman of the National Endowment for the Humanities from 1986 to 1993, she published American Memory, a report that warned about the failure of schools to transmit knowledge of the past to upcoming generations. "A system of education that fails to nurture memory of the past denies its students a great deal," Mrs. Cheney wrote: "the satisfactions of mature thought, an attachment to abiding concerns, a perspective on human existence." Today, as a senior fellow at the American Enterprise Institute, she particularly emphasizes the value of knowing our nation's history. "One of the important lessons we can learn is that freedom isn't inevitable," she says. "This realization should make the liberty we enjoy all the more important to us, all the more worth defending."

Mrs. Cheney has written articles about history for numerous publications on topics ranging from woman suffrage in the West and the way Americans celebrated the country's centennial to more tongue-in-cheek assessments, such as the impact of technological advances like air conditioning, the Xerox machine, and the paper shredder on life in Washington, D. C. She was a member of the Commission on the Bicentennial of the Constitution and, more recently, served on Texas Governor George W. Bush's education team. She was part of a group that revised Texas standards for the study of history.

She is author or co-author of six books, including *Kings of the Hill* (second edition, 1996), a book about figures from Henry Clay to Sam Rayburn who played powerful roles in the House of Representatives. She wrote this book with her husband, who was a Congressman from Wyoming from 1979 to 1989. Mrs. Cheney's 1995, *Telling the Truth* (Simon & Schuster, paperback, 1996), analyzed the effect of postmodernism on study in the humanities.

Mrs. Cheney's most recent book is *America: A Patriotic Primer*, an alphabet book for children of all ages and their families. The book, released May 21, 2002, celebrates the ideas and ideals that are the foundations of our country. Mrs. Cheney is presently at her work on a second children's book on American history, *A Is for Abigail Adams*, to be published this fall. Mrs. Cheney's net proceeds from both children's books are being donated to charity.

Mrs. Cheney currently serves as a director of the Reader's Digest Association.

Mrs. Cheney earned her Bachelor of Arts degree with highest honors from Colorado College, her Master of Arts from the University of Colorado, and her Ph.D. with a specialization in 19th century British literature from the University of Wisconsin. She is the recipient of awards and honorary degrees from numerous colleges and universities.

Vice President and Mrs. Cheney were married in 1964. They have two grown daughters, Mary and Elizabeth, and three grandchildren, Kate, Elizabeth, and Grace.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Andrea Lafferty <alafferty@traditionalvalues.org>
Sent: 3/6/2003 2:23:23 PM
Subject: : Re: FW: URGENT: ASK YOUR SENATOR TO OPPOSE BYBEE NOMINATION
Attachments: P_OOOGE003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 19:23:23.00
SUBJECT:: Re: FW: URGENT: ASK YOUR SENATOR TO OPPOSE BYBEE NOMINATION
TO:Andrea Lafferty <alafferty@traditionalvalues.org> (Andrea Lafferty
<alafferty@traditionalvalues.org> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Yes, thanks very much and thanks for all the great support of the
President's nominees.

Andrea Lafferty <alafferty@traditionalvalues.org>
03/05/2003 02:33:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: URGENT: ASK YOUR SENATOR TO OPPOSE BYBEE NOMINATION

Thought you might like to see this.
Andrea

<
http://hrc.grassroots.com/TrackLoadObject.dyn?objectId=6410&objectType=2&me
mberId=754868>
<http://hrc.grassroots.com/images/dotclear.gif>
<http://hrc.grassroots.com/images/header_action.gif>
919 18th St, NW, Washington, DC 20006 <
http://hrc.grassroots.com/images/address.gif> <
http://www.hrc.org/actioncenter> Take Action <http://www.hrc.org/joinus>
Join HRC

<
http://hrc.grassroots.com/judicialnominees/BYBEEOPPOSE/?lk=754868-754868-0-
6410-zPpGTIJ29r9xC84NLIvuK5-Jo074wMCs>
CLICK HERE TO TAKE ACTION

URGENT ACTION ALERT:
CONTACT YOUR SENATOR ON THE NOMINATION OF JAY BYBEE

HRC opposes the nomination of Jay Bybee to the United States Court of Appeals for the Ninth Circuit. Bybee's record shows a lack of respect for Supreme Court precedent on the constitutional rights of lesbian, gay, bisexual and transgender Americans, and he has characterized sexual orientation-inclusive civil rights laws as "preferences" for "homosexuals." Bybee helped drafted a brief for the Justice Department regarding security clearance for gays and lesbians working in defense-related jobs. The Department of Defense labeled homosexuality "deviant sexual conduct" and lumped it together with "bestiality, fetishism, exhibitionism, necrophilia, nymphomania or satyriasis, masochism, sadism, pedophilia, transvestism, and voyeurism."

In addition, Bybee exhibited further disregard for civil rights protections with his critical views regarding a court ruling in Bob Jones University v. United States, which stated that the IRS could deny tax-exempt status to a university that banned interracial dating.

For further background on Jay Bybee, click < https://admin.grassroots.com/clientAdmin/campaigns/authoring/index.jhtml?view=actionPage&campaignID=2391&actionPageId=8145> here.

On Feb. 27, the Senate Judiciary Committee voted 12-6 to approve Bybee's nomination. If your senator sits on the Judiciary Committee, please see how he or she voted in the list below.

Voting to approve were: Sens. Chambliss (R-GA), Cornyn (R-TX), Craig (R-ID), DeWine (R-OH), Graham (R-SC), Grassley (IA), Hatch (R-UT), Kohl (D-WI), Kyl (R-AZ), Schumer (D-NY), Sessions (R-AL), and Specter (R-PA).

Voting "NO" were Sens. Biden (D-Delaware), Durbin (D-IL), Edwards (D-NC), Feingold (D-WI), Feinstein (D-CA), and Kennedy (D-MA).

Senator Leahy (D-VT) voted "present/pass."

ACTIONS TO TAKE IMMEDIATELY:

* If you have not already contacted your senator, please send a free fax to your senator IMMEDIATELY by clicking on the "take action" button above. Urge him or her to oppose the nomination of Jay Bybee.

* For residents of New York, Vermont and Wisconsin: Please send your fax AND specifically call your Senator:

Schumer-NY 202/224-6542
Leahy-VT 202/224-4242
Kohl-WI 202/224-5653

Tell your senator, in a respectful and pleasant manner, that you are very concerned about Bybee's record on civil rights issues and you urge him to vote "NO" in a full floor vote.

Thank you for being a member of HRC's action network and for taking this important step towards equality.

_____

Change your contact information, password and other information by updating your profile in the HRC Action Center. Go to http://www.hrc.org/actioncenter and click on "My Action Center Profile". To help HRC fund the Action Center and support gay, lesbian, bisexual and transgender equality, please join HRC or renew your membership today. Visit our membership page at http://www.hrc.org/joinus. Thank you for taking action and for supporting HRC.

_____

This e-mail communication is provided to users of HRC's Online Action Center to keep you informed of breaking news, legislative developments, and when you should take action. To comment on this service please e-mail us at field@hrc.org.

<http://www.hrc.org/actioncenter> Take Action at http://www.hrc.org/takeaction <http://www.hrc.org/joinus> Join HRC at http://www.hrc.org/joinus < http://hrc.grassroots.com//standard/systemMessagesandOperations/?spType=unsubscribe&lk=754868-754868-0-6410-zPpGTIJ29r9xC84NLIvuK5-Jo074wMCs> Unsubscribe <http://hrc.grassroots.com/images/dotclear.gif>

<http://www.grassroots.com> Powered by Grassroots Enterprise, Inc.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OOOGE003_WHO.TXT_1>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Blake Gottesman/WHO/EOP@Exchange@EOP [WHO] <Blake Gottesman>
Sent: 3/6/2003 2:31:36 PM
Subject: : RE: books

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 19:31:36.00
SUBJECT:: RE: books
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The National Archives general counsel advised that, from their perspective as guardian of the Presidential Libraries, this was an appropriate official purchase. He thought it made sense to purchase out of WH funds. I can see a minor appearance issue, I suppose, but there is no legal problem.

Blake Gottesman
02/26/2003 04:35:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: books

if you're looking for a big, unnecessary mess ... read below.

there seems to be a lot of heartburn about your decision that we should use wh funds for the purchase of the books. should we table the issue for now and leave the books alone, or stick w/ the project and ignore the advice of our staffers-turned-lawyers.

blake

---------- Forwarded by Blake Gottesman/WHO/EOP on 02/26/2003 04:33 PM ----------

From: Chad Babin/WHO/EOP@Exchange on 02/26/2003 03:38:02 PM
Record Type: Record

To: Tim Reynolds/WHO/EOP@Exchange, Blake Gottesman/WHO/EOP@EOP
cc: Linda M. Gambatesa/WHO/EOP@EOP
Subject: RE: books

Blake/Tim,

It wasn't so much that I was nervous, I was simply skeptical as to whether that was an appropriate use of WHO funds.

I spoke with Eric Lanman who is the Political Accounts team Accountant/Financial Analyst from OA and agreed that the books were not an appropriate use of WH funds and that the RNC or some other outside entity (GWB Library?) needed to provide payment for the books.

If Counsel's office believes that it is an acceptable use of funds, and

Linda is fine with the expenditure, I'll be happy to order the books and use my WH credit card to pay for them.

Sorry if this has created unnecessary confusion.

Thanks,

Chad

-----Original Message-----
From: Reynolds, Tim
Sent: Wednesday, February 26, 2003 3:30 PM
To: Gottesman, Blake
Cc: Gambatesa, Linda M.; Babin, Chad
Subject: RE: books

Yes- and he was nervous using White House funds to pay for the items.

-----Original Message-----
From: Gottesman, Blake
Sent: Wednesday, February 26, 2003 2:58 PM
To: Reynolds, Tim
Cc: Gambatesa, Linda M.; Babin, Chad
Subject: RE: books

ok - did you share with joe the original recommendation by brett kavanaugh below. we originally took the idea to counsel's ofc to weigh in on the appropriate funding source.

Brett M. Kavanaugh
02/20/2003 09:22:47 PM
Record Type: Record

To: Linda M. Gambatesa/WHO/EOP@EOP
cc:
Subject: books

We can and should purchase any books, etc., that you think appropriate for preservation/Library out of general WH appropriation.

From: Tim Reynolds/WHO/EOP@Exchange on 02/26/2003 02:26:09 PM
Record Type: Record

To: Blake Gottesman/WHO/EOP@EOP
cc: Linda M. Gambatesa/WHO/EOP@EOP, Chad Babin/WHO/EOP@Exchange
Subject: RE: books

I spoke to Chad Babin about the appropriate purchasing procedure for this project (the books published since the President's been in office). Here's the deal... Linda would have sign off on the purchasing of the books in a memo- have it approved through Mehlman- and then we'd send the bill to the RNC.

Joe said earlier today that this definitely isn't a federal issue, and should NOT be funded through RNC (even if they're reimbursed at a later date). So, until there is a GWB Library Fund set aside, I'll keep track of these books and hold off on the purchase.

Please let me know if you have any concerns. Thanks,

Tim

-----Original Message-----
From: Gottesman, Blake
Sent: Friday, February 21, 2003 1:51 PM
To: Reynolds, Tim
Subject: RE: books

actually, since linda's got her plate full - can you pls work w/ someone else in M&A who can help facilitate the purchase of the books. maybe chad babin could help?
---------- Forwarded by Blake Gottesman/WHO/EOP on 02/21/2003 12:49 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
Blake Gottesman
02/21/2003 01:51:06 PM
Record Type: Record

To: Tim Reynolds/WHO/EOP@Exchange
cc:
bcc: Records Management@EOP
Subject: RE: books << OLE Object: StdOleLink >>

correct. thanks for handling.

From: Tim Reynolds/WHO/EOP@Exchange on 02/21/2003 12:17:05 PM
Record Type: Record

To: Blake Gottesman/WHO/EOP@EOP
cc:
Subject: RE: books

I believe this refers to books re: the President that have been published since he started office. If this is correct- I'll check the list with Linda and make it's handled appropriately.

-----Original Message-----
From: Gottesman, Blake
Sent: Friday, February 21, 2003 12:10 PM
To: Reynolds, Tim
Subject: Re: books

see below. let me know if this makes sense, pls.

---------- Forwarded by Blake Gottesman/WHO/EOP on 02/21/2003 11:08 AM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
Linda M. Gambatesa
02/21/2003 11:50:49 AM
Record Type: Record

To: Blake Gottesman/WHO/EOP@EOP
cc:
bcc:
Subject: Re: books << OLE Object: StdOleLink >>

Yes please.

<< OLE Object: Picture (Device Independent Bitmap) >>
Blake Gottesman
02/21/2003 11:13:56 AM
Record Type: Record

To: Linda M. Gambatesa/WHO/EOP@EOP
cc:
bcc:
Subject: Re: books << OLE Object: StdOleLink >>

shall i ask tim to arrange for the purchase of the books which he found through amazon, or would you like to wait?

<< OLE Object: Picture (Device Independent Bitmap) >>
Linda M. Gambatesa
02/21/2003 07:03:10 AM
Record Type: Record

To: Colleen Litkenhaus/WHO/EOP@EOP, Mary Ann Hanusa/WHO/EOP@EOP, Blake Gottesman/WHO/EOP@EOP
cc:
Subject: books

fyi
---------- Forwarded by Linda M. Gambatesa/WHO/EOP on 02/21/2003 07:01 AM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
Brett M. Kavanaugh
02/20/2003 09:22:47 PM
Record Type: Record

To: Linda M. Gambatesa/WHO/EOP@EOP
cc:
Subject: books

We can and should purchase any books, etc., that you think appropriate for preservation/Library out of general WH appropriation.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 3/6/2003 2:52:45 PM
Subject: : Re: Does anyone have an updated list of outside group/public liaision activites?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 19:52:45.00
SUBJECT:: Re: Does anyone have an updated list of outside group/public liaision activites?
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

did you get a response on this

Wendy J. Grubbs
03/06/2003 03:46:57 PM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Leonard B. Rodriguez/WHO/EOP@EOP,
Abel Guerra/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Does anyone have an updated list of outside group/public
liaision activites?

Need it by COB today...thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 3/6/2003 2:54:21 PM
Subject: : RE: Sharon w/ Pickering called for you.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 19:54:21.00
SUBJECT:: RE: Sharon w/ Pickering called for you.
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Let's do either day. This likely will be him giving us strategy thoughts.

Wendy J. Grubbs
03/06/2003 03:42:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Sharon w/ Pickering called for you.

Congressman Pickering wants to meet with us. Do you have free time soon...Monday or Tuesday...he is not limited to tomorrow in spite of message below.
---------- Forwarded by Wendy J. Grubbs/WHO/EOP on 03/06/2003 03:41 PM ----------

From: Ashley Holbrook/WHO/EOP@Exchange on 03/06/2003 03:23:39 PM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP
cc:
Subject: RE: Sharon w/ Pickering called for you.

Sorry, it's a House number. 225-5031

-----Original Message-----
From: Grubbs, Wendy J.
Sent: Thursday, March 06, 2003 3:21 PM
To: Holbrook, Ashley
Subject: Re: Sharon w/ Pickering called for you.

The number seems to be for an elevator in the NEOB.

From: Ashley Holbrook/WHO/EOP@Exchange on 03/06/2003 11:52:05 AM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP
cc:
Subject: Sharon w/ Pickering called for you.

Cong Pickering wants to schedule a meeting w/ you and someone from

Counsel's office for tomorrow. Call Sharon - 5-5031

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen Litkenhaus/WHO/EOP@Exchange [WHO] <Colleen Litkenhaus>
Sent: 3/6/2003 2:59:59 PM
Subject: : Re: FW: report to congress re: effort to safely open tours to public

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 19:59:59.00
SUBJECT:: Re: FW: report to congress re: effort to safely open tours to public
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Ben Powell

From: Colleen Litkenhaus/WHO/EOP@Exchange on 03/05/2003 08:32:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: report to congress re: effort to safely open tours to public

We handed you the request from Congress for a report on opening wh tours.;
Do you know which attorney has been asked to draft a response?
;
-----Original Message-----
From: Pritchett, Clare
Sent: Wednesday, March 05, 2003 11:22 AM
To: Gambatesa, Linda M.; Litkenhaus, Colleen
Subject: report to congress re: effort to safely open tours to public

I received a call from Steve McDevitt who is managing the creation of our new on-line tour system.; He asked if they needed to provide any information or take anything into account re: this report.; Having this new system may contribute to our ability to process requests from smaller groups and individuals.

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/6/2003 3:00:53 PM
Subject: : Re: Does anyone have an updated list of outside group/public liaision activites?

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-MAR-2003 20:00:53.00
SUBJECT:: Re: Does anyone have an updated list of outside group/public liaision activites?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Yes

.
```

From: Kavanaugh, Brett M.
To: <Douglass, Kimberly A.>
Sent: 3/6/2003 7:03:43 PM
Subject: blue sheet forms on my chair

From: CN=Brian Reardon/OU=OPD/O=EOP [OPD]
To: Keith Hennessey/OPD/EOP@Exchange@EOP [OPD] <Keith Hennessey>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO/EOP@Exchange@EOP [WHO] <Kristen Silverberg>
Sent: 3/6/2003 3:18:48 PM
Subject: : Debt Ceiling
Attachments: P_VHPGE003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Reardon ( CN=Brian Reardon/OU=OPD/O=EOP [ OPD ] )
CREATION DATE/TIME: 6-MAR-2003 20:18:48.00
SUBJECT:: Debt Ceiling
TO:Keith Hennessey ( CN=Keith Hennessey/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Hi all... attached is my first draft of a staff working paper on the debt
limit. please review.

Also, we decided on tuesday to meet tomorrow... I can meet in the morning
or afternoon after 3. Let me know what works for you.

Brian 60360

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_VHPGE003_WHO.TXT_1>
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Debt Ceiling Discussion Paper

The federal government hit the $6.4 trillion debt ceiling on February 20th, but the Treasury Department, as it has in the past, is using a series of budget tools to ensure that the government remains solvent until Congress raises the statutory limit. This paper lays out the options available to the Treasury Department to forestall defaulting on its obligations as well as the legislative vehicles available to Congress to move a debt limit increase.

The first big hurdle facing Treasury will come in early April, when all the tools outlined below – with the exception of prematurely redeeming Civil Service fund securities through the declaration of a "debt suspension period" – will be insufficient to keep us below the debt ceiling. It is extremely unlikely Congress will have raised the debt ceiling by then, which means Treasury will need to declare a debt suspension period of sufficient length to get us past April 15th.

Just how long the period should last, and which vehicle Congress will use, is the immediate question.

Background

The debt ceiling was last increased June 28, 2002 from $5.95 trillion to the current $6.4 trillion. This increase followed two periods (in early April and then in May/June) where debt levels ran up against the ceiling. In both cases, Treasury was forced to take steps to avoid exceeding the ceiling, including suspending investments into the Thrift Savings Plan "G" Fund, suspending the sales of State and Local Government Series securities, and prematurely redeeming securities in the Civil Service Disability Retirement Fund.

More recently, Treasury warned Congress that the debt ceiling again would be exceeded without appropriate action. Congress has failed to act in a timely manner, forcing Treasury to resort to suspending G Fund investments to keep the government below the ceiling. Below is a chronology of recent events:

- On December 24, 2002, Deputy Treasury Secretary Kenneth Dam wrote to Congress warning that without congressional action, the Administration was projecting the statutory debt limit of $6.4 trillion would be reached "the latter half of February 2003."

- On February **, Treasury issued a statement again calling on Congress to raise the debt ceiling and warning that the debt limit would be reached "on or about February 20th and will likely remain above the current debt ceiling thereafter."

- On February **, Secretary Snow notified Congress that on February 20th, the debt limit would be reached and that the Treasury Department would begin taking steps to keep the government from defaulting on its obligations. The Secretary

announced he would suspend investment in the Government Securities Investment Fund (G Fund) of the Federal Employees Retirement System.

Currently, Treasury is moving through the tools it has to keep federal borrowing below the ceiling.

Budget Tools

Treasury has identified five distinct tools it can use to keep federal debt levels below the statutory debt ceilings:

1. Suspension of investments into the Thrift Savings Plan "G" Fund would provide approximately $49 billion of debt ceiling relief;

2. Accessing the funds from the Exchange Rate Stabilization Fund would provide another $10 billion;

3. Initiating a debt swap between the Federal Financing Bank and the Civil Service Disability Retirement Fund would provide $15 billion in relief;

4. Utilizing the Compensating Balances would provide $31 billion; and

5. Declaring a "debt suspension period" would allow Treasury to redeem Civil Service fund securities earlier than normal and would provide approximately $4 billion for every month included in the debt suspension period (see next section for more complete discussion.)

According to Treasury calculations, the first four tools listed above are sufficient to keep the government below the debt limit into early April. Beyond that, it would be necessary for the Secretary of the Treasury to declare a debt suspension period (#5) of some length to provide the room needed to get past mid-April, when tax receipts start rolling in.

Debt Suspension Period

The Secretary of Treasury is authorized to redeem securities or other assets of the Civil Service fund before maturity to prevent the federal government from breeching the debt limit. Before making these redemptions, the Secretary must determine that a debt issuance period exists. The statute authorizing the debt suspension period and its legislative history are silent as to how to determine how long a suspension period should last.

- On May 16, 2002, Treasury redeemed about $4 billion of the Civil Service fund using this authority. This amount reflected a suspension period of approximately six weeks – May 16th to June 28th.

- In the fall of 1995, Treasury Secretary Rubin declared a 12-month debt suspension period, which allowed them to redeem about $40 billion in Civil Service securities.

Currently, Treasury estimates that each month included in a debt suspension period would allow Treasury to prematurely redeem $4 billion in Civil Service securities and make that amount available under the debt ceiling.[1] According to Treasury estimates, a debt suspension period declared the first few days of April and lasting at least 8 months is necessary to ensure Treasury gets past the critical period in early April. Once that hurdle is past, April tax receipts would provide enough solvency to keep federal debt below the ceiling until **** (late May/early June).

Legislative Options

Raising the debt ceiling requires legislation be passed by both the House and the Senate and signed by the President. Here are the likely options:

Stand Alone Bill: While the last debt ceiling increase was adopted as a stand-alone bill, this should be seen as an unlikely option. The House would prefer to raise the debt ceiling as part of a larger effort that would distract attention from federal debt levels, while the Senate would like a debt ceiling attached to something considered "must pass," to curb efforts by the minority to extend debate. Timing: While a stand alone bill could be introduced in the House at any time, political concern about the vote and the lack of protection in the Senate could result in slow progress. Advance agreement to move the bill would be needed, especially with Senate Democrats.

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---

[1] The trick is that, once a debt suspension is declared, each month that passes also reduces the amount Treasury can redeem by $4 billion. For example, if the Secretary declared a debt suspension period of 10 months, Treasury could redeem up to $40 billion at the beginning of month one. Two months later, the total Treasury could redeem would be $8 billion less, or $32 billion. Declaring a debt suspension period too early either reduces the usefulness making the declaration or requires Treasury to declare a longer suspension period than it otherwise would.

Gephardt Rule: House budget rules allow for a separate resolution to be sent to the Senate automatically upon adoption of a budget resolution conference report. This separate resolution would raise the debt ceiling to levels commensurate with the debt levels anticipated in the budget. This approach is the preferred choice of House leadership at the moment. In the Senate, the Gephardt Rule acts just like a stand-alone bill and fails to provide any of the protections they would prefer to help them get the limit through the Senate floor. Timing: Current plans are to complete a budget conference by April recess. Completion in early May is more likely, meaning the Senate would need to take up and pass legislation in the short space between adoption of the House conference report and date when Treasury would run out of space under the debt ceiling.

Supplemental Appropriations: A defense supplemental is anticipated by Congress to be presented in the near future. Such a bill would meet the various concerns of both the House and the Senate. It is of sufficient stature to obscure the politically sensitive vote and it is obviously "must pass" legislation. Timing: When the supplemental is requested would be determinate. If it is presented to Congress prior to adoption of the House budget resolution conference report, it has a good chance to move through both chambers faster than the Gephardt Rule product could.

Conclusions

The conclusions of this paper are 1) since Congress is unwilling and unable to pass a debt ceiling increase in the next four weeks, Treasury needs to prepare to declare a debt suspension period of sufficient length keep the government under the debt ceiling into June at the least and 2) they should plan on the House using the Gephardt Rule to send a debt ceiling increase to the Senate, meaning the debt ceiling debate in the Senate would start only after the budget resolution conference report is adopted by the House. If a defense supplemental becomes available and moves through the House, Treasury should be opportunistic and encourage the use of that vehicle instead.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen Litkenhaus/WHO/EOP@Exchange [WHO] <Colleen Litkenhaus>
Sent: 3/6/2003 3:18:08 PM
Subject: : RE: please don't forget us, we need you.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 20:18:08.00
SUBJECT:: RE: please don't forget us, we need you.
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

you mean, my green folders. I just completed my homework for Kim.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 03/06/2003 08:01:23 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: please don't forget us, we need you.

It was 11:30:08. I just wanted to make sure!

Seriously, thanks for holding our hand for a while.

Now, on to the purple folder(.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, March 06, 2003 7:55 PM
To: Litkenhaus, Colleen
Subject: Re: please don't forget us, we need you.

I would never forget!

From: Colleen Litkenhaus/WHO/EOP@Exchange on 03/06/2003 11:30:08 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: please don't forget us, we need you.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Eleanor Stone/WHO/EOP@EOP [WHO] <Eleanor Stone>
Sent: 3/6/2003 3:36:22 PM
Subject: : Re: political gift thank you letter approval

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 20:36:22.00
SUBJECT:: Re: political gift thank you letter approval
TO:Eleanor Stone (CN=Eleanor Stone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This is approved. Thanks for patience and sorry for confusion.

Eleanor Stone 03/04/2003 08:33:44 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: political gift thank you letter approval

I'm sorry - I didn't realize. Please let me know if you need me to fax over the background, text, or any other information. Thanks!

Mrs. Betsy DeVos
Mrs. Sherry Hickerson
Ms. Larita Nelson
Mrs. Irene Mecklenburg
Dr. Margarita Gangotena

Brett M. Kavanaugh
03/04/2003 08:31:04 PM
Record Type: Record

To: Eleanor Stone/WHO/EOP@EOP
cc:
bcc:
Subject: Re: political gift thank you letter approval

ok, I left the names on the voice mail with him and then sent the document off for filing. Does he have them?

Eleanor Stone 03/04/2003 08:27:38 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: political gift thank you letter approval

If you get a moment, would you mind confirming your approval of the political gift letters faxed to you last week? Thank you for your help with this request.

---------- Forwarded by Eleanor Stone/WHO/EOP on 03/04/2003 08:34 PM ----------

Eleanor Stone 03/03/2003 12:33:25 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: political gift thank you letter approval

Brett -

Brian just forwarded your approval on to me. Just to complete the background for archives, would you mind emailing me a list of the donors names and confirm your approval. Thanks for your help!!

Eleanor

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 3/6/2003 7:55:42 PM
Subject: Re: FW: report to congress re: effort to safely open tours to public

Ben Powell

From: Colleen Litkenhaus/WHO/EOP@Exchange on 03/05/2003 08:32:01 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: report to congress re: effort to safely open tours to public

We handed you the request from Congress for a report on opening wh tours. Do you know which attorney has been asked to draft a response?

-----Original Message-----

From: Pritchett, Clare

Sent: Wednesday, March 05, 2003 11:22 AM

To: Gambatesa, Linda M.; Litkenhaus, Colleen

Subject: report to congress re: effort to safely open tours to public

I received a call from Steve McDevitt who is managing the creation of our new on-line tour system. He asked if they needed to provide any information or take anything into account re: this report. Having this new system may contribute to our ability to process requests from smaller groups and individuals.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 3/6/2003 3:56:33 PM
Subject: : Re: FW: draft of Outback letter
Attachments: P_6FQGE003_WHO.TXT_1.htm; P_6FQGE003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 20:56:33.00
SUBJECT:: Re: FW: draft of Outback letter
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

ok by me

Kate Walters <kate@georgewbush.com>
03/04/2003 10:32:00 AM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: draft of Outback letter

draft of Outback letterBrett- Outback Steakhouse has requested a video
from
the President to congratulate them on their anniversary. Before I even
offered a letter as a substitute, I wanted to make sure everyone was
comfortable. I tried to concentrate on their philanthropic efforts.

- att1.htm
- Outback.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_6FQGE003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_6FQGE003_WHO.TXT_2>

Brett- Outback Steakhouse has requested a video from the President to congratulate them on their anniversary. Before I even offered a letter as a substitute, I wanted to make sure everyone was comfortable. I tried to concentrate on their philanthropic efforts.

DRAFT

March 5, 2003

Mr. Chris T. Sullivan, Chairman of the Board & CEO
Mr. Robert D. Basham, President & COO
Mr. J. Timothy Gannon, Senior Vice President
Ms. Trudy Gannon, Senior Vice President, Training and Development
Outback Steakhouse
2202 N. West Shore Boulevard
Fifth Floor
Tampa, Florida 33607

Dear *Chris, Bob, Tim and Trudy*:

Congratulations on the 15th anniversary of Outback Steakhouse.

I commend you for the support each restaurant provides to its local community. Your efforts aid programs such as the local Little League teams, Boys and Girls Club, and the local Heart Association Chapter. Thank you for your commitment to giving back to your communities and providing exemplary leadership across the country.

Laura joins me in sending our best wishes for continued success.

Sincerely,

George W. Bush

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 3/6/2003 8:01:23 PM
Subject: RE: please don't forget us, we need you.

It was 11:30:**08**. I just wanted to make sure!

Seriously, thanks for holding our hand for a while.

Now, on to the purple folder....

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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: please don't forget us, we need you.

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 3/6/2003 8:03:16 PM
Subject: RE: please don't forget us, we need you.

you mean, my green folders. I just completed my homework for Kim.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 03/06/2003 08:01:23 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: please don't forget us, we need you.

It was 11:30:**08**. I just wanted to make sure!

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I would never forget!

From: Colleen Litkenhaus/WHO/EOP@Exchange on 03/06/2003 11:30:08 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: please don't forget us, we need you.

From: Reardon, Brian
To: <Silverberg, Kristen>;<Hennessey, Keith>;<Kavanaugh, Brett M.>
Sent: 3/6/2003 8:04:24 PM
Subject: Debt Ceiling
Attachments: Debt Ceiling Discussion Paper.doc

Hi all... attached is my first draft of a staff working paper on the debt limit. please review.

Also, we decided on tuesday to meet tomorrow... I can meet in the morning or afternoon after 3. Let me know what works for you.

Brian 60360

<< Debt Ceiling Discussion Paper.doc >>

Debt Ceiling Discussion Paper

The federal government hit the $6.4 trillion debt ceiling on February 20th, but the Treasury Department, as it has in the past, is using a series of budget tools to ensure that the government remains solvent until Congress raises the statutory limit. This paper lays out the options available to the Treasury Department to forestall defaulting on its obligations as well as the legislative vehicles available to Congress to move a debt limit increase.

The first big hurdle facing Treasury will come in early April, when all the tools outlined below – with the exception of prematurely redeeming Civil Service fund securities through the declaration of a "debt suspension period" – will be insufficient to keep us below the debt ceiling. It is extremely unlikely Congress will have raised the debt ceiling by then, which means Treasury will need to declare a debt suspension period of sufficient length to get us past April 15th.

Just how long the period should last, and which vehicle Congress will use, is the immediate question.

Background

The debt ceiling was last increased June 28, 2002 from $5.95 trillion to the current $6.4 trillion. This increase followed two periods (in early April and then in May/June) where debt levels ran up against the ceiling. In both cases, Treasury was forced to take steps to avoid exceeding the ceiling, including suspending investments into the Thrift Savings Plan "G" Fund, suspending the sales of State and Local Government Series securities, and prematurely redeeming securities in the Civil Service Disability Retirement Fund.

More recently, Treasury warned Congress that the debt ceiling again would be exceeded without appropriate action. Congress has failed to act in a timely manner, forcing Treasury to resort to suspending G Fund investments to keep the government below the ceiling. Below is a chronology of recent events:

- On December 24, 2002, Deputy Treasury Secretary Kenneth Dam wrote to Congress warning that without congressional action, the Administration was projecting the statutory debt limit of $6.4 trillion would be reached "the latter half of February 2003."

- On February **, Treasury issued a statement again calling on Congress to raise the debt ceiling and warning that the debt limit would be reached "on or about February 20th and will likely remain above the current debt ceiling thereafter."

- On February **, Secretary Snow notified Congress that on February 20th, the debt limit would be reached and that the Treasury Department would begin taking steps to keep the government from defaulting on its obligations. The Secretary

announced he would suspend investment in the Government Securities Investment Fund (G Fund) of the Federal Employees Retirement System.

Currently, Treasury is moving through the tools it has to keep federal borrowing below the ceiling.

Budget Tools

Treasury has identified five distinct tools it can use to keep federal debt levels below the statutory debt ceilings:

1. Suspension of investments into the Thrift Savings Plan "G" Fund would provide approximately $49 billion of debt ceiling relief;

2. Accessing the funds from the Exchange Rate Stabilization Fund would provide another $10 billion;

3. Initiating a debt swap between the Federal Financing Bank and the Civil Service Disability Retirement Fund would provide $15 billion in relief;

4. Utilizing the Compensating Balances would provide $31 billion; and

5. Declaring a "debt suspension period" would allow Treasury to redeem Civil Service fund securities earlier than normal and would provide approximately $4 billion for every month included in the debt suspension period (see next section for more complete discussion.)

According to Treasury calculations, the first four tools listed above are sufficient to keep the government below the debt limit into early April. Beyond that, it would be necessary for the Secretary of the Treasury to declare a debt suspension period (#5) of some length to provide the room needed to get past mid-April, when tax receipts start rolling in.

Debt Suspension Period

The Secretary of Treasury is authorized to redeem securities or other assets of the Civil Service fund before maturity to prevent the federal government from breeching the debt limit. Before making these redemptions, the Secretary must determine that a debt issuance period exists. The statute authorizing the debt suspension period and its legislative history are silent as to how to determine how long a suspension period should last.

- On May 16, 2002, Treasury redeemed about $4 billion of the Civil Service fund using this authority. This amount reflected a suspension period of approximately six weeks – May 16th to June 28th.

- In the fall of 1995, Treasury Secretary Rubin declared a 12-month debt suspension period, which allowed them to redeem about $40 billion in Civil Service securities.

Currently, Treasury estimates that each month included in a debt suspension period would allow Treasury to prematurely redeem $4 billion in Civil Service securities and make that amount available under the debt ceiling.[1] According to Treasury estimates, a debt suspension period declared the first few days of April and lasting at least 8 months is necessary to ensure Treasury gets past the critical period in early April. Once that hurdle is past, April tax receipts would provide enough solvency to keep federal debt below the ceiling until **** (late May/early June).

Legislative Options

Raising the debt ceiling requires legislation be passed by both the House and the Senate and signed by the President. Here are the likely options:

Stand Alone Bill: While the last debt ceiling increase was adopted as a stand-alone bill, this should be seen as an unlikely option. The House would prefer to raise the debt ceiling as part of a larger effort that would distract attention from federal debt levels, while the Senate would like a debt ceiling attached to something considered "must pass," to curb efforts by the minority to extend debate. Timing: While a stand alone bill could be introduced in the House at any time, political concern about the vote and the lack of protection in the Senate could result in slow progress. Advance agreement to move the bill would be needed, especially with Senate Democrats.

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[1] The trick is that, once a debt suspension is declared, each month that passes also reduces the amount Treasury can redeem by $4 billion. For example, if the Secretary declared a debt suspension period of 10 months, Treasury could redeem up to $40 billion at the beginning of month one. Two months later, the total Treasury could redeem would be $8 billion less, or $32 billion. Declaring a debt suspension period too early either reduces the usefulness making the declaration or requires Treasury to declare a longer suspension period than it otherwise would.

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly Ellison/WHO/EOP@EOP [WHO] <Kimberly Ellison>
Sent: 3/6/2003 4:20:56 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 21:20:56.00
SUBJECT:: Re:
TO:Kimberly Ellison (CN=Kimberly Ellison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No, he should not do that either. Thanks.

Kimberly Ellison
03/05/2003 11:17:15 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

his name isn't listed. is it okay for him to attend as an "honorary table host"?

Brett M. Kavanaugh
03/02/2003 10:57:09 PM
Record Type: Record

To: Kimberly Ellison/WHO/EOP@EOP
cc:
Subject:

Barry should not be listed on the invite.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>
Sent: 3/6/2003 4:20:09 PM
Subject: : Re: LIUNA Video Request
Attachments: P_ISQGE003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 21:20:09.00
SUBJECT:: Re: LIUNA Video Request
TO:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No, but is there a concern about this group?

Katherine M. Walters
03/04/2003 11:55:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: LIUNA Video Request

Ken may have discussed this request with you a while ago, but he asked me to resend. The Laborers International want a video for their 100th anniversary.
---------- Forwarded by Katherine M. Walters/WHO/EOP on 03/04/2003 11:54 AM ----------

Michael J. Napolitano
03/03/2003 06:23:08 PM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: LIUNA Video Request

---------- Forwarded by Michael J. Napolitano/WHO/EOP on 03/03/2003 06:27 PM ----------

Michael J. Napolitano
03/03/2003 06:22:46 PM
Record Type: Record

To: kwalters@georgewbush.com @ inet
cc:
Subject: LIUNA Video Request

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ISQGE003_WHO.TXT_1>

SCHEDULE PROPOSAL **November 14, 2002**

TO:	Bradley A. Blakeman Deputy Assistant to the President For Appointments and Scheduling
FROM:	Karl Rove Assistant to the President and Senior Advisor
REQUEST:	Record video for the Laborers' International Union of North America (LIUNA) 100th anniversary celebration.
PURPOSE:	To congratulate the union on its achievement, and thank its members for their many contributions to the nation by building monuments, school, roads, and bridges.
BACKGROUND:	In April 2003, LIUNA will celebrate its 100th birthday at a gala celebration on Las Vegas, Nevada. The event will gather some 4,000 delegates and guests of the organization. LIUNA represents nearly 800,000 men and women across North America.
PREVIOUS PARTICIPATION:	The President has attended several union events, and met with LIUNA president, Terence O'Sullivan.
DATE AND TIME:	Anytime before March 31, 2003
DURATION:	3 minutes.
BRIEFING TIME:	N/A
LOCATION:	The Map Room
PARTICIPANTS:	The President
OUTLINE OF EVENT:	The President will enter the Map Room and record the video.
REMARKS REQUIRED:	Brief Remarks will be prepared by the speechwriting department.

MEDIA COVERAGE: Closed Press

FIRST LADY'S ATTENDANCE: The First Lady will not be asked to participate.

RECOMMENDED BY: Karl Rove

__ACCEPT __REGRET __PENDING

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Melissa R. Price/WHO/EOP@EOP [WHO] <Melissa R. Price>
Sent: 3/6/2003 4:33:48 PM
Subject: : Re: special letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 21:33:48.00
SUBJECT:: Re: special letter
TO:Melissa R. Price (CN=Melissa R. Price/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I would rather give her the address of RNC and ask her to contact them directly.

Melissa R. Price
03/06/2003 03:51:26 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: special letter

I'm sorry to bother you with this again. I believe that we've talked about mentioning the RNC in a letter, but I can't find a single email that says it's ok to do.

The letter I have is from a lady that sent a $200 donation to the RNC, but the contribution has not been credited to her account. She is writing the President to inquire about the check. I sent a copy of the letter to Kate Walters in Political Affairs, and she forwarded the information to the RNC. We would like to say, "We have forwarded a copy of your letter to the Republican National Committee Finance Department for review. They may contact you directly regarding your missing $200 donation."

Could you please advise on this language and let us know whether or not we can mention the RNC in our reply? Thank you so much.

Melissa

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>
Sent: 3/6/2003 4:40:57 PM
Subject: : Re: Hitchens Here

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 21:40:57.00
SUBJECT:: Re: Hitchens Here
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

sorry, tied up in filibuster machinations . . . thanks for e-mail

Peter H. Wehner
03/05/2003 10:32:50 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Hitchens Here

Brett:

If you want a (brief) break from the normal routine, come join us. As you may know, Hitchens is a provocative and engaging speaker. I don't agree with him on everything, but he has been masterful on Iraq. Be sure to RSVP to Kasey Pipes in our office if you can attend. I hope you will.

Pete

---------- Forwarded by Peter H. Wehner/WHO/EOP on 03/05/2003 06:49 AM ----------

Kasey S. Pipes
03/04/2003 09:40:11 AM
Record Type: Record

To: Senior Advisor Offices
cc:
Subject: Only a few seats remain...

He was once the quientessential Man of the Left...
he now openly gives advice to his "friends on the Right."

The White House Lecture Series presents...

CHRISTOPHER HITCHENS
Friday, March 7, Noon
308 EEOB
RSVP today by responding to this e-mail or calling 6-2108.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: adavis@georgewbush.com [UNKNOWN] <adavis@georgewbush.com>
CC: john j. healey/who/eop@eop [WHO] <john j. healey>;cspies@rnchq.org [UNKNOWN] <cspies@rnchq.org>
Sent: 3/6/2003 4:48:31 PM
Subject: : Re: FW: Lilac Luncheon
Attachments: P_98RGE003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2003 21:48:31.00
SUBJECT:: Re: FW: Lilac Luncheon
TO:adavis@georgewbush.com (adavis@georgewbush.com [UNKNOWN])
READ:UNKNOWN
CC:john j. healey (CN=john j. healey/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:cspies@rnchq.org (cspies@rnchq.org [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I am fine with this.

"Alicia W. Davis" <adavis@georgewbush.com>
03/06/2003 05:56:34 PM
Please respond to adavis@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, cspies@rnchq.org
cc: John J. Healey/WHO/EOP@EOP
Subject: FW: Lilac Luncheon

Lilac Luncheon
-----Original Message-----
From: John_J._Healey@who.eop.gov [mailto:John_J._Healey@who.eop.gov]
Sent: Thursday, March 06, 2003 5:37 PM
To: Alicia Davis
Subject: Lilac Luncheon

A- this is the email I received from Dottie Morin. Brett had said he needed this
information. I hope the net figure includes the cost of Mrs. Cheney's trip, or
else they will be strapped to cover, and probably will not make any $.

John,

Based on 700 attendees at $30, the gross would be $21,000, net $8,400.
These numbers will of vary depending on the attendance. Hope this helps.

Dottie

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_98RGE003_WHO.TXT_1>

-----Original Message-----
From: John_J._Healey@who.eop.gov [mailto:John_J._Healey@who.eop.gov]
Sent: Thursday, March 06, 2003 5:37 PM
To: Alicia Davis
Subject: Lilac Luncheon

A- this is the email I received from Dottie Morin. Brett had said he needed this information. I hope the net figure includes the cost of Mrs. Cheney's trip, or else they will be strapped to cover, and probably will not make any $.

John,

Based on 700 attendees at $30, the gross would be $21,000, net $8,400. These numbers will of vary depending on the attendance. Hope this helps.

Dottie

From: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/6/2003 5:01:19 PM
Subject: : RE: finally

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ("Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME: 6-MAR-2003 22:01:19.00
SUBJECT:: RE: finally
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Pot calling the kettle black?? :)

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, March 06, 2003 9:48 PM
To: Seidel, Rebecca (Judiciary)
Subject: RE: finally

go home

(Embedded
image moved "Seidel, Rebecca (Judiciary)"
to file: <Rebecca_Seidel@Judiciary.senate.gov>
pic30953.pcx) 03/06/2003 09:44:01 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: finally

UGH. The $64,000 question. I am supposed to update Alex Vogel on that very question tomorrow. Asbestos is about as much fun as root canal right now. My boss announced a great idea (from his point of view) at the hearing yesterday, amounts to not much fun for me. Class action - chicken and egg analogy fits there. med mal looking a little better than it did last week.
Does that tell you much?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, March 06, 2003 9:35 PM
To: Seidel, Rebecca (Judiciary)
Subject: Re: finally

Thanks for update. What is your current read on progress and status of class

action, med mal, and asbestos.

(Embedded
image moved "Seidel, Rebecca (Judiciary)"
to file: <Rebecca_Seidel@Judiciary.senate.gov>
pic26777.pcx) 03/03/2003 09:26:45 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: finally

Met with Dianna Schacht today (after about 4 reschedules by both of us), we had lunch in the White House mess. Very nice. I am glad she and I finally got together, thanks for suggesting it. It was really helpful for us to discuss all the tort issues. Hope you are hanging in there. I know Estrada must be grueling. Good luck.

From: CN=Melissa R. Price/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/7/2003 4:29:12 AM
Subject: : Re: special letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Melissa R. Price (CN=Melissa R. Price/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAR-2003 09:29:12.00
SUBJECT:: Re: special letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

A couple questions, should we not mention that we've already forwarded her letter? Also, she has already contacted the RNC and received no response from them. Should we still refer her back to the RNC and say, "We are unable to assist you in this matter. You may contact the Republican National Committee at the following address: 310 First Street, S.E., Washington, D.C. 20003"?

Brett M. Kavanaugh
03/06/2003 09:29:31 PM
Record Type: Record

To: Melissa R. Price/WHO/EOP@EOP
cc:
bcc:
Subject: Re: special letter

I would rather give her the address of RNC and ask her to contact them directly.

Melissa R. Price
03/06/2003 03:51:26 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: special letter

I'm sorry to bother you with this again. I believe that we've talked about mentioning the RNC in a letter, but I can't find a single email that says it's ok to do.

The letter I have is from a lady that sent a $200 donation to the RNC, but the contribution has not been credited to her account. She is writing the President to inquire about the check. I sent a copy of the letter to Kate Walters in Political Affairs, and she forwarded the information to the RNC. We would like to say, "We have forwarded a copy of your letter to the Republican National Committee Finance Department for review. They may contact you directly regarding your missing $200 donation."

Could you please advise on this language and let us know whether or not we can mention the RNC in our reply? Thank you so much.

Melissa

From: Cato Institute <kbrand@cato.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/7/2003 4:50:15 AM
Subject: : Cato Institute Policy Forum 3/10/03 Public and Private Regulation in Securities Markets

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Cato Institute <kbrand@cato.org> ( Cato Institute <kbrand@cato.org> [ UNKNOWN ] )
CREATION DATE/TIME: 7-MAR-2003 09:50:15.00
SUBJECT:: Cato Institute Policy Forum 3/10/03 Public and Private Regulation in Securities
Markets
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

The Cato Institute
invites you to a Policy Forum

Public and Private Regulation in
Securities Markets
What Role for the Exchanges?

featuring

Paul S. Atkins
Commissioner
Securities and Exchange Commission

Paul G. Mahoney
Brokaw Professor of Corporate Law
University of Virginia
School of Law

William A. Niskanen
Chairman
Cato Institute

Since the passage of the Sarbanes-Oxley Act, the Securities and Exchange Commission has been very active setting up rules designed to deal with a series of corporate scandals that undermined investor confidence in U..S. corporations. The stock exchanges have also been busy implementing their own
sets of corporate governance reforms. Do the exchanges have better incentives than the SEC to become the primary regulators of corporate governance,
disclosure, and accounting? Should the SEC?s role be limited to the enforcement of those rules? Or do the rulemaking and enforcement functions rest
with one government agency? Please join us for a timely discussion on the regulation of the securities markets.

Monday, March 10, 2003
12:00 noon
(Luncheon to follow)

Cato Policy Forums and luncheons are free of charge.
To register, visit www.cato.org, e-mail Krystal Brand at kbrand@cato.org,
fax (202) 371-0841, or call (202) 789-5229 by 12:00 noon, Friday, March 7.

News media inquiries only (no registrations), please call (202) 789-5200.

If you can't make it to the Cato Institute, watch this forum live online
at www.cato.org.
The Cato Institute is located at 1000 Massachusetts Ave., N.W.,
Washington, D. C.

To unsubscribe, send an email to: unsubscribe-13636@uptilt.com with the address: brett_m._kavanaugh@who.eop.gov in the subject line.

From:	Kavanaugh, Brett M.
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Rodriguez, Leonard B.>;<Guerra, Abel>;<Viana, Mercedes M.>;<Mehlman, Ken>;<Schlapp, Matthew A.>;<Snee, Ashley>;<Grubbs, Wendy J.>
Sent:	3/7/2003 9:11:20 AM
Subject:	interesting essay in NR re Estrada and MALDEF/PRLDEF/etc.

Big Business vs. Estrada

Who the "Hispanics" opposing the judicial nominee are.

By Christopher Morris & Timothy P. Carney

mong the slew of lies Democrats use to justify their unprecedented filibuster of judicial-nominee Miguel Estrada is the claim that prominent groups representing Hispanics oppose the D.C. lawyer's appointment to the federal appellate bench.

To be sure, some well-heeled Latino groups have joined the fight to keep him off the court, but these lobbyists do not speak for Hispanics. Rather than grassroots, member-supported organizations, Estrada's opponents are liberal interest groups who fill their coffers with huge grants from the Ford Foundation, AT&T, and a handful of other fat-cat organizations.

The Mexican American Legal Defense and Education Fund (MALDEF) has led the charge against Honduran-born Estrada. Joining MALDEF are the Southwest Voter Registration and Education Project (SVREP), and the Puerto Rican Legal Defense and Education Fund (PRLDEF).

It is important to know, however, whom these groups speak for.

The aforementioned groups have no members. They do not represent any portion of the population. They are activists who take huge checks from liberal foundations and gigantic corporations. This is in contrast to the League of United Latin American Citizens (LULAC), an outspoken *advocate* of Estrada, which has over 100,000 members.

MALDEF's money comes primarily from the Ford Foundation; the left-wing cash cow has given at least $12 million to MALDEF since 1998. The Fannie Mae Foundation apparently believes that bankrolling a filibuster of the first Hispanic nominee to the federal appeals court is part of the "American Dream Business": they've given nearly a quarter-million dollars to MALDEF in the past five years.

Estrada's opponents also get help from the Carnegie Corporation to the tune of a million to MALDEF and $750,000 to PRLDEF since 1998. British Petroleum, Shell Oil, and Verizon also bankroll these attack groups.

SVREP has taken $400,000 in large grants in the past five years, mostly from phone companies.

In essence, then, Estrada's opponents are a handful of liberal lawyers who rely on a few left-wing deep pockets

and have bamboozled big companies out of millions.

Beyond making the point that Estrada's opponents lack any credibility, this all raises another question: Why do AT&T, Verizon, Coca-Cola, Fannie Mae, Allstate Insurance, Shell Oil, British Petroleum, Bristol-Myers Squibb, Ford Motor, Bank of America, Wal-Mart, and others fund these groups — which have become little more than the ethnic arm of the Left's well-oiled attack machine?

It is interesting to note the importance of these groups for the Left. It is somewhat perilous for Tom Daschle, Chuck Schumer, and Ted Kennedy — white guys — to engage in their politics of personal destruction against women or minorities. This difficulty is a result of the current toxic racial environment crafted by the left itself — any attack on a minority can be spun to the credulous media as racist.

So the attack machine needs Hispanics if it wants to attack Hispanics. Unfortunately for them, Hispanics want Estrada on the bench. LULAC, Hispanic National Bar Association, the U.S. Hispanic Chamber of Commerce, the Hispanic Business Roundtable, the Latino Coalition, the Hispanic Engineers Business Corporation, and the Hispanic Contractors of America have all come out for the nominee.

LULAC, the nation's oldest Hispanic organization publicly endorsed Estrada wholeheartedly in February. LULAC has 115,000 members and has been active in the Hispanic community dating back to the 1920s. LULAC, while it has cordial relationships with MALDEF and PRDLF, differs from these anti-Estrada groups in one significant way: LULAC has a vast network of dues-paying members. In other words: LULAC speaks for real people, not just big money.

Gabriela Lemus, LULAC director of policy and legislation explains LULAC's endorsement of Estrada as a simple matter of qualifications.

MALDEF and PRLDF, on the other hand, are lawyers attempting to influence policy in Washington through legislative advocacy and class-action lawsuits. But they're all the Left has in their attack on Estrada, which is a smaller battle in the war over the Supreme Court — and ultimately over *Roe* v. *Wade*.

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/7/2003 5:42:01 AM
Subject: : Pls fax b graham

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-MAR-2003 10:42:01.00
SUBJECT:: Pls fax b graham
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Memo to josh at 228 1690. It will go soon, right?

.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 3/7/2003 6:04:18 AM
Subject: : Re: Pls fax b graham

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAR-2003 11:04:18.00
SUBJECT:: Re: Pls fax b graham
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Judge is calling Graham directly.

Wendy J. Grubbs
03/07/2003 10:41:09 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Pls fax b graham

Memo to josh at 228 1690. It will go soon, right?

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 3/7/2003 1:22:06 PM
Subject: : fyi re Graham

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-MAR-2003 18:22:06.00
SUBJECT:: fyi re Graham
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

No new letter to Graham, at least as of now.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 3/7/2003 9:50:46 AM
Subject: : Re: Sec. Card just said he talked to Akaka, and Akaka said he would take another look

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAR-2003 14:50:46.00
SUBJECT:: Re: Sec. Card just said he talked to Akaka, and Akaka said he would take another look
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes, sorry, his comment was expressly directed making sure public liaison activities are occurring in Indiana; I plan to follow up with TG and Abel

Wendy J. Grubbs
03/07/2003 02:46:51 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Sec. Card just said he talked to Akaka, and Akaka said he would take another look

Have been all over bayh. And will try others.

.

From: Burgeson, Christine M.
To: <Reardon, Brian>;<Smythe, Augustine T.>;<Silverberg, Kristen>;<Kavanaugh, Brett M.>;<Hennessey, Keith>;JT.Young@do.treas.gov <JT.Young@do.treas.gov>;chris.smith@do.treas.gov <chris.smith@do.treas.gov>;brian.roseboro@do.treas.gov <brian.roseboro@do.treas.gov>;brian.roseboro@do.treas.gov <Keniry, Daniel>;brian.roseboro@do.treas.gov <Liang, Elan>;brian.roseboro@do.treas.gov <Foster, James D.>;brian.roseboro@do.treas.gov <Wolff, Candida P.>;brian.roseboro@do.treas.gov <Ojakli, Ziad>
Sent: 3/7/2003 2:39:14 PM
Subject: CANCELLED -- Debt Ceiling Meeting -- 107 East Wing

4:45pm today does not work well for any of the leg folks (House or Senate).
If this is a policy meeting -- obviously, please go ahead without us.
We do need to meet regarding a legislative strategy and I am happy to try to find a time that will work for that early next week (Monday?)

I will talk to Dan and Z and get back to you.
Thanks so much and sorry to have to cancel.
cmb

-----Original Message-----

From: Reardon, Brian

Sent: Friday, March 07, 2003 1:01 PM

To: Smythe, Augustine T.; Silverberg, Kristen; Kavanaugh, Brett M.; Hennessey, Keith; JT.Young@do.treas.gov; chris.smith@do.treas.gov; brian.roseboro@do.treas.gov; Burgeson, Christine M.; Keniry, Daniel ; Liang, Elan; Foster, James D.

Subject: Debt Ceiling Meeting -- 107 East Wing

Z has offered up his office -- East Wing 107 at 4:45 pm... see you then.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/7/2003 11:32:57 AM
Subject: : Graham

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-MAR-2003 16:32:57.00
SUBJECT:: Graham
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Why don't we just send the letter from Judge that we discussed earlier and
all agreed on?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Melissa R. Price/WHO/EOP@EOP [WHO] <Melissa R. Price>
Sent: 3/7/2003 2:51:22 PM
Subject: : Re: special letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAR-2003 19:51:22.00
SUBJECT:: Re: special letter
TO:Melissa R. Price (CN=Melissa R. Price/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I think your quoted language is right aprpoach

Melissa R. Price
03/07/2003 09:29:10 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: special letter

A couple questions, should we not mention that we've already forwarded her letter? Also, she has already contacted the RNC and received no response from them. Should we still refer her back to the RNC and say, "We are unable to assist you in this matter. You may contact the Republican National Committee at the following address: 310 First Street, S.E., Washington, D.C. 20003"?

Brett M. Kavanaugh
03/06/2003 09:29:31 PM
Record Type: Record

To: Melissa R. Price/WHO/EOP@EOP
cc:
bcc:
Subject: Re: special letter

I would rather give her the address of RNC and ask her to contact them directly.

Melissa R. Price
03/06/2003 03:51:26 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:

Subject: special letter

I'm sorry to bother you with this again. I believe that we've talked about mentioning the RNC in a letter, but I can't find a single email that says it's ok to do.

The letter I have is from a lady that sent a $200 donation to the RNC, but the contribution has not been credited to her account. She is writing the President to inquire about the check. I sent a copy of the letter to Kate Walters in Political Affairs, and she forwarded the information to the RNC. We would like to say, "We have forwarded a copy of your letter to the Republican National Committee Finance Department for review. They may contact you directly regarding your missing $200 donation."

Could you please advise on this language and let us know whether or not we can mention the RNC in our reply? Thank you so much.

Melissa

From: CN=Brian Reardon/OU=OPD/O=EOP [OPD]
To: Kristen Silverberg/WHO/EOP@Exchange@EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Keith Hennessey/OPD /EOP@Exchange@EOP [OPD] <Keith Hennessey>
Sent: 3/9/2003 7:58:27 AM
Subject: : Debt Ceiling...
Attachments: P_ADDIE003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Reardon ( CN=Brian Reardon/OU=OPD/O=EOP [ OPD ] )
CREATION DATE/TIME: 9-MAR-2003 12:58:27.00
SUBJECT:: Debt Ceiling...
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Keith Hennessey ( CN=Keith Hennessey/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Attached is an updated stafff discussion paper.

Brett, you mentioned one or more previous legal counsel opinions on the
debt suspension period issue... is that something you can share?

Thanks.

Brian 60360

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ADDIE003_WHO.TXT_1>
```

3/9/2003 -- Debt Ceiling Discussion Paper

The federal government hit the $6.4 trillion debt ceiling on February 20th, but the Treasury Department, as it has in the past, is using a series of budget tools to ensure that the government remains solvent until Congress raises the statutory limit. This paper lays out the options available to the Treasury Department to forestall defaulting on its obligations as well as the legislative vehicles available to Congress to move a debt limit increase.

The first big hurdle facing Treasury will come in early April, when all the tools outlined below – with the exception of prematurely redeeming Civil Service fund securities through the declaration of a "debt suspension period" – will be insufficient to keep us below the debt ceiling. It is extremely unlikely Congress will have raised the debt ceiling by then, which means Treasury will need to declare a debt suspension period of sufficient length to get us past April 15th.

Just how long the period should last, and which vehicle Congress will use, is the immediate question.

Background

The debt ceiling was last increased June 28, 2002 from $5.95 trillion to the current $6.4 trillion. This increase followed two periods (in early April and then in May/June) where debt levels ran up against the ceiling. In both cases, Treasury was forced to take steps to avoid exceeding the ceiling, including suspending investments into the Thrift Savings Plan "G" Fund, suspending the sales of State and Local Government Series securities, and prematurely redeeming securities in the Civil Service Disability Retirement Fund.

More recently, Treasury warned Congress that the debt ceiling again would be exceeded without appropriate action. Congress has failed to act in a timely manner, forcing Treasury to resort to suspending G Fund investments to keep the government below the ceiling. Below is a chronology of recent events:

- On December 24, 2002, Deputy Treasury Secretary Kenneth Dam wrote to Congress warning that without congressional action, the Administration was projecting the statutory debt limit of $6.4 trillion would be reached "the latter half of February 2003."

- On February **, Treasury issued a statement again calling on Congress to raise the debt ceiling and warning that the debt limit would be reached "on or about February 20th and will likely remain above the current debt ceiling thereafter."

- On February **, Secretary Snow notified Congress that on February 20th, the debt limit would be reached and that the Treasury Department would begin taking steps to keep the government from defaulting on its obligations. The Secretary

REV_00111458

announced he would suspend investment in the Government Securities Investment Fund (G Fund) of the Federal Employees Retirement System.

Currently, Treasury is moving through the tools it has to keep federal borrowing below the ceiling.

Budget Tools

Treasury has identified five distinct tools it can use to keep federal debt levels below the statutory debt ceilings:

1. Suspension of investments into the Thrift Savings Plan "G" Fund would provide approximately $49 billion of debt ceiling relief;

2. Accessing the funds from the Exchange Rate Stabilization Fund would provide another $10 billion;

3. Initiating a debt swap between the Federal Financing Bank and the Civil Service Disability Retirement Fund would provide $15 billion in relief;

4. Utilizing the Compensating Balances would provide $31 billion; and

5. Declaring a "debt suspension period" would allow Treasury to redeem Civil Service fund securities earlier than normal and would provide approximately $4 billion for every month included in the debt suspension period (see next section for more complete discussion.)

According to Treasury calculations, the first four tools listed above are sufficient to keep the government below the debt limit into early April. Beyond that, it would be necessary for the Secretary of the Treasury to declare a debt suspension period (#5) of some length to provide the room needed to get past mid-April, when tax receipts start rolling in.

A complicating factor is Turkey, which may result in option #2 not being available and may result in additional outlays occurring in short order. This situation may further tie Treasury's hand and make getting past early April even more challenging.

Debt Suspension Period

The Secretary of Treasury is authorized to redeem securities or other assets of the Civil Service fund before maturity to prevent the federal government from breaching the debt limit. Before making these redemptions, the Secretary must determine that a debt issuance suspension period exists. The statute authorizing the debt suspension period and its legislative history are silent as to how to determine how long a suspension period should last.

REV_00111459

- On May 16, 2002, Treasury redeemed about $4 billion of the Civil Service fund using this authority. This amount reflected a suspension period of approximately six weeks – May 16th to June 28th.
- In the fall of 1995, Treasury Secretary Rubin declared a 12-month debt suspension period, which allowed them to redeem about $40 billion in Civil Service securities.

Currently, Treasury estimates that each month included in a debt suspension period would allow Treasury to prematurely redeem $4 billion in Civil Service securities and make that amount available under the debt ceiling.[1] According to Treasury estimates, a debt suspension period declared the first few days of April and lasting at least 10 months is necessary to ensure Treasury gets past the critical period in early April. Once that hurdle is past, April tax receipts would provide enough solvency to keep federal debt below the ceiling until **** (late May/early June).

Legislative Options

Raising the debt ceiling requires legislation be passed by both the House and the Senate and signed by the President. Here are the likely options:

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Budget Reconciliation: Reconciliation bills are privileged in the Senate, so they cannot be filibustered or otherwise delayed.[2] The only reconciliation bill contemplated this year, however, is to enact the President's Jobs and Growth plan. Attaching the debt limit increase the Jobs and Growth bill would prevent delay, but it would also present an unfortunately juxtaposition. The tax relief adopted in 2001 is the cause of just 20 percent of change in our fiscal status, (the economy

[1] The trick is that, once a debt suspension is declared, each month that passes also reduces the amount Treasury can redeem by $4 billion. For example, if the Secretary declared a debt suspension period of 10 months, Treasury could redeem up to $40 billion at the beginning of month one. Two months later, the total Treasury could redeem would be $8 billion less, or $32 billion. Declaring a debt suspension period too early either reduces the usefulness making the declaration or requires Treasury to declare a longer suspension period than it otherwise would.

[2] In 2001, the Democrat minority was actually filibustering the tax relief reconciliation bill by offering amendments after time had expired and demanding the Senate vote on them. What is unclear is how long this "filibuster by amendment" could have lasted had Senator Jeffords not chosen that moment to defect. By making adoption of the tax relief bill part of his defection demands, Senator Jeffords effectively ended the delaying tactic.

REV_00111460

and higher spending account for most of the rest) but that hasn't prevented opponents from blaming those tax cuts for the entire deficit problem. Timing is another concern. A reconciliation bill is created by the budget resolution conference report, which means the debt ceiling would not be increased until both the House and the Senate had adopted a budget conference report AND a reconciliation conference report.

Gephardt Rule: House budget rules allow for a separate resolution to be sent to the Senate automatically upon adoption of a budget resolution conference report. This separate resolution would raise the debt ceiling to levels commensurate with the debt levels anticipated in the budget. This approach is the preferred choice of House leadership at the moment. In the Senate, the Gephardt Rule acts just like a stand-alone bill and fails to provide any of the protections they would prefer to help them get the limit through the Senate floor. Timing: Current plans are to complete a budget conference by April recess. Completion in early May is more likely, meaning the Senate would need to take up and pass legislation in the short space between adoption of the House conference report and date when Treasury would run out of space under the debt ceiling.

Supplemental Appropriations: A defense supplemental is anticipated by Congress to be presented in the near future. Such a bill would meet the various concerns of both the House and the Senate. It is of sufficient stature to obscure the politically sensitive vote and it is obviously "must pass" legislation. Timing: When the supplemental is requested would be determinate. If it is presented to Congress prior to adoption of the House budget resolution conference report, it has a good chance to move through both chambers faster than the Gephardt Rule product could.

Conclusions

The conclusions of this paper are:

1) Since Congress is unwilling and unable to pass a debt ceiling increase in the next four weeks, Treasury needs to prepare to declare a debt suspension period of sufficient length keep the government under the debt ceiling into June at the least; and

2) They should plan on the House using the Gephardt Rule to send a debt ceiling increase to the Senate, meaning the debt ceiling debate in the Senate would start only after the budget resolution conference report is adopted by the House. If a defense supplemental becomes available and moves through the House, Treasury should be opportunistic and encourage the use of that vehicle instead.

REV_00111461

From: Reardon, Brian
To: <Hennessey, Keith>;<Silverberg, Kristen>;<Kavanaugh, Brett M.>
Sent: 3/9/2003 12:52:08 PM
Subject: Debt Ceiling...
Attachments: Debt Ceiling Discussion Paper.doc

Attached is an updated stafff discussion paper.

Brett, you mentioned one or more previous legal counsel opinions on the debt suspension period issue... is that something you can share?

Thanks.

Brian 60360

<< Debt Ceiling Discussion Paper.doc >>

3/9/2003 -- Debt Ceiling Discussion Paper

The federal government hit the $6.4 trillion debt ceiling on February 20th, but the Treasury Department, as it has in the past, is using a series of budget tools to ensure that the government remains solvent until Congress raises the statutory limit. This paper lays out the options available to the Treasury Department to forestall defaulting on its obligations as well as the legislative vehicles available to Congress to move a debt limit increase.

The first big hurdle facing Treasury will come in early April, when all the tools outlined below – with the exception of prematurely redeeming Civil Service fund securities through the declaration of a "debt suspension period" – will be insufficient to keep us below the debt ceiling. It is extremely unlikely Congress will have raised the debt ceiling by then, which means Treasury will need to declare a debt suspension period of sufficient length to get us past April 15th.

Just how long the period should last, and which vehicle Congress will use, is the immediate question.

Background

The debt ceiling was last increased June 28, 2002 from $5.95 trillion to the current $6.4 trillion. This increase followed two periods (in early April and then in May/June) where debt levels ran up against the ceiling. In both cases, Treasury was forced to take steps to avoid exceeding the ceiling, including suspending investments into the Thrift Savings Plan "G" Fund, suspending the sales of State and Local Government Series securities, and prematurely redeeming securities in the Civil Service Disability Retirement Fund.

More recently, Treasury warned Congress that the debt ceiling again would be exceeded without appropriate action. Congress has failed to act in a timely manner, forcing Treasury to resort to suspending G Fund investments to keep the government below the ceiling. Below is a chronology of recent events:

- On December 24, 2002, Deputy Treasury Secretary Kenneth Dam wrote to Congress warning that without congressional action, the Administration was projecting the statutory debt limit of $6.4 trillion would be reached "the latter half of February 2003."

- On February **, Treasury issued a statement again calling on Congress to raise the debt ceiling and warning that the debt limit would be reached "on or about February 20th and will likely remain above the current debt ceiling thereafter."

- On February **, Secretary Snow notified Congress that on February 20th, the debt limit would be reached and that the Treasury Department would begin taking steps to keep the government from defaulting on its obligations. The Secretary

REV_00111463

announced he would suspend investment in the Government Securities Investment Fund (G Fund) of the Federal Employees Retirement System.

Currently, Treasury is moving through the tools it has to keep federal borrowing below the ceiling.

Budget Tools

Treasury has identified five distinct tools it can use to keep federal debt levels below the statutory debt ceilings:

1. Suspension of investments into the Thrift Savings Plan "G" Fund would provide approximately $49 billion of debt ceiling relief;

2. Accessing the funds from the Exchange Rate Stabilization Fund would provide another $10 billion;

3. Initiating a debt swap between the Federal Financing Bank and the Civil Service Disability Retirement Fund would provide $15 billion in relief;

4. Utilizing the Compensating Balances would provide $31 billion; and

5. Declaring a "debt suspension period" would allow Treasury to redeem Civil Service fund securities earlier than normal and would provide approximately $4 billion for every month included in the debt suspension period (see next section for more complete discussion.)

According to Treasury calculations, the first four tools listed above are sufficient to keep the government below the debt limit into early April. Beyond that, it would be necessary for the Secretary of the Treasury to declare a debt suspension period (#5) of some length to provide the room needed to get past mid-April, when tax receipts start rolling in.

A complicating factor is Turkey, which may result in option #2 not being available and may result in additional outlays occurring in short order. This situation may further tie Treasury's hand and make getting past early April even more challenging.

Debt Suspension Period

The Secretary of Treasury is authorized to redeem securities or other assets of the Civil Service fund before maturity to prevent the federal government from breaching the debt limit. Before making these redemptions, the Secretary must determine that a debt issuance suspension period exists. The statute authorizing the debt suspension period and its legislative history are silent as to how to determine how long a suspension period should last.

REV_00111464

- On May 16, 2002, Treasury redeemed about $4 billion of the Civil Service fund using this authority. This amount reflected a suspension period of approximately six weeks – May 16th to June 28th.
- In the fall of 1995, Treasury Secretary Rubin declared a 12-month debt suspension period, which allowed them to redeem about $40 billion in Civil Service securities.

Currently, Treasury estimates that each month included in a debt suspension period would allow Treasury to prematurely redeem $4 billion in Civil Service securities and make that amount available under the debt ceiling.[1] According to Treasury estimates, a debt suspension period declared the first few days of April and lasting at least 10 months is necessary to ensure Treasury gets past the critical period in early April. Once that hurdle is past, April tax receipts would provide enough solvency to keep federal debt below the ceiling until **** (late May/early June).

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REV_00111465

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REV_00111466

From:	Mamo, Jeanie S.
To:	<Snee, Ashley>;<Kavanaugh, Brett M.>;<Viana, Mercedes M.>;<Rodriguez, Leonard B.>
Sent:	3/9/2003 6:09:10 PM
Subject:	Orlando Sentinel, column by Myriam Marquez (3/9/03) re: Judging Estrada: Democrats' gamble could help Bush

Judging Estrada: Democrats' gamble could help Bush

Published March 9, 2003

Having lost control of the Senate in 2002 elections, the Democrats have turned sour grapes into a bitter fight over President George W. Bush's historic nomination of a Latino immigrant to the appellate bench in Washington.

Democrats vow to continue to filibuster Miguel Estrada's nomination to the U.S. Court of Appeals for the District of Columbia. Fight it based on "principle." Fight it to the bitter end.

The end will be bitter, but there's little principle in the Democrats' cause. It's all political posturing, a trial run for the 2004 presidential election that serves to put Bush on notice about the battles ahead over any Supreme Court nominee.

Republicans are hoping that Democrats' obstreperousness will help Bush secure re-election with the help of the Latino vote in two years. For sure, the backlash against the Senate Democrats' blockade is growing. At least four Democrats, including Florida's Bill Nelson, have broken with party ranks to support a vote on Estrada.

Conspicuously absent from this debate is Sen. Bob Graham, who's running for president and, at last count, remains undecided. If Graham were to vote to end the filibuster, would he jeopardize his party's nomination? Or does he tow the liberal party line and write off Florida's substantial Cuban-American vote -- backing he has secured in past Senate bids -- figuring it would be a no-win in a national contest against the exiles' favorite anti-Castro hard-line son, George W. Bush?

I know. Graham's recovering from open-heart surgery. Good reason not to have voted last week to end the filibuster. But what's Graham's excuse for not publicly stating, at least, his opinion on Estrada?

It's not just conservatives who are bothered. Many Hispanic moderates and independents are appalled that Senate Democrats would try to stop a vote. Estrada is no Clarence Thomas, though Democratic leaders are treating him as if he hadn't a clue about the law or the ethical backbone to serve as judge.

Estrada has been ranked as "most qualified" by the American Bar Association. He's a

Harvard grad with vast experience, arguing 15 cases before the U.S. Supreme Court for the U.S. Solicitor General's Office during the Bush (the elder) and Clinton administrations. He even took on a pro-bono death penalty case, which should be a plus for the liberals.

But no. Some Democrats blame Estrada's "silence" on such constitutional issues as privacy (aka abortion rights). Odd because Estrada answered the Senate Judiciary panel's questions with the same type of measured response that other confirmed judges have used. On the right to privacy, Estrada said, "The Supreme Court has so held" that right, and added he has "no view of any nature whatsoever that would keep me from applying that case law faithfully."

About Roe v. Wade, he said, "It is the law." And later, "I will follow it."

What more do Democrats want? They want to know Estrada's personal beliefs on abortion, but that's not ethically appropriate. Judicial candidates should be asked about their philosophy -- do they believe in judicial precedent, for instance? Do they adhere to or abhor judicial activism? They shouldn't be asked about specific legal issues that may come before the court.

There's another intriguing political puzzle to Estrada's nomination: his heritage. Were Estrada of Mexican or Puerto Rican heritage his historic nomination might have a very different trajectory even if it did come from a conservative president. But, alas, Estrada was born in Honduras. So Hispanic Democrats in Congress -- most of them of Puerto Rican or Mexican ancestry -- may feel their constituents don't much care about a Honduran-American getting on the bench.

All voters should care about the democratic process and simple fairness, though. Estrada deserves a vote, up or down. Graham, who's made tough calls before, should give Estrada that courtesy.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
CC: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>
Sent: 3/10/2003 6:04:11 AM
Subject: : Z and Wendy . . .

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-MAR-2003 11:04:11.00
SUBJECT:: Z and Wendy . . .
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

just called to say that a letter starting from scratch would pose a real
problem. I said I would convey that to you.
```

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>
Sent: 3/10/2003 3:39:45 AM
Subject: : Next Meeting with the President

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:10-MAR-2003 08:39:45.00
SUBJECT:: Next Meeting with the President
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
CC:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

;
Meeting
with the President:;;Friday, March 14, 2:10-2:20pm, Oval Office
;
Prep:;;;;;;;;;;;;;;;;;;;;;1:50-2:05pm, Judge's Office
;
;
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From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/10/2003 3:41:54 AM
Subject: : call me ASAP

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:10-MAR-2003 08:41:54.00
SUBJECT:: call me ASAP
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Harriet is wondering if she can release the Daschle letter to Ari, but was
concerned as the staffing was close hold.
```

From: CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/10/2003 3:56:46 AM
Subject: : FW: AP - Mexican-Born Treasurer Becomes U.S. Icon

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joel Kaplan (CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [UNKNOWN])
CREATION DATE/TIME:10-MAR-2003 08:56:46.00
SUBJECT:: FW: AP - Mexican-Born Treasurer Becomes U.S. Icon
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

;
-----Original Message-----
From: Bravo, Brian
Sent: Monday, March 10, 2003 8:54 AM
Subject: AP - Mexican-Born Treasurer Becomes U.S. Icon

Mexican-Born Treasurer Becomes U.S. Icon

By JEANNINE AVERSA, Associated Press Writer

WASHINGTON - If money is power, Rosario Marin has a whole lot of it.

It's not her own cash, actually, but the nation's. As treasurer of the United States, the Mexican-born Marin sits atop the money heap, overseeing the makers of America's greenbacks and its coins * the Bureau of Engraving and Printing and the U.S. Mint.

Marin's is not a household name, but her autograph, along with that of the treasury secretary, is carried on billions of U.S. notes, tucked inside the wallets and pocketbooks of many Americans. The treasurer and the treasury secretary are the only two people who get to put their signatures on U.S. dollars.

For Marin, who came to the United States from Mexico at 14 unable to speak English, it has been an amazing journey, with unexpected twists and turns.

As the nation's 41st treasurer, and the first born outside the United States, the 44-year-old Marin is the highest-ranking Latin American woman in the Bush administration and a key player in the administration's efforts to reach out to Hispanic voters, the fastest-growing bloc.

She is being floated as a possible Republican contender for a Senate seat from California in 2004.

"My dad was a factory worker. My mom used to help him by sewing at home. We had a two-room house in Mexico," Marin said in a recent interview. "There were five kids." A sixth child was born after the family moved to California.

Going to college at night and working during the day at a bank, Marin planned a career in business. "I was going to be the owner of my own bank," she said. "I had plans. I knew what my future was going to be."

But those plans changed with the birth of her first son, Eric, in 1985. He was born with Down Syndrome. Marin said she stopped working on a master's in business administration, quit her job at the bank, and she and her husband, Alex, sold their house.

"It was that turning point in my life," she said.

She eventually decided she wanted to help people with disabilities and their families. Her political career began when she went to work for GOP California Gov. Pete Wilson in 1992 in the Department of Developmental Disabilities. She held various posts in Wilson's administration for nearly seven years.

Marin first crossed paths with George W. Bush when he was governor of Texas and she the Republican mayor of Huntington Park, Calif., a heavily Democratic city that is largely Hispanic. She worked as an unpaid volunteer for Bush's presidential campaign.

After Bush won the presidency, Marin said she was floored when he tapped her to be treasurer.

Clad in a green and black suit * similar to the colors on U.S. dollars * and wearing coin jewelry from the U.S. Mint, Marin joked that she did not know much about the treasurer's duties. But she knew her name would appear on greenbacks, and she had an aim for the job: Promote financial literacy.

"I felt I would have the bully pulpit to go out there and do as much as I could to educate America about personal finances," Marin said. And she has, in countless speeches since taking office in the summer of 2001.

Marin is especially passionate about educating the poor * a group most likely to pay excessive interest rates on loans. She has worked to try to get lower-income people and others into the banking system, helping them to set up savings and checking accounts. Treasury officials estimate that one in 10 American households are in the ranks of "unbanked."

Mike Madrid, a political consultant at the San Antonio firm Guerra DeBerry Coody, wants Marin to run for the Senate from California in 2004, taking on incumbent Barbara Boxer. It's a race he acknowledges would be an uphill battle given the Democratic Party's stronghold, and would be expensive.

Madrid said Marin was well received when she recently spoke at the California GOP convention.

"She has extremely high name recognition in the Hispanic community and that is a natural edge," Madrid said. "People reach in their wallets, pull out dollar bills and look for her name."

As to her own political aspirations, Marin is noncommital. "I am incredibly flattered," she said. "But it is something that I have not sought."

Marin remembers her reluctance to come to the United States, worried she would miss her "quinceanera" party, a rite of passage for a girl turning 15. She didn't. Her parents took her back to Mexico to celebrate with family and friends.

"It rained ... my dress was all muddy," but she was still thrilled, Marin recalled. "One of my little dreams had come true."

;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/10/2003 4:37:07 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-MAR-2003 09:37:07.00
SUBJECT::
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From Wendy:
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/10/2003 09:36 AM ----------

Wendy J. Grubbs
03/10/2003 09:32:49 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: I need graham letter

.

From: Nelson, Carolyn
To: <Bartolomucci, H. Christopher>;<Ullyot, Theodore W.>;<Leitch, David G.>;<Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>; <Walker, Helgard C.>
CC: <Bumatay, Patrick J.>;<Montiel, Charlotte L.>
Sent: 3/10/2003 8:39:13 AM
Subject: Next Meeting with the President

Meeting
with the President: Friday, March 14, 2:10-2:20pm, Oval Office

Prep: 1:50-2:05pm, Judge's Office

From: Kaplan, Joel
To: <Kavanaugh, Brett M.>
Sent: 3/10/2003 8:54:04 AM
Subject: FW: AP - Mexican-Born Treasurer Becomes U.S. Icon

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Sent: Monday, March 10, 2003 8:54 AM
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Marin's is not a household name, but her autograph, along with that of the treasury secretary, is carried on billions of U.S. notes, tucked inside the wallets and pocketbooks of many Americans. The treasurer and the treasury secretary are the only two people who get to put their signatures on U.S. dollars.

For Marin, who came to the United States from Mexico at 14 unable to speak English, it has been an amazing journey, with unexpected twists and turns.

As the nation's 41st treasurer, and the first born outside the United States, the 44-year-old Marin is the highest-ranking Latin American woman in the Bush administration and a key player in the administration's efforts to reach out to Hispanic voters, the fastest-growing bloc.

She is being floated as a possible Republican contender for a Senate seat from California in 2004.

"My dad was a factory worker. My mom used to help him by sewing at home. We had a two-room house in Mexico," Marin said in a recent interview. "There were five kids." A sixth child was born after the family moved to California.

Going to college at night and working during the day at a bank, Marin planned a career in business. "I was going to be the owner of my own bank," she said. "I had plans. I knew what my future was going to be."

But those plans changed with the birth of her first son, Eric, in 1985. He was born with Down Syndrome. Marin said she stopped working on a master's in business administration, quit her job at the bank, and she and her husband, Alex, sold their house.

"It was that turning point in my life," she said.

She eventually decided she wanted to help people with disabilities and their families. Her political career began when she went to work for GOP California Gov. Pete Wilson in 1992 in the Department of Developmental Disabilities. She held various posts in Wilson's administration for nearly seven years.

Marin first crossed paths with George W. Bush when he was governor of Texas and she the Republican mayor of Huntington Park, Calif., a heavily Democratic city that is largely Hispanic. She worked as an unpaid volunteer for Bush's presidential campaign.

After Bush won the presidency, Marin said she was floored when he tapped her to be treasurer.

Clad in a green and black suit — similar to the colors on U.S. dollars — and wearing coin jewelry from the U.S. Mint, Marin joked that she did not know much about the treasurer's duties. But she knew her name would appear on greenbacks, and she had an aim for the job: Promote financial literacy.

"I felt I would have the bully pulpit to go out there and do as much as I could to educate America about personal finances," Marin said. And she has, in countless speeches since taking office in the summer of 2001.

Marin is especially passionate about educating the poor — a group most likely to pay excessive interest rates on loans. She has worked to try to get lower-income people and others into the banking system, helping them to set

up savings and checking accounts. Treasury officials estimate that one in 10 American households are in the ranks of "unbanked."

Mike Madrid, a political consultant at the San Antonio firm Guerra DeBerry Coody, wants Marin to run for the Senate from California in 2004, taking on incumbent Barbara Boxer. It's a race he acknowledges would be an uphill battle given the Democratic Party's stronghold, and would be expensive.

Madrid said Marin was well received when she recently spoke at the California GOP convention.

"She has extremely high name recognition in the Hispanic community and that is a natural edge," Madrid said. "People reach in their wallets, pull out dollar bills and look for her name."

As to her own political aspirations, Marin is noncommital. "I am incredibly flattered," she said. "But it is something that I have not sought."

Marin remembers her reluctance to come to the United States, worried she would miss her "quinceanera" party, a rite of passage for a girl turning 15. She didn't. Her parents took her back to Mexico to celebrate with family and friends.

"It rained ... my dress was all muddy," but she was still thrilled, Marin recalled. "One of my little dreams had come true."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@Exchange@EOP [WHO] <Kristen Silverberg>
Sent: 3/10/2003 10:37:26 AM
Subject: : never mind

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-MAR-2003 15:37:26.00
SUBJECT:: never mind
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/10/2003 11:10:05 AM
Subject: : RE: FW: Draft Letter to Daschle & Frist re: Estrada

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:10-MAR-2003 16:10:05.00
SUBJECT:: RE: FW: Draft Letter to Daschle & Frist re: Estrada
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You don't need him to see the version that went out on Friday?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 10, 2003 4:04 PM
To: Bumatay, Patrick J.
Subject: Re: FW: Draft Letter to Daschle & Frist re: Estrada

Sec. Card had looked at a previous version.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/10/2003 04:07:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Draft Letter to Daschle & Frist re: Estrada

I re-faxed it to them.
-----Original Message-----
From: Bennett, Melissa S.
Sent: Monday, March 10, 2003 3:55 PM
To: Bumatay, Patrick J.
Subject: RE: Draft Letter to Daschle & Frist re: Estrada

I can't find it on his desk. Would you mind faxing me another copy to
61907? or is it too late?

-----Original Message-----
From: Bumatay, Patrick J.
Sent: Monday, March 10, 2003 2:53 PM
To: Bennett, Melissa S.
Subject: RE: Draft Letter to Daschle & Frist re: Estrada

yes, it went through Staff Sec's office and distributed on Friday. It was
due at 1 pm today.

-----Original Message-----
From: Bennett, Melissa S.
Sent: Monday, March 10, 2003 2:52 PM
To: Bumatay, Patrick J.
Subject: RE: Draft Letter to Daschle & Frist re: Estrada

Was this in a staffing memo form? I haven't seen it but that doesn't
necessarily mean anything.

-----Original Message-----
From: Bumatay, Patrick J.
Sent: Monday, March 10, 2003 2:49 PM
To: Bennett, Melissa S.
Subject: Draft Letter to Daschle & Frist re: Estrada

Hi Melissa,

How are you? I just wanted to see if the Chief had any additional comments on the revised letter to Daschle and Frist on the Estrada nomination.

thanks

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 3/10/2003 11:54:34 AM
Subject: RE:

I signed them within 2 hours of receiving. (Did not want to imply that I had been holding onto them since November!)

From: Colleen Litkenhaus/WHO/EOP@Exchange on 03/10/2003 11:55:09 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE:

Yikes!

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Monday, March 10, 2003 9:41 AM

To: Litkenhaus, Colleen

Subject:

just signed some blue sheets for a trip from early November.

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;GaryM Stern <garym.stern@nara.gov>
Sent: 3/10/2003 8:12:19 AM
Subject: : Re: President's Commission on the United States Postal Service

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])
CREATION DATE/TIME:10-MAR-2003 13:12:19.00
SUBJECT:: Re: President's Commission on the United States Postal Service
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Brett, I never heard back from you on this question concerning the record status of this commission. Is there any reason not to assume it is creating presidential records?

>>> GaryM Stern 1/29/03 3:41:32 PM >>>
Brett, we have been made aware of the President's Commission on the United States Postal Service, established under EO 13278 on December 11, 2002. Although it is administratively associated with the Department of Treasury, the Commission is comprised of members appointed by the President, it reports solely to the President, and is slated to be finished by August 30, 2003.

Should we assume that it is creating Presidential records?

Given the very short duration of this Commission, it is important that NARA coordinate with it on records management as soon as possible. Can you please let us know your views on its record status as soon as you can.

Thanks.

Here is the EO:
http://www.whitehouse.gov/news/releases/2002/12/print/20021211.html

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/10/2003 12:41:37 PM
Subject: : 2 things

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:10-MAR-2003 17:41:37.00
SUBJECT:: 2 things
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

1 - did the answers go to lincoln?
2 - is the letter final?
```

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/10/2003 10:06:22 AM
Subject: : FW: Questions from the Hill

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:10-MAR-2003 15:06:22.00
SUBJECT:: FW: Questions from the Hill
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

should you attend this also?
-----Original Message-----
From: Litkenhaus, Colleen
Sent: Monday, March 10, 2003 2:31 PM
To: Powell, Benjamin A.; Campen, Tim
Cc: Gambatesa, Linda M.
Subject: RE: Questions from the Hill

Ben and Tim - Can you meet with David Hobbs and Linda tomorrow at 11:30 am?

-----Original Message-----
From: Ingols, Adam B.
Sent: Monday, March 10, 2003 9:56 AM
To: Litkenhaus, Colleen
Subject: RE: Questions from the Hill

Colleen -
;
Sorry for the delay in getting back to you.; How does 11:30am tomorrow (Tuesday) sound to you?; If it doesn't work, please let me know and we'll figure out something else.; Thanks.;
;
Also, where do you wanht to do the meeting?; David's Office?

-----Original Message-----
From: Litkenhaus, Colleen
Sent: Sunday, March 09, 2003 2:22 PM
To: Ingols, Adam B.
Subject: Questions from the Hill

Adam -
;
We would like to put together a meeting this week to go over the process for when OA staff receive;request from the Hill.;
;
Participants
Linda Gambatesa
Me
Tim Campen , Director, OA
Ben Powell, Counsel's Office
David Hobbs
You (or whoever Hobbs would like to be the point person to receive these questions from OA)
;
Let me know if David is available during any of these times:
;
Tuesday

11:30 - 3pm
;
Wednesday
9:30 - 11 am
1 - 2pm
3 - anytime
;
Thursday
11 - 2pm
3 - anytime

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 3/10/2003 2:31:27 PM
Subject: FW: Questions from the Hill

should you attend this also?
-----Original Message-----
From: Litkenhaus, Colleen
Sent: Monday, March 10, 2003 2:31 PM
To: Powell, Benjamin A.; Campen, Tim
Cc: Gambatesa, Linda M.
Subject: RE: Questions from the Hill

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Ben Powell, Counsel's Office
David Hobbs
You (or whoever Hobbs would like to be the point person to receive these questions from OA)

Let me know if David is available during any of these times:

Tuesday
11:30 - 3pm

Wednesday
9:30 - 11 am
1 - 2pm
3 - anytime

Thursday
11 - 2pm
3 - anytime

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@Exchange@EOP [WHO] <Kristen Silverberg>
Sent: 3/10/2003 10:37:13 AM
Subject: : Any comments on letter on judges?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-MAR-2003 15:37:13.00
SUBJECT:: Any comments on letter on judges?
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/10/2003 11:10:06 AM
Subject: : FW: Draft Letter to Daschle & Frist re: Estrada

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:10-MAR-2003 16:10:06.00
SUBJECT:: FW: Draft Letter to Daschle & Frist re: Estrada
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I re-faxed it to them.
-----Original Message-----
From: Bennett, Melissa S.
Sent: Monday, March 10, 2003 3:55 PM
To: Bumatay, Patrick J.
Subject: RE: Draft Letter to Daschle & Frist re: Estrada

I can't find it on his desk.; Would you mind faxing me another copy to 61907?; or is it too late?

-----Original Message-----
From: Bumatay, Patrick J.
Sent: Monday, March 10, 2003 2:53 PM
To: Bennett, Melissa S.
Subject: RE: Draft Letter to Daschle & Frist re: Estrada

yes, it went through Staff Sec's office and distributed on Friday.; It was due at 1 pm today.

-----Original Message-----
From: Bennett, Melissa S.
Sent: Monday, March 10, 2003 2:52 PM
To: Bumatay, Patrick J.
Subject: RE: Draft Letter to Daschle & Frist re: Estrada

Was this in a staffing memo form?;; I haven't seen it but that doesn't necessarily mean anything.

-----Original Message-----
From: Bumatay, Patrick J.
Sent: Monday, March 10, 2003 2:49 PM
To: Bennett, Melissa S.
Subject: Draft Letter to Daschle & Frist re: Estrada

Hi Melissa,
;
;;; How are you?; I just wanted to see if the Chief had any additional comments on the revised letter to Daschle and Frist on the Estrada nomination.;
;
thanks

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/10/2003 11:16:45 AM
Subject: : RE: FW: Draft Letter to Daschle & Frist re: Estrada

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:10-MAR-2003 16:16:45.00
SUBJECT:: RE: FW: Draft Letter to Daschle & Frist re: Estrada
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Oh, okay. I knew that. We are all set. I faxed them a copy and
hopefully they'll respond shortly.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 10, 2003 4:10 PM
To: Bumatay, Patrick J.
Subject: RE: FW: Draft Letter to Daschle & Frist re: Estrada

I was just telling you this in case they asked.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/10/2003 04:09:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: FW: Draft Letter to Daschle & Frist re: Estrada

You don't need him to see the version that went out on Friday?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 10, 2003 4:04 PM
To: Bumatay, Patrick J.
Subject: Re: FW: Draft Letter to Daschle & Frist re: Estrada

Sec. Card had looked at a previous version.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/10/2003 04:07:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Draft Letter to Daschle & Frist re: Estrada

I re-faxed it to them.
-----Original Message-----
From: Bennett, Melissa S.
Sent: Monday, March 10, 2003 3:55 PM
To: Bumatay, Patrick J.
Subject: RE: Draft Letter to Daschle & Frist re: Estrada

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-----Original Message-----
From: Bumatay, Patrick J.
Sent: Monday, March 10, 2003 2:53 PM
To: Bennett, Melissa S.
Subject: RE: Draft Letter to Daschle & Frist re: Estrada

yes, it went through Staff Sec's office and distributed on Friday. It was due at 1 pm today.

-----Original Message-----
From: Bennett, Melissa S.
Sent: Monday, March 10, 2003 2:52 PM
To: Bumatay, Patrick J.
Subject: RE: Draft Letter to Daschle & Frist re: Estrada

Was this in a staffing memo form? I haven't seen it but that doesn't necessarily mean anything.

-----Original Message-----
From: Bumatay, Patrick J.
Sent: Monday, March 10, 2003 2:49 PM
To: Bennett, Melissa S.
Subject: Draft Letter to Daschle & Frist re: Estrada

Hi Melissa,

How are you? I just wanted to see if the Chief had any additional comments on the revised letter to Daschle and Frist on the Estrada nomination.

thanks

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: mestrada@gibsondunn.com @ inet [UNKNOWN] <mestrada@gibsondunn.com @ inet>
Sent: 3/10/2003 11:56:03 AM
Subject: : Fax Numbers

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-MAR-2003 16:56:03.00
SUBJECT:: Fax Numbers
TO:mestrada@gibsondunn.com @ inet (mestrada@gibsondunn.com @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
03/10/2003 04:56 PM ----------

From: Carolyn Nelson/WHO/EOP@Exchange on 03/10/2003 04:55:07 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fax Numbers

;;;;;;;;;;;;;;;;;;;;;; THE HONORABLE BILL FRIST;;;;;;;;;;;;;;;;;;;;;;;;;
;;202-228-4637

;;;;;;;;;;;;;;;;;;;;;; THE HONORABLE ORRIN G. HATCH;;;;;;;;;;;;;;;;;
202-228-1178

THE HONORABLE PATRICK J. LEAHY;;;;;;;;;;;;;;202-224-3479

THE HONORABLE THOMAS A. DASCHLE;;;;;;;;202-224-6603

;;;;;;;;;;;;;;;;;;;;;; THE HONORABLE BLANCHE LINCOLN;;;;;;;;;;;;;;
202-228-1371

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Paul Perkins/WHO/EOP@EOP [WHO] <Paul Perkins>
Sent: 3/10/2003 12:12:04 PM
Subject: : Re: I am on the call

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-MAR-2003 17:12:04.00
SUBJECT:: Re: I am on the call
TO:Paul Perkins (CN=Paul Perkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No need to apologize; just wanted him to know. Thx.

Paul Perkins
03/10/2003 05:08:28 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: I am on the call

Tim apologizes, but will go to you next.
Thanks.

Brett M. Kavanaugh
03/10/2003 05:00:28 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Paul Perkins/WHO/EOP@EOP
cc:
Subject: I am on the call

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/10/2003 1:38:56 PM
Subject: : Cartoon from Greenville (SC) News (3/10/03) FYI..

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-MAR-2003 18:38:56.00
SUBJECT:: Cartoon from Greenville (SC) News (3/10/03) FYI..
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/10/2003 06:38 PM ----------

Jeanie S. Mamo
03/10/2003 06:37:57 PM
Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange@EOP, Mercedes M. Viana/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Cartoon from Greenville (SC) News (3/10/03) FYI..

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 3/10/2003 1:40:27 PM
Subject: : Spartanburg Herald-Journal (3/7/03) re: Senate Democrats Ignore Constitutional duty in order to pursue partisan Agenda

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-MAR-2003 18:40:27.00
SUBJECT:: Spartanburg Herald-Journal (3/7/03) re: Senate Democrats Ignore Constitutional duty in order to pursue partisan Agenda
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Posted on March 07, 2003
Senate Democrats ignore constitutional duty in order to pursue partisan agenda
Spartanburg Herald-Journal

Senate Democrats voted this week to continue their obstruction. They refused to let the body vote on President Bush's nomination of Miguel Estrada to a federal judgeship.

Democratic senators like to deliver high-minded rhetoric over their sponsorship of gridlock. They want the country to think they are standing for a balanced judiciary.

The truth is that they are increasing the partisan nature of judicial nominations, undermining the constitutional separation of powers and preventing the Senate from fulfilling its constitutional duty.

The Constitution gives the full Senate the power of advice and consent on the president's judicial nominations. If the full Senate were to vote on Estrada's nomination, he would be easily confirmed.

But Democrats in the Senate won't let that happen. They are using a filibuster -- a Senate rule that allows them to endlessly debate the issue without taking a vote. Republicans need 60 votes to force a vote but only received 55 Thursday.

In other words, the minority is preventing the majority from taking a vote as the Constitution requires.

Senate Democrats don't even have a credible case against Estrada. In fact, their only argument is that they have been unable to come up with any material against him. They say they need more information.

They claim that Estrada was not as forthcoming in hearings as they wanted him to be. But the truth is that Estrada answered questions as fully as most other judicial nominees, including those former President Clinton nominated.

Senate Democrats also want copies of legal briefs that Estrada wrote when he worked for the White House in the Solicitor General's Office. They ask this despite the fact that these materials are not released to Congress.

The president depends on the solicitor general for honest and full legal advice. If lawyers know that these documents will end up being the subject of future hearings, it will color the advice they give the president.

This issue is so crucial that all living former solicitors general insist that the Bush administration should not give the Senate these documents. And most of them are Democrats.

It is an established fact that Estrada is a fine lawyer. His nomination has been en-dorsed by the American Bar Association. Senate Democrats have no real reason to oppose Estrada, but they suspect that he is too conservative for them. So they are willing to bog the Senate down with this endless battle. They are willing to twist the Constitution and impose their minority rule. And they are willing to further degrade the partisan nature of judicial confirmation battles.

President Bush is right when he calls it "a disgrace."

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/10/2003 1:42:23 PM
Subject: : interview - FINAL
Attachments: P_5BWJE003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-MAR-2003 18:42:23.00
SUBJECT:: interview - FINAL
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Do you mind taking a look at this? Ken agreed to answer some school children's questions to put on their school website. Here they are.
thanks
---------- Forwarded by Katherine M. Walters/WHO/EOP on 03/10/2003 06:41 PM ----------

Michael J. Napolitano
03/07/2003 04:27:23 PM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: interview - FINAL

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5BWJE003_WHO.TXT_1>

1) Why did the Republican Party do so well during the 2002 elections?

First, Republicans fielded a great team of candidates around the country. Second, these candidates campaigned on issues that resonated with voters, and they offered solutions to the problems people care about. Third, the President's support of these candidates helped to provide needed resources, to frame issues, and to provide a positive image for the Republican Party.

2) How big of a factor was the President in the 2002 elections?

As I said above, the President's support of these candidates helped to provide needed resources, to frame issues, and to provide a positive image for the Republican Party.

3) In 2000, when you were on the president's campaign for the White House, what were the workdays like?

Everyone on the President's campaign worked very long hours. I worked in the Political division where staffers would normally arrive around 7am, and rarely leave until late in the evening. It was a busy schedule, but our motivation to have then-Governor George W. Bush become President made the effort worthwhile.

4) What geographic areas of the country lean mostly Democratic? What areas lean mostly toward the GOP?

The President's leadership has helped Republicans to win all over the country.

In 2000, the President won West Virginia; a state not won by a non-incumbent Republican since 1928.

In 2001, New York City elected a Republican mayor, and in 2002 New York State re-elected a Republican governor. Also in 2002, Republicans won the governorships of Vermont and Massachusetts, two states that many might think lean Democrat. These examples show that the Republican Party and the issues it supports – resonate with voters all around the country.

5) What role does the White House Political Office have in elections?

Well, this is my first time working in the White House, so I can't address the office's role in previous elections (prior to 2002). But, in preparation for November's midterm elections our office tracked all the races, and made travel recommendations to the President, Vice-President, and members of the Cabinet.

The overall goal was to keep the House of Representatives under Republican control, and win enough seats in the Senate to recapture control. As you might know, we achieved both goals.

Another goal was to win governorships, and despite having to defend twenty-three of thirty-six governor's mansions, Republicans retained a majority.

6) What jobs are there for teenagers in a presidential campaign?

We had a number of young people, all over the country, who help President Bush in 2000. When the campaign season begins in 2003-2004, all the candidates – Democrat and Republican – will open campaign headquarters' in the states, volunteering on one of these is a great opportunity for young people to get involved and serve their country.

7) How do state political parties influence national elections?

State parties are very important in determining the outcome of national elections. On both the Republican and the Democratic sides, they motivate voters to cast ballots, advertise for candidates, and they help identify and mobilize volunteers.

From: Gonzales, Alberto R.
To: <Kavanaugh, Brett M.>;<Francisco, Noel J.>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Gillmor, Eleanor L.>
Sent: 3/10/2003 6:01:55 PM
Subject: Canceled: U of Michigan Cases Mtg

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BEGIN:VEVENT
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DTEND:20030314T213000Z
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DESCRIPTION:When: Friday\, March 14\, 2003 3:30 PM-4:30 PM (GMT-05:00)
Eastern Time (US & Canada).\n\n*~*~*~*~*~*~*~*~*~*~*\n\nAttendees:\nAlberto
Gonzales\nBrett Kavanaugh\nNoel Francisco\nDavid Leitch\nJay
Lefkowitz\nPaul Clement\nDavid Salmons \n
SUMMARY:Canceled: U of Michigan Cases Mtg
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END:VEVENT
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/10/2003 2:13:34 PM
Subject: : Zell Miller

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-MAR-2003 19:13:34.00
SUBJECT:: Zell Miller
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
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TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Senate Math --
41 Is Greater Than 59!
By ZELL MILLER

A portly British statesman once famously said that "Democracy is based on reason and fair play." But there's nothing reasonable or fair about what's been happening in the Senate recently. The filibuster against Bush-nominee Miguel Estrada is not just an expensive waste of time and taxpayer money, it's also an affront to majority rule, the principle that Democracy operates on everywhere.

Everywhere, that is, but the Senate.

The Senate is the only place I know where 59 votes out of 100 cannot pass anything because 41 votes out of 100 can defeat it. Last week, of course, 55 senators -- a clear majority -- voted to end a filibuster against Mr. Estrada and still lost the day. Try explaining that at your local Rotary Club or to a constituent in the Wal-Mart parking lot or, for that matter, to the college freshman in Poly Sci 101. You can't because it stands democracy on its head.

The word "filibuster" comes from a Spanish word for "pirate," and that is exactly what the filibuster does; it hijacks the democratic process. The way it is being used in the Senate gives the minority an absolute veto on everything.

James Madison, the Father of the Constitution, feared some future political leaders would pervert the legislative process in just this way. And he warned in Federalist Paper Number 58 that when it happened, "The fundamental principle of free government would be reversed. It would be no longer the majority that would rule. The power would be transformed to the minority." I'm sure Madison is today spinning in his grave.

Some constitutional lawyers have argued that any kind of super majority vote is unconstitutional, other than for those five areas specified in the Constitution itself: treaty ratification, impeachment, override of a presidential veto, constitutional amendments, and expelling a member of Congress.

Perhaps it is time for someone to test its constitutionality. That's one possible remedy. There are others. We could abolish Rule XXII that protects this travesty and let the Senate operate under rules like every other democratic legislative body in the world. That's about as likely as a day dawning in Washington without 10 fund-raisers.

Or we could modify what I call the Two-Track Trick, installed a few years ago, which allows a "filibuster-lite" to proceed without any heavy lifting while another piece of legislation is being considered at the same time. With this devious device the Senate avoids the inconvenience and pain of a real filibuster. Powder puff, 16-ounce gloves are used instead of bare knuckles, but it still can go on and on ad nauseam. It's just that the public doesn't notice it as much. And that's the point -- public debate is turned down real low.

Over the years, many respected veterans of the Senate, not a newcomer like myself, have expressed dismay with the process. Henry Clay did before the Civil War and the process then was nothing like it would become late in the 20th century. Barry Goldwater and even the loquacious Hubert Humphrey expressed misgivings from time to time.

In the mid-1990s, there was a bipartisan group of distinguished citizens called "Action, Not Gridlock" who came together with great ballyhoo, intent on reforming Senate rules. They had the shelf-life of a ripe banana. And in 1995, Democratic Sens. Tom Harkin and Joe Lieberman introduced a rule change that I believe is the best that's been proposed. It still kept 60 votes on the initial cloture vote, but decreased it by three votes with each of the next three cloture attempts until finally it got down to the majority of 51. They argued, logically I believe, that this would preserve the Senate tradition while still giving the minority plenty of time to plead its case without blocking the majority forever.

All of this came to naught, however, after the Republicans solidly opposed it and Sen. Robert Byrd enlightened his fellow Democratic senators with the story of how Cato II, in 60 B.C., got the floor in the Roman Senate at midday and spoke until sundown, the time of adjournment, in order to thwart one of Julius Caesar's proposals. And that was the end of the Harkin-Lieberman filibuster reform bill.

Never mind that Caesar was not thwarted and 14 years later, in 46 B.C., Cato committed suicide while Caesar was at the height of his power and still going strong. Perhaps it is worth noting that the First Filibusterer in history ended up taking his own life. He made his point -- as senators love to do -- but ended up killing himself. Now that, my filibustering friends, is a history lesson worth pondering.

Mr. Miller is a Democratic senator from Georgia.

Updated March 10, 2003

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 3/10/2003 2:18:30 PM
Subject: : Sen. Zell Miller on Estrada filibuster

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-MAR-2003 19:18:30.00
SUBJECT:: Sen. Zell Miller on Estrada filibuster
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Or we could modify what I call the Two-Track Trick, installed a few years ago, which allows a "filibuster-lite" to proceed without any heavy lifting while another piece of legislation is being considered at the same time. With this devious device the Senate avoids the inconvenience and pain of a real filibuster. Powder puff, 16-ounce gloves are used instead of bare knuckles, but it still can go on and on ad nauseam. It's just that the

public doesn't notice it as much. And that's the point -- public debate is turned down real low.

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Mr. Miller is a Democratic senator from Georgia.

Updated March 10, 2003

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Walker, Helgard C.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 3/10/2003 6:34:19 PM
Subject: Cartoon from Greenville (SC) News (3/10/03) FYI..

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/10/2003 06:38 PM ----------

Jeanie S. Mamo

03/10/2003 06:37:57 PM

Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange@EOP, Mercedes M. Viana/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Cartoon from Greenville (SC) News (3/10/03) FYI..

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/11/2003 5:47:24 AM
Subject: : RE: PDF?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:11-MAR-2003 10:47:24.00
SUBJECT:: RE: PDF?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

It's coming. We need to do each page one at a time.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, March 11, 2003 10:41 AM
To: Bumatay, Patrick J.
Subject: PDF?

From: CN=Peter H. Wehner/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/11/2003 2:44:24 AM
Subject: : Ken Pollack at the WH, to speak on War with Iraq

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-MAR-2003 07:44:24.00
SUBJECT:: Ken Pollack at the WH, to speak on War with Iraq
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett:

Because of where things stand on the matter of Iraq, we decided to invite Ken Pollack to speak at our OSI Lecture Series. As you may know, Pollack wrote a groundbreaking book on the topic; it's one of the few books that has really influenced the public debate. He should be interesting -- and he'll certainly be timely. I hope you can join us on Thursday. Please let Kasey know if you can.

Pete

He has written one of the most important foreign policy books in a decade...
Before that, he worked on Iraq in the Clinton White House...
And next week, he'll talk about his book and Iraq at the Bush White House.

The White House Lecture Series presents:

KENNETH M. POLLACK
Thursday, March 13, 2003, Noon
Room 308, EEOB
RSVP by calling 6-2108 or responding to this e-mail

From: Burks, Jonathan W.
To: <Kavanaugh, Brett M.>
Sent: 3/11/2003 6:49:19 AM
Subject: Re: Draft letter from President on judges

Sorry for the last minute change.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
CC: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;David W. Hobbs/WHO /EOP@Exchange@EOP [WHO] <David W. Hobbs>;Alison Jones/WHO/EOP@Exchange@EOP [WHO] <Alison Jones>;ziad_s._ojakli@who.eop.gov [UNKNOWN] <ziad_s._ojakli@who.eop.gov>
Sent: 3/11/2003 2:52:04 AM
Subject: : Letter to Frist and Daschle

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-MAR-2003 07:52:04.00
SUBJECT:: Letter to Frist and Daschle
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:Alison Jones ( CN=Alison Jones/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:ziad_s._ojakli@who.eop.gov ( ziad_s._ojakli@who.eop.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

The letter should be signed this morning at about 9:15 a.m. I will make
sure it gets to Alison promptly. Will it be read on floor? If not, when
should we publicly release?
```

From: Winland, Emily
To: <Kavanaugh, Brett M.>;<Johnson, Clarence C.>;<Goldman, Adam B.>;<Silverberg, Kristen>;<Warsh, Kevin>;<Deziel, Dennis R.>
CC: <Schacht, Diana L.>;<Vestewig, Lauren J.>;<Smith, Marty P.>
Sent: 3/11/2003 8:35:52 AM
Subject: Reminder, Asbestos Reform Meeting

This is a reminder that the meeting to discuss Asbestos Reform is today (3/11) at 3pm in room 211.

thanks,

Emily

---------- Forwarded by Emily Winland/OPD/EOP on 03/11/2003 08:35 AM ----------

Emily Winland

03/05/2003 04:43:43 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: diana l. schacht/opd/eop@eop, lauren j. vestewig/opd/eop@exchange@eop, marty p. smith/opd/eop@eop

bcc: Records Management@EOP

Subject: Asbestos Reform Meeting RESCHEDULED 

The Asbestos Reform Meeting has been rescheduled to Tuesday March 11 at 3:00pm, still in room 211, EEOB.

Pleas reconfirm your attendance.

thanks,

Emily

From:	Grubbs, Wendy J.
To:	Ashley_Snee@oa.eop.gov <Kavanaugh, Brett M.>;Ashley_Snee@oa.eop.gov <Grubbs, Wendy J.>
CC:	<Ojakli, Ziad>;David_W._Hobbs@oa.eop.gov <David_W._Hobbs@oa.eop.gov>;Alison_Jones@oa.eop.gov <Alison_Jones@oa.eop.gov>;Ashley_Snee@oa.eop.gov <Ashley_Snee@oa.eop.gov>
Sent:	3/11/2003 8:39:14 AM
Subject:	Re: Letter to Frist and Daschle

As of 9pm frist was inclined to read some of the letter, if not all. I will take it up this am.

.

----- Original Message -----
From: Brett M. Kavanaugh/WHO/EOP
To: Wendy J. Grubbs/WHO/EOP@EOP
Cc: ziad_s._ojakli@who.eop.gov,
David W. Hobbs/WHO/EOP@Exchange@EOP,
Alison Jones/WHO/EOP@Exchange@EOP,
Ashley Snee/WHO/EOP@Exchange@EOP
Date: 03/11/2003 07:47:46 AM
Subject: Letter to Frist and Daschle

The letter should be signed this morning at about 9:15 a.m. I will make sure it gets to Alison promptly. Will it be read on floor? If not, when should we publicly release?

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 3/11/2003 9:02:06 AM
Subject: another good op-ed in Atlanta Journal Constitution

HEADLINE: Pickering rises above mudslinging

BYLINE: JIM WOOTEN

BODY:

Had President Bush not had the courage to renominate Judge Charles W. Pickering to the 5th U.S. Circuit Court of Appeals, the nation would never have known the truth contained in the headline on the front of the @issue section of Sunday's paper:

"Evidence doesn't support charges of racism against Charles Pickering."

Not only does the evidence not support the brutal assaults on his character by left-wing extremists who are smearing individuals in a proxy campaign, but also the evidence proves quite the contrary. Pickering's character, even-handedness and his dedication to justice and fair play are the precise qualities that should be elevated on the bench.

The proxy war that has targeted Pickering, Texas Supreme Court Justice Priscilla Owen and **Miguel Estrada** is part of a bitter national campaign by pro-abortion groups and the more liberal constituencies of the Democratic Party to keep Bush from appointing a conservative to the U.S. Supreme Court. None of the targeted nominees may ever be invited to serve in the event of a Supreme Court vacancy --- Pickering, who will be 66 in May, most surely won't --- but all are nominated to U.S. Circuit Courts of Appeal, one level below the Supreme Court.

District court judges --- two levels below --- generally pass through the Senate nominating process without orchestrated opposition. That's mainly because they're trial judges who are finding fact and not interpreting law. The Circuit Courts frame issues for the U.S. Supreme Court. Most of the orchestrated smear, therefore, is directed at Circuit Court nominees.

The reasons are related and seemed largely generated by activists and allied groups who are fanatically riveted to the politics of abortion and a paranoia that overturning Roe v. Wade is the secret motivation behind every Bush judicial nomination. Groups such as the National Abortion Rights Action League believe that the next Supreme Court justice is the key to doing just that. So the campaign now is to knock off potential Supreme Court nominees, such as Estrada, while creating an overall impression that Bush's nominees are out of the mainstream and perhaps even racist.

The Pickering story in Sunday's paper really should be required reading for every reporter and editor in the country. What it details is how a decent man --- who by all accounts led an exemplary life, treated people fairly and respectfully, and applied the law evenhandedly --- was caricatured as an unreconstructed Southern redneck maliciously dispensing renegade injustice when race was involved.

The evidence was that he had actively worked to get a lesser sentence for a Mississippi redneck convicted of burning a cross in the yard of an interracial couple. Closet racist on the bench. End of story.

The facts are more instructive. Two other rednecks, including the ringleader, had been given probation and home confinement. The third went to trial and was convicted. Federal prosecutors wanted the third redneck sentenced to 7 1/2 years. The disparity troubled Pickering. He worked to make the sentence more just,

something he had done previously for black defendants.

When placed in the context of his life and career on the bench, an entirely different picture of Pickering emerges. The picture is of an honest and capable judge, one all of us would want in place when our lives and fortunes are at risk.

The horror of the injustice America was about to do Charles Pickering is only now evident --- and only now because Bush had the courage to renominate him after Democrats on the Senate Judiciary Committee, on a party-line vote, had bowed to the shrill voices of their more liberal constituencies and cast his nomination aside.

It would have been a great American tragedy if Pickering had not been given a second chance to retrieve his reputation.

This is what judicial fights have become: reputations trashed with distortions and misrepresentations to advance hidden agendas.

Ask **Miguel Estrada,** against whom Democrats are filibustering the Senate.

Jim Wooten is associate editorial page editor. His column appears Tuesdays, Fridays and Sundays.

From: CN=Jonathan F. Ganter/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jay P. Lefkowitz/OPD /EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: Lauren J. Vestewig/OPD/EOP@Exchange@EOP [OPD] <Lauren J. Vestewig>
Sent: 3/11/2003 9:17:14 AM
Subject: : Michigan A.A. Conference Call

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-MAR-2003 14:17:14.00
SUBJECT:: Michigan A.A. Conference Call
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Per Noel's request, a conference call to disucss the Michigan case has
been arranged for tomorrow morning (Wednesday) at 9:30 am. On the line
will be Noel, Brett, Jay, and Paul Clement and David Salmons from DOJ.
The call in #'s follow:

Call #: 202-395-6392

Conference #: 218020

Thanks,

Jon
```

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>;<Francisco, Noel J.>
Sent: 3/11/2003 2:22:11 PM
Subject: FW: Race-neutral approaches national conference - a proposal
Attachments: possible.agenda.national.conf.march.4.doc

-----Original Message-----
From: Dunn, David
Sent: Tuesday, March 11, 2003 1:13 PM
To: Spellings, Margaret M.; Lefkowitz, Jay P.; Schacht, Diana L.
Subject: FW: Race-neutral approaches national conference - a proposal

ED wants to do a conference on race neutral education approaches, to include the virtues of NCLB, advanced placement programs and percent plans. They want to do this in Florida, April 7-8 because it is shortly after the arguments in the Michigan case.

Do we like this idea? Obviously they need a quick reply.

dd
---------- Forwarded by David Dunn/OPD/EOP on 03/11/2003 01:12 PM ----------

"Sailor, Angela"
03/11/2003 12:59:22 PM

Record Type: Record

To: David Dunn/OPD/EOP@EOP
cc:
Subject: FW: Race-neutral approaches national conference - a proposal

David,

Could you look at the proposed Race Neutral Conference. We would like to host this on April 7 and 8th.
We need to get MS final approval to move forward. Thanks

-----Original Message-----
From: Sutherland, Dan
Sent: Tuesday, March 04, 2003 10:16 AM
To: Sailor, Angela
Cc: Arguello, Olga; Garrison, Julie; Reynolds, Gerald; Jones, Brian
Subject: Race-neutral approaches national conference - a proposal

Angela,

Enclosed is an updated proposal for a national conference on race-neutral approaches. We are proposing that several senior officers in the Department address the conference (the Secretary, Under Secretary Hickock, Sally Stroup, Carol D'Amico, and Brian and Jerry as moderators). We would also include state education officials who are implementing many innovative programs, and several leading people from private organizations that are putting race-neutral approaches into practice.

We propose April 7 and 8. This would give the Administration something very positive to point to as all the media attention on affirmative action swells around April 1, when the Supreme Court hears oral arguments in this case. We believe that the Secretary's schedule could accomodate this, and we believe that we have a venue that would work (the Doral Resort in Miami).

If the Secretary and the WH agrees with our proposal, we need to begin making preparations **immediately.**

Dan

<>

Daniel W. Sutherland
Chief of Staff and Senior Counsel
to the Assistant Secretary for Civil Rights
202-205-8162

- possible.agenda.national.conf.march.4.doc << possible.agenda.national.conf.march.4.doc >>

March 4

National Conference on Race Neutral Approaches to Educational Diversity

Objective:

The purpose of this conference would be to make education leaders aware of innovative race-neutral policies that they may be able to use in their elementary and secondary schools and postsecondary institutions. This conference will significantly support the President's January 15th remarks on affirmative action. The Department's role will not be to take positions on specific issues, but to facilitate the dialogue. A possible list of speakers and topics is below.

Audience:

An invitation-only conference for 75-100 top leaders in the education community, including perhaps some chief state school officers, university presidents, local school superintendents, university general counsels, and other similar officials. Billed as a private briefing from leading officials in the federal and state governments who are on the cutting edge of implementing race-neutral approaches to diversity.

Timing:

April 7 and 8 would be our first option. The oral argument in the Michigan cases will be held on April 1; if asked, the Secretary would be able to take the position that while advocates are debating and lawyers are arguing, he will be convening top education officials to constructively solve these problems. **If we are to meet this timeframe, we must begin preparations immediately.**

Venue:

It is important to hold the conference at a location where protestors would not be likely to disrupt the proceedings. We recommend somewhere in the state of Florida, since it is one of the leaders in the race-neutral innovations. We are aware that the Doral Resort and Golf Spa, in Miami, is available on April 7-8, and has favorable government rates available.

Action

We need approval from the White House and the Secretary to move forward.

The Office for Civil Rights is prepared to develop and arrange the conference, with assistance from a working group of senior officers at the Department. OCR will, of course, need assistance with logistical issues involved in the conference.

Possible content:

Host and welcoming remarks: Secretary Paige

State the Administration's vision on the role that race-neutral alternatives can play in constructively resolving the divisive debate about affirmative action, and connecting this to No Child Left Behind.

Moderators: Brian Jones, General Counsel, and Gerald A. Reynolds, Assistant Secretary for Civil Rights

Introduce speakers, facilitate Q and A sessions

Legal Context: Brian Jones, General Counsel

Explain that it is important to highlight these programs because implementing them will help to minimize litigation risks faced by educational institutions. Race-conscious programs are likely to produce costly and probably unsuccessful litigation. Given this legal context, it is prudent for educational institutions to carefully and seriously examine race-neutral approaches to achieving diversity.

Developmental Approaches:

This portion of the conference would examine projects being undertaken at the state and federal levels that help to expand the pool of competitive applicants. This will explain how states and the federal government are helping to prepare students from low performing schools for higher education through a variety of approaches. There should be sessions on at least the following:

- No Child Left Behind – how NCLB can effectively transform our educational system so that all children are receiving an effective education. Possible speaker: Under Secretary Hickok.
- The Advanced Placement Initiatives in Texas and Florida. Possible speakers: Raul Romero of the University of Texas Board of Regents and Prof. George LaNoue of the University of Maryland.
- The College Summit – this organization seeks to help increase the college enrollment rate of low-income students. Possible speakers: J.B. Schramm, founder of the organization.
- The University of California systems' partnerships with low-performing high schools (over 100,000 children are receiving direct tutoring and mentoring, and hundreds of schools are receiving direct aid). Possible speakers: an official(s) from California; an official(s) from Florida to talk about their "Opportunity Alliances," which also pair up colleges with low-performing schools; an official(s) from the University of Vermont and Christopher Columbus High School (Bronx, NY), which have entered into a partnership; and an official(s) from the University of Pennsylvania, which is a national leader in these types of partnerships.
- Florida's partnership with the College Board. Possible speakers: a Florida education official(s) plus Gaston Caperton, former Gov. of West Virginia and current President of the College Board.

- ED race-neutral initiatives such as GEAR-UP, the State Scholars Initiative, and the TRIO programs. Possible speakers: Sally Stroup, Carol D'Amico.

Admissions Approaches:

This portion of the conference would focus on various race-neutral efforts that have been made to determine which students are admitted and which are not.

- Class rank approaches. We could locate top officials from each of the three states to discuss these plans in depth:

  (1) Texas's "10 Percent Plan"
  (2) Florida's "Talented 20 Plan"
  (3) California's "4 Percent Plan."

- Preferences based on socioeconomic status. This approach, sometimes called "needs-based affirmative action," promotes diversity by conferring admissions preferences based on socioeconomic disadvantage. Possible speaker: Richard Kahlenberg of the New Century Foundation is the national expert on the subject. He could be joined by officials from various jurisdictions that have actually implemented these ideas.

Other potential speakers:

- On behalf of the Attorney General, Larry Thompson or Viet Dinh
- Ralph Boyd, the Assistant Attorney General for Civil Rights
- A White House official(s)

From: CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/11/2003 11:24:43 AM
Subject: : got the fax

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:11-MAR-2003 16:24:43.00
SUBJECT:: got the fax
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

will pass it on to him. thanks.
```

From: Estes, Ashley
To: <Kavanaugh, Brett M.>
Sent: 3/11/2003 4:24:33 PM
Subject: got the fax

will pass it on to him. thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Wendy J. Grubbs/WHO /EOP@EOP [WHO] <Wendy J. Grubbs>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/11/2003 1:01:47 PM
Subject: : editorial in Tampa Trbune re Bob Graham

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-MAR-2003 18:01:47.00
SUBJECT:: editorial in Tampa Trbune re Bob Graham
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Some Questions For Bob Graham

Published: Mar 8, 2003
B ob Graham's running, all right. He's running for president and away from having to stake out a position on Miguel Estrada, President Bush's embattled nominee to the U.S Court of Appeals in Washington.
Graham skipped out on the cloture vote Thursday to stop the Democrats' filibuster of the nomination. A majority of senators would confirm Estrada, but the Democrats, in a dangerous precedent, stall.
Minority Leader Tom Daschle says Estrada has refused to answer questions, which is a false assertion, and has demanded Estrada turn over private working papers from his days at the Justice Department, a demand that cannot be taken seriously.
Graham hasn't decided whether to be part of the indefensible scheme, but we think it's time the would-be president tells us what he thinks.
Senator, just what is the appropriate constitutional role for the Senate in judicial nominations? Are you willing to subvert the Constitution and require a supermajority for confirmation?
What extreme views does Estrada hold? What question has he not answered? What do you need to know to vote? Why did you not need to know these things for, say, Ruth Bader Ginsburg?
Is a liberal president entitled to nominate liberals? Can you name a single trial or appellate judge who is too leftist to be elevated to the Supreme Court?
And finally, how, senator, can a nominee supported by a majority in the Senate be deemed too extreme or out of step with America to permit confirmation?

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Grubbs, Wendy J.>;<Bartolomucci, H. Christopher>
Sent: 3/11/2003 5:56:16 PM
Subject: editorial in Tampa Trbune re Bob Graham

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Published: **Mar 8, 2003**

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From: Ojakli, Ziad
To: <Kavanaugh, Brett M.>
CC: <Grubbs, Wendy J.>
Sent: 3/11/2003 11:46:49 PM
Subject: Thanks for everything you did to make the letter happen. Frist was very happy and passed on his appreciation. Turned out better than we expected. z

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/12/2003 4:20:24 AM
Subject: : Don Powell of the FDIC
Attachments: P_9PPLE003_WHO.TXT_1.txt; P_9PPLE003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:12-MAR-2003 09:20:24.00
SUBJECT:: Don Powell of the FDIC
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett- Chairman Powell's Counsel is fine with him doing this event for the RNC Eagles in TX. See email below. Are you comfortable?

The RNC, however, is sending a letter out telling people about this event and asking them to sign up in order to come. (without using any names) I have attached the letter that they are asking approval on. Can you please approve the letter as well?

-----Original Message-----
From: Elissa Shurden - Eagles [mailto:EShurden@rnchq.org]
Sent: Friday, March 07, 2003 2:30 PM
To: Kate Walters; Jack Oliver
Cc: Ken Mehlman; Debbie LeHardy - Finance
Subject: RE:

Hello Kate,
Please see the e-mail below from Chairman Powell's office giving us the okay
on his participation at the meeting since it's not a fundraiser.

-----Original Message-----
From: Owens, Valerie [mailto:VOwens@FDIC.gov]
Sent: Friday, March 07, 2003 1:58 PM
To: Elissa Shurden - Eagles
Cc: Fagan, Robert J.
Subject: RE:

Elissa-

Since this is not a fund raiser, there are no problems with Chairman Powell participating.

Valerie

-----Original Message-----
From: Elissa Shurden - Eagles [mailto:EShurden@rnchq.org]
Sent: Friday, March 07, 2003 12:26 PM
To: Owens, Valerie
Subject:

Hello Valerie,

Thank you so much for your help on this. Attached is the itinerary for the Eagles Spring meeting in April. Please let us know what your Counsel's response is. My direct line is 863-8831 if you have any questions.

<<RSVPfaxback.doc>>

Elissa

-----Original Message-----
From: Elissa Shurden - Eagles
Sent: Friday, March 07, 2003 12:18 PM
To: Kate Walters; Jack Oliver
Cc: Ken Mehlman
Subject: RE:

His office has been made aware of your concerns. I'll pass on their counsel's response as soon as we hear back from them.
-----Original Message-----
From: Kate Walters
Sent: Friday, March 07, 2003 12:10 PM
To: Elissa Shurden - Eagles; Jack Oliver
Cc: Ken Mehlman
Subject: RE:

Has the Counsel of the FDIC approved? WH Counsel thinks it would raise some issues and wants to know what they think.
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From: Elissa Shurden - Eagles [mailto:EShurden@rnchq.org]
Sent: Friday, March 07, 2003 10:39 AM
To: Kate Walters
Subject:

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you this request at the last minute. For that I apologize, and we greatly appreciate your help on this. E-mail me or call me with questions at 863-8831.

Thank you,
Elissa

- att1.htm - Letter to Texans from Eagles.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9PPLE003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9PPLE003_WHO.TXT_2>

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Thank you,
Elissa

March 7, 2003

[NAME]
[TITLE]
[COMPANY]
[ADDRESS]
[CITY/STATE/ZIP]

Dear [TEXAS SUPPORTER],

The 2000 presidential election cycle made history. You were a huge part of it. By supporting our President, the Republican Party was able to usher in a new era of responsibility and compassionate conservatism.

Our President needs us again. These times define us as Americans. We stand for freedom, for democracy and for core values that made this country great. As a fellow Texan, I am asking you to be part of the Republican Eagles. I am asking you to renew your commitment to this President and this country.

The Republican Eagles are coming to Texas. We will convene our 2003 spring meeting in Austin, Texas at the Four Seasons Hotel. It is the best opportunity for you to join this remarkable club and enjoy an incredible event, right in your own back yard. I have attached an itinerary so that you can see firsthand the line-up of speakers and activities. It is compelling—and it is time to inspire the Texas machine that was so instrumental in the victory of 2000.

The Eagles staff is eager to answer your questions and to sign you up—both for the Eagle and the spring meeting. Should you have questions, please call me at 817.613.8200—or Debbie LeHardy, Director of the Republican Eagles, at 202.863.8830.

The future is ours, should we choose to shape it.

May God Bless America and the Great State of Texas,

Roger Williams
Eagles Chairman

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/12/2003 5:19:10 AM
Subject: : RE: Don Powell of the FDIC
Attachments: P_4TTLE003_WHO.TXT_1

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:12-MAR-2003 10:19:10.00
SUBJECT:: RE: Don Powell of the FDIC
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks. fyi- Powell canceled so he will not be speaking.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, March 12, 2003 9:20 AM
To: Kate Walters
Subject: Re: Don Powell of the FDIC

The letter is approved. I am ok with Powell participating given the FDIC counsel's guidance.

(Embedded
image moved Kate Walters <kate@georgewbush.com>
to file: 03/12/2003 09:41:18 AM
pic03526.pcx)

Please respond to kate@georgewbush.com

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Don Powell of the FDIC

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- winmail.dat
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4TTLE003_WHO.TXT_1>

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Record Type: Record

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From: Owens, Valerie [
mailto:VOwens@FDIC.gov]
Sent: Friday, March 07, 2003 1:58 PM
To: Elissa Shurden - Eagles
Cc: Fagan, Robert J.
Subject: RE:

Elissa-

Since this is not a fund raiser, there are no problems with Chairman Powell participating.

Valerie

-----Original Message-----
From: Elissa Shurden - Eagles [
mailto:EShurden@rnchq.org]
Sent: Friday, March 07, 2003 12:26 PM
To: Owens, Valerie
Subject:

Hello Valerie,

Thank you so much for your help on this. Attached is the itinerary for the Eagles Spring meeting in April. Please let us know what your Counsel's response is. My direct line is 863-8831 if you have any questions.

<<RSVPfaxback.doc>>

Elissa

-----Original Message-----
From: Elissa Shurden - Eagles
Sent: Friday, March 07, 2003 12:18 PM
To: Kate Walters; Jack Oliver
Cc: Ken Mehlman

Subject: RE:

His office has been made aware of your concerns. I'll pass on their counsel's response as soon as we hear back from them.

-----Original Message-----
From: Kate Walters
Sent: Friday, March 07, 2003 12:10 PM
To: Elissa Shurden - Eagles; Jack Oliver
Cc: Ken Mehlman
Subject: RE:

Has the Counsel of the FDIC approved? WH Counsel thinks it would raise some issues and wants to know what they think.

-----Original Message-----
From: Elissa Shurden - Eagles [mailto:EShurden@rnchq.org]
Sent: Friday, March 07, 2003 10:39 AM
To: Kate Walters
Subject:

Hello Kate,

Just a quick question for you. The Eagles are having their April meeting in Austin on the 24th, as you are probably well aware of. Roger Williams did a personal ask to his friend Don Powell, Chairman of the FDIC, to speak to the Eagles at the Bush library - where Mr. Powell also holds a leadership position. Mr. Powell has agreed, but Jack wanted us to check to see that's it's okay for him to speak to the Eagles. Mr. Powell's name is listed on the fax sheet we want to send out today, so as usual, we're giving you this request at the last minute. For that I apologize, and we greatly appreciate your help on this. E-mail me or call me with questions at 863-8831.

Thank you,
Elissa

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 3/12/2003 4:24:53 AM
Subject: : Re: Don Powell of the FDIC
Attachments: P_V7QLE003_WHO.TXT_1.txt; P_V7QLE003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-MAR-2003 09:24:53.00
SUBJECT:: Re: Don Powell of the FDIC
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

The letter is approved. I am ok with Powell participating given the FDIC counsel's guidance.

Kate Walters <kate@georgewbush.com>
03/12/2003 09:41:18 AM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Don Powell of the FDIC

Brett- Chairman Powell's Counsel is fine with him doing this event for the RNC Eagles in TX. See email below. Are you comfortable?

The RNC, however, is sending a letter out telling people about this event and asking them to sign up in order to come. (without using any names) I have attached the letter that they are asking approval on. Can you please approve the letter as well?

-----Original Message-----
From: Elissa Shurden - Eagles [mailto:EShurden@rnchq.org]
Sent: Friday, March 07, 2003 2:30 PM
To: Kate Walters; Jack Oliver
Cc: Ken Mehlman; Debbie LeHardy - Finance
Subject: RE:

Hello Kate,
Please see the e-mail below from Chairman Powell's office giving us the okay
on his participation at the meeting since it's not a fundraiser.

-----Original Message-----
From: Owens, Valerie [mailto:VOwens@FDIC.gov]
Sent: Friday, March 07, 2003 1:58 PM
To: Elissa Shurden - Eagles
Cc: Fagan, Robert J.
Subject: RE:

Elissa-

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Valerie

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Sent: Friday, March 07, 2003 12:26 PM
To: Owens, Valerie
Subject:

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From: Kate Walters
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To: Elissa Shurden - Eagles; Jack Oliver
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Sent: Friday, March 07, 2003 10:39 AM
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you this request at the last minute. For that I apologize, and we greatly appreciate your help on this. E-mail me or call me with questions at 863-8831.

Thank you,
Elissa

- att1.htm
- Letter to Texans from Eagles.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_V7QLE003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_V7QLE003_WHO.TXT_2>

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To: Kate Walters; Jack Oliver
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Subject: RE:

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To: Kate Walters; Jack Oliver
Cc: Ken Mehlman
Subject: RE:

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From: Kate Walters
Sent: Friday, March 07, 2003 12:10 PM
To: Elissa Shurden - Eagles; Jack Oliver
Cc: Ken Mehlman
Subject: RE:

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Sent: Friday, March 07, 2003 10:39 AM
To: Kate Walters
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Thank you,
Elissa

March 7, 2003

[NAME]
[TITLE]
[COMPANY]
[ADDRESS]
[CITY/STATE/ZIP]

Dear [TEXAS SUPPORTER],

The 2000 presidential election cycle made history. You were a huge part of it. By supporting our President, the Republican Party was able to usher in a new era of responsibility and compassionate conservatism.

Our President needs us again. These times define us as Americans. We stand for freedom, for democracy and for core values that made this country great. As a fellow Texan, I am asking you to be part of the Republican Eagles. I am asking you to renew your commitment to this President and this country.

The Republican Eagles are coming to Texas. We will convene our 2003 spring meeting in Austin, Texas at the Four Seasons Hotel. It is the best opportunity for you to join this remarkable club and enjoy an incredible event, right in your own back yard. I have attached an itinerary so that you can see firsthand the line-up of speakers and activities. It is compelling—and it is time to inspire the Texas machine that was so instrumental in the victory of 2000.

The Eagles staff is eager to answer your questions and to sign you up—both for the Eagle and the spring meeting. Should you have questions, please call me at 817.613.8200—or Debbie LeHardy, Director of the Republican Eagles, at 202.863.8830.

The future is ours, should we choose to shape it.

May God Bless America and the Great State of Texas,

Roger Williams
Eagles Chairman

From: Kavanaugh, Brett M.
To: <Bellinger, John B.>;<Lefkowitz, Jay P.>
CC: <Silverberg, Kristen>;<Kavanaugh, Brett M.>;<Wiegmann, John B.>
Sent: 3/12/2003 8:45:00 AM
Subject: Re: Blocked Assets -- Next Steps

I can be there at 430.

.

----- Original Message -----

From:John B. Bellinger/NSC/EOP

To:Jay P. Lefkowitz/OPD/EOP@Exchange

Cc:kristen silverberg/who/eop@exchange,

brett m. kavanaugh/who/eop@eop,

john b. wiegmann/nsc/eop@eop

Date: 03/12/2003 08:27:56 AM

Subject: RE: Blocked Assets -- Next Steps

Situation Room at 4:00-5:30. Does this work for you?

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 3/12/2003 9:06:14 AM
Subject: no comments on either of St. Pats Day remarks

From: Bellinger, John B.
To: <Kavanaugh, Brett M.>
CC: <Lefkowitz, Jay P.>;<Silverberg, Kristen>;<Kavanaugh, Brett M.>;<Wiegmann, John B.>
Sent: 3/12/2003 9:10:44 AM
Subject: Re: Blocked Assets -- Next Steps

Meeting is now scheduled for 5:00 in 476. Jo will schedule with you all.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 3/12/2003 9:11:14 AM
Subject: Re:

yes, I think Bart also should be there.

From: Carolyn Nelson/WHO/EOP@Exchange on 03/12/2003 09:14:45 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject:

Z and Wendy are coming over at 9:45 for a meeting w/ ARG (I believe about FL). Do you want to come?

From: Silverberg, Kristen
To: <Kavanaugh, Brett M.>;<Bellinger, John B.>;<Lefkowitz, Jay P.>
CC: <Wiegmann, John B.>
Sent: 3/12/2003 9:13:22 AM
Subject: RE: Blocked Assets -- Next Steps

I can't be there until 4:30.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 12, 2003 8:45 AM
To: Bellinger, John B.; Lefkowitz, Jay P.
Cc: Silverberg, Kristen; Kavanaugh, Brett M.; Wiegmann, John B.
Subject: Re: Blocked Assets -- Next Steps

I can be there at 430.

.

----- Original Message -----
From:John B. Bellinger/NSC/EOP
To:Jay P. Lefkowitz/OPD/EOP@Exchange
Cc:kristen silverberg/who/eop@exchange,
brett m. kavanaugh/who/eop@eop,
john b. wiegmann/nsc/eop@eop
Date: 03/12/2003 08:27:56 AM
Subject: RE: Blocked Assets -- Next Steps

Situation Room at 4:00-5:30. Does this work for you?

From: Kavanaugh, Brett M.
To: <Kaplan, Joel>
Sent: 3/12/2003 1:01:13 PM
Subject: 11:10 sunday congressional on good course do not tell you know who yet

.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 3/12/2003 12:48:19 PM
Subject: : Charlotte Observer (3/12/03) Op-Ed by Sen. Dole re: Estrada

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-MAR-2003 17:48:19.00
SUBJECT:: Charlotte Observer (3/12/03) Op-Ed by Sen. Dole re: Estrada
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Posted on Wed, Mar. 12, 2003

Estrada deserves a vote

Democratic minority shouldn't keep qualified lawyer off the bench

ELIZABETH DOLE
Special to The Observer

It has been nearly two years since President George W. Bush nominated Miguel Estrada to the District of Columbia Court of Appeals. Since then, Estrada has been waiting for an up-or-down vote on the Senate floor, as provided by the U.S. Constitution.

Last week, doing the right thing lost out to partisan politics.

The Constitution only requires a majority of the Senate -- 51 votes -- to confirm a judicial nominee. On the Senate floor, a majority supported Estrada. But the 55 votes he received were not enough. Due to a Democratic filibuster, 60 votes are required to stop the talking and take action.

Sadly, 44 Democratic senators have decided that we should not vote, thereby holding Estrada to a double standard.

America is a land of hope, a land of faith, a land of opportunity. Miguel Estrada is an American success story.

He arrived in this country at age 17, an immigrant from Honduras, speaking little English. Through hard work and a strong respect for the U.S. legal system, he has risen to the top of the profession.

In every position -- whether editing the Harvard Law Review, clerking for U.S. Supreme Court Justice Anthony Kennedy, arguing 15 cases before the U.S. Supreme Court or litigating in the solicitor general's office (one of the most prestigious offices in government) -- he has proven himself exceptionally qualified and experienced.

In fact, the America Bar Association, whose recommendation the Democratic Party regards as the gold standard, has given him its highest ranking.

Some Senate Democrats attempt to justify the filibuster by claiming they are concerned about Estrada's "unwillingness" to answer questions or to release written memos from the solicitor general's office.

Last Thursday, the White House offered that any senators who still have questions for Estrada could meet with him privately or put questions to him in writing. The White House also invited senators to speak to his former supervisors -- Democrats and Republicans -- for their opinion of the solicitor general memoranda.

Only one senator has taken the White House up on its offer. And all seven former solicitors general still living -- four Democrats and three Republicans -- have strongly argued that releasing the documents would seriously threaten the government's ability to defend national interests in court.

So these protests ring hollow.

Just three years ago, Democratic Senate Leader Tom Daschle called for an up-or-down vote on every judicial nomination, saying, "I find it simply baffling that a senator would vote against even voting on a judicial nomination. Thus, today, I implore, one more time, every senator to follow Sen. Leahy's advice, and treat every nominee `with dignity and dispatch.' Lift your holds, and let the Senate vote on every nomination." Mr. Daschle, it's time to end the filibuster of Miguel Estrada, and reassume our Senate duty under the Constitution.

Every president deserves to have his judicial nominees voted on, and not filibustered away.

Every senator has a responsibility to exercise his or her constitutional duty to advise and consent on the judicial nominees of the president.

And every judicial nominee, starting with Miguel Estrada, deserves an up-or-down vote on the Senate floor.

From: Kavanaugh, Brett M.
To: <Bennett, Melissa S.>
Sent: 3/12/2003 8:08:51 PM
Subject: RE:

I did some work to find out about the org today, and some of the strange new rules for orgs like this depend (as least for now) on such questions. Thanks.

From: Melissa S. Bennett/WHO/EOP@Exchange on 03/12/2003 08:08:22 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE:

It is not a fundraiser (know that for SURE) and assume you don't have to pay to go, but I think I should check (to be SURE).

Let you know tomorrow

MB

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Wednesday, March 12, 2003 7:59 PM

To: Bennett, Melissa S.

Subject:

Is the John Chafee Main Street dinner a fundraiser? Does it cost anything to attend?

From: Bennett, Melissa S.
To: <Kavanaugh, Brett M.>
Sent: 3/12/2003 8:08:22 PM
Subject: RE:

It is not a fundraiser (know that for SURE) and assume you don't have to pay to go, but I think I should check (to be SURE).

Let you know tomorrow
MB

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From: Kavanaugh, Brett M.
Sent: Wednesday, March 12, 2003 7:59 PM
To: Bennett, Melissa S.
Subject:

Is the John Chafee Main Street dinner a fundraiser? Does it cost anything to attend?

From: Bennett, Melissa S.
To: <Kavanaugh, Brett M.>
Sent: 3/12/2003 8:14:00 PM
Subject: RE:

Thanks for your help. I'll find out more and let you know tomorrow.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 12, 2003 8:09 PM
To: Bennett, Melissa S.
Subject: RE:

I did some work to find out about the org today, and some of the strange new rules for orgs like this depend (as least for now) on such questions. Thanks.

From: Melissa S. Bennett/WHO/EOP@Exchange on 03/12/2003 08:08:22 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

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Subject:

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From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 3/12/2003 8:21:08 PM
Subject: RE: contacts for Campbell

What's your ETA on the Myers memo? No rush (as long as I get in the morning), just wanted to know if I should wait for it.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;David G. Leitch/WHO /EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/13/2003 4:04:20 AM
Subject: : Miami Herald (3/13/03) re: US to follow FL way to pick judges

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-MAR-2003 09:04:20.00
SUBJECT:: Miami Herald (3/13/03) re: US to follow FL way to pick judges
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/13/2003 09:04 AM ----------

Jeanie S. Mamo
03/13/2003 09:03:20 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Miami Herald (3/13/03) re: US to follow FL way to pick judges

Posted on Thu, Mar. 13, 2003

U.S. to follow Florida way to pick judges
BY FRANK DAVIES
Miami Herald

WASHINGTON - Sen. Bob Graham said Wednesday that White House officials, after months of discussions, had agreed to follow Florida's nonpartisan process for selecting nominees to be federal judges, prosecutors and U.S. marshals.
The agreement means that Graham, a Florida Democrat, will not object to the nomination of Cecilia Altonaga of Miami to a federal judgeship in South Florida, or to three U.S. marshal nominees in Florida. Altonaga would be the first Cuban-American woman on the federal bench.
It was not clear whether the agreement would affect Graham's vote today

when GOP leaders in the Senate try for a second time to end a Democratic filibuster that has blocked a vote on Miguel Estrada, President Bush's controversial nominee to an appellate judgeship in Washington, D.C.
Graham, who is recovering from heart surgery, was not present last week when Republicans mustered 55 votes, five short of the total needed to end debate. Graham did not say how he will vote today.
''There is no quid pro quo'' for the agreement with the White House announced Wednesday, said Paul Anderson, a Graham spokesman.
Last year, Graham complained that the Florida Federal Nominating Commission's three candidates for the South Florida judgeship were set aside, and the White House asked for three more names, eventually nominating Altonaga.
In a letter to Graham, White House chief of staff Andrew Card said Bush ``is committed to following the commission process in Florida and intends to abide by the rules of procedure for the nominating commission.''
''This is an important assurance,'' said Graham, who added that he had no objection to Altonaga, only to the circumvention of the process. ``This process has allowed the federal court system in Florida to retain public confidence and maintain its independence from political influence.''

Message Sent
To:_____
Paul B. Dyck/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Ashley Snee/WHO/EOP@Exchange@EOP

From: Remington, Kristi L <Kristi.L.Remington@usdoj.gov>

To: 'Sander, Andrea (Judiciary)' <Andrea_Sander@Judiciary.senate.gov>;'Seidel, Rebecca (Judiciary)' <Rebecca_Seidel@Judiciary.senate.gov>;'Miranda, Manuel (Frist)' <Manuel_Miranda@frist.senate.gov>;'McLean, Camila (Chambliss)' <Camila_McLean@chambliss.senate.gov>;'Lari, Rita (Judiciary)' <Rita_Lari@Judiciary.senate.gov>;'Matal, Joe (Judiciary)' <Joe_Matal@Judiciary.senate.gov>;'Groover, Chad (Judiciary)' <Chad_Groover@Judiciary.senate.gov>;Receipt Notification Requested) (Dabney_Friedrich@Judiciary.senate.gov (Receipt Notification Requested) [UNKNOWN] <Dabney_Friedrich@Judiciary.senate.gov>;Receipt Notification Requested) (Rena_Johnson_Comisac@Judiciary.senate.gov (Receipt Notification Requested) [UNKNOWN] <Rena_Johnson_Comisac@Judiciary.senate.gov>;Receipt Notification Requested) (Jessica_Caramanica@Judiciary.senate.gov (Receipt Notification Requested) [UNKNOWN] <Jessica_Caramanica@Judiciary.senate.gov>;'Augustine, Rene (Judiciary)' <Rene_Augustine@Judiciary.senate.gov>;'frank_brown@specter.senate.gov' <frank_brown@specter.senate.gov>;'Dahl, Alex (Judiciary)' <Alex_Dahl@Judiciary.senate.gov>;'Barnes, Cindy (Judiciary)' <Cindy_Barnes@Judiciary.senate.gov>;'Smith, William (Judiciary)' <William_Smith@Judiciary.senate.gov>;Receipt Notification Requested) (MarthaScott_Poindexter@chambliss.senate.gov (Receipt Notification Requested) [UNKNOWN] <MarthaScott_Poindexter@chambliss.senate.gov>;'Taylor, Steve (Judiciary)' <Steve_Taylor@Judiciary.senate.gov>;'Levitas, Peter (Judiciary)' <Peter_Levitas@Judiciary.senate.gov>;'Kim, Wan (Judiciary)' <Wan_Kim@Judiciary.senate.gov>;'Higgins, Stephen (Judiciary)' <Stephen_Higgins@Judiciary.senate.gov>;'Galyean, James (L. Graham)' <James_Galyean@lgraham.senate.gov>;'Delrahim, Makan (Judiciary)' <Makan_Delrahim@Judiciary.senate.gov>;'Castle, William (Judiciary)' <William_Castle@Judiciary.senate.gov>;'Bentley, Shawn (Judiciary)' <Shawn_Bentley@Judiciary.senate.gov>;'Snell, BethAnn (Judiciary)' <BethAnn_Snell@Judiciary.senate.gov>;'brooke_roberts@craig.senate.gov' <brooke_roberts@craig.senate.gov>;'Ho, James (Judiciary)' <James_Ho@Judiciary.senate.gov>

CC: 'Ledeen, Barbara (Republican-Conf)' <Barbara_Ledeen@src.senate.gov>;Receipt Notification Requested) ("IMCEACCMAIL-Joe+20Jacquot+20at+20HUTCHINSON-DC"@routing.senate.gov (Receipt Notification Requested) [UNKNOWN] <IMCEACCMAIL-Joe+20Jacquot+20at+20HUTCHINSON-DC"@routing.senate.gov>;Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>;Koebele, Steve <Steve.Koebele@usdoj.gov>;'Duffield, Steven (RPC)' <Steven_Duffield@rpc.senate.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;'Stahl, Katie (Judiciary)' <Katie_Stahl@Judiciary.senate.gov>;Sales, Nathan <Nathan.Sales@usdoj.gov>;Brown, Jamie E (OLA) <Jamie.E.Brown@usdoj.gov>

Sent: 3/13/2003 2:36:10 AM

Subject: : Owen op-ed (Gonzales)

Attachments: P_11ZME003_WHO.TXT_1.pdf

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> ( "Remington, Kristi L"
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We wanted to make sure that everyone had a copy of Judge Gonzales' op-ed
from last summer. See below.

- Gonzales op-ed.pdf
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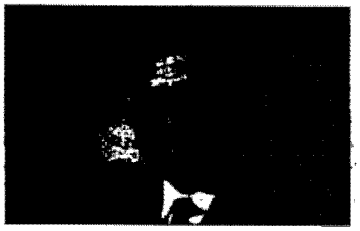
From my experience, I know she is a jurist of integrity

ALBERTO GONZALES



Both the president and the Senate have constitutionally assigned roles in the appointment of federal judges. President Bush has fulfilled his responsibility by submitting highly qualified nominees who will be common-sense federal judges, such as Priscilla Owen, my former colleague on the Texas Supreme Court who has been nominated to the 5th U.S. Circuit Court of Appeals.

Justice Owen will receive her Senate Judiciary Committee hearing on Thursday, which regrettably is more than 14 months after the president submitted her nomination to the Senate. Although the Senate has made progress in confirming federal trial court judges, it has failed to act promptly on the president's appeals court nominees, as illustrated by its delay in considering Justice Owen's nomination. Indeed, 23 of the president's 32 appeals court nominees still haven't received Senate votes, and 11 of the president's appeals court nominees, including Justice Owen, have been forced to wait more than a year just for hearings.

As a result of those delays, our courts of appeals are nearly 20 percent vacant, and many of the vacancies, including the 5th Circuit vacancy in Texas, have been classified as emergencies by the Judicial Conference of the United States. Chief Justice William Rehnquist recently labeled the situation "alarming" and echoed Mr. Bush's call for the Senate to grant prompt hearings and up-or-down votes for all judicial nominees.

Now that she finally is receiving her hearing, Justice Owen should be promptly confirmed by the Senate. She possesses exceptional integrity, character and intellect; extensive experience as a judge and lawyer in private practice; and the strong support of both senators from Texas. She has served with distinction on the Texas Supreme Court since 1995 (where I served with her).

Texas holds elections for judges: Priscilla Owen was re-elected in 2000 by an overwhelming majority, and every major newspaper in Texas endorsed her. Before becoming a judge, Justice Owen practiced law at a leading firm in Texas for 17 years. Her academic credentials are impeccable, having graduated with honors from Baylor Law School. She received the highest grade on the Texas Bar Exam. The American Bar Association unanimously rated her "well qualified," its highest possible rating.

Justice Owen also has used her talents to benefit others. She served as the Texas Supreme Court liaison to statewide committees regarding legal services to the poor and pro bono legal services. She worked on a committee that successfully encouraged the Texas Legislature to enact legislation that has resulted in millions of dollars in additional funds for providers of legal services to the poor. She helped organize a group that seeks to lessen the adversarial nature of legal proceedings when a marriage is dissolved.

As someone who had the privilege of serving with Priscilla Owen on the Texas Supreme Court, I can say without hesitation that she is extraordinarily well qualified to serve as a judge on the federal appeals court. Some have questioned Justice Owen's qualifications because she and I disagreed at times on the interpretation of a new Texas parental notification statute in 2000. As all judges know, cases of statutory construction often result in disagreements among judges honestly struggling to interpret the statute, particularly when the statute is vague or ambiguous.

The fact that Justice Owen and I disagreed in some cases is unremarkable. My experience serving with Justice Owen squares with the combined judgment of the president, Sen. Phil Gramm, Sen. Kay Bailey Hutchison, the American Bar Association and many others: She is an outstanding jurist and will perform superbly as a federal appeals court judge.

The Senate should confirm Justice Owen promptly and then move quickly to schedule hearings and votes for all of the president's other long-pending nominees.

Alberto R. Gonzales is counsel to the president.

** TOTAL PAGE.01 **

REV_00111781

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To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B. Dyck>
Sent: 3/13/2003 4:03:22 AM
Subject: : Miami Herald (3/13/03) re: US to follow FL way to pick judges

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Posted on Thu, Mar. 13, 2003

U.S. to follow Florida way to pick judges
BY FRANK DAVIES
Miami Herald

WASHINGTON - Sen. Bob Graham said Wednesday that White House officials, after months of discussions, had agreed to follow Florida's nonpartisan process for selecting nominees to be federal judges, prosecutors and U.S. marshals.

The agreement means that Graham, a Florida Democrat, will not object to the nomination of Cecilia Altonaga of Miami to a federal judgeship in South Florida, or to three U.S. marshal nominees in Florida. Altonaga would be the first Cuban-American woman on the federal bench.

It was not clear whether the agreement would affect Graham's vote today when GOP leaders in the Senate try for a second time to end a Democratic filibuster that has blocked a vote on Miguel Estrada, President Bush's controversial nominee to an appellate judgeship in Washington, D.C.

Graham, who is recovering from heart surgery, was not present last week when Republicans mustered 55 votes, five short of the total needed to end debate. Graham did not say how he will vote today.

''There is no quid pro quo'' for the agreement with the White House announced Wednesday, said Paul Anderson, a Graham spokesman.

Last year, Graham complained that the Florida Federal Nominating Commission's three candidates for the South Florida judgeship were set aside, and the White House asked for three more names, eventually

nominating Altonaga.
In a letter to Graham, White House chief of staff Andrew Card said Bush ``is committed to following the commission process in Florida and intends to abide by the rules of procedure for the nominating commission.''
''This is an important assurance,'' said Graham, who added that he had no objection to Altonaga, only to the circumvention of the process. ``This process has allowed the federal court system in Florida to retain public confidence and maintain its independence from political influence.''

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Attachments:	~~DLNK0.URL

---------- Forwarded by H. Christopher Bartolomucci/WHO/EOP on 03/13/2003 08:54 AM ----------

Jeanie S. Mamo

03/13/2003 08:52:30 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: St. Pete Times (3/13/03) re: Graham removes blockade on marshals, judge approvals

Graham removes blockade on marshals, judge approvals

By LUCY MORGAN, Times Tallahassee Bureau Chief << mailto:morgan@sptimes.com >>

© St. Petersburg Times

published March 13, 2003

TALLAHASSEE -- U.S. Sen. Bob Graham has withdrawn his objections to all federal nominations in Florida, clearing the way for the appointment of three new U.S. marshals and two judges.

It was welcome news to Thomas Hurlburt Jr. and Dennis Williamson, nominees for marshal positions in Tampa and Tallahassee.

Hurlburt, a former public safety director and police chief in Orlando, and Williamson, former deputy director of the Florida Department of Law Enforcement, quit their jobs in September, expecting to assume their new posts in October. But Graham objected when President Bush nominated Christina Pharo, a deputy marshal in Miami, to be U.S. marshal there. The nominating commission had not recommended Pharo.

"My complaint has never been with the qualifications of these individual nominees, but with the fact that the White House deviated from the nominating process which has so well served Floridians," Graham said.

Hurlburt and Williamson were both recommended by the commission, but their appointments got caught up in the controversy.

Wednesday, Graham said he is dropping his opposition to the three nominees for U.S. marshal positions as well as to judicial nominee Cecilia M. Altonaga, who would become the first Cuban-American woman to sit on the federal bench.

Graham also will accept the nominees to replace U.S. District Judge Lacey Collier of Pensacola, who is retiring later this year.

Graham attached a copy of a March 12 letter from White House chief of staff Andrew H. Card Jr., saying he wanted to "reiterate that the president is committed to following the commission process in Florida" and intends to follow it in the future.

Message Sent To:

Nicolle Devenish/WHO/EOP@EOP

Paul B. Dyck/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

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Sent:	3/13/2003 9:02:31 AM
Subject:	Miami Herald (3/13/03) re: US to follow FL way to pick judges

Posted on Thu, Mar. 13, 2003

U.S. to follow Florida way to pick judges

BY FRANK DAVIES

Miami Herald

WASHINGTON - Sen. Bob Graham said Wednesday that White House officials, after months of discussions, had agreed to follow Florida's nonpartisan process for selecting nominees to be federal judges, prosecutors and U.S. marshals.

The agreement means that Graham, a Florida Democrat, will not object to the nomination of Cecilia Altonaga of Miami to a federal judgeship in South Florida, or to three U.S. marshal nominees in Florida. Altonaga would be the first Cuban-American woman on the federal bench.

It was not clear whether the agreement would affect Graham's vote today when GOP leaders in the Senate try for a second time to end a Democratic filibuster that has blocked a vote on Miguel Estrada, President Bush's controversial nominee to an appellate judgeship in Washington, D.C.

Graham, who is recovering from heart surgery, was not present last week when Republicans mustered 55 votes, five short of the total needed to end debate. Graham did not say how he will vote today.

"There is no quid pro quo" for the agreement with the White House announced Wednesday, said Paul Anderson, a Graham spokesman.

Last year, Graham complained that the Florida Federal Nominating Commission's three candidates for the South Florida judgeship were set aside, and the White House asked for three more names, eventually nominating Altonaga.

In a letter to Graham, White House chief of staff Andrew Card said Bush ``is committed to following the commission process in Florida and intends to abide by the rules of procedure for the nominating commission."

"This is an important assurance," said Graham, who added that he had no objection to Altonaga, only to the circumvention of the process. ``This process has allowed the federal court system in Florida to retain public confidence and maintain its independence from political influence."

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Subject:	Palm Beach Post (3/13/03) re: Judicial nominating process revised

Judicial nominating process revised

By Angel Wilson, Palm Beach Post Staff Writer

Thursday, March 13, 2003

WASHINGTON -- The Bush administration and Florida's U.S. senators have agreed to a revised process for nominating federal judges, prosecutors and U.S. marshals.

"This is an important assurance from Chief of Staff Andy Card that the White House will abide by the nominating process that has allowed the federal court system in Florida to retain public confidence and maintain its independence from political influence," said Sen. Bob Graham, D-Fla., who announced the agreement Wednesday.

Since the 1980s federal judicial nominees have been screened by a nonpartisan commission. Up until 2001, the commission members were appointed by the state's U.S. senators. Since 2001, the commission has been appointed by Gov. Jeb Bush and Reps., Bill Young, R-Indian Rocks Beach, and E. Clay Shaw Jr., R-Fort Lauderdale.

The commission usually recommends to the administration three people for each vacancy. Last year, the commission's initial recommendations to fill a judgeship in the Southern District of Florida were rejected by the White House and another set of nominees was later recommended.

Graham and Sen. Bill Nelson, D-Fla., objected to the administration's actions. In a compromise, the White House has agreed to allow the nominating commission to send up to six names for consideration.

People already nominated or under consideration to fill a vacancy will not have to go through the new process, Graham said.

Currently, there are four people up for federal positions: Miami-Dade County Circuit Judge Cecilia M. Altonaga, a judicial nominee for the Southern District Court, who could become the first Cuban-American woman to sit on the federal bench; Christina Pharo, nominated for U.S. marshal in the Southern District; and two other marshal nominees in other Florida districts.

Graham said he "has never been (concerned) with the qualifications of these individual nominees, but with the fact that the White House deviated from the nominating process which has so well served Floridians."

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Subject: FW: Senate Schedule Update

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Sent: Thursday, March 13, 2003 11:49 AM
Subject: Senate Schedule Update

Senate Schedule Update:
> Thursday, March 13, 2003
> Vote Changed to 2:15 p.m.
>
> The Motion to Invoke Cloture on the Miguel Estrada nomination to the
> U.S. Court of Appeals for the D.C. Circuit has been changed to 2:15 p.m. The order for debate on the Estrada nomination from 11:30 a.m. to 12:30 p.m. will remain the same.

>
> At 12:30 p.m. the Senate will begin consideration of the Jay S. Bybee
> nomination to be U.S. Circuit Judge for the Ninth Circuit (Calendar
> #36) -- the same circuit that struck "under God" from the Pledge of
> Allegiance.
>
Bill Wichterman
Policy Advisor
Senate Majority Leader's Office
S-230 U.S. Capitol
Washington, DC 20510
202-224-3135

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Nanette Everson/WHO /EOP@EOP [WHO] <Nanette Everson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Elizabeth N. Camp/WHO/EOP@EOP [UNKNOWN] <Elizabeth N. Camp>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
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---------- Forwarded by Noel J. Francisco/WHO/EOP on 03/13/2003 03:04 PM ----------

"Nielson, Howard" <Howard.Nielson@usdoj.gov>
03/13/2003 02:53:42 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: FW: first the pledge, and now the flag!

FYI

-----Original Message-----
From: Katsas, Gregory
Sent: Thursday, March 13, 2003 2:41 PM
To: Nielson, Howard; Clement, Paul D; Keisler, Peter D; Collins, Dan

Subject: FW: first the pledge, and now the flag!

The Ninth Circuit never ceases to amaze --

-----Original Message-----
From: Loeb, Robert
Sent: Thursday, March 13, 2003 1:26 PM
To: Katsas, Gregory; Sturgill, Lowell; Kopp, Robert
Subject: first the pledge, and now the flag!

- 0215385.pdf

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File attachment <P_ONQNE003_WHO.TXT_1>

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CASSANDRA COURTNEY *Plaintiffs-Appellees,* v. CALIFORNIA DEPARTMENT OF TRANSPORTATION *Defendants-Appellants.*	No. 02-15385 D.C. No. CV-01-21200-PVT OPINION

Appeal from the United States District Court
for the Northern District of California
Ronald M. Whyte, District Judge, Presiding

Argued and Submitted
October 9, 2002San Francisco, California

Filed March 13, 2003

Before: Dorothy W. Nelson, Robert R. Beezer and
Kim McLane Wardlaw, Circuit Judges.

Opinion by Judge Wardlaw;
Concurrence by Judge Beezer

REV_00111851

COUNSEL

Bruce A. Behrens, Chief Counsel; David Gossage, Deputy Chief Counsel; Janet Wong, Assistant Chief Counsel; Daniel P. Weingarten, Deputy Attorney, San Francisco, California, for the appellants.

James Wheaton, David Greene, Oakland California; G. Dana Scruggs, Austin B. Comstock, Santa Cruz, California, for the appellees.

OPINION

WARDLAW, Circuit Judge:

We must decide whether the California Department of Transportation's policy of permitting an individual to display United States flags, but no other expressive banners, on highway overpasses constitutes unreasonable viewpoint discrimination in violation of the First Amendment.

I. Background

In the wake of the September 11th terrorist attacks, an American citizenry united in grief, fear, and defense of country, joined in a spontaneous display of patriotism. Across America, her great national emblem, the United States flag, and its colors, became ubiquitous, appearing everywhere

REV_00111852

from cars to homes, buildings to clothes. The President of the United States, on September 21, 2001, addressed the nation: The only way to defeat terrorism as a threat to our way of life is to stop it, eliminate it and destroy it where it grows.[1] This declaration of a war on terrorism heightened the patriotic fervor, and, according to the California Department of Transportation (CalTrans), resulted in the proliferation of flags on California's highways.

Highway 17 in Santa Cruz, California, was no exception. Private individuals hung flags from the highway's overpasses. On November 27, 2001, Amy Courtney and Cassandra Brown, concerned over the public's apparent failure to question the prospect of going to war, hung a responsive banner adjacent to a flag reading, At What Cost?. A Scotts Valley police officer immediately removed the banner because it posed a safety risk.[2] The following week Courtney and Brown attempted again to voice their message, hanging another sign reading, At What Cost? as well as one reading, Are you Buying this War?. These anti-war banners were also immediately removed. Although the person who removed the banners is unknown, CalTrans has taken the position throughout this litigation that it would have removed them pursuant to its own policy if someone else had not.

It is CalTrans's stated encroachment permit policy that citizens who wish to display a sign on a California highway overpass must obtain a permit to do so. Even then, permits are only available for signs designating turnoffs for special

[1] *President Bush's Address on Terrorism Before a Joint Meeting of Congress*, N.Y. Times, Sept. 21, 2001, at B4.

[2] The lawsuit also originally named the Scotts Valley Police Department and Police Chief Tom Bush for this act. The district court dismissed these parties because their inclusion was based on a single officer's action, thus the Department was not engaged in a policy and practice of depriving citi-

REV_00111853

events. Citizens wishing to display any other message are prohibited from using the highway overpass to do so. Notwithstanding this policy, CalTrans does not prohibit the display of American flags, nor does it impose a permitting process for their display.

Brown and Courtney filed an action under 42 U.S.C. 1983 for deprivation of their First Amendment rights against CalTrans and its director Jeff Morales (collectively CalTrans). Finding Highway 17 to be a nonpublic forum under the First Amendment, the district court ruled that the CalTrans policy met neither the reasonableness nor viewpoint neutrality requirements for state infringement on speech in a nonpublic forum. Accordingly, it entered a preliminary injunction against CalTrans's policy of exempting American flags from permit requirements but requiring permits for, or prohibiting altogether, the display of all other expressive signs and banners.

CalTrans challenges entry of the injunction. It argues that because alternative means for expression of Courtney and Brown's anti-war messages are available, they failed to demonstrate the requisite risk of irreparable injury. CalTrans also asserts that Courtney and Brown failed to demonstrate a likelihood of success on the merits of their First Amendment claim, maintaining that its policy was both reasonable and viewpoint neutral. Because the policy is neither, and no equivalent alternative means of expression have been demonstrated, we affirm.[3]

II. Standard of Review

To obtain a preliminary injunction, Courtney and Brown must demonstrate either (1) a combination of probable success on the merits and the possibility of irreparable harm; or

[3]We have jurisdiction pursuant to 28 U.S.C. 1292(a)(1), allowing for the immediate appeal of an order granting a preliminary injunction.

REV_00111854

(2) that serious questions are raised and the balance of hardships tips in [their] favor. *A & M Records, Inc. v. Napster, Inc.*, 239 F.3d 1004, 1013 (9th Cir. 2001). The formulas do not differ, but reflect two points on a sliding scale in which the degree of irreparable harm increases as the probability of success on the merits decreases. *Associated Gen. Contractors of Cal., Inc. v. Coalition for Econ. Equity*, 950 F.2d 1401, 1410 (9th Cir. 1991).

We review the district court's grant of a preliminary injunction for abuse of discretion. *United States v. Peninsula Communications, Inc.*, 287 F.3d 832, 839 (9th Cir. 2002). We review a district court's conclusion of law de novo. *Lovell v. Poway Unified Sch. Dist.*, 90 F.3d 367, 370 (9th Cir. 1996). Given the special solicitude we have for claims alleging the abridgment of First Amendment rights, we review a district court's findings of fact when striking down a restriction on speech for clear error. *Id.* Within this framework, we review the application of facts to law on free speech questions de novo. *Planned Parenthood v. Am. Coalition of Life Activists*, 290 F.3d 1058, 1070 (9th Cir. 2002) (en banc).

III. Likelihood of Success on the Merits

[1] To evaluate the likelihood of success on the merits of Courtney and Brown's free speech claim, we must address three issues. First, we must classify the highway under the Supreme Court's forum analysis to determine whether the Government's interest in limiting the use of its property . . . outweighs the interest of those wishing to use the property for other purposes. *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 800 (1985). Second, we assess the appropriate level of scrutiny for that forum. *Children of the Rosary v. City of Phoenix*, 154 F.3d 972, 976 (9th Cir. 1998). Finally, we must determine whether CalTrans's policy withstands this scrutiny. *Id.*

[2] In defining the relevant forum, the Court has focused on the access sought by the speaker. *Id.* Because Courtney

REV_00111855

and Brown hung their banners from highway overpass fences, the forum at issue is the highway overpass fence. We must next determine whether a highway overpass fence is a public, designated public, or nonpublic forum. A traditional public forum, such as a public park or sidewalk, is a place that has traditionally been available for public expression. *DiLoreto v. Downey Unified Sch. Dist. Bd. of Educ.*, 196 F.3d 958, 964 (9th Cir. 1999) (internal quotation marks omitted). However, [w]hen the government intentionally opens a nontraditional forum for public discourse it creates a designated public forum. *Id.* All remaining public property is considered nonpublic fora. *Id.* at 965.

[3] The district court determined, and Courtney and Brown do not contend otherwise, that California state highway overpass fences are not public fora. We agree. The State's highway overpass fences have not traditionally been available for public expression. *Id* at 964.

[4] The district court also correctly determined that the overpass is not a designated public forum. The government does not create a public forum by inaction or by permitting limited discourse, but only by intentionally opening a nontraditional forum for public discourse. *Cornelius*, 473 U.S. at 802. To determine whether the government intended to open the forum for public discourse, the Court has looked to the policy and practice of the government, the nature of the property and its compatibility with expressive activity, and whether the forum was designed and dedicated to expressive activities . . . . *Children of the Rosary*, 154 F.3d at 976. As the district court recognized, overpass fences are not compatible with expressive activity because messages displayed invariably distract drivers, thereby posing safety risks. The policy and practice of CalTrans has been to prohibit all expressive banners except directional signs and American flags. Because CalTrans has not intentionally made highway overpasses available for public discourse, they are not designated public fora.

REV_00111856

[5] The highway overpasses are thus nonpublic fora. Restrictions on free expression in a nonpublic forum are constitutional only if the distinctions drawn are (1) reasonable in light of the purpose served by the forum and (2) viewpoint neutral. *Cornelius*, 473 U.S. at 806.

A. Reasonableness

[6] The 'reasonableness' analysis focuses on whether the limitation is consistent with preserving the property for the purpose to which it is dedicated. *DiLoreto*, 196 F.3d at 967. It is undisputed that the purpose of the highway is for transportation and CalTrans is charged with monitoring its maintenance and safety. The purpose of the highway overpass and its fence is for safe crossing over the highway, either by pedestrians or other vehicular traffic. CalTrans offers two reasons why its policy of allowing flags, but no other banners on the overpasses is reasonable: Its policy, it says, is designed to promote safety and conform to state law.

According to CalTrans, the posting of signs and banners poses a variety of significant safety risks, including the potential for falling signs and distracted motorists. CalTrans believes that flags, while still distracting, are less distracting than banners, and therefore considers it reasonable not to remove them.

[7] CalTrans's safety justifications for its policy of prohibiting or requiring permits for expressive banners, however, apply with equal force to flags. Allowing citizens to hang flags presents the same risk of falling objects that accompanies all other signs and banners. The record is devoid of evidence that flags are less prone to falling or are generally fastened more securely than other banners. Moreover, CalTrans's goal of reducing distractions to motorists is incompatible with the display of flags, which it concedes are also distracting. CalTrans offers no credible evidence for its supposition that flags are less distracting than other types of ban-

REV_00111857

ners. Flags, particularly in a time of war, could evoke extremely distracting thoughts, including feelings of patriotism, remembrance of past wars and lost loved ones, fear, or impassioned dissent. On the other hand, depending on its content, a message on a homemade banner could evoke no reaction at all. CalTrans has not even studied the question of whether all flags are less distracting than any sign (even a blank one). While the inquiry into reasonableness is a deferential one, *Int'l Soc'y for Krishna Consciousness, Inc. v. Lee*, 505 U.S. 672, 683 (1992), CalTrans's proffered justification that the display of flags, which poses the dual safety risks of falling objects and motorist distraction, increases highway safety is patently unreasonable.

CalTrans also contends that its policy is compelled by its obligation to comply with the 1953 California state statute governing the display of flags, which reads:

> The Flag of the United States of America and the Flag of the State of California may be displayed on a sidewalk located in or abutting on a state highway situated within a city, if the type of flag-holder and the method of its installation and maintenance are not in violation of the department's rules.

Cal. Sts. & High. Code 670.5. At oral argument, CalTrans abandoned its reliance on this statute, and for good reason. It simply does not apply to the facts of this case.

To determine whether a statute applies to a set of facts, we must begin with the text of the statute itself. *Bay Area Addiction Research & Treatment, Inc. v. City of Antioch*, 179 F.3d 725, 730 (9th Cir. 1999). The plain language of the statute, may be displayed, makes it discretionary, a fact that wholly undermines CalTrans's argument that the statute requires it to do anything with respect to the display of flags. In addition, the statute refers to a flag-holder placed on a sidewalk. The flags on Highway 17, however, were not contained in

flag holders, but fastened to fences with zip-ties. Nor were they displayed on sidewalks, but hung from overpasses. Thus, it is evident that this statute has nothing to do with the CalTrans policy. Because CalTrans's policy of allowing citizens to hang flags but not banners from highway overpasses is not required by state law, and the safety concerns apply equally to both flags and expressive banners, the policy is not reasonable.

B. Viewpoint Neutrality

[8] We next determine whether CalTrans's policy amounts to impermissible viewpoint discrimination. *Cornelius*, 473 U.S. at 806. Viewpoint discrimination is a form of content discrimination in which 'the government targets not subject matter, but particular views taken by speakers on a subject.' *Children of the Rosary*, 154 F.3d at 980 (quoting *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995)). CalTrans claims its policy does not favor or target any particular view because the flag does not represent a viewpoint. In the alternative, CalTrans argues that if the flag does represent a viewpoint, the government is entitled to espouse it.

[9] We first reject CalTrans's argument that the flag encompasses so many different views that it represents no viewpoint at all. The very purpose of a national flag is to serve as a symbol of our country; it is . . . the one visible manifestation of two hundred years of nationhood. *Texas v. Johnson*, 491 U.S. 397, 405 (1989). The reason the events of September 11th evoked such a spontaneous proliferation of flags is precisely because of its message. Americans sought solace in the symbol of a nation joined in the effort to combat terror in the face of tragedy. Indeed, it is the potency of the flag's message that makes CalTrans reluctant to remove it from California's highways. In light of recent world events, that reluctance is laudable; however, the policy derived from it is not.

REV_00111859

[10] After the events of September 11th, what the flag's powerful message does not encompass, for many, is exactly that which Courtney and Brown voice: dissent. When nations . . . knit the loyalty of their followings to a flag, *id.*, those who seek not to follow but to chart a different course are unable to express their message through the flag. In a nation founded on the tolerance of dissent, [t]he way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong. *Id.* at 419. Honoring the principles for which the flag stands extends beyond waving it in tribute. Those principles can survive only by allowing the voice of dissent to be heard.

Alternatively, CalTrans argues that if we find that the flag represents a viewpoint, its policy survives scrutiny because, as an arm of state government, it is entitled to endorse that view. CalTrans's reliance upon *Rust v. Sullivan*, 500 U.S. 173 (1991), to support this proposition is misplaced. In *Rust*, the Supreme Court held that Congress may prohibit physicians providing medical care in government-funded health care programs from discussing abortion with their patients. *Id.* at 200. The Court recognized that when the government appropriates public funds to promote a particular policy of its own it is entitled to say what it wishes. *Rosenberger*, 515 U.S. at 833 (citing *Rust*, 500 U.S. at 194). In so doing, the Government has not discriminated on the basis of viewpoint; it has merely chosen to fund one activity to the exclusion of the other. *Rust*, 500 U.S. at 193.

The *Rust* holding does not encompass the policy at issue. Here, the government neither hung the flag itself nor delegated that authority nor funded the project private citizens spontaneously expressed their message of patriotism by hanging their flags. Thus, the display of flags is not state-sponsored speech, unlike in *Rust*. *Rust*'s holding has been limited to situations in which the government is itself the speaker, or instances . . . in which the government used pri-

REV_00111860

vate speakers to transmit [its own message]. *Legal Servs. Corp. v. Velazquez*, 531 U.S. 533, 541 (2001) (internal quotation marks and citations omitted).

Second, *Rust* addresses only the government's ability to exclude from a government-funded program speech that is incompatible with the program's objectives. While CalTrans argues that it is entitled to advocate a patriotic message, such an entitlement does not comport with its objective of ensuring safe and efficient transport on California's highways. CalTrans is not executing a government-funded project to promote national unity or support the war effort. Such an undertaking must be implemented via elected policy-makers who are accountable to the public, not by transportation employees who permit, ad hoc, the display of certain banners and not others. *See Downs v. L.A. Unified Sch. Dist.*, 228 F.3d 1003, 1016 (9th Cir. 2000) (In order for the speaker to have the opportunity to speak as the government, the speaker must gain favor with the populace and survive the electoral process.).

We decline to extend the government-funding cases to a situation in which the government has not appropriated any funds toward achieving a policy goal for which it is accountable to the electorate. To do so would deal a crippling blow to the First Amendment by removing an essential check on the government's ability to support one viewpoint to the exclusion of another. *See Legal Servs. Corp.*, 531 U.S. at 541 (quoting *Bd. of Regents of Univ. of Wis. Sys. v. Southworth*, 529 U.S. 217, 235 (2000)) ([W]hen the government speaks, for instance to promote its own policies . . . it is, in the end, accountable to the electorate and the political process for its advocacy.).

IV. Irreparable Injury

[11] To establish irreparable injury in the First Amendment context, Courtney and Brown need only demonstrat[e] the

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existence of a colorable First Amendment claim. *Sammartano v. First Judicial Court*, 303 F.3d 959, 973 (9th Cir. 2002). Courtney and Brown have not only stated a colorable First Amendment claim, but one that is likely to prevail; they have thus established the potential for irreparable injury. *See Associated Gen. Contractors*, 950 F.2d at 1410.

[12] CalTrans contends that because alternate vehicles of expression are available to Courtney and Brown, they fail to demonstrate a colorable First Amendment claim sufficient to support the district court's finding of irreparable injury. CalTrans first argues that Courtney and Brown had the option of applying for a permit in order to express their message. This assertion is disingenuous at best. Although CalTrans authorizes permits for the display of signs providing directional assistance to motorists attending special events, it is plain that Courtney and Brown's expressive banners are not directional or related to a special event. Even if the signs were to qualify for a permit, Courtney and Brown nevertheless have demonstrated a discriminatory burden on speech, for there is no equivalent requirement for a person desiring to hang an American flag on an overpass. In a nonpublic forum, the government must not make distinctions based on the speaker's viewpoint. *Children of the Rosary*, 154 F.3d at 978. A viewpoint-based permit restriction, and the delay it would necessarily entail, is particularly destructive in the realm of political debate. Timing is of the essence in politics . . . . When an event occurs, it is often necessary to have one's voice heard promptly, if it is to be considered at all. *NAACP v. City of Richmond*, 743 F.2d 1346, 1356 (9th Cir. 1984).

CalTrans also points to the availability of billboard advertising space as a mechanism for Courtney and Brown to voice their message and thus avoid injury. This argument fails for the same reason: Restrictions on the expression of ideas in a nonpublic forum must be viewpoint neutral. Imposing a financial burden on one viewpoint while permitting the expression of another free of charge runs afoul of this requirement. A city

REV_00111862

cannot enable one side of a debate to fight freestyle, while requiring the other to follow Marquis of Queensberry rules. *R.A.V. v. City of St. Paul*, 505 U.S. 377, 392 (1992). Moreover, the delay involved in obtaining advertising space deals the same blow as does the permit requirement. The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

[13] Courtney and Brown have stated a colorable First Amendment claim and, thus, the risk of irreparable injury. *Sammartano*, 303 F.3d at 973. We are not persuaded that the injury is alleviated by the spurious claim of alternate avenues for communication of their dissenting views.

V. Conclusion

In the wake of terror, the message expressed by the flags flying on California's highways has never held more meaning. America, shielded by her very freedom, can stand strong against regimes that dictate their citizenry's expression only by embracing her own sustaining liberty.

AFFIRMED and **REMANDED** for further proceedings.

BEEZER, Circuit Judge, concurring:

I concur in Parts I-IV of the opinion of the court, except for the first paragraph of Part I, the first sentence of the second paragraph of Part I, the sixth, seventh and eighth sentences of the third paragraph of Part IIIA and the last four sentences of the second paragraph of Part IIIB. I concur in the judgment of the court affirming and remanding for further proceedings.

REV_00111863

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 3/13/2003 2:16:44 PM
Subject:

The Ninth Circuit strikes again, according to How Appealing:

Today a three-judge panel of the **U.S. Court of Appeals for the Ninth Circuit** affirmed a federal trial court's preliminary injunction that prohibits the California Department of Transportation from following its policy of exempting American flags from permit requirements pertaining to highway overpasses but requiring permits for, or prohibiting altogether, the display of all other expressive signs and banners on such overpasses. The majority opinion, written by Circuit Judge **Kim McLane Wardlaw**, concludes: In the wake of terror, the message expressed by the flags flying on California's highways has never held more meaning. America, shielded by her very freedom, can stand strong against regimes that dictate their citizenry's expression only by embracing her own sustaining liberty. You can access the complete ruling **at this link**.

From: HFord@doc.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: LRaad@doc.gov [UNKNOWN] <LRaad@doc.gov>;aWarren1@doc.gov [UNKNOWN] <aWarren1@doc.gov>
Sent: 3/13/2003 11:11:55 AM
Subject: : Clearance of political event for Secretary Don Evans

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READ:UNKNOWN
CC:LRaad@doc.gov (LRaad@doc.gov [UNKNOWN])
READ:UNKNOWN
CC:aWarren1@doc.gov (aWarren1@doc.gov [UNKNOWN])
READ:UNKNOWN
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Mr. Kavanaugh:

I'm an ethics attorney at Commerce and understand that current White House policy requires your clearance for the participation of administration officials in political events. Accordingly, I'm submitting an invitation to an April 15 fundraiser that Secretary Evans received from the Kanawha County (West Virginia) Republican Executive Committee. The text of the invitation appears below. The language does not, in our opinion, present a problem under Hatch Act rules. The event will occur on a trip with both political and official components; the "hard-time" breakdown will be used to allocate costs between political and official sources. We are prepared to clear Secretary Evans' participation in the event provided you have no problem with it.

Please let me know if you need further information about this event. I can be reached by phone at(202)482-4044 or e-mail at hford@doc.gov.

Thank you for your assistance.

Harrison S. Ford
Office of the Assistant General Counsel for Administration
U.S. Department of Commerce

The Kanawha County Republican Executive Committee
Cordially invites you to spend an evening with

The Honorable Don Evans
at the

2003 Lincoln Day Dinner
Tuesday, April 15, 2003
Embassy Suites Hotel, Charleston
Dinner 6:30 p.m. $50.00

Reservations requested by April 12, 2003
Please make checks payable to KCREC and
Send to P. O. Box 8132, South Charleston, WV 25303

Yes I will be attending, please send me _____ ticket(s) @ $50. per ticket, enclosed $_____

Paid for by Kanawha County Republican Executive Committee, Danny Blair, Treasurer

Please disregard if you are an employee of the State of West Virginia

From: Bartolomucci, H. Christopher
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>;<Walker, Helgard C.>
Sent: 3/13/2003 4:10:51 PM
Subject: Bybee confirmed 75-18

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/13/2003 1:17:11 PM
Subject: : NY Times story on today's events

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Partisan Struggle in Senate Over Bush Judicial Nominees
By NEIL A. LEWIS

ASHINGTON, March 13 * Priscilla R. Owen, the Texas Supreme Court Justice who was rejected by the Judiciary Committee last year when it was controlled by Democrats, got a rare second chance today as she appeared before the committee, which is now in Republican hands.

Justice Owen, who was turned down on a strict party-line vote last time, can almost certainly count on being approved on a strict party-line vote when it occurs in the next two weeks. Her renomination by President Bush and the expected approval comprise one element in the increasingly angry war between Republicans and Democrats over who will sit on the federal bench.

Today's hearing on Justice Owen was one of two events that demonstrated the chasm between both sides on the issue. In the other event, the Senate's Republicans, for the second time in as many weeks, failed to get enough votes to end a filibuster that has blocked a vote on President Bush's nomination of Miguel Estrada to a federal appeals court seat. Like last week, Republicans were able to get only 55 votes, five fewer than needed for cloture, the procedure needed to end the Democratic filibuster.

The Republicans have 51 Senate votes, enough to confirm Mr. Estrada, a 41-year-old Washington lawyer, to the seat on the United States Court of Appeals for the District of Columbia Circuit. But the Democrats have used the filibuster to foil a straight up-or-down vote, by engaging in lengthy debate whenever Mr. Estrada's name is put forward.

As they did last week, four Democrats * Senators John B. Breaux of

Louisiana, Zell Miller of Georgia, Ben Nelson of Nebraska and Bill Nelson of Florida * joined the Republicans for a total of 55 senators. The Republicans last week brought Hispanic recording artists to serenade the Capitol building to "demonstrate how the Estrada nomination resonates in the Hispanic community," held a special session Tuesday devoted solely to the Senate's role in confirming nominees, and have presented numerous letters deploring the situation from President Bush and his counsel Alberto R. Gonzales.

But today's vote showed that Republicans have made no progress in persuading any other Democrats to break ranks.

Democrats have asserted that Mr. Estrada is a stealth candidate, a staunch conservative who has not disclosed his views in speeches or writings and has thus been nominated as part of Mr. Bush's plan to pack the courts with right-wing idealogues. They have demanded memorandums he wrote as a Justice Department lawyer, memos that they say show the need to assess his philosophy. But Mr. Gonzales has resolutely refused, saying that doing so would discourage administration lawyers from providing candid legal advice if they knew their memos could be used someday in a confirmation hearing.

Six months ago, when Democrats still controlled the Senate, the Judiciary Committee turned back Justice Owen's nomination, with all 10 Democrats voting against it and all nine Republicans for it.

Now, the lineup on the committee is reversed, with 10 Republicans and nine Democrats. So it is highly likely that Justice Owen's nomination will be endorsed by the committee, only to be stalled by a filibuster in the full Senate.

Interviews with several senators and staff aides on both sides of the aisle show that there is no obvious immediate or easy way to resolve the situation. The only difference in today's vote from one taken last week was that Senator Bob Graham, a Florida Democrat who missed the last vote because he was recuperating from surgery, cast his ballot with his fellow Democrats.

The only way to break a filibuster is a parliamentary procedure requiring at least 60 votes, meaning the Republicans would need to persuade nine Democrats to join them.

"I will stand by Miguel Estrada's side until he is sworn in as a judge," President Bush said a week ago, after Republicans failed to break the filibuster.

Usually, the failure of a motion to invoke cloture means that the underlying issue or nomination is dead. But the Senate majority leader, Senator Bill Frist of Tennessee, and his fellow Republicans have said they will continue to seek cloture votes.

Mr. Frist's Democratic counterpart, Senator Tom Daschle of South Dakota, has expressed confidence that, no matter how many times the Republicans seek to break the filibuster, the Democrats can frustrate them.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Walker, Helgard C.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 3/13/2003 6:09:43 PM
Subject: good Grand Forks ND editorial . . . Dorgan running in '04

EDITORIAL: Call end to filibuster

OUR VIEW: Don't set a new constitutional standard of demanding a supermajority vote.

North Dakota's congressional delegation has to walk a political tightrope.

Sens. Kent Conrad and Byron Dorgan and Rep. Earl Pomeroy are Democrats, while North Dakota itself trends heavily Republican. The GOP's supermajorities in both houses of the state Legislature, plus the fact that voters chose Republicans for president in 1992, 1996 and 2000, illustrate this.

But the delegation not only has walked that tightrope, it has done handstands and even an occasional flip. All three members are masters of wrangling federal dollars for North Dakota projects. Furthermore, they've chosen their party-line issues with care, voting with the Democrats on the budget but showing more independence on some social and environmental issues.

The Miguel Estrada filibuster in the Senate, however, may change that perception.

Because the filibuster is as nakedly partisan as an issue gets.

Estrada is President Bush's candidate for the District of Columbia Circuit Court of Appeals. He's a Harvard Law School graduate who clerked for a Supreme Court justice, worked in the U.S. Solicitor General's office, argued cases in front of the Supreme Court, earned the top ranking of "well qualified" from the American Bar Association - and didn't speak English when he immigrated to the United States from Honduras, to boot.

Fifty-five senators (including four Democrats) support his nomination. But the other 45 Senators won't let it come to the floor for a vote. They've

invoked a filibuster. They say they're doing it because Estrada hasn't answered enough questions, but that's patently false. Senators know as much or more about Estrada as they have about most nominees. Furthermore, when given the chance to ask Estrada more questions in writing, not one Democratic senator took the administration up on its offer.

No, the transparent reason for the filibuster is that Estrada's a conservative Hispanic lawyer who has a shot at being named to the U.S. Supreme Court.

And for the left wing of the Democratic party, that's do-or-die unacceptable.

Conrad and Dorgan should distance themselves from this scorched-earth tactic. The Constitution gives the president the power to appoint "with the Advice and Consent of the Senate ... Judges of the supreme Court and all other Officers of the United States." It does so in the same paragraph in which it lists a special power demanding a 2/3 majority Senate vote - namely, the power to ratify treaties.

The Founding Fathers could have held judicial confirmations to that higher standard. But they didn't. Clearly, they intended judges to be confirmed by a simple Senate majority. Just as clearly, 200 years of Senate practice call for the same thing.

The GOP won its Senate majority fair and square. The filibustering Democrats smack of being spoilers when they obstruct majority rule, especially because their objection in this case is not based on truth, justice or the American way, but on politics.

Fifty-five duly elected United States senators are willing to give Estrada the nod. That's enough.

Let his nomination come to the floor, and call the vote.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Theodore W. Ullyot/WHO /EOP@EOP [WHO] <Theodore W. Ullyot>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>
Sent: 3/14/2003 3:59:23 AM
Subject: : FW: Next Meeting with the President

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:14-MAR-2003 08:59:23.00
SUBJECT:: FW: Next Meeting with the President
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
CC:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

reminder... times haven't changed (believe it or not):
-----Original Message-----
From: Nelson, Carolyn
Sent: Monday, March 10, 2003 8:39 AM
To: Bartolomucci, H. Christopher; Ullyot, Theodore W.; Leitch, David G.;
Gonzales, Alberto R.; Kavanaugh, Brett M.; Newstead, Jennifer G.; Powell,
Benjamin A.; Sampson, Kyle; Walker, Helgard C.
Cc: Bumatay, Patrick J.; Montiel, Charlotte L.
Subject: Next Meeting with the President


;
Meeting
with the President:;;Friday, March 14, 2:10-2:20pm, Oval Office
;
Prep:;;;;;;;;;;;;;;;;;;;;;1:50-2:05pm, Judge's Office
;
;
```

From: Silverberg, Kristen
To: <Kavanaugh, Brett M.>;<Kirk, Matthew>
Sent: 3/14/2003 8:15:03 AM
Subject:

How did the frozen assets provision get added to terror insurance last year? I don't remember. Was it in the Chairman's mark in the Senate? Did the Oxley bill have it?

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Bartolomucci, H. Christopher>;<Walker, Helgard C.>;<Ullyot, Theodore W.>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>;<Sampson, Kyle>
Sent: 3/14/2003 8:51:57 AM
Subject: fyi- Miguel Estrada and USHCC

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/14/2003 08:56 AM ----------

ABEL

GUERRA

03/14/2003 08:55:45 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Israel Hernandez/WHO/EOP@Exchange@EOP, Lezlee J. Westine/WHO/EOP@EOP, Ken Mehlman/WHO /EOP@EOP, Matthew E. Smith/WHO/EOP@EOP

Subject: fyi- Miguel Estrada and USHCC

BK,

At last night's US Hispanic Chamber of Commerce Legislative Dinner, attended by 600-700 guests, Miguel received a standing ovation from the audience when recognized by Secretary Chao during her keynote address. It was a much bigger ovation than Rep. Menendez received after his speech.

Abel

From: Guerra, Abel
To: <Kavanaugh, Brett M.>
CC: <Hernandez, Israel>;<Westine, Lezlee J.>;<Mehlman, Ken>;<Smith, Matthew E.>
Sent: 3/14/2003 8:52:32 AM
Subject: fyi- Miguel Estrada and USHCC

BK,

At last night's US Hispanic Chamber of Commerce Legislative Dinner, attended by 600-700 guests, Miguel received a standing ovation from the audience when recognized by Secretary Chao during her keynote address. It was a much bigger ovation than Rep. Menendez received after his speech.

Abel

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
CC: <Montiel, Charlotte L.>;<Bumatay, Patrick J.>
Sent: 3/14/2003 8:59:17 AM
Subject: FW: Next Meeting with the President

reminder... times haven't changed (believe it or not):
-----Original Message-----
From: Nelson, Carolyn
Sent: Monday, March 10, 2003 8:39 AM
To: Bartolomucci, H. Christopher; Ullyot, Theodore W.; Leitch, David G.; Gonzales, Alberto R.; Kavanaugh, Brett M.; Newstead, Jennifer G.; Powell, Benjamin A.; Sampson, Kyle; Walker, Helgard C.
Cc: Bumatay, Patrick J.; Montiel, Charlotte L.
Subject: Next Meeting with the President

Meeting
with the President: Friday, March 14, 2:10-2:20pm, Oval Office

Prep: 1:50-2:05pm, Judge's Office

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/14/2003 5:01:45 AM
Subject: : Hispanic group faults Bayh on nomination

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-MAR-2003 10:01:45.00
SUBJECT:: Hispanic group faults Bayh on nomination
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

related to/result from statement to us at last Friday's meeting.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/14/2003 10:00 AM ----------

ABEL
GUERRA
03/14/2003 09:58:11 AM

Record Type: Record

To: Lezlee J. Westine/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Hispanic group faults Bayh on nomination

Hispanic group faults Bayh on nomination
March 14, 2003

By Michael Puente / Post-Tribune staff writer

Sen. Evan Bayh is getting some heat from a local Hispanic group for blocking, along with other Senate Democrats, a vote on the nomination of a Miguel Estrada.

If confirmed, Estrada would become the first Hispanic appointed to the U.S. Circuit Court of Appeals for the District of Columbia.

Edward Peralta, president of Hispanic Voices of Northwest Indiana, sent a letter to Bayh that he and Senate Democrats allow the nomination of Estrada to proceed.

&We cannot understand why the members of the Democratic Party ... have chose to impede (Estrada,s) ascension to this court seat for what appears to be political reasons,8 Peralta said. &This is especially upsetting to us because Hispanic-Americans are under-represented in our judicial system at the higher levels.8

Peralta sent his letter to Bayh on Thursday, the same day Senate Democrats, including Bayh, refused to end the debate on President George W. Bush,s nomination of Estrada.

Peralta is a Republican who is running for Lake Station mayor. Peralta says Hispanic Voices is a non-partisan group with a membership that also includes Democrats.

A 55-42 vote fell short of the required 60 needed to end a filibuster, the second time Senate Democrats have voted against ending the debate.

U.S. Sen. Richard Lugar, R-Indiana, favors ending the debate and voting on the nomination.

The U.S. Court of Appeals for D.C. is considered the second most important in the nation and has served as a stepping stone to the Supreme Court.

Peralta says he hopes the letter will pressure Bayh to change his stance since Bayh now represents a growing number of Hispanics statewide, which totals more than 200,000.

Mark Kornblau, spokesman for Bayh, said Estrada,s ethnic background has nothing to do with the filibuster.

&(Estrada) needs to more fully answer questions posed by the judicial committee,8 Kornblau said.

Kornblau said Bayh has supported 104 of 105 judicial nominees made by Bush, which includes seven Hispanic judges.

Nick Weber, spokesman for Lugar, says Democrats should allow a vote on Estrada.

&Estrada has done everything that every other judge nominee has been asked to do,8 Weber said.

Estrada, a Harvard-educated immigrant from Honduras, arrived as a teen in the United States not knowing any English.

Message Copied
To:_____
Brett M. Kavanaugh/WHO/EOP@EOP
Matthew E. Smith/WHO/EOP@EOP
Leonard B. Rodriguez/WHO/EOP@EOP
Mercedes M. Viana/WHO/EOP@EOP
Ruben S. Barrales/WHO/EOP@EOP

From: Cato Institute <kbrand@cato.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/14/2003 5:09:45 AM
Subject: : Cato Institute Book Forum 3/18/03 - Wild Bill: The Legend and Life of William O. Douglas

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Cato Institute <kbrand@cato.org> (Cato Institute <kbrand@cato.org> [UNKNOWN])
CREATION DATE/TIME:14-MAR-2003 10:09:45.00
SUBJECT:: Cato Institute Book Forum 3/18/03 - Wild Bill: The Legend and Life of William O. Douglas
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Wild Bill
The Legend and Life of William O. Douglas
(Random House, 2003)

featuring the author
Bruce Allen Murphy

with comments by
James L. Swanson
Editor in Chief,
Cato Supreme Court Review

Constitutional scholar Raoul Berger called him ?the oddest duck to ever serve on the United States Supreme Court.? The second youngest and the longest serving justice in American history, William O. Douglas never got the job he really wanted: president of the United States. The most liberal member of the Warren Court, he proclaimed a constitutional right to privacy, protected the environment, opposed the Vietnam War, and became a hero to
the left. Reviled by his enemies, he survived three impeachment attempts. Blending fact and fiction, he mythologized himself as celebrated law
professor, New Deal chairman of the Securities and Exchange Commission, Supreme Court Justice, mountain man, and humanitarian. Join us for a lively
discussion of the legend, life, and legacy of William O. Douglas as Pulitzer Prize nominee Bruce Allen Murphy answers three questions about him: Who
did he say he was? Who was he really? And why the difference?

Tuesday, March 18, 2003
12:00 noon
(Luncheon to follow)

Cato Book Forums and luncheons are free of charge.

To register, visit www.cato.org, e-mail Krystal Brand at kbrand@cato.org, fax (202) 371-0841, or call (202) 789-5229 by 12:00 noon, Monday, March 17.

News media inquiries only (no registrations), please call (202) 789-5200.

If you can?t make it to the Cato Institute, watch this Forum live online at www.cato.org.

The Cato Institute is located at 1000 Massachusetts Ave., N.W., Washington, D. C.

To unsubscribe, send an email to: unsubscribe-13906@uptilt.com with the address: brett_m._kavanaugh@who.eop.gov in the subject line.

From: Kavanaugh, Brett M.
To: <Miers, Harriet>
CC: <Walters, Katherine M.>
Sent: 3/14/2003 9:17:15 AM
Subject: Re: FW: Outback

Harriet: I am informed that this is a weekend celebration for their annual conference and their 15th anniversary. We could make that clear in message.

From: Harriet Miers/WHO/EOP@Exchange on 03/13/2003 06:49:28 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Outback

Brett, I was concerned that this was addressed to a corporation and not a "landmark" event like some of those we have done messages for in the past. I assume it is permissible, but am a bit concerned that we then are buying into their accounting problems, their other positions, their labor disputes, etc. While not strictly legal, the usual vetting for a profit corporation is a pretty big task.

-----Original Message-----

From: Rawson, Kimberly D.

Sent: Thursday, March 13, 2003 5:26 PM

To: Miers, Harriet

Cc: Walters, Katherine M.

Subject: Outback

Hi Harriet -

FYI - Brett Kavanaugh gave the Outback letter an "okay" - if this helps in your decision making.

Also, the letter needs to be mailed out tomorrow for a Saturday event - per your approval.

Thank you so much for your time and help!

Kimberly

From: CN=Alan Gilbert/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/14/2003 5:34:57 AM
Subject: : Re: Lindsey Graham action on medical liability bill

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alan Gilbert ( CN=Alan Gilbert/OU=OPD/O=EOP [ OPD ] )
CREATION DATE/TIME:14-MAR-2003 10:34:57.00
SUBJECT:: Re: Lindsey Graham action on medical liability bill
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

no. I'll ask OLA to find it...thanks....
```

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Bartolomucci, H. Christopher>
Sent: 3/14/2003 11:23:43 AM
Subject: for monday's Karl meeting

re formation of group to rival Congressional (Democrat) Hispanic Caucus

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/14/2003 11:28 AM ----------

ABEL

GUERRA

03/14/2003 11:27:26 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: for monday's Karl meeting

see below...i'm also have lunch with Mario D-B on Wednesday the 25th to discuss road map...

---------- Forwarded by Abel Guerra/WHO/EOP on 03/14/2003 11:26 AM ----------

ABEL

GUERRA

03/14/2003 09:53:14 AM

Record Type: Record

To: Lezlee J. Westine/WHO/EOP@EOP

cc:

Subject: for monday's Karl meeting

Lezlee,

Please let Karl know that next Wednesday, the Wall Street Journal will profile or better stated - will announce the formation of the Hispanic Republican Congressional Conference. The Conference is made up of the Five Hispanic Congressional members- L. Diaz-Balart, M. Diaz-Balart, I. Ros-Lehtinen, H. Bonilla and D. Nunez.

Its mission is to rival the Congressional Hispanic Caucus.

Abel

From: Smith, Matthew E.
To: <Nipper, Wendy L.>;<Cooper, Colby J.>;<Terpeluk, Meredith A.>;<Kavanaugh, Brett M.>;<Gross, Taylor S.>;<Vestewig, Lauren J.>;<Ryun, Catharine A.>
Sent: 3/14/2003 12:05:19 PM
Subject: Speaking Request

Date: Friday, March 21, 2003

Time: 10:00 a.m. - 12:00 p.m.

Location: EEOB Room 450

Audience: Salem Communications Annual Talk Show Conference Attendees

Rules: The guests are talk show hosts, supportive of the Bush Administration. The ground rules have been conveyed that the briefing is off the record and will serve to help them understand Administration policy.

Invited briefers: Jay Lefkowitz Topic: Social Policy Agenda items

Jim Towey Topic: Faith-based initiative

Tucker Eskew Topic: Office of Global Communications

NSC Rep. Topic: Current Events

Homeland Security Rep. Topic: Homeland Security

Judge Gonzales/Brett K. Topic: Judicial nominations

Taylor Gross Topic: Drop-by as WH Radio Director

As always, can strive to work around everyone's busy schedule. This is a great group of assets to advance the President's agenda.

Please call with any questions.

Thanks.

Matt Smith

X6-7702

Background on Annual Talk Show Conference:

Since 1997, Salem Communications has hosted an annual talk show conference for all their local and national hosts and producers. They also include their editorial board and commentators, Salem's senior management, key station mangers and corporate news and public affairs staff.

The Talk Show Conference is designed to provide direction and guidance to the many voices of our talk and news platform, and to provide a forum for discussion on the most relevant issues of the day. Past speakers have included John Ashcroft and Chuck Colson.

Background on Salem Communications:

Salem Communications is a publicly held corporation providing religious & family themes programming distributed through four different platforms - Salem Radio, Salem Radio Network, Salem Web Network, Salem Publishing.

Salem Radio owns and operates 89 radio stations, including 55 stations in the top 25 markets. Salem is the 3rd largest radio operator in top 25 markets. Salem's focus is on Christian teaching and talk, music and general market (conservative) talk which is our fastest growing format. In addition to its radio properties, Salem owns the Salem Radio Network (SRN), which syndicates talk, news and music programming to over 1,600 affiliated radio stations throughout the United States.

On the non-broadcast side, Salem owns OnePlace.com and Crosswalk.com, leading Internet providers of Christian focused content (over 3 million unique visitors per month); and Salem Publishing, a leading producer of contemporary Christian music trade and consumer publications such as Faith Talk magazine.

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/14/2003 8:13:21 AM
Subject: : AG on Tuesday

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:14-MAR-2003 13:13:21.00
SUBJECT:: AG on Tuesday
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Scott is aware of the speech - has been told by his guys in the DOJ;
communications shop.; Thanks!
```

From:	Bartolomucci, H. Christopher
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>;<Walker, Helgard C.>
Sent:	3/14/2003 3:37:30 PM
Subject:	Sen. Byrd's remarks yesterday re: Bybee

The PRESIDING OFFICER.

The Senator from West Virginia.

Mr. BYRD.

Madam President, I thank the distinguished Senator for his statement. I, too, will support Professor Bybee. I have no problem with doing that at all.

May I say that Professor Bybee can be proud that Senator LARRY CRAIG has spoken on his behalf. Senator Craig is one of the most articulate Senators not only at this time in this body, but having been in this body for more than 44 years now, I can say that I have seen a lot of articulate speakers but Senator Craig is one among the foremost of those. I would treasure his support of my nomination if I were indeed a nominee for any position.

[proving yet again the danger of relying on legislative history]

From:	Skelly, Layton
To:	gretchen.taylor@ost.dot.gov <Dougherty, Elizabeth S.>;gretchen.taylor@ost.dot.gov <Sharp, Jess>;gretchen.taylor@ost.dot.gov <Spellings, Margaret M.>;gretchen.taylor@ost.dot.gov <Lefkowitz, Jay P.>;michael.jackson@ost.dot.gov <michael.jackson@ost.dot.gov>;read.vandewater@ost.dot.gov <read.vandewater@ost.dot.gov>;read.vandewater@ost.dot.gov <Hennessey, Keith>;read.vandewater@ost.dot.gov <Kroszner, Randall S.>;read.vandewater@ost.dot.gov <Collender, Robert N.>;read.vandewater@ost.dot.gov <Hobbs, David W.>;read.vandewater@ost.dot.gov <O'Hollaren, Sean B.>;read.vandewater@ost.dot.gov <Liang, Elan>;peter.fisher@do.treas.gov <peter.fisher@do.treas.gov>;Mark.Warshawsky@do.treas.gov <Mark.Warshawsky@do.treas.gov>;roger.kodat@do.treas.gov <roger.kodat@do.treas.gov>;roger.kodat@do.treas.gov <Kaplan, Joel>;roger.kodat@do.treas.gov <Kavanaugh, Brett M.>;roger.kodat@do.treas.gov <Leitch, David G.>;kirk.vantine@ost.dot.gov <kirk.vantine@ost.dot.gov>;kirk.vantine@ost.dot.gov <Dorn, Nancy>
CC:	<Skelly, Layton>;<Gillmor, Eleanor L.>;<Vestewig, Lauren J.>;barbara.lucas@ost.dot.gov <barbara.lucas@ost.dot.gov>;judy.marshall@ost.dot.gov <judy.marshall@ost.dot.gov>;judy.marshall@ost.dot.gov <Allgood, Lauren K.>;judy.marshall@ost.dot.gov <Branch, Lisa D.>;judy.marshall@ost.dot.gov <Ingols, Adam B.>;anna.hart@do.treas.gov <anna.hart@do.treas.gov>;christine.devlin@do.treas.gov <christine.devlin@do.treas.gov>;gretchen.taylor@ost.dot.gov <gretchen.taylor@ost.dot.gov>;gretchen.taylor@ost.dot.gov <Weaver, Bessie M.>
Sent:	3/14/2003 4:31:36 PM
Subject:	Deputies Airline meeting MON at 3:00

There will be an important Deputies level policy meeting on the Airline Industry on Monday at 3:00 in room 476. Please make every effort to attend. Another email will follow shortly about a follow up meeting set for Tuesday afternoon.

Layton

456-5085

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: john f. wood/omb/eop@eop [OMB] <john f. wood>;paul.harris@usdoj.gov [UNKNOWN] <paul.harris@usdoj.gov>;peter.d.keisler@usdoj.gov [UNKNOWN] <peter.d.keisler@usdoj.gov>;philip j. perry/omb/eop@eop [OMB] <philip j. perry>;jody.hunt@usdoj.gov [UNKNOWN] <jody.hunt@usdoj.gov>;robert.mccallum@usdoj.gov [UNKNOWN] <robert.mccallum@usdoj.gov>;shannen.coffin@usdoj.gov [UNKNOWN] <shannen.coffin@usdoj.gov>
Sent: 3/14/2003 1:34:16 PM
Subject: : victims comp fund brief

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-MAR-2003 18:34:16.00
SUBJECT:: victims comp fund brief
TO:john f. wood ( CN=john f. wood/OU=omb/O=eop@eop [ OMB ] )
READ:UNKNOWN
TO:paul.harris@usdoj.gov ( paul.harris@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:peter.d.keisler@usdoj.gov ( peter.d.keisler@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:philip j. perry ( CN=philip j. perry/OU=omb/O=eop@eop [ OMB ] )
READ:UNKNOWN
TO:jody.hunt@usdoj.gov ( jody.hunt@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:robert.mccallum@usdoj.gov ( robert.mccallum@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:shannen.coffin@usdoj.gov ( shannen.coffin@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Thanks for everyone's very hard work on this. Reading this brief
makes me remember fondly a Senator's assurance a little after midnight on
Sept 20 (after rejecting our proposal for a flat dollar payment to each
victim's family) that this system need not be complicated and could be
designed to be a fair and efficient substitute for the overly cumbersome
litigation process.
```

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Carolene Langie Office of Global Communications/WHO/EOP@EOP [WHO] <Carolene Langie Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/14/2003 1:49:55 PM
Subject: : White House Global Messenger - 03/15/03
Attachments: P_1CXOE003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:14-MAR-2003 18:49:55.00
SUBJECT:: White House Global Messenger - 03/15/03
TO:Carolene Langie Office of Global Communications (CN=Carolene Langie Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
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End Original ARMS Header

(See attached file: GM 3-15-03 FINAL.doc)

THE GLOBAL MESSENGER
Saturday, March 15, 2003

******KEY POINTS - MIDDLE EAST PEACE******

*President Bush is committed to achieving the vision of two states, Israel and Palestine, living side by side in peace and security, as he spelled out in his speech last June.

*All parties - the Israelis, the Palestinians, and the Arab states - have responsibilities to work to achieve this vision.

*Working with members of the Quartet last year - officials from the US, the EU, Russia, and the UN - we developed a Roadmap meant to set forth the steps needed to realize the President's vision.

*President Bush announced Friday that he is prepared to deliver the Roadmap to the parties, Israeli and Palestinian, as soon as the Palestinians create an empowered Prime Minister position and fill it with a credible person.

*This is an auspicious time for peace in the Middle East. A new Israeli government is in place. And the Palestinians may be on the verge of implementing important reforms.

*Aiding Palestinians reform will encourage the development of democratic institutions, modernization, and prosperity in the region.

******U.S. SUNDAY SHOW SCHEDULE******
Subject to Change

Note: President Bush travels to The Azores on Sunday morning

NBC: Vice President Cheney
ABC: Secretary Powell
CBS: Vice President Cheney
FOX: Secretary Powell
CNN: Secretary Powell

******In the President's Words: The Rights and Aspirations of the Peoples of the
Middle East******

President Bush continues to highlight the non-negotiable demands of human dignity - for all people, everywhere. He makes that clear by working for peace and addressing the hopes of Israelis and Palestinians. As he said in his landmark Rose Garden speech last June, "This moment is both an opportunity and a test for all parties in the Middle East: an opportunity to lay the foundations for future peace."

For collection of the President's comments on his vision for the Middle East, go to:

http://www.whitehouse.gov/news/releases/2003/03/20030314-15.html

******KEY QUOTES******

"We believe that people who live in freedom are more likely to reject bitterness, blind hatred and terror; and are far more likely to turn their energy toward reconciliation, reform and development.
there can be no peace for either side in the Middle East unless there is freedom for both. Reaching that destination will not be easy, but we can see the way forward. Now the parties must take that way, step by step, and America will be the active partner of every party that seeks true peace."
President Bush, Rose Garden speech, 3-14-03

"Publication of the Roadmap represents the will of the international community to resolve this issue....This will only be achieved through an end to violence and terrorism, with a Palestinian leadership that acts decisively against terror and builds democracy, and through Israel's readiness to do what is necessary for a democratic Palestinian state to be established."
British Prime Minister Blair, to reporters,3-14-03

"We think that the Roadmap...sets out a set of steps that if the parties an take them, leads naturally to a final outcome of a two-state solution...so that both Israelis and Palestinians can finally put aside their differences, put aside the violence....And then you can then have two states living side-by-side where people can live in peace and prosperity."
NSA Rice, to reporters, 3-14-03

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The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.
- GM 3-15-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1CXOE003_WHO.TXT_1>

THE GLOBAL MESSENGER

Saturday, March 15, 2003

U.S. SUNDAY SHOWS

Subject to Change

Note:	*President Bush travels to The Azores on Sunday morning*
NBC:	Vice President Cheney
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KEY QUOTES

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NSA Rice, to reporters, 3-14-03

KEY POINTS
Middle East Peace

- President Bush is committed to achieving the vision of two states, Israel and Palestine, living side by side in peace and security, as he spelled out in his speech last June.
- All parties – the Israelis, the Palestinians, and the Arab states – have responsibilities to work to achieve this vision.
- Working with members of the Quartet last year – officials from the US, the EU, Russia, and the UN – we developed a Roadmap meant to set forth the steps needed to realize the President's vision.
- President Bush announced Friday that he is prepared to deliver the Roadmap to the parties, Israeli and Palestinian, as soon as the Palestinians create an empowered Prime Minister position and fill it with a credible person.
- This is an auspicious time for peace in the Middle East. A new Israeli government is in place. And the Palestinians may be on the verge of implementing important reforms.
- Aiding Palestinians reform will encourage the development of democratic institutions, modernization, and prosperity in the region.

In the President's Words:
The Rights and Aspirations of the Peoples of the Middle East

President Bush continues to highlight the non-negotiable demands of human dignity -- for all people, everywhere. He makes that clear by working for peace and addressing the hopes of Israelis and Palestinians. As he said in his landmark Rose Garden speech last June, "This moment is both an opportunity and a test for all parties in the Middle East: an opportunity to lay the foundations for future peace."

For collection of the President's comments on his vision for the Middle East, go to:
http://www.whitehouse.gov/news/releases/2003/03/20030314-15.html

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/15/2003 6:40:37 AM
Subject: : classified document

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The Judge wants you to look at a classified document.; I have it in the
safe for you.
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To: Carolene Langie Office of Global Communications/WHO/EOP@EOP [WHO] <Carolene Langie Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/15/2003 6:54:23 AM
Subject: : IN CASE YOU MISSED IT: Good Commentary on North Korea Policy

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SUBJECT:: IN CASE YOU MISSED IT: Good Commentary on North Korea Policy
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READ:UNKNOWN
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Yes, Bush Has A North Korea Policy. It Might Even Work.
By Jonathan Rauch

National Journal Group Inc.

Friday, March 14, 2003

Is it possible that the Bush administration knows what it is doing (or, as its critics would say, not doing) with its policy (or, as the critics would add, its lack of a policy) on North Korea?

North Korea -- starving, desperate for cash, fearful of being next on President Bush's evil-axis hit list -- has a nuclear weapons program and seeks to leverage that program into security assurances and money from the United States. Having lost its former Chinese and Soviet patrons, North Korea has chosen to be adopted by Uncle Sam. To ensure that it will not be ignored, it has embarked on a series of escalating provocations. It says it will deal only with America, and only in direct, bilateral talks. "If the U.S. truly wants the peaceful settlement of the nuclear issue," North Korea announced recently, "it should drop its absurd assertions and immediately opt for direct talks."

The administration counters that bilateral U.S.-North Korean talks are out of the question. The problem must be solved multilaterally. Meanwhile, the administration's attention and military resources are focused on Iraq.. The administration's critics -- who by now include practically everyone, and his brother -- believe that Washington is haplessly stalling for time, hoping to have more options once Saddam Hussein is dispatched.

Time, they argue, is exactly what the administration does not have. Any day now, the North Koreans could restart their plutonium-reprocessing plant at Yongbyon. They could then manufacture enough weapons-grade plutonium from their

stockpile
of spent nuclear fuel rods to make six or more bombs within a matter of
months.
Once that material was manufactured, hiding it or -- worse -- selling it
to the
likes of Al Qaeda would be child's play. And North Korea has proved it
will sell
anything to anybody.

The Clinton administration was prepared to bomb the Yongbyon facility
rather
than see it start up. But military action could trigger a war costing tens
or
hundreds of thousands of Korean and American lives. "So," writes Nicholas
D.
Kristof in The New York Times, "if the military option is too scary to
contemplate, and if allowing North Korea to proliferate is absolutely
unacceptable, what's left? Precisely the option that every country in the
region
is pressing on us -- negotiating with North Korea."

"Bush cannot afford to ignore North Korea any longer; it's poised to cause
a
catastrophe," says Newsday. "U.S. needs to open bilateral talks," says the
Minneapolis Star Tribune (and "very soon," since Bush "has no other
options").
"U.S. must engage North Korea in talks," says the San Jose Mercury News.
Thus
say the critics.

Are they right? I asked a senior administration official -- that is as much
identification as the ground rules allow -- to explain and defend the
policy.

The official began by saying that the administration's goal is the
irreversible
and verifiable elimination of North Korea's nuclear weapons program. That
includes North Korea's Yongbyon facility, its clandestine
uranium-enrichment
program, any nukes it may already have, and its stash of plutonium-rich
fuel
rods. "We are not interested in some sort of Agreed Framework Lite or some
other
temporizing arrangement which allows them to hold on to their nuclear
weapons
program."

Is force an option? "No president would rule out force as an option. The
military option is a very low priority but on the table. The further they
[the
North Koreans] go up the escalating chain, the higher the military option
has to
be on our list of options." The North Koreans probably already have two
nukes,
the official said, and weaponizing plutonium takes time; so if the
reprocessing
plant goes online, the situation becomes steadily more serious, but it is
not
like going from virginity to pregnancy. There is still time for diplomacy
to
work.

OK, so where's the diplomacy? Contrary to much of what is assumed, replied
the
official, the administration's refusal to deal bilaterally with Pyongyang
does
not stem from Bush's dislike of President Kim Jong Il or from a dogmatic
refusal

to submit to blackmail. "It's really based more on our experience dealing with North Korea. We think that in a bilateral negotiation or dialogue with North Korea, we've learned that the other countries run for the hills. That's what happened in 1994."

(True, says Ivo Daalder, a Brookings Institution foreign-policy expert who worked on President Clinton's National Security Council staff -- and who is no fan of Bush's North Korea policy. Recalling the 1994 effort to cope with North Korea's nuclear threat, he said, "It was awful. Every time we got tough, they" -- other countries in the region -- "walked away, and every time we got weak, they got tough.")

The Bush official said, "We want this to be sort of like an alcoholic intervention, with everyone at the table saying, 'We can either hurt you or we can help you.' " By contrast, bilateralism may be a dangerous trap.

To make this clearer, I'll interpolate a little. (This is me, now, and not the Bush official.) Suppose the United States cut a bilateral deal with Pyongyang. Suppose Pyongyang then broke the deal -- not a big stretch, given that North Korea promptly broke the 1994 nuclear deal, and given that it clearly wants both to extort concessions for its nukes and to build the nukes anyway. Other countries in the region would immediately call for America to avert war by making yet another deal. Washington would have to either submit to never-ending nuclear blackmail or face the nightmarish prospect of taking military action, and quite possibly igniting a nuclear war, without its allies' support. Thus bilateral talks lead all too easily to precisely the catastrophe they are supposed to prevent.

To the extent that North Korea succeeds in bilateralizing its disagreement with the U.S., North Korea effectively succeeds in neutralizing America's allies, or even turning them. That should be obvious to anyone who has watched recent events pertaining to Iraq. At the end of the day, a bilateral confrontation with North Korea may be inevitable. It would be foolish, however, for America to volunteer for one now.

But -- back to the official -- aren't China and other countries in the region running for the hills anyway? Calling for diplomatic pressure is all well and good; but, as the Star Tribune (like many others) says, "That approach has failed."

No, it hasn't, replies the official. "China, South Korea, Japan, Russia, and the E.U. have all told North Korea that reprocessing is a red line," the official said. "I think that has caused the North Koreans some pause, because the Chinese never went in this hard before, and neither have the Japanese." The prospect of

diplomatic isolation may be part of the reason the North Koreans have not taken the fateful step of firing up their reprocessing facility. "They're flailing in all directions. The important thing is that, as far as we know at this point, they have not crossed the Rubicon of reprocessing."

Publicly, China has said it prefers bilateral, U.S.-North Korea negotiations. "For China domestically," says the official, "this is incredibly tough. However, we're getting lots of movement from China. We're talking to the Chinese now not about bilateral versus multilateral but about the modalities of making a multilateral approach work."

Meanwhile, on March 7, the South Korean foreign ministry told reporters that North Korea should "accept the idea [of] multilateral dialogue and seek dialogue with the U.S. within such a multilateral framework." So the region is moving, however grudgingly, toward collective engagement. If the U.S. were to offer bilateral talks now, all of that progress could evaporate.

Regional talks, the official said, could be modeled on the so-called Contact Group, a multinational council that confronted Slobodan Milosevic's Serbia in the 1990s. Serbia began by snubbing the group but then, seeing no alternative, came to the table. A similar multilateral council could offer North Korea generous inducements to give up its nukes once and for all, while also credibly threatening North Korea with economic strangulation and diplomatic isolation should it refuse. Pyongyang, rather than Washington, would then be boxed in.

Neither America nor Japan can credibly convene a multilateral council, because U.S.-led talks would seem bilateral and because both Koreas mistrust Japan. That leaves China and South Korea -- preferably China. I did not succeed in pinning down the official as to when and how either country could be induced to stick its neck out. He preferred to emphasize gradual movement in the right direction.

Well, it might work. It might not. The official succeeded in convincing me that bilateral U.S.-North Korean talks are not a shortcut but an ambush. What is not so clear is whether the ambush can ultimately be avoided.

Jonathan Rauch is a senior writer for National Journal magazine, where "Social Studies" appears.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Sampson, Kyle>
Sent: 3/15/2003 12:34:51 PM
Subject:

One of the blogs linked by How Appealing offers this:

Now this is not just a case of the 'me, too's.' The Senate Judiciary Committee held hearings yesterday on the nomination of former **Pacific Legal Foundation** lawyer **Victor Wolski** to the (this should scare every single one of you who knows what PLF is about) to *the* ***Court of Federal Claims***. Read what Glen Sugameli at EarthJustice has to say **here**.

Interesting that the **DOJ bio** of Wolski refers to PLF only as "a California-based non-profit law foundation that represented clients pro bono." Yes, that's one way of describing the group that just put out an op-ed entitled *Move Over Saddam: Overzealous Regulators Also Threaten Freedom.*
posted by GB 10:28 PM

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>;<Viana, Mercedes M.>
Sent: 3/15/2003 6:00:37 PM
Subject: NY Times (3/15/03) Re: Battle over Judgeship test Congressman's Loyalties

Battle Over Judgeship Tests Congressman's Loyalties

By SHERYL GAY STOLBERG

March 15, 2003

rticles in this series will periodically observe two Congressional newcomers as they take on their new roles.

WASHINGTON, March 13 — During his years as a county supervisor in Tucson, Raúl M. Grijalva was sometimes accused of caring only about his fellow Hispanics. "I had to come to Washington," he said wryly, "to be called anti-Hispanic."

Mr. Grijalva, a freshman Democrat in the House of Representatives, represents a poor, largely Hispanic district whose people sent him to Congress, in part, to carry on his long-running fight to expand immigrants' rights. Now, as a member of the Congressional Hispanic Caucus, Mr. Grijalva is in the awkward position of fighting to block the nomination of a Hispanic man, Miguel Estrada, to the United States Court of Appeals for the District of Columbia, widely regarded as second in influence only to the Supreme Court.

As the Senate continues to hold up Mr. Estrada's nomination, Mr. Grijalva is getting a close-up lesson in the touchy politics of race in the Capitol, with some Republicans suggesting that the Democrats' opposition to Mr. Estrada is motivated by racism.

"To be accused of being anti-Hispanic, especially by such powerful white guys, I guess I find ironic," said Mr. Grijalva, one of two freshman lawmakers whose first year in Congress is being chronicled by The New York Times. The other is Candice S. Miller, a self-described "George W. Bush Republican" from Macomb County, Mich., outside Detroit, who recently took to the House floor to support Mr. Estrada.

The debate has landed each lawmaker in the middle of Senate business, an unusual place for freshmen.

When the Senate took its first vote on Mr. Estrada earlier this month, Senator Tom Daschle of South Dakota, the Democratic leader, invited members of the Hispanic Caucus — made up only of Democrats — to observe. Mr. Grijalva had set foot on the Senate floor just once, during the Capitol tour that is part of the freshman orientation. The image of the august Senate doing its work has stuck with him.

"I'm not jaded yet," Mr. Grijalva, 55, said, "so for me, it was pretty impressive. It's a different aura of power than there is in the House. You can sense it."

Mr. Grijalva sat in the rear of the chamber, on a red-cushioned bench behind a wooden balustrade, and watched as 44 of the Senate's 48 Democrats voted to uphold a filibuster that is preventing Mr. Estrada from joining the court. Later, Mr. Daschle asked the caucus to join him for a news conference. Mr. Grijalva, who is still working

up his courage to give his first speech on the House floor, stood behind Mr. Daschle on the podium and did not speak.

"There was a little bit of feeling out of place," Mr. Grijalva said. "But I was glad to be part of the fight."

That fight is not really about putting a Hispanic on the bench. It is about the conservative views of Mr. Estrada, 42, a Washington lawyer who has argued frequently before the Supreme Court but published little that would hint at his judicial philosophy.

Republicans have accused Democrats of engaging in a double standard by not offering Mr. Estrada a vote, as they demanded for judicial nominees when President Bill Clinton was in the White House. Democrats have asked the Bush administration to provide them with legal memorandums Mr. Estrada wrote as a Justice Department official. They also accuse the president of trying to load the judiciary with conservatives, a contention that Mr. Grijalva supports.

"Bush is attempting to pack the federal court with his brand of politics, his ideas, his value systems, which goes against the progress that we want for our community," Mr. Grijalva said. "That he happens to be named Estrada does not give him a free ride."

Still, Mr. Estrada's ethnicity has percolated through the debate. With Republican and Democratic leaders each enlisting Hispanic lawmakers in their cause, Hispanics in Congress are being forced to take sides against one another.

Among them is Representative Mario Diaz-Balart, a Republican freshman from Florida, who recently sent letters to Democratic senators calling the filibuster "not only an injustice to the courts, but also to the advancement of well-qualified Hispanics."

Mr. Diaz-Balart said he had been asked by Senate Republicans to help lead the Estrada effort in the House. Recently, he managed an hour of "floor time," all of it devoted to Mr. Estrada. He asked Mrs. Miller, a former Michigan secretary of state who is quickly becoming one of the most influential freshmen in Congress, to speak. The two are among a small group of lawmakers who have been asked by party leaders to help promote the president's tax cut plan.

By now, Mrs. Miller, 48, is no stranger to the House floor; she has already logged time in the presiding officer's chair. But speaking about Senate matters in the House is tricky business; House rules prohibit even the use of the word "Senate." "You can call it `the other body,' " Mrs. Miller said.

In a simple six-paragraph speech lasting no more than one minute, she said Mr. Estrada, a native of Honduras, "is the American dream, and he represents mainstream American law and American values."

In an interview, Mrs. Miller said she was left "shaking my head" at the Hispanic Democrats' opposition.

"It does not speak well for them to be opposed to Estrada when they have an opportunity to get one of their own on the second-highest court in the land," Mrs. Miller said, adding, "It's almost like he's not Hispanic enough, or something."

Mr. Grijalva does not say it quite that way, but he does make clear that he believes that the Bush administration is using Mr. Estrada to dress up its record for the benefit of Hispanic voters. He said he was reminded of his deceased father, who came to the United States from Mexico to work as a ranch hand, and whose picture hangs behind Mr. Grijalva's desk. "My dad always used to say, `If you want window dressing, get new curtains.' "

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>
Sent: 3/16/2003 9:24:11 AM
Subject: : Re: classified document

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From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/15/2003 11:40:30 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: classified document

The Judge wants you to look at a classified document.; I have it in the
safe for you.

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 3/16/2003 2:19:41 PM
Subject: Re: classified document

When?

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/15/2003 11:40:30 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: classified document

The Judge wants you to look at a classified document. I have it in the safe for you.

From: Kavanaugh, Brett M.
To: <Kaplan, Joel>;<Kavanaugh, Brett M.>
Sent: 3/16/2003 11:16:28 PM
Subject: Re: You mock me now

You should send to estes. I have been hammering this theme as well.

.

----- Original Message -----

From:Joel Kaplan/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 03/16/2003 06:32:03 PM

Subject: FW: You mock me now

-----Original Message-----

From: Kaplan, Joel

Sent: Sunday, March 16, 2003 6:09 PM

To: Bennett, Melissa S.; Litkenhaus, Colleen; Kyle, Ross M.; Silverberg, Kristen; Mallea, Jose; Reynolds, Tim

Subject: You mock me now

From today's NY Times, a stunning clue, unremarked upon by the gullible mainstream press that continues to peddle this nonsense about a kidnapping:

"When the police arrived, Elizabeth said her name was Augustine Marshall, that she was 18 and that she came from Miami. 'You think I'm that Elizabeth Smart girl WHO RAN AWAY and I'm not,' she said after the officers recognized her and challenged her story." (emphasis added)

That "ran away"??? Why would she say that? Could it be because it's true?

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/17/2003 3:06:01 AM
Subject: : RE: classified document

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SUBJECT:: RE: classified document
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No rush on it.

Patrick

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Sunday, March 16, 2003 2:20 PM
To: Bumatay, Patrick J.
Subject: Re: classified document

When?

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/15/2003 11:40:30 AM
Record Type: Record

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cc:
Subject: classified document

The Judge wants you to look at a classified document. I have it in the safe for you.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Tim Goeglein/WHO /EOP@EOP [WHO] <Tim Goeglein>;Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>;Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 3/17/2003 3:46:00 AM
Subject: : WSJ op-ed by members of new Congressional Hispanic Conference

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TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )
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We the (Hispanic) People . . .
By HENRY BONILLA, LINCOLN DIAZ-BALART, MARIO DIAZ-BALART, DEVIN NUNES, and ILEANA ROS-LEHTINEN

WASHINGTON -- The Democratic filibuster against federal appellate court nominee Miguel Estrada has been nothing less than a partisan assault on the goal of achieving diversity in our nation's highest public institutions. Fewer than 4% of federal judges are Hispanic, yet 44 Senate Democrats, who run on "diversity" platforms have so far employed parliamentary procedures to thwart diversity and obstruct the confirmation of an eminently well-qualified lawyer through the use of double standards -- standards they never applied to other nominees.

These Democrats, who credit themselves with helping advance minorities to high government positions, now prevent the first Hispanic from serving on our nation's second highest court by blocking the bipartisan majority that wants an honest up or down vote. The hypocrisy hurts America's largest minority group and strikes at the core of the American Dream.

One of the most offensive aspects of the opposition to the nomination of Mr. Estrada is the notion put forth by some Hispanic Democrats and leftist activist groups that he is "Hispanic in name only" -- that because he is a mainstream lawyer, he doesn't represent the Hispanic community. Are we truly willing to exclude our accomplished minorities on the grounds that they have not pigeonholed their careers by focusing on one racial community? The suggestion jeopardizes the future of other qualified Hispanics because of unacceptable ideological bars. But apparently Democrats believe that they alone should get to decide what a "Hispanic" should be.

We wish Mr. Estrada's plight were a novelty, but we are concerned that it is just one manifestation of a pervasive and troubling trend whereby the

advancement of minorities is only applauded when it reinforces liberal politics. To counter this trend and to allow for the positive advancement of Hispanics in the U.S., the Hispanic Republican members of Congress are announcing with this article the formation of the Congressional Hispanic Conference.

The new Hispanic Conference will promote policy outcomes that serve the best interests of Americans of Hispanic and Portuguese descent and thereby all Americans. In this endeavor we are pledged to place principle above partisanship on issues directly affecting the betterment of the Hispanic and Portuguese communities. A key goal of the Hispanic Conference is to promote principles that are of real importance to Hispanics and Portuguese in the U.S. These include the Free Trade Agreement of the Americas, the emerging common market of this hemisphere's democracies; tax relief to American families by eliminating the death tax and marriage penalty and bringing relief to more than two million Hispanic-owned small businesses; the support of faith-based initiatives; and educational choice for all. In the case of judicial nominees, the Hispanic Conference is committed to ensuring that only the best qualified nominees are appointed to our federal courts.

As we enter another week of extra-constitutional procedural tactics aimed at blocking Mr. Estrada's confirmation, it is clear to us that there is a significant need for the formation of the new Hispanic Conference. We support the nomination of Mr. Estrada, not only because his superb credentials make him an ideal appointee, but also because -- for so many of us who are the sons and daughters of immigrants -- Mr. Estrada's story represents the American promise.

To block his confirmation is not only a dangerous constitutional precedent, but also one whose impact could forever alter that promise -- that there is no limit to the possibility of success in America. We must not put a ceiling on the American dream, and so we join our voices as the new Congressional Hispanic Conference. We can think of no more appropriate first act than to champion Mr. Estrada's confirmation and to defend the reason we all came here.

The authors are members of the U.S. Congress.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 3/17/2003 3:39:55 AM
Subject: : Re: Did Clement give you the Michigan Q's?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-MAR-2003 08:39:55.00
SUBJECT:: Re: Did Clement give you the Michigan Q's?
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes, Ganter is bringing to you.

Noel J. Francisco
03/17/2003 07:58:01 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Did Clement give you the Michigan Q's?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/17/2003 3:45:31 AM
Subject: : WSJ op-ed by members of new Congressional Hispanic Conference

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-MAR-2003 08:45:31.00
SUBJECT:: WSJ op-ed by members of new Congressional Hispanic Conference
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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We the (Hispanic) People . . .
By HENRY BONILLA, LINCOLN DIAZ-BALART, MARIO DIAZ-BALART, DEVIN NUNES, and ILEANA ROS-LEHTINEN

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is just one manifestation of a pervasive and troubling trend whereby the advancement of minorities is only applauded when it reinforces liberal politics. To counter this trend and to allow for the positive advancement of Hispanics in the U.S., the Hispanic Republican members of Congress are announcing with this article the formation of the Congressional Hispanic Conference.

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The authors are members of the U.S. Congress.

Updated March 17, 2003

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Tim Goeglein/WHO /EOP@EOP [WHO] <Tim Goeglein>;Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>;Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 3/17/2003 4:55:38 AM
Subject: : parody in NR Online

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-MAR-2003 09:55:38.00
SUBJECT:: parody in NR Online
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Strategy Revealed!
A parody.
By Robert Alt

here seems to be a lot of confusion surrounding the judicial confirmations imbroglio. As luck would have it, I happened to stumble across what appears to be a strategy memo, shedding some light on the opposition to these nominees.

To: Teddy & Tom
From: Your friend for the American way
Re: Talking Points
So far, so good with the filibuster. Here's a recap of points to emphasize:
We Don't Know Anything About Miguel Estrada Because He Won't Answer our Questions . . .
Sure, Mr. Estrada answered over 125 questions during his marathon confirmation hearing, but what does that really tell us? O.K., I know that some of the questions asked were intended to bait Mr. Estrada to ignore the judicial-canons prohibitions regarding announcing how you would decide future cases (for example, Senator Leahy's question asking whether considering race or gender in hiring or selection would meet the strict

scrutiny standard of Adarand v. Pena, despite the fact that this is an open question before the D.C. Circuit), but it was all in good fun. And never mind the fact that despite multiple invitations, few of you have actually submitted written questions to Mr. Estrada. Senator Blanche Lincoln did [note to TD: make sure she loses her parking spot]. Boy, I hope no one ever asks what these "unanswered questions" are . . . that would be a tough one. If that happens, the key is to repeat phrases like "Estrada hasn't filled out his application."

If Only He Would Turn Over the Justice Department Memos . . .

Yes, we all know that the memos are probably about as revealing as a burka . . . but that's why it's brilliant. You see, the Justice Department knows that they can't turn them over. But I don't need to tell you that: you've seen the letter signed by every living solicitor general saying what a terrible idea this is. Just keep on citing to the Bork hearings as a precedent, and soon you may be able to call those hearings "fair" without snickering.

Estrada Is A Right-Wing Extremist . . .

Forget everything we said about not knowing anything about Estrada. We know that he's an extremist. "How?" you may ask. Well, his old boss at the DOJ, Paul Bender, told us so. Yes, this is the same Paul Bender who gave him outstanding reviews, praising his legal analysis, but we can ignore that. And yes, this is the same Paul Bender who was such a liberal lightening rod that career staffers complained to the press that he had a tendency to "impugn people's work and their motives and their integrity," but no one really remembers that. And yes, this is the same Paul Bender who was chief counsel to a committee that recommended the abolition of pornography laws, and is thought responsible for the Clinton DOJ's more liberal position on child pornography. Let's try not to mention that last one.

Teddy, you seemed concerned about the contradiction here between not knowing anything, and at the same time saying that we know Estrada is an extremist. Just follow TD's lead: After the last vote, he said both things in the course of the same article, and no one even blinked.

We're Not Anti-Hispanic or Anti-Woman

Of course we're not. Who could possibly get that impression? Sure, we call Estrada a "Hispanic Clarence Thomas" and hold press conferences denouncing him as "not really Hispanic," but that doesn't make us anti-Hispanic. We're very pro-Hispanic, so long as we're sure we can count on you to issue what we deem to be Hispanic decisions.

Some people are stating that we've subjected Estrada to a double standard. Whatever you do, don't let people figure out that you peppered Estrada with over 100 questions because the D.C. Circuit is sooo important, but then when you had another D.C. Circuit nominee before you (who happened to be White), you chose to all-but-ignore him and instead to direct virtually all your questions to a Sixth Circuit nominee. If that comes to light, just blame the fact that there were three nominees before the committee. That really forced you to ask questions only of the Sixth Circuit nominee, after all.

Then there are all those accusations that you treat women candidates differently. Sure, Michael McConnell wrote that Roe is illegitimate and he gets confirmed, while Justice Owen applies Supreme Court precedent and gets voted down in committee. But it serves her right. Doesn't she understand how she's supposed to rule? Whatever you do, make sure that people don't realize that she never actually ruled against Roe and has made it clear that she would uphold it.

Oh, and while we're on the subject of how the Senate is treating women nominees, could you make sure that Senator Feinstein stops calling Justice Cook "Mrs. Cook?" She did it three times on the floor the other day. Pretty soon, people might start noticing, and that would be embarrassing.

I really don't know how anyone could honestly accuse the Democrats of being insensitive to minorities. I mean, sure, you opposed the Civil Rights Act, and you are the only party with a former Klansman and three former segregationists in Congress, but that's all old news. Don't people realize that when you are the party of Cynthia McKinney and James Moran, sensitivity comes as easy to you as, well, spelling and foreign policy.

Keep up the good work. Soon we'll be able to fill the bench with people we can count on.

* Robert Alt is a fellow in constitutional studies and Jurisprudence at the Ashbrook Center.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/17/2003 9:24:12 AM
Subject: : Form Response Letter - Veterans Concerns

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:17-MAR-2003 14:24:12.00
SUBJECT:: Form Response Letter - Veterans Concerns
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett,
;
;;; do you have any comments on the red tag re: Veterans concerns due 5 pm
on Friday?
;
thanks
```

From: CN=Abel Guerra/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Lezlee J. Westine/WHO /EOP@EOP [WHO] <Lezlee J. Westine>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>
Sent: 3/17/2003 6:33:35 AM
Subject: : HNBA Stands Behind Endorsement of Miguel Estrada for U.S. Circuit Court for the D.C. Circuit

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-MAR-2003 11:33:35.00
SUBJECT:: HNBA Stands Behind Endorsement of Miguel Estrada for U.S. Circuit Court for the
D.C. Circuit
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Lezlee J. Westine ( CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

http://story.news.yahoo.com/news?tmpl=story&u=/030314/180/3im10.html
```

From: Kavanaugh, Brett M.
To: <Holbrook, Ashley>;<Kavanaugh, Brett M.>
CC: <Jones, Alison>
Sent: 3/17/2003 10:49:45 AM
Subject: Re: is mtg with pickering still occurring

Can we move to 12:20?

.

----- Original Message -----

From:Ashley Holbrook/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:Alison Jones/WHO/EOP@Exchange

Date: 03/17/2003 10:00:02 AM

Subject: RE: is mtg with pickering still occurring

Yes.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Monday, March 17, 2003 9:53 AM

To: Holbrook, Ashley ; Jones, Alison

Subject: is mtg with pickering still occurring

From: Holbrook, Ashley
To: <Kavanaugh, Brett M.>
CC: <Jones, Alison>;<McCarthy, Daniel>
Sent: 3/17/2003 11:05:13 AM
Subject: RE: is mtg with pickering still occurring

That will be fine.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 17, 2003 10:50 AM
To: Holbrook, Ashley ; Kavanaugh, Brett M.
Cc: Jones, Alison
Subject: Re: is mtg with pickering still occurring

Can we move to 12:20?

.

----- Original Message -----
From:Ashley Holbrook/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:Alison Jones/WHO/EOP@Exchange
Date: 03/17/2003 10:00:02 AM
Subject: RE: is mtg with pickering still occurring

Yes.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 17, 2003 9:53 AM
To: Holbrook, Ashley ; Jones, Alison
Subject: is mtg with pickering still occurring

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/17/2003 11:41:31 AM
Subject: : Re: Was there an asbestos meeting around here last week?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-MAR-2003 16:41:31.00
SUBJECT:: Re: Was there an asbestos meeting around here last week?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

dunno...this was word of mouth not directly to me.

Brett M. Kavanaugh
03/17/2003 04:36:30 PM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Was there an asbestos meeting around here last week?

what kind of one?

Wendy J. Grubbs
03/17/2003 04:40:20 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Was there an asbestos meeting around here last week?

Senate staffer for Nickles heard that there was one...

Brett M. Kavanaugh
03/17/2003 04:29:57 PM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP
cc: kyle sampson/who/eop@eop
bcc:
Subject: Re: Was there an asbestos meeting around here last week?

There was a meeting where some company came in and gave its views (those have occurred before). I also talked to Margaret Pederlin. Why?

Wendy J. Grubbs
03/17/2003 04:32:55 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP
cc:
Subject: Was there an asbestos meeting around here last week?

From: Schwartz, Victor <VSCHWARTZ@shb.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/17/2003 9:45:42 AM
Subject: : RE: Op-ed authored by my colleague supporting Justice Owen

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Schwartz, Victor" <VSCHWARTZ@shb.com> ("Schwartz, Victor" <VSCHWARTZ@shb.com> [UNKNOWN])
CREATION DATE/TIME:17-MAR-2003 14:45:42.00
SUBJECT:: RE: Op-ed authored by my colleague supporting Justice Owen
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks Brett. Rochelle's op-ed was her inspiration. I simply encouraged her to follow through. I shared you not with her.

Victor E. Schwartz
Shook, Hardy & Bacon L.L.P.
600 14th Street, N.W., Suite 800
Washington, D.C. 20005-2004
Telephone (202) 662-4886
Fax (202) 783-4211
vschwartz@shb.com

-----Original Message-----
From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett M. Kavanaugh@who.eop.gov]
Sent: Monday, March 17, 2003 11:21 AM
To: Schwartz, Victor
Subject: Re: Op-ed authored by my colleague supporting Justice Owen

Thanks, Victor, this was quite strong.

(Embedded
image moved "Schwartz, Victor" <VSCHWARTZ@shb.com>
to file: 03/17/2003 11:02:10 AM
pic30166.pcx)

Record Type: Record

To: "Karl Rove (E-mail)" <kr@georgewbush.com>

cc: See the distribution list at the bottom of this message
Subject: Op-ed authored by my colleague supporting Justice Owen

Karl,
The op-ed by my young, twenty seven year-old colleague (and a superb lawyer), Rochelle Tedesco, about Justice Owen was just published. It is attached for your use and enjoyment. Rochelle is a first generation

professional; her brother is a mechanic and her sister takes care of
children.
She is an outstanding attorney, with a great feel for grassroots and public
thinking on key issues.
Rochelle's op-ed makes a key point on credibility because it comes
from her.
Ideologically left-wing women's groups, such as NOW, vehemently oppose
Justice
Owen's nomination. If such opposition is mounted against other similar
female
nominees, it would curtail and muzzle many young female attorneys who
aspire to
the Bench in the future. These same groups often give male nominees a
slight
shove, but they dirty-tackle their sisters. Rochelle's message needs to be
repeated elsewhere. She can help if you wish. I hope you will find it of
value.
Kind regards, Victor

Hyperlink:
<http://www.nationalreview.com/comment/comment-tedesco031203.asp>
http://www.nationalreview.com/comment/comment-tedesco031203.asp

Attachment (full text)

Victor E. Schwartz
Shook, Hardy & Bacon L.L.P.
600 14th Street, N.W.
Suite 800
Washington, D.C. 20005-2004
Telephone 202-662-4886
Fax 202-783-4211
vschwartz@shb.com

"MMS <shb.com>" made the following
annotations on 03/17/2003 10:02:12 AM

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please contact the sender by reply e-mail and destroy all copies of the
original
message. If you are the intended recipient but do not wish to receive
communications through this medium, please so advise the sender
immediately.

IN THE U.S., please contact:
Shook, Hardy & Bacon LLP
1200 Main Street
Kansas City, MO 64105-2118
816-474-6550

IN EUROPE, please contact:
Shook, Hardy & Bacon International LLP
25 Cannon Street
London EC4M 5SE
44-020-7332-4500

"MMS <shb.com>" made the following
annotations on 03/17/2003 01:45:02 PM

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IN THE U.S., please contact:
Shook, Hardy & Bacon LLP
1200 Main Street
Kansas City, MO 64105-2118
816-474-6550

IN EUROPE, please contact:
Shook, Hardy & Bacon International LLP
25 Cannon Street
London EC4M 5SE
44-020-7332-4500

From: Grubbs, Wendy J.
To: <Kaplan, Joel>;<Kavanaugh, Brett M.>
Sent: 3/17/2003 2:20:50 PM
Subject: S.148 putting Ridge in presidential line of succession

Will someone look at this and let me know our thoughts....there is some interest in moving this through committee..Thanks.

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 3/17/2003 2:21:18 PM
Subject: Re: Form Response Letter - Veterans Concerns

No concerns or objections.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/17/2003 02:24:11 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Form Response Letter - Veterans Concerns

Brett,

do you have any comments on the red tag re: Veterans concerns due 5 pm on Friday?

thanks

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 3/17/2003 2:24:11 PM
Subject: Form Response Letter - Veterans Concerns

Brett,

do you have any comments on the red tag re: Veterans concerns due 5 pm on Friday?

thanks

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 3/17/2003 10:48:39 AM
Subject: : Re: S.148 putting Ridge in presidential line of succession

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-MAR-2003 15:48:39.00
SUBJECT:: Re: S.148 putting Ridge in presidential line of succession
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks....Kyle will you take a look and let me know your thoughts?

Brett M. Kavanaugh
03/17/2003 03:35:39 PM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc: Wendy J. Grubbs/WHO/EOP@EOP
Subject: S.148 putting Ridge in presidential line of succession

Wendy: Kyle is on this.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/17/2003 03:38 PM ----------

Wendy J. Grubbs
03/17/2003 02:21:55 PM
Record Type: Record

To: Joel D. Kaplan/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: S.148 putting Ridge in presidential line of succession

Will someone look at this and let me know our thoughts....there is some interest in moving this through committee..Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>
Sent: 3/17/2003 11:38:57 AM
Subject: : call me re Hew call

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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-MAR-2003 16:38:57.00
SUBJECT:: call me re Hew call
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/17/2003 12:24:51 PM
Subject: : from Wash Times

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-MAR-2003 17:24:51.00
SUBJECT:: from Wash Times
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
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TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
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TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Keeping 2004 in focus

Donald Lambro
ÿÿÿÿÿWhite House political adviser Karl Rove and Housing and Urban Development Secretary Mel Martinez met last week to discuss challenging Florida Sen. Bob Graham in the 2004 election.
ÿÿÿÿÿWhether Mr. Martinez could beat the popular former governor and three-term senator remains doubtful, but that may not be the chief reason Mr. Rove wants the HUD secretary on the Florida ballot.
ÿÿÿÿÿWhat this really boils down to are three things: the state's huge Hispanic vote, Mr. Graham's refusal to break with the Democrats' filibuster against Miguel Estrada's nomination to the D.C. Circuit U.S. Court of Appeals, and improving President Bush's chances of carrying a pivotal state he barely won in 2000.
ÿÿÿÿÿMounting evidence shows a Bush-guided GOP is making inroads into the Hispanic vote, especially in Florida. Republicans won 35 percent of the Hispanic vote nationally last November and President Bush's brother, Florida Gov. Jeb Bush, won 40 percent of that vote in his state. Cuban-born Mr. Martinez would be expected to do even better than that.
ÿÿÿÿÿDespite Florida's reputation as one of the nation's most Republican-leaning states, it remains a wild card in presidential politics. But the Democrats' opposition to Mr. Estrada, a Honduran immigrant who has become a Latino success story, could put the state firmly into George Bush's column.
ÿÿÿÿÿThe longer the Democrats block a majority vote on Mr. Estrada (he has at least 55 votes for confirmation), the angrier Hispanics and Latinos become. Mr. Rove knows that anger could mean votes for Mr. Martinez and

for Mr. Bush.
ÿÿÿÿÿAdministration sources tell me Mr. Rove has promised Mr. Martinez the full support of the White House, including presidential fund-raising and campaign appearances.
ÿÿÿÿÿThe White House says it has clamped down on presidential politics while the country faces a war with Iraq. However, Mr. Rove is already working behind the scenes on next year's elections, recruiting Senate candidates in key states and preparing for Mr. Bush's campaign.
ÿÿÿÿÿIn an exclusive interview in his West Wing office, the president's chief campaign strategist refused to talk about what he is doing, but makes it clear presidential politics is never far from his mind.
ÿÿÿÿÿWhomever wins the Democratic presidential nomination is going to pose a serious challenge to Mr. Bush's re-election bid, he says. "I think at the end of the day, whoever emerges from the Democratic process of selecting a candidate for president will be strong."
ÿÿÿÿÿ"Nine times out of 10 the process of selecting the presidential candidate strengthens the eventual nominee, not weakens him," he says. In other words, for every George McGovern, there are many more Jimmy Carters and Bill Clintons.
ÿÿÿÿÿIt is a lesson Mr. Rove remembers very well, as does Mr. Bush, whose father was trounced by Mr. Clinton in 1992.
ÿÿÿÿÿYes, most of the presidential field is made up of liberal, Northeast candidates who are outside of the political mainstream, but Mr. Rove doesn't underestimate any of them. That is because winning the presidential nomination can turn a weakling into a muscular candidate. Add that to the harm a slumping economy is doing to Mr. Bush's popularity and the president could be in trouble.
ÿÿÿÿÿNeed proof? How about Michael Dukakis and Walter Mondale?
ÿÿÿÿÿMassachusetts Gov. Michael Dukakis was a disastrous, left-wing Democrat who gave weekend furloughs to imprisoned criminals and went down to defeat.
ÿÿÿÿÿBut when Mr. Dukakis won the nomination in 1988, polls showed him in a dead heat with Mr. Bush's father.
ÿÿÿÿÿWalter Mondale, who lost 49 states to Ronald Reagan, was within striking distance of winning in the spring of 1984.
ÿÿÿÿÿMr. Rove believes that the country is shifting in favor of the Republicans. "For me, the most incredible number is the number of state legislative races we won last year. We should have lost an average of 350 seats that the White House parties have suffered in the first off-year elections. Instead we gained 195 seats."
ÿÿÿÿÿThis is the first time the GOP has had a majority of the state legislative seats since 1954, and the largest number since 1928.
ÿÿÿÿÿWinning the Senate and picking up House seats were important, but this can be "explained away" by good recruitment, the president's fund-raising and a strong national message.
ÿÿÿÿÿ"Something more substantial is going on in these state races," Mr. Rove says. "It's very hard to affect the outcome of those [races] on a national scale. To have this kind of result almost across the board, it's a pretty remarkable thing."
ÿÿÿÿÿMr. Rove resists any predictions this trend will continue, but he thinks there is a big reform movement going on in American politics. The once-solid black Democratic vote is becoming more diverse. Hispanics are voting for Republicans in larger numbers from New York to Texas. The "ownership class" feels threatened by the Democrats' zeal for taxation.
ÿÿÿÿÿMany other factors are at work here, but he thinks Mr. Bush is helping to make the Republican Party more inclusive and more palatable for people to vote for. "Only time will tell how permanent, how durable and how big this is."
ÿÿÿÿÿ
ÿÿÿÿÿDonald Lambro, chief political correspondent for The Washington Times, is a nationally syndicated columnist.

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>
Sent: 3/17/2003 4:34:15 PM
Subject: call me re Hew call

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Mercedes M. Viana/WHO /EOP@EOP [WHO] <Mercedes M. Viana>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B. Dyck>
Sent: 3/17/2003 2:57:11 PM
Subject: : Orlando Sentinel (3/16/03) Op-Ed by Sen. Bob Graham re: Senate needs more information on Estrada

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CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-MAR-2003 19:57:11.00
SUBJECT:: Orlando Sentinel (3/16/03) Op-Ed by Sen. Bob Graham re: Senate needs more
information on Estrada
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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Graham: Senate needs more information on Estrada

By Sen. Bob Graham | My Word
Posted March 16, 2003

There are many issues raised by the nomination of Miguel Estrada to the U.S. Circuit Court of Appeals for the District of Columbia. I consider the most fundamental issue to be the independence of the judiciary, a matter of concern to thoughtful Americans from before our country was a country.

In the Pulitzer Prize-winning biography by David McCullough, John Adams is quoted: "Essential to the stability of government and to an able and impartial administration of justice, . . . there must be an Independent Judiciary, men of experience on the laws of exemplary morals, invincible patience, an unruffled calmness and indefatigable application, should be subservient to none and appointed for life."

Those words, written before the War of Independence, became the guiding star for the Constitutional Convention in 1787. To preserve the independence of judges, the Constitution provides that they shall serve a lifetime appointment. To protect from economic intimidation of the judiciary, Congress is prohibited from reducing the salary of judges.

But perhaps the most difficult issue that the Constitutional Convention faced was: How should judges secure their place on the bench?

Up until the very end of the convention, the idea was that this Senate would directly appoint federal judges. However, concern arose that the independence of the judiciary might be at risk if one branch were solely responsible for the appointment of judges, so a compromise was struck: The president would nominate federal judges, and the Senate would advise and consent through the confirmation process.

So the issue we are debating, the relative roles of the executive and legislative, is not a trivial issue. It goes to the heart, as John Adams said, of the stability of government, because it goes to the independence

of the judiciary.

An article in the March 9 issue of the New York Times Magazine focused on the Fourth Circuit Court of Appeals and quotes Judge J. Michael Luttig: "Judges are told, 'You're appointed by us to do these things,' so then judges start thinking, well, how do I interpret the law to get the result that the people who pushed for me to be here want me to get? I believe that there is a natural temptation to line up as political partisans that is reinforced by the political process, and it has to be resisted by the judiciary and by the politicians."

I believe we are being called on to resist an effort to inappropriately utilize executive power and to exclude the legislative role in the appointment of federal judges.

I consider myself to be a pragmatist. I find very few things in life that are black and white. I do not think this issue is black and white. I believe the standard for the kind of information that the Senate has a right and a need to have, in order to carry out its advice and consent function, is not an ideological or even a precedential standard but rather a pragmatic standard.

If a person has been, for instance, an academic and has written articles and books, there is some means by which you can get below the resume and get some feel for the person. Similarly, if a person has been a judge at the state level or at other levels within the federal judiciary, it is likely that they have written opinions or other statements of their feelings.

I do not serve on the Judiciary Committee. But colleagues whose judgment I respect have indicated that they do not believe that, as of today, we have the information on Mr. Estrada to, in an informed manner, provide that consent.

I believe this is an issue upon which honorable men and women can reach agreement. So I would urge those of my colleagues who have been particularly involved in this to not see today's vote as the last chapter, but rather as a call to find an honorable way to provide us with the information, given the dearth of information that might otherwise be available.

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Carolene Langie Office of Global Communications/WHO/EOP@EOP [WHO] <Carolene Langie Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/17/2003 3:57:08 PM
Subject: : White House Global Messenger - 03/18/03

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CREATION DATE/TIME:17-MAR-2003 20:57:08.00
SUBJECT:: White House Global Messenger - 03/18/03
TO:Carolene Langie Office of Global Communications (CN=Carolene Langie Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
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THE GLOBAL MESSENGER
Tuesday, March 18, 2003

******THE PRESIDENT'S ADDRESS TO THE NATION******
"All the decades of deceit and cruelty have now reached an end."
-President George W. Bush, March 17, 2003

*Events in Iraq have now reached the final days of decision. The Iraqi regime has used diplomacy as a ploy. Peaceful efforts to disarm the Iraqi regime have failed because we are not dealing with peaceful men.

*The Iraqi regime continues to conceal some of the most lethal weapons ever devised. It has used weapons of mass destruction. It has a history of reckless aggression and a deep hatred for America and our friends. And it has aided terrorists, including al-Qaida. Using chemical, biological, or one day, nuclear weapons, obtained with the help of Iraq, terrorists could kill thousands, or more.

*The United States and other nations did nothing to deserve or invite this threat, but we will do everything to defeat it. Under UN Resolutions 678 and 687 - both still in effect - we are authorized to use force in ridding Iraq of weapons of mass destruction. This is not a question of authority; it is a question of will.

*On November 8th, the Security Council unanimously passed Resolution 1441, finding Iraq in material breach and vowing serious consequences if Iraq did not fully and immediately disarm. Today, no nation claims that Iraq has disarmed.

*Some permanent members of the Security Council announced they will veto any resolution that compels disarmament. The Security Council has not lived up to its responsibilities - so we will rise to ours.

*In recent days, some governments in the Middle East have delivered messages

urging the dictator to leave Iraq, so that disarmament can proceed peacefully.
Saddam Hussein and his sons must leave Iraq within 48 hours. Their refusal to
do so will result in military conflict.

*In a free Iraq, there will be no more wars of aggression against neighbors...no
more poison factories...no more executions of dissidents...no more torture
chambers and rape rooms.

*Iraqi military units will receive clear instructions on how they can avoid
being attacked. I urge them: If war comes, do not fight for a dying regime
that is not worth your own life. Do not destroy oil wells, a source of wealth
that belongs to the Iraqi people. Do not obey use weapons of mass destruction.

*Should Saddam Hussein choose confrontation, the American people can know every
measure has been taken to avoid war - and every measure will be taken to
win it.

*If Saddam Hussein attempts to cling to power, he will remain a deadly foe until
the end. In desperation, he and terrorist groups might try to conduct terrorist
operations.

*We are acting to protect our homeland. Should enemies strike our country, they
would be attempting to shift our attention with panic, and weaken our morale
with fear. In this, they would fail. We are acting now because the risks of
inaction would be far greater.

*The greatest power of freedom is to overcome hatred and violence, and turn the
creative gifts of men and women to the pursuits of peace. Free nations have a
duty to defend our people by uniting against the violent. America and our
allies accept that responsibility.

******Today's Schedule******
All Times Eastern Standard Time Unless Noted - Subject to Change

12:15 pm White House Briefing by Ari Fleischer

12:30 pm State Department Briefing by Richard Boucher

******KEY QUOTES******

"The French have, for years, had difficulties with the inspection region....[W]hen UNMOVIC was being created after the collapse of the previous
inspection regime, France worked actively for a number of months, in our judgment, to try to weaken that inspection regime....[R]ight after the passage
of 1441, it was absolutely clear that [France] understood that Saddam Hussein
and the Iraqi regime had weapons of mass destruction. It's not something just
known to American intelligence. It's known to all of the major intelligence agencies in the world, and France acknowledged that."
Secretary Powell, to reporters, 3-17-03

THE WHITE HOUSE
Office of Global Communications

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You have previously expressed interest in obtaining news and information from the White House.

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From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Carolene Langie Office of Global Communications/WHO/EOP@EOP [WHO] <Carolene Langie Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/17/2003 4:23:58 PM
Subject: : *ATTACHMENT* White House Global Messenger - 03/18/03
Attachments: P_3L8RE003_WHO.TXT_1.doc

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SUBJECT:: *ATTACHMENT* White House Global Messenger - 03/18/03
TO:Carolene Langie Office of Global Communications (CN=Carolene Langie Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
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(See attached file: GM 3-18-03 FINAL.doc)

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- GM 3-18-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_3L8RE003_WHO.TXT_1>

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Arthur B. Applegate/WHO/EOP@EOP [WHO] <Arthur B. Applegate>
Sent: 3/18/2003 4:57:56 AM
Subject: : we have not allowed use of cars for those purposes (even though we could)

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-MAR-2003 09:57:56.00
SUBJECT:: we have not allowed use of cars for those purposes (even though we could)
TO:Arthur B. Applegate ( CN=Arthur B. Applegate/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 3/18/2003 3:55:39 AM
Subject: : Re: will our 55 be present and voting today?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-MAR-2003 08:55:39.00
SUBJECT:: Re: will our 55 be present and voting today?
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks

Wendy J. Grubbs
03/18/2003 08:51:39 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: will our 55 be present and voting today?

I cannot guarantee attendance but the vote is now at noon before weekly lunches so that helps. I will check but there isn't much that can be done, but frist gets this so every effort is being made so our guys can be here.

.

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 3/18/2003 8:23:04 AM
Subject: Do you have Pate's memo?

.

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>;<Vestewig, Lauren J.>
Sent: 3/18/2003 8:35:53 AM
Subject: DOT Deference
Attachments: dotdeference.wpd

Jay: See attached.

Lauren: I think Jay, Hew Pate, Kirk Van Tine, and I want to confer on a conference call before 1:00. I am available except between 10 and 11.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/18/2003 08:40 AM ----------

"Jenkins, Gloria"

03/17/2003 06:56:24 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: DOT Deference

Try #2

Attached is a document from Mr. Pate on "DOT Deference." Please confirm receipt of this email. Thanks.

Gloria Jenkins

Assistant to R. Hewitt Pate

gloria.jenkins@usdoj.gov

(202) 514-2401

- dotdeference.wpd << dotdeference.wpd >>

PROPOSAL

Absent consumer protection issues or a clear market failure that cannot effectively be redressed under the antitrust laws, DOT should defer to DOJ on all antitrust and market competition issues involving private agreements and conduct.

DISCUSSION

DOJ and DOT Authority

In the wake of airline deregulation, both DOJ and DOT have statutory authority over competition in the airline industry[1]. The Airline Deregulation Act of 1978 gradually ended regulation of airline pricing and entry decisions, dismantled the Civil Aeronautics Board at the end of 1984, and transferred residual regulatory responsibilities, including merger approval, to the DOT. On January 1, 1989, DOT merger review authority terminated, and airline mergers and acquisitions became subject to normal HSR filing rules and DOJ jurisdiction under Clayton §7.

DOT, however, continues to enforce § 411 of the Federal Aviation Act ("FAA"), whose key language is identical to §5 of the Federal Trade Commission Act, which prohibits "unfair methods of competition." The FTC has no jurisdiction over airlines. In 1998, Congress also enacted a "file-and-wait" requirement at DOT for domestic codeshare and frequent flier program (FFP) agreements. DOT is authorized to delay implementation of codeshare agreements for up to six months, and of FFP agreements for up to 60 days.

DOT traditionally has deferred to DOJ on antitrust issues. In its first post-1989 review of a certificate transfer pursuant to an HSR reportable merger, DOT announced a new, narrower inquiry it would conduct under its "public interest" standard, and that it would defer to DOJ on antitrust issues:

> [In our earlier Show Cause Order[2]] we stated our perception that the sunset of section 408 [DOT merger review authority] strongly suggested Congress' intent that we consider the

---

[1] DOJ: Anticompetitive mergers and acquisitions (Clayton Act §7); anticompetitive agreements among competitors (Sherman Act §1); and exclusionary conduct by dominant firms (Sherman Act §2).

DOT: Consumer protection and other "unfair methods of competition" (49 U.S.C. § 41712); approval of (and antitrust immunity for) agreements between foreign and domestic airlines, including codeshare alliances (49 U.S.C. §§41713, 15); review (but not approval) of domestic codeshare and frequent flyer agreements (49 U.S.C. §41720); fitness reviews and certification of airlines (49 U.S.C. §§41102, 05).

[2] "Congress' decision to deregulate the airline industry means that we should not delay market transactions involving the transfer of route authority unless necessary for important public policy reasons, and that we should not lightly impose restrictions or other conditions on such transactions." Show Cause Order, 3/10/89, at 7.

policy implication of proposed certificate transfers without respect to antitrust considerations, those matters now properly belonging to the Department of Justice.

Federal Express Corp. and The Flying Tiger Line, Inc., Docket 46025, Final Order, served May 2, 1989, at 2. In reaching this conclusion, DOT deferred to DOJ on antitrust issues not necessarily because it was required to, but because DOT concluded it was sound policy consistent with the intent of Congress.[3] Similarly, during DOJ's monopolization investigation of American Airlines, DOT deferred issuing final "Competition Guidelines" relating to predatory conduct by dominant hub carriers, eventually shelving them after the DOJ's lawsuit was filed. Recently, however, there are indications that DOT may seek to return to a broader regulatory role in antitrust and competition matters.

Reasons Why DOT Deference to DOJ is Appropriate

There are sound policy reasons for DOT to defer to DOJ on antitrust and competition issues:

Consistent Enforcement Standards - DOJ is more likely to take a consistent, and therefore predictable, enforcement approach that is defined by antitrust law precedent and sound economic analysis (e.g., the DOJ/FTC Merger Guidelines). In contrast, DOT's statute (FAA § 411), lacks the discipline of the body of antitrust precedent that has developed to preserve the critical balance between protection of competition and government intervention that will actually harm competition. This fact, together with DOT's historically greater focus on addressing the interests advanced by individual competitors rather than competition itself, makes its enforcement policies less predictable. In exclusionary conduct (Sherman Act § 2) situations, a broad interpretation of DOT's statute might not require a showing of "monopoly power" in a defined market. DOT might be tempted to conclude that it need not conduct a Brooke[4] analysis (below cost pricing and recoupment) in predatory pricing cases. In conspiracy cases, DOT might not conduct a Matsushita/Petroleum Products [5] analysis to distinguish conspiracy from conscious parallelism in an oligopoly. In the past, DOT has been both more lenient than the antitrust laws would require (approving overlapping hub mergers in the mid-80's, and granting immunity to competitors in concentrated markets over DOJ objections), and more restrictive (refusing to allow market-based

---

[3] There is legal precedent for the proposition that, under FAA §411, DOT "can forbid anticompetitive practices before they become serious enough to violate the Sherman Act." United Airlines v. Civil Aeronautics Board, 766 F.2d. 1107 (7th Cir. 1985). This does not mean, however, that it is sound policy to attempt broader regulation under §411. Indeed, past efforts by the FTC to broaden its interpretation of the identical language of §5 beyond the scope of DOJ's enforcement of its statutes have met with judicial hostility. See, e.g., E.I Du Pont de Nemours & Co. v. FTC, 729 F.2d 128 (2d Cir. 1984); Boise Cascade Corp. v. FTC, 637 F.2d 573 (9th Cir. 1980).

[4] Brooke Group Ltd. v. Brown & Williamson Tobacco Corp., 509 U.S. 209 (1993).

[5] Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574 (1986); In re Coordinated Pretrial Proceedings in Petroleum Products Antitrust Litigation, 906 F.2d 432 (9th Cir. 1990), cert. den. sub nom. Chevron Corp. v. Arizona, 500 U.S. 959 (1991).

divestitures in AA/BA II in favor of awarding Heathrow slots to administratively "preferred" recipients).

Insulation From Political Influence - As a pure law enforcement agency, DOJ is less susceptible to political pressure and lobbying than an agency with diverse responsibilities such as DOT. DOT has broad program and promotional responsibilities that are appropriately influenced by political considerations, including airport funding, international aviation treaty negotiations, the essential air service program and the allocation of certain service rights.

Superior Discovery Tools and Procedures - DOJ conducts confidential fact investigations using compulsory process for data, documents and testimony as needed. Information received is not made public (absent litigation), and customers and informants can provide information to DOJ in confidence without running afoul of ex parte rules. In contrast, DOT proceedings are conducted on a public record subject to ex parte rules, where "interested parties" voluntarily (and selectively) submit evidence and argument. The DOT process is not confidential and not well-suited for developing a complete and unbiased factual record.

Effective Use of Government Resources - DOJ is experienced and well-equipped to conduct antitrust investigations. It has the breadth of experience over all industries, many with some of the same structural characteristics of the airline industry. DOJ's Economic Analysis Group is recognized throughout the world as unsurpassed at its work. With its large and experienced legal and economic staffs, DOJ can more efficiently devote the necessary resources to competition issues in the airline industry.

Avoiding Duplicative Investigations - DOJ and FTC have overlapping jurisdiction, but have a "clearance agreement" that prevents overlapping investigations. There is no similar agreement with DOT, although the 1998 pre-filing amendments for codeshares directed the agencies to establish preclearance procedures to prevent unnecessary duplication, 49 U.S.C. § 41720 (f). One way to avoid overlapping investigations in the airline industry is for DOT to defer to DOJ on all matters that can be addressed under the antitrust laws, even if they could arguably be addressed under the more discretionary standards of the Federal Aviation Act.

Ensuring Appropriate Grants of Antitrust Immunity - DOT may grant antitrust immunity to certain agreements between airlines, including codesharing and marketing alliance agreements. DOJ and DOT have often agreed on when a grant of immunity would harm competition and should not be granted, but DOT has also frequently disregarded DOJ advice on withholding immunity, most recently by approving a domestic capacity reduction agreement between Aloha and Hawaiian Air, the only significant inter-island competitors in Hawaii, and by immunizing the American Airlines/Swiss Air alliance without "carving out" (withholding immunity) for certain routes where the parties were the only, or two of three, actual or potential nonstop competitors on the routes. Because antitrust immunity is itself a departure from the legal rules applicable to protect market competition in virtually every other industry, DOT should be reluctant to grant it in any situation. Recognizing that immunity grants to foreign carrier alliances can at times be a useful bargaining chip in open skies negotiations, DOT nonetheless should accord significant weight to a DOJ recommendation to limit, restrict or deny it.[6]

Avoiding Unintended Harm to Competition - Judicial limitations on antitrust liability — such as the requirements of proof in conspiracy and predation cases — should not be viewed as inconvenient impediments to be circumvented by resort to a more broadly worded statute. Rather, these limitations have been put in place by the courts to ensure that unfounded antitrust intervention does not itself chill *procompetitive* activity. For example, predatory pricing challenges by definition attack price cutting and discounting, which clearly benefit consumers in the short term. Such challenges should not be undertaken without rigorous proof that they are needed to protect competition in the long run. Deference to the DOJ would assure application of these legal standards. Open-ended regulation under a broad reading of §411, in contrast, runs the risk of decisionmaking based on individual competitors' lobbying for advantage rather than the objective application of law.

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[6] Both the FCC and the STB are required by statute to give the views of DOJ "substantial weight" in reaching certain decisions affecting competition, 47 U.S.C. §271(d)(2)A (FCC); 49 U.S.C. §11324 (STB).

From: Powell, Benjamin A.
To: <Kavanaugh, Brett M.>
CC: <McQuade, Vickie A.>
Sent: 3/18/2003 8:46:43 AM
Subject: Ari received an invite to lend his name to the Honorary Committee for the Ambassador's Ball.

Brett- do you know the policy on this?

---------- Forwarded by Benjamin A. Powell/WHO/EOP on 03/18/2003 08:46 AM ----------

From: Vickie A. McQuade/WHO/EOP@Exchange on 03/18/2003 08:45:30 AM

Record Type: Record

To: Benjamin A. Powell/WHO/EOP@EOP

cc:

Subject: Ari received an invite to lend his name to the Honorary Committee for the Ambassador's Ball.

If I'm not mistaken he cannot do this. Is that correct?

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/18/2003 5:03:06 AM
Subject: : Departing from the script

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-MAR-2003 10:03:06.00
SUBJECT:: Departing from the script
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Kennedy just complained on the Senate floor about the Administration
urging a tax cut while our troops are being sent to fight in Vietnam.;
```

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/18/2003 9:31:27 AM
Subject: : RE: Where's the meeting?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:18-MAR-2003 14:31:27.00
SUBJECT:: RE: Where's the meeting?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Felt like I ought to make an appearance. 211 wasn't nearly so hot.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, March 18, 2003 2:22 PM
To: Leitch, David G.
Subject: Re: Where's the meeting?

248, as you now know! nothing much new happened, although it took an hour
and 15 minutes. will fill you in.

From: David G. Leitch/WHO/EOP@Exchange on 03/18/2003 01:45:36 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Where's the meeting?

.

From:	Vestewig, Lauren J.
To:	<Dougherty, Elizabeth S.>;<Kavanaugh, Brett M.>;<Sharp, Jess>
CC:	<Skelly, Layton>
Sent:	3/18/2003 10:29:04 AM
Subject:	FW: Antitrust call today at 11:30

Make this 11:20. Thanks.
-----Original Message-----
From: Vestewig, Lauren J.
Sent: Tuesday, March 18, 2003 10:22 AM
To: Sharp, Jess; Dougherty, Elizabeth S.; Kavanaugh, Brett M.
Cc: Skelly, Layton; Lefkowitz, Jay P.
Subject: Antitrust call today at 11:30

Provided Hew Pate can participate, there will be a conference call today at 11:30. (I'll shoot you another email to confirm around 11.) Kirk Van Tine will also join. Thanks.

From: Bumatay, Patrick J.
To: <Walker, Helgard C.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Brilliant, Hana F.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Francisco, Noel J.>;<Ganter, Jonathan F.>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
Sent: 3/18/2003 10:38:31 AM
Subject: FW: White House Opearting Procedures

FYI -

All White House tours cancelled as of Noon today.

---------- Forwarded by Douglas L. Hoelscher/WHO/EOP on 03/18/2003 10:36 AM ----------

From: Israel Hernandez/WHO/EOP@Exchange on 03/18/2003 10:26:48 AM
Record Type: Record

To: OPL - Public Liaison@EOP, OPA - Political Affairs@EOP, OSI - Strategic Initiatives@EOP, IGA Intergovernmental Affairs@EOP

cc:
Subject: White House Opearting Procedures

1) As you might have noticed this morning...the perimeter closest to the White House has been extended outside the already existing perimeter until further notice. The south side of Pennsylvania is now closed to pedestrians. The north side of E street is also closed to pedestrians. The sidewalk closest to EEOB on 17th Street and to Treasury on 15th Street is now also closed.

2) Effective Noon Today: The White House will be closed for White House State Floor tours and West Wing tours. Any already scheduled tours will have to be cancelled. I will alert you when the White House and the West Wing will open for tours again.

3) Briefings in EEOB should continue. The Eisenhower Executive Office Building will remain open for staff to conduct WH briefings. You may also want to consider using the White House Conference Center as an option.

I will keep you up to date on all the latest information we get relating to WH operating procedures.

Thanks

Iz

From: Vestewig, Lauren J.
To: <Kavanaugh, Brett M.>;<Sharp, Jess>;<Dougherty, Elizabeth S.>
CC: <Skelly, Layton>;<Lefkowitz, Jay P.>
Sent: 3/18/2003 11:13:04 AM
Subject: Conference call

Still no word from Hew Pate. If I hear from him, I will hook you all into a call at 11:20. If not, I'll be in contact to set something else up. Thanks.

From: Vestewig, Lauren J.
To: <Kavanaugh, Brett M.>
Sent: 3/18/2003 11:16:37 AM
Subject: RE: Conference call

Or do you want Peggy Ward to sit in? She is Hew's counsel.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, March 18, 2003 11:10 AM
To: Vestewig, Lauren J.
Cc: Sharp, Jess; Dougherty, Elizabeth S.; Skelly, Layton; Lefkowitz, Jay P.
Subject: Re: Conference call

He may be on a plane back from NY.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/18/2003 11:13:04 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jess Sharp/OPD/EOP@EOP, Elizabeth S. Dougherty/OPD/EOP@EOP
cc: Layton Skelly/OPD/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@Exchange
Subject: Conference call

Still no word from Hew Pate. If I hear from him, I will hook you all into a call at 11:20. If not, I'll be in contact to set something else up. Thanks.

From:	CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To:	David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent:	3/18/2003 7:56:27 AM
Subject:	: Orlando Sentinel (3/18/03) OP-ED by Secretary Martinez re: Graham wrong to block vote on Estrada

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-MAR-2003 12:56:27.00
SUBJECT:: Orlando Sentinel (3/18/03) OP-ED by Secretary Martinez re: Graham wrong to block vote on Estrada
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/18/2003 12:56 PM ----------

Jeanie S. Mamo
03/18/2003 12:55:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Orlando Sentinel (3/18/03) OP-ED by Secretary Martinez re: Graham wrong to block vote on Estrada

Martinez: Graham wrong to block vote on Estrada

By Mel Martinez | Special to the Sentinel
Posted March 18, 2003

I am disappointed by Sen. Bob Graham's vote last week to impede the nomination of Miguel Estrada.

President Bush has twice nominated Estrada to become the first Hispanic on the D.C. Circuit Court of Appeals, an honor for which he is eminently qualified. Unfortunately, the Democratic leadership has denied him a confirmation vote since the spring of 2001.

Graham's vote on Thursday to maintain the filibuster is not in keeping with his long tradition of supporting the interests of Hispanics, who represent a large portion of his constituency.

Graham and the 42 Democrats who joined him have a constitutional responsibility to hold an up-or-down vote on all judicial nominees within a reasonable time frame. For this obstructionist bloc, it seems, partisanship trumps responsibility.

I applaud Senate Majority Leader Bill Frist and the Republican leadership for holding their ground and scheduling repeated votes to break the filibuster. It is time for Graham and his colleagues to stand up and vote "yes" or "no" and then explain to their constituents why they voted the

way that they did.

For Hispanics and other immigrants, the opportunity to serve this great nation in public office is part of their American Dream. I know. At the age of 15, I fled Castro's Cuba, seeking a better life in the United States. Soon, I was eager to give something back to my adopted country.

Estrada and I share a similar path in our quest for the American Dream. At the age of 17, and with minimal English-language skills, the young Estrada emigrated from his native Honduras, seeking a better life and opportunity in this country. Hard work and determination enabled him to graduate with highest honors from Columbia University and then earn a law degree, also with honors, from Harvard Law School.

After college, Estrada served as a clerk to U.S. Supreme Court Justice Anthony Kennedy and later worked for both Republican and Democratic administrations at the Department of Justice, including five years in the solicitor general's office. He has appeared 15 times before the Supreme Court, winning 10 of his cases. Recognizing his legal skills and experience, the American Bar Association unanimously gave Estrada its highest rating.

Despite these impressive credentials, many Senate Democrats have obstructed the confirmation process. Twice, they have voted to continue their filibuster and block an up-or-down vote on this outstanding nominee.

Denying Estrada a vote goes against the spirit of the Constitution's "advise and consent" clause and, I would add, against the spirit of America. Estrada, and millions of others like him, came to America because this is a land of opportunity. We should never stand in the way of qualified individuals willing to commit to public service.

I urge Sen. Graham to reconsider his actions and allow this great American success story to receive the vote that he deserves.

Mel Martinez, a lawyer in Orlando for 25 years and a former chairman of Orange County, is secretary of Housing and Urban Development. He wrote this commentary for the Orlando Sentinel.

Message Sent
To:_____
Paul B. Dyck/WHO/EOP@EOP
Mercedes M. Viana/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Ashley Snee/WHO/EOP@Exchange@EOP
Leonard B. Rodriguez/WHO/EOP@EOP

From:	Bumatay, Patrick J.
To:	<Walker, Helgard C.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Brilliant, Hana F.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Francisco, Noel J.>;<Ganter, Jonathan F.>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
Sent:	3/18/2003 12:38:09 PM
Subject:	FW: Appointment and Parking Issues

More WH operations information...

-----Original Message-----

From: Ganter, Jonathan F.

Sent: Tuesday, March 18, 2003 11:20 AM

To: Bumatay, Patrick J.

Subject: Appointment and Parking Issues

The following matters were discussed at this morning's Admin. Contact meeting:

Appointments-

Pedestrian traffic along Pennsylvania Avenue will be restricted until further notice is given. For the time being, appointments may only access Pennsylvania from the intersection of 15th and Penn. or from the intersection of 17th and Penn. (Pennsylvania cannot be accessed from the Lafayette Park side). Appointments will need to first check in with the guards posted at the 15th or 17th street barricades. The guards will then call inside to verify wave access prior to allowing anyone to continue on to the regular facility entrances.

Parking Matters-

Until the situation involving the tractor parked in the pond on the Mall has been resolved, Constitution Avenue will be closed from 15th Street to 23rd Street. In addition, 17th Street will remain closed from E Street to Constitution. As a result of these measures the only entrance to the the Ellipse, State Place, and West Exec. parking areas is located at the intersection of 15th and Pennsylvania. Those parking on State Place and the Ellipse will also need to exit at the same 15th Street location. The normal Pennsylvania exit to the West. Exec should remain open.

The East Exec. parking area is being reconfigured and thus will result in the loss of spaces as of Friday night. To account for this loss, new parking spaces will be established in front of and around the Visitor's Center on the Northeast side of the Ellipse parking area. These new spots will be clearly marked and are for overflow East Exec (H pass) parking only. If you normally park on the Ellipse, do not use these new spaces (the changes will not result in the loss of pre-existing Ellipse spaces).

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;David G. Leitch/WHO /EOP@Exchange@EOP [WHO] <David G. Leitch>;Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/18/2003 10:05:30 AM
Subject: : DMN editorial on President's plan

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-MAR-2003 15:05:30.00
SUBJECT:: DMN editorial on President's plan
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Let's change rules that hang up nominees
Knight Ridder/Tribune News Service

(KRT) - The following editorial appeared in the Dallas Morning News on Sunday, March 16:
Senate rules are an important part of American political tradition, worthy of respect. Ditto for the constitutional process by which the Senate confirms federal judges. The abuse of one must not be allowed to undermine the other.
But that is precisely what is happening. No matter which party controls the Senate gavel, when it comes to confirming judges, those in power too often behave reprehensibly. Senators grandstand and play games. They distort nominees' records and views, misrepresent their positions, and malign them with words like "extremist." It is no wonder there is such a high number of judicial vacancies at the federal level.
It doesn't matter who runs the Senate or who the nominee happens to be. It's nothing personal. It's the system, a system that is flat broken. And, finally, last week, thank goodness, someone said so.
President Bush is justifiably upset at how Democrats have abused the filibuster to thwart the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia.
Now the president proposes something drastic: amend the Senate rulebook to require that, no matter which party controls the White House or Senate, all federal judicial nominees get an up-or-down vote. The practical application would be to eliminate the filibuster with regard to judicial nominees.
Wow. It's not every day the president of the United States wants to tinker with Senate tradition going back nearly a hundred years. Thank goodness. But the status quo is unacceptable. If Democrats have other ideas, let's hear them. If not, Americans should push the Senate to embrace Bush's suggestion. After all, at some point, the political tables will turn and an up-or-down vote will seem all the more palatable to many of those who currently oppose Bush's idea.
Most Senate traditions are grand, and when possible, they ought be preserved. But that's no excuse for letting politics turn the Federalist

Papers into the funny pages.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 3/18/2003 2:21:54 PM
Subject: Re: Where's the meeting?

248, as you now know! nothing much new happened, although it took an hour and 15 minutes. will fill you in.

From: David G. Leitch/WHO/EOP@Exchange on 03/18/2003 01:45:36 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Where's the meeting?

.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 3/18/2003 2:31:15 PM
Subject: RE: Where's the meeting?

Felt like I ought to make an appearance. 211 wasn't nearly so hot.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, March 18, 2003 2:22 PM
To: Leitch, David G.
Subject: Re: Where's the meeting?

248, as you now know! nothing much new happened, although it took an hour and 15 minutes. will fill you in.

From: David G. Leitch/WHO/EOP@Exchange on 03/18/2003 01:45:36 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Where's the meeting?

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From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Grubbs, Wendy J.>;<Snee, Ashley>
Sent: 3/18/2003 2:59:42 PM
Subject: DMN editorial on President's plan

Let's change rules that hang up nominees

Knight Ridder/Tribune News Service

(KRT) - The following editorial appeared in the Dallas Morning News on Sunday, March 16:

Senate rules are an important part of American political tradition, worthy of respect. Ditto for the constitutional process by which the Senate confirms federal judges. The abuse of one must not be allowed to undermine the other.

But that is precisely what is happening. No matter which party controls the Senate gavel, when it comes to confirming judges, those in power too often behave reprehensibly. Senators grandstand and play games. They distort nominees' records and views, misrepresent their positions, and malign them with words like "extremist." It is no wonder there is such a high number of judicial vacancies at the federal level.

It doesn't matter who runs the Senate or who the nominee happens to be. It's nothing personal. It's the system, a system that is flat broken. And, finally, last week, thank goodness, someone said so.

President Bush is justifiably upset at how Democrats have abused the filibuster to thwart the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia.

Now the president proposes something drastic: amend the Senate rulebook to require that, no matter which party controls the White House or Senate, all federal judicial nominees get an up-or-down vote. The practical application would be to eliminate the filibuster with regard to judicial nominees.

Wow. It's not every day the president of the United States wants to tinker with Senate tradition going back nearly a hundred years. Thank goodness.

But the status quo is unacceptable. If Democrats have other ideas, let's hear them. If not, Americans should push the Senate to embrace Bush's suggestion. After all, at some point, the political tables will turn and an up-or-down vote will seem all the more palatable to many of those who currently oppose Bush's idea.

Most Senate traditions are grand, and when possible, they ought be preserved. But that's no excuse for letting politics turn the Federalist Papers into the funny pages.

From: Griffin, William T.
To: <Snee, Ashley>;<Stanzel, Scott>;<Mamo, Jeanie S.>;<Kavanaugh, Brett M.>
Sent: 3/18/2003 5:23:12 PM
Subject: ESTRADA EDITORIAL FROM SIOUX FALLS ARGUS LEADER

ARGUS LEADER (Sioux Falls, SD)

Estrada deserves full Senate vote

Editorial Board

Argus Leader

published: 3/18/2003

It's time for a Senate vote on federal appeals court nominee Miguel Estrada.

Twice, the Senate has failed to stop a filibuster, which is preventing that vote and dividing our nation.

Both sides must compromise.

Democrats say they want to ask Estrada more questions and have access to his working papers from the time he was in the Justice Department.

Estrada already has been quizzed by the Senate Judiciary Committee, so there seems little need. But if that's what it takes to get a vote, then do it. Democrats must ask the specific questions - in writing, if that is how it must be done - and the Bush administration must turn over those papers.

Do that, and there no longer will be an excuse for the filibuster.

But let's not kid ourselves about what really is going on. Democrats don't want Estrada on the U.S. Court of Appeals for the District of Columbia. They say that he's too conservative. Say that he opposes abortion. Say whatever you want - most Democrats in the Senate don't want him.

They also know that if the nomination goes to the floor, Estrada will win.

The filibuster is the only way to stall that and maybe force the Bush administration into sending over a different nominee.

We've had enough of that.

Get the questions out in the open and ask them. Estrada should answer them.

And then, let's get on with the vote.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/18/2003 1:36:49 PM
Subject: : AP story on Judicial Conference request for new judgeships and support for judiciary element of President's plan

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-MAR-2003 18:36:49.00
SUBJECT:: AP story on Judicial Conference request for new judgeships and support for
judiciary element of President's plan
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Congress Urged to Expand Federal Courts

The Associated Press
Tuesday, March 18, 2003; 4:43 PM
The governing body for the federal courts urged Congress Tuesday to create
more judgeships to relieve crowded dockets.
The Judicial Conference of the United States recommended the addition of
11 appeals court judges and 46 district court judges, with California,
Florida and New York picking up the most.
Congress voted last fall to create 15 new district judgeships, but the
last time appeals courts were expanded was 1990. There are about 850
district and appeals court judges, and caseloads have increased more than
30 percent since 1990.
Also Tuesday, the Judicial Conference, which is headed by Chief Justice
William H. Rehnquist, rejected a plan to require the stationing of
officers in federal courtrooms for non-criminal hearings.
Judge Carolyn King, chief judge of the 5th U.S. Circuit Court of Appeals
in New Orleans, said concern about cost killed the plan.
The Judicial Conference also voted to urge district and appeals court
judges to give advance notice of retirement. President Bush proposed last
year that judges give at least a year's notice of retirement if possible,
as one solution for the logjam over federal judicial nominees.
"Judges think it's a reasonable request," King said.
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From:	Kavanaugh, Brett M.
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Walker, Helgard C.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent:	3/18/2003 6:30:05 PM
Subject:	AP story on Judicial Conference request for new judgeships and support for judiciary element of President's plan

Congress Urged to Expand Federal Courts

The Associated Press

Tuesday, March 18, 2003; 4:43 PM

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"Judges think it's a reasonable request," King said.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 3/18/2003 6:32:52 PM
Subject: should we have short Presidential written statement on their support for judiciary element of President's plan?

http://www.uscourts.gov/Press_Releases/303judconf.pdf

From: Higgins, Stephen (Judiciary) <Stephen_Higgins@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/18/2003 2:45:18 PM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Higgins, Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> ("Higgins, Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:18-MAR-2003 19:45:18.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

So so.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, March 18, 2003 7:35 PM
To: Higgins, Stephen (Judiciary)
Subject: Re:

how did it go?

(Embedded
image moved "Higgins, Stephen (Judiciary)"
to file: <Stephen_Higgins@Judiciary.senate.gov>
pic27109.pcx) 03/14/2003 04:31:22 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject:

Any word?

From: Lefkowitz, Jay P.
To: <Rooney, Annette E.>;<Dorn, Nancy>;<Cleveland, Robin>;<Perry, Philip J.>;<Kavanaugh, Brett M.>;<Bellinger, John B.>
Sent: 3/18/2003 6:50:57 PM
Subject: Vestewig, Lauren J.RE: Compensation for Victims of Terrorism

Nancy -- given some of our recent discussions regarding frozen assets, I think we need to review and edit this draft with a view to having our own proposal pretty soon.

Last I looked the State proposal was too far leaning for us, but I agree we need to put something on paper that we can live with.

-----Original Message-----

From: Rooney, Annette E.

Sent: Tuesday, March 18, 2003 6:17 PM

To: Lefkowitz, Jay P.; Dorn, Nancy; Cleveland, Robin; Perry, Philip J.; Kavanaugh, Brett M.

Cc: Vestewig, Lauren J.; Carson, Karyn T.; Wood, John F.; Lobrano, Lauren C.; Jukes, James J.; Bent, Rodney G.; Kulikowski, James M.; Pipan, Joseph G.; Powell, Benjamin; Burnim, John D.; Green, Richard E.

Subject: Compensation for Victims of Terrorism

Attached is a copy of a letter from Secretary Powell to Director Daniels on State's legislative proposal to compensate US victims of international terrorism. The letter urges completion of interagency review of the proposal. This proposal was submitted as part of State's Foreign Relations Authorization bill. Per guidance within EXOP, we advised State that the proposal was on hold and that State's Legal Advisor should pursue with Jay Lefkowitz.

We are close to final clearance of State's Authorization bill in anticipation of a House International Relations Committee markup possibly next week.

<< File: Powell ltr -Victims Compensation.PDF >>

From: Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/19/2003 6:08:33 AM
Subject: : RE: quick question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ("Benczkowski, Brian A"
<Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:19-MAR-2003 11:08:33.00
SUBJECT:: RE: quick question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

we are adding Kleindeist. Should be done shortly.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, March 19, 2003 10:59 AM
To: Benczkowski, Brian A
Subject: RE: quick question

have you completed that other doc from yesterday?

(Embedded
image moved "Benczkowski, Brian A"
to file: <Brian.A.Benczkowski@usdoj.gov>
pic07315.pcx) 03/19/2003 10:37:50 AM

Record Type: Record

To: "'Miranda, Manuel (Frist)'" <Manuel_Miranda@frist.senate.gov>, Brett
M.
Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: quick question

Looks like ours.

-----Original Message-----
From: Miranda, Manuel (Frist) [mailto:Manuel_Miranda@frist.senate.gov]
Sent: Wednesday, March 19, 2003 10:36 AM
To: Benczkowski, Brian A; Brett_M._Kavanaugh@who.eop.gov
Subject: quick question

Was the attached produced by DOJ or the Committee?

From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/19/2003 4:27:01 AM
Subject: : TRANSCRIPT - Secretary Ridge on Today Show) NBC 03/19/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:19-MAR-2003 09:27:01.00
SUBJECT:: TRANSCRIPT - Secretary Ridge on Today Show) NBC 03/19/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Secretary Ridge on Today Show) NBC 03/19/03

;

COURIC: The impending war with Iraq has the nation bracing for a possible terrorist backlash. Homeland Security Secretary Tom Ridge and his team have raised the terror threat level to orange or high.

;;;;;;;;;;; ;; Mr. Secretary, good morning.

;;;;;;;;;;; ;; RIDGE: Good morning, Katie.

;;;;;;;;;;; ;; COURIC: Can you give us any specific information in terms of what prompted you to raise the terror level? And are you picking up increased intelligence regarding some kind of possible terrorist attack against the United States?

;;;;;;;;;;; ;; RIDGE: Katie, over the past several weeks there's been an increased level, a volume of terrorist threats from quite a few sources. And as you know, over the past couple of weeks we've also detained some additional individuals who have helped corroborate some of these threats. Now, there's nothing specific to the United States, but they talk again and again about targeting U.S. interests, both within the United States and around the world. So that is the reason. It was the collective, universal opinion of the intelligence community that we should go to a higher level of threat around the country, and work with the governors and local law enforcement to enhance security around the country.

;;;;;;;;;;; ;; COURIC: How does it compare, Secretary Ridge, with the level of intelligence U.S. officials were picking up prior to, say, September 11?

;;;;;;;;;;; ;; RIDGE: It's difficult, Katie, to make that assessment simply because, as we continue to prosecute the war and we continue to work with our allies, we do get more and more information. And whether or not the increased volume deals with different threats or we're just picking up more information about the same threats remain to be seen. But it is clear that our successful prosecution of the war, our ability to interview detainees, the contribution of our allies and their effort as well, has given us access to more information.

;;;;;;;;;;; ;; Unfortunately, while we can corroborate and say it's credible, we still don't have the kind of specificity in terms of time and place, method and means that we'd obviously like. But, again, it was the universal decision of the community, the intelligence community, now is the time we go up. Bin Laden has talked about using a military involvement, incursion into Iraq as a rallying cry, so to orange we went.

;;;;;;;;;;; ;; COURIC: When you say no specificity, Mr. Secretary, I'm just curious. I mean, are the conversations in general terms? They never talk about a particularly targeted area or even a country?

;;;;;;;;;;; ;; RIDGE: They do pick up some information about countries and they do pick up information about sectors, and you and I have had conversations about everything from transportation and energy to soft targets. But as we take a look around this wonderful country to see how diverse our economy is, how large we are, how open we are, I think if you went back over the past year and we took a look at the intelligence reports, in general terms there's probably not too much they haven't talked about with regard to the United States of America.

;;;;;;;;;;; ;; COURIC: Are you worried less about an orchestrated, well planned out effort and more about, perhaps, a lone suicide bomber going into a crowded area?

;;;;;;;;;;; ;; RIDGE: Katie, the concern that we have and one of the reasons we raised the threat level this time is, again, the principal agent of terror that we're concerned with is Al Qaida, but there are potentially Iraqi agents or surrogates. But I think in the back of our minds, as we witnessed around the world, the possibility of that lone wolf, that individual suicide bomber or that individual terrorist, certainly still lurks in the mind not just of those of us in Washington, but of local law enforcement as well.

;;;;;;;;;;; ;; COURIC: Meanwhile, Secretary Ridge, as you well know, you're getting a little push-back this time from states and cities who are saying, ``Listen, we just cannot afford the measures that you're suggesting.'' I know that New York City alone is spending an estimated $5 million every week to protect the city. You'll be meeting later with Mayor Bloomberg. What will you tell him because many state and local officials are saying, ``We need money. We need support from the federal government. And P.S.; that money was promised to us and never delivered.''

;;;;;;;;;;; ;; RIDGE: First of all, when I spoke with the governors a couple of nights ago, they all understood that we have to improve security and I think they've all undertaken a very robust and broad-ranging group of security precautions. Secondly, the president has said that he would ask for a supplemental. There will be a homeland security piece of that supplemental. And thirdly, we look forward to the opportunity to see Mayor Bloomberg. We're in constant communication with the mayor, Chief Kelly. We understand completely that during these very difficult times, financial times as well, for the mayors and the governors, we understand their predicament and...

;;;;;;;;;;; ;; COURIC: When do you think they'll get more money, Mr. Secretary?

;;;;;;;;;;; ;; RIDGE: Well, I think it really depends on when the decision is made to ask for the supplemental and it'll be forthcoming. But I must tell you, Katie, that we now have out applications for in excess of $1 billion to the states and the locals, for law enforcement and first-responders. We'll put another $1 billion out that was appropriated by the Congress. So in due time there will be about $3 billion available to the governors and the mayors to help them shore up their efforts to make America more secure.

;;;;;;;;;;; ;; COURIC: All right. Homeland Security Secretary Tom Ridge. Secretary Ridge, as always, thanks so much for your time.

;;;;;;;;;;; ;; RIDGE: Katie, nice joining you. Thank you very much.

;;;;;;;;;;; ;; END

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From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/19/2003 5:17:24 AM
Subject: : FW: Final remarks-delivered at 5:00 in OEOB
Attachments: P_IU6TE003_WHO.TXT_1.htm; P_IU6TE003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:19-MAR-2003 10:17:24.00
SUBJECT:: FW: Final remarks-delivered at 5:00 in OEOB
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FW: Final remarks-delivered at 5:00 in OEOBBrett- The RNC would like their crew to tape Sec. Evans' remarks to a group of Women in small Business in the EEOB today. Are you ok?

-----Original Message-----
From: Ken Mehlman [mailto:kmehlman@georgewbush.com]
Sent: Wednesday, March 19, 2003 10:05 AM
To: Kate Walters
Subject: FW: Final remarks-delivered at 5:00 in OEOB

Make sure that this is ok with Brett.

-----Original Message-----
From: Jim Dyke - Communications [mailto:JDyke@rnchq.org]
Sent: Wednesday, March 19, 2003 8:30 AM
To: Ken Mehlman
Subject: FW: Final remarks-delivered at 5:00 in OEOB

would like for goptv to tape evans remarks this afternoon to women small bus. are you ok with that? if so i will have them proceed through normal channels to get there, as they have in the past.

-----Original Message-----
From: TFrancis@doc.gov [mailto:TFrancis@doc.gov]
Sent: Wednesday, March 19, 2003 7:57 AM
To: Jim Dyke - Communications
Subject: Final remarks-delivered at 5:00 in OEOB

(See attached file: WBE Remarks 03-19-03.doc)

- att1.htm - WBE Remarks 03-19-03.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IU6TE003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IU6TE003_WHO.TXT_2>

Brett- The RNC would like their crew to tape Sec . Evans' remarks to a group of Women in small Business in the EEOB today. Are you ok?

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From: Ken Mehlman [mailto:kmehlman@georgewbush.com]
Sent: Wednesday, March 19, 2003 10:05 AM
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-----Original Message-----
From: TFrancis@doc.gov [mailto:TFrancis@doc.gov]
Sent: Wednesday, March 19, 2003 7:57 AM
To: Jim Dyke - Communications
Subject: Final remarks-delivered at 5:00 in OEOB

(See attached file: WBE Remarks 03-19-03.doc)

Women's Business Enterprise National Council
Secretary of Commerce Don Evans
March 19, 2003

Thank you. I'm pleased to join Susan in welcoming you this afternoon.

This is a defining moment in our history. We're confronting grave challenges to our economic security, our homeland security, and our national security.

Dwight Eisenhower, for whom this building is named, once said, "The opportunist thinks of me and today. The statesman thinks of us and tomorrow."

As with President Eisenhower, we're blessed with a president who is also a statesman. I've known President Bush for many years.

I trust his judgment and his leadership. He's the right person to lead America at this time.

He's fully committed to doing whatever must be done to protect freedom and our way of life.

I want to thank Susan for that kind introduction. I've been serving President Bush for about two years now. Events like this are one of the great privileges of my job.

As Susan said, I spent 26 years in the private sector. I knew both the triumphs, and the trials, of meeting a payroll.

And there's nothing I like better than celebrating the successes of our free enterprise system.

So, to the millions of women who own and run companies I say thank you.

To the millions who've contributed over $3.6 trillion to our economy last year, you have our thanks. And to all of you who, together, employed more than 27 million workers my message is this: thank you for taking risks, following your hearts, and trusting in the American dream.

It's an optimism and belief that President Bush and I share with you.

The President and I met in Midland, Texas, where we worked and raised our families.

There's a sign on the way into Midland that reads, "Sky's the Limit." They're words to live by.

Setting our sights high is the American way. And we certainly see that when it comes to the role that women entrepreneurs play in strengthening our economy.

We know that the number of women-owned firms with 100 or more employees jumped 44 percent between 1997 and 2000.

The number with $1 million or more in revenues was up 32 percent.

And the number of women-owned businesses grew at twice the rate of all new U.S. firms.

So to the eight corporations being honored here for their leadership and for their astute buying habits, I say, way to go!!

You not only got a good deal and a highly competitive product or service you also put people to work. We thank you for that.

And I'm pleased to say that women-owned business also are very much on the radar screen at the Commerce Department.

Last year we awarded 10.5 percent of total procurement dollars to women-owned businesses.

This is double the government-wide goal of 5 percent and five times greater than the government-wide average of 2 percent.

The fact is we all have a responsibility to make sure the economy is strong so people can find work.

That's what the President's jobs and growth plan is all about. I've been spending a lot of time traveling across the country, talking to working people about the President's tax relief plan. I haven't had one person yet say, "Don't cut my taxes."

Small business owners are especially enthusiastic about the plan. As you know, many of them pay taxes at the highest marginal tax rates.

I visited Heavenly Cheesecakes in Georgia last month. A husband and wife own this small company. They told me that reducing tax rates will give them more money to invest or hire.

And tripling the capital equipment investment credit to $75,000 will provide greater incentives for them, and for other small businesses, to make investments on which our economy depends.

Somebody has to make the new equipment they will buy. And that means a company has work and people have jobs.

The President also is asking Congress to permanently end the death tax ... to phase out the marriage penalty ... to raise the child credit from $600 to $1,000 ... and to get rid of the double taxation of dividends.

In a column in the *Washington Post* last week, Charles Schwab, said that the impact of eliminating the double taxation of dividends would be enormous.

In the short term, he wrote, he'd expect to see the stock market rise 10 to 15 percent, sending an immediate bolt of confidence throughout the economy.

Over the long term, he said, corporations would again focus on returning money to their investors.

The President's proposal is a good plan, a bold plan. It's aimed directly at stimulating the economy and creating new American jobs.

We're hopeful that Congress will act soon so workers and entrepreneurs will have more of their own money to spend and to budget for this year and the next and the next.

I know in talking about legislation, I've gone against the advice of John Adams, whose biography I recently read.

In a letter to his wife Abigail, he said, "I must not write a word to you about politics, because you are a woman." I know she had something to say about that!

And I'm sure she'd be pleased, but not surprised, by the multiple roles women play today in the political and economic life of 21st century America.

This Administration is eager to work with you to ensure our economy is strong and growing, and that the dreams of every entrepreneur are nourished. That's what we're working on.

President Bush once noted that it's the collective dreams of American entrepreneurs that define our future. I want to thank all of you for living out the Midland motto: "Sky's the limit!"

We're facing grave threats to our national security. So, let me share a few thoughts about the President's leadership.

President Bush fully understands his responsibilities as Commander-in-Chief.

He takes comfort in Faith and the thoughtful prayers of millions of people.

He trusts his national security team.

He trusts those serving in uniform.

He trusts his instincts and the wisdom of those advising him.

He trusts and has unshakable confidence in the American people.

And, on the solid basis of the decades I've known our President, **I tell each of you today** that our country, under his leadership, will not only **beat back any threats** to our freedom and security but we'll **transcend** our present difficulties and, by building a stronger, fairer, more prosperous society **we'll all write a bold new chapter** in the American story.

Friends, make no mistake, whatever troubles this week, month, or year should bring, with God's help, our march forward continues and during an age of great dangers the triumph of American world leadership is assured.

Thank you and God bless you.

###

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 3/19/2003 5:32:37 AM
Subject: : Re: FW: Final remarks-delivered at 5:00 in OEOB
Attachments: P_F98TE003_WHO.TXT_1.htm; P_F98TE003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2003 10:32:37.00
SUBJECT:: Re: FW: Final remarks-delivered at 5:00 in OEOB
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

Approved.

Kate Walters <kate@georgewbush.com>
03/19/2003 10:37:45 AM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Final remarks-delivered at 5:00 in OEOB

FW: Final remarks-delivered at 5:00 in OEOBBrett- The RNC would like their crew to tape Sec. Evans' remarks to a group of Women in small Business in the EEOB today. Are you ok?

-----Original Message-----
From: Ken Mehlman [mailto:kmehlman@georgewbush.com]
Sent: Wednesday, March 19, 2003 10:05 AM
To: Kate Walters
Subject: FW: Final remarks-delivered at 5:00 in OEOB

Make sure that this is ok with Brett.

-----Original Message-----
From: Jim Dyke - Communications [mailto:JDyke@rnchq.org]
Sent: Wednesday, March 19, 2003 8:30 AM
To: Ken Mehlman
Subject: FW: Final remarks-delivered at 5:00 in OEOB

would like for goptv to tape evans remarks this afternoon to women small bus. are you ok with that? if so i will have them proceed through normal channels to get there, as they have in the past.

-----Original Message-----
From: TFrancis@doc.gov [mailto:TFrancis@doc.gov]
Sent: Wednesday, March 19, 2003 7:57 AM
To: Jim Dyke - Communications
Subject: Final remarks-delivered at 5:00 in OEOB

(See attached file: WBE Remarks 03-19-03.doc)

- att1.htm
- WBE Remarks 03-19-03.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_F98TE003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_F98TE003_WHO.TXT_2>

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-----Original Message-----
From: Ken Mehlman [mailto:kmehlman@georgewbush.com]
Sent: Wednesday, March 19, 2003 10:05 AM
To: Kate Walters
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Sent: Wednesday, March 19, 2003 7:57 AM
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Subject: Final remarks-delivered at 5:00 in OEOB

(See attached file: WBE Remarks 03-19-03.doc)

Women's Business Enterprise National Council
Secretary of Commerce Don Evans
March 19, 2003

Thank you. I'm pleased to join Susan in welcoming you this afternoon.

This is a defining moment in our history. We're confronting grave challenges to our economic security, our homeland security, and our national security.

Dwight Eisenhower, for whom this building is named, once said, "The opportunist thinks of me and today. The statesman thinks of us and tomorrow."

As with President Eisenhower, we're blessed with a president who is also a statesman. I've known President Bush for many years.

I trust his judgment and his leadership. He's the right person to lead America at this time.

He's fully committed to doing whatever must be done to protect freedom and our way of life.

I want to thank Susan for that kind introduction. I've been serving President Bush for about two years now. Events like this are one of the great privileges of my job.

As Susan said, I spent 26 years in the private sector. I knew both the triumphs, and the trials, of meeting a payroll.

And there's nothing I like better than celebrating the successes of our free enterprise system.

So, to the millions of women who own and run companies I say thank you.

To the millions who've contributed over $3.6 trillion to our economy last year, you have our thanks. And to all of you who, together, employed more than 27 million workers my message is this: thank you for taking risks, following your hearts, and trusting in the American dream.

It's an optimism and belief that President Bush and I share with you.

The President and I met in Midland, Texas, where we worked and raised our families.

There's a sign on the way into Midland that reads, "Sky's the Limit." They're words to live by.

Setting our sights high is the American way. And we certainly see that when it comes to the role that women entrepreneurs play in strengthening our economy.

We know that the number of women-owned firms with 100 or more employees jumped 44 percent between 1997 and 2000.

The number with $1 million or more in revenues was up 32 percent.

And the number of women-owned businesses grew at twice the rate of all new U.S. firms.

So to the eight corporations being honored here for their leadership and for their astute buying habits, I say, way to go!!

You not only got a good deal and a highly competitive product or service you also put people to work. We thank you for that.

And I'm pleased to say that women-owned business also are very much on the radar screen at the Commerce Department.

Last year we awarded 10.5 percent of total procurement dollars to women-owned businesses.

This is double the government-wide goal of 5 percent and five times greater than the government-wide average of 2 percent.

The fact is we all have a responsibility to make sure the economy is strong so people can find work.

That's what the President's jobs and growth plan is all about. I've been spending a lot of time traveling across the country, talking to working people about the President's tax relief plan. I haven't had one person yet say, "Don't cut my taxes."

Small business owners are especially enthusiastic about the plan. As you know, many of them pay taxes at the highest marginal tax rates.

I visited Heavenly Cheesecakes in Georgia last month. A husband and wife own this small company. They told me that reducing tax rates will give them more money to invest or hire.

And tripling the capital equipment investment credit to $75,000 will provide greater incentives for them, and for other small businesses, to make investments on which our economy depends.

Somebody has to make the new equipment they will buy. And that means a company has work and people have jobs.

The President also is asking Congress to permanently end the death tax ... to phase out the marriage penalty ... to raise the child credit from $600 to $1,000 ... and to get rid of the double taxation of dividends.

In a column in the *Washington Post* last week, Charles Schwab, said that the impact of eliminating the double taxation of dividends would be enormous.

In the short term, he wrote, he'd expect to see the stock market rise 10 to 15 percent, sending an immediate bolt of confidence throughout the economy.

Over the long term, he said, corporations would again focus on returning money to their investors.

The President's proposal is a good plan, a bold plan. It's aimed directly at stimulating the economy and creating new American jobs.

We're hopeful that Congress will act soon so workers and entrepreneurs will have more of their own money to spend and to budget for this year and the next and the next.

I know in talking about legislation, I've gone against the advice of John Adams, whose biography I recently read.

In a letter to his wife Abigail, he said, "I must not write a word to you about politics, because you are a woman." I know she had something to say about that!

And I'm sure she'd be pleased, but not surprised, by the multiple roles women play today in the political and economic life of 21st century America.

This Administration is eager to work with you to ensure our economy is strong and growing, and that the dreams of every entrepreneur are nourished. That's what we're working on.

President Bush once noted that it's the collective dreams of American entrepreneurs that define our future. I want to thank all of you for living out the Midland motto: "Sky's the limit!"

We're facing grave threats to our national security. So, let me share a few thoughts about the President's leadership.

President Bush fully understands his responsibilities as Commander-in-Chief.

He takes comfort in Faith and the thoughtful prayers of millions of people.

He trusts his national security team.

He trusts those serving in uniform.

He trusts his instincts and the wisdom of those advising him.

He trusts and has unshakable confidence in the American people.

And, on the solid basis of the decades I've known our President, **I tell each of you today** that our country, under his leadership, will not only **beat back any threats** to our freedom and security but we'll **transcend** our present difficulties and, by building a stronger, fairer, more prosperous society **we'll all write a bold new chapter** in the American story.

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###

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/19/2003 9:43:23 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:19-MAR-2003 14:43:23.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yeah, absolutely. I was working with the web guys on this - that is the goal. Let's talk soon. I'll give you a call.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 19, 2003 2:34 PM
To: Snee, Ashley
Subject:

Can we think about making the web site an all-purpose a-to-z resource on judges that could be used by media, supporters, and others. Let's discuss at your convenience.

http://www.whitehouse.gov/infocus/judicialnominees/
<http://www.whitehouse.gov/infocus/judicialnominees/>

From: Kavanaugh, Brett M.
To: <Bennett, Melissa S.>
Sent: 3/19/2003 11:05:20 AM
Subject: event

The event and invitation are approved so long as Main Street does not accept corporate or foreign contributions for the event, his title is not used in the invitation, and he does not personally solicit funds. Apologies for delay.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kmiec, douglas <kmiec@law.edu>;lleo@fed-soc.org [UNKNOWN] <lleo@fed-soc.org>;gaziano, todd <todd.gaziano@heritage.org>;miranda, manuel (frist) <manuel_miranda@frist.senate.gov>
Sent: 3/19/2003 12:12:31 PM
Subject: : Lincoln (Neb) Journal-Star editorial

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-MAR-2003 17:12:31.00
SUBJECT:: Lincoln (Neb) Journal-Star editorial
TO:"kmiec, douglas" <kmiec@law.edu> ( "kmiec, douglas" <kmiec@law.edu> [ UNKNOWN ] )
READ:UNKNOWN
TO:lleo@fed-soc.org ( lleo@fed-soc.org [ UNKNOWN ] )
READ:UNKNOWN
TO:"gaziano, todd" <todd.gaziano@heritage.org> ( "gaziano, todd"
<todd.gaziano@heritage.org> [ UNKNOWN ] )
READ:UNKNOWN
TO:"miranda, manuel (frist)" <manuel_miranda@frist.senate.gov> ( "miranda, manuel (frist)"
<manuel_miranda@frist.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Confirmation process needs to be reformed

The U.S. Senate should reform the process by which it confirms nominees to the federal judiciary.

The current impasse over the nomination of Miguel Estrada is evidence of the partisan bottleneck that too often blocks the filling of important positions in the federal judiciary.

On Tuesday, Democrats for the third time held off a Republican attempt to break the filibuster that prevents Estrada's nomination from moving to a final vote.

Sen. Chuck Hagel was a member of the unbroken Republican bloc that voted to end the filibuster. Sen. Ben Nelson was one of only four Democrats who joined the Republicans.

The case is unusual in several respects. Appointments to the U.S. Circuit Court of Appeals seldom generate this much heat. A lower court nomination has never been blocked by filibuster. Also atypical is the use of a filibuster to force a nominee to provide information.

Senate Democrats believe Estrada is a stealth candidate with dangerously conservative views, quite possibly anti-abortion and anti-affirmative action. But Estrada has never taken a public stand on either of those controversial issues.

So Democrats want access to confidential memos Estrada wrote while he worked in the U.S. Justice Department. Every living U.S. solicitor general, whether Democrat or Republican, has written in opposition to the demand on the grounds the office deliberations must remain confidential in order its ability to vigorously defend U.S. interests.

Estrada emigrated from Honduras to the United States as a 17-year-old. By all accounts a brilliant legal mind, Estrada carved out a stellar career including a stint as a clerk at the U.S. Supreme Court and 15 appearances before the court as an attorney.

To give the Democrats their due, suspicions that Estrada is pro-life and conservative must have some basis in fact. Estrada might not have left a paper trail, but over the years colleagues undoubtedly learned his views.

But in recent decades U.S. Senators have become too accustomed to creating gridlock on judicial nominations. Republicans did it in the Clinton administration and Democrats are doing it now. "It's payback on top of payback on top of payback," complained freshman Sen. Mark Pryor, D-Ark.

Currently the Judicial Conference of the United States, which oversees administration of the courts, has declared 29 of the 55 judicial vacancies have been open so long they are "judicial emergencies."

What's needed is a process that sets timelines for hearings, committee votes and a vote on the Senate floor no matter who is in the White House. That might benefit Republicans now, but it would benefit Democrats the

next time the balance of power switches in Washington.

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 3/19/2003 2:02:06 PM
Subject: staffing

I should get the draft executive orders on Iraqi assets and classified information when they come through staffing. Thx.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: lleo@fed-soc.org [UNKNOWN] <lleo@fed-soc.org>;Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
CC: kmiec, douglas <kmiec@law.edu>;gaziano, todd <todd.gaziano@heritage.org>
Sent: 3/19/2003 10:09:03 AM
Subject: : please pass along to others

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-MAR-2003 15:09:03.00
SUBJECT:: please pass along to others
TO:lleo@fed-soc.org ( lleo@fed-soc.org [ UNKNOWN ] )
READ:UNKNOWN
TO:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)"
<Manuel_Miranda@frist.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
CC:"kmiec, douglas" <kmiec@law.edu> ( "kmiec, douglas" <kmiec@law.edu> [ UNKNOWN ] )
READ:UNKNOWN
CC:"gaziano, todd" <todd.gaziano@heritage.org> ( "gaziano, todd"
<todd.gaziano@heritage.org> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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The Dallas Morning News March 16, 2003

EDITORIAL: Let's change rules that hang up nominees

Senate rules are an important part of American political tradition, worthy of respect. Ditto for the constitutional process by which the Senate confirms federal judges. The abuse of one must not be allowed to undermine the other.

But that is precisely what is happening. No matter which party controls the Senate gavel, when it comes to confirming judges, those in power too often behave reprehensibly. Senators grandstand and play games. They distort nominees' records and views, misrepresent their positions, and malign them with words like "extremist." It is no wonder there is such a high number of judicial vacancies at the federal level.

It doesn't matter who runs the Senate or who the nominee happens to be. It's nothing personal. It's the system, a system that is flat broken. And, finally, last week, thank goodness, someone said so.

President Bush is justifiably upset at how Democrats have abused the filibuster to thwart the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia.

Now the president proposes something drastic: amend the Senate rulebook to require that, no matter which party controls the White House or Senate, all federal judicial nominees get an up-or-down vote. The practical application would be to eliminate the filibuster with regard to judicial nominees.

Wow. It's not every day the president of the United States wants to tinker with Senate tradition going back nearly a hundred years. Thank goodness.

But the status quo is unacceptable. If Democrats have other ideas, let's hear them. If not, Americans should push the Senate to embrace Bush's suggestion. After all, at some point, the political tables will turn and an up-or-down vote will seem all the more palatable to many of those who currently oppose Bush's idea.

Most Senate traditions are grand, and when possible, they ought be preserved. But that's no excuse for letting politics turn the Federalist

Papers into the funny pages.

From: Bennett, Melissa S.
To: <Kavanaugh, Brett M.>
Sent: 3/19/2003 2:12:28 PM
Subject: RE: event

No problem.
Thanks.
Melissa

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 19, 2003 11:05 AM
To: Bennett, Melissa S.
Subject: event

The event and invitation are approved so long as Main Street does not accept corporate or foreign contributions for the event, his title is not used in the invitation, and he does not personally solicit funds. Apologies for delay.

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 3/19/2003 2:43:16 PM
Subject: RE:

Yeah, absolutely. I was working with the web guys on this - that is the goal. Let's talk soon. I'll give you a call.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 19, 2003 2:34 PM
To: Snee, Ashley
Subject:

Can we think about making the web site an all-purpose a-to-z resource on judges that could be used by media, supporters, and others. Let's discuss at your convenience.

http://www.whitehouse.gov/infocus/judicialnominees/

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>
Sent: 3/19/2003 11:51:09 AM
Subject: : Ehrlich??

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2003 16:51:09.00
SUBJECT:: Ehrlich??
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ehrlich's Agenda Quickly Crumbling
Legislators Fault Ill-Prepared Aides, Not Politics

By Jo Becker and Lori Montgomery
Washington Post Staff Writers
Wednesday, March 19, 2003; Page B01

Maryland Gov. Robert L. Ehrlich Jr. took office in January with a promise to shake up state government. But with just 19 days to go in his first legislative session, most of the Republican governor's major initiatives have stalled -- or been substantially rewritten by the Democrats who control the General Assembly.

His far-reaching proposal to revolutionize public education by bringing more charter schools to Maryland, for example, died last week in a Senate committee. Yesterday, the full Senate passed a watered-down version favored by Democrats.

His initiative to aggressively prosecute gun crimes -- Project Exile -- is stuck in committee. Yesterday, the state's attorney who handles the vast majority of shootings boycotted a Project Exile "summit," saying Ehrlich's budget makes a mockery of the program by forcing her to fire nine prosecutors.

Ehrlich's plan to improve juvenile justice programs, a major part of his campaign for governor, is languishing in yet another committee. And his plan to legalize slot machines has been rewritten by the Senate.

As a Republican governor facing a Democratic-controlled legislature, Ehrlich expected to face partisan opposition. He recently won praise for his newfound willingness to compromise on taxes to solve the state's budget shortfall. And in an interview yesterday, Ehrlich said he is confident that his administration will "win more than we lose."

"This is divided government," he said. "We obviously are going to have some wins. We also are going to come up short."

But State House leaders say the problem goes far beyond differences in philosophy. Instead, they say, the new administration has proven to be remarkably lackadaisical about selling its ideas to lawmakers. Officials often show up for hearings unprepared to answer questions about their bills and fail to follow up, according to key Democratic lawmakers. Even those who share Ehrlich's goals say they have found him distracted and difficult to work with.

"It's just total lack of attention on their part. This isn't a process where you just wave a magic wand and the bill appears on the floor," said Sen. Brian E. Frosh (D-Montgomery), chairman of the Senate Judicial Proceedings Committee.

Frosh's committee is reviewing Ehrlich's Project Exile proposal, which would increase penalties for felons caught carrying a gun and repeal a state law that allows a three-judge panel to reduce mandatory sentences for certain gun crimes.

Frosh said he has repeatedly asked the administration how often the panels actually cut sentences but hasn't gotten the answer.

Frosh is now considering amending the proposal to include gun control

measures that the administration opposes, a plan that could force Ehrlich to veto his own bill. Ehrlich said he "would find that kind of political deal-making unfortunate."

Ehrlich made those comments at a summit intended to highlight the most important component of his Project Exile plan: an agreement by federal prosecutors to try local gun cases in Baltimore and Prince George's County to secure longer federal sentences for serious offenders. "This type of cooperation has been missing in the past," he declared.

Also missing was Baltimore State's Attorney Patricia C. Jessamy, the lead prosecutor in Maryland's most violent jurisdiction.

In a letter to Ehrlich, Jessamy said she could not "in good conscience participate in further public dialogue about reducing historic levels of gun violence in Baltimore" because Ehrlich's budget fell far short of her request and will force her to fire nine prosecutors. Ehrlich called Jessamy's absence "unfortunate"; aides pointed out that Ehrlich found $1 million to help Jessamy prosecute gun crimes despite a historic state budget shortfall.

While Ehrlich was at the summit, the Senate approved a bill aimed at increasing the number of charter schools in Maryland.

Though the bill, sponsored by Sen. Roy P. Dyson (D-St. Mary's), would accomplish Ehrlich's primary goal of providing a mechanism for charter schools to flourish, Dyson said he was told that the governor is considering a veto. Dyson's bill would allow school boards to approve a charter school, with an appeal to the state.

Ehrlich wants independent authorities, such as state universities, to be able to charter the publicly funded, independently run schools. And he wants to bar charter school teachers from joining the state teachers union.

The measure now moves to the House, where it faces stiff opposition from House Ways and Means Chairman Sheila Ellis Hixson (D-Montgomery), who killed similar legislation last year.

Dyson said he doesn't know why the administration isn't working with him. "He's not going to get a better deal," Dyson said. "I really think it's a now-or-never situation."

House Minority Whip Kenneth D. Schisler (R-Talbot) said Democrats are playing their usual games with the governor's bills. "There's a great tradition in the General Assembly of playing brinksmanship with major administrative proposals. I see no difference this year," he said.

But Senate Finance Committee Chairman Thomas McLain Middleton (D-Charles), who is holding Ehrlich's juvenile justice proposal while he waits for more information, said the administration is mired in the battle for slot machines and unable to focus on anything else.

"The governor's legislative package is what measures his success," Middleton said. "I have no desire to see this governor fall flat on his face. But he just can't take it for granted that a committee is going to love his legislation to death."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/19/2003 12:08:08 PM
Subject: : Lincoln (Neb) Journal Star editorial

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2003 17:08:08.00
SUBJECT:: Lincoln (Neb) Journal Star editorial
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
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TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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What's needed is a process that sets timelines for hearings, committee votes and a vote on the Senate floor no matter who is in the White House. That might benefit Republicans now, but it would benefit Democrats the next time the balance of power switches in Washington.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kmiec, douglas <kmiec@law.edu>;lleo@fed-soc.org [UNKNOWN] <lleo@fed-soc.org>;gaziano, todd <todd.gaziano@heritage.org>;miranda, manuel (frist) <manuel_miranda@frist.senate.gov>
Sent: 3/19/2003 12:17:39 PM
Subject: : SE Missourian editorial

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-MAR-2003 17:17:39.00
SUBJECT:: SE Missourian editorial
TO:"kmiec, douglas" <kmiec@law.edu> ( "kmiec, douglas" <kmiec@law.edu> [ UNKNOWN ] )
READ:UNKNOWN
TO:lleo@fed-soc.org ( lleo@fed-soc.org [ UNKNOWN ] )
READ:UNKNOWN
TO:"gaziano, todd" <todd.gaziano@heritage.org> ( "gaziano, todd"
<todd.gaziano@heritage.org> [ UNKNOWN ] )
READ:UNKNOWN
TO:"miranda, manuel (frist)" <manuel_miranda@frist.senate.gov> ( "miranda, manuel (frist)"
<manuel_miranda@frist.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Senate Shows Its Worst Side in Filibuster

In this day of partisan politics, when any issue can be used to stake out a political position, there continue to be disappointments as well as a few surprises.

The most apparent disappointment is the U.S. Senate's handling of federal judicial nominations. Disruptive stalling tactics are not new, and both Republicans and Democrats have used this ploy on a number of occasions. Essentially, playing politics trumps attending to the government's business when elected officials choose to delay -- and, occasionally, to thwart -- judicial nominations. The Constitution calls for the president to nominate qualified individuals to serve as federal judges, and it gives the Senate the right to question the nominees and the duty to confirm them.

No one is questioning this process. It makes sense for the Senate to provide the checks and balances against the unlikely event that any president would choose to put someone on the bench who is unfit. But if that were to occur -- and there certainly have been questionable appointments from time to time -- the proper course of action would be to reject the nominee in a vote on the floor of the Senate.

But this is where it gets sticky. If the U.S. Senate were to vote today on President Bush's nomination to make Miguel Estrada the first Hispanic to sit on the U.S. Court of Appeals for the District of Columbia, there would be enough votes for confirmation.

However, the Senate split between Republicans and Democrats remains so close that a GOP majority can often be achieved only by having the vice president exercise his tie-breaking authority as president of the Senate. So the Democrats -- as Republicans have done in the past -- are utilizing other methods that rely on the complex rules legislative bodies impose on themselves. In the case of the Estrada nomination, Democrats are filibustering to prevent a floor vote. While the floor vote requires only a simple majority, ending a filibuster requires a super-majority of 60 votes. So far, Republicans have been able to muster only 55 votes to end the filibuster.

President Bush has called for the Senate to change its rules so judicial nominations can get be processed in a timely way by the Senate. Some senators over the years have suggested similar changes. But changing the Senate's rules is no easy task. Through more than two centuries of parliamentary maneuvering, such rules have become a labyrinth that at any time is seen to give certain advantages to both sides of any issue.

At the heart of the Democratic balk on the Estrada nomination, however, is a fallacy. The Democratic leadership says Estrada hasn't answered questions. In fact, the Democrats have passed up opportunities to ask those questions. Now the Democrats want the White House to release memorandums Estrada wrote while working in the solicitor general's office during the Clinton administration. The White House says these are privileged documents.

In the end, those who hide behind rules to avoid taking a clear position for or against judicial nominees are doing the country no favors.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Walker, Helgard C.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 3/19/2003 5:02:27 PM
Subject: Lincoln (Neb) Journal Star editorial

Confirmation process needs to be reformed

The U.S. Senate should reform the process by which it confirms nominees to the federal judiciary.

The current impasse over the nomination of Miguel Estrada is evidence of the partisan bottleneck that too often blocks the filling of important positions in the federal judiciary.

On Tuesday, Democrats for the third time held off a Republican attempt to break the filibuster that prevents Estrada's nomination from moving to a final vote.

Sen. Chuck Hagel was a member of the unbroken Republican bloc that voted to end the filibuster. Sen. Ben Nelson was one of only four Democrats who joined the Republicans.

The case is unusual in several respects. Appointments to the U.S. Circuit Court of Appeals seldom generate this much heat. A lower court nomination has never been blocked by filibuster. Also atypical is the use of a filibuster to force a nominee to provide information.

Senate Democrats believe Estrada is a stealth candidate with dangerously conservative views, quite possibly anti-abortion and anti-affirmative action. But Estrada has never taken a public stand on either of those controversial issues.

So Democrats want access to confidential memos Estrada wrote while he worked in the U.S. Justice Department. Every living U.S. solicitor general, whether Democrat or Republican, has written in opposition to the demand on the grounds the office deliberations must remain confidential in order its ability to vigorously defend U.S. interests.

Estrada emigrated from Honduras to the United States as a 17-year-old. By all accounts a brilliant legal mind, Estrada carved out a stellar career including a stint as a clerk at the U.S. Supreme Court and 15 appearances before the court as an attorney.

To give the Democrats their due, suspicions that Estrada is pro-life and conservative must have some basis in fact. Estrada might not have left a paper trail, but over the years colleagues undoubtedly learned his views.

But in recent decades U.S. Senators have become too accustomed to creating gridlock on judicial nominations. Republicans did it in the Clinton administration and Democrats are doing it now. "It's payback on top of payback on top of payback," complained freshman Sen. Mark Pryor, D-Ark. Currently the Judicial Conference of the United States, which oversees administration of the courts, has declared 29 of the 55 judicial vacancies have been open so long they are "judicial emergencies."

What's needed is a process that sets timelines for hearings, committee votes and a vote on the Senate floor no matter who is in the White House. That might benefit Republicans now, but it would benefit Democrats the next time the balance of power switches in Washington.

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>;<Snee, Ashley>;<Mamo, Jeanie S.>
Sent: 3/19/2003 5:03:42 PM
Subject: Lincoln (Neb) Journal Star editorial

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Message Sent To:

Alberto R. Gonzales/WHO/EOP@Exchange@EOP

David G. Leitch/WHO/EOP@Exchange@EOP

Helgard C. Walker/WHO/EOP@EOP

Jennifer G. Newstead/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Benjamin A. Powell/WHO/EOP@EOP

Theodore W. Ullyot/WHO/EOP@EOP

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>;<Snee, Ashley>;<Mamo, Jeanie S.>
Sent: 3/19/2003 5:05:16 PM
Subject: RESEND: Lincoln (Neb) Journal Star editorial

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From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 3/19/2003 5:13:50 PM
Subject:

You and I should talk about this when you have a minute:

http://www2.wlu.edu/news/page/normal/383.html

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kenneth_starr@dc.kirkland.com @ inet [UNKNOWN] <kenneth_starr@dc.kirkland.com @ inet>
Sent: 3/19/2003 3:40:10 PM
Subject: : from ABA

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-MAR-2003 20:40:10.00
SUBJECT:: from ABA
TO:kenneth_starr@dc.kirkland.com @ inet ( kenneth_starr@dc.kirkland.com @ inet [ UNKNOWN ]
)
READ:UNKNOWN
###### End Original ARMS Header ######

An Independent Judiciary
Report of the ABA Commission on Separation of Powers and Judicial
Independence

The nomination and confirmation process is the one point at which
the political branches may exercise a check on the composition and quality
of the federal bench. To these ends, it is appropriate and desirable for
members of the Senate and the President to explore the qualifications,
character and judicial philosophy of would-be judges. Problems arise,
however, when legitimate inquiries into a nominee's judicial philosophy
degenerate into thinly veiled efforts to preordain how the nominee will
rule on specific issues in the future. Such "litmus test" questions cut to
the quick of would-be judges' decisional independence and are properly
resisted by the nominees.
```

From: CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/20/2003 3:22:15 AM
Subject: : can you pls call me re: quick work-related question when you get a chance? x6-1886. thanks.

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:20-MAR-2003 08:22:15.00
SUBJECT:: can you pls call me re: quick work-related question when you get a chance?
x6-1886. thanks.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

;
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 3/20/2003 4:38:20 AM
Subject: : Re: SAVE THE DATE

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAR-2003 09:38:20.00
SUBJECT:: Re: SAVE THE DATE
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ok, just wondering why there are multiple emails if we already know all the info

Helgard C. Walker
03/20/2003 09:32:25 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: SAVE THE DATE

cuz you don't need to know location in order to SAVE THE DATE, just the date (and time)...

Brett M. Kavanaugh
03/20/2003 09:30:29 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
bcc:
Subject: Re: SAVE THE DATE

just wondering why the place was not included in the initial e-mail

Helgard C. Walker
03/20/2003 09:28:54 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: SAVE THE DATE

he SAID more info to follow shortly...

it's at hay adams, off the record bar. does that meet with your approval?

:)

Brett M. Kavanaugh
03/20/2003 09:27:05 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject: SAVE THE DATE

where is it
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/20/2003 09:31 AM ----------

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/20/2003 09:29:27 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: SAVE THE DATE

Please save next Thursday, March 27th from 6 - 8 pm for Helgi's going away party.; More information to follow very shortly...
;
Thanks

Message Sent
To:_____
H. Christopher Bartolomucci/WHO/EOP@EOP
Theodore W. Ullyot/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Nanette Everson/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
James W. Carroll/WHO/EOP@EOP
David G. Leitch/WHO/EOP@Exchange
Alberto R. Gonzales/WHO/EOP@Exchange
Charlotte L. Montiel/WHO/EOP@Exchange
Carolyn Nelson/WHO/EOP@Exchange
Jonathan F. Ganter/WHO/EOP@EOP
J. Elizabeth Farrell/WHO/EOP@EOP
Hana F. Brilliant/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Courtney S. Elwood/OVP/EOP@EOP
David S. Addington/OVP/EOP@EOP
Edward McNally/WHO/EOP@EOP

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Walker, Helgard C.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 3/20/2003 8:50:30 AM
Subject: RE: letter

as discussed

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/20/2003 08:55 AM ----------

"Cohen, Bruce (Judiciary)"

03/18/2003 05:10:12 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: jamie.e.brown@usdoj.gov

Subject: RE: letter

Thanks.

This is the first communication I can remember ever getting from you.

Whole new worlds are opening. bac

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Tuesday, March 18, 2003 4:37 PM

To: Cohen, Bruce (Judiciary)

Cc: jamie.e.brown@usdoj.gov

Subject: letter

Bruce:

I understand that you were seeking a copy of this 2/24 letter from

Judge

Gonzales, particularly the sentence at the end of the third paragraph.

Thanks

very much.

Brett

(See attached file: Gonzales letter to Sen. Schumer 2 24 03.pdf)

From: Bumatay, Patrick J.
To: <Bartolomucci, H. Christopher>;<Ullyot, Theodore W.>;<Sampson, Kyle>;<Powell, Benjamin A.>;<Everson, Nanette>;<Newstead, Jennifer G.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Carroll, James W.>;<Leitch, David G.>;<Gonzales, Alberto R.>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Ganter, Jonathan F.>;<Farrell, J. Elizabeth>;<Brilliant, Hana F.>;<Riepenhoff, Allison L.>;<Bellinger, John B.>;<Elwood, Courtney S.>;<Addington, David S.>;<McNally, Edward>
Sent: 3/20/2003 9:29:27 AM
Subject: SAVE THE DATE

Please save next Thursday, March 27th from 6 - 8 pm for Helgi's going away party. More information to follow very shortly...

Thanks

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: patrick.philbin@usdoj.gov @ inet [UNKNOWN] <patrick.philbin@usdoj.gov @ inet>
Sent: 3/20/2003 6:13:41 AM
Subject: :
Attachments: P_7U2VE003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-MAR-2003 11:13:41.00
SUBJECT::
TO:patrick.philbin@usdoj.gov @ inet ( patrick.philbin@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7U2VE003_WHO.TXT_1>
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TITLE II--TREATMENT OF TERRORIST ASSETS

SEC. 201. SATISFACTION OF JUDGMENTS FROM BLOCKED ASSETS OF TERRORISTS, TERRORIST ORGANIZATIONS, AND STATE SPONSORS OF TERRORISM.

(a) IN GENERAL- Notwithstanding any other provision of law, and except as provided in subsection (b), in every case in which a person has obtained a judgment against a terrorist party on a claim based upon an act of terrorism, or for which a terrorist party is not immune under section 1605(a)(7) of title 28, United States Code, the blocked assets of that terrorist party (including the blocked assets of any agency or instrumentality of that terrorist party) shall be subject to execution or attachment in aid of execution in order to satisfy such judgment to the extent of any compensatory damages for which such terrorist party has been adjudged liable.

(b) PRESIDENTIAL WAIVER-

(1) IN GENERAL- Subject to paragraph (2), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive the requirements of subsection (a) in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against any property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

(2) EXCEPTION- A waiver under this subsection shall not apply to--

(A) property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations that has been used by the United States for any nondiplomatic purpose (including use as rental property), or the proceeds of such use; or

(B) the proceeds of any sale or transfer for value to a third party of any asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

(c) SPECIAL RULE FOR CASES AGAINST IRAN- Section 2002 of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386; 114 Stat. 1542), as amended by section 686 of Public Law 107-228, is further amended--

(1) in subsection (a)(2)(A)(ii), by striking `July 27, 2000, or January 16, 2002' and inserting `July 27, 2000, any other date before October 28, 2000, or January 16, 2002';

(2) in subsection (b)(2)(B), by inserting after `the date of enactment of this Act' the following: `(less amounts therein as to which the United States has an interest in subrogation pursuant to subsection (c) arising prior to the date of entry of the judgment or judgments to be satisfied in whole or in part hereunder)';

(3) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(4) by inserting after subsection (c) the following new subsection (d):

`(d) DISTRIBUTION OF ACCOUNT BALANCES AND PROCEEDS INADEQUATE TO SATISFY FULL AMOUNT OF COMPENSATORY AWARDS AGAINST IRAN-

`(1) PRIOR JUDGMENTS-

`(A) IN GENERAL- In the event that the Secretary determines that 90 percent of the amounts available to be paid under subsection (b)(2) are

inadequate to pay the total amount of compensatory damages awarded in judgments issued as of the date of the enactment of this subsection in cases identified in subsection (a)(2)(A) with respect to Iran, the Secretary shall, not later than 60 days after such date, make payment from such amounts available to be paid under subsection (b)(2) to each party to which such a judgment has been issued in an amount equal to a share, calculated under subparagraph (B), of 90 percent of the amounts available to be paid under subsection (b)(2) that have not been subrogated to the United States under this Act as of the date of enactment of this subsection.

`(B) CALCULATION OF PAYMENTS- The share that is payable to a person under subparagraph (A), including any person issued a final judgment as of the date of enactment of this subsection in a suit filed on a date added by the amendment made by section 686 of Public Law 107-228, shall be equal to the proportion that the amount of unpaid compensatory damages awarded in a final judgment issued to that person bears to the total amount of all unpaid compensatory damages awarded to all persons to whom such judgments have been issued as of the date of enactment of this subsection in cases identified in subsection (a)(2)(A) with respect to Iran.

`(2) SUBSEQUENT JUDGMENT-

`(A) IN GENERAL- The Secretary shall pay to any person awarded a final judgment after the date of enactment of this subsection, in the case filed on January 16, 2002, and identified in subsection (a)(2)(A) with respect to Iran, an amount equal to a share, calculated under subparagraph (B), of the balance of the amounts available to be paid under subsection (b)(2) that remain following the disbursement of all payments as provided by paragraph (1). The Secretary shall make such payment not later than 30 days after such judgment is awarded.

`(B) CALCULATION OF PAYMENTS- To the extent that funds are available, the amount paid under subparagraph (A) to such person shall be the amount the person would have been paid under paragraph (1) if the person had been awarded the judgment prior to the date of enactment of this subsection.

`(3) ADDITIONAL PAYMENTS-

`(A) IN GENERAL- Not later than 30 days after the disbursement of all payments under paragraphs (1) and (2), the Secretary shall make an additional payment to each person who received a payment under paragraph (1) or (2) in an amount equal to a share, calculated under subparagraph (B), of the balance of the amounts available to be paid under subsection (b)(2) that remain following the disbursement of all payments as provided by paragraphs (1) and (2).

`(B) CALCULATION OF PAYMENTS- The share payable under subparagraph (A) to each such person shall be equal to the proportion that the amount of compensatory damages awarded that person bears to the total amount of all compensatory damages awarded to all persons who received a payment under paragraph (1) or (2).

`(4) STATUTORY CONSTRUCTION- Nothing in this subsection shall bar, or require delay in, enforcement of any judgment to which this subsection applies under any procedure or against assets otherwise available under this section or under any other provision of law.

`(5) CERTAIN RIGHTS AND CLAIMS NOT RELINQUISHED- Any person receiving less than the full amount of compensatory damages awarded to that party in a judgment to which this subsection applies shall not be required to make the election set forth in subsection (a)(2)(B) or, with respect to subsection (a)(2)(D), the election relating to relinquishment of any right to execute or attach property that is subject to section 1610(f)(1)(A) of title 28, United States Code, except that such person shall be required to relinquish rights set forth--

`(A) in subsection (a)(2)(C); and

`(B) in subsection (a)(2)(D) with respect to enforcement against property that is at issue in claims against the United States before an international tribunal or that is the subject of awards by such tribunal.

`(6) GUIDELINES FOR ESTABLISHING CLAIMS OF A RIGHT TO PAYMENT- The Secretary may promulgate reasonable guidelines through which any person claiming a right to payment under this section may inform the Secretary of the basis for such claim, including by submitting a certified copy of the final judgment under which such right is claimed and by providing commercially reasonable payment instructions. The Secretary shall take all reasonable steps necessary to ensure, to the maximum extent practicable, that such guidelines shall not operate to delay or interfere with payment under this section.'.

(d) DEFINITIONS- In this section, the following definitions shall apply:

(1) ACT OF TERRORISM- The term `act of terrorism' means--

(A) any act or event certified under section 102(1); or

(B) to the extent not covered by subparagraph (A), any terrorist activity (as defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iii))).

(2) BLOCKED ASSET- The term `blocked asset' means--

(A) any asset seized or frozen by the United States under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)) or under sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701; 1702); and

(B) does not include property that--

(i) is subject to a license issued by the United States Government for final payment, transfer, or disposition by or to a person subject to the jurisdiction of the United States in connection with a transaction for which the issuance of such license has been specifically required by statute other than the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.); or

(ii) in the case of property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular

Relations, or that enjoys equivalent privileges and immunities under the law of the United States, is being used exclusively for diplomatic or consular purposes.

(3) CERTAIN PROPERTY- The term `property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations' and the term `asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations' mean any property or asset, respectively, the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, as the case may be.

(4) TERRORIST PARTY- The term `terrorist party' means a terrorist, a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))), or a foreign state designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

From: Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/20/2003 7:12:50 AM
Subject: : RE: will send draft letter to Sen. Boxer shortly

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ( "Benczkowski, Brian A"
<Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:20-MAR-2003 12:12:50.00
SUBJECT:: RE: will send draft letter to Sen. Boxer shortly
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

thanks. I'm sure it ill be most respectful.

I have asked our staff, per Ted's viocemail last night, to look for any
Stabenow quotes which might be helpful.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, March 20, 2003 12:03 PM
To: Charnes, Adam; Benczkowski, Brian A; Dinh, Viet
Subject: will send draft letter to Sen. Boxer shortly
```

From: CN=Philip J. Perry/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jay P. Lefkowitz/OPD /EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>
Sent: 3/20/2003 7:17:20 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP [ OMB ] )
CREATION DATE/TIME:20-MAR-2003 12:17:20.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Nancy asked me to convey her continued opposition to mentioning anything
about a compensation plan in tps re. the iraqi eo. She has also
negotiated a slight change to the eo with Hadley to soften the relevant
language a little bit.
```

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Bumatay, Patrick J.>;<Walker, Helgard C.>
Sent: 3/20/2003 11:40:27 AM
Subject: RE: docket

I know it will pain you so to give up HUD.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, March 20, 2003 10:24 AM
To: Bumatay, Patrick J.; Walker, Helgard C.; Leitch, David G.
Subject: docket

Consistent with the grand traditions of this office, I would like to trade HUD for Transportation with Ms. Walker's departure. This make some sense in any event because I have had involvement at times in various aviation and insurance issues.

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jamie.E.Brown@usdoj.gov [UNKNOWN] <Jamie.E.Brown@usdoj.gov>
Sent: 3/20/2003 8:34:19 AM
Subject: : Re: Congressional Hispanic Caucus

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-MAR-2003 13:34:19.00
SUBJECT:: Re: Congressional Hispanic Caucus
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Should I see if mario db will set up a joint meeting after the heariing?

.
```

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/20/2003 8:38:31 AM
Subject: : FW: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:20-MAR-2003 13:38:31.00
SUBJECT:: FW: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Lobrano, Lauren C.
Sent: Thursday, March 20, 2003 1:24 PM
To: Pelletier, Eric C.; Smythe, Augustine T.; Foster, James D.; Silverberg, Kristen; Swagel, Phillip L.; Hennessey, Keith; Bumatay, Patrick J.; Burks, Jonathan W.
Cc: Douglas, Penny G.; Trinh, Catherine V.; Pannell, Anna K.; Allgood, Lauren K.; Lobrano, Lauren C.
Subject: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment
Importance: High

Attached is a letter from Sec. Snow and Steve Friedman to Senator Kyl supporting Kyl's Amendment which would repeal the death tax. Please let me know as soon as possible if you and your office are ok with the letter.

Let me know if you have any questions.

Thanks,
Lauren
(5-4790)

The Honorable Jon Kyl
*** Hart Senate Office Building
Washington, DC ****

Dear Senator Kyl:

We are writing to express the Administration,s support for your efforts to repeal the death tax permanently. As you know, the President,s budget has also called for the permanent repeal of this onerous tax.

The President,s top priority to get the economy moving is to see his Jobs and Growth proposal enacted. According to the Council of Economic Advisers, this plan would help create 1.4 million new jobs by the end of 2004 while encouraging more investment and economic growth in the long term. Over time, his plan will result in higher levels of investment here in America, with more jobs and higher wages for American workers.

Once the Jobs and Growth proposal is enacted, we must then turn our attention to other policies that can further strengthen our economy. As the President has traveled around the country promoting his tax policies to encourage job creation and economic growth, repeal of the death tax has always been a focus of his comments. By taxing away capital and imposing excessive compliance costs on America,s small businesses and farms, the death tax is a small business job killer. The sooner we eliminate it, the sooner small business men and women across this country can refocus their attention and resources toward investing in their community and the country.

Thank you for your tireless efforts to permanently repeal this unfair tax. Please be assured the President joins you in working to eliminate this tax once and for all.

Sincerely,

John Snow
Secretary of the Treasury

Steve Friedman
Assistant to the President for Economic Policy

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Patrick J. Bumatay/WHO /EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 3/20/2003 8:44:38 AM
Subject: : Re: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAR-2003 13:44:38.00
SUBJECT:: Re: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No objection but thought the phrase small business job killer should be rephrased. N

.

----- Original Message -----
From:Patrick J. Bumatay/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 03/20/2003 01:38:16 PM
Subject: FW: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment

-----Original Message-----
From: Lobrano, Lauren C.
Sent: Thursday, March 20, 2003 1:24 PM
To: Pelletier, Eric C.; Smythe, Augustine T.; Foster, James D.; Silverberg, Kristen; Swagel, Phillip L.; Hennessey, Keith; Bumatay, Patrick J.; Burks, Jonathan W.
Cc: Douglas, Penny G.; Trinh, Catherine V.; Pannell, Anna K.; Allgood, Lauren K.; Lobrano, Lauren C.
Subject: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment
Importance: High

Attached is a letter from Sec. Snow and Steve Friedman to Senator Kyl supporting Kyl's Amendment which would repeal the death tax. Please let me know as soon as possible if you and your office are ok with the letter.
Let me know if you have any questions.

Thanks,
Lauren
(5-4790)

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*** Hart Senate Office Building
Washington, DC ****

Dear Senator Kyl:

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The President,s top priority to get the economy moving is to see his Jobs and Growth proposal enacted. According to the Council of Economic

Advisers, this plan would help create 1.4 million new jobs by the end of 2004 while encouraging more investment and economic growth in the long term. Over time, his plan will result in higher levels of investment here in America, with more jobs and higher wages for American workers.

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Thank you for your tireless efforts to permanently repeal this unfair tax. Please be assured the President joins you in working to eliminate this tax once and for all.

Sincerely,

John Snow Steve Friedman
Secretary of the Treasury Assistant to the President for
Economic Policy

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lauren C. Lobrano/OMB/EOP@EOP [OMB] <Lauren C. Lobrano>
Sent: 3/20/2003 8:45:40 AM
Subject: : Re: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAR-2003 13:45:40.00
SUBJECT:: Re: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment
TO:Lauren C. Lobrano (CN=Lauren C. Lobrano/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/20/2003 01:45 PM ----------

Brett M. Kavanaugh
03/20/2003 01:42:18 PM
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment

No objection but thought the phrase small business job killer should be rephrased. N

.

----- Original Message -----
From:Patrick J. Bumatay/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 03/20/2003 01:38:16 PM
Subject: FW: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment

-----Original Message-----
From: Lobrano, Lauren C.
Sent: Thursday, March 20, 2003 1:24 PM
To: Pelletier, Eric C.; Smythe, Augustine T.; Foster, James D.; Silverberg, Kristen; Swagel, Phillip L.; Hennessey, Keith; Bumatay, Patrick J.; Burks, Jonathan W.
Cc: Douglas, Penny G.; Trinh, Catherine V.; Pannell, Anna K.; Allgood, Lauren K.; Lobrano, Lauren C.
Subject: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment
Importance: High

Attached is a letter from Sec. Snow and Steve Friedman to Senator Kyl supporting Kyl's Amendment which would repeal the death tax. Please let me know as soon as possible if you and your office are ok with the letter.
Let me know if you have any questions.

Thanks,
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(5-4790)

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*** Hart Senate Office Building
Washington, DC ****

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Sincerely,

John Snow
Secretary of the Treasury

Steve Friedman
Assistant to the President for Economic Policy

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 3/20/2003 1:38:16 PM
Subject: FW: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment

-----Original Message-----
From: Lobrano, Lauren C.
Sent: Thursday, March 20, 2003 1:24 PM
To: Pelletier, Eric C.; Smythe, Augustine T.; Foster, James D.; Silverberg, Kristen; Swagel, Phillip L.; Hennessey, Keith; Bumatay, Patrick J.; Burks, Jonathan W.

Cc: Douglas, Penny G.; Trinh, Catherine V.; Pannell, Anna K.; Allgood, Lauren K.; Lobrano, Lauren C.
Subject: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment
Importance: High

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Sincerely,

John Snow
Secretary of the Treasury

Steve Friedman
Assistant to the President for Economic Policy

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>;<Kavanaugh, Brett M.>
Sent: 3/20/2003 1:42:16 PM
Subject: Re: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment

No objection but thought the phrase small business job killer should be rephrased. N

.

----- Original Message -----

From:Patrick J. Bumatay/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 03/20/2003 01:38:16 PM

Subject: FW: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment

-----Original Message-----

From: Lobrano, Lauren C.

Sent: Thursday, March 20, 2003 1:24 PM

To: Pelletier, Eric C.; Smythe, Augustine T.; Foster, James D.; Silverberg, Kristen; Swagel, Phillip L.; Hennessey, Keith; Bumatay, Patrick J.; Burks, Jonathan W.

Cc: Douglas, Penny G.; Trinh, Catherine V.; Pannell, Anna K.; Allgood, Lauren K.; Lobrano, Lauren C.

Subject: Targeted Clearance: Snow/Friedman letter supporting Kyl Amendment

Importance: High

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Lauren

(5-4790)

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Sincerely,

John Snow — Secretary of the Treasury

Steve Friedman — Assistant to the President for Economic Policy

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 3/20/2003 11:17:50 AM
Subject: : Re: BK, any comments/edits re: final draft Gov. Ridge declaration?
Attachments: P_2QQVE003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAR-2003 16:17:50.00
SUBJECT:: Re: BK, any comments/edits re: final draft Gov. Ridge declaration?
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Good, but should he make some express point that his role was similar to Condi's but on a different subject matter? may help.

From: Edward McNally on 03/20/2003 03:51:59 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: BK, any comments/edits re: final draft Gov. Ridge declaration?

---------- Forwarded by Edward McNally/WHO/EOP on 03/20/2003 03:51 PM ----------

From: Edward McNally on 03/20/2003 01:40:11 PM
Record Type: Record

To: Tony.Coppolino@usdoj.gov @ inet, Jody.Hunt@usdoj.gov @ inet, Elizabeth.Shapiro@usdoj.gov @ inet, Shannen.Coffin@usdoj.gov @ inet
cc: Brett M. Kavanaugh/WHO/EOP@EOP, Faisal M. Gill/WHO/EOP@EOP
Subject: DOJ comments re: final draft Gov. Ridge declaration

Tony -- Here's the draft you requested, as edited following the conf call you, Shannen and I had last week.
Does it give DoJ what you need to have in the record (whether in Dist Ct or on appeal)?

---------- Forwarded by Edward McNally/WHO/EOP on 03/20/2003 01:38 PM ----------

Gayle S. Worthy
03/20/2003 01:10:57 PM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP
cc:
Subject:

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_2QQVE003_WHO.TXT_1>

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY INFORMATION CENTER, Plaintiff, v. OFFICE OF HOMELAND SECURITY et al. Defendants.	)	02-CV-620 (CKK) (Judge Colleen Kollar-Kotelly)

DECLARATION OF SECRETARY TOM RIDGE

I, TOM RIDGE do hereby state and declare as follows:

1. I serve in the United States government as Secretary of Homeland Security, and have served in that position since January 24, 2003. Prior to that, I served as Assistant to the President for Homeland Security (also referred to as Homeland Security Advisor), and served in that position from October 8, 2001 through January 23, 2003. During my service as Homeland Security Advisor, I was named in my official capacity as a defendant in this action along with the Office of Homeland Security (OHS) at the White House.

2. I have been advised that the Court in this case is seeking to determine whether the Office of Homeland Security solely advises and assists the President of the United States, or whether it exercises legal authority that is independent of the President. My views are based on my experience and perspective as the first head of the Office of Homeland Security, as the official who led, designed, recruited, managed and was responsible for OHS. My views are also based on the experience and knowledge obtained during my 12 years of service in the Congress of the

United States, on my nearly seven years experience in sovereign executive leadership as Governor of the Commonwealth of Pennsylvania, and in particular, today as the Secretary of the Department of Homeland Security in the Cabinet of the President of the United States.

3. As Assistant to the President for Homeland Security, I was the President's chief advisor within the White House on homeland security matters and head of the Office of Homeland Security. My roles were to advise and assist the President directly on homeland security policies and activities in the wake of the September 11, 2001 terrorist attacks, to assist the President in the vital task of organizing and coordinating the numerous Executive branch departments and agencies that had some role in homeland security matters. In fact I did not have any authority independent of the President to issue directives and mandates to agencies, nor did anyone else in OHS.

4. I carried out my duties as Homeland Security Advisor in several different ways. First, I gave the President advice on issues, and received his views and direction on homeland security policies. Second, at the direction of the President, I helped develop specific homeland security initiatives. For example, at the President's direction and working with the assistance of the staff at the Office of Homeland Security and others, I developed the proposal for the Department of Homeland Security for the President, which was then transmitted to Congress. I also assisted the President in developing and drafting for his authority and signature specific Homeland Security Presidential Directives (HSPDs), including one establishing a homeland security advisory system (HSPD-3), and one coordinating U.S. immigration and border security policies in order to track foreign terrorists who seek to enter the United States (HSPD-2).

REV_00112416

Third, on the President's behalf and at his direction, I brought together Executive branch departments and agencies that had involvement in homeland security matters in order to help coordinate Executive branch policy and actions, as well as the flow of information. I also helped coordinate with State and local governments, again at the President's direction, to better prepare for and respond to terrorist attacks in the United States. Finally, I was directed by the President to offer my opinion and advice, in the form of a certification, on the adequacy of the homeland security budget, and provided recommendations on the budget directly to the Office of Management and Budget. In each of these activities my role was to assist the President in discharging his authority as Chief Executive, not to exercise authority independent of the President.

5. The staff of the Office of Homeland Security assisted me in carrying out my duties and responsibilities as Homeland Security Advisor, and it performed the same functions I did on the President's behalf on an even more specialized basis. OHS staff did not exercise authority or take actions independent of me or the President. Rather, OHS staff gathered information for me, assisted me in briefing the President, helped prepare specific Presidential initiatives (such as the proposal to create the Department of Homeland Security and HSPD 2 and 3), and assisted me in coordinating Executive branch departments and agencies on homeland security activities.

6. The specific mechanism that I and the OHS staff used to coordinate policy was the President's Homeland Security Council (HSC), which was established in Executive Order 13228. The President issued Homeland Security Presidential Directive 1, which established a three-tiered committee system for interagency coordination. I chaired the Principals Committee, which

REV_00112417

brought together agency heads such as the Attorney General and Treasury Secretary, to address homeland policies. The Deputy Assistant for Homeland Security chaired the HSC Deputies Committee, and he worked with officials in the departments and agencies at the deputy secretary level.

7. Through the HSC committee process, I and the OHS staff brought officials from operational agencies together, literally in the same room, through the Policy Coordination Committee process to identify and discuss issues, such as threat detection and intelligence, border security, bio-terrorism, and public health preparedness. The staff would then seek consensus, develop recommendations, and provide information "up-the chain" to me, my deputy, or the President. Whatever policy was at issue, the HSC process is the President's instrument for bringing agencies together to ensure that his policy objectives are properly coordinated before being implemented by the responsible agency. Directives on homeland security policies are issued by the President, and Executive departments and agencies are responsible to the President, not the Homeland Security Advisor. I and my staff at OHS were very much aware that the actual operational responsibility to implement policy resided with agencies, which is why we spent so much time working with them to ensure that homeland security was being effectively pursued.

8. As a one-time Governor, Assistant to the President and now as a Cabinet Secretary, I understand the difference between serving as an advisor with no independent or operational legal authority (as I did at OHS) and serving in a position that does have independent and operational legal authority (such as while Governor of Pennsylvania). Understanding that difference, the bottom line is this: From the day the Office of Homeland Security was created when I took office

REV_00112418

as the Assistant to the President for Homeland Security, through my final hours in that position in January of this year, I did not have any legal authority independent of the President, nor did OHS staff.

9. While I continue to serve the President as Secretary of Homeland Security, I do so from a cabinet level position with operational authority over several specific homeland security programs, including for border and transportation security, emergency preparedness and response, State and local government coordination, and information analysis. Ultimately, twenty-two (22) agencies with over 170,000 employees and a budget of over $36 billion in FY04 are being brought together under me as a single agency head. In contrast to my role as Homeland Security Advisor to the President, I not only seek to "coordinate" homeland security policy informally on the President's behalf, but now exercise the statutory operational authority enacted by Congress to direct these entities in implementing a homeland security policy.

I declare under penalty of perjury that the foregoing is true and correct.

_____
TOM RIDGE
Secretary of Homeland Security

DATE: _____

REV_00112419

From: Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/20/2003 11:26:30 AM
Subject: : Re: draft letter
Attachments: P_EORVE003_WHO.TXT_1.htm

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org> ( Judge Carolyn Kuhl
<CKuhl@LASuperiorCourt.org> [ UNKNOWN ] )
CREATION DATE/TIME:20-MAR-2003 16:26:30.00
SUBJECT:: Re: draft letter
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Thanks for all your wonderful work, Brett. Great letter. Stay safe.

>>> <Brett_M._Kavanaugh@who.eop.gov> 03/20/03 01:02PM >>>
(See attached file: judges letter kuhl 3 18 03 102 FINAL SIG.pdf)
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_EORVE003_WHO.TXT_1>
```

Thanks for all your wonderful work, Brett. Great letter. Sta y safe.

>>> <Brett_M._Kavanaugh@who.eop.gov> 03/20/0 3 01:02PM >>>
(See attached file: judges letter kuhl 3 18 03 102 FINA L SIG.pdf)

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: theodore w. ullyot/who/eop@eop [WHO] <theodore w. ullyot>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;jennifer g. newstead/who/eop@eop [WHO] <jennifer g. newstead>;david g. leitch/who/eop@exchange@eop [WHO] <david g. leitch>;benjamin a. powell/who/eop@eop [WHO] <benjamin a. powell>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;alberto r. gonzales/who/eop@exchange@eop [WHO] <alberto r. gonzales>
Sent: 3/20/2003 12:12:34 PM
Subject: : Re: Reinhardt finds federalism

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-MAR-2003 17:12:34.00
SUBJECT:: Re: Reinhardt finds federalism
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:theodore w. ullyot ( CN=theodore w. ullyot/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:noel j. francisco ( CN=noel j. francisco/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:jennifer g. newstead ( CN=jennifer g. newstead/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:david g. leitch ( CN=david g. leitch/OU=who/O=eop@exchange@eop [ WHO ] )
READ:UNKNOWN
CC:benjamin a. powell ( CN=benjamin a. powell/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:h. christopher bartolomucci ( CN=h. christopher bartolomucci/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:helgard c. walker ( CN=helgard c. walker/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:alberto r. gonzales ( CN=alberto r. gonzales/OU=who/O=eop@exchange@eop [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Wonder if Reinhardt would come out the same way if it was 922(g) that was
being challenged on Commerce Clause grounds?




Brett M. Kavanaugh
03/20/2003 03:30:14 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Reinhardt finds federalism


Sharply divided Ninth Circuit panel holds that Congress may not outlaw
simple intrastate possession of child pornography that hasn't traveled
interstate: Today a three-judge panel of the U.S. Court of Appeals for the
Ninth Circuit issued a majority opinion, written by Circuit Judge Stephen
Reinhardt and joined in by Circuit Judge A. Wallace Tashima. Judge
Stephen Trott dissented.
```

Message Sent
To:_____
Alberto R. Gonzales/WHO/EOP@Exchange@EOP
David G. Leitch/WHO/EOP@Exchange@EOP
Helgard C. Walker/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Theodore W. Ullyot/WHO/EOP@EOP

From: CN=Carrie B. Loy/OU=WHO/O=EOP [WHO]
To: Sarah Pfeifer/WHO/EOP@EOP [WHO] <Sarah Pfeifer>;Brian D. Montgomery/WHO /EOP@Exchange@EOP [WHO] <Brian D. Montgomery>;Christie Parell/WHO/EOP@EOP [WHO] <Christie Parell>;Ali H. Tulbah/WHO/EOP@EOP [WHO] <Ali H. Tulbah>;Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Taylor A. Hughes/WHO/EOP@Exchange@EOP [WHO] <Taylor A. Hughes>;Carmen M. Ingwell/WHO/EOP@EOP [WHO] <Carmen M. Ingwell>;MKoch@who.eop.gov [WHO] <MKoch@who.eop.gov>;Laura S. Lawlor/WHO /EOP@EOP [WHO] <Laura S. Lawlor>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/20/2003 12:16:48 PM
Subject: : Agency FOIA Requests
Attachments: P_OFVVE003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carrie B. Loy ( CN=Carrie B. Loy/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-MAR-2003 17:16:48.00
SUBJECT:: Agency FOIA Requests
TO:Sarah Pfeifer ( CN=Sarah Pfeifer/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Christie Parell ( CN=Christie Parell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ali H. Tulbah ( CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Taylor A. Hughes ( CN=Taylor A. Hughes/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Carmen M. Ingwell ( CN=Carmen M. Ingwell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:MKoch@who.eop.gov ( MKoch@who.eop.gov [ WHO ] )
READ:UNKNOWN
TO:Laura S. Lawlor ( CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OFVVE003_WHO.TXT_1>
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3/20/03

AGENCY FOIA REQUESTS

DOL

Aoife McCarthy is seeking:

correspondence and other information requested by or provided to U.S. Senator Peter Fitzgerald from 1/1/99 to the present. Ms. McCarthy is seeking all direct correspondence between the listed member or his staff and the Department of Labor, not limited to letters, reports, requests and other relevant material.

DOJ

Connor Raso, in his personal capacity, has requested Attorney General Ashcroft's schedules from January 1, 2002 to February 4, 2003, and all cost information associated with the Attorney General's domestic travel from January 1, 2002 to January 1, 2003.

EPA

During the week of March 10-14, 2003, the Agency received 284 FOIA requests. Of the total, 61 were received in Headquarters. Year-to-date totals are 1099 for Headquarters and 5718 Agency-wide. Significant FOIA requests received this week include:

(1) **Alison Young of Knight Ridder Washington Bureau** has requested studies submitted by 3rd parties that involve tests of pesticides or chemicals on human subjects;

(4) **John Farrell of *The Boston Globe*** has requested all correspondence, or records of communications, with or concerning Senator John F. Kerry of Massachusetts and/or any member of his staff;

(5) **Benjamin Jones of the Democratic Senatorial Campaign Committee** has requested correspondence and other information requested by or provided to the following Members of Congress: Jim Bunning, Ben Nighthorse Campbell, Mike Crapo, Lisa Murkowski, Don Nickles, George Voinovich;

(6) **Anita Huslin of *The Washington Post*** has requested information regarding EPA enforcement actions in Maryland, both civil and criminal, from 1991 to today;

(7) **Sara Clemence of *The Anniston Star*** has requested recordings or transcripts of public meetings regarding the Stauffer Superfund site in Tarpon Springs, Florida. The requester is gathering information on the Superfund process.

(8) **Sara Clemence of *The Anniston Star*** has requested meeting notes, memos, records of attendance and summaries regarding a January 25, 2001, meeting in Washington, DC

between EPA and Monsanto, Solutia and Pharmacia. The requester is gathering information on the Anniston, Alabama PCB consent decree.

DOE

Andy Revkin, New York Times: Request copies of communication between the Department of Energy, Energy Information Agency and the United Nations Framework Convention on Climate Change. Currently a review of U.S. activities under the treaty is under way and the DOE EIA provided analysis of American greenhouse-gas emissions trends.

Peter Elkind, Fortune: Requests copies of all correspondence between Enron and then-Secretary of Energy Richardson on the subject of deregulating the retail electricity and gas markets. Specifically, he is requesting a copy of a letter from Enron to Sec. Richardson proposing that he issue an executive order requiring states to deregulate their energy markets.

From: Loy, Carrie B.
To: <Kavanaugh, Brett M.>;<Ingle, Edward>;<Lawlor, Laura S.>;<Tulbah, Ali H.>;<Koch, Matthew>; <Parell, Christie>;<Ingwell, Carmen M.>;<Montgomery, Brian D.>;<Hughes, Taylor A.>;<Pfeifer, Sarah>;<Ullyot, Theodore W.>
Sent: 3/20/2003 5:16:20 PM
Subject: Agency FOIA Requests
Attachments: FOIA 3-20-03.doc

<< FOIA 3-20-03.doc >>

3/20/03

AGENCY FOIA REQUESTS

DOL

Aoife McCarthy is seeking:

correspondence and other information requested by or provided to U.S. Senator Peter Fitzgerald from 1/1/99 to the present. Ms. McCarthy is seeking all direct correspondence between the listed member or his staff and the Department of Labor, not limited to letters, reports, requests and other relevant material.

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From: Delrahim, Makan \(Judiciary\) <Makan_Delrahim@Judiciary.senate.gov>
To: goodling, monica <monica.goodling@usdoj.gov>;Comstock, Barbara <Barbara.Comstock@usdoj.gov>;<Snee, Ashley>;<Kavanaugh, Brett M.>;<Leitch, David G.>;Vogel, Alex \(Frist\) <Alex_Vogel@frist.senate.gov>;Duffield, Steven \(RPC\) <Steven_Duffield@rpc.senate.gov>;Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>;Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Dahl, Alex \(Judiciary\) <Alex_Dahl@Judiciary.senate.gov>;Higginbotham, Ryan \(Judiciary\) <Ryan_Higginbotham@Judiciary.senate.gov>;LeBon, Cherylyn \(Judiciary\) <Cherylyn_LeBon@Judiciary.senate.gov>;Leonard A. Leo <lleo@fed-soc.org>
Sent: 3/20/2003 5:24:34 PM
Subject: FW: FYI - York piece on 6th Circuit

Good to get this out as broadly (in MIChigan and other 6th circuit States) as possible. Perhaps the committees (RNC/NRSC /NRCC) can help.

-----Original Message-----
From: Tapia, Margarita (Judiciary)
Sent: Thursday, March 20, 2003 1:40 PM
To: Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary)
Subject: FYI - York piece on 6th Circuit

Author Archive
E-mail Author
Send to a Friend
<% dim printurl printurl = Request.ServerVariables("URL")%>Print Version

Byron York
NR White House Correspondent
March 20, 2003 9:45 a.m.

Much More Democratic Obstruction

Democrats move to kill an entire slate of Bush nominees.

Although it was overshadowed by the beginning of war, on Capitol Hill Wednesday there was a major escalation in the conflict between Senate Democrats and the White House over the president's judicial nominees.

The escalation had nothing to do with the ongoing Democratic filibuster over appeals-court candidate Miguel Estrada. Instead, it involved a Democratic decision to block, and, at least for the moment, kill a total of four Bush nominees to the federal courts of appeals.

Acting in concert, Michigan Democratic Sens. Carl Levin and Debbie Stabenow told the Judiciary Committee they will block the nominations of Richard Griffin, David McKeague, Susan Bieke Neilson, and Henry Saad to the Sixth Circuit Court of Appeals. In addition, Levin and Stabenow said they will block the nomination of Thomas Ludington to a seat on the U.S. District Court. That means the two senators are attempting to kill every Bush nominee from the state of Michigan.

Levin and Stabenow stopped the nominations by returning negative blue slips, which are the documents in which senators indicate approval or disapproval of judicial nominees from their home states.

Blue slips are a Senate custom with a long and controversial history, but both parties concede it is nearly impossible for a nominee of either party to win confirmation over the objections of both of his or her home-state senators. That means the nominations of Griffin, McKeague, Neilson, Saad, and Ludington are effectively dead.

It was an extraordinary move on the part of Levin and Stabenow, a kind of Wednesday-night massacre that sent Republicans scrambling to research whether such wholesale obstruction had any precedent in Senate history, and what a GOP response might be.

The move is all the more remarkable because much of the Sixth Circuit is in what the Administrative Office of the U.S. Courts calls a "judicial emergency." The court normally has 16 members, but half of those seats are now empty.

The Levin/Stabenow maneuver is the culmination of a conflict that has been years in the making and involves Democratic accusations that Republicans mistreated appeals court nominees selected by President Clinton.

When President Bush took office, Levin and Stabenow demanded that he renominate two Clinton appeals court nominees from Michigan, Helene White and Kathleen McCree Lewis, whose nominations had not been acted on by the GOP-controlled Senate. White is married to Sen. Levin's cousin.

In a letter sent yesterday to White House counsel Alberto Gonzales, Levin, and Stabenow wrote, "On more than one occasion, the White House counsel has stated that some nominees during the previous administration were wrongly treated....We have said repeatedly that it would be wrong for the president to seek confirmation of his nominees to the Michigan seats on the Sixth Circuit before the acknowledged wrong was corrected."

The White House has refused the demand, saying that it would be an unprecedented surrender of the president's constitutional authority to nominate federal judges.

The story if Levin's and Stabenow's demands and the White House's response are extensively documented in two letters written by Gonzales more than a year ago. One was to the Senate Judiciary Committee's then-chairman Patrick Leahy on August 17, 2001, and the other was to Levin and Stabenow on November 2, 2001.

"Although I understand [Levin's and Stabenow's] desire to have the president renominate two of President Clinton's candidates for the court of appeals...we believe it would be unfair to expect the president to do so," Gonzales wrote to Leahy that August. "The net result of our discussions is an apparent standoff in which the two Michigan senators are attempting (inappropriately, in my view) to use the threat of negative blue slips against President Bush's Michigan circuit nominees to compel the president to renominate Clinton nominees based on grievances in which President Bush played no part."

Despite the Democrats' threats, the White House stood firm. Gonzales continued: "To my knowledge, before President Bush renominated Roger Gregory to the Fourth Circuit, no president had ever nominated to a court of appeals an individual previously nominated to the court of appeals by his predecessor from a different party. For any senator to insist that this extraordinary and historic act be repeated is simply not fair. Appointments to the federal courts of appeals are uniquely matters of presidential prerogative."

Finally, Gonzales gave Leahy a bit of history. "More than 50 nominations to the federal courts lapsed without Senate action at the end of the previous Bush administration in 1992," Gonzales wrote, "including a nominee to the Sixth Circuit from Michigan, John Smietanka, who had waited almost a year for a hearing and never received one. No one ever attempted to claim that fairness or any other consideration obliged President Clinton to resubmit these names, and he did not."

Although Gonzales suggested there was room for compromise in the standoff, there was no solution. In fact, Levin and Stabenow significantly ratcheted up their demands, threatening to block not only nominees from their own state, but also for the entire Sixth Circuit, which includes Ohio, Kentucky, and Tennessee in addition to Michigan. The White House still refused to budge, calling the threat a distortion of the Senate's constitutional advise and consent role.

Negotiations between the two sides continued in the fall of 2001. Levin and Stabenow wanted the president to set up a bipartisan commission to select judicial candidates from Michigan (something Bush had done in California, but only to select lower, district court nominees; the president pointedly said that circuit court nominees would be chosen by the White House alone.) The White House again refused, and in November 2001, Gonzales laid out the administration's argument at length, this time directly to Levin and Stabenow.

"I would hope that you would...acknowledge and respect the powers of appointment that rightfully belong to President Bush under the Constitution and would not continue to insist on unprecedented devices that would trench upon those powers," Gonzales wrote. "Circuit court appointments are uniquely matters of presidential prerogative, and nowhere in the nation has the president surrendered his power to select circuit court nominees to a commission, bipartisan or otherwise."

Gonzales expanded on the theme of fairness that he had begun in his earlier letter to Leahy. "We note that the record of unfair treatment of Michigan judicial nominees may not be as one-sided as your letter suggests," Gonzales wrote. "At the end of President George H.W. Bush's administration, two Michigan nominees to the federal courts, John Smietanka and Henry Saad, were denied hearings by the Democratic Senate and failed to attain confirmation. Neither man ever claimed a right to be renominated by the new administration, and all participants in the process accepted and adhered to the time-honored understanding that the accumulated inventory of judicial vacancies at the start of a new presidential term was the new president's to fill."

Gonzales said the White House had offered to consider the two failed Clinton circuit court nominees, White and Lewis, for nomination to lower federal courts. "In our view, this was a proposal that reflected exceptional generosity, good faith, and respectful bipartisanship," Gonzales wrote. "Indeed, no similar generosity was ever shown to John Smietanka or Henry Saad during the previous administration."

In the end, none of the talking did any good, and yesterday, Levin and Stabenow blocked every nominee from Michigan.

The move suggests that the Democratic strategy to block Bush judges extends far beyond selected targets like Miguel Estrada and Priscilla Owen. Indeed, it appears that Democrats may plan to use a variety of techniques to try to block every, or nearly every, Bush nominee to the federal appeals courts.

CONFIDENTIALITY NOTE:

The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/20/2003 1:25:52 PM
Subject: : U.S. Tax Court

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:20-MAR-2003 18:25:52.00
SUBJECT:: U.S. Tax Court
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Do you want to participate in another round of interviews?
```

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 3/20/2003 6:17:12 PM
Subject: RE: did Cohen show?

Nope. He drove here, and was surprised when they wouldn't let his car in, so he went back. What a knucklehead.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, March 20, 2003 6:11 PM
To: Leitch, David G.
Subject: did Cohen show?

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Carolene Langie Office of Global Communications/WHO/EOP@EOP [WHO] <Carolene Langie Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/20/2003 2:37:05 PM
Subject: : White House Global Messenger, 03/21/03
Attachments: P_PT1WE003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:20-MAR-2003 19:37:05.00
SUBJECT:: White House Global Messenger, 03/21/03
TO:Carolene Langie Office of Global Communications (CN=Carolene Langie Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 3-21-03 FINAL.doc)

THE GLOBAL MESSENGER
Thursday, March 20, 2003

******KEY POINTS FROM THE PRESIDENT'S ADDRESS TO THE NATION, 3-19-03******

*American and coalition forces are in the early stages of military operations to disarm Iraq, free its people, and to defend the world from grave danger.

*In this conflict, America faces an enemy who has no regard for conventions of war or rules of morality. Saddam Hussein has placed Iraqi troops and equipment in civilian areas, and is attempting to use innocent men, women and children as shields for his military - a final atrocity against his people.

*American and coalition forces will make every effort to spare innocent civilians from harm. We come to Iraq with respect for its citizens, their great civilization, and the religious faiths they practice. We have no ambition in Iraq, except to remove a threat and restore control of the country to its own people.

*Our nation enters this conflict reluctantly, yet our purpose is sure. The people of the US and our friends and allies will not live at the mercy of an outlaw regime that threatens the peace with weapons of mass murder.

*Now that conflict has come, the only way to limit its duration is to apply decisive force. This will not be a campaign of half measures, and we will accept no outcome but victory.

*The dangers to our country and the world will be overcome. We will pass through this time of peril and carry on the work of peace. We will defend our freedom. We will bring freedom to others and we will prevail.

******TODAY'S SCHEDULE******
All Times Eastern Standard Time. Subject to Change

12:15 pm White House Briefing by Ari Fleischer

1:00 pm State Department Briefing by Richard Boucher

******RECENT DEVELOPMENTS******

*Today, President Bush vested more than $1 billion in non-diplomatic Iraqi accounts currently frozen in US banks. The purpose of this action is to enable these Iraqi funds to be used to help the Iraqi people and assist in the reconstruction of Iraq. The assets being vested were frozen after Iraq's invasion of Kuwait in 1990. Once vested, the assets will be administered by the Treasury Department, until they can be returned to Iraq.

*The President also directed Secretaries Snow and Powell to work with other countries to identify other Iraqi state assets, including the ill-gotten gains of Saddam Hussein and his regime, held in accounts around the world, and to return them for the benefit of the people of Iraq.

******COALITION OF THE WILLING******

President Bush is assembling a Coalition to disarm Iraq of its weapons of mass destruction. As of March 20, 2003, more than 44 countries were publicly committed, including:

Afghanistan, Angola, Albania, Australia, Azerbaijan, Bulgaria, Colombia, Czech Republic, Denmark, Dominican Republic, El Salvador, Eritrea, Estonia, Ethiopia, Georgia, Honduras, Hungary, Iceland, Italy, Japan, Kuwait, Latvia, Lithuania, Macedonia, Marshall Islands, Micronesia, Mongolia, Netherlands, Nicaragua, Philippines, Poland, Portugal, Romania, Rwanda, Singapore, Slovakia, Solomon Islands, South Korea, Spain, Turkey, Uganda, United Kingdom, United States, Uzbekistan.

This number is still growing. All Coalition member nations understand the threat
Saddam Hussein's weapons pose to the world and the devastation his regime has
wreaked on the Iraqi people.

For updated information, go to:
http://www.whitehouse.gov/coalition

******KEY QUOTES******

"Iraq belongs to the Iraqi people. And once Saddam Hussein's regime is removed, we intend to see that functional and political authority is placed in the hands of Iraqis as quickly as possible. Coalition forces will stay only as long as necessary to finish the job, and not a day longer."
Secretary Rumsfeld, in press briefing, 3-20-03

"[Coalition forces] changed their entire strategy, the shock and awe as we know of it, in order to take what was a risky venture in order to shorten the war. I think that is indicative of the President's commitment to try to end this conflict as quickly as possible and minimize any civilian casualties...to try to avoid as many innocents being killed or injured as possible."
Senator John McCain, interview on NBC's Today Show, 3-20-03

THE WHITE HOUSE
Office of Global Communications

For more information log on to http://www.whitehouse.gov/ogc

****
You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which

we can all better communicate the aspirations and interests that
Americans share with freedom-loving people everywhere.
- GM 3-21-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_PT1WE003_WHO.TXT_1>

THE GLOBAL MESSENGER

Friday, March 21, 2003

TODAY'S SCHEDULE

All Times Eastern Standard Time
Subject to Change

12:15 pm	White House Briefing by Ari Fleischer
1:00 pm	State Department Briefing by Richard Boucher

RECENT DEVELOPMENTS

- Today, President Bush vested more than $1 billion in non-diplomatic Iraqi accounts currently frozen in US banks. The purpose of this action is to enable these Iraqi funds to be used to help the Iraqi people and assist in the reconstruction of Iraq. The assets being vested were frozen after Iraq's invasion of Kuwait in 1990. Once vested, the assets will be administered by the Treasury Department, until they can be returned to Iraq.
- The President also directed Secretaries Snow and Powell to work with other countries to identify other Iraqi state assets, including the ill-gotten gains of Saddam Hussein and his regime, held in accounts around the world, and to return them for the benefit of the people of Iraq.

KEY POINTS

The President's Address to the Nation, 3-19-03

- American and coalition forces are in the early stages of military operations to disarm Iraq, free its people, and to defend the world from grave danger.
- In this conflict, America faces an enemy who has no regard for conventions of war or rules of morality. Saddam Hussein has placed Iraqi troops and equipment in civilian areas, and is attempting to use innocent men, women and children as shields for his military – a final atrocity against his people.
- American and coalition forces will make every effort to spare innocent civilians from harm. We come to Iraq with respect for its citizens, their great civilization, and the religious faiths they practice. We have no ambition in Iraq, except to remove a threat and restore control of the country to its own people.
- Our nation enters this conflict reluctantly, yet our purpose is sure. The people of the US and our friends and allies will not live at the mercy of an outlaw regime that threatens the peace with weapons of mass murder.
- Now that conflict has come, the only way to limit its duration is to apply decisive force. This will not be a campaign of half measures, and we will accept no outcome but victory.
- The dangers to our country and the world will be overcome. We will pass through this time of peril and carry on the work of peace. We will defend our freedom. We will bring freedom to others and we will prevail.

KEY QUOTES

"Iraq belongs to the Iraqi people. And once Saddam Hussein's regime is removed, we intend to see that functional and political authority is placed in the hands of Iraqis as quickly as possible. Coalition forces will stay only as long as necessary to finish the job, and not a day longer."
Secretary Rumsfeld, in press briefing, 3-20-03

"[Coalition forces] changed their entire strategy, the shock and awe as we know of it, in order to take what was a risky venture in order to shorten the war. I think that is indicative of the President's commitment to try to end this conflict as quickly as possible and minimize any civilian casualties… to try to avoid as many innocents being killed or injured as possible."
Senator John McCain, interview on NBC's *Today Show*, 3-20-03

COALITION OF THE WILLING

President Bush is assembling a Coalition to disarm Iraq of its weapons of mass destruction. As of March 20, 2003, more than 44 countries were publicly committed, including:

Afghanistan, Angola, Albania, Australia, Azerbaijan, Bulgaria, Colombia, Czech Republic, Denmark, Dominican Republic, El Salvador, Eritrea, Estonia, Ethiopia, Georgia, Honduras, Hungary, Iceland, Italy, Japan, Kuwait, Latvia, Lithuania, Macedonia, Marshall Islands, Micronesia, Mongolia, Netherlands, Nicaragua, Philippines, Poland, Portugal, Romania, Rwanda, Singapore, Slovakia, Solomon Islands, South Korea, Spain, Turkey, Uganda, United Kingdom, United States, Uzbekistan.

This number is still growing. All Coalition member nations understand the threat Saddam Hussein's weapons pose to the world and the devastation his regime has wreaked on the Iraqi people. For updated information, go to:
http://www.whitehouse.gov/coalition

THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
To: lleo@fed-soc.org [UNKNOWN] <lleo@fed-soc.org>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Sean Rushton <SRushton@CommitteeforJustice.org>
Sent: 3/20/2003 3:55:10 PM
Subject: : A&C project
Attachments: P_XT2WE003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ( "Miranda, Manuel
(Frist)" <Manuel_Miranda@frist.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:20-MAR-2003 20:55:10.00
SUBJECT:: A&C project
TO:lleo@fed-soc.org ( lleo@fed-soc.org [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Sean Rushton <SRushton@CommitteeforJustice.org> ( Sean Rushton
<SRushton@CommitteeforJustice.org> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

We should give special attention in the A&C Project to Maine and Rhode
Island.
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XT2WE003_WHO.TXT_1>
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We should give special attention in the A&C Project to < /span>Maine and Rhode Isla nd.

From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/21/2003 3:23:16 AM
Subject: : TRANSCRIPT - PRESS CONFERENCE WITH BRITISH PRIME MINISTER TONY BLAIR AT THE EUROPEAN UNION SUMMIT 03/21/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:21-MAR-2003 08:23:16.00
SUBJECT:: TRANSCRIPT - PRESS CONFERENCE WITH BRITISH PRIME MINISTER TONY BLAIR AT THE EUROPEAN UNION SUMMIT 03/21/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

PRESS CONFERENCE WITH BRITISH PRIME MINISTER TONY BLAIR AT THE EUROPEAN UNION SUMMIT

BRUSSELS, BELGIUM
APPROX. 6:30 A.M. EST, FRIDAY, MARCH 21, 2003

;

PRIME MINISTER TONY BLAIR: (In progress) -- as they carry out their mission to bring down Saddam Hussein's regime and disarm Iraq of weapons of mass destruction.

;;;;;; The Ministry of Defense are continuing to establish exactly what happened and to contact the families of those that have died. These were brave men, who in order to make us safer and more secure, knew the risks, faced the risks, and had the courage to serve their country and the wider world. We owe them immense debt of gratitude, and our thoughts and prayers are with their families.

;;;;;; Geoff Hoon in the House of Commons, and the U.K. commanders in the field, have been giving details of the continuing military campaign, which, this tragedy not withstanding, appears to be going well. We have already taken the Al-Four (ph) Peninsula. Our forces have been involved in securing oil installations to prevent the threat of deliberate ecological disaster, and this evening, as last night, all three of our services will be involved as the military action continues.

;;;;;; There are signs of continuing Iraqi desertions, and disagreement and division at all levels of the regime. But I should warn that our forces will face resistance, and that the campaign necessarily will not achieve all its objectives overnight. It's important to emphasize that. Let me repeat, however, that I believe that the course of action that we are taking is the right one, and we must see this mission through to the end.

;;;;;; Insofar as our discussions here have been concerned, of course the divisions on this issue, the disagreements are well known to you. But I emphasize once again, there is considerable support, political and practical, within the European Union, and among countries set to join the European Union, for the position that we have taken, and that has been very evident here. And I was pleased that whatever differences there have been during the diplomatic crisis leading up to military action, we were able to agree here that Europe will play a continuing and important role in helping rebuild Iraq in the post- Saddam era. There is a real understanding that the Iraqi humanitarian disaster is here and now, and that the international community will have to come together to repair Iraq from the ravishes of Saddam's rule, which has reduced his people to such poverty and fear.

;;;;;; We agreed that the United Nations, again despite recent difficulties, should be centrally involved in the post-Saddam reconstruction of Iraq. We continue to press the case for fresh Security Council resolutions, first on the continuation of the Oil- for-Food program, as a trust fund so that Iraqi oil benefits the Iraqi people, and second on the establishment of the post-Saddam administration.

;;;;;; I welcome too the fresh emphasis and commitment we gave here to the Middle East peace process, which is as important as any of the issues that confront us.

;;;;;; Finally, I think it is important and right that the European Union leaders restated emphatically our commitment to strengthening the Trans-Atlantic Alliance. I have long argued, and will continue to do so, that Europe should be the friend and partner of America, not its rival. It's an article of faith for me, for I believe that if Europe and America stand together, work together, we can help deliver and maintain the order and stability that I talked of in my broadcast to the British people last night.

;;;;;; I should also say how much I welcome the continuing steps we agreed this morning on the economic reform agenda that's vital to our future prosperity in Europe. I would draw your attention particularly to the measures we are taking, and have agreed now on energy liberalization, on the community patent, on the single European sky. And those of you familiar with these economic reform summits will know these have all been issues that have held us up for a considerable period of time. There's agreement on all those things. It's immensely important. And there's been the acceptance here at the summit of the proposal for an employment task for to review Europe's labor markets, identify reasons for the slow-down in job creation, and identify the key measures that could be put into effect fast. And I am sure the president of the European Union, Prime Minister Costas Simitis, will give you further details of that later.

;;;;;; This, along with the proposals agreed on deregulation, the cutting down of national state aids, the action plan for small businesses, and fresh impetus on research and development, shows, I believe, that despite why for very obvious reasons there will not be the same focus on economic reform at this summit, I think the economic reform agenda is getting back on track. It's not there yet, but it is getting back on track. And I think there have been some important developments in that area too.

;;;;;; (Break in Feed by Network.)

;;;;;; Q (In progress) -- expressed personal condolences to you this morning for the casualties that you've talked about, and now, as you say you want the U.N. at the center of post-war Iraq, but is there not a very severe disagreement between Britain and France, and indeed with American involved, as to whether there should be a U.N. mandate for the government of post-war Iraq, so relations really are at an all- time low, aren't they?

;;;;;; PRIME MINISTER BLAIR: Well, first of all, I think everyone knows what the differences are. And there's no point to repeating them because they're well known, but there's no point in dwelling on them either.

;;;;;; Secondly, France has indeed expressed its condolences to us in respect to those people that tragically lost their lives overnight. And indeed, President Chirac wrote me a personal note about it. So, I think that is fair and right to say. And whatever the differences are, I know we can all come together in the spirit of sympathy at a time like this.

;;;;;; And the third thing is that what is interesting is that whatever the differences -- and as I say, they're evident and there's no point to pretending they don't exist -- there is a very strong view that Europe should have a role in the humanitarian situation in Iraq, which is necessary not because of the military conflict but because of the problems that Saddam's rule in Iraq has caused, and also there is a strong desire

on behalf of all the European Union for that central U.N. role. And I know that is shared by the United States as well.

;;;;;; So, as I say, there is no point in minimizing the differences, but on the other hand, I think the text that you will see on reconstruction in Iraq, helping Iraq and the Iraqi people after the conflict is over, is a good deal more positive than might have been expected.

;;;;;; Q Nic Robertson, ITV News. Just pursuing Adam's question, if I may. The declaration once again states the desire for a common foreign and defense policy. And there will be many who say this war, this liberation as you believe it will be of Iraq, simply would not happen if there was a common European foreign and defense policy, so why do you remain committed to it?

;;;;;; And can I ask you also a question that many people at home are asking, which is a simple one -- they're surprised to see you here, Prime Minister, at a time that troops are in action, and perhaps you could explain why you felt it proper and right to be in Brussels.

;;;;;; PRIME MINISTER BLAIR: Well, I'm actually surprised you asked that latter part of your question since given that we are discussing the Iraqi issue and the reconstruction of Iraq, I think it's extremely important that Britain's voice is heard.

;;;;;; In respect of the first point, there are differences, and those differences are very evident in that the -- at the end of this, I think it will be right to have a period of reflection as to why those differences exist and how we overcome them. But, any European foreign and defense policy will remain a matter for the governments and it is important that Europe tries to reach agreement on these issues. And I think there is a longer term strategic question, which is about Europe's relationship with America, that we need to have an honest and open and frank debate about, because that is what is being exposed, in a sense, as a problem, as a fault line during the course of the last few weeks.

;;;;;; And my view of this is and always will be -- I mean, sometimes people say to me "Well, does -- have the differences in Europe meant that I am less enthusiastic about British participation in Europe?" And the answer to that is unhesitatingly "No, I am not less enthusiastic." It is precisely because it is important that Britain's voice is heard that we do participate in Europe. And we have allies for the position that we have adopted in Europe, and where there are disagreements, the right way to handle these disagreements is not to turn our back on our other partners but to engage with them and try and overcome the differences. And that is the best way, I think, to make progress -- not just for Europe, but most importantly in the British national interest.

;;;;;; Q (Inaudible Name). Just wondering what you make so far of the response of the Iraqi regime? And to what extent would you urge them and individual Iraqi soldiers even at this stage to actually surrender rather than fight?

;;;;;; PRIME MINISTER BLAIR: Well, I hope that the Iraqi people realize that our quarrel is not with them, it is with Saddam. The Iraqi people have been the victims of Saddam. Many of those who are soldiers and conscripts will be people who have been terrorized into military service. And, of course, we want to try and make sure that that military conflict occurs with a minimum of casualties. But that is something that is being handled and dealt with by the commanders out in the field. And I think it's important to leave them to do that.

;;;;;; Yes.

;;;;;; Q Yes, Prime Minister, Steven Sacket (sp) from the BBC, I'd just like you, if you could, to give us a little bit more information about precisely what you want to happen the day that the shooting stops, the war is over. Are you saying that you and your fellow leaders in Europe want to

see the decisions about the future for Iraq to be handed over to a U.N. mandate as soon as possible? And is that something you've already discussed the President George Bush?

;;;;;; PRIME MINISTER BLAIR: Well, of course we've been discussing these issues with the Americans, with the United Nations, with our allies. And I think there is a general agreement about the central involvement of the United Nations. Now, exactly how that process takes place is precisely the issues that we discussed. But there is a common view now, not just among the Europeans but also with the United States, that it's important that we have a new United Nations resolution that authorizes that, and that governs not merely the humanitarian situation but also the post-Saddam civil authority in Iraq.

;;;;;; And the vision that we have set out for Iraq is one in which we help the people, one, move towards greater democracy and human rights -- something they've been deprived of for years; two greater prosperity, in particular marking sure that the oil money is there in a U.N. trust fund for the Iraqi people and no one else; and thirdly, to make sure that their territorial integrity in Iraq is preserved. And there is complete agreement, I think, on all these points. Now, of course there will be detailed discussions as to exactly how we make the transition from military conflict to the post-conflict situation, but those are differences that I'm sure we can find a way through.

;;;;;; Q Prime Minister, Andy Bell, Channel Five News. You talked about the condolences that have been expressed, but now that British troops are in action, do you get any sense that those countries, such as France and Germany, actively support what you are doing, or at best do they still remain neutral and shall we say indifferent to British forces in the field?

;;;;;; PRIME MINISTER BLAIR: Well, I do not believe that anyone is indifferent to the fate of the individual men and women that are serving, but, you know, the differences are there are about the military action. I think you're going to have to ask them about that. But I think we would be -- we would be wrong if we thought that people couldn't, even if they disagreed with the action, express their sympathy, and have done for those people that have lost their lives.

;;;;;; Q Robin Oakley (sp), CNN. You're putting the emphasis on reconstruction in Iraq. Are you confident that all 15 EU members are prepared to make a financial contribution to that reconstruction? And what would you think of any of those members who didn't?

;;;;;; PRIME MINISTER BLAIR: I think it is important that everyone comes together on the basis of the text that we have agreed now, and I'm sure people will because it's agreed by all 15. And the exact arrangements for that are something, as I say, that will continue to be discussed. But everybody understands, even if people disagree with the military action, people are agreed on two things. First of all, that as a result of Saddam's rule, the Iraqi people have been impoverished, their country has been plundered and requires immense reconstruction over time. And secondly, that it would be wrong if Europe did not take a strategic role in that reconstruction. So, as I say, obviously the details of this is a matter for discussion, but that basic principle I think is very clear and is accepted.

;;;;;; Now, I'm going to take just one more question. Here.

;;;;;; Q James Coker (sp), Bloomberg News. You said earlier that the war is going reasonably well. Jack Straw this morning suggested that it might not be necessary to move to the "shock and awe" phase. Does that mean that you're achieving your objectives more quickly than expected? And are you saying that the war might finish ahead of your timetable?

;;;;;; PRIME MINISTER BLAIR: No, I don't think you can speculate on this at all at the moment. I think what is important is that we continue with

the plans that we have set out. And our objective is, obviously, to secure as swift and successful a conclusion to the military conflict as we can the a minimum of casualties, but to make sure that we attain our objectives, which are the removal of Saddam Hussein's regime from Iraq, and the disarming of Iraq of weapons of mass destruction. And at this stage, I don't think it would be sensible for me to speculate any further on the nature of the military action that we're taking or will take.

;;;;;; All right. Thank you all very much.

END.

;

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/21/2003 4:50:41 AM
Subject: : EO

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:21-MAR-2003 09:50:41.00
SUBJECT:: EO
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Are you the guy to talk to about the EO on document classification?;
Please give me a call.; Thank you!
```

From: Kmiec, Douglas <KMIEC@law.edu>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/21/2003 5:27:30 AM
Subject: : FW: organizing resolution

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Kmiec, Douglas" <KMIEC@law.edu> ( "Kmiec, Douglas" <KMIEC@law.edu> [ UNKNOWN ] )
CREATION DATE/TIME:21-MAR-2003 10:27:30.00
SUBJECT:: FW: organizing resolution
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett

I have been after my librarian to find the exact wording of the Senate
"organizing resolution." So far we are out of luck -- see messages
below. If what has been reported to us is correct, then I believe the
constitutional argument against the "continuing" language in Rule V is
even more forceful. If you have better intelligence on an organizing
resolution than the librarians of the Senate, I would be delighted to
have a copy. Thanks.

Best,
Doug


> -----Original Message-----
> From: Young, Stephen E.
> Sent: Friday, March 21, 2003 10:10 AM
> To: Kmiec, Douglas
> Subject: RE: organizing resolution
>
> Dean Kmiec:
> Although I was able to find a comparable resolution for the House I
> did not find one for the Senate for this Congress. I therefore
> contacted the Senate Library who indicated that since the Senate is a
> continuing body they do not re-adopt the rules with every new
> Congress. Please let me know if this does not answer your question.
> Steve
>
> -----Original Message-----
> From: Kmiec, Douglas
> Sent: Thursday, March 20, 2003 7:59 PM
> To: Young, Stephen E.
> Subject: organizing resolution
>
> Steve
>
> I am told that when a new senate convenes, it adopts an organizing
> resolution to abide by the standing rules of the senate. That's what
> I am trying to find.
>
> Thanks
> Doug
>
> Douglas W. Kmiec
> Dean & St. Thomas More Professor
> The Catholic University of America School of Law
> Cardinal Station
> Washington, D.C. 20064-8005
> voice: (202) 319-5139
> fax: (202) 319 5473
> email: Kmiec@cua.edu
```

>

From: Kaplan, Joel
To: <Kavanaugh, Brett M.>
Sent: 3/21/2003 11:08:14 AM
Subject: FW: Reuters - Marines Briefly Raise U.S. Flag Over Iraqi Port

Check out my jarheads. As always, very aggressive move, but probably not the guys you want to take your diplomatic advice from.
-----Original Message-----
From: Bravo, Brian
Sent: Friday, March 21, 2003 11:04 AM
Subject: Reuters - Marines Briefly Raise U.S. Flag Over Iraqi Port

Marines Briefly Raise U.S. Flag Over Iraqi Port

By Adrian Croft

UMM QASR, Iraq (Reuters) - U.S. Marines briefly raised the Stars and Stripes flag over the new port area of Umm Qasr on Friday after facing tougher than expected resistance in and around the southern Iraq port.

Reuters correspondent Adrian Croft, traveling with the Marines, saw troops lower an Iraqi flag soon after they arrived at the port complex, replacing it with the U.S. flag.

Some time later, Marines returned and removed the Stars and Stripes. No reason was given for the decision, but Washington has consistently stressed that invading U.S. forces want to liberate Iraq, not occupy it.

U.S. troops moved into the huge port area to hunt for Iraqi soldiers who might be hidden in the site. A dozen Marine helicopters landed on a massive parking lot inside the perimeter fence to bring in reinforcements.

"The (new) port is about 40 percent secure. There is still shooting going on," said Marine Captain Rick Crevier from Placerville, California, one of the operation's commanders.

He added the old port, one mile away, was still under observation.

U.S. Marines poured over the Kuwaiti border just after dawn heading for Umm Qasr, but were almost immediately pinned down in a two-hour firefight with Iraqi soldiers armed with machineguns and anti-tank rockets.

The Marines called in tanks and artillery fire to clear their path.

STIFF RESISTANCE

Asked if the resistance was stiffer than expected, Crevier said: "Yes, a lot more. We had some dug in troops and we were starting to receive some mortar fire."

He added one Marine was slightly injured by broken glass.

He had no information about Iraqi casualties, but the bodies of two men in civilian clothes were seen lying in the streets as a U.S. armored convoy moved to the port area.

A third man sat in the road bleeding heavily. Nearby, two cars were ablaze.

U.S. commanders said they were keen to secure Umm Qasr, Iraq's largest commercial port, because they wanted to use it to bring in humanitarian aid.

When Marines arrived at the port they were met by a huge portrait of Saddam Hussein, showing a younger version of the Iraqi President wearing a Western suit, which was hung next to the main entrance.

Hours later, the picture had been cut out of its frame and spirited away, allegedly by a Marine looking for a war trophy.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/21/2003 7:10:58 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:21-MAR-2003 12:10:58.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Snee is trying to track you down.
;
Also, I have a sensitive document to pass to you from ARG. Let me know
when you're back and I'll bring it over.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: G. Timothy Saunders/WHO/EOP [WHO] <G. Timothy Saunders>
Sent: 3/21/2003 7:19:25 AM
Subject: RECEIVED: RE: classification EO

Begin Original ARMS Header
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SUBJECT:RECEIVED: RE: classification EO
TO:G. Timothy Saunders (CN=G. Timothy Saunders/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
RE: classification EO
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
03/21/2003 12:19:24 PM

From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>

To: Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Abel Guerra/WHO /EOP@EOP [WHO] <Abel Guerra>;Goodling, Monica <Monica.Goodling@usdoj.gov>;Snell, BethAnn (Judiciary) <BethAnn_Snell@Judiciary.senate.gov>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Ueland, Eric (Frist) <Eric_Ueland@frist.senate.gov>;Rodgers, Mark (Republican-Conf) <Mark_Rodgers@src.senate.gov>;Gumerson, Katie (RPC) <Katie_Gumerson@RPC.Senate.Gov>;Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>;Higgins, Stephen (Judiciary) <Stephen_Higgins@Judiciary.senate.gov>;Dahl, Alex (Judiciary) <Alex_Dahl@Judiciary.senate.gov>;Gold, Martin (Frist) <Martin_Gold@frist.senate.gov>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Stevenson, Bob (Frist) <Bob_Stevenson@frist.senate.gov>;Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>;Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Wichterman, Bill (Frist) <Bill_Wichterman@frist.senate.gov>;Vogel, Alex (Frist) <Alex_Vogel@frist.senate.gov>;Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>;Abegg, John (McConnell) <John_Abegg@mcconnell.senate.gov>;Smith, William (Judiciary) <William_Smith@Judiciary.senate.gov>;Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>

Sent: 3/21/2003 10:49:21 AM

Subject: : Members Mtg Prep

Attachments: P_DS9XE003_WHO.TXT_1.html

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(Frist)" <Manuel_Miranda@frist.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:21-MAR-2003 15:49:21.00
SUBJECT:: Members Mtg Prep
TO:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Goodling, Monica" <Monica.Goodling@usdoj.gov> ( "Goodling, Monica"
<Monica.Goodling@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Snell, BethAnn (Judiciary)" <BethAnn_Snell@Judiciary.senate.gov> ( "Snell, BethAnn
(Judiciary)" <BethAnn_Snell@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Ueland, Eric (Frist)" <Eric_Ueland@frist.senate.gov> ( "Ueland, Eric (Frist)"
<Eric_Ueland@frist.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Rodgers, Mark (Republican-Conf)" <Mark_Rodgers@src.senate.gov> ( "Rodgers, Mark
(Republican-Conf)" <Mark_Rodgers@src.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Gumerson, Katie (RPC)" <Katie_Gumerson@RPC.Senate.Gov> ( "Gumerson, Katie (RPC)"
<Katie_Gumerson@RPC.Senate.Gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)"
<James_Ho@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Higgins, Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> ( "Higgins,
Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> [ UNKNOWN ] )
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TO:"Dahl, Alex (Judiciary)" <Alex_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)"
<Alex_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Gold, Martin (Frist)" <Martin_Gold@frist.senate.gov> ( "Gold, Martin (Frist)"
<Martin_Gold@frist.senate.gov> [ UNKNOWN ] )
```

READ:UNKNOWN
TO:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Stevenson, Bob (Frist)" <Bob_Stevenson@frist.senate.gov> ("Stevenson, Bob (Frist)"
<Bob_Stevenson@frist.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ("Benczkowski, Brian A"
<Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Wichterman, Bill (Frist)" <Bill_Wichterman@frist.senate.gov> ("Wichterman, Bill
(Frist)" <Bill_Wichterman@frist.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Vogel, Alex (Frist)" <Alex_Vogel@frist.senate.gov> ("Vogel, Alex (Frist)"
<Alex_Vogel@frist.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Ledeen, Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov> ("Ledeen, Barbara
(Republican-Conf)" <Barbara_Ledeen@src.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Abegg, John (McConnell)" <John_Abegg@mcconnell.senate.gov> ("Abegg, John (McConnell)"
<John_Abegg@mcconnell.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Smith, William (Judiciary)" <William_Smith@Judiciary.senate.gov> ("Smith, William
(Judiciary)" <William_Smith@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [UNKNOWN]
)
READ:UNKNOWN
TO:"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> ("Delrahim, Makan
(Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

In preparation for a Members' Meeting on Judicial Nomination to be held
sometime next week, we would like to meet on Monday at 3 pm to discuss
the agenda.

Place in the Capitol TBA.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_DS9XE003_WHO.TXT_1>

In preparation for a Members' Meeting on Judicial Nomination to be held sometime next week, we would like to meet on Monday at 3 pm to discuss the agenda.

Place in the Capitol TBA.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 3/21/2003 4:03:19 PM
Subject: RE: Members Mtg Prep

Tuesday looks better.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, March 21, 2003 3:55 PM
To: Nelson, Carolyn
Subject: Members Mtg Prep

can Judge do a Senators' meeting on judges either Tuesday at 4 or Thursday at 4?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/21/2003 03:59 PM ----------



"Miranda, Manuel (Frist)"
03/21/2003 03:48:27 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Members Mtg Prep



In preparation for a Members' Meeting on Judicial Nomination to be held sometime next week, we would like to meet on Monday at 3 pm to discuss the agenda.

Place in the Capitol TBA.

 - att1.htm << File: att1.htm >>

Message Sent To:

"Delrahim, Makan (Judiciary)"
"Dahl, Alex (Judiciary)"
"Comisac, RenaJohnson (Judiciary)"
"Higgins, Stephen (Judiciary)"
"Smith, William (Judiciary)"

"Ho, James (Judiciary)"
"Abegg, John (McConnell)"
"Gumerson, Katie (RPC)"
"Ledeen, Barbara (Republican-Conf)"
"Rodgers, Mark (Republican-Conf)"
"Vogel, Alex (Frist)"
"Ueland, Eric (Frist)"
"Wichterman, Bill (Frist)"
Brett M. Kavanaugh/WHO/EOP@EOP
Wendy J. Grubbs/WHO/EOP@EOP
"Snell, BethAnn (Judiciary)"
"Benczkowski, Brian A"
"Goodling, Monica"
"Stevenson, Bob (Frist)"
Abel Guerra/WHO/EOP@EOP
Leonard B. Rodriguez/WHO/EOP@EOP
Mercedes M. Viana/WHO/EOP@EOP
"Gold, Martin (Frist)"

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/21/2003 12:10:49 PM
Subject: : Washington Update - March 21, 2003

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAR-2003 17:10:49.00
SUBJECT:: Washington Update - March 21, 2003
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Matthew E. Smith/WHO/EOP on 03/21/2003 05:10 PM ----------

Family Research Council <frcpub@frc.org>
03/21/2003 04:48:33 PM
Please respond to frcpub@frc.org
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: Washington Update - March 21, 2003

From: Ken Connor, President
Date: March 21, 2003 - Friday
To: Friends of Family Research Council

It's War! Senate Democrats Block More Bush Judges

Wednesday night, as the nation's attention was fixed on the start of the war in Iraq, Michigan's two Democratic senators slapped holds on four more of President Bush's appeals court nominees. Even though the Sixth Circuit Court has declared an official judicial crisis because eight of its 16 seats are vacant, Sens. Carl Levin and Debbie Stabenow placed holds on four nominees, refusing to let the Senate confirm them until Mr. Bush re-nominates two Clinton judges. This is unprecedented. The Senate has never demanded that a new president re-appoint his predecessor's unconfirmed nominees. When President Bush's father left office, two Sixth Circuit Court nominees remained unconfirmed. The Republicans did not demand that Mr. Clinton re-submit those nominations. This latest outrage is yet another indication that the Democrats intend to deny Mr. Bush his constitutional authority to appoint judges, especially appeals court judges. Republicans appear utterly baffled by the Democrats' fierce obstruction tactics and have no apparent strategy to break out of the impasse.

What are the president's options? First, Mr. Bush should immediately consider recess appointments. The Constitution allows the president to make such appointments when the Senate is in recess. In the face of the Democrats' unrelenting intransigence, Mr. Bush should wield this constitutional power to break the gridlock. Bill Clinton made frequent use of the recess appointment option, following the example of John F. Kennedy, who put fully 20

percent of his judges on the bench through recess appointments. Second, the Democrats' filibuster of Miguel Estrada, and threatened filibuster of other appeals court nominees, is unconstitutional. The Constitution lists five specific instances in which a supermajority of the Senate is required: veto override, constitutional amendments, impeachment, treaty ratification, and expelling a member. Judicial confirmation is not one of these specified instances. The Senate rule requiring 60 votes for confirmation, therefore, is unconstitutional under the "advice and consent" clause. A parliamentary point of order challenging the rule as unconstitutional should be invoked, or a lawsuit could be filed to test the rule's constitutionality. In the absence of such strategies, the Democrats show no signs they are willing to abandon their scorched earth tactics and confirm any of President Bush's appeals court judges.

Freedom Isn't Free

The defense of liberty has always required sacrifice. The loss of 12 British Royal Marines and four Americans in a helicopter crash in Kuwait, and the death of a U.S. Marine officer from enemy fire in southern Iraq, painfully underscores this hard truth. No matter how successfully this war is prosecuted, and despite the high level of professionalism among the men and women of our armed forces, some will be called upon to make the supreme sacrifice. Thus has it always been and thus will it ever be. In the words of the Korean War Memorial here in Washington: "Freedom Isn't Free." From Concord Bridge where the Minute Men stood, to Gettysburg, Normandy, Iwo Jima, Viet Nam, and now the sands of Iraq, the defense of liberty has meant that some will give, in Abraham Lincoln's words, "the last full measure of devotion." For the rest of us, we can only offer our humble thanks to our parted countrymen, keep their families in our prayers, and extend the comfort of a grateful nation. They did not die in vain.

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Phone: 202-393-2100
Fax: 202-393-2134
http://www.frc.org
To donate, go to: https://secure.frc.org/gifts.cfm

From: Kirk Blalock <kblalock@fierce-isakowitz.com>
To: <Silverberg, Kristen>;<Schacht, Diana L.>;<Warsh, Kevin>;<Kavanaugh, Brett M.>
Sent: 3/21/2003 4:19:51 PM
Subject: Asbestos Myths and Facts
Attachments: mythsandfacts.doc

American Insurance Association

MYTHS AND FACTS ABOUT ASBESTOS LITIGATION

Myth: **Asbestos lawyers represent people who are sick from asbestos.**

FACT: Today, over 600,000 individuals have filed asbestos claims. Each claimant sues on average 20 defendants. Of the 200,000 claims currently pending in our courts, the majority are filed by people who are not sick. The New York Times recently reported that the latest surge in asbestos claims includes many healthy plaintiffs: "[v]ery few new plaintiffs have serious injuries."[i]

Both the RAND Institute (2002) and Tillinghast-Towers (2001) accepted estimates that about 90 percent of claims are filed by plaintiffs who do not have cancer.

U.S. Supreme Court Justice Breyer acknowledged in the 1990s that many modern asbestos cases do not involve claimants who are impaired, quoting one source who estimated that "up to one-half of asbestos claims are now being filed by people who have little or no physical impairment."[ii]

In a recent Mississippi asbestos case, which resulted in one of the largest asbestos awards ever, a jury awarded six plaintiffs $25 million each in compensatory damages alone. None of the plaintiffs in this case claimed to have missed a day of work due to an alleged asbestos-related disease.[iii] Not one claimed any prior medical expenses due to asbestos exposure.[iv] None of the claimants had cancer.

Myth: **Congress does not need to reform the asbestos litigation system.**

FACT: For more than a decade, the U.S. Supreme Court and lower courts have urged Congress to pass laws to curb the absurdity of asbestos litigation. More than 10 years ago, Chief Justice Rehnquist appointed a United States Judicial Conference Ad Hoc Committee on Asbestos Litigation, which drafted a report that forecast the crisis we now face. The Committee "concluded that the situation has reached critical dimensions and is getting worse. What has been a frustrating problem is becoming a disaster of major proportions to both the victims and the producers of asbestos products, which the courts are ill-equipped to meet effectively."[v]

In 1999, eight years later, Chief Justice Rehnquist again noted that the crisis had worsened in the absence of Congressional action, writing that asbestos-related claims were having a "massive impact" on the court system.[vi] In early 2003, the Court again specifically called on Congress to resolve the asbestos litigation crisis.

REV_00112533

Myth: **Our economy can handle the flood of asbestos claims filed in our courts.**

FACT: Asbestos litigation has already bankrupted nearly 70 companies, and the pace of asbestos-related bankruptcies is accelerating. Some experts estimate that the total economic toll of asbestos liability on businesses will reach *$275 billion*, more than cost estimates for all Superfund cleanup sites combined, Hurricane Andrew or the September 11 terrorist attacks.[vii]

The bankruptcies to date have led to the loss of about 60,000 jobs, and workers at those bankrupt firms have seen their 401(k) plans dwindle by an average of 25 percent, according to a study done by Nobel Prize-winning economist Joseph E. Stiglitz.[viii]

Today, at least 8,400 companies are named in lawsuits, most of which never manufactured asbestos and had only some peripheral involvement with the substance.[ix]

Myth: **Asbestos claims are proliferating because the rate of asbestos-related disease is rising.**

FACT: Asbestos was phased out of most non-essential uses by the late 1970s and early 1980s. Contrary to medicine and common sense, the number of claimants is expanding exponentially. At the current rate, the total number of claims could top 2.5 million. This confounds the experts, who—going by the actuarial tables—expected that by now we would see the number of cases stabilizing.

These new asbestos cases are driven largely by mass X-ray screenings, actually sponsored by trial lawyers but often advertised as free medical exams. Medical audits by independent experts have shown that high percentages of asbestos claimants have little or no impairment. For example, in one notorious case, only 16 out of the 439 tire workers who had filed lawsuits, or 3.6 percent, exhibited chest abnormalities that *could* have resulted from asbestos.

While mass X-ray screenings serve no real medical purpose, they do, however, serve their intended purpose. They swell the asbestos plaintiff class with thousands of people, many of whom either are unimpaired and quite healthy or are suffering from medical conditions not caused by exposure to asbestos.

Myth: **Juries decide if asbestos claims deserve compensation.**

FACT: If the cases of unimpaired people were handled one by one, they would not get far in most courtrooms in this country. But that is not the way the system currently works. The asbestos lawyers who bring these mass cases lump them all together in large

REV_00112534

quantities, mixing in a few very sick claimants with hundreds of non-sick ones. ***Most of these cases never go to a jury, because trying them is too expensive for the defendants.*** This leads to big settlements.

Myth: **The defendants in the asbestos lawsuits should be held accountable because they caused people to be exposed to a harmful substance.**

FACT: Asbestos litigation defendants are more than just a "few asbestos manufacturers." In fact, many of the miners and sellers of asbestos are already out of business. Asbestos lawyers are turning to new defendants under the doctrine of "joint and several liability." The litigation has begun to involve small businesses that were only peripherally connected to asbestos. One report estimated that asbestos cases had hit eighty-five percent of U.S. industries. Today, it has become commonplace to hear household names involved in asbestos suits. In April 2000, a jury rendered a $34 million dollar verdict against a division of Royal Dutch/Shell Oil Company. Shell never manufactured an asbestos-containing product, but like other oil companies, used such a product in its refineries.[x]

Other companies like Campbell's Soup and Procter & Gamble are viewed as deep pockets as well. Both were added to a pending complaint in California Superior Court in San Francisco, alleging that asbestos was found at company factory sites.[xi] In another San Francisco court, a former insulator has sued Dow Jones & Company, publisher of *The Wall Street Journal*, claiming asbestos exposure at a Journal printing plant.[xii]

RAND estimates that at least one company in *every* U.S. industry is involved in asbestos litigation. By 1998, according to RAND more than 60 percent of asbestos defendants were in "non-traditional" industries, including food and beverage, paper, textiles and glass.[xiii]

For more information, contact Julie Rochman at jrochman@.aiadc.org (202) 828-8497, or visit AIA's Website at www.aiadc.org.

March 2003

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[i] Alex Berenson, "A Surge in Asbestos Suits, Many by Healthy Plaintiffs", *New York Times*, April 10, 2002, at A1.
[ii] Amchem Prods., Inc. v. Windsor, 521 U.S. 591, 631 (1997) (Breyer, J., concurring in part and dissenting in part) (*quoting* Christopher F. Edley, Jr. & Paul C. Weiler, *Asbestos: A Multi-Billion Dollar Crisis*, 30 Harv. J. on Legis. 383, 384, 393 (1993)).
[iii] See Parloff, *supra* note 15; Trial Tr., Simeon Johnson v. AC&S, Civ. No. 2000-181 (Cir. Ct. Holmes, Miss. 2001).
[iv] Id.
[v] Summary of the Report of the Judicial Conference Ad Hoc Committee on Asbestos Litigation, at 2 (Mar. 1991).
[vi] Ortiz, 527 U.S. at 865.
[vii] See Raji Bhagavatula, et al., "Asbestos: A Moving Target,"102 No. 5 *Best's Review* 85 (Sept. 1, 2001) (estimating $270 billion in cumulative asbestos liability); see also Michael Angelina, Jennifer Biggs, "Sizing Up Asbestos Exposure," 16 No. 20 *Mealey's Litigation Report*: Asbestos 32-38 (Nov. 26, 2001) (estimating $200 billion); "Tillinghast-Towers Perrin Estimates Claims Associated with U.S. Asbestos Exposure Will Ultimately Cost $200 Billion," Business Wire (June 12, 2001); Lisa Girion, "Firms Hit Hard as Asbestos Claims Rise," *Los Angeles*

REV_00112535

Times, December 17, 2001, at A1 (noting that $200 billion in estimated asbestos liability exceeds costs associated with Superfund, Hurricane Andrew and September 11 terrorist attacks).

[viii] *The Impact of Asbestos Liabilities on Workers in Bankrupt Firms,* Joseph E. Stiglitz, Jonathan M. Orszag, Peter R. Orszag, December 2002.

[ix] *Facts and Figures About Asbestos Litigation,* RAND Institute, Stephen Carroll and Debra Hensler, January 2003

[x] See F.T. McCarthey, "Still Killing: Asbestos Claims: Asbestos Strike[s] Again," *The Economist*, August 19, 2000.

[xi] See Richard Schmitt, "Burning Issue: How Plaintiffs' Lawyers Have Turned Asbestos Into a Court Perennial," *Wall Street Journal*, March 5, 2001.

[xii] Id.

[xiii] *Facts and Figures About Asbestos Litigation,* RAND

REV_00112536

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 3/21/2003 5:15:13 PM
Subject:

were you kidding (maybe not??). I thought the only issue that was outstanding was OHS budget, which I understood was still being discussed as policy issue with many folks after I discussed with Ed McNally?? but please let me know!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 3/21/2003 1:33:01 PM
Subject: : Re: HSC non-concur Re: Timing on the proposed executive order amending EO 12958

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAR-2003 18:33:01.00
SUBJECT:: Re: HSC non-concur Re: Timing on the proposed executive order amending EO 12958
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Does the new order restrict the scope of what is classifiable as of today? Or is that HSC wants to broaden the scope of what is classifiable as of today? I assume the latter. If so, why was the need to classify such info not recognized over last several decades? (Do not assume I am skeptical; rather, these are questions we would need to be able to answer to boss and public.)

From: Edward McNally on 03/21/2003 06:29:07 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: HSC non-concur Re: Timing on the proposed executive order amending EO 12958

E.g., critical infrastructure info under Sec. 1.4(g) that does NOT "relate to" the fairly limited Sec. 6.1(y) definition of "national security".

From: Kavanaugh, Brett M.
To: <Kaplan, Joel>
Sent: 3/21/2003 5:41:00 PM
Subject: Re: FW: Reuters - Marines Briefly Raise U.S. Flag Over Iraqi Port

sweet

From: Joel Kaplan/WHO/EOP@Exchange on 03/21/2003 11:08:14 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Reuters - Marines Briefly Raise U.S. Flag Over Iraqi Port

Check out my jarheads. As always, very aggressive move, but probably not the guys you want to take your diplomatic advice from.

-----Original Message-----

From: Bravo, Brian

Sent: Friday, March 21, 2003 11:04 AM

Subject: Reuters - Marines Briefly Raise U.S. Flag Over Iraqi Port

Marines Briefly Raise U.S. Flag Over Iraqi Port

By Adrian Croft

UMM QASR, Iraq (Reuters) - U.S. Marines briefly raised the Stars and Stripes flag over the new port area of Umm Qasr on Friday after facing tougher than expected resistance in and around the southern Iraq port.

Reuters correspondent Adrian Croft, traveling with the Marines, saw troops lower an Iraqi flag soon after they arrived at the port complex, replacing it with the U.S. flag.

Some time later, Marines returned and removed the Stars and Stripes. No reason was given for the decision, but Washington has consistently stressed that invading U.S. forces want to liberate Iraq, not occupy it.

U.S. troops moved into the huge port area to hunt for Iraqi soldiers who might be hidden in the site. A dozen Marine helicopters landed on a massive parking lot inside the perimeter fence to bring in reinforcements.

"The (new) port is about 40 percent secure. There is still shooting going on," said Marine Captain Rick Crevier from Placerville, California, one of the operation's commanders.

He added the old port, one mile away, was still under observation.

U.S. Marines poured over the Kuwaiti border just after dawn heading for Umm Qasr, but were almost immediately pinned down in a two-hour firefight with Iraqi soldiers armed with machineguns and anti-tank rockets.

The Marines called in tanks and artillery fire to clear their path.

STIFF RESISTANCE

Asked if the resistance was stiffer than expected, Crevier said: "Yes, a lot more. We had some dug in troops and we were starting to receive some mortar fire."

He added one Marine was slightly injured by broken glass.

He had no information about Iraqi casualties, but the bodies of two men in civilian clothes were seen lying in the streets as a U.S. armored convoy moved to the port area.

A third man sat in the road bleeding heavily. Nearby, two cars were ablaze.

U.S. commanders said they were keen to secure Umm Qasr, Iraq's largest commercial port, because they wanted to use it to bring in humanitarian aid.

When Marines arrived at the port they were met by a huge portrait of Saddam Hussein, showing a younger version of the Iraqi President wearing a Western suit, which was hung next to the main entrance.

Hours later, the picture had been cut out of its frame and spirited away, allegedly by a Marine looking for a war trophy.

From:	Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To:	Carolene Langie Office of Global Communications/WHO/EOP@EOP [WHO] <Carolene Langie Office of Global Communications>
BCC:	Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent:	3/21/2003 3:05:09 PM
Subject:	: SPECIAL 'LIBERATION UPDATE' EDITION: WHITE HOUSE GLOBAL MESSENGER 3/22/03
Attachments:	P_G7LXE003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:21-MAR-2003 20:05:09.00
SUBJECT:: SPECIAL 'LIBERATION UPDATE' EDITION: WHITE HOUSE GLOBAL MESSENGER 3/22/03
TO:Carolene Langie Office of Global Communications (CN=Carolene Langie Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 3-22-03 Liberation FINAL.doc)

THE GLOBAL MESSENGER
Saturday, March 22, 2003

******SPECIAL EDITION******

******LIBERATION UPDATE******
The voices of freedom, heard now inside Iraq and around the world

News accounts today paint a vivid picture of joy and relief inside Iraq. American and coalition troops are being welcomed by smiling Iraqis. Their voices have been silenced for too long, but now they are heard inside Iraq and around the world.

For a regularly updated collection of these reactions to Operation Iraqi Freedom, visit "Liberation Update" at:

http://www.whitehouse.gov/liberation

******VOICES OF FREEDOM******

"One little boy, who had chocolate melted all over his face after a soldier gave him some treats from his ration kit, kept pointing at the sky, saying 'Ameriki, Ameriki.'"
Associated Press, 3-21-03

***
"Milling crowds of men and boys watched as the Marines attached ropes on the front of their Jeeps to one portrait and then backed up, peeling the Iraqi leader's black-and-white metal image off a frame. Some locals briefly joined Maj. David 'Bull' Gurfein in a new cheer. 'Iraqis! Iraqis! Iraqis!' Gurfein yelled, pumping his fist in the air...

"....A few men and boys ventured out, putting makeshift white flags on their pickup trucks or waving white T-shirts out truck windows....'Americans
very good,' Ali Khemy said.
'Iraq wants to be free. Some chanted, 'Ameriki! Ameriki!'

"Gurfein playfully traded pats with a disabled man and turned down a dinner invitation from townspeople. 'Friend, friend,' he told them in Arabic learned in the first Gulf War.

"'No Saddam Hussein!' one young man in headscarf told Gurfein. 'Bush!'"
Associated Press, 3-21-03

***
"Iraqi citizens were shown 'tearing down a poster of Saddam Hussein' and Dexter Filkins of The New York Times was interviewed, saying that Iraqis he had seen were 'hugging and kissing every American they could find.'"
NBC Nightly News, 3-21-03

***
"Here was a chance to stop and I clambered down, eager to get a first word from an Iraqi of what he thought of this whole affair. 'As salaam alekum,' I said in the traditional greeting, then ran out of Arabic and quickly added, 'Do you speak English?' No go. But with a fumbled exchange of gestures we slowly managed to communicate. Thumbs up for the American tanks, thumbs down for Saddam Hussein. Then he pointed north into the distance and said 'Baghdad.'"
Reuters, 3-21-03
***
"A line of dancing Kurdish men, staring directly into the mouth of the Iraqi guns less than a mile away, defiantly burned tires, sang traditional new years songs and chanted, 'Topple Saddam.'

"March 21 is the Kurdish New Year....And bonfires have long been a symbol of liberation in this part of the world. 'We're celebrating [Nawroz] a national holiday,' said Samad Abdulla Rahim, 22. 'But today we also celebrate the attack on Saddam.'

"Many expressed hope that deadly fire would light the night sky over Baghdad in the days ahead, bringing an end to the Kurd's epic 30-year struggle against Hussein and his Baath Party. 'I can't wait for the U.S. planes to come and liberate Kirkuk,' said Shahab Ahmed Sherif, a 33-year-old Kurd who had fled the oil-rich city four days earlier."
Copley News Service, 3-21-03

***
Unidentified Iraqi man: "Help us live better than this life. Let us have freedom."
ABC World News Tonight, 3-21-03

******TODAY'S SCHEDULE******

10:06am The President
's Weekly Radio Address

THE WHITE HOUSE
Office of Global Communications

For more information log on to http://www.whitehouse.gov/ogc

****
You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere. - GM 3-22-03 Liberation FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_G7LXE003_WHO.TXT_1>

THE GLOBAL MESSENGER

Saturday, March 22, 2003
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http://www.whitehouse.gov/liberation

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Associated Press, 3-21-03

***

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"Gurfein playfully traded pats with a disabled man and turned down a dinner invitation from townspeople. 'Friend, friend,' he told them in Arabic learned in the first Gulf War.
"'No Saddam Hussein!' one young man in headscarf told Gurfein. 'Bush!'"
Associated Press, 3-21-03

***

"Iraqi citizens were shown 'tearing down a poster of Saddam Hussein' and Dexter Filkins of *The New York Times* was interviewed, saying that Iraqis he had seen were 'hugging and kissing every American they could find.'"
NBC Nightly News, 3-21-03

VOICES OF FREEDOM

"Here was a chance to stop and I clambered down, eager to get a first word from an Iraqi of what he thought of this whole affair. 'As salaam alekum,' I said in the traditional greeting, then ran out of Arabic and quickly added, 'Do you speak English?' No go. But with a fumbled exchange of gestures we slowly managed to communicate. Thumbs up for the American tanks, thumbs down for Saddam Hussein. Then he pointed north into the distance and said 'Baghdad.'"
Reuters, 3-21-03

***

"A line of dancing Kurdish men, staring directly into the mouth of the Iraqi guns less than a mile away, defiantly burned tires, sang traditional new years songs and chanted, 'Topple Saddam.'

"March 21 is the Kurdish New Year….And bonfires have long been a symbol of liberation in this part of the world. 'We're celebrating [Nawroz] a national holiday,' said Samad Abdulla Rahim, 22. 'But today we also celebrate the attack on Saddam.'

"Many expressed hope that deadly fire would light the night sky over Baghdad in the days ahead, bringing an end to the Kurd's epic 30-year struggle against Hussein and his Baath Party. 'I can't wait for the U.S. planes to come and liberate Kirkuk,' said Shahab Ahmed Sherif, a 33-year-old Kurd who had fled the oil-rich city four days earlier."
Copley News Service, 3-21-03

***

Unidentified Iraqi man: "Help us live better than this life. Let us have freedom."
ABC World News Tonight, 3-21-03

TODAY'S SCHEDULE

10:06 am	President's Weekly Radio Address

THE WHITE HOUSE
Office of Global Communications

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REV_00112562

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Carolene Langie Office of Global Communications/WHO/EOP@EOP [WHO] <Carolene Langie Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/22/2003 8:17:13 AM
Subject: : White House Global Messenger - 03-23-03
Attachments: P_WZRXE003_WHO.TXT_1.doc

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CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:22-MAR-2003 13:17:13.00
SUBJECT:: White House Global Messenger - 03-23-03
TO:Carolene Langie Office of Global Communications (CN=Carolene Langie Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 3-23-03 FINAL.doc)

THE GLOBAL MESSENGER
Sunday, March 23, 2003

******LIBERATION UPDATE******
The voices of freedom, heard now inside Iraq and around the world

News accounts continue to report the joy of Iraqis as American and coalition
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"'Oooooo, peace be upon you, peace be upon you, peace you, oooooo,'Zahra Khafi, a 68-year-old mother of five, cried to a group of American and British visitors who came to the town shortly after Mr. Hussein's army appeared to melt away. 'I'm not afraid of Saddam anymore.'"
New York Times, 3-22-03

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"We've been driving since dawn today in southern Iraq, and so far we've come across scores of Bedouin herdsmen. We've been greeted by friendly greetings of 'inshallah' and 'salaam aleikum'...we've seen both women and men waving greetings and shouting greeting to the U.S. troops."
Radio Free Europe correspondent Ron Synovitz, 3-21-03

***

"'They told me that Saddam Hussein is not allowing anyone to leave Baghdad,' [an Iraqi man] says. I don't fear the Americans. I was in Baghdad in the war in 1991 and I saw how surgical an operation it was.

Saddam Hussein has persecuted everyone except his own family. Kurds, Arab Shiites, Turkoman - everybody has suffered. But our country was a rich country and we can be rich again.'"
Financial Times Information, 3-21-03

***

"These are U.S. Marines being greeted if not with garlands, with hand shakes by residents of the town in the deep-south corner of Iraq."
CBS News, 3-21-03

******U.S SUNDAY SHOW SCHEDULE******
Subject to Change

NBC: Secretary of Defense Rumsfeld

ABC: Chairman of the Joint Chiefs Myers

CBS: Secretary of Defense Rumsfeld

CNN: Secretary of Defense Rumsfeld

FOX: Chairman of the Joint Chiefs Myers

******AFGHANISTAN SPRING******
Excerpt of a letter from President Bush to President Karzai on the Afghanistan holiday of Naw Ruz, 3-20-03

"Afghan Spring commemorates the reemergence of a rich and vital Afghan culture and the recovery of optimism for the Afghan people. We celebrate your successes with you, including: three million children - 30 percent of them girls - have started back to school; more than two million refugees have returned home; and commerce and other economic activities are taking root in Kabul and other cities."

******KEY QUOTES******

"A campaign on harsh terrain, in a vast country, could be longer and more difficult than some have predicted. And helping Iraqis achieve a united, stable, and free country will require our sustained commitment. Yet whatever is required of us, we will carry out all of the duties we have accepted."
President Bush, in weekly radio address, 3-22-03

"What we have seen is that the Iraqis are welcoming [allied forces]. And so once again this is about liberation, not occupation."
Central Command General Franks, in press conference, 3-22-03

"America is the only country in the world that exports freedom. It brought freedom and democracy to Japan and Germany after defeating both in World War II. It rebuilt their societies and taught them about liberty....That is why we wholeheartedly support the American-led effort to free the people of Iraq."
Albanian Prime Minister Nano, in remarks, 3-20-03

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updates on major international topics such as the global war on terror,
the case for regime change in Iraq, and more broadly, the ways in which
we can all better communicate the aspirations and interests that
Americans share with freedom-loving people everywhere. - GM 3-23-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WZRXE003_WHO.TXT_1>

THE GLOBAL MESSENGER

Sunday, March 23, 2003

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Subject to Change

NBC:	Secretary of Defense Rumsfeld
ABC:	Chairman of the Joint Chiefs Myers
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REV_00112567

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: daniel_bartlett@who.eop.gov [UNKNOWN] <daniel_bartlett@who.eop.gov>
Sent: 3/22/2003 1:28:37 PM
Subject: :

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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-MAR-2003 18:28:37.00
SUBJECT::
TO:daniel_bartlett@who.eop.gov ( daniel_bartlett@who.eop.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

We can do home and home. No need to pay for fees. Thx and see you
monday.

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From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Wendy J. Grubbs/WHO /EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 3/23/2003 9:48:55 AM
Subject: : case you missed it
Attachments: P_W80YE003_WHO.TXT_1.html

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CREATOR:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ("Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> [UNKNOWN])
CREATION DATE/TIME:23-MAR-2003 14:48:55.00
SUBJECT:: case you missed it
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Orlando Sentinel (Florida)

March 16, 2003 Sunday, FINAL

SECTION: EDITORIAL; Pg. G3

LENGTH: 650 words

HEADLINE: GRAHAM: SENATE NEEDS MORE INFORMATION ON ESTRADA

BYLINE: Sen. Bob Graham, Special to the Sentinel

BODY:
There are many issues raised by the nomination of Miguel Estrada to the U.S. Circuit Court of Appeals for the District of Columbia. I consider the most fundamental issue to be the independence of the judiciary, a matter of concern to thoughtful Americans from before our country was a country.

In the Pulitzer Prize-winning biography by David McCullough, John Adams is quoted: "Essential to the stability of government and to an able and impartial administration of justice, . . . there must be an Independent Judiciary, men of experience on the laws of exemplary morals, invincible patience, an unruffled calmness and indefatigable application, should be subservient to none and appointed for life."

Those words, written before the War of Independence, became the guiding star for the Constitutional Convention in 1787. To preserve the independence of judges, the Constitution provides that they shall serve a lifetime appointment. To protect from economic intimidation of the judiciary, Congress is prohibited from reducing the salary of judges.

But perhaps the most difficult issue that the Constitutional Convention faced was: How should judges secure their place on the bench?

Up until the very end of the convention, the idea was that this Senate would directly appoint federal judges. However, concern arose that the independence of the judiciary might be at risk if one branch were solely responsible for the appointment of judges, so a compromise was struck: The president would nominate federal judges, and the Senate would advise and consent through the confirmation process.

So the issue we are debating, the relative roles of the executive and legislative, is not a trivial issue. It goes to the heart, as John Adams said, of the stability of government, because it goes to the independence of the judiciary.

An article in the March 9 issue of the New York Times Magazine focused on the Fourth Circuit Court of Appeals and quotes Judge J. Michael Luttig: "Judges are told, 'You're appointed by us to do these things,' so then judges start thinking, well, how do I interpret the law to get the result that the people who pushed for me to be here want me to get? I believe that there is a natural temptation to line up as political partisans that is reinforced by the political process, and it has to be resisted by the judiciary and by the politicians."

I believe we are being called on to resist an effort to inappropriately utilize executive power and to exclude the legislative role in the appointment of federal judges.

I consider myself to be a pragmatist. I find very few things in life that are black and white. I do not think this issue is black and white. I believe the standard for the kind of information that the Senate has a right and a need to have, in order to carry out its advice and consent function, is not an ideological or even a precedential standard but rather a pragmatic standard.

If a person has been, for instance, an academic and has written articles and books, there is some means by which you can get below the resume and get some feel for the person. Similarly, if a person has been a judge at the state level or at other levels within the federal judiciary, it is likely that they have written opinions or other statements of their feelings.

I do not serve on the Judiciary Committee. But colleagues whose judgment I respect have indicated that they do not believe that, as of today, we have the information on Mr. Estrada to, in an informed manner, provide that consent.

I believe this is an issue upon which honorable men and women can reach agreement. So I would urge those of my colleagues who have been particularly involved in this to not see today's vote as the last chapter, but rather as a call to find an honorable way to provide us with the information, given the dearth of information that might otherwise be available.

GRAPHIC: PHOTO: Miguel Estrada
PHOTO: Bob Graham

COLUMN: OTHER VIEWS

LOAD-DATE: March 16, 2003

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_W80YE003_WHO.TXT_1>

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March 16, 2003 Sunday, FINAL

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GRAPHIC: PHOTO: Miguel Estrada
PHOTO: Bob Graham

COLUMN: OTHER VIEWS

LOAD-DATE: March 16, 2003

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Sampson, Kyle>;<McNally, Edward>;<Powell, Benjamin>
Sent: 3/24/2003 7:07:44 AM
Subject:

FYI

Bill Would Make Ridge Fifth In Line For Presidency.

Roll Call (3/24, Bresnahan) reports, "The Homeland Security Department has been open for business for two months, but Tom Ridge is still the only Cabinet secretary without a spot in the line of presidential succession. Now, if a handful of Members of Congress have their way, he'll vault past the majority of his peers in the line to the Oval Office." Roll Call continues, "Sen. Mike DeWine (R-Ohio) introduced a proposal in January to rectify the situation, and House Government Reform Chairman Tom Davis (R-Va.) has gotten into the act as well. Under the identical proposals offered by DeWine and Davis, the Presidential Succession Act would be altered to put the secretary of Homeland Security in the fifth spot among potential successors in the Cabinet if the president and other top leaders die or are otherwise incapacitated. ... Homeland Security would rank after the Secretaries of State, Treasury, Defense and the Attorney General in the Cabinet, and would be eighth overall among all potential successors to the presidency. Interior would be next in line after Homeland Security, followed by Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban Development, Transportation, Energy, Education and finally Veterans Affairs." Roll Call adds, "Norman Ornstein, a constitutional scholar at the American Enterprise Institute who has studied the issue of presidential succession, said the Davis-DeWine proposal needs to be enacted."

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Nanette Everson/WHO /EOP@EOP [WHO] <Nanette Everson>
CC: Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 3/24/2003 3:41:15 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:24-MAR-2003 08:41:15.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI.; This matter has started to get a fair amount of attention, most of it from the New York Times.;;Brett, I know you worked on Global Crossing issue so you may be interested as well.
;
NYTimes Decries Conflict Of Interest In Perle's Roles.; The New York Times <http://www.nytimes.com/2003/03/24/opinion/24MON3.html> (3/24) editorializes, "As chairman of the Defense Policy Board, Richard Perle has been an influential architect of the Bush administration's Iraq policy and war plans.; At the same time, it turns out, he has signed on to represent a major telecommunications company that has a strong financial interest in lobbying the Defense Department.; This is a conflict pure and simple, and Mr. Perle should immediately drop one of his two roles."; The Times continues, "Mr. Perle, who served as an assistant defense secretary under President Reagan, is indisputably an important part of the current Defense Department. ... Global Crossing, the telecommunications giant, is now in bankruptcy.; It has retained Mr. Perle to help persuade the Defense Department to drop its objections to a proposed sale to foreign buyers in Hong Kong and Singapore.; The deal has been opposed by the Defense Department and the Federal Bureau of Investigation as a threat to national security because it would put Global Crossing's fiber optics network, which is used by the United States government, under foreign control.; Mr. Perle stands to make up to $725,000 from his work for Global Crossing."; The Times concludes, "Mr. Perle insists that there is no conflict in his case because the Defense Policy Board is not involved in approving the Global Crossing deal.; But that is not the right test.; Global Crossing's fee is clearly payment, at least in part, for the influence Mr. Perle exerts through his Defense Department post, and federal ethics rules prohibit using public office for private gain.; To remove the conflict, Mr. Perle will have to choose between the gain and the office."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: m.edward.whelan@usdoj.gov @ inet [UNKNOWN] <m.edward.whelan@usdoj.gov @ inet>
Sent: 3/24/2003 5:11:55 AM
Subject: :
Attachments: P_GDFYE003_WHO.TXT_1.wpd

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SUBJECT::
TO:m.edward.whelan@usdoj.gov @ inet (m.edward.whelan@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

please call me re attached

- dotdeference.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GDFYE003_WHO.TXT_1>

PROPOSAL

Absent consumer protection issues or a clear market failure that cannot effectively be redressed under the antitrust laws, DOT should defer to DOJ on all antitrust and market competition issues involving private agreements and conduct.

DISCUSSION

DOJ and DOT Authority

In the wake of airline deregulation, both DOJ and DOT have statutory authority over competition in the airline industry[1]. The Airline Deregulation Act of 1978 gradually ended regulation of airline pricing and entry decisions, dismantled the Civil Aeronautics Board at the end of 1984, and transferred residual regulatory responsibilities, including merger approval, to the DOT. On January 1, 1989, DOT merger review authority terminated, and airline mergers and acquisitions became subject to normal HSR filing rules and DOJ jurisdiction under Clayton §7.

DOT, however, continues to enforce § 411 of the Federal Aviation Act ("FAA"), whose key language is identical to §5 of the Federal Trade Commission Act, which prohibits "unfair methods of competition." The FTC has no jurisdiction over airlines. In 1998, Congress also enacted a "file-and-wait" requirement at DOT for domestic codeshare and frequent flier program (FFP) agreements. DOT is authorized to delay implementation of codeshare agreements for up to six months, and of FFP agreements for up to 60 days.

DOT traditionally has deferred to DOJ on antitrust issues. In its first post-1989 review of a certificate transfer pursuant to an HSR reportable merger, DOT announced a new, narrower inquiry it would conduct under its "public interest" standard, and that it would defer to DOJ on antitrust issues:

> [In our earlier Show Cause Order[2]] we stated our perception that the sunset of section 408 [DOT merger review authority] strongly suggested Congress' intent that we consider the

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[1] DOJ: Anticompetitive mergers and acquisitions (Clayton Act §7); anticompetitive agreements among competitors (Sherman Act §1); and exclusionary conduct by dominant firms (Sherman Act §2).

DOT: Consumer protection and other "unfair methods of competition" (49 U.S.C. § 41712); approval of (and antitrust immunity for) agreements between foreign and domestic airlines, including codeshare alliances (49 U.S.C. §§41713, 15); review (but not approval) of domestic codeshare and frequent flyer agreements (49 U.S.C. §41720); fitness reviews and certification of airlines (49 U.S.C. §§41102, 05).

[2] "Congress' decision to deregulate the airline industry means that we should not delay market transactions involving the transfer of route authority unless necessary for important public policy reasons, and that we should not lightly impose restrictions or other conditions on such transactions." Show Cause Order, 3/10/89, at 7.

policy implication of proposed certificate transfers without respect to antitrust considerations, those matters now properly belonging to the Department of Justice.

Federal Express Corp. and The Flying Tiger Line, Inc., Docket 46025, Final Order, served May 2, 1989, at 2. In reaching this conclusion, DOT deferred to DOJ on antitrust issues not necessarily because it was required to, but because DOT concluded it was sound policy consistent with the intent of Congress.[3] Similarly, during DOJ's monopolization investigation of American Airlines, DOT deferred issuing final "Competition Guidelines" relating to predatory conduct by dominant hub carriers, eventually shelving them after the DOJ's lawsuit was filed. Recently, however, there are indications that DOT may seek to return to a broader regulatory role in antitrust and competition matters.

Reasons Why DOT Deference to DOJ is Appropriate

There are sound policy reasons for DOT to defer to DOJ on antitrust and competition issues:

Consistent Enforcement Standards - DOJ is more likely to take a consistent, and therefore predictable, enforcement approach that is defined by antitrust law precedent and sound economic analysis (e.g., the DOJ/FTC Merger Guidelines). In contrast, DOT's statute (FAA § 411), lacks the discipline of the body of antitrust precedent that has developed to preserve the critical balance between protection of competition and government intervention that will actually harm competition. This fact, together with DOT's historically greater focus on addressing the interests advanced by individual competitors rather than competition itself, makes its enforcement policies less predictable. In exclusionary conduct (Sherman Act § 2) situations, a broad interpretation of DOT's statute might not require a showing of "monopoly power" in a defined market. DOT might be tempted to conclude that it need not conduct a Brooke[4] analysis (below cost pricing and recoupment) in predatory pricing cases. In conspiracy cases, DOT might not conduct a Matsushita/Petroleum Products [5] analysis to distinguish conspiracy from conscious parallelism in an oligopoly. In the past, DOT has been both more lenient than the antitrust laws would require (approving overlapping hub mergers in the mid-80's, and granting immunity to competitors in concentrated markets over DOJ objections), and more restrictive (refusing to allow market-based

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[3] There is legal precedent for the proposition that, under FAA §411, DOT "can forbid anticompetitive practices before they become serious enough to violate the Sherman Act." United Airlines v. Civil Aeronautics Board, 766 F.2d. 1107 (7th Cir. 1985). This does not mean, however, that it is sound policy to attempt broader regulation under §411. Indeed, past efforts by the FTC to broaden its interpretation of the identical language of §5 beyond the scope of DOJ's enforcement of its statutes have met with judicial hostility. See, e.g., E.I Du Pont de Nemours & Co. v. FTC, 729 F.2d 128 (2d Cir. 1984); Boise Cascade Corp. v. FTC, 637 F.2d 573 (9th Cir. 1980).

[4] Brooke Group Ltd. v. Brown & Williamson Tobacco Corp., 509 U.S. 209 (1993).

[5] Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574 (1986); In re Coordinated Pretrial Proceedings in Petroleum Products Antitrust Litigation, 906 F.2d 432 (9th Cir. 1990), cert. den. sub nom. Chevron Corp. v. Arizona, 500 U.S. 959 (1991).

divestitures in AA/BA II in favor of awarding Heathrow slots to administratively "preferred" recipients).

Insulation From Political Influence - As a pure law enforcement agency, DOJ is less susceptible to political pressure and lobbying than an agency with diverse responsibilities such as DOT. DOT has broad program and promotional responsibilities that are appropriately influenced by political considerations, including airport funding, international aviation treaty negotiations, the essential air service program and the allocation of certain service rights.

Superior Discovery Tools and Procedures - DOJ conducts confidential fact investigations using compulsory process for data, documents and testimony as needed. Information received is not made public (absent litigation), and customers and informants can provide information to DOJ in confidence without running afoul of ex parte rules. In contrast, DOT proceedings are conducted on a public record subject to ex parte rules, where "interested parties" voluntarily (and selectively) submit evidence and argument. The DOT process is not confidential and not well-suited for developing a complete and unbiased factual record.

Effective Use of Government Resources - DOJ is experienced and well-equipped to conduct antitrust investigations. It has the breadth of experience over all industries, many with some of the same structural characteristics of the airline industry. DOJ's Economic Analysis Group is recognized throughout the world as unsurpassed at its work. With its large and experienced legal and economic staffs, DOJ can more efficiently devote the necessary resources to competition issues in the airline industry.

Avoiding Duplicative Investigations - DOJ and FTC have overlapping jurisdiction, but have a "clearance agreement" that prevents overlapping investigations. There is no similar agreement with DOT, although the 1998 pre-filing amendments for codeshares directed the agencies to establish preclearance procedures to prevent unnecessary duplication, 49 U.S.C. § 41720 (f). One way to avoid overlapping investigations in the airline industry is for DOT to defer to DOJ on all matters that can be addressed under the antitrust laws, even if they could arguably be addressed under the more discretionary standards of the Federal Aviation Act.

Ensuring Appropriate Grants of Antitrust Immunity - DOT may grant antitrust immunity to certain agreements between airlines, including codesharing and marketing alliance agreements. DOJ and DOT have often agreed on when a grant of immunity would harm competition and should not be granted, but DOT has also frequently disregarded DOJ advice on withholding immunity, most recently by approving a domestic capacity reduction agreement between Aloha and Hawaiian Air, the only significant inter-island competitors in Hawaii, and by immunizing the American Airlines/Swiss Air alliance without "carving out" (withholding immunity) for certain routes where the parties were the only, or two of three, actual or potential nonstop competitors on the routes. Because antitrust immunity is itself a departure from the legal rules applicable to protect market competition in virtually every other industry, DOT should be reluctant to grant it in any situation. Recognizing that immunity grants to foreign carrier alliances can at times be a useful bargaining chip in open skies negotiations, DOT nonetheless should accord significant weight to a DOJ recommendation to limit, restrict or deny it.[6]

Avoiding Unintended Harm to Competition - Judicial limitations on antitrust liability — such as the requirements of proof in conspiracy and predation cases — should not be viewed as inconvenient impediments to be circumvented by resort to a more broadly worded statute. Rather, these limitations have been put in place by the courts to ensure that unfounded antitrust intervention does not itself chill *procompetitive* activity. For example, predatory pricing challenges by definition attack price cutting and discounting, which clearly benefit consumers in the short term. Such challenges should not be undertaken without rigorous proof that they are needed to protect competition in the long run. Deference to the DOJ would assure application of these legal standards. Open-ended regulation under a broad reading of §411, in contrast, runs the risk of decisionmaking based on individual competitors' lobbying for advantage rather than the objective application of law.

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[6] Both the FCC and the STB are required by statute to give the views of DOJ "substantial weight" in reaching certain decisions affecting competition, 47 U.S.C. §271(d)(2)A (FCC); 49 U.S.C. §11324 (STB).

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/24/2003 7:33:21 AM
Subject: : FW: AP - U.S. Wins Appeal on Domestic Spy Powers

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:24-MAR-2003 12:33:21.00
SUBJECT:: FW: AP - U.S. Wins Appeal on Domestic Spy Powers
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

U.S. Wins Appeal on Domestic Spy Powers

WASHINGTON - The Supreme Court rejected a civil liberties challenge to post-Sept. 11 law enforcement spying on Monday, refusing to be drawn into a dispute over the boundaries of a law that gave the government broader surveillance authority after the terrorist attacks.

The American Civil Liberties Union and other organizations wanted the justices to consider when the government should be allowed to monitor someone's telephone conversations and e-mail, then use the information to prosecute them.

The Bush administration has argued that the surveillance, and a special court that oversees sensitive domestic espionage tactics, are indispensable tools in the war on terror.

The ACLU used an unusual maneuver to get the case to the Supreme Court, filing an appeal on behalf of people who don't even know they're being monitored. The justices would have had to give special permission to allow it. They refused, without comment.

The action was not a ruling on the merits of the ACLU's challenge, and the issue is expected to return to the high court later.

The administration has aggressively defended its use of wiretaps approved by the super-secret Foreign Intelligence Surveillance Court, or "spy court," which deals with intelligence requests involving suspected spies, terrorists or foreign agents.

Even the spy court had reservations about that aggressiveness. Last May, the court ruled that the USA Patriot Act did not justify the use of certain investigative techniques proposed by the administration. Attorney General John Ashcroft appealed to a review court which had never met, or issued a decision, during the spy court's 25-year existence.

That review court sided with the administration and said government officials did not have to limit their monitoring to foreign intelligence. That means law enforcement officers can use the information to build cases for prosecution.

The review court decision "opens the door to surveillance abuses that seriously threatened our democracy in the past," justices were told in the filing by the ACLU, the National Association of Criminal Defense Lawyers, the American-Arab Anti-Discrimination Committee and the Arab Community Center for Economic and Social Services.

To get a warrant from the spy court, the government must show that a suspect probably is a "foreign power or agent of a foreign power." Law enforcement must meet a higher standard - probable cause that a crime was committed - to get an ordinary criminal warrant for wiretapping or other electronic intrusion.

The administration did not respond to the ACLU's appeal. Any of the nine justices could have demanded a response, but none did.

The spy court has approved thousands of warrants since it was established by Congress in 1978, and it only rarely turns down the government.

The case is one of two at the Supreme Court involving issues related to the terrorist attacks. The other challenges the government's holding of closed deportation hearings after the attacks.

The ACLU had filed challenges in Michigan and New Jersey, on behalf of media organizations seeking access to hearings involving foreigners swept up in the terrorism probes.

The 3rd U.S. Circuit Court of Appeals in Philadelphia ruled that the attorney general has the right to close the hearings for reasons of national security. The ACLU appealed the decision. The government has until next month to appeal an appeals court decision that went the other way.

"The courts continue to have a critical role in ensuring that the government's efforts to protect national security are done in a manner that is consistent with protecting civil liberties," said Steven Shapiro, the ACLU's legal director.

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 3/24/2003 12:33:03 PM
Subject: FW: AP - U.S. Wins Appeal on Domestic Spy Powers

U.S. Wins Appeal on Domestic Spy Powers

WASHINGTON - The Supreme Court rejected a civil liberties challenge to post-Sept. 11 law enforcement spying on Monday, refusing to be drawn into a dispute over the boundaries of a law that gave the government broader surveillance authority after the terrorist attacks.

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/24/2003 10:21:33 AM
Subject: : ideas

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:24-MAR-2003 15:21:33.00
SUBJECT:: ideas
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Perhaps you should go meet with Daschle and Reid (and I assume
they also will want Leahy) on the President's 3/11 letter re judges plan
and just get a sense of where they are. I am under no illusions that this
will be imemdiately productive but might be good nonetheless to get the
ball slowly rolling.
```

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 3/24/2003 3:14:23 PM
Subject: ideas

Perhaps you should go meet with Daschle and Reid (and I assume they also will want Leahy) on the President's 3/11 letter re judges plan and just get a sense of where they are. I am under no illusions that this will be imemdiately productive but might be good nonetheless to get the ball slowly rolling.

From: CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/24/2003 11:27:52 AM
Subject: : memo

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-MAR-2003 16:27:52.00
SUBJECT:: memo
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

hi!; Did you ever have a chance to update the First Lady airfare memo?;
AirOps is nudging me for it once again.
;
Thanks!
```

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/24/2003 3:19:18 PM
Subject: : Re: Proclamations --

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-MAR-2003 20:19:18.00
SUBJECT:: Re: Proclamations --
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Are you working n it?

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:Helgard C. Walker/WHO/EOP@EOP
Cc:
Date: 03/24/2003 06:17:24 PM
Subject: Re: Proclamations --

What kind of inquiry. From whom. I think it will mesh with last year's
and the one the year before. I am not sure where original 2001 version
came from.

.

----- Original Message -----
From:Helgard C. Walker/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP,
H. Christopher Bartolomucci/WHO/EOP@EOP,
Noel J. Francisco/WHO/EOP@EOP,
Jennifer G. Newstead/WHO/EOP@EOP,
Nanette Everson/WHO/EOP@EOP,
Jennifer G. Newstead/WHO/EOP@EOP,
Kyle Sampson/WHO/EOP@EOP,
Benjamin A. Powell/WHO/EOP@EOP,
Theodore W. Ullyot/WHO/EOP@EOP
Cc:
Date: 03/24/2003 05:30:12 PM
Subject: Proclamations --

Does anybody know in which office these originate? I've gotten an inquiry
re the Law Day proclamation...

HCW

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>;Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 3/25/2003 5:57:18 AM
Subject: : Bloomington IL Pantagraph editorial

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-MAR-2003 10:57:18.00
SUBJECT:: Bloomington IL Pantagraph editorial
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Pantagraph Editorial
Monday, March 24, 2003
Stop abuse of filibuster to block court nominees
When Senate traditions and self-proclaimed "institutional responsibilities" clash with the public interest and the intent of the U.S. Constitution, it should be clear that the Constitution should prevail.
But apparently it's not clear to Senate Minority Leader Tom Daschle, D-S.D.
Daschle shrugged off a request from President Bush for a change in Senate rules so filibusters could not be used to block judicial nominees. "I doubt very much that we'll ever permanently change the rules to deny the Senate its institutional responsibilities," Daschle said.
What about the Senate's constitutional responsibilities?
Among those responsibilities is providing "advice and consent" to the president on judicial appointments. Such appointments require only a simple majority. However, it takes 60 votes to break a filibuster -- thereby allowing a minority to thwart the will of a majority of the Senate as well as the president.
Meanwhile, vacancies remain on the federal bench while a Senate minority makes its power play.
It doesn't matter whether Republicans have done to Democratic presidents what the Democrats are doing to Republican Bush. What matters is whether the intent of the Constitution and democracy are being undermined through abuse of the filibuster. They are.
A yes-no vote is being held up on Miguel Estrada, Bush's nominee for the U.S. Court of Appeals for the District of Columbia. Five other federal appellate court nominees also are being blocked from speedy consideration by Senate Democrats.
Even if the Estrada case is resolved and a vote is eventually taken, Bush should continue to press for the Senate to abandon the use of the filibuster to block action on judicial nominees.

From: Edward Kavanaugh <kavanaughe@ctfa.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/25/2003 2:52:08 AM
Subject: : White House

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward Kavanaugh <kavanaughe@ctfa.org> ( Edward Kavanaugh <kavanaughe@ctfa.org> [
UNKNOWN ] )
CREATION DATE/TIME:25-MAR-2003 07:52:08.00
SUBJECT:: White House
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

If there is a helicopter take-off or landing where you can have a guest,
let me know.
```

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 3/25/2003 8:02:12 AM
Subject: Mtg time change

The Karl/Ken Mtg has been moved to 2:05 in ARG's Office.

From: Estes, Ashley
To: <Kavanaugh, Brett M.>
Sent: 3/25/2003 8:47:22 AM
Subject: FW: briefings tomorrow

bob is a model!
-----Original Message-----
From: Figg, Kara G.
Sent: Tuesday, March 25, 2003 8:40 AM
To: Estes, Ashley
Subject: RE: briefings tomorrow

did you know that he's a model in the new Neiman Marcus "The Book" (men's)?

-----Original Message-----
From: Estes, Ashley
Sent: Tuesday, March 25, 2003 8:36 AM
To: Figg, Kara G.
Subject: RE: briefings tomorrow

yes, porque?
-----Original Message-----
From: Figg, Kara G.
Sent: Tuesday, March 25, 2003 8:25 AM
To: Estes, Ashley
Subject: RE: briefings tomorrow

isn't your cousin the golfer?

-----Original Message-----
From: Estes, Ashley
Sent: Tuesday, March 25, 2003 8:23 AM
To: Figg, Kara G.; Gottesman, Blake
Subject: RE: briefings tomorrow

i think that's the best plan!
-----Original Message-----
From: Figg, Kara G.
Sent: Tuesday, March 25, 2003 8:18 AM
To: Estes, Ashley; Gottesman, Blake
Subject: briefings tomorrow

Right now - the president will depart at 8:10am.
We could do Intel & FBI before he departs:

7:30am Intell
(20 min)
7:50am FBI
(20 min)

Please let us know what he would prefer.
Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 3/25/2003 6:06:37 AM
Subject: : Specter article

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-MAR-2003 11:06:37.00
SUBJECT:: Specter article
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

HEADLINE: Let's Agree on a Timely Basis
To break the judicial nominations gridlock, the Senate needs to vote on schedule.

July 8, 2002

BYLINE: By Arlen Specter

BODY:
Our constitutional system for choosing federal judges has hit an impasse. Public confidence in the Senate confirmation process has declined, while the inordinate number of judicial vacancies has caused corresponding delays in federal court dockets. For the benefit of those seeking legal redress and for citizens generally, we in the Senate can and must act to remedy this unacceptable situation. The solution lies in something as straightforward-and nonpartisan-as a series of scheduled steps leading to a full Senate vote on each and every nominee.

It was another series of steps that led to the current gridlock in confirming federal judicial nominees: President George W. Bush failed to win the popular vote in the 2000 presidential election, with the contest essentially decided in the Supreme Court. The president nominated for the federal bench several prominent individuals with judicial philosophies similar to the president's views. Sen. James Jeffords of Vermont left the Republican Party, ceding control of the Senate to the Democratic Party.

Now the Democrats directing the Senate have refused to appropriately act on Bush judicial nominations-in several cases, for more than a year-in much the same way that Clinton judicial nominees were treated for six years by a Republican-controlled Senate. This reciprocal partisan treatment has in turn created an even deeper division in a Senate already deeply divided in light of the disputed 2000 election and the Jeffords defection. Advocacy groups with vested interests in the makeup of the judiciary have continued to wage negative campaigns against nominees, prompting at various times the invocation-and sometimes abuse-of the time-honored tradition of senatorial courtesy to delay or defeat nominations.

Article II, Section 2, of the Constitution tells us that the president "shall nominate, and, by and with the advice and consent of the Senate, shall appoint . . . Judges of the Supreme Court, and all other officers of the United States." The Senate is thus a critical part of the process for naming federal judges. Unfortunately, the advice-and-consent power is applied in an arcane and ad hoc practice that lacks any set time lines-and therefore is subject to abuse.

All too often of late, where a president of one political party has submitted a judicial nomination to a Senate controlled by the opposite party, that nomination has been subjected to partisan treatment not focused solely on the nominee's qualifications for the federal bench. This has been the case regardless of which party controlled the White House and

which party controlled the Senate.

Individual senators and committee chairmen have taken advantage of the ad hoc process to cause excessive delays in considering nominees. Some nominees have not even received a hearing. At other times, the Committee on the Judiciary-acting along party lines-has prevented the full Senate from exercising its constitutional duty to vote on all judicial nominations. While confirmation disputes have often been resolved by back-room arrangements among the Senate leadership, these deals themselves have tended to undermine the legitimacy of the confirmation process in the public's eyes.

I have suggested a simple Senate rule change-a nominations protocol-that would establish a timetable for confirmations.

My nominations protocol provides that the chair of the Senate Judiciary Committee, in consultation with the ranking member, set a specific timetable for committee action on each nominee. A certain number of days after a nomination is submitted by the president, a hearing would be held, and within a certain number of additional days there would be a vote by the Judiciary Committee on whether to report the nominee to the full Senate for its consideration. Then, the majority leader of the Senate, in consultation with the minority leader, would agree upon a timetable for floor action so that, within another specified period of time, there would be a vote by the full Senate.

Additionally, my protocol requires that a nomination would proceed to the Senate floor if the nominee were rejected in committee on a party-line vote. The recent nomination to elevate U.S. District Judge Charles Pickering Sr. of Mississippi to the U.S. Court of Appeals for the 5th Circuit is an instance where a nomination, rejected by the Judiciary Committee on a 10-9 party-line vote, was not reported to the full Senate for consideration. It is likely that Judge Pickering would have been confirmed by the full Senate. Thus the Democrats' refusal to allow the full Senate to consider his nomination did not conform to the Constitution, which calls for the Senate-not simply a committee-to make the decision to accept or reject federal judicial nominees.

I believe that any president, notwithstanding his political persuasion, should be accorded a certain degree of deference in his judicial nominations. Neither the text of the Constitution nor any contemporaneous or subsequent history says anything about the ability of one senator or one committee to defeat a judicial nomination by the president. To the contrary, in Federalist 76, Alexander Hamilton made clear that this constitutional function was to be exercised by the Senate as a whole, which would serve as a check upon unwise appointments. Each and every senator should participate in bringing the collective wisdom of the Senate to bear on judicial nominations. If one senator or one committee has the de facto power to block a nomination, then the advice-and-consent clause of the Constitution is rendered virtually meaningless.

Reporting a nomination to the full Senate even absent a majority vote in committee also has historical support under Senate practice. Since 1950, six lower court nominees have been sent to the full Senate even though they did not receive an affirmative vote in the Judiciary Committee.

Similarly, under my protocol, any Supreme Court nominee would be reported to the full Senate irrespective of the committee vote. This conforms with recent Senate practice: In 1991, the nomination of Judge Clarence Thomas to be an associate justice failed to receive a majority vote (7-7) in the Judiciary Committee, yet was reported to the full Senate, which confirmed him, 52-48. Another Supreme Court nominee, Judge Robert Bork, received a negative vote (9-5) in the Judiciary Committee, but his nomination was still sent to the Senate floor-and was ultimately defeated, 58-42.

To ensure that ample discretion is retained at the committee level, the timetables under my protocol could always be extended for cause, such as the need for more investigation or additional hearings. While it is

presumed that the White House will adequately consult with senators from the judicial nominee's home state, a failure to consult-in and of itself-should not be considered sufficient cause to indefinitely delay a judicial nomination.

Besides the constitutional concern, a vital pragmatic consideration underlies the need for my protocol. According to both sitting federal judges and their court executives, filling vacancies is the most pressing issue facing our lower courts-due to the correlation between judicial vacancies and delays in processing cases.

For example, look at the 6th Circuit. The court's 50 percent vacancy rate has left a death penalty appeal pending for more than eight years, while a plaintiff in a civil case died after having waited more than 15 months just to have oral arguments in a job discrimination suit.

Egregious delays can also be found in the 4th Circuit, where more than a quarter of the seats are unfilled despite four declared judicial emergencies and one seat being vacant for eight years. Meanwhile, simple appeals languish. A municipality in South Carolina has been waiting 39 months for clarification of the constitutionality of its ban on the docking of longline fishing vessels at the local marina. A routine Longshoreman's Act claim has been pending for 38 months. It is difficult to conceive of a fully occupied court that could not dispose of such mundane cases in more than three years.

These anecdotal examples are representative of a much broader and most disturbing pattern of easily avoidable judicial vacancies and emergencies. The situation is unacceptable, and the Senate has a constitutional responsibility to act. My proposed protocol would provide a nonpartisan way to fill judicial vacancies with due care but without undue political influence.

Arlen Specter is the senior U.S. senator from Pennsylvania, a Republican, and a member of the Senate Judiciary Committee.

From: Kirk Blalock <kblalock@fierce-isakowitz.com>
To: <Schacht, Diana L.>;<Silverberg, Kristen>;<Warsh, Kevin>;<Kavanaugh, Brett M.>
Sent: 3/25/2003 10:44:54 AM
Subject: CD AM on Dooley/Cannon - Both bills will be Med Criteria Based

JUDICIARY
Tort Reform Splits House Asbestos Fix
A rift over tort reform between two House members working to craft a bipartisan asbestos litigation bill could be a harbinger of things to come in the closely divided Senate, where negotiations on similar legislation continue to percolate.
Much of the recent focus regarding asbestos reform has been on the Senate, where Judiciary Committee leaders are attempting to forge a legislative consensus, and where Senate Budget Chairman Nickles already has introduced legislation.
However, legislation to address the asbestos litigation crisis gained its earliest traction in the House, where the Asbestos Alliance last year found its legislative champions in Reps. Chris Cannon, R-Utah, and Calvin Dooley, D-Calif.
The Alliance, which is being led by the National Association of Manufacturers, includes the U.S. Chamber of Commerce, a cross-section of America's leading insurance companies and industry groups, as well as some prominent plaintiffs' attorneys.
Cannon and Dooley advocated the Alliance's proposal for a bill that uses medical criteria to restrict the right of plaintiffs that are ill from asbestos exposure to sue, and, up until several weeks ago, the two were expected to introduce a unified, bipartisan bill in the House.
They also had agreed conceptually that the bill should prevent the consolidation of cases and the practice of court shopping -- both elements backed by the Alliance, NAM Executive Vice President Michael Baroody said in an interview Monday.
More recently, however, Cannon and Dooley have been pursuing separate legislative tracks over a split in opinion about "how far" to take the bill in the area of tort reform.
So while the two legislative offices are still working and communicating with one another, "right now, we're looking at a two-bill approach in the House," one source said.
While Dooley's preference is to keep the bill as clean as possible, sources said that Cannon, after consultation with GOP leadership both in the House and Senate, is exploring whether to include provisions dealing with such hot buttons as damage awards and the doctrine of joint and several liability.
Cannon chairs the House Judiciary Commercial and Administrative Subcommittee, which has been the venue for other tort reforms that have come through the committee. Tinkering with tort reforms is a perennial favorite of conservative Republicans and often used as a goad in their negotiations with Democrats on any issue that touches on legal reform.

Conventional wisdom is that it makes for a better bargaining position for the GOP, which knows Democrats are loathe to give on those areas so closely watched by their constituents in the trial bar.

However, the strategy sometimes has backfired, as in the case of the 107th Congress' debate over terrorism reinsurance, which pitted Senate Democrats against House and Senate Republicans over the GOP's ultimately unsuccessful and self-wounding drive to limit punitive damages for businesses.

In last year's informal conference on terrorism insurance, Democrats ultimately succeeded in blocking more Draconian tort reforms, primarily because the Bush administration reneged on an earlier pledge to stick by congressional Republicans in the fight.

However, House Majority Leader DeLay at the time was said to have secured a commitment that the president would champion certain tort reform legislation this year.

"We're staying in very close contact with Mr. Cannon -- but we made it very clear, too, that I and the Democrats I'm working with are going to be very reluctant to be support for a bill that encompass broader tort reform issues," Dooley said in an interview last week.

Dooley and Cannon also have not yet reached agreement on the specific language dealing with venue and mass-consolidated trials, which defendants believe facilitate a litigation system that awards the unimpaired at the expense of the truly ill.

Democrats in the past have sought to preserve the right of asbestos trial courts to consolidate cases for judicial economy.

"I think we're in the same ballpark," Dooley said. "We're fine with addressing venue and consolidation in a responsible manner, but we'd be reluctant to deal with anything to do with joint and several and any caps on fees and damages."

He added, "We're continuing to work with Chris Cannon in the hopes that we can introduce a bill together." But, "at this point, its also clear that if that bill goes beyond dealing with asbestos litigation reform, Democratic support will be significantly reduced."

House Judiciary Committee sources said Cannon has made no definitive decisions, but noted that he has submitted legislative language for review by legislative counsel.

The sort of proposal Cannon is envisioning -- which adopts medical criteria for claims, but also seeks to eliminate joint and several liability for asbestos claims and cap non-economic damages -- has been dubbed "Alliance-plus" by insiders.

Although those tort reforms are not formal goals of the Alliance, they are said to be priorities of its insurance contingent.

A spokeswoman for the American Insurance Association, a key Alliance member, declined to say whether the insurance industry is pushing for these reforms in the context of the asbestos litigation bill.

"Insurers are for as much reform in terms of certainty and finality -- and fixing the system as can be achieved this year," she said.

NAM's Baroody said he believes that the diverse legislative goals

within the business community have been over-hyped.

"To the extent there is a disagreement -- I have always believed that it is less over policy than it is over the political question of how much is achievable," he said.

Baroody, also chairman of the Asbestos Alliance added, "Finally, that's going to be decided by people who have the votes."

Nevertheless, the breach between Cannon and Dooley signals that the asbestos debate will go beyond asbestos claims to a broader political fight over tort reform, which could foreshadow a partisan standoff in a House-Senate conference committee setting.

It is a debate that also is likely to surface in the Senate even before the bill goes to conference, sources said.

Nickles, who was the first lawmaker this year to unveil a bill on asbestos litigation reform, did include provisions to curb forum shopping and effectively bar consolidations.

However, Nickles, no fan of the trial bar, did not include any of the other more-loaded tort reforms -- something that critics dubious of the 'Alliance-plus' strategy said should be a red flag for proponents of the plan.

Other sources who favor the track Cannon is pursuing noted that labor and the trial bar rejected Nickles' bill, which was supposed to represent a compromise in their direction, causing the industry to rethink whether an even tougher approach is warranted.

Baroody insisted he is not concerned about the split between Cannon and Dooley, or about the looming legal reform debate.

"What it will demonstrate -- is that there is, on both sides of the aisle, a willingness to move on this issue this year," he said.

Moreover, the starting place for both bills will be "from the Alliance perspective of medical criteria and some litigation reform," Baroody asserted.

Chief executives for companies represented by the Alliance, the Asbestos Study Group and the AIA, were planning to meet privately with Senate Judiciary Chairman Hatch this week in what could prove a pivotal gathering, sources said.

A more-inclusive asbestos "summit" hosted by the Senate Judiciary panel is in the works, but has not yet been scheduled. By Pamela Barnett

From: Kirk Blalock <kblalock@fierce-isakowitz.com>
To: <Silverberg, Kristen>;<Schacht, Diana L.>;<Warsh, Kevin>;<Kavanaugh, Brett M.>
Sent: 3/25/2003 11:17:11 AM
Subject: Senate Democrat letter on Asbestos
Attachments: dem letter.pdf

These three would lean med-criteria approach. Letter was sent as a place holder to include them in the process as it proceeds.

United States Senate
WASHINGTON, DC 20510

March 20, 2003

The Honorable Orrin Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Patrick Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 10510

Dear Orrin and Pat:

Thank you both very much for your continued interest in the asbestos litigation crisis. We appreciate that the Committee held a second hearing on the issue last week.

As much of the testimony indicated, there is an urgent and compelling need to develop a legislative solution to address this crisis. We understand that Chairman Hatch instructed all parties to work as actively as possible over the next two weeks to try to reach a consensus. We are pleased that the Chairman is moving so expeditiously, especially given the significant health, medical and economic costs associated with this issue.

As members who have been, and remain, very interested in this subject, we would like to participate in the process as much as possible. We have a deep understanding of the issues presented and would welcome the opportunity to be constructive. We look forward to speaking further about how we can be most helpful.

Again, our thanks to both of you for your continued interest in resolving this difficult, but extremely important, problem.

Sincerely,

Thomas Carper

E. Benjamin Nelson

Blanche L. Lincoln

REV_00112726

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
Sent: 3/25/2003 7:51:53 AM
Subject: : Re: quick question
Attachments: P_UHB0F003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-MAR-2003 12:51:53.00
SUBJECT:: Re: quick question
TO:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ("Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

No legal issue, but as an appearance matter, we do not want to engage in anything that could be interpreted as solicitation.

"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov>
03/25/2003 12:33:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: quick question

Any legal limitation on addressing the issue of limited funds of outside organizations on White House grounds?

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_UHB0F003_WHO.TXT_1>

Any legal limitation on addressing the issue of limited funds of outside organizations on White House grounds?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
Sent: 3/25/2003 8:04:26 AM
Subject: : RE: quick question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-MAR-2003 13:04:26.00
SUBJECT:: RE: quick question
TO:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ("Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

ok to mention, but we should not get into any details of that in this meeting.

"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov>
03/25/2003 12:54:30 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: quick question

No that's fine. I just want to speak at today's meeting at the WH about the need to raise money for noms fights to come.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov [mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, March 25, 2003 12:47 PM
To: Miranda, Manuel (Frist)
Subject: Re: quick question

No legal issue, but as an appearance matter, we do not want to engage in anything that could be interpreted as solicitation.

(Embedded image moved "Miranda, Manuel (Frist)" to file: <Manuel_Miranda@frist.senate.gov> pic30751.pcx) 03/25/2003 12:33:12 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: quick question

Any legal limitation on addressing the issue of limited funds of outside organizations on White House grounds?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>
Sent: 3/25/2003 8:36:19 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-MAR-2003 13:36:19.00
SUBJECT::
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Did I ask you re project for Dc Circuit caseload in 1978, 1984, and today?
```

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 3/25/2003 2:19:53 PM
Subject:

reminder that he should call Sens. Cornyn and Sessions.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 3/25/2003 3:42:25 PM
Subject: Re:

Please call wendy grubbs asap and tell her we are in 472 eeob.

.

From: CN=Paul Perkins/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/25/2003 11:46:05 AM
Subject: : Meeting with Tim Goeglein

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-MAR-2003 16:46:05.00
SUBJECT:: Meeting with Tim Goeglein
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett,
Tim and Matt would like to meet as soon as possible, off campus, with
Leonard Leo. Let me know what works for your schedule.
Thanks,
Paul Perkins.
```

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 3/25/2003 6:36:27 PM
Subject: FW: NOT TO GO OUT....

you dial the host number

-----Original Message-----
From: Godfrey, Georgia D.
Sent: Tuesday, March 25, 2003 5:44 PM
To: Donnan, Elizabeth H.
Cc: Snee, Ashley; Godfrey, Georgia D.
Subject: NOT TO GO OUT....

Conference Call Tonight 6:45 pm

Dial in Number for PRESS 1-800-473-8692

Dial in Number for HOSTS (Ashley, Brett, Etc.) 1-800-473-8694

Confirmation Number 16187728

Liz - Wait for Ashley's okay to Announce

Ashley - Please let us know when to announce!!!!

Georgia Godfrey
White House Press Office
202-456-2580

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 3/25/2003 9:19:28 PM
Subject: fyi that allen sent me draft article, which is predictably bad; i called him and made a few corrections, which he accepted cheerfully

From: Edward Kavanaugh <kavanaughe@ctfa.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/26/2003 4:49:09 AM
Subject: : Call me today--meeting w/ Mark McClellan tomorrow early a.m.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward Kavanaugh <kavanaughe@ctfa.org> ( Edward Kavanaugh <kavanaughe@ctfa.org> [
UNKNOWN ] )
CREATION DATE/TIME:26-MAR-2003 09:49:09.00
SUBJECT:: Call me today--meeting w/ Mark McClellan tomorrow early a.m.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: William Kirk Blalock <kblalock@fierce-isakowitz.com>
To: <Schacht, Diana L.>;<Warsh, Kevin>;<Silverberg, Kristen>;<Kavanaugh, Brett M.>
Sent: 3/26/2003 9:07:33 AM
Subject: Fw: Congress Daily blurb about Hatch meeting

See CD story at bottom, will let you know how it goes.
-----Original Message-----
From: "Rochman, Julie"
Date: Wed, 26 Mar 2003 07:32:25
To:"'Mark Isakowitz'" , kblalock@fierce-isakowitz.com
Subject: FW: Congress Daily blurb about Hatch meeting

Sorry, meant to include you the first time...

> -----Original Message-----
> From: Rochman, Julie
> Sent: Wednesday, March 26, 2003 7:32 AM
> To: Asbestos Group
> Cc: Karr, Gary; 'mike heimowitz'
> Subject: Congress Daily blurb about Hatch meeting
>
> Hatch To Meet With Executives Seeking Asbestos Litigation Reform
> Senate Judiciary Chairman Hatch is scheduled to meet for two hours
> today with executives from various industries seeking asbestos litigation
> reform legislation this year.
> The executives and some of their policy and political operatives will
> meet privately with Hatch at the Capitol. The meeting is part of Hatch's
> efforts to derive a consensus among the various business interests and
> defendant companies -- whose unity is seen as a necessary first step to
> legislation.
> Representatives from the Asbestos Study Group, the Asbestos Alliance
> and the American Insurance Association have been invited, and several
> chief executives were scheduled to attend.
> Senate Judiciary ranking member Patrick Leahy, D-Vt., and his staff
> were not slated to be a part of today's meeting, although a spokesman
> Tuesday said Leahy will participate next week in a more inclusive "summit"
> being organized by Sen. Christopher Dodd, D-Conn.
> That forum is expected to include other stakeholders in the debate,
> including labor, consumer and legal interests.
> Hatch has indicated he wants to mark up asbestos reform legislation by
> the April recess, and sources said they suspect Hatch at today's meeting
> could announce a more definitive timeline for drafting a bill.
> -=-=-=-=-=-=-=-
>
> Julie A. Rochman
> SVP, Public Affairs
> American Insurance Association
>

From: William Kirk Blalock <kblalock@fierce-isakowitz.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO /EOP@EOP [WHO] <Kristen Silverberg>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Kevin Warsh/OPD/EOP@EOP [OPD] <Kevin Warsh>
Sent: 3/26/2003 5:13:12 AM
Subject: : Fw: Op Ed Text

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:William Kirk Blalock <kblalock@fierce-isakowitz.com> ( William Kirk Blalock
<kblalock@fierce-isakowitz.com> [ UNKNOWN ] )
CREATION DATE/TIME:26-MAR-2003 10:13:12.00
SUBJECT:: Fw: Op Ed Text
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######


-----Original Message-----
From: "Taylor, Bob (Budget)"
<Bob_Taylor@budget.senate.gov>
Date: Wed, 26 Mar 2003 09:49:54

To:<kblalock@fierce-isakowitz.com>
Subject: Op Ed Text

Removing the
Shackles of Asbestos Litigation

By Sen. Don Nickles

For many
years, Congress has relied on economic incentives and tax
savings to
encourage investment, create jobs and stimulate growth in the economy.
Such measures will, appropriately, become the centerpiece of proposed
legislation to revive our dormant economy.

But first, we must
face the economic realities of 2003. While
traditional stimulus solutions
offer fertile ground for future growth, they are faced with a plethora of
negative influences that tend to drive the economy in the opposite
direction. That is why we must be prepared to go beyond merely finding
effective stimuli for growth to eliminating those factors that obstruct
economic recovery.

One major inhibitor of economic recovery is the
phenomenon of
ever-expanding asbestos litigation, which threatens to
siphon away much of the impact of any stimulus measures Congress might
pass. Spawned in our courtrooms, the explosion of asbestos litigation is
rapidly becoming an out-of-control stampede of civil suits that threatens
to bankrupt scores of companies, displace thousands of workers and
erode-away sizable chunks of employee retirement plans.

An estimated
8,400 companies have already been named as defendants in asbestos suits,
many of which have never been involved in the production ofasbestos. Over
```

200,000 asbestos claims are pending in federal and state courts, with estimates that it could reach as high as a million. Companies have already paid-out over $54 billion in claims and costs, and future payments could easily reach over $200 billion. The increasing burden of litigation costs and settlement pay-outs has already pushed at least 60 companies into filing for Chapter 11 bankruptcy protection, with many more likely to follow.

But the costs of litigation and eventual bankruptcy do not begin to reflect the true impact on a business, its investors and its employees. Aside from direct costs associated with litigation and bankruptcy, defendant companies, not surprisingly, suffer from significant declines in stock value, shortages of capital necessary for growth, reductions in long-term revenue and, ultimately, loss of jobs.

It is estimated that almost 60,000 workers have lost their jobs as a direct result of asbestos litigation and resulting bankruptcies. A recently published study co-authored by Joseph Stiglitz, a 2001 Nobel Prize winning economist, stimates that each displaced worker will lose, on average, $25,000 to $50,000 in lost wages. Furthermore, affected employees, many of them union members, are often shareholders and participate in the company 401(k) plan. It is estimated that workers of companies declaring asbestos-related bankruptcy will, on average, lose 25 percent of their plan value.

What makes all these developments so offensive is the fact that a majority of the asbestos plaintiffs have no medical injury. In essence, the courts are becoming log-jammed with cases involving claims of prior asbestos exposure that "may" someday develop into the symptoms of a true disease. In some cases, even exposure to asbestos is doubtful.

What has become clear is that asbestos litigation has become extremely lucrative for trial lawyers. A typical legal strategy involves finding one or two plaintiffs who have developed an asbestos-related malignancy, then add hundreds of plaintiffs to the suit that may have no medical impairments. Faced with having to settle, or endure lengthy and even more costly litigation to sort-out who is sick and who is not, defendant companies often settle, or consider bankruptcy.

Sadly, one group that may suffer the most from this tidal wave of suits are claimants who are actually afflicted with asbestos-related malignancies such as mesothelioma, which is often fatal within two years of diagnosis. As hundreds of thousands of non-injured claimants continue to file questionable claims, and more companies file for bankruptcy, there may soon not be sufficient funds for those who deserve and need compensation.

Though this problem sprang up through the courts, the solution must be found in Congress. The U.S. Supreme Court has already made several pleas for Congress to step-in and resolve this problem. Chief Justice William Rehnquist wrote that the asbestos problem "cries out for a legislative solution." And a growing number of trial lawyers have called for Congressional reform primarily those representing claimants with malignant diseases.

Congress cannot ignore this problem any longer. It must act and not let itself become mired in a time-consuming search for the "perfect" solution. Some form of relief < even if it is interim relief < must be passed this year. At a minimum, federal law must establish clear medical criteria and compliance standards to be used immediately by courts in determining whether a claimant actually has an "injury" and, thus, may file a civil suit.

Second,
because some asbestos-related illnesses will not develop until decades
after exposure, federal law must suspend the running of

statutes-of-limitations until a person discovers an injury or should have
discovered the illness. Temporarily suspending, or ütolling,ý the

statute-of-limitations eliminates the need for thousands of unimpaired

claimants to file premature lawsuits but preserves their legal rights if
an injury should develop later. Other corrective measures could include
steps to limit abusive venue shopping.

If Congress is to play a
meaningful role in restoring our economy, it must address the problem of
out-of-control asbestos litigation. Merely identifying stimuli for
economic growth is not enough. We must also begin to cleanse our economy
of the gremlins that thwart such growth. A good place to begin is with
asbestos litigation reform.

Sen. Don Nickles (R-Okla.) is chairman of
the Budget Committee who
recently introduced the Asbestos Claims Criteria
and Compensation Act of
2003.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 3/26/2003 5:27:50 AM
Subject: : Re: EO 12958 and the Post

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-MAR-2003 10:27:50.00
SUBJECT:: Re: EO 12958 and the Post
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

LA Times story

HEADLINE: The Nation;
Secret Papers' Release Delayed;
Bush extends review of classified documents, scheduled to expire in April, through 2006.

BYLINE: Maura Reynolds, Times Staff Writer

DATELINE: WASHINGTON

BODY:
President Bush on Tuesday delayed the release of millions of classified government documents, signing an order to extend by more than three years a review process intended to protect national security.

Under a 1995 executive order signed by President Clinton, all secret documents 25 years old or older were to be automatically released starting April 17. A senior administration official said Bush amended that order to extend the review process until Dec. 31, 2006.

"It's important to understand that documents will continue to be released," the official said, speaking on condition of anonymity. "It will just give agencies more time to complete their reviews."

Bush's action had raised concerns among scholars and researchers; they feared it would roll back reforms intended to make the declassification process easier and less arbitrary.

In response to such concerns, the administration did remove one clause stating that when there is "substantial doubt" over whether a document should be declassified, it should be kept secret. The Clinton policy had said that in those circumstances, the document should be released.

"This says nothing about 'substantial doubt.' It was the judgment ... that language in either direction was vague and didn't assist the process," the official said.

The official said that under the 1995 policy, more than 1 billion secret documents have been declassified, compared with 200 million in the previous 15 years.

The order -- released after business hours Tuesday -- does expand the government's ability to keep certain documents classified. For instance, it says information obtained from a foreign government should be presumed to damage national security and should not be declassified. It also gives the head of the CIA the right to veto a decision by an interagency appeals committee to release a document.

The Bush order "does not eliminate all constraints on official secrecy, as

some had feared, but neither does it move beyond the parameters of the Cold War secrecy system into a truly 21st century information policy," the Federation of American Scientists said in a statement.

Jeffrey Richelson, a senior fellow with the independent National Security Archive, which collects and publishes declassified documents, said it was important that the Bush policy retains the principle of automatic declassification. The other changes are probably of marginal importance, depending on how they are implemented.

"You've always had cases where you've had unreasonable secrecy no matter what the order says," Richelson said. "It's clear the Bush administration is more inclined to secrecy than the Clinton administration."

The senior administration official dismissed suggestions that the Bush team may be seeking to keep certain documents classified because they relate to current national security issues or to the first Bush administration. The most recent documents that could be released under the 25-year rule would date to the Carter administration.

The biggest problem with the Bush policy is that it retains loopholes allowing for arbitrary decisions, critics said.

"The [policy] does not touch the roots of dysfunction in the classification system, which allow agencies to make extravagantly false classification claims," the Federation of American Scientists statement said. "Strengthening and expanding the [interagency] review process, rather than curtailing it, might have been one way to improve the correction of classification errors and abuses."

From: Bumatay, Patrick J.
To: <Walker, Helgard C.>;<Bartolomucci, H. Christopher>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
CC: <Leitch, David G.>
Sent: 3/26/2003 10:01:30 AM
Subject: Portfolio changes

As is tradition in this office, whenever an Associate Counsel leaves, everyone tries to ditch the bad parts of their portfolio on the incoming Counsel. We already have some trading going on, but we will entertain any other requests - subject to David Leitch's approval, of course.

Please let me know if you had any requests.

Thanks,
Patrick

From: William Kirk Blalock <kblalock@fierce-isakowitz.com>
To: <Warsh, Kevin>;<Silverberg, Kristen>;<Schacht, Diana L.>;<Kavanaugh, Brett M.>
Sent: 3/26/2003 10:09:38 AM
Subject: Fw: Op Ed Text

-----Original Message-----
From: "Taylor, Bob (Budget)"
Date: Wed, 26 Mar 2003 09:49:54
To:
Subject: Op Ed Text

Removing the Shackles of Asbestos Litigation

By Sen. Don Nickles

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But first, we must face the economic realities of 2003. While traditional stimulus solutions offer fertile ground for future growth, they are faced with a plethora of negative influences that tend to drive the economy in the opposite direction. That is why we must be prepared to go beyond merely finding effective stimuli for growth to eliminating those factors that obstruct economic recovery.

One major inhibitor of economic recovery is the phenomenon of ever-expanding asbestos litigation, which threatens to siphon away much of the impact of any stimulus measures Congress might pass. Spawned in our courtrooms, the explosion of asbestos litigation is rapidly becoming an out-of-control stampede of civil suits that threatens to bankrupt scores of companies, displace thousands of workers and erode-away sizable chunks of employee retirement plans.

An estimated 8,400 companies have already been named as defendants in asbestos suits, many of which have never been involved in the production ofasbestos. Over 200,000 asbestos claims are pending in federal and state courts, with estimates that it could reach as high as a million. Companies have already paid-out over $54 billion in claims and costs, and future payments could easily reach over $200 billion. The increasing burden of litigation costs and settlement pay-outs has already pushed at least 60 companies into filing for Chapter 11 bankruptcy protection, with many more likely to follow.

But the costs of litigation and eventual bankruptcy do not begin to reflect the true impact on a business, its investors and its employees. Aside from direct costs associated with litigation and bankruptcy, defendant companies, not surprisingly, suffer from significant declines in stock value, shortages of capital necessary for growth, reductions in long-term revenue and, ultimately, loss of jobs.

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What makes all these developments so offensive is the fact that a majority of the asbestos plaintiffs have no medical injury. In essence, the courts are becoming log-jammed with cases involving claims of prior asbestos exposure that "may" someday develop into the symptoms of a true disease. In some cases, even exposure to asbestos is doubtful.

What has become clear is that asbestos litigation has become extremely lucrative for trial lawyers. A typical legal strategy involves finding one or two plaintiffs who have developed an asbestos-related malignancy, then add hundreds of plaintiffs to the suit that may have no medical impairments. Faced with having to settle, or endure lengthy and even more costly litigation to sort-out who is sick and who is not, defendant companies often settle, or consider bankruptcy.

Sadly, one group that may suffer the most from this tidal wave of suits are claimants who are actually afflicted with asbestos-related malignancies such as mesothelioma, which is often fatal within two years of diagnosis. As hundreds of thousands of non-injured claimants continue to file questionable claims, and more companies file for bankruptcy, there may soon not be sufficient funds for those who deserve and need compensation.

Though this problem sprang up through the courts, the solution must be found in Congress. The U.S. Supreme Court has already made several pleas for Congress to step-in and resolve this problem. Chief Justice William Rehnquist wrote that the asbestos problem "cries out for a legislative solution." And a growing number of trial lawyers have called for Congressional reform primarily those representing claimants with malignant diseases.

Congress cannot ignore this problem any longer. It must act and not let itself become mired in a time-consuming search for the "perfect" solution. Some form of relief < even if it is interim relief < must be passed this year. At a minimum, federal law must establish clear medical criteria and compliance standards to be used immediately by courts in determining whether a claimant actually has an "injury" and, thus, may file a civil suit.

Second, because some asbestos-related illnesses will not develop until decades after exposure, federal law must suspend the running of statutes-of-limitations until a person discovers an injury or should have discovered the illness. Temporarily suspending, or [3]tolling,[2] the statute-of-limitations eliminates the need for thousands of unimpaired claimants to file premature lawsuits but preserves their legal rights if an injury should develop later. Other corrective measures could include steps to limit abusive venue shopping.

If Congress is to play a meaningful role in restoring our economy, it must address the problem of out-of-control asbestos litigation. Merely identifying stimuli for economic growth is not enough. We must also begin to cleanse our economy of the gremlins that thwart such growth. A good place to begin is with asbestos litigation reform.

Sen. Don Nickles (R-Okla.) is chairman of the Budget Committee who recently introduced the Asbestos Claims Criteria and Compensation Act of 2003.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 3/26/2003 10:22:47 AM
Subject: Re: EO 12958 and the Post

LA Times story

HEADLINE: The Nation;

Secret Papers' Release Delayed;

Bush extends review of classified documents, scheduled to expire in April, through 2006.

BYLINE: Maura Reynolds, Times Staff Writer

DATELINE: WASHINGTON

BODY:

President Bush on Tuesday delayed the release of millions of classified government documents, signing an order to extend by more than three years a review process intended to protect national security.

Under a 1995 executive order signed by President Clinton, all secret documents 25 years old or older were to be automatically released starting April 17. A senior administration official said Bush amended that order to extend the review process until Dec. 31, 2006.

"It's important to understand that documents will continue to be released," the official said, speaking on condition of anonymity. "It will just give agencies more time to complete their reviews."

Bush's action had raised concerns among scholars and researchers; they feared it would roll back reforms intended to make the **declassification** process easier and less arbitrary.

In response to such concerns, the administration did remove one clause stating that when there is "substantial doubt" over whether a document should be declassified, it should be kept secret. The Clinton policy had said that in those circumstances, the document should be released.

"This says nothing about 'substantial doubt.' It was the judgment ... that language in either direction was vague and didn't assist the process," the official said.

The official said that under the 1995 policy, more than 1 billion secret documents have been declassified, compared with 200 million in the previous 15 years.

The order -- released after business hours Tuesday -- does expand the government's ability to keep certain documents classified. For instance, it says information obtained from a foreign government should be presumed to damage national security and should not be declassified. It also gives the head of the CIA the right to veto a decision by an interagency appeals committee to release a document.

The Bush order "does not eliminate all constraints on official secrecy, as some had feared, but neither does it move beyond the parameters of the Cold War secrecy system into a truly 21st century information policy," the Federation of American Scientists said in a statement.

Jeffrey Richelson, a senior fellow with the independent National Security Archive, which collects and publishes declassified documents, said it was important that the Bush policy retains the principle of automatic **declassification.** The other changes are probably of marginal importance, depending on how they are implemented.

"You've always had cases where you've had unreasonable secrecy no matter what the order says," Richelson said. "It's clear the Bush administration is more inclined to secrecy than the Clinton administration."

The senior administration official dismissed suggestions that the Bush team may be seeking to keep certain documents classified because they relate to current national security issues or to the first Bush administration. The most recent documents that could be released under the 25-year rule would date to the Carter administration.

The biggest problem with the Bush policy is that it retains loopholes allowing for arbitrary decisions, critics said.

"The [policy] does not touch the roots of dysfunction in the classification system, which allow agencies to make extravagantly false classification claims," the Federation of American Scientists statement said. "Strengthening and expanding the [interagency] review process, rather than curtailing it, might have been one way to improve the correction of classification errors and abuses."

From:	Leitch, David G.
To:	<Bumatay, Patrick J.>;<Walker, Helgard C.>;<Bartolomucci, H. Christopher>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>; <Ullyot, Theodore W.>
Sent:	3/26/2003 10:34:20 AM
Subject:	RE: Portfolio changes

I will need to balance your interests in dumping barking dogs with our interest in having our new associate counsel come back after the first day.

-----Original Message-----
From: Bumatay, Patrick J.
Sent: Wednesday, March 26, 2003 10:02 AM
To: Walker, Helgard C.; Bartolomucci, H. Christopher; Francisco, Noel J.; Kavanaugh, Brett M.; Newstead, Jennifer G.; Powell, Benjamin A.; Sampson, Kyle; Ullyot, Theodore W.
Cc: Leitch, David G.
Subject: Portfolio changes

As is tradition in this office, whenever an Associate Counsel leaves, everyone tries to ditch the bad parts of their portfolio on the incoming Counsel. We already have some trading going on, but we will entertain any other requests - subject to David Leitch's approval, of course.

Please let me know if you had any requests.

Thanks,
Patrick

From: Joy, Sheila <Sheila.Joy@usdoj.gov>
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/26/2003 7:17:09 AM
Subject: : FW: hearing uncertainty FYI
Attachments: P_TVQ1F003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Joy, Sheila" <Sheila.Joy@usdoj.gov> ("Joy, Sheila" <Sheila.Joy@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:26-MAR-2003 12:17:09.00
SUBJECT:: FW: hearing uncertainty FYI
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Scottfinan, Nancy
Sent: Wednesday, March 26, 2003 10:49 AM
To: Joy, Sheila
Subject: Fw: hearing uncertainty FYI

Nancy Scott-Finan

-----Original Message-----
From: Dahl, Alex (Judiciary) <Alex_Dahl@Judiciary.senate.gov>
To: Scottfinan, Nancy <Nancy.Scottfinan@USDOJ.gov>; Benczkowski, Brian A <Brian.A.Benczkowski@USDOJ.gov>
CC: Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>; Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>
Sent: Wed Mar 26 10:34:11 2003
Subject: hearing uncertainty FYI

This is a heads-up that there is some uncertainty about today's hearing. Apparently the vote-a-rama will continue until 4 p.m., and there is a Members briefing by Sec. Rumsfeld at 5:30. We have not made any decisions, but there is a chance that we will change the room, the time, and/or the day for this. Of course we'll let you know asap if there are to be any such changes. For now, we're planning on 2 p.m. as noticed.

Deputy Staff Director & Senior Counsel

Committee on the Judiciary

United States Senate

224 Dirksen Building

Washington, DC 20510

phone: (202) 224-5225

fax: (202) 228-1115

CONFIDENTIALITY NOTE:

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- tmp.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TVQ1F003_WHO.TXT_1>

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From:	Leitch, David G.
To:	<Walker, Helgard C.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>;<Addington, David S.>;<McNally, Edward>
Sent:	3/26/2003 11:44:42 AM
Subject:	The Walker Mess

Helgard and I will be heading to the staff table around noon to enjoy one of her few remaining mess lunches. Please join us if you're free.

From:	Bumatay, Patrick J.
To:	<Walker, Helgard C.>;<Bartolomucci, H. Christopher>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
Sent:	3/26/2003 11:54:35 AM
Subject:	RE: Portfolio changes

Also, this applies to any state assignment changes.
-----Original Message-----
From: Bumatay, Patrick J.
Sent: Wednesday, March 26, 2003 10:02 AM
To: Walker, Helgard C.; Bartolomucci, H. Christopher; Francisco, Noel J.; Kavanaugh, Brett M.; Newstead, Jennifer G.; Powell, Benjamin A.; Sampson, Kyle; Ullyot, Ted
Cc: Leitch, David G.
Subject: Portfolio changes

As is tradition in this office, whenever an Associate Counsel leaves, everyone tries to ditch the bad parts of their portfolio on the incoming Counsel. We already have some trading going on, but we will entertain any other requests - subject to David Leitch's approval, of course.

Please let me know if you had any requests.

Thanks,
Patrick

From:	Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To:	Carolene Langie Office of Global Communications/WHO/EOP@EOP [WHO] <Carolene Langie Office of Global Communications>
BCC:	Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent:	3/26/2003 1:15:14 PM
Subject:	: White House Global Messenger - 03/27/03
Attachments:	P_A8D2F003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:26-MAR-2003 18:15:14.00
SUBJECT:: White House Global Messenger - 03/27/03
TO:Carolene Langie Office of Global Communications (CN=Carolene Langie Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 3-27-03 FINAL.doc)

THE GLOBAL MESSENGER
Thursday, March 27, 2003

******KEY POINTS FROM THE PRESIDENT'S REMARKS IN FLORIDA, 3-26-03******

*48 nations have joined America in Operation Iraqi Freedom - nations that understand the terrible threat we face from weapons of mass destruction and refuse to live in a future of fear, at the mercy of terrorists and tyrants.

*Our military is making good progress in Iraq; yet this war is far from over. As they approach Baghdad, our fighting units are facing the most desperate elements of a doomed regime.

*Day by day, Saddam Hussein is losing his grip on Iraq; day by day, the Iraqi people are closer to freedom. We cannot predict the final day of the Iraqi regime, but the day of reckoning for the Iraqi regime is drawing near.

*The world is getting a clearer view of the Iraqi regime and the evil at its heart. In the ranks of that regime are men whose idea of courage is to brutalize unarmed prisoners. They wage attacks while posing as civilians. They use real civilians as human shields. They pretend to surrender, then fire upon those who show them mercy. This band of war criminals has been put on notice: the day of Iraq's liberation will also be a day of justice.

*Our enemy in this war is the Iraqi regime, not the people who have suffered under it. As we bring justice to a dictator, today we started bringing humanitarian aid in large amounts to an oppressed land.

*Protecting innocent civilians is a central commitment of our war plan. We are treating Iraqi prisoners of war according the highest standards of law and decency. Doctors are working to save the lives of the wounded, including Iraqi soldiers.

*Iraqis are a good and gifted people. They deserve better than a life spent bowing before a dictator. The people of Iraq deserve to stand on their feet as free men and women - the citizens of a free country.

*The goal of a free and peaceful Iraq unites our Coalition. We have no ambition in Iraq except the liberation of its people. We ask no reward

except a durable peace. And we will accept no outcome short of complete
and final success.

******TODAY'S SCHEDULE******
All Times Eastern Standard. Subject to Change

7:00 am CENTCOM Operations Update

11:00 am President Bush and Prime Minister Blair
hold press conference
? Camp David

12:30 pm State Department Briefing

******COALITION VOICES OF SUPPORT******

Denmark
"It is time to stop Saddam Hussein's dangerous game against the world society before it is too late. Only the Americans have the military strength to disarm Saddam and liberate Iraq. But we have an obligation to help. We cannot just sail under a flag of convenience and let others fight for freedom and peace...we should also be ready to make a small contribution to the international coalition."
Prime Minister Rasmussen, 3-26-03

Hungary
"I am confident that peace will soon be reinstated in Iraq, the weapons of mass destruction will be destroyed and on the basis of this we shall be able to live in a more peaceful and tranquil world in future. I would also like to add that Hungary would be pleased to participate in the reconstruction of Iraq."
Prime Minister Medgyessy, 3-20-03

******KEY QUOTES******

"All the nations in our coalition are contributing to our steady progress. British ground forces have seized strategic towns and ports....The Australian military is providing naval gunfire support....Polish military forces have secured an Iraqi oil platform in the Persian Gulf. A Danish submarine is monitoring Iraqi intelligence providing early warning. Czech, Slovak, Polish, and Romanian forces, soon to be joined by Ukrainian and Bulgarian forces, are forward deployed in the region....Spain is providing important logistical and humanitarian support. Coalition forces are skilled and courageous, and we are honored to have them by our side."
President Bush, in remarks, 3-26-03

THE WHITE HOUSE
Office of Global Communications

For more information log on to http://www.whitehouse.gov/ogc

****
You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere. - GM 3-27-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_A8D2F003_WHO.TXT_1>

THE GLOBAL MESSENGER

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President Bush, in remarks, 3-26-03

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THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/26/2003 11:38:59 AM
Subject: : blue sheets

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:26-MAR-2003 16:38:59.00
SUBJECT:: blue sheets
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Thanks for signing so quickly!!!; I appreciate it.
;
```

From: MailRouter [SYS]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/26/2003 2:06:45 PM
Subject: DELIVERY FAILURE: Address Service: address error; <PREVIOUS REASON ALSO APPLIES TO: >; adam" <adam.charnes@usdoj.gov/O=(receipt notification requested) (ipm return requested), "benedi

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT )
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>; adam" <adam.charnes@usdoj.gov/O=(receipt notification requested) (ipm return requested),
"benedi
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

DELIVERY FAILURE REPORT

Your Document:
Re: Kuhl binder
could not be delivered to:
"CN=brian.a.benczkowski@usdoj.gov/OU=(receipt notification requested) (ipm return
requested), "charnes;adam" <adam.charnes@usdoj.gov/O=(receipt notification requested) (ipm
return requested), "benedi
because:
Address Service: address error;<PREVIOUS REASON ALSO APPLIES TO: >;adam"
<adam.charnes@usdoj.gov/O=(receipt notification requested) (ipm return requested), "benedi
Routing Path:
CN=Mail2/O=EOP;CN=SGEOP03/O=EOP;CN=SGEOP03/O=EOP%sgeop03.eop.gov(SMTP/MIME
MTA);CN=SGEOP03/O=EOP;CN=Mail2/O=EOP
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 3/27/2003 5:42:51 AM
Subject: : how is markup going?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:27-MAR-2003 10:42:51.00
SUBJECT:: how is markup going?
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/27/2003 6:15:14 AM
Subject: : Richmond Times Dispatch editorial

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-MAR-2003 11:15:14.00
SUBJECT:: Richmond Times Dispatch editorial
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Mend It

The President is right: The judicial confirmation process is broken. During the 2000 campaign George W. Bush realized this - knowing full well Senate Republicans abused their advise-and-consent role during the Clinton years - and proposed that the Senate deal with judicial nominations in a timely fashion. He noted then that the process "does not empower anyone to turn the process into a protracted ordeal of unreasonable delay and unrelenting investigation." Bush knew his history, too, citing the "unacceptably high" number of bench vacancies left by partisan sniping in both the presidencies of his father and Bill Clinton.
He has announced plans for changing the way the Senate acts on judicial nominations no fewer than three times. In a recent letter to Senators Bill Frist and Tom Daschle, the President again called for the charade to end: I ask Senators of both parties to come together to end the escalating cycle of blame and bitterness and to restore fairness, predictability, and dignity to the process. I ask that the Senate take action, including adoption of a permanent rule, to ensure timely up-or-down votes on judicial nominations both now and in the future, no matter who is President or which party controls the Senate. This is the only way to

ensure that our judiciary works and that good people remain willing to be nominated to the federal bench.
All Senators should have a chance to have their voices heard and their votes counted. All Presidents should have their judicial nominees considered and voted upon in a reasonable time. All nominees should have the certainty of an up-or-down Senate vote within a reasonable time. All judges should have the assurance that vacancies on their courts will not persist for years. And all Americans should have the assurance that the federal courts will remain open and fully staffed to resolve their disputes and protect their rights and liberties.

In the ideal world, Senators would agree to Bush's proposals - and now. Yet in the real world inhabited by cynics and skeptics, it is hard to believe the Senate would give so much ground to its antagonist in the Executive Branch. Never mind that the Judiciary Committee chairman (Orrin Hatch) and the ranking minority member (Patrick Leahy) have, at different times, expressed their support for such reforms.
The game of one-upmanship and spite has gone on far too long. The long knives have cut both ways.
President Bush wants to end the hemorrhaging brought about by petty politicking on judges. Give judges hearings, then vote them up or vote them down - and make such rules permanent so that they would remain for a Democratic Senate or a Republican one, for a Republican President or a Democratic one. It's not too much to ask.
The Senate should adhere to the President's request. Not doing so would be the unkindest cut of all.

From: CN=Paul Perkins/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/27/2003 5:40:05 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Paul Perkins (CN=Paul Perkins/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-MAR-2003 10:40:05.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tim will not be here Monday afternoon. He would love to have breakfast with you, or meet with you before 9:30.
Thanks,
Paul.

Brett M. Kavanaugh
03/27/2003 10:26:23 AM
Record Type: Record

To: Paul Perkins/WHO/EOP@EOP
cc:
Subject:

can you set up time for me to meet with Tim G. on Monday afternoon re Supreme Court.

From: Snee, Ashley
To: <Kavanaugh, Brett M.>;<Grubbs, Wendy J.>;<Lisaius, Kenneth A.>
Sent: 3/27/2003 10:11:15 AM
Subject: FW: AP - Owen to Get Rare Second Chance in Senate

-----Original Message-----
From: Bravo, Brian
Sent: Thursday, March 27, 2003 10:03 AM
Subject: AP - Owen to Get Rare Second Chance in Senate

Owen to Get Rare Second Chance in Senate

By JESSE J. HOLLAND, Associated Press Writer

WASHINGTON - Texas judge Priscilla Owen is getting a rare second chance for a federal appeals court seat, with the Senate Judiciary Committee's new Republican majority poised to overturn last year's rejection.

Owen, a Texas Supreme Court justice, was to receive another vote Thursday from the committee that rejected her nomination on a party-line vote last year when it was controlled by the Democrats.

She is likely to win committee recommendation for a seat on the 5th U.S. Circuit Court of Appeals in New Orleans this year on a similar, but opposite, party-line vote because Republicans now control the committee with a one-vote margin.

The GOP won control of the Senate in last year's election.

"This committee will now begin setting straight the mistake it made by halting this nomination in committee last fall," Senate Judiciary Chairman Orrin Hatch, R-Utah, said two weeks ago.

Democrats contend Owen is an anti-abortion and pro-business judicial activist whose opinions and rulings are overly influenced by her personal beliefs. Owen says she would be a fair and impartial judge if confirmed by the Senate.

"I judge cases by what is right," said Owen, who appeared at her second Judiciary committee hearing two weeks ago, a replay of one she had when Democrats ran the panel. "I do not judge cases by what is politically correct. I apply the law, and the law has to be predictable and it has to be fair and that's what I do."

Liberal groups said Owens still poses a danger.

"Owen is a far-right judicial activist who tries to remake the law to reach an outcome that is often hostile to the rights and interests of individuals," said Ralph Neas, president of the liberal People For the American Way.

Republicans say Democrats have distorted Owen's record and decisions as a judge.

"Not once did I ever see her try to insert her own political preferences or beliefs into her job as a judge," said Sen. John Cornyn, R-Texas, who served with Owen on the court for three years.

The Democrats have tried to hold up Senate floor votes or committee action on a number of other nominees they consider objectionable.

The filibuster of Miguel Estrada's nomination to the U.S. Circuit Court of Appeals for the District of Columbia Circuit on the Senate floor hit its 50th day on Wednesday, and nominations have been stacking up behind his.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Duffield, Steven (RPC) <Steven_Duffield@rpc.senate.gov>
Sent: 3/27/2003 6:50:10 AM
Subject: : RE: Richmond Times Dispatch editorial

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-MAR-2003 11:50:10.00
SUBJECT:: RE: Richmond Times Dispatch editorial
TO:"Duffield, Steven (RPC)" <Steven_Duffield@rpc.senate.gov> ("Duffield, Steven (RPC)" <Steven_Duffield@rpc.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

will do so. thanks.

"Duffield, Steven (RPC)" <Steven_Duffield@rpc.senate.gov>
03/27/2003 11:48:33 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Richmond Times Dispatch editorial

Senator Allen's LD says the Senator sees all of these and loves them.

The OC Register is also a solid piece. Did you know that not one California newspaper has supported the filibuster? We really need a Calif. congressman to start hammering Feinstein/Boxer. I've talked to Issa's people in the past but they haven't run with it. Seems like Ose or Radanovich, each of whom want to run against Boxer, or even Cox or Rohrbacher, should throw this into their regular message. I've talked to Neil Bradley in the House Study Group, so they're aware, but if somebody in the WH wanted to make those overtures for help it couldn't hurt.

Steven

_____
Steven J. Duffield
Judiciary Policy Analyst & Counsel
Senate Republican Policy Committee
347 Russell Senate Office Building
(202) 224-3463 Fax (202) 224-1235

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, March 27, 2003 11:17 AM
To: Duffield, Steven (RPC); Miranda, Manuel (Frist);
makan_delraheim@judiciary.senate.gov; Ledeen, Barbara (Republican-Conf)
Cc: Wendy_J._Grubbs@who.eop.gov
Subject: Richmond Times Dispatch editorial

Mend It

The President is right: The judicial confirmation process is broken.

During the 2000 campaign George W. Bush realized this - knowing full well Senate Republicans abused their advise-and-consent role during the Clinton years - and proposed that the Senate deal with judicial nominations in a timely fashion. He noted then that the process "does not empower anyone to turn the process into a protracted ordeal of unreasonable delay and unrelenting investigation." Bush knew his history, too, citing the "unacceptably high" number of bench vacancies left by partisan sniping in both the presidencies of his father and Bill Clinton.

He has announced plans for changing the way the Senate acts on judicial nominations no fewer than three times. In a recent letter to Senators Bill Frist and Tom Daschle, the President again called for the charade to end:

I ask Senators of both parties to come together to end the escalating cycle of blame and bitterness and to restore fairness, predictability, and dignity to the process. I ask that the Senate take action, including adoption of a permanent rule, to ensure timely up-or-down votes on judicial nominations both now and in the future, no matter who is President or which party controls the Senate. This is the only way to ensure that our judiciary works and that good people remain willing to be nominated to the federal bench.

All Senators should have a chance to have their voices heard and their votes counted. All Presidents should have their judicial nominees considered and voted upon in a reasonable time. All nominees should have the certainty of an up-or-down Senate vote within a reasonable time. All judges should have the assurance that vacancies on their courts will not persist for years. And all Americans should have the assurance that the federal courts will remain open and fully staffed to resolve their disputes and protect their rights and liberties.

In the ideal world, Senators would agree to Bush's proposals - and now. Yet in the real world inhabited by cynics and skeptics, it is hard to believe the Senate would give so much ground to its antagonist in the Executive Branch. Never mind that the Judiciary Committee chairman (Orrin Hatch) and the

ranking
minority member (Patrick Leahy) have, at different times, expressed their support for such reforms.

The game of one-upmanship and spite has gone on far too long. The long knives
have cut both ways.

President Bush wants to end the hemorrhaging brought about by petty politicking
on judges. Give judges hearings, then vote them up or vote them down - and make
such rules permanent so that they would remain for a Democratic Senate or a Republican one, for a Republican President or a Democratic one. It's not too
much to ask.

The Senate should adhere to the President's request. Not doing so would be the
unkindest cut of all.

From: Holbrook, Ashley
To: <Kavanaugh, Brett M.>
Sent: 3/27/2003 12:06:11 PM
Subject: RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

Cloak Room is guessing that they wouldn't go in until in the afternoon. All Senators are invited to the Moynihan funeral Mon at 10:00. They're planning the first vote for 5:30, so they're thinking they'll go in around 2:00.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Thursday, March 27, 2003 11:55 AM

To: Jones, Alison ; Holbrook, Ashley

Subject: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

From: Holbrook, Ashley
To: <Kavanaugh, Brett M.>
Sent: 3/27/2003 12:14:26 PM
Subject: RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

SO SORRY! Who plans ahead??? Certainly not the Senate side!
I have no idea, but I bet Alison will. She's not around right now, but I'll yell at her when I see her...

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, March 27, 2003 12:07 PM
To: Holbrook, Ashley
Subject: RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

Note that I was referring to the return from the Easter recess at end of April. (Planning ahead for something!)

From: Ashley Holbrook/WHO/EOP@Exchange on 03/27/2003 12:06:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

Cloak Room is guessing that they wouldn't go in until in the afternoon. All Senators are invited to the Moynihan funeral Mon at 10:00. They're planning the first vote for 5:30, so they're thinking they'll go in around 2:00.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, March 27, 2003 11:55 AM
To: Jones, Alison ; Holbrook, Ashley
Subject: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

From: MacEcevic, Lisa J.
To: <Bumatay, Patrick J.>;<Kavanaugh, Brett M.>;<Warsh, Kevin>;<Allgood, Lauren K.>
CC: <Green, Richard E.>
Sent: 3/27/2003 12:36:22 PM
Subject: NEC and WHC contacts on civil justice issues

Hi. Lately, there have been several developments concerning asbestos and class action legislation. In the past WHC and NEC have been interested in related issues, but I no longer have info on who I should be contacting for either. For instance, a class action bill (S. 274) is scheduled to be marked up possibly early next week and I am trying to solidify at least a preliminary position on the legislation. Also, Sen. Hatch has announced he is planning to introduce and markup asbestos related legislation at the end of April. Could you please let me know if any of you in particular should receive information on these two specific issues or any other issues in general? Thank you! Lisa

From: Kavanaugh, Brett M.
To: <MacEcevic, Lisa J.>
CC: <Bumatay, Patrick J.>
Sent: 3/27/2003 12:46:43 PM
Subject: Re: NEC and WHC contacts on civil justice issues

I have class action, asbestos, and medical liability.

From: Lisa J. Macecevic on 03/27/2003 12:45:54 PM

Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Kevin Warsh/OPD /EOP@EOP, Lauren K. Allgood/OPD/EOP@Exchange@EOP

cc: Richard E. Green/OMB/EOP@EOP

Subject: NEC and WHC contacts on civil justice issues

Hi. Lately, there have been several developments concerning asbestos and class action legislation. In the past WHC and NEC have been interested in related issues, but I no longer have info on who I should be contacting for either. For instance, a class action bill (S. 274) is scheduled to be marked up possibly early next week and I am trying to solidify at least a preliminary position on the legislation. Also, Sen. Hatch has announced he is planning to introduce and markup asbestos related legislation at the end of April. Could you please let me know if any of you in particular should receive information on these two specific issues or any other issues in general? Thank you! Lisa

From: CN=Alison Jones/OU=WHO/O=EOP@Exchange [WHO]
To: Ashley Holbrook/WHO/EOP@Exchange [WHO] <Ashley Holbrook>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/27/2003 9:08:25 AM
Subject: : RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alison Jones ( CN=Alison Jones/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:27-MAR-2003 14:08:25.00
SUBJECT:: RE: Do we know if Senate will come back from recess on Monday April 28th or
Tuesday April 29th?
TO:Ashley Holbrook ( CN=Ashley Holbrook/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Don't know for sure yet, but typical schedule coming off of a recess is
they would be in session on Monday, with no votes, or at least votes
starting after 5pm.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, March 27, 2003 11:55 AM
To: Jones, Alison ; Holbrook, Ashley
Subject: Do we know if Senate will come back from recess on Monday
April 28th or Tuesday April 29th?
```

From: Dahl, Alex (Judiciary) <Alex_Dahl@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>
CC: Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>
Sent: 3/27/2003 2:03:20 PM
Subject: : letter to Edwards
Attachments: P_8QU3F003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Dahl, Alex (Judiciary)" <Alex_Dahl@Judiciary.senate.gov> ("Dahl, Alex (Judiciary)" <Alex_Dahl@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:27-MAR-2003 19:03:20.00
SUBJECT:: letter to Edwards
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ("Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> ("Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
CC:"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> ("Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

FYI, we have just sent a letter to Sen. Edwards notifying him that we're planning to set the Boyle hearing on April 8th.

Deputy Staff Director & Senior Counsel

Committee on the Judiciary

United States Senate

224 Dirksen Building

Washington, DC 20510

phone: (202) 224-5225

fax: (202) 228-1115

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original message without keeping a copy.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_8QU3F003_WHO.TXT_1>

FYI, we have just sent a letter to Sen. Edwards notifying him that we're planning to set the Boyle hearing on April 8th.

Deputy Staff Director & Senior Counsel
Committee on the Judiciary
United States Senate
224 Dirksen Building
Washington, DC 20510
phone: (202) 224-5225
fax: (202) 228-1115

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From: Jones, Alison
To: <Kavanaugh, Brett M.>;<Holbrook, Ashley>
Sent: 3/27/2003 2:07:51 PM
Subject: RE: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

Don't know for sure yet, but typical schedule coming off of a recess is they would be in session on Monday, with no votes, or at least votes starting after 5pm.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Thursday, March 27, 2003 11:55 AM

To: Jones, Alison ; Holbrook, Ashley

Subject: Do we know if Senate will come back from recess on Monday April 28th or Tuesday April 29th?

From: Schilling, Andrew <Andrew.Schilling@usdoj.gov>
To: John F. Wood/OMB/EOP@EOP [OMB] <John F. Wood>;'Phil Perry (E-mail)' </S=Philip#u#J.#u#Perry#064#omb.eop.gov/JCON/P=GOV+DOJ/A=TELEMAIL /C=US/"@intmail.usdoj.gov>;'kfeinberg@thefeinberggroup.com' <kfeinberg#064#thefeinberggroup.com%JCON@intmail.usdoj.gov>;Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>;Letter, Douglas <Douglas.Letter@usdoj.gov>;Hunt, Jody <Jody.Hunt@usdoj.gov>;McCallum, Robert <Robert.McCallum@usdoj.gov>;Coffin, Shannen <Shannen.Coffin@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jordan, Bill <Bill.Jordan@usdoj.gov>;'Deborah@thefeinberggroup.com' <Deborah#064#thefeinberggroup.com%JCON@intmail.usdoj.gov>;Bloemendal, Katherine <Katherine.Bloemendal@usdoj.gov>;Swingle, Sharon <Sharon.Swingle@usdoj.gov>;Garvey, Vincent <Vincent.Garvey@usdoj.gov>;Harris, Paul (SMO) <Paul.Harris@usdoj.gov>;Keisler, Peter D <Peter.D.Keisler@usdoj.gov>;Blackwell, Craig <Craig.Blackwell@usdoj.gov>
Sent: 3/27/2003 11:39:04 AM
Subject: : PWC Subpoena

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Schilling, Andrew" <Andrew.Schilling@usdoj.gov> ( "Schilling, Andrew"
<Andrew.Schilling@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:27-MAR-2003 16:39:04.00
SUBJECT:: PWC Subpoena
TO:John F. Wood ( CN=John F. Wood/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:"'Phil Perry (E-mail)'" <"/S=Philip#u#J.#u#Perry#064#omb.eop.gov/O=JCON/P=GOV+DOJ
/A=TELEMAIL/C=US/"@intmail.usdoj.gov> ( "'Phil Perry (E-mail)'"
<"/S=Philip#u#J.#u#Perry#064#omb.eop.gov/O=JCON/P=GOV+DOJ/A=TELEMAIL
/C=US/"@intmail.usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"'kfeinberg@thefeinberggroup.com'"
<kfeinberg#064#thefeinberggroup.com%JCON@intmail.usdoj.gov> (
"'kfeinberg@thefeinberggroup.com'"
<kfeinberg#064#thefeinberggroup.com%JCON@intmail.usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> ( "Boudreaux, Chad"
<Chad.Boudreaux@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Letter, Douglas" <Douglas.Letter@usdoj.gov> ( "Letter, Douglas"
<Douglas.Letter@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Hunt, Jody" <Jody.Hunt@usdoj.gov> ( "Hunt, Jody" <Jody.Hunt@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"McCallum, Robert" <Robert.McCallum@usdoj.gov> ( "McCallum, Robert"
<Robert.McCallum@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ( "Coffin, Shannen"
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Jordan, Bill" <Bill.Jordan@usdoj.gov> ( "Jordan, Bill" <Bill.Jordan@usdoj.gov> [
UNKNOWN ] )
READ:UNKNOWN
TO:"'Deborah@thefeinberggroup.com'"
<Deborah#064#thefeinberggroup.com%JCON@intmail.usdoj.gov> (
"'Deborah@thefeinberggroup.com'" <Deborah#064#thefeinberggroup.com%JCON@intmail.usdoj.gov>
[ UNKNOWN ] )
READ:UNKNOWN
TO:"Bloemendal, Katherine" <Katherine.Bloemendal@usdoj.gov> ( "Bloemendal, Katherine"
```

<Katherine.Bloemendal@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Swingle, Sharon" <Sharon.Swingle@usdoj.gov> ("Swingle, Sharon"
<Sharon.Swingle@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Garvey, Vincent" <Vincent.Garvey@usdoj.gov> ("Garvey, Vincent"
<Vincent.Garvey@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Harris, Paul (SMO)" <Paul.Harris@usdoj.gov> ("Harris, Paul (SMO)"
<Paul.Harris@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Keisler, Peter D" <Peter.D.Keisler@usdoj.gov> ("Keisler, Peter D"
<Peter.D.Keisler@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> ("Blackwell, Craig"
<Craig.Blackwell@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

On the PWC subpoena dispute (i.e., our letter motion to quash the subpoena and for a stay of discovery), Judge Hellerstein issued the following order by memorandum endorsement to our letter:

"I will hear counsel on April 1, 2003, at 3:30 p.m. in Courtroom 14D, 500 Pearl Street, NYC, 10007. No requested discovery pending determination. PWC shall attend and bring a copy of its report for in camera inspection, if so ordered."

Andrew

From: CN=Carrie B. Loy/OU=WHO/O=EOP [WHO]
To: Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>;Sarah Pfeifer/WHO/EOP@EOP [WHO] <Sarah Pfeifer>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Brian D. Montgomery/WHO/EOP@Exchange@EOP [WHO] <Brian D. Montgomery>;Matthew Koch/WHO/EOP@EOP [WHO] <Matthew Koch>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/27/2003 11:58:09 AM
Subject: : Agency FOIA Requests
Attachments: P_1CO3F003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carrie B. Loy ( CN=Carrie B. Loy/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:27-MAR-2003 16:58:09.00
SUBJECT:: Agency FOIA Requests
TO:Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Sarah Pfeifer ( CN=Sarah Pfeifer/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Matthew Koch ( CN=Matthew Koch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1CO3F003_WHO.TXT_1>
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3/27/03

AGENCY FOIA REQUESTS

DOL

Robert Devlin, President, Retired Employees Protective Association, River Cage, NJ, is seeking:
A copy of the briefing materials on union corrpution.

Keith Plylar, Safety Committeeman for Jim Walter Resources #7 Mine, United Mine Workers of America, Local #2397, Dora, AL, is seeking:
a copy of MSHA inspection procedures manual or book and a copy of all of the MSHA inspection notes that would verify that the proper fan and electrical installations were conducted during January 30, 2003 in Jim Walter Resources #7 Mine.

Timothy Baker, Deputy Safety Representative, Department of Occupational Health and Safety, United Mine Workers of America, Fairfax, VA, is seeking:
access to citations and orders issued by MSHA Representatives for fiscal and calendar years 2001 and 2002. Specifically, he asked for the totals of serious and substantial violations and minor violations, orders by type, and total violations issued. He also asked for summaries of serious and substantial violations and minor violations issued by regulations and orders issued by type. This request seeks records from all MSHA offices.

Benjamin Jones, Research Director, Democratic Senatorial Campaign Committee, Washington, D.C., is seeking:
correspondence and other information requested by the following current and former Members of the House of Representatives and U.S. Senate between the dates

- Robert Bennett: Sen: 1-1-93 – Present
- Christopher Bond: Sen: 1-1-87 – Present
- Sam Brownback: Sen: 1-1-97 – Present
- Judd Gregg: Rep. 1-1-82 – 12-31-89; Sen: 1-1-93 – Present

DOC

$ Received 3/17/03 from **John A. Farrell, *The Boston Globe***, requesting all correspondence or records of communications with Senator John F. Kerry (or any member of his staff from January 1985 to the present.)

$ Received 3/17/03 from **Pete Yost, The Associated Press**, requesting copies of briefing papers and any other documents, drafts, handwritten notes, e-mails, or other information created in connection with the September 19, 2001, meeting involving Nancy Victory and Kelly Levy of DOC and Steve Burns and Larry Decker of Enron Corporation.

$ Received 3/17/03 from **Peter Harris, Thomson Research Service**, requesting: (1) the

six most recent formal or informal decisions made by DOC in reliance on or interpretation of the Bayh-Dole Act; (2) the text of the six most recent instances of congressional testimony and answers to congressional inquiries regarding the Bayh-Dole Act; (3) the six most recent court cases involving the Department, e.g., affidavits, motions, complaints, answers, depositions; (4) the six most recent articles, lectures, published letters, remarks or talks by Department officials on the Bayh-Dole Act; (5) the six most recent policy statements, rules, or guidelines involving the Bayh-Dole Act; and (6) all information on the November 1984 amendments to the Bayh-Dole Act.

$ Received 3/18/03 from **Randy R. Herschaft, The Associated Press**, requesting a copy of all records from the last two years that mention Autotrack, a database service that locates people and public records.

$ Received 3/18/03 from **Felicia I. Silber, Science Applications International Corporation**, requesting any and all documents relating to any request made by Raytheon Company, Thales, or Thales-Raytheon Systems to any person in the Immediate Office of the Secretary or the International Trade Administration from January 1, 2001, to the present.

$ Received 3/20/03 from **Robert Bryce** requesting any and all documents: (1) involving oil and gas activities in Yemen and Peru; (2) sent between DOC and employees of the law firms of Baker & Botts and Vinson & Elkins since 1998; (3) sent between DOC and Hunt Oil, Halliburton Company, Kellogg Brown & Root, and Brown & Root Services since 1995; (4) sent between DOC and Robert Jordan, U.S. Ambassador to Saudi Arabia; and (5) sent between DOC and lawyers representing Prince Sultan bin Abdulaziz Al-Saud and Prince Bandar.

$ Received 3/20/03, from **Harry L. Clark, Dewey Ballantine, LLP**, requesting copies of all requests from private parties for documents regarding the U.S.-Canada Softwood Lumber trade dispute to the extent of requests received by DOC since 4/1/2001 and responses to such requests.

EPA

During the week of March 17-21, 2003, the Agency received 287 FOIA requests. Of the total, 52 were received in Headquarters. Year-to-date totals are 1,144 for Headquarters and 5,970 agency-wide. Significant FOIA requests received this week include:

(1) **Glen Milner** has requested all documents on file concerning consultations with the EPA for the Phalanx Close-In Weapons System (CIWS) and for all other weapons systems used by the U.S. Navy to fire depleted uranium munitions;

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DOE

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DOJ

DOJ has received the following significant FOIA request:

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his Chief of Staff Kathleen Shanahan or any other staff or representative of the Florida Governor's office between January 21, 2001 and January 31, 2003."

From: Loy, Carrie B.
To: <Kavanaugh, Brett M.>;<Ullyot, Theodore W.>;<Koch, Matthew>;<Pfeifer, Sarah>;<Montgomery, Brian D.>;<Ingle, Edward>
Sent: 3/27/2003 4:57:43 PM
Subject: Agency FOIA Requests
Attachments: FOIA 3-27-03.doc

<< FOIA 3-27-03.doc >>

3/27/03

AGENCY FOIA REQUESTS

DOL

Robert Devlin, President, Retired Employees Protective Association, River Cage, NJ, is seeking:
A copy of the briefing materials on union corrpution.

Keith Plylar, Safety Committeeman for Jim Walter Resources #7 Mine, United Mine Workers of America, Local #2397, Dora, AL, is seeking:
a copy of MSHA inspection procedures manual or book and a copy of all of the MSHA inspection notes that would verify that the proper fan and electrical installations were conducted during January 30, 2003 in Jim Walter Resources #7 Mine.

Timothy Baker, Deputy Safety Representative, Department of Occupational Health and Safety, United Mine Workers of America, Fairfax, VA, is seeking:
access to citations and orders issued by MSHA Representatives for fiscal and calendar years 2001 and 2002. Specifically, he asked for the totals of serious and substantial violations and minor violations, orders by type, and total violations issued. He also asked for summaries of serious and substantial violations and minor violations issued by regulations and orders issued by type. This request seeks records from all MSHA offices.

Benjamin Jones, Research Director, Democratic Senatorial Campaign Committee, Washington, D.C., is seeking:
correspondence and other information requested by the following current and former Members of the House of Representatives and U.S. Senate between the dates

- Robert Bennett: Sen: 1-1-93 – Present
- Christopher Bond: Sen: 1-1-87 – Present
- Sam Brownback: Sen: 1-1-97 – Present
- Judd Gregg: Rep. 1-1-82 – 12-31-89; Sen: 1-1-93 – Present

DOC

$ Received 3/17/03 from **John A. Farrell, *The Boston Globe***, requesting all correspondence or records of communications with Senator John F. Kerry (or any member of his staff from January 1985 to the present.)

$ Received 3/17/03 from **Pete Yost, The Associated Press**, requesting copies of briefing papers and any other documents, drafts, handwritten notes, e-mails, or other information created in connection with the September 19, 2001, meeting involving Nancy Victory and Kelly Levy of DOC and Steve Burns and Larry Decker of Enron Corporation.

$ Received 3/17/03 from **Peter Harris, Thomson Research Service**, requesting: (1) the

six most recent formal or informal decisions made by DOC in reliance on or interpretation of the Bayh-Dole Act; (2) the text of the six most recent instances of congressional testimony and answers to congressional inquiries regarding the Bayh-Dole Act; (3) the six most recent court cases involving the Department, e.g., affidavits, motions, complaints, answers, depositions; (4) the six most recent articles, lectures, published letters, remarks or talks by Department officials on the Bayh-Dole Act; (5) the six most recent policy statements, rules, or guidelines involving the Bayh-Dole Act; and (6) all information on the November 1984 amendments to the Bayh-Dole Act.

$ Received 3/18/03 from **Randy R. Herschaft, The Associated Press**, requesting a copy of all records from the last two years that mention Autotrack, a database service that locates people and public records.

$ Received 3/18/03 from **Felicia I. Silber, Science Applications International Corporation**, requesting any and all documents relating to any request made by Raytheon Company, Thales, or Thales-Raytheon Systems to any person in the Immediate Office of the Secretary or the International Trade Administration from January 1, 2001, to the present.

$ Received 3/20/03 from **Robert Bryce** requesting any and all documents: (1) involving oil and gas activities in Yemen and Peru; (2) sent between DOC and employees of the law firms of Baker & Botts and Vinson & Elkins since 1998; (3) sent between DOC and Hunt Oil, Halliburton Company, Kellogg Brown & Root, and Brown & Root Services since 1995; (4) sent between DOC and Robert Jordan, U.S. Ambassador to Saudi Arabia; and (5) sent between DOC and lawyers representing Prince Sultan bin Abdulaziz Al-Saud and Prince Bandar.

$ Received 3/20/03, from **Harry L. Clark, Dewey Ballantine, LLP**, requesting copies of all requests from private parties for documents regarding the U.S.-Canada Softwood Lumber trade dispute to the extent of requests received by DOC since 4/1/2001 and responses to such requests.

EPA

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his Chief of Staff Kathleen Shanahan or any other staff or representative of the Florida Governor's office between January 21, 2001 and January 31, 2003."

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Carolene Langie Office of Global Communications/WHO/EOP@EOP [WHO] <Carolene Langie Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/27/2003 2:51:07 PM
Subject: : RESEND: White House Global Messenger - 3/28/03
Attachments: P_XMV3F003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:27-MAR-2003 19:51:07.00
SUBJECT:: RESEND: White House Global Messenger - 3/28/03
TO:Carolene Langie Office of Global Communications (CN=Carolene Langie Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 3-28-03 FINAL.doc)
THE GLOBAL MESSENGER
Friday, March 28, 2003

******KEY POINTS FROM THE PRESIDENT'S PRESS AVAILABILITY WITH PRIME MINISTER
BLAIR, 3-27-03******

* The United States, the United Kingdom and our Coalition partners are acting
together in a noble purpose to make
the world more peaceful, to make all free nations of the world more secure, and
to free the Iraqi people.

* Coalition troops are sharing the duties and the sacrifices of this war. Together, Coalition forces are
advancing in steady progress against the enemy. Slowly, but surely, the grip of
terror around the throats of the
Iraqi people is being loosened.

* We're now engaging the dictator's most hardened and most desperate units. The
campaign ahead will demand
further courage and require further sacrifice. Yet we know the outcome: Iraq
will be disarmed; the Iraqi regime
will be ended; and the long-suffering Iraqi people will be free.

* Our coalition will stand with the citizens of Iraq in the challenges ahead.
We are prepared to deliver
humanitarian aid on a large scale. As we address the immediate suffering of the
Iraqi people, we're also
committed to helping them over the long-term. Iraq's greatest long-term need is
a representative government that
protects the rights of all Iraqis - chosen by the Iraqi people, not imposed by
outsiders.

* History requires more of our coalition than a defeat of a terrible danger.
There is opportunity to bring
renewed hope and progress to the entire Middle East. Last June, the United States outlined a vision of two
states, Israel and Palestine living side-by-side in peace and security. Soon,
we will release the road map
designed to help turn that vision into reality.

* In decades of oppression, the Iraqi regime has sought to instill the habits of
fear in the daily lives of
millions. Soon, the Iraqis will have the confidence of a free people. Coalition
members are combining the power
of our nations to the cause of justice. Our alliance is strong, our resolve is
firm, and our mission will be
achieved.

******TODAY'S SCHEDULE******
7:00am CENTCOM Operations Update
12:30pm White House Briefing
1:15pm Defense Department Briefing
2:25pm President Bush Delivers Remarks, Rose Garden

******COALITION VOICES OF SUPPORT******

Lithuania

"Lithuania's possible contribution to the settlement of the Iraq crisis will be
not military but humanitarian
participation, aimed at dealing with adverse consequences, by sending doctors,
servicing staff and other
specialists, as well as by participating in international programs aimed at helping the Iraqi people, including
food aid."
President Rolandas Paksas, Letter to President Bush, 3-19-03

Philippines
"The Philippines is part of the coalition of the willing.... We are giving political and moral support for actions to rid Iraq of weapons of mass destruction. We are part of a long-standing security alliance. We are part of
the global coalition against terrorism."
President Gloria Macapagal Arroyo, 03-19-03

******KEY QUOTES******

"Day by day, we have seen the reality of Saddam's regime -- his thugs prepared
to kill their own people; the
parading of prisoners of war; and now, the release of those pictures of executed
British soldiers. If anyone
needed any further evidence of the depravity of Saddam's regime, this atrocity
provides it.... [I]t is beyond the
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British Prime Minister Blair, in joint press availability with President Bush,
3-27-03

THE WHITE HOUSE
Office of Global Communications

For more information log on to http://www.whitehouse.gov/ogc

****
You have previously expressed interest in obtaining news and
information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.
- GM 3-28-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XMV3F003_WHO.TXT_1>

THE GLOBAL MESSENGER

Friday, March 28, 2003

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All Times Eastern Standard. Subject to Change

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THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Susan B. Ralston/WHO/EOP@Exchange@EOP [WHO] <Susan B. Ralston>
CC: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Lezlee J. Westine/WHO /EOP@EOP [WHO] <Lezlee J. Westine>
Sent: 3/28/2003 2:35:43 AM
Subject: : Daily Update - March 27, 2003

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:28-MAR-2003 07:35:43.00
SUBJECT:: Daily Update - March 27, 2003
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Lezlee J. Westine ( CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

fyi

tsg


CITIZENLINK
March 27, 2003

WILL PRISCILLA OWEN BE THE NEXT ESTRADA?
The nomination of Priscilla Owen heads to Senate floor. Will she
share the fate of Miguel Estrada?
(Please See "CitizenLink Extra" Below)


CITIZENLINK EXTRA:
----------------------------------------------------------------
Will Priscilla Owen Be the Next Estrada?
By Pete Winn and Trish Amason

SUMMARY: The nomination of Priscilla Owen heads to Senate
floor. Will she share the fate of Miguel Estrada?

Texas Supreme Court Justice Priscilla Owen gained approval by
the Senate Judiciary Committee on Thursday by a 10-9 party-
line vote. Last year, when Democrats controlled the Senate,
Owen was voted down by the same margin. Democrats still
maintain Owen is a pro-life judicial "activist" whose rulings have
been influenced by her personal beliefs. In a second Judiciary
Committee hearing held recently, however, Owen stated her
positions plainly.

"I judge cases by what is right," Owen said. "I do not judge cases
by what is politically correct. I apply the law, and the law has to
be predictable and it has to be fair and that's what I do."

CitizenLink Associate Editor Pete Winn talked with John
```

Nowacki, director of legal policy at the Free Congress Foundation, about the Owen nomination - and the future of the president's judicial appointments.

Q: John, the Owen vote is a good sign but we expected it, didn't we?

A: We did. There was a wide spread sentiment amongst the Republicans -- and a lot of conservatives -- that Owen did not get fair treatment the last time around.

Certainly, the justifications used by the Senate Democrats to block her nomination in committee last year, ignored completely the answer she gave during her hearings and just kept following the talking points given to them by some of these outside liberal interest groups. But she's gotten the chance finally to get the Senate to act on her nomination on the Senate floor, and this could present a real choice for the Democrats. Will they allow Justice Owen to have an up-or-down vote or will they add her to the list of nominees they're filibustering? They certainly can't claim that they need more information or special documents this time and, in fact, there is really no excuse for blocking the senate from doing its constitutional duty at all in this case.

I would also note that a majority of the Senate supported (Owen), back when the Democrats were in control -- and that was a bipartisan majority. That number has only increased in the time since then. If she is filibustered, it will only be because Senate Democrats have failed to make a case against her and they're desperate to keep a well-qualified consensus nominee with bipartisan support off the bench for what amounts to purely political reasons.

Q: Are liberals, specifically Senate Democrats, really trying to steal the president's ability to appoint judges?

A: Absolutely! We are seeing this across a wide range of nominees, and this effort is being done in a number of different ways. (We're seeing it) in their filibuster of Miguel Estrada -- keeping his nomination from a vote on the Senate floor; and blocking nominees in committee -- as they tried with John Roberts and Deborah Cook; and killing nominations in committee -- as they did with Charles Pickering and Priscilla Owen. There is even the effort that's being done right now by the two senators from Michigan to kill the nominations of every single nominee from the state of Michigan. It's a widespread effort to deny Bush the opportunity that was given to every single predecessor, including Clinton -- and that is to appoint circuit judges who share his judicial philosophy.

Q: How are they able to get away this? Why is there not public outrage?

A: Part of the problem is getting the public to pay attention and part of it is, I think, conservatives need to understand that even if it is not a Supreme Court nomination, circuit court (appeals court) nominees are just as important and they deserve just as much consideration from conservative activists in pressing the senators to allow them to vote and so on.

I mean, if you look at it, the U.S. Circuit Courts of Appeals are just one step below the Supreme Court, and these are the final courts of appeal for many cases. The Supreme Court only takes a very small number of cases, so most federal cases that come up end up stopping at the court of appeals level. The liberals certainly know this, and that is one reason they are all energized about (blocking nominations). Conservatives need to understand

that. . . they should be getting involved and they still need to be concerned about getting judges who are fair and who are qualified and who are committed to really following the law, not their personal beliefs.

Q: Obviously the war in Iraq has stolen some thunder with regard to this issue, but doesn't it just underscore the need to have judges right now for our national security?

A: Absolutely! And that argument was made after Sept. 11; the need (grows) when there are more criminal cases coming forward and they are pushing civil cases off to the side a little bit.

There is a great need to have judges who can handle cases, whether (they are) criminal cases related to terrorism or whether it's the civil cases that end up pending for a very long time because some courts are operating at one-third their strength, or are even half-empty -- as the 6th Circuit was. . . over the past two years.

Q: What do we do now; what direction do we take?

A: Well, conservatives need to be phoning their senators asking them politely, but firmly, to allow these nominees to have up-or-down votes whether it's Priscilla Owen or Miguel Estrada or anyone else.

They need to write letters to the editor, they need to get involved, basically. They need to understand also that the other side, the left, has made this an issue of great importance and that if conservatives are going to win on this, they're going to need to get involved and . . . act.

There are senators who need to be hearing from people, especially in regard to the Estrada nomination -- especially Sen. Bob Graham of Florida, and the two senators from Arkansas, Pryor and Lincoln. We also need to. . . be encouraging Republican senators to stand firm and to take action, where it's appropriate.

I would add, too, there are four Democrats who have come out and supported Miguel Estrada -- who've said he deserves to have an up-or-down vote -- and those are Sens. Bill Nelson, of Fla., Ben Nelson, of Nebr., John Breaux, of La., and Zell Miller, of Ga.

In addition to that there are other Democratic senators who indicated last year that they would probably support Charles Pickering and that they probably would support Priscilla Owen. So it's not a party-line thing, even though in large part, most Democrats are a part of this obstruction, but I think that senators on both sides need to be hearing from conservatives about the importance of giving nominees and up-or-down vote and treating them fairly.

TAKE ACTION: Please contact your senators and politely ask them to support the nomination of Priscilla Owen when it comes up and to put an end to the filibuster of Miguel Estrada (another cloture vote is expected early next week). Urge them to: 1) reject any attempt to filibuster Priscilla Owen; and 2) allow all future nominees out of the Senate Judiciary Committee to have a straight up-and-down vote.

Call the Capitol switchboard at 202-224-3121. For help in contacting your senators, or to send an e-mail, please see our Legislative Action Center:
http://capwiz.com/fof/home/

Also, please consider writing a letter to the editor of one of your local papers expressing your point of view regarding the current state of judicial nominations. For help in locating contact information for your newspapers, please see the Media Guide section of our Legislative Action Center:
http://capwiz.com/fof/dbq/media

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Francisco, Noel J.>;<Lefkowitz, Jay P.>
Sent: 3/28/2003 8:32:17 AM
Subject: Michigan oral argument audiotape

Court announced that it plans to make audiotape of oral argument available shortly after argument (ala Bush v. Gore) next Tuesday.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Sara Taylor <Staylor@georgewbush.com>
CC: cspies@rnchq.org [UNKNOWN] <cspies@rnchq.org>
Sent: 3/28/2003 4:42:30 AM
Subject: : Re: Don Evans invite for The Republican Party of Iowa
Attachments: P_3Q94F003_WHO.TXT_1.htm; P_3Q94F003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-MAR-2003 09:42:30.00
SUBJECT:: Re: Don Evans invite for The Republican Party of Iowa
TO:Sara Taylor <Staylor@georgewbush.com> (Sara Taylor <Staylor@georgewbush.com> [UNKNOWN])
READ:UNKNOWN
CC:cspies@rnchq.org (cspies@rnchq.org [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Approved from here.

Sara Taylor <Staylor@georgewbush.com>
03/27/2003 09:30:08 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, cspies@rnchq.org
cc:
Subject: Don Evans invite for The Republican Party of Iowa

FW: draft of invitation languageAttached is an invitation from the
Republican Party of Iowa. Can you please look at the copy and let me know
what changes need to be made. Thanks.
-----Original Message-----
From: Beach, Becky [mailto:becky.beach@legis.state.ia.us]
Sent: Monday, March 24, 2003 11:47 AM
To: Sara Taylor
Subject: FW: draft of invitation language
Importance: High

I want to get your okay before we go with the invite. Thanks.

-----Original Message-----
From: LRaad@DOC.GOV [mailto:LRaad@DOC.GOV]
Sent: Monday, March 24, 2003 8:05 AM
To: Beach, Becky
Subject: RE: draft of invitation language

You are all clear on the second version. Print at your leisure. Please
send us the final version for his briefing material. My fax is
202-482-5924.

Any other thoughts on our POSSIBLE Cedar Rapids visit? Travis or Brad Hester will be contacting you on this shortly. I am transitioning to my new position at the WH this week and start over there next week....

"Beach, Becky"

<becky.beach@legis.s To:
<LRaad@DOC.GOV>
tate.ia.us> cc:

Subject: RE: draft of invitation language
03/18/2003 07:18 PM

Here's the updated version. The gal at the state party thinks the disclaimer is correct. Do you know what's missing?

-----Original Message-----
From: LRaad@DOC.GOV [mailto:LRaad@DOC.GOV]
Sent: Tuesday, March 18, 2003 5:44 PM
To: Beach, Becky
Subject: RE: draft of invitation language

we haven't done much leg work yet. We usually go through Maria's office (Commercial Service). Let me see what's been done but a contact would be good. Don't kill yourself on it until I see what's been done here.

"Beach, Becky"

<becky.beach@legis.s To:
<LRaad@DOC.GOV>
tate.ia.us> cc:

Subject: RE: draft of invitation language
03/18/2003 06:38 PM

Is anyone in Iowa helping you?

-----Original Message-----
From: LRaad@DOC.GOV [mailto:LRaad@DOC.GOV]
Sent: Tuesday, March 18, 2003 5:33 PM
To: Beach, Becky
Subject: RE: draft of invitation language

Now final plans for CR yet. We have been doing events related to the economic growth package at businesses that will benefit from the tax cuts... we're looking at possibilities now. we're open to ideas if you have any. We like to go to small businesses where he can do a tour, talk to workers and then have a media availability.....

We're waiting to hear if he's going to be OK with a 2 hour drive....

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<becky.beach@legis.s To:
<LRaad@DOC.GOV>
tate.ia.us> cc:

Subject: RE: draft of
invitation language
03/18/2003 06:17 PM

That would be great--4pm at the earliest, maybe we can give him even more down time. What's the event in CR. I think I told you it's a 2 hour drive. They're reworking the invite now.

-----Original Message-----
From: LRaad@DOC.GOV [mailto:LRaad@DOC.GOV]
Sent: Tuesday, March 18, 2003 4:59 PM
To: Beach, Becky
Subject: Re: draft of invitation language

one other thing... I know I owe you an answer on this - It looks like we can get him there for an earlier event. You mentioned that you might like him there around 4pm and it looks probable that we could do that.

What do you think.

We're hoping now to get him to fly in to Cedar Rapids - do a quick event - drive to Des Moines for an hour or so of down time and then hit a 4/4:30 event and then on to the reception and dinner.

I am close to having final sign off on that idea but we have some leg work to do on fleshing out the possible events in Cedar Rapids.

But even if we come straight to Des Moines, I think we can get him there in time to do a 4ish event.

Let me know.

"Beach, Becky"

<becky.beach@legis.s To: "Sara Taylor" <Staylor@georgewbush.com>, tate.ia.us> <LRaad@DOC.GOV>

cc:

03/18/2003 02:25 PM Subject: draft of invitation language

what do you think of this attachment
(See attached file: Invitation copy1.doc)

(See attached file: Invitation copy2.doc)

- att1.htm
- Invitation copy2.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_3Q94F003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_3Q94F003_WHO.TXT_2>

Attached is an invitation from the Republican Party of Iowa. Can you please look at the copy and let me know what changes need to be made. Thanks.
-----Original Message-----
From: Beach, Becky [mailto:becky.beach@legis.state.ia.us]
Sent: Monday, March 24, 2003 11:47 AM
To: Sara Taylor
Subject: FW: draft of invitation language
Importance: High

I want to get your okay before we go with the invite. Thanks.

-----Original Message-----
From: LRaad@DOC.GOV [mailto:LRaad@DOC.GOV]
Sent: Monday, March 24, 2003 8:05 AM
To: Beach, Becky
Subject: RE: draft of invitatio n language

You are all clear on the second version. Print at your leisure. Please send us the final version for his briefing material. My fax is 202-482-5924.

Any other thoughts on our POSSIBLE Cedar Rapids visit? Travis or Brad Hester will be contacting you on this shortly. I am transitioning to my new position at the WH this week and start over there next week....

"Beach, Becky"

<becky.beach@legis.s tate.ia.us> ; cc:

To: <LRaad@DOC.GOV> &nb sp; &nbs p; & nbsp; &n bsp; Subject: RE: draft of invitation language ;

03/18/2003 07:18 PM

Here's the updated version. The gal at the state party thinks the disclaimer is correct. Do you know what's missing?

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From: LRaad@DOC.GOV [mailto:LRaad@DOC.GOV]
Sent: Tuesday, March 18, 2003 5:44 PM
To: Beach, Becky
Subject: RE: draft of invitatio n language

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"Beach, Becky" <becky.beach@legis.state.ia.us> To: <LRaad@DOC.GOV> ; cc: & nbsp; &n bsp; Subject: RE: draft of invitation language 03/18/2003 06:38 PM

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We're waiting to hear if he's going to be OK with a 2 hour drive....

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& nbsp; &n bsp; Subject: RE: draft of invitation language

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Let me know.

"Beach, Becky"

<becky.beach@legis.s tate.ia.us> To: "Sara Taylor" < Staylor@georgewbush.com>, ; < LRaad@DOC.GOV>

& nbsp; &n bsp; cc:

03/18/2003 02:25 PM Subject: draft of invitation language

what do you think of this attachment
(See attached file: Invitation copy1.doc)

(See attached file: Invitation copy2.doc)

You are cordially invited to join

Abraham Lincoln Dinner Chairman
Diane Crookham-Johnson

Republican Party of Iowa Finance Chairman
William A. Van Orsdel

Republican Party of Iowa 3rd District Finance Chairman
Stanley J. Thompson

And

Republican Party of Iowa Chairman
Charles W. Larson, Jr.

For the Annual Abraham Lincoln Dinner

Featuring

The Honorable Don Evans

Friday, May 16
6 p.m. Private Host Reception
6 p.m. General Reception
7 p.m. Dinner and Program

Holiday Inn
University Park
1800 50th Street
West Des Moines, Iowa

$100 per person
$1,000 per host – includes a table of 10 and 2 passes to the private reception
Complimentary for 2003 Package Plan Members

For more information, please call Darrell Kearney at (515) 282-8105.

Republican Party of Iowa
Abraham Lincoln Dinner
May 16, 2003

Reply

___ Yes, I/we will attend the Abraham Lincoln Dinner on May 16 featuring The Honorable Don Evans.

___ Enclosed is my/our check for $1,000 as a host for this event.
Please send me #___ of my 10 tickets.

___ Enclosed is my/our check of $100 per person.
Please send me #___ tickets.

___ I/we are 2003 Package Plan members.
Please send me #___ of my complimentary tickets.

___ Sorry, I/we cannot attend. However, we understand the importance of supporting the Republican Party of Iowa at this critical time. Enclosed is my/our contribution of $____

Please make checks payable to: The Republican Party of Iowa

Contributions are not tax deductible for federal income tax purposes
Contributions from corporations and foreign nationals are prohibited.

Name _____

Address _____

_____

Phone _____Email _____
Please see reverse side for important Federal Election Commission information or to make your contribution via credit card.

Paid for by the Republican Party of Iowa.
Not authorized by any candidate or any candidate committee.
621 East 9th Street * Des Moines, Iowa 50309
(515) 282-8105

Back of reply form

You may make your contribution to the Republican Party of Iowa using your Visa or Mastercard by completing the information below:
Please charge my contribution of $___ to my
___ Visa ___ Mastercard
Account Number _____ Exp date ____

Federal Election Law requires the Republican Party of Iowa to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in a calendar year.

Occupation _____
Employer/business name _____
Are you self employed? __ Yes __ No

From: Kavanaugh, Brett M.
To: <Gilbert, Alan>;<Grubbs, Wendy J.>;<Silverberg, Kristen>;<Schacht, Diana L.>
Sent: 3/28/2003 8:44:57 AM
Subject: CATASTROPHIC INJURY EXCEPTION

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/28/2003 08:45 AM ----------

"Schwartz, Victor"

03/26/2003 03:17:14 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: "Karl Rove (E-mail)"

Subject: CATASTROPHIC INJURY EXCEPTION

Dear Brett,

We would appreciate your making a judgment on sending this on to appropriate recipients in the White House. Please don't hesitate to call if you have any questions or comments.

Kind regards, Victor

Victor E. Schwartz

Shook, Hardy & Bacon L.L.P.

600 14th Street, N.W.

Suite 800

Washington, D.C. 20005-2004

Telephone 202-662-4886

Fax 202-783-4211

vschwartz@shb.com

> <<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<<,

>

> We understand that you are considering language that might be used for a "catastrophic injury" exception to health care liability reforms. Based on our general knowledge of American tort law and years in practice, we would make the following suggestions for three alternatives:

>

> Alternative #1: Focus on the egregiousness of the defendant's misconduct. This is our preferred alternative.

>

> As a practical matter, the cases that lead to public outcry about "unfairness" are not those that focus on the extent of the injury. Where injury is severe, there are large economic damages awards to compensate the plaintiff. In most catastrophic injury cases, economic damages are very high -- $3 million, $4 million, $5 million, $10 million. Instead, the cases that upset the public are the ones where doctors appear to have engaged in egregious misconduct -- i.e., failing to check the blood type of organs for transplant or performing an unnecessary double mastectomy -- and the economic damages are small.

>

> In such cases, the courts could be given the opportunity to set aside the cap and increase the available damages for pain and suffering (assuming the jury renders a noneconomic damages award that is in excess of the statutory cap). Note that under this approach, the power of a judge to raise the award would be based more on the wrongfulness of the defendant> '> s conduct than the catastrophic nature of the plaintiff> '> s injury. (This would not blur the line between the purposes of noneconomic and punitive damages, because the decision would be made by a judge, not a jury, based on the expressed public policy decisionmaking of Congress.)

>

> The wording of the exception must be very precise, otherwise it too will become an escape hatch. It is still less likely to become a broad avenue of escape than the general catastrophic approach.

>

> Alternative #2: Focus on the injury, but create the exception to apply only in cases where economic losses are less than $1 million.

>

> Again, in serious injury cases where economic losses are great, there is no need for an exception to the cap on noneconomic damages. In cases where economic losses are less than $1 million, you may wish to create a catastrophic loss exception in the cases of death or severe permanent physical impairment, defined as "the permanent loss of the normal use of a body system necessary for daily life." If a catastrophic exception is created for "disfigurement" or a less stringent definition of "serious injury," courts in judicial hellholes will be able to evade the limits on noneconomic damages by playing fast and loose with the language.

>

> Alternative #3: If a catastrophic injury exception must include "disfigurement," draw a narrow definition.

>

> The definition of disfigurement should include both the concept of a permanent and very serious disfigurement. We recommend the following definition, based on New Jersey case law: > "Permanent significant disfigurement" shall be defined as follows: A disfigurement is that which impairs or injures the beauty, symmetry or appearance of a person or thing. A significant disfigurement is one which attracts immediate attention and materially detracts from the person's appearance. A facial scar must mar the natural expression so as to attract attention and be materially disfiguring to be a "significant disfigurement." The factors to be considered in determining whether a mark is a permanent significant disfigurement are the appearance, coloration, shape, existence and size of the scar, characteristics of the surrounding skin, remnants of the h> ealing process, and other cosmetically important matters.

>

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>

"MMS " made the following

annotations on 03/26/2003 02:17:18 PM

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person or entity to which it is addressed and may contain confidential and /or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

IN THE U.S., please contact:

Shook, Hardy & Bacon LLP

1200 Main Street

Kansas City, MO 64105-2118

816-474-6550

IN EUROPE, please contact:

Shook, Hardy & Bacon International LLP

25 Cannon Street

London EC4M 5SE

44-020-7332-4500

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>;<Montiel, Charlotte L.>
Sent: 3/28/2003 8:59:41 AM
Subject: can you book time at 4:30 for me, Judge, and David

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 3/28/2003 9:46:39 AM
Subject: RE:

Yes! Thanks!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, March 28, 2003 8:58 AM
To: Litkenhaus, Colleen
Subject:

are you squared away on CFO reporting issue?

From: Kavanaugh, Brett M.
To: <Bennett, Melissa S.>
CC: <Mallea, Jose>
Sent: 3/28/2003 9:56:28 AM
Subject: RE: game

yes.

From: Melissa S. Bennett/WHO/EOP@Exchange on 03/28/2003 09:58:53 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Jose Mallea/WHO/EOP@Exchange

Subject: RE: game

They have decided just to sit in regular seats in the stadium. Assume the same applies.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, March 28, 2003 9:44 AM

To: Bennett, Melissa S.

Subject: game

Under the circumstances as described, he should pay fair market value for all tickets for Secretary Card and family members.

From: Walker, Helgard C.

To: <Addington, David S.>;<Aitken, Steven D.>;<Babin, Chad>;<Bartlett, Daniel J.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Bennett, Melissa S.>;<Besanceney, Brian R.>;<Beynon, Rebecca A.>;<Bolten, Joshua B.>;<Bridgeland, John M.>;<Brilliant, Hana F.>;<Buchan, Claire>; <Bumatay, Patrick J.>;<Bullock, Katja>;<Cabral, Raquel>;<Christie, Ronald I.>;<Clark, Alicia P.>;<Cloud, John A.>;<Connaughton, James>;<Cruson, Karen D.>;<Daniels, Mitchell>; <Delahunty, Robert J.>;<Devenish, Nicolle>;<Dougherty, Elizabeth S.>;<Elwood, Courtney S.>;<Estes, Ashley>;<Everson, Nanette>;<Falkenrath, Richard>;<Farrell, J. Elizabeth>; <Francisco, Noel J.>;<Garrison, Stephen M.>;<Gilbert, Alan>;<Gonzales, Alberto R.>;<Graham, John>;<Grant, Britt>;<Gray, Ann>;<Hagin, Joseph W>;<Hennessey, Keith>;<Higbee, David>; <Holliday, Stuart>;<Jeffery, Reuben>;<Johnson, Collister W.>;<Joseffer, Daryl L.>;<Kaplan, Joel>;<Kavanaugh, Brett M.>;<Kirk, Matthew>;<Knutson, Karen Y.>;<Kozberg, Lindsey C.>;<Lefkowitz, Jay P.>;<Leitch, David G.>;<Litkenhaus, Colleen>;<Loper, Ginger G.>;<Malphrus, Garry>;<Mamo, Jeanie S.>;<Marsh, Robert>;<Martin, Catherine J.>;<McConnell, John P.>;<McCathran, William W.>;<McMillin, Stephen S.>;<McNally, Edward>; <Mehlman, Ken>;<Messenger, P. Thaddeus>;<Middlemas, A. Morgan>;<Miers, Harriet>; <Montiel, Charlotte L.>;<Moy, Edmund C.>;<Mynster, Kathleen>;<Nelson, Carolyn>;<Newstead, Jennifer G.>;<O'Donnell, Claire M.>;<Ojakli, Ziad>;<Patel, Neil S.>;<Perry, Philip J.>;<Pfeifer, Sarah>;<Powell, Benjamin A.>;<Powell, Dina>;<Reed, McGavock D.>;<Riepenhoff, Allison L.>;<Rodriguez, Leonard B.>;<Rove, Karl C.>;<Russell, Richard M.>;<Sampson, Kyle>; <Saunders, G. Timo>;<Schacht, Diana L.>;<Schlapp, Matthew A.>;<Scully, Matthew>;<Sharp, Jess>;<Shull, David A.>;<Silverberg, Kristen>;<Skelly, Layton>;<Smythe, Augustine T.>;<Spellings, Margaret M.>;<Suarez, Aquiles F.>;<Thompson, Carol J.>;<Troy, Tevi>;<Tulbah, Ali H.>;<Ullyot, Theodore W.>;<Vestewig, Lauren J.>;<Viana, Mercedes M.>;<Warsh, Kevin>; <Wood, John F.>;<Wood, John F.>

Sent: 3/28/2003 10:42:40 AM

Subject: Farewell!

On this my last day at the White House, I would like to say farewell to the *finest* group of colleagues that a person could ever hope for. My time at the White House has been a wonderful experience, and each of you has helped to make it so. Thank you so much for being such a pleasure to work with, and simply to know.

All the best,

Helgi Walker

From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/28/2003 10:49:32 AM
Subject: : TRANSCRIPT - Secretary Rumsfeld/Gen. Myers briefing 03/28/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:28-MAR-2003 15:49:32.00
SUBJECT:: TRANSCRIPT - Secretary Rumsfeld/Gen. Myers briefing 03/28/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

DEFENSE DEPARTMENT OPERATIONAL UPDATE BRIEFING
BRIEFER: SECRETARY OF DEFENSE DONALD RUMSFELD AND GENERAL RICHARD MYERS, USAF, CHAIRMAN OF THE JOINT CHIEFS OF STAFF

PENTAGON BRIEFING ROOM, ARLINGTON, VIRGINIA
1:18 P.M. EST, FRIDAY, MARCH 28, 2003

;

SEC. RUMSFELD: Good afternoon.

;;;;;; One week and a few minutes ago, the air war began in Iraq. So Operation Iraqi Freedom is now just a little over one week old. In that brief period of time, the coalition forces have made solid progress. And interestingly, in that short period of a week, we have seen mood swings in the media from highs to lows to highs and back again, sometimes in a single 24-hour period.

;;;;;; For some, the massive TV -- the massive volume of television -- and it is massive -- and the breathless reports can seem to be somewhat disorienting. Fortunately, my sense is that the American people have a very good center of gravity and can absorb and balance what they see and hear. Often when General Myers and I go from the building up to the Hill to brief, by the we get there, questions are posed about columns of things flying down someplace and something having happened, which is reported by a person who saw it on the ground, which has not even been reported back yet to the Pentagon. So it's -- it is a very different kind of a circumstance.

;;;;;; In less than a week, despite high wind gusts and sandstorms that can turn day into night, coalition forces have moved across more than 200 miles of Iraqi territory and are now just some 50 miles south of Baghdad. They've secured Iraq's southern oil fields, we believe successfully, and have completed the de-mining of the port. The British ship Sir Galahad docked there this morning and began off- loading some 200-plus tons of humanitarian aid. I'm told that in the southern oil fields they found a number of wells with wires and timers, the explosives having not yet been put in place, nor triggered off. Fortunately, the wells seem to have been protected.

;;;;;; The 173rd Airborne has been deploying into the North, and coalition forces have launched successful attacks on terrorist targets. In the West, they have had good success dealing with the regime's ability to threaten neighboring countries from that part of Iraq. Each day more coalition forces flow into the country. Each day more Iraqi forces surrender. The regime knows this. Already they have deployed death squads into Iraqi cities to terrorize civilians and to try to prevent them from welcoming coalition forces, to try to compel the regular army to fight by putting guns to their head, because they know that -- the only way to force them to fight for Saddam Hussein.

;;;;;; I urge the Iraqi people being threatened in the cities to try to remember the faces and the names of the death squad enforcers. Their time will come, and we will need your help and your testimony.

;;;;;; These death squads report to the Hussein family directly. Their ranks are populated with criminals released from Iraq prisons. They dress in civilian clothes and operate from private homes, confiscated from innocent people, and try to blend in with the civilian population. They conduct sadistic executions on sidewalks and public squares, cutting the tongues out of those accused of disloyalty and beheading people with swords. They put on American and British uniforms to try to fool regular Iraqi soldiers into surrendering to them, and then execute them as an example for others who might contemplate defection or capitulation.

;;;;;; Their name, Fedayeen Saddam, is a lie, because their purpose is certainly not to make martyrs of themselves, but to make martyrs of innocent Iraqis opposed to Saddam's rule. But we will take them at their word, and if there wish is to die for Saddam Hussein, they will be accommodated.

;;;;;; As the regime deploys death squads to slaughter its own citizens, coalition forces are working to save Iraqi lives. We do this because, unlike Saddam Hussein's regime, our nation and our people value human life. We want the Iraqi people to live in freedom so they can build a future where Iraq's leaders answer to the Iraqi people instead of killing the Iraqi people.

;;;;;; There are some who suggest that the U.S. and its coalition partners are not destroying Iraqi cities and are not destroying the Iraqi people, and that this somehow could reflect a lack of will or a lack of determination on the part of the coalition. The opposite is true. It is precisely because of our overwhelming power and our certainty of victory that we believe we can win this war and remove the regime while still striving to spare innocent lives. Our military capabilities are so devastating and precise that we can destroy an Iraqi tank under a bridge without damaging the bridge. We do not need to kill thousands of innocent Iraqis to remove Saddam Hussein from power. At least that's our belief. We believe we can destroy his institutions of power and oppression in an orderly manner.

;;;;;; The tactics employed by the Iraqi regime, by contrast, hiding behind women and children, murdering civilians, these are not signs of strength. They're sign of weakness and of desperation.

;;;;;; The outcome of this conflict is not in doubt. The regime will be removed. But for our coalition of free people, we believe it is important not just to win, but to win justly.

;;;;;; The power of our coalition derives not simply from the vast overwhelming force at our disposal, but from the manner in which we employ that force. The Iraqi people will see how we employ our force and know that we are coming not to occupy their country, not to oppress them, but to liberate their country.

;;;;;; Finally, before I turn to General Myers, a few words of caution.

;;;;;; First, to the officials of the Iraqi regime: The defeat -- your defeat is inevitable and you will be held accountable for your conduct in this war. The coalition POWs that you are holding must be treated according to the Geneva Conventions. And any Iraqi officials involved in their mistreatment, humiliation or execution will pay a severe price.

;;;;;; And to Iraq's neighbor, Syria: We have information that shipments of military supplies have been crossing the border from Syria into Iraq, including night-vision goggles. These deliveries pose a direct threat to the lives of coalition forces. We consider such trafficking as hostile acts and will hold the Syrian government accountable for such shipments.

;;;;;; Last, the entrance into Iraq by military forces, intelligence personnel, or proxies not under the direct operational control of General Franks will be taken as a potential threat to coalition forces. This includes the Badr corps, the military wing of the Supreme Council on Islamic Revolution in Iraq. The Badr corps is trained, equipped and directed by Iran's Islamic Revolutionary Guard, and we will hold the Iranian government responsible for their actions, and will view Badr corps activity inside Iraq as unhelpful. Armed Badr corps members found in Iraq will have to be treated as combatants.

;;;;;; General Myers.

;;;;;; GEN. MYERS: Thank you, Mr. Secretary.

;;;;;; Operation Iraqi Freedom continues. More than 270,000 coalition forces are deployed in support of combat operations, with approximately one-third of those already inside Iraq.

;;;;;; Our ground operations are continuing to push north with Marine, armored, and infantry forces poised near Baghdad.

;;;;;; The slide on the screen shows the now approximately 35 to 40 percent of Iraq, Iraqi territory, where Saddam's regime has lost control. In just eight days of operations, coalition forces are located throughout that entire shaded area that you see there on the screen. And while there will continue to be sporadic, even serious engagements in those areas, the regime does not control them. And they're, again, annotated by the highlighted color there.

;;;;;; The air campaign continues as well. We flew almost a thousand sorties over Iraq yesterday, mostly against Iraqi regime leadership and command and control targets, ballistic missile threats and major communication nodes.

;;;;;; As you'll see on the slide now, we have air supremacy over approximately 95 percent of Iraq. The area over Baghdad and just north we are not yet calling our skies. While we've been flying freely over Baghdad, we have some surface-to-air missiles system -- missile systems currently unlocated in that area.

;;;;;; That said, since the beginning of operations, our forces have fired more than 650 Tomahawk missiles and dropped more than 5,000 precision-guided munitions.

;;;;;; Overall, our plans are on track. We are degrading Iraqi forces, particularly the Republican Guard, by air, and that's fixed wing and rotary wing. And we will engage them with the full weight of our combat power at a time and place of our choosing.

;;;;;; As we've said before from up here, we're going to be engage in a difficult fight ahead, but the outcome is certain. We will disarm Iraq and remove the current regime from power.

;;;;;; And finally today, I have three videos and one more picture slide.

;;;;;; The first video is of an F-16 delivering precision-guided munitions against enemy troops in western Iraq that were firing mortars at Special Operations forces.

;;;;;; The second video is of an AV-8B Harrier dropping a precision-guided weapon on a tank in the open, south of al-Amarah.

;;;;;; And the last video is of a Predator firing a Hellfire missile at an Iraqi communication dish outside the Ministry of Information yesterday in Baghdad. As you'll see when the tape ends and freezes, you'll see that the dish is in a parking lot actually some distance from the ministry building. The ministry building's there at the edge, off to the right, right lower edge.

;;;;;; Also in our last picture slide here, the image depicts military equipment dispersed in residential areas. The red dots indicate location of military equipment in this neighborhood, and we've highlighted just four of them in the yellow boxes. This neighborhood is located approximately 30 miles south of Baghdad, in the proximity of the Medina Republican Guard division.

;;;;;; This image up here is a tank on a transporter that's in the middle of a neighborhood. They have some armored personnel carriers here that are in neighborhood streets. We have handouts, so you can see these better, probably when we give you the handouts. The upper right is a tank on a residential street. In the lower right are armored vehicles in trees.

;;;;;; And with that, we'll take your questions.

;;;;;; Q General Myers, I'd like to ask about reports that the Republican Guard divisions, Medina south of Baghdad and the Hammurabi west of Baghdad, are perhaps physically realigning themselves for defensive or other reasons. And do you have any sign at all that these people are beginning to actually don chemical weapons suits? There's been a report to that effect.

;;;;;; GEN. MYERS: The only thing that I have on the chemical suits are the over 3,000 or 3,000 suits, new suits that were found, I think, in An Nasiriyah, I think is where they were found by the Marines when they went in the Ba'ath Party headquarters. And that was also where they found weapons, and they found people, of course, I think 170 of them they rounded up, and they also found uniforms, Iraqi uniforms they had taken off. That's the only suits that I'm aware of at this time.

;;;;;; And we do have some indications that some of the Republican Guard divisions are relocating. And exactly where, we're just going to wait and see.

;;;;;; Q Does it appear that it's because they have been hit too hard. Is this a defensive thing, or are they moving -- are they moving the Hammurabi down to support the Medina?

;;;;;; GEN. MYERS: The Republican Guard has not gone on the offense yet. They are dug in, disbursed. That's quite possibly Republican Guard there in that neighborhood. I've got to be careful if I confirm that or not, but in that neighborhood. So they could be consolidating to make a defense. It doesn't make any difference. The outcome is going to be certain, as I said. They'll make -- we're making plans right now, and we'll attack when we're ready.

;;;;;; Yes.

;;;;;; Q Mr. Secretary, I'd like to ask you about your statement about military supplies moving across the border from Syria. You described those as hostile acts. Are they subject to military action in response if that continues?

;;;;;; SEC. RUMSFELD: There's no question but that to the extent military supplies or equipment or people move across borders between Iraq and Syria, that it vastly complicates our situation. And that is why I said what I said.

;;;;;; Q But so are you threatening military action against Syria?

;;;;;; SEC. RUMSFELD: I'm saying exactly what I said. It was carefully phrased.

;;;;;; Yes?

;;;;;; Q Mr. Secretary, General Wallace was predominantly quoted today, saying that this may be a longer war than the commanders had thought and

that this was not the enemy that we war-gamed against. It seems to contradict some of the statements that have been made from the podium here and the podium in Doha. Can you reconcile the two views?

;;;;;; SEC. RUMSFELD: Well, I didn't read the article; I saw the headline. And I've seen a lot of headlines that don't fit articles. Someone coming down here told me that he also said that we're about where we expected to be, which is generally what General Franks is saying. I suppose everyone can have their own view.

;;;;;; Q Well, I wasn't there, of course, but the article quotes him as saying that this is going to be a longer war than had been anticipated.

;;;;;; SEC. RUMSFELD: Does it have quotes saying that?

;;;;;; Q Yes. It says the enemy we're fighting is not the enemy we war-gamed -- "the enemy we're fighting is different from the one we war-gamed against."

;;;;;; SEC. RUMSFELD: Yeah, well, as far as I'm concerned, it seems to me a careful reading of Amnesty International or the record of Saddam Hussein, having used chemical weapons on his own people as well as his neighbors, and the viciousness of that regime, which is well known and documented by human rights organizations, ought not to be surprised.

;;;;;; Q Can I follow up on that, sir?

;;;;;; Q Mr. Secretary, as you know, there has been some criticism, some by retired senior officers, some by officers on background in this building, who claim that the war plan that is in effect is flawed and our number of troops on the ground is too light, supply lines are too long and stretched too thin. Would you give us a definitive statement, if you would, to the effect that you agree that the war plan is sound and that this criticism is unfounded, or that there's some substance to it?

;;;;;; SEC. RUMSFELD: Well, we're one week into this, and it seems to me it's a bit early for history to be written, one would think. The war plan is Tom Franks' war plan. It was carefully prepared over many months. It was washed through the tank with the chiefs on at least four or five occasions.

;;;;;; GEN. MYERS: Exactly -- more, more.

;;;;;; SEC. RUMSFELD: It has been through the combatant commanders. It has been through the National Security Council process. General Myers and General Pace and others, including this individual, have seen it in a variety of different iterations. When asked by the president or by me, the military officers who've reviewed it have all said they thought it was an excellent plan.

;;;;;; Indeed, adjectives that go beyond that have been used, quite complimentary.

;;;;;; GEN. MYERS: Ivan --

;;;;;; SEC. RUMSFELD: Go ahead.

;;;;;; GEN. MYERS: Ivan, you know, there's that old adage that you probably know as well, that no plan, no matter how perfect, survives first contact with the enemy. I think some of that was shown in the way we orchestrated the opening moments of this conflict. I don't think anybody expected it to come out -- be laid out the way it was. And that wasn't exactly according to the plan, but it had the flexibility inherent.

;;;;;; So I stand by this plan. I think General Franks put together a good plan. I'll give you a definitive statement: I think it's a brilliant plan. And there will be -- there's branches and sequels to everything that might possibly happen, but the plan is sound, it's being executed and it's on

track. And that's essentially what General Wallace said, too. He said we're about where we expected to be. That's one of his quotes as well. So.

;;;;;; Q Mr. Secretary?

;;;;;; Q Mr. Secretary?

;;;;;; SEC. RUMSFELD: (Off mike) -- the people that you're talking to haven't seen the plan, for the most part.

;;;;;; Q Mr. Secretary?

;;;;;; Q General Myers?

;;;;;; SEC. RUMSFELD: Pam?

;;;;;; Q Could you, General Myers, on that same subject, maybe narrate for us what we've seen in the last week from your perspective, particularly on the ground: with the fast punch up north, what the purpose of that was, and if it's shaken out the way you thought it would; stringing the Marines out behind to protect the lines of communication, how that's going; and then the effects-based air targeting. So if you could -- the problem I think we're all running up against is we talk to a lot of retired officers, who may be Gulf War focused or Kosovo focused, and this is very different. And can you explain to us why it's different and how it's different and how that's stacking up against what you expected to see at this point?

;;;;;; GEN. MYERS: I guess I can try, and the secretary, please help me on this as we go through it. But in 36 hours, we're on the outskirts of Baghdad. You know, it took 38 days of air war before for the 100 hours of the ground war to take place last time. So it's a much different objective, much different way of addressing a much different problem.

;;;;;; Q And why do you want to be on the outskirts of Baghdad so quickly?

;;;;;; GEN. MYERS: Because we could. There has been -- (laughter). Well, and I don't mean that to sound flippant. Because we could, and it was necessary to try to bring down this regime as quickly as possible. I didn't say quick, I said as quickly as possible. You've heard us both stand up here and say this is going to take some time and the tough part is yet ahead of us.

;;;;;; Obviously, we can measure the miles between the Kuwaiti border and where the Medina division is right now and where the 1st Marine Division is. We know that's a long way. We know those lines of communication are important to our well-being and that they have to be protected. There has not been a militarily significant assault on those lines of communication since we began.

;;;;;; We knew we were going to bypass Basra. We were not going to stop there and work the Basra problem; that was going to be for the British forces, who are in there now working with some of our SOF and some of our close air support, to work the Basra problem.

;;;;;; The air plan has gone as we thought it would, concentrating on regime command and control targets, and other targets that allow them to communicate either propaganda or with their military. And that continues in beating down the Republican Guard divisions.

;;;;;; Q Are you able to give us a little bit more of the whys -- why you did it that way?

;;;;;; GEN. MYERS: Well, not yet. I think some of that would give away the whole plan, and it just gets into the operational detail, I'd like to avoid.

;;;;;; Q Did the intelligence revealed at the U.N. about the Iraqi weapons

of mass destruction program, did that at all hinder the military operations now? Did that reveal sources and methods of intelligence that would have been useful in this campaign? Did it make it more difficult?

;;;;;; SEC. RUMSFELD: I don't think that I've seen specific pieces of information that would allow someone to come to that conclusion, although I can't say that it's not true.

;;;;;; Yes?

;;;;;; Q Mr. Secretary, last time we met with you, you were asked if the supply lines were stretched or vulnerable, and actually you both said no. And you also said the Fedayeen Saddam were onesies and twosies. Do you still stand by both those statements?

;;;;;; GEN. MYERS: I just said that I think the attacks on the lines of communication with our -- inside our forces have not been militarily significant, and we're dealing with the death squad attacks on those lines of communication. There have not been regular army forces, I don't think, attacking those lines, unless it's been close to one of the major population hubs. But they're being dealt with. There have been some battles that have been bravely fought by our folks, and they have dispatched the enemy, in many cases quite quickly.

;;;;;; SEC. RUMSFELD: I'd have to go back and see what we actually said, but --

;;;;;; Q You said onesies and twosies --

;;;;;; SEC. RUMSFELD: Let me respond. I'd have to go back and see what we said and what the context was. But my recollection is, we said that -- not that there were only onesies and twosies in terms of the Fedayeen Saddam. We know the numbers there; there's somewhere between 5,000 and 25,000 in the country, depending on how you characterize them. But what we said was the attacks outside of cities have been relatively small, as the general said. And I suspect that's what we actually said.

;;;;;; Q Mr. Secretary, you've said that the military outcome of this is certain, and I'm sure that not too many people doubt that. But what does seem uncertain at the moment are the mood of the Iraqi people and whether or not -- despite whatever dislike they have for Saddam Hussein, whether they will welcome American and British forces as liberators.

;;;;;; Is it possible that you've miscalculated the desire of the Iraqi people to be liberated by an outside force and that because of their patriotism or nationalism, that they'll continue to resist the Americans, even after you prevail militarily?

;;;;;; SEC. RUMSFELD: Jamie, don't you think it's a little premature -- the question? We'll know the answer to that. As portions of the country are liberated, we'll have people on the ground, embedded with our forces, who will have a chance to see what happens and see how they feel about it. Why do we want to guess?

;;;;;; What we do know is that people behave fairly rationally, and if they have a gun to their head, and they're told, "Don't surrender," and they're told, "Don't assist the coalition forces coming in, or we will kill you," and then they go and kill somebody and execute him in front of everybody else to make sure everyone really got the message, it's not surprising that people's behavior is one of caution.

;;;;;; Now the other part of the answer to your question, it seems to me, is also self-evident. And that is, there is not "an Iraqi people." There are Iraqi individual people, and they're going to be all across the spectrum! The ones who were close to Saddam Hussein and been getting the Mercedes cars and all the good food -- they're going to be unhappy, and they're not going to prefer that we're there. The people that he's repressed and threatened to kill and whose children have been killed by

him -- they'll probably have a somewhat different view. Will there be people in the middle who are ambivalent? Sure. They'll be all across the spectrum. But we've -- we don't need to try to answer those questions. We have time. We'll see what happens.

;;;;;; (Cross talk.)

;;;;;; Q Mr. Secretary, can I ask you a question about the Fedayeen Saddam? You mentioned that they were in touch with Saddam's family. Can you give us what the sense is of the Iraqi leadership. Is Saddam alive? Is Saddam's family giving orders to these irregulars?

;;;;;; SEC. RUMSFELD: I don't know. We do know that historically they've reported up through one of the sons. That is what I had reference to. Yes.

;;;;;; Q And how about the status of Saddam? Do you know what --

;;;;;; SEC. RUMSFELD: Everyone has a different opinion.

;;;;;; (Cross talk.)

;;;;;; Q Mr. Secretary, I wanted to clear up what you said earlier about the Syrian -- or the NBGs coming in through Syria. Are you suggesting or is there information that this in fact state-sponsored, these are state-sponsored shipments of military goods?

;;;;;; SEC. RUMSFELD: I don't think I want to get into it. It's an intelligence issue. They control their border, and we're hopeful that that type of thing doesn't happen. (Cross talk.)

;;;;;; Q And I had one follow-up, sir. The casualty figures currently officially released by the U.S. military show 28 dead and 40 wounded. Now the proportion of wounded and dead would be -- would seem to be historically way out of skew, because the number of wounded is usually far more than the number killed in action. Is there -- can you explain why that would be, or -- and is there any effort to either unreport or underreport casualties from the battlefield?

;;;;;; SEC. RUMSFELD: Oh, my goodness! Now, you know that wouldn't be the case. There's no -- no one in this government, here or on the ground, is going to underreport what's happening. That's just terrible to think that. Even to suggest it is outrageous. Most certainly not! The facts are reported. (Pounds fist.) When people are killed, they're killed and we face it. When people are wounded, we say so. When people are missing and we know they're missing, we say so. And when we're wrong and they wander back into camp, as several have recently, having been lost or with other units, we say so. Absolutely not!

;;;;;; GEN. MYERS: The only thing I would add to that is that there can be reporting lags. And with embedded media, you know, you can hear reports, but before the families are notified of either wounded or killed in action or missing, we don't release the figures. So, there could be some lag time. But we never -- we're never going to hide those numbers.

;;;;;; Q Mr. Secretary -- (inaudible) -- was there a conversation with General Wallace between any of the high command or elsewhere to tell him that what he had said was not helpful? Or do you encourage your major combatant commanders to speak their mind as they see the tactical battlefield, even though it may be slightly different than perhaps it is seen in Washington as a more strategic battlefield?

;;;;;; SEC. RUMSFELD: I know of no one in Washington who's said anything to General Wallace.

;;;;;; Q Or General Franks?

;;;;;; SEC. RUMSFELD: The other question, I don't have any idea what kind of guidance they get in terms of what they say, do you?

;;;;;; GEN. MYERS: I don't know that they get any guidance, not from you or from --

;;;;;; SEC. RUMSFELD: Not from us. They may get guidance from Tom Franks, or -- (inaudible) -- the land component commander or somebody, but --

;;;;;; Q So is this an endorsement of plain-spoken assessment of your battlefield commanders, when it may not necessarily agree with the perception that the administration has --

;;;;;; SEC. RUMSFELD: Look, the administration does not have a perception. I have a perception, General Myers has a perception, and we say what we think. There's not some coordinated perception that's being peddled. This is a -- people see what they see and say what they say. My personal view is that their tasks are to do what they've been asked by General Franks to do. And it's to fight a land war in Iraq. And to the extent that included meeting with the media and saying things, then that's General Franks' and General Wallace's concern.

;;;;;; Q So there's no problem with General Wallace as far as you're concerned?

;;;;;; SEC. RUMSFELD: I have not read the article. I don't know how I can be any clearer. I saw the headline, and I tend over the years to have developed a certain hesitancy about believing that headlines tell the whole story.

;;;;;; Q General Myers?

;;;;;; Q Mr. Secretary, you have not actually mentioned the humanitarian effort so far. Could you outline how that is going? There are reports of Iraqi civilians inside Iraq really beginning to get hungry. And what the latest is on the movement of the massive supply? And are you anxious to get that moving quicker?

;;;;;; SEC. RUMSFELD: We have not seen any accurate reports or intelligence that suggests there's a humanitarian crisis in Iraq. We have seen some reporters, and pictures of people hoping to get water or hoping to get food as food has been brought in. Whether that's anecdotal or representative of something is unclear. I suspect it's more anecdotal. There's no question there are people who are hungry and want water.

;;;;;; We do know that water mains were broken and that there was some fraction of the people down south who did not have good water for a period. We also know that the Brits have got a water line going in and people are bringing truckloads of water in. And one would hope that the people who are under our areas of responsibility are in fact receiving what they should receive.

;;;;;; We have said repeatedly that the forces going in brought food with them, they brought medicine and they brought water. So the people in those areas, presumably, are okay. We also know that the Iraqi people overall, we were told and estimated, have something like anywhere from two to six weeks of food that had been predistributed in doubled-up rations for the period preceding maybe couple of months, and that therefore the likelihood that they would run out is -- it seems not to be great. But I did mention the Galahad, Sir Galahad, had arrived and it had, I don't know, what, 2(00) or 300 tons of -- 200 tons of food or something.

;;;;;; GEN. MYERS: (Cross talk) -- 300.

;;;;;; SEC. RUMSFELD: And there are other major efforts that are coming forward.

;;;;;; Q Mr. Secretary?

;;;;;; GEN. MYERS: The World Food Program -- I'm sorry?

;;;;;; Q Did you want to add to that?

;;;;;; GEN. MYERS: The World Food Program as of two days ago, on the 26th of March, says that the food distribution system that had been running there, the oil-for-food, is still partially intact in southern Iraq, and while some of the rations being delivered are incomplete, they're still delivering rations to those folks that aren't in -- not affected by the fighting. And they said it's going to be close -- be the end of April before anybody runs out of food. By that time -- we're already providing some of that food, particularly in the areas where they're struggling.

;;;;;; Q Sir, when you came out here last Friday, you described activity that was taking place almost as a psychological operation, in terms of the point being to impress on the Iraqis a certain idea or attitude, and that perhaps, thereby, the regime would tip.

;;;;;; Yesterday, when you described the activity, it was in a much more traditional military sense, about the rings around Baghdad and the need to penetrate those. Have you shifted your thinking in the past week from emphasizing more of a psychological operation to more of a traditional military operation?

;;;;;; SEC. RUMSFELD: I don't think so. From the outset, our preference would have been that the diplomacy would work. Second preference would have been that the ultimatum would have worked and he would have left the country. When we came out at the beginning of the ground and the air war, our preference would have been that the Iraqi forces would have thrown in the towel and said, "Fair enough," or that Saddam Hussein would have left. That remains the case. The conflict has to be pursued. It's going to end, and it's going to end with Saddam Hussein losing. And my hope, from then and today, remains that it will be done with the least loss of life that's possible.

;;;;;; Q Mr. Secretary.

;;;;;; SEC. RUMSFELD: I don't know that there's any -- I don't feel that there's any change in my perspective.

;;;;;; Yes?

;;;;;; Q Mr. Secretary, for someone who's always advocating private channels of diplomacy, I'd like to go back to your statement about Syria and Iran. Be very precise. What message are you sending the governments of Syria and Iran from this podium? If the rules -- are the rules of the road for this conflict to other countries the same as they are for the war on terrorism: You are with or against us, which is the president's message? Is that what you are saying here, your message?

;;;;;; And -- (inaudible) -- if you don't know the mood of the Iraqi people yet, and you don't deem it important to know the mood of the Iraqi people, what are the military challenges of operating in the city of Baghdad of 5 million if you don't think it's important to know the mood of the people before you get there?

;;;;;; SEC. RUMSFELD: With respect to the first questions, the message is that General Franks has forces in that country. Some are losing their lives, coalition forces are. We don't like having our forces lose their lives. We don't want the conflict prolonged. And we don't want neighboring countries or anyone else for that matter to be in there assisting the Iraqi forces.

;;;;;; And specifically, with respect to Syria, I pointed out that we have seen military supplies and materials and equipment crossing the border, and we'd like it to stop. And to the extent it keeps on, we have to consider it a hostile act. We have seen Badr Corps people moving into Iraq, and they report up thorough the Revolutionary Guard, and they're armed, and there are some additional ones that are close to the border.

And my statement, I believe and I hope, said something like this: that to the extent they interfere with General Franks' activities, they would have to be considered combatants, and therefore we're suggesting they not interfere.

;;;;;; We'll make this the last question. (Cross talk.) Oh, I'm sorry. I'm sorry. I forgot you had a triple.

;;;;;; GEN. MYERS: Barbara, did I say we didn't care about the mood?

;;;;;; Q I believe that Secretary -- well, either one of that cares to answer it -- the secretary said it wasn't important at this point to know the issue of the mood of the people, that it was something that we could wait to figure out.

;;;;;; SEC. RUMSFELD: You mean in answer to Jamie?

;;;;;; Q That is correct, sir.

;;;;;; SEC. RUMSFELD: No, I didn't say it wasn't important to know. I said it wasn't knowable. I said -- my goodness! We will know. We will find out. That real estate will end up being occupied by the coalition forces --

;;;;;; Q Here's what's confusing me --

;;;;;; SEC. RUMSFELD: Just a minute.

;;;;;; Q I'm sorry.

;;;;;; SEC. RUMSFELD: Let me finish my thought. It seems to me that I said there are people all across the spectrum. You probably can find somebody who believes or feels or senses or prefers almost any place on a 360-degree curve.

;;;;;; Now why do we need to try to figure it out now? We'll know. We have people right in there, embedded, and as they go into a town, we'll find out what they think. And my guess is, they'll think things a lot more positive after they see that we have no intention to occupy their country, we have no intention to stay there for long periods, that we are bringing in food and water, that the sanctions will be lifted, that this is not a war against a country or a people or a religion, and in fact they might even feel a little different if the death squads are not standing next to them with guns to their heads. But why should I try to speculate as to what it will be, since we will soon know?

;;;;;; Q General Myers --

;;;;;; Q How does that complicate your effort to deal with Baghdad, though, cut off the head of the regime, if you don't have a good sense that there are any significant number of Iraqi people --

;;;;;; SEC. RUMSFELD: We do have a sense. We have people inside talking to people, dealing with people, arranging things. We have a good sense, not of everybody, because we don't have Gallup polls going on in there. (Laughter.) But in terms of the limited amount of contact we have with people inside that -- various cities -- and my guess is, it'll vary from city to city -- we're seeing some Muslim leaders issuing fatwas against the Saddam Hussein regime. Now we've seen some doing the opposite. So it's going to vary from city to city. Doesn't mean we're not interested. It just means it's not knowable.

;;;;;; Q Do you have a sense of Baghdad?

;;;;;; SEC. RUMSFELD: I betcha that if I did, it wouldn't be very useful a day, a week or a month from now, because I suspect it tends to change the closer our forces get to Baghdad.

;;;;;; Q General Myers --

;;;;;; SEC. RUMSFELD: This is the last question.

;;;;;; Q Secretary, can you characterize how extensive the forces with allegiance to the Iranian government are inside Iraq, and whether it's affecting the battlefield?

;;;;;; SEC. RUMSFELD: Say that again.

;;;;;; Q The Badr corps members --

;;;;;; SEC. RUMSFELD: Start with a full sentence. I'm sorry, I'm --

;;;;;; Q Can you characterize how extensive the forces with allegiance to the Iranian government may be inside Iraq and how it's affecting the battlefield?

;;;;;; SEC. RUMSFELD: How extensive the numbers?

;;;;;; Q Yeah. And if --

;;;;;; SEC. RUMSFELD: We know the numbers.

;;;;;; Q What are they?

;;;;;; SEC. RUMSFELD: You know.

;;;;;; Q No, we don't. (Laughter.)

;;;;;; Q No, we don't. Tens or --

;;;;;; THE PRESS: (In unison) Hundreds, thousands?

;;;;;; Q How many?

;;;;;; Q Non-trivial? (Laughter.)

;;;;;; SEC. RUMSFELD: Hundreds.

;;;;;; Q Hundreds armed. And what do you believe their motivation to be?

;;;;;; SEC. RUMSFELD: They are Iraqis. I am sure that they have been hostile to the regime of Saddam Hussein. They have been housed in Iran, they've been funded by Iran, they've been armed by Iran, and sponsored by Iran, and they report up through the Revolutionary Guard.

;;;;;; Again, I don't know each one of them -- nor do I know any of them. But how they would behave with a different regime is unclear. But the issue is not that. It seems to me the issue is that General Franks and the coalition countries are busy, they've got a complicated task. We would prefer it not be made more difficult by any of the neighbors.

;;;;;; Q My point is, have they been hostile to coalition forces?

;;;;;; SEC. RUMSFELD: No, not yet.

;;;;;; Q Which is the greater threat, Syria or Iran?

;;;;;; SEC. RUMSFELD: I thought that was the last question. (Laughter.)

;;;;;; Thanks.

;;;;;; Q Well, it was the last answer, anyway. (Laughter.)

END.

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From: McNally, Edward
To: <Kaplan, Joel>;<Silverberg, Kristen>;<Martin, Catherine J.>;<Newstead, Jennifer G.>;<Kavanaugh, Brett M.>
CC: <Dougherty, Elizabeth S.>;<Walker, Helgard C.>
Sent: 3/28/2003 11:04:46 AM
Subject: Helgifest 2003 continues -- 12 noon sharp

As you know from our calls Miss Walker has requested the pleasure of your company at the Staff Table at the Mess for this her last lunch as Associate Counsel to the President. Due to the utter lack of reserved seating or any other form of responsible, Helgi-like advance planning, precision as to timing is encouraged. Eliz. Dougherty will be dining nearby and do a drop by w/ brief remarks. Stills at the top.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 3/28/2003 11:44:11 AM
Subject:

he's back and wants to talk to you!

From:	Dougherty, Elizabeth S.
To:	judy.haugh@ost.dot.gov <Kaplan, Joel>;judy.haugh@ost.dot.gov <Kroszner, Randall S.>;judy.haugh@ost.dot.gov <McMillin, Stephen S.>;read.vandewater@ost.dot.gov <read.vandewater@ost.dot.gov>;read.vandewater@ost.dot.gov <Hennessey, Keith>;peter.fisher@do.treas.gov <peter.fisher@do.treas.gov>;peter.fisher@do.treas.gov <MacHida, Ado A.>;hew.pate@usdoj.gov <hew.pate@usdoj.gov>;hew.pate@usdoj.gov <Kavanaugh, Brett M.>;kathleen.cooper@mail.doc.gov <kathleen.cooper@mail.doc.gov>;mark.warshawsky@do.treas.gov <mark.warshawsky@do.treas.gov>;jeff.shane@ost.dot.gov <jeff.shane@ost.dot.gov>
CC:	<Vestewig, Lauren J.>;<Gillmor, Eleanor L.>;barbara.lucas@ost.dot.gov <barbara.lucas@ost.dot.gov>;judy.marshall@ost.dot.gov <judy.marshall@ost.dot.gov>;judy.marshall@ost.dot.gov <Allgood, Lauren K.>;judy.marshall@ost.dot.gov <Branch, Lisa D.>;anna.hart@do.treas.gov <anna.hart@do.treas.gov>;carla.langjahr@mail.doc.gov <carla.langjahr@mail.doc.gov>;peggy.ward@usdoj.gov <peggy.ward@usdoj.gov>;peggy.ward@usdoj.gov <Sharp, Jess>;judy.haugh@ost.dot.gov <judy.haugh@ost.dot.gov>;judy.haugh@ost.dot.gov <Skelly, Layton>
Sent:	3/28/2003 12:24:32 PM
Subject:	Airlines Working Group Meeting

I would like to have an Airlines Working Group meeting **Tuesday April 1 at 2:00 pm**. Please let me know by email ASAP if you are unable to make this time. An alternative time would be Tuesday at 4:00 pm so it would also be helpful to know whether you are able to make this time. Layton will send a confirming email on Monday with the exact time and location. I may not have copied everyone's assistants on this email, so please forward it if I didn't.

The purpose of the meeting is to follow-up on the meeting with the President last week and discuss competition issues in the industry. I would like to ask you to bring to the meeting your best and boldest ideas about:

1. What, if anything, the Administration could do to improve competition in the industry; and

2. What, if anything the government could/should stop doing to improve competition in the industry.

When you think about competition, you should think not only about the consumer, but also about barriers to new carriers entering the market generally or specific markets.

I do not expect fully formed, vetted proposals, just rough ideas.

Thanks,

Liz Dougherty

From: Taylor, Sara M.
To: <Kavanaugh, Brett M.>
CC: <Ralston, Susan B.>
Sent: 3/28/2003 2:36:13 PM
Subject: Plane for Karl

Karl Hascall, who is active in the Kent County GOP politics, owns a plane with his brother. It is a King Air B-100, 8 passenger plane. He has offered to fly Karl out and back to the Kent County Lincoln Day Dinner next Friday, April 4. Karl is a Special Guest of the event and will be making remarks. Is this acceptable and is there other information you need?

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Francisco, Noel J.>
Sent: 3/28/2003 4:53:27 PM
Subject: Supreme Court press release on audiotape

In light of the public interest in *Grutter v. Bollinger* and *Gratz v. Bollinger*, scheduled to be heard by the Court at 10 a.m. and 11 a.m. respectively on Tuesday, April 1, 2003, an audiotape of the U. S. Supreme Court oral arguments will be made available by the Court that day on an expedited basis shortly after the conclusion of both arguments at noon.

Sources for the oral argument audiotape will be as follows:

> An audiotape will be provided to the Network pool, which will in turn provide an offsite, simultaneous feed to member news organizations.
>
> The audio will be made available in the House and Senate Radio and Television Galleries at the U. S. Capitol on Capitol Hill DA #9. Only press holding proper Congressional credentials will be allowed in the Galleries.
>
> An on-site feed (mult-box) will be available on Maryland Avenue next to the Supreme Court. News organizations that are not part of the radio/TV pool systems may plug in at that location. Please note that on-site parking is *not* available.

Playback of the tapes will be provided as soon as possible following the conclusion of oral arguments, scheduled to end at noon. The audiotapes of both arguments will be played in their entirety one time only. Contact Rusty Lutz at ABC News at 202-222-7600 for more information.

From:	Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To:	Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC:	Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent:	3/28/2003 1:46:53 PM
Subject:	: White House Global Messenger - *SPECIAL HUMANITARIAN EDITION* - 3 -29-03
Attachments:	P_O7A5F003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:28-MAR-2003 18:46:53.00
SUBJECT:: White House Global Messenger - *SPECIAL HUMANITARIAN EDITION* - 3 -29-03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 3-29-03 FINAL.doc)

THE GLOBAL MESSENGER
Saturday, March 29, 2003

******SPECIAL HUMANITARIAN EDITION******

******KEY POINTS******

*Our enemy in this war is the Iraqi regime, not the people who have suffered under it. As we bring justice to a dictator, we are bringing humanitarian aid in large amounts to an oppressed land.

*The current humanitarian situation in Iraq is difficult, because of the policies and actions of the Iraqi regime over the last two decades. The situation varies from place to place within Iraq.

*To date, however, there have been only limited humanitarian consequences of the war itself because, to the extent possible, we have gone to great lengths to identify, locate and protect humanitarian and key infrastructure sites.

*The United States is currently providing $140 million to international aid agencies to help the Iraqi people with relief and post-conflict rehabilitation and 610,000 metric tons of food, worth $300 million.

*To assess needs and coordinate efforts, the United States has deployed a 62-person civilian disaster assistance response team (DART), the largest of its kind ever. Among the DART's roles is to facilitate the work of non-governmental organizations, which will deliver significant aid in Iraq.

*On March 28, the UN Security Council unanimously passed a resolution modifying the Oil-for-Food program to help jump-start resumption of food shipments and launched its largest appeal ever for humanitarian aid to the Iraqi people.

*The regime has a history of creating humanitarian crises that increase the suffering of Iraq's people and make the provision of relief much more difficult, and there is evidence they are doing such things now.

*There are a number of other destructive steps Saddam Hussein's regime may take, including laying mines to prevent ships from providing humanitarian relief to Iraq; co-locating military assets and civilians;

deliberately targeting civilians; encouraging ethnic violence; destroying Iraq's infrastructure; and using chemical or biological weapons against Iraqi civilians and Coalition forces.

*The Iraqi people are beginning to see the great compassion of not only the United States, but other nations around the world who care deeply about the human condition inside that country. Our coalition will stand with the citizens of Iraq in the challenges ahead.

******COALITION HUMANITARIAN UPDATE******

*The Australian Government committed $83 million to buy and ship 100,000 tons of wheat.

*Coalition forces have seized and continue to secure the strategic southern port of Umm Qasr, a gateway for food and other relief items.

*A British Ship, the Sir Galahad, arrived in Umm Qasr on March 28, and delivered more than 300 tons of humanitarian supplies. More ships will use the port soon.

*The Kuwaiti government is providing food rations and other aid in southern Iraq.

*The Red Crescent Society carried out urgent maintenance work at several water plants in the Baghdad area and transport of supplementary drinking water to poorly served areas of town, health centers and hospitals continued. They are also in the process of procuring spare parts needed to start up three back-up generators at a pumping station north of Basra.

******U.S. SUNDAY SHOW SCHEDULE******
Subject to Change

ABC: Secretary of Defense Rumsfeld

NBC: Joint Chiefs Chairman Myers

CBS: Joint Chiefs Chairman Myers

FOX: Secretary of Defense Rumsfeld

CNN: Joint Chiefs Chairman Myers

******KEY QUOTE******

"We care about the human condition of the people who have suffered under Saddam Hussein.... In every possible way, Coalition forces are showing kindness and respect to the Iraqi people. They're going to extraordinary lengths to spare the lives of the innocent. We treat wounded Iraqi soldiers. The contrast could not be greater between the honorable conduct of our forces and the criminal acts of the enemy."
President Bush, in remarks, 3-28-03

THE WHITE HOUSE
Office of Global Communications

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****

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which

we can all better communicate the aspirations and interests that
Americans share with freedom-loving people everywhere.
- GM 3-29-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_O7A5F003_WHO.TXT_1>

THE GLOBAL MESSENGER

SPECIAL HUMANITARIAN EDITION

Saturday, March 29, 2003

U.S. SUNDAY SHOWS

Subject to Change

ABC:	Secretary of Defense Rumsfeld
NBC:	Joint Chiefs Chairman Myers
CBS:	Joint Chiefs Chairman Myers
FOX:	Secretary of Defense Rumsfeld
CNN:	Joint Chiefs Chairman Myers

COALITION HUMANITARIAN UPDATE

- The Australian Government committed $83 million to buy and ship 100,000 tons of wheat.
- Coalition forces have seized and continue to secure the strategic southern port of Umm Qasr, a gateway for food and other relief items.
- A British Ship, the Sir Galahad, arrived in Umm Qasr on March 28, and delivered more than 300 tons of humanitarian supplies. More ships will use the port soon.
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- The Red Crescent Society carried out urgent maintenance work at several water plants in the Baghdad area and transport of supplementary drinking water to poorly served areas of town, health centers and hospitals continued. They are also in the process of procuring spare parts needed to start up three back-up generators at a pumping station north of Basra.

KEY QUOTE

"We care about the human condition of the people who have suffered under Saddam Hussein….In every possible way, Coalition forces are showing kindness and respect to the Iraqi people. They're going to extraordinary lengths to spare the lives of the innocent. We treat wounded Iraqi soldiers. The contrast could not be greater between the honorable conduct of our forces and the criminal acts of the enemy."

President Bush, in remarks, 3-28-03

KEY POINTS

- Our enemy in this war is the Iraqi regime, not the people who have suffered under it. As we bring justice to a dictator, we are bringing humanitarian aid in large amounts to an oppressed land.
- The current humanitarian situation in Iraq is difficult, because of the policies and actions of the Iraqi regime over the last two decades. The situation varies from place to place within Iraq.
- To date, however, there have been only limited humanitarian consequences of the war itself because, to the extent possible, we have gone to great lengths to identify, locate and protect humanitarian and key infrastructure sites.
- The United States is currently providing $140 million to international aid agencies to help the Iraqi people with relief and post-conflict rehabilitation and 610,000 metric tons of food, worth $300 million.
- To assess needs and coordinate efforts, the United States has deployed a 62-person civilian disaster assistance response team (DART), the largest of its kind ever. Among the DART's roles is to facilitate the work of non-governmental organizations, which will deliver significant aid in Iraq.
- On March 28, 2003, the UN Security Council unanimously passed a resolution modifying the Oil-for-Food program to help jump-start resumption of food and medicine shipments and launched its largest appeal ever for humanitarian aid to the Iraqi people.
- The regime has a history of creating humanitarian crises that increase the suffering of Iraq's people and make the provision of relief much more difficult, and there is evidence they are doing such things now.
- There are a number of other destructive steps Saddam Hussein's regime may take, including laying mines to prevent ships from providing humanitarian relief to Iraq; co-locating military assets and civilians; deliberately targeting civilians; encouraging ethnic violence; destroying Iraq's infrastructure; and using chemical or biological weapons against Iraqi civilians and Coalition forces.
- The Iraqi people are beginning to see the great compassion of not only the United States, but other nations around the world who care deeply about the human condition inside that country. Our coalition will stand with the citizens of Iraq in the challenges ahead.

THE WHITE HOUSE

Office of Global Communications

For more information log on to www.whitehouse.gov/ogc

From: MacEcevic, Lisa J.
To: <Kavanaugh, Brett M.>;<Schacht, Diana L.>;<Warsh, Kevin>;<Silverberg, Kristen>
CC: <Green, Richard E.>
Sent: 3/28/2003 5:50:17 PM
Subject: DoJ Comment on S274 - Class Action Fairness Act of 2003

Please see DoJ's comment on the subject bill.

---------- Forwarded by Lisa J. Macecevic/OMB/EOP on 03/28/2003 05:50 PM ----------

We have one observation about S. 274, Class Action Fairness Act of 2003. The bill apparently governs both plaintiff and defendant class actions (since it defines "class action" and "plaintiff class action" as distinct terms), but at various points, it seems to contemplate only plaintiff class actions without so specifying. For example, by their terms, proposed new sections 1713, 1717(b), and 1717(e) of title 28 appear to apply to defendant class actions as well as plaintiff class actions. Is this the intent?

From:	Nelson, Carolyn
To:	<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Brilliant, Hana F.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Francisco, Noel J.>;<Ganter, Jonathan F.>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;<Leitch, David G.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>;<Brosnahan, Jennifer R.>
Sent:	3/29/2003 12:00:15 PM
Subject:	Note about the Judge's schedule

The Judge will depart for Lexington, Virginia tomorrow afternoon to deliver a speech at Washington and Lee Law School on Monday morning. He'll be back in the office late Monday afternoon.

David Leitch will lead staff meeting in his absence.

Thanks!
Carrie

From: CN=Ken Mehlman/OU=WHO/O=EOP [WHO]
To: Kendall, Quintin <Quintin.Kendall@ost.dot.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/30/2003 10:42:33 AM
Subject: : Re: FYI

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-MAR-2003 15:42:33.00
SUBJECT:: Re: FYI
TO:"Kendall, Quintin" <Quintin.Kendall@ost.dot.gov> ("Kendall, Quintin"
<Quintin.Kendall@ost.dot.gov> [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

What are you doing about this contract? Very interesting information.
Make sure you check with counsel on whatever you do in order to comply
with the law.

"Kendall, Quintin" <Quintin.Kendall@ost.dot.gov>
03/28/2003 10:10:29 AM
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP, Ken Mehlman/WHO/EOP@EOP
cc:
Subject: FYI

Ken & Adrian--

It was brought to my attention that DOT's National Highway Transportation
Safety Administration has a contract with the consulting/media firm of
Greer
& Margolis (GMMB) http://www.gmmb.com/home.html. While reviewing this, I
have found out that GMMB also claims to have contracts with the following
government entities:

AmeriCorps
Department of Labor
Department of Justice/ADA
FEMA
National Park Service
USPS

I do not know if these reflect current or past clients. As you can see
from
the whole client list, GMMB represents an interesting client base.

AARP
Air Bag & Seat Belt Safety Campaign
Amalgamated Bank
American Academy of Family Physicians
American Association of Health Plans
American Federation of State, County and
Municipal Employees
American Federation of Teachers
Americans for a Fair Chance

AmeriCorps/Corporation for National Service
California Children & Families Commission
California HealthCare Foundation
Campaign for Tobacco Free Kids
Carnegie Corporation of New York
Children's Action Network
Child Welfare League of America
Cisco Systems
The Coalition to Reduce Nuclear Dangers
Communications Workers of America
The Corporation for National Service
Corporation for Public Broadcasting
Council for a Livable World
DaimlerChrysler Corporation
Defenders of Wildlife
Department of Labor
Department of Justice/Americans with Disabilities Act
The Disney Channel
Entertainment Software Rating Board/ Interactive Digital Software Association
Families USA
Federal Emergency Management Agency (FEMA)
Harrah's
Henry J. Kaiser Family Foundation
I Am Your Child Campaign
Insurance Institute for Highway Safety
Johnson & Johnson
Kaiser Permanente
League of Conservation Voters Education Fund
League of Women Voters
National Abortion and Reproductive Rights Action League
National Highway Traffic Safety Administration
National Park Service
National SAFE KIDS Campaign
National Safety Council
Natural Resources Defense Council
NetAid
Oberlin College
Onvia
People for the American Way
Planned Parenthood
Robert Wood Johnson Foundation
Ross Laboratories
Service Employees International Union
Share Our Strength
Sierra Club
Union of Needletrades, Industrial and Textile Employees (UNITE)
U.S. Committee on Civil Rights
U.S. Conference of Mayors
U.S. Postal Service
Voters for Choice
Washington Conservation Voters and Conservation Strategies
White House Conference on Small Business
Wired Magazine

Quintin C. Kendall
White House Liaison
U. S. Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590
(202) 366-1322

(202) 366-3506--fax

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/30/2003 3:32:00 PM
Subject: : White House Global Messenger -- 03/31/2003
Attachments: P_BGQ5F003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of
Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )
CREATION DATE/TIME:30-MAR-2003 20:32:00.00
SUBJECT:: White House Global Messenger -- 03/31/2003
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global
Communications/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

THE GLOBAL MESSENGER
Monday, March 31, 2003

******KEY POINTS FROM THE PRESIDENT
'S RADIO ADDRESS******
- In the last week, the world has seen the nature of the young men and women who
fight on behalf of our coalition. They are showing kindness and respect to
the
Iraqi people and are going to extraordinary lengths to spare the lives of
the
innocent.
- Our forces are delivering food and water to grateful Iraqi citizens. The
contrast could not be greater between the honorable conduct of our
liberating
force and the criminal acts of the enemy.
- The world has also seen firsthand the cruel nature of a dying regime. In areas
still under its control, Saddam's regime continues its rule by terror.
Prisoners
of war have been brutalized and executed. Iraqis who refuse to fight for
the
regime are being murdered. Some in the Iraqi military have pretended to
surrender, then opened fire on coalition forces that showed them mercy.
- We have prevented Saddam Hussein from launching missiles from key sites in
western Iraq. We are now fighting the most desperate units of the
dictator's
army. The fighting is fierce and we do not know its duration, yet we know
the
outcome of this battle: The Iraqi regime will be disarmed and removed from
power. Iraq will be free.
- Given the nature of this regime, we expect such war crimes, but we will not
excuse them. War criminals will be hunted relentlessly and judged
severely.
- Every atrocity confirms the justice and urgency of our cause. Against this
enemy, we will accept no outcome but complete and final victory. To meet
this
objective, we must give our armed services the support and resources they
require.

- We have asked Congress for a nearly $75 billion wartime supplementalappropriations bill
to provide supplies for our troops, new high-tech
munitions
to replace the ones we have used in the war, and assistance for the
reconstruction of Iraq and for the protection of the American homeland in
this
```

time of high alert.
- The people who serve in the military are giving their best to this country. We have the responsibility to give them our full support as they fight for the liberty of an oppressed people, for the security of the United States, and for the peace of the world.

******TODAY'S SCHEDULE******

All Times Eastern Standard. Subject to Change.

7:00 am CENTCOM General Brooks briefs
1:30 pm State Dept. Spokesman Boucher briefs
2:50 pm The President delivers remarks on Homeland Security, Philadelphia
TBD Sec. of Defense Rumsfeld and General Myers brief

******IN THE PRESIDENT'S WORDS******

From the Radio Address by the President to the Nation, 03-29-03

"[T]he regime that once terrorized all of Iraq now controls a small portion of that country. American and Coalition troops have continued a steady advance, and are now less than 50 miles from Baghdad.

"In recent days, we have cleared mines from the water and taken control of a key port city, to allow humanitarian aid to begin flowing into the country. We have secured more than 600 oil wells and have begun putting out the few oil well fires set by the enemy. Our efforts to protect the wealth that belongs to the Iraqi people are paying off."

******KEY QUOTES******

"[I]t seems to me to be a very noble thing to fight the war in that way, to minimize civilian casualties, to keep in the back of your mind the fact that you've not only got to win the war, which ...no one questions... We are going to win this war. But you also have to win the peace. So they're fighting the war in a way that will best enable them to win the peace. And I think that's very praiseworthy." --Former Secretary of State Baker, on ABC's This Week, 03-30-03

"I think what we're seeing right now ... is a population afraid to come forward, afraid to say, 'Yeah, we're on your side, coalition,' because there are still elements of these very fanatical groups that align themselves with Saddam's regime, [whose] whole legitimacy is tied to that regime being in power. Once it's clear the regime is gone forever, these folks are either going to fade or they're going to be treated appropriately by the population that they've been torturing and oppressing for all these years." -- General Myers, on CBS's Face the Nation, 03-30-03

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international topics such as the global war on terror, the case for regime
change in Iraq, and more broadly, the ways in which we can all better
communicate the aspirations and interests that Americans share with
freedom-loving people everywhere.

(See attached file: GM 3-31-03 FINAL.doc) - GM 3-31-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_BGQ5F003_WHO.TXT_1>

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Monday, March 31, 2003

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- Given the nature of this regime, we expect such war crimes, but we will not excuse them. War criminals will be hunted relentlessly and judged severely.
- Every atrocity confirms the justice and urgency of our cause. Against this enemy, we will accept no outcome but complete and final victory. To meet this objective, we must give our armed services the support and resources they require.
- We have asked Congress for a nearly $75 billion wartime supplemental appropriations bill to provide supplies for our troops, new high-tech munitions to replace the ones we have used in the war, and assistance for the reconstruction of Iraq and for the protection of the American homeland in this time of high alert.
- The people who serve in the military are giving their best to this country. We have the responsibility to give them our full support as they fight for the liberty of an oppressed people, for the security of the United States, and for the peace of the world.

THE WHITE HOUSE

Office of Global Communications

For more information log on to www.whitehouse.gov/ogc

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Matt Schlapp (E-mail) <mschlapp@georgewbush.com>;David McMaster (E-mail) <dmcmaster@georgewbush.com>
Sent: 3/31/2003 5:00:58 AM
Subject: : NRA Letter- again
Attachments: P_YG36F003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:31-MAR-2003 10:00:58.00
SUBJECT:: NRA Letter- again
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Matt Schlapp (E-mail)" <mschlapp@georgewbush.com> ("Matt Schlapp (E-mail)" <mschlapp@georgewbush.com> [UNKNOWN])
READ:UNKNOWN
CC:"David McMaster (E-mail)" <dmcmaster@georgewbush.com> ("David McMaster (E-mail)" <dmcmaster@georgewbush.com> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Karl has made changes to this letter yet again. Can you please review before I send it back to the RNC? Thanks.

Dear Mr. Prezocki,

Thank you for your postcard concerning your Second Amendment rights. I appreciate you sharing your thoughts with me on this important issue.

The Republican Party proudly defends our Bill of Rights including the Second
Amendment. Our platform also specifically endorses a law-abiding individual
?s right to own firearms.

In the national debate over gun control, Americans are increasingly coming to understand the focus needs to be on prosecuting those who commit crimes with guns, not on trying to infringe upon the Constitutional rights of law-abiding citizens.

I would welcome any further comments you may have on this or any other issue.

Sincerely,

Marc Racicot
Chairman
-----Original Message-----From: Dave McMaster [mailto:dmcmaster@georgewbush.com]
Sent: Tuesday, March 11, 2003 5:47 PM
To: Kate Walters
Subject:
- RNC response.nra.postcard.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_YG36F003_WHO.TXT_1>

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I would welcome any further comments you may have on this or any other issue.

Sincerely,

Marc Racicot
Chairman

From: CN=Adrian G. Gray/OU=WHO/O=EOP [WHO]
To: Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B. Dyck>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;catherine j. martin/ovp /eop@eop [OVP] <catherine j. martin>
Sent: 3/31/2003 6:57:10 AM
Subject: : Re: Harding University Commencement

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-MAR-2003 11:57:10.00
SUBJECT:: Re: Harding University Commencement
TO:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:catherine j. martin (CN=catherine j. martin/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
End Original ARMS Header

I believe the corporate plan issue may be different here since it is an official event and not political. Brett - could you help clarify?

AG

Paul B. Dyck
03/31/2003 10:09:27 AM
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP, Catherine J. Martin/OVP/EOP@EOP
cc:
Subject: Harding University Commencement

The school president is not able to get enough funding to cover a charter for Mrs. Cheney. So the only way that we will be able to make it work is:

1) if the school can split the costs with the AR GOP and the party can raise the funds with a quick fundraiser while she is there;
2) the school is willing to arrange a private plane for Mrs. Cheney through one of the school's backers. I believe that we are not allowing this, but since it isn't a political trip, is it a possibility?

What do y'all think?

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 3/31/2003 9:03:47 AM
Subject: FW: MESSAGE MEETING REMINDER - NOTE ROOM CHANGE FOR TODAY ONLY

-----Original Message-----
From: Ritacco, Krista L.
Sent: Monday, March 31, 2003 9:03 AM
To: Yunker, Jacob H.; Allgood, Lauren K.; Ball, Andrea G.; Barrales, Ruben S.; Bennett, Melissa S.; Besanceney, Brian R.; Buchan, Claire ; Burkhart, Shannon; Campbell, Anne E.; Christie, Ronald I.; Ciafardini, Andrew D.; Conde, Roberta L.; Cooper, Rory S.; DeFrancis, Suzy; Devenish, Nicolle; Duffy, Trent D.; Ellison, Kimberly; Eskew, Tucker A.; Figg, Kara G.; Gerdelman, Sue H.; Gillmor, Eleanor L.; Grant, Britt; Gray, Adrian G.; Gray, Ann ; Hamilton, Parker B.; Healy, Erin E.; Hennessey, Keith; Hernandez, Israel; Hughes, A. Merrill; Ingle, Edward; Jackson, Barry S.; Kaplan, Joel; Kozberg, Lindsey C.; Kyle, Ross M.; Lefkowitz, Jay P.; Lineberry, Stephen M.; Litkenhaus, Colleen; Lockart, Sarah K.; Mallea, Jose; Martin, Catherine J.; McClellan, Scott ; McDonald, Rebekah; McQuade, Vickie A.; Mehlman, Ken; Middlemas, A. Morgan; Millerwise, Jennifer; Montiel, Charlotte L.; Nelson, Carolyn; Nipper, Wendy L.; Parell, Christie; Pelletier, Eric C.; Perez, Anna M.; Ralston, Susan B.; Reese, Shelley; Riecke, January M.; Rodriguez, Noelia ; Rogers, Edwina C.; Rust, Kathryn E.; Ryun, Catharine A.; Sforza, Scott N.; Silverberg, Kristen; Smith, Heidi M.; Snee, Ashley; Spagnoli, Deborah A.; Towey, Jim; Vestewig, Lauren J.; Walters, Katherine M.; Wehner, Peter H.; Westine, Lezlee J.; Williams, Mary C.; Wozniak, Natalie S.
Subject: MESSAGE MEETING REMINDER - NOTE ROOM CHANGE FOR TODAY ONLY

There will be a message meeting today at noon in **EEOB 180**.

From: CN=Jose Mallea/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/31/2003 5:55:23 AM
Subject: : RE: game

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jose Mallea (CN=Jose Mallea/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:31-MAR-2003 10:55:23.00
SUBJECT:: RE: game
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

One more question on this...

How do you recommend we figure out "fair market value" if Secretary Card decides to attend the game and view it from a suite? The folks with the Capitals mentioned that in the past, they've recommended paying the price of a "regular" ticket. Currently, ticket prices for the game range from $37 - $97.

Thanks again for your help with this.

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-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, March 28, 2003 9:56 AM
To: Bennett, Melissa S.
Cc: Mallea, Jose
Subject: RE: game

yes.

From: Melissa S. Bennett/WHO/EOP@Exchange on 03/28/2003 09:58:53 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jose Mallea/WHO/EOP@Exchange
Subject: RE: game

They have decided just to sit in regular seats in the stadium. Assume the same applies.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, March 28, 2003 9:44 AM
To: Bennett, Melissa S.
Subject: game

Under the circumstances as described, he should pay fair market value for all tickets for Secretary Card and family members.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Tim Goeglein/WHO /EOP@EOP [WHO] <Tim Goeglein>;Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 3/31/2003 6:01:22 AM
Subject: : ABA President's statement -- for circulation as appropriate

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-MAR-2003 11:01:22.00
SUBJECT:: ABA President's statement -- for circulation as appropriate
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From April 2003 ABA Journal:

PRESIDENT'S MESSAGE
MORE AND FASTER*NOW
The Crisis in the Federal Judiciary

BY ALFRED P. CARLTON JR.

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I never really have answered the question but, instead, find myself admiring those who say yes to the sacrifice. And admiring those who say no to the toughest career decision they will ever make. What would you do?

The decision isn,t getting any easier. And for those who say yes, life is not getting any easier. In fact, it has become a life that starts with a searing political process, followed by a lifetime of hard work for less pay.

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The crisis has a dual modality to it, and as the chief has noted in very explicit language, it can only be remedied if the accountable parties*the other two branches *cooperatively and responsibly respond to twin

imperatives: expeditious nomination and confirmation, and adequate judicial pay.

As this page is being written, the spectacle of the Miguel Estrada & filibuster8 grinds on*a living testament to the inability of both sides to cooperatively fulfill the grave constitutional duty entrusted to them. But it is illustrative of what can happen to a judicial nominee who gets caught in bare-knuckled partisan kickboxing. This is to say nothing of the secondary effect current intramural disputes will have on a legion of other nominees*all awaiting hearings or confirmation, many for months or even years at a time, having all put professional careers and private lives on hold.

For those who have made it through the process*who put on their robes every day, and go competently and quietly about the business of dispensing American justice*paydays provide a constant reminder of an empty promise made by the American people in Article III, Section 1 of the Constitution: That their pay &shall not be diminished during their continuance in office.8 cf: Williams v. U.S., 240 F.3d 1019 (D.C. 2001), petition for cert. denied, 535 U.S. 911 (2002) (Breyer, J., dissenting).

THE FACTS ARE PLAIN

It is a fact that the purchasing power of judicial pay has diminished by 25 percent during the past three decades. It is a fact that more federal judges have quit the bench before qualifying for retirement in the last decade than in the preceding 40 years. It is a fact that the National Commission on the Public Service, headed by former Federal Reserve Chairman Paul Volcker, cited federal judicial pay as &the most egregious example of the failure of federal compensation policies.8 The facts are that the members of the new national accounting industry oversight board will be paid $450,000 per year*and that U.S. district judges make $154,700 a year. Facts aside, it is an outrage.

I have great admiration and sympathy for my friends, each of whom I am sure made the right decision in saying yes or no. But under similar circumstances, I am almost sure that I would have said to myself, &All of that*for what?8

We have told Chief Justice Rehnquist that, at the very least, we at the ABA are listening to him and will do everything we can to rectify this outrageous state of affairs. We lawyers must speak up for our brothers and sisters at the bar who have accepted the challenge. They sacrifice daily to make our third branch the envy of the world. They earn our respect and admiration every day. They deserve our unswerving loyalty and support.

They need to be nominated and confirmed faster. They need to be paid more. And they need more and they need faster*now.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jose Mallea/WHO/EOP@Exchange [WHO] <Jose Mallea>
Sent: 3/31/2003 6:02:05 AM
Subject: : RE: game

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-MAR-2003 11:02:05.00
SUBJECT:: RE: game
TO:Jose Mallea (CN=Jose Mallea/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

He should pay the equivalent of the highest priced "regular" ticket.

From: Jose Mallea/WHO/EOP@Exchange on 03/31/2003 10:55:43 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: game

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How do you recommend we figure out "fair market value" if Secretary Card decides to attend the game and view it from a suite? The folks with the Capitals mentioned that in the past, they've recommended paying the price of a "regular" ticket. Currently, ticket prices for the game range from $37 - $97.

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From: Kavanaugh, Brett M.
Sent: Friday, March 28, 2003 9:56 AM
To: Bennett, Melissa S.
Cc: Mallea, Jose
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yes.

From: Melissa S. Bennett/WHO/EOP@Exchange on 03/28/2003 09:58:53 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jose Mallea/WHO/EOP@Exchange
Subject: RE: game

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-----Original Message-----
From: Kavanaugh, Brett M.
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Subject: game

Under the circumstances as described, he should pay fair market value for all tickets for Secretary Card and family members.

From: CN=Jose Mallea/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/31/2003 6:03:28 AM
Subject: : RE: game

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jose Mallea (CN=Jose Mallea/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:31-MAR-2003 11:03:28.00
SUBJECT:: RE: game
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks.

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From: Kavanaugh, Brett M.
Sent: Monday, March 31, 2003 11:02 AM
To: Mallea, Jose
Subject: RE: game

He should pay the equivalent of the highest priced "regular" ticket.

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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/31/2003 6:05:26 AM
Subject: : ABA President's statement

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:31-MAR-2003 11:05:26.00
SUBJECT:: ABA President's statement
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

From April 2003 ABA Journal:


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BY ALFRED P. CARLTON JR.




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From:	Bumatay, Patrick J.
To:	<Walker, Helgard C.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Brilliant, Hana F.>;<Brosnahan, Jennifer R.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Francisco, Noel J.>;<Ganter, Jonathan F.>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
Sent:	3/31/2003 10:50:18 AM
Subject:	Updated Counsel assignments
Attachments:	Counsel Assigments - Apr 2003.xls

Attached is a new updated Counsel assignments sheet. Sorry for any confusion.

Patrick

Document Produced Natively

From: Mallea, Jose
To: <Kavanaugh, Brett M.>
Sent: 3/31/2003 10:55:43 AM
Subject: RE: game

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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jose Mallea/WHO/EOP@Exchange
Subject: RE: game

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From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Goeglein, Tim>;<Grubbs, Wendy J.>;<Viana, Mercedes M.>
Sent: 3/31/2003 10:58:30 AM
Subject: ABA President's statement -- for circulation as appropriate

From April 2003 ABA Journal:

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MORE AND FASTER—NOW

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From: Kavanaugh, Brett M.
To: <Mallea, Jose>
Sent: 3/31/2003 11:02:00 AM
Subject: RE: game

He should pay the equivalent of the highest priced "regular" ticket.

From: Jose Mallea/WHO/EOP@Exchange on 03/31/2003 10:55:43 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: game

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Sent: Friday, March 28, 2003 9:56 AM

To: Bennett, Melissa S.

Cc: Mallea, Jose

Subject: RE: game

yes.

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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Jose Mallea/WHO/EOP@Exchange

Subject: RE: game

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From: Mallea, Jose
To: <Kavanaugh, Brett M.>
Sent: 3/31/2003 11:03:39 AM
Subject: RE: game

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Under the circumstances as described, he should pay fair market value for all tickets for Secretary Card and family members.

From: Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>
To: Gold, Martin (Frist) <Martin_Gold@frist.senate.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;barbara. comstock@usdoj. gov (E-mail) <barbara.comstock@usdoj.gov>;scastillo@rnchq. org (E-mail) <scastillo@rnchq.org>;Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>;brian. a. benczkowski@usdoj. gov (E-mail) <brian.a.benczkowski@usdoj.gov>;Ashley Snee (E-mail) <Ashley_M._Snee@who.eop.gov>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 3/31/2003 12:10:22 PM
Subject: : People for the American Way
Attachments: P_51Z6F003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Ledeen, Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov> ("Ledeen, Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov> [UNKNOWN])
CREATION DATE/TIME:31-MAR-2003 17:10:22.00
SUBJECT:: People for the American Way
TO:"Gold, Martin (Frist)" <Martin_Gold@frist.senate.gov> ("Gold, Martin (Frist)" <Martin_Gold@frist.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"barbara. comstock@usdoj. gov (E-mail)" <barbara.comstock@usdoj.gov> ("barbara. comstock@usdoj. gov (E-mail)" <barbara.comstock@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"scastillo@rnchq. org (E-mail)" <scastillo@rnchq.org> ("scastillo@rnchq. org (E-mail)" <scastillo@rnchq.org> [UNKNOWN])
READ:UNKNOWN
TO:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ("Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"brian. a. benczkowski@usdoj. gov (E-mail)" <brian.a.benczkowski@usdoj.gov> ("brian. a. benczkowski@usdoj. gov (E-mail)" <brian.a.benczkowski@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Ashley Snee (E-mail)" <Ashley_M._Snee@who.eop.gov> ("Ashley Snee (E-mail)" <Ashley_M._Snee@who.eop.gov> [UNKNOWN])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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Subject: People for the American Way

Moment of Truth (For the Anti-American Left)
By David Horowitz
FrontPageMagazine.com | March 31, 2003

Every movement has its moment of truth. At an "anti-war" teach-in at Columbia last week, Anthropology professor Nicholas De Genova told 3,000 students and faculty, "Peace is not patriotic. Peace is subversive, because peace anticipates a very different world than the one in which we live--a

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De Genova continued: "The only true heroes are those who find ways that help
defeat the U.S. military. I personally would like to see a million
Mogadishus."1 This was a reference to the ambush of U.S. forces by an
al-Qaeda warlord in Somalia in 1993. The Americans were there on a
humanitarian mission to feed starving Somali Muslims. The al-Qaeda warlord
was stealing the food and selling it on the black market. His forces killed
18 American soldiers and dragged their bodies through the streets in an act
designed to humiliate their country. In short, America can do no good, and
nothing that is done to America can be worse than it deserves.

The best that could be said of the crowd of Columbia faculty and students is
that they did not react to Mogadishu remark (perhaps they did not know what
"Mogadishu" referred to). But they "applauded loudly," when the same
professor said, "If we really [believe] that this war is criminal ... then
we have to believe in the victory of the Iraqi people and the defeat of the
U.S. war machine."2

In other words, the American left as represented by faculty and students at
one of the nation???s most elite universities wants America to lose the war
with the terrorist and fascist regime in Baghdad. In shorts, the crowd might
just have well applauded the professor???s first statement as well.

The phrase "a million Mogadishus," has a resonance for those of us who
participated in an earlier leftist "peace" movement, during the war in
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defeat the American enemy. It was the Sixties version of a call for jihad.

In the late Sixties, I was the editor of Ramparts, the largest magazine of
the New Left and I edited a book of anti-American essays with the same
title, Two, Three, Many Vietnams. Tom Hayden a leader of the New Left (later
a Democratic State Senator and activist against the war in Iraq) used the
same slogan as he called for armed uprisings inside the United States. In
1962, as a Marxist radical, I myself had helped to organize the first
protest against the war in Vietnam at the University of California,
Berkeley. At the time, America had only 300 "advisers" in Vietnam, who were
seeking to prevent the Communist gulag that was to come. John F. Kennedy was
President and had been invited to speak on the campus. We picketed his
appearance. Our slogan was, "Kennedy???s Three R???s: Radiation, Reaction and
Repression." We didn???t want peace in Vietnam. We wanted a revolution in
America.

But we were clever. Or rather, we got smarter. We realized we couldn???t
attract large numbers of people by revealing our deranged fantasies about
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We realized that we needed the support of a lot of Americans who would never
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express care for Americans while accomplishing the same goal. If America
brought her troops home in the middle of the war, the Communists would win.
Which is exactly what happened.

The nature of the movement that revealed itself at Columbia is the same. When the Mogadishu remark was made, it was as if the devil had inadvertently exposed his horns, and someone needed to put a hat over them before others realized it. That someone was the demonstration organizer, Professor Eric Foner, the prestigious head of Columbia???s history department. Actually, when Foner spoke after De Genova at the teach-in, he failed to find the Mogadishu remark offensive. Instead Foner dissociated himself from another De Genova comment to the effect that all Americans who described themselves as "patriotic," were actually "white supremacists."

But the next day when a reporter from New York NewsDay called Foner, the professor realized that the Mogadishu remark had caused some trouble. When asked now about the statement he said it was "idiotic." He told the reporter, "I thought that was completely uncalled for. We do not desire the deaths of American soldiers." Foner did not say (and was not asked) how he thought organizing an anti-American demonstration to protest America???s war in Iraq and express the hope that we lose would not encourage the enemy and possibly lead to American deaths.

Eric Foner is the scion of a family of American Communists (and American Communist leaders) at that. In the Sixties he was an anti-American Stalinist. After the terrorist attacks of 9/11, he wrote a piece in the London Review of Books saying, "I???m not sure which is more frightening: the horror that engulfed New York City or the apocalyptic rhetoric emanating daily from the White House." After receiving much adverse reaction, he wrote a self-exculpatory piece for The New York Times explaining that his uncertainty was actually patriotic.

Eric Foner???s cover-up reflects a powerful tactical current in the movement to derail America???s war in Iraq. Until now, the largest organization behind this movement has been "International ANSWER," which thanks in part to the efforts of the War Room and www.frontpagemag.com has been revealed as front for a Marxist-Leninist party with ties to the Communist regime in North Korea. According to a comprehensive (but partisan and sympathetic) report in The New York Times,3 some factions of the left became disturbed that the overtly radical slogans of the International ANSWER protests were "counter-productive." Last fall, they met in the offices of People For The American Way to create a new umbrella organization called United for Peace and Justice that would present a more palatable face to the American public.

As it happens, the name of the new organization was similar to that of one of the two main groups behind the national protests of the anti-Vietnam movement. It was called the People???s Coalition for Peace and Justice and it was a run by the American Communist Party. (As it happens, the other organizer of the national demonstrations was the MOBE, which was run by the Trotskyist Communist Party.)

The groups that People for the American Way assembled to create the new Iraq protest organization picked Leslie Cagan to be its leader. Cagan is a veteran of the old Vietnam left -- a pro-Castro radical who was still a

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is patriotism, what is treason?

Endnotes:

1. Ron Howell, "Radicals Speak Out At Columbia ???Teach-In,???" NewsDay, March
27, 2003.

2. Ibid.

3. Kate Zernike and Dean E. Murphy, "Antiwar Movement Morphs From Wild-Eyed to Civil," NYT, March 29, 2003, B1.

4. Columbis Spectator article.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_51Z6F003_WHO.TXT_1>

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2. Ibid.

3. Kate Zernike and Dean E. Murphy, "Antiwar Movement Morphs From Wild-Eyed

to Civil," NYT, March 29, 2003, B1.

4. Columbis Spectator article.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/31/2003 12:39:08 PM
Subject: : RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:31-MAR-2003 17:39:08.00
SUBJECT:: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can we do it on the 9th? He has a lunch on the 10th.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 31, 2003 5:32 PM
To: Nelson, Carolyn
Subject: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 3/31/2003 1:01:07 PM
Subject: ok on letters to West and Tubby Smith

From: Mamo, Jeanie S.
To: <Kavanaugh, Brett M.>;<Snee, Ashley>
Sent: 3/31/2003 1:12:48 PM
Subject: Jacksonville Times Union (3/31/03) re: Judiciary: Same old tune

Monday, March 31, 2003

Last modified at 8:15 p.m. on Sunday, March 30, 2003

Jacksonville (FL) Times Union

JUDICIARY: Same old tune

Senate Democrats appear to be bent on booby-trapping President Bush's nominees for federal judgeships.

They continue to block a confirmation vote on Miguel Estrada, a highly qualified nominee to the U.S. Circuit Court of Appeals for the District of Columbia.

In the latest example, Michigan's Democratic senators, Carl Levin and Debbie Stabenow, have essentially killed the chances of all five Bush nominees to the federal courts from their state.

Without official comment or explanation, the senators registered objections to 6th Circuit Court of Appeals nominees Richard Griffin, David McKeague, Susan Bieke Neilson and Henry Saad. They also objected to Thomas Ludington to the U.S. District Court.

If Levin or Stabenow have legitimate reasons why every nominee from their state fails to rate a hearing and a vote, they should share it. But they, like other Democrat colleagues in the Senate, seem to be more intent on playing obstructionist politics than seeing important court vacancies filled.

The nation's judicial system -- and the people it serves -- de- serves better.

From: Charles Spies - Legal <CSpies@rnchq.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/31/2003 9:12:23 AM
Subject: : In case you're not regular NPR listeners...

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charles Spies - Legal <CSpies@rnchq.org> (Charles Spies - Legal <CSpies@rnchq.org>
[UNKNOWN])
CREATION DATE/TIME:31-MAR-2003 14:12:23.00
SUBJECT:: In case you're not regular NPR listeners...
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Fascinating Speculation on What is Holding Up the BCRA Opinion

Weekend All Things Considered
National Public Radio
Saturday, March 29 2003
Copyright, National Public Radio

John Ydstie: With the war dominating the headlines, politicians don`t like to talk about it, but they can`t afford to stop raising campaign money, and they`re doing it this year under the provisions of the new McCain-Feingold campaign finance law. The law is only in place tentatively because many questions are being raised in the courts about its constitutionality. Indeed, within minutes of President Bush signing the act into law, its opponents filed a legal challenge. It was expected that by now, the case would be pending in the Supreme Court. It`s not. NPR`s Nina Totenberg is here to tell us why.

Nina, the law has a process for resolving these legal issues. What is it?

Nina Totenberg: Well, it`s an expedited process. It provides for a three-judge court composed of one appeals court judge and two district court judges to look at the law initially, and then it goes directly to the Supreme Court. Now this case was heard in early December--on, I think, the 3rd and 4th of December--and at that time, the chief judge of the three-judge panel, Judge Karen Henderson, who`s a court of appeals judge, indicated, volunteered in fact, that she expected a decision out of her court by the end of January. That obviously hasn`t happened. Now this is a very complicated case. Still, to have it almost April and unresolved is quite extraordinary.

Ydstie: Mm-hmm. And why haven`t we gotten a ruling?

Totenberg: Well, initially, there was a lot of thought that this is just a very hard case. There`s a record that`s more than 50,000 pages long, more than two dozen provisions, but as the months have dragged on, my sources tell me it`s become clear that part of the problem is, indeed, the collegiality, or lack of collegiality, between Judge Henderson, the court of appeals judge, and the two district court judges. Judge Henderson, I`m told, began drafting an opinion on her own before the case was argued, in fact before all the briefs were filed. And very important in these cases is what the lower court, that court, says is the statement of facts. That`s what the Supreme Court`s going to base its decision on factually.
Well, when the two district court judges got a look at her statement of facts, my sources say, they were appalled. And even though they are very different ideologically--one of them is relatively liberal, one of them relatively conservative--they began working together feverishly to try to make a statement of facts that they could agree on because they found Judge Henderson`s unacceptable and much of what Judge

Henderson wrote unacceptable.
Relations between the district court judges and Judge Henderson
are said to be pretty frosty at this point. The decision, when it comes
out, I`m told will be almost a thousand pages long, when and if it comes
out. And so we`re in a bit of a legal mess here with the Supreme Court
waiting.

Ydstie: Mm-hmm. I don`t want you to reveal your sources, but I
presume it`s not the judges that are talking about this.

Totenberg: No, let me make this very clear: None of the judges on
this panel talked to me, but when there is this kind of holdup, there
starts to be a leak in the normally sealed sieve at these courts. And I`ve
talked to a lot of people about this who are very knowledgeable and I`m
confident that this is a story at this point worth getting on the air.

Ydstie: Mm-hmm. And time is of the essence because people want to
raise campaign money.

Totenberg: Political Washington is getting pretty desperate
because they don`t know the rules of the game. Over at the Supreme Court,
I think it`s fair to say there is apparently even some annoyance because
the court`s coming to the end of the term. They`re going to have to
schedule this late in the term. This is, as I said, an extremely complex
case. There are at least suspicions that one or more justices might want
to retire this summer. So this is getting ugly.

Ydstie: Thanks, Nina.

Totenberg: Thank you, John.

Ydstie: NPR`s Nina Totenberg.

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From: Kavanaugh, Brett M.
To: <Taylor, Sara M.>
CC: <Ralston, Susan B.>
Sent: 3/31/2003 1:40:20 PM
Subject: Re: Plane for Karl

Approved, per our discussions and e-mails.

Sara M. Taylor

03/28/2003 03:01:32 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Susan B. Ralston/WHO/EOP@Exchange@EOP

Subject: Plane for Karl

Karl Hascall, who is active in the Kent County GOP politics, owns a plane with his brother. It is a King Air B-100, 8 passenger plane. He has offered to fly Karl out and back to the Kent County Lincoln Day Dinner next Friday, April 4. Karl is a Special Guest of the event and will be making remarks. Is this acceptable and is there other information you need?

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/31/2003 10:41:09 AM
Subject: : Re: Sentencing Commission
Attachments: P_J2R6F003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-MAR-2003 15:41:09.00
SUBJECT:: Re: Sentencing Commission
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I bumped into Jeff Berman the other day and told him the same thing.

---------- Forwarded by Kyle Sampson/WHO/EOP on 03/31/2003 03:40 PM ----------

Kyle Sampson
03/31/2003 03:40:03 PM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc: Records Management@EOP
Subject: Re: Sentencing Commission

Sure. There is no dispute. Bruce is ginning this up. It's an R slot.

Wendy J. Grubbs
03/31/2003 03:28:36 PM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Sentencing Commission

Kyle, may I answer the sentencing commission question? Knowing of course, that it will be passed around to other Dem committee staff? Bruce is misrepresenting the picture and my friend, David will try to clear it up informally if I just answer this....ok?
---------- Forwarded by Wendy J. Grubbs/WHO/EOP on 03/31/2003 03:26 PM ----------

"Hantman, David (Judiciary)" <David_Hantman@Judiciary.senate.gov>
03/31/2003 03:22:45 PM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP
cc:
Subject: Sentencing Commission

Wendy -

This is to confirm that Senator Feinstein did change her vote from "YES" to "PRESENT" on the two Sentencing Commission nominees, as per out earlier phone conversation. She did NOT change any of her other votes, and I believe she is therefore still on record as "YES" on Wolski.

While we are on the subject, has the Sentencing Commission issue been resolved yet? Does the White House consider the Horowitz nomination to be for a Democratic slot or a Republican slot? I keep hearing that there is a dispute about whether the Democratic Leader is going to maintain control over the Democratic slots. What's the deal?

Thanks,

David

David S. Hantman

Minority Chief Counsel and Staff Director

Subcommittee on Terrorism, Technology and Homeland Security

Dianne Feinstein, Ranking Member

United States Senate Judiciary Committee

Hart Senate Office Building, Room 815

Washington, D.C. 20510

(ph) 202-224-4933

(fax) 202-228-2258

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_J2R6F003_WHO.TXT_1>

Wendy –

This is to confirm that Senator Feinstein did change her vote from "YES" to "PRESENT" on the two Sentencing Commission nominees, as per out earlier phone conversation. She did NOT change any of her other votes, and I believe she is therefore still on record as "YES" on Wolski.</p>

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David S. Hantman
Minority Chief Counsel and Staff Director
Subcommittee on Terrorism, Technology and Homeland Security
Dianne Feinstein, Ranking Member
United States Senate Judiciary Committee
Hart Senate Office Building, Room 815 < /font>
Washington, D.C. 20510
(ph) 202-224-4933
(fax) 202-228-2258

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 3/31/2003 3:22:28 PM
Subject: Please call me when you are free

From: Kavanaugh, Brett M.
To: <Bennett, Melissa S.>;<Kavanaugh, Brett M.>
Sent: 3/31/2003 4:03:46 PM
Subject: Re: another question -- different topic (sort of)

Correct.

.

----- Original Message -----

From:Melissa S. Bennett/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 03/31/2003 03:57:57 PM

Subject: another question -- different topic (sort of)

Sec. Rumsfeld offered Sec. Card 2 tickets to the Wizards game on Wednesday night. I think it is permissible to accept gifts from one govt employee to another, correct???

Thanks.

Melissa

From: Bennett, Melissa S.
To: <Kavanaugh, Brett M.>
Sent: 3/31/2003 4:08:12 PM
Subject: RE: another question -- different topic (sort of)

Thanks.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 31, 2003 4:04 PM
To: Bennett, Melissa S.; Kavanaugh, Brett M.
Subject: Re: another question -- different topic (sort of)

Correct.

.

----- Original Message -----
From:Melissa S. Bennett/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 03/31/2003 03:57:57 PM
Subject: another question -- different topic (sort of)

Sec. Rumsfeld offered Sec. Card 2 tickets to the Wizards game on Wednesday night. I think it is permissible to accept gifts from one govt employee to another, correct???

Thanks.
Melissa

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
Sent: 3/31/2003 12:41:39 PM
Subject: : RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-MAR-2003 17:41:39.00
SUBJECT:: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

I think it was set without him and they want to invite him now; how serious would it be to move the other lunch to the 9th?

From: Carolyn Nelson/WHO/EOP@Exchange on 03/31/2003 05:38:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

Can we do it on the 9th? He has a lunch on the 10th.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 31, 2003 5:32 PM
To: Nelson, Carolyn
Subject: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/31/2003 12:44:04 PM
Subject: : RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:31-MAR-2003 17:44:04.00
SUBJECT:: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 31, 2003 5:42 PM
To: Nelson, Carolyn
Subject: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

I think it was set without him and they want to invite him now; how serious would it be to move the other lunch to the 9th?

From: Carolyn Nelson/WHO/EOP@Exchange on 03/31/2003 05:38:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

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-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 31, 2003 5:32 PM
To: Nelson, Carolyn
Subject: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/31/2003 12:44:54 PM
Subject: : RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:31-MAR-2003 17:44:54.00
SUBJECT:: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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From: Kavanaugh, Brett M.
Sent: Monday, March 31, 2003 5:42 PM
To: Nelson, Carolyn
Subject: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

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Record Type: Record

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cc:
Subject: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

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From: Kavanaugh, Brett M.
Sent: Monday, March 31, 2003 5:32 PM
To: Nelson, Carolyn
Subject: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 3/31/2003 5:41:34 PM
Subject: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

I think it was set without him and they want to invite him now; how serious would it be to move the other lunch to the 9th?

From: Carolyn Nelson/WHO/EOP@Exchange on 03/31/2003 05:38:50 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

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From: Kavanaugh, Brett M.

Sent: Monday, March 31, 2003 5:32 PM

To: Nelson, Carolyn

Subject: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 3/31/2003 5:44:20 PM
Subject: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 31, 2003 5:42 PM
To: Nelson, Carolyn
Subject: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

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From: Carolyn Nelson/WHO/EOP@Exchange on 03/31/2003 05:38:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

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From: Kavanaugh, Brett M.
Sent: Monday, March 31, 2003 5:32 PM
To: Nelson, Carolyn
Subject: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 3/31/2003 5:45:08 PM
Subject: RE: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

It's a personal lunch which he could probably skip. I'll check on it and let you know.

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From: Kavanaugh, Brett M.

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To: Nelson, Carolyn

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From: Kavanaugh, Brett M.

Sent: Monday, March 31, 2003 5:32 PM

To: Nelson, Carolyn

Subject: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/31/2003 2:31:04 PM
Subject: : White House Global Messenger - 4/01/03
Attachments: P_Q157F003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:31-MAR-2003 19:31:04.00
SUBJECT:: White House Global Messenger - 4/01/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 4-1-03 FINAL.doc)

THE GLOBAL MESSENGER
Monday, April 1, 2003

******KEY POINTS FROM THE PRESIDENT'S REMARKS IN PHILADELPHIA, 3-31-03******

*It has been 12 days since the major ground war began. In this short time, Coalition troops have preformed brilliantly, with skill and with bravery.

*Coalition forces have taken control of most of western and southern Iraq, seized key bridges, opened a northern front, achieved complete air superiority, and we are delivering tons of humanitarian aid.

*By quick and decisive action, our troops are preventing Saddam Hussein from destroying the Iraqi people's oil fields. Our forces moved into Iraqi missile launch areas that threatened neighboring countries. Many dangers lie ahead, but day by day, we are moving closer to Baghdad and closer to victory.

*Our victory will mean the end of a tyrant who rules by fear and torture and remove a sponsor of terror, armed with weapons of terror. Our victory will uphold the just demands of the United Nations and the civilized world. And when victory comes, it will be shared by the long-suffering people of Iraq, who deserve freedom and dignity.

*The Iraqi regime has ruled with fear as a tool of domination to the end. Many Iraqis have been ordered to fight or die by Saddam's death squads. Others are pressed into service by threats against their children. Civilians attempting to flee to liberated areas have been shot from behind by Saddam's thugs.

*Our enemies are desperate and dangerous. The dying regime in Iraq and other parts of the global terror network may try to bring terror to American shores. The United States and allied troops are shattering the al Qaeda network, meeting threats and acting to prevent dangers.

*The people of Iraq have lived in this nightmare world for more than two decades. Fear and distrust run deep.

*We give this pledge to the citizens of Iraq: We're coming with a mighty force to end the reign of your oppressors. We are coming to bring you

food and medicine and a better life, and we will not relent until your country is free.

******NEW PERSPECTIVES******
Reflections of individuals who traveled to Iraq to act as human shields

"Those living in Iraq, the common, regular people are in a living nightmare. From the terror that would come across the faces of my family at an unknown visitor, telephone call, knock at the door I began to realize the horror they lived with every day. Over and over I questioned them, 'Why could you want war? Why could any human being desire war?' Their answer was quiet and measured. 'Look at our lives! We are living like animals. No food, no car, no telephone, no job and most of all no hope....You can not imagine what it is to live with war for 20, 30 years. We have to keep up our routine or we would lose our minds.'"
Kenneth Joseph, anti-war demonstrator who traveled to Iraq as a human shield volunteer, Assyrian Christian News online, 3-30-03

******TODAY'S SCHEDULE******
All Times Eastern Standard. Subject to Change

Note: Secretary Powell travels to Turkey and Belgium

7:00 am CENTCOM Operations Update

1:30 pm Defense Department Briefing

2:15 pm White House Briefing

******IRAQI VOICES OF FREEDOM******

"'Saddam has given us nothing, only suffering,' said Khalid Juwad, with his cousin, Raad, nodding in assent. Mr. Juwad said he had four uncles who were in Hussein's jails, and he said he had deserted from the Iraqi Army three times in recent years. 'If the Americans want to get rid of Saddam, that's O.K. with me,' he said. 'The only thing that would bother me is if they don't finish the job. Then Saddam will come back, like he did in 1991.'"
New York Times, 3-31-03

THE WHITE HOUSE
Office of Global Communications

For more information log on to http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.
- GM 4-1-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Q157F003_WHO.TXT_1>

THE GLOBAL MESSENGER

Tuesday, April 1, 2003

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All Times Eastern Standard. Subject to Change

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***New York Times*, 3-31-03**

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- Our victory will mean the end of a tyrant who rules by fear and torture and will remove a sponsor of terror, armed with weapons of terror. Our victory will uphold the just demands of the United Nations and the civilized world. And when victory comes, it will be shared by the long-suffering people of Iraq, who deserve freedom and dignity.
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THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: CSpies@rnchq.org [UNKNOWN] <CSpies@rnchq.org>
Sent: 3/31/2003 5:26:19 PM
Subject: : Re: In case you're not regular NPR listeners...

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-MAR-2003 22:26:19.00
SUBJECT:: Re: In case you're not regular NPR listeners...
TO:CSpies@rnchq.org (CSpies@rnchq.org [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

How ugly is that. Wow.

.

----- Original Message -----
From:CSpies@rnchq.org
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 03/31/2003 02:11:39 PM
Subject: In case you're not regular NPR listeners...

Fascinating Speculation on What is Holding Up the BCRA Opinion

Weekend All Things Considered
National Public Radio
Saturday, March 29 2003
Copyright, National Public Radio

John Ydstie: With the war dominating the headlines, politicians don`t like to talk about it, but they can`t afford to stop raising campaign money, and they`re doing it this year under the provisions of the new McCain-Feingold campaign finance law. The law is only in place tentatively because many questions are being raised in the courts about its constitutionality. Indeed, within minutes of President Bush signing the act into law, its opponents filed a legal challenge. It was expected that by now, the case would be pending in the Supreme Court. It`s not. NPR`s Nina Totenberg is here to tell us why.

Nina, the law has a process for resolving these legal issues. What is it?

Nina Totenberg: Well, it`s an expedited process. It provides for a three-judge court composed of one appeals court judge and two district court judges to look at the law initially, and then it goes directly to the Supreme Court. Now this case was heard in early December--on, I think, the 3rd and 4th of December--and at that time, the chief judge of the three-judge panel, Judge Karen Henderson, who`s a court of appeals judge, indicated, volunteered in fact, that she expected a decision out of her court by the end of January. That obviously hasn`t happened. Now this is a very complicated case. Still, to have it almost April and unresolved is quite extraordinary.

Ydstie: Mm-hmm. And why haven`t we gotten a ruling?

Totenberg: Well, initially, there was a lot of thought that this is just a very hard case. There`s a record that`s more than 50,000 pages long, more than two dozen provisions, but as the months have dragged on, my sources tell me it`s become clear that part of the problem is, indeed, the collegiality, or lack of collegiality, between Judge Henderson, the court of appeals judge, and the two district court judges. Judge Henderson, I`m told, began drafting an opinion on her own before the case

was argued, in fact before all the briefs were filed. And very important in these cases is what the lower court, that court, says is the statement of facts. That`s what the Supreme Court`s going to base its decision on factually.
Well, when the two district court judges got a look at her statement of facts, my sources say, they were appalled. And even though they are very different ideologically--one of them is relatively liberal, one of them relatively conservative--they began working together feverishly to try to make a statement of facts that they could agree on because they found Judge Henderson`s unacceptable and much of what Judge Henderson wrote unacceptable.
Relations between the district court judges and Judge Henderson are said to be pretty frosty at this point. The decision, when it comes out, I`m told will be almost a thousand pages long, when and if it comes out. And so we`re in a bit of a legal mess here with the Supreme Court waiting.

Ydstie: Mm-hmm. I don`t want you to reveal your sources, but I presume it`s not the judges that are talking about this.

Totenberg: No, let me make this very clear: None of the judges on this panel talked to me, but when there is this kind of holdup, there starts to be a leak in the normally sealed sieve at these courts. And I`ve talked to a lot of people about this who are very knowledgeable and I`m confident that this is a story at this point worth getting on the air.

Ydstie: Mm-hmm. And time is of the essence because people want to raise campaign money.

Totenberg: Political Washington is getting pretty desperate because they don`t know the rules of the game. Over at the Supreme Court, I think it`s fair to say there is apparently even some annoyance because the court`s coming to the end of the term. They`re going to have to schedule this late in the term. This is, as I said, an extremely complex case. There are at least suspicions that one or more justices might want to retire this summer. So this is getting ugly.

Ydstie: Thanks, Nina.

Totenberg: Thank you, John.

Ydstie: NPR`s Nina Totenberg.

Copyright, National Public Radio

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>;<Kavanaugh, Brett M.>
Sent: 4/1/2003 9:19:37 AM
Subject: Re:

No to karl.

.

----- Original Message -----

From:Carolyn Nelson/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 04/01/2003 09:06:57 AM

Subject:

Miguel is now coming over at 3pm. Did Judge say if he wanted Karl to attend?

From: CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [WHO]
To: Brian Reardon/OPD/EOP@EOP [OPD] <Brian Reardon>
CC: Keith Hennessey/OPD/EOP@Exchange [OPD] <Keith Hennessey>;jt.young@do.treas.gov@SMTP@Exchange [UNKNOWN] <jt.young@do.treas.gov@SMTP@Exchange>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/1/2003 5:27:54 AM
Subject: : RE: debt ceiling question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 1-APR-2003 10:27:54.00
SUBJECT:: RE: debt ceiling question
TO:Brian Reardon (CN=Brian Reardon/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Keith Hennessey (CN=Keith Hennessey/OU=OPD/O=EOP@Exchange [OPD])
READ:UNKNOWN
CC:jt.young@do.treas.gov@SMTP@Exchange (jt.young@do.treas.gov@SMTP@Exchange [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Good.;

How much time would a declaration through the end of the session buy us?

;-----Original Message-----
From: ; Reardon, Brian;
Sent:;; Tuesday, April 01, 2003 9:57 AM
To:;;;; Silverberg, Kristen
Cc:;;;; Kavanaugh, Brett M.; Hennessey, Keith; jt.young@do.treas.gov
Subject:;;;;;;;; Re: debt ceiling question

Frist will talk to Stevens today or tomorrow about putting a
"place holder" in the supplemental so a debt ceiling increase can be added
in conference.;

Meanwhile, Treasury has the following draft prepared to declare a
three month debt suspension period at the end of the week.; This would
provide enough room to get us into late May or early June.; If Congress
fails to act, Treasury GC is prepared to make a second declaration through
the end of the session.

April 3, 2003

;

The Honorable J. Dennis Hastert

Speaker of the House

U.S.House of Representatives

Washington, D.C.20515

;

Dear Mr. Speaker:

;

;;;;;;;;;;; I am notifying you, as required under 5 U.S.C. õ;8348
(l)(2) that by reason of the public debt limit, it is my determination

that I will be unable to invest fully the portion of the Civil Service Retirement and Disability Fund (CSRDF) not immediately required to pay beneficiaries.; For purposes of this statute, I have determined that a "debt issuance suspension period" will begin as early as April 3, 2003; but no later than April 11, 2003and will last until July 11, 2003.; Therefore, during the debt issuance suspension period, the Treasury Department will suspend additional investments of amounts credited to the CSRDF and redeem a portion of the investments held by the CSRDF, as authorized by law.; Beneficiaries will be fully protected and will suffer no adverse consequences.; The governing statute requires that the Treasury restore all due interest and principal to these funds as soon as this can be done without exceeding the public debt limit.

;

;;;;;;;;;;; Even though the debt issuance suspension period will last until July 11th, the investment suspensions and redemptions may only provide debt issuance capacity under the statutory debt limit until the latter half of May or early June.; I know that you share the President's and my commitment to maintaining the full faith and credit of the U.S.government. Together we must continue working to enact an increase in the statutory debt limit as quickly as possible to avoid any negative repercussions at home or abroad during this critical time.

;

;;;
;;;; Sincerely,

;

;

;

;;;
;;;; John W. Snow

From:;; Kristen Silverberg/WHO/EOP@Exchange on 04/01/2003 08:24:05 AM
Record Type:;;; Record

To:;;;; Brian Reardon/OPD/EOP@EOP, Keith Hennessey/OPD/EOP@Exchange
cc:;;;;
Subject:;;;;;;; debt ceiling question

Are we in good shape on the debt ceiling?; Is leadership preparing to put it on the supp and, if so, in what amount?

From: Bumatay, Patrick J.
To: <Newstead, Jennifer G.>
CC: <Kavanaugh, Brett M.>
Sent: 4/1/2003 11:15:37 AM
Subject: Please call

Jen - you are probably the best to return this call b/c it is Missouri.

Judge Pasco Bowman
8th Circuit Judge (MO)
o: 816-512-5800

Please call re: about his seat

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/1/2003 11:51:08 AM
Subject:

do we still need to have that hobbs, bartlettt etc. meeting tomorrow?

From: Bumatay, Patrick J.
To: <Walker, Helgard C.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Brilliant, Hana F.>;<Brosnahan, Jennifer R.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Francisco, Noel J.>;<Ganter, Jonathan F.>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
Sent: 4/1/2003 1:14:26 PM
Subject: Affirmative Action arguments

-----Original Message-----
From: Snee, Ashley
Sent: Tuesday, April 01, 2003 1:13 PM
To: Bumatay, Patrick J.
Cc: Leitch, David G.; McClellan, Scott
Subject: RE: transcripts

arguments on channel 18 right now
-----Original Message-----
From: Bumatay, Patrick J.
Sent: Tuesday, April 01, 2003 1:10 PM
To: Snee, Ashley
Subject: transcripts

Ashley,

Noel says that chances are slim that transcripts will be ready by 2 pm. We should have them by tomorrow though.

Patrick

From:	Vestewig, Lauren J.
To:	hatamj@ms.state.gov <hatamj@ms.state.gov>;hatamj@ms.state.gov <Bellinger, John B.>;hatamj@ms.state.gov <Kavanaugh, Brett M.>;hatamj@ms.state.gov <Silverberg, Kristen>;hatamj@ms.state.gov <Perry, Philip J.>;hatamj@ms.state.gov <Schacht, Diana L.>;paul.harris@usdoj.gov <paul.harris@usdoj.gov>;george.wolfe@do.treas.gov <george.wolfe@do.treas.gov>;koffskyp@osdgc.osd.mil <koffskyp@osdgc.osd.mil>;koffskyp@osdgc.osd.mil <Moore, Holly T.>
CC:	<Stone, Carla B.>;<Winland, Emily>;<Lefkowitz, Jay P.>;<Hunerwadel, Joan>;elizabeth.vannoy@do.treas.gov <elizabeth.vannoy@do.treas.gov>;marlene.s.boysel@usdoj.gov <marlene.s.boysel@usdoj.gov>
Sent:	4/1/2003 3:53:42 PM
Subject:	FW: Compensation for Victims of Terrorism Meeting - Wed

This meeting has been rescheduled for THURS, April 4 at 10:30 in Room 211. Sorry for any inconvenience and thanks very much.

-----Original Message-----

From: Vestewig, Lauren J.

Sent: Monday, March 31, 2003 9:49 AM

To: 'hatamj@ms.state.gov'; Bellinger, John B.; Kavanaugh, Brett M.; Silverberg, Kristen; Perry, Philip J.; Schacht, Diana L.; 'paul.harris@usdoj.gov'; 'david.aufhauser@do.treas.gov'

Cc: Stone, Carla B.; Winland, Emily; Lefkowitz, Jay P.; Hunerwadel, Joan; 'elizabeth.vannoy@do.treas.gov'; 'marlene.s.boysel@usdoj.gov'

Subject: Compensation for Victims of Terrorism Meeting - Wed

There will be a meeting this Wednesday, April 2nd in EEOB room 211 at 3:30pm. Please let me know if you can attend. If you are coming from outside of the complex and need to be cleared in, please email me your dob and ssn. Thanks!

From:	Vestewig, Lauren J.
To:	hatamj@ms.state.gov <hatamj@ms.state.gov>;hatamj@ms.state.gov <Bellinger, John B.>;hatamj@ms.state.gov <Kavanaugh, Brett M.>;hatamj@ms.state.gov <Silverberg, Kristen>;hatamj@ms.state.gov <Perry, Philip J.>;hatamj@ms.state.gov <Schacht, Diana L.>;paul.harris@usdoj.gov <paul.harris@usdoj.gov>;george.wolfe@do.treas.gov <george.wolfe@do.treas.gov>;koffskyp@osdgc.osd.mil <koffskyp@osdgc.osd.mil>;koffskyp@osdgc.osd.mil <Moore, Holly T.>
CC:	<Stone, Carla B.>;<Winland, Emily>;<Lefkowitz, Jay P.>;<Hunerwadel, Joan>;elizabeth.vannoy@do.treas.gov <elizabeth.vannoy@do.treas.gov>;marlene.s.boysel@usdoj.gov <marlene.s.boysel@usdoj.gov>
Sent:	4/1/2003 4:05:05 PM
Subject:	FW: Compensation for Victims of Terrorism Meeting - Wed

Sorry--I meant Thurs, April 3. Thanks.
-----Original Message-----
From: Vestewig, Lauren J.
Sent: Tuesday, April 01, 2003 3:54 PM
To: 'hatamj@ms.state.gov'; Bellinger, John B.; Kavanaugh, Brett M.; Silverberg, Kristen; Perry, Philip J.; Schacht, Diana L.; 'paul.harris@usdoj.gov'; 'george.wolfe@do.treas.gov'; 'koffskyp@osdgc.osd.mil'; Moore, Holly T.
Cc: Stone, Carla B.; Winland, Emily; Lefkowitz, Jay P.; Hunerwadel, Joan; 'elizabeth.vannoy@do.treas.gov'; 'marlene.s.boysel@usdoj.gov'
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Cc: Stone, Carla B.; Winland, Emily; Lefkowitz, Jay P.; Hunerwadel, Joan; 'elizabeth.vannoy@do.treas.gov'; 'marlene.s.boysel@usdoj.gov'
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From: Roger.Kodat@do.treas.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Randall.Lewis@do.treas.gov [UNKNOWN] <Randall.Lewis@do.treas.gov>
Sent: 4/1/2003 12:36:09 PM
Subject: : FW: President's Commission on US Postal Service: records
Attachments: P_GPG8F003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Roger.Kodat@do.treas.gov ( Roger.Kodat@do.treas.gov [ UNKNOWN ] )
CREATION DATE/TIME: 1-APR-2003 17:36:09.00
SUBJECT:: FW: President's Commission on US Postal Service: records
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Randall.Lewis@do.treas.gov ( Randall.Lewis@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett,

Any chance that a verdict can be rendered? Thanks for your support. Roger

> -----Original Message-----
> From: Kodat, Roger
> Sent: Monday, March 31, 2003 11:19 AM
> To: 'Brett.kavanaugh@who.eop.gov'
> Cc: Lewis, Randall
> Subject: President's Commission on US Postal Service: records
>
> Brett,
>
> Further to our telecon this morning, kindly advise whether records
created
> by the newly established President's Commission on the US Postal Service,
> established by Executive Order 13278, are federal or Presidential
records.
> Pls let me know if you need any more information.
>
> Thanks, Roger
>
>
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GPG8F003_WHO.TXT_1>
```

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-----Original Mes sage-----

From: Kodat, Roger

Sent: Monday, March 31, 2003 11:19 AM

To: 'Brett.kavanaugh@who.eop.gov'

Cc: Lewis, Randall

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Thanks, Roger

From: Greenstone, Adam F.
To: <Kavanaugh, Brett M.>
Sent: 4/1/2003 5:24:41 PM
Subject: FW: Mail Question

Brett--Can you speak for CEA on this request (and if not would you like us to obtain the view of any particular person on their behalf), and would you like us to follow any particular direction from the WHO perspective?
-----Original Message-----
From: Hill, Bartholomew G.
Sent: Tuesday, March 25, 2003 9:33 AM
To: Greenstone, Adam F.
Subject: Mail Question

Adam,
We have a person who is moving from CEA to WHO and wants to take their mail with them. CEA does not have a General Counsel. Do one of the other Counsels act for them? Can we let this person take their mail to WHO? CEA Chief of Staff acts as CEA's ethics officer. Would that person be able to make the determination? Thanks. Bart

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 4/2/2003 4:03:47 AM
Subject: : Raleigh News & Observer (4/2/03) re: Boyle battle brewing anew

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2003 09:03:47.00
SUBJECT:: Raleigh News & Observer (4/2/03) re: Boyle battle brewing anew
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/02/2003 09:03 AM ----------

Jeanie S. Mamo
04/02/2003 08:08:14 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange@EOP
cc:
Subject: Raleigh News & Observer (4/2/03) re: Boyle battle brewing anew

Wednesday, April 2, 2003 12:00AM EST

Boyle battle brewing anew
Edwards and Senate Judiciary Committee chairman at odds over nominee to 4th Circuit

By JOHN WAGNER, Washington Correspondent

WASHINGTON -- After repeated delays, the Republican-led Senate might be on the verge of holding a hearing on the nomination of Terrence Boyle, a North Carolina judge whom President Bush wants to promote to the 4th U.S. Circuit Court of Appeals.
In a letter last week, Sen. Orrin Hatch, the Judiciary Committee chairman, informed Sen. John Edwards that he planned to move ahead with consideration of Boyle's nomination despite objections from Edwards, a North Carolina Democrat.
The Judiciary Committee generally has not granted hearings on judicial nominees without the consent of both home-state senators. In his letter, Hatch said that while views of home-state senators should receive great weight, a single senator should not exercise a "veto based merely on political ideology." Hatch, a Utah Republican, said he would convene a hearing next Tuesday.
In a letter Monday, Edwards offered a spirited objection. "As a member of your committee, as a senator from North Carolina, as the senator most familiar with Judge Boyle's record, and as your colleague, I ask that you not proceed with the nomination and instead work with me to confirm consensus nominees," he wrote.
The status of the hearing was unclear Tuesday evening.
Hatch spokeswoman Margarita Tapia said her boss remained convinced that Boyle deserves a hearing but it could be delayed. Edwards spokesman Mike Briggs said the senators spoke and a Tuesday hearing was unlikely.
Boyle's nomination has languished since May 2001 as part of a feud that has kept North Carolina from having a full-time judge on the 4th Circuit since 1999. The 15-member court hears appeals from five Southeastern

states. It is the last stop for federal cases from that part of the country before the U.S. Supreme Court.

Boyle, a former aide to U.S. Sen. Jesse Helms, is chief judge on the U.S. District Court for the Eastern District of North Carolina.

In his letter, Edwards notes that Boyle's decisions have been reversed or vacated more than 100 times and says that Boyle's "record on civil rights is particularly troubling."

As a district court judge during the past 19 years, Boyle has handled more than 12,000 cases.

Briggs would not elaborate on Edwards' concerns about Boyle's civil-rights record. Groups opposed to Boyle's nomination have zeroed in on rulings on two congressional redistricting cases.

Both the White House and U.S. Sen. Elizabeth Dole, a North Carolina Republican, voiced renewed support Tuesday for Boyle. "The Judiciary Committee should give each and every one of the president's nominees a fair hearing, in the order of their nominations, and based on how long they've been waiting," said Mary Brown Brewer, Dole's spokeswoman.

Edwards on Tuesday repeated his call for the White House to move forward with the 4th Circuit nomination of Allyson Duncan, a Raleigh lawyer who is a black Republican. The White House sent Edwards a letter on Dec. 19 notifying him it intended to recommend Duncan for the 4th Circuit, pending a background check.

Both Edwards and Dole publicly indicated support for Duncan's nomination in January.

Boyle was first nominated for the 4th Circuit more than a decade ago by the elder President Bush. After Senate Democrats denied Boyle a hearing, Helms blocked a string of nominees during the Clinton administration, including candidates recommended by Edwards after his arrival in the Senate in 1999.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 4/2/2003 4:03:53 AM
Subject: : Charlotte Observer (4/2/03) re: Confirmation hearing for judge put on hold

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2003 09:03:53.00
SUBJECT:: Charlotte Observer (4/2/03) re: Confirmation hearing for judge put on hold
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/02/2003 09:03 AM ----------

Jeanie S. Mamo
04/02/2003 08:10:50 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange@EOP
cc:
Subject: Charlotte Observer (4/2/03) re: Confirmation hearing for judge put on hold

Posted on Wed, Apr. 02, 2003

Confirmation hearing for judge put on hold
Sen. Edwards opposed to nomination of N.C. conservative Boyle
TIM FUNK
Observer Washington Bureau

WASHINGTON - The Republican chairman of the Senate Judiciary Committee has backed off -- for now -- on scheduling a confirmation hearing for a conservative N.C. judge whose nomination to the 4th U.S. Circuit Court of Appeals is opposed by Sen. John Edwards.
Sen. Orrin Hatch, R-Utah, had notified the N.C. Democrat in a March 27 letter that he planned to set a hearing Tuesday for Chief U.S. District Judge Terrence Boyle.
Boyle was nominated by now-retired Sen. Jesse Helms and is strongly backed by the White House.
But top Democrats charged that Hatch was abandoning a tradition that required both home-state senators to OK a judicial nominee. On Tuesday, Hatch told Edwards -- a member of the Judiciary Committee -- that the hearing would not happen next week.
"Sen. Hatch and Sen. Edwards had a conversation on the Senate floor (late Tuesday afternoon)," said Mike Briggs, Edwards' Senate spokesman. "Both

senators are going to try to work together on this issue."
It was unclear Tuesday night whether that meant Hatch would give up on or merely delay Boyle's nomination. There were also mixed signals about whether Hatch would challenge the so-called "blue slip" tradition that many say has allowed senators to effectively veto judicial nominees from their state.
The practice is named for the blue slip a senator doesn't return or marks negatively when opposing a nomination. The tactic has stalled nominations of several N.C. jurists in recent years. Even though North Carolina is the largest state in the circuit, no North Carolinians sit on its bench. Helms vetoed Tar Heel judges nominated by President Clinton and Edwards has blocked Boyle of Edenton.
Tuesday night, Hatch spokesperson Margarita Tapia acknowledged there would be no hearing for Boyle next week. But she said Hatch has "never allowed the blue slip to work as a single-senator veto based merely on political ideology."
Edwards, in a March 31 response to Hatch's letter, charged that Boyle "has inaccurately interpreted the law in a way that undercuts basic civil rights protections."
Edwards said the White House should make good on a promise to him to nominate Allyson Duncan, a black Republican woman who was a judge of the N.C. Court of Appeals.
Duncan would be a "consensus North Carolina appointment" and one, Edwards said, who both he and Sen. Elizabeth Dole, R-N.C. supported.
Dole's office declined Tuesday to say whether she would support Duncan, of Raleigh, or Boyle or the blue slip tradition. Said spokesperson Mary Brown Brewer: "She favors every nominee having a hearing and a vote. As she's not on the Judiciary Committee, you'd need to talk to Senator Hatch about committee process and procedures."
The White House, meanwhile, stuck with Boyle. "The blue slip is not a veto but a device to ensure adequate consultation," said spokesperson Jeanie Mamo. "And we consulted extensively with Sen. Edwards."

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/2/2003 3:08:21 AM
Subject: : Raleigh News & Observer (4/2/03) re: Boyle battle brewing anew

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2003 08:08:21.00
SUBJECT:: Raleigh News & Observer (4/2/03) re: Boyle battle brewing anew
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Wednesday, April 2, 2003 12:00AM EST

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From: Kirk Blalock <kblalock@fierce-isakowitz.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/2/2003 3:09:50 AM
Subject: : AF&PA General Counsels Meeting
Attachments: P_9UV8F003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock <kblalock@fierce-isakowitz.com> ( Kirk Blalock <kblalock@fierce-
isakowitz.com> [ UNKNOWN ] )
CREATION DATE/TIME: 2-APR-2003 08:09:50.00
SUBJECT:: AF&PA General Counsels Meeting
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

The American Forest and Paper Association will hold its annual meeting next week, April 9-11, in DC. They would like to invite someone from the WH Counsels office to come to their dinner on Thursday, April 10th to give an overview of judicial nominations and legal reform efforts currently underway in this Congress. I obviously thought of you.

The dinner is at Galileos from 6-9 pm and the General Counsels who will attend are from:

Longview Fibre Company

The Newark Group

Nexfor Fraser Papers

Simpson Investment Company

Hancock Lumber Company

Chesapeake Corporation

Glatfelter

Potlatch Corporation

Weyerhaeuser Company

Sierra Pacific Industries

Louisiana Pacific

Bowater

Temple-Inland

Georgia-Pacific

Plum Creek Timber

Anthony Forest Products

Sappi Fine Paper - North America

Simpson Resource Company

Stora Enso North America

MeadWestvaco

Would you be willing to drop by this dinner and give a few remarks and take a few questions?

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9UV8F003_WHO.TXT_1>

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Sappi Fine Paper – North America
Simpson Resource Company
Stora Enso North America
MeadWestvaco

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From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/2/2003 3:26:10 AM
Subject: : Charlotte Observer (4/2/03) re: Confirmation hearing for judge put on hold

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2003 08:26:10.00
SUBJECT:: Charlotte Observer (4/2/03) re: Confirmation hearing for judge put on hold
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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From: CN=Scott Stanzel/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alicia W. Davis/WHO /EOP@EOP [WHO] <Alicia W. Davis>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
CC: Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>
Sent: 4/2/2003 3:59:32 AM
Subject: : Pittsburgh Post-Gazette

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2003 08:59:32.00
SUBJECT:: Pittsburgh Post-Gazette
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
CC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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Wednesday, April 02, 2003
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Because he is in his second term as state attorney general, Fisher is prohibited from running for the office again. He has said publicly that he would welcome an appointment to the federal bench.
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"I don't know if there's anything definitive that I can tell you," he said. "The only person who can comment on that is the president."
U.S. Sens. Arlen Specter and Rick Santorum, who have considerable influence over the nomination of federal judges in Pennsylvania, also had nothing to say. Appointees to the federal bench must be confirmed by the U.S. Senate.
"All announcements on federal judgeships come from the White House," Specter said.
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From: Mamo, Jeanie S.
To: <Kavanaugh, Brett M.>;<Snee, Ashley>
Sent: 4/2/2003 8:07:34 AM
Subject: Raleigh News & Observer (4/2/03) re: Boyle battle brewing anew

Wednesday, April 2, 2003 12:00AM EST

Boyle battle brewing anew

Edwards and Senate Judiciary Committee chairman at odds over nominee to 4th Circuit

By JOHN WAGNER, Washington Correspondent

WASHINGTON -- After repeated delays, the Republican-led Senate might be on the verge of holding a hearing on the nomination of Terrence Boyle, a North Carolina judge whom President Bush wants to promote to the 4th U.S. Circuit Court of Appeals.

In a letter last week, Sen. Orrin Hatch, the Judiciary Committee chairman, informed Sen. John Edwards that he planned to move ahead with consideration of Boyle's nomination despite objections from Edwards, a North Carolina Democrat.

The Judiciary Committee generally has not granted hearings on judicial nominees without the consent of both home-state senators. In his letter, Hatch said that while views of home-state senators should receive great weight, a single senator should not exercise a "veto based merely on political ideology." Hatch, a Utah Republican, said he would convene a hearing next Tuesday.

In a letter Monday, Edwards offered a spirited objection. "As a member of your committee, as a senator from North Carolina, as the senator most familiar with Judge Boyle's record, and as your colleague, I ask that you not proceed with the nomination and instead work with me to confirm consensus nominees," he wrote.

The status of the hearing was unclear Tuesday evening.

Hatch spokeswoman Margarita Tapia said her boss remained convinced that Boyle deserves a hearing but it could be delayed. Edwards spokesman Mike Briggs said the senators spoke and a Tuesday hearing was unlikely.

Boyle's nomination has languished since May 2001 as part of a feud that has kept North Carolina from having a full-time judge on the 4th Circuit since 1999. The 15-member court hears appeals from five Southeastern states. It is the last stop for federal cases from that part of the country before the U.S. Supreme Court.

Boyle, a former aide to U.S. Sen. Jesse Helms, is chief judge on the U.S. District Court for the Eastern District of North Carolina.

In his letter, Edwards notes that Boyle's decisions have been reversed or vacated more than 100 times and says that Boyle's "record on civil rights is particularly troubling."

As a district court judge during the past 19 years, Boyle has handled more than 12,000 cases.

Briggs would not elaborate on Edwards' concerns about Boyle's civil-rights record. Groups opposed to

Boyle's nomination have zeroed in on rulings on two congressional redistricting cases.

Both the White House and U.S. Sen. Elizabeth Dole, a North Carolina Republican, voiced renewed support Tuesday for Boyle. "The Judiciary Committee should give each and every one of the president's nominees a fair hearing, in the order of their nominations, and based on how long they've been waiting," said Mary Brown Brewer, Dole's spokeswoman.

Edwards on Tuesday repeated his call for the White House to move forward with the 4th Circuit nomination of Allyson Duncan, a Raleigh lawyer who is a black Republican. The White House sent Edwards a letter on Dec. 19 notifying him it intended to recommend Duncan for the 4th Circuit, pending a background check.

Both Edwards and Dole publicly indicated support for Duncan's nomination in January.

Boyle was first nominated for the 4th Circuit more than a decade ago by the elder President Bush. After Senate Democrats denied Boyle a hearing, Helms blocked a string of nominees during the Clinton administration, including candidates recommended by Edwards after his arrival in the Senate in 1999.

From: Mamo, Jeanie S.
To: <Kavanaugh, Brett M.>;<Snee, Ashley>
Sent: 4/2/2003 8:10:18 AM
Subject: Charlotte Observer (4/2/03) re: Confirmation hearing for judge put on hold

Posted on Wed, Apr. 02, 2003

Confirmation hearing for judge put on hold

Sen. Edwards opposed to nomination of N.C. conservative Boyle

TIM FUNK

Observer Washington Bureau

WASHINGTON - The Republican chairman of the Senate Judiciary Committee has backed off -- for now -- on scheduling a confirmation hearing for a conservative N.C. judge whose nomination to the 4th U.S. Circuit Court of Appeals is opposed by Sen. John Edwards.

Sen. Orrin Hatch, R-Utah, had notified the N.C. Democrat in a March 27 letter that he planned to set a hearing Tuesday for Chief U.S. District Judge Terrence Boyle.

Boyle was nominated by now-retired Sen. Jesse Helms and is strongly backed by the White House.

But top Democrats charged that Hatch was abandoning a tradition that required both home-state senators to OK a judicial nominee. On Tuesday, Hatch told Edwards -- a member of the Judiciary Committee -- that the hearing would not happen next week.

"Sen. Hatch and Sen. Edwards had a conversation on the Senate floor (late Tuesday afternoon)," said Mike Briggs, Edwards' Senate spokesman. "Both senators are going to try to work together on this issue."

It was unclear Tuesday night whether that meant Hatch would give up on or merely delay Boyle's nomination. There were also mixed signals about whether Hatch would challenge the so-called "blue slip" tradition that many say has allowed senators to effectively veto judicial nominees from their state.

The practice is named for the blue slip a senator doesn't return or marks negatively when opposing a nomination. The tactic has stalled nominations of several N.C. jurists in recent years. Even though North Carolina is the

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From: Kirk Blalock <kblalock@fierce-isakowitz.com>
To: <Schacht, Diana L.>;<Warsh, Kevin>;<Silverberg, Kristen>;<Kavanaugh, Brett M.>
Sent: 4/2/2003 8:17:42 AM
Subject: Cannon and Dooley Update - Asbestos

Cong. Cannon is sending out a dear colleague today asking folks to co-sponsor his enhanced medical criteria asbestos bill. Its basically medical criteria, full venue and anti-consolidation, lung-cancer criteria (higher bar to weed out smokers who claim asbestos related disease), and joint-and-several. He will likely introduce the bill on Thursday. This bill is supported by the Insurance Companies.

Cong. Dooley is going to likely introduce his bill on April 8th. His bill is very similar to the Nickles medical criteria bill, but uses the ABA medical criteria instead of the AMA medical criteria. This bill does not have full venue provisions, carves out the cancer cases. This bill will be supported by the National Association of Manufacturers' Asbestos Alliance and the Insurance Companies will applaud its direction, etc.

From:	Bumatay, Patrick J.
To:	<Nelson, Carolyn>;<Leitch, David G.>;<Montiel, Charlotte L.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>
Sent:	4/2/2003 8:28:22 AM
Subject:	ARG article on affirmative action

From Washington & Lee

Copyright 2003 Richmond Newspapers, Inc.
Richmond Times Dispatch (Virginia)

April 1, 2003 Tuesday City Edition

SECTION: AREA/STATE; Pg. B-2

LENGTH: 346 words

HEADLINE: RACE-NEUTRAL ADMISSIONS;
BUSH AIDE URGES SEEKING DIVERSITY WITHOUT QUOTAS

BYLINE: Calvin R. Trice, Times-Dispatch Staff Writer, * Contact Calvin R. Trice at (540) 574-9977 or ctrice@timesdispatch.com,

DATELINE: LEXINGTON

BODY:
Colleges and universities should try to maintain diverse student bodies with race-neutral admissions, President Bush's counsel said yesterday.

On the eve of the U.S. Supreme Court taking up the controversial affirmative-action cases out of the University of Michigan, **Alberto** R. **Gonzales** addressed the topic at Washington and Lee University's School of Law.

Gonzales said Bush believes in diversity in admissions and hiring, but that institutions should use race-neutral methods first.

"It allows the court to avoid the difficult and divisive question of whether race can ever be a factor in university admissions," he said.

He cited as race-neutral models the admissions policies of Texas, Florida and California.

Gonzales gave the lecture for the Washington and Lee law school's first Powell Lecture, created to bring pre-eminent legal scholars to the school for a public address.

The entirely student-run lecture program is named in honor of Lewis F. Powell Jr., a Washington and Lee alumnus who served as a Supreme Court justice for 15 years.

Powell graduated from Washington and Lee's undergraduate college in 1929 and its law school in 1931. Appointed to the Supreme Court in 1972, he ren- dered opinions in key cases involving abortion, the death penalty and affirmative action.

One of the key cases in Powell's career marked the last time affirmative action came before the high court. While

the court ruled 5-4 against racial quotas in the case of California medical-school candidate Allan Bakke, Powell wrote an opinion saying that admissions policies could take race into consideration - endorsing a form of affirmative action.

Before working in the **White House,** Gonzales served as a justice of the Texas Supreme Court and as Texas' secretary of state under then-Gov. George W. Bush.

As a personal adviser to Bush on legal matters, Gonzales works with lawyers in the Department of Justice, the CIA and the State Department, among others.

His name has also been mentioned in connection with possible future U.S. Supreme Court vacancies.

GRAPHIC: PHOTO

From: Stanzel, Scott
To: <Snee, Ashley>;<Kavanaugh, Brett M.>;<Davis, Alicia W.>
CC: <Devenish, Nicolle>
Sent: 4/2/2003 8:58:27 AM
Subject: Pittsburgh Post-Gazette

Fisher may fill vacancy in U.S. District Court

Wednesday, April 02, 2003

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From: CN=Nanette Everson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Penny G. Douglas/WHO/EOP@Exchange@EOP [WHO] <Penny G. Douglas>
Sent: 4/2/2003 10:48:46 AM
Subject: : DID YOU SEE THIS AND SEND ON?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2003 15:48:46.00
SUBJECT:: DID YOU SEE THIS AND SEND ON?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Penny G. Douglas (CN=Penny G. Douglas/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

What are your thoughts? Attached below are the thoughts of our shop.
---------- Forwarded by Nanette Everson/WHO/EOP on 04/02/2003 03:40 PM ----------

Emory Rounds
04/02/2003 03:37:42 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: DID YOU SEE THIS AND SEND ON?

---------- Forwarded by Emory Rounds/WHO/EOP on 04/02/2003 03:36 PM ----------

Emory Rounds
03/25/2003 03:13:45 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: VOLPAC Invitation

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Regarding the VOLPAC offer of travel expenses, ethics regulations provide that an employee who may take an active part in political management or in political campaigns under the Hatch Act, may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided, in connection with such active participation, by a political organization described in 26 U.S.C. 527(e). See 5 C.F.R. õ 2635.204(f).

ú The term ''political organization'' in 26 U.S.C. 527(e) means &a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.8

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ú The term &political management8 is not otherwise defined.

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****
---------- Forwarded by Emory Rounds/WHO/EOP on 03/25/2003 03:05 PM ----------

Nanette Everson
03/25/2003 12:09:51 PM
Record Type: Record

To: Emory Rounds/WHO/EOP@EOP
cc:
Subject: VOLPAC Invitation

please advise
---------- Forwarded by Nanette Everson/WHO/EOP on 03/25/2003 12:14 PM ----------

From: Penny G. Douglas/WHO/EOP@Exchange on 03/25/2003 11:37:37 AM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: VOLPAC Invitation

Hi Nanette -
;
Last week, I spoke to you briefly at the New Employees' Ethics;Briefing regarding my invitation to participate in the VOLPAC events on April 25-27,;2003.; VOLPAC is the political;action committee of Senator Bill Frist of TN.; Each year VOLPAC hosts a Spring Meeting in Nashville, TN for its members.; In the past, I have volunteered to assist with the logistics of each event i.e transportation.; ;
;
VOLPAC has offered to pay my airfare to/from Nashville.; Do you see any problem with accepting this?; Please let me know if I need to provide you with more information.
;
Thank you -
;
Penny Douglas
Office of Legislative Affairs
6-2230

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 4/2/2003 12:11:49 PM
Subject: phone message (apparently your VM is full)

Jordan Cherrick
314-552-6416

re: imp news about 8th circuit

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 4/2/2003 12:34:29 PM
Subject: no comments on eitgher

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/2/2003 9:27:29 AM
Subject: : Fisher

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2003 14:27:29.00
SUBJECT:: Fisher
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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From: Everson, Nanette
To: <Kavanaugh, Brett M.>
CC: <Douglas, Penny G.>
Sent: 4/2/2003 3:40:11 PM
Subject: DID YOU SEE THIS AND SEND ON?

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****

---------- Forwarded by Emory Rounds/WHO/EOP on 03/25/2003 03:05 PM ----------

Nanette Everson

03/25/2003 12:09:51 PM

Record Type: Record

To: Emory Rounds/WHO/EOP@EOP

cc:

Subject: VOLPAC Invitation

please advise

---------- Forwarded by Nanette Everson/WHO/EOP on 03/25/2003 12:14 PM ----------

From: Penny G. Douglas/WHO/EOP@Exchange on 03/25/2003 11:37:37 AM

Record Type: Record

To: Nanette Everson/WHO/EOP@EOP

cc:

Subject: VOLPAC Invitation

Hi Nanette -

Last week, I spoke to you briefly at the New Employees' Ethics Briefing regarding my invitation to participate in the VOLPAC events on April 25-27, 2003. VOLPAC is the political action committee of Senator Bill Frist of TN. Each year VOLPAC hosts a Spring Meeting in Nashville, TN for its members. In the past, I have volunteered to assist with the logistics of each event i.e transportation.

VOLPAC has offered to pay my airfare to/from Nashville. Do you see any problem with accepting this? Please let me know if I need to provide you with more information.

Thank you -

Penny Douglas

Office of Legislative Affairs

6-2230

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B. Dyck>
CC: susan b. ralston/who/eop@exchange@eop [WHO] <susan b. ralston>
Sent: 4/2/2003 11:53:19 AM
Subject: : Re: FW: Karl in New Orleans on the 11th
Attachments: P_VAX9F003_WHO.TXT_1.htm; P_VAX9F003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2003 16:53:19.00
SUBJECT:: Re: FW: Karl in New Orleans on the 11th
TO:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:susan b. ralston (CN=susan b. ralston/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Approved.

Paul B. Dyck
04/02/2003 04:48:19 PM
Record Type: Record

To: Susan B. Ralston/WHO/EOP@Exchange@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Karl in New Orleans on the 11th

This is a draft fax for Karl's political update breakfast next week for approval. Brett - this is not a fundraiser, just an update to some of the key RNC folks.

---------- Forwarded by Paul B. Dyck/WHO/EOP on 04/02/2003 04:45 PM ----------

Paul Dyck <pdyck@georgewbush.com>
04/02/2003 04:45:26 PM
Please respond to pdyck@georgewbush.com
Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP
cc:
Subject: FW: Karl in New Orleans on the 11th

Karl in New Orleans on the 11th

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From: Dee Dee Lancaster - Team 100 [mailto:DLancaster@rnchq.org]
Sent: Wednesday, April 02, 2003 3:22 PM
To: Paul Dyck
Subject: RE: Karl in New Orleans on the 11th

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to
the preapproved list of 20 or so.This is the rnc legally approved version.
thanks.

Dee Dee

- att1.htm
- New Orleans invite.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_VAX9F003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_VAX9F003_WHO.TXT_2>

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From: Dee Dee Lancaster - Team 100 [mailto:DLancaster@rnchq.org]
Sent: Wednesday, April 02, 2003 3:22 PM
To: Paul Dyck
Subject: RE: Karl in New Orleans on the 11th

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Dee Dee

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> **From:** Paul Dyck
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> > > Dee Dee - 8am works for Karl
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> > > > **From:** Kate Walters [mailto:kate@georgewbush.com]
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Joe Canizaro
and
Boysie Bollinger

Invite you
to a political update breakfast with

Special Guest
Karl Rove

Friday, Aril 11, 2003

8:00 a.m.

909 Poydras Street
Suite 1700
New Orleans, Louisiana

Please RSVP to Dee Dee Lancaster at the Republican National Committee at 202-863-8730.

Paid for by the Republican National Committee
310 First Street, SE, Washington, DC 20003
Not authorized by any candidate or candidate committee

From:	Vestewig, Lauren J.
To:	marlene.s.boysel@usdoj.gov <Schacht, Diana L.>;marlene.s.boysel@usdoj.gov <Perry, Philip J.>;marlene.s.boysel@usdoj.gov <Silverberg, Kristen>;marlene.s.boysel@usdoj.gov <Kavanaugh, Brett M.>;marlene.s.boysel@usdoj.gov <Bellinger, John B.>;marlene.s.boysel@usdoj.gov <Moore, Holly T.>;george.wolfe@do.treas.gov <george.wolfe@do.treas.gov>;hatamj@ms.state.gov <hatamj@ms.state.gov>;paul.harris@usdoj.gov <paul.harris@usdoj.gov>;koffskyp@osdgc.osd.mil <koffskyp@osdgc.osd.mil>
CC:	elizabeth.vannoy@do.treas.gov <elizabeth.vannoy@do.treas.gov>;marlene.s.boysel@usdoj.gov <marlene.s.boysel@usdoj.gov>;marlene.s.boysel@usdoj.gov <Hunerwadel, Joan>;marlene.s.boysel@usdoj.gov <Winland, Emily>;marlene.s.boysel@usdoj.gov <Stone, Carla B.>
Sent:	4/2/2003 4:24:26 PM
Subject:	Documents for tomorrow's meeting re. Victims of Terrorism Compensation
Attachments:	Compensation for Victims of International Terrorism Act-OMB Draft.doc; Victims of Terror Questions.doc

Attached please find two documents for the meeting tomorrow at 10:30. Thanks.

<< Compensation for Victims of International Terrorism Act-OMB Draft.doc >> << Victims of Terror Questions.doc >>



A BILL

To establish a comprehensive federal program to ~~compensate~~ provide benefits to U.S. victims of international terrorism.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SEC. 101 SHORT TITLE

This Act may be cited as the "~~Compensation~~ Benefits for Victims of International Terrorism Act of 2003."

SEC. 102 ESTABLISHMENT OF PROGRAM

There is established the ~~Compensation~~ Benefits for Victims of International Terrorism Program ("Program") under which monetary awards shall be made in accordance with this Act to eligible individuals who are physically injured, killed, or held hostage as a result of an act of international terrorism.

SEC. 103 DEFINITIONS

In this Act, the following definitions apply:

(a) Act of International Terrorism. - The term "act of international terrorism" means an activity that constitutes terrorism within the definition provided in Section 2(15) of the Homeland Security Act of 2002 and that was committed by foreign nationals or foreign governments (or the agents thereof) ~~against a national of the United States~~ and directed, in whole or in part, at the United States or at an individual because of his status as a national or employee of the United States.

(b) Claimant. - The term "claimant" means an individual filing a claim for ~~compensation~~ benefits under this Act. In the case of an individual who died as the direct result of the act of international terrorism, any individual who is eligible to recover under section 107(a) may be a claimant. In the case of an individual who suffered physical injury or was held hostage as the direct result of an act of international terrorism, the claimant shall be the individual who suffered the physical injury or was held hostage, except that a parent or legal guardian may file a claim on behalf of an individual who is less than 18 years of age, incompetent or incapacitated.

(c) ~~Office of International Claims~~Department. - The term "~~Office of International Claims~~Department" means the ~~Office of International Claims and Investment Disputes in the Office of the Legal Adviser,~~ Department of State.

(d) National of the United States. - The term "national of the United States" has the meaning given in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(e) Physical injury. -The term "physical injury" means a physical injury to the body that caused, either temporarily or permanently, partial or total physical disability, incapacity, or disfigurement.

(f) United States. - The term "United States" means the States, the District of Colombia, the Commonwealth of Puerto Rico, the Commonwealth of the Mariana Islands, the territories and possessions of the United States, the territorial sea of the United States, and the airspace above them.

SEC. 104 ADMINISTRATION

(a) Threshold Determination. -

(1) Upon the occurrence of a terrorist incident, the Secretary of State, after consultation with the Secretary of Homeland Security and the Attorney General, shall promptly determine in writing whether an act of international terrorism as defined in section 103(a) of this Act has taken place. Any such determination shall be published in the Federal Register.

(2) The Secretary of State's determination under this section shall be final and conclusive, and it shall not be subject to review in any judicial, administrative or other proceeding.

~~(3) If the Secretary determines that an act of international terrorism as defined in section 103(a) has taken place, the Secretary shall publish such a determination in the Federal Register and transmit a copy of it to the Office of International Claims.~~

(b) ~~Office of International Claims~~Department. -

(1) ~~Upon receipt of the~~When a threshold determination set forth in subsection (a) is made, the ~~Office of International Claims~~Department shall have jurisdiction to receive, examine, adjudicate, and render final decisions with respect to claims filed under section 105 in accordance with the provisions of this Act.

(2) When a final decision of the ~~Office of International Claims~~Department makes an award of benefits, the transmittal of the final decision shall be accompanied by the ~~Office of International Claims~~Department' certification of that award to the Secretary of the Treasury for payment.

(c) Payment of Awards. – The Secretary of the Treasury shall pay awards that are certified to him for payment under subsection (b)(2) from the Fund established under section 110(a).

SEC. 105 FILING OF CLAIMS

(a) In General. -- Claims for ~~compensation~~ benefits under the Program shall be filed with the ~~Office of International Claims~~Department on the form developed under subsection (b) and shall state the factual basis for eligibility for compensation and for the amount of compensation sought.

(b) Claim Form. –

(1) The ~~Office of International Claims~~Department shall develop a form that claimants shall use when submitting claims under subsection (a).

(2) The claim form at a minimum shall request -

(A) in the case of a claim filed with respect to a decedent, information demonstrating the decedent's death as a direct result of the act of international terrorism and information demonstrating that the claimant is eligible to recover under the Act;

(B) in the case of a claim not involving a death, information demonstrating the physical harm that the claimant suffered as a direct result of the act of international terrorism; and

(C) in the case of a claim filed by a parent or legal guardian, information demonstrating the claimant's status as a parent or legal guardian.

(c) The claim form shall state clearly and conspicuously the information contained in section 112 of this Act.

SEC. 106 ELIGIBILITY

(a) In General. - The ~~Office of International Claims~~Department shall review each claim filed under this Program and determine whether the claimant is an eligible individual under subsection (b) of this section.

(b) Eligible Individuals. -- An eligible individual is a victim who, as of the date on which the act of international terrorism occurred, (A) was a national of the United States or any person hired pursuant to section 2669(c) or section 3943 of title 22 of the United States Code; and (B)(i) died as the direct result of the act of international terrorism, (ii) suffered physical injury as the direct result of the act of international terrorism, or (iii) was held hostage as a direct result of an act of international terrorism and not solely for ransom.

(c) A participant or conspirator in any act of international terrorism, or a representative of such individual, shall not be eligible to receive ~~compensation~~ benefits under the Program.

(d) Exclusion for Armed Conflict. - This Program does not apply to any claim arising out of injury or death sustained while engaged in armed conflict by a member of the U.S. Armed Forces serving on active duty. The Secretary of Defense shall determine promptly upon request

of the Secretary of State whether the incident giving rise to the claims shall be deemed an armed conflict for the purposes of the preceding sentence. The Secretary of Defense's determination under this subsection shall be final and conclusive, and it shall not be subject to review in any judicial, administrative or other proceeding.

(d) Notwithstanding any other provision in this Act, no individual who is or was eligible to recover under the September 11th Victim Compensation Fund of 2001 shall be eligible to recover under this Act.

SEC. 107 NATURE OF AWARDS

(a) In any case in which the ~~Office of International Claims~~Department determines, under regulations issued pursuant to this Act, that an eligible individual has died as the direct and proximate result of an act of international terrorism, the ~~Office of International Claims~~Department shall ~~pay~~ award a benefit equal to that amount payable as a death benefit to public safety officers pursuant to section 3796 of title 42, United States Code, as amended, as follows:

(1) if there is no surviving child of the victim, to the surviving spouse of such victim;

(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such victim in equal shares and one-half to the surviving spouse;

(3) if there is a surviving child or children and no surviving spouse, to the child or children of such victim in equal shares; or

(4) if none of the above conditions apply and there is a surviving parent or parents, to the parent or parents of such victim in equal share.

(b) In the event the claimant was physically injured or held hostage as a direct result of an act of international terrorism, the ~~Office of International Claims~~Department shall ~~pay~~ award a benefit to the claimant in an amount determined by the ~~Office of International Claims~~Department up to, but not to exceed, the amount provided for under the preceding subsection. The Secretary of State may issue regulations regarding the amount of ~~compensation~~ benefits to be provided under this subsection for categories of injuries or for durations of time as a hostage.

(c) Awards shall be made without regard to the negligence or any other theory of liability of the claimant or of the individual on whose behalf the claimant is filing a claim.

~~(d) Whenever the Office of International Claims determines upon a showing of need and prior to final action that the claimant is likely to recover under this Act, the Office of International Claims may make an interim benefit payment not to exceed $3,000 to the individual entitled to receive a benefit under this Act. The amount of an interim payment under this paragraph shall be deducted from the amount of any final benefit paid to such individual. Where~~

~~there is no final benefit paid to such individual, the recipient of any interim payment shall be liable for repayment of such amount. The Office of International Claims may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.~~

SEC. 108 LIMITATIONS ON CLAIMS

(a) No benefit is payable under this Act with respect to the death of a victim if a benefit is paid under this Act with respect to such victim having been injured or held hostage.

(b) No benefit is payable under this Act with respect to a victim having been injured or held hostage if a benefit is payable under this Act with respect to the death of such victim.

(c) Time Limitation for Filing. -- No claim may be filed on the basis of an act of international terrorism after the date that is 2 years after the date of publication in the Federal Register of the relevant determination under section 104(a)(3) of this Act.

SEC. 109 INTERNATIONAL TERRORISM BEFORE EFFECTIVE DATE

(a) Benefits may be awarded under this Act, subject to the provisions of subsection (b) of this section, to eligible individuals for acts of international terrorism that took place before the effective date of this Act and which occurred on or after November 1, 1979.

(b) The Secretary of State, ~~in~~ after consultation with the Secretary of Homeland Security and the Attorney General, shall issue, promptly upon the request of a claimant potentially covered under subsection (a), a determination whether an incident that occurred on or after November 1, 1979, and before the date of enactment of this Act was an act of international terrorism. Such requests will be considered only if made within one year after the date of enactment of this Act. Any such determination shall be published in the Federal Register. ~~If the Secretary determines that an act of international terrorism as defined in section 103(a) has taken place, the Secretary shall publish such a determination in the Federal Register and transmit a copy of it to the Office of International Claims in accordance with section 104(a)(3).~~

SEC. 110 AUTHORIZATION.

(a) There is established for the purpose of providing benefits under this Act a Victims of International Terrorism Benefits Fund ("Fund").

(1) There are authorized to be appropriated to the Department of State for deposit into the Fund such sums as may be necessary to pay awards under this Act.

(2) Amounts in the Fund shall be available until expended.

(3) Contributions. -- The Secretary of State is authorized to accept such amounts as may be contributed by individuals, business concerns, foreign governments, or other entities for the payment of awards certified under this Act and such amounts may be deposited directly into the Fund.

(4) Unexpended balances of expired appropriations available to the Department of State may be transferred directly into the Fund for the payment of awards under this Act.

(b) In addition to amounts otherwise authorized to be appropriated for the Department of State, there are authorized to be appropriated to the Department of State such sums as may be necessary to administer this Program. ~~The Secretary of State is authorized to spend such sums as are necessary to carrying out this Act.~~

SEC. 111 SUBROGRATION AND WAIVER

(a) The United States shall be subrogated, to the extent of the payments, to any recovery in litigation or settlement of litigation related to an injury or death of an individual paid under the Program.

(b) ~~Nothing in this Act shall limit or otherwise affect any right of the United States, including any right of recovery from a foreign state or instrumentality thereof, under any applicable law.~~By filing a claim under this Act, the claimant, or the individual on whose behalf the claimant is filing, waives any right to file, be a party to, or continue to pursue any claim, or execution upon a judgment, against the United States, its agencies or instrumentalities, or any foreign government or state, or its agencies or instrumentalities, in any judicial, administrative or other proceeding for damages sustained as a result of the act of international terrorism or where jurisdiction is based upon section 1605(a)(7) of title 28 of the United States Code: provided, however, that nothing in this Act shall limit or otherwise affect any right of recovery against individuals or entities who were participants or conspirators in the act of international terrorism.

(c) Any amounts recovered under subsections (a) or (b) shall be ~~used for subsequent awards under this Act~~shall be deposited into the Fund established by section 110(a).

SEC. 112 ADMINISTRATIVE PROVISIONS

The Secretary of State is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this Act. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this subchapter. Rules, regulations, and procedures issued under this subchapter may include regulations governing the recognition of agents or other persons representing claimants under this Act before the ~~Office of International Claims~~Department. The rules, regulations, and procedures may prescribe the maximum fees that may be charged for services performed in connection with any claim under this Act before the ~~Office of International Claims~~Department, and any agreement in violation of such rules and regulations shall be void.

SEC. 113 NO JUDICIAL REVIEW

Actions taken under this Act shall not be subject to review in any judicial, administrative or other proceeding.

SEC. 114 CONFORMING AMENDMENTS

(a) Section 201 of the Terrorism Risk Insurance Act of 2002 (Public Law 107-297) is amended by adding the following as new subsection (e):

"(e) Subsection (a) shall not apply to any judgment obtained pursuant to a complaint filed after [the date of submission of the Benefits for Victims of International Terrorism Act of 2003]."

(b) Section 1610(f) of Title 28, United States Code (28 U.S.C. 1610(f)), is amended by adding the following at the end as new subparagraph (4):

"(4) Subsection (f) shall not apply to any judgment obtained pursuant to a complaint filed after [the date of submission of the Benefits for Victims of International Terrorism Act of 2003]."

Questions

1. The State Department draft would require anyone opting into the program to waive the right to sue anyone other than a terrorist or conspirator. There does not appear to be a policy dispute on this, but there may be a legislative strategy question regarding whether Congress will be willing to require a waiver of the right to sue if the payment levels are based on the PSOB program (which does not require a waiver).
2. There appear to be three general options regarding the treatment of military personnel: (a) include them under the same circumstances as civilians, (b) exclude them only for terrorist acts that occur while they are engaged in "armed conflict," or (c) exclude them for all terrorist acts that occur while they are on active duty or d) don't exclude them but make them choose between this and existing DOD compensation. I don't know how this would work, but we could ask. Each of these options presents problems. I think that we may need to resolve similar questions w/r/t other federal personnel that have pre-existing compensation programs. For example, should we be excluding foreign service personnel? Also, what about police and other people who are eligible under PSOB?
3. Whether the Administration should affirmatively propose a compensation program or instead hold it for use as an alternative to proposals that are inconsistent with the Administration's principles.
4. Do we agree that we need to cover all pre-existing acts of terrorism? What do we do with people who already received compensation or may soon (like the families suing Libya)?
5. Whether the Secretary of State must obtain the "concurrence" of the Secretary of Homeland Security and the Attorney General before certifying that an act of international terrorism has occurred or only must "consult" with them.
6. Whether to include the repeal of TRIA's provision allowing access to frozen assets to satisfy judgments.

From: Dyck, Paul B.
To: <Ralston, Susan B.>;<Kavanaugh, Brett M.>
Sent: 4/2/2003 4:45:41 PM
Subject: FW: Karl in New Orleans on the 11th
Attachments: att1.htm; New Orleans invite.doc

This is a draft fax for Karl's political update breakfast next week for approval. Brett - this is not a fundraiser, just an update to some of the key RNC folks.

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Paul Dyck

04/02/2003 04:45:26 PM

Please respond to pdyck@georgewbush.com

Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP

cc:

Subject: FW: Karl in New Orleans on the 11th

Karl in New Orleans on the 11th

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Sent: Wednesday, April 02, 2003 3:22 PM

To: Paul Dyck

Subject: RE: Karl in New Orleans on the 11th

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Karl Rove

Friday, Aril 11, 2003

8:00 a.m.

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Suite 1700
New Orleans, Louisiana

Please RSVP to Dee Dee Lancaster at the Republican National Committee at 202-863-8730.

Paid for by the Republican National Committee
310 First Street, SE, Washington, DC 20003
Not authorized by any candidate or candidate committee

From: Kavanaugh, Brett M.
To: <Dyck, Paul B.>
CC: <Ralston, Susan B.>
Sent: 4/2/2003 4:53:12 PM
Subject: Re: FW: Karl in New Orleans on the 11th
Attachments: att1.htm; New Orleans invite.doc

Approved.

Paul B. Dyck

04/02/2003 04:48:19 PM

Record Type: Record

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cc:

Subject: FW: Karl in New Orleans on the 11th

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To: Paul B. Dyck/WHO/EOP@EOP

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Subject: FW: Karl in New Orleans on the 11th

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> > **From:** Dee Dee Lancaster - Team 100 [mailto:DLancaster@rnchq.org]
> > **Sent:** Wednesday, April 02, 2003 11:14 AM
> > **To:** Paul Dyck
> > **Subject:** RE: Karl in New Orleans on the 11th
> >
> > great. I will do a fact sheet and timeline. I will update you with rsvps as well. thanks.
> >
> > > -----Original Message-----
> > > **From:** Paul Dyck
> > > **Sent:** Wednesday, April 02, 2003 11:14 AM
> > > **To:** Kate Walters
> > > **Cc:** Dee Dee Lancaster - Team 100
> > > **Subject:** RE: Karl in New Orleans on the 11th
> > >
> > > Dee Dee - 8am works for Karl
> > >
> > > > -----Original Message-----
> > > > **From:** Kate Walters [mailto:kate@georgewbush.com]
> > > > **Sent:** Wednesday, April 02, 2003 10:46 AM
> > > > **To:** Paul Dyck
> > > > **Cc:** Dee Dee Lancaster - Team 100
> > > > **Subject:** FW: Karl in New Orleans on the 11th
> > > >
> > > > -----Original Message-----
> > > > **From:** Dee Dee Lancaster - Team 100 [mailto:DLancaster@rnchq.org]
> > > > **Sent:** Wednesday, April 02, 2003 10:13 AM
> > > > **To:** Kate Walters
> > > > **Subject:** Karl in New Orleans on the 11th
> > > >
> > > > Kate,

I understand from Jack that we are moving forward with a political update breakfast with Karl on the 11th at Joe canizaro's office. Can you tell me what time Karl wants the breakfast to begin? Is 8 a.m. appropriate?

thanks,

Dee Dee

Joe Canizaro
and
Boysie Bollinger

Invite you
to a political update breakfast with

Special Guest
Karl Rove

Friday, Aril 11, 2003

8:00 a.m.

909 Poydras Street
Suite 1700
New Orleans, Louisiana

Please RSVP to Dee Dee Lancaster at the Republican National Committee at 202-863-8730.

Paid for by the Republican National Committee
310 First Street, SE, Washington, DC 20003
Not authorized by any candidate or candidate committee

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 4/2/2003 9:19:22 PM
Subject: Michigan

Did you mean to suggest that you think Mich programs are upheld?
.

From: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/2/2003 7:48:35 PM
Subject: : Class Action deal
Attachments: P_087AF003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ("Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME: 3-APR-2003 00:48:35.00
SUBJECT:: Class Action deal
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI, we just cut a deal to get Feinstein on board. We are marking it up tomorrow and expect to finish it tomorrow. 9 Amendments besides Feinstein's, most of which we have seen before and can easily defeat. Leahy will also offer his First Responders bill and a Crim Penalties for Doc Destruction amendment. Should be an interesting markup.

CONFIDENTIALITY NOTE:

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- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_087AF003_WHO.TXT_1>

FYI, we just cut a deal to get Feinstein on board. We are marking it up tomorrow and expect to finish it tomorrow. 9 Amendments bes ides Feinstein's, most of which we have seen before and can easily defeat.&nbs p; Leahy will also offer his First Responders bill and a Crim Penalties for Doc De struction amendment. Should be an interesting markup.

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From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/3/2003 7:54:34 AM
Subject: : TRANSCRIPT - Secretary Powell Media Availability 04/03/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 3-APR-2003 12:54:34.00
SUBJECT:: TRANSCRIPT - Secretary Powell Media Availability 04/03/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

MEDIA AVAILABILITY WITH SECRETARY OF STATE COLIN POWELL FOLLOWING MEETING
WITH NATO MINISTERS AND EUROPEAN UNION OFFICIALS

NATO HEADQUARTERS, BRUSSELS, BELGIUM
9:41 A.M. EST, THURSDAY, APRIL 3, 2003

;

SEC. POWELL: Well, good afternoon, ladies and gentlemen. It's a pleasure to be back at NATO, and I'd like to express my thanks and appreciation to the secretary-general and to the presidency of the European Union for making it possible for me to meet here today with both the NAC and with all of the representatives of the European Union in two different sessions. I also had a series of very productive bilateral discussions.

;;;;;; I came to Brussels today because I wanted to take this opportunity to discuss with our European colleagues the progress of our campaign in Iraq, Operation Iraqi Freedom. But beyond just talking about a military campaign, I wanted to talk about the future.

;;;;;; The military campaign is going well. Two weeks into Operation Iraqi Freedom, coalition forces are slowly but surely reducing the capability of the Iraqi armed forces; are on the outskirts of Baghdad approaching Saddam Hussein International Airport; slowly reducing the remaining pockets of resistance in the south. Humanitarian aid is starting to flow. We've been able to declare the southern most part of the country a secure area so that U.N. organizations can begin their work. And with each passing day, Iraqi forces become weaker, coalition forces become stronger. A very skilled campaign is being waged, and we all hope that it will come to an end soon, and it is an end that will certainly be successful.

;;;;;; I briefed my colleagues on that campaign, but as I said, we really came here to talk about a future, a future for the people of Iraq; a future that will be based on a new Iraq, an Iraq that is living in peace and freedom with a government that is representative of all the people, that is responsive to the needs of the people; a government that will no longer be developing weapons of mass destruction or dealing in terrorism activities or brutalizing its own people; a government that will use its oil wealth for the benefit of its people and not for preparing to invade its neighbors or to develop weapons of mass destruction.

;;;;;; I indicated to my colleagues that the work of reconstruction and rebuilding will require the entire international community to join together. We will be going through a phase process, obviously, in the post-hostilities period. Initially, military commanders, the coalition commanders, will be responsible for stabilizing the situation; for securing the country and the people; for making sure that we find all the weapons of mass destruction and identify them, destroy them, pull out the infrastructure and capability; making sure that we have disarmed any remaining remnants of the Iraqi army that might be a threat to their own people or to coalition forces.

;;;;;; But at the same time that the military commander is performing that job, which is his responsibility as the commander of the liberating force, we will quickly want to bring in individuals who can establish an interim Iraqi authority so that the people of Iraq can very quickly see that their own representatives are moving into positions of authority. And as the interim authority develops capability, responsibility will be passed to them to make decisions about the future of Iraq and how Iraq will be governed and how it will be led and how it will be administered.

;;;;;; We also expect that during this post-hostility period, international organizations will have an important role to play. As President Bush and Prime Minister Blair and Prime Minister Aznar said at the Azores summit a few weeks ago, the U.N. has a role to play as a partner in this effort. The specific role to be played by the United Nations was discussed quite extensively here among my colleagues. And these are discussions that will continue and continue in New York. And I'll be having conversations with the secretary-general about what I heard here as we work on what resolutions might be appropriate as we move forward.

;;;;;; I think this has been a very successful day, from my perspective. It shows that notwithstanding the disagreements we have had within the transatlantic communities, serious disagreements, heated disagreements where we came to opposite conclusions on a very important issue of the day, we now must move forward and align ourselves again, with the need to serve the Iraqi people. The people of Iraq deserve a government that is responsive to its needs, that reflects all of the dreams and hopes and aspirations of the Iraqi people. And it is our obligation, the obligation of the coalition, the obligation of the international community, the obligation of all of us, to make sure that that hope is not deferred or not defeated.

;;;;;; Thank you very much, and I'd be delighted to take your questions.

;;;;;; RICHARD BOUCHER (State Department spokesman): Start down here with Mr. Schweid.

;;;;;; Q Mr. Secretary, that military job that you envision once Saddam Hussein is gone -- will that benefit -- would that benefit by the participation of NATO peacekeepers? And are you more optimistic that there will be a consensus on a U.N. role? Have you made some movements in that direction today?

;;;;;; SEC. POWELL: With respect to the second part of the question, there will definitely be a U.N. role, but what the exact nature of that role will be remains to be seen. We are hopeful that the secretary-general will in the very near future appoint a coordinator who can work with the coalition and work with the interim authority when it is created, and to supervise the flow of humanitarian aid coming from U.N. organizations and also serve as the eyes and ears of the U.N. in the area. And so I'll be talking to the secretary-general about that again.

;;;;;; Oh, the second part of your question --

;;;;;; Q (Off mike) -- was, in that immense military task, will NATO be involved?

;;;;;; SEC. POWELL: Yeah. I would -- I would not want to answer that yet because I think this will be a judgment that would have to be made by the coalition military leaders. At some point, the combat operation that is under way will transition into stability and security operations, and ultimately into other kinds of operations, and we will have to make an assessment at that time of what the needs are.

;;;;;; What I am pleased about today is that all of my NATO colleague saw that as a possibility and were willing to consider it. We placed no request before NATO today. Deputy Secretary of Defense Paul Wolfowitz,

when he was here in December, laid out some suggestions that NATO could consider, and they were tabled, and they go to the usual activities such as peacekeeping, things of that nature. And I'm pleased that there was at least a receptive attitude here today; that NATO, as a group, is willing to consider a NATO military role, if one is appropriate, and that's a judgment that will have to be made at some time in the future. So we've begun a discussion within NATO. The important thing is that nobody raised any objection to that possibility.

;;;;;; MR. BOUCHER: Okay, go to the woman with the glasses in the third row.

;;;;;; Q My name is Fabia Nirak (ph). My husband is missing since your forces shot on his car. I sent you a personal letter this morning asking you for information, and I would like to know if you are going to give me this information?

;;;;;; SEC. POWELL: Yes, ma'am. I received an e-mail from you yesterday. And when I received the information and realized there was a possibility that we might have some information about your husband, I immediately contacted our military authorities. For the last almost 18 hours now, they've been hard at work trying to find out whatever they could about your husband.

;;;;;; So far, we have not received any information back concerning your husband's situation. But I want you to know that it is being looked at with all the intensity we can bring to the case, and we'll be back in touch with you as soon as we find out any information whatsoever.

;;;;;; Q Will you make me a personal promise that you will check and give me back the information?

;;;;;; SEC. POWELL: Yes, ma'am.

;;;;;; Q Thank you.

;;;;;; MR. BOUCHER: Okay, let's go down here.

;;;;;; SEC. POWELL: I'm very sensitive to this. I know -- I understand your feelings. And as soon as we heard of it yesterday, from my plane we immediately contacted our military authorities in the region and asked them to look into it, and they have been looking for the last 18 -- 18 hours. But so far, we have not received any information that is -- that would be useful to you. But I give you my personal promise we will do everything we can to find out what happened.

;;;;;; MR. BOUCHER: Let's go down here.

;;;;;; Q Secretary Powell.

;;;;;; SEC. POWELL: Where?

;;;;;; Q In the front row.

;;;;;; SEC. POWELL: Oh. I'm sorry.

;;;;;; Q Robert van de Roer of NRC Handelsblad, from the Netherlands. When you came into office, you were a sort of diplomatic star in the view of many Europeans, but in the last few months you have, in the view of many Europeans but also Americans, you have become sort of a symbol of failing U.S. diplomacy. Do you regret that?

;;;;;; SEC. POWELL: Well, I don't believe I am a symbol of failing U.S. diplomacy. So I don't accept your premise. U.S. diplomacy --

;;;;;; Q (Off mike) -- premise -- (off mike) -- question.

;;;;;; SEC. POWELL: No, it was a question with a premise.

;;;;;; Q Many Europeans, many Americans --

;;;;;; MR. BOUCHER: Let's go to the end.

;;;;;; SEC. POWELL: Well, we won't go to polls and ratings, but maybe another time.

;;;;;; The issue is, I think, U.S. diplomacy is alive and well. That's why I'm here today. That's why I'm here today to speak to all of my European Union colleagues and NATO colleagues about a way forward. The United States took a bold diplomatic step last September when President Bush went to the United Nations and presented a problem to the United Nations that one particular dictator and one particular regime that has been brutalizing its people and been developing weapons of mass destruction for 12 years had ignored the will of the international community. And we didn't go off unilaterally; we multilaterally brought it to the U.N. Seven weeks later, as a result of, I think, a lot of effective diplomatic work on the part of the United States and the other members of the Security Council, we produced a resolution, 1441, which was voted on unanimously 15 to zero, that said Saddam Hussein and his regime is guilty, remains guilty, is being given one last chance to come into compliance, and if it does not come into compliance, serious consequences would flow.

;;;;;; And after several months and listening to the report of the inspectors, the United States and a number of other nations on the Security Council and elsewhere in the world felt it was important that we take action. There were other countries that felt strongly that no action was appropriate, and we understand that public opinion in Europe was opposed to such action, as well. Nevertheless, the United States would not step back from its responsibilities and the responsibilities it felt the Security Council had, as well.

;;;;;; Some people suggested that we should get a second resolution. We didn't believe one was needed because there was sufficient authority in 1441, which was passed unanimously. Nevertheless, we made an effort to get a second resolution. We were not successful, so we pulled back because it was clear that some members of the council were going to veto it no matter what it said. And so we decided let's not go with the resolution; we have enough authority.

;;;;;; And now we have a coalition of willing nations -- close to 50 now -- it might be 50 today -- that have engaged in this operation. And in a period of two weeks time, through a very successful military campaign that has been conducted with great skill -- and a lot of commentary -- but with great skill, is close to achieving its objective.

;;;;;; And so, we used skillful diplomacy to get to the point of 1441. But diplomacy must be backed by force. And diplomacy is useless if one is not willing to use force to impose the will of the international community on a nation such as Iraq, which violated the will of the international community for 12 years.

;;;;;; MR. BOUCHER: Okay, let's go in the aisle down here.

;;;;;; Q Yes, Mr. Secretary. There's -- it's apparent that there's not yet a consensus within Washington as to what the role of the U.N. should be in the post-conflict period.

;;;;;; But it's very clear in NATO, and among the European leaders, that there is a strong feeling that the U.N. should have a very central role, a central political role, as the French foreign minister described it.

;;;;;; What kind of report are you going to bring back to Washington as to what you've heard here and how that should shape U.S. policy? And just secondly, do you think there should be some sort of conference along the lines of the Bonn conference to set up an interim authority?

;;;;;; SEC. POWELL: What I will report back to the president and my colleagues in the National Security Council is what I have heard here today. This was a -- this was a series of meetings of a consultative nature, and when you're consulting, you listen as well as speak. And I will report back what I heard.

;;;;;; We are still examining the proper role for the United Nations. I'm not surprised that there is not consensus yet because the debate and the discussion has just begun. And so we had a very healthy dialogue. We all understand that the U.N. must play a role. The president has said so; he said it clearly. The nature of that role and how it is to be played remains to be seen.

;;;;;; But one also has to remember that it was the coalition that came together and took on this difficult mission at political expense, at the expense of the treasure, the money that it costs, but at the expense of lives as well. And when we have succeeded, and when we look down the road to create this better life for the Iraqi people to rebuild this society, to rebuild this country after these decades of devastation wrought by Saddam Hussein, I think the coalition has to play the leading role in determining the way forward. This is not to say that we have to shut others out, and not to say that we will not work in partnership with the international community, and especially with the United Nations.

;;;;;; And so the resolutions that will be required, what will be in those resolutions and how responsibilities will be set up between different parties remains to be seen, just as it is in every instance, just as it has been done in Afghanistan.

;;;;;; How an interim authority will be developed is the subject of discussion, and I got some good ideas here today, which I will be sharing with my colleagues when I get home.

;;;;;; MR. BOUCHER: Okay. Let's go to the gentleman in the gray shirt here.

;;;;;; Q Mr. Powell, today has been said plenty words about the reconstruction of Iraq, but can you say about the reconstruction of -- political reconstruction of Iraq? Who will come instead of regime of Saddam? And do you -- are you sure that the opposition of Saddam is a democratic opposition?

;;;;;; SEC. POWELL: We want to put in place a government -- initially put in place an interim authority, so that a government can be raised up from that interim authority. Ultimately, the Iraqis themselves have to create their own government. It has to be a government that will preserve the territorial integrity of Iraq and will be representative of all the people of Iraq. The opposition leaders we have been working with are committed to that end.

;;;;;; And I believe that the kind of interim authority that we want to create and the kind of government we want to see rise up would be a government that would contain individuals who have fought long and hard for many years outside of the country for the liberation of Iraq, as well as individuals within the country who recognize the damage that Saddam Hussein has done to the country and who are willing to participate in a new form of government to provide a new life for Iraq and who will be committed to the values that we believe are important and which we believe the Iraqi people are deserving of. And so it will be a combination of those who have struggled from the outside, as well as those in the inside. But above all, it will be representative.

;;;;;; MR. BOUCHER: We've got time for one or two more. The gentleman in the red tie had a question.

;;;;;; Q Greg Burke from Fox News. Mr. Secretary, I'd like to ask -- the Europeans seem to be pushing quite a bit for the road map, and I'd like to know the status of that and also if you can deliver.

;;;;;; SEC. POWELL: The road map is ready to be delivered. And as we have said and the president has said, we are anxious to present it to the new Palestinian prime minister. We are waiting for him to be confirmed as prime minister. We expect this will happen in the next week or two. Once he forms a Cabinet and receives the vote of confirmation or confidence in that Cabinet, then he will be confirmed. The road map will be delivered at that time, delivered to both parties and presented to the world.

;;;;;; And the United States will remain deeply engaged in working with both parties and other nations in the region and interested nations throughout the world to assist both sides in taking the steps necessary to move down that road map and to move toward peace.

;;;;;; We have been waiting for new Palestinian leadership to come forward, and we are now seeing that happen. We know that that new leadership, in order for there to be success, must be committed to the end of violence, the end of terror and to responsible government. And we know that there will be obligations on the Israeli side, as well. And so, once the road map has been delivered to both sides, they'll have an opportunity to comment on it and talk to each other about it, what the mutual obligations are. And we are ready to engage in a very, very -- very, very comprehensive and forceful way.

;;;;;; MR. BOUCHER: Okay. Last one over here.

;;;;;; Q Mack Huser (ph), Mein (ph) News. Mr. Colin Powell, do you still believe it was the reasons that you gave to justify the war, after two weeks with a very strong resistance from the Iraqi people and no evidence of the weapons you are looking for?

;;;;;; And second, do you have an idea what will happen, what they're going to do with the Iraqi regime after the war?

;;;;;; SEC. POWELL: With respect to what we've been doing for the last two weeks, we've been fighting a battle, fighting a series of battles, fighting a campaign. And that's been our priority. We have not yet started our search for weapons of mass destruction, which we know are well hidden throughout the country and within the Iraqi industrial infrastructure, but we will certainly be doing that. We have uncovered quite a bit of protective gear that the Iraqis have, which certainly suggested that they were prepared to fight in chemical environments -- so are we, but everybody knows and the Iraqis knew that we didn't have any chemical weapons to be used in a conflict.

;;;;;; And so that's at least an indication that they were aware that they might be fighting in a chemical environment produced by themselves. And so we will continue to search and look for the weapons of mass destruction. I'm quite confident they will be found.

;;;;;; And, I'm sorry?

;;;;;; Q Second, do you have any idea what they're going to do with the Iraqi regime after the war?

;;;;;; SEC. POWELL: Well, we're going to -- not speaking about personalities yet, but this regime will be removed. Those who are guilty of crimes against their own people or crimes against humanity will be brought to justice.

;;;;;; Thank you very much.

;;;;;; MR. BOUCHER: Thank you very much, ladies and gentlemen.

END.

;

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2003 3:58:05 AM
Subject: : FW: Letter to Paul McCullough
Attachments: P_LCFAF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 3-APR-2003 08:58:05.00
SUBJECT:: FW: Letter to Paul McCullough
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please let me know if you have any problems with the draft and if it should go under ARG's signature.; FYI - Jay L. drafted it.
;
-----Original Message-----
From: Burks, Jonathan W.
Sent: Thursday, April 03, 2003 7:19 AM
To: Gillmor, Eleanor L.; Ritacco, Krista L.; Bumatay, Patrick J.; Ralston, Susan B.; Hernandez, Israel
Subject: Letter to Paul McCullough

Harriet emailed your principals (and sometimes you too) yesterday with her suggested revisions to the Jay's draft response to Paul McCullough. Please let me know if your principal is OK with her revisions. (I've attached a copy for easy reference.)
;
(Patrick, also please check to see if you guys concur this should come from someone in the counsel's office.)
;
Thanks,
Jon
;
;
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LCFAF003_WHO.TXT_1>

March 28, 2003

Mr. Paul McCulloch
440 Louisiana, 16th Floor
Houston, TX 77002

Dear Mr. McCulloch,

On behalf of President Bush, thank you for your letter about the President's proposals on medical liability reform and for the information regarding Javier DeLuna. The President appreciates hearing your views and welcomes your suggestions about this important issue. President Bush supports recovery of all medical costs and economic damages where the facts justify an award. He also supports awarding reasonable non-economic damages and punitive damages in cases where the facts justify recovery of such an award. However, the medical liability crisis is threatening access to health care in many states and must be addressed.

Excessive jury awards are driving up costs, encouraging frivolous lawsuits, and promoting long, drawn-out legal proceedings. The fear of lawsuits forces many good doctors to practice defensive medicine, ordering excessive tests, procedures, and treatments. These unnecessary practices increase costs for patients, while decreasing quality and availability of care. In addition, many insurers have dropped medical liability coverage for doctors, particularly in the fields of neurosurgery, and obstetrics and gynecology, or raised premiums dramatically, forcing some doctors out of medicine.

The President has proposed a national solution that will make quality health care more affordable, more available, and safer for all Americans, while protecting the injured patient's right to hold accountable doctors who practice bad medicine. These reforms include ensuring that injured patients have the right to obtain appropriate compensation for economic losses while preventing excessive non-economic and punitive damage awards that drive up costs and encourage unnecessary lawsuits and lengthy legal proceedings.

These changes will ensure that quality of care improves as patients gain greater access to physicians. Experience in many states has demonstrated that these medical liability reforms can reduce Federal government costs by $30 billion per year or more, freeing up funds that can make health care more affordable. In addition, these standards can reduce health care costs for all Americans by $60 billion or more, and make our system more fair, predictable, and timely.

The President has called for reserving punitive damages for cases where they are justified, but not limiting economic damages incurred by patients like Javier in any way. The President has also called for the payment of judgments over time rather than in a single lump sum, to ensure that appropriate payments are there when patients like Javier may need them. Under the President's plan, even excluding any potential non-economic or punitive damages, Javier would

be able to receive full compensation for all medical costs and all economic damages, including both lost and potential wages.

The President believes that these reforms allow injured parties to recover justifiable damages, but they will significantly improve our medical liability system and help our health care system remain the best in the world. Thank you again for writing.

Sincerely,

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Bellinger, John B.>;<Addington, David S.>
Sent: 4/3/2003 8:09:20 AM
Subject:

See the item on page A2 of today's WSJ re seizure of Iraqi assets.
.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2003 4:12:05 AM
Subject: : RE: FW: Letter to Paul McCullough

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 3-APR-2003 09:12:05.00
SUBJECT:: RE: FW: Letter to Paul McCullough
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Harriet recommended that our office sign it.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, April 03, 2003 9:03 AM
To: Bumatay, Patrick J.
Subject: Re: FW: Letter to Paul McCullough

What doesn't Jay send it if he drafted it?

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/03/2003 08:57:31 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Letter to Paul McCullough

Please let me know if you have any problems with the draft and if it should go under ARG's signature. FYI - Jay L. drafted it.

-----Original Message-----
From: Burks, Jonathan W.
Sent: Thursday, April 03, 2003 7:19 AM
To: Gillmor, Eleanor L.; Ritacco, Krista L.; Bumatay, Patrick J.; Ralston, Susan B.; Hernandez, Israel
Subject: Letter to Paul McCullough

Harriet emailed your principals (and sometimes you too) yesterday with her suggested revisions to the Jay's draft response to Paul McCullough. Please let me know if your principal is OK with her revisions. (I've attached a copy for easy reference.)

(Patrick, also please check to see if you guys concur this should come from someone in the counsel's office.)

Thanks,
Jon

<< File: McCulloch 3-27-03.doc >>

From: Conference Department <kbrand@cato.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2003 8:28:20 AM
Subject: : Space: The Free-Market Frontier 4/16/03 a Cato Institute Book Forum

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Conference Department <kbrand@cato.org> (Conference Department <kbrand@cato.org> [UNKNOWN])
CREATION DATE/TIME: 3-APR-2003 13:28:20.00
SUBJECT:: Space: The Free-Market Frontier 4/16/03 a Cato Institute Book Forum
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Cato Institute
invites you to a Book Forum

Space: The Free-Market Frontier

featuring

Edward L. Hudgins
The Objectivist Center
Editor, Space: The Free-Market Frontier (Cato Institute 2003)

Buzz Aldrin
SpaceShare
Apollo XI Astronaut

James Muncy
PoliSpace

As questions are raised about the future of the American space program, it may be an opportune time to reconsider the role of the private sector. Just as private entrepreneurs made personal computers and the Internet accessible to everyone, private enterprise should be given the chance to make space accessible for commerce, science, and recreation. Come hear Cato guest speakers discuss the need for Congress to remove barriers to private space efforts; suggest free-market ways for NASA to spend its funds; and lay out a vision for how to make America a space-faring society as outlined in the Cato Institute book, Space: The Free-Market Frontier.

Wednesday, April 16, 2003
12:00 noon
(Luncheon to follow)

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News media inquiries only (no registrations), please call (202) 789-5200.
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To unsubscribe, send an email to: unsubscribe-14391@uptilt.com with the address: dginsburg@cadc.uscourts.gov in the subject line.

From: Douglas, Penny G.
To: <Everson, Nanette>;<Kavanaugh, Brett M.>
Sent: 4/3/2003 8:59:41 AM
Subject: RE: DID YOU SEE THIS AND SEND ON?

I called VOLPAC to see if they are a 527(e) organization. I'll let you know as soon as I hear back from them.

-----Original Message-----
From: Everson, Nanette
Sent: Wednesday, April 02, 2003 3:40 PM
To: Kavanaugh, Brett M.
Cc: Douglas, Penny G.
Subject: DID YOU SEE THIS AND SEND ON?

What are your thoughts? Attached below are the thoughts of our shop.
---------- Forwarded by Nanette Everson/WHO/EOP on 04/02/2003 03:40 PM ----------

Emory Rounds
04/02/2003 03:37:42 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: DID YOU SEE THIS AND SEND ON?

---------- Forwarded by Emory Rounds/WHO/EOP on 04/02/2003 03:36 PM ----------

Emory Rounds
03/25/2003 03:13:45 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: VOLPAC Invitation

This responds to your e-mail request for advice, below. In addition, is this a matter for consideration also by Brett Kavanaugh, given the Hatch Act issues?

Penny Douglas is an Executive Assistant in the Office of Legislative Affairs, and is not a commissioned officer. She plans to participate in VOLPAC events scheduled for April 25 to 27, 2003, in Nashville, Tennessee, and asks whether she may accept VOLPAC's offer to pay her airfare to and from Nashville, so that she may attend the event.

Ms. Douglas explains that VOLPAC is the political action committee of Senator Bill Frist. She also advises that she has, in the past, volunteered to assist VOLPAC with the logistics of its annual Spring weekend event.

The Office of Special Counsel's web-site notes that an employee may attend and be active at political rallies and

meetings; join and be an active member of a political party or club; and, hold office in political clubs or parties.

If this event is a fundraiser, the Office of Special Counsel's web-site also notes that, among other permissible activities, an employee may attend political fundraising functions and is allowed to organize a fundraiser, as long as she does not personally solicit, accept, or receive contributions. She may even give a speech or keynote address at a political fundraiser, as long as she is not on duty, and does not solicit political contributions. However, her name may not be shown on an invitation to such a fundraiser as a sponsor or point of contact.

Regarding the VOLPAC offer of travel expenses, ethics regulations provide that an employee who may take an active part in *political management* or in political campaigns under the Hatch Act, may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided, *in connection with such active participation*, by a political organization described in 26 U.S.C. 527(e). *See* 5 C.F.R. § 2635.204(f).

· The term "political organization" in 26 U.S.C. 527(e) means "a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function."

· The term "exempt function" in 26 U.S.C. 527(e) means "the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed. Such term includes the making of expenditures relating to an office described in the preceding sentence which, if incurred by the individual, would be allowable as a deduction under section 162(a)."

· The term "political management" is not otherwise defined.

It is not precisely clear from its web-site (http://www.volpac.com/index.html) whether VOLPAC is actually a "527(e)" organization, although that most likely is the case considering its mission and purpose statements.

If Ms. Douglas ascertains that VOLPAC is such an organization, then she may accept the gift of free airfare, as well as any meals, lodgings, other transportation, and other benefits, from that group in connection with her participation in the event. However, the event apparently begins on a Friday and, if she travels to or attends the event during her normal duty hours, she should be in a leave status during those hours.

****

---------- Forwarded by Emory Rounds/WHO/EOP on 03/25/2003 03:05 PM ----------

Nanette Everson
03/25/2003 12:09:51 PM
Record Type: Record

To: Emory Rounds/WHO/EOP@EOP
cc:
Subject: VOLPAC Invitation

please advise

---------- Forwarded by Nanette Everson/WHO/EOP on 03/25/2003 12:14 PM ----------

From: Penny G. Douglas/WHO/EOP@Exchange on 03/25/2003 11:37:37 AM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: VOLPAC Invitation

Hi Nanette -

Last week, I spoke to you briefly at the New Employees' Ethics Briefing regarding my invitation to participate in the VOLPAC events on April 25-27, 2003. VOLPAC is the political action committee of Senator Bill Frist of TN. Each year VOLPAC hosts a Spring Meeting in Nashville, TN for its members. In the past, I have volunteered to assist with the logistics of each event i.e transportation.

VOLPAC has offered to pay my airfare to/from Nashville. Do you see any problem with accepting this? Please let me know if I need to provide you with more information.

Thank you -

Penny Douglas
Office of Legislative Affairs
6-2230

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 4/3/2003 9:02:52 AM
Subject: Re: FW: Letter to Paul McCullough
Attachments: McCulloch 3-27-03.doc

What doesn't Jay send it if he drafted it?

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/03/2003 08:57:31 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Letter to Paul McCullough

Please let me know if you have any problems with the draft and if it should go under ARG's signature. FYI - Jay L. drafted it.

-----Original Message-----

From: Burks, Jonathan W.

Sent: Thursday, April 03, 2003 7:19 AM

To: Gillmor, Eleanor L.; Ritacco, Krista L.; Bumatay, Patrick J.; Ralston, Susan B.; Hernandez, Israel

Subject: Letter to Paul McCullough

Harriet emailed your principals (and sometimes you too) yesterday with her suggested revisions to the Jay's draft response to Paul McCullough. Please let me know if your principal is OK with her revisions. (I've attached a copy for easy reference.)

(Patrick, also please check to see if you guys concur this should come from someone in the counsel's office.)

Thanks,

Jon

<< McCulloch 3-27-03.doc >>

March 28, 2003

Mr. Paul McCulloch
440 Louisiana, 16th Floor
Houston, TX 77002

Dear Mr. McCulloch,

On behalf of President Bush, thank you for your letter about the President's proposals on medical liability reform and for the information regarding Javier DeLuna. The President appreciates hearing your views and welcomes your suggestions about this important issue. President Bush supports recovery of all medical costs and economic damages where the facts justify an award. He also supports awarding reasonable non-economic damages and punitive damages in cases where the facts justify recovery of such an award. However, the medical liability crisis is threatening access to health care in many states and must be addressed.

Excessive jury awards are driving up costs, encouraging frivolous lawsuits, and promoting long, drawn-out legal proceedings. The fear of lawsuits forces many good doctors to practice defensive medicine, ordering excessive tests, procedures, and treatments. These unnecessary practices increase costs for patients, while decreasing quality and availability of care. In addition, many insurers have dropped medical liability coverage for doctors, particularly in the fields of neurosurgery, and obstetrics and gynecology, or raised premiums dramatically, forcing some doctors out of medicine.

The President has proposed a national solution that will make quality health care more affordable, more available, and safer for all Americans, while protecting the injured patient's right to hold accountable doctors who practice bad medicine. These reforms include ensuring that injured patients have the right to obtain appropriate compensation for economic losses while preventing excessive non-economic and punitive damage awards that drive up costs and encourage unnecessary lawsuits and lengthy legal proceedings.

These changes will ensure that quality of care improves as patients gain greater access to physicians. Experience in many states has demonstrated that these medical liability reforms can reduce Federal government costs by $30 billion per year or more, freeing up funds that can make health care more affordable. In addition, these standards can reduce health care costs for all Americans by $60 billion or more, and make our system more fair, predictable, and timely.

The President has called for reserving punitive damages for cases where they are justified, but not limiting economic damages incurred by patients like Javier in any way. The President has also called for the payment of judgments over time rather than in a single lump sum, to ensure that appropriate payments are there when patients like Javier may need them. Under the President's plan, even excluding any potential non-economic or punitive damages, Javier would

be able to receive full compensation for all medical costs and all economic damages, including both lost and potential wages.

The President believes that these reforms allow injured parties to recover justifiable damages, but they will significantly improve our medical liability system and help our health care system remain the best in the world. Thank you again for writing.

Sincerely,

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/3/2003 5:20:53 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2003 10:20:53.00
SUBJECT::
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

American Bar Association Standard for Evaluation of Nominees:
The ABA evaluation &is directed solely to professional qualifications:
integrity, professional competence and judicial temperament. Integrity is
self-defining. The nominee's character and general reputation in the legal
community are investigated, as are his or her industry and diligence.
Professional competence encompasses such qualities as intellectual
capacity, judgment, writing and analytical ability, knowledge of the law
and breadth of professional experience. . . . In investigating judicial
temperament, the Committee considers the nominee,s compassion,
decisiveness, open-mindedness, courtesy, patience, freedom from bias and
commitment to equal justice under the law.8 ABA Web Site.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Roger.Kodat@do.treas.gov [UNKNOWN] <Roger.Kodat@do.treas.gov>
CC: graym.stern@nara.gov [UNKNOWN] <graym.stern@nara.gov>;randall.lewis@do.treas.gov [UNKNOWN] <randall.lewis@do.treas.gov>
Sent: 4/3/2003 10:08:33 AM
Subject: : Re: FW: President's Commission on US Postal Service: records
Attachments: P_2K6BF003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2003 15:08:33.00
SUBJECT:: Re: FW: President's Commission on US Postal Service: records
TO:Roger.Kodat@do.treas.gov (Roger.Kodat@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:graym.stern@nara.gov (graym.stern@nara.gov [UNKNOWN])
READ:UNKNOWN
CC:randall.lewis@do.treas.gov (randall.lewis@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Presidential records.

Roger.Kodat@do.treas.gov
04/01/2003 05:34:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Randall.Lewis@do.treas.gov
Subject: FW: President's Commission on US Postal Service: records

Brett,

Any chance that a verdict can be rendered? Thanks for your support. Roger

> -----Original Message-----
> From: Kodat, Roger
> Sent: Monday, March 31, 2003 11:19 AM
> To: 'Brett.kavanaugh@who.eop.gov'
> Cc: Lewis, Randall
> Subject: President's Commission on US Postal Service: records
>
> Brett,
>
> Further to our telecon this morning, kindly advise whether records
created
> by the newly established President's Commission on the US Postal Service,
> established by Executive Order 13278, are federal or Presidential
records.
> Pls let me know if you need any more information.
>
> Thanks, Roger
>
>

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_2K6BF003_WHO.TXT_1>

Brett,

Any chance that a verdict can be r endered? Thanks for your support. Roger

-----Original Mes sage-----

From: Kodat, Roger

Sent: Monday, March 31, 2003 11:19 AM

To: 'Brett.kavanaugh@who.eop.gov'

Cc: Lewis, Randall

Subject: **& nbsp;** President's Commission on US Postal Service: records

Brett,

Further to our telecon this morning, kindly advise whether records created by the newly establis hed President's Commission on the US Postal Service, established by Executive Order 13278, a re federal or Presidential records. Pls let me know if you need any more information.

Thanks, Roger

From: Kavanaugh, Brett M.
To: <Vestewig, Lauren J.>
Sent: 4/3/2003 10:24:29 AM
Subject: Re: Msg from Brett

Did you send this to Jay?

From: Lauren J. Vestewig/OPD/EOP@Exchange on 04/03/2003 10:24:14 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Msg from Brett

He will be a little late to the Victims meeting because he has to do an OPL briefing at 10:30. He said to start without him.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/3/2003 6:56:48 AM
Subject: : MD has had 3 judges on circuit only since 1994

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-APR-2003 11:56:48.00
SUBJECT:: MD has had 3 judges on circuit only since 1994
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2003 12:22:05 PM
Subject: : U of C

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 3-APR-2003 17:22:05.00
SUBJECT:: U of C
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I had a very agitated law student ask me today (or rather make a speech)
about ... Victor Wolski.
.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Roger.Kodat@do.treas.gov [UNKNOWN] <Roger.Kodat@do.treas.gov>
CC: garym.stern@nara.gov [UNKNOWN] <garym.stern@nara.gov>;randall.lewis@do.treas.gov [UNKNOWN] <randall.lewis@do.treas.gov>
Sent: 4/3/2003 10:11:45 AM
Subject: : Re: FW: President's Commission on US Postal Service: records
Attachments: P_DR6BF003_WHO.TXT_1.html

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-APR-2003 15:11:45.00
SUBJECT:: Re: FW: President's Commission on US Postal Service: records
TO:Roger.Kodat@do.treas.gov ( Roger.Kodat@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
CC:garym.stern@nara.gov ( garym.stern@nara.gov [ UNKNOWN ] )
READ:UNKNOWN
CC:randall.lewis@do.treas.gov ( randall.lewis@do.treas.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Roger: You should treat them as Presidential records, which means that
FOIA does not apply.




Roger.Kodat@do.treas.gov
04/01/2003 05:34:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Randall.Lewis@do.treas.gov
Subject: FW: President's Commission on US Postal Service: records



Brett,

Any chance that a verdict can be rendered? Thanks for your support. Roger

> -----Original Message-----
> From: Kodat, Roger
> Sent: Monday, March 31, 2003 11:19 AM
> To: 'Brett.kavanaugh@who.eop.gov'
> Cc: Lewis, Randall
> Subject: President's Commission on US Postal Service: records
>
> Brett,
>
> Further to our telecon this morning, kindly advise whether records
created
> by the newly established President's Commission on the US Postal Service,
> established by Executive Order 13278, are federal or Presidential
records.
> Pls let me know if you need any more information.
>
> Thanks, Roger
>
>

- att1.htm
```

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_DR6BF003_WHO.TXT_1>

Brett,

Any chance that a verdict can be r endered? Thanks for your support. Roger

-----Original Mes sage-----

From: Kodat, Roger

Sent: Monday, March 31, 2003 11:19 AM

To: 'Brett.kavanaugh@who.eop.gov'

Cc: Lewis, Randall

Subject: **& nbsp;** President's Commission on US Postal Service: records

Brett,

Further to our telecon this morning, kindly advise whether records created by the newly establis hed President's Commission on the US Postal Service, established by Executive Order 13278, a re federal or Presidential records. Pls let me know if you need any more information.

Thanks, Roger

From: CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2003 10:17:14 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 3-APR-2003 15:17:14.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

did you;call?
```

From: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2003 2:24:25 PM
Subject: : RE: Class Action deal

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ("Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME: 3-APR-2003 19:24:25.00
SUBJECT:: RE: Class Action deal
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Very interesting markup today. Started class action, then held over because Leahy & Durbin claimed they hadn't been given enough time to review Feinstein's amendment (there were a little more fireworks and back and forth between Hatch and Leahy than I am conveying - always makes markups interesting)
So the agreement is we go forward with the markup next week, no new amendments except if they relate to Feinstein's amendment (so you can be sure we will get 20 second degrees) but they have to be circulated 24 hours in advance fortunately. And it continues.
OGH is determined to finish it next week and not let it hang over the recess.

CONFIDENTIALITY NOTE:

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-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, April 03, 2003 7:47 AM
To: Seidel, Rebecca (Judiciary); Brett_M._Kavanaugh@who.eop.gov
Subject: Re: Class Action deal

Thx for info.

..

----- Original Message -----
From:<Rebecca_Seidel@Judiciary.senate.gov>
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/03/2003 12:43:01 AM
Subject: Class Action deal

FYI, we just cut a deal to get Feinstein on board. We are marking it up tomorrow and expect to finish it tomorrow. 9 Amendments besides Feinstein's, most of which we have seen before and can easily defeat.

Leahy will also offer his First Responders bill and a Crim Penalties for Doc Destruction amendment. Should be an interesting markup.

CONFIDENTIALITY NOTE:

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- att1.htm

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 4/3/2003 11:44:59 AM
Subject: : Re: Michigan 4

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2003 16:44:59.00
SUBJECT:: Re: Michigan 4
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

judges; manny asked if judge gonzales was available tuesday at 3:45 for the meeting with members (remember, the one we all discussed last week but was postponed)

Wendy J. Grubbs
04/03/2003 04:41:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Michigan 4

About what?

.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 4/3/2003 5:13:48 PM
Subject: Re: being a stalled circuit nominee is not always the end of the world . . .

May we both get life tenure or something equal to Kagan's consolation prize.

.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Gonzales, Alberto R. ; Leitch, David G. ; Brosnahan, Jennifer R. ; Newstead, Jennifer G. ; Bartolomucci, H. Christopher ; Sampson, Kyle ; Francisco, Noel J. ; Powell, Benjamin A. ; Ullyot, Theodore W.

Sent: Thu Apr 03 14:45:43 2003
Subject: being a stalled circuit nominee is not always the end of the world . . .

Elena Kagan named next dean of Harvard Law School

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/3/2003 5:20:33 PM
Subject: Feinstein

They report that she is still on the floor and is not reachable. I left another message.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew Kirk/WHO/EOP@Exchange@EOP [WHO] <Matthew Kirk>
Sent: 4/3/2003 1:44:54 PM
Subject: : any update?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-APR-2003 18:44:54.00
SUBJECT:: any update?
TO:Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/3/2003 2:00:56 PM
Subject: : White House Global Messenger - 04-04-03
Attachments: P_18KBF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME: 3-APR-2003 19:00:56.00
SUBJECT:: White House Global Messenger - 04-04-03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 4-4-03 FINAL.doc)

THE GLOBAL MESSENGER
Friday, April 4, 2003

******KEY POINTS FROM THE PRESIDENT'S REMARKS AT CAMP LEJEUNE, 4-03-03******

*The U.S. and our allies pledged to act if Saddam did not disarm. The regime in Iraq is now learning that we keep our word. No scheme of this enemy, no crime of a dying regime will divert us from our mission. A vice is closing, and the days of a brutal regime are coming to an end.

*At this hour, Coalition forces are clearing southern cities and towns of the dictator's death squads and enforcers. We have opened a northern front against the enemy, and other divisions are advancing to the outskirts of Baghdad.

*Some servants of the regime have chosen to fill their final days with acts of cowardice and murder. In combat, Saddam's thugs shield themselves with women and children. They have killed Iraqi citizens who welcome Coalition troops, and force other Iraqis into battle by threatening to torture or kill their families.

*They've executed prisoners of war. They've waged attacks under the white flag of truce, and concealed combat forces in civilian neighborhoods,schools, hospitals and mosques.

*The Iraqi regime is attempting to maximize Iraqi civilian casualties, and then exploiting the deaths they've caused for propaganda. These are war criminals and they will be treated like war criminals.

*In stark contrast, the citizens of Iraq are coming to know what kind of people we have sent to liberate them. Coalition forces are treating civilians with kindness, and showing proper respect to soldiers who surrender.

*Coalition victories are bringing food, water and medicine to the Iraqi people. We're delivering emergency rations to the hungry, and we're also bringing hope.

*The Iraqi people deserve to live in peace under leaders they have chosen. They deserve a government that respects the rights of every citizen and ethnic group. They deserve a country that is united,

independent, and released from years of sanctions and sorrow.

*Building a free and prosperous Iraq after the regime is gone will be the work of the Iraqi people for years to come. And they will have our help.

*There is work ahead for our Coalition, and the course is set. We're on the advance. Our destination is Baghdad, and we will accept nothing less than complete and final victory.

******TODAY'S SCHEDULE******
All Times Eastern Standard. Subject to Change

7:00 am CENTCOM Operations Update

12:15 pm White House Briefing

1:30 pm Department of Defense Briefing

TBD State Department Briefing

******LIBERATION UPDATE******
The voices of freedom, now heard in parts of Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at: http://www.whitehouse.gov/liberation

***
"As dusk fell yesterday evening, only a small girl dressed in rags could be seen on the streets of Jazirah al-Hari. She approached a [British] tank standing guard at one end of the village, and said: 'My parents will not come, but we need water.' The tank driver leant down and gave her a bottle of water. 'This is why we've come, isn't it?' he said."
The Daily Telegraph (UK), 4-1-03

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"U.S. troops [are] getting a very warm welcome from the local Shia population. Now naturally, the Shiites...have no love lost for the Iraqi leader President Saddam Hussein. They have been very repressed by him in the past. And obviously...what they believe to be a continuous presence that they can count on, interest from the U.S. troops is something that they are quite happy to see."
Ryan Chilcote, CNN correspondent, 4-2-03

***
"Hundreds of Iraqis shouting 'Welcome to Iraq' greeted U.S. Marines who entered the town of Shatra....'There's no problem here. We are happy to see Americans,' one young man shouted. The welcome was a tonic for soldiers who have not always received a warm reception despite the confidence of U.S. and British leaders that the Iraqi people were waiting to be freed from Saddam Hussein's repression. 'It's not every day you get to liberate people,' said one delighted Marine."
The Independent (UK), 4-1-03

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Office of Global Communications

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Americans share with freedom-loving people everywhere.
- GM 4-4-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_18KBF003_WHO.TXT_1>

THE GLOBAL MESSENGER

Friday, April 4, 2003

TODAY'S SCHEDULE

All Times Eastern Standard. Subject to Change

7:00 am	CENTCOM Operations Update
12:15 pm	White House Briefing
1:30 pm	Department of Defense Briefing
TBD	State Department Briefing

LIBERATION UPDATE

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The Independent (UK), 4-1-03

KEY POINTS FROM THE PRESIDENT'S REMARKS AT CAMP LEJEUNE, 4-03-03

- The U.S. and our allies pledged to act if Saddam did not disarm. The regime in Iraq is now learning that we keep our word. No scheme of this enemy, no crime of a dying regime will divert us from our mission. A vice is closing, and the days of a brutal regime are coming to an end.
- At this hour, Coalition forces are clearing southern cities and towns of the dictator's death squads and enforcers. We have opened a northern front against the enemy, and other divisions are advancing to the outskirts of Baghdad.
- Some servants of the regime have chosen to fill their final days with acts of cowardice and murder. In combat, Saddam's thugs shield themselves with women and children. They have killed Iraqi citizens who welcome Coalition troops, and force other Iraqis into battle by threatening to torture or kill their families.
- They've executed prisoners of war. They've waged attacks under the white flag of truce, and concealed combat forces in civilian neighborhoods, schools, hospitals and mosques.
- The Iraqi regime is attempting to maximize Iraqi civilian casualties, and then exploiting the deaths they've caused for propaganda. These are war criminals and they will be treated like war criminals.
- In stark contrast, the citizens of Iraq are coming to know what kind of people we have sent to liberate them. Coalition forces are treating civilians with kindness, and showing proper respect to soldiers who surrender.
- Coalition victories are bringing food, water and medicine to the Iraqi people. We're delivering emergency rations to the hungry, and we're also bringing hope.
- The Iraqi people deserve to live in peace under leaders they have chosen. They deserve a government that respects the rights of every citizen and ethnic group. They deserve a country that is united, independent, and released from years of sanctions and sorrow.
- Building a free and prosperous Iraq after the regime is gone will be the work of the Iraqi people for years to come. And they will have our help.
- There is work ahead for our Coalition, and the course is set. We're on the advance. Our destination is Baghdad, and we will accept nothing less than complete and final victory.

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From: Kavanaugh, Brett M.
To: <Kirk, Matthew>
Sent: 4/3/2003 6:44:35 PM
Subject: any update?

From: Kirk, Matthew
To: <Kavanaugh, Brett M.>
Sent: 4/3/2003 6:48:40 PM
Subject: Re: any update?

No, everyone is trying to reports from the cloakroom, they are fairly scattered. As it relates to State, they are aware but I don't believe their big shots have talked to Allen, it would probably require Armitage to have any impact.

From: Kirk Blalock <kblalock@fierce-isakowitz.com>
To: <Schacht, Diana L.>;<Warsh, Kevin>;<Silverberg, Kristen>;<Kavanaugh, Brett M.>
Sent: 4/4/2003 8:20:43 AM
Subject: Asbestos article from Congress Daily

JUDICIARY
Fresh Efforts Launched To Reach Asbestos Litigation Agreement

Disparate industry stakeholders in the asbestos litigation debate were poised to meet privately today to try and reach consensus on the ceiling for liability to be borne by defendant companies and insurers under a reform bill being contemplated in the Senate Judiciary Committee.

The meeting was to take place at the headquarters of the National Association of Manufacturers, which leads the Asbestos Alliance of defendant companies.

Although there is currently basic unanimity among senators and key stakeholders in the debate -- including labor, industry and insurers -- that the bill will be based on a trust fund concept, the Alliance has distinguished itself as an advocate for a pure medical criteria bill, which would screen sick from non-sick litigants out of the court system.

Representatives for the trial bar said this week they would not oppose a compensation fund that is "adequately and fairly" funded.

Meanwhile, House Judiciary Commercial and Administrative Law Subcommittee Chairman Chris Cannon, R-Utah, who has been working closely with the Alliance, late Thursday introduced asbestos reform legislation that relies on medical criteria to screen sick from non-sick litigants.

Cannon's bill also contains certain tort reforms, designed to provide the "certainty and finality" that advocates for a private trust argue cannot be had while keeping asbestos claims entrenched in the litigation system.

"Tort reform needs to have a significant place in the discussions," Cannon declared.
"It does not make sense to bankrupt every company in America because somebody might get sick from asbestos," he added.

In an interview Thursday, Cannon said his bill also would contain venue changes designed to cut down on so-called forum shopping. Cannon said he is not seeking to cap damages, however.

Cannon had been working since last year with Rep. Calvin Dooley, D-Calif., on a bipartisan asbestos litigation reform bill, but the two lawmakers recently parted ways over the inclusion of those tort reforms.

Cannon now is working with fellow Utahan, Senate Judiciary Chairman Hatch, on the legislation, and the two have been keeping each other closely apprised of their efforts, Cannon said.

Dooley intends to offer his own reform proposal, Cannon added.
Asked if he thought his more narrow medical criteria bill had been overtaken by the Senate's new focus on a trust fund, Cannon was confident: "Whatever happens, we want to have some pretty clear medical criteria," he said.

Cannon reiterated House Republican leaders' admonition that they will need to see evidence of progress in the Senate before they agree to take up the asbestos legislation.

With respect to a private trust fund, settling on the allocation formula for paying claims, as was expected, has proven to be a challenge for the business community, where

defendant companies number in the thousands.

Today's industry meeting was supposed to serve, in part, as a kind of briefing for Alliance members, many of whom were not present at a series of intensive meetings hosted this week in New York City by the Asbestos Study Group, which consist of peripheral defendant companies who have long championed the trust fund concept.

Attendees at those meetings, which included defendant company, insurance and reinsurance representatives, had settled on an upper-most figure for the industry's overall liability, according to sources. It is an amount that labor officials have rejected as insufficient, however.

Sources said the forum also will give officials not represented at earlier meetings a chance to offer input on an allocation formula before it is nailed down and offered up to Hatch, who has said he wants to begin formally drafting a bill beginning mid-April.

One source described the meeting as being part of the industry's response to Hatch's stern directive that "everybody should be talking to everybody. It's an ever-expanding meeting," this source added.

Sen. Christopher Dodd, D-Conn., one of the point men the industry is looking to help shepherd the complex legislation through the Senate, Thursday said the ball was in the industry's court at this point and said he understood they would be reaching some decision this week.

And he emphasized the need for the legislation to be wrapped this year, before the 2004 election season gets under way. Not just this year, but "in the next several months," he said. By Pamela Barnett

From: MacEcevic, Lisa J.
To: <Kavanaugh, Brett M.>;<Warsh, Kevin>;<Schacht, Diana L.>;<Silverberg, Kristen>;<Bloomquist, Lauren E.>;<Boden, James>;<Schwartz, Kenneth L.>;<Green, Richard E.>;<Jukes, James J.>;<Lobrano, Lauren C.>;<Call, Amy L.>
Sent: 4/4/2003 8:57:58 AM
Subject: CongressDaily on class action - markup delayed

from yesterday's CongressDaily - describes Hatch-Feinstein amendment that will be debated by committee next week:

Hatch, Feinstein Agree On Class Action, Other Dems Balk

Senate Judiciary Chairman Hatch and Sen. **Dianne Feinstein** , D-Calif., reached a deal Wednesday night to modify proposed legislation that would shift more class action lawsuits to federal court, among other changes. But Democrats today balked at considering the amendment at a Judiciary Committee markup, complaining they had not had time to review it. Hatch then agreed to delay the markup until next week. Sens. **Charles Grassley**, R-Iowa, and **Herb Kohl** , D-Wis., will cosponsor the Hatch-Feinstein amendment, a Feinstein aide said. Although the pending class action measure already has the support of a majority of committee members, bill supporters believe an affirmative vote from Feinstein means other like-minded Democrats in the full Senate will follow suit -- thus buoying the bill's chances of weathering an expected Democratic filibuster on the floor.

A similar class action bill cleared the Senate Judiciary Committee on an 11-7 vote in 2000, with only Kohl crossing party lines to support it. It was never scheduled for floor action. Proponents of this year's version are eager to see it brought before the full Senate for a vote. They assert that cases are becoming increasingly concentrated in state courts -- which, they contend, permit class actions to proceed with little or no scrutiny. Feinstein's concerns with the underlying measure, also sponsored by Kohl, Hatch and Grassley, went largely to the scope of the corporate-backed bill's criteria dictating when multistate class actions can be removed from federal court.

Feinstein's amendment would raise to $5 million the threshold on class actions that would be eligible for federal court, up from the $2 million threshold in the current bill. It would also mandate that class actions where more than two-thirds of plaintiffs are from the same state as the primary defendant would stay in state court. If fewer than one-third of plaintiffs are from the same state as the defendant, it can be moved automatically to federal court if either party requests the move. If one-third to two-thirds of plaintiffs are from the same state as the defendant, a judge could decide the matter, within certain guidelines.

Currently, class action lawyers can avoid removal to federal court if individual claims are for less than $75,000, or if just one class member is from the same state as a defendant. Hatch today argued that the underlying bill would rein in abuses of class actions by profit-hungry attorneys. Sen. **Joseph Biden**, D-Del., countered that the bill would make it harder for wronged citizens to pursue just remedies and would remove a valuable deterrent to corporate wrongdoing. -- *by Pamela Barnett and Margo MacFarland*

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 4/4/2003 9:17:06 AM
Subject: FW: Radar Update for Week of April 7
Attachments: Radar Update 4-7.doc

This information used to be sent to Helgi. Does anyone have any interest in "Rules-Regulations" stuff from OMB? Or should I continue just forwarding it to the Counsel whose agency is affected.

thanks
Patrick

-----Original Message-----

From: Vargas, Veronica

Sent: Friday, April 04, 2003 9:12 AM

To: Graham, John; Noe, Paul R.; Anderson, David R.; Besanceney, Brian R.; Bumatay, Patrick J.; Clark, Alicia P.; Conda, Cesar; Cooney, Phil; Daniels, Mitchell; DeFrancis, Suzy; Dorn, Nancy; Dove, Stephen W.; Duffy, Trent D.; Goldman, Adam B.; Hennessey, Keith; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Lawlor, Laura S.; Luczynski, Kimberley S.; Lundberg, Stephanie J.; MacHida, Ado A.; Murphy, Daniel J.; Oxford, John; Parell, Christie; Pelletier, Eric C.; Perry, Philip J.; Rossman, Elizabeth L.; Schlapp, Matthew A.; Silverberg, Kristen; Stolpe, Elizabeth A.; Toth, Michael C.; Troy, Tevi; Waters, James A.; Wood, John F.; Weaver, Bessie M.

Cc: Arbuckle, Donald R.; Allen, Bryon P.

Subject: Radar Update for Week of April 7

<< Radar Update 4-7.doc >>

Rules Likely to be Cleared, Withdrawn or Returned during the Week of April 7

USDA-APHIS	PROPOSED RULE. Importation of Solid Wood Packing Material
USDA-FNS	FINAL RULE. FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems
DOD-OASHA	PROPOSED RULE. TRICARE Program: Several Changes Included in the NDAA-FY02 and a Technical Correction Included in the NDAA-FY03
*HHS-CMS	INTERIM FINAL RULE. Civil Monetary Penalties; HIPAA Enforcement Rule
HHS-ACF	FINAL RULE. Child Support Enforcement Program; State Plan Approval and Grant Procedures, State Plan Requirements, Standards for Program Operations
HHS-CMS	NOTICE. Notice of Ambulance Fee Schedule
HHS-CMS	PROPOSED RULE. Medicare Program: Requirements for Establishing and Maintaining Medicare Billing Privileges
HHS-CMS	PROPOSED RULE. Skilled Nursing Facility Prospective Payment System
*DHS-OS	PROPOSED RULE. Critical Infrastructure Information Procedures
*DHS-TSA	INTERIM FINAL RULE. Security Threat Assessment for Individuals Applying for a Hazardous materials Endorsement for a Commercial Drivers License
HUD-OA	INTERIM FINAL RULE. HUD Acquisition Regulations, Miscellaneous Revisions
HUD-PIH	FINAL RULE. Deregulation for Small Public Housing Agencies
HUD-PIH	NOTICE. Public Housing Assessment System (PHAS); Changes to PHAS; Introduction to Grading
HUD-PIH	NOTICE. Public Housing Assessment System (PHAS); Financial Condition Grading Process

*Probable Media Interest

HUD-PIH	NOTICE. Public Housing Assessment System (PHAS); Management Operation Grading Process
HUD-PIH	NOTICE. Public Housing Assessment System (PHAS); Resident Service and Satisfaction Grading Process
HUD-PIH	NOTICE. Public Housing Assessment System (PHAS); Physical Condition Grading Process
DOL-OSHA	NOTICE. Walking and Working Surfces; Personal Equipment (Fall Protection System); Notice of Reopening of the Record
*TREAS- DO	INTERIM FINAL RULE. Terrorism Risk Insurance Program
*TREAS-DO	PROPOSED RULE. Terrorism Risk Insurance Program
*DOT-FMCSA	INTERIM FINAL RULE. Limitation on the Issuance of Commercial Driver's Licenses with a Hazardous Materials Endorsement
DOT-FAA	FINAL RULE. Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used in Transport Category Airplanes
VA	PROPOSED RULE. National Cemetery Administration; State Cemetery Grants Program
CSOSA	FINAL RULE. Disclosure of Records
CSOSA	FINAL RULE. District of Columbia Sex Offender Registration
FMCS	PROPOSED RULE. Access to Neutrals

REV_00113700

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/4/2003 9:18:46 AM
Subject: : meeting request for Ken

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2003 14:18:46.00
SUBJECT:: meeting request for Ken
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

hi Brett. These folks keep calling. Should Ken decline? thanks
---------- Forwarded by Katherine M. Walters/WHO/EOP on
04/04/2003 02:17 PM ----------

Katherine M. Walters
03/28/2003 10:50:21 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Leonard B. Rodriguez/WHO/EOP@EOP
Subject: meeting request for Ken

Jeff Eisenach and Jim Miller of Howrey & Simon law firm have requested a meeting with Ken to discuss Garcia vs. Veneman. I believe it is a group of Hispanic farmers who are suing USDA due to discrimination. They believe it has political reprecussions. My guess is that Ken should not meet with them, but I wanted to go ahead and send to you.

thanks

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>
CC: alberto r. gonzales/who/eop@exchange [WHO] <alberto r. gonzales>
Sent: 4/4/2003 6:53:37 AM
Subject: : Re: Michael Kelly

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2003 11:53:37.00
SUBJECT:: Re: Michael Kelly
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Indeed. He was amazing on the impeachment and Iraq, among other issues.
Very sad.

From: David G. Leitch/WHO/EOP@Exchange on 04/04/2003 11:51:45 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@Exchange, Brett M.
Kavanaugh/WHO/EOP@EOP
cc:
Subject: Michael Kelly

He was killed today in Iraq.; He wrote two withering columns during the
Lewinsky matter that still stick in my mind.; Links are below:
;
http://www.usactuary.com/I_Believe.html <
http://www.usactuary.com/I_Believe.html>
;
http://www.usactuary.com/I_Still_Believe.html <
http://www.usactuary.com/I_Still_Believe.html>

From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/4/2003 7:10:07 AM
Subject: : TRANSCRIPT - Special Defense Department Briefing 04/04/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 4-APR-2003 12:10:07.00
SUBJECT:: TRANSCRIPT - Special Defense Department Briefing 04/04/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

SPECIAL DEFENSE DEPARTMENT BRIEFING
TOPICS: ACTIVITIES OF THE FREE IRAQI FORCES, HUMANITARIAN AID OUT OF UMM QASR
BRIEFER: COLONEL DAVID BLACKLEDGE, U.S. ARMY, COMMANDER, 354TH CIVIL AFFAIRS BRIGADE

;

(Note: This briefing was broadcast by remote to the briefing room at the Pentagon, Arlington, Virginia.)

;;;;;; STAFF: (From Arlington.) Let's go ahead and get started. It is 10:00, and I know that there are a lot of you that are listening in your booths. But let's get this under way.

;;;;;; Today we have Army Colonel David Blackledge, who is here joining us, via the miracles of modern technology, from Umm Qasr. Colonel Blackledge is the commander of the 354th Civil Affairs Brigade, and he is the one that has been heading the efforts of the Free Iraqi Forces there in Iraq. He's going to take us through some of the things that they have been doing and how they're really making a difference in theater.

;;;;;; As we do this, keep in mind that there is about a five-second delay in the connection, and as you ask the questions, Lieutenant Colonel Stoneking will hand you a microphone so that they can hear you on the other end. Okay?

;;;;;; And with that, Colonel Blackledge, do you want to say a few things before we get into the questions?

;;;;;; COL. BLACKLEDGE: Yes. Again, I'm Colonel Dave Blackledge, commander of the 354th Civil Affairs Brigade, responsible for coordinating and developing the distributions systems from Umm Qasr throughout the rest of Iraq. To do that, my unit coordinates with the international organizations, the governmental organizations and the nongovernmental organizations, as well as the military units, to get supplies forward. And the bottom line is that we're the link between the military and the civilian organizations to redevelop distribution.

;;;;;; We've done some really neat things here. We've been here a little less than two weeks but have made some significant progress in that time. And I can open up it up for questions on specifics.

;;;;;; STAFF: Charlie?

;;;;;; Q Colonel, Charlie Aldinger with Reuters. Aside from getting in humanitarian aid, we understand you're in charge of the Free Iraqi Forces. There are reports here in Washington that the United States may be preparing to set up an interim Iraqi government in the south, even before Saddam or the government fall. Have you anything on that? And are you preparing to do that, to use the Free Iraqi Forces to do that?

;;;;;; COL. BLACKLEDGE: Well, I'm not in charge of the Free Iraqi Forces, although I do have a few Free Iraqi Force soldiers that are working with me to assist in reestablishing the distribution network. As far as establishing an interim government, that is not in my lane and not something that I'm doing.

;;;;;; Q Well then -- I'm sorry, this is Charlie Aldinger again. Could you give us maybe a quick breakdown of the kind of aid that's starting to flow and how much of it's beginning to flow?

;;;;;; COL. BLACKLEDGE: Well, the most significant thing that we've been able to do is get potable water distributed initially right here in Umm Qasr through a pipeline that the government of Kuwait brought through the border. And we've established a distribution system for distributing that with tanker trucks through Umm Qasr and starting to push that north.

;;;;;; Also, in relationship to assisting the international organizations -- non-governmental organizations, just today the ICRC made delivery of medical supplies to Basra.

;;;;;; Q Sir, this is Pam Hess with United Press International. Can you give us your assessment of what the humanitarian situation is there; how great is the need for food and water and medicine?

;;;;;; COL. BLACKLEDGE: Well, I can tell you what we've seen here in Umm Qasr. The exciting thing was that food was not that big of an issue. Our assessment of the folks here is that they've got at least six to eight weeks of food stockpiled. So the focus has been initially to get potable water distributed. The people in Umm Qasr, prior to the war, relied on distribution to come down from Basra for potable water. Obviously, that was not the case more recently, so we had to get that coming in. And so that's been the focus. But water was the big need. That need's been met. And we're now resurrecting the distribution program so that we can start getting food out.

;;;;;; Q This is Pam again. Could you tell us how much water you're delivering on a daily basis or per person?

;;;;;; COL. BLACKLEDGE: We've got seven tanker trucks that are distributing on a continuous basis from the water pipe that comes from Kuwait. There is more than enough water from (sic) Umm Qasr. They can't drink all the water that's flowing and coming in. In fact, we've got enough water to start distributing up north, which was the original intent, to do that.

;;;;;; Q This is Vince Crawley with the Army Times papers. Could you give us a sense of the security? Do you need armed escorts for your water trucks? That has been one of the concerns, is getting the aid distributed in relative freedom.

;;;;;; COL. BLACKLEDGE: We feel that it's a very permissive environment here in Umm Qasr; however, we do provide escorts with the tanker trucks. The first couple of days of the distribution, the people weren't sure how long that was going to last and wanted to get as much as they could, and we found that to maintain control of the crowds, it's been helpful to keep the security force with the tanker trucks; and expect that as people see that the distribution is more and more routine, we'll be able to back off on that.

;;;;;; Q Colonel, this is Jim Mannion from Agence France-Presse. Can you talk a little bit about whether you've made contact with any civilians in other places outside of Umm Qasr, further north; I don't know, I'm thinking maybe Nasiriyah or An Najaf; or is that completely out of your area?

;;;;;; COL. BLACKLEDGE: My focus right now has been to get Umm Qasr up and going. We do have tactical civil affairs teams that are with the maneuver

forces making those initial contacts with civilians as they enter those areas, and some of that has been done. I don't have the specific details on those contacts, though.

;;;;;; Q Good afternoon, sir. It's Meredith Buel from Voice of America. Can you tell us what sort of food distribution you anticipate? Where is this food coming from? How much is available? And how many people do you think you'll be able to feed, and in what time frame?

;;;;;; COL. BLACKLEDGE: The goal has been to resurrect the oil-for-food distribution system that's been in place. It's been a very efficient and effective system in Iraq, and with numerous food distribution agents. For example, right here in Umm Qasr, there are over 40 food distribution agents.

;;;;;; The local people knew who their distributor was to go get food, and we want to put that back in place, since there was a functioning system, and then develop it from there. The food will be coming from numerous sources. Ultimately, the -- probably the biggest source will be through the World Food Program, who just today did an initial assessment here at Umm Qasr to begin moving that in. So, we're looking forward to the food they'll be bringing in. Meanwhile, we've been bringing in food from both military sources and U.S. governmental sources through USAID.

;;;;;; Q Just to follow up, please, could you give us a time frame on when the United Nations and World Food Program might begin to be able to operate in an effective way there?

;;;;;; COL. BLACKLEDGE: Well, I can't really speak for the United Nations. They have to make those assessments based on their own rules. But it was encouraging that the U.N. did declare this particular area of Umm Qasr as permissive for their people to come in and they declared that yesterday. And the World Food Program sent their assessment team today. So they're leaning forward and coming in quickly. I just had a meeting with a representative from World Food Program this morning, offering any assistance that we could provide as far as information that we've through the assessments to assist them in getting the food out to the people that need it.

;;;;;; Q Colonel, good morning. This is Thomas Duffy with the newsletter Inside the Pentagon. Do you have plans to set up distribution centers in other areas of the country outside of Umm Qasr? And also, what type of food are you distributing?

;;;;;; COL. BLACKLEDGE: Yes. Each major population center had food distribution agents as part of the oil-for-food program's distribution network, and those are the systems that we're looking to use and to keep in place, because the people are used to going to those individuals and they had a very good system. So each population center, each town, village and city had that distribution network in place, and that's what we're looking to use to get the food through.

;;;;;; The food that's been coming in runs the gamut. We're preferring not to get perishable food at this point, but we have had some come in. The government of Kuwait was very generous, sent in 30 truck loads of food of various types.

;;;;;; We also had food come in from -- as I said, through U.S. governmental sources. A lot of bulk water initially to bridge the gap until we had the pipeline flowing from Kuwait. And then general foodstuffs such as lentils. One of the items that we found through our assessment, that we knew before coming in, was that protein was a concern, lack of protein in the diet. So we've been trying to focus on that through things like lentils. Other items include rice, cooking oil, tea, sugar, as well has hygiene items, non-food items.

;;;;;; Q Could you tell us -- the United States has suspended the Free Iraqi Force training program. How useful have those folks been to you, and

do you see a problem with not having more coming in the pipeline? I gather there's just somewhere in the 70s of those folks that are available.

;;;;;; And could you also describe for us how you worked the security angle? We saw some footage that looked really crazy when you guys first started handing stuff out. And so what lessons did you learn about sort of crowd control and getting it to the point where it's now orderly?

;;;;;; COL. BLACKLEDGE: In reference to the Free Iraqi Forces, their contribution has just been invaluable. In my case, the folks that are with me are from this area; they have family, they know the people, and have really been critical in establishing the trust with the local people that we really were here to help them, and to identify the people that we needed to work with to get distribution back up and going. So I can't stress enough.

;;;;;; As far as my mission, I don't see a problem with the termination of additional folks coming. I have what I need to work with, and the other civil affairs units have that also.

;;;;;; And I can't remember what the second question was.

;;;;;; Q That was how you all -- we saw footage of the first distribution of food in Umm Qasr and it looked like a really crazy scene. But you were eventually able to get it under control. Was that a function of the fact that the people were so excited to finally get it, or was it more of a function you guys didn't quite have a handle on exactly how to be distributing that? What lessons did you learn in crowd control, and have you seen any of this similar kind of melee situations that you then have to come in and handle?

;;;;;; COL. BLACKLEDGE: Yeah, the footage that you saw I believe was from the Safwan area where it was basically an uncontrolled distribution -- it was a distribution made with good intent, but it was not done through the military.

;;;;;; What we've worked very hard to do here in Umm Qasr is to coordinate the distribution with the local leaders, such that the word was brought out in advance that -- what the distribution was going to be, how it was going to be conducted, where it would be conducted, and do that in a controlled fashion.

;;;;;; And frankly, we've been very pleased with the response from the local people here in Umm Qasr.

;;;;;; Q Chris Wright with Fox News Channel. This might be outside of your lane, but what do you think the prospects are for returning Iraq to a real economy, a country that can actually feed itself? I understand in recent years it's basically a command economy where the government distributes food, but it really can't produce enough to feed itself.

;;;;;; COL. BLACKLEDGE: Wow, that's a big question. It is outside of my lane. My focus is to ensure that we get the distribution system going now, and I really wouldn't want to try to speculate on the bigger picture there.

;;;;;; Q Yeah. Could you tell us what the Free Iraqi Forces working with you are actually doing, and also the water trucks -- is that U.S. troops driving them, or are those -- yeah, how much do they carry? And is that U.S. troops driving them? And are they in armed convoys? Just trying to get a picture of what you're doing there. And I do have a follow-up.

;;;;;; COL. BLACKLEDGE: Sure. To answer the question on the water distribution first, the goal all along here is to reemploy the Iraqi people and the systems run by the Iraqi people to do their own distribution. So the water's a good example.

;;;;;; The drivers of the trucks are local drivers that we have hired to

distribute the water. And so they are paid by -- in this case, in Umm Qasr, they're paid by the British forces to distribute the water.

;;;;;; They do have an escort with the trucks to their distribution points, who then monitor the situation to make sure nothing gets out of control during the distribution. But the actual contracts are with local Iraqi drivers, with their tanker trucks, and they are paid for their services to provide that water to the people.

;;;;;; As far as what the Free Iraqi Force soldiers are doing, these -- again, I'd said that they -- in my case, they're from this area, Umm Qasr, and surrounding area, so they're very familiar with the local people, have family here. They've assisted us as we've gathered documents, particularly in the port facility, because we wanted -- we've been working to get port workers back in place. And as those individuals have been rehired to work at the port, our Free Iraqi Forces have helped verify that these are the actual individuals that are documented as previous workers, they do have the skills necessary to work at the port.

;;;;;; They've also obviously been a great help in serving as translators and interpreters. And frankly, they've helped us build the relationships with the community that have made the successes here so critical and so successful.

;;;;;; The other piece that's been very helpful -- as you can imagine, the local populace was somewhat nervous and scared. And as we've reached out to try to find key workers for the port, our Free Iraqi Force soldiers have been instrumental in locating those key workers and bringing them in and assuring them that we do want to rehire them and put them back to work.

;;;;;; Q Okay. And I had a follow-up.

;;;;;; Before this, before the war began, the White House had a briefing that there would be about three crack teams of 20 or so nongovernmental as well as U.S. government aid experts rushing into the battle zone to assist. Are you working with them? Have you seen them? These would be like USAID and State Department and some Defense Department personnel.

;;;;;; COL. BLACKLEDGE: What we've been working with so far -- and again, it's very early. The Umm Qasr area has just been declared permissive by the U.N., and that is typically the key for the nongovernmental organizations also. Once the U.N. declares it a permissive environment, that's typically the signal for them to come in. Prior to that, we've been working with the USAID DART team individuals primarily, who declared it permissive for their purposes several days ago. So that's been the primary thing.

;;;;;; Again, I was in Kuwait just this morning at the Humanitarian Operations Center meeting, where we have all the NGOs and other international organizations and governmental organizations meeting to coordinate humanitarian assistance efforts and coordinating their movement because, again, they want to come in quickly and just need the assurances of what the environment is here and what the needs are here.

;;;;;; And I think that's probably the last question I've got time for.

;;;;;; Q No, one more. How many Iraqis have you employed, and how are you paying them? Is it U.S. dollars? Iraqi money? Or food and water?

;;;;;; COL. BLACKLEDGE: We've employed over 200 Iraqis already, and we're hiring every day. We are paying them in dollars at this point. And again, that was a decision made above my level.

;;;;;; And I really have to cut it off there. So thanks very much.

;;;;;; STAFF: Colonel Blackledge, thank you for joining us this morning, and we look forward to having a follow-on discussion with you later on

down the road.

;;;;;; COL. BLACKLEDGE: Thank you.

;;;;;; STAFF: As a reminder, our briefing today is at 1:30.

;;;;;; Q Is that Torie?

;;;;;; STAFF: And we will see you -- yes, General McChrystal and Victoria Clarke.

END.

;

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
CC: <Gonzales, Alberto R.>
Sent: 4/4/2003 11:53:27 AM
Subject: Re: Michael Kelly

Indeed. He was amazing on the impeachment and Iraq, among other issues. Very sad.

From: David G. Leitch/WHO/EOP@Exchange on 04/04/2003 11:51:45 AM

Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Michael Kelly

He was killed today in Iraq. He wrote two withering columns during the Lewinsky matter that still stick in my mind. Links are below:

http://www.usactuary.com/I_Believe.html <http://www.usactuary.com/I_Believe.html>

http://www.usactuary.com/I_Still_Believe.html <http://www.usactuary.com/I_Still_Believe.html>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 4/4/2003 8:28:05 AM
Subject: : are waldman and fisher papers in?

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-APR-2003 13:28:05.00
SUBJECT:: are waldman and fisher papers in?
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Kirk Blalock <kblalock@fierce-isakowitz.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/4/2003 9:13:30 AM
Subject: : RE: AF&PA General Counsels Meeting

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock <kblalock@fierce-isakowitz.com> (Kirk Blalock <kblalock@fierce-isakowitz.com> [UNKNOWN])
CREATION DATE/TIME: 4-APR-2003 14:13:30.00
SUBJECT:: RE: AF&PA General Counsels Meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

GREAT! I will have a AF&PA staffer reach out to you on details.

Hope all is well with you.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, April 04, 2003 2:10 PM
To: kblalock@fierce-isakowitz.com
Subject: Re: AF&PA General Counsels Meeting

I can do it. Thanks for invite.

(Embedded
image moved Kirk Blalock <kblalock@fierce-isakowitz.com>
to file: 04/02/2003 08:07:32 AM
pic03442.pcx)

Please respond to kblalock@fierce-isakowitz.com

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: AF&PA General Counsels Meeting

The American Forest and Paper Association will hold its annual meeting next week, April 9-11, in DC. They would like to invite someone from the WH Counsels office to come to their dinner on Thursday, April 10th to give an overview of judicial nominations and legal reform efforts currently underway in this Congress. I obviously thought of you.

The dinner is at Galileos from 6-9 pm and the General Counsels who will attend are from:

Longview Fibre Company

The Newark Group

Nexfor Fraser Papers

Simpson Investment Company

Hancock Lumber Company

Chesapeake Corporation

Glatfelter

Potlatch Corporation

Weyerhaeuser Company

Sierra Pacific Industries

Louisiana Pacific

Bowater

Temple-Inland

Georgia-Pacific

Plum Creek Timber

Anthony Forest Products

Sappi Fine Paper - North America

Simpson Resource Company

Stora Enso North America

MeadWestvaco

Would you be willing to drop by this dinner and give a few remarks and take a few questions?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kblalock@fierce-isakowitz.com [UNKNOWN] <kblalock@fierce-isakowitz.com>
Sent: 4/4/2003 9:17:35 AM
Subject: : Re: AF&PA General Counsels Meeting
Attachments: P_R9ICF003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2003 14:17:35.00
SUBJECT:: Re: AF&PA General Counsels Meeting
TO:kblalock@fierce-isakowitz.com (kblalock@fierce-isakowitz.com [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I can do it. Thanks for invite.

Kirk Blalock <kblalock@fierce-isakowitz.com>
04/02/2003 08:07:32 AM
Please respond to kblalock@fierce-isakowitz.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: AF&PA General Counsels Meeting

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Louisiana Pacific

Bowater

Temple-Inland

Georgia-Pacific

Plum Creek Timber

Anthony Forest Products

Sappi Fine Paper - North America

Simpson Resource Company

Stora Enso North America

MeadWestvaco

Would you be willing to drop by this dinner and give a few remarks and take a few questions?

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_R9ICF003_WHO.TXT_1>

The American Forest and Paper Association will hold its annual meeting next week, April 9-11, in DC. They would like to invite someone from the WH Counsels office to come to their dinner on Thursday, April 10th to give an overview of judicial nominations and legal reform efforts currently underway in this Congress. I obviously thought of you.

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Bowater
Temple-Inland
Georgia-Pacific
Plum Creek Timber
Anthony Forest Products
Sappi Fine Paper – North America
Simpson Resource Company
Stora Enso North America
MeadWestvaco

Would you be willing to drop by this dinner and give a few remarks and take a few questions?

From: Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>
To: Higgins, Stephen (Judiciary) <Stephen_Higgins@Judiciary.senate.gov>;Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>;Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Abegg, John (McConnell) <John_Abegg@mcconnell.senate.gov>;brian. a. benczkowski@usdoj. gov (E-mail) <brian.a.benczkowski@usdoj.gov>;Duffield, Steven (RPC) <Steven_Duffield@RPC.Senate.Gov>
Sent: 4/4/2003 11:25:41 AM
Subject: : Polling
Attachments: P_KMQCF003_WHO.TXT_1.htm; P_KMQCF003_WHO.TXT_2.doc

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###### Begin Original ARMS Header ######
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Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME: 4-APR-2003 16:25:41.00
SUBJECT:: Polling
TO:"Higgins, Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> ( "Higgins,
Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan
(Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)"
<Manuel_Miranda@frist.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Abegg, John (McConnell)" <John_Abegg@mcconnell.senate.gov> ( "Abegg, John (McConnell)"
<John_Abegg@mcconnell.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"brian. a. benczkowski@usdoj. gov (E-mail)" <brian.a.benczkowski@usdoj.gov> ( "brian. a.
benczkowski@usdoj. gov (E-mail)" <brian.a.benczkowski@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Duffield, Steven (RPC)" <Steven_Duffield@RPC.Senate.Gov> ( "Duffield, Steven (RPC)"
<Steven_Duffield@RPC.Senate.Gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

THIS IS SENSITIVE DO NOT DISTRIBUTE PLEASE
Observations: Senate Democrats are struggling under growing negative
perceptions of their tactics and agenda. The Senate Republican "brand"
(Fav-Unfav) is +21 while the Democrat "brand" is only +9 dropping from +15
in February--THIS IS DURING THE ESTRADA FIGHT. Even more importantly,
whereas the public has seen/heard more of the Senate Republican message
than the Democrat message, what they have seen and heard from the
Democrats is largely negative. Of the top five messages/impressions, the
public has about Democrats, four are net negative--criticizing the war,
obstructing judges, arguing/partisanship and Daschle's comments. Their
only positive message was on the tax cuts. Of the top five issues for
Republicans, all but one are net positive.

1. In the last couple of weeks have you seen, heard or read anything
that U.S. Senate Democrats were doing?

1. Yes 36
2. No 61

2. What was it?

Foreign
Affairs/Iraq 49
Taxes
25
```

Democrat Opposition to Judicial Nominees 12
Arguing/Fighting/Partisanship 10
Tom Daschle Mention 10

3. Did it make you more favorable or less favorable to U.S. Senate Democratic candidates?

1. More Favorable 33
2. Less Favorable 45
3. No Difference (DO NOT READ) 22

- att1.htm - Public Aggregates.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_KMQCF003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_KMQCF003_WHO.TXT_2>

THIS IS SENSITIVE DO NOT DISTRIBUTE PLEASE

Observations: Senate Democrats are struggling under growing negative perceptions of their tactics and agenda. The Senate Republican "brand" (Fav-Unfav) is +21 whil e the Democrat "brand" is only +9 dropping from +15 in February--THIS IS DURING THE ESTRADA FIGHT. Even more importantly, whereas the publi c has seen/heard more of the Senate Republican message than the Democrat message, what they have seen and heard from the Democrats is largely negative. Of the to p five messages/impressions, the public has about Democrats, four are net negative--criticizing the war, obstructing judges, arguing/partisanship and Daschle's comments. Their only positive message was on the tax cuts. Of the top five issues for Republicans, all but one are net positive.

< SPAN style="FONT-SIZE: 10pt; FONT-FAMILY: Arial; mso-bidi-font-size: 12.0pt"> & nbsp;

1. In the last couple of weeks have you seen, heard or read anything that U.S. Senate Democrats were doing?

< SPAN style="FONT-SIZE: 10pt; FONT-FAMILY: Arial; mso-bidi-font-size: 12.0pt"> < o:p>

1. Yes **36**
2. No **61**

2. What wa s it?

< SPAN style="FONT-SIZE: 10pt; FONT-FAMILY: Arial; mso-bidi-font-size: 12.0pt"> < o:p>

Foreign Affairs/Iraq **49**
Taxes **25**
Democra t Opposition to Judicial Nominees **12**
Arguing /Fighting/Partisanship **10**
Tom Daschle Mention **10**

< SPAN style="FONT-SIZE: 10pt; FONT-FAMILY: Arial; mso-bidi-font-size: 12.0pt"> < o:p>

3. Did it make you more favorable or less favorable to U.S. Senate Democratic candidates?

< SPAN style="FONT-SIZE: 10pt; FONT-FAMILY: Arial; mso-bidi-font-size: 12.0pt"> < o:p>

1. More Favorable **33**
2. Less Favorable **45**
3. No Difference **(DO NOT READ)** **22**

< SPAN style="FONT-SIZE: 10pt; FONT-FAMILY: Arial; mso-bidi-font-size: 12.0pt"> < o:p>

THE WINSTON GROUP

NEW MODELS SENATE MARCH NATIONAL BRAND SURVEY
March 26-27, 2003
N=1000 RV

1. Generally speaking, would you say things in the country are headed in the right direction, or are things seriously headed off on the wrong track?

1. Right Direction	**57**
2. Don't Know/Refused **(DO NOT READ)**	**12**
3. Wrong Track	**32**

2. Overall would you say that you approve or disapprove of the job George Bush is doing as President?

1. Approve	**63**
2. Don't Know/Refused **(DO NOT READ)**	**5**
3. Disapprove	**32**

Please tell me for each of the following whether you have a favorable or an unfavorable impression of that group or person.

	Favorable	Unfavorable
3. Republicans in the US Senate	**56**	**32**
4. Democrats in the US Senate	**48**	**39**

5. Which of the following issues would you say is the most important to you in deciding how to vote for Congress? **(ROTATE)**

Economy/Jobs	**29**
Defense/Terrorism/Foreign Affairs	**17**
Education	**13**
Health Care/Prescription Drugs	**11**
Social Security/Retirement/Investments	**8**

Which party do you have more confidence in to handle the issue of **(ROTATE LIST BELOW)**, **(ROTATE)** the Republican Party or the Democratic Party?

	Republican	Democrat
6. Education	**37**	**47**
7. Social Security	**36**	**48**
8. Retirement and Investments	**41**	**40**
9. Health Care/Prescription Drugs	**35**	**49**
10. The economy	**44**	**41**
11. Jobs	**39**	**46**
12. Taxes	**45**	**42**
13. National Defense/Foreign Affairs/Terrorism	**58**	**27**

14. In the last couple of weeks, have you seen, heard or read anything that U.S. Senate Republicans were doing?

1. Yes	**39**
2. No	**57**

15. What was it?

Defense/Foreign Affairs/Iraq	**53**
Taxes/Reform/Cuts/Bill	**37**
Economy/Employment/Budget	**20**
Bush Mention	**11**
Support the President	**7**

16. Did it make you more favorable or less favorable to U.S. Senate Republican candidates?

1. More Favorable	**50**
2. Less Favorable	**35**
3. No Difference **(DO NOT READ)**	**15**

17. In the last couple of weeks have you seen, heard or read anything that U.S. Senate Democrats were doing?

1. Yes	**36**
2. No	**61**

18. What was it?

Foreign Affairs/Iraq	**49**
Taxes	**25**
Democrat Opposition to Judicial Nominees	**12**
Arguing/Fighting/Partisanship	**10**
Tom Daschle Mention	**10**

19. Did it make you more favorable or less favorable to U.S. Senate Democratic candidates?

1. More Favorable	**33**
2. Less Favorable	**45**
3. No Difference **(DO NOT READ)**	**22**

20. If the elections were held today for US Senate in your state, would you be more likely to vote for **(ROTATE)** the Republican candidate or the Democrat candidate? **(IF UNDECIDED ASK:)** would you be leaning toward **(ROTATE)** the Republican candidate or the Democratic candidate?

1.	Republican	**41**
2.	Undecided	**13**
3.	Democrat	**42**
4.	DK/Refused **(DO NOT READ)**	**4**

21. In terms of an economic growth tax cut package to stimulate the economy, which of the following do you prefer? **(ROTATE)**

1.	A tax cut package costing $726 billion that creates 1.4 million jobs	**47**
2.	A tax cut package costing $350 billion that creates 700,000 jobs	**30**

22. What is the most important health care crisis at the moment? **(ROTATE)**

1.	Covering the 41 million uninsured in America	**26**
2.	Lack of a prescription drug benefit for seniors	**15**
3.	Patients being denied access to health care because doctors are forced out of business due to high liability costs	**17**
4.	Lack of funding for hospitals	**4**
5.	Increasing cost of health insurance	**22**
6.	Reforming the Medicare system	**9**
7.	Other **(SPECIFY)**	**3**
8.	DK/Refused **(DO NOT READ)**	4

23. Do you think that **(ROTATE)** Senate Democrats have deliberately blocked proposals that Senate Republicans and the President have offered, or do you think that Senate Democrats oppose Republican proposals because Democrats truly have better solutions of their own to bring to the table?

1.	Deliberately blocked Republican proposals	**45**
2.	Democrats have better solutions	**33**
3.	DK/Refused **(DO NOT READ)**	**22**

24. Over the past several years, there has been an increasing number of medical malpractice lawsuits against doctors. Do you think this is making your health care better, worse, or is it having no impact?

1. Better	**6**
2. Worse	**73**
3. No Impact	**16**
4. DK/Refused **(DO NOT READ)**	**5**

25. If you knew that, as a result of increasing medical malpractice lawsuits, doctors were reducing their services they provide to patients, such as delivering babies and trauma care, because they couldn't afford liability insurance, now would you say that increasing medical lawsuits are making your health care better, worse, or having no impact?

1. Better	**4**
2. Worse	**75**
3. No Impact	**15**
4. DK/Refused **(DO NOT READ)**	**7**

26. Congress is considering a bill that would limit judgments in medical malpractice suits. Which statement do you agree with more? **(ROTATE)**

Statement A - We must ensure that patients have access to quality health care. Doctors are being forced to limit services they provide, such as delivering babies, because they can no longer afford the rates for liability insurance. We have to do something now to cap damage awards so that doctors can provide services again to patients.

or

Statement B - Capping punitive damages in malpractice lawsuits would be an enormous boost to big insurance companies that abuse the legal system with their bottomless bank accounts, allowing them to drag out litigation until it bankrupts ordinary Americans. This would do little to prevent frivolous lawsuits, and is just another reward for insurance companies.

1. Statement A	**61**
2. Statement B	**27**

27. If you knew that, by capping punitive damage awards, it would allow doctors to continue to provide services and they could re-instate services that they had been forced to cut because of high liability, would you favor or oppose capping punitive damages?

1. Favor	**74**
2. Oppose	**16**
3. DK/Refused **(DO NOT READ)**	**10**

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/4/2003 11:28:37 AM
Subject: :
Attachments: P_2SQCF003_WHO.TXT_1.htm; P_2SQCF003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2003 16:28:37.00
SUBJECT::
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/04/2003 04:28 PM ----------

"Ledeen, Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov>
04/04/2003 04:22:58 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Polling

THIS IS SENSITIVE DO NOT DISTRIBUTE PLEASE
Observations: Senate Democrats are struggling under growing negative perceptions of their tactics and agenda. The Senate Republican "brand" (Fav-Unfav) is +21 while the Democrat "brand" is only +9 dropping from +15 in February--THIS IS DURING THE ESTRADA FIGHT. Even more importantly, whereas the public has seen/heard more of the Senate Republican message than the Democrat message, what they have seen and heard from the Democrats is largely negative. Of the top five messages/impressions, the public has about Democrats, four are net negative--criticizing the war, obstructing judges, arguing/partisanship and Daschle's comments. Their only positive message was on the tax cuts. Of the top five issues for Republicans, all but one are net positive.

1. In the last couple of weeks have you seen, heard or read anything that U.S. Senate Democrats were doing?

1. Yes 36
2. No 61

2. What was it?

Foreign Affairs/Iraq 49
Taxes 25
Democrat Opposition to Judicial Nominees 12
Arguing/Fighting/Partisanship 10
Tom Daschle Mention 10

3. Did it make you more favorable or less favorable to U.S. Senate Democratic candidates?

1. More Favorable 33
2. Less Favorable 45
3. No Difference (DO NOT READ) 22

- att1.htm
- Public Aggregates.doc

Message Sent
To:_____
"Duffield, Steven (RPC)" <Steven_Duffield@RPC.Senate.Gov>
"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov>
"brian. a. benczkowski@usdoj. gov (E-mail)" <brian.a.benczkowski@usdoj.gov>
"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov>
"Abegg, John (McConnell)" <John_Abegg@mcconnell.senate.gov>
"Higgins, Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov>
Brett M. Kavanaugh/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_2SQCF003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_2SQCF003_WHO.TXT_2>

THIS IS SENSITIVE DO NOT DISTRIBUTE PLEASE

Observations: Senate Democrats are struggling under growing negative perceptions of their tactics and agenda. The Senate Republican "brand" (Fav-Unfav) is +21 whil e the Democrat "brand" is only +9 dropping from +15 in February--THIS IS DURING THE ESTRADA FIGHT. Even more importantly, whereas the publi c has seen/heard more of the Senate Republican message than the Democrat message, what they have seen and heard from the Democrats is largely negative. Of the to p five messages/impressions, the public has about Democrats, four are net negative--criticizing the war, obstructing judges, arguing/partisanship and Daschle's comments. Their only positive message was on the tax cuts. Of the top five issues for Republicans, all but one are net positive.

< SPAN style="FONT-SIZE: 10pt; FONT-FAMILY: Arial; mso-bidi-font-size: 12.0pt"> & nbsp;

1. In the last couple of weeks have you seen, heard or read anything that U.S. Senate Democrats were doing?

< SPAN style="FONT-SIZE: 10pt; FONT-FAMILY: Arial; mso-bidi-font-size: 12.0pt"> < o:p>

1. Yes **36**
2. No **61**

2. What wa s it?

< SPAN style="FONT-SIZE: 10pt; FONT-FAMILY: Arial; mso-bidi-font-size: 12.0pt"> < o:p>

Foreign Affairs/Iraq **49**
Taxes **25**
Democra t Opposition to Judicial Nominees **12**
Arguing /Fighting/Partisanship **10**
Tom Daschle Mention **10**

< SPAN style="FONT-SIZE: 10pt; FONT-FAMILY: Arial; mso-bidi-font-size: 12.0pt"> < o:p>

3. Did it make you more favorable or less favorable to U.S. Senate Democratic candidates?

< SPAN style="FONT-SIZE: 10pt; FONT-FAMILY: Arial; mso-bidi-font-size: 12.0pt"> < o:p>

1. More Favorable **33**
2. Less Favorable **45**
3. No Difference **(DO NOT READ)** **22**

< SPAN style="FONT-SIZE: 10pt; FONT-FAMILY: Arial; mso-bidi-font-size: 12.0pt"> < o:p>

THE WINSTON GROUP

NEW MODELS SENATE MARCH NATIONAL BRAND SURVEY
March 26-27, 2003
N=1000 RV

1. Generally speaking, would you say things in the country are headed in the right direction, or are things seriously headed off on the wrong track?

1.	Right Direction	**57**
2.	Don't Know/Refused **(DO NOT READ)**	**12**
3.	Wrong Track	**32**

2. Overall would you say that you approve or disapprove of the job George Bush is doing as President?

1.	Approve	**63**
2.	Don't Know/Refused **(DO NOT READ)**	**5**
3.	Disapprove	**32**

Please tell me for each of the following whether you have a favorable or an unfavorable impression of that group or person.

		Favorable	Unfavorable
3.	Republicans in the US Senate	**56**	**32**
4.	Democrats in the US Senate	**48**	**39**

5. Which of the following issues would you say is the most important to you in deciding how to vote for Congress? **(ROTATE)**

Economy/Jobs	**29**
Defense/Terrorism/Foreign Affairs	**17**
Education	**13**
Health Care/Prescription Drugs	**11**
Social Security/Retirement/Investments	**8**

Which party do you have more confidence in to handle the issue of (**ROTATE LIST BELOW**), **(ROTATE)** the Republican Party or the Democratic Party?

	Republican	Democrat
6. Education	**37**	**47**
7. Social Security	**36**	**48**
8. Retirement and Investments	**41**	**40**
9. Health Care/Prescription Drugs	**35**	**49**
10. The economy	**44**	**41**
11. Jobs	**39**	**46**
12. Taxes	**45**	**42**
13. National Defense/Foreign Affairs/Terrorism	**58**	**27**

14. In the last couple of weeks, have you seen, heard or read anything that U.S. Senate Republicans were doing?

1. Yes	**39**
2. No	**57**

15. What was it?

Defense/Foreign Affairs/Iraq	**53**
Taxes/Reform/Cuts/Bill	**37**
Economy/Employment/Budget	**20**
Bush Mention	**11**
Support the President	**7**

16. Did it make you more favorable or less favorable to U.S. Senate Republican candidates?

1. More Favorable	**50**
2. Less Favorable	**35**
3. No Difference **(DO NOT READ)**	**15**

17. In the last couple of weeks have you seen, heard or read anything that U.S. Senate Democrats were doing?

1. Yes	**36**
2. No	**61**

18. What was it?

Foreign Affairs/Iraq	**49**
Taxes	**25**
Democrat Opposition to Judicial Nominees	**12**
Arguing/Fighting/Partisanship	**10**
Tom Daschle Mention	**10**

19. Did it make you more favorable or less favorable to U.S. Senate Democratic candidates?

1. More Favorable	**33**
2. Less Favorable	**45**
3. No Difference **(DO NOT READ)**	**22**

20. If the elections were held today for US Senate in your state, would you be more likely to vote for **(ROTATE)** the Republican candidate or the Democrat candidate? **(IF UNDECIDED ASK:)** would you be leaning toward **(ROTATE)** the Republican candidate or the Democratic candidate?

1.	Republican	**41**
2.	Undecided	**13**
3.	Democrat	**42**
4.	DK/Refused **(DO NOT READ)**	**4**

21. In terms of an economic growth tax cut package to stimulate the economy, which of the following do you prefer? **(ROTATE)**

1.	A tax cut package costing $726 billion that creates 1.4 million jobs	**47**
2.	A tax cut package costing $350 billion that creates 700,000 jobs	**30**

22. What is the most important health care crisis at the moment? **(ROTATE)**

1.	Covering the 41 million uninsured in America	**26**
2.	Lack of a prescription drug benefit for seniors	**15**
3.	Patients being denied access to health care because doctors are forced out of business due to high liability costs	**17**
4.	Lack of funding for hospitals	**4**
5.	Increasing cost of health insurance	**22**
6.	Reforming the Medicare system	**9**
7.	Other **(SPECIFY)**	**3**
8.	DK/Refused **(DO NOT READ)**	4

23. Do you think that **(ROTATE)** Senate Democrats have deliberately blocked proposals that Senate Republicans and the President have offered, or do you think that Senate Democrats oppose Republican proposals because Democrats truly have better solutions of their own to bring to the table?

1.	Deliberately blocked Republican proposals	**45**
2.	Democrats have better solutions	**33**
3.	DK/Refused **(DO NOT READ)**	**22**

24. Over the past several years, there has been an increasing number of medical malpractice lawsuits against doctors. Do you think this is making your health care better, worse, or is it having no impact?

1. Better	**6**
2. Worse	**73**
3. No Impact	**16**
4. DK/Refused **(DO NOT READ)**	**5**

25. If you knew that, as a result of increasing medical malpractice lawsuits, doctors were reducing their services they provide to patients, such as delivering babies and trauma care, because they couldn't afford liability insurance, now would you say that increasing medical lawsuits are making your health care better, worse, or having no impact?

1. Better	**4**
2. Worse	**75**
3. No Impact	**15**
4. DK/Refused **(DO NOT READ)**	**7**

26. Congress is considering a bill that would limit judgments in medical malpractice suits. Which statement do you agree with more? **(ROTATE)**

Statement A - We must ensure that patients have access to quality health care. Doctors are being forced to limit services they provide, such as delivering babies, because they can no longer afford the rates for liability insurance. We have to do something now to cap damage awards so that doctors can provide services again to patients.

or

Statement B - Capping punitive damages in malpractice lawsuits would be an enormous boost to big insurance companies that abuse the legal system with their bottomless bank accounts, allowing them to drag out litigation until it bankrupts ordinary Americans. This would do little to prevent frivolous lawsuits, and is just another reward for insurance companies.

1. Statement A	**61**
2. Statement B	**27**

27. If you knew that, by capping punitive damage awards, it would allow doctors to continue to provide services and they could re-instate services that they had been forced to cut because of high liability, would you favor or oppose capping punitive damages?

1. Favor	**74**
2. Oppose	**16**
3. DK/Refused **(DO NOT READ)**	**10**

From: Douglas, Penny G.
To: <Everson, Nanette>;<Kavanaugh, Brett M.>
Sent: 4/4/2003 3:29:46 PM
Subject: RE: DID YOU SEE THIS AND SEND ON?

I just received a call from Dawn Perkerson at VOLPAC. She confirmed that it is a 527 (e) organization.

-----Original Message-----
From: Douglas, Penny G.
Sent: Thursday, April 03, 2003 9:00 AM
To: Everson, Nanette; Kavanaugh, Brett M.
Subject: RE: DID YOU SEE THIS AND SEND ON?

I called VOLPAC to see if they are a 527(e) organization. I'll let you know as soon as I hear back from them.

-----Original Message-----
From: Everson, Nanette
Sent: Wednesday, April 02, 2003 3:40 PM
To: Kavanaugh, Brett M.
Cc: Douglas, Penny G.
Subject: DID YOU SEE THIS AND SEND ON?

What are your thoughts? Attached below are the thoughts of our shop.
---------- Forwarded by Nanette Everson/WHO/EOP on 04/02/2003 03:40 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
Emory Rounds
04/02/2003 03:37:42 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: DID YOU SEE THIS AND SEND ON?

---------- Forwarded by Emory Rounds/WHO/EOP on 04/02/2003 03:36 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
Emory Rounds
03/25/2003 03:13:45 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: VOLPAC Invitation

This responds to your e-mail request for advice, below. In addition, is this a matter for consideration also by Brett Kavanaugh, given the Hatch Act issues?

Penny Douglas is an Executive Assistant in the Office of Legislative Affairs, and is not a commissioned officer. She plans to participate in VOLPAC events scheduled for April 25 to 27, 2003, in Nashville, Tennessee, and asks whether she may accept VOLPAC's offer to pay her airfare to and from Nashville, so that she may attend the event.

Ms. Douglas explains that VOLPAC is the political action committee of Senator Bill Frist. She also advises that she has, in the past, volunteered to assist VOLPAC with the logistics of its annual Spring weekend event.

The Office of Special Counsel's web-site notes that an employee may attend and be active at political rallies and meetings; join and be an active member of a political party or club; and, hold office in political clubs or parties.

If this event is a fundraiser, the Office of Special Counsel's web-site also notes that, among other permissible activities, an employee may attend political fundraising functions and is allowed to organize a fundraiser, as long as she does not personally solicit, accept, or receive contributions. She may even give a speech or keynote address at a political fundraiser, as long as she is not on duty, and does not solicit political contributions. However, her name may not be shown on an invitation to such a fundraiser as a sponsor or point of contact.

Regarding the VOLPAC offer of travel expenses, ethics regulations provide that an employee who may take an active part in *political management* or in political campaigns under the Hatch Act, may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided, *in connection with such active participation*, by a political organization described in 26 U.S.C. 527(e). *See* 5 C.F.R. § 2635.204(f).

· The term "political organization" in 26 U.S.C. 527(e) means "a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function."

· The term "exempt function" in 26 U.S.C. 527(e) means "the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed. Such term includes the making of expenditures relating to an office described in the preceding sentence which, if incurred by the individual, would be allowable as a deduction under section 162(a)."

· The term "political management" is not otherwise defined.

It is not precisely clear from its web-site (http://www.volpac.com/index.html) whether VOLPAC is actually a "527(e)" organization, although that most likely is the case considering its mission and purpose statements.

If Ms. Douglas ascertains that VOLPAC is such an organization, then she may accept the gift of free airfare, as well as any meals, lodgings, other transportation, and other benefits, from that group in connection with her participation in the event. However, the event apparently begins on a Friday and, if she travels to or attends the event during her normal duty hours, she should be in a leave status during those hours.

****

---------- Forwarded by Emory Rounds/WHO/EOP on 03/25/2003 03:05 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
Nanette Everson
03/25/2003 12:09:51 PM
Record Type: Record

To: Emory Rounds/WHO/EOP@EOP
cc:
Subject: VOLPAC Invitation

please advise
---------- Forwarded by Nanette Everson/WHO/EOP on 03/25/2003 12:14 PM ----------

From: Penny G. Douglas/WHO/EOP@Exchange on 03/25/2003 11:37:37 AM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: VOLPAC Invitation

Hi Nanette -

Last week, I spoke to you briefly at the New Employees' Ethics Briefing regarding my invitation to participate in the VOLPAC events on April 25-27, 2003. VOLPAC is the political action committee of Senator Bill Frist of TN. Each year VOLPAC hosts a Spring Meeting in Nashville, TN for its members. In the past, I have volunteered to assist with the logistics of each event i.e transportation.

VOLPAC has offered to pay my airfare to/from Nashville. Do you see any problem with accepting this? Please let me know if I need to provide you with more information.

Thank you -

Penny Douglas
Office of Legislative Affairs
6-2230

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/6/2003 2:21:55 PM
Subject: : White House Global Messenger - 4-07-03
Attachments: P_11DDF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME: 6-APR-2003 18:21:55.00
SUBJECT:: White House Global Messenger - 4-07-03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 4-7-03 FINAL.doc)

THE GLOBAL MESSENGER
Monday, April 7, 2003

******KEY POINTS******

Update on the Liberation of Iraq

*We are very pleased with the progress of Coalition forces in Iraq, but much of
the toughest work is still to come. Saddam Hussein's regime is doomed. Iraqis
should not fight for a dying regime that is not worth their lives.

*Something better for all Iraqis lies ahead, and we urge Iraqis to work constructively for the future of their country.

*Coalition forces continue to work hard to avoid civilian casualties and protect
religious, cultural and historical sites.

Post-Saddam Iraq

*Just as we've planned for military victory, we're planning to win the peace.
The Coalition is committed to helping Iraqis create a broad-based, representative government, based on democratic principles, that serves their
interests and is worthy of their hopes.

*For the first time in more than two decades the Iraqi people will truly benefit
from their nation
's resources and the fruits of their own labor.

President Bush's Trip to the United Kingdom

*President Bush and British Prime Minister Blair will discuss the progress in
the war in Iraq, the status of the ongoing military operation, and the humanitarian relief efforts.

*They will also discuss the planning to help Iraqis build a post-war Iraq

that
is whole, free, and at peace within itself and with its neighbors.

*They will discuss the role of the United Nations and other international organizations.

*The President and the Prime Minister will also talk about the peace process in
Northern Ireland, and discuss efforts to bring peace to the Middle East..

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change

Note: President Bush and British Prime Minister Blair meet in Northern
Ireland

7:00 am CENTCOM Operations Update

TBD Defense Department Briefing

TBD State Department Briefing

******IRAQ HUMANITARIAN UPDATE******

*The M/V Yellow Rose, loaded with 28,500 tons of U.S. wheat, left Galveston,
Texas on April 1 for Iraq. The M/V Free Atlas, which will carry an additional
28,000 tons, is leaving Galveston soon.

*On April 4, a 13-person UN assessment team - including representatives from the
UN's security office, World Food Program, and the International Organization for
Migration - conducted a second assessment of the port of Umm Qasr.

*On April 1, International Medical Corps became the first NGO to enter Umm Qasr.
They assessed the hospital, and plan to bring supplies in soon.

*UNICEF is bringing trucks with 35,000 liters of potable water to Safwan, Umm
Kail, and Az Zubayr in Southern Iraq.

*On April 1-2, British forces distributed 112,000 liters of potable water to
residents of Az Zubayr.

******KEY QUOTES******

"I think it is very important to dismantle [Saddam's] whole structure of fear....Iraqis are afraid, and they've had the experience in the past of thinking this regime might be on its way out, and it keeps surviving. The regime
needs to be dismantled, and not just Saddam Hussein, but the structures of terror."
Deputy Defense Secretary Wolfowitz, interview on NBC's Meet the Press, 4-6-03

THE WHITE HOUSE
Office of Global Communications

For more information log on to http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining news and information from
the White House.

The White House Office of Global Communications distributes information about
the President's messages to the world. This office distributes updates on major
international topics such as the global war on terror, the case for regime
change in Iraq, and more broadly, the ways in which we can all better
communicate the aspirations and interests that Americans share with
freedom-loving people everywhere. - GM 4-7-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_11DDF003_WHO.TXT_1>

THE GLOBAL MESSENGER

Monday, April 7, 2003

TODAY'S SCHEDULE

All Times Eastern Daylight. Subject to Change

Note:	President Bush and British Prime Minister Blair meet in Northern Ireland
7:00 am	CENTCOM Operations Update
TBD	Defense Department Briefing
TBD	State Department Briefing

Iraq Humanitarian Update

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KEY QUOTES

"I think it is very important to dismantle [Saddam's] whole structure of fear….Iraqis are afraid, and they've had the experience in the past of thinking this regime might be on its way out, and it keeps surviving. The regime needs to be dismantled, and not just Saddam Hussein, but the structures of terror."

Deputy Defense Secretary Wolfowitz, interview on NBC's *Meet the Press*, 4-6-03

KEY POINTS

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- We are very pleased with the progress of Coalition forces in Iraq, but much of the toughest work is still to come. Saddam Hussein's regime is doomed. Iraqis should not fight for a dying regime that is not worth their lives.
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President Bush's Trip to the United Kingdom

- President Bush and British Prime Minister Blair will discuss the progress in the war in Iraq, the status of the ongoing military operation, and the humanitarian relief efforts.
- They will also discuss the planning to help Iraqis build a post-war Iraq that is whole, free, and at peace within itself and with its neighbors.
- They will discuss the role of the United Nations and other international organizations.
- The President and the Prime Minister will also talk about the peace process in Northern Ireland, and discuss efforts to bring peace to the Middle East.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>
Sent: 4/7/2003 6:51:20 AM
Subject: : any word on ED Oklahoma?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-APR-2003 10:51:20.00
SUBJECT:: any word on ED Oklahoma?
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
Sent: 4/7/2003 4:32:27 AM
Subject: : Re: rate?
Attachments: P_AZKDF003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-APR-2003 08:32:27.00
SUBJECT:: Re: rate?
TO:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ("Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

14 % in regional appeals courts (that is, excluding the Federal Circuit, which handles patent and trademark appeals)

"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov>
04/07/2003 08:30:17 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: rate?

What is the current vacancy rate for Circuits? I know Districts is 5.9%

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AZKDF003_WHO.TXT_1>

What is the current vacancy rate for Circuits? I know Districts is 5.9%

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
Sent: 4/7/2003 4:46:17 AM
Subject: : RE: rate?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-APR-2003 08:46:17.00
SUBJECT:: RE: rate?
TO:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ("Miranda, Manuel (Frist)"
<Manuel_Miranda@frist.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

4 -- Owen, Prado, Sutton, and Cook.

"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov>
04/07/2003 08:44:30 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: rate?

How many of the 6 circuits pending on the floor are judicial
emergencies?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 07, 2003 8:32 AM
To: Miranda, Manuel (Frist)
Subject: Re: rate?

14 % in regional appeals courts (that is, excluding the Federal Circuit,
which
handles patent and trademark appeals)

(Embedded
image moved "Miranda, Manuel (Frist)"
to file: <Manuel_Miranda@frist.senate.gov>
pic29475.pcx) 04/07/2003 08:30:17 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: rate?

What is the current vacancy rate for Circuits? I know Districts is 5.9%

From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/7/2003 5:33:08 AM
Subject: : US CentCom Briefing 04/07/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 7-APR-2003 09:33:08.00
SUBJECT:: US CentCom Briefing 04/07/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

UNITED STATES CENTRAL COMMAND DAILY PRESS BRIEFING
BRIEFER: GEN. VINCE BROOKS, DEPUTY DIRECTOR OF OPERATIONS

DOHA, QATAR
7:04 A.M. EDT, MONDAY, APRIL 7, 2003

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BRIG. GEN. VINCENT BROOKS: (In progress) -- since the entry of coalition forces into Iraq has been one of continued progress towards the objectives of removing the regime from power and bringing liberation to the Iraqi people.

;;;;;; The plan remains sound and effective, and there's also more work to be done. Our coalition troops continue to impress us all daily with their tenacity and with their disciplined compassion. They are setting the conditions for a future Iraq, and we remember those who have fallen in this cause.

;;;;;; The operation continues. Let me provide you a short update on some of the activities that occurred in the last 24 hours.

;;;;;; Even though the coalition has disrupted much of the regime's ability to wage war and its command and control systems, the regime retains some capability. The coalition continues attacks from air and ground to further erode the command and control of forces and to eliminate threats to coalition forces, Iraq's neighbors, and the Iraqi people.

;;;;;; I have two weapons systems videos of recent engagements against military assets that the regime could use to deliver chemical weapons. The first video is an attack on a surface-to-surface missile at Abu Risha (sp). This is near Aramadi (sp), west of Baghdad. And this attack occurred on the 5th of April.

;;;;;; The next video is also against a surface-to-surface missile, this one located northeast of Baghdad, and the attack also occurred on the 5th of April. And we remain focused on any assets that could potential deliver chemical weapons. That includes aircraft, surface- to-surface missiles.

;;;;;; Our coalition's special operations forces continued with unconventional warfare in northern Iraq, southern Iraq and central Iraq. These efforts are key to facilitating operations by the air component in the north and in the west, and by the land component in the center and in the south of Iraq. More significantly, they represent the mechanism that also makes it possible for Iraqis to join in the fight against the regime.

;;;;;; Coalition special operations forces are also conducting direct action missions to secure the Hadithah Dam, to deny the regime the use of ballistic missiles, and to destroy regime headquarters locations whenever they are identified. Another directed action example is a raid last night to seize a training camp near Hadithah.

;;;;;; The combined arms efforts of the land component remain deliberate, focused, and successful. In Basra, coalition forces led by the U.K. enjoyed success in reducing some of the remaining concentrations of the Ba'ath Party, party officials and also regime forces. There are still some pockets, but they are far fewer. And as military actions continue against the regime, power, water and food are increasingly available to the population. Of course, there is still work to be done in getting those distributed.

;;;;;; The towns of As-Samawa, Diwaniyah, and Najaf are all becoming more stable as time goes on with coalition efforts against the -- against the regime. In Najaf, for example, religious clerics are contributing significantly to the stability in the wake of the regime's departure. They're organizing assemblies within the towns and they're maintaining order, and the coalition very much appreciates their efforts. In Karbala, coalition forces destroyed a Ba'ath Party headquarters and fought against regime death squads to further reduce the regime influence in this very important city.

;;;;;; As coalition forces eliminate regime pockets of resistance, we continue to discover more and more weapons and ammunition stores. The images I'll show you know are weapons and ammunition removed from another school, this time in Karbala. Each time the coalition defeats the regime forces, this practice of taking schools away from students and turning them into magazines for the weapons of war comes to an end, and a future free of such practices begins.

;;;;;; The main focus of the operation continued in and around Baghdad. The Two Corps attack continued with 1st Marine Expeditionary Force isolating Baghdad from the east along the Biala (sp) River, and with the 5th Corps operating in the west, northwest, and into the town of Baghdad itself, the city of Baghdad. To the northwest, the attack prevented reinforcement by Iraqi forces north of the city, and resulted in the destruction of an Iraqi unit that was composed of tanks, armored personnel carriers, other armored vehicles, artillery systems, and infantry.

;;;;;; Our efforts to secure Baghdad International Airport continued from within the complex, where tunnels were found beneath it -- some of these tunnels were large enough to accommodate automobiles -- and from without, where artillery systems able to range the airport were attacked, and the forward observer, in this case an Iraqi colonel, was taken into coalition control. It's important to note here also that there are still Iraqi workers in and around the airport, and many of those have assisted coalition forces, providing blueprints of the airport structure itself, and also helping to turn back on electrical power and other services and utilities at the airport. And this is a very important step as we continue to progress towards getting the airport back into operation for the Iraqi people when the conflict is ended.

;;;;;; Finally, a second heart into the heart of Baghdad, to key regime locations, destroying any defending forces while protecting the civilian population and the city's infrastructure, reinforces the reality that the regime is not in control of all of the major city.

;;;;;; Our maritime component has been very effective in maintaining open sea lines of communication, to make possible the flow of humanitarian assistance and supplies, and also the continued arrival of coalition forces. The maritime component has conducted strike operations from over 33 different naval combatants, air operations from one of the largest carrier forces ever assembled, and conducted counter-ballistic missile operations as well. All of these have been key enables to the coalition's successes to date.

;;;;;; Thus far, the coalition has distributed over 40 million leaflets, and the count continues to increase every day. The information we are providing to the population remains focused on keeping the Iraqi people and their resources safe and ready for a new future.

;;;;;; One example is a recent leaflet that was distributed warning the Iraqi people, or advising them, really, to not carry weapons so they are not perceived as forces defending the regime. And of course, we show you here in English as well as in Arabic as the actual leaflets are.

;;;;;; Broadcasts do continue on radio and television, and we continue to change our messages as required to ensure that we are providing the right information and recent information to the Iraqi population.

;;;;;; As we continue dismantling the regime, we find the regime continues to disregard protecting religious and cultural treasures of the Iraqi people. In this image, you can see where the regime has placed military weaponry near an important mosque in Baghdad. Each one of these call-out boxes -- first the mosque is to the right, this is the mosque area, and there are pieces of military equipment at each one of these arrows. This is a zoom out, and yet another of these. And of course with closer inspection we can identify the types of equipment there are, but rest assured that they are military equipment, the types that would be targeted in other places. The coalition is well aware of this practice, and remains nevertheless committed to protecting sites like this mosque, while also conducting precision attacks as necessary.

;;;;;; Our efforts to facilitate humanitarian assistance in Iraq have increased in importance. There are still very important needs to be met, many of them resulting from years of oppression, and some resulting from the ongoing combat actions. Fortunately, there have not been any humanitarian emergencies on the scale of recent conflicts in this region or in other parts of the world in recent years.

;;;;;; Among our most pressing short-term requirements are returning power and running water to the cities of Najaf, Samawa, Nasiriyah, and Basra. And in most cases, power has to come first in order to get self-sustaining water supplies in there. So, we continue our efforts to push water in bulk wherever we can by way of water pipelines and water trucks, but there's also an ongoing effort to get power up in each one of those locations to have self-sustaining water.

;;;;;; These efforts are ongoing, and in one recently liberated town, we even saw some local citizens washing cars -- something that we certainly would not have expected to see before.

;;;;;; Yesterday I showed you some supplies being distributed to a school, and those supplies, as I mentioned, had come from a warehouse that the regime had chosen not to distribute out to the people. In this case, I have another image to show you. What it reflects is that our forces continue to do whatever they can to provide support to liberated Iraqi people. In this particular photo, you see U.S. Marines and free Iraqi forces members distributing food, and there's also medical suppliers that they are delivering, to locals in the Nasiriyah area. And these supplies were captured from Iraqi military forces.

;;;;;; We have one additional good news story to report today, and that is that the ongoing efforts to extinguish the two oil wells, one has been successfully extinguished, and there now remains one burning oil well in the southern oil fields. We've been able also to exercise a degree of control over now 940 -- I'm sorry -- 900 of the 940 wells that are in the oil fields south of Baghdad. And so that effort continues and is going very well.

;;;;;; Ladies and gentlemen, with that, I'll take your questions. Yes, ma'am.

;;;;;; Q General, Cammie (sp) McCormack (sp) with CBS News. There are a couple of reports today that some bridges near Baghdad, possibly to the east or the south, there was some fierce fighting and marine casualties, and an American quoted as saying they're fighting back, they seem to be fighting a bit more. Also, to the south of Baghdad, a report that a column

of American armored personnel carriers was hit. Can you elaborate on either one of those?

;;;;;; GEN. BROOKS: Cammie (sp), what I can tell you is, first, we are continuing combat operations. We're not finished, and we have no illusions about the fact that there's still work ahead, and that there will continue to be combat action. As I mentioned, the marines, the 1st Marine Expeditionary Force, are conducting operations on the eastern side of the city of Baghdad. There are bridges across the Biala (sp) River. We know that one of those bridges was destroyed by Iraqi forces, and they also have positioned artillery on the other side of the river. So, there is combat action that occurs in that area. I don't want to characterize any more specifically since operations are ongoing as to what will happen next, or where we currently are located.

;;;;;; Similarly, there are places and pockets of resistance in the surrounding Baghdad areas, and in some of the towns we've already passed through, as a -- Karbala as an example -- where we still have combat action occurring. And as I mentioned up front, the regime does still have some military capability. It also has some limited command and control capability over small units in certain areas. What we're not seeing is an overarching structure of control. We believe that's been significantly degraded, but that doesn't mean that there is an elimination completely of all threats. And so we continue with our efforts to find those, remove those, and proceed to a condition where the regime is gone and there's no longer any threats to us or to the Iraqi people.

;;;;;; Yes. Let me go to this side, please. Hasan (sp).

;;;;;; Q Hasan (sp) Bashidi (sp) from Al-Jazeera. General, what is the situation now in the Mosul, and what's your target in this city -- in this city?

;;;;;; GEN. BROOKS: We are continuing operations in the north near Mosul. Our efforts are right now to isolate regime forces in and around Mosul. We believe at this point we've had some success in causing some paramilitaries to leave that area, and that leaves some Ba'ath Party -- enforcers is probably the best way to describe them -- in that area. So, it is not yet complete stable. We have not conducted significant combat operations into that area, but we continue to focus targeting on forces that are in the Mosul region as well as other places along what has been described at the green line. Those operations continue at this time.

;;;;;; Tom.

;;;;;; Q Tom Mintier with CNN. I'd like to go back to the videos you showed us this afternoon -- two missile launcher sites. I guess it's my turn to ask the usual daily question about weapons of mass destruction. We've had unconfirmed reports the last couple of days of finding locations that are cemented over, either in school yards or elsewhere, where you've had to dig underground looking for these things. What has been found in those? And the second question -- normally I only ask one -- British reports of the death of Chemical Ali in Basra, if you could talk to us about that.

;;;;;; GEN. BROOKS: We continue to find information that leads us to different sites, and we also, as we continue to advance, uncover areas where there is suspected activity. With each one of these reports that there might be some potential presence of weapons of mass destruction, or some potential means of using weapons of mass destruction, we do a thorough search. We've organized part of the force to be able to specifically go to sites, either ones that we have planned up front to examine as we arrive on them, or ones that can be done on an ad hoc basis when we find some piece of information we didn't previously have. And frankly, we expect there will be a lot of that since there was a deliberate campaign of denial, deception, hiding things, burying things.

;;;;;; I don't have any specific updates on the locations you're talking

about where the concrete was found. There are some other areas as well that we think that we have to excavate sites to find out what in fact was buried there. As more information becomes available, then we'll certainly report that, but we don't have any extraordinary finds at this point while we're still looking.

;;;;;; As to the reports, I don't have any confirmed reports on the condition of the man referred to as Chemical Ali.

;;;;;; Continue on the right, here. Please, Jeff.

;;;;;; Q General, Jeff Meade (sp) from Sky News. Can you give us a sense of your emotion, how you felt when you saw that footage of tanks right into Baghdad, right by the river in the parade ground? What does that -- what sense does that give you? And also, how do you -- militarily, how do you assess that operation, its character, and how do you plan to develop on it?

;;;;;; GEN. BROOKS: Well, first, from here we also get to experience things at a distance. And the great value of embedded reporters is that you can see things that are happening the same way as they are in the eyes of the soldiers that are out there. I think most of the story was told by the soldiers who were involved in that.

;;;;;; The term I used a few days ago was "cautious optimism." And so while that increases the optimism and reinforces the reality of our ability to conduct operations even into the heart of the regime, where the regime does not have control, it also reminds us that there's still a great deal of hazard out there.

;;;;;; These are personal friends of mine that conducted that operation, people that I've served with, and I was delighted for their success. And we certainly wish them continued success and protection in the coming days.

;;;;;; What we do with them militarily, though, is that's where the cautious part of the cautious optimism comes back in. Opportunities are created by operations, and then new operations come as a result of those opportunities. So there will be things that come as a result of what you saw today. We're not going to specify what those are. We'll see them as they unfold.

;;;;;; Many of them are tactical decisions made by commanders down on the ground, where they see another opportunity to put the regime at greater risk, take away its ability to control, and remove the mechanisms by which the regime either oppresses people or conducts military operations. And so that's what we think we'll see here over the coming days, not just in Baghdad but all of the areas throughout the country.

;;;;;; On the left side. Yes, sir, please.

;;;;;; Q General, Paul Adams, BBC. Last time I checked, just as we were coming into the briefings this afternoon, it seemed as though American forces were still at some of the presidential palaces and didn't show any signs of moving out. Is it your intention that some of those forces will remain where they are through the day and perhaps beyond?

;;;;;; GEN. BROOKS: Well, I think these are tactical decisions that we made out there, Paul. Again, there's opportunities that come from each action that's taken, and then the commanders on the ground will decide whether there's something new that needs to happen.

;;;;;; So they'll make the decisions on what parts of Baghdad they wish to retain control of, where they want to conduct operations out of, whether they want to move to a different location, exert greater authority in different places, or simply go directly to where they happen to have intelligence on where any regime forces might be located. And so I can't characterize exactly what the intentions are for the tactical commanders

on the ground.

;;;;;; The most important thing for us at this level is it reinforces, again, the reality that we will and will continue to conduct operations at a time and place of our choosing and that the regime does not have the means of preventing that.

;;;;;; While we will encounter fights, and some of the fights have been fights that are worthy of respect for forces that unfortunately may be dying for a regime that does not have a future, and we take that into account, we don't take for granted that there still will be some actions in a variety of places.

;;;;;; Our efforts will be continuous in trying to find out where the additional forces are located, and in many cases we'll take the battle directly to those forces. That's how I'll characterize it.

;;;;;; Please.

;;;;;; Q (Inaudible.) I'd like to ask you, what, to your mind, constitutes victory? And second, I know you've said day after day that this is a fight against more than one man, but as far as the search for Saddam Hussein goes, can you claim victory while Saddam eludes you? And how concerned are you that he will, in fact, elude you?

;;;;;; GEN. BROOKS: Well, Jeff, let me recharacterize a part of what you asked in the question. We have at no time said there is a hunt for any particular individual. An so, because of that, he can't be eluded. So what I will tell you is this. We continue to focus not on individuals but on the regime and its capabilities.

;;;;;; The characterization of victory will not occur from here. We're going to conduct operations until we accomplish the objectives that have been set out for us. And if you review those objectives that were laid out at the very beginning of the operation, it's very clear to all who consider it that we haven't finished our work yet.

;;;;;; And so we're a long way from being able to celebrate victory. We certainly continue to say that the outcome is not in doubt. But there is still work for us to do at this point, and that's where we remain focused.

;;;;;; Second row, please.

;;;;;; Q (Inaudible) -- Russian State Television. General, do you have any new information about the incident with the Russian convoy, apart from what has been released yesterday? What would you say to the reports that bullets from M-16 rifles used by the U.S. Army were extracted from the vehicles who had been shot upon, and also during the surgery, and also to the information that the convoy was prevented from moving by the U.S. forces? Thank you.

;;;;;; GEN. BROOKS: What we know is that we had reports that the embassy personnel were going to be moving out to the west and departing Iraq. We had awareness of that. We have received reports, as many of you have heard, that there was some sort of exchange of gunfire that hit part of the convoy as it moved.

;;;;;; What we don't have is anything that would confirm the role of U.S. forces in that. We do know that it went through a contested area and an area that certainly had Iraqi forces present, and we fought those forces later in the day.

;;;;;; There are any number of reports out there at this point in time, and none of them are factual. So I can't provide you an update until we've had the opportunity to continue our interaction, which we already have, with the Russian embassies through our embassies, some of the direct contacts that have occurred. And when this group has completely gotten to safety, as well as has the opportunity to make their own examination, we

may have more to say. Right now we don't have anything else we can (talk about?).

;;;;;; Second row, please.

;;;;;; Q (Inaudible) -- USA Today. There have been some reports this morning that in an agricultural warehouse near Baghdad, there were some G-series nerve agents found. Several people had to be decontaminated. Can you tell us a little bit about what was found there and how it was found and what this indicates to you?

;;;;;; GEN. BROOKS: Donna, I honestly don't know. I have not seen that report and I have not seen that as what we call a significant act that gets immediately posted. So it's not within my awareness at this point in time.

;;;;;; What I can tell you in general terms is, first, we have always expected that this regime has chemical weapons and also possesses the will and the means to use it. As we continue to advance, we've taken away some of those means and we've taken away some of the will by our leaflet drops, by our messages, and by our military action.

;;;;;; We continue to remain focused on the potential of encountering it, either by being delivered or going into places where it might be stored. And so I don't know anything specific about this case. I'm sure that whoever encountered that took the appropriate actions.

;;;;;; We have, inside of our tactical formations, right at the front of the formations, we have things like chemical-agent monitors, chemical detectors, chemical reconnaissance vehicles that specifically look for things.

;;;;;; So when there's an anticipation that there might be some agents nearby, commanders will make a determination, push those assets to where they can see if there's a hazard or not. And if there is, they take appropriate actions. And so that's all I know about that. It's more a matter of our approach than that specific report.

;;;;;; Let me go to the second row, please.

;;;;;; Q (Inaudible) -- Newsday. There are some reports that the United States military flew the head of the Iraqi National Congress into southern Iraq, into Nasiriyah. Three questions: Can you confirm if that's true? Can you tell us, if it is true, they also brought 700 soldiers and what role you see for them? And thirdly, what does this tell us about how the Pentagon views the Iraqi National Congress as a possible starting point for an Iraqi interim authority or the future of the Iraqi government?

;;;;;; GEN. BROOKS: Well, it should come as no surprise, Craig, that our government has done work with the Iraqi National Congress and we've taken their interests and concerns seriously.

;;;;;; At this point I don't want to characterize exactly what work has been done in recent days with the Iraqi National Congress, but there is ongoing work. Suffice it to say that there are Iraqis outside of Iraq who are interested in helping to liberate their country, and we are interested in having them contribute to that effort, and also the Iraqis that are inside of Iraq. There are many who want to help in liberating their country and have already assisted coalition. And we anticipate there will be even more in the days ahead.

;;;;;; Q (Inaudible.) As the coalition military actions in Baghdad increase over time, certainly more regime leaders and other Baath Party officials are going to attempt to flee from Baghdad. Where do you stand on the issue of checkpoints around the city of Baghdad? There was a report today that there were checkpoints established at all of the main artilleries (sic/means arteries) leading from Baghdad. Thank you, sir.

;;;;;; GEN. BROOKS: Well, since we have ongoing operations, it wouldn't be appropriate for me to characterize exactly where we have established varying degrees of control.

;;;;;; Suffice it to say that we focus on places where regime leaders or regime assets, be they military, paramilitary or others, might want to move. And we want to deny freedom of action, just as we have out in the western desert against weapons of mass destruction, just as we have in other parts of Iraq.

;;;;;; We remain focused on that as it relates to Baghdad so that we know who's moving in and out. There may be some who can move and there may be some areas where we exercise a high degree of control. There may be other areas where we simply maintain surveillance. In some cases we may target certain things.

;;;;;; So, again, these are all very tactical decisions that are made by commanders on the ground who seek to achieve a particular effect, with the ultimate objective of having a degree of control over movement inside and out of Baghdad. That's how we're orienting ourselves right now.

;;;;;; Let me go a little bit further back. Yes, sir, please.

;;;;;; Q (Inaudible) -- the Minneapolis Star-Tribune. We've got troops in Baghdad. It seems like we've got the whole regime on the run. If ever there was a time that this regime would resort to weapons of mass destruction or chemical warfare, wouldn't it have happened by now? And since it hasn't happened, wouldn't it be reasonable for some people to conclude that they didn't have them or weren't willing to use them?

;;;;;; GEN. BROOKS: Well, some might come to that conclusion. We don't come to that conclusion. We look more at not what the actual decisions are; we don't speculate on what decisions are actually going through the minds of those regime leaders that remain or those that might have some influence.

;;;;;; Rather, we look at is there a capability still to use weapons of mass destruction? Is there still potentially a set of chemicals that's stored somewhere that can be put into use? Is there still a mechanism to deliver that? Is there a mechanism to issue orders to deliver that? If so, then the threat is not gone.

;;;;;; As to when the best time to use it might have been, there have already been a number of places where it could have been used and it was not used. And I think that's not just because of decisions made. It's also because of influence against decision-makers.

;;;;;; We believe that our operations have been effective in convincing, first -- you saw some leaflets early on that we delivered to units that had the capability. We said, "No one benefits from the use of weapons of mass destruction." And we also reminded them of what happened at Halabja. That was on the leaflet.

;;;;;; We also did deliberate work against things like Astros (sp) missiles, free rockets over ground, Al-Samoud missiles, Ababil-100s, the missiles that could deliver these types of chemicals. Where we saw them, we destroyed them. And we also moved into areas where they had been launched in the early days, particularly toward Kuwait, to take away the opportunity for them to actually deliver those.

;;;;;; That work continues. But there's also still capability. While it hasn't been found, we're reminded that because we haven't found it, it's still there. That's the approach we take.

;;;;;; Yes, sir, please.

;;;;;; Q (Inaudible.) With so many Iraqi POWs (in custody?), has the coalition been able to identify criminals of war?

;;;;;; GEN. BROOKS: What we've seen, Alan, is the behaviors of a regime that resorts to criminal activity. And we've seen actions by people who can only be categorized as criminals. How we will deal with that will unfold over time. It's still a bit early to say what actions will be taken.

;;;;;; But the president and our other national leaders have been very clear that there will be a day of accounting for those that have committed war crimes in this operation, in plain view of most of the world.

;;;;;; So it's not just the coalition forces that are seeing these types of behaviors, and unfortunately we see them continuing. And we want to drive that regime to an end so that it doesn't continue -- (inaudible).

;;;;;; Yes, sir, please.

;;;;;; Q (Inaudible) -- Daily Telegraph in London. Can you just give me a bit more of the sense of how the Iraqi regime in the center of Baghdad is functioning? When you say that it's largely dismembered in terms of communications terms, is there still a body of senior Iraqi government figures who, to some extent, are communicating, directing? And maybe give us some idea of what kind of organized resistance -- (inaudible).

;;;;;; GEN. BROOKS: There are parts of Baghdad that we've not been through, obviously. There are parts that the regime still has control over, particularly the population. Saddam City is an example, a Shi'a concentrated neighborhood just on the opposite side of the Saddam Canal in the northeast corner of town.

;;;;;; A considerable amount of energy has been committed by the regime at making sure that that population does not turn against the regime. We see intelligence services that are on the ground. We see special security members on the ground. And that's the best information we have about the circumstance there.

;;;;;; We do also see that there are places where the regime can exercise control over military forces and capability. Some of it is positioned inside the town. I showed you some military equipment near a mosque in Baghdad.

;;;;;; Those decisions are, for the most part, low-level decisions. Commanders that have control of actual forces can order those forces into action. There is a small amount of communication that joins different parts of remnants of the forces that are out there, without getting too specific about that. But what we don't see is an overarching structure that can order action from north to south and east to west throughout the country. Only the coalition has that capability right now.

;;;;;; And as each day passes, there is less and less that the regime can do to order action by their forces. Either the capability is destroyed, as in the context that I described during the night on the northwest corner of Baghdad or actions that occurred on the southeast, actions that are ongoing right now, where that capability is completely taken away so there is no one to order.

;;;;;; We did -- we know that we encountered some division commanders, and some of them did not survive the combat from some of the Republican Guard forces. That takes away capability. And we also know that there are degraded mechanisms by which remaining regime leaders would issue their instructions. And those also we are able to degrade in some more cases beyond that.

;;;;;; So that's where our efforts are, and they will continue to go in that direction, to take away all capability of the regime, make it clear the regime no longer has control at all in Baghdad or any other area; with the assistance of the population, take those regime members into our custody or out of control some way or another, so that the future can

begin in all areas of the country.

;;;;;; Let me come center on the right side, please.

;;;;;; Q (Inaudible.) Has the Iraqi air force been operational in the course of this war? And does it still have an operational capability?

;;;;;; GEN. BROOKS: We've seen some very limited movement by Iraqi helicopters that had not yet been attacked. We found a number of aircraft locations, some of which I've shown you over days. As you've seen, some of the aircraft were moved into places to hide them or to disperse them away from airfields themselves.

;;;;;; One example where we saw all of that was near Al-Asad Air Base. In some cases they're moved near cemeteries. In some cases they're moved -- in some cases we've seen aircraft actually being buried to try to protect them.

;;;;;; So the Iraqi air force is not functioning in terms of a force that brings a direct threat. All assets, however, have not been accounted for or eliminated. And so, again, as with other things, there is still a capability that has to be addressed, and we can't ignore that capability in our considerations on a daily basis.

;;;;;; Let me go in the back, please.

;;;;;; Q (Inaudible.) And as the coalition forces are advancing to the center of Baghdad and there are possibilities of urban fighting, how could you spare the civilian casualties or minimize the civilian casualties? And question two is that last night the Iraqis, for the first time, imposed a nighttime travel ban. What (effect had that?) for your military operations? Thank you.

;;;;;; GEN. BROOKS: We can never guarantee that civilians will not be injured as a result of combat. And you're right in assessing that the potential increases as we go into more closed spaces common to an urban area. And that's not just in Baghdad; that's in other areas.

;;;;;; But I think our track record to date shows that as we enter into an urban area, we do it in a very deliberate way. Our fires are discriminating. We don't randomly shoot throughout town. Our fires are focused on specific military targets or against specific threats that are identified, military or non-military.

;;;;;; That will continue. That's already been the case. We've had very large formations with significant combat power entering into the heart of Baghdad, down to the Tigris River in some cases, or in other parts of town, as you saw earlier today.

;;;;;; And while there may have been civilian casualties we don't know about, we know that our fires were focused in such a way that they were oriented against regime elements, regime forces. That will continue to be the case. And so we'll remain focused on doing all we can to protect the Iraqi people from the hazards of combat. You saw the leaflet that I showed today. Those types of communications also contribute to protecting the Iraqi population.

;;;;;; We still have great concern, though, because this regime has demonstrated a willingness on a number of occasions to hide behind the civilian population, deliberately putting them between coalition forces and regime forces.

;;;;;; And that's happened even in the last two days -- reports of moving civilians out in front, firing over the top of their heads to cause a response by coalition forces, with the intent of causing the coalition to create what has been referred to in some cases as collateral damage, actions against civilians that we don't intend to hit or against structures that we don't intend to hit.

;;;;;; We're disciplined, we're trained, and we're also very accurate. And so that's not been a problem. And we believe we'll continue to take an approach that prevents it from becoming a problem.

;;;;;; Yes, ma'am, please.

;;;;;; Q (Off mike) -- of Reuters. I wanted to ask you about the various palaces that your coalition forces have been into (from now ?) There's been -- (inaudible) -- there's a Basra one; there's several in Baghdad now. What were you expecting find there? Have you actually found documents, leaders, weapons, those sort of things?

;;;;;; The other question, quickly. You mentioned the arrival of new coalition forces when you were talking about maritime ops. Can you give us an idea of the scale of that?

;;;;;; GEN. BROOKS: The different places that we go into sometimes have value because they might have intelligence inside of them. And so we'll enter them for those purposes and see if we can find papers or other information that might give us greater insight into the regime or into regime leaders. We've not found a lot of weapons inside of palaces. Those are more commonly reserved to schools and hospitals, where we have found lots of weapons and lots of ammunition. In some cases, we find regime leaders inside of their homes or palaces. In the ones you saw today, that was not the case.

;;;;;; Some of these had already been attacked. Some portions of palaces complexes had been attacked, particularly the parts that are associated with command and control systems.

;;;;;; Our efforts are not about individuals; our efforts are about the regime and its capability. And so while some of these attacks that you saw today did not turn up individuals, they may well turn up information. They certainly show clearly that the regime does not control those areas, that the coalition can control those areas whenever it chooses to. They also show the great juxtaposition between conditions you see in Umm Qasr and conditions you see inside of the palace in Baghdad. It says an awful low, in my view, about the regime and its approach to the great riches of Iraq.

;;;;;; As to the continuing buildup of forces, as I mentioned, we do have forces that are flowing in. They've always been part of the plan. We remain on-plan. And without being too specific about how much force has come in, where they're going to do, how we'll use them, suffice it to say that this has always been considered from the start, and that process continues. It will increase the combat capability of the coalition. It's not just U.S. forces that are still arriving. And we believe the coalition continues to gain strength with every day that passes.

;;;;;; Please, in the back.

;;;;;; Q Yeah, General, thank you. Jonathan Marcus (ph), BBC. Just clarify please. I think you just said that in some cases, we find regime leaders in the palaces that are attacked. Could you expand on that please? Could you also tell us whether -- if you special forces or aircraft have attacked any long-range Scud missiles to the west of Iraq? Would you have shown us pictures of those attacks of those particular weapons systems?

;;;;;; GEN. BROOKS: I made reference to finding regime leaders in their homes. And we certainly have had some evidence of that in the last few days. We believe that Ali Hassan Al-Majid, "Chemical Ali," may have been in a home. And so sometimes we do see them returning to homes, and sometimes we see them going into other places. Where we have the opportunity, we may direct an attack against that. Sometimes we can; sometimes we cannot. But we continue to monitor for that.

;;;;;; The second part of your question?

;;;;;; Q Yeah, you've told us a lot about operations by special operations forces and aircraft against alleged Scud sites, launch sites and installations. There was actually an article in Aviation Week this week describing one of those missions, and it seems to suggest that targets were hit. So my question was, if you had hit or found indeed long-range Scud missile systems, would you have been able to show us pictures of those attacks? Have you attacked such systems?

;;;;;; GEN. BROOKS: What we have seen is, first we conducted some operations in places that have been traditionally used to hide long- range surface-to-surface missiles, particularly in the western desert, in areas that would threaten neighbors of Iraq. Those areas have been denied. In some cases, we've found missile-assembly locations, and those were attacked. And I've shown you some of those images. In other cases, we've found missiles themselves. The Scud family -- I don't recall exactly how many of those we've encountered. We have found some. Mostly what we've seen in the Al Samoud/Ababil family of missiles, and those also can range neighboring countries, as we've certainly seen in a number of cases fired against Kuwait. All of these are capable of carrying chemical munitions and potentially biological munitions as well.

;;;;;; So our operations do continue, looking at places where they might hide, where they might move, denying their free movement. We've seen evidence of missile launcher concentrations between the lakes near Al Rimadi (ph), as an example, and closer to Baghdad. And it seems logical, as we know that there has been some missile development over the last several years in secret that extended-range would mean that the western areas don't have to necessarily be used. Areas closer to Baghdad might be used and still range the same target areas.

;;;;;; And so we look at a number of places to find these types of things. And I can't characterize a number for you at this point in time, but our work continues.

;;;;;; Q Could you name a few locations -- (inaudible.)

;;;;;; GEN. BROOKS: Al Rimadi (ph) is one area where we see that concentrated, I say between the lakes on the west of Baghdad.

;;;;;; Yes, sir, please.

;;;;;; Q General, thank you. (Inaudible) -- BBC. I think a lot of us in this room have been fascinated, would be one word, by the various pronouncements of the Iraqi Information minister. I think it reached its most surreal when he was on television saying he saw no Americans. And this it was two minutes later, followed by one of your commanders, saying he was across the road, so he though he might go across and say hello. It begs the question, why don't you go and say hello, tap him on the shoulder and bring him in?

;;;;;; GEN. BROOKS: Well, in a number of occasions, we've said that this is not about individuals. And we've also said that we report facts, and we've certainly seen some misrepresentation of facts in other places, some of them glaringly obvious. Our operations are focused for purposes that are conceived by commanders on the ground, and those operations have been very effective. So it's not so much about individuals at all.

;;;;;; Q (Off mike.)

;;;;;; GEN. BROOKS: Perhaps, but we have a regime that's engaged in this type of disinformation to its people for a long time. Right now, many of the broadcasts are not being seen by the Iraqi people. They're being seen internationally on satellite. What's being shown to the Iraqi people is something very different than that. And I'll just leave it at that point.

;;;;;; Off to this side, please.

;;;;;; Q I was wondering if you could tell us -- Nick Spicer (ph),

National Public Radio. We have a report that some American troops outside of Baghdad are being told that they don't have to wear their chemical protection suits anymore? Could you confirm that? And would their actions be speaking louder than your words about the potential threat in Baghdad in terms of chemical or biological weapons?

;;;;;; Thank you.

;;;;;; GEN. BROOKS: Well, I don't know if those decisions have in fact been made. What I can tell you is that they use of the chemical protective overgarments or chemical protective suits is a protective posture, and the decisions for putting it on or taking it off are made by tactical commanders. They make their assessments based on what they see, what they sense, and it's a judgment call. In some cases, they may make a decision at their own time. In some cases, it may be a higher commander that issues that order. That kind of an order will not come from this command at this headquarters. It'll be delegated down to a much lower level.

;;;;;; So if that's true, then that's a tactical commander's decision, and that's certainly their call to make.

;;;;;; Right behind, please.

;;;;;; Q Sir, Peter Lloyd (ph) from ABC. I'm just confused about your response to the definition of victory. You've got a timeline which you talk about. Where on your timeline is the milestone and what is it that signifies victory not just to you, but to the Iraqi people. And if you haven't got one or can't tell us what it is, how can you convince the Iraqi what it's over that it is over?

;;;;;; GEN. BROOKS: Well, what we have is a plan. And the timeline is really not the appropriate term. Timeline says things are going to unfold in time, a specific time having been preconceived. Rather, we see a related series of actions and objectives to be attained. And we remain on that plan.

;;;;;; There is still work to be done. We know that. All of our objectives have not bee attained. But I think the Iraqi people are already beginning to realize that life has changed in areas where the coalition has passed through. They're beginning to enjoy the freedom of choice on a number of things. They're enjoying life without a regime that orders them to do certain things, and if they don't, they murder members of the family. That's been moved away from a number of areas. So for the population, victory is already occurring in some places. And we rapidly move into the things that are necessary to begin the start point for the future.

;;;;;; In other areas, combat action is still going on, and we're not finished with that. We remain focused on achieving the combat-related objectives.

;;;;;; Rather than stating time -- we've stated on a number of occasions that this will go on as long as it needs to go, and we'll be here as long as it takes to accomplish what it is that is required. We're not going to abandon this mission. We're going to see it all the way through. And that is ongoing.

;;;;;; I have time for one more question. George.

;;;;;; Q Yes, thank you, General. I'm George Curry (ph), editor in chief to the National Newspaper Publishers Association's news service, the Black Press of the United States. I wanted to follow up on an earlier question regarding the Iraqi National Congress. There was a very public report today on page one of the Washington Post that said that exiles were being airlifted back into southern Iraq. Can you at least confirm that they are now part of the mission to help overthrow the regime?

;;;;;; GEN. BROOKS: I don't want to be too specific about that, George. We do have ongoing operations; some of them are very dangerous in their

nature. Again, there should be no surprise that Iraqi National Congress wants to see a different Iraq than that which existed a few months ago. And that is ongoing. They're participating, working closely with the coalition. There are some who are willing and ready to fight for the liberation of Iraq. As that develops, there will be more information to talk about it, but it's too early for us to be specific at this point in time.

;;;;;; Thanks very much, ladies and gentlemen. See you again.

END.

;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 4/7/2003 9:37:43 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-APR-2003 13:37:43.00
SUBJECT::
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/07/2003 01:37 PM ----------

Brett M. Kavanaugh
04/03/2003 10:20:46 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP
cc:
Subject:

American Bar Association Standard for Evaluation of Nominees:
The ABA evaluation &is directed solely to professional qualifications: integrity, professional competence and judicial temperament. Integrity is self-defining. The nominee's character and general reputation in the legal community are investigated, as are his or her industry and diligence. Professional competence encompasses such qualities as intellectual capacity, judgment, writing and analytical ability, knowledge of the law and breadth of professional experience. . . . In investigating judicial temperament, the Committee considers the nominee,s compassion, decisiveness, open-mindedness, courtesy, patience, freedom from bias and commitment to equal justice under the law.8 ABA Web Site.

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/7/2003 6:38:19 AM
Subject: : Re: Kuhl specter

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 7-APR-2003 10:38:19.00
SUBJECT:: Re: Kuhl specter
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Checking on it....
.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 4/7/2003 6:49:56 AM
Subject: : any update on Ralph Boyd?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-APR-2003 10:49:56.00
SUBJECT:: any update on Ralph Boyd?
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Colleen Litkenhaus/WHO/EOP@Exchange [WHO] <Colleen Litkenhaus>
Sent: 4/7/2003 6:51:27 AM
Subject: : Easter Egg Roll Reception

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 7-APR-2003 10:51:27.00
SUBJECT:: Easter Egg Roll Reception
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

If the President and/or Mrs. Bush's schedules preclude them from being
here to host the Easter Egg Roll Breakfast;Reception on the State;Floor;
for the sponsors of the event, and if Mrs. Cheney has been asked to do so
in their stead and is able to, is there any reason why the breakfast
cannot be paid for out of the Residence budget as would be the case if the
President and/or Mrs. Bush were in attendance?
;
Thanks.
;
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 4/7/2003 6:52:18 AM
Subject: : Easter Egg Roll Reception

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-APR-2003 10:52:18.00
SUBJECT:: Easter Egg Roll Reception
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I think this is still in Jen's bailiwick as this was a Courtney area??

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/07/2003 10:51 AM ----------

From: Linda M. Gambatesa/WHO/EOP@Exchange on 04/07/2003 10:51:43 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Theodore W. Ullyot/WHO/EOP@EOP
cc: Colleen Litkenhaus/WHO/EOP@Exchange
Subject: Easter Egg Roll Reception

If the President and/or Mrs. Bush's schedules preclude them from being here to host the Easter Egg Roll Breakfast;Reception on the State;Floor; for the sponsors of the event, and if Mrs. Cheney has been asked to do so in their stead and is able to, is there any reason why the breakfast cannot be paid for out of the Residence budget as would be the case if the President and/or Mrs. Bush were in attendance?
;
Thanks.
;

From: CN=Jennifer G. Newstead/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: theodore w. ullyot/who/eop@eop [WHO] <theodore w. ullyot>
Sent: 4/7/2003 7:05:04 AM
Subject: : Re: Easter Egg Roll Reception

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-APR-2003 11:05:04.00
SUBJECT:: Re: Easter Egg Roll Reception
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:theodore w. ullyot (CN=theodore w. ullyot/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Sure. I'll reply.

Brett M. Kavanaugh
04/07/2003 10:52:08 AM
Record Type: Record

To: Theodore W. Ullyot/WHO/EOP@EOP, Jennifer G.
Newstead/WHO/EOP@EOP
cc:
Subject: Easter Egg Roll Reception

I think this is still in Jen's bailiwick as this was a Courtney area??

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/07/2003 10:51 AM ----------

From: Linda M. Gambatesa/WHO/EOP@Exchange on 04/07/2003 10:51:43 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Theodore W. Ullyot/WHO/EOP@EOP
cc: Colleen Litkenhaus/WHO/EOP@Exchange
Subject: Easter Egg Roll Reception

If the President and/or Mrs. Bush's schedules preclude them from being
here to host the Easter Egg Roll Breakfast;Reception on the State;Floor;
for the sponsors of the event, and if Mrs. Cheney has been asked to do so
in their stead and is able to, is there any reason why the breakfast
cannot be paid for out of the Residence budget as would be the case if the
President and/or Mrs. Bush were in attendance?
;
Thanks.
;

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/7/2003 11:08:01 AM
Subject: FW: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

Do you have details (or a contact #) about this lunch?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Monday, March 31, 2003 5:32 PM

To: Nelson, Carolyn

Subject: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/7/2003 7:08:05 AM
Subject: : FW: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 7-APR-2003 11:08:05.00
SUBJECT:: FW: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Do you have details (or a contact #) about this lunch?
-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, March 31, 2003 5:32 PM
To: Nelson, Carolyn
Subject: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 4/7/2003 12:51:40 PM
Subject: punitive damages opinion today

Supreme Court reiterated constl limits on size of punis awards today. Justices Scalia, Thomas, and RB Ginsburg dissented.

http://www.supremecourtus.gov/opinions/02pdf/01-1289.pdf

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 4/7/2003 1:10:30 PM
Subject: do you have direct number for hew pate

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/07/2003 01:10 PM ----------

Brett M. Kavanaugh

04/07/2003 10:25:54 AM

Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP

cc:

Subject: do you have direct number for hew pate

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/7/2003 1:27:56 PM
Subject: RE: do you have direct number for hew pate

514-3994

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 07, 2003 1:11 PM
To: Nelson, Carolyn
Subject: do you have direct number for hew pate

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/07/2003 01:10 PM ----------



Brett M. Kavanaugh
04/07/2003 10:25:54 AM
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP
cc:
Subject: do you have direct number for hew pate

From:	MacEcevic, Lisa J.
To:	<Kavanaugh, Brett M.>;<Warsh, Kevin>;<Schacht, Diana L.>;<Silverberg, Kristen>;<Bloomquist, Lauren E.>;<Boden, James>;<Schwartz, Kenneth L.>;<Green, Richard E.>;<Jukes, James J.>;<McMillin, Stephen S.>
Sent:	4/7/2003 3:22:41 PM
Subject:	04/07 CongressDaily: "White House 'Not Opposed' To Class Action Compromise"

White House 'Not Opposed' To Class Action Compromise

The White House is signaling its support for a class action reform legislative compromise reached last week between **Senate Judiciary Chairman Hatch** and Sen. **Dianne Feinstein** , D-Calif., supporters of the bill said today. Specifically, these sources said the Bush administration last week conveyed the message that it is "not opposed" to the compromise -- which is being viewed by the business community as a somewhat imperfect, but overall a balanced and fair bill and probably the best they will get in the closely divided Senate this year. Industry lobbyists kept the White House abreast of the flurry of negotiations that took place last week, ahead of a scheduled markup. That markup was postponed after Democrats complained they needed more time to review the Feinstein language. Sen. **Herb Kohl**, D-Wis., who was integral in brokering the deal between Hatch and Feinstein, also is a cosponsor of the amendment. Even before that deal was reached, however, sources said a meeting took place last Monday between several of the bill's industry supporters and White House senior adviser Karl Rove, the president's top political strategist. Rove said he was pleased with the legislation's direction and appeared confident that the bill would be the first legal reform to reach President Bush's desk this session. A White House spokesman was unavailable for confirmation on these points.

Meanwhile, supporters of the compromise bill are viewing with trepidation a markup scheduled for Thursday, anticipating tough Democratic and Republican amendments. There is ample support for moving the bill out of committee, but lobbyists are continuing to try to nail down potential Democratic supporters on the committee, or at least neutralize potential Democratic opponents. Lobbyists also expect Feinstein will stand firmly behind the compromise. "Based on all conversations that folks have had with her, we're aware that she's pretty solid on this, and we don't expect her to go for second degree amendments or anything," said Matt Webb, director of legal reform policy for the U.S. Chamber of Commerce's Institute for Legal Reform. Said a Feinstein spokesman, "Sen. Feinstein believes the amendment she proposed is a good amendment and a good way to move forward with class action reform."

Jeff Peck, a Democratic consultant working with the U.S. Chamber, said the bill's supporters are convinced that Feinstein's continuing support will give impetus to off-committee Democratic moderates, who are considering becoming cosponsors. "Assuming we get out of committee on Thursday, with Sen. Feinstein's and Sen. Kohl's support, we will be in an extremely excellent position for Senate passage," added Mark Gitenstein of Mayer, Brown & Platt, a leading strategist for the bill. Supporters said they believe **Senate Majority Leader Frist** is eyeing a May timeline for bringing the class action bill to the floor, although a Frist spokesman did not provide comment by presstime. -- *by Pamela Barnett*

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 4/7/2003 3:39:14 PM
Subject: Tech service switched my email

and I cannot retrieve old docs (for the moment) so please resend Leahy letter. I have to return Bruce's charming call.

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 4/7/2003 3:43:06 PM
Subject: RE: Tech service switched my email

Latest one on consults on CFC and sentencing commission.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 07, 2003 3:40 PM
To: Grubbs, Wendy J.
Subject: Re: Tech service switched my email

which one, on what subject?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 04/07/2003 03:39:14 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Tech service switched my email

and I cannot retrieve old docs (for the moment) so please resend Leahy letter. I have to return Bruce's charming call.

From: Skelly, Layton

To: paula.stannard@hhs.gov <paula.stannard@hhs.gov>;peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;alex.azar@hhs.gov <alex.azar@hhs.gov>;john.hoff@hhs.gov <john.hoff@hhs.gov>;jennifer.young@hhs.gov <jennifer.young@hhs.gov>;jennifer.young@hhs.gov <Schacht, Diana L.>;jennifer.young@hhs.gov <Badger, William D.>;jennifer.young@hhs.gov <Jensen, Amy>;jennifer.young@hhs.gov <Loper, Ginger G.>;jennifer.young@hhs.gov <Perry, Philip J.>;jennifer.young@hhs.gov <Silverberg, Kristen>;jennifer.young@hhs.gov <Deleire, Thomas C.>;jennifer.young@hhs.gov <Kavanaugh, Brett M.>;zurawski-paul@dol.gov <zurawski-paul@dol.gov>;zurawski-paul@dol.gov <Young, Tracy>;zurawski-paul@dol.gov <Besanceney, Brian R.>;marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>;marc.kesselman@usdoj.gov <Ackerly, Dana>;jafar.karim@hhs.gov <jafar.karim@hhs.gov>;jafar.karim@hhs.gov <Lefkowitz, Jay P.>;jafar.karim@hhs.gov <Gilbert, Alan>;jafar.karim@hhs.gov <Hall, Philo D.>;jafar.karim@hhs.gov <Grubbs, Wendy J.>

CC: pamela.roller@hhs.gov <pamela.roller@hhs.gov>;joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>;marie.belt@hhs.gov <marie.belt@hhs.gov>;marie.belt@hhs.gov <Winland, Emily>;marie.belt@hhs.gov <Smith, Marty P.>;marie.belt@hhs.gov <Vestewig, Lauren J.>;marie.belt@hhs.gov <Lineberry, Stephen M.>;dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>;india.luckett@hhs.gov <india.luckett@hhs.gov>;scriver-langford-lat@dol.gov <scriver-langford-lat@dol.gov>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;stephanie.wilson@hhs.gov <stephanie.wilson@hhs.gov>;stephanie.wilson@hhs.gov <Stone, Carla B.>;stephanie.wilson@hhs.gov <Skelly, Layton>

Sent: 4/7/2003 4:04:36 PM

Subject: Weekly Medical Liability CC tomorrow at 11:15

This call has been moved to 11:15 tomorrow. The call-in information is below. Thank you.

Call in: 395-6392

CODE: 935179

From:	Bartolomucci, H. Christopher
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>; <Ullyot, Theodore W.>
Sent:	4/7/2003 6:30:50 PM
Subject:	AP Story on Justice O'Connor: "I have no current plans" to retire

Today: April 07, 2003 at 15:25:16 PDT

Justice O'Connor Says Diverse Court Helps

By ANNE GEARAN

ASSOCIATED PRESS

WASHINGTON (AP) - Having women and minorities on the Supreme Court has helped the public accept the court's rulings, the first woman named a justice said Monday.

Should diversity on the court be a goal? "It's not for me to say," Justice Sandra Day O'Connor said in an interview with The Associated Press. "But I think it's been desirable from the standpoint of public perceptions of fairness to see a court that includes women and minorities."

O'Connor is widely expected to be the deciding vote when the court rules later this year on the constitutionality of affirmative action in college admissions, but her remarks were not made in the context of any specific case.

The high court currently has six white men, one black man and two white women.

O'Connor, 73, has served on the court for 22 years. She is one of the oldest and longest-serving justices, and has been the subject of speculation that she may be ready to step down this year.

"I have no current plans" to retire, O'Connor said.

The court has heard numerous cases over the past two years exploring the way the death penalty is carried out, but O'Connor said people should not conclude that the court is systematically working toward some broader reckoning with capital punishment.

"We aren't here trying to develop something in the sense of where the country should go with this issue. We're a reactive institution," O'Connor said. "We proceed case by case as they come to us, and not with any overarching objective that the court itself" has developed.

O'Connor's latest book, "The Majesty of the Law; Reflections of a Supreme Court Justice," is dedicated to her law clerks, "past, present and future."

It is partly a personal account of her experiences as a woman lawyer and judge and partly a historical look at the development of U.S. law.

Published this month by Random House, the book is not a sequel to last year's best-selling account of O'Connor's girlhood on a cattle ranch along the Arizona-New Mexico border, although O'Connor said she may write such a book one day.

O'Connor was a politician and a state trial judge in Arizona before Ronald Reagan chose her for the court in 1981. She drew on her experience as a judge for the section of the book dealing with juries.

Jurors ought to be free to take notes during a trial, and even pose some written questions, O'Connor said. Only some states and courts allow such departures from custom.

O'Connor tried to instruct her juries about the law at the beginning of the case rather than at the end, she said.

"It seems to me when I listen to complicated things it helps me to know ahead of time what I'm supposed to decide," O'Connor said. "I can hear the arguments to better effect, and I think jurors can hear the facts more effectively if they know ahead of time what specifically they have to decide."

Her book contains some strong criticism of the way juries are now chosen, including the reliance on outside jury consultants that some believe "can virtually guarantee a verdict by stacking the jury with people who fit the ideal demographic profile."

Even so, O'Connor said in the interview, she does not blame defense lawyers for using whatever tools are available to them.

"Yet people who can't afford it are not going to have that benefit, and you get a little nervous about how that might play out in terms of fairness," O'Connor said.

One of the court's two swing votes, O'Connor often sides with more conservative justices as she did in the Bush v. Gore ruling in 2000. Although some lawyers and Republicans have said that ruling did not really decide the election, O'Connor does not mince words in a brief reference to the case in her book.

Bush v. Gore, she said, "held unconstitutional Florida's presidential election recount procedures, and thereby determined the outcome of the election."

O'Connor said her tenure on the high court probably has not hastened the day when America will elect a woman president. But that day is inevitable, she said.

From: Mike Allen <allenm@washpost.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/7/2003 2:46:49 PM
Subject: : justice o'connor gives an interview

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Mike Allen <allenm@washpost.com> (Mike Allen <allenm@washpost.com> [UNKNOWN])
CREATION DATE/TIME: 7-APR-2003 18:46:49.00
SUBJECT:: justice o'connor gives an interview
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

BC-Scotus-O'Connor, 1st Ld-Writethru,700
Justice O'Connor says diverse court helps public perception of fairness
Eds: RECASTS lead; PICKS UP 2nd graf pvs, Should diversity
AP Photo WX107
By ANNE GEARAN
Associated Press Writer
WASHINGTON (AP) ? The first woman named to the Supreme Court said Monday that having women and minorities on the court helps the public accept its rulings.
Should diversity on the court be a goal? "It's not for me to say," Justice Sandra Day O'Connor said in an interview with The Associated Press. "But I think it's been desirable from the standpoint of public perceptions of fairness to see a court that includes women and minorities."
O'Connor is widely expected to be the deciding vote when the court rules later this year on the constitutionality of affirmative action in college admissions, but her remarks were not made in the context of any specific case.
The high court currently has six white men, one black man and two white women.
O'Connor, 73, has served on the court for 22 years. She is one of the oldest and longest-serving justices, and has been the subject of speculation that she may be ready to step down this year.
"I have no current plans" to retire, O'Connor said.
The court has heard numerous cases over the past two years exploring the way the death penalty is carried out, but O'Connor said people should not conclude that the court is systematically working toward some broader reckoning with capital punishment.
"We aren't here trying to develop something in the sense of where the country should go with this issue. We're a reactive institution," O'Connor said. "We proceed case by case as they come to us, and not with any overarching objective that the court itself" has developed.
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AP-ES-04-07-03 1835EDT

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 4/7/2003 7:25:54 PM
Subject: Pls send leahy letter on CFC and sentencing

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 4/8/2003 8:42:10 AM
Subject: FW: Letter to Paul McCullough
Attachments: McCulloch 3-27-03.doc

What's the word on this?
-----Original Message-----
From: Burks, Jonathan W.
Sent: Tuesday, April 08, 2003 8:41 AM
To: Gillmor, Eleanor L.; Ritacco, Krista L.; Bumatay, Patrick J.; Ralston, Susan B.; Hernandez, Israel
Subject: FW: Letter to Paul McCullough

Any word from your principals?

-----Original Message-----
From: Burks, Jonathan W.
Sent: Thursday, April 03, 2003 7:19 AM
To: Gillmor, Eleanor L.; Ritacco, Krista L.; Bumatay, Patrick J.; Ralston, Susan B.; Hernandez, Israel
Subject: Letter to Paul McCullough

Harriet emailed your principals (and sometimes you too) yesterday with her suggested revisions to the Jay's draft response to Paul McCullough. Please let me know if your principal is OK with her revisions. (I've attached a copy for easy reference.)

(Patrick, also please check to see if you guys concur this should come from someone in the counsel's office.)

Thanks,
Jon

March 28, 2003

Mr. Paul McCulloch
440 Louisiana, 16th Floor
Houston, TX 77002

Dear Mr. McCulloch,

On behalf of President Bush, thank you for your letter about the President's proposals on medical liability reform and for the information regarding Javier DeLuna. The President appreciates hearing your views and welcomes your suggestions about this important issue. President Bush supports recovery of all medical costs and economic damages where the facts justify an award. He also supports awarding reasonable non-economic damages and punitive damages in cases where the facts justify recovery of such an award. However, the medical liability crisis is threatening access to health care in many states and must be addressed.

Excessive jury awards are driving up costs, encouraging frivolous lawsuits, and promoting long, drawn-out legal proceedings. The fear of lawsuits forces many good doctors to practice defensive medicine, ordering excessive tests, procedures, and treatments. These unnecessary practices increase costs for patients, while decreasing quality and availability of care. In addition, many insurers have dropped medical liability coverage for doctors, particularly in the fields of neurosurgery, and obstetrics and gynecology, or raised premiums dramatically, forcing some doctors out of medicine.

The President has proposed a national solution that will make quality health care more affordable, more available, and safer for all Americans, while protecting the injured patient's right to hold accountable doctors who practice bad medicine. These reforms include ensuring that injured patients have the right to obtain appropriate compensation for economic losses while preventing excessive non-economic and punitive damage awards that drive up costs and encourage unnecessary lawsuits and lengthy legal proceedings.

These changes will ensure that quality of care improves as patients gain greater access to physicians. Experience in many states has demonstrated that these medical liability reforms can reduce Federal government costs by $30 billion per year or more, freeing up funds that can make health care more affordable. In addition, these standards can reduce health care costs for all Americans by $60 billion or more, and make our system more fair, predictable, and timely.

The President has called for reserving punitive damages for cases where they are justified, but not limiting economic damages incurred by patients like Javier in any way. The President has also called for the payment of judgments over time rather than in a single lump sum, to ensure that appropriate payments are there when patients like Javier may need them. Under the President's plan, even excluding any potential non-economic or punitive damages, Javier would

be able to receive full compensation for all medical costs and all economic damages, including both lost and potential wages.

The President believes that these reforms allow injured parties to recover justifiable damages, but they will significantly improve our medical liability system and help our health care system remain the best in the world. Thank you again for writing.

Sincerely,

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/8/2003 8:48:52 AM
Subject:

any word on the Boyden Gray mtg? Judge now has to attend a P.C. on Thurs afternoon.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 4/8/2003 8:53:02 AM
Subject: Re:

still at 12

From: Carolyn Nelson/WHO/EOP@Exchange on 04/08/2003 08:48:52 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject:

any word on the Boyden Gray mtg? Judge now has to attend a P.C. on Thurs afternoon.

From: Allgood, Lauren K.
To: <Kavanaugh, Brett M.>
Sent: 4/8/2003 10:22:19 AM
Subject: Mtg w/ Steve Friedman and Keith Hennessey

Steve would like this meeting to happen today if possible. Please let me know when you are available. Thanks.
-----Original Message-----
From: Allgood, Lauren K.
Sent: Tuesday, April 08, 2003 8:07 AM
To: Kavanaugh, Brett M.
Subject: Mtg w/ Steve Friedman and Keith Hennessey

Steve and Keith would like to meet with you sometime today if that's possible regarding airline anti-trust issues.

They are both free between noon and 2pm. What works for you?

Let me know. Thanks!

Lauren

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 4/8/2003 10:34:20 AM
Subject: owen is now at 10am with Ben nelson tomorrow

From: Allgood, Lauren K.
To: <Kavanaugh, Brett M.>
Sent: 4/8/2003 10:39:03 AM
Subject: RE: Mtg w/ Steve Friedman and Keith Hennessey

Perfect. Thanks.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 08, 2003 10:34 AM
To: Allgood, Lauren K.
Subject: Re: Mtg w/ Steve Friedman and Keith Hennessey

Can we do 1:45?

From: Lauren K. Allgood/OPD/EOP@Exchange on 04/08/2003 10:22:19 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Mtg w/ Steve Friedman and Keith Hennessey

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From: Allgood, Lauren K.
To: <Kavanaugh, Brett M.>
Sent: 4/8/2003 11:43:07 AM
Subject: RE: Mtg w/ Steve Friedman and Keith Hennessey

Sorry for the change, but Steve wanted to see if you could come at 2pm?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 08, 2003 10:34 AM
To: Allgood, Lauren K.
Subject: Re: Mtg w/ Steve Friedman and Keith Hennessey

Can we do 1:45?

From: Lauren K. Allgood/OPD/EOP@Exchange on 04/08/2003 10:22:19 AM
Record Type: Record

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Lauren

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Francisco, Noel J.>;<Lefkowitz, Jay P.>
Sent: 4/8/2003 12:17:28 PM
Subject:
Attachments: b.gif; page_2002_comment.gif; spacer.gif; spacer_5x8_transparent.gif

Interesting commentary on the generals' brief in Michigan case:

E-mail Author
Send to a Friend
<% dim printurl printurl = Request.ServerVariables("URL")%>Print Version

April 8, 2003, 9:40 a.m.

The Generals' Brief

The most powerful argument in the Michigan case.

By Peter N. Kirsanow

By far the most persuasive brief in the University of Michigan preference cases is the so-called "green brief" or "generals' *amicus* brief."

A constellation of military figures have signed onto a brief in support of the University of Michigan's preferential admissions program — including such admired figures as retired generals Norman Schwartzkopf, Hugh Shelton, and Anthony Zinni.

The generals' brief has captured more attention than perhaps any other except the one filed by the Bush administration, and it's the one that most troubles conservatives. After all, it contains arguments supported by serious men in the most serious occupation.

During last Tuesday's oral arguments before the Supreme Court, Justices Ginsburg, Stevens, and Souter especially were fascinated by the arguments set forth in the brief, and peppered advocates with numerous questions about the points made therein. Rarely has a non-administration *amicus* had such an impact.

Liberals have seized upon the brief, according the military a strange new respect. Ellen Goodman of the *Boston Globe*, for example, asserts that the brief makes the most effective case in support of preferences in admissions.

Goodman is dead wrong. The generals' brief so persuasively makes the point for striking *down* preferences at the University of Michigan (and, by extension, elsewhere) that a conspiracy theorist might well be excused for concluding that the brief was actually a malevolent attempt to undermine UM's argument.

The generals' brief effectively outlines the fundamental differences between service academies and other institutions of higher learning and emphatically demonstrates why UM's preference program fails to satisfy either the compelling state interest or the narrow-tailoring prong of strict scrutiny.

Since racial classifications are based upon an immutable physical characteristic, and because of the nation's baleful history with respect to race, the Supreme Court has declared racial classifications pernicious and "odious to a free people whose institutions are founded upon a doctrine of equality." Consequently, post-*Bakke* jurisprudence requires that racial classifications must further a compelling governmental interest and be narrowly tailored to serve that interest.

Compelling governmental interests supporting the use of racial classifications or preferences are extremely rare. Indeed, except for the criminological benefits of using race in the selection of law-enforcement

officers and in the hiring of corrections officers, courts have not looked favorably upon purported the "compelling interests" proffered in support of racial preferences.

The generals' brief argues that a racially diverse officer corps trained to command the nation's racially diverse enlisted ranks is essential to accomplishing the military's mission — protecting national security. There is no more compelling governmental interest. The generals note that today's officer corps is 81 percent white, 8.8 percent black, 4 percent Hispanic, 3.2 percent Asian-American, and .6 percent Native American, whereas the enlisted ranks are 61.7 percent white, 21.7 percent black, 9.6 percent Hispanic, 4 percent Asian-American, and 1.2 percent Native American. In contrast, during the Vietnam War, the ranks of black enlisted men in the Army swelled to between 15 percent and 20 percent, while only 3 percent of Army officers were black. This disparity contributed to low morale, racial polarization, disciplinary problems, and racial violence. Unit cohesion and effectiveness were compromised — at times severely.

The military performs the most important work with which the government is charged; obviously it is a serious matter for its capabilities to be compromised. Racial polarization is not only problematic in the armed forces of a democratic republic, it can cause racial schisms in overall domestic support for military enterprises. This is especially true in today's force, which relies solely on volunteers.

But the above considerations nevertheless clearly demonstrate why the preference programs employed by UM and other non-military colleges fail the compelling governmental interest test. The respective missions of UM and West Point are manifestly light years apart. Producing a well-rounded Theatre Arts graduate may be a laudable mission, but it is hardly on the same level as preventing another 9/11.

The generals try, however, to elevate the importance of non-military preference programs by arguing that since the officer corps also draws from ROTC programs at elite schools, the preference programs at those schools must be preserved to maintain sufficient minority enrollment. This is both a peculiar and attenuated argument. It presumes that ROTC programs at elite schools cannot achieve diversity with a more narrowly tailored, race-neutral program. The Texas and Florida percentage plans refute that notion (we can debate the merits and constitutionality of those at a later time). Further, sizable numbers of officers come from so-called second-tier schools (e.g., Colin Powell, ROTC CUNY) and HBCUs, whereas ROTC participation at elite schools is often abysmal (and, at Harvard, non-existent).

The generals' brief also shows that the means by which the service academies further the (arguably) compelling governmental interest is far more narrowly tailored than that employed by the University of Michigan, et al. In fact, the academies' admissions programs more closely resemble affirmative action as it was originally conceived — i.e., aggressive recruitment and outreach to expand the pool of minority applicants, before it metastasized into a racial spoils system.

To be sure, the academies do consider race in admissions. But the degree to which race is a factor is tiny at these institutions, compared to UM. As Rich Lowry has noted, a Center for Equal Opportunity analysis shows that whereas a black West Point applicant is twice as likely to be admitted as a similarly situated white applicant, that same black applicant is *174 times* more likely to be admitted to UM than his white counterpart. At other schools, this ratio rises to as much as 700 to 1. By any measure, a program that yields such an astonishing differential can hardly be narrowly tailored.

Whether the admissions programs at service academies pass constitutional muster is an inquiry for another day. Because of the distinctions noted above, a Supreme Court decision that struck down UM's programs would not necessarily invalidate those of West Point and Annapolis. But, those same distinctions in effect render the unconstitutionality of UM's programs nearly incontrovertible. Let's see if the Supremes agree.

— Peter N. Kirsanow is a member of the U.S. Commission on Civil Rights.

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 4/8/2003 1:11:58 PM
Subject: RE: Algiers Accord

How strongly do we care if Congress repudiates the Accord?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 08, 2003 11:34 AM
To: Lefkowitz, Jay P.
Cc: Silverberg, Kristen; Keniry, Daniel
Subject: Re: Algiers Accord

I would be ok with advancing a proposal that strictly hews to the principles outlined in the Armitage letter. OMB has been concerned about doing so, but we have no problem -- again, so long as we stick to those principles.

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/08/2003 11:32:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Kristen Silverberg/WHO/EOP@Exchange, Daniel Keniry/WHO/EOP@Exchange
cc:
Subject: Algiers Accord

State is convinced that without supporting a compensation program in the State reauth bill, we cannot get the Senate to reverse the abrogation of the Algiers Accord.

Do you think we should take a more forward leaning role?

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 4/8/2003 3:15:31 PM
Subject:

When you talked to the Federalist Society, how did you get them to pay for your airport parking? Did you just have the White House pay for it since it was official travel?

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 4/8/2003 3:16:57 PM
Subject: Re: important

I can check, but not sure I trust that he will keep under wraps.

.

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/8/2003 3:30:51 PM
Subject: : White House Global Messenger - 4-09-03
Attachments: P_O1VFF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME: 8-APR-2003 19:30:51.00
SUBJECT:: White House Global Messenger - 4-09-03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 4-9-03 FINAL.doc)

THE GLOBAL MESSENGER
Wednesday, April 9, 2003

******KEY POINTS FROM THE PRESIDENT'S REMARKS IN NORTHERN IRELAND******

Update on the Liberation of Iraq

*America and Britain are joined in large tasks because we share fundamental convictions. We believe that free nations have the responsibility to confront terrorism, oppose the spread of WMD, advance human rights across the world, and enforce the just demands of the international community.

*The world has witnessed the brutal desperation and true character of the Iraqi regime. The world is also witnessing the liberation and humanitarian aid our Coalition is bringing.

*In fighting this war, we're taking every precaution to protect innocent life. We're showing respect for the Iraqi people and for their culture. There will be difficult fighting ahead, yet the outcome is not in doubt: Iraq will be free.

Iraq Interim Authority

*After the current regime is removed, our Coalition will work to restore electricity and water supplies, medical care, and other essential services in Iraq. We'll move as quickly as possible to place governmental responsibilities under the control of an interim authority composed of Iraqis from both inside and outside the country.

*The interim authority will serve until a permanent government can be

chosen by
the Iraqi people.
The rebuilding of Iraq will require the support and expertise of the
international community.
We're committed to working with international institutions, including the
United
Nations, which
will have a vital role to play in this task.

*This work will not be easy, but we're going to see it through. A free
Iraq will
be ruled by
laws, not by a dictator. A free Iraq will be peaceful, and not a friend to
terrorists or a menace
to its neighbors. A free Iraq will give up its weapons of mass
destruction, and
set itself on the
path to democracy.

Middle East

The end of Saddam's regime will also remove a source of violence and
instability
in the Middle
East. Our governments are working to help bring about a settlement that
protects
the rights of
Israelis and Palestinians, and promotes peace, security, and promotes human
dignity.

Northern Ireland

We are committed to helping the parties take the final steps toward a
lasting
peace. America
supports the remaining actions that must be taken to realize the promise
of the
Good Friday
Agreement.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change

7:00 am CENTCOM Operations Update

10:45 am President Bush meets with the President of the Slovak Republic

2:30 pm White House Briefing

TBD Defense Department Briefing

TBD State Department Briefing

******LIBERATION UPDATE******
The voices of freedom, now heard in parts of Iraq

For more reactions to Operation Iraqi Freedom, visit:
"Liberation Update" at http://www.whitehouse.gov/liberation

***
"'Ameericaah?' a little girl asked a Marine who had entered her village and
taken a defensive
position as others began to search homes. The streets were deserted. People
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gates. The Marine smiled, wiggled his fingers in the girl's direction and
her
fear - and that of
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shake hands with the Marines. Liberation from the strictures of the regime
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had come for a nameless village just a few miles from downtown Baghdad."
United Press International, 4-7-03

******KEY QUOTES FROM THE PRESS CONFERENCE IN BELFAST******

"We have said all along there needs to be a role for the United
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Saddam
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President Bush, 4-8-03

"I think anyone who has seen the joy on the faces of people in Basra, as
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British Prime Minister Blair, 4-8-03

THE WHITE HOUSE
Office of Global Communications

For more information log on to http://www.whitehouse.gov/ogc

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You have previously expressed interest in obtaining news and information
from
the White House.

The White House Office of Global Communications distributes information
about
the President's
messages to the world. This office distributes updates on major
international
topics such as the
global war on terror, the case for regime change in Iraq, and more
broadly, the
ways in which we
can all better communicate the aspirations and interests that Americans
share
with freedom-loving
people everywhere.
- GM 4-9-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_01VFF003_WHO.TXT_1>

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Wednesday, April 9, 2003

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- In fighting this war, we're taking every precaution to protect innocent life. We're showing respect for the Iraqi people and for their culture. There will be difficult fighting ahead, yet the outcome is not in doubt: Iraq will be free.

Iraq Interim Authority

- After the current regime is removed, our Coalition will work to restore electricity and water supplies, medical care, and other essential services in Iraq. We'll move as quickly as possible to place governmental responsibilities under the control of an interim authority composed of Iraqis from both inside and outside the country.
- The interim authority will serve until a permanent government can be chosen by the Iraqi people. The rebuilding of Iraq will require the support and expertise of the international community. We're committed to working with international institutions, including the United Nations, which will have a vital role to play in this task.
- This work will not be easy, but we're going to see it through. A free Iraq will be ruled by laws, not by a dictator. A free Iraq will be peaceful, and not a friend to terrorists or a menace to its neighbors. A free Iraq will give up its weapons of mass destruction, and set itself on the path to democracy.

Middle East

- The end of Saddam's regime will also remove a source of violence and instability in the Middle East. Our governments are working to help bring about a settlement that protects the rights of Israelis and Palestinians, and promotes peace, security, and promotes human dignity.

Northern Ireland

- We are committed to helping the parties take the final steps toward a lasting peace. America supports the remaining actions that must be taken to realize the promise of the Good Friday Agreement.

THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 4/8/2003 4:01:55 PM
Subject: FW: Meeting re. Algiers Accords

Never mind, David is not going. Can you cover the meeting for our shop?

Charlotte

-----Original Message-----
From: Vestewig, Lauren J.
Sent: Tuesday, April 08, 2003 3:53 PM
To: Perry, Philip J.; Wood, John F.; Leitch, David G.; Kavanaugh, Brett M.; Keniry, Daniel ; Kirk, Matthew ; Cox, Christopher C.; Silverberg, Kristen
Cc: Lefkowitz, Jay P.; Stone, Carla B.; Montiel, Charlotte L.
Subject: Meeting re. Algiers Accords

There will be a meeting tomorrow at 8:00 in Jay's office re. the Algiers Accords issue. Will Taft will also join. I'm sorry for any inconvenience the early time may cause, but it was the only time we could get everyone together in the morning. Please let me know if you can make it. Thanks very much.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 4/8/2003 4:33:37 PM
Subject: need to talk re specter and kuhl

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 4/8/2003 4:34:23 PM
Subject: owen is now at 10am with Ben nelson tomorrow

Is it 10 or 11?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/08/2003 04:34 PM ----------

From: Wendy J. Grubbs/WHO/EOP@Exchange on 04/08/2003 10:34:20 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: owen is now at 10am with Ben nelson tomorrow

From: Kavanaugh, Brett M.
To: <Silverberg, Kristen>
Sent: 4/8/2003 5:36:02 PM
Subject: Re: FW: Iraqi amdt
Attachments: att1.eml

calling Treasury

From: Kristen Silverberg/WHO/EOP@Exchange on 04/08/2003 05:21:57 PM

Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Iraqi amdt

-----Original Message-----

From: Pelletier, Eric C.

Sent: Tuesday, April 08, 2003 4:59 PM

To: Silverberg, Kristen; Bellinger, John B.; Dorn, Nancy

Cc: Keniry, Daniel ; Cox, Christopher C.; Rossman, Elizabeth L.

Subject: FW: Iraqi amdt

Below you will see a request to put a provision in dealing with Iraqi assets in the supp. This is coming from the House possibly in response to the Iranian related provision in the Senate version of the bill. Policy counsel on how to proceed to answer the Speaker's question is necessary. I presume that we would oppose this, but want to be certain of the degree. This needs to be answered in real time.

Thanks.

-----Original Message-----

From: Cox, Christopher C.

Sent: Tuesday, April 08, 2003 3:01 PM

To: Pelletier, Eric C.

Subject: Fw: Iraqi amdt

Eric, can you help me with a read on this for the Speaker? It is being considered for inclusion in the supp.

-----Original Message-----

From: "Peterlin, Margaret" @EOP [NOTES:"Peterlin, Margaret" @EOP]

To: Cox, Christopher C.

Sent: Tue Apr 08 12:54:03 2003

Subject: Iraqi amdt

Chris,

Here is the language that we are being asked to support to help out the 200 Iraqi human shields that are affected by the E.O. Can you have someone look at it and let me know his opinion of the legal effect.

Thanks,

M

> -----Original Message-----

>

> Section 201 of the Terrorism Risk Insurance Act of 2002, Pub. L. ____,

> is amended by inserting in subparagraph (d)(2)(A) after "(50 U.S.C.

> 1701; 1702)" the following phrase:

>

> ", or with respect to which financial transactions are in any respect

> prohibited, restricted, regulated or licensed pursuant to Chapter V of

> Title 31 of the Code of Federal Regulations (including but not limited

> to Parts 515, 535, 550, 560, 575, 595, 596 and 597 of Title 31 of the

> Code fo Federal Regulations);"

>

>

>

- att1.eml <> <>

From: Peterlin, Margaret <Margaret.Peterlin@mail.house.gov>
To: Chris Cox (E-mail)
Sent: 4/8/2003 12:54:03 PM
Subject: Iraqi amdt
Importance: High

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Thanks,
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> Federal Regulations);"
>
>
>

_____

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@Exchange [WHO] <Kristen Silverberg>
Sent: 4/8/2003 1:36:15 PM
Subject: : Re: FW: Iraqi amdt
Attachments: P_FVQFF003_WHO.TXT_1.txt

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2003 17:36:15.00
SUBJECT:: Re: FW: Iraqi amdt
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

calling Treasury

From: Kristen Silverberg/WHO/EOP@Exchange on 04/08/2003 05:21:57 PM
Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@Exchange, Brett M.
Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Iraqi amdt

-----Original Message-----
From: Pelletier, Eric C.
Sent: Tuesday, April 08, 2003 4:59 PM
To: Silverberg, Kristen; Bellinger, John B.; Dorn, Nancy
Cc: Keniry, Daniel ; Cox, Christopher C.; Rossman, Elizabeth L.
Subject: FW: Iraqi amdt

Below you will see a request to put a provision in dealing with Iraqi assets in the supp. This is coming from the House possibly in response to the Iranian related provision in the Senate version of the bill. Policy counsel on how to proceed to answer the Speaker's question is necessary. I presume that we would oppose this, but want to be certain of the degree. This needs to be answered in real time.

Thanks.

-----Original Message-----
From: Cox, Christopher C.
Sent: Tuesday, April 08, 2003 3:01 PM
To: Pelletier, Eric C.
Subject: Fw: Iraqi amdt

Eric, can you help me with a read on this for the Speaker? It is being considered for inclusion in the supp.

-----Original Message-----
From: "Peterlin, Margaret" <Margaret.Peterlin@mail.house.gov>@EOP
[NOTES:"Peterlin, Margaret" <Margaret.Peterlin@mail.house.gov>@EOP]
To: Cox, Christopher C. <Christopher_C._Cox@who.eop.gov>
Sent: Tue Apr 08 12:54:03 2003

Subject: Iraqi amdt

Chris,

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Thanks,
M

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> Code fo Federal Regulations);"
>
>
>

- att1.eml <<att1.eml>>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FVQFF003_WHO.TXT_1>

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A v4.6.7 (934.1 12-30-1999)) with SMTP id 85256D02.005CDBBD; Tue, 8 Apr 2003 1
2:54:15 -0400
Received: from sseop03.eop.gov ([165.119.55.23])
by mhub.eop.gov (PMDF V6.1-1 #41014)
with ESMTP id <01KUHHKUFJ1KANCVUO@mhub.eop.gov> for
Christopher_C._Cox@who.eop.gov; Tue, 08 Apr 2003 12:54:06 -0500 (EST)
Received: (from root@localhost) by sseop03.eop.gov (8.11.7/8.11.6)
id h38Gs6N25215 for <Christopher_C._Cox@who.eop.gov>; Tue,
08 Apr 2003 12:54:06 -0400 (EDT)
Received: from nodnsquery(198.137.241.53) by sseop03.eop.gov via csmap (V6.0)
id srcAAAEKaWpX; Tue, 08 Apr 2003 12:54:06 -0400
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id <01KUHHKUAZE8A8XM8X@EOP.GOV> for Christopher_C._Cox@who.eop.gov; Tue,
08 Apr 2003 12:54:06 -0500 (EST)
Received: from ap04.house.gov ([143.231.86.12])
by EOP.GOV (PMDF V5.2-33 #41062) with ESMTP id <01KUHHKTVNG6AB0VIY@EOP.GOV>
for Christopher_C._Cox@who.eop.gov; Tue, 08 Apr 2003 12:54:05 -0500 (EST)
Received: from aries.house.gov by ap04.house.gov via smtpd
(for mailhub-eop.eop.gov [198.137.241.55]) with ESMTP; Tue,
08 Apr 2003 12:53:50 -0400
Received: from ims02.house.gov (ims02.house.gov [143.231.32.178])
by aries.house.gov (Switch-2.1.6/Switch-2.1.0) with ESMTP id h38Gs5k16361 for

<Christopher_C._Cox@who.eop.gov>; Tue, 08 Apr 2003 12:54:05 -0400
Received: by ims02.house.gov with Internet Mail Service (5.5.2656.59)
id <GQH43TA2>; Tue, 08 Apr 2003 12:54:05 -0400
Date: Tue, 08 Apr 2003 12:54:03 -0400
From: "Peterlin, Margaret" <Margaret.Peterlin@mail.house.gov>
Subject: Iraqi amdt
To: "Chris Cox (E-mail)" <Christopher_C._Cox@who.eop.gov>
Message-id: <435A5CEEACA6D211BEEA0008C75DA88518A2D023@hrm12.house.gov>
MIME-version: 1.0
X-Mailer: Internet Mail Service (5.5.2656.59)
Content-type: text/plain; charset=iso-8859-1
Content-transfer-encoding: 7BIT
Importance: high
X-Priority: 1

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> Federal Regulations);"
>
>
>

From: CN=John F. Wood/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2003 5:13:46 AM
Subject: : victims of terror
Attachments: P_C3DGF003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:John F. Wood ( CN=John F. Wood/OU=OMB/O=EOP [ OMB ] )
CREATION DATE/TIME: 9-APR-2003 09:13:46.00
SUBJECT:: victims of terror
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_C3DGF003_WHO.TXT_1>
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A BILL

To establish a comprehensive federal program to provide benefits to U.S. victims of international terrorism.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SEC. 101 SHORT TITLE

This Act may be cited as the "Benefits for Victims of International Terrorism Act of 2003."

SEC. 102 ESTABLISHMENT OF PROGRAM

There is established the Benefits for Victims of International Terrorism Program ("Program") under which monetary awards shall be made in accordance with this Act to eligible individuals who are physically injured, killed, or held hostage as a result of an act of international terrorism.

SEC. 103 DEFINITIONS

In this Act, the following definitions apply:

(a) Act of International Terrorism. - The term "act of international terrorism" means an activity that constitutes terrorism within the definition provided in Section 2(15) of the Homeland Security Act of 2002 and that was committed by foreign nationals or foreign governments (or the agents thereof) and directed, in whole or in part, at the United States or at an individual because of his status as a national or employee of the United States.

(b) Claimant. - The term "claimant" means an individual filing a claim for benefits under this Act. In the case of an individual who died as the direct result of the act of international terrorism, any individual who is eligible to recover under section 107(a) may be a claimant. In the case of an individual who suffered physical injury or was held hostage as the direct result of an act of international terrorism, the claimant shall be the individual who suffered the physical injury or was held hostage, except that a parent or legal guardian may file a claim on behalf of an individual who is less than 18 years of age, incompetent or incapacitated.

(c) Department. - The term " Department" means the Department of State.

(d) National of the United States. - The term "national of the United States" has the meaning given in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(e) Physical injury. -The term "physical injury" means a physical injury to the body that caused, either temporarily or permanently, partial or total physical disability, incapacity, or disfigurement.

(f) United States. - The term "United States" means the States, the District of Colombia, the Commonwealth of Puerto Rico, the Commonwealth of the Mariana Islands, the territories and possessions of the United States, the territorial sea of the United States, and the airspace above them.

SEC. 104 ADMINISTRATION

(a) Threshold Determination. -

(1) Upon the occurrence of a terrorist incident, the Secretary of State, in consultation with the Secretary of Homeland Security and the Attorney General, shall promptly determine in writing whether an act of international terrorism as defined in section 103(a) of this Act has taken place. Any such determination shall be published in the Federal Register.

(2) The Secretary of State's determination under this section shall be final and conclusive, and it shall not be subject to review in any judicial, administrative or other proceeding.

(b) Department. -

(1) When a threshold determination set forth in subsection (a) is made, the Department shall have jurisdiction to receive, examine, adjudicate, and render final decisions with respect to claims filed under section 105 in accordance with the provisions of this Act.

(2) When a final decision of the Department makes an award of benefits, the transmittal of the final decision shall be accompanied by the Department's certification of that award to the Secretary of the Treasury for payment.

(c) Payment of Awards. – The Secretary of the Treasury shall pay awards that are certified to him for payment under subsection (b)(2) from the Fund established under section 110(a).

SEC. 105 FILING OF CLAIMS

(a) In General. -- Claims for benefits under the Program shall be filed with the Department on the form developed under subsection (b).

(b) Claim Form. –

(1) The Department shall develop a form that claimants shall use when submitting claims under subsection (a).

(2) The claim form at a minimum shall request -

(A) in the case of a claim filed with respect to a decedent, information demonstrating the decedent's death as a direct result of the act of international terrorism and information demonstrating that the claimant is eligible to recover under the Act;

(B) in the case of a claim not involving a death, information demonstrating the physical harm that the claimant suffered as a direct result of the act of international terrorism; and

(C) in the case of a claim filed by a parent or legal guardian, information demonstrating the claimant's status as a parent or legal guardian.

(c) The claim form shall state clearly and conspicuously the information contained in section 112 of this Act.

SEC. 106 ELIGIBILITY

(a) In General. - The Department shall review each claim filed under this Program and determine whether the claimant is an eligible individual under subsection (b) of this section.

(b) Eligible Individuals. -- An eligible individual is a victim who, as of the date on which the act of international terrorism occurred, (A) was a national of the United States or any person hired pursuant to section 2669(c) or section 3943 of title 22 of the United States Code; and (B)(i) died as the direct result of the act of international terrorism, (ii) suffered physical injury as the direct result of the act of international terrorism, or (iii) was held hostage as a direct result of an act of international terrorism and not solely for ransom.

(c) A participant or conspirator in any act of international terrorism, or a representative of such individual, shall not be eligible to receive benefits under the Program.

(d) Exclusion for Military Personnel Covered by Other Compensation Programs. B This Program does not apply to any claim arising out of injury, death, or period as a hostage sustained by a member of the U.S. Armed Forces serving on active duty in the event that such member of the Armed Forces is eligible for benefits from the Department of Defense as a result of the injury, death, or period as a hostage.

(e) Notwithstanding any other provision in this Act, no individual who is or was eligible to recover under the September 11th Victim Compensation Fund of 2001 shall be eligible to recover under this Act.

SEC. 107 NATURE OF AWARDS

(a) In any case in which the Department determines, under regulations issued pursuant to this Act, that an eligible individual has died as the direct and proximate result of an act of international terrorism, the Department shall award a benefit equal to that amount payable as a death benefit to public safety officers pursuant to section 3796 of title 42, United States Code, as amended, as follows:

(1) if there is no surviving child of the victim, to the surviving spouse of such victim;

(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such victim in equal shares and one-half to the surviving spouse;

(3) if there is a surviving child or children and no surviving spouse, to the child or children of such victim in equal shares; or

(4) if none of the above conditions apply and there is a surviving parent or parents, to the parent or parents of such victim in equal share.

(b) In the event the claimant was physically injured or held hostage as a direct result of an act of international terrorism, the Department shall award a benefit to the claimant in an amount determined by the Department up to, but not to exceed, the amount provided for under the preceding subsection. The Secretary of State may issue regulations regarding the amount of benefits to be provided under this subsection for categories of injuries or for durations of time as a hostage.

(c) Awards shall be made without regard to the negligence or any other theory of liability of the claimant or of the individual on whose behalf the claimant is filing a claim.

SEC. 108 LIMITATIONS ON CLAIMS

(a) No benefit is payable under this Act with respect to the death of a victim if a benefit is paid under this Act with respect to such victim having been injured or held hostage.

(b) No benefit is payable under this Act with respect to a victim having been injured or held hostage if a benefit is payable under this Act with respect to the death of such victim.

(c) Time Limitation for Filing. -- No claim may be filed on the basis of an act of international terrorism after the date that is 2 years after the date of publication in the Federal Register of the relevant determination under section 104(a) of this Act.

SEC. 109 INTERNATIONAL TERRORISM BEFORE EFFECTIVE DATE

(a) Benefits may be awarded under this Act, subject to the provisions of subsection (b) of this section, to eligible individuals for acts of international terrorism that took place before the effective date of this Act and which occurred on or after November 1, 1979.

(b) The Secretary of State, in consultation with the Secretary of Homeland Security and the Attorney General, shall issue, promptly upon the request of a claimant potentially covered under subsection (a), a determination whether an incident that occurred on or after November 1, 1979, and before the date of enactment of this Act was an act of international terrorism. Such

requests will be considered only if made within one year after the date of enactment of this Act. Any such determination shall be published in the Federal Register.

SEC. 110 AUTHORIZATION.

(a) There is established for the purpose of providing benefits under this Act a Victims of International Terrorism Benefits Fund ("Fund").

(1) There are authorized to be appropriated to the Department of State for deposit into the Fund such sums as may be necessary to pay awards under this Act.

(2) Amounts in the Fund shall be available until expended.

(3) Contributions. -- The Secretary of State is authorized to accept such amounts as may be contributed by individuals, business concerns, foreign governments, or other entities for the payment of awards certified under this Act and such amounts may be deposited directly into the Fund.

(4) Unexpended balances of expired appropriations available to the Department of State may be transferred directly into the Fund for the payment of awards under this Act.

(b) In addition to amounts otherwise authorized to be appropriated for the Department of State, there are authorized to be appropriated to the Department of State such sums as may be necessary to administer this Program.

SEC. 111 SUBROGRATION AND WAIVER

(a) The United States shall be subrogated, to the extent of the payments, to any recovery in litigation or settlement of litigation related to an injury or death of an individual paid under the Program.

(b) Any amounts recovered under subsection (a) shall be deposited into the Fund established by section 110(a).

SEC. 112 ADMINISTRATIVE PROVISIONS

The Secretary of State is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this Act. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this subchapter. Rules, regulations, and procedures issued under this subchapter may include regulations governing the recognition of agents or other persons representing claimants under this Act before the Department. The rules, regulations, and procedures may prescribe the maximum fees that may be charged for

services performed in connection with any claim under this Act before the Department, and any agreement in violation of such rules and regulations shall be void.

SEC. 113 NO JUDICIAL REVIEW

Actions taken under this Act shall not be subject to review in any judicial, administrative or other proceeding.

SEC. 114 CONFORMING AMENDMENTS

(a) Section 201 of the Terrorism Risk Insurance Act of 2002 (Public Law 107-297) is amended by adding the following as new subsection (e):

"(e) Subsection (a) shall not apply to any judgment obtained pursuant to a complaint filed after [the date of submission of the Benefits for Victims of International Terrorism Act of 2003]."

(b) Section 1610(f) of Title 28, United States Code (28 U.S.C. 1610(f)), is amended by adding the following at the end as new subparagraph (4):

"(4) Subsection (f) shall not apply to any judgment obtained pursuant to a complaint filed after [the date of submission of the Benefits for Victims of International Terrorism Act of 2003]."

From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/9/2003 5:39:53 AM
Subject: : US CentCom Briefing 04/09/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 9-APR-2003 09:39:53.00
SUBJECT:: US CentCom Briefing 04/09/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

UNITED STATES CENTRAL COMMAND DAILY PRESS BRIEFING
BRIEFER: GEN. VINCE BROOKS, DEPUTY DIRECTOR OF OPERATIONS

DOHA, QATAR
7:03 A.M. EDT, WEDNESDAY, APRIL 9, 2003

;

BRIG. GEN. VINCENT BROOKS: Good afternoon, ladies and gentlemen. It has now been 20 days since coalition forces entered Iraq with clear objectives. Today the regime is disarray and much of Iraq is free from years of oppression. Televisions across the world today are filled with images of jubilant Iraqis who know the regime is coming to and end. There is still work to be done, and the coalition remains confident of the outcome.

;;;;;; In the course of the campaign, young men and women have sacrificed their lives for this cause, and we continue to remember them and their families.

;;;;;; The nations that are contributing to this effort are doing so with unity of purpose and resolve. The coalition remains strong and committed to seeing the job through.

;;;;;; Let me update you now on some of the latest occurrences of the operation.

;;;;;; With every day that passes, we break more of the grip of the regime. We do this by reducing the regime's options for operating or hiding. Recently, coalition attacked aircraft on five different airfields north of Baghdad, and also targeted regime leadership complexes and capabilities.

;;;;;; The following image is one example. This photo is a facility near Tikrit used for assembly and coordination by regime leaders. The coalition attacked this target on the 6th of April. The target was destroyed. And a comparison.

;;;;;; Efforts by our coalition special operations forces are deliberate and they're also very effective throughout all of Iraq. Our coalition special operations forces coordinated a strike mission against a Ba'ath Party headquarters near the city of Al Qa'im, off in the western corner of Iraq. In the north, special operations forces, in conjunction with Kurdish forces, seized a small town, approximately 25 kilometers north of Mosul, right here, and captured 25 -- oh, I'm sorry, over 200 enemy personnel. There were also attacks along the green line and just south of the green

line against Iraqi positions along a ridge 36 kilometers south of Irbil. And in this case, these special operations forces, supported by coalition aircraft, were effective in destroying a number of tanks, carbo (ph) trucks and enemy forces.

;;;;;; The coalition's operational maneuver consolidated gains in the areas south of Baghdad while also continuing relentless pressure against the regime and its remaining forces. Beginning in Basra, coalition forces transitioned to security and stability efforts. Coalition forces also continued expanding their area of influence north of Basra, along the road that leads between Basra and Al Amarah, this area in the east. Their efforts there are focused against any remaining regime elements, and also transitioning to humanitarian assistance.

;;;;;; Fifth Corps also continued operations in Baghdad, and increased security areas beyond Baghdad to the west of the rivers, and they also transitioned to humanitarian assistance. The image here shows a patrol conducted as a part of an armed reconnaissance by the 101st Airborne Division near the town of Karbala. The reconnaissance discovered weapons caches of varying sizes. As you see here, these items, they were found inside of schools inside of Karbala. The armed reconnaissance also found an underground storage facility containing an abundance of food and also Roland-type air defense missiles. That's a specific air defense missile system.

;;;;;; The 1st Marine Expeditionary Force continued its attack near Al Amarah, and also in Baghdad. Near Al Amarah, the marines there met minimal resistance from two of the divisions that had originally been deployed on the eastern flank. Those were the 10th and the 14th divisions. The divisions had already abandoned their weapons and departed the battlefield, after a period of air attacks, leaflet drops, and also following the liberation of Basra. Coalition forces at this point now occupy the 10th Armored Division headquarters, and will transition into humanitarian assistance and civil military operations in the Al Amarah area.

;;;;;; As regime security forces are eliminated from populated areas, more information is provided by the liberated Iraqis. In one example, marines received information about a truckload of missiles, and you see that image here. They found this particular truckload of surface- to-air missile southeast of Baghdad. We assess these SA-6 surface-to- air missiles, and in this case they have been technologically altered to have an infrared seeker added to the nose of the missile. And the truck bed was full of those missiles, as you saw in the preceding image.

;;;;;; In the metropolitan area of Baghdad, the II Corps attack to remove the regime from power continued. The 1st Marine Expeditionary Force continued its attacks across the Diyala River, into the southeast corner of Baghdad, and also proceeded along the west edge of the river into the northeast corner of Baghdad -- beyond the area that I show on this map, to block the roads that lead into or out of Baghdad. After entering in the southeast corner, the marines continued their attacks into the heart of Baghdad, near key government facilities. Their encounters with the Iraqi population have been positive and receptive, and this is particularly in Shia areas that had been most suppressed by the regime's security organizations. And there are even messages of support being broadcast from mosques from the area of Saddam City on the northeast corner of Baghdad.

;;;;;; Fifth Corps forces continue to converge from multiple directions towards the center of Baghdad. If we can go back to the Baghdad image, please. The areas of convergence, as I mentioned yesterday, began in the north, towards the center of town, also already in position in the center of town, and from the south. Baghdad Airport remains underneath coalition

control, and we find at this point that we're able to conduct operations with good freedom of action in each one of those areas. The white circles actually represent places where we've had a continuous presence or conducted continuous operations over the last 24 hours.

;;;;;; The operations remain opportunistic and focused, and there have been some sporadic engagements in different areas, particularly in the vicinity of the bridges in downtown Baghdad, right down in the center -- here.

;;;;;; As I mentioned, the Baghdad International Airport -- there our efforts continue to increase both security and restore function. We have ongoing air operations, as this image -- this secured image shows a Bradley beside an aircraft near a terminal. They are conducting security work. We also have air operations that have begun for military purposes, and we're also increasing the coalition's capability to conduct operations from within the center of Iraq.

;;;;;; The continued success by our maritime component made possible the arrival of ships carrying humanitarian supplies from the U.K., from Australia, and also Spain. And there are large volumes of humanitarian supplies that are beginning to flow now for the Iraqi people.

;;;;;; We do continue to communicate with the Iraqis on a variety of levels. I showed you yesterday a video of some service members who were distributing leaflets by hand out on the street, and our efforts and options communicating with the Iraqi people grow with each day that passes, as we have more and more freedom of action to move throughout the communities.

;;;;;; I have a video to show you here of a tactical loudspeaker team using loudspeakers yesterday to broadcast a variety of information to residents of As Zubair, near Basra.

;;;;;; Broadcasts are given in Arabic, and they communicate that the coalition is present, and there are other pieces of information that come as well, like how to draw water and rations. They also passed on an address yesterday from coalition national leaders stressing that coalition forces would indeed rid Iraq of this regime, and that the actions of the coalition were not directed against the Iraqi people. Similar messages are broadcast in a variety of places with these tactical loudspeaker teams.

;;;;;; As our forces move across the battlefield, we often encounter Iraqis in need of medical attention and care. There are coalition medical teams imbedded with all of our units, and as they move through the battlefield, they provide medical care whenever they can, and they also provide medical check for Iraqi citizens in liberated areas. This is just one image of that. This is a medical officer providing a check to a child. We do these in a variety of areas deliberately. It's not just children, it's all citizens of a particular area to come and get medical check-ups.

;;;;;; I want to show you a video here also of some medical care provided from a military medical facility normally used for tactical military purposes. There is space available in it, and so as we encounter civilians, we provide care there.

;;;;;; This is a tactical field hospital. Coalition military medical personnel providing assistance wherever possible to Iraqis that were found on the battlefield.

;;;;;; A determined effort is also underway in the liberated areas of Iraq to restore function to existing civilian medical facilities. Re-establishing medical care in communities comes with some degree of

challenge, such as immediately identifying some useable supplies and also useable facilities. This is a hospital in Nasiriyah as of the 5th of April. The forces that supported the regime staged operations from this hospital, as they did in many areas, and left it in this state. The coalition is now working to try to get it functional again. This is an image of a medical officer searching through the same hospital to try to find in the abandoned materials where there is -- there are records that are useful for information, or also any medical supplies that might be useful.

;;;;;; During our battles to gain a degree of security control in southern Iraq, forces supporting the regime also used educational buildings -- we've seen that example on a number of occasions -- and also health buildings in most of the cities. They used these as fighting positions and weapons caches, ammunition storage areas, and the majority of these facilities sustained some degree of structural damage. However, many of them have been returned to use. Recently, hospitals in An Najaf and Karbala became operational, as did a medical facility in Safwan. A hospital in As Zubair is in minimal working condition, and we have service members of the coalition working to facilitate the repairs.

;;;;;; We expect some time later today the arrival of a Spanish field hospital from the Spanish ship Gallacia (sp), which is inbound to Umm Qasr, and that will also significantly increase the medical support that's available in southern Iraq.

;;;;;; With that, ladies and gentlemen, I'm ready to take your questions. Yes ma'am, please.

;;;;;; Q General, Cammie McCormack (sp), CBS News. Can you tell us what you expect the resistance to be like in Tikrit, how well trained those fighters are, if you have any estimates of the number of Iraqi fighters there?

;;;;;; GEN. BROOKS: Cammie, we've seen that there have been some forces deployed in and around the Tikrit area. Many of them have moved as we were having more and more success on the southwestern side of Baghdad and the southeastern side of Baghdad. There have been some repositionings to try to reinforce those initial defenses. The amount of force that remains in Tikrit we are still making assessments of. We anticipate that any fighting that would occur there, if we happen to go to Tikrit, would be similar to what we've seen in other parts of the country. So, a combination of conventional military forces, those that may be remaining at that point in time, irregular forces that may be involved with them, some loyal to the Ba'ath regime still, and others, other circumstances like we've seen before.

;;;;;; I'm not going to predispose as to when we might go in that direction and what we would do. We certainly are focused on Tikrit, as I showed with the weapons system video, to prevent the regime from being able to use it as a place to command and control, to restore command and control, or to hide.

;;;;;; Yes sir, please.

;;;;;; Q Hi. James Forlong (sp) from Sky News. There are many Kurds now saying, having seen these pictures from Baghdad, who are now saying that they believe the time has come to move down towards Kirkuk, to joint up with Peshmerga fighters there. Is that a development you would welcome or view with alarm?

;;;;;; GEN. BROOKS: I think the way we look at our operations in the north is on a consistent view of what we've had already. We do have coalition

special operations forces working closely with Peshmerga in northern Iraq. There have been some limited advances that have occurred, as I described earlier, by coalition forces, supported with security by Peshmerga, and we think that's the circumstance that needs to continue at this point. There are still Iraqi forces in the north, and we continue to maintain pressure against those forces, first to prevent them from reinforcing toward Tikrit or Baghdad, and secondly, to prevent their use in further operations, and ideally convincing them that they should lay down their arms. And so those operations will continue at this point. We don't anticipate a change in the dynamics of the north, even though there certainly is good news to be seen throughout the country.

;;;;;; Yes ma'am, please.

;;;;;; Q Thanks, General. We've seen a lot of pictures today of looting in Baghdad. We'd seen it earlier in Basra. How are you prepared to deal with that? And does that pose any new issues of threat or concern?

;;;;;; GEN. BROOKS: Well, I think we always have concern when there's any degree of disorder, civil disorder that occurs. I think in this case we're seeing a lot of jubilation, and people who have long been oppressed for years and years having choices. We believe that this will settle down in due time. It has already begun to settle down in Basra. Some of this occurs as a result of a vacuum that's created in the interim period between the departure of the regime or the perception of the departure of the regime and the establishment of conditions that move on a path of normalcy. So, I think that we'll see some of this in other areas that have been liberated.

;;;;;; This is a lot of pent up energy that's been part of the lives of many of these people for their entire lives, and some of it can be anticipated. We will deal with this though, obviously, as we try to establish more and more security in different areas as we move through, and work more and more closely with the Iraqi population itself, we think that these things will settle down.

;;;;;; Yes, please.

;;;;;; Q Thank you. Jonathan Marcus, BBC. Can I push you a little further on the north, because it seems to me that one of the keynotes of your strategy has been to try to destroy as few Iraqi units as possible. We've seen the situation over to the east, down at Amarah and that area, where you appear to be taking the surrender pretty well of formed units.

;;;;;; In the north, you're not really in control; the Kurdish fighters are in control. What is to convince Iraqi units that might want to surrender that doing so wouldn't leave them at the mercy of people who clearly have a very long -- go back a long way and have scores to settle?

;;;;;; GEN. BROOKS: Well, Jonathan, I don't agree with your characterization. There are U.S. Special Operations forces, other coalition special operations forces, conducting operations in the north. The fact that it has been as stable as it is and as controlled as it is to date indicates really what the circumstance is.

;;;;;; We remain comfortable that that is a good operation. It's ongoing well. There still are certainly decisions that some of the military commanders, the Iraqi military commanders, have the opportunity to make. And we think that there will be some new decisions made by them in the coming days, particularly with the news of what's occurred in Baghdad and Basra.

;;;;;; We remain optimistic. We certainly don't want to destroy any more

human life than is necessary to accomplish our objectives. But, nevertheless, combat operations do continue in the north.

;;;;;; Tom, please.

;;;;;; Q Tom Mintier, CNN. The force size in Baghdad is being increased. What will their role be? I saw that you mentioned on a couple of occasions that you're switching over to a humanitarian role for some of these troops that did come to Baghdad as combat troops; they're now working in the humanitarian field. And any update on possible location of prisoners of war that are being held by the regime in and around Baghdad?

;;;;;; GEN. BROOKS: Tom, first, the forces that are in Baghdad still have combat work to do. That is not complete at this point. We certainly have seen areas where the population knows that the regime is gone and will never return again in the way that it has been in the past. There are still pockets. We haven't located every leader of the regime. We haven't found every instrument of the regime. And so those operations continue.

;;;;;; What I would describe to you is throughout the country, wherever we can begin to establish the conditions for life going on, that occurs as soon as we can. And so there may be some things -- certainly the line of where we're doing humanitarian assistance and civil support has moved much further north. We have some of those things happening in Karbala, for example, right now. We're not to the point where we're ready to do that in the same kind of concentration in Baghdad.

;;;;;; Having said that, nevertheless, we provide medical assistance to injured Iraqis that we encounter on the battlefield. Where there's not a need for combat action and life can go on, we'll try to provide whatever assistance we can. But we're not quite at the same point at the front end of the spear as we are on the long handle of the spear that leads back down to the Kuwaiti border.

;;;;;; As to the question of prisoners of war, we continue to remain concerned about the condition of those that we have unaccounted for at this point, and, frankly, for those that are unaccounted for from previous conflicts.

;;;;;; We know that even from the Iran-Iraq war and the Gulf War of '90 and '91, there are still some unaccounted-for people. We have not found them at this point. We still expect whatever remains of the regime and whoever might have them in possession to follow the Geneva Convention and be responsible for their care. And in the meantime, we continue our efforts to try to find them if we can.

;;;;;; Second row, please.

;;;;;; Q (Inaudible) -- USA Today. You've said that hostility will continue until the regime is no longer in power. But if the leadership is wiped out, how will you know and when will you be able to declare victory and an end to hostilities?

;;;;;; GEN. BROOKS: I think we'll continue to get indications of less and less control by the regime and more and more information from the population about where any remnants of the regime might be. That then helps us focus our operations in a very deliberate way.

;;;;;; We have been as deliberate and focused as we can be to date. That will continue. And certainly with the type of jubilation you see in the streets and the recognition that the regime does not have the same grip that it once had, we certainly anticipate there will be more information coming.

;;;;;; As that information comes and we do our work in a deliberate way, we think we'll have more and more indications of what remains of the regime, if anything, and what additional work must be conducted. That's how our focus will continue.

;;;;;; Let me go back here, please. Yes, sir.

;;;;;; Q (Inaudible) -- Irish Television in Dublin. You talk about the jubilation in the streets of Baghdad, but the television pictures are just coming from maybe one or two areas. Now, you have troops all over the ground in five or six areas in Baghdad. What are they seeing in the other parts of the capital?

;;;;;; GEN. BROOKS: They're seeing a number of things in a variety of places. For the most part, it's well-received. But there are still pockets. And so what we see, when there are examples that the regime may still have influence, either physically or by just lingering senses of intimidation or potential retribution, that behavior is more subdued.

;;;;;; But we're not finding hostile behavior from the population. We believe that the population recognizes that the end is near for this regime, if it has not already occurred. And they certainly are supporting the actions of the coalition throughout.

;;;;;; We're seeing cooperation in the areas where we're delivering humanitarian assistance and support. You've seen some of those images yourself. But it's a fair observation that the camera's only in one particular place.

;;;;;; The image, though, that's occurring is much broader, and the places where we're having our encounters bear that out; much jubilation certainly in certain parts of Baghdad. And I think that corresponds more to how much oppression actually occurred in those areas. But there's certainly a willingness to support the continuing efforts of the coalition throughout the country as we're operating.

;;;;;; Yes, sir. Over here, please.

;;;;;; Q (Inaudible.) Given that the fighting seems very one-sided at the moment, why don't you consider some sort of cease-fire or halting operations so that those Iraqis who are still opposing you can either surrender or go home without being killed?

;;;;;; GEN. BROOKS: Well, without going to a cease-fire, they have the option to surrender. We have not been at a cease-fire yet, and we've taken many surrenders. At this point we have over 7,000 Iraqi prisoners of war. And so there's no need for a cease-fire at this point to achieve that purpose.

;;;;;; At the same time, we remain discriminating in our targeting. We're fighting those who choose to fight for the regime. And that must continue, because those are appendages of the regime. And our objective is clear: The regime must be removed.

;;;;;; The things that support the regime are part of that, and our efforts will continue in that direction. Those that choose to lay down their arms will be welcome to do so and will have made a very wise choice indeed for their own future and the future of Iraq.

;;;;;; Let me go to the side. Please, sir.

;;;;;; Q (Inaudible.) Shelling against Baghdad from the air has been

reduced during the past two days. What does this indicate?

;;;;;; GEN. BROOKS: Our efforts in and around Baghdad, whether they are efforts that are conducted by rockets or efforts conducted by weapon systems delivered by aircraft or even our actions in surface-to- surface fires, remain focused on targets that have been identified.

;;;;;; That hasn't changed throughout the operation. We continue to remain focused on being deliberate, calculating in our application of military force, minimizing wherever possible the effect on civilians or other infrastructure that we don't intend to damage.

;;;;;; I think, when it's all said and done and people can move freely throughout Baghdad and see for themselves, there will be some scenes of destruction, particularly on regime complexes. There may be some evidence of places where fights occurred where there's damage to some buildings that cannot be avoided in close contact.

;;;;;; But there will not be the scenes that have been historical reminders of movements by military force into capital cities in other countries throughout military history. There will not be any image like that at all.

;;;;;; In fact, much of Baghdad, most of Baghdad, continues unaffected physically. The bridges are still up, with the exception of some that have been dropped for tactical purposes by the regime in some cases, or one that was dropped by coalition forces outside of Baghdad. Traffic can still move on the streets.

;;;;;; Now that the curfews will be lifted, as the regime moves away, I think we'll see the resumption of a lot of normal activity there. And we remain convinced that that's the right way to approach this. There is still work to go, though. And while we are satisfied with our efforts to date, we still know that there's a lot of tough work to be done to make sure that we continue in the same direction.

;;;;;; Back here, please.

;;;;;; Q (Inaudible) -- representing the Committee to Protect Journalists. General, my committee sent a letter yesterday to Secretary Rumsfeld requesting an investigation of the events yesterday regarding the journalists in Baghdad, and we hope that'll be undertaken.

;;;;;; I wanted to ask you about the future and ways of possibly averting similar incidents. You mentioned in yesterday's briefing how the military takes particular care with sites such as schools, hospitals and mosques. I wonder if a system could be arranged where similar care could be taken with sites where it's known that journalists are operating.

;;;;;; GEN. BROOKS: Well, first, let me say that sites where journalists or any other civilians or non-combatants are operating are already a focus for us to ensure that we have knowledge and that we're careful about our targeting. But we should be very clear that, first, Baghdad remains a very dangerous place. We've always said that.

;;;;;; And we've also informed that those who choose to stay in that location are putting themselves at risk by their own decisions. The circumstances of yesterday revealed that there was fire occurring inside of Baghdad and fire was returned.

;;;;;; It's important to note at this point that the regime will also use any civilians that are available to provide a degree of protection. Civilians may be located in places where the regime conducts other work.

And when the two join together, they move into a targetable area that increases the danger.

;;;;;; So what we'd encourage is decisions to be made -- now that the danger is well-known, even more known than it has been throughout time, that new decisions would be made. And we'd certainly like to see all non-combatants that are close to regime facilities or regime leaders to move away from those areas before they increase the danger any further.

;;;;;; Yes, please, Otti (ph).

;;;;;; Q Otti Ravel (ph) ABC News. You spoke a moment ago about unaccounted-for POWs from previous conflicts. Are you saying you have no new information regarding the status of Scott Speicher from the first Gulf War? And a second question I have is, regarding the enemy POWs that you currently have and foreign forces who are fighting in Iraq, are you surprised by the number of Egyptians and others who have come into Iraq to fight against coalition forces? Thank you.

;;;;;; GEN. BROOKS: I don't have any new information about any specific coalition or other prisoners of war that might be in the possession of the Iraqis at this point. But we remain concerned about it and we remain also focused on it.

;;;;;; We have identified a number of what we think are foreign fighters that are not Iraqis that have been identified in different places on the battlefield. We certainly heard that there was a call for that, and there was certainly adequate time before hostilities began for those who had an interest in protecting the regime to come and fight with the regime. As we continue to see those, we simply collect them up as well and they're treated like all other prisoners of war that are taken into our custody, with proper respect, in accordance with the Geneva Convention. They're afforded medical care if need be. In some cases, they were wounded in action, and they received medical care from the coalition to stabilize them. That's our approach and that continues to be our approach. We may find more on the battlefield. If so, then that certainly is just a condition of the battle as we go on.

;;;;;; (Name inaudible) -- please.

;;;;;; Q (Off mike) -- with BBC Foreign Service. General, can you tell us about collateral damage in Baghdad? Have you been using inert bombs? And which quantity? And have they been efficient? The second part of the question is regarding these foreign fighters. Are you concerned that they are mixing up with the civilian population in Baghdad?

;;;;;; GEN. BROOKS: We use a variety of munitions. In areas where we need to have precise work, we use precision munitions. I don't want to get too specific about exactly what weapon combination we use inside of built-up areas, but suffice it to say that our work to date has been precision-guided munitions in the target areas inside of Baghdad. I'm not aware of any exceptions to that out of my own knowledge. I can tell you our approach would always be the same, as it has been from the start: discriminating on a particular target, positive identification, and then decisions on exactly what weapon system should be used to achieve the desired effect on that target while also minimizing the effect on things not intended to be targeted. That's a consistent approach, continues throughout.

;;;;;; Since we've been in close air support missions, additional types of weapon systems have been introduced into the Baghdad area. Close air support aircraft carry different types of things -- cannon, for example, that fire at a high rate of speed, in a very precise way but at a high

rate of speed, multiple rounds. That causes a different effect than a precision-guided munition. And so there may be some different dynamics on the battlefield that have occurred out there, but I can certainly tell you that the efforts remain precise, deliberate, focused, and we believe that we have been successful to date in minimizing secondary effects on the population or other structures.

;;;;;; Let me come back to the left, please. Right here.

;;;;;; Q David Lee Miller (sp), Fox News. General, there was a report that American uniforms were found at the Rasheed airstrip at what was described as a military prison. Could you elaborate on that and tell us what was found? And might this indicate that POWs had recently been there? And secondly, have coalition forces secured the area where you believe the leadership was meeting a few days ago and there was an airstrike possibly targeting Saddam Hussein and his sons? Thanks.

;;;;;; GEN. BROOKS: We were certainly aware that the Rasheed prison near the Rasheed Airport had a history of being used to hold military prisoners. Part of our operational design in going through Rasheed airfield was to secure it and also to proceed on to the Rasheed prison. We did not find any prisoners of war or any human remains in that location. There are some reports of having found some uniforms. They were U.S. uniforms. And there were names on some. I'm not going to describe those names at this point.

;;;;;; What that tells us is that the uniforms were there. It cannot tell us anything else at this point. We remain concerned about those who are remaining unaccounted for, and we hold the regime, whatever remains of it or whoever might have our prisoners of war in possession, accountable and responsible for anything that happens to them at this point.

;;;;;; Your second question, about the location that was struck a few days ago, I don't know that we've moved onto that location at this point in time. The focus of our action is broader than just that location. There are a number of regime locations throughout the city. Some we are physically located at; others we're preventing movement to; others we have not arrived at yet.

;;;;;; And that's really where we stand on that one.

;;;;;; Let me go back here, please, sir.

;;;;;; Q Ricardo -- (off mike) -- News. If Saddam is not found, then who would have to surrender for the cease-fire? How would you know?

;;;;;; GEN. BROOKS: Well, cease-fire doesn't have to come by way of a surrender. A cease-fire is a decision, and the decision will occur when we believe conditions have been set on the battlefield and also when we have political instructions from our leaders. Right now our operations remain focused as they are on any remaining portions of this regime, and that includes the forces that support it. And at the same time, our efforts increase daily on providing humanitarian assistance to the places that have been liberated, and tending to the need of the Iraqi people and beginning to move forward into the future.

;;;;;; So there's still work to be done, without a doubt, and we remain focused on that work. We believe we will ultimately achieve a point where hostilities can cease, but we're not at that point yet.

;;;;;; Yes, please, sir, fourth row.

;;;;;; Q Yes. (Off mike) -- from SBS (?) TV, South Korea. General, I

believe one of the few variables left at this stage of the war is that lots of Iraqi soldiers took off their uniforms and got dressed with civilian clothes. I believe this might be some trouble to you, especially you get to face more and more -- (inaudible) -- situation. So you have to -- you want to find and attack your enemies, but also you need to minimize civilian casualties at the same time. So how would you cope with these dilemmas?

;;;;;; GEN. BROOKS: Well, it's a tough challenge, no doubt about that, and it has been a challenge throughout this operation because of the tactics used by forces loyal to the regime. Our young men and women, though, out there fighting are great professionals and they've dealt with this in as complete and competent a way as possibly can be done. We know that there are some soldiers who took off their uniforms and went home. They're living as civilians now. And some of them did so in an honorable fashion. We know that there are some who took their uniforms off and fought in civilian clothes. Some were pressed back into service.

;;;;;; I think when it's all said and done, with the help of the Iraqi population we'll have a clearer view of who's fighting really in support of the regime, who perpetrated war crimes and fought as criminals, violating all the laws of land combat, and who did not. That will take some time to sort all that out, and it can only be done with the help of the Iraqi population. And what we're seeing right now is we believe we will have that support from the Iraqi population as time goes on.

;;;;;; Yes, sir, please?

;;;;;; Q General, the dancing in the streets hat we've seen, is it because they love you or is it because they fear you? And if it's because they love you, how do you make sure that the love remains? (Laughter.)

;;;;;; GEN. BROOKS: Well, I'm feeling a lot of love in here right now, so I appreciate the question. (Laughter.)

;;;;;; I think the reality is it's not about us, it's about the regime. What you're seeing as celebration in the streets is a recognition that the regime is gone and will not return again. It can never be returned to what was. That's what they're seeing. What it tells us is, thus far our efforts have been successful in those areas. It also tells us that we have more work to do to ensure that's the scene throughout the country.

;;;;;; Yes, ma'am, please.

;;;;;; Q Thanks, General. Noor Aqabi (ph) from Abu Dhabi TV. As you well know, General, a mayday call has been made by our reporter in Abu Dhabi, and the group of journalists has been -- you know, they are still caught in that building with Abu Dhabi -- Abu Dhabi TV reporters and Al Jazeera staff. And they are for more than 24 hours caught there, and they are calling for help. Could you tell us, General, is there any measures has been taken to help these reporters to get out of there?

;;;;;; GEN. BROOKS: I think there are a number of people, as I said earlier, who are still inside of Baghdad in a variety of areas. And as long as they're moving away from where the regime is conducting its operations, they shouldn't be at any risk. Now, they need to move out of that area, move through our lines, identify themselves as reporters, identify themselves ins such a way that they have no appearance of hostility and we would anticipate they should be able to move out of the area. And there are some other folks that might want to make the same sorts of decisions. At this point, that's a responsibility of the people in the station to make that decision to leave.

;;;;;; Q They're trying to get out this morning, but still the fire is coming out of the door. They cannot get out unless some people has to locate them and say they are the reporters, they are not the enemy or they just want to get out of there.

;;;;;; GEN. BROOKS: Well, we certainly have concern for their safety and their welfare, and we would want them to move away from any combat area, particularly where regime forces might still be located.

;;;;;; Yes, sir, please?

;;;;;; Q Paul Penter (ph) from (Daily ?) Broadcasting Corporation. Just back to what you're seeing on the streets of Baghdad today. Could you further characterize how the coalition interprets what's going on? Are you suggesting this is like some kind of turning point? I don't think you've ever walked out here before and said today the regime is in disarray. I mean, is it in much more disarray than it was yesterday? How do you fully characterize what we're seeing today in Baghdad?

;;;;;; GEN. BROOKS: Well, with every day that passes throughout the entirety of this operation, the regime has had less and less control over top of its people, over top of its forces, over top of this country of Iraq. It is more out of control today than it has been before. I think we are at a degree of a tipping point where, for the population, there's a broader recognition that this regime is coming to an end and will not return in the way that it has been in the past. That's a very important point in the operation.

;;;;;; Militariily, however, we proceed on a plan that says that there's more to follow. All of the regime is not gone. There are still regime appendages in a variety of places, There's still capability. There's still also potentially the intent to use weapons of mass destruction. All of these hazards have not been eliminated completely from the battlefield.

;;;;;; And so we certainly stand on the position -- and we have said it before -- that the regime is in disarray, the regime is losing control, the regime no longer has control over certain areas. The capital city now is one of those areas that's been added to the list of places that the regime has lost control. And we'll still focus on pockets inside of the capital city, but their efforts to maintain control, we believe, have come to an end at that location.

;;;;;; Yes, please?

;;;;;; Q (Name and affiliation off-mike.) You showed us a picture earlier with some white circles on it. Are you telling us those are areas you believe you actually control, or that's merely where fighting is going on? Can you give us sort of a percentage of what amount of the capital city you do believe you control? And it does feel like you're going a little farther today in your comments about the regime losing control. I mean, you've said it several times here, the regime may have ended, it may no longer exert control over its own capital city. How close are we to then -- I mean, the goal of this operation is regime change. You are talking today as though the regime has changed or is about to change. How do we know what a victory looks like, what a surrender looks like, what a cease-fire looks like?

;;;;;; GEN. BROOKS: Well, first on the circles on the Baghdad map. Those represent areas where we've had a continuous presence over the last 24 hours. In other words, we didn't come in and leave, we stayed in those areas, with a force that was able to maintain security and control in and around its area and prevent action by any Iraqi forces that were inside of the city. So it represents areas where we've had freedom of action.

"Control" is not a term that would apply very well in describing the circumstances here; it's more a matter of being able to maintain security of our force, conduct operations in a manner that we choose, at times and places of our choosing.

;;;;;; What I think is instructive is how many different places of the town, of the western part of Baghdad particularly and on the east and northeast corners of Baghdad, we're able to conduct those operations in times and places of our choosing. That really is a point to be made by that.

;;;;;; As time goes on, the physical places where we are free of Iraqi regime influence and are able to conduct operations, begin to provide the humanitarian assistance that was asked earlier about Baghdad, those will expand beyond the areas that we have right now, and we believe that in due time, there will be an end of hostilities.

;;;;;; I want to be clear that we know there is still work to be done in this operation. That is absolutely certain. There are still places where the regime does have control. There are places where clearly the regime no longer does have control. Whatever remaining portions of the regime there may be, fragmented as they are now, there still is capability, there's still intent. So it's not over; we still have work to be done in that regard, and we'll stay focused on that work as the coming days approach.

;;;;;; Yes, please? Back here.

;;;;;; Q (Name and affiliation off mike.) I'd like to insist (sic) on the investigation of what happened at the Palestine Hotel. You probably don't have yet a full picture of the investigation, but according to the footage from the French TV crew, there were -- there were no shots coming from the hotel at least 30 seconds before the Abrams tank fired back. Could you tell us what did the crew inform their superiors before firing, please? Thank you, General.

;;;;;; GEN. BROOKS: I don't have any reports of what the crew specifically said before engaging or what decisions were made in that moment of time. What we know at this point is that the reports that have come up to us from the force involved in the fight was they received fire and returned fire. Everything else beyond there is speculative and must be investigated much more thoroughly, and I certainly am not in a position to describe anything further at this point in time.

;;;;;; Yes, sir, please? Here we go.

;;;;;; Q Jerry Dimakato (ph) of Citizen Canada. Thanks for taking my question, general. The Canadian commodore in charge of Multinational Naval Task Force, that's the Task Force 151 -- its mandate is to hunt al Qaeda terrorist in the Gulf -- he said yesterday that the Canadian federal government has expressly forbid him from handing over suspected Iraqi terrorists, Iraqi war criminals, or even fleeing members of Saddam Hussein's inner circle. I'm just wondering -- as well, he said that the government does not want to be put in the embarrassing position of having to relinquish Iraqis to the United States military, given Canada's neutral policy in the war.

;;;;;; As a former policy man for binational politico-military affairs with Canada, what's your personal reaction to this very public refusal to hand over Iraqi criminals, if found, fleeing to your forces? And why would this key task force remain under Canadian command?

;;;;;; GEN. BROOKS: What you are describing is really a contribution by a coalition partner, and a coalition involved in a different operation than

this. And as with all coalition operations we involve ourselves in, we respect the prerogatives of the countries that are involved. So that's really different than our Operation Iraqi Freedom and is not related to it at all.

;;;;;; Yes?

;;;;;; Q (Off mike)?

;;;;;; GEN. BROOKS: That's the answer: It's a different coalition and a different operation, and we always respect the prerogatives of countries involved, whether it's this coalition, Iraqi Freedom, or different coalition operations that preceded this operation as it goes right now.

;;;;;; Yes, please?

;;;;;; Q General, Pete Smalowitz (ph) from Knight Ridder. We were told that the American strategy in Baghdad would be similar to the British strategy in Basra. But in Baghdad, where the regime has a firmer grip on power and more formidable defenses, we have seen some of the celebrating and some of the looting much quicker. Can you explain what's been different from a military standpoint or from the citizen standpoint?

;;;;;; GEN. BROOKS: Well, I think what we are seeing, first, is the similarities are we are very discriminating in where we conduct operations. We are deliberate and patient. We do our operations based on information that comes to us where opportunities may be, and then we take advantage of those opportunities in some tactical military way.

;;;;;; Cameras are in places where our military forces are not, and there is jubilation that's occurring in places where we haven't necessarily entered yet. I think we also saw some images in Basra, and we saw some images in other places, and there have been other cases where there were no images where initially in a vacuum there's jubilation that sometimes goes beyond into looting. Many of these looting incidents are reported to be against Baath Party locations that still existed there. That doesn't change it in terms of the activity that is going on, but that certainly is -- it's instructive in terms of what really you may be seeing. Don't know that to be factual, but that's certainly the report that we are having at this point in time.

;;;;;; What we know is that we want to cause order and stability to occur in all areas, as quickly as that can be done. We'll remain focused on that as we transition away from combat operations in areas that have been liberated that we physically have entered.

;;;;;; Q (Off mike) -- done it so much faster than in Basra?

;;;;;; GEN. BROOKS: It's a different place, different circumstances. And so every place on the battlefield unfolds a little bit differently, and creates different opportunities, different forces are used. They arrived a different way. The regime's condition is different. It's just a different situation, and so we -- the timing becomes different as a result.

;;;;;; Q (Off mike)?

;;;;;; GEN. BROOKS: Well, those are some of the examples -- different size, different composition of the town, different introduction of forces, any number of other things that could be taken into account that just make this operation, and every other city operation different from other ones that are out there.

;;;;;; Please?

;;;;;; Q (Off mike) -- Irish Times. General, could you just clarify in relation to the Palestine Hotel is it possible that there could be future attacks by coalition forces on the Palestine Hotel? Or has it been now designated as having the same status as a heritage site or a mosque?

;;;;;; Secondly, there was footage on the BBC last night of Iraqi prisoners with their hands tied behind their backs in their underwear standing and facing a wall, for what period I don't know. Is that -- I am not an expert on the Geneva Convention, but that doesn't seem to be in line with the Geneva Convention that I would expect. Have the Red Cross been able to visit prisoners in all areas where they are held by the coalition? Thank you.

;;;;;; GEN. BROOKS: As we've said a number of times, downtown Baghdad remains a dangerous place. There's still potential for combat action. The area in and around the bridges last night we reported there was some contact. Our efforts remain focused on the regime and regime targets that present themselves. We retain the inherent right of self-defense. There are still choices that can be made by those that are inside of Baghdad as to whether they believe themselves to be in a safe position or not. Our approach remains the same and consistent.

;;;;;; Prisoners of war for the coalition, prisoners that are taken into our possession, are treated in a way that's consistent with the Geneva Convention. When we find there's any deviation from that, commanders have the opportunity to deal with that. I have not seen the images, I have not seen the report, and so at this point I remain convinced that our commands are doing what's necessary and appropriate under law and under convention to do what's necessary to take control of prisoners of war, move them to the proper areas, ensure they don't remain a threat to themselves or to others, and then put them in a condition where they are safe and protected, yet under control.

;;;;;; Yes, ma'am, please?

;;;;;; Q (Off mike) -- Carsons (ph), Reuters. In your presentation you talked a lot about hospitals in other towns. Are you doing anything in particular to make sure that hospitals in Baghdad, where there are a lot of civilians, including journalists now, are not going to be targeted, especially now that you seem to be -- you know, the difference in force -- the Americans are really running away with it -- the threat back might not be that big. So can you tell me what you are going to do to protect those hospitals?

;;;;;; GEN. BROOKS: The first thing we do to protect hospitals is we recognize that they are hospitals, and we treat them as such first, and we expect them to be hospitals. We've certainly seen a pattern in a number of towns that the regime does not see it that way. The regime sees hospitals as fighting positions. The regime sees hospitals as storage locations. The regime does not see a hospital as a hospital. We know there are hospitals in and around Baghdad, and we certainly have reports of large numbers of wounded inside of those hospitals -- people who have been injured by combat action of some sort of another. We remain concerned about that, and where we can provide relief, I am sure we will in due time.

;;;;;; Our focus right now is against the remaining portions of the regime. As we encounter civilians in need, we will provide whatever assistance we can within our capability at that point in time. If we find there is an increased need, we may deliver additional things, just as we have in other parts of the country. But we are not quite at that stage yet.

;;;;;; I think I have time for one last question. Yes, ma'am, please?

;;;;;; Q (Off mike) -- Brant (ph) with Newsweek magazine. I'm trying to understand what coalition policy is in the case of civilian deaths. Do you investigate all of them, or are they considered collateral damage of war, inevitable? Is it only when they are controversial that you'll look into them? And the case may be of al Jazeera might be illustrative. If it was an airstrike, will the pilot be interviewed? Will Predator video be reviewed? What will happen in that particular case?

;;;;;; GEN. BROOKS: As you can imagine, the number of combat engagements that have occurred over the last 20 days, down to the lowest level, where someone makes a decision to deliver a weapons system against some target, whether it's a physical target or human being, is a number that we cannot begin to count. And so every engagement that occurs is certainly not investigated. Where there is an indication there may have been something that didn't go the right way, commanders have the opportunity to investigate. We regret the loss of any civilians on the battlefield, and we have done all that we can reasonably do to prevent that from happening either from air or on the ground. But we know for certain that there have been civilians killed in this operation, because of the decisions taken by the regime to put them out in front, to hide behind them, to use pregnant women to blow up cars at checkpoints. We have seen this happen on the battlefield. Those are not being investigated by us at this point in time. If we think we have some involvement in other cases where we need to look deeper, we do, and we look very closely at ourselves to see what procedures need to be changed; and, if there is accountability, then that accountability is taken care.

;;;;;; Q So are you saying in the case, in this particular case, you would look into it because it's controversial? And has that process started?

;;;;;; GEN. BROOKS: What I am saying in this case and all cases is when we believe we have something to look into, we do look into it in greater detail. I'm not going to specify this particular one.

;;;;;; Thanks very much, ladies and gentlemen. Have a good day.

END.

;

From: Gonzales, Alberto R.
To: <Kavanaugh, Brett M.>;<Leitch, David G.>;<Addington, David S.>
Sent: 4/9/2003 6:30:33 AM
Subject: RE: Algiers

We should try to talk before then about this.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 08, 2003 5:39 PM
To: Gonzales, Alberto R.; Leitch, David G.; Addington, David S.
Subject: Algiers

Leg Affairs, Jay, Phil, Kristen, Taft, myself, and crew are talking again about this (and victims comp) at 8 in morning. Leg folks want to underscore to everyone (again) that we will lose.

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>;<Silverberg, Kristen>;<Kavanaugh, Brett M.>
Sent: 4/9/2003 8:03:39 AM
Subject: Re: Mtg this am

Sure. I am in 211. No one here yet.

.

----- Original Message -----

From:Jay P. Lefkowitz/OPD/EOP@Exchange

To:Kristen Silverberg/WHO/EOP@Exchange,

Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 04/09/2003 07:53:47 AM

Subject: Mtg this am

Can you start mtg.

I will be there as soon as staff mtg breaks. Thx

.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 4/9/2003 9:07:30 AM
Subject: fyi

I have put into a call to Philbin about abrogation of Algiers Accord issue as well.

From: Cox, Christopher C.
To: <Vestewig, Lauren J.>;<Silverberg, Kristen>;<Kirk, Matthew>;<Keniry, Daniel>;<Kavanaugh, Brett M.>;<Wood, John F.>;<Perry, Philip J.>
CC: <Stone, Carla B.>;<Lefkowitz, Jay P.>
Sent: 4/9/2003 11:32:29 AM
Subject: Re: Meeting re. Algiers Accords

Can anyone offer a status update on the one-pager we discussed?

From: Kavanaugh, Brett M.
To: <Dorn, Nancy>
CC: <Lefkowitz, Jay P.>;<Wood, John F.>
Sent: 4/9/2003 11:35:58 AM
Subject: Re:

I am not working on any language. Not sure what John was referring to.

Nancy Dorn

04/09/2003 11:33:25 AM

Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject:

John Wood filled me in on the discussion this am on victims of terrorism. We are strongly objecting to inclusion of the Allen or other asset lang in the supp (as well as any other extraneous stuff). We do not want "second degree " type language breathing any additional life into these provisions. Also, whatever lang brett is working on needs to be circulated for review.

Thanks.

From: Warsh, Kevin
To: <Cooper, Jean>;<Kavanaugh, Brett M.>
Sent: 4/9/2003 12:02:27 PM
Subject: CRS

from tim muris for steve.

---------- Forwarded by Kevin Warsh/OPD/EOP on 04/09/2003 12:02 PM ----------

"Timothy J. Muris"

04/09/2003 10:44:18 AM

Record Type: Record

To: Kevin Warsh/OPD/EOP@EOP

cc:

Subject: CRS

-----Original Message-----

From: Timothy J. Muris

Sent: Tuesday, April 08, 2003 5:19 PM

To: 'Jay P. Lefkowitz (jlefkowi@opd.eop.gov)'

Subject: CRS (Revised Version)

Section 411 of the Federal Aviation Act, currently codified as 49 U.S.C. Section 41712, authorizes the Department of Transportation (DOT) to prohibit unfair and deceptive practices and unfair methods of competition by airlines and ticket agents in air transportation and the sale of air transportation. This provision's key language is identical to Section 5 of the Federal Trade Commission Act, 15 U.S.C. Section 45, which proscribes "[u]nfair methods of competition . . . and unfair or deceptive acts or practices."

The Supreme Court long has recognized that the ban on "unfair methods of competition" in Section 5 of the Federal Trade Commission Act permits the FTC to proscribe behavior not already condemned by cases interpreting the Sherman Act or the Clayton Act. See Federal Trade Commission v. Sperry & Hutchinson Co., 405 U.S. 233, 239 (1972); Federal Trade Commission v. Motion Picture Advertising Services Co., 344 U.S. 392, 394-95 (1953); Federal Trade Commission v. Cement Institute, 333 U.S. 683, 708 (1948); see also ABA Section of Antitrust Law, Antitrust Law Developments 608-15 (5th ed. 2002) (describing efforts by FTC to apply Section 5 to practices that do not violate the other antitrust laws). Since 1981, however, there have been few instances in which the Commission has premised a competition case upon the capacity of Section 5 to reach beyond prevailing judicial interpretations of the other antitrust statutes. The agency's modern enforcement practice routinely has been to anchor its antitrust complaints in theories grounded in Sherman Act or Clayton Act case law. See, e.g., Toys "R" Us, 126 F.T.C. 415 (1998), aff'd, 221 F.3d 928 (7th Cir. 2000).

Two factors account for this development. The first is the growing awareness among academics and practitioners that the Sherman Act and Clayton Act are sufficiently flexible to redress conduct that poses genuine danger to consumer welfare. Given the adaptability inherent in the Sherman and Clayton Acts, there has been little perceived urgency to invoke Section 5 as a separate basis for establishing liability.

The second reason is the broad consensus inside and outside the Commission that FTC efforts to apply the distinctive authority of Section 5 seldom have succeeded. Experience with FTC antitrust cases initiated in the 1970s played a key role in shaping this perspective. In the 1970s, the FTC frequently relied on Section 5 to attack behavior and industry structure outside the scope of existing Sherman Act and Clayton Act jurisprudence. Representative matters included challenges to the "maintenance of a noncompetitive market structure," see Kellogg

Co., 99 F.T.C. 8 (1982), Exxon Corp., 98 F.T.C. 453 (1981); a refusal to deal in which the alleged anticompetitive effects of the challenged behavior fell outside the market in which the defendant competed, see Reuben H. Donnelley Corp., 95 F.T.C. 1 (1980), enforcement denied sub nom. Official Airline Guides, Inc. v. Federal Trade Commission, 630 F.2d 920 (2d Cir. 1980); and the parallel, noncollusive adoption of various facilitating practices, see Ethyl Corp., 101 F.T.C. 425 (1983), enforcement denied sub nom. E.I. DuPont de Nemours & Co. v. Federal Trade Commission, 729 F.2d 128 (2d Cir. 1984). In some instances, such as the Exxon and Kellogg shared monopoly prosecutions, the Commission declined to find liability and dismissed its complaint. When respondents sought review of FTC decisions finding liability under Section 5 theories, the courts of appeals typically refused to endorse the Commission's position (e.g., Official Airline Guides and Ethyl) and often raised questions about the FTC's ability to articulate principles that properly would delimit the application of Section 5.

As a group, the matters described immediately above have induced caution within the Commission about using Section 5 to address business phenomena standing outside the ambit of Sherman Act or Clayton Act jurisprudence. As its antitrust enforcement policy has evolved over the past two decades, the Commission has relied upon the distinctive powers of Section 5 only when the conduct at issue involves demonstrable, direct injury to consumers or poses a high likelihood of imposing such harm to consumers. This authority has been used very sparingly. In any event, it bears no relation to the competitor-protection theories that DOT uses under its "unfair methods" jurisprudence.

From: Kavanaugh, Brett M.
To: <Friedman, Stephen>
CC: <Allgood, Lauren K.>
Sent: 4/9/2003 12:16:46 PM
Subject: follow-up to two questions

You asked two questions yesterday that I have followed up on.

First, you asked whether DOJ, after having cleared a deal or proposal, can subsequently claim an antitrust violation in the future regarding the same issues that were reviewed in clearing the deal or proposal. The technical answer is yes, but the practical answer is no, in that this virtually never happens according to DOJ.

Second, you asked how long FTC has been applying a standard under Section 5 in a manner consistent with settled antitrust principles, notwithstanding that the FTC (like DOT) has the legal authority to act more broadly. As Tim Muris has informed us, the answer is that FTC, by and large, has been following this approach for the past two decades.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kirshner, Robert <Robert_Kirshner@afandpa.org>
CC: 'kblalock@fierce-isakowitz.com' <kblalock@fierce-isakowitz.com>
Sent: 4/9/2003 1:22:35 PM
Subject: : Re: Speaking on Thursday 4/10
Attachments: P_ZLEHF003_WHO.TXT_1.htm; P_ZLEHF003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2003 17:22:35.00
SUBJECT:: Re: Speaking on Thursday 4/10
TO:"Kirshner, Robert" <Robert_Kirshner@afandpa.org> ("Kirshner, Robert" <Robert_Kirshner@afandpa.org> [UNKNOWN])
READ:UNKNOWN
CC:"'kblalock@fierce-isakowitz.com'" <kblalock@fierce-isakowitz.com> ("'kblalock@fierce-isakowitz.com'" <kblalock@fierce-isakowitz.com> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I will be there at about 6:15. How long do you want me to speak for? And how long will the question period be? Question time tends to be most interesting part of these from my experience as listener and speaker.

"Kirshner, Robert" <Robert_Kirshner@afandpa.org>
04/09/2003 02:25:56 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: "'kblalock@fierce-isakowitz.com'" <kblalock@fierce-isakowitz.com>
Subject: Speaking on Thursday 4/10

Mr. Kavanaugh:

Thank you for speaking to the General Counsels Committee of the American Forest & Paper Assosciation tomorrow evening. We are gathering at Galileo's
at 1110 21st Street (near L). We will start with cocktails at 6:00 pm and have dinner around 6:30 pm. You can speak at anytime you wish. We'd love to have you join us for the entire dinner and speak just after dessert is served. There is no business or other speaker at dinner.

We will have approximately 20 General Counsels of companies in the industy (list attached). Many of them have government affairs responsibilities under them. Judicial appointments, tort reform, and class action reform are all good topics, but anything on the public policy schene would be fine. They will hear from our CEO Henson Moore tonight about double taxation and energy. You will be in good company, past speakers to this group include: Several FTC Commissioners, Newt Gingrich, and Ted Olson (currently Solicitor General).

Will any one be accompanying you? Will you be able to join us for dinner? Do you have any other questions?

I understand that I will have some mail for you . . . . .Ann Western (now Bittman) noted your name on the agenda and said she has some mail for you .

.. . and sends her regards.

bob kirshner

- att1.htm
- attendees 4-03.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ZLEHF003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ZLEHF003_WHO.TXT_2>

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AF&PA GENERAL COUNSELS COMMITTEE MEETING
American Forest & Paper Association – Washington, DC
April 9 - 11, 2003

Attendees List

Committee Members:	
Wendell Willkie - Chairman	MeadWestvaco
David Ascher	The Newark Group
John & Joyce Borgwardt	Nexfor Fraser Papers
J.P. Causey	Chesapeake Corporation
Morris Cheston	Glatfelter
Ralph Davisson	Potlatch Corporation
Bob Dowdy	Weyerhaeuser Company
David Dun	Sierra Pacific Industries
Mark Fuchs	Louisiana Pacific
Harry Geair	Bowater
Brad Johnston	Temple-Inland
Jim Kelley	Georgia-Pacific
Jim Kraft	Plum Creek Timber
Roger Landes	Anthony Forest Products
Sarah Manchester	Sappi Fine Paper -- North America
Betsy Stauffer	Simpson Resource Company
Carl Wartman	Stora Enso North America
AF&PA Representatives:	
Cas Hobbs	Morgan, Lewis & Bockius
Bob Kirshner	American Forest & Paper Association
Guests:	
Claude Imbeau	Tembec Inc.
John Rigas	Armstrong World Industries, Inc.
Speakers:	
Stephen Crimmins	Pepper & Hamilton LLP
Jay Dorsch	Cozen and O'Connor
Donna Harman	American Forest & Paper Association
Gary Horlick	Wilmer, Cutler & Pickering
Brett Kavanaugh	Special Asst. to the President
Sharon Kneiss	American Forest & Paper Association
Edward Madeira	Pepper Hamilton LLP
Bart Mongoven	Mongoven, Biscoe & Dutchin, Inc.
Rees Morrison	Hildebrandt International
Chip Murray	American Forest & Paper Association
Jeff Van	Mongoven, Biscoe & Dutchin, Inc.
Rich Wasserstrom	American Forest & Paper Association
Carolyn Whisenhunt	American Forest & Paper Association

4/7/2003 1:39 PM
FILENAME p

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 4/9/2003 2:17:23 PM
Subject: Re: are you hearing anything from hill on Algiers?

No.
.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Lefkowitz, Jay P.
Sent: Wed Apr 09 13:25:33 2003
Subject: are you hearing anything from hill on Algiers?

From: Kirshner, Robert <Robert_Kirshner@afandpa.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: 'kblalock@fierce-isakowitz.com' <kblalock@fierce-isakowitz.com>
Sent: 4/9/2003 10:27:42 AM
Subject: : Speaking on Thursday 4/10
Attachments: P_7T0HF003_WHO.TXT_1.htm; P_7T0HF003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Kirshner, Robert" <Robert_Kirshner@afandpa.org> ("Kirshner, Robert"
<Robert_Kirshner@afandpa.org> [UNKNOWN])
CREATION DATE/TIME: 9-APR-2003 14:27:42.00
SUBJECT:: Speaking on Thursday 4/10
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"'kblalock@fierce-isakowitz.com'" <kblalock@fierce-isakowitz.com> ("'kblalock@fierce-
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File attachment <P_7T0HF003_WHO.TXT_1>

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File attachment <P_7T0HF003_WHO.TXT_2>

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Jim Kelley	Georgia-Pacific
Jim Kraft	Plum Creek Timber
Roger Landes	Anthony Forest Products
Sarah Manchester	Sappi Fine Paper -- North America
Betsy Stauffer	Simpson Resource Company
Carl Wartman	Stora Enso North America

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Jeff Van	Mongoven, Biscoe & Dutchin, Inc.
Rich Wasserstrom	American Forest & Paper Association
Carolyn Whisenhunt	American Forest & Paper Association

4/7/2003 1:39 PM
FILENAME p

From: Kavanaugh, Brett M.
To: <Cooper, Jean>
Sent: 4/9/2003 3:56:45 PM
Subject: follow-up to two questions

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/09/2003 03:56 PM ----------

Brett M. Kavanaugh

04/09/2003 12:54:27 PM

Record Type: Record

To: Stephen Friedman/OPD/EOP@Exchange@EOP

cc: Lauren K. Allgood/OPD/EOP@Exchange@EOP

Subject: follow-up to two questions

You asked two questions yesterday that I have followed up on.

First, you asked whether DOJ, after having cleared a deal or proposal, can subsequently claim an antitrust violation in the future regarding the same issues that were reviewed in clearing the deal or proposal. The technical answer is yes, but the practical answer is no, in that this virtually never happens according to DOJ.

Second, you asked how long FTC has been applying a standard under Section 5 in a manner consistent with settled antitrust principles, notwithstanding that the FTC (like DOT) has the legal authority to act more broadly. As Tim Muris has informed us, the answer is that FTC, by and large, has been following this approach for the past two decades.

From: Cooper, Jean
To: <Kavanaugh, Brett M.>
Sent: 4/9/2003 4:00:36 PM
Subject: RE: follow-up to two questions

Hey Brett,
I printed this e-mail out for Steve, so if he hasn't seen it he will soon! Thanks so much.
Jean

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, April 09, 2003 3:57 PM
To: Cooper, Jean
Subject: follow-up to two questions

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/09/2003 03:56 PM ----------

Brett M. Kavanaugh
04/09/2003 12:54:27 PM
Record Type: Record

To: Stephen Friedman/OPD/EOP@Exchange@EOP
cc: Lauren K. Allgood/OPD/EOP@Exchange@EOP
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From: Cox, Christopher C.
To: <Kavanaugh, Brett M.>
CC: <Lefkowitz, Jay P.>;<Vestewig, Lauren J.>;<Silverberg, Kristen>;<Kirk, Matthew>;<Keniry, Daniel>;<Wood, John F.>;<Perry, Philip J.>;<Dorn, Nancy>
Sent: 4/9/2003 4:11:05 PM
Subject: Re: Meeting re. Algiers Accords

Thanks Brett. We could probably accomplish this with a conf call. Who else, if anyone, would need to participate?

From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/9/2003 12:38:48 PM
Subject: : TRANSCRIPT - Defense Department Briefing 04/09/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 9-APR-2003 16:38:48.00
SUBJECT:: TRANSCRIPT - Defense Department Briefing 04/09/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

DEFENSE DEPARTMENT OPERATIONAL UPDATE BRIEFING
BRIEFERS: SECRETARY OF DEFENSE DONALD RUMSFELD; CHAIRMAN OF THE JOINT CHIEFS OF STAFF GENERAL RICHARD MYERS

PENTAGON BRIEFING ROOM, ARLINGTON, VIRGINIA
1:30 P.M. EDT, WEDNESDAY, APRIL 9, 2003

;

SEC. RUMSFELD: Good afternoon.

;;;;;; This is a good day for the Iraqi people. There are -- is no question but that there are difficult and very dangerous days ahead and that the fighting will continue for some period. But certainly anyone seeing the faces of the liberated Iraqis, the free Iraqis, has to say that this is a very good day.

;;;;;; Tomorrow will mark three weeks since Operation Iraqi Freedom began, and the progress of the men and women in uniform who make up the coalition forces has been nothing short of spectacular. They drove through the south up, braving dust storms and death squads, to reach Baghdad in record time. They secured Iraq's southern oil fields for the Iraqi people. Took out terrorist camps in the north and the south. Secured large sections of western Iraq, preventing the regime from attacking its neighbors with Scud missiles. They've liberated cities and towns and are now in the Iraqi capital removing the regime from its seat of power and center of gravity.

;;;;;; As Iraqis see the coalition progress, they are losing their fear of this vicious regime. And I think it's safe to say that the mood in the country is, in fact, tipping, at least in Baghdad.

;;;;;; The scenes of free Iraqis celebrating in the streets, riding American tanks, tearing down the statues of Saddam Hussein in the center of Baghdad are breathtaking. Watching them, one cannot help but think of the fall of the Berlin Wall and the collapse of the Iron Curtain. We are seeing history unfold, events that will shape the course of a country, the fate of a people, and potentially the future of the region. Saddam Hussein is now taking his rightful place alongside Hitler, Stalin, Lenin, Ceausescu in the pantheon of failed, brutal dictators, and the Iraqi people are well on their way to freedom.

;;;;;; The general who led our war of liberation, George Washington, once said, "My anxious recollection, my sympathetic feeling and my best wishes are irresistibly excited whensoever in any country I see an oppressed nation unfurl the banners of freedom," unquote. As we watch Iraqis unfurl the banners of freedom today, all Americans share in their joy and celebrate with them, particularly those from Michigan that we've seen on television, who are seeing their country, their friends and often their relatives liberated.

;;;;;; Let me say a word to the families of those who have given their

lives in this war. As you watch these historic things unfold, take enormous pride in the service of your loved ones. They made this possible. Their sacrifice is permitting the liberation of a people and the end of a regime that, thanks to them, will never again threaten the world with its weapons.

;;;;;; And to those Iraqi people who are not yet free, let me assure you that you will be free. I've seen President Bush almost every day since this conflict began. And I can assure you that he is, like the American people, committed to your freedom and to your future and to seeing this effort through. We will not stop until Saddam Hussein's regime has been removed from every corner of that country.

;;;;;; The Iraqi people are understandably elated at the prospect of life without Saddam Hussein. We said from the beginning that he was finished. Now they are daring to believe it. But there is still a great deal of work to do and many unfinished missions to complete before victory can be declared. Baghdad is in the process of being liberated, although battles continue in and around the city. And the regime has been run out of a number of Iraqi cities and towns. But other Iraqi cities are still being contested, and there will still be tough fighting and difficult tasks ahead.

;;;;;; We still much capture, account for, or otherwise deal with Saddam Hussein and his sons and the senior Iraqi leadership.

;;;;;; We still must find and ensure the safe return of prisoners of war, those captured in this war as well as any still held from the last Gulf War: Americans and other nationals.

;;;;;; We still must secure the northern oil fields, which have probably been wired for destruction, as was the case with the southern fields.

;;;;;; We still need to find and secure Iraq's weapons of mass destruction facilities and secure Iraq's borders so we can prevent the flow of weapons of mass destruction materials and senior regime officials out of the country. We still must find out everything we can about how the Iraqi regime acquired its capabilities and the proliferation that took place by countries in the industrialized world. We need to locate Iraqi scientists with knowledge of these programs. And we're asking people to come forward and help in this effort. Rewards are available to those who help us prevent the disappearance of personnel, documentation and materials. Good lives and a better future are possible for those who turn themselves in and choose to cooperate with coalition forces.

;;;;;; We must also capture or kill the terrorists still operating in Iraq and prevent them from gaining access to weapons of mass destruction.

;;;;;; We must locate Ba'ath Party members, records and weapon caches. We must locate the records of the Iraqi Intelligence Service, the Special Security Organization, the Fedayeen Saddam death squads and the Special Republican Guards. We must locate the wealth of the Iraqi regime inside of Iraq and outside of the country so it can be returned to the rightful owners, the Iraqi people.

;;;;;; And we must begin the process of working with free Iraqis, those liberated from portions of the country and those returning home from exile, to establish an Iraqi interim authority and help to pave the way for a new Iraqi government, a government to be chosen not by the coalition, not by the United States, but by the Iraqi people, based on democratic principles of political freedom, individual liberty and the rule of law.

;;;;;; Much work remains, but this we can say with certainty: The tide is turning, the regime has been dealt a serious blow, but coalition forces will not stop until they have finished the job, the regime is removed and the -- all of the Iraqi people are liberated.

;;;;;; And finally, to the Iraqi people, let me say this. There are a lot of reporters embedded with coalition forces in your country. The reporters should be interested and willing to listen. This is your opportunity to tell them your stories so that history properly records the viciousness, the brutality of that regime and so that history is not repeated.

;;;;;; To the free reporters and journalists in Iraq, this is your opportunity to listen and report. It is an historic opportunity for journalists. This is also true for Iraqis here in America, who can now speak freely to the press without concern about their families and friends still in Iraq.

;;;;;; General Myers?

;;;;;; GEN. MYERS: Thank you, Mr. Secretary.

;;;;;; The chart shows that, in fact, we have made great strides in the last three weeks. And it also shows that while Iraqis are beginning to celebrate in parts of Baghdad and several other areas, there are portions of Iraq still in the grip of fear. Out west, small numbers of regime death squads still exist and are harassing travelers and citizens. The coalition may also have to remove regime forces from cities and areas in northern Iraq and to eliminate small pockets of resistance in other areas. And we're currently doing just that. U.S. Special Forces have seized a small town north of Mosul and key positions south of Irbil, destroying tanks and trucks and taking several hundred enemy prisoners of war. More must be done in Baghdad, as well. Fighting inside the capital presents a substantial risk to coalition forces, and we cannot and must not become overconfident.

;;;;;; Now we'd like to send specific messages to two very different groups.

;;;;;; First, in Iraq. To those who may be holding any coalition prisoners of war, permit the International Red Cross to visit them. The Geneva Convention requires you to ensure their health and well- being. When the hostilities end, we fully expect to find these young men and women in good health and well cared for.

;;;;;; Now to another group in Afghanistan. To the families of the Afghan citizens accidentally killed in a bombing in Afghanistan yesterday, we send our sincere condolences. The incident occurred after U.S. troops pursued enemy forces in the vicinity of Shkin. Close air support was called in, and guided munitions accidentally landed on a house, killing 11 Afghan civilians. We sincerely regret the incident.

;;;;;; And with that, we'll take your questions.

;;;;;; Q Mr. Secretary, you mentioned the momentous pictures and what's going on in Baghdad and parts of Iraq now. You also mentioned the need to set up an interim authority. It seems as the shooting wanes in coming days, that the humanitarian need will grow drastically. When do you plan to send General Garner and his civil affairs team in from Kuwait to begin doing this?

;;;;;; SEC. RUMSFELD: Why -- I can't see why the humanitarian situation would grow drastically. Quite the contrary. The humanitarian --

;;;;;; Q (Off mike.)

;;;;;; SEC. RUMSFELD: The humanitarian problem occurred under the Saddam Hussein regime for a decade. The circumstance of those people has been terrible. They had been denied all kinds of things because he was unwilling to cooperate with the United Nations.

;;;;;; Now, what's happening now is that humanitarian assistance is coming in. That doesn't mean the situation is worse, it means that it's better. And it is better.

;;;;;; And let me just give you an example, just -- just -- I keep -- I'll tell you what's going to happen is, the more people who go into that country and see how serious the situation is, the needs of those people, and they're real needs, they're going to report there's a humanitarian crisis, the implication that it just occurred. It didn't just occur. When they say some city's been -- one-third of the city doesn't have sufficient water, compare that with six months ago when maybe half of the city didn't have sufficient water.

;;;;;; Here's just one, in Umm Qasr. It's generally a permissive environment, flourishing somewhat due to increase of aid and border activity.

;;;;;; The population has increased from 15,000 to 40,000, due to the availability of supplies and employment. Water supply is above prewar levels -- combination of U.K. pipeline and trucking. Electricity has been restored by U.K. engineers. Sufficient food is readily available. Medical facilities are sufficient and operating. UNICEF is providing supplies. The port's cleared of mines and open to limited operations. The channel needs dredging. Railway station is cleared by explosive ordnance detachment. Rail line is intact from there to Nasiriyah, and they intend to open a line within seven days, which will allow movement of bulk water up the Euphrates Valley.

;;;;;; So, I mean, there's just one city. I could say the same thing on Basra or Nasiriyah. So the assumption in your question is false.

;;;;;; Q I didn't mean to assume that. Nonetheless, you have said yourself that government service is going to need to be set up, now that there's a vacuum. What I meant to ask is when General -- when are General Garner and his team going to begin to go in to begin setting up these government services?

;;;;;; SEC. RUMSFELD: General Garner and his team were working here for weeks. They then went to the -- I guess Kuwait, and have been there for some weeks. I can remember seeing them off right here in the parking lot on a Sunday morning, early. They've -- they're -- they have put together teams of people to help deal with this problem.

;;;;;; The choice is, do you move them once and then have to move them again to the Baghdad Airport area, or do you just wait a day or two and see if in fact the Baghdad area is sufficiently secure that they can move in there? And the answer is, they're going to move to the Baghdad area at that point where the Baghdad Airport is in fact sufficiently secure to take a number of civilians who are not in a combat situation, and so that they can continue -- not begin but continue the process of attempting to move towards a more normal circumstance, as the war and the kinetics decline.

;;;;;; There's a lot more fighting that's going to be done. There are -- more people are going to be killed; let there be no doubt. This is not over, despite all the celebrations on the street. They're going to go in at exactly the right moment and do a very good job.

;;;;;; Q Mr. Secretary --

;;;;;; Q Mr. Secretary, regarding further fighting --

;;;;;; GEN. MYERS: Charlie, I would just -- just to kind of emphasize what the secretary just said, it really doesn't matter where General Garner or his group is, because they are in fact acting now. The restoration of water supplies in several southern towns, the restoration of electrical power grids -- he's the one that is overseeing that, that work, and it doesn't matter if he's in Baghdad or if he's in Kuwait or wherever he is. He's the one charged with those responsibilities. And so, just to emphasize what the secretary said, that's being done.

;;;;;; So, his location is -- shouldn't be of great interest.

;;;;;; Q The main reason I asked was General Blount said today that he expected --

;;;;;; SEC. RUMSFELD: Who's he?

;;;;;; Q The head of the 3rd.

;;;;;; Q Third Infantry Division.

;;;;;; SEC. RUMSFELD: That General Blount! (Laughter.)

;;;;;; Q He said in Baghdad today that he expected the humanitarian aid flights would begin flying into Baghdad, as he put it, within days.

;;;;;; SEC. RUMSFELD: Planes are already landing in the Baghdad airport.

;;;;;; Q But that's why I'm --

;;;;;; SEC. RUMSFELD: C-130s? They're already going in.

;;;;;; GEN. MYERS: C-17s.

;;;;;; SEC. RUMSFELD: No, it's -- the planes are already going into Baghdad airport. That isn't the question. The question is, do you want to take a large cell of people and put them in there and then provide force protection in addition to all the other things that are taking place in that particular --

;;;;;; GEN. MYERS: Under combat conditions --

;;;;;; SEC. RUMSFELD: Yeah.

;;;;;; GEN. MYERS: -- when you could have them working effectively from where they are. So they'll --

;;;;;; SEC. RUMSFELD: So he's exactly correct.

;;;;;; Q Mr. Secretary? Mr. Secretary, when peace finally comes to Iran (sic), or at least there is some stability --

;;;;;; SEC. RUMSFELD: Iraq, maybe?

;;;;;; Q Iraq. (Laughter.) I'm thinking ahead of myself. I'd done this faster than my brain. Let me start again. When peace finally comes to Iraq, at least stability, what's next in the Middle East? You have thrown down the gauntlet to Syria. Are they in the sights for military action? What about Iraq, which to many is the 800-pound gorilla in the Middle East? What's next for us in the Middle East?

;;;;;; SEC. RUMSFELD: No one's thrown down the gauntlet. I've accurately observed that they would be well advised to not provide military capabilities of Iraq. They seem to have made a conscious to decision to ignore that. Senior regime people are moving out of Iraq into Syria, and Syria is continuing to send things into Iraq. We find it notably unhelpful.

;;;;;; The question you ask, however, is not a question I can answer. It depends on people's behavior. And certainly I have nothing to announce. We're still dealing with Iraq.

;;;;;; Q Mr. Secretary?

;;;;;; SEC. RUMSFELD: Yes.

;;;;;; Q You said in the list still left to do that the U.S. military must still capture or otherwise deal with Saddam Hussein and his sons. Do you

believe that Saddam Hussein is still alive?

;;;;;; SEC. RUMSFELD: Don't know.

;;;;;; Q Do you believe that he was in that building before it was taken out?

;;;;;; SEC. RUMSFELD: Don't know.

;;;;;; Q Mr. Secretary?

;;;;;; Q General Myers?

;;;;;; SEC. RUMSFELD: Yes.

;;;;;; Q Could you characterize --

;;;;;; SEC. RUMSFELD: No, no. That's two.

;;;;;; Q No, hold on.

;;;;;; SEC. RUMSFELD: Nope, that's all. No hold on. (Laughter.)

;;;;;; Q There was -- (inaudible.)

;;;;;; SEC. RUMSFELD: No! Yes, there was. (Laughter.) You just don't like one-word answers. (Laughter.)

;;;;;; Yes.

;;;;;; Q I wondered -- I wondered if I could ask General Myers if you would describe what sort of Iraqi forces are left to contend with in the north. Are they Republican Guards? Are they regular army? Do you have an idea of how many?

;;;;;; And Mr. Secretary, in light of the criticisms of the supply line and the pause that was reported a week or two ago, are you feeling vindicated today?

;;;;;; GEN. MYERS: As far as the forces left to deal with, in Baghdad city itself, still the special security organization, Special Republican Guard, the death squads who are probably there and of course in other major cities and probably even some of the smaller cities, Ba'athist Party members who use force and fear and intimidation to coerce the population.

;;;;;; In terms of regular army, there are about 10-plus regular army divisions left in the north, and perhaps as much as one brigade of a Republican Guards division up there, an infantry division, that we think is still left in the north.

;;;;;; Now, they have been subjected to bombing by air power and will continue to be dealt with in that way for some time.

;;;;;; SEC. RUMSFELD: You're right, there have been a lot of people who've suggested that the force was undersized and that they went too fast and they should have had a long air war first. I happen to think that -- it's not a matter for me to be vindicated. I happen to think that General Franks and his team have done an absolutely superb job. And the young folks in uniform who have marched to Baghdad and done such superb work in the air and at sea, and the leadership they have had with General McKiernan and Admiral Keating and General Moseley, working with General Franks, has been excellent. I think the outcome is in the process of speaking for itself and it's not for me to draw conclusions about it.

;;;;;; Q But Mr. Secretary --

;;;;;; Q Mr. Secretary? I'd like to address this to General Myers. You particularly mentioned -- addressed your comments to the POW families.

Undoubtedly, the families of those POWSs are looking at the pictures of jubilation with some mixed feeling. What else can the U.S. military do to help rescue those POWs or to do more than just warn the Iraqi regime, the remnants of it, against doing anything to harm these people?

;;;;;; GEN. MYERS: Well, the reason for my remarks and the way I phrased them today was to not let the Iraqi regime off the hook for doing what is the right thing to do, not only by international conventions that they've signed up to, but what any decent -- decent folks would do, the honorable thing to do. Clearly there are -- clearly, the U.S. military is very concerned about the whereabouts of these people, and I'm not going to get into any more operational details than that.

;;;;;; Q But you could assure them that the military is taking some sort of step to rescue them.

;;;;;; GEN. MYERS: It's always -- sure. It's always one of the first priorities, is to rescue our people and bring our people back. Absolutely.

;;;;;; Q Mr. Secretary, you had used the term "tipping point," said the tide is turning. You've said that you're not going to announce victory prematurely, but it almost sounds as if you're announcing the defeat, with Tikrit still ahead, of the Iraqi army. Is that --

;;;;;; SEC. RUMSFELD: No, I don't mean to be. I think that it's important to recognize how exhilarated the Iraqi people who have been liberated must feel.

;;;;;; And when one looks at their faces and sees their joy, you have to feel it in your heart that the entire country is not free. There are a number of cities that are still hotly contested, and will be for some time. There are some cities that are now under coalition control. There are also some that are partly under coalition control.

;;;;;; So there's a lot of work left to do. And I do believe that we're seeing, in the case of Baghdad, it is tipping. I mean, I think that that's a fair comment. It doesn't mean that it's over, and again, it most assuredly is not over, which is why I tried to properly balance my comment the way I did, saying that there's going to be some very tough days ahead.

;;;;;; Q Is this a matter of weeks or months, and to what extent is Tikrit --

;;;;;; SEC. RUMSFELD: You know I don't do time tables. We don't have to. You can't know that. It's not knowable. We didn't know how long it was going to last when it started.

;;;;;; Q How about Tikrit --

;;;;;; SEC. RUMSFELD: A lot experts thought they knew how long it was going to last, but we didn't.

;;;;;; Q Mr. Secretary?

;;;;;; Q Mr. Secretary?

;;;;;; SEC. RUMSFELD: Pam?

;;;;;; Q A couple questions. Could you give us a little bit more detail about what you're seeing with senior regime leaders going into Syria: how many, and over what time period, and if you know any names? Plus tell us a little bit more about the rewards that you mentioned for Iraqi people that help the American soldiers?

;;;;;; And General Myers, could you tell us what happened to the hundreds or thousands of regime loyalists that seem to have disappeared overnight from Baghdad? Did you track them on the roads, or did they sort of melt into the city itself?

;;;;;; SEC. RUMSFELD: We are getting scraps of intelligence saying that Syria has been cooperative in facilitating the movement of people out of Iraq into Syria. And then in some cases they stay there and then -- and -- finding safe keeping there; in other cases they're moving from Syria to still other places. We also have seen in a number of instances people from Syria moving into Iraq, unhelpfully, as well as, as I mentioned the other day, night vision goggles and that type of thing.

;;;;;; Rewards. There are several reward programs. I'm not supposed to mention one department that has one. But the -- there are at least two other departments besides the Department of Defense who have reward programs. They are very important, just as the opportunity for people to improve their lives and get off a black list is important. And there are rewards, and carrots and sticks. And we need help. We need people to come forward who know where we can find the people who have information on these records, so that the Ba'ath Party membership names can be known, and so that the Iraqi Intelligence Service's people's names can be known, and so that the names and faces of the Fedayeen Saddam can be known, and so we can find documentation that they've been spreading around the countryside on their weapons of mass destruction program.

;;;;;; We need help. We need people to come forward and volunteer that information. And we're at a point now where they need not fear -- if they're in one of the liberated areas, they need not fear this regime, because this regime is not going to come back and occupy that country.

;;;;;; Yes?

;;;;;; Q How much money --

;;;;;; Q Speaking of weapons of mass destruction, how important --

;;;;;; Q (Inaudible) -- General Myers --

;;;;;; Q I'm sorry, did you want to follow that?

;;;;;; GEN. MYERS: I had a -- yeah --

;;;;;; SEC. RUMSFELD: Oh, I'm sorry.

;;;;;; GEN. MYERS: She -- Pam asked what has happened to the folks that were defending -- the loyalists that were defending Baghdad. And I suspect that many were killed in the defense; I suspect some are still fighting in Baghdad. It's also possible that they have tried to leave or blend in if they've lost their enthusiasm for supporting this regime. And we're taking steps to deal with that in terms of interdicting the roads out of Baghdad.

;;;;;; Q Speaking of weapons of mass destruction, how important is it, given the original rationale for the war of the disarming Saddam of those weapons, that we find significant caches of weapons of mass destruction? And secondly, are you concerned at all that --

;;;;;; SEC. RUMSFELD: Why don't we start doing one question at a time? There's so many people here and we're doing two and three -- everybody seems to want to do two --

;;;;;; Q This is related. Are you concerned that --

;;;;;; SEC. RUMSFELD: Well, let me get this one -- write this one down. How important is it that we find a lot, I think you said, of weapons --

;;;;;; Q Significant caches of weapons of mass destruction.

;;;;;; SEC. RUMSFELD: Okay, what's the next one?

;;;;;; Q And are you concerned that those weapons might have been shipped out of the country -- (inaudible) --

;;;;;; SEC. RUMSFELD: You bet. On the latter portion, you bet we're concerned about it. And one of the reasons it's important is because the nexus between terrorist states with weapons of mass destruction -- in this case, chemical and biological and nuclear technologies and knowledge -- and terrorist groups, networks, is a critical link. And the thought that as part of this process, some of that -- those materials could leave the country and in the hands of terrorist networks would be a very unhappy prospect. So it is important to us to see that that doesn't happen.

;;;;;; Q I'm sorry, what about the rationale for the war? Is it important in that sense that we find them?

;;;;;; SEC. RUMSFELD: Look, the -- we are in the process of trying to liberate that country. And at the moment where the war ends and the coalition forces occupy the areas where those capabilities, chemical and biological weapons, are likely to be, to the extent they haven't been moved out of the country -- it obviously is important to find them.

;;;;;; But that is -- I don't quite get the thrust of the question. (Cross talk.)

;;;;;; Q Has the rather sudden collapse of defenses in Baghdad -- are you seeing evidence yet that that's energizing the Kurdish -- either -- forces in the North, that could lead to an acceleration of the success in the North as well?

;;;;;; SEC. RUMSFELD: We've not seen anything that indicates that yet. Does it probably help? To the extent it's known -- and communications are imperfect in that country at the present time, purposely so -- but it probably does help some that they -- people in Baghdad saw that Basra had changed hands and that the people in the North see that Baghdad is in the process of changing hands. It probably helps some. We haven't seen any evidence of it yet.

;;;;;; (Cross talk.)

;;;;;; Q Could I follow that, Mr. Secretary?

;;;;;; SEC. RUMSFELD: Yeah?

;;;;;; Q I just wanted a clarification on your WMD answer. Are you worried that WMD material or documentation was moved out of Iraq, or do you actually have intelligence that leads you to believe it has moved? Is it a concern, or has it happened?

;;;;;; SEC. RUMSFELD: No, it's a concern. It clearly would be unhelpful if terrorists got their hands on some of Iraq's chemical or biological capabilities.

;;;;;; Yes?

;;;;;; Q Mr. Secretary, here's a single question that hopefully doesn't lend itself to a one-word answer. (Scattered laughter.) What about Saddam Hussein? (Scattered laughter.)

;;;;;; Q Yeah.

;;;;;; Q Ooh. (Laughter, cross talk.)

;;;;;; Q It's a trick question.

;;;;;; SEC. RUMSFELD: (Sighs.)

;;;;;; Q This side of the room -- (off mike).

;;;;;; SEC. RUMSFELD: Exactly what is it about him that you're interested in? (Laughter.)

;;;;;; Q I was asking -- (off mike) --

;;;;;; SEC. RUMSFELD: His health?

;;;;;; Q Where is he? Do you know where he is? Are you trying to get him? Do -- is he likely to get away? Does it --

;;;;;; SEC. RUMSFELD: There's no question but that a -- it is hard to find a single person. It is hard to find them when they're alive and mobile, it's hard to find them when they're not well, and it's hard to find them if they're buried under rubble. We don't know.

;;;;;; And he's not been around. He's not active. Therefore, he's either dead or he's incapacitated, or he's healthy and cowering in some tunnel some place, trying to avoid being caught. What else can one say?

;;;;;; Q Will you get him?

;;;;;; SEC. RUMSFELD: Who knows? Who knows? Time will tell.

;;;;;; The important things that needed to happen will happen. The regime will change, and the country will no longer have weapons of mass destruction. It will no longer threaten its neighbors.

;;;;;; It will have an opportunity for the people of Iraq to participate in determining what kind of a government they want. And liberated people will be able to be free to say what they want and do what they want. They might even have a free press eventually there.

;;;;;; Q Mr. Secretary?

;;;;;; Q Mr. Secretary?

;;;;;; SEC. RUMSFELD: Bill?

;;;;;; Q Yeah, what's the state of the command and control with Baghdad collapsed and these forces in the north, are they communicating, are they able to conduct operations in the north or is that collapsing too?

;;;;;; GEN. MYERS: I think the command and control, as we've talked about over the days, has been degrading. We don't see any organized resistance from the Republican Guard inside Baghdad. There is sporadic resistance. How well organized, it's hard to tell because it's sporadic.

;;;;;; In the north, the forces there have essentially not moved. I mean, elements of the Republican Guard divisions did move south; that was some time ago now. But the rest of them are pretty much in static positions, falling back a little bit from the green line, if you will, but no movement. And we have not -- their communications are diminished.

;;;;;; Q Mr. Secretary, as the powerful images of the last three weeks have been broadcast out to the world, is it your sense, especially in the Arab-speaking world, that they have become convinced of the rightness of the cause that you are fighting this war for, or do you feel that this three-week campaign thus far has created many more people who want to come after Americans -- (pauses) -- well, I'll just stop there.

;;;;;; SEC. RUMSFELD: We have no evidence that the latter is happening. There's no question but that there are a number of, particularly television stations, as well as print, in that part of the world that have carried a message that was false. They've carried a message that tried to lead people in that part of the world to believe that we were fighting Iraq and the Iraqi people, as opposed to a vicious dictator; that we were anti a religion, which is totally untrue.

;;;;;; But that's going to be counterbalanced with the faces of people who are free. And the test is in the tasting. The United States is not going

to stay in that country and occupy it. We have plenty of other things that our people like to do with their lives, and we don't make it a practice of going out and seeking someone else's wealth or real estate.

;;;;;; So, we'll do our job, we'll do it well. And we'll leave as that country is set on a path to guide its own future.

;;;;;; We'll try to be helpful from a humanitarian standpoint, which we're already doing. And, you know, in the last -- in -- it --

;;;;;; Truth ultimately finds it way to people's ears and eyes and hearts. And I don't worry about that over the long term. Does it make me sad to see television saying things that are flat not true, and people printing things in that part of the world that's flat not true, children being taught things that are flat not true? Yes, it bothers me. But what can one do except to tell the truth, behave in a way that's consistent with our values? And this country and the coalition has done that in this case. And there is, I am certain, among the Iraqi people a respect for the care and the precision that went into that bombing campaign. It was not a long air campaign. It didn't last for weeks. And there was minimal collateral damage, unintended damage. And the preciseness of the targeting was respected such that people could go out on the streets of those towns during bombing raids, and -- unless they were connected to a military regime facility, unless they were -- except for those that -- they -- if you think about it, that regime took a lot of care to put their weapons and their command and control in schools, mosques and hospitals, and they ought to be held accountable for it. And that's something that journalists embedded out there ought to be asking people, because it went on day after day.

;;;;;; Q Mr. Secretary --

;;;;;; GEN. MYERS: To follow on that, I mean, that's -- I think -- I think the thing that the folks ought to notice out in the region, that it was the United States and our coalition partners who wanted to put our blood and treasure on the line for a couple of large Muslim populations: one in Afghanistan, and now in Iraq. Objectives in the places a little bit different, initially, but the end objective never in doubt. And that is provide an environment for security and stability, a chance for self-governance, a better future for themselves and their families than they've ever had before. I hope that was noticed, because it was our blood and treasure that we put on the line to do this, and as the secretary said, with no desire to be there one moment longer than required to give them that kind of future.

;;;;;; SEC. RUMSFELD: One other thing. The reporters that have been embedded with the young men and women in uniform, ours and the Brits and others, have got to have seen wonderful young people conducting themselves professionally in a well-trained and professional manner. And they'll come back and tell people that truth. And that's a good thing.

;;;;;; Thank you very much.

END.

;

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2003 4:54:02 PM
Subject: : Re:

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 9-APR-2003 20:54:02.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I think this is not going to work.
```

From: Cox, Christopher C.
To: <Kavanaugh, Brett M.>
Sent: 4/9/2003 5:07:36 PM
Subject: Re: Meeting re. Algiers Accords

I can't. I have another 515 call. Can I try at 540 or so?

From: Cox, Christopher C.
To: <Kavanaugh, Brett M.>
Sent: 4/9/2003 5:09:24 PM
Subject: Re: Meeting re. Algiers Accords

Yes

From: CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2003 1:09:03 PM
Subject: : Re: Meeting re. Algiers Accords

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 9-APR-2003 17:09:03.00
SUBJECT:: Re: Meeting re. Algiers Accords
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Yes
```

From: Cox, Christopher C.
To: <Kavanaugh, Brett M.>
Sent: 4/9/2003 5:18:35 PM
Subject: Re: Meeting re. Algiers Accords

Yes. Just on the treasury exposure issue.

From: CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2003 1:59:57 PM
Subject: : Re: Meeting re. Algiers Accords

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 9-APR-2003 17:59:57.00
SUBJECT:: Re: Meeting re. Algiers Accords
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

One other question: how much has the US paid out in past suits that we
have honored?
```

From: CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2003 2:07:36 PM
Subject: : Re: Meeting re. Algiers Accords

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 9-APR-2003 18:07:36.00
SUBJECT:: Re: Meeting re. Algiers Accords
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Between us, I think she wants to help and agrees this is a bad idea. This
is a political issue. We need to arm her with solid info. We got em turned
on the TRIA issue.

Thanks for the help.
```

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Addington, David S.>
Sent: 4/9/2003 7:22:55 PM
Subject: Re: Meeting re. Algiers Accords

I am making some good progress with Margaret Pederlin, the Hastert staffer on this. She says there is a lot of hostility up there, however. Mitch is calling Delay. Others are working Senate side. To be continued . . .

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/09/2003 07:22 PM ----------

From: Christopher C. Cox/WHO/EOP@Exchange on 04/09/2003 06:04:22 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: Meeting re. Algiers Accords

Between us, I think she wants to help and agrees this is a bad idea. This is a political issue. We need to arm her with solid info. We got em turned on the TRIA issue.

Thanks for the help.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/9/2003 3:25:08 PM
Subject: : Re: Meeting re. Algiers Accords

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2003 19:25:08.00
SUBJECT:: Re: Meeting re. Algiers Accords
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I am making some good progress with Margaret Pederlin, the Hastert staffer on this. She says there is a lot of hostility up there, however. Mitch is calling Delay. Others are working Senate side. To be continued
. . .

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/09/2003 07:22 PM ----------

From: Christopher C. Cox/WHO/EOP@Exchange on 04/09/2003 06:04:22 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Meeting re. Algiers Accords

Between us, I think she wants to help and agrees this is a bad idea. This is a political issue. We need to arm her with solid info. We got em turned on the TRIA issue.

Thanks for the help.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Orr, Christopher J.>
Sent: 4/9/2003 7:55:02 PM
Subject: NARAL website devoted to Owen

NARAL has set up a website devoted to fighting Owen.

http://www.prochoiceamerica.org/owen/

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Christopher J. Orr/WHO/EOP@EOP [WHO] <Christopher J. Orr>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 4/9/2003 3:56:46 PM
Subject: : NARAL website devoted to Owen

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-APR-2003 19:56:46.00
SUBJECT:: NARAL website devoted to Owen
TO:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

NARAL has set up a website devoted to fighting Owen.

http://www.prochoiceamerica.org/owen/
```

From: Kavanaugh, Brett M.
To: <Addington, David S.>
CC: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 4/9/2003 7:57:55 PM
Subject: Re:

Who is arguing?

David S. Addington

04/09/2003 03:06:23 PM

Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, David G. Leitch/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject:

Al, David and Brett:

For your next-week list of things to watch--

On Thurs., April 17th at 9:30, the DC Cir will hear the oral arguments in Judicial Watch v. NEPDG (the VP appeal/mandamus in the Klayman effort to get NEPDG documents).

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
CC: david g. leitch/who/eop@exchange@eop [WHO] <david g. leitch>;alberto r. gonzales/who /eop@eop [WHO] <alberto r. gonzales>
Sent: 4/9/2003 3:58:08 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2003 19:58:08.00
SUBJECT:: Re:
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:david g. leitch (CN=david g. leitch/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Who is arguing?

David S. Addington
04/09/2003 03:06:23 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, David G. Leitch/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Al, David and Brett:

For your next-week list of things to watch--

On Thurs., April 17th at 9:30, the DC Cir will hear the oral arguments in Judicial Watch v. NEPDG (the VP appeal/mandamus in the Klayman effort to get NEPDG documents).

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 4/9/2003 8:49:48 PM
Subject: Any news on Algiers?

.

From: Gonzales, Alberto R.
To: <Kavanaugh, Brett M.>
Sent: 4/9/2003 8:54:25 PM
Subject: Re:

I think this is not going to work.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@Exchange [OPD] <Jay P. Lefkowitz>
Sent: 4/9/2003 4:55:35 PM
Subject: : Re: Any news on Algiers?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2003 20:55:35.00
SUBJECT:: Re: Any news on Algiers?
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [OPD])
READ:UNKNOWN
End Original ARMS Header

have heard nothing since last discussion with Margaret Pederlin a few hours ago.

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/09/2003 08:49:48 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Any news on Algiers?

.

From: CN=Christopher J. Orr/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@EOP [WHO] <Ashley Snee>
Sent: 4/9/2003 5:51:33 PM
Subject: : Re: NARAL website devoted to Owen

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-APR-2003 21:51:33.00
SUBJECT:: Re: NARAL website devoted to Owen
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Hey, that was my plan SNEE



----- Original Message -----
From:Ashley Snee/WHO/EOP@Exchange
To:Christopher J. Orr/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/09/2003 09:43:07 PM
Subject: Re: NARAL website devoted to Owen

And hack it
.
```

From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: brian.a.benczkowski@usdoj.gov [UNKNOWN] <brian.a.benczkowski@usdoj.gov>
Sent: 4/9/2003 6:07:22 PM
Subject: : RE: 2:30 call??

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ("Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> [UNKNOWN])
CREATION DATE/TIME: 9-APR-2003 22:07:22.00
SUBJECT:: RE: 2:30 call??
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brian.a.benczkowski@usdoj.gov (brian.a.benczkowski@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

IT's ok, his has been at 10:30 and irregular, so it will work if he decides to have one.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Powell, Benjamin A.>
Sent: 4/10/2003 7:26:59 AM
Subject:
Attachments: spacer.gif

PFAW on Pryor:

Pryor Appeals Court Nomination Continues Pattern of Divisive Far-Right Judicial Nominees

Nominee for 11th Circuit Has 'Extremely Troubling' Record

President Bush today announced the nomination of Alabama Attorney General William Pryor to the U.S. Court of Appeals for the 11th Circuit. People For the American Way President Ralph G. Neas called Pryor's nomination "extremely troubling" and said it was "an unfortunate continuation of this administration's efforts to pack the appeals courts with divisive far-right nominees."

Neas noted that Pryor is one of the nation's most aggressive advocates for a states' rights approach to the Constitution. As Attorney General and as a leader in the Federalist Society, Pryor has successfully urged the Supreme Court to roll back the clock on federal protections against age discrimination and discrimination against people with disabilities. In another case, he urged the Court to limit disparate impact analysis, a foundation of civil rights enforcement, in order to defend Alabama's refusal to offer drivers license exams in any language other than English. Pryor has recently filed an amicus brief in a pending case before the Supreme Court involving the state of Nevada that would leave state employees with no real recourse for violations of the Family & Medical Leave Act.

In a March 2001 speech, Pryor praised the recent series of Supreme Court

states' rights rulings as "a breakthrough in the restoration of dual sovereignty and enumerated powers." And he has called for the Court to expand its states' rights rulings in other areas.

Pryor hopes that Bush administration Supreme Court appointments will further the states' rights cause. "Most of the important federalism decisions of the last decade were reached by a 5 to 4 vote," Pryor says. "A single appointment to the Court by the Bush administration could decide the fate of federalism. If all goes well, that future will be bright."

Pryor is a fervent opponent of reproductive rights for women. "I will never forget Jan. 22, 1973, the day seven members of our highest court ripped the Constitution and ripped out the life of millions of unborn children," he told a rally in 1997.

Pryor considers much of the Supreme Court case law preserving the separation of church and state to be "errors." At a public rally on behalf of a judge who was sued for praying and displaying the 10 Commandments in court, Pryor announced, "God has chosen, through his son Jesus Christ, this time and this place for all Christians...to save our country and save our courts." In 1997 Pryor stated, "The matters about life and death and freedom and religion are not being decided in our country anymore by the people and their elected representatives. They are being decided in court, and I think there is something wrong with that."

Neas said the Bush administration's efforts to pack the federal appeals courts with far-right ideologues would have a devastating impact on civil rights, reproductive rights, religious liberty, environmental protection, consumer and worker rights, and much more. He called on Senators to fulfill their constitutional obligation to

review judicial nominees carefully and to reject those who are not committed to preserving Americans' rights, liberties, and legal protections.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Noel J. Francisco/WHO /EOP@EOP [WHO] <Noel J. Francisco>
Sent: 4/10/2003 7:46:33 AM
Subject: : mark up

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-APR-2003 11:46:33.00
SUBJECT:: mark up
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

is anyone at the mark up right now?
```

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/10/2003 8:00:20 AM
Subject: FW: Invitation and Return Card
Attachments: 55237 Invitation 4panel2.pdf; 55237 Invite.pdf

How does this look?
-----Original Message-----
From: Alan Sager [mailto:sager@tcrp.org]
Sent: Wednesday, April 09, 2003 10:57 PM
To: Nelson, Carolyn
Subject: Invitation and Return Card

Here is the invitation and return card. We will also be sending this around by e-mail after a couple of typos are fixed like my phone number.

I can also send you the mailing and return envelope if you wish. They say the same things the invitation does as to title of the event.

55237 Invitation 4panel 4/3/03 10:47 AM Page 1

Political Ad paid for by the Travis County Republican Party.

Alan M. Sager, J.D., Ph.D. Chairman
Carla Eldred, J.D., Vice-Chairman
Roland Greenwade, J.D., Secretary
Lance Hay, C.P.A., Treasurer

TRAVIS COUNTY LINCOLN-REAGAN DAY DINNER 2003

A Salute To The Honorable Alberto Gonzales

Special Honorees Barbara and Norman Newton, Claudette and David Hartman

REV_00114147

55237 Invitation 4panel 4/3/03 10:47 AM Page 2

Diamond

Michael Dell
Susan and Alan Sager

Platinum

Stacy and Oliver Bell
Joanie and Ben Bentzin
Dyana and Bob Thomas
Vinson and Elkins

Gold

Kerry Cammack
Maria and Andrew Dillon
Susie and Kent Hance
Albert D. Huddleston/Hyperion Energy
Linebarger, Groggan, Blain and Simpson
Vala and Doug Harbison
Andra and Dean Mc Williams
Pat Oles
Pam and Todd Olsen
Julie and Lee Parsley
Verne and Lavon Philips
Bitsy and Bill Rice
Pat Tedrow
Heather and Kevin Shuvalov
Jennifer J. Solter

Silver

Dr. Bob Bernstein
Mary Ellen and Roger Borgelt
Bob Honts
Charlyn and Gerald Daugherty
Louise Epstein and John Henry MacDonald
Forrest Roan
Betty and Jim Skaggs
Lynn and Richard Box
Melissa and Grant Goodwin
Billie Passmore
Courtney and Todd Baxter

Partial listing at time of printing

Your Are Invited To Attend

TRAVIS COUNTY LINCOLN-REAGAN DAY DINNER 2003

A Salute To The Honorable Alberto Gonzales

Honorable Alberto Gonzales

Keynote Speaker and
Lifetime Achievement Award

Special Honors to

Barbara and Norman Newton
Claudette and David Hartman

Honorary Hosts

Senator Kip Averitt
Senator Bob Duell
Senator Kyle Janik
Senator Steve Ogden
Senator Florence Shapiro
Senator Todd Staples
Senator Jeff Wentworth

Lincoln-Reagan Remembrance
Congressman John Carter

Friday, April 25, 2003
Four Seasons Hotel
Austin, Texas

V.I.P. Reception
6:00 p.m.

General Reception
6:30 p.m.

Dinner and Program
7:15-9:30 p.m.

Please Reply by April 21st
Seating according to date reservation received.
Inquiries: sager@tcrp.org or 751-0720

Business Attire
Valet Parking Available

Stacy Bell, Ben Bentzin, Hector DeLeon, Pam Willeford Co-Chairs

REV_00114148

55231 Invite 4/1/03 11:02 AM Page 1

TRAVIS COUNTY LINCOLN-REAGAN DAY DINNER

A Salute To The Honorable Alberto Gonzales

FRIDAY, APRIL 25, 2003
V.I.P. RECEPTION 6:00 P.M.
GENERAL RECEPTION 6:30 P.M.
DINNER AND PROGRAM 7:15-9:30 P.M.

Yes, I WOULD LIKE TO BE A PART OF THIS EVENT ACKNOWLEDGING THESE GREAT TEXANS.

A. PLEASE LIST ME AS AN EVENT SPONSOR AT THE FOLLOWING LEVEL (SEE REVERSE FOR SPONSORSHIP DETAILS)

- ❑ DIAMOND
- ❑ PLATINUM
- ❑ GOLD
- ❑ SILVER

B. PLEASE RESERVE _____ INDIVIDUAL TICKETS AT $100 EACH.

C. I/WE CANNOT ATTEND, BUT ENCLOSED IS A CONTRIBUTION OF $_____.

NAME

ADDRESS

CITY STATE ZIP

PHONE

E-MAIL OCCUPATION

(Over, please)

REV_00114149

LEVELS OF SPONSORSHIP

	DIAMOND	PLATINUM	GOLD	SILVER
COST	$5,000	$2,500	$1,000	$500
ON AWARD PLAQUE	YES	YES	-	-
PHOTO	YES	YES	YES	NO
PRIVATE RECEPTION	6:00	6:00	6:00	6:30
TICKETS	8	4	2	2
LISTING ON EVENT PROGRAM AND WEBSITE	YES	YES	YES	YES

IF A SPONSOR, PLEASE LIST YOUR NAME AS IT SHOULD APPEAR IN THE PROGRAM.

NAME OF GUEST:

1. _____ 5. _____
2. _____ 6. _____
3. _____ 7. _____
4. _____ 8. _____

(ALL SEATING WILL BE RESERVED.)

MY CHECK FOR $_____ PAYABLE TO TCRP IS ENCLOSED.

PLEASE CHARGE MY: ☐ VISA ☐ MASTERCARD

CARD NUMBER: _____

EXP. DATE: _____

NAME/SIGNATURE: _____

Corporate checks made out to Travis County Republican Party Administrative Account accepted.

REV_00114150

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2003 4:00:13 AM
Subject: : FW: Invitation and Return Card
Attachments: P_21SHF003_WHO.TXT_1.pdf; P_21SHF003_WHO.TXT_2.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:10-APR-2003 08:00:13.00
SUBJECT:: FW: Invitation and Return Card
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

How does this look?
-----Original Message-----
From: Alan Sager [mailto:sager@tcrp.org]
Sent: Wednesday, April 09, 2003 10:57 PM
To: Nelson, Carolyn
Subject: Invitation and Return Card

Here is the invitation and return card. We will also be sending this around by e-mail after a couple of typos are fixed like my phone number.

I can also send you the mailing and return envelope if you wish. They say the same things the invitation does as to title of the event.
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_21SHF003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_21SHF003_WHO.TXT_2>

55237 Invitation 4panel 4/3/03 10:47 AM Page 1

Political Ad paid for by the Travis County Republican Party.

Alan M. Sager, J.D., Ph.D. Chairman
Carla Eldred, J.D., Vice-Chairman
Roland Greenwade, J.D., Secretary
Lance Hay, C.P.A., Treasurer

TRAVIS COUNTY LINCOLN-REAGAN DAY DINNER 2003

A Salute To The Honorable Alberto Gonzales

Special Honorees Barbara and Norman Newton, Claudette and David Hartman

REV_00114152

55237 Invitation 4panel 4/3/03 10:47 AM Page 2

Diamond

Michael Dell
Susan and Alan Sager

Platinum

Stacy and Oliver Bell
Joanie and Ben Bentzin
Dyana and Bob Thomas
Vinson and Elkins

Gold

Kerry Cammack
Maria and Andrew Dillon
Susie and Kent Hance
Albert D. Huddleston/Hyperion Energy
Linebarger, Groggan, Blain and Simpson
Vala and Doug Harbison
Andra and Dean Mc Williams
Pat Oles
Pam and Todd Olsen
Julie and Lee Parsley
Verne and Lavon Philips
Bitsy and Bill Rice
Pat Tedrow
Heather and Kevin Shuvalov
Jennifer J. Solter

Silver

Dr. Bob Bernstein
Mary Ellen and Roger Borgelt
Bob Honts
Charlyn and Gerald Daugherty
Louise Epstein and John Henry MacDonald
Forrest Roan
Betty and Jim Skaggs
Lynn and Richard Box
Melissa and Grant Goodwin
Billie Passmore
Courtney and Todd Baxter

Partial listing at time of printing

Your Are Invited To Attend

TRAVIS COUNTY LINCOLN-REAGAN DAY DINNER 2003

A Salute To The Honorable Alberto Gonzales

Honorable Alberto Gonzales

Keynote Speaker and
Lifetime Achievement Award

Special Honors to

Barbara and Norman Newton
Claudette and David Hartman

Honorary Hosts

Senator Kip Averitt
Senator Bob Duell
Senator Kyle Janik
Senator Steve Ogden
Senator Florence Shapiro
Senator Todd Staples
Senator Jeff Wentworth

Lincoln-Reagan Remembrance
Congressman John Carter

Friday, April 25, 2003
Four Seasons Hotel
Austin, Texas

V.I.P. Reception	*General Reception*	*Dinner and Program*
6:00 p.m.	*6:30 p.m.*	*7:15-9:30 p.m.*

Please Reply by April 21st
Seating according to date reservation received.
Inquiries: sager@tcrp.org or 751-0720

Business Attire
Valet Parking Available

Stacy Bell, Ben Bentzin, Hector DeLeon, Pam Willeford Co-Chairs

REV_00114153

55231 Invite 4/1/03 11:02 AM Page 1

TRAVIS COUNTY LINCOLN-REAGAN DAY DINNER

A Salute To The Honorable Alberto Gonzales

FRIDAY, APRIL 25, 2003
V.I.P. RECEPTION 6:00 P.M.
GENERAL RECEPTION 6:30 P.M.
DINNER AND PROGRAM 7:15-9:30 P.M.

Yes, I WOULD LIKE TO BE A PART OF THIS EVENT ACKNOWLEDGING THESE GREAT TEXANS.

A. PLEASE LIST ME AS AN EVENT SPONSOR AT THE FOLLOWING LEVEL (SEE REVERSE FOR SPONSORSHIP DETAILS)

- ❑ DIAMOND
- ❑ PLATINUM
- ❑ GOLD
- ❑ SILVER

B. PLEASE RESERVE _____ INDIVIDUAL TICKETS AT $100 EACH.

C. I/WE CANNOT ATTEND, BUT ENCLOSED IS A CONTRIBUTION OF $_____.

NAME

ADDRESS

CITY STATE ZIP

PHONE

E-MAIL OCCUPATION

(Over, please)

REV_00114154

LEVELS OF SPONSORSHIP

	DIAMOND	PLATINUM	GOLD	SILVER
COST	$5,000	$2,500	$1,000	$500
ON AWARD PLAQUE	YES	YES	-	-
PHOTO	YES	YES	YES	NO
PRIVATE RECEPTION	6:00	6:00	6:00	6:30
TICKETS	8	4	2	2
LISTING ON EVENT PROGRAM AND WEBSITE	YES	YES	YES	YES

IF A SPONSOR, PLEASE LIST YOUR NAME AS IT SHOULD APPEAR IN THE PROGRAM.

NAME OF GUEST:

1. _____ 5. _____
2. _____ 6. _____
3. _____ 7. _____
4. _____ 8. _____

(ALL SEATING WILL BE RESERVED.)

MY CHECK FOR $_____ PAYABLE TO TCRP IS ENCLOSED.

PLEASE CHARGE MY: ☐ VISA ☐ MASTERCARD

CARD NUMBER: _____

EXP. DATE: _____

NAME/SIGNATURE: _____

Corporate checks made out to Travis County Republican Party Administrative Account accepted.

REV_00114155

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: CSpies@rnchq.org @ inet [UNKNOWN] <CSpies@rnchq.org @ inet>
Sent: 4/10/2003 4:40:22 AM
Subject: : FW: Invitation and Return Card
Attachments: P_9STHF003_WHO.TXT_1.pdf; P_9STHF003_WHO.TXT_2.pdf

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-APR-2003 08:40:22.00
SUBJECT:: FW: Invitation and Return Card
TO:CSpies@rnchq.org @ inet ( CSpies@rnchq.org @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9STHF003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9STHF003_WHO.TXT_2>
```

55237 Invitation 4panel 4/3/03 10:47 AM Page 1

Political Ad paid for by the Travis County Republican Party.

Alan M. Sager, J.D., Ph.D. Chairman
Carla Eldred, J.D., Vice-Chairman
Roland Greenwade, J.D., Secretary
Lance Hay, C.P.A., Treasurer

TRAVIS COUNTY LINCOLN-REAGAN DAY DINNER 2003

A Salute To The Honorable Alberto Gonzales

Special Honorees Barbara and Norman Newton, Claudette and David Hartman

REV_00114160

55237 Invitation 4panel 4/3/03 10:47 AM Page 2

Diamond

Michael Dell
Susan and Alan Sager

Platinum

Stacy and Oliver Bell
Joanie and Ben Bentzin
Dyana and Bob Thomas
Vinson and Elkins

Gold

Kerry Cammack
Maria and Andrew Dillon
Susie and Kent Hance
Albert D. Huddleston/Hyperion Energy
Linebarger, Groggan, Blain and Simpson
Vala and Doug Harbison
Andra and Dean Mc Williams
Pat Oles
Pam and Todd Olsen
Julie and Lee Parsley
Verne and Lavon Philips
Bitsy and Bill Rice
Pat Tedrow
Heather and Kevin Shuvalov
Jennifer J. Solter

Silver

Dr. Bob Bernstein
Mary Ellen and Roger Borgelt
Bob Honts
Charlyn and Gerald Daugherty
Louise Epstein and John Henry MacDonald
Forrest Roan
Betty and Jim Skaggs
Lynn and Richard Box
Melissa and Grant Goodwin
Billie Passmore
Courtney and Todd Baxter

Partial listing at time of printing

Your Are Invited To Attend

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Senator Steve Ogden
Senator Florence Shapiro
Senator Todd Staples
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Lincoln-Reagan Remembrance
Congressman John Carter

Friday, April 25, 2003
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V.I.P. Reception
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Dinner and Program
7:15-9:30 p.m.

Please Reply by April 21st
Seating according to date reservation received.
Inquiries: sager@tcrp.org or 751-0720

Business Attire
Valet Parking Available

Stacy Bell, Ben Bentzin, Hector DeLeon, Pam Willeford Co-Chairs

REV_00114161

55231 Invite 4/1/03 11:02 AM Page 1



TRAVIS COUNTY LINCOLN-REAGAN DAY DINNER

A Salute To The Honorable Alberto Gonzales

FRIDAY, APRIL 25, 2003
V.I.P. RECEPTION 6:00 P.M.
GENERAL RECEPTION 6:30 P.M.
DINNER AND PROGRAM 7:15-9:30 P.M.

Yes, I WOULD LIKE TO BE A PART OF THIS EVENT ACKNOWLEDGING THESE GREAT TEXANS.

A. PLEASE LIST ME AS AN EVENT SPONSOR AT THE FOLLOWING LEVEL (SEE REVERSE FOR SPONSORSHIP DETAILS)

- ❑ DIAMOND
- ❑ PLATINUM
- ❑ GOLD
- ❑ SILVER

B. PLEASE RESERVE _____ INDIVIDUAL TICKETS AT $100 EACH.

C. I/WE CANNOT ATTEND, BUT ENCLOSED IS A CONTRIBUTION OF $_____.

NAME

ADDRESS

CITY STATE ZIP

PHONE

E-MAIL OCCUPATION

(Over, please)

REV_00114162

LEVELS OF SPONSORSHIP

	DIAMOND	PLATINUM	GOLD	SILVER
COST	$5,000	$2,500	$1,000	$500
ON AWARD PLAQUE	YES	YES	-	-
PHOTO	YES	YES	YES	NO
PRIVATE RECEPTION	6:00	6:00	6:00	6:30
TICKETS	8	4	2	2
LISTING ON EVENT PROGRAM AND WEBSITE	YES	YES	YES	YES

IF A SPONSOR, PLEASE LIST YOUR NAME AS IT SHOULD APPEAR IN THE PROGRAM.

NAME OF GUEST:

1. _____ 5. _____
2. _____ 6. _____
3. _____ 7. _____
4. _____ 8. _____

(ALL SEATING WILL BE RESERVED.)

MY CHECK FOR $_____ PAYABLE TO TCRP IS ENCLOSED.

PLEASE CHARGE MY: ☐ VISA ☐ MASTERCARD

CARD NUMBER: _____

EXP. DATE: _____

NAME/SIGNATURE: _____

Corporate checks made out to Travis County Republican Party Administrative Account accepted.

REV_00114163

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 4/10/2003 9:03:32 AM
Subject: 445 today to talk about the website, right?

From:	Nelson, Carolyn
To:	<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Brilliant, Hana F.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>; <Francisco, Noel J.>;<Ganter, Jonathan F.>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>;<Brosnahan, Jennifer R.>
CC:	<Leitch, David G.>
Sent:	4/10/2003 9:58:07 AM
Subject:	Note about the Judge's schedule

The Judge will out of the office tomorrow, Friday, April 11. If you have issues to discuss with him before his departure this evening, please let me know.

Thanks!
Carrie

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/10/2003 10:03:14 AM
Subject:

Brett, do you need to talk to him about today's lunch? His 11:30 mtg. was cancelled, so he'll be at Morton's by 12.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 4/10/2003 10:08:58 AM
Subject:

the Travis County event is ok so long as he does not solicit money at the event. thanks and sorry for false alarm.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: m.edward.whelan@usdoj.gov @ inet [UNKNOWN] <m.edward.whelan@usdoj.gov @ inet>
Sent: 4/10/2003 6:17:30 AM
Subject: : another Koffsky Q

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-APR-2003 10:17:30.00
SUBJECT:: another Koffsky Q
TO:m.edward.whelan@usdoj.gov @ inet ( m.edward.whelan@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Do you read law to bar contributions by executive branch employees to
President's reelection campaign?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Britt Grant/OPD/EOP@EOP [OPD] <Britt Grant>
Sent: 4/10/2003 6:21:52 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-APR-2003 10:21:52.00
SUBJECT::
TO:Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

confirming that Bridge will not be identified as a host at that
fundraiser?
```

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 4/10/2003 10:29:19 AM
Subject: FW: Agreement

roberts and cook agreement.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/10/2003 10:29 AM ----------

From: Wendy J. Grubbs/WHO/EOP@Exchange on 04/10/2003 10:27:19 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Agreement

-----Original Message-----

From: Jamie.E.Brown@usdoj.gov [mailto:Jamie.E.Brown@usdoj.gov]

Sent: Thursday, April 10, 2003 10:22 AM

To: Grubbs, Wendy J.

Subject: Fw: Agreement

-----Original Message-----

From: Scottfinan, Nancy

To: Brown, Jamie E (OLA) ; Dinh, Viet ; Benczkowski, Brian A ; Charnes, Adam ; 'kristi.remington@usdoj.gov' ; Joy, Sheila

Sent: Thu Apr 10 10:19:42 2003

Subject: Agreement

To bring Roberts back for one day of hearings with a vote at the next mark up and Cook tobe called up on the floor the day after the Roberts hearing. Nancy Scott-Finan

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Bartolomucci, H. Christopher>
Sent: 4/10/2003 11:03:26 AM
Subject: Leon Holmes

Makan reports that Leon Holmes is "in trouble."

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 4/10/2003 11:12:34 AM
Subject: did you talk to FBI about need for speed on certain files?

From: Kavanaugh, Brett M.
To: <Ganter, Jonathan F.>
CC: <Bumatay, Patrick J.>
Sent: 4/10/2003 11:32:49 AM
Subject:

need phone numbers for Justice Deborah Cook and Jeff Sutton.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>
CC: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>
Sent: 4/10/2003 7:33:26 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-APR-2003 11:33:26.00
SUBJECT::
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

need phone numbers for Justice Deborah Cook and Jeff Sutton.
```

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2003 8:35:26 AM
Subject: : Lincoln Day Dinner

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2003 12:35:26.00
SUBJECT:: Lincoln Day Dinner
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

sorry- this event is tomorrow.
---------- Forwarded by Katherine M. Walters/WHO/EOP on
04/10/2003 12:35 PM ----------

Katherine M. Walters
04/09/2003 03:52:22 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Lincoln Day Dinner

Can they print Ken's bio in the program of a Lincoln Day Dinner? thanks

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 4/10/2003 1:45:28 PM
Subject: pls call re: Algiers

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 4/10/2003 2:13:15 PM
Subject: algiers

if you have any substantive edits to the talking points based on your learning last night, can you pls update them so we have a final set in case the VP or others need it?

thanks

From: Paul.P.Colborn@usdoj.gov
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2003 10:38:46 AM
Subject: : FW: NEPDG Moot Court

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Paul.P.Colborn@usdoj.gov" <Paul.P.Colborn@usdoj.gov> ("Paul.P.Colborn@usdoj.gov" <Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:10-APR-2003 14:38:46.00
SUBJECT:: FW: NEPDG Moot Court
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Didn't look to me like they got your addresses right.

-----Original Message-----
From: Williams, Angela
Sent: Thursday, April 10, 2003 2:21 PM
To: Clement, Paul D; Kneedler, Edwin S; Salmons, David B; Roberts, Matthew D; Colborn, Paul P; Whelan, M Edward III; McCallum, Robert; Coffin, Shannen; Jordan, Bill; Millet, Thomas; Hunt, Jody; Blackwell, Craig; Paisner, Jennifer; 'Addington@oup.eop.gov'; 'Kauanaugh@who.eop.gov'
Subject: NEPDG Moot Court

You are invited to attend the NEPDG moot court. That is schedule for Tuesday, April 15th at 3:00 in the Civil Divison Conference Room 3143. Please let me know if you need copies of the briefs.

Thanks
Angela Williams

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>
Sent: 4/10/2003 12:18:22 PM
Subject: : Re: Lincoln Day Dinner

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2003 16:18:22.00
SUBJECT:: Re: Lincoln Day Dinner
TO:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

Katherine M. Walters
04/10/2003 12:35:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Lincoln Day Dinner

sorry- this event is tomorrow.
---------- Forwarded by Katherine M. Walters/WHO/EOP on
04/10/2003 12:35 PM ----------

Katherine M. Walters
04/09/2003 03:52:22 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Lincoln Day Dinner

Can they print Ken's bio in the program of a Lincoln Day Dinner? thanks

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>
Sent: 4/10/2003 12:19:45 PM
Subject: : Re: GOPAC

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2003 16:19:45.00
SUBJECT:: Re: GOPAC
TO:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

have put in a few calls on this; will let you know when I know

Katherine M. Walters
04/08/2003 10:09:17 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: GOPAC

JC Watts has invited Ken to speak to the GOPAC Conference on April 28th. I have tentatively scheduled a time, but wanted to make sure that they were not the same situation as the RGA. Ken thought they might be. They would also like our help in finding a speaker for the keynote dinner. They have asked for Karl or Karen.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
CC: <Bartolomucci, H. Christopher>;<Newstead, Jennifer G.>;<Brosnahan, Jennifer R.>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 4/10/2003 4:22:27 PM
Subject:

bad news

Rep. Dunn Won't Challenge Sen. Murray

From: Warsh, Kevin
To: <Schacht, Diana L.>;<Kavanaugh, Brett M.>;<Silverberg, Kristen>
CC: <Hennessey, Keith>
Sent: 4/10/2003 5:27:15 PM
Subject: Asbestos

At the President's meeting with CEOs today, the CEO of an insurance company said to the President something like: "We really need your help and the Administration's involvement on asbestos reform over the next 10 days. Senator Hatch and others say if we can't drive to a conclusion in this period, we will not get reform this year." And the President said something like "Thanks, and we'll look into in."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen Litkenhaus/WHO/EOP@Exchange [WHO] <Colleen Litkenhaus>
Sent: 4/10/2003 5:27:10 PM
Subject: : Re: can we do it at 9:15 am with Joe Hagin tomorrow?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2003 21:27:10.00
SUBJECT:: Re: can we do it at 9:15 am with Joe Hagin tomorrow?
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

From: Colleen Litkenhaus/WHO/EOP@Exchange on 04/10/2003 09:15:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: can we do it at 9:15 am with Joe Hagin tomorrow?

;

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/10/2003 3:24:14 PM
Subject: : White House Global Messenger - 04-11-03
Attachments: P_7V0JF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:10-APR-2003 19:24:14.00
SUBJECT:: White House Global Messenger - 04-11-03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 4-11-03 FINAL.doc)

THE GLOBAL MESSENGER
Friday, April 11, 2003

******KEY POINTS******

*The regime of Saddam Hussein is being removed from power, and a long era of fear and cruelty is ending. Coalition forces are now operating inside Baghdad - and we will not stop until Saddam's corrupt gang is gone. The government of Iraq, and the future of your country, will soon belong to you.

*The goals of our Coalition are clear and limited. Coalition forces will help maintain law and order. We will respect your great religious traditions, whose principles of equality and compassion are essential to Iraq 's future. We will help you build a peaceful and representative government that protects the rights of all citizens. And then our military forces will leave. Iraq will go forward as a unified and sovereign nation that has regained a respected place in the world.

*The United States and its Coalition partners respect the people of Iraq. We are taking unprecedented measures to spare the lives of innocent Iraqis, and are beginning to deliver food, water and medicine to those in need. Our only enemy is Saddam's brutal regime.

*In the new era that is coming to Iraq, you will be free to build a better life, and all the people who make up your country - Kurds, Shi'a, Turkomans, Sunnis, and others - will be free of the terrible persecution so many have endured.

*Iraqis are a good and gifted people - the heirs of a great civilization

that
contributes to all humanity. You deserve better than tyranny and
corruption and
torture chambers. You deserve to live as free people.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change

7:00 am CENTCOM Operations Update

12:15 pm White House Briefing

12:30 pm State Department Briefing

TBD Defense Department Briefing

******LIBERATION UPDATE******
The voices of freedom, now heard in many parts of Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at
http://www.whitehouse.gov/liberation

***
"You are owed a favor from the Iraqis. We dedicate our loyalty to the
Americans
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the British. We are friends."
Iraqi Ibrahim Shouqyk to Marines, New York Times, 4-8-03

***
"For years we have lived oppressed lives here. Sunday was a day we had
prayed
for and
now we are free of Saddam's rule."
Qusay Rawah, a student in Basra, Daily Mirror, 4-8-03

****EXCERPTS FROM PRIME MINISTER BLAIR'S MESSAGE TO THE IRAQI PEOPLE****

"I know that some of you feared a repeat of 1991, when you thought
Saddam's rule
was being ended, but he stayed, and you suffered. That will not happen
this
time. This regime will be gone. And then, we will work with you to build
the
peaceful, prosperous Iraq that you want, and you deserve. This Iraq will
not be
run by Britain, or by the US, or by the UN. It will be run by you, the
people
of Iraq.

"...Saddam Hussein and his regime plundered your nation's wealth. While
many of
you live in poverty, they have lived lives of luxury. He became one of the
richest men in the world; his money stolen from you, the Iraqi people. The
money
from Iraqi oil will be yours; to be used to build prosperity for you and
your
families."

******ARAB VOICES******

"Saddam Hussein didn't fall alone yesterday. Along with him, more important
things fell. The big lies that accompanied him and glorified him and
cheered him
fell. The minds that refused to refer to today's truths and yesterday's

history
and spoke for the Iraqi people falsely fell as well. In front of the whole
world, the Iraqis clinched the truth themselves in their own capital
Baghdad
about which it was said that if Basra was a passing city that cheered for
the
American and British soldiers, the capital would be the stronghold of the
invincible regime."
Abdul Rahman Al-Rashid, Editor-in-Chief, Asharq Al-Awsat (UK), 4-10-03

THE WHITE HOUSE
Office of Global Communications

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You have previously expressed interest in obtaining news and information
from
the White House.

The White House Office of Global Communications distributes information
about
the President's messages to the world. This office distributes updates on
major
international topics such as the global war on terror, the case for regime
change in Iraq, and more broadly, the ways in which we can all better
communicate the aspirations and interests that Americans share with
freedom-loving people everywhere. - GM 4-11-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7V0JF003_WHO.TXT_1>

THE GLOBAL MESSENGER

Friday, April 11, 2003

TODAY'S SCHEDULE

All Times Eastern Daylight. Subject to Change

7:00 am	CENTCOM Operations Update
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ARABIC VOICES

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Abdul Rahman Al-Rashid, Editor-in-Chief, *Asharq Al-Awsat (UK)*, 4-10-03

KEY POINTS FROM THE PRESIDENT'S MESSAGE TO THE IRAQI PEOPLE

- The regime of Saddam Hussein is being removed from power, and a long era of fear and cruelty is ending. Coalition forces are now operating inside Baghdad – and we will not stop until Saddam's corrupt gang is gone. The government of Iraq, and the future of your country, will soon belong to you.
- The goals of our Coalition are clear and limited. Coalition forces will help maintain law and order. We will respect your great religious traditions, whose principles of equality and compassion are essential to Iraq's future. We will help you build a peaceful and representative government that protects the rights of all citizens. And then our military forces will leave. Iraq will go forward as a unified and sovereign nation that has regained a respected place in the world.
- The United States and its Coalition partners respect the people of Iraq. We are taking unprecedented measures to spare the lives of innocent Iraqis, and are beginning to deliver food, water and medicine to those in need. Our only enemy is Saddam's brutal regime.
- In the new era that is coming to Iraq, you will be free to build a better life, and all the people who make up your country – Kurds, Shi'a, Turkomans, Sunnis, and others – will be free of the terrible persecution so many have endured.
- Iraqis are a good and gifted people – the heirs of a great civilization that contributes to all humanity. You deserve better than tyranny and corruption and torture chambers. You deserve to live as free people.

LIBERATION UPDATE

The voices of freedom, now heard in many parts of Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at:
http://www.whitehouse.gov/liberation

***

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Iraqi Ibrahim Shouqyk to Marines, *New York Times*, 4-8-03

***

"For years we have lived oppressed lives here. Sunday was a day we had prayed for and now we are free of Saddam's rule."
Qusay Rawah, a student in Basra, *Daily Mirror*, 4-8-03

THE WHITE HOUSE
Office of Global Communications

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REV_00114246

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2003 5:14:44 PM
Subject: : can we do it at 9:15 am with Joe Hagin tomorrow?

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CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:10-APR-2003 21:14:44.00
SUBJECT:: can we do it at 9:15 am with Joe Hagin tomorrow?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 4/10/2003 9:15:05 PM
Subject: can we do it at 9:15 am with Joe Hagin tomorrow?

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 4/10/2003 10:07:45 PM
Subject: what's going on with cook vote?

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>
Sent: 4/10/2003 10:10:11 PM
Subject: what's happening with algiers

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 4/10/2003 10:21:32 PM
Subject: Re: what's happening with algiers

Mitch and our Leg folks, who are handling supp, are working the issue.

talked to Mitch tonight and he said he made clear that of all the extra stuff they want to throw on the supp, this is one we will never accept.

Not clear if VP will need to weigh in or whether it will end tonight.
.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Lefkowitz, Jay P.
Sent: Thu Apr 10 22:10:11 2003
Subject: what's happening with algiers

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 4/10/2003 10:27:01 PM
Subject: Re: what's happening with algiers

Where can I reach you now?
.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 4/10/2003 6:54:15 PM
Subject: : owe you a call on tymkovich

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###### Begin Original ARMS Header ######
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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:10-APR-2003 22:54:15.00
SUBJECT:: owe you a call on tymkovich
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: Gumerson, Katie \(RPC\) <Katie_Gumerson@RPC.Senate.Gov>
To: Alex Dahl \(E-mail\) <IMCEACCMAIL-Alex+20Dahl+20at+20Judiciary@routing.senate.gov>;Barbara Ledeen \(E-mail\) <barbara_ledeen@src.senate.gov>;Brett Kavanaugh \(E-mail\) <brett_kavanaugh@who.eop.gov>;Brown, Jamie E \(E-mail\) <jamie.e.brown@usdoj.gov>;Delrahim, Makan \(Judiciary\) <Makan_Delrahim@Judiciary.senate.gov>;Gary Andres \(E-mail\) <gary.andres@dutkogroup.com>;Heather Wingate \(E-mail\) <heather_wingate@who.eop.gov>;Jason Lundell \(E-mail\) <IMCEACCMAIL-Jason+20Lundell+20at+20Judiciary@routing.senate.gov>;John Abegg \(E-mail\) <IMCEACCMAIL-John+20Abegg+20at+20McConnell-DC@routing.senate.gov>;<Kirk, Matthew>;Matt Letourneau <matthew_letourneau@Judiciary.senate.gov>;Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>;Pat. O'Brien@usdoj. gov \(E-mail\) <Pat.O'Brien@usdoj.gov>;Rena Johnson \(E-mail\) <IMCEACCMAIL-Rena+20Johnson+20at+20Judiciary@routing.senate.gov>;Stephen Higgins \(E-mail\) <IMCEACCMAIL-Stephen+20Higgins+20at+20Judiciary@routing.senate.gov>;Bini Zomer \(E-mail\) <Bini_Zomer@nickles.senate.gov>;Bret Bernhardt \(E-mail\) <bret_bernhardt@nickles.senate.gov>;Brook Simmons \(E-mail\) <Brook_Simmons@nickles.senate.gov>;Bynum, G.T. \(Nickles\) <G.T._Bynum@nickles.senate.gov>;Chan Kingensmith \(E-mail\) <Chan_Klingensmith@nickles.senate.gov>;Chapman, Tim \(Nickles\) <Tim_Chapman@nickles.senate.gov>;Cynthia Singleton \(E-mail\) <Cynthia_Singleton@nickles.senate.gov>;Derek Albro \(E-mail\) <derek_albro@nickles.senate.gov>;Gayle Osterberg \(E-mail\) <Gayle_Osterberg@nickles.senate.gov>;Heather Reilly \(E-mail\) <Heather_Reilly@nickles.senate.gov>;Jennifer Quinlan \(E-mail\) <Jennifer_Quinlan@nickles.senate.gov>;Lee Morris \(E-mail\) <Lee_Morris@nickles.senate.gov>;Marlo Meuli \(E-mail\) <marlo_meuli@nickles.senate.gov>;McLane Layton \(E-mail\) <McLane_Layton@nickles.senate.gov>;Oliphant, Rachel \(Nickles\) <Rachel_Oliphant@nickles.senate.gov>;Pamela Fleming \(E-mail\) <Pamela_Fleming@nickles.senate.gov>;Stacey Lowder \(E-mail\) <Stacey_Lowder@nickles.senate.gov>;Steve Moffitt \(E-mail\) <Steve_Moffitt@nickles.senate.gov>;Suzanne Schaffrath \(E-mail\) <Suzanne_Schaffrath@nickles.senate.gov>;Zev Teichman \(E-mail\) <Zev_Teichman@nickles.senate.gov>
Sent: 4/11/2003 7:53:30 AM
Subject: FW: Senate Schedule for Friday, April 11th

> RPC Legislative Hotline
>
> Call 1-202-224-6888 for the
> Daily Senate Schedule for Friday, April 11, 2003

>
> 9:30 a.m. Morning Business for Senators to speak on the troops in Iraq.
>
> Pending:
>
> The Senate will next convene at 9:30 a.m. Friday, April 11, after adjourning at 7:50 p.m. Thursday, April 10.
>
> At 9:30 a.m., the Senate will be in a period of Morning Business until 10:00 a.m., with the time equally divided between Senator Hutchison and the Minority Leader or his designee, in order for Members to speak on the nation's Armed Forces.
>
> Thereafter, the Senate may resume consideration of Executive Calendar #86, the nomination of Priscilla Owen to be a U.S. Circuit Judge for the Fifth Circuit. The Senate may also consider Executive Calendar #32, the nomination of Jeffrey S. Sutton to be a U.S. Circuit Judge for the Sixth Circuit; S. 196, the Digital Technology bill; FISA; the Project BioShield Bill; or the Conference Reports for the Budget

and the Supplemental.
>
> NOTE: Pursuant to a Unanimous Consent agreement, at a time to be determined the Senate will take up S. 196, the Digital Technology bill. There will be one hour of debate, equally divided, between Senator Allen and the minority. The only amendments in order will be the committee-reported amendments and an Allen amendment making technical corrections to the bill. Following the use or yielding back of time, the Senate will VOTE on passage of the bill.
>
> NOTE: Until further notice, there will be Members-only briefings on Iraq daily (Monday-Friday) from 9:00 a.m.-10:00 a.m. in S-407.
>
> Thursday, April 10's Business:
>
> During Thursday's session of the Senate, 2 roll call votes were conducted:
>
>
> Agreed, 98-0: Conference Report to accompany S. 151, the Protect Act;
>
> Confirmed, 72-24: Executive Calendar #60, Ross Owen Swimmer, of Oklahoma, to be Special Trustee, Office of the Special Trustee for American Indians, Department of the Interior;
>
>
> Passed by Unanimous Consent:
>
> H.R. 1584, implementing effective measures to stop trade in conflict diamonds;
>
> H.R. 1505, designating the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office,"
>
> S. 538, the Lifespan Respite Care Act of 2003, amending the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care;
>
> S. 783, as amended by a Chambliss amendment, expediting the granting of posthumous citizenship to members of the United States Armed Forces;
>
> S. 870, amending the Richard B. Russell School Lunch Program;
>
> Executive Calendar #116, Lino Gutierrez, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina;
>
> Executive Calendar #117, Roland W. Bullen, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana;
>
> Executive Calendar #118, Eric M. Javits, of New York, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons;
>
> Executive Calendar #119> , John W. Snow, of Virginia, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States > Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development;
>
> Executive Calendar #121, Ricky Dale James, of Missouri, to be a Member of the Mississippi River Commission for a term of nine years;
>
> Executive Calendar #122, Rear Admiral Nicholas Augustus Prahl, National Oceanic and Atmospheric Administration, to be a Member of the Mississippi River Commission;
>
> Executive Calendar #123, Herbert Guenther, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation;
>
> Executive Calendar #124, Bradley Udell, of Colorado, to be a Member of the Board of Trustees of the Morris K. Udell Scholarship and Excellence in National Environmental Policy Foundation;
>
> Executive Calendar #125, Malcolm B. Bowekaty, of New Mexico, to be a Member of the Board of Trustees of the Morris K. Udell Scholarship and Excellence in National Environmental Policy Foundation;

>
> Executive Calendar #126, Richard Narcia, of Arizona, to be a Member of the Board of Trustees of the Morris K Udell Scholarship and Excellence in National Environmental Policy Foundation:
>
> Executive Calendar #127, Robert Boldrey, of Michigan, to be a Member of the Board of Trustees of the Morris K. Udell Scholarship and Excellence in National Environmental Policy Foundation:
>
> All of the nominations on the Secretary's desk.
>
>
>

From: Gumerson, Katie (RPC) <Katie_Gumerson@RPC.Senate.Gov>

To: Suzanne Schaffrath (E-mail) <Suzanne_Schaffrath@nickles.senate.gov>;Stacey Lowder (E-mail) <Stacey_Lowder@nickles.senate.gov>;Oliphant, Rachel (Nickles) <Rachel_Oliphant@nickles.senate.gov>;Marlo Meuli (E-mail) <marlo_meuli@nickles.senate.gov>;Jennifer Quinlan (E-mail) <Jennifer_Quinlan@nickles.senate.gov>;Gayle Osterberg (E-mail) <Gayle_Osterberg@nickles.senate.gov>;Cynthia Singleton (E-mail) <Cynthia_Singleton@nickles.senate.gov>;Chan Kingensmith (E-mail) <Chan_Klingensmith@nickles.senate.gov>;Brook Simmons (E-mail) <Brook_Simmons@nickles.senate.gov>;Bini Zomer (E-mail) <Bini_Zomer@nickles.senate.gov>;Rena Johnson (E-mail) <IMCEACCMAIL-Rena+20Johnson+20at+20Judiciary"@routing.senate.gov>;Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Jason Lundell (E-mail) <IMCEACCMAIL-Jason+20Lundell+20at+20Judiciary"@routing.senate.gov>;Gary Andres (E-mail) <gary.andres@dutkogroup.com>;Brown, Jamie E (E-mail) <jamie.e.brown@usdoj.gov>;Barbara Ledeen (E-mail) <barbara_ledeen@src.senate.gov>;Zev Teichman (E-mail) <Zev_Teichman@nickles.senate.gov>;Steve Moffitt (E-mail) <Steve_Moffitt@nickles.senate.gov>;Pamela Fleming (E-mail) <Pamela_Fleming@nickles.senate.gov>;McLane Layton (E-mail) <McLane_Layton@nickles.senate.gov>;Lee Morris (E-mail) <Lee_Morris@nickles.senate.gov>;Heather Reilly (E-mail) <Heather_Reilly@nickles.senate.gov>;Derek Albro (E-mail) <derek_albro@nickles.senate.gov>;Chapman, Tim (Nickles) <Tim_Chapman@nickles.senate.gov>;Bynum, G.T. (Nickles) <G.T._Bynum@nickles.senate.gov>;Bret Bernhardt (E-mail) <bret_bernhardt@nickles.senate.gov>;Stephen Higgins (E-mail) <IMCEACCMAIL-Stephen+20Higgins+20at+20Judiciary"@routing.senate.gov>;Pat. O'Brien@usdoj. gov (E-mail) <Pat.O'Brien@usdoj.gov>;Matt Letourneau <matthew_letourneau@Judiciary.senate.gov>;John Abegg (E-mail) <IMCEACCMAIL-John+20Abegg+20at+20McConnell-DC"@routing.senate.gov>;Heather Wingate (E-mail) <heather_wingate@who.eop.gov>;Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Alex Dahl (E-mail) <IMCEACCMAIL-Alex+20Dahl+20at+20Judiciary"@routing.senate.gov>

Sent: 4/11/2003 3:54:24 AM

Subject: : FW: Senate Schedule for Friday, April 11th

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<Katie_Gumerson@RPC.Senate.Gov> [ UNKNOWN ] )
CREATION DATE/TIME:11-APR-2003 07:54:24.00
SUBJECT:: FW: Senate Schedule for Friday, April 11th
TO:"Suzanne Schaffrath (E-mail)" <Suzanne_Schaffrath@nickles.senate.gov> ( "Suzanne
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<Tim_Chapman@nickles.senate.gov> [UNKNOWN])
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TO:"Bynum, G.T. (Nickles)" <G.T._Bynum@nickles.senate.gov> ("Bynum, G.T. (Nickles)"
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<"IMCEACCMAIL-Stephen+20Higgins+20at+20Judiciary"@routing.senate.gov> [UNKNOWN])
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TO:"Pat. O'Brien@usdoj. gov (E-mail)" <Pat.O'Brien@usdoj.gov> ("Pat. O'Brien@usdoj. gov

(E-mail)" <Pat.O'Brien@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:Matt Letourneau <matthew_letourneau@Judiciary.senate.gov> (Matt Letourneau
<matthew_letourneau@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"John Abegg (E-mail)" <"IMCEACCMAIL-John+20Abegg+20at+20McConnell-
DC"@routing.senate.gov> ("John Abegg (E-mail)" <"IMCEACCMAIL-
John+20Abegg+20at+20McConnell-DC"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Heather Wingate (E-mail)" <heather_wingate@who.eop.gov> ("Heather Wingate (E-mail)"
<heather_wingate@who.eop.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> ("Delrahim, Makan
(Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Alex Dahl (E-mail)" <"IMCEACCMAIL-Alex+20Dahl+20at+20Judiciary"@routing.senate.gov> (
"Alex Dahl (E-mail)" <"IMCEACCMAIL-Alex+20Dahl+20at+20Judiciary"@routing.senate.gov> [
UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

> RPC Legislative Hotline
>
> Call 1-202-224-6888 for the
> Daily Senate Schedule for Friday, April
11, 2003

_____
_____
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> 9:30 a.m. Morning Business
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> All of the nominations on the Secretary's desk.
>
>
>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 4/11/2003 4:17:45 AM
Subject: : we are meeting with Colleen and Hagin at 9:15

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-APR-2003 08:17:45.00
SUBJECT:: we are meeting with Colleen and Hagin at 9:15
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Gumerson, Katie (RPC) <Katie_Gumerson@RPC.Senate.Gov>
Sent: 4/11/2003 4:17:44 AM
Subject: : Re: FW: Senate Schedule for Friday, April 11th

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2003 08:17:44.00
SUBJECT:: Re: FW: Senate Schedule for Friday, April 11th
TO:"Gumerson, Katie (RPC)" <Katie_Gumerson@RPC.Senate.Gov> ("Gumerson, Katie (RPC)" <Katie_Gumerson@RPC.Senate.Gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

what time is Senate likely to go out Friday?

"Gumerson, Katie (RPC)" <Katie_Gumerson@RPC.Senate.Gov>
04/11/2003 07:53:30 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FW: Senate Schedule for Friday, April 11th

> RPC Legislative Hotline
>
> Call 1-202-224-6888 for the
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Message Sent
To:_____
"Alex Dahl (E-mail)"
<"IMCEACCMAIL-Alex+20Dahl+20at+20Judiciary"@routing.senate.gov>
"Barbara Ledeen (E-mail)" <barbara_ledeen@src.senate.gov>
Brett M. Kavanaugh/WHO/EOP@EOP
"Brown, Jamie E (E-mail)" <jamie.e.brown@usdoj.gov>
"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov>
"Gary Andres (E-mail)" <gary.andres@dutkogroup.com>
"Heather Wingate (E-mail)" <heather_wingate@who.eop.gov>
"Jason Lundell (E-mail)"
<"IMCEACCMAIL-Jason+20Lundell+20at+20Judiciary"@routing.senate.gov>
"John Abegg (E-mail)"
<"IMCEACCMAIL-John+20Abegg+20at+20McConnell-DC"@routing.senate.gov>
Matthew Kirk/WHO/EOP@EOP
Matt Letourneau <matthew_letourneau@Judiciary.senate.gov>
"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov>
"Pat. O'Brien@usdoj. gov (E-mail)" <Pat.O'Brien@usdoj.gov>
"Rena Johnson (E-mail)"
<"IMCEACCMAIL-Rena+20Johnson+20at+20Judiciary"@routing.senate.gov>
"Stephen Higgins (E-mail)"
<"IMCEACCMAIL-Stephen+20Higgins+20at+20Judiciary"@routing.senate.gov>
"Bini Zomer (E-mail)" <Bini_Zomer@nickles.senate.gov>
"Bret Bernhardt (E-mail)" <bret_bernhardt@nickles.senate.gov>

"Brook Simmons (E-mail)" <Brook_Simmons@nickles.senate.gov>
"Bynum, G.T. (Nickles)" <G.T._Bynum@nickles.senate.gov>
"Chan Kingensmith (E-mail)" <Chan_Klingensmith@nickles.senate.gov>
"Chapman, Tim (Nickles)" <Tim_Chapman@nickles.senate.gov>
"Cynthia Singleton (E-mail)" <Cynthia_Singleton@nickles.senate.gov>
"Derek Albro (E-mail)" <derek_albro@nickles.senate.gov>
"Gayle Osterberg (E-mail)" <Gayle_Osterberg@nickles.senate.gov>
"Heather Reilly (E-mail)" <Heather_Reilly@nickles.senate.gov>
"Jennifer Quinlan (E-mail)" <Jennifer_Quinlan@nickles.senate.gov>
"Lee Morris (E-mail)" <Lee_Morris@nickles.senate.gov>
"Marlo Meuli (E-mail)" <marlo_meuli@nickles.senate.gov>
"McLane Layton (E-mail)" <McLane_Layton@nickles.senate.gov>
"Oliphant, Rachel (Nickles)" <Rachel_Oliphant@nickles.senate.gov>
"Pamela Fleming (E-mail)" <Pamela_Fleming@nickles.senate.gov>
"Stacey Lowder (E-mail)" <Stacey_Lowder@nickles.senate.gov>
"Steve Moffitt (E-mail)" <Steve_Moffitt@nickles.senate.gov>
"Suzanne Schaffrath (E-mail)" <Suzanne_Schaffrath@nickles.senate.gov>
"Zev Teichman (E-mail)" <Zev_Teichman@nickles.senate.gov>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>
Sent: 4/11/2003 4:17:45 AM
Subject: : I need car for 10:10 to Senate Dirksen

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-APR-2003 08:17:45.00
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READ:UNKNOWN
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From: Gumerson, Katie (RPC) <Katie_Gumerson@RPC.Senate.Gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2003 4:18:29 AM
Subject: : RE: FW: Senate Schedule for Friday, April 11th

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Gumerson, Katie (RPC)" <Katie_Gumerson@RPC.Senate.Gov> ("Gumerson, Katie (RPC)" <Katie_Gumerson@RPC.Senate.Gov> [UNKNOWN])
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SUBJECT:: RE: FW: Senate Schedule for Friday, April 11th
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We hope to go to the Budget Res. this morning - but there are ten hours of debate, hopefully we will not use all of the time. The goal is to be out by 5:00 pm - but it is truly an unknown.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, April 11, 2003 8:04 AM
To: Gumerson, Katie (RPC)
Subject: Re: FW: Senate Schedule for Friday, April 11th

what time is Senate likely to go out Friday?

(Embedded
image moved "Gumerson, Katie (RPC)"
to file: <Katie_Gumerson@RPC.Senate.Gov>
pic20417.pcx) 04/11/2003 07:53:30 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: FW: Senate Schedule for Friday, April 11th

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"Alex Dahl (E-mail)"
<"IMCEACCMAIL-Alex+20Dahl+20at+20Judiciary"@routing.senate.gov>
"Barbara Ledeen (E-mail)" <barbara_ledeen@src.senate.gov>
Brett M. Kavanaugh/WHO/EOP@EOP
"Brown, Jamie E (E-mail)" <jamie.e.brown@usdoj.gov>
"Delrahim, Makan (Judiciary)"
<Makan_Delrahim@Judiciary.senate.gov>
"Gary Andres (E-mail)" <gary.andres@dutkogroup.com>
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"John Abegg (E-mail)"

<"IMCEACCMAIL-John+20Abegg+20at+20McConnell-DC"@routing.senate.gov>
Matthew Kirk/WHO/EOP@EOP
Matt Letourneau <matthew_letourneau@Judiciary.senate.gov>
"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov>
"Pat. O'Brien@usdoj. gov (E-mail)" <Pat.O'Brien@usdoj.gov>
"Rena Johnson (E-mail)"

<"IMCEACCMAIL-Rena+20Johnson+20at+20Judiciary"@routing.senate.gov>
"Stephen Higgins (E-mail)"

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"Bret Bernhardt (E-mail)" <bret_bernhardt@nickles.senate.gov>
"Brook Simmons (E-mail)" <Brook_Simmons@nickles.senate.gov>
"Bynum, G.T. (Nickles)" <G.T._Bynum@nickles.senate.gov>
"Chan Kingensmith (E-mail)"
<Chan_Klingensmith@nickles.senate.gov>
"Chapman, Tim (Nickles)" <Tim_Chapman@nickles.senate.gov>
"Cynthia Singleton (E-mail)"
<Cynthia_Singleton@nickles.senate.gov>
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"Jennifer Quinlan (E-mail)" <Jennifer_Quinlan@nickles.senate.gov>
"Lee Morris (E-mail)" <Lee_Morris@nickles.senate.gov>
"Marlo Meuli (E-mail)" <marlo_meuli@nickles.senate.gov>
"McLane Layton (E-mail)" <McLane_Layton@nickles.senate.gov>
"Oliphant, Rachel (Nickles)" <Rachel_Oliphant@nickles.senate.gov>
"Pamela Fleming (E-mail)" <Pamela_Fleming@nickles.senate.gov>
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"Suzanne Schaffrath (E-mail)"
<Suzanne_Schaffrath@nickles.senate.gov>
"Zev Teichman (E-mail)" <Zev_Teichman@nickles.senate.gov>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@Exchange [WHO] <Wendy J. Grubbs>
Sent: 4/11/2003 8:47:02 AM
Subject: : Re: ConfCall, Fri 11:30 am

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2003 12:47:02.00
SUBJECT:: Re: ConfCall, Fri 11:30 am
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

right, just want to be careful about opening that all up

From: Wendy J. Grubbs/WHO/EOP@Exchange on 04/11/2003 12:46:53 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: ConfCall, Fri 11:30 am

I know that one, but prob sensitive.
.

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2003 4:55:39 AM
Subject: : Re: owe you a call on tymkovich

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2003 08:55:39.00
SUBJECT:: Re: owe you a call on tymkovich
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes you do sir

Brett M. Kavanaugh
04/10/2003 10:53:59 PM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP
cc:
Subject: owe you a call on tymkovich

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen Litkenhaus/WHO/EOP@Exchange@EOP [WHO] <Colleen Litkenhaus>
Sent: 4/11/2003 5:01:55 AM
Subject: : Joe's office at 9:15?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-APR-2003 09:01:55.00
SUBJECT:: Joe's office at 9:15?
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Jonathan F. Ganter/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2003 5:46:39 AM
Subject: : Re: I need car for 10:10 to Senate Dirksen

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-APR-2003 09:46:39.00
SUBJECT:: Re: I need car for 10:10 to Senate Dirksen
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

What time do you need to be there? Things are a little unpredictable for
them because of the protestors, but they can have a car for sure at
10:15. Is that too late?

Jon
```

From: Shannen.Coffin@usdoj.gov
To: Peter.D.Keisler@usdoj.gov <Peter.D.Keisler@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bill.Jordan@usdoj.gov <Bill.Jordan@usdoj.gov>
Sent: 4/11/2003 6:10:57 AM
Subject: : RE: Calif. holocaust case
Attachments: P_6EFJF003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> ("Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:11-APR-2003 10:10:57.00
SUBJECT:: RE: Calif. holocaust case
TO:"Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Bill.Jordan@usdoj.gov" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bill.Jordan@usdoj.gov" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Brett, Attached is the amicus brief filed in the Supreme Court in this case, which challenges a California state statute require any insurer doing business in the state to disclose policies issued during Nazi era Germany/Europe in a purported effort to assist holocaust victims with getting money they are due. Apparently, we filed in support of the petitioning insurers, who challenge the statute on foreign affairs and commerce clause grounds.

-----Original Message-----
From: Jordan, Bill
Sent: Friday, April 11, 2003 9:45 AM
To: Keisler, Peter D
Cc: Coffin, Shannen
Subject: Calif. holocaust case

Appellate had no heard of it and Fed Programs is still looking. Shannen will call Brett as soon as we get something.
- 2002-0722.pet.ami[1].pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_6EFJF003_WHO.TXT_1>

No. 02-722

In the Supreme Court of the United States

AMERICAN INSURANCE ASSOCIATION, ET AL.,
PETITIONERS

v.

JOHN GARAMENDI, INSURANCE COMMISSIONER,
STATE OF CALIFORNIA

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE SUPPORTING PETITIONERS

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REV_00114301

QUESTION PRESENTED

Whether a California statute that requires an insurance company doing business in the State to retrieve, compile, and disclose information about each insurance policy issued by that company or an affiliate in Europe that was in effect between 1920 and 1945 (1) impermissibly intrudes upon the national government's exclusive power over foreign affairs and foreign commerce or (2) regulates extraterritorially in violation of the Commerce Clause, the Due Process Clause, or both.

REV_00114302

TABLE OF CONTENTS

	Page
Interest of the United States	1
Statement	1
Summary of argument	8
Argument:	
I. HVIRA impermissibly intrudes into matters of foreign relations and foreign commerce reserved to the national government	10
A. Under our constitutional system, the President and Congress exercise exclusive authority over foreign relations and foreign commerce	10
B. HVIRA regulates in an area exclusively reserved to the national government	12
II. HVIRA violates constitutional prohibitions on extraterritorial state regulation	21
A. The Commerce Clause and the Due Process Cause prohibit States from regulating transactions outside their borders	21
B. HVIRA, by imposing disclosure requirements exclusively with respect to foreign transactions between foreign parties, is an impermissible extraterritorial regulation	24
Conclusion	30

TABLE OF AUTHORITIES

Cases:	Page
BMW of N. Am., Inc. v. *Gore*, 517 U.S. 559 (1996)	22, 23, 24, 25, 26, 27
Barclays Bank PLC v. *Franchise Tax Bd.*, 512 U.S. 298 (1994)	19
Brown-Forman Distillers Corp. v. *New York State Liquor Auth.*, 476 U.S. 573 (1986)	22

REV_00114303

Cases—Continued: Page

Chy Lung v. *Freeman*, 92 U.S. 275 (1875) 12
Crosby v. *National Foreign Trade Council*, 530 U.S. 363 (2000) 12, 13, 15-16, 18, 19
Dames & Moore v. *Regan*, 453 U.S. 654 (1981) 9, 11, 12
Deutsch v. *Turner Corp.*, 317 F.3d 1005 (9th Cir. 2003) 7, 11
Dole v. *United Steelworkers of Am.*, 494 U.S. 26 (1990) 26
EEOC v. *Arabian Am. Oil Co.*, 499 U.S. 244 (1991) 23
FTC v. *Travelers Health Ass'n*, 362 U.S. 293 (1960) 29
Gerling Global Reinsurance Corp. of Am. v. *Gallagher*, 267 F.3d 1228 (11th Cir. 2001) 21, 26
Healy v. *Beer Inst., Inc.*, 491 U.S. 324 (1989) 9, 22, 24, 25, 27
Hines v. *Davidowitz*, 312 U.S. 52 (1941) 10, 12
Home Ins. Co. v. *Dick*, 281 U.S. 397 (1930) 9, 23, 24, 30
Japan Line, Ltd. v *County of Los Angeles*, 441 U.S. 434 (1979) 10, 12, 23, 25
Oldfield v. *Marriott*, 51 U.S. (10 How.) 146 (1850) 10
Phillips Petroleum Co. v. *Shutts*, 472 U.S. 797 (1985) 23, 24
Quill Corp. v. *North Dakota*, 504 U.S. 298 (1992) 30
Societe Internationale Pour Participations Industrielles Et Commerciales v. *Rogers*, 357 U.S. 197 (1958) 17
Societe Nationale Industrielle Aerospatiale v. *United States District Court*, 482 U.S. 522 (1987) 17
Taiheiyo Cement Corp. v. *Superior Court*, 105 Cal. App. 4th 498 (2003) 7
United States Dep't of the Treas. v. *Fabe*, 508 U.S. 491 (1993) 28, 29
United States v. *Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936) 14-15
United States v. *Pink*, 315 U.S. 203 (1942) 10, 11

REV_00114304

Cases—Continued: Page

United States v. *South-Eastern Underwriters Ass'n*, 322 U.S. 533 (1944) 28
Ware v. *Hylton*, 3 U.S. (3 Dall.) 199 (1796) 11
Zschernig v. *Miller*, 389 U.S. 429 (1968) 12, 14, 18

Constitution and statutes:

U.S. Const.:
Art. I 11
§ 8 11
Cl. 1 11
Cl. 3 11
Cl. 10 11
Cl. 11 11
§ 10 11
Art. II 11
§ 2 11
§ 3 11
Amend. XIV:
Commerce Clause ..... *passim*
Due Process Clause 8, 9, 21, 23, 24, 26, 30
McCarran-Ferguson Act, 15 U.S.C. 1011 *et seq.* 28
15 U.S.C. 1012(a) 7, 29
15 U.S.C. 1012(b) 29
U.S. Holocaust Assets Commission Act of 1998, Pub. L. No. 105-186, 112 Stat. 611 19
§ 2(a), 112 Stat. 611 19
§ 3(a)(1), 112 Stat. 612 19
§ 3(a)(4)(A), 112 Stat. 613 20
§ 3(a)(4)(B), 112 Stat. 613 20
§ 3(d)(1), 112 Stat. 614 20
Holocaust Victim Insurance Relief Act of 1999, Cal. Ins. Code §§ 13800 *et seq.* (West Supp. 2003) 4-5
§ 13801 14
§ 13801(d) 27
§ 13801(e) 27
§ 13801(f) 5

REV_00114305

Statutes—Continued: Page

§ 13802(c) 5
§ 13803 5
§ 13804 ..... 5, 14
§ 13804(a) 5
§ 13804(a)(1) 5
§ 13804(b) 5
§ 13806 5
Cal. Civ. Pro. Code (West Supp. 2003):
§ 354.3 7
§ 354.5(a) 6
§ 354.5(b) 6
§ 354.5(c) 6
§ 354.6 7
Cal. Ins. Code (West 1993):
§ 717(h) 28
§ 733 28
§ 791.13 25
§ 1215.6 28
Cal. Ins. Code (West Supp. 2003):
§ 790.15(a) 7
§ 790.15(b)(1) 7
§ 12967(a)(1) 6
§ 12967(a)(2) 6
Assembly Bill No. 1334, 1998 Cal. Stat. ch. 43 6
Senate Bill No. 1530, 1998 Cal. Stat. ch. 963 6
10 Barclays Cal. Code Reg. § 2278.1(a) 14

Miscellaneous:

Agreement Between the International Comm'n on Holocaust Era Insurance Claims, the Foundation "Remembrance, Responsibility, and the Future" and the German Ins. Ass'n (Oct. 16, 2000) <http://www.icheic.org/eng/press.html> 4
David Bender, *Privacy Law*, 717 PLI/PAT 563 (2002) ... 17
Exchange of Notes (Jan. 23, 2001) <http://www.usembassy.at/en/policy/annexa.htm> 4

REV_00114306

Miscellaneous—Continued: Page

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REV_00114307

In the Supreme Court of the United States

No. 02-722

AMERICAN INSURANCE ASSOCIATION, ET AL.,
PETITIONERS

v.

JOHN GARAMENDI, INSURANCE COMMISSIONER,
STATE OF CALIFORNIA

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE SUPPORTING PETITIONERS

INTEREST OF THE UNITED STATES

The United States has engaged in extensive diplomatic efforts to assure that the nations and enterprises responsible for the Holocaust provide some measure of justice to their victims. In so doing, the United States has consistently encouraged the use of voluntary, non-adversarial mechanisms for resolving Holocaust victims' claims. California has adopted a different approach. The State has enacted a series of related statutes, including the one challenged here, to provide a separate means of resolving those claims. Such state laws directly interfere with the national government's authority over foreign affairs and foreign commerce.

STATEMENT

1. a. Since the end of World War II, the United States has committed substantial diplomatic resources to achieving

REV_00114308

some measure of justice for the victims of Nazism. The United States and its allies entered into treaties with the post-War governments of Germany and Austria that required them to pay compensation to such persons. See Pet. App. 97a-98a. More recently, the United States has engaged in extensive international discussions concerning claims of Holocaust victims and their heirs. As a result of those discussions, the United States has entered into executive agreements with Germany and Austria and has issued a joint statement with Switzerland.

As with Holocaust-related claims generally, the United States has sought to encourage the resolution of insurance claims of Holocaust victims and their heirs "through cooperative means outside of litigation." Office of the Spokesman, U.S. Dep't of State, *Holocaust Insurance Agreement Signed* (Oct. 17, 2002). The United States has promoted the expeditious disposition of such claims in accordance with the procedures established by the International Commission on Holocaust Era Insurance Claims (ICHEIC).

ICHEIC is a voluntary organization formed by five European insurance companies, the State of Israel, Jewish organizations, and the National Association of Insurance Commissioners. The United States has observer status in ICHEIC, as do several European countries, including Germany, France, Italy, Poland, and the Czech Republic. ICHEIC is chaired by former Secretary of State Lawrence S. Eagleburger. Through ICHEIC, Holocaust victims' insurance claims are processed and checked against European insurers' records in a manner consistent with participating insurers' concerns that they not violate European data privacy laws.

The United States has repeatedly stated that ICHEIC "should be recognized as the exclusive remedy for all insurance claims that date to the Nazi era" and has "encourag[ed] all insurance companies that wrote policies during the Nazi era to join the ICHEIC." Office of the Spokesman, U.S.

REV_00114309

Dep't of State, *International Commission on Holocaust Era Insurance Claims Begins World-Wide Effort to Identify Unpaid Claims* (Feb. 15, 2000); see Pet. App. 177a (statement of Ambassador Randolph M. Bell, Special Envoy for Holocaust Issues) (reiterating United States' position that ICHEIC should be viewed as "the exclusive remedy for unresolved insurance claims from the National Socialist era and World War II").

b. The United States' approach to resolving Holocaust victims' claims, including insurance claims, is reflected in the executive agreement entered into between the United States and Germany in 2000. See Pet. App. 153a-168a. That agreement recognizes the creation of a foundation in Germany, funded with $5 billion from public and private sources, to address Holocaust-era claims against German companies that were not addressed by earlier measures. The German government agreed to supervise the activities of the foundation. *Id.* at 155a-156a. The United States, in turn, agreed to inform its courts that "it would be in [its] foreign policy interests * * * for the Foundation to be the exclusive remedy and forum for resolving [Holocaust-era] claims asserted against German companies." *Id.* at 156a. The United States also agreed to "use its best efforts" to promote the objectives of the agreement, including the achievement of an "all-embracing and enduring legal peace" with respect to such claims. *Ibid.*

The agreement specifically endorses ICHEIC as the proper vehicle for resolving Holocaust-era insurance claims. Germany agreed that all claims by or on behalf of Holocaust victims against German insurance companies would be processed based on ICHEIC procedures and additional proce-

REV_00114310

dures to be agreed upon among ICHEIC, the foundation, and the German Insurance Association. Pet. App. 156a.[1]

The additional procedures recently established by ICHEIC and the German entities provide, among other things, for potential claims to be checked against insurance companies' records in a manner consistent with German privacy law. ICHEIC publishes a list that includes only the names of policyholders who are believed to have been Holocaust victims (based on information from various sources such as German census records) and those policyholders' years of birth. See *Agreement between the International Comm'n on Holocaust Era Insurance Claims, the Foundation "Remembrance, Responsibility, and the Future" and the German Ins. Ass'n* Annex H, Para. IV (Oct. 16, 2002) <http://www.icheic.org/eng/press.html>.

2. The State of California has taken a different approach to securing compensation for Holocaust victims and their families. In a series of closely related statutes, including the one challenged in this case, the State has sought to use its regulatory authority to compel resolution of Holocaust-era insurance claims.

a. The statute at issue here, the Holocaust Victim Insurance Relief Act of 1999 (HVIRA), Cal. Ins. Code §§ 13800 *et*

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[1] The executive agreement between the United States and Austria, which consists of an exchange of diplomatic notes and annexes, contains nearly identical undertakings. See *Exchange of Notes* Annex A, Para. 14 (Jan. 23, 2001) <http://www.usembassy.at/en/policy/annex_a.htm>. The joint statement of the United States and Switzerland similarly endorses ICHEIC and notes the "potentially disruptive and counterproductive effects of investigative initiatives or the threat or actual use of sanctions on a sub-federal level against insurers, including those that are * * * participants in [ICHEIC]." *Joint Statement Between the Government of the United States of America and the Government of the Swiss Confederation* (Jan. 29, 2000) <http://www.us-embassy.ch/NEWS/ jointstatement. htm>.

REV_00114311

seq. (West Supp. 2003), requires each insurance company doing business in the State to disclose for publication detailed information concerning policies issued by the company or its affiliates in Europe decades ago. See *id.* §§ 13803, 13804. HVIRA requires disclosure of information concerning "life, property, liability, health, annuities, dowry, educational, or casualty insurance policies" that were sold "directly or through a related company, to persons in Europe, which were in effect between 1920 and 1945." *Id.* § 13804(a). As to each policy, the insurer must disclose "[t]he holder, beneficiary, and current status," the policyholder's "city of origin, domicile, or address," *id.*§ 13804(a)(1), whether the policy proceeds have been paid, *id.* § 13804(b), and, if not, the policy's value, *id.* §§ 13802(c), 13804(b). A domestic insurer is required to disclose such information about any such policies sold by its European affiliates, "whether the sale occurred before or after the insurer and the related company became related." *Id.* § 13804(a). The information is to be entered in a Holocaust Era Insurance Registry that is accessible to the public. *Id.* § 13803. The Commissioner of Insurance must suspend the license of any insurer that fails to provide the information. *Id.* § 13806.

HVIRA declares that its requirements are "necessary to protect the claims and interests of California residents," including some 5600 Holocaust survivors living in the State, and "to encourage the development of a resolution to these issues through the international process or through direct action by the State." Cal. Ins. Code § 13801(f) (West Supp. 2003). HVIRA's requirements apply to *every* insurance policy issued in Europe during the relevant period, however, without regard to whether the policyholder or the beneficiary ever resided in California.

b. In 1998, the California Legislature approved not only HVIRA, which was initially vetoed by the Governor and did

REV_00114312

not become law until the following year,[2] but also two related measures that did become law. See Assembly Bill No. 1334, 1998 Cal. Stat. ch. 43; Senate Bill No. 1530, 1998 Cal. Stat. ch. 963.

Assembly Bill No. 1334, which was designed "to provide just compensation to aging Holocaust victims," 1998 Cal. Stat., ch. 43, § 3, authorizes suits on Holocaust-era insurance policies in California courts, Cal. Civ. Proc. Code § 354.5(b) (West Supp. 2003). It permits suits to be brought against any insurer that is "related" to the insurer that issued the policy. *Id.* § 354.5(a) and (b). It also abolishes any statute-of-limitations defense if the suit is brought by 2010, *id.* § 354.5(b) and (c), declares that forum-selection provisions in Holocaust-era policies are unenforceable, 1998 Cal. Stat., ch. 43, § 1(b), and provides that the policies, although issued in Europe, are "subject to California law," *ibid.*

Senate Bill No. 1530, in turn, directs the Commissioner of Insurance to "work to recover information and records that will strengthen the claims of California residents" with respect Holocaust-era policies by undertaking "a coordinated approach to gather, review, and analyze the archives of insurers and other archives and records." Cal. Ins. Code § 12967(a)(1) and (2) (West Supp. 2003). That measure also requires the Commissioner to suspend the license of any California insurer if it "or any affiliate * * * has failed to pay any valid claim" of Holocaust victims or their heirs,

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[2] Governor Pete Wilson vetoed the original HVIRA as unnecessary and unduly broad. *Governor's Veto Message,* A.B. 1715 (Sept. 27, 1998). HVIRA was reintroduced and passed in 1999 with only minor modifications. The accompanying committee report explained that HVIRA was a necessary supplement to existing laws because it provides for dissemination of policy information to potential claimants, so that they "can take direct action on their own behalf." Gerling Appellees' C.A. Reh'g Pet., Exh. J.

REV_00114313

whether or not the claimant is a resident of the State. *Id.* § 790.15(a) and (b)(1).[3]

3. a. Petitioners, insurers that do business in California and that have European affiliates, brought suit to challenge the constitutionality of HVIRA. The district court entered a preliminary injunction against enforcement of the statute. The court held that petitioners had shown a probability of succeeding on their claims that HVIRA impermissibly "interferes with the national government's exclusive power over external affairs," Pet. App. 95a-105a, and regulates extraterritorially in violation of the Commerce Clause, *id.* at 106a-110a.

b. The court of appeals rejected each of the constitutional grounds on which the preliminary injunction was based. Pet. App. 34a-60a. The court held that HVIRA, as an insurance regulation, is exempted from Commerce Clause scrutiny by the McCarran-Ferguson Act, 15 U.S.C. 1012(b). See Pet. App. 41a-45a. The court also suggested that HVIRA does not, in any event, regulate extraterritorially because HVIRA "requires California companies only to *provide*

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[3] California has enacted other laws to assist private individuals' claims arising out of events that occurred abroad during World War II. In 1999, California enacted a statute that creates a cause of action, with uniquely favorable substantive and procedural rules, for "any Second World War slave labor victim" or "Second World War forced labor victim," or the heirs of such victim, against "any entity or successor in interest thereof for whom that labor was performed, either directly or through a subsidiary or affiliate." Cal. Civ. Proc. Code § 354.6 (West Supp. 2003). The Ninth Circuit recently struck down that statute as an impermissible intrusion into matters of international relations reserved to the national government. *Deutsch* v. *Turner Corp.*, 317 F.3d 1005 (2003); but see *Taiheiyo Cement Corp.* v. *Superior Court*, 105 Cal. App. 4th 398 (2003) (upholding statute). In 2002, California enacted a further statute that permits Holocaust victims to bring suit in California to recover looted artwork, regardless of whether the property is located in the State. See Cal. Civ. Proc. Code § 354.3.

REV_00114314

information about" Holocaust-era policies. *Id.* at 43a. The court also held that HVIRA does not impermissibly interfere with the national government's authority over foreign affairs. *Id.* at 58a-59a. The court remanded the case for consideration of petitioners' due process claim.

4. a. On remand, the district court permanently enjoined the enforcement of HVIRA. The court held that HVIRA violates the Due Process Clause by suspending insurers' licenses for not making the required disclosures without enabling them to raise defenses such as a foreign-law prohibition on disclosure. Pet. App. 78a-83a.

b. The court of appeals reversed. Pet. App. 1a-33a. The court held that HVIRA does not violate due process constraints on state legislative jurisdiction because HVIRA merely regulates the insurance industry within California. Pet. App. 9a. The court also held that HVIRA does not violate due process by denying insurers an opportunity to defend against the suspension of their licenses. *Id.* at 20a-29a. The court reiterated its earlier holdings rejecting challenges to HVIRA under the Commerce Clause and the foreign affairs power. *Id.* at 29a.

SUMMARY OF ARGUMENT

This case arises out of an attempt by a single State to extend its regulatory authority into other nations, thereby undermining the foreign policy of the United States. California, in HVIRA, has sought to compel the disclosure of vast amounts of information contained in foreign archives concerning foreign transactions among foreign parties. It has done so for the express purpose of enabling victims of Nazi Germany to pursue claims with respect to insurance policies issued in Europe before and during the Second World War. HVIRA exceeds several distinct, but complementary, constraints that the Constitution imposes on a State's regulatory authority, all of which serve to avoid unseemly conflict

REV_00114315

with the national government, with other States, and with other nations acting within the sphere of their own authority.

I. HVIRA impermissibly intrudes into a field—the conduct of the United States' diplomatic and commercial relations with other nations—that is exclusively reserved to the President and Congress. The national government's authority over external relations includes the authority to resolve claims arising out of, or in connection with, international conflicts. See, *e.g.*, *Dames & Moore* v. *Regan*, 453 U.S. 654, 679-680 (1981).

California has sought in HVIRA to establish its own separate mechanisms for resolving such claims. HVIRA is specifically concerned with gathering information concerning European insurance transaction in order to facilitate claims by and on behalf of victims of Nazi Germany. Moreover, HVIRA threatens to impair the United States government's own approach to the resolution of Holocaust victims' claims —an approach that encourages the use of voluntary non-adversarial mechanisms, in contrast to coercive regulation and litigation. The United States' ability to persuade foreign governments and foreign enterprises to participate in voluntary mechanisms is undermined by state regulations such as HVIRA, which impose additional obligations on foreign enterprises, through their domestic affiliates, for the purpose of aiding the assertion of claims against those foreign enterprises in California judicial proceedings or elsewhere. Indeed, HVIRA has generated the very tension with our European allies that the United States has sought to avoid.

II. HVIRA also regulates extraterritorially in violation of both the Commerce Clause and the Due Process Clause. Those Clauses impose similar constraints on a State's ability to regulate activity that occurs outside its borders. See, *e.g.*, *Healy* v. *Beer Inst., Inc.*, 491 U.S. 324, 336 (1989); *Home Ins. Co.* v. *Dick*, 281 U.S. 397, 407-408 (1930). HVIRA compels

REV_00114316

the retrieval, compilation, and public disclosure of information located outside the State, concerning transactions that occurred outside the State, between parties who were not residents of the State. Accordingly, even if the statute applied to policies issued in New York to New York residents, rather than to policies issued in Europe to Europeans, it would exceed the State's authority.

ARGUMENT

I. HVIRA IMPERMISSIBLY INTRUDES INTO MATTERS OF FOREIGN RELATIONS AND FOREIGN COMMERCE RESERVED TO THE NATIONAL GOVERNMENT

A. Under Our Constitutional System, The President And Congress Exercise Exclusive Authority Over Foreign Relations And Foreign Commerce

As the Court has emphasized, "[i]n international relations and with respect to foreign intercourse and trade the people of the United States act through a single government with unified and adequate national power." *Japan Line, Ltd.* v. *County of Los Angeles*, 441 U.S. 434, 448 (1979); see, *e.g.*, *Hines* v. *Davidowitz*, 312 U.S. 52, 63 (1941) ("The Federal Government * * * is entrusted with full and exclusive responsibility for the conduct of affairs with foreign sovereignties."). It necessarily follows that "[p]ower over external affairs is not shared by the States," but instead "is vested in the national government exclusively." *United States* v. *Pink*, 315 U.S. 203, 233 (1942).

The national government's preeminent role in acting for the United States in the international arena was forged out of the experience under the Articles of Confederation, when the States had undermined the national government's efforts to engage in political and commercial relations with other nations. See, *e.g.*, *Oldfield* v. *Marriott*, 51 U.S. (10 How.) 146, 163-165 (1850). The Constitution's reservation of such

REV_00114317

powers exclusively to the national government is reflected in its express grants of power to Congress,[4] and to the President,[5] and in its express restrictions on the States.[6] Those provisions serve to set matters of foreign commerce, foreign relations, and war in a field apart. It is a field that the States may not enter.

The national government has traditionally exercised its foreign relations and war powers with respect to the resolution of private parties' claims arising out of international conflicts. See, *e.g.*, *Dames & Moore*, 453 U.S. at 679 ("[T]he United States has repeatedly exercised its sovereign authority to settle the claims of its nationals against foreign countries."); *Pink*, 315 U.S. at 240 (Frankfurter, J., concurring) ("That the President's control of foreign relations includes the settlement of claims is indisputable."); *Ware* v. *Hylton*, 3 U.S. (3 Dall.) 199, 230 (1796); *Deutsch* v. *Turner Corp.*, 317 F.3d 1005, 1025 (9th Cir. 2003) ("[T]he Constitution allocates the power over foreign affairs to the federal government exclusively, and the power to make and resolve war, including

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[4] Those include Congress's powers to "provide for the common Defence," "regulate Commerce with foreign Nations," "define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations," and "declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water." U.S. Const. Art. I, § 8, Cls. 1, 3, 10, 11.

[5] Those include the President's powers to serve as "Commander in Chief of the Army and Navy," "make Treaties" and "appoint Ambassadors [and] other public Ministers and Consuls" with the advice and consent of the Senate, and "receive Ambassadors." U.S. Const. Art. II, §§ 2, 3.

[6] Those include restrictions on the States' "enter[ing] into any Treaty, Alliance, or Confederation," "grant[ing] Letters of Marque and Reprisal," "lay[ing] any Imposts or Duties on Imports or Exports," "enter[ing] into any Agreement or Compact * * * with a foreign Power," and "engag[ing] in War." U.S. Const. Art. I, § 10.

REV_00114318

the authority to resolve war claims, is central to the foreign affairs power in the constitutional design.").

In light of the "imperative[] * * * that federal power in the field affecting foreign relations be left entirely free from local interference," *Hines*, 312 U.S. at 63, state "regulations must give way if they impair the effective exercise of the Nation's foreign policy," *Zschernig* v. *Miller*, 389 U.S. 429, 440 (1968), or prevent the United States from "speak[ing] with one voice when regulating commercial relations with foreign governments," *Japan Line*, 441 U.S. at 449. This Court has struck down state laws that engaged a State in matters affecting the Nation's external affairs "even in [the] absence of a treaty" or an Act of Congress, *Zschernig*, 389 U.S. at 441, as inconsistent with the Constitution's assignment to the national government of the authority to conduct foreign relations or, in the commercial area, as inconsistent with the Foreign Commerce Clause. See, *e.g.*, *Japan Line*, 441 U.S. at 452-453; *Zschernig*, 389 U.S. at 436; *Chy Lung* v. *Freeman*, 92 U.S. 275, 279-281 (1875); cf. *Crosby* v. *National Foreign Trade Council*, 530 U.S. 363, 381-382 n.16 (2000) (noting such cases).

B. HVIRA Regulates In An Area Exclusively Reserved To The National Government

HVIRA intrudes into the field of foreign relations reserved exclusively to the national government. This Court has repeatedly recognized that the President and Congress have the sole authority to resolve, or to establish the mechanisms to resolve, the claims of United States nationals arising out of international conflicts. See, *e.g.*, *Dames & Moore*, 453 U.S. at 679. It follows *a fortiori* that the resolution of claims of *foreign nationals* arising out of, or in connection with, an international conflict is also a matter reserved exclusively to the President and Congress. A State is without authority to pursue its own independent approach to

REV_00114319

such claims, even if the United States and the State "share the same goals," because "[t]he fact of a common end hardly neutralizes conflicting means." *Crosby*, 530 U.S. at 379. The conflict between the means chosen by the United States and by California to resolve Holocaust victims' insurance claims is quite evident.

1. As explained above (at 1-4), with respect to still-unresolved claims against foreign enterprises arising out of the Holocaust, the United States has determined that those claims should be pursued through voluntary, non-adversarial processes rather than through coercive regulation and litigation. The United States has concluded that such an approach serves the interests of Holocaust victims and their families throughout the world, including the interests of elderly survivors of the Holocaust in obtaining some measure of justice within their lifetimes. The United States has also concluded that a non-adversarial approach serves important interests of the Nation in cooperative relations with its European allies.

More particularly, the United States, in its executive agreements with Germany and Austria and its other recent diplomatic efforts, has encouraged the use of ICHEIC as the exclusive mechanism for resolving Holocaust-era insurance claims. Those agreements do not, of their own force, extinguish any claims that Holocaust victims or their families might assert in court against foreign insurance companies.[7] They do make clear, however, that United States policy disfavors the imposition of further obligations on companies

[7] Because the claims almost exclusively concern persons and transactions that had no relation to the United States at the time of the conduct at issue, it is understandable that the United States government did not seek to extinguish or resolve the claims under the laws or international agreements of this Nation or by coercive processes under our laws, and instead sought to promote resolution by other means.

REV_00114320

subject to the agreements, whether through regulation or litigation, beyond the obligations contemplated by the agreements themselves. Thus, the executive agreement between the United States and Germany recognizes that it is "in the[] interests" of the two governments for the designated claims process "to be the exclusive remedy and forum for the resolution of all claims that have been or may be asserted against German companies arising from the National Socialist era and World War II." Pet. App. 155a.

HVIRA poses a direct threat to "the effective exercise," *Zschernig*, 389 U.S. at 440, of United States policy with respect to Holocaust victims' insurance claims. HVIRA is not a law of general applicability with only an incidental effect on matters outside the State or the United States, or on the national government's ongoing efforts in the international arena. To the contrary, HVIRA imposes disclosure requirements that are applicable *only* to insurance policies issued "to persons in Europe" during the period leading up to and including the Second World War. Cal. Ins. Code § 13804 (West Supp. 2003); see 10 Barclays Cal. Code Regs. § 2278.1(a) (defining term "Europe" in HVIRA as those parts of Europe "occupied or controlled by Nazi Germany, its allies or sympathizers"). HVIRA imposes those requirements for the express purpose of assisting Holocaust victims and their families in pursuing claims with respect to those policies, whether through "international process" or through judicial proceedings or enforcement actions by the State. See Cal. Ins. Code § 13801(b) (HVIRA is intended "to encourage the development of a resolution to these issues through the international process or through direct action by the State"). California has thereby thrust itself into the field of foreign relations and foreign commerce that is reserved exclusively to Congress and the President, who "is the sole organ of the nation in its external relations, and its sole representative with foreign nations." *United States* v.

REV_00114321

Curtiss-Wright Export Corp., 299 U.S. 304, 319 (1936) (quoting statement of John Marshall).

California has proceeded, moreover, in a manner that conflicts with the approach that the national government has elected to pursue. HVIRA not only requires the disclosure of Holocaust-era policy information to an entity in addition to ICHEIC, but also requires the disclosure of information substantially in addition to that required by ICHEIC. And HVIRA imposes a significant economic penalty—suspension of a license to do business—on California affiliates of insurers that fail to make those disclosures. HVIRA thus establishes "a different, state system of economic pressure," *Crosby*, 530 U.S. at 376, that conflicts with the ICHEIC system endorsed by the United States, and that threatens to impede its implementation and operation.

At a minimum, such state laws "compromise the very capacity of the President to speak for the Nation with one voice in dealing with other governments." *Crosby*, 530 U.S. at 381. The United States has stated that participation in the voluntary processes that it has endorsed should "give[] those companies cooperating with [ICHEIC] 'safe haven' from sanctions, subpoenas, and hearings relative to the Holocaust period." Testimony of Stuart E. Eizenstat, Deputy Secretary of the Treasury, before the Senate Foreign Relations Committee (Apr. 5, 2000) (Pet. App. 136a); see Pet. App. 156a (United States undertakes in its agreement with Germany to "use its best efforts * * * with state and local governments" to achieve an "all-embracing and enduring legal peace"). HVIRA, however, makes no exception even for companies that participate in ICHEIC or similar organizations. Indeed, HVIRA and the related California statutes appear designed to facilitate continuing litigation. HVIRA thereby undermines the United States' ability to persuade foreign governments and foreign companies to participate voluntarily in organizations such as ICHEIC. See *Crosby*,

REV_00114322

530 U.S. at 377 (recognizing that the President's "economic and diplomatic leverage" is reduced by state laws that seek to penalize foreign governments or foreign commerce); see also *Joint Statement Between the Government of the United States of America and the Government of the Swiss Confederation* (Jan. 29, 2000) (noting the "potentially disruptive and counterproductive effects" of laws such as HVIRA); Letter from Stuart E. Eizenstat, Deputy Secretary of the Treasury, to Gray Davis, Governor (Nov. 30, 1999) (Pet. App. 123a-125a) (observing that HVIRA could "undermine" the ICHEIC claims resolution process and "de[r]ail" negotiations between the United States and Germany concerning claims of Nazi slave and forced laborers).

The potential for HVIRA to complicate the United States' diplomatic efforts is illustrated by contrasting the information that insurers are required to disclose under the ICHEIC procedures endorsed by the United States with the information that insurers are required to disclose under HVIRA. As contemplated by the United States and Germany in their executive agreement, ICHEIC, the German foundation, and the German Insurance Association developed rules to govern what information about Holocaust-era insurance policies must be made available in order to provide adequate notice to potential claimants while safeguarding the privacy interests of other persons under German (or other European) law.[8] Those rules require the disclosure

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[8] Many European countries, like California and other States, limit the disclosure of personal information obtained through commercial transactions, including insurance transactions. See, *e.g.*, Tracie B. Loring, *An Analysis of the Informational Privacy Protection Afforded by the European Union and the United States*, 37 Tex. Int'l L.J. 421, 423-425, 434-439 (2002) (describing the development of laws protecting personal information in the nations comprising the European Union). European laws have been described as more comprehensive in their protection of personal data than are laws in the United States. See *id.* at 425 ("Unlike the European

REV_00114323

only of the name of any policyholder who is believed to have been a Holocaust victim and that person's year of birth. See p. 4, *supra*. Insurers are not required to provide other information, such as the value of a policy or the named beneficiary, with respect to policies issued to Holocaust victims, and are not required to provide any information about policies issued to other persons. HVIRA is not so limited. See p. 5, *supra* (information that must be disclosed under HVIRA). Thus, whereas the United States' diplomatic efforts have sought to resolve Holocaust victims' claims while accommodating the interests of Germany and other nations to minimize conflict with European privacy laws, HVIRA strikes a different balance that fails to account for those interests.[9]

Union's omnibus, centralized approach to informational privacy, which reflects the notion that data protection must be ensured by comprehensive legislation, data protection regulation in the United States is decentralized, fragmented, ad hoc, and narrowly tailored to target specific sectors."); David Bender, *Privacy Law*, 717 PLI/Pat 563, 579 (2002) ("In contrast to the piecemeal U.S. approach that relies largely on self-regulation, the European Union in 1995 adopted a data protection directive * * * that required each of the 15 member states to enact comprehensive data protection legislation.").

[9] As this Court has recognized, when information is sought in the United States from a foreign individual or entity, the data privacy statutes of the foreign party's own government are not controlling. See *Societe Nationale Industrielle Aerospatiale* v. *United States District Court*, 482 U.S. 522, 544-545 n.29 (1987); *Societe Internationale Pour Participations Industrielles Et Commerciales* v. *Rogers*, 357 U.S. 197, 204-206 (1958). Thus, for example, a foreign "blocking" statute does "not deprive an American court of the power to order a party subject to its jurisdiction to produce evidence even though the act of production may violate that statute." *Aerospatiale*, 482 U.S. at 544 n.29. Here, in contrast, the constitutional deficiency in HVIRA is not merely that it imposes disclosure obligations on foreign insurers that may conflict with their *own governments'* privacy laws, but rather that it conflicts with the *United States government's* approach to the resolution of Holocaust victims'

REV_00114324

HVIRA has generated the very tensions in international relations that the United States has sought to avoid, prompting protests from the governments of Germany and Switzerland concerning HVIRA's application to insurance policies written in those countries. See *Zschernig*, 389 U.S. at 437 n.7 (relying on similar protests to conclude that state statute impermissibly interfered with national government's authority over foreign affairs); cf. *Crosby*, 530 U.S. at 382-384. It is not for respondents to trivialize the potential implications of those protests for United States foreign policy (see Supp. Br. in Opp. 2), especially at a time of international tension when relations between this Nation and its European allies are at their most sensitive. State government officials, who are not part of the process through which the Nation formulates and conducts its international relations, are not well positioned to evaluate what adverse impact their actions may have for those relations. They cannot, for example, be expected to make an informed assessment of whether, or how, or when a foreign government might respond to provocative state legislation, or how detrimental the response might be to various important interests of the United States as a whole. "Experience has shown that international controversies of the gravest moment, sometimes even leading to war, may arise from real or imagined wrongs to another's subjects inflicted, or permitted, by a government." *Zschernig*, 389 U.S. at 441.

The proliferation of laws in California and other States that seek to facilitate claims against the United States' current allies or their citizens arising out of past international conflicts (see, *e.g.*, note 3, *supra*) demonstrates the danger of allowing States, which are not simultaneously dealing with foreign governments on many other important initiatives, to

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claims against those insurers, an approach that is itself more deferential to European privacy concerns.

REV_00114325

pursue their own foreign policies. As the Court recently reaffirmed, the Framers were determined that, because "[t]he union will undoubtedly be answerable to foreign powers for the conduct of its members," "the peace of the WHOLE ought not to be left at the disposal of a PART." *Crosby*, 530 U.S. at 381-382 n.16 (quoting The Federalist No. 80, at 535-536 (Alexander Hamilton) (J. Cooke ed., 1961)).

2. The court of appeals erred in refusing, based on a misunderstanding of *Barclays Bank PLC* v. *Franchise Tax Board*, 512 U.S. 298 (1994), to consider the Executive Branch's views regarding HVIRA's foreign policy ramifications. See Pet. App. 55a. As this Court has explained, *Barclays* addressed an unusual situation in which Congress and the Executive had taken divergent positions. See *Crosby*, 530 U.S. at 385-386; *Barclays*, 512 U.S. at 324-330. *Crosby* reaffirms the central importance in other situations of the President's views in exercising his constitutional responsibility "to speak for the Nation with one voice in dealing with other governments." 530 U.S. at 381, 385-386.

Contrary to the view of the court of appeals (see Pet. App. 47a-50a), the U.S. Holocaust Assets Commission Act of 1998, Pub. L. No. 105-186, 112 Stat. 611, does not authorize States to enact statutes such as HVIRA. That Act, in fact, confirms that California has departed from the course charted by the United States. As relevant here, the Act established a "Presidential Advisory Commission on Holocaust Assets in the United States" to investigate the disposition of certain Holocaust-era assets that "came into the possession or control of the Federal Government" after January 30, 1933. *Id.* §§ 2(a) and 3(a)(1), 112 Stat. 611, 612. The Act, among other things, directed the Commission to "encourage the National Association of Insurance Commissioners to prepare a report on the Holocaust-related claims practices of all insurance companies, both domestic and foreign, doing business in the United States at any time after January 30, 1933," that

REV_00114326

issued an insurance policy to "any individual on any list of Holocaust victims." *Id.* § 3(a)(4)(A), 112 Stat. 613.

Nothing in the federal Act imposes disclosure obligations on insurers under threat of sanctions. Nor does the Act confer any authority on the States to do so. To the contrary, the Act contemplates the gathering of information only "to the degree [it] is available." Pub. L. No. 105-186, § 3(a)(4)(B), 112 Stat. 613, 614. Moreover, unlike HVIRA, which is explicitly directed at facilitating individual claims against European insurers, the federal Act is concerned, among other things, with collecting information on "the Holocaust-related *claims practices*" of insurers "doing business in the United States," to assist the Commission in preparing a report to the President containing "recommendations for such legislative, administrative, or other action as it deems necessary or appropriate." *Id.* § 3(a)(4)(A) and 3(d)(1), 112 Stat. 613, 614 (emphasis added). And, whereas HVIRA seeks specific information about each policy issued by each European insurer during the relevant period, the federal Act seeks more general information, such as "[t]he number of policies issued by each company" to Holocaust victims. *Id.* § 3(a)(4)(B), 112 Stat. 613. Although the federal Act does seek information on the value of each such policy, it does not require the policyholder or beneficiary to be identified. It thus does not present the same privacy concerns as does HVIRA.[10]

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[10] The federal Commission's final report does not disclose any private information regarding the insurance policies issued by European insurers to Holocaust victims. To the contrary, the report discusses such policies only in general terms, such as by describing the ways in which Nazi regimes confiscated the insurance assets of Holocaust victims. See Presidential Advisory Comm'n on Holocaust Assets in the United States, *Plunder and Restitution: The U.S. and Holocaust Victims' Assets* SR-15 (Dec. 2000) (Nazis "confiscat[ed] insurance monies" of "Jews fleeing Germany"); *id.* at SR-17 (Nazis "confiscat[ed] payments from insurers that

REV_00114327

Thus, the federal Act takes a deliberately cautious approach, seeking to gather available information and to produce recommendations *for the President* as to what further measures might be appropriate. It provides no authority for California to pursue its own foreign policy, inconsistent with that pursued by the President, with respect to the resolution of claims under insurance policies issued by European companies to European individuals who became victims of the Holocaust.

II. HVIRA VIOLATES CONSTITUTIONAL PROHIBITIONS ON EXTRATERRITORIAL STATE REGULATION

Both the Commerce Clause and the Due Process Clause of the Fourteenth Amendment prohibit a State from regulating activity outside its borders. HVIRA is such an extraterritorial regulation. HVIRA focuses exclusively on transactions that occurred in Europe between Europeans many decades ago. It compels the disclosure of extensive private information about those transactions, even though they have "no jurisdictionally-significant relationship to [the State]." *Gerling Global Reinsurance Corp. of Am.* v. *Gallagher*, 267 F.3d 1228, 1238 (11th Cir. 2001). A State may not project its regulatory authority into other Nations in this fashion.

A. The Commerce Clause And The Due Process Clause Prohibit States From Regulating Transactions Outside Their Borders

1. Under familiar Commerce Clause principles, California may not require corporations to adhere to its standards in other States or nations as a condition of doing business in California. The Commerce Clause "precludes the application

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were intended to compensate property owners for their damages" from the Kristallnacht pogrom). Nor does the report recommend any legislative or administrative action with respect to such insurance policies.

REV_00114328

of a state statute to commerce that takes place wholly outside of the State's borders, whether or not the commerce has effects within the State." *Healy* v. *Beer Inst., Inc.*, 491 U.S. 324, 336 (1989); see *BMW of N. Am., Inc.* v. *Gore*, 517 U.S. 559, 572 (1996) ("[I]t follows from the[] principles of state sovereignty and comity" reflected in, *inter alia*, the Commerce Clause that "a State may not impose economic sanctions on violators of its laws with the intent of changing the [violator's] lawful conduct in other States."). A state law does not cease to be impermissibly "extraterritorial" under the Commerce Clause merely because it has some nexus to domestic persons or activities. "The critical inquiry is whether the practical effect of the regulation is to control conduct beyond the boundaries of the State." *Healy*, 491 U.S. at 336; accord, *e.g.*, *Brown-Forman Distillers Corp.* v. *New York State Liquor Auth.*, 476 U.S. 573, 583 (1986).

The Court's decision in *Healy* is illustrative. There, the Court struck down a Connecticut statute that required beer distributors, as a condition of doing business in the State, to file monthly statements with state authorities affirming that their prices in Connecticut did not exceed their prices in any neighboring State. 491 U.S. at 328 & n.5. The statute did not, by its terms, require or prohibit any conduct outside Connecticut. The Court nonetheless recognized that the "practical effect" of the statute was to constrain the distributors' ability to adjust their prices in other States in response to local market conditions. See *id.* at 337-339. Accordingly, the Court held that the statute was an impermissible extraterritorial regulation of commerce. *Id.* at 340.

The Commerce Clause's prohibition on a State's regulation of conduct beyond its borders protects against "inconsistent legislation arising from the projection of one state regulatory regime into the jurisdiction of another State." *Healy*, 491 U.S. at 336-337. When, as here, a State seeks to project its regulatory regime not merely beyond its own

REV_00114329

borders, but into the jurisdiction of another nation, the potential is particularly great for inconsistent legislation and resulting conflict, as well as for interference with United States foreign policy. Cf. *Japan Line*, 441 U.S. at 447-449 (noting that a state tax on instrumentalities of foreign commerce poses special concerns under the Commerce Clause because, unlike in the domestic context, no authoritative tribunal exists to assure that such instrumentalities are not subject to double taxation). Indeed, even Acts of Congress are presumed not to apply extraterritorially, unless Congress clearly indicates otherwise, to "protect against unintended clashes between our laws and those of other nations which could result in international discord." *EEOC* v. *Arabian Am. Oil Co.*, 499 U.S. 244, 248 (1991).

2. A State is also constrained by the Due Process Clause from regulating transactions that do not have a significant relationship to its legitimate interests. See, *e.g.*, *BMW*, 517 U.S. at 568-574; *Phillips Petroleum Co.* v. *Shutts*, 472 U.S. 797, 818-819 (1985); *Home Ins. Co.* v. *Dick*, 281 U.S. 397, 407-408 (1930).

In *Dick*, for example, the Court held that a Texas insurance statute could not, consistent with due process, be applied to invalidate a provision contained in a policy that had been issued in Mexico and was to be performed there. See 281 U.S. at 408. The Court explained that, because all acts relating to the making and performance of the policy occurred outside the State, "Texas was therefore without power to affect the terms of contracts so made." *Ibid.*; see *id.* at 408 n.5 ("[A] State is without power to impose either public or private obligations on contracts made outside of the state and not to be performed there."); see also *Shutts*, 472 U.S. at 821 (a State cannot apply its own law to "a transaction with little or no relationship to the [State]"). Similarly, in *BMW*, the Court held that a state court could not, consistent with due process, impose punitive damages de-

REV_00114330

signed to punish conduct that occurred in other States. The Court explained that a State "would be infringing on the policy choices of other States" by penalizing "conduct that was lawful where it occurred and that had no impact on [the State] or its residents." 517 U.S. at 572-573.

Those cases make clear a State cannot apply its law to an out-of-state transaction simply because a party to the transaction resides within the State. Indeed, the policyholder in *Dick* was a citizen and permanent resident of Texas, although all conduct relevant to the policy had occurred in Mexico. The Court held that Texas did not have a sufficient relationship to the policy to permit the State to regulate it. See 281 U.S. at 408. And, in *Shutts*, the Court held that Kansas could not apply its law to out-of-state plaintiffs' claims with respect to out-of-state leases, even though the defendant did business in the State. See 472 U.S. at 818-819.

B. HVIRA, By Imposing Disclosure Requirements Exclusively With Respect To Foreign Transactions Between Foreign Parties, Is An Impermissible Extraterritorial Regulation

1. Whether analyzed under the Commerce Clause or the Due Process Clause, HVIRA is an impermissible extraterritorial regulation. Its "practical effect" is to compel "conduct beyond the boundaries of the State," *Healy*, 491 U.S. at 336—specifically, to compel the retrieval, compilation, and public disclosure of detailed information, presumably located in Europe, concerning transactions that occurred many decades ago in Europe between European parties. There is no nexus between those transactions and any legitimate interest of California that would permit the State to exercise regulatory authority over them.

As noted above (at 14), HVIRA is not a generally applicable law that focuses on domestic matters and simply happens to have an extraterritorial effect in certain applications. Cf.

REV_00114331

Japan Line, *supra* (invalidating local taxing laws even in that situation when they interfered with the Nation's ability to speak with one voice). Rather, HVIRA is *specifically and exclusively* directed at transactions that occurred in Europe. It is thus especially evident that HVIRA exceeds the proper legislative jurisdiction of the State. Indeed, HVIRA is inconsistent with California's own general privacy rules, which prohibit, with respect to insurance policies issued in California, the same sorts of disclosures that HVIRA mandates with respect to European policies. See Cal. Ins. Code § 791.13 (West 1993).

The conclusion that HVIRA is an unconstitutional exterritorial regulation is confirmed by "considering how [such laws] may interact with the legitimate regulatory regimes of other States" and nations. *Healy*, 491 U.S. at 336 (noting relevance of such an inquiry); cf. *BMW*, 517 U.S. at 572 (a State cannot "attempt[] to alter [a business's] nationwide policy" in a manner that "infring[es] on the policy choices of other States"). It is plain that HVIRA has the potential to interfere with other jurisdictions' laws limiting the disclosure of personal information gathered in connection with the issuance of insurance policies. See note 8, *supra* (discussing European data privacy laws). German officials have, in fact, opined that a German insurer would violate German privacy laws by complying with HVIRA, at least with respect to the disclosure of information about policyholders who are not believed to be Holocaust victims. See Gerling Appellees' C.A. Reh'g Pet., Exh. C. Yet, as the court of appeals recognized, an insurer that fails to disclose the information required by HVIRA will have its California license suspended, even if "disclosure pursuant to HVIRA [would] violate[] European data protection laws." Pet. App. 25a.

2. a. The court of appeals suggested that HVIRA does not regulate extraterritorially because it does "not seek to regu-

REV_00114332

late the substance of out-of-state transactions." Pet. App. 15a (addressing due process challenge); accord *id.* at 43a (addressing Commerce Clause challenge). In the court's view, HVIRA is constitutional because it "requires California insurers *only to disclose information about* their foreign transactions or those of their affiliates." *Id.* at 16a.

The court of appeals' reasoning rests on the erroneous premise that "[a] request for information is simply not equivalent" to a regulation. Pet. App. 16a. A requirement that a person disclose, or refrain from disclosing, confidential information is regulatory in nature. It imposes a substantive obligation, the violation of which carries adverse consequences, in order to advance a government policy objective. See *Dole* v. *United Steelworkers of Am.*, 494 U.S. 26, 28 (1990) (describing "rules which require regulated entities to disclose information" as "[a]mong the regulatory tools available to [the] Government"); see also *BMW*, 517 U.S. at 571 n.15 ("Federal disclosure requirements are, of course, a familiar part of our law.") (citing examples). Indeed, when the Court explained in *BMW* that "no single State could * * * impose its own policy choice on neighboring States," the Court was referring to a State's policy choice "requiring full *disclosure* of every presale repair to a car." 517 U.S. at 570-571 (emphasis added); see *Gallagher*, 267 F.3d at 1238 (observing that the disclosure provisions of Florida's version of HVIRA "pertain to, and as a practical matter unquestionably seek to regulate," Holocaust-era policies). Indeed, the regulatory nature of HVIRA's disclosure requirements is underscored by the substantive and regulatory nature of the converse interest in protecting privacy. The existence of data privacy laws, such as the European laws invoked by petitioners here, belies any claim that laws governing disclosure or non-disclosure of information do not regulate or implicate the Commerce Clause and the Due Process Clause.

REV_00114333

b. The court of appeals also suggested that HVIRA is constitutionally justified by the State's purpose to "protect[] its residents from insurance companies that have not paid valid claims." Pet. App. 16a. A State cannot evade constitutional limits on extraterritorial legislation merely by deeming a corporation's conduct outside the State relevant to its ability to perform within the State. See *BMW*, 517 U.S. at 573-574 (State cannot base punitive damages award on conduct that is lawful in other jurisdictions); see generally *Healy*, 491 U.S. at 336 ("[A] statute that directly controls commerce occurring wholly outside the boundaries of a State * * * is invalid regardless of whether the statute's extraterritorial reach was intended by the legislature."); *id.* at 337 n.14 (noting that *only* a statute that "regulates evenhandedly" and "has only indirect effects on interstate commerce" may be justified by a sufficiently important state interest).

In any event, the express purpose of HVIRA is to facilitate the resolution of claims on policies issued in Europe more than 50 years ago rather than to assess the fitness of insurers to do business in California today. See Cal. Ins. Code § 13801(d) and (e) (West Supp. 2003) (HVIRA is designed "to ensure the rapid resolution of * * * questions" concerning "insurance policies held by Holocaust victims and survivors," so as to "eliminat[e] the further victimization of these policyholders and their families"). By contrast, HVIRA makes no mention of the purpose that the court posited. Nor do any other features of HVIRA suggest that its purpose or primary operative effect is to enable the Commissioner of Insurance to ascertain whether an insurance company will deal fairly with California consumers. See *BMW*, 517 U.S. at 572 (state regulation "must be supported by the State's interest in protecting its own consumers and its own economy"). The information that HVIRA requires insurers to disclose is too remote, too dated, and, at the same

REV_00114334

time, too detailed to support the court of appeals' posited purpose. The disclosure obligation is tailored to enable individuals—only a small fraction of whom may even now have any connection at all to California—to pursue claims under policies issued in Europe many decades ago. It is not tailored to assessing insurers' current performance in the State.

Indeed, state statutes in effect at the time of HVIRA's enactment already provided the Commissioner of Insurance with all of the tools necessary to investigate insurers' business practices. Cal. Ins. Code § 717(h) (West 1993) (providing Commissioner with the authority to gather information to assess the "fairness and honesty of methods of doing business" of any insurer seeking to do business in the State); *id.* § 733 (authority to examine "all [the insurer's] affairs"); *id.* § 1215.6 (authority to obtain documents in possession of "the insurer or its affiliates"). HVIRA was described by its supporters *not* as a means of obtaining information needed by the Commissioner, but as a means of obtaining information needed by individual claimants. See note 2 *supra*.

c. Contrary to the court of appeals' holding, the McCarran-Ferguson Act, 15 U.S.C. 1011 *et seq.*, does not immunize HVIRA from scrutiny under the Commerce Clause. The McCarran-Ferguson Act provides no authority for a State to extend its regulation of insurance into other States or nations.

The McCarran-Ferguson Act was enacted in response to this Court's decision in *United States* v. *South-Eastern Underwriters Ass'n*, 322 U.S. 533 (1944), which held that insurance is "commerce," with the consequence that the States' ability to regulate insurance was circumscribed by the Commerce Clause. See *United States Dep't of the Treasury* v. *Fabe*, 508 U.S. 491, 499-500 (1993). Congress, however, viewed insurance as "a *local matter*, to be subject to and regulated by the laws of the several States." H.R. Rep. No.

REV_00114335

143, 79th Cong., 1st Sess. 2 (1945). Thus, Congress enacted the McCarran-Ferguson Act to ensure that the States would continue to have primary responsibility for regulating insurance and that state laws regulating and taxing insurance would be preempted only when Congress stated a clear intent to do so. See *Fabe*, 508 U.S. at 500, 507.

The McCarran-Ferguson Act removes Commerce Clause limitations *only* with respect to a State's regulation and taxation of the insurance business within its own borders. This Court held in *FTC* v. *Travelers Health Ass'n*, 362 U.S. 293, 301 (1960), that the Act was not intended to authorize state regulation of extraterritorial activities. The Court explained that Congress "viewed state regulation of insurance solely in terms of regulation by the law of the State where occurred the activity sought to be regulated." *Id.* at 300. The Court reasoned that a contrary construction of the Act would raise serious constitutional questions, *id.* at 302, and undermine Congress's "basic motivating policy" of leaving the regulation of insurance to those "in close proximity to" the people and policies regulated, *id.* at 301-302.[11]

---

[11] The Court was specifically concerned in *Travelers* with an exception to the McCarran-Ferguson Act that, among other things, allows the Federal Trade Commission to regulate insurance to the extent that it is not regulated by state law. See 15 U.S.C. 1012(b). The Court's reasoning applies equally, however, to the Act's general rule that authorizes state regulation of insurance. See 15 U.S.C. 1012(a). The two provisions are complementary. The general rule is that "[t]he business of insurance" is "subject to the laws of the * * * States which relate to the regulation * * * of such business." 15 U.S.C. 1012(a). The exception provides that the Federal Trade Commission Act, among other Acts, "shall be applicable to the business of insurance to the extent that such business is not regulated by State law." 15 U.S.C. 1012(b). Under Section 1012(b), the Federal Trade Commission Act applies *unless* the aspect of the insurance business at issue is already regulated by the State as contemplated in Section 1012(a). As *Travelers* makes clear, extraterritorial state regulation is not within the authority delegated to the States by Section 1012(a).

REV_00114336

Finally, whatever the extent to which the McCarran-Ferguson Act immunizes state insurance regulations from scrutiny under the Commerce Clause, the Act provides no immunity from other constitutional provisions, including the Due Process Clause. See *Quill Corp.* v. *North Dakota*, 504 U.S. 298, 305 (1992). Accordingly, even if the Act were understood to provide a Commerce Clause immunity for extraterritorial state regulation of insurance, HVIRA would nonetheless be invalid as exceeding the Due Process Clause's independent limitations on a State's authority "to impose * * * obligations on contracts made outside of the State and not to be performed there." *Dick*, 281 U.S. at 408 n.5.

CONCLUSION

The judgment of the court of appeals should be reversed.

Respectfully submitted.

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FEBRUARY 2003

* The Solicitor General is recused in this case.

REV_00114337

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
Sent: 4/11/2003 6:17:57 AM
Subject: : RE: Calif. holocaust case
Attachments: P_CCGJF003_WHO.TXT_1.pdf

Begin Original ARMS Header
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CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
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I will give pithy summary of this for you. Just got it.

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"Shannen.Coffin@usdoj.gov" <Shannen.Coffin
04/11/2003 10:02:02 AM
Record Type: Record

To: "Bill.Jordan@usdoj.gov" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Calif. holocaust case

Brett, Attached is the amicus brief filed in the Supreme Court in this case, which challenges a California state statute require any insurer doing business in the state to disclose policies issued during Nazi era Germany/Europe in a purported effort to assist holocaust victims with getting money they are due. Apparently, we filed in support of the petitioning insurers, who challenge the statute on foreign affairs and commerce clause grounds.

-----Original Message-----
From: Jordan, Bill
Sent: Friday, April 11, 2003 9:45 AM
To: Keisler, Peter D
Cc: Coffin, Shannen
Subject: Calif. holocaust case

Appellate had no heard of it and Fed Programs is still looking. Shannen will call Brett as soon as we get something.

- 2002-0722.pet.ami[1].pdf

ATT CREATION TIME/DATE: 0 00:00:00.00
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No. 02-722

In the Supreme Court of the United States

AMERICAN INSURANCE ASSOCIATION, ET AL.,
PETITIONERS

v.

JOHN GARAMENDI, INSURANCE COMMISSIONER,
STATE OF CALIFORNIA

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE SUPPORTING PETITIONERS

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REV_00114339

QUESTION PRESENTED

Whether a California statute that requires an insurance company doing business in the State to retrieve, compile, and disclose information about each insurance policy issued by that company or an affiliate in Europe that was in effect between 1920 and 1945 (1) impermissibly intrudes upon the national government's exclusive power over foreign affairs and foreign commerce or (2) regulates extraterritorially in violation of the Commerce Clause, the Due Process Clause, or both.

REV_00114340

TABLE OF CONTENTS

	Page
Interest of the United States	1
Statement	1
Summary of argument	8
Argument:	
I. HVIRA impermissibly intrudes into matters of foreign relations and foreign commerce reserved to the national government	10
A. Under our constitutional system, the President and Congress exercise exclusive authority over foreign relations and foreign commerce	10
B. HVIRA regulates in an area exclusively reserved to the national government	12
II. HVIRA violates constitutional prohibitions on extraterritorial state regulation	21
A. The Commerce Clause and the Due Process Cause prohibit States from regulating transactions outside their borders	21
B. HVIRA, by imposing disclosure requirements exclusively with respect to foreign transactions between foreign parties, is an impermissible extraterritorial regulation	24
Conclusion	30

TABLE OF AUTHORITIES

Cases:	Page
BMW of N. Am., Inc. v. *Gore*, 517 U.S. 559 (1996)	22, 23, 24, 25, 26, 27
Barclays Bank PLC v. *Franchise Tax Bd.*, 512 U.S. 298 (1994)	19
Brown-Forman Distillers Corp. v. *New York State Liquor Auth.*, 476 U.S. 573 (1986)	22

REV_00114341

Cases—Continued: Page

Chy Lung v. *Freeman*, 92 U.S. 275 (1875) 12
Crosby v. *National Foreign Trade Council*, 530 U.S. 363 (2000) 12, 13, 15-16, 18, 19
Dames & Moore v. *Regan*, 453 U.S. 654 (1981) 9, 11, 12
Deutsch v. *Turner Corp.*, 317 F.3d 1005 (9th Cir. 2003) 7, 11
Dole v. *United Steelworkers of Am.*, 494 U.S. 26 (1990) 26
EEOC v. *Arabian Am. Oil Co.*, 499 U.S. 244 (1991) 23
FTC v. *Travelers Health Ass'n*, 362 U.S. 293 (1960) 29
Gerling Global Reinsurance Corp. of Am. v. *Gallagher*, 267 F.3d 1228 (11th Cir. 2001) 21, 26
Healy v. *Beer Inst., Inc.*, 491 U.S. 324 (1989) 9, 22, 24, 25, 27
Hines v. *Davidowitz*, 312 U.S. 52 (1941) 10, 12
Home Ins. Co. v. *Dick*, 281 U.S. 397 (1930) 9, 23, 24, 30
Japan Line, Ltd. v *County of Los Angeles*, 441 U.S. 434 (1979) 10, 12, 23, 25
Oldfield v. *Marriott*, 51 U.S. (10 How.) 146 (1850) 10
Phillips Petroleum Co. v. *Shutts*, 472 U.S. 797 (1985) 23, 24
Quill Corp. v. *North Dakota*, 504 U.S. 298 (1992) 30
Societe Internationale Pour Participations Industrielles Et Commerciales v. *Rogers*, 357 U.S. 197 (1958) 17
Societe Nationale Industrielle Aerospatiale v. *United States District Court*, 482 U.S. 522 (1987) 17
Taiheiyo Cement Corp. v. *Superior Court*, 105 Cal. App. 4th 498 (2003) 7
United States Dep't of the Treas. v. *Fabe*, 508 U.S. 491 (1993) 28, 29
United States v. *Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936) 14-15
United States v. *Pink*, 315 U.S. 203 (1942) 10, 11

REV_00114342

Cases—Continued: Page

United States v. *South-Eastern Underwriters Ass'n*, 322 U.S. 533 (1944) 28
Ware v. *Hylton*, 3 U.S. (3 Dall.) 199 (1796) 11
Zschernig v. *Miller*, 389 U.S. 429 (1968) 12, 14, 18

Constitution and statutes:

U.S. Const.:
Art. I 11
§ 8 11
Cl. 1 11
Cl. 3 11
Cl. 10 11
Cl. 11 11
§ 10 11
Art. II 11
§ 2 11
§ 3 11
Amend. XIV:
Commerce Clause ..... *passim*
Due Process Clause 8, 9, 21, 23, 24, 26, 30
McCarran-Ferguson Act, 15 U.S.C. 1011 *et seq.* 28
15 U.S.C. 1012(a) 7, 29
15 U.S.C. 1012(b) 29
U.S. Holocaust Assets Commission Act of 1998, Pub. L. No. 105-186, 112 Stat. 611 19
§ 2(a), 112 Stat. 611 19
§ 3(a)(1), 112 Stat. 612 19
§ 3(a)(4)(A), 112 Stat. 613 20
§ 3(a)(4)(B), 112 Stat. 613 20
§ 3(d)(1), 112 Stat. 614 20
Holocaust Victim Insurance Relief Act of 1999, Cal. Ins. Code §§ 13800 *et seq.* (West Supp. 2003) 4-5
§ 13801 14
§ 13801(d) 27
§ 13801(e) 27
§ 13801(f) 5

REV_00114343

Statutes—Continued: Page

§ 13802(c) 5
§ 13803 5
§ 13804 ..... 5, 14
§ 13804(a) 5
§ 13804(a)(1) 5
§ 13804(b) 5
§ 13806 5
Cal. Civ. Pro. Code (West Supp. 2003):
§ 354.3 7
§ 354.5(a) 6
§ 354.5(b) 6
§ 354.5(c) 6
§ 354.6 7
Cal. Ins. Code (West 1993):
§ 717(h) 28
§ 733 28
§ 791.13 25
§ 1215.6 28
Cal. Ins. Code (West Supp. 2003):
§ 790.15(a) 7
§ 790.15(b)(1) 7
§ 12967(a)(1) 6
§ 12967(a)(2) 6
Assembly Bill No. 1334, 1998 Cal. Stat. ch. 43 6
Senate Bill No. 1530, 1998 Cal. Stat. ch. 963 6
10 Barclays Cal. Code Reg. § 2278.1(a) 14

Miscellaneous:

Agreement Between the International Comm'n on Holocaust Era Insurance Claims, the Foundation "Remembrance, Responsibility, and the Future" and the German Ins. Ass'n (Oct. 16, 2000) <http://www.icheic.org/eng/press.html> 4
David Bender, *Privacy Law*, 717 PLI/PAT 563 (2002) ... 17
Exchange of Notes (Jan. 23, 2001) <http://www.usembassy.at/en/policy/annexa.htm> 4

REV_00114344

Miscellaneous—Continued: Page

The Federalist No. 80 (Alexander Hamilton) (J. Cook ed., 1961) 19

Governor's Veto Message, A.B. 1715 (Sept. 17, 1998) <http://www.leginfo.ca.gov/pub/97-98/bill/asm/ab_1701-1705/ab_1715_vt_19980927.html> 6

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Joint Statement Between the Government of the United States of America and the Government of the Swiss Confederation (Jan. 29, 2000) <http://www.us.embassy.ch/NEWS/jointstatement.htm> 4, 16

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Office of the Spokesman, U.S. Dep't of State, *Holocaust Insurance Agreement Signed* (Oct. 17, 2002) 2, 17

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Presidential Advisory Commission on Holocaust Assets in the United States, *Plunder and Restitution: The U.S. and Holocaust Victims' Assests* (Dec. 2000) 20

REV_00114345

In the Supreme Court of the United States

No. 02-722

AMERICAN INSURANCE ASSOCIATION, ET AL.,
PETITIONERS

v.

JOHN GARAMENDI, INSURANCE COMMISSIONER,
STATE OF CALIFORNIA

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE SUPPORTING PETITIONERS

INTEREST OF THE UNITED STATES

The United States has engaged in extensive diplomatic efforts to assure that the nations and enterprises responsible for the Holocaust provide some measure of justice to their victims. In so doing, the United States has consistently encouraged the use of voluntary, non-adversarial mechanisms for resolving Holocaust victims' claims. California has adopted a different approach. The State has enacted a series of related statutes, including the one challenged here, to provide a separate means of resolving those claims. Such state laws directly interfere with the national government's authority over foreign affairs and foreign commerce.

STATEMENT

1. a. Since the end of World War II, the United States has committed substantial diplomatic resources to achieving

REV_00114346

some measure of justice for the victims of Nazism. The United States and its allies entered into treaties with the post-War governments of Germany and Austria that required them to pay compensation to such persons. See Pet. App. 97a-98a. More recently, the United States has engaged in extensive international discussions concerning claims of Holocaust victims and their heirs. As a result of those discussions, the United States has entered into executive agreements with Germany and Austria and has issued a joint statement with Switzerland.

As with Holocaust-related claims generally, the United States has sought to encourage the resolution of insurance claims of Holocaust victims and their heirs "through cooperative means outside of litigation." Office of the Spokesman, U.S. Dep't of State, *Holocaust Insurance Agreement Signed* (Oct. 17, 2002). The United States has promoted the expeditious disposition of such claims in accordance with the procedures established by the International Commission on Holocaust Era Insurance Claims (ICHEIC).

ICHEIC is a voluntary organization formed by five European insurance companies, the State of Israel, Jewish organizations, and the National Association of Insurance Commissioners. The United States has observer status in ICHEIC, as do several European countries, including Germany, France, Italy, Poland, and the Czech Republic. ICHEIC is chaired by former Secretary of State Lawrence S. Eagleburger. Through ICHEIC, Holocaust victims' insurance claims are processed and checked against European insurers' records in a manner consistent with participating insurers' concerns that they not violate European data privacy laws.

The United States has repeatedly stated that ICHEIC "should be recognized as the exclusive remedy for all insurance claims that date to the Nazi era" and has "encourag[ed] all insurance companies that wrote policies during the Nazi era to join the ICHEIC." Office of the Spokesman, U.S.

REV_00114347

Dep't of State, *International Commission on Holocaust Era Insurance Claims Begins World-Wide Effort to Identify Unpaid Claims* (Feb. 15, 2000); see Pet. App. 177a (statement of Ambassador Randolph M. Bell, Special Envoy for Holocaust Issues) (reiterating United States' position that ICHEIC should be viewed as "the exclusive remedy for unresolved insurance claims from the National Socialist era and World War II").

b. The United States' approach to resolving Holocaust victims' claims, including insurance claims, is reflected in the executive agreement entered into between the United States and Germany in 2000. See Pet. App. 153a-168a. That agreement recognizes the creation of a foundation in Germany, funded with $5 billion from public and private sources, to address Holocaust-era claims against German companies that were not addressed by earlier measures. The German government agreed to supervise the activities of the foundation. *Id.* at 155a-156a. The United States, in turn, agreed to inform its courts that "it would be in [its] foreign policy interests * * * for the Foundation to be the exclusive remedy and forum for resolving [Holocaust-era] claims asserted against German companies." *Id.* at 156a. The United States also agreed to "use its best efforts" to promote the objectives of the agreement, including the achievement of an "all-embracing and enduring legal peace" with respect to such claims. *Ibid.*

The agreement specifically endorses ICHEIC as the proper vehicle for resolving Holocaust-era insurance claims. Germany agreed that all claims by or on behalf of Holocaust victims against German insurance companies would be processed based on ICHEIC procedures and additional proce-

REV_00114348

dures to be agreed upon among ICHEIC, the foundation, and the German Insurance Association. Pet. App. 156a.[1]

The additional procedures recently established by ICHEIC and the German entities provide, among other things, for potential claims to be checked against insurance companies' records in a manner consistent with German privacy law. ICHEIC publishes a list that includes only the names of policyholders who are believed to have been Holocaust victims (based on information from various sources such as German census records) and those policyholders' years of birth. See *Agreement between the International Comm'n on Holocaust Era Insurance Claims, the Foundation "Remembrance, Responsibility, and the Future" and the German Ins. Ass'n* Annex H, Para. IV (Oct. 16, 2002) <http://www.icheic.org/eng/press.html>.

2. The State of California has taken a different approach to securing compensation for Holocaust victims and their families. In a series of closely related statutes, including the one challenged in this case, the State has sought to use its regulatory authority to compel resolution of Holocaust-era insurance claims.

a. The statute at issue here, the Holocaust Victim Insurance Relief Act of 1999 (HVIRA), Cal. Ins. Code §§ 13800 *et*

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[1] The executive agreement between the United States and Austria, which consists of an exchange of diplomatic notes and annexes, contains nearly identical undertakings. See *Exchange of Notes* Annex A, Para. 14 (Jan. 23, 2001) <http://www.usembassy.at/en/policy/annex_a.htm>. The joint statement of the United States and Switzerland similarly endorses ICHEIC and notes the "potentially disruptive and counterproductive effects of investigative initiatives or the threat or actual use of sanctions on a sub-federal level against insurers, including those that are * * * participants in [ICHEIC]." *Joint Statement Between the Government of the United States of America and the Government of the Swiss Confederation* (Jan. 29, 2000) <http://www.us-embassy.ch/NEWS/ jointstatement. htm>.

REV_00114349

seq. (West Supp. 2003), requires each insurance company doing business in the State to disclose for publication detailed information concerning policies issued by the company or its affiliates in Europe decades ago. See *id.* §§ 13803, 13804. HVIRA requires disclosure of information concerning "life, property, liability, health, annuities, dowry, educational, or casualty insurance policies" that were sold "directly or through a related company, to persons in Europe, which were in effect between 1920 and 1945." *Id.* § 13804(a). As to each policy, the insurer must disclose "[t]he holder, beneficiary, and current status," the policyholder's "city of origin, domicile, or address," *id.*§ 13804(a)(1), whether the policy proceeds have been paid, *id.* § 13804(b), and, if not, the policy's value, *id.* §§ 13802(c), 13804(b). A domestic insurer is required to disclose such information about any such policies sold by its European affiliates, "whether the sale occurred before or after the insurer and the related company became related." *Id.* § 13804(a). The information is to be entered in a Holocaust Era Insurance Registry that is accessible to the public. *Id.* § 13803. The Commissioner of Insurance must suspend the license of any insurer that fails to provide the information. *Id.* § 13806.

HVIRA declares that its requirements are "necessary to protect the claims and interests of California residents," including some 5600 Holocaust survivors living in the State, and "to encourage the development of a resolution to these issues through the international process or through direct action by the State." Cal. Ins. Code § 13801(f) (West Supp. 2003). HVIRA's requirements apply to *every* insurance policy issued in Europe during the relevant period, however, without regard to whether the policyholder or the beneficiary ever resided in California.

b. In 1998, the California Legislature approved not only HVIRA, which was initially vetoed by the Governor and did

REV_00114350

not become law until the following year,[2] but also two related measures that did become law. See Assembly Bill No. 1334, 1998 Cal. Stat. ch. 43; Senate Bill No. 1530, 1998 Cal. Stat. ch. 963.

Assembly Bill No. 1334, which was designed "to provide just compensation to aging Holocaust victims," 1998 Cal. Stat., ch. 43, § 3, authorizes suits on Holocaust-era insurance policies in California courts, Cal. Civ. Proc. Code § 354.5(b) (West Supp. 2003). It permits suits to be brought against any insurer that is "related" to the insurer that issued the policy. *Id.* § 354.5(a) and (b). It also abolishes any statute-of-limitations defense if the suit is brought by 2010, *id.* § 354.5(b) and (c), declares that forum-selection provisions in Holocaust-era policies are unenforceable, 1998 Cal. Stat., ch. 43, § 1(b), and provides that the policies, although issued in Europe, are "subject to California law," *ibid.*

Senate Bill No. 1530, in turn, directs the Commissioner of Insurance to "work to recover information and records that will strengthen the claims of California residents" with respect Holocaust-era policies by undertaking "a coordinated approach to gather, review, and analyze the archives of insurers and other archives and records." Cal. Ins. Code § 12967(a)(1) and (2) (West Supp. 2003). That measure also requires the Commissioner to suspend the license of any California insurer if it "or any affiliate * * * has failed to pay any valid claim" of Holocaust victims or their heirs,

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[2] Governor Pete Wilson vetoed the original HVIRA as unnecessary and unduly broad. *Governor's Veto Message,* A.B. 1715 (Sept. 27, 1998). HVIRA was reintroduced and passed in 1999 with only minor modifications. The accompanying committee report explained that HVIRA was a necessary supplement to existing laws because it provides for dissemination of policy information to potential claimants, so that they "can take direct action on their own behalf." Gerling Appellees' C.A. Reh'g Pet., Exh. J.

REV_00114351

whether or not the claimant is a resident of the State. *Id.* § 790.15(a) and (b)(1).[3]

3. a. Petitioners, insurers that do business in California and that have European affiliates, brought suit to challenge the constitutionality of HVIRA. The district court entered a preliminary injunction against enforcement of the statute. The court held that petitioners had shown a probability of succeeding on their claims that HVIRA impermissibly "interferes with the national government's exclusive power over external affairs," Pet. App. 95a-105a, and regulates extraterritorially in violation of the Commerce Clause, *id.* at 106a-110a.

b. The court of appeals rejected each of the constitutional grounds on which the preliminary injunction was based. Pet. App. 34a-60a. The court held that HVIRA, as an insurance regulation, is exempted from Commerce Clause scrutiny by the McCarran-Ferguson Act, 15 U.S.C. 1012(b). See Pet. App. 41a-45a. The court also suggested that HVIRA does not, in any event, regulate extraterritorially because HVIRA "requires California companies only to *provide*

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[3] California has enacted other laws to assist private individuals' claims arising out of events that occurred abroad during World War II. In 1999, California enacted a statute that creates a cause of action, with uniquely favorable substantive and procedural rules, for "any Second World War slave labor victim" or "Second World War forced labor victim," or the heirs of such victim, against "any entity or successor in interest thereof for whom that labor was performed, either directly or through a subsidiary or affiliate." Cal. Civ. Proc. Code § 354.6 (West Supp. 2003). The Ninth Circuit recently struck down that statute as an impermissible intrusion into matters of international relations reserved to the national government. *Deutsch* v. *Turner Corp.*, 317 F.3d 1005 (2003); but see *Taiheiyo Cement Corp.* v. *Superior Court*, 105 Cal. App. 4th 398 (2003) (upholding statute). In 2002, California enacted a further statute that permits Holocaust victims to bring suit in California to recover looted artwork, regardless of whether the property is located in the State. See Cal. Civ. Proc. Code § 354.3.

REV_00114352

information about" Holocaust-era policies. *Id.* at 43a. The court also held that HVIRA does not impermissibly interfere with the national government's authority over foreign affairs. *Id.* at 58a-59a. The court remanded the case for consideration of petitioners' due process claim.

4. a. On remand, the district court permanently enjoined the enforcement of HVIRA. The court held that HVIRA violates the Due Process Clause by suspending insurers' licenses for not making the required disclosures without enabling them to raise defenses such as a foreign-law prohibition on disclosure. Pet. App. 78a-83a.

b. The court of appeals reversed. Pet. App. 1a-33a. The court held that HVIRA does not violate due process constraints on state legislative jurisdiction because HVIRA merely regulates the insurance industry within California. Pet. App. 9a. The court also held that HVIRA does not violate due process by denying insurers an opportunity to defend against the suspension of their licenses. *Id.* at 20a-29a. The court reiterated its earlier holdings rejecting challenges to HVIRA under the Commerce Clause and the foreign affairs power. *Id.* at 29a.

SUMMARY OF ARGUMENT

This case arises out of an attempt by a single State to extend its regulatory authority into other nations, thereby undermining the foreign policy of the United States. California, in HVIRA, has sought to compel the disclosure of vast amounts of information contained in foreign archives concerning foreign transactions among foreign parties. It has done so for the express purpose of enabling victims of Nazi Germany to pursue claims with respect to insurance policies issued in Europe before and during the Second World War. HVIRA exceeds several distinct, but complementary, constraints that the Constitution imposes on a State's regulatory authority, all of which serve to avoid unseemly conflict

REV_00114353

with the national government, with other States, and with other nations acting within the sphere of their own authority.

I. HVIRA impermissibly intrudes into a field—the conduct of the United States' diplomatic and commercial relations with other nations—that is exclusively reserved to the President and Congress. The national government's authority over external relations includes the authority to resolve claims arising out of, or in connection with, international conflicts. See, *e.g.*, *Dames & Moore* v. *Regan*, 453 U.S. 654, 679-680 (1981).

California has sought in HVIRA to establish its own separate mechanisms for resolving such claims. HVIRA is specifically concerned with gathering information concerning European insurance transaction in order to facilitate claims by and on behalf of victims of Nazi Germany. Moreover, HVIRA threatens to impair the United States government's own approach to the resolution of Holocaust victims' claims —an approach that encourages the use of voluntary non-adversarial mechanisms, in contrast to coercive regulation and litigation. The United States' ability to persuade foreign governments and foreign enterprises to participate in voluntary mechanisms is undermined by state regulations such as HVIRA, which impose additional obligations on foreign enterprises, through their domestic affiliates, for the purpose of aiding the assertion of claims against those foreign enterprises in California judicial proceedings or elsewhere. Indeed, HVIRA has generated the very tension with our European allies that the United States has sought to avoid.

II. HVIRA also regulates extraterritorially in violation of both the Commerce Clause and the Due Process Clause. Those Clauses impose similar constraints on a State's ability to regulate activity that occurs outside its borders. See, *e.g.*, *Healy* v. *Beer Inst., Inc.*, 491 U.S. 324, 336 (1989); *Home Ins. Co.* v. *Dick*, 281 U.S. 397, 407-408 (1930). HVIRA compels

REV_00114354

the retrieval, compilation, and public disclosure of information located outside the State, concerning transactions that occurred outside the State, between parties who were not residents of the State. Accordingly, even if the statute applied to policies issued in New York to New York residents, rather than to policies issued in Europe to Europeans, it would exceed the State's authority.

ARGUMENT

I. HVIRA IMPERMISSIBLY INTRUDES INTO MATTERS OF FOREIGN RELATIONS AND FOREIGN COMMERCE RESERVED TO THE NATIONAL GOVERNMENT

A. Under Our Constitutional System, The President And Congress Exercise Exclusive Authority Over Foreign Relations And Foreign Commerce

As the Court has emphasized, "[i]n international relations and with respect to foreign intercourse and trade the people of the United States act through a single government with unified and adequate national power." *Japan Line, Ltd.* v. *County of Los Angeles*, 441 U.S. 434, 448 (1979); see, *e.g.*, *Hines* v. *Davidowitz*, 312 U.S. 52, 63 (1941) ("The Federal Government * * * is entrusted with full and exclusive responsibility for the conduct of affairs with foreign sovereignties."). It necessarily follows that "[p]ower over external affairs is not shared by the States," but instead "is vested in the national government exclusively." *United States* v. *Pink*, 315 U.S. 203, 233 (1942).

The national government's preeminent role in acting for the United States in the international arena was forged out of the experience under the Articles of Confederation, when the States had undermined the national government's efforts to engage in political and commercial relations with other nations. See, *e.g.*, *Oldfield* v. *Marriott*, 51 U.S. (10 How.) 146, 163-165 (1850). The Constitution's reservation of such

REV_00114355

powers exclusively to the national government is reflected in its express grants of power to Congress,[4] and to the President,[5] and in its express restrictions on the States.[6] Those provisions serve to set matters of foreign commerce, foreign relations, and war in a field apart. It is a field that the States may not enter.

The national government has traditionally exercised its foreign relations and war powers with respect to the resolution of private parties' claims arising out of international conflicts. See, *e.g.*, *Dames & Moore*, 453 U.S. at 679 ("[T]he United States has repeatedly exercised its sovereign authority to settle the claims of its nationals against foreign countries."); *Pink*, 315 U.S. at 240 (Frankfurter, J., concurring) ("That the President's control of foreign relations includes the settlement of claims is indisputable."); *Ware* v. *Hylton*, 3 U.S. (3 Dall.) 199, 230 (1796); *Deutsch* v. *Turner Corp.*, 317 F.3d 1005, 1025 (9th Cir. 2003) ("[T]he Constitution allocates the power over foreign affairs to the federal government exclusively, and the power to make and resolve war, including

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[4] Those include Congress's powers to "provide for the common Defence," "regulate Commerce with foreign Nations," "define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations," and "declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water." U.S. Const. Art. I, § 8, Cls. 1, 3, 10, 11.

[5] Those include the President's powers to serve as "Commander in Chief of the Army and Navy," "make Treaties" and "appoint Ambassadors [and] other public Ministers and Consuls" with the advice and consent of the Senate, and "receive Ambassadors." U.S. Const. Art. II, §§ 2, 3.

[6] Those include restrictions on the States' "enter[ing] into any Treaty, Alliance, or Confederation," "grant[ing] Letters of Marque and Reprisal," "lay[ing] any Imposts or Duties on Imports or Exports," "enter[ing] into any Agreement or Compact * * * with a foreign Power," and "engag[ing] in War." U.S. Const. Art. I, § 10.

REV_00114356

the authority to resolve war claims, is central to the foreign affairs power in the constitutional design.").

In light of the "imperative[] * * * that federal power in the field affecting foreign relations be left entirely free from local interference," *Hines*, 312 U.S. at 63, state "regulations must give way if they impair the effective exercise of the Nation's foreign policy," *Zschernig* v. *Miller*, 389 U.S. 429, 440 (1968), or prevent the United States from "speak[ing] with one voice when regulating commercial relations with foreign governments," *Japan Line*, 441 U.S. at 449. This Court has struck down state laws that engaged a State in matters affecting the Nation's external affairs "even in [the] absence of a treaty" or an Act of Congress, *Zschernig*, 389 U.S. at 441, as inconsistent with the Constitution's assignment to the national government of the authority to conduct foreign relations or, in the commercial area, as inconsistent with the Foreign Commerce Clause. See, *e.g.*, *Japan Line*, 441 U.S. at 452-453; *Zschernig*, 389 U.S. at 436; *Chy Lung* v. *Freeman*, 92 U.S. 275, 279-281 (1875); cf. *Crosby* v. *National Foreign Trade Council*, 530 U.S. 363, 381-382 n.16 (2000) (noting such cases).

B. HVIRA Regulates In An Area Exclusively Reserved To The National Government

HVIRA intrudes into the field of foreign relations reserved exclusively to the national government. This Court has repeatedly recognized that the President and Congress have the sole authority to resolve, or to establish the mechanisms to resolve, the claims of United States nationals arising out of international conflicts. See, *e.g.*, *Dames & Moore*, 453 U.S. at 679. It follows *a fortiori* that the resolution of claims of *foreign nationals* arising out of, or in connection with, an international conflict is also a matter reserved exclusively to the President and Congress. A State is without authority to pursue its own independent approach to

REV_00114357

such claims, even if the United States and the State "share the same goals," because "[t]he fact of a common end hardly neutralizes conflicting means." *Crosby*, 530 U.S. at 379. The conflict between the means chosen by the United States and by California to resolve Holocaust victims' insurance claims is quite evident.

1. As explained above (at 1-4), with respect to still-unresolved claims against foreign enterprises arising out of the Holocaust, the United States has determined that those claims should be pursued through voluntary, non-adversarial processes rather than through coercive regulation and litigation. The United States has concluded that such an approach serves the interests of Holocaust victims and their families throughout the world, including the interests of elderly survivors of the Holocaust in obtaining some measure of justice within their lifetimes. The United States has also concluded that a non-adversarial approach serves important interests of the Nation in cooperative relations with its European allies.

More particularly, the United States, in its executive agreements with Germany and Austria and its other recent diplomatic efforts, has encouraged the use of ICHEIC as the exclusive mechanism for resolving Holocaust-era insurance claims. Those agreements do not, of their own force, extinguish any claims that Holocaust victims or their families might assert in court against foreign insurance companies.[7] They do make clear, however, that United States policy disfavors the imposition of further obligations on companies

[7] Because the claims almost exclusively concern persons and transactions that had no relation to the United States at the time of the conduct at issue, it is understandable that the United States government did not seek to extinguish or resolve the claims under the laws or international agreements of this Nation or by coercive processes under our laws, and instead sought to promote resolution by other means.

REV_00114358

subject to the agreements, whether through regulation or litigation, beyond the obligations contemplated by the agreements themselves. Thus, the executive agreement between the United States and Germany recognizes that it is "in the[] interests" of the two governments for the designated claims process "to be the exclusive remedy and forum for the resolution of all claims that have been or may be asserted against German companies arising from the National Socialist era and World War II." Pet. App. 155a.

HVIRA poses a direct threat to "the effective exercise," *Zschernig*, 389 U.S. at 440, of United States policy with respect to Holocaust victims' insurance claims. HVIRA is not a law of general applicability with only an incidental effect on matters outside the State or the United States, or on the national government's ongoing efforts in the international arena. To the contrary, HVIRA imposes disclosure requirements that are applicable *only* to insurance policies issued "to persons in Europe" during the period leading up to and including the Second World War. Cal. Ins. Code § 13804 (West Supp. 2003); see 10 Barclays Cal. Code Regs. § 2278.1(a) (defining term "Europe" in HVIRA as those parts of Europe "occupied or controlled by Nazi Germany, its allies or sympathizers"). HVIRA imposes those requirements for the express purpose of assisting Holocaust victims and their families in pursuing claims with respect to those policies, whether through "international process" or through judicial proceedings or enforcement actions by the State. See Cal. Ins. Code § 13801(b) (HVIRA is intended "to encourage the development of a resolution to these issues through the international process or through direct action by the State"). California has thereby thrust itself into the field of foreign relations and foreign commerce that is reserved exclusively to Congress and the President, who "is the sole organ of the nation in its external relations, and its sole representative with foreign nations." *United States* v.

REV_00114359

Curtiss-Wright Export Corp., 299 U.S. 304, 319 (1936) (quoting statement of John Marshall).

California has proceeded, moreover, in a manner that conflicts with the approach that the national government has elected to pursue. HVIRA not only requires the disclosure of Holocaust-era policy information to an entity in addition to ICHEIC, but also requires the disclosure of information substantially in addition to that required by ICHEIC. And HVIRA imposes a significant economic penalty—suspension of a license to do business—on California affiliates of insurers that fail to make those disclosures. HVIRA thus establishes "a different, state system of economic pressure," *Crosby*, 530 U.S. at 376, that conflicts with the ICHEIC system endorsed by the United States, and that threatens to impede its implementation and operation.

At a minimum, such state laws "compromise the very capacity of the President to speak for the Nation with one voice in dealing with other governments." *Crosby*, 530 U.S. at 381. The United States has stated that participation in the voluntary processes that it has endorsed should "give[] those companies cooperating with [ICHEIC] 'safe haven' from sanctions, subpoenas, and hearings relative to the Holocaust period." Testimony of Stuart E. Eizenstat, Deputy Secretary of the Treasury, before the Senate Foreign Relations Committee (Apr. 5, 2000) (Pet. App. 136a); see Pet. App. 156a (United States undertakes in its agreement with Germany to "use its best efforts * * * with state and local governments" to achieve an "all-embracing and enduring legal peace"). HVIRA, however, makes no exception even for companies that participate in ICHEIC or similar organizations. Indeed, HVIRA and the related California statutes appear designed to facilitate continuing litigation. HVIRA thereby undermines the United States' ability to persuade foreign governments and foreign companies to participate voluntarily in organizations such as ICHEIC. See *Crosby*,

REV_00114360

530 U.S. at 377 (recognizing that the President's "economic and diplomatic leverage" is reduced by state laws that seek to penalize foreign governments or foreign commerce); see also *Joint Statement Between the Government of the United States of America and the Government of the Swiss Confederation* (Jan. 29, 2000) (noting the "potentially disruptive and counterproductive effects" of laws such as HVIRA); Letter from Stuart E. Eizenstat, Deputy Secretary of the Treasury, to Gray Davis, Governor (Nov. 30, 1999) (Pet. App. 123a-125a) (observing that HVIRA could "undermine" the ICHEIC claims resolution process and "de[r]ail" negotiations between the United States and Germany concerning claims of Nazi slave and forced laborers).

The potential for HVIRA to complicate the United States' diplomatic efforts is illustrated by contrasting the information that insurers are required to disclose under the ICHEIC procedures endorsed by the United States with the information that insurers are required to disclose under HVIRA. As contemplated by the United States and Germany in their executive agreement, ICHEIC, the German foundation, and the German Insurance Association developed rules to govern what information about Holocaust-era insurance policies must be made available in order to provide adequate notice to potential claimants while safeguarding the privacy interests of other persons under German (or other European) law.[8] Those rules require the disclosure

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[8] Many European countries, like California and other States, limit the disclosure of personal information obtained through commercial transactions, including insurance transactions. See, *e.g.*, Tracie B. Loring, *An Analysis of the Informational Privacy Protection Afforded by the European Union and the United States*, 37 Tex. Int'l L.J. 421, 423-425, 434-439 (2002) (describing the development of laws protecting personal information in the nations comprising the European Union). European laws have been described as more comprehensive in their protection of personal data than are laws in the United States. See *id.* at 425 ("Unlike the European

REV_00114361

only of the name of any policyholder who is believed to have been a Holocaust victim and that person's year of birth. See p. 4, *supra*. Insurers are not required to provide other information, such as the value of a policy or the named beneficiary, with respect to policies issued to Holocaust victims, and are not required to provide any information about policies issued to other persons. HVIRA is not so limited. See p. 5, *supra* (information that must be disclosed under HVIRA). Thus, whereas the United States' diplomatic efforts have sought to resolve Holocaust victims' claims while accommodating the interests of Germany and other nations to minimize conflict with European privacy laws, HVIRA strikes a different balance that fails to account for those interests.[9]

Union's omnibus, centralized approach to informational privacy, which reflects the notion that data protection must be ensured by comprehensive legislation, data protection regulation in the United States is decentralized, fragmented, ad hoc, and narrowly tailored to target specific sectors."); David Bender, *Privacy Law*, 717 PLI/Pat 563, 579 (2002) ("In contrast to the piecemeal U.S. approach that relies largely on self-regulation, the European Union in 1995 adopted a data protection directive * * * that required each of the 15 member states to enact comprehensive data protection legislation.").

[9] As this Court has recognized, when information is sought in the United States from a foreign individual or entity, the data privacy statutes of the foreign party's own government are not controlling. See *Societe Nationale Industrielle Aerospatiale* v. *United States District Court*, 482 U.S. 522, 544-545 n.29 (1987); *Societe Internationale Pour Participations Industrielles Et Commerciales* v. *Rogers*, 357 U.S. 197, 204-206 (1958). Thus, for example, a foreign "blocking" statute does "not deprive an American court of the power to order a party subject to its jurisdiction to produce evidence even though the act of production may violate that statute." *Aerospatiale*, 482 U.S. at 544 n.29. Here, in contrast, the constitutional deficiency in HVIRA is not merely that it imposes disclosure obligations on foreign insurers that may conflict with their *own governments'* privacy laws, but rather that it conflicts with the *United States government's* approach to the resolution of Holocaust victims'

REV_00114362

HVIRA has generated the very tensions in international relations that the United States has sought to avoid, prompting protests from the governments of Germany and Switzerland concerning HVIRA's application to insurance policies written in those countries. See *Zschernig*, 389 U.S. at 437 n.7 (relying on similar protests to conclude that state statute impermissibly interfered with national government's authority over foreign affairs); cf. *Crosby*, 530 U.S. at 382-384. It is not for respondents to trivialize the potential implications of those protests for United States foreign policy (see Supp. Br. in Opp. 2), especially at a time of international tension when relations between this Nation and its European allies are at their most sensitive. State government officials, who are not part of the process through which the Nation formulates and conducts its international relations, are not well positioned to evaluate what adverse impact their actions may have for those relations. They cannot, for example, be expected to make an informed assessment of whether, or how, or when a foreign government might respond to provocative state legislation, or how detrimental the response might be to various important interests of the United States as a whole. "Experience has shown that international controversies of the gravest moment, sometimes even leading to war, may arise from real or imagined wrongs to another's subjects inflicted, or permitted, by a government." *Zschernig*, 389 U.S. at 441.

The proliferation of laws in California and other States that seek to facilitate claims against the United States' current allies or their citizens arising out of past international conflicts (see, *e.g.*, note 3, *supra*) demonstrates the danger of allowing States, which are not simultaneously dealing with foreign governments on many other important initiatives, to

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claims against those insurers, an approach that is itself more deferential to European privacy concerns.

REV_00114363

pursue their own foreign policies. As the Court recently reaffirmed, the Framers were determined that, because "[t]he union will undoubtedly be answerable to foreign powers for the conduct of its members," "the peace of the WHOLE ought not to be left at the disposal of a PART." *Crosby*, 530 U.S. at 381-382 n.16 (quoting The Federalist No. 80, at 535-536 (Alexander Hamilton) (J. Cooke ed., 1961)).

2. The court of appeals erred in refusing, based on a misunderstanding of *Barclays Bank PLC* v. *Franchise Tax Board*, 512 U.S. 298 (1994), to consider the Executive Branch's views regarding HVIRA's foreign policy ramifications. See Pet. App. 55a. As this Court has explained, *Barclays* addressed an unusual situation in which Congress and the Executive had taken divergent positions. See *Crosby*, 530 U.S. at 385-386; *Barclays*, 512 U.S. at 324-330. *Crosby* reaffirms the central importance in other situations of the President's views in exercising his constitutional responsibility "to speak for the Nation with one voice in dealing with other governments." 530 U.S. at 381, 385-386.

Contrary to the view of the court of appeals (see Pet. App. 47a-50a), the U.S. Holocaust Assets Commission Act of 1998, Pub. L. No. 105-186, 112 Stat. 611, does not authorize States to enact statutes such as HVIRA. That Act, in fact, confirms that California has departed from the course charted by the United States. As relevant here, the Act established a "Presidential Advisory Commission on Holocaust Assets in the United States" to investigate the disposition of certain Holocaust-era assets that "came into the possession or control of the Federal Government" after January 30, 1933. *Id.* §§ 2(a) and 3(a)(1), 112 Stat. 611, 612. The Act, among other things, directed the Commission to "encourage the National Association of Insurance Commissioners to prepare a report on the Holocaust-related claims practices of all insurance companies, both domestic and foreign, doing business in the United States at any time after January 30, 1933," that

REV_00114364

issued an insurance policy to "any individual on any list of Holocaust victims." *Id.* § 3(a)(4)(A), 112 Stat. 613.

Nothing in the federal Act imposes disclosure obligations on insurers under threat of sanctions. Nor does the Act confer any authority on the States to do so. To the contrary, the Act contemplates the gathering of information only "to the degree [it] is available." Pub. L. No. 105-186, § 3(a)(4)(B), 112 Stat. 613, 614. Moreover, unlike HVIRA, which is explicitly directed at facilitating individual claims against European insurers, the federal Act is concerned, among other things, with collecting information on "the Holocaust-related *claims practices*" of insurers "doing business in the United States," to assist the Commission in preparing a report to the President containing "recommendations for such legislative, administrative, or other action as it deems necessary or appropriate." *Id.* § 3(a)(4)(A) and 3(d)(1), 112 Stat. 613, 614 (emphasis added). And, whereas HVIRA seeks specific information about each policy issued by each European insurer during the relevant period, the federal Act seeks more general information, such as "[t]he number of policies issued by each company" to Holocaust victims. *Id.* § 3(a)(4)(B), 112 Stat. 613. Although the federal Act does seek information on the value of each such policy, it does not require the policyholder or beneficiary to be identified. It thus does not present the same privacy concerns as does HVIRA.[10]

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[10] The federal Commission's final report does not disclose any private information regarding the insurance policies issued by European insurers to Holocaust victims. To the contrary, the report discusses such policies only in general terms, such as by describing the ways in which Nazi regimes confiscated the insurance assets of Holocaust victims. See Presidential Advisory Comm'n on Holocaust Assets in the United States, *Plunder and Restitution: The U.S. and Holocaust Victims' Assets* SR-15 (Dec. 2000) (Nazis "confiscat[ed] insurance monies" of "Jews fleeing Germany"); *id.* at SR-17 (Nazis "confiscat[ed] payments from insurers that

REV_00114365

Thus, the federal Act takes a deliberately cautious approach, seeking to gather available information and to produce recommendations *for the President* as to what further measures might be appropriate. It provides no authority for California to pursue its own foreign policy, inconsistent with that pursued by the President, with respect to the resolution of claims under insurance policies issued by European companies to European individuals who became victims of the Holocaust.

II. HVIRA VIOLATES CONSTITUTIONAL PROHIBITIONS ON EXTRATERRITORIAL STATE REGULATION

Both the Commerce Clause and the Due Process Clause of the Fourteenth Amendment prohibit a State from regulating activity outside its borders. HVIRA is such an extraterritorial regulation. HVIRA focuses exclusively on transactions that occurred in Europe between Europeans many decades ago. It compels the disclosure of extensive private information about those transactions, even though they have "no jurisdictionally-significant relationship to [the State]." *Gerling Global Reinsurance Corp. of Am.* v. *Gallagher*, 267 F.3d 1228, 1238 (11th Cir. 2001). A State may not project its regulatory authority into other Nations in this fashion.

A. The Commerce Clause And The Due Process Clause Prohibit States From Regulating Transactions Outside Their Borders

1. Under familiar Commerce Clause principles, California may not require corporations to adhere to its standards in other States or nations as a condition of doing business in California. The Commerce Clause "precludes the application

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were intended to compensate property owners for their damages" from the Kristallnacht pogrom). Nor does the report recommend any legislative or administrative action with respect to such insurance policies.

REV_00114366

of a state statute to commerce that takes place wholly outside of the State's borders, whether or not the commerce has effects within the State." *Healy* v. *Beer Inst., Inc.*, 491 U.S. 324, 336 (1989); see *BMW of N. Am., Inc.* v. *Gore*, 517 U.S. 559, 572 (1996) ("[I]t follows from the[] principles of state sovereignty and comity" reflected in, *inter alia*, the Commerce Clause that "a State may not impose economic sanctions on violators of its laws with the intent of changing the [violator's] lawful conduct in other States."). A state law does not cease to be impermissibly "extraterritorial" under the Commerce Clause merely because it has some nexus to domestic persons or activities. "The critical inquiry is whether the practical effect of the regulation is to control conduct beyond the boundaries of the State." *Healy*, 491 U.S. at 336; accord, *e.g.*, *Brown-Forman Distillers Corp.* v. *New York State Liquor Auth.*, 476 U.S. 573, 583 (1986).

The Court's decision in *Healy* is illustrative. There, the Court struck down a Connecticut statute that required beer distributors, as a condition of doing business in the State, to file monthly statements with state authorities affirming that their prices in Connecticut did not exceed their prices in any neighboring State. 491 U.S. at 328 & n.5. The statute did not, by its terms, require or prohibit any conduct outside Connecticut. The Court nonetheless recognized that the "practical effect" of the statute was to constrain the distributors' ability to adjust their prices in other States in response to local market conditions. See *id.* at 337-339. Accordingly, the Court held that the statute was an impermissible extraterritorial regulation of commerce. *Id.* at 340.

The Commerce Clause's prohibition on a State's regulation of conduct beyond its borders protects against "inconsistent legislation arising from the projection of one state regulatory regime into the jurisdiction of another State." *Healy*, 491 U.S. at 336-337. When, as here, a State seeks to project its regulatory regime not merely beyond its own

REV_00114367

borders, but into the jurisdiction of another nation, the potential is particularly great for inconsistent legislation and resulting conflict, as well as for interference with United States foreign policy. Cf. *Japan Line*, 441 U.S. at 447-449 (noting that a state tax on instrumentalities of foreign commerce poses special concerns under the Commerce Clause because, unlike in the domestic context, no authoritative tribunal exists to assure that such instrumentalities are not subject to double taxation). Indeed, even Acts of Congress are presumed not to apply extraterritorially, unless Congress clearly indicates otherwise, to "protect against unintended clashes between our laws and those of other nations which could result in international discord." *EEOC* v. *Arabian Am. Oil Co.*, 499 U.S. 244, 248 (1991).

2. A State is also constrained by the Due Process Clause from regulating transactions that do not have a significant relationship to its legitimate interests. See, *e.g.*, *BMW*, 517 U.S. at 568-574; *Phillips Petroleum Co.* v. *Shutts*, 472 U.S. 797, 818-819 (1985); *Home Ins. Co.* v. *Dick*, 281 U.S. 397, 407-408 (1930).

In *Dick*, for example, the Court held that a Texas insurance statute could not, consistent with due process, be applied to invalidate a provision contained in a policy that had been issued in Mexico and was to be performed there. See 281 U.S. at 408. The Court explained that, because all acts relating to the making and performance of the policy occurred outside the State, "Texas was therefore without power to affect the terms of contracts so made." *Ibid.*; see *id.* at 408 n.5 ("[A] State is without power to impose either public or private obligations on contracts made outside of the state and not to be performed there."); see also *Shutts*, 472 U.S. at 821 (a State cannot apply its own law to "a transaction with little or no relationship to the [State]"). Similarly, in *BMW*, the Court held that a state court could not, consistent with due process, impose punitive damages de-

REV_00114368

signed to punish conduct that occurred in other States. The Court explained that a State "would be infringing on the policy choices of other States" by penalizing "conduct that was lawful where it occurred and that had no impact on [the State] or its residents." 517 U.S. at 572-573.

Those cases make clear a State cannot apply its law to an out-of-state transaction simply because a party to the transaction resides within the State. Indeed, the policyholder in *Dick* was a citizen and permanent resident of Texas, although all conduct relevant to the policy had occurred in Mexico. The Court held that Texas did not have a sufficient relationship to the policy to permit the State to regulate it. See 281 U.S. at 408. And, in *Shutts*, the Court held that Kansas could not apply its law to out-of-state plaintiffs' claims with respect to out-of-state leases, even though the defendant did business in the State. See 472 U.S. at 818-819.

B. HVIRA, By Imposing Disclosure Requirements Exclusively With Respect To Foreign Transactions Between Foreign Parties, Is An Impermissible Extraterritorial Regulation

1. Whether analyzed under the Commerce Clause or the Due Process Clause, HVIRA is an impermissible extraterritorial regulation. Its "practical effect" is to compel "conduct beyond the boundaries of the State," *Healy*, 491 U.S. at 336—specifically, to compel the retrieval, compilation, and public disclosure of detailed information, presumably located in Europe, concerning transactions that occurred many decades ago in Europe between European parties. There is no nexus between those transactions and any legitimate interest of California that would permit the State to exercise regulatory authority over them.

As noted above (at 14), HVIRA is not a generally applicable law that focuses on domestic matters and simply happens to have an extraterritorial effect in certain applications. Cf.

REV_00114369

Japan Line, *supra* (invalidating local taxing laws even in that situation when they interfered with the Nation's ability to speak with one voice). Rather, HVIRA is *specifically and exclusively* directed at transactions that occurred in Europe. It is thus especially evident that HVIRA exceeds the proper legislative jurisdiction of the State. Indeed, HVIRA is inconsistent with California's own general privacy rules, which prohibit, with respect to insurance policies issued in California, the same sorts of disclosures that HVIRA mandates with respect to European policies. See Cal. Ins. Code § 791.13 (West 1993).

The conclusion that HVIRA is an unconstitutional exterritorial regulation is confirmed by "considering how [such laws] may interact with the legitimate regulatory regimes of other States" and nations. *Healy*, 491 U.S. at 336 (noting relevance of such an inquiry); cf. *BMW*, 517 U.S. at 572 (a State cannot "attempt[] to alter [a business's] nationwide policy" in a manner that "infring[es] on the policy choices of other States"). It is plain that HVIRA has the potential to interfere with other jurisdictions' laws limiting the disclosure of personal information gathered in connection with the issuance of insurance policies. See note 8, *supra* (discussing European data privacy laws). German officials have, in fact, opined that a German insurer would violate German privacy laws by complying with HVIRA, at least with respect to the disclosure of information about policyholders who are not believed to be Holocaust victims. See Gerling Appellees' C.A. Reh'g Pet., Exh. C. Yet, as the court of appeals recognized, an insurer that fails to disclose the information required by HVIRA will have its California license suspended, even if "disclosure pursuant to HVIRA [would] violate[] European data protection laws." Pet. App. 25a.

2. a. The court of appeals suggested that HVIRA does not regulate extraterritorially because it does "not seek to regu-

REV_00114370

late the substance of out-of-state transactions." Pet. App. 15a (addressing due process challenge); accord *id.* at 43a (addressing Commerce Clause challenge). In the court's view, HVIRA is constitutional because it "requires California insurers *only to disclose information about* their foreign transactions or those of their affiliates." *Id.* at 16a.

The court of appeals' reasoning rests on the erroneous premise that "[a] request for information is simply not equivalent" to a regulation. Pet. App. 16a. A requirement that a person disclose, or refrain from disclosing, confidential information is regulatory in nature. It imposes a substantive obligation, the violation of which carries adverse consequences, in order to advance a government policy objective. See *Dole* v. *United Steelworkers of Am.*, 494 U.S. 26, 28 (1990) (describing "rules which require regulated entities to disclose information" as "[a]mong the regulatory tools available to [the] Government"); see also *BMW*, 517 U.S. at 571 n.15 ("Federal disclosure requirements are, of course, a familiar part of our law.") (citing examples). Indeed, when the Court explained in *BMW* that "no single State could * * * impose its own policy choice on neighboring States," the Court was referring to a State's policy choice "requiring full *disclosure* of every presale repair to a car." 517 U.S. at 570-571 (emphasis added); see *Gallagher*, 267 F.3d at 1238 (observing that the disclosure provisions of Florida's version of HVIRA "pertain to, and as a practical matter unquestionably seek to regulate," Holocaust-era policies). Indeed, the regulatory nature of HVIRA's disclosure requirements is underscored by the substantive and regulatory nature of the converse interest in protecting privacy. The existence of data privacy laws, such as the European laws invoked by petitioners here, belies any claim that laws governing disclosure or non-disclosure of information do not regulate or implicate the Commerce Clause and the Due Process Clause.

REV_00114371

b. The court of appeals also suggested that HVIRA is constitutionally justified by the State's purpose to "protect[] its residents from insurance companies that have not paid valid claims." Pet. App. 16a. A State cannot evade constitutional limits on extraterritorial legislation merely by deeming a corporation's conduct outside the State relevant to its ability to perform within the State. See *BMW*, 517 U.S. at 573-574 (State cannot base punitive damages award on conduct that is lawful in other jurisdictions); see generally *Healy*, 491 U.S. at 336 ("[A] statute that directly controls commerce occurring wholly outside the boundaries of a State * * * is invalid regardless of whether the statute's extraterritorial reach was intended by the legislature."); *id.* at 337 n.14 (noting that *only* a statute that "regulates evenhandedly" and "has only indirect effects on interstate commerce" may be justified by a sufficiently important state interest).

In any event, the express purpose of HVIRA is to facilitate the resolution of claims on policies issued in Europe more than 50 years ago rather than to assess the fitness of insurers to do business in California today. See Cal. Ins. Code § 13801(d) and (e) (West Supp. 2003) (HVIRA is designed "to ensure the rapid resolution of * * * questions" concerning "insurance policies held by Holocaust victims and survivors," so as to "eliminat[e] the further victimization of these policyholders and their families"). By contrast, HVIRA makes no mention of the purpose that the court posited. Nor do any other features of HVIRA suggest that its purpose or primary operative effect is to enable the Commissioner of Insurance to ascertain whether an insurance company will deal fairly with California consumers. See *BMW*, 517 U.S. at 572 (state regulation "must be supported by the State's interest in protecting its own consumers and its own economy"). The information that HVIRA requires insurers to disclose is too remote, too dated, and, at the same

REV_00114372

time, too detailed to support the court of appeals' posited purpose. The disclosure obligation is tailored to enable individuals—only a small fraction of whom may even now have any connection at all to California—to pursue claims under policies issued in Europe many decades ago. It is not tailored to assessing insurers' current performance in the State.

Indeed, state statutes in effect at the time of HVIRA's enactment already provided the Commissioner of Insurance with all of the tools necessary to investigate insurers' business practices. Cal. Ins. Code § 717(h) (West 1993) (providing Commissioner with the authority to gather information to assess the "fairness and honesty of methods of doing business" of any insurer seeking to do business in the State); *id.* § 733 (authority to examine "all [the insurer's] affairs"); *id.* § 1215.6 (authority to obtain documents in possession of "the insurer or its affiliates"). HVIRA was described by its supporters *not* as a means of obtaining information needed by the Commissioner, but as a means of obtaining information needed by individual claimants. See note 2 *supra*.

c. Contrary to the court of appeals' holding, the McCarran-Ferguson Act, 15 U.S.C. 1011 *et seq.*, does not immunize HVIRA from scrutiny under the Commerce Clause. The McCarran-Ferguson Act provides no authority for a State to extend its regulation of insurance into other States or nations.

The McCarran-Ferguson Act was enacted in response to this Court's decision in *United States* v. *South-Eastern Underwriters Ass'n*, 322 U.S. 533 (1944), which held that insurance is "commerce," with the consequence that the States' ability to regulate insurance was circumscribed by the Commerce Clause. See *United States Dep't of the Treasury* v. *Fabe*, 508 U.S. 491, 499-500 (1993). Congress, however, viewed insurance as "a *local matter*, to be subject to and regulated by the laws of the several States." H.R. Rep. No.

REV_00114373

143, 79th Cong., 1st Sess. 2 (1945). Thus, Congress enacted the McCarran-Ferguson Act to ensure that the States would continue to have primary responsibility for regulating insurance and that state laws regulating and taxing insurance would be preempted only when Congress stated a clear intent to do so. See *Fabe*, 508 U.S. at 500, 507.

The McCarran-Ferguson Act removes Commerce Clause limitations *only* with respect to a State's regulation and taxation of the insurance business within its own borders. This Court held in *FTC* v. *Travelers Health Ass'n*, 362 U.S. 293, 301 (1960), that the Act was not intended to authorize state regulation of extraterritorial activities. The Court explained that Congress "viewed state regulation of insurance solely in terms of regulation by the law of the State where occurred the activity sought to be regulated." *Id.* at 300. The Court reasoned that a contrary construction of the Act would raise serious constitutional questions, *id.* at 302, and undermine Congress's "basic motivating policy" of leaving the regulation of insurance to those "in close proximity to" the people and policies regulated, *id.* at 301-302.[11]

---

[11] The Court was specifically concerned in *Travelers* with an exception to the McCarran-Ferguson Act that, among other things, allows the Federal Trade Commission to regulate insurance to the extent that it is not regulated by state law. See 15 U.S.C. 1012(b). The Court's reasoning applies equally, however, to the Act's general rule that authorizes state regulation of insurance. See 15 U.S.C. 1012(a). The two provisions are complementary. The general rule is that "[t]he business of insurance" is "subject to the laws of the * * * States which relate to the regulation * * * of such business." 15 U.S.C. 1012(a). The exception provides that the Federal Trade Commission Act, among other Acts, "shall be applicable to the business of insurance to the extent that such business is not regulated by State law." 15 U.S.C. 1012(b). Under Section 1012(b), the Federal Trade Commission Act applies *unless* the aspect of the insurance business at issue is already regulated by the State as contemplated in Section 1012(a). As *Travelers* makes clear, extraterritorial state regulation is not within the authority delegated to the States by Section 1012(a).

REV_00114374

Finally, whatever the extent to which the McCarran-Ferguson Act immunizes state insurance regulations from scrutiny under the Commerce Clause, the Act provides no immunity from other constitutional provisions, including the Due Process Clause. See *Quill Corp.* v. *North Dakota*, 504 U.S. 298, 305 (1992). Accordingly, even if the Act were understood to provide a Commerce Clause immunity for extraterritorial state regulation of insurance, HVIRA would nonetheless be invalid as exceeding the Due Process Clause's independent limitations on a State's authority "to impose * * * obligations on contracts made outside of the State and not to be performed there." *Dick*, 281 U.S. at 408 n.5.

CONCLUSION

The judgment of the court of appeals should be reversed.

Respectfully submitted.

PAUL D. CLEMENT*
Acting Solicitor General
ROBERT D. MCCALLUM, JR.
Assistant Attorney General
EDWIN S. KNEEDLER
Deputy Solicitor General
BARBARA MCDOWELL
Assistant to the Solicitor General
MARK B. STERN
DOUGLAS HALLWARD-DRIEMEIER
Attorneys

WILLIAM H. TAFT, IV
Legal Adviser
Department of State

FEBRUARY 2003

* The Solicitor General is recused in this case.

REV_00114375

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>
Sent: 4/11/2003 6:34:07 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-APR-2003 10:34:07.00
SUBJECT::
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

change car to 11:45
```

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2003 7:13:44 AM
Subject: : you looking for me?

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )
CREATION DATE/TIME:11-APR-2003 11:13:44.00
SUBJECT:: you looking for me?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

;
```

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 4/11/2003 11:20:11 AM
Subject: RE: you looking for me?

Waiting for Hobbs to report in.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, April 11, 2003 11:13 AM
To: Lefkowitz, Jay P.
Subject: Re: you looking for me?

just wondering if there is any algiers update?

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/11/2003 11:13:16 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: you looking for me?

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Noel J. Francisco/WHO /EOP@EOP [WHO] <Noel J. Francisco>
Sent: 4/11/2003 7:25:28 AM
Subject: : good website

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-APR-2003 11:25:28.00
SUBJECT:: good website
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

www.welovetheiraqiinformationminister.com
```

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2003 7:40:36 AM
Subject: : what's Dabney's e-mail?

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-APR-2003 11:40:36.00
SUBJECT:: what's Dabney's e-mail?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>
Sent: 4/11/2003 7:58:52 AM
Subject: : let's talk about New America Alliance

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-APR-2003 11:58:52.00
SUBJECT:: let's talk about New America Alliance
TO:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@Exchange@EOP [WHO] <Ashley Estes>
Sent: 4/11/2003 8:34:38 AM
Subject: : on call; will call back

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-APR-2003 12:34:38.00
SUBJECT:: on call; will call back
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 4/11/2003 12:42:19 PM
Subject: Re: ConfCall, Fri 11:30 am

I love manny.
.

From: CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2003 8:42:00 AM
Subject: : RE: on call; will call back

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:11-APR-2003 12:42:00.00
SUBJECT:: RE: on call; will call back
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I'll check back after 1pm if that's ok.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, April 11, 2003 12:34 PM
To: Estes, Ashley
Subject: on call; will call back
```

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2003 8:42:02 AM
Subject: : Re: ConfCall, Fri 11:30 am

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:11-APR-2003 12:42:02.00
SUBJECT:: Re: ConfCall, Fri 11:30 am
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I love manny.
.
```

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 4/11/2003 12:46:53 PM
Subject: Re: ConfCall, Fri 11:30 am

I know that one, but prob sensitive.
.

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2003 8:46:30 AM
Subject: : Re: ConfCall, Fri 11:30 am

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:11-APR-2003 12:46:30.00
SUBJECT:: Re: ConfCall, Fri 11:30 am
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I know that one, but prob sensitive.
.
```

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
CC: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2003 1:16:36 PM
Subject: : FW: Orders re: Att C
Attachments: P_H17KF003_WHO.TXT_1.pdf; P_H17KF003_WHO.TXT_2.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2003 17:16:36.00
SUBJECT:: FW: Orders re: Att C
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Some rare (and minor) good news from Judge Lamberth on the Cobell front.

At issue was whether the plaintiffs could have access to the draft testimony of Thomas Slonaker, the former Special Trustee (resigned last summer). DOI claimed it was subject to deliberative process privilege. Special Master-Monitor agreed, but found that plaintiffs' need for the document outweighed the need for confidentiality. In the attached, Lamberth finds that (1) the document is subject to deliberative process privilege, and (2) plaintiffs have not established that they are entitled to the document. So the govt's doc stays privileged. Just another brick in the wall of secrecy . . . .
---------- Forwarded by Theodore W. Ullyot/WHO/EOP on 04/11/2003 05:07 PM ----------

"Bill.Jordan@usdoj.gov" <Bill.Jordan
04/11/2003 05:02:18 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FW: Orders re: Att C

Good news: The district court in Cobell issued an order finding that "attachment C" (Slonaker's draft testimony) was subject to the deliberative process privilege (as the Special Master-Monitor found), but that it should not be released as the SM-M recommended based upon plaintiffs' showing of "need". He ordered all references to the filing made by plaintiffs in publicly available pleadings be stricken from the record.

Bill

William H. Jordan
Senior Counsel to the Assistant Attorney General
Civil Division
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
202-514-5421
202-514-8071 (fax)

- 04-11-03 Order re Att C.pdf
- 04-11-03 Memorandum Opinion re Att C.pdf

Message Sent
To:_____
"Peter.D.Keisler@usdoj.gov" <Peter.D.Keisler@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)
"Jason.Klitenic@usdoj.gov" <Jason.Klitenic@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)
"Robert.McCallum@usdoj.gov" <Robert.McCallum@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)
Theodore W. Ullyot/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_H17KF003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_H17KF003_WHO.TXT_2>

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,

Plaintiffs,

v.

GALE NORTON, Secretary of the Interior, et al.,

Defendants.

Civil Action Number 96-1285 (RCL)

FILED
APR 11 2003
CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

ORDER

For the reasons set forth in the Court's memorandum opinion issued this date, it is hereby

ORDERED that the Report and Recommendation of the Special Master-Monitor on Plaintiffs' Motion to Unseal Document Filed Under Seal by Court Monitor ("the March 17 Report") be adopted with respect to its conclusion that the contents of Attachment C are protected by the deliberative process privilege. It is further

ORDERED that the March 17 Report be rejected as to all other conclusions of law contained therein. It is further

ORDERED that defendant's unopposed motion to file under seal Interior defendants' response regarding the disposition of the Attachment C sealed document [1576-1] be, and hereby is, GRANTED. It is further

ORDERED that plaintiffs' unopposed motion to file under seal plaintiffs' reply in support of the public disclosure of Attachment C [1577-1] be, and hereby is, GRANTED. It is further

ORDERED that defendants' unopposed motion to file under seal Interior defendants'

REV_00114408

further response regarding the disposition of the Attachment C sealed document [1598-1] be, and hereby is, GRANTED. It is further

ORDERED that defendants' unopposed motion to file under seal Interior defendants' motion and memorandum to strike plaintiffs' counsel's references to the contents of the Attachment C sealed document during the November 5, 2002 hearing [1599-1] be, and hereby is, GRANTED. It is further

ORDERED that defendants' sealed motion to strike plaintiffs' counsel's references to the contents of the Attachment C sealed document during the November 5, 2002 hearing be, and hereby is, GRANTED. It is further

ORDERED that the references by plaintiffs' counsel Dennis Gingold to the contents of Attachment C be stricken from the record of the November 5, 2002 hearing in the present case. It is further

ORDERED that defendants' unopposed motion to file under seal Interior defendants' motion and memorandum to strike references to the contents of the Attachment C sealed document in plaintiffs' second reply in support of the public disclosure of Attachment C [1609-1] be, and hereby is, GRANTED. It is further

ORDERED that defendants' sealed motion and memorandum to strike references to the contents of the Attachment C sealed document in plaintiffs' second reply in support of the public disclosure of Attachment C be, and hereby is, GRANTED. It is further

ORDERED that references to the contents of Attachment C in plaintiffs' second reply in support of the public disclosure of Attachment C shall be stricken from the record of this case. It is further

REV_00114409

ORDERED that defendants' motion to file under seal Interior defendants' declaration of David Longly Bernhardt in support of Interior defendants' motion for a protective order concerning Attachment C [1810-1] be, and hereby is, GRANTED. It is further

ORDERED that defendants' motion to file under seal Interior defendants' reply to plaintiffs' statement of need regarding Attachment C [1870-1] be, and hereby is, GRANTED. It is further

ORDERED that defendants' unopposed motion to file under seal Interior defendants' motion and memorandum to strike plaintiffs' statement of need due to unsealed references to the content of Attachment C [1894-1] be, and hereby is, GRANTED. It is further

ORDERED that defendants' unopposed motion and memorandum to strike plaintiffs' statement of need due to unsealed references to the content of Attachment C be, and hereby is, GRANTED. It is further

ORDERED that plaintiffs' statement of need regarding Attachment C, which was filed on February 26, 2003, be stricken from the record in this case. It is further

ORDERED that defendants' motion to file under seal defendants' motion and memorandum [1933-1] be, and hereby is, GRANTED. It is further

ORDERED that defendants' sealed motion to strike plaintiffs' references to and quotation of the content of Attachment C in plaintiffs' motion for order to show cause why Interior defendants and Bert T. Edwards should not be held in civil and criminal contempt and in plaintiffs' response to defendants' historical accounting plan for individual Indian money accounts be, and hereby is, GRANTED. It is further

ORDERED that section IV(5) of plaintiffs' response to defendants' historical accounting

REV_00114410

plan for individual Indian money accounts and section IV.E of plaintiffs' motion for order to show cause why Interior defendants and Bert T. Edwards should not be held in civil and criminal contempt shall be stricken from the record in this case. It is further

ORDERED that defendants' motion to file under seal Interior defendants' objections to the report and recommendation of the Special Master-Monitor [1938-1] be, and hereby is, GRANTED.

SO ORDERED.

Date: 4-10-03

Royce C. Lamberth
United States District Judge

REV_00114411

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,

Plaintiffs,

v.

GALE NORTON, Secretary of the Interior, et al.,

Defendants.

Civil Action Number 96-1285 (RCL)

FILED
APR 11 2003
CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

MEMORANDUM OPINION

This matter comes before the Court on a series of motions relating to the disposition of the sealed document included at Attachment C of the August 8, 2002 special report of the Court Monitor (now Special Master-Monitor) ("the Monitor"). On March 17, 2003, the Monitor filed a report finding that although this document fell under the protection of the deliberative process privilege, it should nevertheless be unsealed because plaintiffs had established that their need for the document outweighed the government's interest in maintaining the seal on the document. Having reviewed the Monitor's report, the objections submitted thereto, the parties' motions, the opposition and reply briefs submitted thereto, and the applicable law in this case, the Court hereby adopts the undisputed conclusions of law contained in the Monitor's report and rejects the disputed conclusions of law contained therein.

I. BACKGROUND

REV_00114412

On August 8, 2002, the Monitor filed a special report with this Court.[1] Submitted with the Special Report was a document located at Attachment C that was filed with the Court under seal ("Attachment C"). On October 18, 2002, in response to motions filed by both parties, the Court directed the Monitor to provide counsel for the parties with copies of Attachment C under seal. The Court also ordered counsel to honor the seal on the document, limiting access to Attachment C and any communications about it only to personnel in their offices who would be required to view or discuss the document in order to prepare submissions by counsel. Finally, the Court ordered the parties to file any portion of their future submissions to the Monitor that referred to the content of Attachment C under seal.

In a letter dated October 21, 2002, the Monitor directed the parties to file briefs addressing the further disposition of copies of Attachment C. Defendants filed their brief under seal on October 24, asserting that Attachment C fell within the scope of the deliberative process privilege. The next day, plaintiffs filed a reply brief under seal requesting that the Court unseal Attachment C. On November 9, defendants filed a further response in support of their request that Attachment C remain sealed. Defendants filed two further motions requesting that the Court strike references to the content of Attachment C that were made by plaintiffs' counsel during a November 5, 2002 hearing, and in plaintiffs' second reply brief in support of their request that Attachment C be unsealed.

Each of these motions turned on whether the contents of Attachment C fell under the

[1] The full title of the August 8 report was "Special Report of the Court Monitor on Potential Evidence Regarding the Alleged Suppression by White House and Department of Justice Attorneys of the Written Testimony of the Special Trustee Prepared for the Senate Committee on Indian Affairs' July 25, 2002 Hearing Regarding the Department of the Interior's Historical Accounting." The Court will refer to this document as "the Special Report."

REV_00114413

protection of the deliberative process privilege. The application of that privilege to the present case was not resolved, however, until the Court issued a memorandum opinion on February 5, 2003, explaining the manner in which the privilege applied to the present case. In that opinion, the Court explained that it would defer any ruling on the disposition of Attachment C until defendants had filed with the Monitor an affidavit conforming with the requirements for proper invocation of the deliberative process privilege with respect to Attachment C. The Court also explained that plaintiffs would be afforded an opportunity to submit to the Monitor a statement setting forth the reasons that plaintiffs needed the information contained in Attachment C, and that defendants would be given an opportunity to file a brief in reply to plaintiffs' statement.

On February 14, defendants submitted an affidavit purporting to conform to the requirements for the proper invocation of the deliberative process privilege with respect to Attachment C, and requested that the affidavit be filed under seal. On February 26, plaintiffs filed the statement of need requested by the Court in its February 5 opinion. Defendants submitted a reply brief on March 6, again requesting that it be filed under seal.

On March 10, defendants submitted a motion to strike plaintiffs' statement of need because the statement allegedly contained references to the content of Attachment C, and requested that the motion be filed under seal. On March 17, the Monitor submitted a report recommending that Attachment C be unsealed ("the March 17 Report"). Defendants submitted their objections to the Monitor's report on March 31, and asked that the objections be submitted under seal. Additionally, on March 27, defendants moved to strike two filings by plaintiffs that allegedly contained references to the content of Attachment C, and requested that their motion be filed under seal.

REV_00114414

II. ANALYSIS

The March 17 Report submitted by the Monitor found that Attachment C was both predecisional and deliberative, and that defendants had submitted an affidavit conforming with the requirements for the proper invocation of the deliberative process privilege with respect to Attachment C. The Monitor therefore concluded that Attachment C fell under the protection of the privilege, and proceeded to examine whether plaintiffs had demonstrated that their need for the information in Attachment C outweighed defendants' interest in preventing the disclosure of that information. Applying the five-factor test derived from Schreiber v. Society for Savings Bancorp, Inc., 11 F.3d 217 (D.C. Cir. 1993), the Monitor balanced the interests and determined that plaintiffs' need for the information outweighed defendants' interest in preventing disclosure. Accordingly, the Monitor concluded that Attachment C should be unsealed.

The Court reviews conclusions of law made by the Monitor de novo. D.M.W. Contracting Co. v. Stolz, 158 F.2d 405, 407 (D.C. Cir. 1947); In re Vitamins Antitrust Litig., 211 F.R.D. 1, 3 (D.D.C. 2002). Because neither party has objected to the conclusions of the Monitor that Attachment C is predecisional and deliberative, that defendants submitted an affidavit conforming with the requirements for the proper invocation of the deliberative process privilege with respect to Attachment C, and that Attachment C is protected under the deliberative process privilege, the Court may adopt those conclusions without holding a hearing. Having reviewed the Monitor's conclusions de novo, the Court finds that they should be adopted as the law in this case.

However, defendants have objected to the Monitor's conclusions that plaintiffs' need for the information in Attachment C outweighs defendants' interest in preventing the disclosure of that

REV_00114415

information, and that Attachment C should therefore be unsealed. Because these are conclusions of law, the Court is required by Federal Rule of Civil Procedure 53(e)(2) to hold a hearing before the Court may adopt them as the law of this case. However, the Court has decided not to adopt either of these conclusions, obviating the need for a hearing on this matter.

Given that the Court has elected to maintain the seal on Attachment C, the explication of its decision must necessarily refrain from discussing the content of that document. Fortunately, the legal standards governing its decision have already been explained in the Court's February 5, 2003 memorandum opinion. In that opinion, the Court explained that

> once the elements of the [deliberative process] privilege have been met, the burden shifts to the party opposing the privilege to establish that its need for the information outweighs the interest of the government in preventing disclosure of the information. In this Circuit, courts balance the interests by using a five-factor test derived from Schreiber v. Society for Savings Bancorp, Inc., 11 F.3d 217 (D.C. Cir. 1993), in which the D.C. Circuit explained that "[a]t a minimum, the court must consider: (i) the relevance of the evidence sought to be protected; (ii) the availability of other evidence, (iii) the 'seriousness' of the litigation, (iv) the role of the government in the litigation, and (v) the possibility of future timidity by government employees who will be forced to recognize that their secrets are violable."

Mem. Op. dated February 5, 2003, at 5 (internal citations omitted). In their statement of need, plaintiffs set forth only two reasons why they need the information contained in Attachment C for the Phase 1.5 trial. Because an analysis of the first reason would necessarily entail a discussion of the content of Attachment C, the Court will say only that plaintiffs have failed to establish that they would not be able, without undue hardship, to obtain the same information by means of deposition testimony or the calling of live witnesses at trial. The second reason set forth by plaintiffs is that the information would furnish important evidence of defendants' bad faith. Without making any determination as to whether the information would provide any such evidence, the Court will simply note that plaintiffs have failed to establish that they would not be

REV_00114416

able to provide evidence of the bad faith of defendants through some other means. Having balanced plaintiffs' statements as to their need for the information with defendants' affidavit and reply brief, the Court finds that plaintiffs have failed to demonstrate that their need for the information outweighs the interest of defendants in preventing disclosure of the information. Therefore, the Court will not adopt the conclusions of the Monitor that plaintiffs' interest in disclosure outweighs defendants' interest in preventing disclosure, and that Attachment C should be unsealed.

III. CONCLUSION

The Court has determined that the document included as Attachment C to the August 8, 2002 special report of the Monitor shall remain under seal. This determination necessarily requires that all references to the content of Attachment C in the filings in this case should either be sealed or stricken from the record in this case. Accordingly, the Court will grant all pending motions to file under seal any motions that discuss the content of Attachment C, and strike from the record in this case any references to that content in any other filings in this case.

A separate order consistent with the foregoing opinion shall be issued this date.

Date: 4-10-03

Royce C. Lamberth
United States District Judge

REV_00114417

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>
Sent: 4/11/2003 10:23:14 AM
Subject: : Jen: Do you have Orlofsky letter addressed to President?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-APR-2003 14:23:14.00
SUBJECT:: Jen: Do you have Orlofsky letter addressed to President?
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 4/11/2003 10:34:03 AM
Subject: : demographics

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2003 14:34:03.00
SUBJECT:: demographics
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Note that after the April 28 circuit nominations, 4 of the President's 42 circuit nominees will have been Hispanic (9.5%) and 5 of 42 will have been African-American (12%). Historically speaking, those numbers are very high and very significant.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 4/11/2003 11:30:23 AM
Subject: : sue robinson will be the comp

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-APR-2003 15:30:23.00
SUBJECT:: sue robinson will be the comp
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 4/11/2003 4:41:56 PM
Subject: Re: FW: Letter to Paul McCullough
Attachments: McCulloch 3-27-03.doc

did we send this out. still a bit irritated about the process, but FAX me a copy of final.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/08/2003 08:42:10 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Letter to Paul McCullough

What's the word on this?

-----Original Message-----

From: Burks, Jonathan W.

Sent: Tuesday, April 08, 2003 8:41 AM

To: Gillmor, Eleanor L.; Ritacco, Krista L.; Bumatay, Patrick J.; Ralston, Susan B.; Hernandez, Israel

Subject: FW: Letter to Paul McCullough

Any word from your principals?

-----Original Message-----

From: Burks, Jonathan W.

Sent: Thursday, April 03, 2003 7:19 AM

To: Gillmor, Eleanor L.; Ritacco, Krista L.; Bumatay, Patrick J.; Ralston, Susan B.; Hernandez, Israel

Subject: Letter to Paul McCullough

Harriet emailed your principals (and sometimes you too) yesterday with her suggested revisions to the Jay's draft response to Paul McCullough. Please let me know if your principal is OK with her revisions. (I've attached a copy for easy reference.)

(Patrick, also please check to see if you guys concur this should come from someone in the counsel's office.)

Thanks,

Jon

<>

March 28, 2003

Mr. Paul McCulloch
440 Louisiana, 16th Floor
Houston, TX 77002

Dear Mr. McCulloch,

On behalf of President Bush, thank you for your letter about the President's proposals on medical liability reform and for the information regarding Javier DeLuna. The President appreciates hearing your views and welcomes your suggestions about this important issue. President Bush supports recovery of all medical costs and economic damages where the facts justify an award. He also supports awarding reasonable non-economic damages and punitive damages in cases where the facts justify recovery of such an award. However, the medical liability crisis is threatening access to health care in many states and must be addressed.

Excessive jury awards are driving up costs, encouraging frivolous lawsuits, and promoting long, drawn-out legal proceedings. The fear of lawsuits forces many good doctors to practice defensive medicine, ordering excessive tests, procedures, and treatments. These unnecessary practices increase costs for patients, while decreasing quality and availability of care. In addition, many insurers have dropped medical liability coverage for doctors, particularly in the fields of neurosurgery, and obstetrics and gynecology, or raised premiums dramatically, forcing some doctors out of medicine.

The President has proposed a national solution that will make quality health care more affordable, more available, and safer for all Americans, while protecting the injured patient's right to hold accountable doctors who practice bad medicine. These reforms include ensuring that injured patients have the right to obtain appropriate compensation for economic losses while preventing excessive non-economic and punitive damage awards that drive up costs and encourage unnecessary lawsuits and lengthy legal proceedings.

These changes will ensure that quality of care improves as patients gain greater access to physicians. Experience in many states has demonstrated that these medical liability reforms can reduce Federal government costs by $30 billion per year or more, freeing up funds that can make health care more affordable. In addition, these standards can reduce health care costs for all Americans by $60 billion or more, and make our system more fair, predictable, and timely.

The President has called for reserving punitive damages for cases where they are justified, but not limiting economic damages incurred by patients like Javier in any way. The President has also called for the payment of judgments over time rather than in a single lump sum, to ensure that appropriate payments are there when patients like Javier may need them. Under the President's plan, even excluding any potential non-economic or punitive damages, Javier would

be able to receive full compensation for all medical costs and all economic damages, including both lost and potential wages.

The President believes that these reforms allow injured parties to recover justifiable damages, but they will significantly improve our medical liability system and help our health care system remain the best in the world. Thank you again for writing.

Sincerely,

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>
Sent: 4/11/2003 4:51:42 PM
Subject: any word on algiers

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>
Sent: 4/11/2003 12:52:09 PM
Subject: : any word on algiers

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-APR-2003 16:52:09.00
SUBJECT:: any word on algiers
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Diana L. Schacht/OU=OPD/O=EOP [OPD]
To: Kristen Silverberg/WHO/EOP@Exchange@EOP [WHO] <Kristen Silverberg>;Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>;Kevin Warsh/OPD /EOP@EOP [OPD] <Kevin Warsh>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Margaret M. Spellings/OPD/EOP@Exchange@EOP [OPD] <Margaret M. Spellings>
Sent: 4/11/2003 12:53:56 PM
Subject: : class action

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP [ OPD ] )
CREATION DATE/TIME:11-APR-2003 16:53:56.00
SUBJECT:: class action
TO:Kristen Silverberg ( CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Margaret M. Spellings ( CN=Margaret M. Spellings/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Senate Judiciary reported out the class action bill today by vote of
12-7. The Feintein amendment was adopted.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/11/2003 12:54:43 PM
Subject: : class action

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2003 16:54:43.00
SUBJECT:: class action
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

good news and a long time in coming over last several years . . .

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/11/2003 04:54 PM ----------

Diana L. Schacht
04/11/2003 04:53:39 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: class action

Senate Judiciary reported out the class action bill today by vote of 12-7. The Feintein amendment was adopted.

Message Sent
To:_____
Margaret M. Spellings/OPD/EOP@Exchange@EOP
Jay P. Lefkowitz/OPD/EOP@Exchange@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@Exchange@EOP
Kevin Warsh/OPD/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
Sent: 4/11/2003 1:00:45 PM
Subject: : RE: Class Action deal

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2003 17:00:45.00
SUBJECT:: RE: Class Action deal
TO:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ("Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

congrats.

"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov>
04/03/2003 07:20:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Class Action deal

Very interesting markup today. Started class action, then held over because Leahy & Durbin claimed they hadn't been given enough time to review Feinstein's amendment (there were a little more fireworks and back and forth between Hatch and Leahy than I am conveying - always makes markups interesting)
So the agreement is we go forward with the markup next week, no new amendments except if they relate to Feinstein's amendment (so you can be sure we will get 20 second degrees) but they have to be circulated 24 hours in advance fortunately. And it continues.
OGH is determined to finish it next week and not let it hang over the recess.

CONFIDENTIALITY NOTE:

The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees.; If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited.; If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, April 03, 2003 7:47 AM
To: Seidel, Rebecca (Judiciary); Brett_M._Kavanaugh@who.eop.gov
Subject: Re: Class Action deal

Thx for info.

..

----- Original Message -----
From:<Rebecca_Seidel@Judiciary.senate.gov>
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/03/2003 12:43:01 AM
Subject: Class Action deal

FYI, we just cut a deal to get Feinstein on board. We are marking it up tomorrow and expect to finish it tomorrow. 9 Amendments besides Feinstein's, most of which we have seen before and can easily defeat. Leahy will also offer his First Responders bill and a Crim Penalties for Doc Destruction amendment. Should be an interesting markup.

CONFIDENTIALITY NOTE:

The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

- att1.htm

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>
Sent: 4/11/2003 1:42:40 PM
Subject: : Re: GOPAC

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2003 17:42:40.00
SUBJECT:: Re: GOPAC
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

What about Cabinet?

Brett M. Kavanaugh
04/11/2003 03:59:17 PM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
bcc:
Subject: Re: GOPAC

No one from WH should be guest speaker at GOPAC. Karen is a different story since she is not a government employee. Thanks.

Katherine M. Walters
04/08/2003 10:09:17 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: GOPAC

JC Watts has invited Ken to speak to the GOPAC Conference on April 28th. I have tentatively scheduled a time, but wanted to make sure that they were not the same situation as the RGA. Ken thought they might be. They would also like our help in finding a speaker for the keynote dinner. They have asked for Karl or Karen.

From: Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>
To: brian.a.benczkowski@usdoj.gov [UNKNOWN] <brian.a.benczkowski@usdoj.gov>;Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Remington, Kristi L <Kristi.L.Remington@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;jamie.e.brown@usdoj.gov [UNKNOWN] <jamie.e.brown@usdoj.gov>
Sent: 4/11/2003 1:42:56 PM
Subject: : RE: Transcript of Yesterday's Markup
Attachments: P_QA8KF003_WHO.TXT_1.htm

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [ UNKNOWN ]
)
CREATION DATE/TIME:11-APR-2003 17:42:56.00
SUBJECT:: RE: Transcript of Yesterday's Markup
TO:brian.a.benczkowski@usdoj.gov ( brian.a.benczkowski@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> ( "Remington, Kristi L"
<Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:jamie.e.brown@usdoj.gov ( jamie.e.brown@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Just a reminder that this is a draft copy, so please do not forward this
to anyone, especially the press and outside groups. Thanks.



-----Original Message-----
From: Comisac, RenaJohnson (Judiciary)
Sent: Friday, April 11, 2003 5:24 PM
To: jamie.e.brown@usdoj.gov; Wendy_J._Grubbs@who.eop.gov;
'Brett_M._Kavanaugh@who.eop.gov'; brian.a.benczkowski@usdoj.gov;
'Remington, Kristi L'
Subject: Transcript of Yesterday's Markup









- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QA8KF003_WHO.TXT_1>
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Just a reminder that this is a draft copy, so please do not forward this to anyone, especially the press and outside groups. Thanks.

-----Original Message-----
From: Comisac, RenaJohnson (Judiciary)
Sent: Friday, April 11, 2003 5:24 PM
To: jamie.e.brown@usdoj.gov; Wendy_J._Grubbs@who.eop.gov; 'Brett_M._Kavanaugh@who.eop.gov'; brian.a.benczkowski@usdoj.gov; 'Remington, Kristi L'
Subject: Transcript of Yesterday's Markup

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Paul B. Dyck/WHO /EOP@EOP [WHO] <Paul B. Dyck>
Sent: 4/11/2003 6:43:26 PM
Subject: : Re: Haley Barbour

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2003 22:43:26.00
SUBJECT:: Re: Haley Barbour
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Should be no reason admin officials cannot appear as guest speakers at fundraisers for him so long as the amounts being raised are within fed limits.

.

----- Original Message -----
From:Paul B. Dyck/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/11/2003 11:29:13 AM
Subject: Haley Barbour

Brett - Ken and I are meeting with Haley Barbour on Monday to discuss his '03 gubernatorial race. He obviously wants as much administration support as possible, and we are inclined to help as much as possible. That said, with CFR, etc., can we provide the same type of support for his race as we did in the '02 races? Specifically, he has requested political events and fundraisers with the president and vice president, senior WH staff and Cabinet.

Thanks for any guidance. pbd

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/12/2003 6:46:12 AM
Subject: : White House Global Messenger - 4/12-13/2003
Attachments: P_V4HKF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:12-APR-2003 10:46:12.00
SUBJECT:: White House Global Messenger - 4/12-13/2003
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 4-12-03 FINAL.doc)

THE GLOBAL MESSENGER
Saturday/Sunday, April 12/13, 2003

******KEY POINTS FROM THE PRESIDENT'S WEEKLY RADIO ADDRESS******

- The world has watched as the regime of Saddam Hussein began passing into history. The conflict continues in Iraq, and our military may still face hard fighting. Yet the statues of the dictator, and all the works of his terror regime, are falling away, never to return.

- American and Coalition forces have conducted themselves with all the skill and honor we expect of them. Our enemies have seen their valor. The people of Iraq are seeing their compassion, as our military provides food, water, and medical treatment to all in need, even captured Iraqi soldiers.

- As Saddam's reign of fear is brought to an end, the people of Iraq are revealing the true hopes they have always held. It should surprise no on that Iraqis, like all people, resent oppression and welcome their own freedom. In every nation, and every culture, the human heart desires the same good things - dignity, liberty, and a chance to build a better life.

- As people throughout Iraq celebrate the arrival of freedom, America celebrates with them. We know that freedom is the gift of God to all mankind, and we rejoice when others can share it.

- The nightmare of Saddam's rule in Iraq is ending. Soon the good and gifted people of Iraq will be free to choose leaders who respect their rights and reflect their character. In all that is to come, they will have the good will of the entire world. And they will have the friendship of the people of the United States.

******SUNDAY SHOWS SCHEDULE******
Subject to Change

ABC: Centcom General Franks

CBS: Secretary of Defense Rumsfeld

CNN: Centcom General Franks

FOX: Centcom General Franks

NBC: Secretary of Defense Rumsfeld

******LIBERATION UPDATE******
The voices of freedom, now heard in many parts of Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at
http://www.whitehouse.gov/liberation

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"Now my son can have a chance in life."
Bushra Abed, Washington Times, 4-10-03

***
"I saw it with my own eyes. People in Baghdad were dancing in the streets
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burning Saddam's pictures and no one was firing at them. That was proof to
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Taher Hassan, Sulaimaniyeh shopkeeper, Wall Street Journal, 4-10-03

****CLIMATE OF FEAR****

Brief accounts of the pain inflicted by Saddam's regime on the people of
Iraq

***
"Yousef was tortured for three months in a Basra jail from 5 a.m. till 8
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he said. He received electric shocks and blows from machetes. He sometimes
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he said. The torture had a rhythm to it. After brutalizing him, they gave
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Knight-Ridder Newspapers, April 7, 2003

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"Perhaps saddest were two rooms, each hardly bigger than a normal bedroom,
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The boy
was still too scared to talk about it, even now."
Newsweek Online, April 8, 2003

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"'I was tortured for the first time in 1993, after the Iraqi national team
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bleeding ulcer, he was arrested at his home at 2:30 a.m. and sent to
prison...'He took me right to the Olympic prison, where the guards whipped
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feet 20 times a day for three days,' he said. 'They gave me nothing to eat
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drink other than a daily glass of water and slice of bread. Then they sent
me to
al-Radwaniya for four more days of punishment, and this time, I got the
full
treatment.'"
The Miami Herald, April 6, 2003

THE WHITE HOUSE
Office of Global Communications

For more information log on to http://www.whitehouse.gov/ogc

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topics such as the
global war on terror, the case for regime change in Iraq, and more
broadly, the
ways in which we
can all better communicate the aspirations and interests that Americans
share
with freedom-loving
people everywhere.
- GM 4-12-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_V4HKF003_WHO.TXT_1>

THE GLOBAL MESSENGER

Saturday-Sunday, April 12-13, 2003

U.S. SUNDAY SHOWS

Subject to Change

ABC:	Centcom General Franks
CBS:	Secretary of Defense Rumsfeld
CNN:	Centcom General Franks
FOX:	Centcom General Franks
NBC:	Secretary of Defense Rumsfeld

CLIMATE OF FEAR

Brief accounts of the pain inflicted by Saddam's regime on the people of Iraq

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The Miami Herald, April 6, 2003

KEY POINTS FROM THE PRESIDENT'S WEEKLY RADIO ADDRESS

- The world has watched as the regime of Saddam Hussein began passing into history. The conflict continues in Iraq, and our military may still face hard fighting. Yet the statues of the dictator, and all the works of his terror regime, are falling away, never to return.
- American and Coalition forces have conducted themselves with all the skill and honor we expect of them. Our enemies have seen their valor. The people of Iraq are seeing their compassion, as our military provides food, water, and medical treatment to all in need, even captured Iraqi soldiers.
- As Saddam's reign of fear is brought to an end, the people of Iraq are revealing the true hopes they have always held. It should surprise no on that Iraqis, like all people, resent oppression and welcome their own freedom. In every nation, and every culture, the human heart desires the same good things – dignity, liberty, and a chance to build a better life.
- As people throughout Iraq celebrate the arrival of freedom, America celebrates with them. We know that freedom is the gift of God to all mankind, and we rejoice when others can share it.
- The nightmare of Saddam's rule in Iraq is ending. Soon the good and gifted people of Iraq will be free to choose leaders who respect their rights and reflect their character. In all that is to come, they will have the good will of the entire world. And they will have the friendship of the people of the United States.

LIBERATION UPDATE

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Taher Hassan, Sulaimaniyeh shopkeeper, *Wall Street Journal*, 4-10-03

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/13/2003 1:19:24 PM
Subject: : White House Global Messenger - 4/14/03
Attachments: P_OLRKF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:13-APR-2003 17:19:24.00
SUBJECT:: White House Global Messenger - 4/14/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 4-14-03 FINAL.doc)
THE GLOBAL MESSENGER
Monday, April 14, 2003

******KEY POINTS******

Military Update

*The war is not over, and much work remains to be done.

*Coalition forces have completely surrounded Baghdad, and are continuing to secure large sections of the city.

*U.S. forces are in Kirkuk and securing northern oilfields.

*Coalition forces continue to engage pockets of resistance, Baath Party irregulars, and regime death squads.

Humanitarian Update

*The World Food Program has purchased 500,000 tons of food for delivery into Iraq. In addition to the estimated 675,000 tons of food identified by the UN under the Oil-for-Food program, these commodities can feed the entire population of Iraq for several months.

*This week the first of two ships carrying 50,000 tons of Australian wheat will finish offloading in Kuwait. The food, which will be used as part of the OFF program, can feed 1.7 million Iraqis in need.

*The World Health Organization is flying 50 surgical kits to Jordan. Each kit contains anesthetics, surgical equipment, and medical disposables, such as bandages and syringes, for 100 surgeries and several days of post-operative recovery.

*On April 8, UNICEF sent 11 trucks with relief supplies - mostly water and supplies to transport water - to Um Qail, southern Basra, Safwan, and Az Zubayr. UNICEF has sent a total of 87 trucks into southern Iraq since the conflict began.

*There are pockets of need, but no humanitarian crisis. Shortages of water and food are not new, and not a result of Coalition action, but of the deliberate policy of Saddam's regime to deny goods and services from the Iraqi people.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change

7:00am CENTCOM Operations Update

12:30pm White House Briefing

TBD Defense Department Briefing

TBD State Department Briefing

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"Smiling citizens crowded every street around the American positions. There was a constant stream of people willing to give information and loudly condemn Saddam. American soldiers who a day before had been in close combat were now basking in the cheers and applause, their arms tired from returning friendly waves."
Time Magazine, 4-14-03

******KEY QUOTES FROM THE PRESIDENT'S REMARKS TO THE PRESS, 4-13-03******

"Today is a great day for the families, comrades, loved ones of the seven missing in action who are free. I'm really pleased, for all those who have been praying for their safety, that they are safe. We still have missing in action in Iraq; we will continue to look for them. We pray that they, too, will be safe and free one of these days."

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"[The Iraqi people are] free. And freedom is beautiful. And, you know, it'll take time to restore...order out of chaos. But we will."

******CLIMATE OF FEAR******
Brief accounts of the pain inflicted by Saddam's regime on the people of Iraq

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"[S]ecret police thugs brutalized even senior officials of the Information Ministry, just to keep them in line (one such official has long been missing all his fingernails). One Foreign Ministry officer told me of a colleague who, finding out his brother had been executed by the regime, was forced, as a test of loyalty, to write a letter of congratulations on the act to Saddam Hussein. An aide to Uday once told me why he had no front teeth: henchmen had ripped them out with pliers and told him never to wear dentures, so he would always remember the price to be paid for upsetting his boss."
Eason Jordan, CNN chief news executive, New York Times, 4-11-03

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we can all better communicate the aspirations and interests that
Americans share with freedom-loving people everywhere.
- GM 4-14-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OLRKF003_WHO.TXT_1>

THE GLOBAL MESSENGER

Monday, April 14, 2003

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>
Sent: 4/14/2003 6:39:42 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 10:39:42.00
SUBJECT::
TO:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I do not think Claude Allen should do the Cleveland event. Please call if
you want to discuss.
```

From: CN=Hana F. Brilliant/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/14/2003 7:49:29 AM
Subject: : Re: Usage of website picture

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-APR-2003 11:49:29.00
SUBJECT:: Re: Usage of website picture
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Do you want me to draft a letter to that effect? I could simply state that the photo has not been released for public use, which is probably the case. The Photo Office usually just releases the President's official portrait.
-Hana

Brett M. Kavanaugh
04/14/2003 11:38:29 AM
Record Type: Record

To: Hana F. Brilliant/WHO/EOP@EOP
cc: paul b. dyck/who/eop@eop
bcc:
Subject: Re: Usage of website picture

I do not think we should authorize them to use a photo of President with military in a political way such as this at this time. They can use a separate photo of President.

Hana F. Brilliant
04/14/2003 11:33:48 AM
Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: Usage of website picture

I work with Noel Francisco on all non-political requests. Noel said that Brett Kavanaugh would handle this one.
Hana

Paul B. Dyck
04/14/2003 11:04:33 AM
Record Type: Record

To: Hana F. Brilliant/WHO/EOP@EOP
cc: Joseph W. Fricks III/WHO/EOP@EOP
Subject: Usage of website picture

Hana - I believe that you had answered a similar question for me previously, so I hope that you are the correct person or can point me in the right direction to the inquiry below. Is this permissable? Thanks.
Paul

Paul Dyck
Political Affairs
x6-6528

---------- Forwarded by Paul B. Dyck/WHO/EOP on 04/14/2003 11:02 AM ----------

Joseph W. Fricks III
04/14/2003 10:29:54 AM
Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP
cc:
Subject: Usage of website picture

Dina Psic of the Cherokee County Republican Party in Georgia is requesting permission to use a picture from the website in their newsletter. The newsletter is going to have a support our troops theme. The picture requested is at the link below:

http://www.whitehouse.gov/president/forthosewhoserve/05.html

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/14/2003 4:09:29 AM
Subject: : FW: Heads-Up on DOT's Final Rule on Hours of Service of Truck Drivers
Attachments: P_9IWKF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:14-APR-2003 08:09:29.00
SUBJECT:: FW: Heads-Up on DOT's Final Rule on Hours of Service of Truck Drivers
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Chuckerel, Mary M.
Sent: Thursday, April 10, 2003 10:25 AM
To: Arbuckle, Donald R.; Bartlett, Daniel J.; Besanceney, Brian R.; Bolten, Joshua B.; Bumatay, Patrick J.; Call, Amy L.; Conda, Cesar; DeFrancis, Suzy; Dorn, Nancy; Dougherty, Elizabeth S.; Dove, Stephen W.; Duffy, Trent D.; Fleischer, Lawrence A.; Friedman, Stephen; Goldman, Adam B.; Greene, William; Hennessey, Keith; Hobbs, David W.; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Lefkowitz, Jay P.; Libby, Lewis; MacHida, Ado A.; Mankiw, Nicholas G.; McMillin, Stephen S.; Murphy, Daniel J.; Oxford, John; Pelletier, Eric C.; Perino, Dana M.; Perry, Philip J.; Rossman, Elizabeth L.; Schlapp, Matthew A.; Schwartz, Kenneth L.; Silverberg, Kristen; Troy, Tevi; Weaver, Bessie M.; Wood, John F.
Cc: Jones, Lisa M.; Ritacco, Krista L.; Thompson, Carol J.; McQuade, Vickie A.; Williams, Alice H.; Ingwell, Carmen M.; Vestewig, Lauren J.; Mayfield, Jennifer H.; Bennett, Melissa S.; Garvin, Dorothy C; Allgood, Lauren K.; Silverman, Garrette; Roberson, Halley M.
Subject: Heads-Up on DOT's Final Rule on Hours of Service of Truck Drivers

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9IWKF003_WHO.TXT_1>

April 10, 2003

MEMORANDUM FOR ANDREW CARD

THROUGH: Mitchell E. Daniels, Jr.

FROM: John D. Graham

SUBJECT: Heads-Up on DOT's Final Rule on Hours of Service of Truck Drivers

We have concluded review of a Federal Motor Carrier Safety Administration (FMCSA) final rule governing the hours of service of commercial motor vehicle drivers. The current rules, which have been in place since 1962, allow drivers in interstate commerce to be on duty for a maximum of 15 hours, including a maximum of 10 hours driving. Almost all interstate CMV drivers are currently required to prepare and file a paper logbook.

Under the current rules, after driving 10 hours or being on duty 15 hours, a driver must take eight consecutive hours off duty. Thus, the next work "day" could begin between 18 and 23 hours after the start of the previous day. FMCSA's final rule would replace this work cycle with a 24-hour cycle that coincides with a more regular circadian rhythm. Specifically, the rules would limit on-duty time for drivers to 14 hours, of which 11 could be devoted to driving, and would increase minimum off-duty time to 10 hours to provide drivers with the opportunity to obtain eight hours of sleep. A new provision would provide for a "restart" after 34 consecutive hours off-duty (to allow for two sleep periods), after which drivers could begin a new work "week."

Unlike FMCSA's controversial 2000 proposal, the final rule will not apply different limits on different types of operations or require electronic on-board recorders (EOBRs). FMCSA is also maintaining all existing exemptions (e.g., oil field hauling, water well drilling, agriculture). The motor coach industry would not be affected.

Compared to full compliance with existing rules, the final rule would yield $228 million in safety benefits while *reducing* compliance costs by $905 million annually. The savings to truckers outweigh the costs to truckers.

Although industry will be disappointed that FMCSA is setting the daily driving limit at 11 hours—the option proposed by the American Trucking Associations provided for a 14 hour on-duty limit with no restriction on driving—the final rule is far less costly than the 2000 proposal, and will be viewed as a significant improvement. Safety advocates will strongly object to FMCSA's decision to not mandate the use of EOBRs on long-haul trucks. We asked that

FMCSA commit to considering ways to encourage motor carriers to install EOBRs voluntarily. Safety advocates may also object to allowing more than 10 hours of daily driving.

Let me know if you have any questions.

cc: Don Arbuckle
Dan Bartlett
Brian Besanceney
Josh Bolten
Patrick Bumatay
Amy Call
Cesar Conda
Suzy DeFrancis
Nancy Dorn
Liz Dougherty
Steve Dove
Trent Duffy
Ari Fleischer
Stephen Friedman
Adam Goldman
Bill Greene
Keith Hennessey
David Hobbs
Ed Ingle
Clay Johnson
Daryl Joseffer
Joel Kaplan
Jay Lefkowitz
Lewis Libby
Ado Machida
Gregory Mankiw
Steve McMillin
Dan Murphy
John Oxford
Eric Pelletier
Dana Perino
Phil Perry
Beth Rossman
Matt Schlapp
Ken Schwartz
Kristen Silverberg
Tevi Troy
Bess Weaver
John Wood

From: Sheila.Joy@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/14/2003 8:48:30 AM
Subject: : RE: can we ask AO to update its web site as of today to reflectrecent nominations and confirmations? Thanks.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"
<Sheila.Joy@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:14-APR-2003 12:48:30.00
SUBJECT:: RE: can we ask AO to update its web site as of today to reflect recent
nominations and confirmations? Thanks.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I can ask - anyones guess as to what they will do

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 14, 2003 12:29 PM
To: Joy, Sheila
Subject: can we ask AO to update its web site as of today to reflect
recent nominations and confirmations? Thanks.
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From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Snee, Ashley>;<Grubbs, Wendy J.>
Sent: 4/14/2003 9:03:56 AM
Subject: story on Carlos Bea in SF Recorder

Bush Nominates Bea for Ninth Circuit Judgeship

As expected, President Bush on Friday nominated San Francisco Superior Court Judge Carlos Bea to the Ninth Circuit U.S. Court of Appeals.

Bea, 68, joins Third District Court of Appeal Justice Consuelo Callahan as Bush's latest picks to the nation's largest -- and most liberal -- appellate court. Both are Hispanic.

"I'm honored by the nomination," Bea said.

Bea has been a Superior Court judge since 1990, hearing mostly civil cases. He was nominated to the Ninth Circuit during the latter days of former President Bush's presidency, more than a decade ago, but the nomination died when the administrations changed.

Bea is a graduate of Stanford University and played on the 1952 Cuban Olympic basketball team. One of his four sons medalled in the 2000 Olympics as well.

"He has a great intellect and it's coupled with a remarkable aptitude for legal reasoning," said Superior Court Judge Ernest Goldsmith, who was taken under Bea's wing when he first came on the bench. "He's not satisfied with a quick or expedient answer. He's looking for the right answer."

Because of his scholarly approach to the law, lawyers and judges say Bea could make the transition from trial to appellate judge easily.

"I think he's from central casting," Goldsmith said. "I think he's perfect for the appellate bench."

Lawrence Callaghan, a partner at Arter & Hadden, said Bea's experience as a trial court judge will help him on the appellate bench. "I think he's an excellent appointment," Callaghan said.

Judge Anne Bouliane said she often seeks out Bea to discuss cases and praises his collegiality.

"He's just really nice to work with," Bouliane said. "It's not his way or the highway. He's very flexible."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@Exchange@EOP [WHO] <Wendy J. Grubbs>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/14/2003 5:06:04 AM
Subject: : story on Carlos Bea in SF Recorder

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 09:06:04.00
SUBJECT:: story on Carlos Bea in SF Recorder
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
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Bea is a graduate of Stanford University and played on the 1952 Cuban Olympic basketball team. One of his four sons medalled in the 2000 Olympics as well.

"He has a great intellect and it's coupled with a remarkable aptitude for legal reasoning," said Superior Court Judge Ernest Goldsmith, who was taken under Bea's wing when he first came on the bench. "He's not satisfied with a quick or expedient answer. He's looking for the right answer."

Because of his scholarly approach to the law, lawyers and judges say Bea could make the transition from trial to appellate judge easily.

"I think he's from central casting," Goldsmith said. "I think he's perfect for the appellate bench."

Lawrence Callaghan, a partner at Arter & Hadden, said Bea's experience as a trial court judge will help him on the appellate bench. "I think he's an excellent appointment," Callaghan said.

Judge Anne Bouliane said she often seeks out Bea to discuss cases and praises his collegiality.

"He's just really nice to work with," Bouliane said. "It's not his way or the highway. He's very flexible."

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/14/2003 5:18:47 AM
Subject: : FW: MESSAGE MEETING REMINDER

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:14-APR-2003 09:18:47.00
SUBJECT:: FW: MESSAGE MEETING REMINDER
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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-----Original Message-----
From: Ritacco, Krista L.
Sent: Monday, April 14, 2003 9:13 AM
To: Yunker, Jacob H.; Allgood, Lauren K.; Ball, Andrea G.; Barrales, Ruben S.; Bennett, Melissa S.; Besanceney, Brian R.; Buchan, Claire ; Burkhart, Shannon; Campbell, Anne E.; Christie, Ronald I.; Ciafardini, Andrew D.; Conde, Roberta L.; Cooper, Rory S.; DeFrancis, Suzy; Devenish, Nicolle; Douglas, Penny G.; Duffy, Trent D.; Ellison, Kimberly; Eskew, Tucker A.; Figg, Kara G.; Gerdelman, Sue H.; Gillmor, Eleanor L.; Grant, Britt; Gray, Adrian G.; Gray, Ann ; Healy, Erin E.; Hennessey, Keith; Hernandez, Israel; Hughes, A. Merrill; Hughes, Taylor A.; Ingle, Edward; Jackson, Barry S.; Kaplan, Joel; Kozberg, Lindsey C.; Kyle, Ross M.; Lefkowitz, Jay P.; Lineberry, Stephen M.; Litkenhaus, Colleen; Mallea, Jose; Martin, Catherine J.; McClellan, Scott ; McDonald, Rebekah; McQuade, Vickie A.; Mehlman, Ken; Middlemas, A. Morgan; Millerwise, Jennifer; Montiel, Charlotte L.; Nelson, Carolyn; Nipper, Wendy L.; Parell, Christie; Pelletier, Eric C.; Perez, Anna M.; Ralston, Susan B.; Reese, Shelley; Riecke, January M.; Riepenhoff, Allison L.; Rodriguez, Noelia ; Rogers, Edwina C.; Rust, Kathryn E.; Ryun, Catharine A.; Sforza, Scott N.; Silverberg, Kristen; Smith, Heidi M.; Snee, Ashley; Spagnoli, Deborah A.; Torgerson, Karin B.; Towey, Jim; Vestewig, Lauren J.; Walters, Katherine M.; Wehner, Peter H.; Westine, Lezlee J.; Williams, Mary C.; Wozniak, Natalie S.
Subject: MESSAGE MEETING REMINDER

There will be a message meeting today at noon in;the Roosevelt Room.

From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/14/2003 5:18:45 AM
Subject: : US CentCom Briefing 04/14/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:14-APR-2003 09:18:45.00
SUBJECT:: US CentCom Briefing 04/14/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
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UNITED STATES CENTRAL COMMAND DAILY PRESS BRIEFING
BRIEFER: BRIG. GEN. VINCE BROOKS, DEPUTY DIRECTOR OF OPERATIONS

DOHA, QATAR
7:06 A.M. EDT, MONDAY, APRIL 14, 2003

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GEN. BROOKS: ;Good afternoon, ladies and gentlemen. We're in the 25th day since coalition forces entered Iraq to initiate Operation Iraqi freedom. The coalition is expanding areas of influence throughout the country and concentrating efforts on security and stability.

Gradually, the indications of every-day life are returning in Iraq, and the Iraqis are adjusting to the freedom from the tyranny of the regime. Today, the coalition is operating throughout Iraq to remove the final remnants of the regime from any areas of influence. The free Iraqi people are making their voices heard in seeking an end to bloodshed and the removal of foreign fighters, who put the population at risk.

;;;;;; Concurrently, the coalition is focused on creating conditions for long-term stability throughout the country and establishing systemic and infrastructural bases for in a free and democratic Iraq.

;;;;;; Even as hope shines brightly, we continue to remember those who gave their lives in Operation Iraqi Freedom and we remember their families.

;;;;;; Our special operations forces are creating ever-expanding contacts with local leaders throughout the country, but particularly in the north and in the west. The presence in the northern areas of Mosul, Irbil and Kirkuk were reinforced yesterday by the increasing commitment of the 173rd Airborne Brigade, and also by the arrival of the 26th Marine Expeditionary Unit. Operations remain focused on locating regime leaders and searching key regime facilities.

;;;;;; Special operations forces and conventional forces expanded throughout the northern oil fields and have now secured all of the northern oil fields. Assessments continue with the active cooperation of Iraqi oil workers.

;;;;;; Recently, special operations forces near Hadithah Dam, an area that we've spoken about on a number of occasions, the location of intense combat in recent weeks, met with oil workers and fire fighters to organize an effort to extinguish and oil stabilization plant fire that was triggered by the regime over a week. Close cooperation between the coalition and Iraqis resulted in the fire being extinguished, as the following video shows.

;;;;;; (Video is shown.)

;;;;;; Even on the same hose, coalition forces and Iraqis are getting the job done, as they are throughout the country.

;;;;;; There are many similar examples throughout the country of coalition forces and Iraqis interacting to repair damage to the infrastructure or to simply restore capability to different parts of the country. And I would add that at this point the remaining fire that was in the southern oil field has been extinguished and that all oil fields within Iraq now fall within areas secured by the coalition. There is one well we've discovered in recent days in the north, a well fire that is still burning, and that will be addressed as soon as we can do so.

;;;;;; Special operations forces in the Baghdad area are supporting the efforts of the land component as they continue their work. And as with all military outfits throughout Iraq, these special operations forces in Baghdad also provide any assistance they can to the Iraqi people.

;;;;;; Recently, two Iraqi brothers approached a special operations medical team on the outskirts of Baghdad. In this case, the brothers asked the medical team if there was anything that the medics could do for their sister, who is suffering from cancer and had no medication. The special forces medics gave what medicines they could to try to provide some relief, and they earned the respect and thanks for the brothers for at least making an attempt to provide some relief for their sister. And as I've said before, scenes like these are repeated everywhere throughout places where the coalition is conducting its work.

;;;;;; Our maneuver operations are similarly focused on eliminating any potential remnants of the regime leadership or forces within Baghdad and the area north of Baghdad.

;;;;;; The land component sent a marine task force to attack from Baghdad to Tikrit within the last 24 hours. In this attack toward Tikrit, the force met little resistance in the towns of Ba'qubah on the east side of the Tigris River, and Samarra -- and I'll just point those again -- Ba'qubah on the eastern side of the Tigris River along the Biyala, and Samarra, along the Tigris River further to the west.

;;;;;; The attack continued yesterday, and its first efforts were to isolate Tikrit from the south, from the west, and also from the north, as well as a key bridge in the center of town that crosses the Tigris River. This morning the attack entered Tikrit, securing the presidential palace there and also beginning the search for any remaining regime supporters. And this is really the only significant combat action that occurred within the last 24 hours.

;;;;;; Elsewhere, coalition land forces are actively engaged in setting the conditions for a stable Iraq. Among the challenges are disposing of all the materiel of war purchased and stored by the regime for use in the defense of Baghdad. As coalition forces move to secure more power stations, water facilities and hospitals in several zones of the city, they often uncover or are guided to significant amounts of ammunition, weapons, aircraft, and vehicles used by the regime.

;;;;;; In one example, coalition forces found 12 surface-to-air missiles and six VIP helicopters near a Ba'ath Party headquarters building. Other examples include 51 Iraqi trucks that were loaded with ammunition, several buildings and bunkers also loaded with ammunition, with many more truckloads worth that need to be moved and disposed of. And this is artillery ammunition, tank ammunition and missiles.

;;;;;; Despite these challenges, the coalition is working diligently and is contributing significant assets to restore function and to distribute aid in Baghdad. We've contributed considerable assistance in helping Iraqis restore the power and water service that ended when Baghdad was still under regime control, and that was destroyed by the regime forces as they fought our coalition. The land component has organized several engineer teams to assess and facilitate restoration of services throughout

the country.

;;;;;; In Baghdad, two very important locations are the power plant that services all of western and southern Baghdad, and also the water treatment plant in the south of Baghdad that provides safe water to the communities, and those are highlighted to the west and just south of the bend in the Tigris River.

;;;;;; In the following photos that I'll show you, coalition military engineers have met with senior Iraqi power industry officials and electrical engineers to find the best way to restore power to the city. Again, these are military engineers as they do their work. And meetings like this one are happening at lower levels as well, with military civil affairs teams or even operational commanders throughout the country in places where the lack of power undermines the supply of water and puts the population at risk.

;;;;;; The citizens are becoming active throughout all areas of Iraq in helping to restore order and to start free Iraq on a path toward a positive future. And I have just a few examples.

;;;;;; First, joint patrols have been initiated, and roughly 200 police volunteers joined with coalition forces to start patrolling Basra. And this is an effort to assist in quelling any looting or any other civil unrest. In other areas, tribal leaders are establishing coalitions of multiple tribes, and this is the foundation for local governance in cities in the north and in the west. In Karbala, as an example, town leaders have established a local police force with, again, over 200 volunteers, provided them with uniforms. They have 10 vehicles that are marked as police vehicles, and they are taking efforts to try to get some degree of control and stability established themselves, and we applaud their efforts. And these efforts continue to multiply throughout the country.

;;;;;; Electric power and water power remain the key needs, however, and during the repair period, coalition forces continue to provide military support wherever possible. I have some recent photos of coordination done between marines and the water purification experts near the town of An-Nasiriyah. In this case, marines and sailors worked with the local Iraqis to try to repair this generation plant. In areas where we can't immediately repair the water infrastructure, we continue to use military assets and resources to provide a substitute. And this is a short video of some more water purification operations, in this case near Talill airfield.

;;;;;; (VIDEO.) Virtually any water source can be used to generate pure water. It's a pretty well developed system. We have operators who are skilled at how to make that happen. And it gets pumped freshly (?) into water trucks for transport.

;;;;;; We continue our efforts to reestablish reliable medical care throughout Iraq. First, several hospitals have been secured by coalition operations recently, and as we go to those locations and we find patients that require care that cannot be adequately provided at some of these facilities, the patients are either transferred to other Iraqi hospitals, or moved to military medical facilities. The U.S. naval ship Comfort, for example, now has over 100 non-combatants aboard receiving medical care in the most modern medical facility we have available to us.

;;;;;; While medical supplies are flowing in from a variety of countries and organizations, the coalition is also pushing medical supplies. In some cases, these supplies come from stocks planned for use in caring for coalition casualties, but at this point they are no longer required in the same number. The next video is of coalition members using existing military resources to push medical assets into Iraq.

;;;;;; (VIDEO) They inventoried what they had, realized they had some excess capacity, began to load them into boxes. The boxes were then taken to helicopters aboard ship offshore, flown to a place to be transported

onto trucks, moved by trucks to aircraft, and then flown in by C-130s at night into Baghdad International to be pushed into hospitals that have needs, and that have been assessed as having those needs.

;;;;;; In addition to moving supplies, we are also facilitating repair to the existing health care system. I've got several images to show you here of some meetings that occurred between civil affairs soldiers working with medical staffs, this -- in this case in Ad Diwaniyah. They're making assessments to improve the hospital and the medical care system there.

;;;;;; In addition to medical resupply and repair to the infrastructure, the coalition still provides immediate medical care when it's required. This immediate care is only a part of the coalition's daily interaction with the people of free Iraq, and it contributes greatly to establishing conditions of stability and security for the people of Iraq.

;;;;;; And with that, ladies and gentlemen, I'll take your questions. Please -- Omar, let me go to you first.

;;;;;; Q Omar Alsawi (ph), Al Jazeera Channel. Sir, I'd like to ask a question about the volunteers who have come into Iraq, who have been attacking your forces in various places, especially in and around Baghdad. Do you have an estimate of how many there are, how long they might be able to continue operations? And how are you going to seek them out? Or is it just a case of waiting to come under attack and then trying to find out more about them and how much of a threat it is? Thank you.

;;;;;; GEN. BROOKS: Well, we find that these volunteers claim that they are here in Iraq to protect the Iraqi people. But the Iraqi people continue to inform us that they don't require such protection.

;;;;;; And so the first method of eliminating this existing threat is with the assistance of the Iraqi people. And in many cases they notify us where they think there may be pockets, where weapons may be stored, where there may be some untoward activity, or where disruption and threats may occur.

;;;;;; We don't have a good number as to how many there are, but we do know that they don't have a place in the future of Iraq. And we rely first and most importantly on the Iraqi people to help us rid Iraq of such violent young men. In this case we're finding that they're all men.

;;;;;; Where we do find them, they're well-armed. We think that some of the explosive vests were meant for them. And in the over 300 vests we found, there were indications that some had already been removed. Up to 80 were not accounted for.

;;;;;; And so we certainly recognize that there are still threats. Even though there's not organized regime resistance, there are individuals who may be willing to carry on acts of violence and acts of terrorism without regard to any ideology or any national cause. And so we'd like to see that gotten rid of.

;;;;;; We're not just waiting to be attacked, by any means, as we continue our efforts through different zones of Baghdad. With the assistance of the Iraqi population, we're looking for people just like this, as well as any remnants of the regime that might still be present.

;;;;;; Tom, please.

;;;;;; Q Tom Mintier with CNN. First, how many cards do you still have in your deck? And secondly, we're getting reports that 18 Kuwaitis may have been found by coalition forces inside Iraq from the '91 Gulf War. Do you have any information on that or your deck of cards?

;;;;;; GEN. BROOKS: The card deck is still full. However, we do continue to identify people who are no longer in play. So in this case that will continue to go on. There are a number of cases where we have unconfirmed information on some of the 55 that were identified as key regime figures

that we're seeking.

;;;;;; We don't have confirmation on who's alive or dead in some cases. And as time goes on and we're able to do detailed examinations of locations and get more information from the Iraqi population, we think that the number of cards that are in the deck for play will continue to reduce.

;;;;;; There are certainly reports that a number of prisoners are still somewhere in Iraq from previous conflicts, not only the '90-'91 Gulf War but also the Iran-Iraq War before that. We don't have any information to confirm at this point, although we do still hear of reports that remain unconfirmed.

;;;;;; We have an interest in their liberation as well and their repatriation, and we certainly know that their governments have an interest in that also. And our efforts continue to follow leads that come up on anyone that is still missing or unaccounted for.

;;;;;; Q But have you located any?

;;;;;; GEN. BROOKS: I'm not aware that we have located any at this point. I don't have any reports that would indicate that.

;;;;;; Yes, please.

;;;;;; Q (Inaudible) -- Associated Press. You said you'd secured the presidential palace in Tikrit as well as a bridge. Can you give us any details on what you found there? Were there Republican Guards holed up in the palace trying to keep it from you? So more details on the resistance in Tikrit.

;;;;;; And also just a technical question regarding Geneva Conventions and your operations. In the area where coalition troops are operating, do you consider yourselves to be, in the legal term, the occupying power and thus bound by certain obligations under Geneva?

;;;;;; GEN. BROOKS: First, the operations in the Tikrit area, there was less resistance than we anticipated. We certainly knew that that was an area that was very important to the regime leadership, and we also had indications that there might still be a presence of military force there, Special Republican Guard, and potentially mixed with some other formations.

;;;;;; There is equipment in the area, but there was not much resistance. And so as the forces began to move in, they were successful in isolating. And I should add that this came after a period of focused operational fires over the last several weeks.

;;;;;; As I've mentioned, we were not ignoring Tikrit by any means. In fact, we had a number of air operations that occurred in and around Tikrit with great effect. We also had information on operations ongoing, and there was also a Special Operations raid about 48 hours ago that included an armored formation, the very same one that I showed you crossing the Hadithah Dam a few days ago. So they crossed Hadithah Dam. A day later they (attacked to?) an airfield just west of Tikrit.

;;;;;; The primary force, though, is the one that just arrived within the last 24 hours. And so much of the shaping of the battle has been successful and it occurred over time. We did not find any forces that were defending the presidential palace. At least no reports that I've seen have indicated there was any significant at the palace.

;;;;;; And we're now beginning to interact with people inside of the community to see exactly what the conditions are. If there are any regime leaders, we think they may help us find them. And we can also get Tikrit now on the path toward whatever the future is going to be.

;;;;;; On the Geneva responsibilities, it's still a bit premature for me to declare what our status is. I think that will come here in coming days. What we do know is that we have responsibilities as a force that has entered. The specific references to occupying power are very precise and very legalistic, and I'm not really in the best position to be able to give you information on that. We'll give you some more as time goes on as it relates to that specific concern.

;;;;;; Q (Inaudible) -- occupying power, even though some people might --

;;;;;; GEN. BROOKS: There is a view toward that. Right now we're still a liberating force, and that's how we're approaching our operations. Much of what we're doing is collaborative with the Iraqi population, as I've described.

;;;;;; And while there may be a number of similarities to what the Geneva Convention describes, that's not a category that we have stated publicly at this point. Whether that changes over time needs to be seen. And what the final legalistic declarations we make will be forthcoming in the next several days.

;;;;;; Please.

;;;;;; Q (Inaudible) -- Fox News. You just mentioned a moment ago the presence or the belief that some long-term prisoners of war are present in Iraq. Do you have any reason to be hopeful that Michael Speicher would be among them? And on the subject of the prisoners of war who were recently rescued, how did they get separated, with PFC Lynch being found further south than the group of seven?

;;;;;; GEN. BROOKS: We remain hopeful that we can recover our missing warrior who's been gone since the Gulf War. We don't have any additional information. Any leads that would be available we will certainly follow and try to restore him back to U.S. control.

;;;;;; The indications of others from previous battles as well -- there's indications and information out there. The governments that are associated with this are also looking for their people and have expressed an interest in their return if we certainly find them. And we would expect to repatriate them if we do encounter them. We don't have anything that leads us to anything concrete at this point, but we remain open to additional information.

;;;;;; As to the recovery of POWs, we really don't know at this point how the separation may have occurred and why PFC Lynch was kept in Nasiriyah and the others moved to different areas. That we have to find by asking questions. And that kind of questioning is ongoing right now to get more information about the circumstances under which they were captured and how they were treated, where they were moved, anything else we can find.

;;;;;; That's why it's one of the very important steps, after we get a good medical assessment of the conditions of anyone that's been returned to U.S. military control, that we also find out what they know. These are warriors out there and they have information that will be of value to us. And all that's ongoing right now.

;;;;;; Kelly, please.

;;;;;; Q Thank you, General. Since General Franks indicated that the U.S. possesses the DNA of Saddam Hussein, has any testing of remains begun? Have any remains been recovered from the restaurant site? And does DNA also exist for his sons? Or is the testing such, because he's the father, might they be able to extrapolate if they were able to find remains of the sons?

;;;;;; GEN. BROOKS: I think we have the forensic ability to confirm any number of members of the family that are related by blood. At this point we are doing examinations of a variety of sites. That is deliberate work

that has to happen. We refer to it as site exploitation. But what we're talking about is doing detailed examination and searches.

;;;;;; That work is ongoing. We don't have any confirmations at this point to report on any of the family members. But if we are able to confirm any of them, I think that we will be able to connect the dots to other pieces of information through different sites.

;;;;;; This is something that will be an ongoing action. There will be others as well that we want to confirm. In some cases it joins that piece of information that's forensic with other information that is provided by either intelligence or provided by Iraqi population and citizens. And so all of it gets put together to tell us whether or not we're effective and exactly who may be remaining alive or not. We don't have anything to report at this point.

;;;;;; There was a second half of your question on that.

;;;;;; Q Well, I asked about being able to identify the sons, which you answered. But have you, in fact, recovered any remains from any sites that you believed were targets of regime leaders? Do you have remains upon which to use this DNA?

;;;;;; GEN. BROOKS: I don't have any reports of that at this point, Kelly, whether or not we recovered it. I know that work is ongoing. And unless there's some significant find that we corroborate right away, I wouldn't hear about that until the sensitive site is completely examined and explored.

;;;;;; There are a number of other things we look for there as well. There's documents we look for. There are computer hard drives we might be looking for; anything that might give us a deeper insight into the regime, not just into the regime leaders themselves.

;;;;;; Let me go back here. Third row, please.

;;;;;; Q Richard McGregor (sp), Financial Times. General, if, as you say, you're trying to remove all the symbols of the regime, what steps are you taking to give Iraq a new currency and remove the notes from circulation that have Saddam Hussein's picture on them?

;;;;;; GEN. BROOKS: That's a great question. And this is one of the things that will develop over time also. We certainly know that the notes have images of the previous regime. Right now there is not a new currency in use, and so there's a need for paying people that are returned back to work. There's a need for some sort of currency that provides exchange.

;;;;;; And I think in due time, as more active work occurs with the Office of Reconstruction and Humanitarian Assistance, and as the Iraqis themselves organize themselves for an interim government, we'll see many of these questions start to get answered. Right now it's not going to be imposed by Central Command, but we'll certainly play a role as it gets introduced.

;;;;;; Yes, please.

;;;;;; Q (Inaudible) -- Univision News. Talking about Tikrit, if it is falling as (steadily?) as you have just described, how far are you from telling us that, at least militarily, this is over?

;;;;;; GEN. BROOKS: Well, it remains a difficult thing to say, Ricardo. And I would tell you that we know that there are still some places where we have not accounted for all military activity. There are also places inside of the country we've not physically gone to yet. And that has to be done.

;;;;;; But clearly we're at a point where the decisive military operations that were focused on removing the regime, destroying its capability,

removing its ability to threaten neighboring countries, our coalition forces or our own countries, that work is coming to a close.

;;;;;; But military work is not at a close, and even potential for combat action is not yet over. It'll be much more localized when it occurs. It will not be on a widespread scale. And it certainly won't be in response to any organized regime effort. And so it's a transition point that we're in right now.

;;;;;; As we've said before, there are a number of objectives to this campaign, and all of those objectives have to be attained before we say the mission is accomplished, the victory is complete, and we can proceed on with other responsibilities we have.

;;;;;; It's been said a number of times also that we'll stay as long as it takes to get the job done and no longer. And so we're on the path to that right now. It's an important transition point that we're at, but we still have much more work to do.

;;;;;; Behind there, please.

;;;;;; Q Thank you, General. As you know, there has been a significant gap in coverage of this war between the Arab and western media. At this point in the war, do you have any thoughts on the implications of this? And what have you done to bridge this gap? Thank you.

;;;;;; GEN. BROOKS: Sometimes what you present depends on what your perspective is. And we certainly have done a number of things, not the least of which is kept an open forum like this and other places for all of the world's media. That's the first and most important step. We didn't restrict that at all. We kept it open and continue to do so even now.

;;;;;; But every organization represented inside of here has a different perspective. And so I don't know that it's really a disconnect between the western media and Arab media. I think it may be a perspective difference on how you look at the same picture.

;;;;;; In due time, I think that as the influences of the regime, having now been removed, there's an opportunity for free press, truly free press, inside of Iraq, at least. And we hold out a great deal of hope that that, in fact, will be what occurs from here.

;;;;;; We've seen a number of things that indicate that there's a chance, a bright chance, for the future on this. We also know that we've also communicated facts as we know them throughout. And that's our first and most important responsibility to do so, and we'll continue to do so as time goes on.

;;;;;; Yes, sir, please, in the back.

;;;;;; Q (Inaudible) -- Kuwait TV. General, would you tell us if American Army find any Kuwaiti prisoners of war from the first Gulf War or any information about them?

;;;;;; GEN. BROOKS: Well, sir, unfortunately I cannot report that we have found any at this point.

;;;;;; We certainly remain very interested in accounting for anyone that has been left unaccounted in previous wars, and we know the Kuwaiti government would like to have them returned, and that's something that has been important to this command -- not the coalition, but this command -- since that time. We remain focused on trying to accomplish that, if we can, with whatever information we gain. But right now I don't have any positive news to provide you on that.

;;;;;; Yes, please?

;;;;;; Q Richard Klug (ph), German Television, ARD. The Republican Guard

didn't even put up a fight in Tikrit. What is your military assessment of that, and is it perhaps because you have cut a deal with some of their leaders?

;;;;;; GEN. BROOKS: Well, the first military assessment is that we were effective in our operations. We intended to remove a capability, the command and control, so those that would issue orders could not do so, and they did not do so. We made efforts to isolate units, so that they could not be linked to other operations, and might not even know what was going on in other operations. We were successful in doing that. We attacked their capabilities directly, and physically destroyed some of their assets that might be used in combat operations. We were effective in doing that. We also attacked their will through a number of means. First, all of the items that I just laid out, that has an impact on the will of those who might choose to fight. We also communicated with them directly by leaflets, telling them that it was in their best interests to not fight for a dying regime. We were effective in that. Any one of these I could go to. And then we also, as we had access to leaders, we spoke with them and said, You need to make a choice here, because we are going to continue the combat operations until the capability is destroyed, the regime is destroyed -- and we were very clear about that and very forthright. And so there were no deals that were cut, but there was clear communication that occurred between commanders that had choices -- those that made the choices will have an opportunity to live another day. Those who did not did not survive the operations. That's my assessment.

;;;;;; Yes, ma'am, please?

;;;;;; Q (Off mike.) On that subject, where have they all disappeared to, these Republican Guard, and how will these tens of thousands of people who were the heart of Saddam's army going to be sort of integrated back in -- what role are they going to have in the future? You know, where have they gone? What are they going to do?

;;;;;; Second question, on the oil, especially in the north, it seems it could be back in operation very soon. How -- can you give us some kind of estimate on the time scale of when you think Iraq might be able to begin exporting oil again?

;;;;;; GEN. BROOKS: Well, we saw a number of people walk off the battlefield, from the earliest days of the war until the very last days. The fall of the formations in the north were perhaps the most recent example of that. But in other places we didn't see, places we didn't have a camera, it happened there as well. So where are they now? In some cases, there may be some leaders who are in hiding, and I believe that in due time they will be retrieved, and if there is a need to bring them to justice -- for example, if they were involved in gassing their fellow citizens some years back, then they will be held accountable for that. If they were involved in mistreatment of prisoners of war who are in their possession, they will be held accountable.

;;;;;; But many others were simply part of a regime that they didn't believe in, and we've seen that type of jubilation as the regime disappeared throughout the country. So their role is whatever they choose to be their role in the future. We've set the conditions for the Iraqis to determine what their destination and their destiny is going to be throughout the future. Former soldiers are a part of that. And I think that as time goes on we will get more information about those that were tainted and require more attention, and perhaps those that can make a useful contribution to the free Iraq of the future.

;;;;;; Now, the second half of your question?

;;;;;; Q (Off mike)?

;;;;;; GEN. BROOKS: Yes, was about oil. And you mentioned the north. We should be under no misconceptions that while we kept things successfully intact without a lot of destruction that there's still -- it's not going

to happen right away -- let me put it like that. What must first happen is an assessment in each one of these areas. As we found in the south, once we had access to the oil fields, we found that there were some things that were damaged that we couldn't see from a distance. We also then looked to see how well can the facilities run when they are brought back up? What work might be required? Any repair work? Are there any breaks in the line? Can things run to their normal capacity? And we found that there's some work that needs to be done there. And the good news is Kuwaiti oil workers -- I'm sorry, Iraqi oil workers, as well as Kuwaiti workers for that matter, help us make the assessment and have been active in helping us get the fields restored.

;;;;;; In the north we find that the conditions that the fields and some of the key structures of the oil fields are under, was better than in the south. They were put into safe modes, for example, in a way that is closer to standards we would expect. And so there may indeed be less repair or less work that has to be done in the north, but that assessment is ongoing.

;;;;;; Even in the best cases we think it's weeks before we're back there getting into the business of running oil. Everything has to be put into a safe mode, evaluated, cleared of any potential ordnance or explosives that might still be out there, assessed as part of a whole system, and then assessed item by item before we can go on. And if there is modernization that needs to happen, then there probably will be, because frankly the oil system has been neglected by the regime for a number of years. The potential of the oil fields and the oil structure in Iraq is much greater than the reality of how it's been operating for decades, and we think that that can be restored over time, but it will take time to do that.

;;;;;; Please, Adi (ph).

;;;;;; Q Adi Raval (ph), ABC News. Sir, in your encounters with Syrian fighters, are you noticing that they are operating amongst themselves, one or two-men groups, or are they part of larger components of remnants of the Republican Guard units? And how -- in your encounters with them, are they engaging in a specific kind of attack against coalition forces?

;;;;;; And my second question is, sir, if you were a resident of Israel, almost a month now into this war, would you still bring a gas mask to work every day?

;;;;;; GEN. BROOKS: Well, first, the foreign fighters we are seeing -- and some of them are Syrians, some are, as I indicated, from other countries, as we have seen throughout the conflict. We've seen the whole gamut. Early on they were mixed in and amongst the regime death squads that might have been joined with regular army forces, that might have been joined with Republican Guard, and there were some foreign fighters present in some of those early engagements. Many of them were soundly defeated and had severe losses inflicted on their formations. In other places we have seen them in groups of 10 to 20, as the last hold-outs on areas, ambush points. In other cases we have seen what appear to be just foreign fighters, as in the Imam al-Adham Mosque incident a few days ago -- a lot of foreign fighters there. Several hundred were killed. Some were captured. And this is where we get some of our information.

;;;;;; We also see individuals who are willing to attack the coalition as individuals, wearing either the explosive vests or the unfortunate shooting we had a few days ago at a checkpoint at point-blank range, where someone walked up and literally fired on a Marine. Foreign papers -- in this case we suspect Syrian. And so as we see these different circumstances out there, the full range of tactics are being applied. The best way to describe it right now though is the tactics are tactics of terrorists, and the people perpetrating them are at the very best mercenaries who have been paid to come into Iraq. And they are not contributing to stability. They are not protecting the Iraqi people at all. In fact, they put the people at risk and contribute to instability, and there's no role for them in the future of Iraq.

;;;;;; The second part of your question -- I can't completely project myself into that. We certainly know there have been some statements made, and changes of threat conditions within Israel. Those are decisions for governments and members of the civil society to decide for themselves.

;;;;;; What we know is we were effective in preventing firing on that country or other neighboring countries. We did have firings on Kuwait. We weren't completely successful in that regard, but our operations eventually moved that threat away. There were a total of 18 missile firings that we know of throughout this operation, all of them directed toward Kuwait or toward coalition forces as they moved through the southern desert, and we were successful at destroying many of those, preventing them from firing again, moved back the line where they could fire, and in a very short period of time, we got Kuwait out of range and then eventually got our forcees out of range as well.

;;;;;; So the best I can assess is that we were successful in that objective of not letting the regime expand the conflict by threatening its neighbors. And that's a good-news story, we believe.

;;;;;; Please.

;;;;;; Q James Forlong from Sky News. There's been evidence of a number of foreign fighters from a variety of different countries; from Morocco, some from Libya, some even from Malaysia, a whole host of countries. Why do you only talk about Syrians?

;;;;;; GEN. BROOKS: I think because we're seeing them in the greatest density. And certainly in recent days we've seen people with papers from Syria as well, identification documents and what have you. We have seen a number of countries, as you stated, and there may well still be representatives from additional countries that are out there.

;;;;;; We also know that there were attempts to enter from Syria and some recruiting occurred in Syria. While we suspect that may well have been Iraqi intelligence service doing that work, it still came from that direction. That's why we keep referring to Syria. It's just the role that Syria has been involved in in this case.

;;;;;; Now, whether it's something done by government, we don't know. And that's really for our government to determine. There have certainly been communications at governmental level from capital to capital, and that's not something I need to comment on at this point from this command.

;;;;;; Yes, ma'am, please.

;;;;;; Q Kathy Shin (ph), Phoenix Satellite TV, from Hong Kong. I'd like to know what's your engagement with the civilians in Tikrit. And my second question is, are we going to expect to see another American flag around Saddam's statute in Tikrit?

;;;;;; GEN. BROOKS: Well, let me talk to the first part, and then I'll come back to the second. Our engagement in Tikrit with the population is like it is everywhere else. We very quickly transition from combat operations that are focused and lethal, to interacting with people that want to interact with us.

;;;;;; I'll give you an example. Now, this is not in Tikrit, but just south of Tikrit. As the Marine forces began to advance forward in the town of Samarra, they had two fights. One was with about a platoon- sized element, which was destroyed by the Marine force. They advanced, had contact with another platoon-sized element and destroyed it. Shortly thereafter, the Marines took up temporary positions and some of the townspeople came out with roses and greeted them. They were warmly received, and shortly thereafter, the guards that were holding the prisoners of war came forward and said, "We've got something to show you."

;;;;;; We transition very quickly, because we're a highly disciplined force. We're a very capable force. And so I suspect that our operations in Tikrit and our interactions will continue to be like that. As the people of Tikrit want to interact with us, we'll exchange information, we'll talk to them, and we'll also treat them with respect. If we find there are some regime leaders in there, they'll be taken into our custody. But the people of the city remain treated with respect.

;;;;;; As to your question about the flag, I don't believe you've seen that circumstance yet, you've not seen a flag flown, and so I wouldn't want to speculate as to what would happen, but I think our soldiers and Marines are disciplined. We've talked about that before. And since it hasn't occurred, it's probably not something to speculate on.

;;;;;; I'll take one more question. Let me go over here. Please, Paul.

;;;;;; Q Hi. It's Paul Hunter from Canadian Broadcasting Corporation. When you look back to your expectations 25 days ago, at the outset of this, did you think -- you said you're on plan every single day, but was the plan to be rolling into Tikrit virtually unopposed 25 days later? Did you expect to be almost militarily finished within a month? I mean, are you way ahead of schedule, or behind? How would you characterize where you are in terms of your expectations before you knew what kind of level of resistance you'd -- or not -- that you'd meet throughout?

;;;;;; GEN. BROOKS: Well, we did say continually that we were on plan. We're still on plan. (Laughter.) We are. (Laughter.) What I have to specify is that at the operational level, as General Franks has emphasized a number of times and as I've certainly said and General Renuard said and General Abizaid, when you lay out a plan, it has certain objectives that are to be accomplished, and those objectives are accomplished by certain combinations of action. Sometimes they're sequential. Other times they're done simultaneously.

;;;;;; The dynamics below that, at the tactical level, are subject to the various circumstances that are encountered on the battlefield. Opportunities emerge, they're acted on. Conditions occur and we create new opportunities, and those opportunities are then acted on. The enemy gets a vote that you can't always predict. You may see tactics used that were considered but arrive in a more dense way. There may be fights that occurred in areas where you didn't expect them. There may be some areas where you expected a fight and none occurs.

;;;;;; And so the plan that we refer to at the coalition force headquarters talks about what actions are necessary, what conditions must be set for us to say we've accomplished what we're after. And absolutely we're on plan, and we remain on plan, because part of our plan is also to transition from decisive combat operations into a focus on stability, support, and setting the conditions for the Iraqi people to choose their destiny. That's right on plan. How that will form, what actions we'll see, there will be a number of dynamics that cannot be completely predicted, but they'll be responded to. Some will be consistent with what we anticipated.

;;;;;; You mentioned time. We believed that our decisive operations campaign would be measured in weeks, not months, and we believe we're consistent with that. That was a design from the front. The arrival of additional forces to either reinforce on the battlefield or to relieve forces on the battlefield was part of the plan. It's right on track.

;;;;;; And so I certainly reinforce what my boss has said on a number of occasions: that the plan was sound from the start, the plan is working, and we remain on plan.

;;;;;; Ladies and gentlemen, thanks very much.

END.

;

;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: GaryM Stern <garym.stern@nara.gov>
Sent: 4/14/2003 9:28:58 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 13:28:58.00
SUBJECT::
TO:GaryM Stern <garym.stern@nara.gov> ( GaryM Stern <garym.stern@nara.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I am out of office, but can you make sure to FAX copies of the pages over
which Reagan reps claimed privilege to Paul Colborn. Thanks.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brian Reardon/OPD/EOP@EOP [OPD] <Brian Reardon>
Sent: 4/14/2003 5:39:49 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 09:39:49.00
SUBJECT::
TO:Brian Reardon ( CN=Brian Reardon/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Checking in: Anything we need to be doing on debt issuance suspension
periods?
```

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Francisco, Noel J.>;<Lefkowitz, Jay P.>
Sent: 4/14/2003 9:51:44 AM
Subject: Stuart Taylor on preferences

http://nationaljournal.com/taylor.htm

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/14/2003 5:52:38 AM
Subject: : Stuart Taylor on preferences

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 09:52:38.00
SUBJECT:: Stuart Taylor on preferences
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

http://nationaljournal.com/taylor.htm
```

From: Cato Institute <kbrand@cato.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/14/2003 6:31:05 AM
Subject: : Cato Institute Book Forum 4/16/03 - Space: The Free Market Frontier

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Cato Institute <kbrand@cato.org> (Cato Institute <kbrand@cato.org> [UNKNOWN])
CREATION DATE/TIME:14-APR-2003 10:31:05.00
SUBJECT:: Cato Institute Book Forum 4/16/03 - Space: The Free Market Frontier
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Cato Institute
invites you to a Book Forum

Space: The Free-Market Frontier

featuring

Edward L. Hudgins
The Objectivist Center
Editor, Space: The Free-Market Frontier (Cato Institute 2003)

Buzz Aldrin
SpaceShare
Apollo XI Astronaut

James Muncy
PoliSpace

As questions are raised about the future of the American space program, it may be an opportune time to reconsider the role of the private sector. Just as private entrepreneurs made personal computers and the Internet accessible to everyone, private enterprise should be given the chance to make space accessible for commerce, science, and recreation. Come hear Cato guest speakers discuss the need for Congress to remove barriers to private space efforts; suggest free-market ways for NASA to spend its funds; and lay out a vision for how to make America a space-faring society as outlined in the Cato Institute book, Space: The Free-Market Frontier.

Wednesday, April 16, 2003
12:00 noon
(Luncheon to follow)

Cato Book Forums and luncheons are free of charge.
To register, visit www.cato.org, e-mail Krystal Brand at kbrand@cato.org, fax (202) 371-0841, or call (202) 789-5229 by 12:00 noon, Tuesday, April 15.
News media inquiries only (no registrations), please call (202) 789-5200.
The Cato Institute is located at 1000 Massachusetts Ave., N.W., Washington, D. C.

To unsubscribe, send an email to: unsubscribe-14628@uptilt.com with the address: brett_m._kavanaugh@who.eop.gov in the subject line.

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>
Sent: 4/14/2003 11:19:27 AM
Subject:

Just walked back from NEOB. For future reference, get those clubs in the cars.

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 4/14/2003 11:20:57 AM
Subject: Re: story on Carlos Bea in SF Recorder

As much as I can read on the bberry looks good.
.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 4/14/2003 11:36:12 AM
Subject:

i talked to judge. will fill you in.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>
Sent: 4/14/2003 7:36:46 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 11:36:46.00
SUBJECT::
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

i talked to judge. will fill you in.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>
CC: paul b. dyck/who/eop@eop [WHO] <paul b. dyck>
Sent: 4/14/2003 7:38:48 AM
Subject: : Re: Usage of website picture

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-APR-2003 11:38:48.00
SUBJECT:: Re: Usage of website picture
TO:Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:paul b. dyck (CN=paul b. dyck/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I do not think we should authorize them to use a photo of President with military in a political way such as this at this time. They can use a separate photo of President.

Hana F. Brilliant
04/14/2003 11:33:48 AM
Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: Usage of website picture

I work with Noel Francisco on all non-political requests. Noel said that Brett Kavanaugh would handle this one.
Hana

Paul B. Dyck
04/14/2003 11:04:33 AM
Record Type: Record

To: Hana F. Brilliant/WHO/EOP@EOP
cc: Joseph W. Fricks III/WHO/EOP@EOP
Subject: Usage of website picture

Hana - I believe that you had answered a similar question for me previously, so I hope that you are the correct person or can point me in the right direction to the inquiry below. Is this permissable? Thanks.
Paul

Paul Dyck
Political Affairs
x6-6528

---------- Forwarded by Paul B. Dyck/WHO/EOP on 04/14/2003 11:02 AM ----------

Joseph W. Fricks III
04/14/2003 10:29:54 AM
Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP
cc:
Subject: Usage of website picture

Dina Psic of the Cherokee County Republican Party in Georgia is requesting permission to use a picture from the website in their newsletter. The newsletter is going to have a support our troops theme. The picture requested is at the link below:

http://www.whitehouse.gov/president/forthosewhoserve/05.html

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 4/14/2003 11:41:48 AM
Subject: RE:

Saw you fly out of there and wondered.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 14, 2003 11:36 AM
To: Leitch, David G.
Subject:

i talked to judge. will fill you in.

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/14/2003 7:41:30 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:14-APR-2003 11:41:30.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Saw you fly out of there and wondered.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 14, 2003 11:36 AM
To: Leitch, David G.
Subject:

i talked to judge. will fill you in.

From: CN=Nanette Everson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: collister w. johnson/who/eop@eop [WHO] <collister w. johnson>
Sent: 4/14/2003 7:53:41 AM
Subject: : Re: Brett - Landon has asked me to serve on the Board of Trustees for the school

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-APR-2003 11:53:41.00
SUBJECT:: Re: Brett - Landon has asked me to serve on the Board of Trustees for the school
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:collister w. johnson (CN=collister w. johnson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Our one exception to the staff manual command to sever all fiduciary positions falls into the educational non-profit category; we look at these more flexibly and try to find a way to allow you to serve in an officer, director or trustee capacity provided you do not solicit funds for the school and even then, we will consider small school solicitations, such as your grammar school auction committee, etc.

Brett M. Kavanaugh
04/11/2003 11:41:00 AM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc: Collister W. Johnson/WHO/EOP@EOP
Subject: Brett - Landon has asked me to serve on the Board of Trustees for the school

This is in Nanette's bailiwick so I am forwarding to her. thx.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/11/2003 11:40 AM ----------

Collister W. Johnson
04/11/2003 11:39:47 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Ken Mehlman/WHO/EOP@EOP
Subject: Brett - Landon has asked me to serve on the Board of Trustees for the school

Is this okay?
c

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@Exchange@EOP [WHO] <Ashley Estes>
Sent: 4/14/2003 11:59:26 AM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-APR-2003 15:59:26.00
SUBJECT:: RE:
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/14/2003 03:59 PM ----------

From: Joel Kaplan/WHO/EOP@Exchange on 04/14/2003 12:28:03 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Reminder re gum

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 14, 2003 12:21 PM
To: Kaplan, Joel
Subject:

reminder re correspondents dinner tix

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@Exchange@EOP [WHO] <Joel D. Kaplan>
Sent: 4/14/2003 8:21:51 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 12:21:51.00
SUBJECT::
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

reminder re correspondents dinner tix
```

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
CC: <Gambatesa, Linda M.>
Sent: 4/14/2003 12:24:56 PM
Subject:
Attachments: Memo to Close the Ellipse1.doc

Do we want to say the "White House" or should we say "EOP Security, Office of Administration." Do you mind reviewing this memo, or should someone else in Counsel's office look at it?

April 14, 2003

Mr. Terry Carlstrom
Regional Director
National Capitol Region
National Park Service
1100 Ohio Drive. S.W.
Washington, D.C. 20024

Dear Mr. Carlstrom:

As you know, the White House will once again host its annual Easter Egg Roll on the White House lawn on Monday, April 21, 2003. To ensure the safety and security of our guests, the White House requests that no public access be granted during this year's Easter Egg Roll from 4:30 am to 3:00 pm on that day. Specifically, the restricted area includes the White House South fence line to Constitution Avenue, Sherman Park, the First Division Memorial, the area known as the Ellipse and its side panels to include the area between State Place, "E' Street and Alexander Hamilton Place to the North; Constitution Avenue to the South; 15th Street N.W. to the East; and 17th Street N.W. to the West. It is our intention to have ticket holders use the aforementioned, as a staging area prior to entering the White House lawn for cleared vendors, caterers and bathrooms.

The Easter Egg Roll is traditionally one of the largest public events at the White House Complex and draws both national and international media coverage. This year the White House judges that additional security measures are warranted because of American Military operations in Iraq and the National Threat Level being at "Orange." Further, custodial debriefings of senior Al-Qaida detainees and other intelligence reporting indicates that the White House Complex remains a priority terrorist target. In light of this unprecedented threat climate, the Easter Egg Roll will not be open to the general public with only 15,000 tickets distributed for this event to U.S. military members and their families.

In order to ensure the safety and well being of our military guests at the Easter Egg Roll, it is imperative that supplementary security measures be implemented to include additional stand-off distance and greater observation ability to identify potential risk. When implemented these measures will significantly reduce and eliminate likely threats.

This request has been coordinated and concurred with by the US Secret Service. Thank you for your continued assistance and cooperation in this matter.

Sincerely,

JEFFREY G. THOMPSON
Director For Security
Executive Office Of The President

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Linda M. Gambatesa/WHO/EOP@Exchange [WHO] <Linda M. Gambatesa>
Sent: 4/14/2003 8:24:44 AM
Subject: :
Attachments: P_KPELF003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:14-APR-2003 12:24:44.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Do we want to say the "White House" or should we say "EOP Security, Office
of Administration."; Do you mind reviewing this memo, or should someone
else in Counsel's office look at it?
;
;
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_KPELF003_WHO.TXT_1>
```

April 14, 2003

Mr. Terry Carlstrom
Regional Director
National Capitol Region
National Park Service
1100 Ohio Drive. S.W.
Washington, D.C. 20024

Dear Mr. Carlstrom:

As you know, the White House will once again host its annual Easter Egg Roll on the White House lawn on Monday, April 21, 2003. To ensure the safety and security of our guests, the White House requests that no public access be granted during this year's Easter Egg Roll from 4:30 am to 3:00 pm on that day. Specifically, the restricted area includes the White House South fence line to Constitution Avenue, Sherman Park, the First Division Memorial, the area known as the Ellipse and its side panels to include the area between State Place, "E' Street and Alexander Hamilton Place to the North; Constitution Avenue to the South; 15th Street N.W. to the East; and 17th Street N.W. to the West. It is our intention to have ticket holders use the aforementioned, as a staging area prior to entering the White House lawn for cleared vendors, caterers and bathrooms.

The Easter Egg Roll is traditionally one of the largest public events at the White House Complex and draws both national and international media coverage. This year the White House judges that additional security measures are warranted because of American Military operations in Iraq and the National Threat Level being at "Orange." Further, custodial debriefings of senior Al-Qaida detainees and other intelligence reporting indicates that the White House Complex remains a priority terrorist target. In light of this unprecedented threat climate, the Easter Egg Roll will not be open to the general public with only 15,000 tickets distributed for this event to U.S. military members and their families.

In order to ensure the safety and well being of our military guests at the Easter Egg Roll, it is imperative that supplementary security measures be implemented to include additional stand-off distance and greater observation ability to identify potential risk. When implemented these measures will significantly reduce and eliminate likely threats.

This request has been coordinated and concurred with by the US Secret Service. Thank you for your continued assistance and cooperation in this matter.

Sincerely,

JEFFREY G. THOMPSON
Director For Security
Executive Office Of The President

From: Kaplan, Joel
To: <Kavanaugh, Brett M.>
Sent: 4/14/2003 12:28:03 PM
Subject: RE:

Reminder re gum

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 14, 2003 12:21 PM
To: Kaplan, Joel
Subject:

reminder re correspondents dinner tix

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Sheila.Joy@usdoj.gov <Sheila.Joy@usdoj.gov>
Sent: 4/14/2003 8:52:49 AM
Subject: : RE: can we ask AO to update its web site as of today to reflectrecent nominations and confirmations? Thanks.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-APR-2003 12:52:49.00
SUBJECT:: RE: can we ask AO to update its web site as of today to reflect recent nominations and confirmations? Thanks.
TO:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ("Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

thanks, just makes sense to have it updated to reflect latest stats since Senate is on recess now

"Sheila.Joy@usdoj.gov" <Sheila.Joy
04/14/2003 12:37:19 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: can we ask AO to update its web site as of today to reflect recent nominations and confirmations? Thanks.

I can ask - anyones guess as to what they will do

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov [mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 14, 2003 12:29 PM
To: Joy, Sheila
Subject: can we ask AO to update its web site as of today to reflect recent nominations and confirmations? Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Sheila.Joy@usdoj.gov <Sheila.Joy@usdoj.gov>
Sent: 4/14/2003 8:52:15 AM
Subject: : RE: can we ask AO to update its web site as of today to reflectrecent nominations and confirmations? Thanks.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-APR-2003 12:52:15.00
SUBJECT:: RE: can we ask AO to update its web site as of today to reflect recent nominations and confirmations? Thanks.
TO:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ("Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

thanks

"Sheila.Joy@usdoj.gov" <Sheila.Joy
04/14/2003 12:37:19 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: can we ask AO to update its web site as of today to reflect recent nominations and confirmations? Thanks.

I can ask - anyones guess as to what they will do

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 14, 2003 12:29 PM
To: Joy, Sheila
Subject: can we ask AO to update its web site as of today to reflect recent nominations and confirmations? Thanks.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 4/14/2003 1:14:53 PM
Subject: any problems with attached
Attachments: cl 4 14 03.doc

<>

April 14, 2003

Mr. Terry Carlstrom
Regional Director
National Capitol Region
National Park Service
1100 Ohio Drive. S.W.
Washington, D.C. 20024

Dear Mr. Carlstrom:

As you know, the White House will once again host its annual Easter Egg Roll on the White House lawn on Monday, April 21, 2003. To ensure the safety and security of our guests, the White House requests that no public access be granted during this year's Easter Egg Roll from 4:30 a.m. to 3:00 p.m. on that day. Specifically, the restricted area includes the White House South fence line to Constitution Avenue, Sherman Park, the First Division Memorial, the area known as the Ellipse and its side panels to include the area between State Place, E Street and Alexander Hamilton Place to the North; Constitution Avenue to the South; 15th Street N.W. to the East; and 17th Street N.W. to the West. It is our intention to have ticket holders use the aforementioned, as a staging area prior to entering the White House lawn for cleared vendors, caterers, and bathrooms.

The Easter Egg Roll is traditionally one of the largest public events at the White House Complex and draws both national and international media coverage. This year, the White House has determined that additional security measures are warranted because of American Military operations in Iraq and the National Threat Level being at "Orange." The White House Complex also remains a priority terrorist target. In light of these extraordinary threats, the Easter Egg Roll will not be open to the general public; there will be 15,000 tickets distributed for this event to U.S. military members and their families.

In order to ensure the safety and well being of our military guests at the Easter Egg Roll, it is imperative that supplementary security measures be implemented to include additional stand-off distance and greater observation ability to identify potential risk. When implemented, these measures will significantly reduce and eliminate likely threats.

We have coordinated with the United States Secret Service in making this request, and they concur in it. Thank you for your continued assistance and cooperation in this matter.

Sincerely,

JEFFREY G. THOMPSON
Director For Security
Executive Office Of The President

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>
Sent: 4/14/2003 9:15:33 AM
Subject: : any problems with attached
Attachments: P_AEHLF003_WHO.TXT_1.doc

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 13:15:33.00
SUBJECT:: any problems with attached
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AEHLF003_WHO.TXT_1>
```

April 14, 2003

Mr. Terry Carlstrom
Regional Director
National Capitol Region
National Park Service
1100 Ohio Drive. S.W.
Washington, D.C. 20024

Dear Mr. Carlstrom:

As you know, the White House will once again host its annual Easter Egg Roll on the White House lawn on Monday, April 21, 2003. To ensure the safety and security of our guests, the White House requests that no public access be granted during this year's Easter Egg Roll from 4:30 a.m. to 3:00 p.m. on that day. Specifically, the restricted area includes the White House South fence line to Constitution Avenue, Sherman Park, the First Division Memorial, the area known as the Ellipse and its side panels to include the area between State Place, E Street and Alexander Hamilton Place to the North; Constitution Avenue to the South; 15th Street N.W. to the East; and 17th Street N.W. to the West. It is our intention to have ticket holders use the aforementioned, as a staging area prior to entering the White House lawn for cleared vendors, caterers, and bathrooms.

The Easter Egg Roll is traditionally one of the largest public events at the White House Complex and draws both national and international media coverage. This year, the White House has determined that additional security measures are warranted because of American Military operations in Iraq and the National Threat Level being at "Orange." The White House Complex also remains a priority terrorist target. In light of these extraordinary threats, the Easter Egg Roll will not be open to the general public; there will be 15,000 tickets distributed for this event to U.S. military members and their families.

In order to ensure the safety and well being of our military guests at the Easter Egg Roll, it is imperative that supplementary security measures be implemented to include additional stand-off distance and greater observation ability to identify potential risk. When implemented, these measures will significantly reduce and eliminate likely threats.

We have coordinated with the United States Secret Service in making this request, and they concur in it. Thank you for your continued assistance and cooperation in this matter.

Sincerely,

JEFFREY G. THOMPSON
Director For Security
Executive Office Of The President

From: Brian.A.Benczkowski@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/14/2003 9:18:30 AM
Subject: : RE: Letter to Sen. Edwards re Terry Boyle

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> (
"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:14-APR-2003 13:18:30.00
SUBJECT:: RE: Letter to Sen. Edwards re Terry Boyle
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

done

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 14, 2003 12:52 PM
To: Benczkowski, Brian A
Subject: Letter to Sen. Edwards re Terry Boyle


You should make sure Frank Hill gets this.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: paul.d.clement@usdoj.gov @ inet [UNKNOWN] <paul.d.clement@usdoj.gov @ inet>
Sent: 4/14/2003 9:24:32 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 13:24:32.00
SUBJECT::
TO:paul.d.clement@usdoj.gov @ inet ( paul.d.clement@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

can you call me re Rich Cordray; I got an inquiry here based on a
news story in an Ohio paper that says in headline "Bush taps Cordray to
argue before nation's highest court."
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
Sent: 4/14/2003 9:26:51 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 13:26:51.00
SUBJECT::
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Coddy: I am checking on your inquiry re DOJ retaining an Ohio Dem to argue
a case for it.
```

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 4/14/2003 1:31:41 PM
Subject: RE: any problems with attached
Attachments: cl 4 14 03.doc

Comments reflected in the attached. Call me if you need elaboration.

<>

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 14, 2003 1:15 PM
To: Leitch, David G.
Subject: any problems with attached

<< File: cl 4 14 03.doc >>

April 14, 2003

Mr. Terry Carlstrom
Regional Director
National Capitol Region
National Park Service
1100 Ohio Drive. S.W.
Washington, D.C. 20024

Dear Mr. Carlstrom:

As you know, the White House will once again host its annual Easter Egg Roll on the White House lawn on Monday, April 21, 2003. To ensure the safety and security of our guests, the White House requests that no public access be granted to certain areas during ~~this year's Easter Egg Roll~~ from 4:30 a.m. to 3:00 p.m. on that day. Specifically, the restricted area includes the White House South fence line to Constitution Avenue, Sherman Park, the First Division Memorial, the area known as the Ellipse and its side panels to include the area between State Place, E Street and Alexander Hamilton Place to the North; Constitution Avenue to the South; 15th Street N.W. to the East; and 17th Street N.W. to the West. It is our intention to have ticket holders use the aforementioned area~~,~~ as a staging area prior to entering the White House lawn for cleared vendors, caterers, and bathrooms. [huh?]

The Easter Egg Roll is traditionally one of the largest public events at the White House Complex and draws both national and international media coverage. This year, the White House has determined that additional security measures are warranted because of American Military operations in Iraq and the National Threat Level being at "Orange." ~~The White House Complex also remains a priority terrorist target.~~ In light of these extraordinary ~~threats~~circumstances, the Easter Egg Roll will not be open to the general public; ~~there will be~~ 15,000 tickets will be distributed for this event to U.S. military members and their families.

In order to ensure the safety and well being of our ~~military~~ guests at the Easter Egg Roll, it is imperative that supplementary security measures be implemented to include additional stand-off distance and greater observation ability to identify potential risk. When implemented, these measures will significantly reduce ~~and eliminate~~ likely threats.

We have coordinated with the United States Secret Service in making this request, and they concur in it. Thank you for your continued assistance and cooperation in this matter.

Sincerely,

JEFFREY G. THOMPSON
Director For Security
Executive Office Of The President

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
CC: <Gambatesa, Linda M.>
Sent: 4/14/2003 1:37:30 PM
Subject: Re:
Attachments: cl 4 14 03 #2.doc

The attached edited version reflects our thoughts and comments.

<>

April 14, 2003

Mr. Terry Carlstrom
Regional Director
National Capitol Region
National Park Service
1100 Ohio Drive. S.W.
Washington, D.C. 20024

Dear Mr. Carlstrom:

As you know, the White House will once again host its annual Easter Egg Roll on the White House lawn on Monday, April 21, 2003. To ensure the safety and security of our guests, the White House requests that no public access be granted to certain areas from 4:30 a.m. to 3:00 p.m. on that day. Specifically, the restricted area includes the White House South fence line to Constitution Avenue, Sherman Park, the First Division Memorial, the area known as the Ellipse and its side panels to include the area between State Place, E Street and Alexander Hamilton Place to the North; Constitution Avenue to the South; 15th Street N.W. to the East; and 17th Street N.W. to the West. It is our intention to have ticket holders use the aforementioned area as a staging area prior to entering the White House lawn for cleared vendors, caterers, and equipment.

The Easter Egg Roll is traditionally one of the largest public events at the White House Complex and draws both national and international media coverage. This year, the White House has determined that additional security measures are warranted because of American Military operations in Iraq and the National Threat Level being at "Orange." In light of these extraordinary circumstances, the Easter Egg Roll will not be open to the general public; 15,000 tickets will be distributed for this event to U.S. military members and their families.

In order to ensure the safety and well being of our guests at the Easter Egg Roll, it is imperative that supplementary security measures be implemented to include additional stand-off distance and greater observation ability to identify potential risk. When implemented, these measures will significantly reduce likely threats.

We have coordinated with the United States Secret Service in making this request, and they concur in it. Thank you for your continued assistance and cooperation in this matter.

Sincerely,

JEFFREY G. THOMPSON
Director For Security
Executive Office Of The President

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen Litkenhaus/WHO/EOP@Exchange [WHO] <Colleen Litkenhaus>
CC: linda m. gambatesa/who/eop@exchange [WHO] <linda m. gambatesa>
Sent: 4/14/2003 9:37:47 AM
Subject: : Re:
Attachments: P_UIILF003_WHO.TXT_1.doc

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 13:37:47.00
SUBJECT:: Re:
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
CC:linda m. gambatesa ( CN=linda m. gambatesa/OU=who/O=eop@exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

The attached edited version reflects our thoughts and comments.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_UIILF003_WHO.TXT_1>
```

April 14, 2003

Mr. Terry Carlstrom
Regional Director
National Capitol Region
National Park Service
1100 Ohio Drive. S.W.
Washington, D.C. 20024

Dear Mr. Carlstrom:

As you know, the White House will once again host its annual Easter Egg Roll on the White House lawn on Monday, April 21, 2003. To ensure the safety and security of our guests, the White House requests that no public access be granted to certain areas from 4:30 a.m. to 3:00 p.m. on that day. Specifically, the restricted area includes the White House South fence line to Constitution Avenue, Sherman Park, the First Division Memorial, the area known as the Ellipse and its side panels to include the area between State Place, E Street and Alexander Hamilton Place to the North; Constitution Avenue to the South; 15th Street N.W. to the East; and 17th Street N.W. to the West. It is our intention to have ticket holders use the aforementioned area as a staging area prior to entering the White House lawn for cleared vendors, caterers, and equipment.

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In order to ensure the safety and well being of our guests at the Easter Egg Roll, it is imperative that supplementary security measures be implemented to include additional stand-off distance and greater observation ability to identify potential risk. When implemented, these measures will significantly reduce likely threats.

We have coordinated with the United States Secret Service in making this request, and they concur in it. Thank you for your continued assistance and cooperation in this matter.

Sincerely,

JEFFREY G. THOMPSON
Director For Security
Executive Office Of The President

From: Kristi.L.Remington@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;'CKuhl@LASuperiorCourt.org' <CKuhl@LASuperiorCourt.org>
Sent: 4/14/2003 1:54:14 PM
Subject: : RE: Specter letter

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:14-APR-2003 17:54:14.00
SUBJECT:: RE: Specter letter
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"'CKuhl@LASuperiorCourt.org'" <CKuhl@LASuperiorCourt.org> (Receipt Notification
Requested) (IPM Return Requested) ( "'CKuhl@LASuperiorCourt.org'"
<CKuhl@LASuperiorCourt.org> (Receipt Notification Requested) (IPM Return Requested) [
UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I think it looks good.

-----Original Message-----
From: CKuhl@LASuperiorCourt.org [mailto:CKuhl@LASuperiorCourt.org]
Sent: Monday, April 14, 2003 5:07 PM
To: Remington, Kristi L; Brett_M._Kavanaugh@who.eop.gov
Subject: Specter letter


Attached redraft for your comments.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>
Sent: 4/14/2003 2:40:03 PM
Subject: : Re: Rove fundraiser for Sen. Bunning (R, KY)
Attachments: P_SJ0MF003_WHO.TXT_1.doc; P_SJ0MF003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-APR-2003 18:40:03.00
SUBJECT:: Re: Rove fundraiser for Sen. Bunning (R, KY)
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Is that description the formulation used for Karl on other invites?

Collister W. Johnson
04/11/2003 03:54:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, cspies@rnchq.org @ inet
cc: Ken Mehlman/WHO/EOP@EOP
Subject: Rove fundraiser for Sen. Bunning (R, KY)

Attached are invites for Rove to attend a fundraiser in KY for Bunning -
thanks for reviewing!
c

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_SJ0MF003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_SJ0MF003_WHO.TXT_2>

R.S.V.P.

_____ Yes, I will be able to attend and am enclosing $_____for _____person(s).

_____ No, I will not be able to attend, but am enclosing a contribution of $_____.

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed $200 per calendar year.

Name _____

Address_____

City _____State_____Zip_____

Occupation_____Employer_____

Home Phone_____Work Phone_____

Please make checks payable to: CITIZENS FOR BUNNING

Corporate contributions are not acceptable-FEC regulations. Contributions to Citizens for Bunning are not deductible as charitable contributions for Federal income tax purposes. Contributions from foreign nationals are prohibited.

Authorized and Paid for by Citizens for Bunning.

Not printed at government expense.

5/15/2003

REV_00114552

You are cordially invited to a reception honoring

Jim Bunning

United States Senator

with special guest

Karl Rove

ALong-time advisor to President George W. Bush@

on

Thursday, May 15, 2003

Marriott Griffin Gate

Lexington, Kentucky

Sponsor Reception ~ $2,000 per couple - 6:00 p.m.

Co-Host Reception ~ $500 per couple - 6:30 p.m.

General Reception ~ $250 per couple - 7:00 p.m.

Please R.S.V.P. by enclosed card or 859/341-6480

Authorized and Paid for by Citizens for Bunning.

Not printed at government expense.

From: Skelly, Layton

To: tcordaro@osophs.dhhs.gov <Gilbert, Alan>;tcordaro@osophs.dhhs.gov <Hall, Philo D.>;paula.stannard@hhs.gov <paula.stannard@hhs.gov>;peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;alex.azar@hhs.gov <alex.azar@hhs.gov>;john.hoff@hhs.gov <john.hoff@hhs.gov>;jennifer.young@hhs.gov <jennifer.young@hhs.gov>;jennifer.young@hhs.gov <Schacht, Diana L.>;jennifer.young@hhs.gov <Jensen, Amy>;jennifer.young@hhs.gov <Loper, Ginger G.>;wendy j. grubbs/who/eop <wendy j. grubbs/who/eop@eop>;wendy j. grubbs/who/eop <Lefkowitz, Jay P.>;wendy j. grubbs/who/eop <Perry, Philip J.>;wendy j. grubbs/who/eop <Silverberg, Kristen>;wendy j. grubbs/who/eop <Deleire, Thomas C.>;wendy j. grubbs/who/eop <Kavanaugh, Brett M.>;zurawski-paul@dol.gov <zurawski-paul@dol.gov>;zurawski-paul@dol.gov <Young, Tracy>;zurawski-paul@dol.gov <Besanceney, Brian R.>;marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>;marc.kesselman@usdoj.gov <Ackerly, Dana>;marc.kesselman@usdoj.gov <Cowdry, Rex>;hzucker@osophs.dhhs.gov <hzucker@osophs.dhhs.gov>

CC: pamela.roller@hhs.gov <pamela.roller@hhs.gov>;joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>;marie.belt@hhs.gov <marie.belt@hhs.gov>;marie.belt@hhs.gov <Winland, Emily>;marie.belt@hhs.gov <Vestewig, Lauren J.>;marie.belt@hhs.gov <Lineberry, Stephen M.>;dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>;india.luckett@hhs.gov <india.luckett@hhs.gov>;scriver-langford-lat@dol.gov <scriver-langford-lat@dol.gov>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;stephanie.wilson@hhs.gov <stephanie.wilson@hhs.gov>;stephanie.wilson@hhs.gov <Stone, Carla B.>;hrobowski-rosita@dol.gov <hrobowski-rosita@dol.gov>;tcordaro@osophs.dhhs.gov <tcordaro@osophs.dhhs.gov>;tcordaro@osophs.dhhs.gov <Skelly, Layton>

Sent: 4/14/2003 2:48:12 PM

Subject: Weekly Medical Liability Working Group

There will **NOT** be a medical liability working group call tomorrow, but there will be a **meeting** next Tuesday (4/22) at 10:00 in room 476 EEOB. I will send a reminder next Monday to find out who will be able to attend. Thank you.

Layton

Layton Skelly

03/31/2003 04:20:32 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

bcc:

Subject: Weekly Medical Liability CC tomorrow at 10:00

This is to remind you that we will be having the weekly Medical Liability Working Group conference call tomorrow at 10:00.

Call in: 395-6392

CODE: 791803

Layton Skelly

03/24/2003 04:54:28 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

bcc:

Subject: Medical Liability meeting tom. will be a Conf. Call 

Call in: 395-6392

Code: 557036

Layton Skelly

03/17/2003 04:20:00 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: weekly Medical Liability meeting

This is a reminder that we are on for the weekly Medical Liability Working Group meeting tomorrow (3/18) at 10:00 in room 211. Thank you.

Layton

456-5085

Message Sent To:

Alan Gilbert/OPD/EOP@EOP

Philo D. Hall/OPD/EOP@EOP

paula.stannard@hhs.gov @ inet

peter.urbanowicz@hhs.gov @ inet

viet.dinh@usdoj.gov @ inet

alex.azar@hhs.gov @ inet

john.hoff@hhs.gov @ inet

jennifer.young@hhs.gov @ inet

Diana L. Schacht/OPD/EOP@EOP

William D. Badger/OPD/EOP@EOP

Amy Jensen/WHO/EOP@Exchange@EOP

Ginger G. Loper/WHO/EOP@Exchange@EOP

Wendy J. Grubbs/WHO/EOP@EOP

Jay P. Lefkowitz/OPD/EOP@Exchange@EOP

Philip J. Perry/OMB/EOP@EOP

Kristen Silverberg/WHO/EOP@Exchange@EOP

Thomas C. DeLeire/CEA/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

zurawski-paul@dol.gov @ inet

Tracy Young/WHO/EOP@EOP

Brian R. Besanceney/WHO/EOP@EOP

marc.kesselman@usdoj.gov @ inet

Message Copied To:

Layton Skelly/OPD/EOP@EOP

pamela.roller@hhs.gov

joyce.b-moore@hhs.gov

marie.belt@hhs.gov

Emily Winland/OPD/EOP@EOP

Marty P. Smith/OPD/EOP@EOP

Lauren J. Vestewig/OPD/EOP@Exchange@EOP

Stephen M. Lineberry/CEA/EOP@EOP

dana.ceasar@hhs.gov

india.luckett@hhs.gov

scriver-langford-lat@dol.gov @ inet

heather.mcnaught@usdoj.gov

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tracy young/who/eop@eop

brian r. besanceney/who/eop@eop

marc.kesselman@usdoj.gov @ inet

Dana Ackerly/CEA/EOP@EOP

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lauren j. vestewig/opd/eop@exchange@eop

stephen m. lineberry/cea/eop@eop

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stephanie.wilson@hhs.gov

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dana.ceasar@hhs.gov

india.luckett@hhs.gov

scriver-langford-lat@dol.gov @ inet

heather.mcnaught@usdoj.gov

stephanie.wilson@hhs.gov

Carla B. Stone/OMB/EOP@EOP

Layton Skelly/OPD/EOP@EOP

From: CN=Layton Skelly/OU=OPD/O=EOP [OPD]

To: hzucker@osophs.dhhs.gov [UNKNOWN] <hzucker@osophs.dhhs.gov>;dana ackerly/cea /eop@eop [CEA] <dana ackerly>;brian r. besanceney/who/eop@eop [WHO] <brian r. besanceney>;zurawski-paul@dol.gov @ inet [UNKNOWN] <zurawski-paul@dol.gov @ inet>;thomas c. deleire/cea/eop@eop [CEA] <thomas c. deleire>;philip j. perry/omb/eop@eop [OMB] <philip j. perry>;wendy j. grubbs/who/eop@eop [WHO] <wendy j. grubbs>;amy jensen/who/eop@exchange@eop [WHO] <amy jensen>;jennifer.young@hhs.gov @ inet [UNKNOWN] <jennifer.young@hhs.gov @ inet>;alex.azar@hhs.gov @ inet [UNKNOWN] <alex.azar@hhs.gov @ inet>;peter.urbanowicz@hhs.gov @ inet [UNKNOWN] <peter.urbanowicz@hhs.gov @ inet>;philo d. hall/opd/eop@eop [OPD] <philo d. hall>;Rex Cowdry/OPD/EOP@EOP [OPD] <Rex Cowdry>;marc.kesselman@usdoj.gov @ inet [UNKNOWN] <marc.kesselman@usdoj.gov @ inet>;tracy young/who/eop@eop [WHO] <tracy young>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kristen silverberg/who /eop@exchange@eop [WHO] <kristen silverberg>;jay p. lefkowitz/opd/eop@exchange@eop [OPD] <jay p. lefkowitz>;ginger g. loper/who/eop@exchange@eop [WHO] <ginger g. loper>;diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;john.hoff@hhs.gov @ inet [UNKNOWN] <john.hoff@hhs.gov @ inet>;viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov @ inet>;paula.stannard@hhs.gov @ inet [UNKNOWN] <paula.stannard@hhs.gov @ inet>;alan gilbert/opd/eop@eop [OPD] <alan gilbert>

CC: tcordaro@osophs.dhhs.gov [UNKNOWN] <tcordaro@osophs.dhhs.gov>;carla b. stone/omb /eop@eop [OMB] <carla b. stone>;heather.mcnaught@usdoj.gov [UNKNOWN] <heather.mcnaught@usdoj.gov>;india.luckett@hhs.gov [UNKNOWN] <india.luckett@hhs.gov>;stephen m. lineberry/cea/eop@eop [CEA] <stephen m. lineberry>;emily winland/opd/eop@eop [OPD] <emily winland>;joyce.b-moore@hhs.gov [UNKNOWN] <joyce.b-moore@hhs.gov>;Layton Skelly/OPD/EOP@EOP [OPD] <Layton Skelly>;hrobowski-rosita@dol.gov [UNKNOWN] <hrobowski-rosita@dol.gov>;stephanie.wilson@hhs.gov [UNKNOWN] <stephanie.wilson@hhs.gov>;scriver-langford-lat@dol.gov @ inet [UNKNOWN] <scriver-langford-lat@dol.gov @ inet>;dana.ceasar@hhs.gov [UNKNOWN] <dana.ceasar@hhs.gov>;lauren j. vestewig/opd /eop@exchange@eop [OPD] <lauren j. vestewig>;marie.belt@hhs.gov [UNKNOWN] <marie.belt@hhs.gov>;pamela.roller@hhs.gov [UNKNOWN] <pamela.roller@hhs.gov>

Sent: 4/14/2003 10:48:28 AM

Subject: : Weekly Medical Liability Working Group

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP [ OPD ] )
CREATION DATE/TIME:14-APR-2003 14:48:28.00
SUBJECT:: Weekly Medical Liability Working Group
TO:hzucker@osophs.dhhs.gov ( hzucker@osophs.dhhs.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:dana ackerly ( CN=dana ackerly/OU=cea/O=eop@eop [ CEA ] )
READ:UNKNOWN
TO:brian r. besanceney ( CN=brian r. besanceney/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
TO:zurawski-paul@dol.gov @ inet ( zurawski-paul@dol.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:thomas c. deleire ( CN=thomas c. deleire/OU=cea/O=eop@eop [ CEA ] )
READ:UNKNOWN
TO:philip j. perry ( CN=philip j. perry/OU=omb/O=eop@eop [ OMB ] )
READ:UNKNOWN
TO:wendy j. grubbs ( CN=wendy j. grubbs/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
TO:amy jensen ( CN=amy jensen/OU=who/O=eop@exchange@eop [ WHO ] )
READ:UNKNOWN
TO:jennifer.young@hhs.gov @ inet ( jennifer.young@hhs.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:alex.azar@hhs.gov @ inet ( alex.azar@hhs.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:peter.urbanowicz@hhs.gov @ inet ( peter.urbanowicz@hhs.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:philo d. hall ( CN=philo d. hall/OU=opd/O=eop@eop [ OPD ] )
```

READ:UNKNOWN
TO:Rex Cowdry (CN=Rex Cowdry/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:marc.kesselman@usdoj.gov @ inet (marc.kesselman@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:tracy young (CN=tracy young/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
TO:jay p. lefkowitz (CN=jay p. lefkowitz/OU=opd/O=eop@exchange@eop [OPD])
READ:UNKNOWN
TO:ginger g. loper (CN=ginger g. loper/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
TO:diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
TO:john.hoff@hhs.gov @ inet (john.hoff@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:viet.dinh@usdoj.gov @ inet (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:paula.stannard@hhs.gov @ inet (paula.stannard@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:alan gilbert (CN=alan gilbert/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:tcordaro@osophs.dhhs.gov (tcordaro@osophs.dhhs.gov [UNKNOWN])
READ:UNKNOWN
CC:carla b. stone (CN=carla b. stone/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:heather.mcnaught@usdoj.gov (heather.mcnaught@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:india.luckett@hhs.gov (india.luckett@hhs.gov [UNKNOWN])
READ:UNKNOWN
CC:stephen m. lineberry (CN=stephen m. lineberry/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:emily winland (CN=emily winland/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:joyce.b-moore@hhs.gov (joyce.b-moore@hhs.gov [UNKNOWN])
READ:UNKNOWN
CC:Layton Skelly (CN=Layton Skelly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:hrobowski-rosita@dol.gov (hrobowski-rosita@dol.gov [UNKNOWN])
READ:UNKNOWN
CC:stephanie.wilson@hhs.gov (stephanie.wilson@hhs.gov [UNKNOWN])
READ:UNKNOWN
CC:scriver-langford-lat@dol.gov @ inet (scriver-langford-lat@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:dana.ceasar@hhs.gov (dana.ceasar@hhs.gov [UNKNOWN])
READ:UNKNOWN
CC:lauren j. vestewig (CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [OPD])
READ:UNKNOWN
CC:marie.belt@hhs.gov (marie.belt@hhs.gov [UNKNOWN])
READ:UNKNOWN
CC:pamela.roller@hhs.gov (pamela.roller@hhs.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

There will NOT be a medical liability working group call tomorrow, but
there will be a meeting next Tuesday (4/22) at 10:00 in room 476 EEOB. I
will send a reminder next Monday to find out who will be able to attend.
Thank you.

Layton

Layton Skelly

03/31/2003 04:20:32 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
bcc:
Subject: Weekly Medical Liability CC tomorrow at 10:00

This is to remind you that we will be having the weekly Medical Liability Working Group conference call tomorrow at 10:00.

Call in: 395-6392
CODE: 791803

Layton Skelly

03/24/2003 04:54:28 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
bcc:
Subject: Medical Liability meeting tom. will be a Conf. Call

Call in: 395-6392
Code: 557036

Layton Skelly

03/17/2003 04:20:00 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: weekly Medical Liability meeting

This is a reminder that we are on for the weekly Medical Liability Working Group meeting tomorrow (3/18) at 10:00 in room 211. Thank you.

Layton
456-5085

Message Sent
To:_____
Alan Gilbert/OPD/EOP@EOP
Philo D. Hall/OPD/EOP@EOP
paula.stannard@hhs.gov @ inet

peter.urbanowicz@hhs.gov @ inet
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Amy Jensen/WHO/EOP@Exchange@EOP
Ginger G. Loper/WHO/EOP@Exchange@EOP
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Brett M. Kavanaugh/WHO/EOP@EOP
zurawski-paul@dol.gov @ inet
Tracy Young/WHO/EOP@EOP
Brian R. Besanceney/WHO/EOP@EOP
marc.kesselman@usdoj.gov @ inet

Message Copied
To:_____
Layton Skelly/OPD/EOP@EOP
pamela.roller@hhs.gov
joyce.b-moore@hhs.gov
marie.belt@hhs.gov
Emily Winland/OPD/EOP@EOP
Marty P. Smith/OPD/EOP@EOP
Lauren J. Vestewig/OPD/EOP@Exchange@EOP
Stephen M. Lineberry/CEA/EOP@EOP
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heather.mcnaught@usdoj.gov

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Dana Ackerly/CEA/EOP@EOP

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dana ackerly/cea/eop@eop

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heather.mcnaught@usdoj.gov
stephanie.wilson@hhs.gov
Carla B. Stone/OMB/EOP@EOP
Layton Skelly/OPD/EOP@EOP

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/14/2003 11:40:58 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-APR-2003 15:40:58.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks man.
also - did you get a chance to look at the email with the invite for Karl fundraise for Sen. Bunning (R, KY)?
c

Brett M. Kavanaugh
04/14/2003 01:26:32 PM
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP, Collister W. Johnson/WHO/EOP@EOP
cc:
Subject:

Coddy: I am checking on your inquiry re DOJ retaining an Ohio Dem to argue a case for it.

From: Sheila.Joy@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/14/2003 11:51:00 AM
Subject: : RE: can we ask AO to update its web site as of today to reflectrecent nominations and confirmations? Thanks.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ("Sheila.Joy@usdoj.gov"
<Sheila.Joy@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:14-APR-2003 15:51:00.00
SUBJECT:: RE: can we ask AO to update its web site as of today to reflect recent
nominations and confirmations? Thanks.
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

website has been updated

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 14, 2003 12:53 PM
To: Joy, Sheila
Subject: RE: can we ask AO to update its web site as of today to reflect
recent nominations and confirmations? Thanks.

thanks, just makes sense to have it updated to reflect latest stats since
Senate
is on recess now

(Embedded
image moved "Sheila.Joy@usdoj.gov" <Sheila.Joy
to file: 04/14/2003 12:37:19 PM
pic23825.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: can we ask AO to update its web site as of today to reflect
recent nominations and confirmations? Thanks.

I can ask - anyones guess as to what they will do

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 14, 2003 12:29 PM
To: Joy, Sheila
Subject: can we ask AO to update its web site as of today to reflect
recent nominations and confirmations? Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Sheila.Joy@usdoj.gov <Sheila.Joy@usdoj.gov>
Sent: 4/14/2003 11:51:08 AM
Subject: : RE: can we ask AO to update its web site as of today to reflectrecent nominations and confirmations? Thanks.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-APR-2003 15:51:08.00
SUBJECT:: RE: can we ask AO to update its web site as of today to reflect recent nominations and confirmations? Thanks.
TO:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ("Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

thanks

"Sheila.Joy@usdoj.gov" <Sheila.Joy
04/14/2003 03:50:14 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: can we ask AO to update its web site as of today to reflect recent nominations and confirmations? Thanks.

website has been updated

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 14, 2003 12:53 PM
To: Joy, Sheila
Subject: RE: can we ask AO to update its web site as of today to reflect recent nominations and confirmations? Thanks.

thanks, just makes sense to have it updated to reflect latest stats since Senate
is on recess now

(Embedded
image moved "Sheila.Joy@usdoj.gov" <Sheila.Joy
to file: 04/14/2003 12:37:19 PM
pic23825.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: can we ask AO to update its web site as of today to reflect recent nominations and confirmations? Thanks.

I can ask - anyones guess as to what they will do

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 14, 2003 12:29 PM
To: Joy, Sheila
Subject: can we ask AO to update its web site as of today to reflect recent nominations and confirmations? Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: adam.charnes@usdoj.gov @ inet [UNKNOWN] <adam.charnes@usdoj.gov @ inet>;viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov @ inet>
Sent: 4/14/2003 2:58:39 PM
Subject: : how many votes does it take for "substantial majority" as opposed to "majority" in ABA rating?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 18:58:39.00
SUBJECT:: how many votes does it take for "substantial majority" as opposed to "majority"
in ABA rating?
TO:adam.charnes@usdoj.gov @ inet ( adam.charnes@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:viet.dinh@usdoj.gov @ inet ( viet.dinh@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
Sent: 4/14/2003 3:23:36 PM
Subject: : in case you have not seen

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 19:23:36.00
SUBJECT:: in case you have not seen
TO:Elizabeth S. Dougherty ( CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

http://rpc.senate.gov/releases/2003/tr032703.pdf
```

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Linda M. Gambatesa/WHO/EOP@Exchange [WHO] <Linda M. Gambatesa>
Sent: 4/14/2003 3:27:50 PM
Subject: : Ellipse
Attachments: P_RJ1MF003_WHO.TXT_1.doc

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:14-APR-2003 19:27:50.00
SUBJECT:: Ellipse
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I hate to have to run this by you again, but changes were made.; Do you
mind looking at it one more time?
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RJ1MF003_WHO.TXT_1>
```

April 14, 2003

Mr. Terry Carlstrom
Regional Director
National Capitol Region
National Park Service
1100 Ohio Drive. S.W.
Washington, D.C. 20024

Dear Mr. Carlstrom:

As you know, the White House will once again host its annual Easter Egg Roll on the White House lawn on Monday, April 21, 2003. At this time, a substantial portion of the Ellipse is under permit for various activities associated with the White House Easter Egg Roll. To ensure the safety and security of our guests, the White House requests that additional federal parkland be closed to the general public from 4:30 a.m. to 3:00 p.m. on that day. Specifically, the closed park areas are Sherman Park, the First Division Memorial, the Ellipse and its side panels from E Street to the North; Constitution Avenue to the South; 15th Street N.W. to the East; and 17th Street N.W. to the West. It is our intention to have ticket holders use the Ellipse area as a staging and entertainment area where cleared vendors, caterers, entertainers, and equipment will be located for guests use, prior to entering the White House lawn.

The Easter Egg Roll is traditionally one of the largest public events at the White House Complex and draws both national and international media coverage. This year, the White House has determined that additional security measures are warranted because of American Military operations in Iraq and the National Threat Level being at "Orange." In light of these extraordinary circumstances, the Easter Egg Roll will not be open to the general public; 15,000 tickets will be distributed for this event to U.S. military members and their families.

In order to ensure the safety and well being of our guests at the Easter Egg Roll, it is imperative that supplementary security measures be implemented to include additional stand-off distance, security sweeps, and greater observation ability to identify potential risk. When implemented these measures will significantly reduce likely threats.

Thank you for your continued assistance and cooperation in this matter.

Sincerely,

JEFFREY G. THOMPSON
Director For Security
Executive Office Of The President

From: Litkenhaus, Colleen
To: <Gambatesa, Linda M.>;<Kavanaugh, Brett M.>
Sent: 4/14/2003 7:28:05 PM
Subject: Ellipse
Attachments: Ellipse closure final.doc

I hate to have to run this by you again, but changes were made. Do you mind looking at it one more time?

April 14, 2003

Mr. Terry Carlstrom
Regional Director
National Capitol Region
National Park Service
1100 Ohio Drive. S.W.
Washington, D.C. 20024

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Thank you for your continued assistance and cooperation in this matter.

Sincerely,

JEFFREY G. THOMPSON
Director For Security
Executive Office Of The President

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Linda M. Gambatesa/WHO/EOP@Exchange [WHO] <Linda M. Gambatesa>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>
Sent: 4/14/2003 6:06:10 PM
Subject: : Re: Ellipse

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-APR-2003 22:06:10.00
SUBJECT:: Re: Ellipse
TO:Linda M. Gambatesa ( CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Will do first thing in morning.

.

----- Original Message -----
From:Colleen Litkenhaus/WHO/EOP@Exchange
To:Linda M. Gambatesa/WHO/EOP@Exchange,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/14/2003 07:28:05 PM
Subject: Ellipse

I hate to have to run this by you again, but changes were made.; Do you
mind looking at it one more time?
```

From: CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Colleen Litkenhaus/WHO /EOP@Exchange [WHO] <Colleen Litkenhaus>
Sent: 4/15/2003 2:46:35 AM
Subject: : RE: Ellipse

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:15-APR-2003 06:46:35.00
SUBJECT:: RE: Ellipse
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

There should only be 2 spaces between the last line of the address and the salutation - appear to be 3.
I don't think park land is one word as spelled in line 4.
We may want to include some cc's - to USSS, to me, to Hagin?
;

-----Original Message-----
From: Litkenhaus, Colleen
Sent: Monday, April 14, 2003 7:28 PM
To: Gambatesa, Linda M.; Kavanaugh, Brett M.
Subject: Ellipse

I hate to have to run this by you again, but changes were made.; Do you mind looking at it one more time?

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2003 4:59:06 AM
Subject: : Re: Rove fundraiser for Sen. Bunning (R, KY)
Attachments: P_GHBMF003_WHO.TXT_1.doc; P_GHBMF003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2003 08:59:06.00
SUBJECT:: Re: Rove fundraiser for Sen. Bunning (R, KY)
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ok - thanks man -
c

Brett M. Kavanaugh
04/15/2003 08:54:55 AM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Rove fundraiser for Sen. Bunning (R, KY)

This is ok. We prefer just saying "The Honorable Karl Rove" without
further description, but this is ok if they want to keep it.

Collister W. Johnson
04/15/2003 08:41:07 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Rove fundraiser for Sen. Bunning (R, KY)

it is the one that was signed off for Cong. Burr's event on 4/24 -
c

Brett M. Kavanaugh
04/14/2003 06:39:45 PM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP

cc:
bcc:
Subject: Re: Rove fundraiser for Sen. Bunning (R, KY)

Is that description the formulation used for Karl on other invites?

Collister W. Johnson
04/11/2003 03:54:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, cspies@rnchq.org @ inet
cc: Ken Mehlman/WHO/EOP@EOP
Subject: Rove fundraiser for Sen. Bunning (R, KY)

Attached are invites for Rove to attend a fundraiser in KY for Bunning -
thanks for reviewing!
c

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GHBMF003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GHBMF003_WHO.TXT_2>

R.S.V.P.

_____ Yes, I will be able to attend and am enclosing $_____for _____person(s).

_____ No, I will not be able to attend, but am enclosing a contribution of $_____.

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed $200 per calendar year.

Name _____

Address_____

City _____State_____Zip_____

Occupation_____Employer_____

Home Phone_____Work Phone_____

Please make checks payable to: CITIZENS FOR BUNNING

Corporate contributions are not acceptable-FEC regulations. Contributions to Citizens for Bunning are not deductible as charitable contributions for Federal income tax purposes. Contributions from foreign nationals are prohibited.

Authorized and Paid for by Citizens for Bunning.

Not printed at government expense.

5/15/2003

REV_00114612

You are cordially invited to a reception honoring

Jim Bunning

United States Senator

with special guest

Karl Rove

ALong-time advisor to President George W. Bush@

on

Thursday, May 15, 2003

Marriott Griffin Gate

Lexington, Kentucky

Sponsor Reception ~ $2,000 per couple - 6:00 p.m.

Co-Host Reception ~ $500 per couple - 6:30 p.m.

General Reception ~ $250 per couple - 7:00 p.m.

Please R.S.V.P. by enclosed card or 859/341-6480

Authorized and Paid for by Citizens for Bunning.

Not printed at government expense.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Harriet Miers/WHO/EOP@Exchange@EOP [WHO] <Harriet Miers>
Sent: 4/15/2003 5:56:14 AM
Subject: : Law Day

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-APR-2003 09:56:14.00
SUBJECT:: Law Day
TO:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Who should I talk to about Law Day Proclamation? We have some ideas and
thoughts.
```

From: CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Daryl L. Joseffer/OMB /EOP@EOP [OMB] <Daryl L. Joseffer>;Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
CC: Jay P. Lefkowitz/OPD/EOP@Exchange [OPD] <Jay P. Lefkowitz>;Bessie M. Weaver/OMB /EOP@EOP [OMB] <Bessie M. Weaver>;Layton Skelly/OPD/EOP@EOP [OPD] <Layton Skelly>;Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>
Sent: 4/15/2003 8:29:46 AM
Subject: : Meeting re. airline competition

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ] )
CREATION DATE/TIME:15-APR-2003 12:29:46.00
SUBJECT:: Meeting re. airline competition
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Daryl L. Joseffer ( CN=Daryl L. Joseffer/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:Elizabeth S. Dougherty ( CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
CC:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )
READ:UNKNOWN
CC:Bessie M. Weaver ( CN=Bessie M. Weaver/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
CC:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
CC:Carla B. Stone ( CN=Carla B. Stone/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
###### End Original ARMS Header ######

There will be a meeting re. airline competition at 4:30 on Tues, April
22.; Hew Pate and Tim Muris will also be there.; Please let me know if you
will attend.; Thanks.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: alexander.morris@hq.doe.gov @ inet [UNKNOWN] <alexander.morris@hq.doe.gov @ inet>
Sent: 4/15/2003 4:33:59 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2003 08:33:59.00
SUBJECT::
TO:alexander.morris@hq.doe.gov @ inet (alexander.morris@hq.doe.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

We understand that you intend to release in a FOIA context a memorandum dated February 18, 1983, from President Reagan to the heads of departments and agencies regarding patent policy. You have not indicated that any FOIA exemption applies, and we have no objection to the release. Thank you.

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
CC: <Gambatesa, Linda M.>
Sent: 4/15/2003 8:44:50 AM
Subject: Re: Ellipse
Attachments: Ellipse closure final.doc

Some points:

-- Date change to April 15.

-- No period after "Drive" in address

-- Should "Specifically, the closed park areas are" instead be "Specifically, the White House requests that the following park areas be temporarily closed:"

-- missing apostrophe after "guests" at end of para. 1

-- at end of para. 2, does the explanation of why only military personnel are being invited mesh with prior public explanations; in other words, should you just delete the sentence beginning "In light of these extraordinary circumstances"?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 04/14/2003 07:28:05 PM

Record Type: Record

To: Linda M. Gambatesa/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Ellipse

I hate to have to run this by you again, but changes were made. Do you mind looking at it one more time? <>

April 14, 2003

Mr. Terry Carlstrom
Regional Director
National Capitol Region
National Park Service
1100 Ohio Drive. S.W.
Washington, D.C. 20024

Dear Mr. Carlstrom:

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The Easter Egg Roll is traditionally one of the largest public events at the White House Complex and draws both national and international media coverage. This year, the White House has determined that additional security measures are warranted because of American Military operations in Iraq and the National Threat Level being at "Orange." In light of these extraordinary circumstances, the Easter Egg Roll will not be open to the general public; 15,000 tickets will be distributed for this event to U.S. military members and their families.

In order to ensure the safety and well being of our guests at the Easter Egg Roll, it is imperative that supplementary security measures be implemented to include additional stand-off distance, security sweeps, and greater observation ability to identify potential risk. When implemented these measures will significantly reduce likely threats.

Thank you for your continued assistance and cooperation in this matter.

Sincerely,

JEFFREY G. THOMPSON
Director For Security
Executive Office Of The President

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen Litkenhaus/WHO/EOP@Exchange [WHO] <Colleen Litkenhaus>
CC: linda m. gambatesa/who/eop@exchange [WHO] <linda m. gambatesa>
Sent: 4/15/2003 4:45:10 AM
Subject: : Re: Ellipse
Attachments: P_QY9MF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2003 08:45:10.00
SUBJECT:: Re: Ellipse
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:linda m. gambatesa (CN=linda m. gambatesa/OU=who/O=eop@exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Some points:
-- Date change to April 15.
-- No period after "Drive" in address
-- Should "Specifically, the closed park areas are" instead be
"Specifically, the White House requests that the following park areas be
temporarily closed:"
-- missing apostrophe after "guests" at end of para. 1
-- at end of para. 2, does the explanation of why only military personnel
are being invited mesh with prior public explanations; in other words,
should you just delete the sentence beginning "In light of these
extraordinary circumstances"?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 04/14/2003 07:28:05 PM
Record Type: Record

To: Linda M. Gambatesa/WHO/EOP@Exchange, Brett M.
Kavanaugh/WHO/EOP@EOP
cc:
Subject: Ellipse

I hate to have to run this by you again, but changes were made.; Do you
mind looking at it one more time?

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QY9MF003_WHO.TXT_1>

April 14, 2003

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Regional Director
National Capitol Region
National Park Service
1100 Ohio Drive. S.W.
Washington, D.C. 20024

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Thank you for your continued assistance and cooperation in this matter.

Sincerely,

JEFFREY G. THOMPSON
Director For Security
Executive Office Of The President

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: paul.p.colborn@usdoj.gov @ inet [UNKNOWN] <paul.p.colborn@usdoj.gov @ inet>
Sent: 4/15/2003 4:47:27 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-APR-2003 08:47:27.00
SUBJECT::
TO:paul.p.colborn@usdoj.gov @ inet ( paul.p.colborn@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Not sure if you have previously reviewed those records; Gary can get you
clean set of copies.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>
Sent: 4/15/2003 4:55:14 AM
Subject: : Re: Rove fundraiser for Sen. Bunning (R, KY)
Attachments: P_E1BMF003_WHO.TXT_1.doc; P_E1BMF003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2003 08:55:14.00
SUBJECT:: Re: Rove fundraiser for Sen. Bunning (R, KY)
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This is ok. We prefer just saying "The Honorable Karl Rove" without further description, but this is ok if they want to keep it.

Collister W. Johnson
04/15/2003 08:41:07 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Rove fundraiser for Sen. Bunning (R, KY)

it is the one that was signed off for Cong. Burr's event on 4/24 -
c

Brett M. Kavanaugh
04/14/2003 06:39:45 PM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Rove fundraiser for Sen. Bunning (R, KY)

Is that description the formulation used for Karl on other invites?

Collister W. Johnson
04/11/2003 03:54:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, cspies@rnchq.org @ inet
cc: Ken Mehlman/WHO/EOP@EOP

Subject: Rove fundraiser for Sen. Bunning (R, KY)

Attached are invites for Rove to attend a fundraiser in KY for Bunning -
thanks for reviewing!
c

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_E1BMF003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_E1BMF003_WHO.TXT_2>

R.S.V.P.

_____ Yes, I will be able to attend and am enclosing $_____for _____person(s).

_____ No, I will not be able to attend, but am enclosing a contribution of $_____.

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed $200 per calendar year.

Name _____

Address_____

City _____State_____Zip_____

Occupation_____Employer_____

Home Phone_____Work Phone_____

Please make checks payable to: CITIZENS FOR BUNNING

Corporate contributions are not acceptable-FEC regulations. Contributions to Citizens for Bunning are not deductible as charitable contributions for Federal income tax purposes. Contributions from foreign nationals are prohibited.

Authorized and Paid for by Citizens for Bunning.

Not printed at government expense.

5/15/2003

REV_00114631

You are cordially invited to a reception honoring

Jim Bunning

United States Senator

with special guest

Karl Rove

ALong-time advisor to President George W. Bush@

on

Thursday, May 15, 2003

Marriott Griffin Gate

Lexington, Kentucky

Sponsor Reception ~ $2,000 per couple - 6:00 p.m.

Co-Host Reception ~ $500 per couple - 6:30 p.m.

General Reception ~ $250 per couple - 7:00 p.m.

Please R.S.V.P. by enclosed card or 859/341-6480

Authorized and Paid for by Citizens for Bunning.

Not printed at government expense.

From: Adam.Charnes@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2003 5:00:59 AM
Subject: : RE: how many votes does it take for "substantial majority" as opposed to "majority" in ABA rating?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> ("Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:15-APR-2003 09:00:59.00
SUBJECT:: RE: how many votes does it take for "substantial majority" as opposed to "majority" in ABA rating?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

checking with Sheila.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 14, 2003 6:58 PM
To: Charnes, Adam; Dinh, Viet
Subject: how many votes does it take for "substantial majority" as opposed to "majority" in ABA rating?

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2003 5:17:11 AM
Subject: : Daily Update - April 14, 2003

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-APR-2003 09:17:11.00
SUBJECT:: Daily Update - April 14, 2003
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######



RALLIES SET TO SUPPORT MIGUEL ESTRADA:
Focus on the Family will be holding rallies in key states to help
end the filibuster against the nominee.
http://www.family.org/welcome/press/a0025524.cfm
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 4/15/2003 5:20:09 AM
Subject: : is waldman's paperwork in?

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-APR-2003 09:20:09.00
SUBJECT:: is waldman's paperwork in?
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Kavanaugh, Brett M.
To: <Miers, Harriet>
Sent: 4/15/2003 9:55:20 AM
Subject: Law Day

Who should I talk to about Law Day Proclamation? We have some ideas and thoughts.

From: CN=Harriet Miers/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2003 6:07:40 AM
Subject: : RE: Law Day

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:15-APR-2003 10:07:40.00
SUBJECT:: RE: Law Day
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Lana Dickey and Jill Rowley work with various agencies. Justice did the first draft and it is submitted to Lana through OMB. She has a first draft and will send what she received to you and to me. Thanks.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 15, 2003 9:55 AM
To: Miers, Harriet
Subject: Law Day

Who should I talk to about Law Day Proclamation? We have some ideas and thoughts.

From:	MacEcevic, Lisa J.
To:	<Kavanaugh, Brett M.>;<Warsh, Kevin>;<Schacht, Diana L.>;<Silverberg, Kristen>;<Bloomquist, Lauren E.>;<Boden, James>;<Schwartz, Kenneth L.>
CC:	<Green, Richard E.>;<Jukes, James J.>
Sent:	4/15/2003 10:16:29 AM
Subject:	FYI - Stories on Senate Judiciary Committee approval of class action bill (S. 274)
Attachments:	~~DLNK0.URL; ~~DLNK1.URL

note: The second story ends with a rundown of how the committee members voted on each amendment.

No. 71

Monday April 14, 2003 Page A-9

ISSN 1523-567X

Regulation & Law

Class Actions

Senate Judiciary Committee Completes

Markup of Class Action Fairness Measure

Voting along mostly party lines, the Senate Judiciary Committee April 11 approved the Class Action Fairness Act (S. 274), sending the bill to the Senate where a vote is expected as early as May, according to committee staff.

The class action bill, heavily supported by business groups, would amend current law to expand federal court jurisdiction over class actions filed in state court when at least one plaintiff and one defendant are from different states and the damages claimed total at least $5 million.

Committee Trims Scope of Bill

In a markup session that took up portions of two consecutive days, the committee trimmed the scope of the bill, deleting provisions that also treated so-called private attorney general actions and mass torts as "class actions."

The committee also adopted an amendment proposed by Sen. Dianne Feinstein (D-Calif.) which would allow a class action to remain in state court if more than two-thirds of the plaintiffs and the primary defendant were from the same state. Feinstein's amendment also increased the jurisdictional amount in controversy threshold of class actions covered by the bill to $5 million. The original bill set the monetary threshold at $2 million.

Feinstein and Sen. Herb Kohl (D-Wis.) were the only Democrats voting with committee Republicans to report out the bill, making the committee vote 11-7.

Prospects Uncertain in Senate

Prospects for the bill in the Senate remain uncertain. Even with the shift to Republican control, it is unclear whether supporters can muster the 60 votes needed to overcome an expected Democrat-led filibuster, Hatch said.

However, shortly after the committee vote, one Senate Democrat announced her support for the bill. Sen. Blanche Lincoln (D-Ark.) said, "I believe the legislation adopted by the Judiciary Committee is a balanced approach that will benefit both plaintiffs who have legitimate claims and businesses that are forced to defend themselves against frivolous suits."

The Senate bill also would require increased court scrutiny over class action settlements, particularly those involving "coupons" in lieu of cash settlements. The bill would also require notices sent to class members to be written in "plain English" and prohibit settlements favoring plaintiffs who reside "in closer geographic proximity" to the court than other

plaintiffs.

Senators Accuse Bill of 'Overreaching.'

The current bill, as originally introduced, would also have covered suits where the plaintiff purports to act for the general public--known as "private attorney general" actions--and suits where monetary damage claims of 100 or more persons are joined, which frequently include mass tort actions.

Sens. Arlen Specter (R-Pa.) and Feinstein said including those types of suits in the bill was "overreaching."

Committee Chairman Sen. Orrin Hatch (R-Utah) agreed to remove the suits from the bill, but indicated he expected to work out compromise language to address Feinstein's and Specter's concerns at a later date.

A nearly identical bill (H.R. 1115) was introduced in the House March 6, co-sponsored by Reps. Bob Goodlatte (R-Va.) and Rick Boucher (D-Va.). The bill has been referred to the House Judiciary Committee, which has not yet scheduled hearings or markup on the bill.

Bill Opposed by Consumer Groups, Others

The legislation, which mirrors class action bills introduced in the last Congress, is opposed by consumer groups, environmental organizations, and other public interest advocates who say the legislation will create delays in hearing class actions and impose added expense on plaintiffs.

In addition, on March 26 the U.S. Judicial Conference, the federal judiciary's chief policy-making body, expressed its opposition to the pending legislation, saying it would "unduly burden" federal courts and interfere with state control over cases traditionally heard in state court. The conference urged that "sufficient limitations and threshold requirements" be included in any final bill.

Feinstein's amendment was an attempt to address some of the concerns of the bill's opponents. It tightens restrictions on cases allowed to be removed from state to federal court by increasing the amount in controversy threshold from $2 million to $5 million. The amendment would also exclude from the bill any class action where two-thirds or more of the class members reside in the same state, where there are less than 100 members in the class, or where the primary defendant is a state.

Amendment Allows Judge Discretion

In addition, Feinstein's amendment would allow a federal judge discretion to decline jurisdiction over any class action where more than one-third but less than two-thirds of the class members and the primary defendants are citizens of the state where the case was filed.

For those class actions, the amendment lists five factors to be considered by a federal judge in deciding whether to take jurisdiction, including: (1) whether the claims involve matters of national interest, (2) whether the claims are governed by laws other than those of the state where the action was filed, (3) whether the class action is pleaded in a manner that seeks to avoid federal jurisdiction, (4) whether there are substantially more class members in the state where the action was filed, and (5) whether there are one or more class actions asserting similar claims.

The ranking committee Democrat, Sen. Patrick Leahy (D-Vt.) said Feinstein's amendment "touches on only a sliver of the class action cases that S. 274 would affect, and even then, I am afraid that it may do more harm than good."

Also criticizing the bill, Sen. Dick Durbin (D-Ill.) said, "This bill is a double-header win for our gilded committee. First, it locks the courthouse doors, then it relegates the lucky few who make it into court to appear before" conservative federal judges.

By Ralph Lindeman

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CQ COMMITTEE COVERAGE

Senate Judiciary Committee Markup

April 11, 2003

Panel Approves Bill that Could Mean More Class Action Lawsuits in Federal Courts

By Marilee Miller, CQ Staff

The Senate Judiciary Committee approved a measure (**S 274**) Friday that would send many state class action lawsuits to federal court.

Approved in a 12-7 roll call vote, the measure would require judiciary scrutiny of non-cash settlements, prohibit uneven distribution of settlements among plaintiffs as a result of geographic location and force class action notices to be made available in more easily understood terms.

The bill also would require that the appropriate state and federal officials are notified of pending suits.

Proponents of the bill say that it will rectify abuses present in the class action system, including "forum shopping" by attorneys to ensure larger verdicts.

But opponents fear that the new measure will shift a large number of cases from state to federal jurisdiction. Some, including Supreme Court Chief Justice William H. Rehnquist, have said that this bill would simply put too much stress on the federal courts.

Sen. Dianne Feinstein, D-Calif., introduced an amendment that she said will "narrow the scope [of the bill] and decrease the number of cases automatically sent to federal court." The amendment was adopted, 11-8.

The Feinstein amendment would create three categories of class action suits — each with different criteria for deciding whether removal to federal court is appropriate. In the first category, cases with more than two-thirds of the plaintiffs coming from the same state as the defendant would go to state court. In the second, cases with less than one-third of the plaintiffs coming from the state as the defendant would go to federal court if one of the parties requests removal. The remaining cases would be up to the discretion of a federal judge.

The amendment also would require that at least $5 million be at stake for any class action suit to be eligible for removal to federal court, instead of the $2 million figure included in Iowa Republican Charles E. Grassley's original version of the bill.

Some members feared the Feinstein amendment would further complicate an already complex jurisdictional process. "I think this amendment could actually make things worse in the small amount of cases where it applies," Russell D. Feingold, D-Wis., said in urging members to vote against the amendment. Under this amendment , he said, plaintiffs could be forced to go through years of litigation over which court should hear a case.

Feingold offered a trio of amendments, each rejected 7-11. The first would have deemed the bill's provisions not apply to class action suits brought under state consumer protection law.

The second would have rectified what he called a "merry-go-round of removal and dismissal" included in the bill. His amendment would have allowed cases that were removed to Federal Court but then dismissed because of class considerations, to be heard in state court.

A third Feingold amendment , offered on behalf of Ranking Member Patrick J. Leahy of Vermont, would have prevented the bill's provisions from applying to class action suits involving environmental protection laws.

Several other Democratic amendments were also rejected during the mark up. Democrats Feinstein and Herb Kohl of Wisconsin joined Republicans in voting against each of the Democrat-sponsored amendments that were rejected. Both members were also the only Democrats who voted for the underlying bill.

The committee voted down, 8-11 an amendment offered by Richard J. Durbin, D-Ill., that would have exempted cases involving tobacco products from the bill's provisions.

Two amendments offered by Edward M. Kennedy , D-Mass., were also rejected, 7-11. The first would have released class action suits involving civil rights from the bill's limitations, and the second would have excepted suits filed in response to firearm- and ammunition-related violence.

In other business, the committee approved without objection three resolutions that would designate a week in April as National Cowboy Poetry Week (S Res 108), express the sense of Congress supporting the goals of the National Sexual Awareness and Prevention Month (S J Res 8), and designate April 30 as a day to celebrate young Americans (S Res 111).

10:00 a.m., 226 Dirksen Bldg., April 11, 2003

Committee Votes

Committee Vote Position Key

*	Proxy vote	#	Paired for
P	Voted present	**X**	Paired against
A	Abstained	+	Announced for
?	Did not vote	-	Announced against

S 274 Class Action Fairness Act/Scope Narrowing Amendment

Amendment that would require that at least $5 million be at stake for any class action case to be eligible for removal to federal court.

Create three categories of class action suits - each with different criteria for deciding whether removal to federal court is appropriate.

In cases with more than two-thirds of the plaintiffs coming from the same state as the defendant, the case would go to state court.

In cases with less than one-third of the plaintiffs coming from the state as the defendant, the case would go to federal court if one of the parties requested removal.

In the rest of the cases, the matter would be up to the discretion of a federal judge.

Adopted 11-8: R 9-1; D 2-7; I 0-0; April 11, 2003.

<>

YEAS (11)

Republicans (9)

Chambliss (Ga.) *

Cornyn (Texas)

Craig (Idaho) *

Graham, L. (S.C.)

Grassley (Iowa)

Hatch (Utah)

Kyl (Ariz.)

Sessions, J. (Ala.)

Specter (Pa.)

Democrats (2)

Feinstein (Calif.)

Kohl (Wis.)

NAYS (8)

Republicans (1)

DeWine (Ohio)

Democrats (7)

Biden (Del.) *

Durbin (Ill.)

Edwards, J. (N.C.) *

Feingold (Wis.)

Kennedy, E. (Mass.)

Leahy (Vt.) *

Schumer (N.Y.) *

S 274 Class Action Fairness Act/Tobacco Lawsuit Exemption

Durbin, D-Ill. - Amendment that would exempt class action suits involving tobacco products from the provisions of the bill.

Rejected 8-11: R 1-9; D 7-2; I 0-0; April 11, 2003.

YEAS (8)

Republicans (1)

DeWine (Ohio)

Democrats (7)

Biden (Del.) *

Durbin (Ill.)

Edwards, J. (N.C.) *

Feingold (Wis.)

Kennedy, E. (Mass.)

Leahy (Vt.) *

Schumer (N.Y.) *

NAYS (11)

Republicans (9)

Chambliss (Ga.) *

Cornyn (Texas) *

Craig (Idaho) *

Graham, L. (S.C.) *

Grassley (Iowa)

Hatch (Utah)

Kyl (Ariz.)

Sessions, J. (Ala.)

Specter (Pa.) *

Democrats (2)

Feinstein (Calif.) *

Kohl (Wis.) *

S 274 Class Action Fairness Act/Civil Rights Amendment

Kennedy, D-Mass. - Amendment that would exempt civil rights violation class action suits from the provisions of the bill.

Rejected 7-11: R 0-9; D 7-2; I 0-0; April 11, 2003.

YEAS (7)

Democrats (7)

Biden (Del.) *

Durbin (Ill.) *

Edwards, J. (N.C.) *

Feingold (Wis.)

Kennedy, E. (Mass.)

Leahy (Vt.) *

Schumer (N.Y.) *

NAYS (11)

Republicans (9)

Chambliss (Ga.) *

Cornyn (Texas)

Craig (Idaho)

DeWine (Ohio)

Graham, L. (S.C.)

Grassley (Iowa)

Hatch (Utah)

Kyl (Ariz.)

Sessions, J. (Ala.)

Democrats (2)

Feinstein (Calif.) *

Kohl (Wis.) *

NOT VOTING (1)

Republicans (1)

Specter (Pa.) **P**

S 274 Class Action Fairness Act/Firearm Exclusion Amendment

Kennedy, D-Mass. - Amendment that would exempt from the provisions of the bill class action lawsuits that deal with harm by firearms and ammunition.

Rejected 7-11: R 0-9; D 7-2; I 0-0; April 11, 2003.

YEAS (7)

Democrats (7)

Biden (Del.) *

Durbin (Ill.) *

Edwards, J. (N.C.) *

Feingold (Wis.)

Kennedy, E. (Mass.)

Leahy (Vt.) *

Schumer (N.Y.) *

NAYS (11)

Republicans (9)

Chambliss (Ga.) *

Cornyn (Texas)

Craig (Idaho)

DeWine (Ohio)

Graham, L. (S.C.)

Grassley (Iowa)

Hatch (Utah)

Kyl (Ariz.)

Sessions,

J.
(Ala.)

Democrats (2)

Feinstein (Calif.) *

Kohl (Wis.) *

NOT VOTING (1)

Republicans (1)

Specter (Pa.) **P**

S 274 Class Action Fairness Act/State Court Amendment

Feingold, D-Wis. - Amendment that would allow cases that were removed to federal court but then dismissed because of class considerations, to be heard in state court if the class is eligible there.

Rejected 7-11: R 0-9; D 7-2; I 0-0; April 11, 2003.

YEAS (7)

Democrats (7)

Biden (Del.) *

Durbin (Ill.)

Edwards, J. (N.C.) *

Feingold (Wis.)

Kennedy, E. (Mass.) *

Leahy (Vt.) *

Schumer (N.Y.) *

NAYS (11)

Republicans (9)

Chambliss (Ga.) *

Cornyn (Texas)

Craig (Idaho)

DeWine (Ohio)

Graham, L. (S.C.)

Grassley (Iowa)

Hatch (Utah)

Kyl (Ariz.)

Sessions, J. (Ala.)

Democrats (2)

Feinstein (Calif.) *

Kohl (Wis.) *

NOT VOTING (1)

Republicans (1)

Specter (Pa.) **P**

S 274 Class Action Fairness Act/Consumer Protection Amendment

Feingold, D-Wis. - Amendment that would exempt lawsuits involving violations of state consumer protection laws from the bill's provisions.

Rejected 7-11: R 0-9; D 7-2; I 0-0; April 11, 2003.

<>

YEAS (7)

Democrats (7)

Biden (Del.) *

Durbin (Ill.)

Edwards, J. (N.C.) *

Feingold (Wis.)

Kennedy, E. (Mass.) *

Leahy
(Vt.) *

Schumer (N.Y.) *

NAYS (11)

Republicans (9)

Chambliss (Ga.) *

Cornyn (Texas)

Craig
(Idaho)

DeWine (Ohio)

Graham, L. (S.C.)

Grassley
(Iowa)

Hatch (Utah)

Kyl (Ariz.)

Sessions,
J.
(Ala.)

Democrats (2)

Feinstein (Calif.) *

Kohl (Wis.) *

NOT VOTING (1)

Republicans (1)

Specter (Pa.) **P**

S 274 Class Action Fairness Act/Environment Amendment

Leahy, D-Vt. - Amendment that would exempt class action cases filed under state or federal environmental law from the provisions of the bill.

Rejected 7-11: R 0-9; D 7-2; I 0-0; April 11, 2003.

YEAS (7)

Democrats (7)

Biden (Del.) *

Durbin (Ill.)

Edwards, J. (N.C.) *

Feingold (Wis.)

Kennedy, E. (Mass.) *

Leahy (Vt.) *

Schumer (N.Y.) *

NAYS (11)

Republicans (9)

Chambliss (Ga.) *

Cornyn (Texas)

Craig (Idaho)

DeWine (Ohio)

Graham, L. (S.C.)

Grassley

(Iowa)

Hatch (Utah)

Kyl (Ariz.)

Sessions,
J.
(Ala.)

Democrats (2)

Feinstein (Calif.) *

Kohl (Wis.) *

NOT VOTING (1)

Republicans (1)

Specter (Pa.) **P**

S 274 Class Action Fairness Act/Vote to Report

Require that at least $5 million be at stake for any class action case to be eligible for removal to federal court.

Create three categories of class action suits - each with different criteria for deciding whether removal to federal court is appropriate:

In cases with more than two-thirds of the plaintiffs coming from the same state as the defendant, the case would go to state court.

In cases with less than one-third of the plaintiffs coming from the state as the defendant, the case would go to federal court if one of the parties requested removal.

In the rest of the cases, the matter would be up to the discretion of a federal judge.

Require judiciary scrutiny of non-cash settlements.

Prohibit giving some members of the class greater settlements because of their geographic location.

Force class action notices to be made available in easily understood terms.

Require that the appropriate state and federal officials are notified of pending suits.

Reported favorably to the full Senate 12-7: R 10-0; D 2-7; I 0-0; April 11, 2003.

YEAS (12)

Republicans (10)

Chambliss (Ga.) *

Cornyn (Texas)

Craig
(Idaho)

DeWine (Ohio)

Graham, L. (S.C.)

Grassley (Iowa)

Hatch (Utah)

Kyl (Ariz.)

Sessions, J. (Ala.)

Specter (Pa.) *

Democrats (2)

Feinstein (Calif.) *

Kohl (Wis.) *

NAYS (7)

Democrats (7)

Biden (Del.) *

Durbin (Ill.) *

Edwards, J. (N.C.) *

Feingold (Wis.) *

Kennedy, E. (Mass.) *

Leahy

(Vt.) *

Schumer (N.Y.) *

S Res 108, S Res 111, S J Res 8 Senate Resolutions En Bloc/Vote to Report

Designate April 21 through April 27, 2003 as National Cowboy Poetry Week.

Designate April 30, 2003 as "Dia de los Ninos: Celebrating Young Americans"

Express the sense of Congress supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month and encouraging prevention of sexual assault in the United States.

Reported favorably to the full Senate without objection; April 11, 2003.

Source: **CQ Committee Coverage**

Gavel-to-gavel coverage and votes of every markup on Capitol Hill.

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[InternetShortcut]
URL=http://www.cq.com/alertretrieve.do?dispatch=printresult&Action=CQview&DlvId=3132950807x1526407315x00000079x#votekey

[InternetShortcut]
URL=http://www.cq.com/alertretrieve.do?dispatch=printresult&Action=CQview&DlvId=3132950807x1526407315x00000079x#votekey

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lana Dickey/WHO/EOP [WHO] <Lana Dickey>
Sent: 4/15/2003 6:36:03 AM
Subject: RECEIVED: PROCLAMATION FOR - LAW DAY, U.S.A.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-APR-2003 10:36:03.00
SUBJECT:RECEIVED: PROCLAMATION FOR - LAW DAY, U.S.A.
TO:Lana Dickey ( CN=Lana Dickey/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

RETURN RECEIPT

Your Document:
PROCLAMATION FOR - LAW DAY, U.S.A.
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
04/15/2003 10:35:45 AM
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: peter.d.keisler@usdoj.gov @ inet [UNKNOWN] <peter.d.keisler@usdoj.gov @ inet>
Sent: 4/15/2003 6:48:21 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-APR-2003 10:48:21.00
SUBJECT::
TO:peter.d.keisler@usdoj.gov @ inet ( peter.d.keisler@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

thanks for your vm; Shannon also filled me in.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>
Sent: 4/15/2003 7:17:20 AM
Subject: : I reserved 320 friday

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-APR-2003 11:17:20.00
SUBJECT:: I reserved 320 friday
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel Kaplan/WHO/EOP@Exchange [UNKNOWN] <Joel Kaplan>
Sent: 4/15/2003 7:49:24 AM
Subject: : RE: I reserved 320 friday

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2003 11:49:24.00
SUBJECT:: RE: I reserved 320 friday
TO:Joel Kaplan (CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

who else should we get? can see Simmons, Martin, Meece, Bartlett, Hobbs
as possibilities.

From: Joel Kaplan/WHO/EOP@Exchange on 04/15/2003 11:25:18 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: I reserved 320 friday

Sweet. I'm in.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 15, 2003 11:17 AM
To: Kaplan, Joel
Subject: I reserved 320 friday

.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 4/15/2003 11:53:44 AM
Subject: Fitzgerald

Ill. GOP Sen. Fitzgerald Won't Run in '04

By DENNIS CONRAD
ASSOCIATED PRESS

WASHINGTON (AP) - Republican first-term Sen. Peter Fitzgerald, whose Illinois seat is considered key to the GOP's chances to maintain its majority in the Senate in 2004, will not seek re-election, state Republicans said Tuesday.

Fitzgerald called close supporters Monday night to inform them of his decision not to seek a second term, said a source close to Fitzgerald who spoke only on condition of anonymity. The source, who was among those called by Fitzgerald, said the senator was to announce his decision Tuesday.

Neither Fitzgerald nor his aides returned repeated phone calls Tuesday. Aides at his Washington office declined to comment.

State Sen. Dave Syverson, treasurer of the Illinois Republican Party and a member of Fitzgerald's campaign finance committee, said people "very close" to Fitzgerald confirmed he will not seek re-election.

Illinois Treasurer Judy Baar Topinka, who heads the state GOP, said she had not spoken to Fitzgerald but had already contacted Bush administration officials to discuss the race and the implications of Fitzgerald's decision.

"I've talked to the White House this morning and we are going to work together to find the best and strongest candidate available," Topinka said. "That will take a little bit of time. I don't think anybody was prepared for this."

Fitzgerald, who had frequent disputes with House Speaker Dennis Hastert, R-Ill., and other Illinois Republicans, faced a potentially tough race in a state that has increasingly leaned Democratic in recent elections. Political strategists in both parties viewed him as the most vulnerable Senate Republican up for re-election in 2004, and Fitzgerald had been calling himself "the 51st senator" in recognition of how pivotal his re-election could be for preserving the GOP's slim Senate majority. Republicans hold 51 seats to Democrats 48 with one independent.

The Chicago Tribune, citing unnamed sources, reported in Tuesday's editions that Fitzgerald told close associates he had "no fire in the belly" and cited concerns about the personal cost of a re-election campaign.

Fitzgerald, a little-known conservative state senator from Chicago's suburbs and heir to a banking fortune, spent $16 million of his own money in 1998 to unseat - barely - Democrat Carol Moseley Braun, the first black woman elected to the U.S. Senate. A 2004 race was likely to be more expensive.

There had been grumbling within the state Republican party about Fitzgerald's performance on a host of issues, including the maverick's reluctance to fight for funding for Illinois projects that he considered political pork. He was likely to face primary opposition next March.

President Bush's political aides have insisted that Bush supported Fitzgerald.

Chicago-area businessman Andrew J. McKenna Jr. had already indicated he might be a primary challenger.

Democrats began lining up as early as 2002. They include former Chicago school board president Gery Chico, multimillionaire businessman Blair Hull, state Comptroller Dan Hynes, state Sen. Barack Obama, Cook County Treasurer Maria Pappas, businesswoman Joyce Washington and Metamora Mayor Matt O'Shea, a Republican who says he will run as a Democrat.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 4/15/2003 8:17:19 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-APR-2003 12:17:19.00
SUBJECT::
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

We should target getting the new and improved Web site up and running wek
of April 28. Will work on more text and ideas for film.
```

From:	Vestewig, Lauren J.
To:	<Dougherty, Elizabeth S.>;<Joseffer, Daryl L.>;<Perry, Philip J.>;<Kavanaugh, Brett M.>
CC:	<Stone, Carla B.>;<Weaver, Bessie M.>;<Skelly, Layton>;<Lefkowitz, Jay P.>
Sent:	4/15/2003 12:28:53 PM
Subject:	Meeting re. airline competition

There will be a meeting re. airline competition at 4:30 on Tues, April 22. Hew Pate and Tim Muris will also be there. Please let me know if you will attend. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lisa J. Macecevic/OMB/EOP [OMB] <Lisa J. Macecevic>
Sent: 4/15/2003 12:28:08 PM
Subject: RECEIVED: DOJ comments on Draft Bill on Federal Deposit Insurance Reform

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-APR-2003 16:28:08.00
SUBJECT:RECEIVED: DOJ comments on Draft Bill on Federal Deposit Insurance Reform
TO:Lisa J. Macecevic ( CN=Lisa J. Macecevic/OU=OMB/O=EOP [ OMB ] )
READ:UNKNOWN
###### End Original ARMS Header ######

RETURN RECEIPT

Your Document:
DOJ comments on Draft Bill on Federal Deposit Insurance Reform
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
04/15/2003 04:27:49 PM
```

From: CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Daryl L. Joseffer/OMB /EOP@EOP [OMB] <Daryl L. Joseffer>;Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
CC: Jay P. Lefkowitz/OPD/EOP@Exchange [OPD] <Jay P. Lefkowitz>;Bessie M. Weaver/OMB /EOP@EOP [OMB] <Bessie M. Weaver>;Layton Skelly/OPD/EOP@EOP [OPD] <Layton Skelly>;Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>
Sent: 4/15/2003 8:29:26 AM
Subject: : Meeting re. airline competition

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=OPD/O=EOP@Exchange [ OPD ] )
CREATION DATE/TIME:15-APR-2003 12:29:26.00
SUBJECT:: Meeting re. airline competition
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Daryl L. Joseffer ( CN=Daryl L. Joseffer/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:Philip J. Perry ( CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
TO:Elizabeth S. Dougherty ( CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
CC:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [ OPD ] )
READ:UNKNOWN
CC:Bessie M. Weaver ( CN=Bessie M. Weaver/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
CC:Layton Skelly ( CN=Layton Skelly/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
CC:Carla B. Stone ( CN=Carla B. Stone/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
###### End Original ARMS Header ######

There will be a meeting re. airline competition at 4:30 on Tues, April
22.; Hew Pate and Tim Muris will also be there.; Please let me know if you
will attend.; Thanks.
```

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>
Sent: 4/15/2003 1:24:18 PM
Subject:

With some slight nudging by me, Judge has asked me to alert you two that we may need to have an offsite visit with Dr. Green later this week. Are you available?

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2003 9:26:55 AM
Subject: : Re:

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:15-APR-2003 13:26:55.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Yeah, agreed, I'm on my way back now.; Will be in in the morning.
.
```

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2003 9:26:27 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:15-APR-2003 13:26:27.00
SUBJECT::
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

With some slight nudging by me, Judge has asked me to alert you two that
we may need to have an offsite visit with Dr. Green later this week.; Are
you available?
```

From: Nelson, Carolyn
To: <Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Brilliant, Hana F.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Francisco, Noel J.>;<Ganter, Jonathan F.>;<Gonzales, Alberto R.>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;<Leitch, David G.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Brosnahan, Jennifer R.>;<Ullyot, Theodore W.>;<Sampson, Kyle>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>
Sent: 4/15/2003 1:57:58 PM
Subject: Counsel Staff Meeting

Counsel Staff meeting has been cancelled for Friday, April 18 and Monday, April 21.

Thanks!

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2003 2:07:51 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:15-APR-2003 18:07:51.00
SUBJECT::
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Nasty letter from Levin and Stabenow on its way to you.;
```

From: CN=Paul Perkins/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2003 2:17:17 PM
Subject: : Manny Miranda

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Paul Perkins ( CN=Paul Perkins/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-APR-2003 18:17:17.00
SUBJECT:: Manny Miranda
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett,
Tim Goelgein would like to get Manny Miranda's email address. Do you have
it?
Thanks,
Paul Perkins.
```

From: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2003 10:17:46 AM
Subject: : Specter and Class Action bill
Attachments: P_BXVMF003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ("Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:15-APR-2003 14:17:46.00
SUBJECT:: Specter and Class Action bill
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I assume you may have heard by now how Specter sandbagged us at the markup on Thursday and screwed up the bill - striking not only the "representative actions" part 9A(i) but also the mass torts section 9A(ii) - can you say MISSISSIPPI????

If you want to know more of what is going on call me. Since I know you are hugely busy with everything else, let me know if there is someone else that I need to loop in. I assume Wendy knows already, but haven't chatted with her yet. We may need WH pressure on Specter.

CONFIDENTIALITY NOTE:

The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_BXVMF003_WHO.TXT_1>

I assume you may have heard by now how Specter sandbagged us at the markup on Thursday and screwed up the bill – striking not only the "representative actions" part 9A(i) but also the mass torts section 9A(ii) – can you say MISSISSIPPI???? < /font>
If you want to know more of what is going on call me. Since I know you are hugely busy with everything else, let me know if there is someone else that I need to loop in. I assume Wendy knows already, but haven 217;t chatted with her yet. We may need WH pressure on Specter.

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>
Sent: 4/15/2003 10:17:14 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2003 14:17:14.00
SUBJECT:: Re:
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

yes, please

From: David G. Leitch/WHO/EOP@Exchange on 04/15/2003 01:24:18 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP
cc:
Subject:

With some slight nudging by me, Judge has asked me to alert you two that we may need to have an offsite visit with Dr. Green later this week.; Are you available?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Theodore W. Ullyot/WHO /EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 4/15/2003 11:36:55 AM
Subject: : Re: Rohan

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2003 15:36:55.00
SUBJECT:: Re: Rohan
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Apologies. Painful.

.

----- Original Message -----
From:Theodore W. Ullyot/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/15/2003 03:26:22 PM
Subject: Rohan

On the phone with him now. I had been screening all day and just happened to pick up at the wrong time.

Going on 13 minutes now . . . .

From: Kristi.L.Remington@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2003 1:22:00 PM
Subject: : RE: Specter letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:15-APR-2003 17:22:00.00
SUBJECT:: RE: Specter letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We have not heard back from her after your comments on the Specter letter.
The Hatch letter is just about correcting the record.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, April 15, 2003 5:14 PM
To: Remington, Kristi L
Subject: Re: Specter letter

This is the one I sent an email about last night, but have not heard back
from
her yet. Did you see that email?

(Embedded
image moved "Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington
to file: 04/15/2003 05:11:38 PM
pic29526.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Specter letter

This is the Specter letter

-----Original Message-----
From: CKuhl@LASuperiorCourt.org [mailto:CKuhl@LASuperiorCourt.org]
Sent: Monday, April 14, 2003 5:07 PM
To: Remington, Kristi L; Brett_M._Kavanaugh@who.eop.gov
Subject: Specter letter

Attached redraft for your comments.

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2003 2:07:51 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:15-APR-2003 18:07:51.00
SUBJECT::
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Nasty letter from Levin and Stabenow on its way to you.;
```

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Ullyot, Theodore W.>
Sent: 4/15/2003 6:08:08 PM
Subject:

Nasty letter from Levin and Stabenow on its way to you.

From:	CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To:	cspies@rnchq.org @ inet [UNKNOWN] <cspies@rnchq.org @ inet>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
CC:	Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>;kmehlman@georgewbush.com @ inet [WHO] <kmehlman@georgewbush.com @ inet>
Sent:	4/15/2003 2:37:12 PM
Subject:	: Grassroots letter from Ken
Attachments:	P_U3CNF003_WHO.TXT_1.doc

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-APR-2003 18:37:12.00
SUBJECT:: Grassroots letter from Ken
TO:cspies@rnchq.org @ inet ( cspies@rnchq.org @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:kmehlman@georgewbush.com @ inet ( kmehlman@georgewbush.com @ inet [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett and Charlie:
The Missouri Republican Party would like for Ken to be able to sign a
letter going out to about 5,000 grassroots activists across the state.
The letter encourages the activists to participate in some party building
programs this summer - attached is the draft.
Your thoughts?
Thanks very much!
c

- 4.14.03 Mehlman MO Groots Letter.doc



ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_U3CNF003_WHO.TXT_1>
```

April 11, 2003

Dear Missouri Republican:

Thank you for your hard work on behalf of Republican candidates last fall. Your efforts were truly historic, giving our Party control of the U.S. Senate, two new seats in the state Senate, and a majority in the state House for the first time in over 50 years. As the President often says in encouragement, "Fine job – keep up the fight!"

Following the President's advice, I urge you to participate this summer in the Missouri Republican Party's new program: Grassroots: Republicans Out to Win (GROW).

GROW is a series of training conferences for grassroots leaders and activists where the latest campaign strategies and plans will be shared. Your active involvement is critical. Enclosed, you'll find this year's **GROW** conference schedule for Missouri: please be sure to register for the **GROW** conference nearest you!

You should have already received your registration packet for GROW conferences in the mail. If you have not, please contact the Party headquarters at (573) 636-3146 and sign up today!

The Missouri GOP has set a bold goal of registering 65,000 new Republican voters by the end of this year. The impact of so many new voters on the political landscape will be considerable, and your continued hard work – coupled with your participation in the **GROW** conferences – will make goals like this possible.

Thank you again for your involvement in Missouri politics: keep up the fight!

Sincerely,

Ken Mehlman
2000 Bush-Cheney National Field Director and Political Advisor to George W. Bush

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2003 3:03:56 PM
Subject: : Are you here?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-APR-2003 19:03:56.00
SUBJECT:: Are you here?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I left you a voicemail re: Boyle.. can you call me? 66237.. thanks..
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;CKuhl@LASuperiorCourt.org [UNKNOWN] <CKuhl@LASuperiorCourt.org>
CC: Kristi.L.Remington@usdoj.gov [UNKNOWN] <Kristi.L.Remington@usdoj.gov>
Sent: 4/15/2003 5:04:20 PM
Subject: : Re: Specter letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2003 21:04:20.00
SUBJECT:: Re: Specter letter
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:CKuhl@LASuperiorCourt.org (CKuhl@LASuperiorCourt.org [UNKNOWN])
READ:UNKNOWN
CC:Kristi.L.Remington@usdoj.gov (Kristi.L.Remington@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Can we have conf call wed at 1115 am east coast time to discuss and
resolve.

.

----- Original Message -----
From:CKuhl@LASuperiorCourt.org
To:Viet.Dinh@usdoj.gov,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:Kristi.L.Remington@usdoj.gov
Date: 04/15/2003 02:44:33 PM
Subject: Re: Specter letter

Here is the attachment. Sorry for the omission from the prior e-mail.
Carolyn

>>> <Brett_M._Kavanaugh@who.eop.gov> 04/14/03 03:08PM >>>
I think it is good but Sanchez-Scott needs some more. Isn't it
true that
the doctor could have been on the hook for the full amount of the
damages she
sought and that the pharm company only would have been jointly and
severally
liable? If so, dismissing the pharm company did not affect p's ability
to
obtain full recovery for her damage. Is that right under Cal law and
the facts
and law of the case?

(Embedded
image moved Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org>
to file: 04/14/2003 05:06:50 PM
pic01296.pcx)

Record Type: Record

To: Kristi.L.Remington@usdoj.gov, Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Specter letter

Attached redraft for your comments.
- att1.htm - Hatch Letter Post Confirmation.doc

From: CN=Holly T. Moore/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/16/2003 8:00:40 AM
Subject: : call 6-9111

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Holly T. Moore ( CN=Holly T. Moore/OU=NSC/O=EOP [ NSC ] )
CREATION DATE/TIME:16-APR-2003 12:00:40.00
SUBJECT:: call 6-9111
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett --
John is back and wants to talk with you on the dip immunity issue. Please
call ASAP. Thanks, htm
```

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 4/16/2003 8:15:23 AM
Subject: FW: Executive Orders for the Week of April 14 - 18, 2003

FYI -

-----Original Message-----

From: Reed, McGavock D.

Sent: Tuesday, April 15, 2003 7:30 PM

To: Daniels, Mitchell; Smythe, Augustine T.; Perry, Philip J.; Wood, John F.; Aitken, Steven D.; Cleveland, Robin; Peacock, Marcus; Capretta, James C.; McMillin, Stephen S.; Connaughton, James; Bear, Dinah; Addington, David S.; Bumatay, Patrick J.; Wiegmann, John B.; rosemary.hart@usdoj.gov; Miers, Harriet; Saunders, G. Timo; Kalbaugh, David E.; Stolpe, Elizabeth A.

Cc: Altoft, Lois E.; Trinh, Catherine V.

Subject: Executive Orders for the Week of April 14 - 18, 2003

FYI, We are working on the following Executive Orders for this week:

1. "Applying the Federal Physicians Comparability Allowance Amendments of 2000 to Participants in the Foreign Service Retirement and Disability System, the Foreign Service Pension System, and the Central Intelligence Agency Retirement and Disability System" (State and CIA) -- The proposed order updates State's and CIA's retirement systems to so that their physicians who get comparability allowances can receive the same treatment as physicans at other agencies who get comparability allowances. The order was submitted to WH Staff Secretary earlier this evening.

2. "Termination of Emergency with respect to the Actions and Policies of UNITA and Revocation to Related Executive Orders" and a related Message to Congress (NSC) -- The proposed order would terminate the national emergency that was declared in 1993 with respect to the National Union for the Total Independence of Angola ("UNITA") and lift the economic sanctions against them. The Message to Congress fulfills the statutory requirement to report the action to the Congress. The goal is to get the proposed order into the White House Staff Secretary's Office by cob, Friday, April 18, 2003.

3. "Amendments to Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks" (HHS and EPA) -- The proposed order would extend for two more years the President's Task Force on Environmental Health Risks and Safety Risks ("Task Force"). The Task Force will terminate on Monday, April 21, 2003, unless it is extended. The goal is to get the proposed order into WH Staff Secretary's Office by no later than cob, tomorrow, Wednesday, April 16, 2003.

4. "Amending Executive Order 13212 Concerning Energy-Related Projects" (CEQ) -- The proposed order would create an interagency working group to evaluate Federal permitting requirements for access, excavation, and restoration activities in connection with pipeline repairs. The goal is to get the proposed order into the WH Staff Secretary's Office by cob, Friday, April 18, 2003.

If you have any questions, please call me at 395-3563.

Thank you, Mac

From: Kristi.L.Remington@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/16/2003 5:25:06 AM
Subject: : RE: Specter letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:16-APR-2003 09:25:06.00
SUBJECT:: RE: Specter letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I can set up a conference if you'd like. I believe Viet has to get on a
11:45 am (EST) flight.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, April 15, 2003 9:04 PM
To: Dinh, Viet; CKuhl@LASuperiorCourt.org;
Brett_M._Kavanaugh@who.eop.gov
Cc: Remington, Kristi L
Subject: Re: Specter letter

Can we have conf call wed at 1115 am east coast time to discuss and
resolve.

...

----- Original Message -----
From:CKuhl@LASuperiorCourt.org
To:Viet.Dinh@usdoj.gov,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:Kristi.L.Remington@usdoj.gov
Date: 04/15/2003 02:44:33 PM
Subject: Re: Specter letter

Here is the attachment. Sorry for the omission from the prior e-mail.
Carolyn

>>> <Brett_M._Kavanaugh@who.eop.gov> 04/14/03 03:08PM >>>
I think it is good but Sanchez-Scott needs some more. Isn't it
true that
the doctor could have been on the hook for the full amount of the
damages she
sought and that the pharm company only would have been jointly and
severally
liable? If so, dismissing the pharm company did not affect p's ability
to
obtain full recovery for her damage. Is that right under Cal law and
the facts
and law of the case?

(Embedded

image moved Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org>
to file: 04/14/2003 05:06:50 PM
pic01296.pcx)

Record Type: Record

To: Kristi.L.Remington@usdoj.gov, Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Specter letter

Attached redraft for your comments.
- att1.htm - Hatch Letter Post Confirmation.doc

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>
Sent: 4/16/2003 5:46:50 AM
Subject: : RE: Specter letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-APR-2003 09:46:50.00
SUBJECT:: RE: Specter letter
TO:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

sure

"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington
04/16/2003 09:24:22 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Specter letter

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11:45 am (EST) flight.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, April 15, 2003 9:04 PM
To: Dinh, Viet; CKuhl@LASuperiorCourt.org;
Brett_M._Kavanaugh@who.eop.gov
Cc: Remington, Kristi L
Subject: Re: Specter letter

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resolve.

...

----- Original Message -----
From:CKuhl@LASuperiorCourt.org
To:Viet.Dinh@usdoj.gov,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:Kristi.L.Remington@usdoj.gov
Date: 04/15/2003 02:44:33 PM
Subject: Re: Specter letter

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>>> <Brett_M._Kavanaugh@who.eop.gov> 04/14/03 03:08PM >>>
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sought and that the pharm company only would have been jointly and
severally
liable? If so, dismissing the pharm company did not affect p's ability
to
obtain full recovery for her damage. Is that right under Cal law and
the facts
and law of the case?

(Embedded
image moved Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org>
to file: 04/14/2003 05:06:50 PM
pic01296.pcx)

Record Type: Record

To: Kristi.L.Remington@usdoj.gov, Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Specter letter

Attached redraft for your comments.
- att1.htm - Hatch Letter Post Confirmation.doc

From: Kristi.L.Remington@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;'Carolyn kuhl (E-mail)' <ckuhl@lasuperiorcourt.org>;Viet.Dinh@usdoj.gov <Viet.Dinh@usdoj.gov>
Sent: 4/16/2003 6:21:31 AM
Subject: : FW: conference call

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:16-APR-2003 10:21:31.00
SUBJECT:: FW: conference call
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"'Carolyn kuhl (E-mail)'" <ckuhl@lasuperiorcourt.org> (Receipt Notification Requested)
(IPM Return Requested) ( "'Carolyn kuhl (E-mail)'" <ckuhl@lasuperiorcourt.org> (Receipt
Notification Requested) (IPM Return Requested) [ UNKNOWN ] )
READ:UNKNOWN
TO:"Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ( "Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Conference call for today at 11:15am

Dialin: 202-353-0880
Passcode: 2900
```

From: Guerra, Abel
To: <Kavanaugh, Brett M.>
CC: <Viana, Mercedes M.>;<Westine, Lezlee J.>;<Hernandez, Israel>;<Nelson, Carolyn>
Sent: 4/16/2003 10:23:17 AM
Subject: miguel estrada

U.S. Newswire

April 15, 2003 Tuesday

HEADLINE: Outraged Hispanics Gather in Little Rock to Support Miguel Estrada

DATELINE: Colorado Springs, Colo., April 15

BODY:

Hundreds of Hispanics are expected to gather in four major cities over the next two weeks to call for an end to Senate Democrats' stonewalling of Miguel Estrada, a well-qualified Hispanic attorney who President Bush nominated to the U.S. Court of Appeals for the District of Columbia. The rallies are part of an effort, led by local leaders and Enfoque a la Familia, Focus on the Family's ministry to the Hispanic community, to call attention to the unjust opposition Estrada has faced.

Estrada's confirmation has been held up in the Senate for many weeks because several liberal Democrats chose to filibuster his nomination, primarily because of Estrada's conservative judicial philosophy.

"Unfortunately, this grueling process reveals what liberals really want from Hispanics -- our votes, but not our leadership," said James Oviedo, Director of Enfoque a la Familia. "The Hispanic community has much to offer, and those who claim to care about minority rights should not reject a qualified candidate simply because they do not agree with Mr. Estrada's views."

Estrada immigrated to the U.S. as a teenager from Honduras, knowing little English. Despite these hurdles, he graduated from Columbia College in New York and Harvard Law School, where he edited the Harvard Law Review. He has argued 15 cases before the U.S. Supreme Court and has won 10 of them.

Yuri Mantilla, Counsel for Hispanic Affairs at Enfoque a la Familia, added:

"Miguel Estrada embodies the American dream that is available to all of us -- not just those who agree with the liberal Democrats' point of view

.. This

unjust treatment sets a very disturbing precedent for conservatives, members

of the Hispanic community and all who believe in the democratic process."

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/16/2003 6:53:11 AM
Subject: : FW: MESSAGE MEETING REMINDER

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:16-APR-2003 10:53:11.00
SUBJECT:: FW: MESSAGE MEETING REMINDER
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

;
-----Original Message-----
From: Ritacco, Krista L.
Sent: Wednesday, April 16, 2003 10:07 AM
To: Yunker, Jacob H.; Allgood, Lauren K.; Ball, Andrea G.; Barrales, Ruben S.; Bennett, Melissa S.; Besanceney, Brian R.; Buchan, Claire ; Burkhart, Shannon; Burks, Jonathan W.; Campbell, Anne E.; Christie, Ronald I.; Ciafardini, Andrew D.; Conde, Roberta L.; Cooper, Rory S.; DeFrancis, Suzy; Devenish, Nicolle; Douglas, Penny G.; Duffy, Trent D.; Ellison, Kimberly; Eskew, Tucker A.; Figg, Kara G.; Gerdelman, Sue H.; Gillmor, Eleanor L.; Grant, Britt; Gray, Adrian G.; Gray, Ann ; Healy, Erin E.; Hennessey, Keith; Hernandez, Israel; Hughes, A. Merrill; Hughes, Taylor A.; Ingle, Edward; Jackson, Barry S.; Kaplan, Joel; Kozberg, Lindsey C.; Kyle, Ross M.; Lefkowitz, Jay P.; Lineberry, Stephen M.; Litkenhaus, Colleen; Mallea, Jose; Martin, Catherine J.; McClellan, Scott ; McDonald, Rebekah; McQuade, Vickie A.; Mehlman, Ken; Middlemas, A. Morgan; Millerwise, Jennifer; Montiel, Charlotte L.; Nelson, Carolyn; Nipper, Wendy L.; Parell, Christie; Pelletier, Eric C.; Perez, Anna M.; Ralston, Susan B.; Reese, Shelley; Riecke, January M.; Riepenhoff, Allison L.; Rodriguez, Noelia ; Rogers, Edwina C.; Rust, Kathryn E.; Ryun, Catharine A.; Sforza, Scott N.; Silverberg, Kristen; Smith, Heidi M.; Snee, Ashley; Spagnoli, Deborah A.; Torgerson, Karin B.; Towey, Jim; Vestewig, Lauren J.; Walters, Katherine M.; Wehner, Peter H.; Westine, Lezlee J.; Williams, Mary C.; Wozniak, Natalie S.
Subject: MESSAGE MEETING REMINDER

There will be a message meeting today at noon in;the Roosevelt Room.

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/16/2003 7:01:57 AM
Subject: : Re: New Case Alert for Mr. Katsas

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP [ OVP ] )
CREATION DATE/TIME:16-APR-2003 11:01:57.00
SUBJECT:: Re: New Case Alert for Mr. Katsas
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett -- if it were up to me, you could argue the case.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
Sent: 4/16/2003 11:00:18 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:16-APR-2003 15:00:18.00
SUBJECT::
TO:Elizabeth S. Dougherty ( CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######

in case you have not seen Senate RPC

http://rpc.senate.gov/releases/2003/tr032703.pdf
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@Exchange [OPD] <Jay P. Lefkowitz>
Sent: 4/16/2003 11:08:19 AM
Subject: : Re: section 411 issue

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-APR-2003 15:08:19.00
SUBJECT:: Re: section 411 issue
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange [OPD])
READ:UNKNOWN
End Original ARMS Header

We'll do it. Should Judge be prepared to come to the meeting with the boss on that point? Assume so if he is going to make a formal recommendation.

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/16/2003 02:54:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: section 411 issue

Does WHC have a formal recommendation on the deference issue we've been discussing?

From: CN=Jess Sharp/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/16/2003 11:49:39 AM
Subject: : bankruptcy

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jess Sharp ( CN=Jess Sharp/OU=OPD/O=EOP [ OPD ] )
CREATION DATE/TIME:16-APR-2003 15:49:39.00
SUBJECT:: bankruptcy
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I'm digging around for as much info as I can on bankruptcy law as it
pertains to airlines. Are you the man to talk to? I know you've been in
some of our airline meetings, but I didn't know if your angle was only
anti trust. Thanks Brett.

Jess
```

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/16/2003 2:53:22 PM
Subject: : White House Global Messenger - 4/17/03
Attachments: P_POLOF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:16-APR-2003 18:53:22.00
SUBJECT:: White House Global Messenger - 4/17/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 4-17-03 FINAL.doc)

THE GLOBAL MESSENGER
Thursday, April 17, 2003

******KEY POINTS FROM THE PRESIDENT'S REMARKS IN ST. LOUIS, 4-16-03******

*The world is witnessing historic days in the cause of freedom. Our work is not
done and the

difficulties have not passed, but the regime of Saddam Hussein has passed into
history.

*American and Coalition forces still face serious risks in Iraq. A scattered
enemy is still

capable of doing harm to our forces and to the innocent. But we will press on
until our mission

is finished and victory is complete.

*By swift and effective military action, we avoided a massive flow of refugees.
By delivering

food and water and medicine to the Iraqi people - even as coalition units
engaged the enemy - we

have helped to avert a humanitarian crisis.

*Now that Iraq is liberated, the United Nations should lift economic sanctions
on that country.

*We're addressing Iraq's urgent medical problems left by a regime that built
palaces in a

country that needed hospitals. Hundreds of Iraqis are being treated at

U.S. and
British military

facilities.

*Governments from Europe and the Middle East are moving field hospitals to
Iraq.
Coalition

members and the UN are sending medical supplies. The Red Cross is working
to
keep water and

electricity flowing to hospitals. Soon our Coalition will be making direct
emergency payments to

Iraqi doctors and nurses who will be providing desperately needed care to
their
fellow citizens.

*The journey from a totalitarian, brutal dictatorship to a free society is
not
easy. It will

take time to build the institutions of democracy and the habits of freedom.
Civil order is being

restored in communities throughout Iraq, and Iraqis themselves are helping
in
the effort.

*On Tuesday, an historic gathering occurred in the city of An Nasiriyah,
where
Iraqis met openly

and freely to discuss the future of the country. Many more of these
meetings
will take place in

the weeks and months to come. Out of that meeting came this declaration:
Iraq
must be

democratic, and we will help Iraq to build a government of, by, and for the
Iraqi people.

*Across the world, terrorists and tyrants are learning that America and our
allies will act in

our own defense. Instead of drifting toward tragedy, we will protect our
security, and we will

promote the peace in the world. Having rid Iraq of an oppressive regime,
we are
committed to

helping Iraq build a future of freedom and dignity and peace.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change

7:00 am CentCom Operations Update

12:30 pm State Department Briefing

******HUMANITARIAN UPDATE******

*USAID has provided an initial $1 million as part of a major 12-month contract
to improve Iraq's

educational system and provided $7.9 million as part of a major contract to strengthen

local-level administration and civic institutions. These two contracts bring USG
funding for

Iraq relief and reconstructing to $557 million.

*The Kuwaiti Society for Joint Relief will send 30 trucks containing bottled
water to Umm Qasr,

Az Zubayr, Al Faw, and Al Basrah in the coming week. During the week of April 8,
they delivered

472,000 bottles of water and 201,000 meals to southern Iraq.

*The UN is standing up a public food distribution system. On April 15, they
inspected

warehouses and mills in Basra and found all in good condition. One warehouse
with 3,000 tons of

food was under the protection of coalition forces. All 1,380 food distribution
agents are in

place and ready to resume distributions.

******LIBERATION UPDATE******
The voices of freedom, now heard in many parts of Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at

http://www.whitehouse.gov/liberation

******KEY QUOTE******

"(Selma Dakhel) wants her 10-year-old girl, Nadine, to learn something other
than to chant 'I

love Saddam' at school, she said. We 'want freedom and a government chosen by
the people. We

will have democracy in our new time.'"
Chicago Tribune, 4-14-03

THE WHITE HOUSE
Office of Global Communications
For more information log on to http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining news and information from
the White House.

The White House Office of Global Communications distributes information about
the President's

messages to the world. This office distributes updates on major international
topics such as the

global war on terror, the case for regime change in Iraq, and more broadly, the
ways in which we

can all better communicate the aspirations and interests that Americans share
with

freedom-loving people everywhere.
- GM 4-17-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_POLOF003_WHO.TXT_1>

THE GLOBAL MESSENGER

Thursday, April 17, 2003

TODAY'S SCHEDULE

All Times Eastern Daylight. Subject to Change

7:00 am	CentCom Operations Update
12:30 pm	State Department Briefing

HUMANITARIAN UPDATE

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LIBERATION UPDATE

The voices of freedom, now heard across Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at:
http://www.whitehouse.gov/liberation

***

"(Selma Dakhel) wants her 10-year-old girl, Nadine, to learn something other than to chant 'I love Saddam' at school, she said. We 'want freedom and a government chosen by the people. We will have democracy in our new time.'"
Chicago Tribune, 4-14-03

KEY POINTS FROM THE PRESIDENT'S REMARKS IN ST. LOUIS, 4-16-03

- The world is witnessing historic days in the cause of freedom. Our work is not done and the difficulties have not passed, but the regime of Saddam Hussein has passed into history.
- American and Coalition forces still face serious risks in Iraq. A scattered enemy is still capable of doing harm to our forces and to the innocent. But we will press on until our mission is finished and victory is complete.
- By swift and effective military action, we avoided a massive flow of refugees. By delivering food and water and medicine to the Iraqi people - even as coalition units engaged the enemy - we have helped to avert a humanitarian crisis.
- Now that Iraq is liberated, the United Nations should lift economic sanctions on that country.
- We're addressing Iraq's urgent medical problems left by a regime that built palaces in a country that needed hospitals. Hundreds of Iraqis are being treated at U.S. and British military facilities.
- Governments from Europe and the Middle East are moving field hospitals to Iraq. Coalition members and the UN are sending medical supplies. The Red Cross is working to keep water and electricity flowing to hospitals. Soon our Coalition will be making direct emergency payments to Iraqi doctors and nurses who will be providing desperately needed care to their fellow citizens.
- The journey from a totalitarian, brutal dictatorship to a free society is not easy. It will take time to build the institutions of democracy and the habits of freedom. Civil order is being restored in communities throughout Iraq, and Iraqis themselves are helping in the effort.
- On Tuesday, an historic gathering occurred in the city of An Nasiriyah, where Iraqis met openly and freely to discuss the future of the country. Many more of these meetings will take place in the weeks and months to come. Out of that meeting came this declaration: Iraq must be democratic, and we will help Iraq to build a government of, by, and for the Iraqi people.
- Across the world, terrorists and tyrants are learning that America and our allies will act in our own defense. Instead of drifting toward tragedy, we will protect our security, and we will promote the peace in the world. Having rid Iraq of an oppressive regime, we are committed to helping Iraq build a future of freedom and dignity and peace.

THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/17/2003 5:58:55 AM
Subject: : Call when you get a sec

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-APR-2003 09:58:55.00
SUBJECT:: Call when you get a sec
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

2 issues:

1. Michigan.

2. FOIA within EOP.
```

From: CN=Paul B. Dyck/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Adrian G. Gray/WHO /EOP@EOP [WHO] <Adrian G. Gray>
CC: Joseph W. Fricks III/WHO/EOP@EOP [WHO] <Joseph W. Fricks III>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 4/17/2003 6:01:07 AM
Subject: : NTSB request for political targets

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-APR-2003 10:01:07.00
SUBJECT:: NTSB request for political targets
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Joseph W. Fricks III ( CN=Joseph W. Fricks III/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

David Clark at NTSB called earlier this week and asked if we could provide
a list of our political target states for the new administrator over there
for her travel and planning purposes. Since it is an independent agency,
I just want to make sure that it is okay for us top provide that. Adrian
- I told him that I would check and forward to the appropriate person. If
you want to contact him, his contact info is below. Thanks. pbd

David Clark
202-314-6017
david.clark@ntsb.gov
```

From: Brian.A.Benczkowski@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/17/2003 7:17:52 AM
Subject: : FedSoc on Judicial Noms

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> (
"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:17-APR-2003 11:17:52.00
SUBJECT:: FedSoc on Judicial Noms
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett-

Viet is scheduled to do a Federalist Society/Capitol Hill chapter talk on the judicial confirmation crisis on Monday from noon to 1 pm. He wanted to know whether you would accompany him to the talk, and do it in the same manner as the Hill staff briefing we did in the Mansfield Room a few months ago.

Can you attend?

Brian A. Benczkowski
Staff Director and Senior Counsel
Office of Legal Policy
United States Department of Justice
950 Pennsylvania Ave., NW
Room 4228
Washington, DC 20530
Telephone: (202) 616-2004
Fax: (202) 514-1685
E-mail: Brian.A.Benczkowski@usdoj.gov

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>
Sent: 4/17/2003 7:18:35 AM
Subject: : Re: FedSoc on Judicial Noms

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-APR-2003 11:18:35.00
SUBJECT:: Re: FedSoc on Judicial Noms
TO:"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> (
"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

sure, sounds good; assume Leonard L. ok with that?

"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski
04/17/2003 11:17:11 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FedSoc on Judicial Noms

Brett-

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Brian A. Benczkowski
Staff Director and Senior Counsel
Office of Legal Policy
United States Department of Justice
950 Pennsylvania Ave., NW
Room 4228
Washington, DC 20530
Telephone: (202) 616-2004
Fax: (202) 514-1685
E-mail: Brian.A.Benczkowski@usdoj.gov

From: Snee, Ashley
To: <Orr, Christopher J.>
CC: <Kavanaugh, Brett M.>;<Grubbs, Wendy J.>
Sent: 4/17/2003 11:57:58 AM
Subject: FW: Reuters - In Cyberchat, Bush Aide Says Saddam Likely Dead

I really like the idea of doing a chat with the Judge when Congress reconvenes to talk about our judges. Maybe when we announce it we could also announce/highlight the new section of our website. Do you think it will be all ready to go by then?

Jimmy - how do we move forward? Should I run it up the chain here to get sign off, or how should we proceed?

Next up on "Ask the White House" at www.whitehouse.gov will be Mark Forman, head of the Office of Management and Budget's e-government initiatives. He will be available to answer questions at 7 p.m. EDT (2300 GMT) on Thursday.
On Tuesday, April 22, Earth Day, EPA Administrator Christine Todd Whitman will be in the hot seat.

-----Original Message-----
From: Bravo, Brian
Sent: Thursday, April 17, 2003 10:40 AM
Subject: Reuters - In Cyberchat, Bush Aide Says Saddam Likely Dead

In Cyberchat, Bush Aide Says Saddam Likely Dead

By Patricia Wilson

CRAWFORD, Texas (Reuters) - At least one senior White House official believes Saddam Hussein is dead and was not afraid to say so publicly on Wednesday.

In the first of a series of Web chats, one of President Bush's top aides, chief of staff Andrew Card, told Casey from Quincy, Massachusetts, who wanted to know the whereabouts of the Iraqi leader:

"He is not likely to be in Quincy, Braintree or my hometown of Holbrook. I think he's dead."

A senior U.S. official said later the United States had not reached "any final conclusion at this point" and that he was unaware of any evidence confirming that the deposed Iraqi president was alive or dead.

Bush, who is spending a long Easter holiday break at his ranch near Crawford, has said he does not know whether Saddam is dead or alive.

"But the regime of Saddam Hussein has passed into history," he told employees at a Boeing jet fighter plant in St. Louis, Missouri, en route to Texas.

Although Saddam's fate is uncertain, U.S. officials have started leaning slightly toward the view that he is probably dead.

"The good news is that his regime is no longer a threat to the people of Iraq nor to the U.S. or our allies," Card wrote during the 30-minute online discussion titled "Ask the White House" which allows visitors to the official Web site to quiz Bush aides directly.

While many of the questions were about the Iraq war and its aftermath, Rob of Canada asked about the White House culture and learned that life in the executive mansion was not at all similar to the fictional version depicted in the hit NBC television show "The West Wing."

"The WH staff is not like the TV show -- running and bumping into each other all day," Card wrote. "We do our work, enjoy being around each other and love serving this president."

Next up on "Ask the White House" at www.whitehouse.gov will be Mark Forman, head of the Office of Management and Budget's e-government initiatives. He will be available to answer questions at 7 p.m. EDT (2300 GMT) on Thursday.
On Tuesday, April 22, Earth Day, EPA Administrator Christine Todd Whitman will be in the hot seat.

From: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>

To: Delrahim, Makan \(Judiciary\) <Makan_Delrahim@Judiciary.senate.gov>;Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Dahl, Alex \(Judiciary\) <Alex_Dahl@Judiciary.senate.gov>;Ueland, Eric \(Frist\) <Eric_Ueland@frist.senate.gov>;Vogel, Alex \(Frist\) <Alex_Vogel@frist.senate.gov>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;Rodgers, Mark \(Republican-Conf\) <Mark_Rodgers@src.senate.gov>;Mark Heilbrun <Mark_Heilbrun@specter.senate.gov>;Frank Brown <IMCEACCMAIL-Frank+20Brown+20at+20SPECTER-DC@routing.senate.gov>;Higgins, Stephen \(Judiciary\) <Stephen_Higgins@Judiciary.senate.gov>;Matal, Joe \(Judiciary\) <Joe_Matal@Judiciary.senate.gov>;Groover, Chad \(Judiciary\) <Chad_Groover@Judiciary.senate.gov>;Ho, James \(Judiciary\) <James_Ho@Judiciary.senate.gov>;Duffield, Steven \(RPC\) <Steven_Duffield@rpc.senate.gov>;Galyean, James \(L. Graham\) <James_Galyean@lgraham.senate.gov>;<Goeglein, Tim>;<Kavanaugh, Brett M.>;<Grubbs, Wendy J.>;Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>;Smith, William \(Judiciary\) <William_Smith@Judiciary.senate.gov>;Wichterman, Bill \(Frist\) <Bill_Wichterman@frist.senate.gov>

Sent: 4/17/2003 12:15:57 PM

Subject: So it begins/ Holmes

* Fort Worth Star-Telegram: No bench for them?
http://www.dfw.com/mld/startelegram/news/editorial/5653950.htm

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 4/17/2003 12:47:54 PM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:17-APR-2003 16:47:54.00
SUBJECT::
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Judges Question Bid to Stop Cheney Suit

By PETE YOST
The Associated Press
Thursday, April 17, 2003; 4:33 PM

WASHINGTON - The Bush administration ran into strong opposition in federal appeals court Thursday as government lawyers tried to stop a lawsuit delving into Vice President Dick Cheney's contacts with energy industry executives and lobbyists.

Appeals judges Harry Edwards and David Tatel suggested the White House had no legal basis for asking them to block a lower court judge from letting the case proceed.

"You have no authority" to ask the appeals court to intervene, Edwards told a government attorney during arguments. He added later, "You have no case."

The appeals judges gave no indication when they would issue a ruling. The Bush administration has taken the unusual step of coming to the appeals court in the midst of the case.

Federal agencies have disclosed 39,000 pages of internal documents related to the work of Cheney's energy task force, but the Cheney task force itself has produced nothing, claiming the need for confidential advice to the president from his top advisers.

U.S. District Judge Emmet Sullivan has ruled that the Sierra Club and Judicial Watch may be entitled to a limited amount of information about the meetings that Cheney and his aides had with the energy industry in formulating the White House's energy plan.

The plan, adopted four months after President Bush took office, favored opening up public lands to oil and gas drilling and a wide range of other steps backed by industry.

The task force has acknowledged that one of the executives it met with was former Enron Corp. chairman Kenneth Lay.

Edwards, a Carter-era appointee, and Tatel, an appointee of President Clinton, said the administration has failed to show that it is suffering legal harm at the hands of the lower court.

The third member of the panel, Appeals Judge A. Raymond Randolph, expressed doubt that the Cheney task force is required under the law to disclose information about its inner workings. However, Randolph, an appointee of Bush's father, questioned whether the administration should be seeking appeals court intervention.

Tatel and Edwards pressed the government on why it hadn't sought to narrow the scope of information requests rather than simply trying to block them altogether.

The government's position is that the current record in the case is sufficient.

The Bush administration says it has demonstrated that the makeup of the Cheney task force was limited to government officials. But the groups that are suing allege that participants from industry effectively became members of Cheney's task force in assembling the White House's energy policy.

. 2003 The Associated Press

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/17/2003 10:29:14 AM
Subject: : do you know Jule Thomas of OIC?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-APR-2003 14:29:14.00
SUBJECT:: do you know Jule Thomas of OIC?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jess Sharp/OPD/EOP@EOP [OPD] <Jess Sharp>
Sent: 4/17/2003 11:06:38 AM
Subject: : Re: bankruptcy

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-APR-2003 15:06:38.00
SUBJECT:: Re: bankruptcy
TO:Jess Sharp (CN=Jess Sharp/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

I can dig into this. What do you need to
know?

Jess Sharp
04/16/2003 03:49:21 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: bankruptcy

I'm digging around for as much info as I can on bankruptcy law as it pertains to airlines. Are you the man to talk to? I know you've been in some of our airline meetings, but I didn't know if your angle was only anti trust. Thanks Brett.

Jess

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wiley, Ladd (HHS/OS) <Ladd.Wiley@hhs.gov>
Sent: 4/17/2003 11:25:43 AM
Subject: : Re: FW: 60+ Request

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-APR-2003 15:25:43.00
SUBJECT:: Re: FW: 60+ Request
TO:"Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov> ("Wiley, Ladd (HHS/OS)"
<Ladd.Wiley@hhs.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

quick q: Is the event a fundraiser?

"Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov>
04/17/2003 03:17:31 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: 60+ Request

Brett,

The organization 60+ is a 501(c)(4), which has been supportive of
administration policies in the past. They would like Secretary Thompson to
headline a speech in his official capacity. Normally, we would just
approve
it as an official event.

I just wanted to make sure that 501(c)(4) weren't impacted by the McCain
Feingold law. Any ideas or anyone to whom you could refer me?

> -----Original Message-----
> From: Wood, Robert (HHS/OS)
> Sent: Wednesday, April 09, 2003 10:05 AM
> To: Karim, Jafar (HHS/OS); Wiley, Ladd (HHS/OS)
> Subject: RE: 60+ Request
>
> lets discuss.
>
> -----Original Message-----
> From: Karim, Jafar (HHS/OS)
> Sent: Tuesday, April 08, 2003 5:07 PM
> To: Wood, Robert (HHS/OS)
> Cc: Schofield, Regina (HHS/OS)
> Subject: FW: 60+ Request
>
> Bob:
>
> I'm redirecting this inquiry to you per Laura's suggestion. Bob Martin
> has called a couple of times to see if TGT could keynote an event
> described below. I know this is a way off, but the WH is asking if we
> could agree to do this. Bob is hoping for a date ASAP. They have a
> number of groups that are going to help sponsor the event, they just need

> a headliner. Please let me know if you have any questions about this. I
> can run the legal traps. For numerous reasons, I think this is worth
> considering as a priority. Feel free to let me know if you'd like to
> discuss. Thanks.
>
> - Jaf
>
> -----Original Message-----
> From: Karim, Jafar (HHS/OS)
> Sent: Tuesday, March 25, 2003 2:29 PM
> To: Lawlor, Laura (HHS/OS)
> Cc: Schofield, Regina (HHS/OS)
> Subject: 60+ Request
>
> Laura:
>
> Getting back to you on the request of 60 Plus to have the Secretary as a
> keynote speaker for a fundraiser they would like to hold in the coming
> months. Jim Martin, the group's executive director, indicated that the
> date is not yet certain. Regina advised, however, that we decide
> internally whether the the Secretary would make this a priority should
the
> dates all work out. I'd be happy to discuss in detail some of the
factors
> to consider in determining the importance of this event. Below are some
> factors for your consideration.
>
> What: 60 Plus fundraiser; two-tiered event w/
> reception & photo op, then remarks to the group during a dinner
> Where: TBD, but the organization seeks a Hill
> location such as the Washington Court Hotel (on the Senate side)
> Date Options: June 3, 4, 5, 10, 11, 12
>
> Other Facts:
>
> * 60+ organized as a 501(c)4, a not-for-profit association, allowing
> it to conduct issue advocacy but not candidate endorsements.
>
> * Fundraiser: never had a fundraiser before; will get House and
> Senate members to attend; a member of the Admin was going to do last
year,
> but scheduling conflicts prevented that from happening.
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> * Roger Zion, a 4 term house member from IN and a UW graduate is the
> organization's president; according to Jim, he and TGT have met and got
> along well.
>
> * The group is keen on promoting the preventive health care message.
>
> * Want TGT to headline; they are seeking Karl Rove as a "special
> guest"; reception beforehand.
>
> * The organization has approximately 25,000 members.
>
> Please let mek know if you have any thoughts or questions. Thanks.
>
> - Jafar
>
> Jafar Karim
> Office of White House Liaison
> US Department of Health and Human Services
> 200 Independence Avenue, SW
> Room 610E, Humphrey Building
> Washington, DC 20201
> Phone: 202/690-6625
> Fax: 202/401-1948
> jafar.karim@hhs.gov
>

From: Wiley, Ladd (HHS/OS) <Ladd.Wiley@hhs.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/17/2003 11:27:52 AM
Subject: : RE: FW: 60+ Request

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov> ("Wiley, Ladd (HHS/OS)"
<Ladd.Wiley@hhs.gov> [UNKNOWN])
CREATION DATE/TIME:17-APR-2003 15:27:52.00
SUBJECT:: RE: FW: 60+ Request
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes it is a fundraiser for the 60+ organization, but not a political
fundraiser.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, April 17, 2003 3:25 PM
To: Wiley, Ladd (HHS/OS)
Subject: Re: FW: 60+ Request

quick q: Is the event a fundraiser?

(Embedded
image moved "Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov>
to file: 04/17/2003 03:17:31 PM
pic12062.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: FW: 60+ Request

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> To: Karim, Jafar (HHS/OS); Wiley, Ladd (HHS/OS)
> Subject: RE: 60+ Request
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> -----Original Message-----
> From: Karim, Jafar (HHS/OS)
> Sent: Tuesday, April 08, 2003 5:07 PM
> To: Wood, Robert (HHS/OS)
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> Subject: FW: 60+ Request
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> - Jaf
>
> -----Original Message-----
> From: Karim, Jafar (HHS/OS)
> Sent: Tuesday, March 25, 2003 2:29 PM
> To: Lawlor, Laura (HHS/OS)
> Cc: Schofield, Regina (HHS/OS)
> Subject: 60+ Request
>
> Laura:
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> location such as the Washington Court Hotel (on the Senate side)
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>
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>
> * The group is keen on promoting the preventive health care message.
>

> * Want TGT to headline; they are seeking Karl Rove as a "special
> guest"; reception beforehand.
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> * The organization has approximately 25,000 members.
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> Please let mek know if you have any thoughts or questions. Thanks.
>
> - Jafar
>
> Jafar Karim
> Office of White House Liaison
> US Department of Health and Human Services
> 200 Independence Avenue, SW
> Room 610E, Humphrey Building
> Washington, DC 20201
> Phone: 202/690-6625
> Fax: 202/401-1948
> jafar.karim@hhs.gov
>

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>
Sent: 4/17/2003 3:32:42 PM
Subject: RE: airline issue

Case has been argued in CA10, so not much that can be done for now. They appear to think the legal theory being advanced by DOJ in the appeal is appropriate and legitimate in light of law and facts even if they may have made a different decision at the time of filing suit.

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/15/2003 11:35:44 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: airline issue

Thanks

Not really pushing, but would like to understand better real sentiments over there.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, April 15, 2003 11:34 AM

To: Lefkowitz, Jay P.

Subject: RE: airline issue

On 1, agree. In some ways, that would be helpful in clarifying the law and helping deter excess. On 2, that sentiment was not conveyed to me, but may well be accurate. I will have another conversation on this.

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/15/2003 11:17:15 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: airline issue

Want to bet on the appellate outcome?

I think the prevailing view there is that we wouldn't actually have brought the case in the first place but that we don't want to walk away now. That may be the right answer from a communications perspective, but I just wonder if it's the right policy?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, April 15, 2003 11:10 AM

To: Lefkowitz, Jay P.

Subject: Re: airline issue

yes, I talked to Paul last week and that was my conclusion. I was told that the policy justification was that this was a relatively straight predatory pricing claim where the law and facts supported the claim and DOJ was not inclined to walk away from it in deciding whether to appeal.

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/15/2003 10:57:22 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: airline issue

Did we learn anything more about Joel Klein's predatory pricing appeal?

I know Hew thinks it's past the point of no return.

From: CN=Jess Sharp/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/17/2003 11:32:44 AM
Subject: : Re: bankruptcy

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jess Sharp (CN=Jess Sharp/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:17-APR-2003 15:32:44.00
SUBJECT:: Re: bankruptcy
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We're looking into this as part of our effort to understand possible impediments to the health of the industry. I just need an understanding of how airline collective bargaining contracts are protected under bankruptcy law. My understanding is that pre-1984, labor contracts were the same as any other contract once an airline went into bankruptcy. They could be abrogated or rewritten by the company fairly easily. Since 1984 the labor contracts have been treated differently. Airlines must go to the bankruptcy judge to amend its contracts and 20 years of case law governs the judges ability to approve those amendments.
Does this restriction - that I think is a carve out for airline unions - seem to unnecessarily hamper their ability to cut labor costs in bankruptcy. Are their barriers to liquidation - could a bankruptcy judge force an airline to stay in business because of "public interest" even though its viability is in question? Do airlines emerge too weak because of the interference or rulings of bankruptcy judges? These are very subjective obviously, but could probably be explored if I had a better understanding of where the pressure points are in an airline bankruptcy.

Thanks a lot Brett.

Jess

Brett M. Kavanaugh
04/17/2003 03:06:17 PM
Record Type: Record

To: Jess Sharp/OPD/EOP@EOP
cc:
bcc:
Subject: Re: bankruptcy

I can dig into this. What do you need to know?

Jess Sharp
04/16/2003 03:49:21 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:

Subject: bankruptcy

I'm digging around for as much info as I can on bankruptcy law as it pertains to airlines. Are you the man to talk to? I know you've been in some of our airline meetings, but I didn't know if your angle was only anti trust. Thanks Brett.

Jess

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 4/17/2003 3:46:44 PM
Subject: FW: Radar Update for Week of April 21
Attachments: Radar Update 4-21.doc

-----Original Message-----

From: Vargas, Veronica

Sent: Thursday, April 17, 2003 3:44 PM

To: Graham, John; Noe, Paul R.; Anderson, David R.; Besanceney, Brian R.; Bumatay, Patrick J.; Burgeson, Christine M.; Clark, Alicia P.; Conda, Cesar; Cooney, Phil; Daniels, Mitchell; DeFrancis, Suzy; Dorn, Nancy; Dove, Stephen W.; Duffy, Trent D.; Goldman, Adam B.; Hennessey, Keith; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Lawlor, Laura S.; Luczynski, Kimberley S.; Lundberg, Stephanie J.; MacHida, Ado A.; Murphy, Daniel J.; Oxford, John; Parell, Christie; Pelletier, Eric C.; Perry, Philip J.; Rossman, Elizabeth L.; Schlapp, Matthew A.; Silverberg, Kristen; Stolpe, Elizabeth A.; Swagel, Phillip L.; Toth, Michael C.; Troy, Tevi; Waters, James A.; Wood, John F.; Weaver, Bessie M.

Cc: Arbuckle, Donald R.; Allen, Bryon P.

Subject: Radar Update for Week of April 21

<>

Rules Likely to be Cleared, Withdrawn or Returned during the Week of April 21

*USDA-FSA	FINAL RULE. Bioenergy Program; 2002 Farm Bill Regulations
*USDA-FSA	FINAL RULE. Conservation Reserve Program; 2002 Farm Bill Regulations
USDA-APHIS	PROPOSED RULE. Importation of Solid Wood Packing Material
USDA-FNS	PROPOSED RULE. Vehicle and Maximum Excess Shelter Expense Deduction Provisions of the Agriculture, Rural Development, Food & Drug Administration and Related Agencies Appropriations Act of 2001
ED-OSERS	NOTICE. Disability and Rehabilitation Research Projects
ED-OSERS	NOTICE. Improving Information on Disability in Media, Disability and Rehabilitation Research projects Program
ED-OSERS	NOTICE. National Institute on Disability and Rehabilitation Research Projects
ED-OSERS	NOTICE. Rehabilitation Research Training Center
ED-OSERS	NOTICE. Technical Assistance Resource Center on Parenting with a Disability, Disability and Rehabilitation research Projects Program
*HHS-CMS	PROPOSED RULE. Inpatient Rehabilitation Prospective Payment System
*HHS-CMS	PROPOSED RULE. Skilled Nursing Facilities Prospective Payment System
*HHS-FDA	PROPOSED RULE. Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002
HHS-ACF	FINAL RULE. Child Support Enforcement Program; State Plan Approval and Grant Procedures, State Plan Requirements, Standards for Program Operations, Federal Financial Participation
HHS-CMS	INTERIM FINAL RULE. State High Risk Pool Grant Program

* Probable Media Interest

*DHS-TSA	INTERIM FINAL RULE. Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Drivers License
*HUD-OH	NOTICE. Non-Proprietary Data Submitted by the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac)
HUD-OH	INTERIM FINAL RULE. Distribution of Tax Credit Proceeds
HUD-PIH	INTERIM FINAL RULE. Minimum Funding Under the Indian Housing Block Grant Program
HUD-PIH	NOTICE. Public Housing Assessment System; Introduction to PHA Grading
HUD-PIH	NOTICE. Public Housing Assessment System; Financial Condition Grading Process
HUD-PIH	NOTICE. Public housing Assessment System; Management Operation Grading Process
HUD-PIH	NOTICE. Public Housing Assessment System; Resident Services and Satisfaction Grading Process
HUD-PIH	NOTICE. Public housing Assessment System; Physical Condition Grading Process
DOI-FWS	PROPOSED RULE. Migratory Bird Hunting; Proposed 2003-04 Migratory Game Bird Hunting Regulations with Requests for Indian Tribal Proposals
*DOL-OSHA	INTERIM FINAL RULE. Procedures of handling Discrimination Complaints Under the Corporate and Criminal Fraud Accountability Act, Title VIII of Sarbanes-Oxley Act of 2002
*DOT-FMCSA	INTERIM FINAL RULE. Limitations on the Issuance of Commercial Driver's Licenses with a Hazardous Materials Endorsement
DOT-FAA	FINAL RULE. Certification of Airports
DOT-FAA	PROPOSED RULE. False and Misleading Statements Regarding Aircraft Products, Parts, and Materials

REV_00114898

DOT-FAA	PROPOSED RULE. Training in the Recognition of hazardous Material
VA	PROPOSED RULE. National Cemetery Administration; State Cemetery Grants Program
*EPA	NOTICE. 6-year Review of Existing National Primary Drinking Water Regulations Standards
OPM	INTERIM FINAL RULE. Excepted Service—Temporary Organizations
*PBGC	PROPOSED RULE. Benefits Payable in Terminate Single-Employer Plans; Limitations on Guaranteed Benefits
SSA	FINAL RULE. Claimant Identification Pilot Projects
SSA	PRERULE. Revised Medical Criteria for Evaluating Immune System Disorders

REV_00114899

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Addington, David S.>;<Kavanaugh, Brett M.>
Sent: 4/17/2003 4:47:25 PM
Subject:

Judges Question Bid to Stop Cheney Suit

By PETE YOST
The Associated Press
Thursday, April 17, 2003; 4:33 PM

WASHINGTON - The Bush administration ran into strong opposition in federal appeals court Thursday as government lawyers tried to stop a lawsuit delving into Vice President Dick Cheney's contacts with energy industry executives and lobbyists.

Appeals judges Harry Edwards and David Tatel suggested the White House had no legal basis for asking them to block a lower court judge from letting the case proceed.

"You have no authority" to ask the appeals court to intervene, Edwards told a government attorney during arguments. He added later, "You have no case."

The appeals judges gave no indication when they would issue a ruling. The Bush administration has taken the unusual step of coming to the appeals court in the midst of the case.

Federal agencies have disclosed 39,000 pages of internal documents related to the work of Cheney's energy task force, but the Cheney task force itself has produced nothing, claiming the need for confidential advice to the president from his top advisers.

U.S. District Judge Emmet Sullivan has ruled that the Sierra Club and Judicial Watch may be entitled to a limited amount of information about the meetings that Cheney and his aides had with the energy industry in formulating the White House's energy plan.

The plan, adopted four months after President Bush took office, favored opening up public lands to oil and gas drilling and a wide range of other steps backed by industry.

The task force has acknowledged that one of the executives it met with was former Enron Corp. chairman Kenneth Lay.

Edwards, a Carter-era appointee, and Tatel, an appointee of President Clinton, said the administration has failed to show that it is suffering legal harm at the hands of the lower court.

The third member of the panel, Appeals Judge A. Raymond Randolph, expressed doubt that the Cheney task force is required under the law to disclose information about its inner workings. However, Randolph, an appointee of Bush's father, questioned whether the administration should be seeking appeals court intervention.

Tatel and Edwards pressed the government on why it hadn't sought to narrow the scope of information requests rather than simply trying to block them altogether.

The government's position is that the current record in the case is sufficient.

The Bush administration says it has demonstrated that the makeup of the Cheney task force was limited to government officials. But the groups that are suing allege that participants from industry effectively became members of Cheney's task force in assembling the White House's energy policy.

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From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/17/2003 1:58:07 PM
Subject: : White House Global Messenger - 4/18/03
Attachments: P_XZSPF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:17-APR-2003 17:58:07.00
SUBJECT:: White House Global Messenger - 4/18/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 4-18-03 FINAL.doc)

THE GLOBAL MESSENGER
Friday, April 18, 2003

******KEY POINTS******

*The world is witnessing historic days in the cause of freedom. Our work is not done and the difficulties have not passed, but the regime of Saddam Hussein has passed into history.

Military Update

*Coalition forces continue to secure population centers in Iraq and to respond to the needs of the Iraqi people.

*The Coalition is working with local leaders to restore public works and rebuild Iraqi infrastructure.

Humanitarian Update

*The World Food Program continues operations in Iraq, and core staff in Baghdad have returned to work.

*Since March 31, WFP has delivered a total of 3,548 metric tons of wheat flour and 77 metric tons of dried milk to northern Iraq.

*On April 16, a 50 truck convoy carrying over 1,400 tons of food left Amman, Jordan for Baghdad. In the Northern governorates, WFP has provided food to approximately 384,000 people since April 6.

Reconstruction

*We are transitioning to the stabilization and rebuilding of Iraq. Britain and Poland have agreed to command multinational divisions for stabilization in Iraq, and we are working with a number of other countries that have expressed interest in contributing.

*The water supply and electricity are priorities right now in places where service is disrupted. Before the war, many areas did not have a consistent and reliable supply of safe water or electricity, and many areas did not have adequate sanitation.

*Rebuilding is a major task. The neglect and devastation by two decades

of rule by Saddam Hussein and his henchmen did far more damage to Iraq than the war.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change

7:00am CentCom Operations Update

******THIRTEEN POINTS OF FREEDOM******
On Tuesday, April 15, an historic gathering occurred in the city of An Nasiriyah, where Iraqis met openly and freely to discuss the future of their country. Many more of these meetings will take place in the weeks and months to come. Out of that meeting came this 13-point statement:

1.Iraq must be democratic.

2.The future government of Iraq should not be based on communal identity.

3.A future government should be organized as a democratic federal system, but on the basis of countrywide consultation.

4.The rule of law must be paramount.

5.Iraq must be built on respect for diversity, including respect for the role of women.

6.The meeting discussed the role of religion in state and society.

7.The meeting discussed the principle that Iraqis must choose their leaders, not have them imposed from outside.

8.Political violence must be rejected, and Iraqis must immediately organize themselves for the task of reconstruction at both the local and national levels.

9.Iraqis and the Coalition must work together to tackle the immediate issues of restoring security and basic services.

10.The Ba'ath party must be dissolved and its effects on society must be eliminated.

11.There should be an open dialogue with all national political groups to bring them into the process.

12.The meeting condemns the looting that has taken place and the destruction of documents.

13.The Iraqi participation voted that there should be another meeting in ten days, in a location to be determined, with additional Iraqi participants, and to discuss procedures for developing an Iraqi Interim Authority.

******LIBERATION UPDATE******
The voices of freedom, now heard across Iraq

For more reactions to Operation Iraqi Freedom,
visit "Liberation Update" at:
http://www.whitehouse.gov/liberation

"We need a natural life, a democratic life, like in any other country...when I came into Baghdad, I saw the ruins, but I also saw something else: freedom. We can be free."
Asad Quasi, a militia member, Washington Post, 4-17-03

THE WHITE HOUSE
Office of Global Communications
For more information log on to http://www.whitehouse.gov/ogc

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You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.
- GM 4-18-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XZSPF003_WHO.TXT_1>

THE GLOBAL MESSENGER

Friday, April 18, 2003

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Asad Quasi, a militia member, Washington Post, 4-17-03

THE WHITE HOUSE
Office of Global Communications

For more information log on to www.whitehouse.gov/ogc

REV_00114920

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 4/17/2003 7:07:05 PM
Subject: RE: 2 issues

1. We haven't decided how to resolve the Ellipse parking problem. I am still wondering if it is an option to section off some of the Ellipse for WH parkers. Could potentially be 150 parkers.

2. The IRS issue had to do with the Travel Office and the Press. I'll ask Eric Terrell about it again on Monday.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, April 17, 2003 5:50 PM
To: Litkenhaus, Colleen
Subject: 2 issues

1. Parking: Interior tells me that Anne Bowman Smith has been helping on this and that it is all but resolved. Is that accurate?

2. Greenstone does not think there are any action items now on the IRS issue. (Does this relate to parking and W2's?) If you disagree, let me know.

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/17/2003 3:07:32 PM
Subject: : RE: 2 issues

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:17-APR-2003 19:07:32.00
SUBJECT:: RE: 2 issues
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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From: Kavanaugh, Brett M.
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To: Litkenhaus, Colleen
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From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 4/17/2003 7:10:14 PM
Subject: Re: tort issues

At which mtg?
.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Lefkowitz, Jay P.
Sent: Thu Apr 17 18:55:15 2003
Subject: tort issues

seems to me that we may need also to discuss fda preemption/better way either at this meeting or at some other time.

From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/18/2003 6:00:53 AM
Subject: : US CentCom Briefing 04/18/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:18-APR-2003 10:00:53.00
SUBJECT:: US CentCom Briefing 04/18/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

UNITED STATES CENTRAL COMMAND DAILY OPERATIONAL UPDATE BRIEFING
BRIEFER: BRIGADIER GENERAL VINCENT BROOKS, CENTCOM DEPUTY DIRECTOR OF OPERATIONS

DOHA, QATAR
7:05 A.M. EDT, FRIDAY, APRIL 18, 2003

;

GEN. BROOKS: (In progress) -- by patrolling to maintain presence and security in selected locations along borders, along key routes and in the vicinity of Baghdad. Coalition forces are interdicting free movement by regime members or paramilitary elements. Special operations forces continued their efforts to stabilize northern Iraq and western Iraq, while also conducting direct-action missions when appropriate.

;;;;;; Last night, coalition special operations forces captured another key member of the regime. Samir Abd al-Aziz al-Najim, one of the top- 55 leaders of the regime, was handed over to coalition forces by Iraqi Kurds near Mosul in northern Iraq. He was a Ba'ath Party official, a regional command chairman for the Baghdad district, and is believed to have first-hand knowledge of the Ba'ath Party central structure. The coalition is pursuing other regime leaders.

;;;;;; Coalition maneuver forces adjusted their unit locations outside Baghdad and continued presence patrols in the other cities as well to increase security.

;;;;;; Fourth Infantry Division encountered paramilitary resistance as they continued their move north between Taji and Samarrah, along that route. In the engagement, the coalition destroyed eight technical vehicles and captured over 30 enemy prisoners.

;;;;;; As security improves throughout the country, efforts to restore function to utilities and to accurately assess assistance requirements continue. Routing activities of life were seen in more places, as this recent photo shows. (Audio break.) You can see the presence of fruit stands on the side of the road, something that hadn't been seen for some time.

;;;;;; There are still many challenges ahead. Power remains at the core of many issues confronting the coalition as well as the Iraqi people. Progress is being made daily, however. In Hadithah, near the Hadithah dam, through the efforts of coalition special operations forces and the local population, power has been restored to the surrounding community. In the northern towns of Irbil, Dohuk, Sulimaniyah, there is sufficient fuel on hand to run electric powerplants for over 40 days.

;;;;;; Returning full power to Baghdad will require more electrical managers and technicians to come back to work. Three days ago, Brigadier General Steven Hawkins and members of the U.S. Army Corps of Engineers,

having formed a team to focus on the efforts of power restoration, began assessments of several powerplants in Baghdad. The team met with power board members and technicians, encouraging them to return to work and to restore power to the people of Baghdad. In this photo, they're speaking with the chief engineer of the rehabilitation department at one of the powerplants. As of today, in Baghdad, six diesel-operated plants are online and generating power, and the south Baghdad powerplant has resumed operations.

;;;;;; The coalition remains focused also on assisting medical care in Baghdad as well as in other areas. In some cases, this focus involves redistributing captured medical supplies, as this image shows. In other cases, it involves facilitating the delivery of supplies donated from other countries or from humanitarian organizations. What you see in this image are members of the 30th Medical Brigade meeting with Iraqi physicians to determine what medical supplies are needed at a children's hospital in Baghdad.

;;;;;; Medical supplies will also be delivered to two hospitals in An Nasiriyah, the women and children's hospital on the south side of the city and also the formerly known Saddam Hospital on the north side of the city. And this is the location of Private Jessica Lynch's rescue. And this delivery will occur within the next few days.

;;;;;; I would add that there are site surveys that have been conducted by Jordanian and Saudi Arabian medical teams that have occurred over the last several days, and more humanitarian supplies and medical supplies are flowing in all the time. Qatari positions that I mentioned a few days ago, and their 12 palates of medical supplies have also arrived at the Medical City Hospital in Baghdad. And also initial efforts to restore operations at the 1,000-bed Yarmuk (ph) Hospital, the primary hospital in Baghdad, were successful. Patients there are being treated and the staff is beginning to return in increasing numbers. Hospitals throughout Iraq are also improving in their readiness to provide health care to the Iraqi people.

;;;;;; Coalition teams are also active in discussions with emerging leaders throughout Baghdad and other areas. (Image is shown.) This image shows discussions that occurred recently at a coalition civil- military operations center in Baghdad. The meeting covered a number of topics, including getting some of the former police back to work and even discussions of what uniforms these former policemen might wear to distinguish them as a new police force.

;;;;;; Meetings like these are ongoing daily and they identify interim public-service employees for Baghdad and other cities.

;;;;;; We find that expressions of gratitude and relief from the Iraqi people are commonplace. Beyond the waves that we see and the shouts of thanks and the thumbs-up gestures, there are also sincere expressions of thanks, like this gentleman's response to coalition efforts. (Image is shown.) And the coalition will continue its efforts to rapidly return Iraq to the Iraqi people.

;;;;;; With that, ladies and gentlemen, I'll take your questions.

;;;;;; Yes, please.

;;;;;; Q Tom Worden (sp) from the Sun newspaper in London. Could you tell us what condition the four men in custody from the 55 most wanted list are being kept? The size of the cell, for example, where about they're being kept.

;;;;;; And second, the reports today that Barzan is cooperating with his questioners. Can you tell us what sort of information he's giving you?

;;;;;; GEN. BROOKS: It's really too early for me to talk in specific terms about any information we're gaining. Let me just say this. When we take

someone into our custody, we have a responsibility to maintain their safety and their welfare. And that responsibility is taken by whoever their captors are at a given time.

;;;;;; They're not necessarily all moved to the same place. In some cases they're kept in local areas. In some cases they're moved to other coalition facilities. And it's important that we keep those locations not disclosed.

;;;;;; And so that's what's ongoing right now. As to cooperation or not, this is the process of gathering information that will subsequently be acted on, and I'm simply not going to characterize what information we're getting.

;;;;;; From all those that we have access to, we seek information. Some are more cooperative than others. Some provide useful information that leads to the arrest of regime leaders. In some cases we're led to sites that may have suspicious activity. In some cases we're led to where documents and papers can be found that give us yet more information.

;;;;;; So that's really the process. These key leaders from the top 55 are a part of that, and certainly they have a higher focus for us because of the nature of the information that they might possess.

;;;;;; Yes, please.

;;;;;; Q Michael Weiskopf from Time Magazine. The site that was bombed a week ago Monday, where you thought Saddam might be hiding, has that site been excavated? Or can you describe what efforts have been made to discover remains, if any?

;;;;;; GEN. BROOKS: I believe you're referring to the site in the Mansur district. That site was attacked. We've had some initial surveys to go to that location. There's still work that's ongoing. But there's a considerable amount of destruction at that location, and it will take a considerable amount of time to completely clear it and others that are like it that require deeper examination.

;;;;;; That's a process that will take time. But there is time to do that, and it will be done deliberately with the teams that have the right information, the right materials and the right capabilities to do a much further examination. Some of the areas around it have been checked.

;;;;;; There are no initial indications. We don't have any remains that have been identified at this point. But our efforts are ongoing to find all that we can about that, and also to get information from others who may have had knowledge as to what may have happened that night during the strike. Those efforts continue.

;;;;;; In the back, please.

;;;;;; Q General, David Schuster (sp) from NBC News. Yesterday Secretary of Defense Donald Rumsfeld said that Iraqis would be needed to find weapons of mass destruction. I wonder if you can help us and help the Iraqis by telling us what form were the weapons of mass destruction?

;;;;;; What was the intelligence before the war? Were these biological and chemical weapons loaded on missiles already? Were they promised? Were they in a raw form? And given that the war is near the end, I wonder if you might be able to share a little more information about this. Thank you.

;;;;;; GEN. BROOKS: Okay. Well, really, we're at the beginning of that part of the campaign. And that's the process of being able to do very deliberate work to find the weapons of mass destruction and to uncover the full scope of the weapons-of-mass-destruction program. We remain convinced that there are weapons of mass destruction inside of Iraq.

;;;;;; We know that there was a deliberate campaign of denial and

deception that lasted for a long time, over a decade, to hide these things from public view, to hide them from inspectors that had been sanctioned by the United Nations and put into Iraq to find the weapons of mass destruction in a cooperative way. That cooperation never occurred. This is all history that led to the beginning of this conflict and the use of military force.

;;;;;; At this point in time we know that there are delivery systems that are capable of delivering, and those -- some have been encountered. Some have been destroyed on the battlefield. We know that there are other indicators, like the atropine injectors and combo pins that would be used to protect someone who has been exposed to chemical agents.

;;;;;; We have information about testing programs and development programs. And this is really where we need the assistance of the Iraqi population and regime leaders that might have some knowledge. And as time goes on and we get more access to individuals and more access to information, we get pointed in new directions. Each direction that comes, though, requires detailed examination. And that kind of work is ongoing.

;;;;;; I mentioned yesterday that it's very much like putting together pieces of a puzzle. In this case you also have to find the pieces of the puzzle and then put them into proper relationship with other pieces that are there.

;;;;;; Q (Inaudible) -- there before the war started?

;;;;;; GEN. BROOKS: I think there's a pretty well-known history on what the views of the coalition nations were on the types of things that have been developed by Iraq, what types of things were intended to be developed, how there might be a nexus that joined the development of programs with terrorist organizations. We've certainly seen the presence of terrorist organizations here in Iraq since the war began.

;;;;;; I'd really like to leave it like that. Our capitals can go back and give you more details on what caused them to send us here in the first place. But the more important part for the coalition is to continue the efforts that we're really only beginning, to try to find where they might be located and who has information on those things.

;;;;;; Please.

;;;;;; Q I've got two questions. First of all, can you tell us a bit more about this man that was handed over by the Kurds? Who he is? Is he on the list? I didn't quite understand if he was on the top 55. If so, where?

;;;;;; And secondly, we've heard from people in Baghdad that the Marines are kind of moving out and leaving the way a bit for the Army. What's the significance of that for how the campaign stands in Baghdad?

;;;;;; GEN. BROOKS: The man who was captured yesterday and turned over to us by Kurds is, in fact, one of the top 55 leaders. He's been positively identified as such. And he is now in coalition control.

;;;;;; The relocations of forces on the battlefield are more to set the conditions that are necessary to expand the security and stability throughout more and more of the country. We have the arrival of additional forces and we now are able to consolidate some of the forces on the battlefield, like the First Marine Expeditionary Force, and assign them to an area where they can do more detailed work in establishing conditions of security and stability.

;;;;;; Now, the arrival of the Fourth Infantry Division in this case and their movement to the north makes it possible to change some of that set. And so this is also part of the plan for the transition from decisive combat operations into stability operations from the beginning as to who would be located where when we had the adequate force to cover the entire battlefield.

;;;;;; That's what's ongoing right now. It's deliberate work. It will take a number of days to do that. Each one of these is done as what we refer to as a relief in place. And so one unit arrives to take over from one in place, and then it can move to its next destination. And there may be subsequent relief at the location they're going to.

;;;;;; There's no moving off the battlefield unless there's a deliberate reason to consider it cleared and no longer needing a presence of coalition forces. That work is ongoing.

;;;;;; Chas, please.

;;;;;; Q General, Chas Henry, WTOP Radio. Has the Central Command overseen or validated any sort of election process installing municipal leaders in Baghdad? And are the associates of Ahmed Chalabi, who now say they're involved in an interim government in the capital city, part of the process that began a few days ago in Ur?

;;;;;; GEN. BROOKS: Well, I can certainly say that there's been no electoral process that has been overseen by the coalition at this point in time. It's still far too early for that.

;;;;;; There are some local organizing activities that are happening in a variety of places, and these are small towns that are identifying mayors and city councils to begin to get organized internally.

;;;;;; There's been no one designated as the mayor of Baghdad or anything of that nature at this point in time.

;;;;;; Certainly there are a number of leaders that are emerging, and all of them have a voice. They'll be considered. That's why the meeting a few days ago near Ur was so important. It was to begin getting leaders exposed to one another and to get the issues that are at hand for the Iraqi people exposed and discussed.

;;;;;; The coalition and our nations facilitated that process, and we'll facilitate additional meetings as time goes on in the future. But it's far too early to talk about electoral processes; something that will certainly come in due time.

;;;;;; Mimi, please.

;;;;;; Q Thank you, General. Mimi Spilane (ph), CBS News. Two things: Can you tell us more about the responsibilities you think of the capture that you just announced? And the shallow graves -- there's a report of a massive shallow grave by Kirkuk and a few others. Any idea of they're related to this conflict or if they were old? Any information? Thank you.

;;;;;; GEN. BROOKS: We do have some indications that there are some shallow graves that may have been found in the north. Those graves have to be examined before we can tell exactly what the circumstances are, how long they may have been there.

;;;;;; There are concerned that it may be people from the population in that area. And who has responsibility for that can only be determined after we determine who is, in fact, in those grave sites. That work will be done with Iraqis, certainly, to get it done in an appropriate way, and has not occurred at this point in time. It will occur in coming days.

;;;;;; As to the responsibilities you referred to on the capture, I'm not sure what you mean, but we certainly have a responsibility to those we've captured. And we know that there are some who we capture that have responsibilities for the types of deeds that have occurred.

;;;;;; And there may be a relationship in this case between the regime and those grave sites. All this will be determined as we find out what information we can from individuals involved, and, more importantly, when

we find out information from the population as to what might have occurred.

;;;;;; Q (Off mike.)

;;;;;; GEN. BROOKS: Well, we know that he certainly has an insight on how the Ba'ath Party central committee worked. He had the Baghdad district and was certainly an insider on that. There are some indications he might have also been posted to the north to take over in the north for some of the military operations. But we don't have confirmation on that. That will be revealed in due time.

;;;;;; And so we think that we have someone here -- all the members of that list of 55 have useful information about the inner workings, the inside of this regime, and, more importantly, some of its actions and decisions that have been taken over time.

;;;;;; That relates to some of the atrocities committed against the population. That relates to weapons of mass destruction. That relates to links to terrorism. All these things we believe we'll find as we find these additional key regime leaders.

;;;;;; Please, Omar.

;;;;;; Q (Inaudible) -- Al Jazeera Channel. The resistance that was encountered by the Fourth Infantry Division, was it an ambush or did the division actually run into these guys and there was some kind of a fire fight? And what does this tell you about the level of resistance, the pattern as you've seen it? Is it increasing or is it just about the same? Who were those guys? Were they Iraqis or Arab volunteers?

;;;;;; And the second question, please, is there was a demonstration today after Friday prayers that was shouting things like "No to Saddam" but "No to America" at the same time. Do you envisage any problems from future demonstrations? Do you think that the Iraqi people might slowly turn against your efforts? Thank you.

;;;;;; GEN. BROOKS: The encounter that occurred from Taji to Samarrah, we believe that there were forces there that may have been remnant forces or that may have moved back in, because Marines had already passed through that area. There were some encounters and some fights that occurred at Samarrah, and it was there at Samarrah also that our seven prisoners of war were turned over.

;;;;;; So what we see, I think, is the battlefield changes as time goes on. And it also indicates to us that there are still some elements out there that choose to fight and that still have some of the means to fight.

;;;;;; But these are localized. They are sporadic in nature. They're not organized underneath some over-arching command. They may be small bands of people who still wish to fight.

;;;;;; I don't have any indications at this point that they may have been something other than Iraqis, paramilitaries. I know, by the types of vehicles, the technical vehicles as we described them, that they were not regular forces. And more information will have to be developed in terms of precisely who we have now taken into our custody. I mentioned we have 30 prisoners of war.

;;;;;; The demonstrations -- we think people will have the right to demonstrate in a free Iraq. And we've seen some of those demonstrations already for a variety of reasons. In some cases there will be chants against Saddam. In some cases they are pro-coalition chants. And there may be some that say, "Get the coalition out of here."

;;;;;; What we are aware of is that, first, our efforts are intended to create the conditions for a free and stable Iraq. We have other work that's also going to be ongoing during that time, like work against regime

leaders, work against terrorists and the pursuit against weapons of mass destruction.

;;;;;; But our efforts on the humanitarian side are for the Iraqi people. We want the governance of Iraq to be passed over to the Iraqi people as quickly as we can. And we've made a commitment to not stay any longer than it takes to get those key actions completed.

;;;;;; And so while there will be some that want to see a departure of the coalition, some would like to have that so they can try to return power to the way it was. Others may want to do that just to remind us that this is Iraq for the Iraqi people. And we really don't need a reminder on that. We're quite aware of that and we respect that.

;;;;;; So I think, as time goes on, we'll see a variety of opinions expressed. We'll do what we can to remain supportive of the population and helping them on the right path to development.

;;;;;; Yes, please.

;;;;;; Q This is Craig Horton (sp) from Newsday. As you know, there is a gentleman in Baghdad who's claiming he was elected the mayor of Baghdad or designated the mayor of Baghdad by a council of local tribal elders. You seem to say that there is no such person. Can you sort of square this for us? Is Central Command not recognizing this man as a sort of a duly-elected leader? And have you had any sort of official contact with him in this post that he's now claiming for himself?

;;;;;; GEN. BROOKS: As I mentioned, we meet with a number of people that are in a variety of positions out there. And there will be some who may proclaim themselves at certain levels. But until full processes are in place, and indeed, we have a democratic process for making these types of decisions in elections, particularly in a city the size of Baghdad, then, no, that is not a recognized mayor of Baghdad at this point.

;;;;;; It doesn't mean we won't work with him. He is clearly an emerging leader and deserves some attention and deserves our interest. And that will be ongoing as time goes on.

;;;;;; With the Office of Reconstruction and Humanitarian Assistance, there will be a number of engagements with emerging leaders throughout the country to organize processes for good governance.

;;;;;; And that will be ongoing here. It's already begun, and it will certainly pick up in speed as time goes on.

;;;;;; Yes, please.

;;;;;; Q Thank you. Pam Sampson, Associated Press. Are coalition forces looking into media reports that the former Iraqi information minister, Muhammed Saeed Al Sahaf, committed suicide? And, if so, do you have any evidence that might lead you to believe that these reports are true?

;;;;;; GEN. BROOKS: We've heard the media reports but don't have any confirmed military reporting. We're not exerting any unusual activity to try to confirm that. That's one of many reports that come in to us over time.

;;;;;; Our efforts right now are focused on trying to clear out any remaining pockets of the regime, moving into areas where we've not been, establishing the conditions of security to have a stable and free Iraq, while also delivering as much humanitarian aid and focusing the efforts of other organizations to get the job done as quickly as possible.

;;;;;; I'm sure that we'll find additional information from some of the Iraqi people that may have more knowledge as to whether or not this is true. But right now that is not a focus of our efforts.

;;;;;; Kelly, please.

;;;;;; Q Thanks, General. Kelly O'Donnell from NBC. A couple of points, if you'll indulge me. The Mansur site -- doesn't it suggest that if you don't have a continuing presence there that you may not believe Saddam was ever there or his sons were ever there, to have that site left without constant surveillance? That's question one.

;;;;;; Question two: The reports of some biological materials being stolen, samples of diseases and so forth. Any indication that that was organized, or just random looting?

;;;;;; And thirdly, your Australian counterparts are saying today they had a major discovery of MiGs west of Baghdad at an airfield. Can you tell us any more about that?

;;;;;; GEN. BROOKS: That's a triple there.

;;;;;; Q (Off mike.) It's my last day here. (Laughter.)

;;;;;; GEN. BROOKS: All right. Okay. It's been a pleasure. The Mansur site had a considerable amount of destruction. And getting through that site and pulling out things is not an easy task for anyone, coalition or anyone else that might have an interest. And so we believe that we've taken the appropriate measures for being able to observe what's there and do some initial assessments, and then we can do much more deliberate work in due time.

;;;;;; Our decisions on striking it were based on information that we believed credible at the time and suitable for that particular attack, as it has been for all of our precision engagements. And so we believe that we had good reason to attack there, that some of the regime leaders we were looking for might have been present at that moment.

;;;;;; What we can't confirm immediately, though, is whether or not it was successful against those particular individuals. And it will take a number of other things to help to try to confirm that -- information from people, and then subsequent examination of the site to look for any remains, to look for any indications that might confirm or deny it one way or another.

;;;;;; There are indications that there may have been some bio-materials that have been taken. And I don't think we know at this point who may have taken it, where they may have gone with it, or whether it was an organized action. There are indications that some of the looting that has occurred is organized at least to the point where people had knowledge of what was located and went to those sites deliberately, whether it's banks, some things inside of the museum. There are some indications that there's knowledge; there's inside effort that's occurring there.

;;;;;; And your third question -- I wrote a note and lost my note here.

;;;;;; Q (Inaudible) -- significant find of MiGs today.

;;;;;; GEN. BROOKS: We've seen efforts throughout this campaign for the Iraqi population to try to hide -- excuse me, the Iraqi regime to try to hide MiGs. We saw some buried. We saw some that were underneath of camouflage that we had not seen at some locations. And as we go to more and more areas, we're going to find additional things.

;;;;;; I mentioned a few days ago that we had observed some MiGs under camouflage at an airfield out in the west. There are some, most likely, that are still out there. This is why it's important that we move into areas that we have not been with physical presence on the ground.

;;;;;; Some things you just need to get your boots on the ground to get a full assessment of. And that effort is ongoing, in addition to other methods that we have to determine what is where. And so I don't have anything specific on that report from the Australians, and I'm sure we'll

get more as time goes on.

;;;;;; I think we have time for one more. Yes, please.

;;;;;; Q (Inaudible) -- Agence France Presse. Can you comment on reports that a new team is going -- I think a thousand people are going to Iraq to look for chemical weapons, WMDs, a team that would consist of scientists, military personnel and intelligence agents?

;;;;;; And also a few minutes ago you said that you would recognize Iraqi leaders once they are elected democratically. Does that mean that even though you're letting Iraqis decide what kind of regime they can have, it must be a democratic regime? Thank you.

;;;;;; GEN. BROOKS: We know that there are some former weapons inspectors who have offered their services to come in and assist in the work that's ongoing to find weapons of mass destruction. It's a bit early to decide or to state who will and who will not at this point. We certainly take their offer in due consideration, and we'll make some decisions on them in the coming days.

;;;;;; The processes for determining what a free Iraq will look like in its governance will be a very deliberate processes. We want them to be democratically elected. We want them to be selected by the Iraqi population. We want the Iraqi population to have an opportunity to, in fact, choose them, as opposed to simply having people appointed in place.

;;;;;; We've tried to be very deliberate about that in our own efforts, to not just walk in and put someone in place unless there are temporary measures that need to be exerted at a particular period of time. But for the final standing of different organizations, governance throughout the country, we expect that deliberate process to be undertaken. And that's what the Office of Reconstruction and Humanitarian Assistance will be involved in here over time.

;;;;;; Deliberate actions -- Baghdad is a very important, a very large place, and it has to go well. This is an emerging leader. That's how we're approaching that. There are other emerging leaders as well that deserve due consideration and due time.

;;;;;; Thanks very much, ladies and gentlemen. Have a good day.

END.

;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>
Sent: 4/18/2003 7:54:47 AM
Subject: : I left substantive vm for Whelan; will keep you posted

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-APR-2003 11:54:47.00
SUBJECT:: I left substantive vm for Whelan; will keep you posted
TO:Jan E. Williams ( CN=Jan E. Williams/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Katja Bullock ( CN=Katja Bullock/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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From: CN=Jonathan F. Ganter/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/18/2003 12:32:13 PM
Subject: : Have a good weekend.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-APR-2003 16:32:13.00
SUBJECT:: Have a good weekend.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett- The fax to Stern went out. I'm gonna take off now, have a good
one. We'll work on the cabinet Monday.

Jon
```

From: Orr, Christopher J.
To: <Snee, Ashley>
CC: <Kavanaugh, Brett M.>;<Grubbs, Wendy J.>
Sent: 4/18/2003 1:41:02 PM
Subject: Re: FW: Reuters - In Cyberchat, Bush Aide Says Saddam Likely Dead

Yes, the Judge should do it. The web site should be ready by then. But, we really need to start putting a video together in order to make some news.

From: Ashley Snee/WHO/EOP@Exchange on 04/17/2003 11:57:58 AM

Record Type: Record

To: Christopher J. Orr/WHO/EOP@EOP

cc: Brett M. Kavanaugh/WHO/EOP@EOP, Wendy J. Grubbs/WHO/EOP@Exchange

Subject: FW: Reuters - In Cyberchat, Bush Aide Says Saddam Likely Dead

I really like the idea of doing a chat with the Judge when Congress reconvenes to talk about our judges. Maybe when we announce it we could also announce/highlight the new section of our website. Do you think it will be all ready to go by then?

Jimmy - how do we move forward? Should I run it up the chain here to get sign off, or how should we proceed?

Next up on "Ask the White House" at www.whitehouse.gov will be Mark Forman, head of the Office of Management and Budget's e-government initiatives. He will be available to answer questions at 7 p.m. EDT (2300 GMT) on Thursday.

On Tuesday, April 22, Earth Day, EPA Administrator Christine Todd Whitman will be in the hot seat.

-----Original Message-----

From: Bravo, Brian

Sent: Thursday, April 17, 2003 10:40 AM

Subject: Reuters - In Cyberchat, Bush Aide Says Saddam Likely Dead

In Cyberchat, Bush Aide Says Saddam Likely Dead

By Patricia Wilson

CRAWFORD, Texas (Reuters) - At least one senior White House official believes Saddam Hussein is dead

and was not afraid to say so publicly on Wednesday.

In the first of a series of Web chats, one of President Bush's top aides, chief of staff Andrew Card, told Casey from Quincy, Massachusetts, who wanted to know the whereabouts of the Iraqi leader:

"He is not likely to be in Quincy, Braintree or my hometown of Holbrook. I think he's dead."

A senior U.S. official said later the United States had not reached "any final conclusion at this point" and that he was unaware of any evidence confirming that the deposed Iraqi president was alive or dead.

Bush, who is spending a long Easter holiday break at his ranch near Crawford, has said he does not know whether Saddam is dead or alive.

"But the regime of Saddam Hussein has passed into history," he told employees at a Boeing jet fighter plant in St. Louis, Missouri, en route to Texas.

Although Saddam's fate is uncertain, U.S. officials have started leaning slightly toward the view that he is probably dead.

"The good news is that his regime is no longer a threat to the people of Iraq nor to the U.S. or our allies," Card wrote during the 30-minute online discussion titled "Ask the White House" which allows visitors to the official Web site to quiz Bush aides directly.

While many of the questions were about the Iraq war and its aftermath, Rob of Canada asked about the White House culture and learned that life in the executive mansion was not at all similar to the fictional version depicted in the hit NBC television show "The West Wing."

"The WH staff is not like the TV show -- running and bumping into each other all day," Card wrote. "We do our work, enjoy being around each other and love serving this president."

Next up on "Ask the White House" at www.whitehouse.gov will be Mark Forman, head of the Office of Management and Budget's e-government initiatives. He will be available to answer questions at 7 p.m. EDT (2300 GMT) on Thursday.

On Tuesday, April 22, Earth Day, EPA Administrator Christine Todd Whitman will be in the hot seat.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: GaryM Stern <garym.stern@nara.gov>
Sent: 4/18/2003 1:55:22 PM
Subject: : notices

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-APR-2003 17:55:22.00
SUBJECT:: notices
TO:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Can I confirm that there were no p5 in notice 2003-12, 2003-24,
and 2003-25, all Bush Presidential records. Thanks. We should be able to
clear these and the others Monday.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Craig.Blackwell@usdoj.gov <Craig.Blackwell@usdoj.gov>
CC: shannen.coffin@usdoj.gov <shannen.coffin@usdoj.gov>
Sent: 4/18/2003 2:07:18 PM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-APR-2003 18:07:18.00
SUBJECT::
TO:"Craig.Blackwell@usdoj.gov" <Craig.Blackwell@usdoj.gov> ("Craig.Blackwell@usdoj.gov" <Craig.Blackwell@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"shannen.coffin@usdoj.gov" <shannen.coffin@usdoj.gov> ("shannen.coffin@usdoj.gov" <shannen.coffin@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Mintz called. He was fine, but he is out of town and wanted us to send a copy of the filing to him. Let's discuss Monday a.m. and get it done Monday. Thanks for patience.

From: James C. Ho <JamesCHo@stanfordalumni.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/19/2003 11:04:33 AM
Subject: : Leahy and Bush 60-day proposal

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"James C. Ho" <JamesCHo@stanfordalumni.org> ("James C. Ho"
<JamesCHo@stanfordalumni.org> [UNKNOWN])
CREATION DATE/TIME:19-APR-2003 15:04:33.00
SUBJECT:: Leahy and Bush 60-day proposal
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We've talked about how Senator Leahy endorsed then-Governor Bush's 60-day proposal for votes on judicial nominees. We also know that Specter and Miller have each introduced actual Senate resolutions to change the judicial confirmation process. Do you know if Senator Leahy ever introduced a resolution? I thought that you might have said that at one point, but I haven't been able to find it yet. Thanks for any info!

James C. Ho
Chief Counsel
Senate Subcommittee on the Constitution, Civil Rights & Property Rights
Chairman, Senator John Cornyn
(202) 224-9614 (direct line) 901 North Wayne Street #302
(202) 224-2934 (general office line) Arlington, VA 22201
(202) 491-8227 (mobile) <James_Ho@judiciary.senate.gov>
(703) 812-8152 (home)
<JamesCHo@stanfordalumni.org>

From: Daniel.L.Koffsky@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/19/2003 1:22:38 PM
Subject: : I looked at my last message . . .

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Daniel.L.Koffsky@usdoj.gov" <Daniel.L.Koffsky@usdoj.gov> (
"Daniel.L.Koffsky@usdoj.gov" <Daniel.L.Koffsky@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:19-APR-2003 17:22:38.00
SUBJECT:: I looked at my last message . . .
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

and wanted to make clear that the precedent for use of a 10-day was an
instance of practice, not a judicial decision. --Dan
```

From: Brian.A.Benczkowski@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/21/2003 7:15:41 AM
Subject: : RE: FedSoc on Judicial Noms

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> (
"Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:21-APR-2003 11:15:41.00
SUBJECT:: RE: FedSoc on Judicial Noms
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

385 Russell.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 21, 2003 11:03 AM
To: Benczkowski, Brian A
Subject: RE: FedSoc on Judicial Noms

Where is this thing?

(Embedded
image moved "Brian.A.Benczkowski@usdoj.gov"
to file: <Brian.A.Benczkowski
pic30092.pcx) 04/17/2003 11:23:38 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: FedSoc on Judicial Noms

Am sure he will be, but will double check.

Any word on Pickering?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, April 17, 2003 11:18 AM
To: Benczkowski, Brian A
Subject: Re: FedSoc on Judicial Noms

sure, sounds good; assume Leonard L. ok with that?

(Embedded
image moved "Brian.A.Benczkowski@usdoj.gov"
to file: <Brian.A.Benczkowski
pic21216.pcx) 04/17/2003 11:17:11 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: FedSoc on Judicial Noms

Brett-

Viet is scheduled to do a Federalist Society/Capitol Hill chapter talk on
the
judicial confirmation crisis on Monday from noon to 1 pm. He wanted to
know
whether you would accompany him to the talk, and do it in the same manner
as the
Hill staff briefing we did in the Mansfield Room a few months ago.

Can you attend?

Brian A. Benczkowski
Staff Director and Senior Counsel
Office of Legal Policy
United States Department of Justice
950 Pennsylvania Ave., NW
Room 4228
Washington, DC 20530
Telephone: (202) 616-2004
Fax: (202) 514-1685
E-mail: Brian.A.Benczkowski@usdoj.gov

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: James C. Ho <JamesCHo@stanfordalumni.org>
Sent: 4/21/2003 4:48:13 AM
Subject: : Re: Leahy and Bush 60-day proposal

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-APR-2003 08:48:13.00
SUBJECT:: Re: Leahy and Bush 60-day proposal
TO:"James C. Ho" <JamesCHo@stanfordalumni.org> ("James C. Ho"
<JamesCHo@stanfordalumni.org> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Yes, I know Leahy introduced a bill/resolution in 1998, I believe . . .

"James C. Ho" <JamesCHo@stanfordalumni.org>
04/19/2003 03:04:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Leahy and Bush 60-day proposal

We've talked about how Senator Leahy endorsed then-Governor Bush's 60-day proposal for votes on judicial nominees. We also know that Specter and Miller have each introduced actual Senate resolutions to change the judicial confirmation process. Do you know if Senator Leahy ever introduced a resolution? I thought that you might have said that at one point, but I haven't been able to find it yet. Thanks for any info!

James C. Ho
Chief Counsel
Senate Subcommittee on the Constitution, Civil Rights & Property Rights
Chairman, Senator John Cornyn
(202) 224-9614 (direct line) 901 North Wayne Street #302
(202) 224-2934 (general office line) Arlington, VA 22201
(202) 491-8227 (mobile) <James_Ho@judiciary.senate.gov>
(703) 812-8152 (home)
<JamesCHo@stanfordalumni.org>

From: James C. Ho <JamesCHo@stanfordalumni.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/21/2003 5:23:50 AM
Subject: : Re: Leahy and Bush 60-day proposal

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"James C. Ho" <JamesCHo@stanfordalumni.org> ("James C. Ho"
<JamesCHo@stanfordalumni.org> [UNKNOWN])
CREATION DATE/TIME:21-APR-2003 09:23:50.00
SUBJECT:: Re: Leahy and Bush 60-day proposal
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

1998 -- that's why I didn't find it. I was looking in 2000. I did locate this from 1998, which I assume is the Leahy proposal that you're thinking of:

105th CONGRESS

2d Session

S. 1906
To require the Senate to remain in session to act on judicial nominations in certain circumstances.

IN THE SENATE OF THE UNITED STATES

April 2, 1998
Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

---

A BILL
To require the Senate to remain in session to act on judicial nominations in certain circumstances.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Judicial Emergency Responsibility Act of 1998'.

SEC. 2. RESPONSIBILITY OF THE SENATE DURING A JUDICIAL EMERGENCY.

Section 46 of title 28, United States Code, is amended by adding at the end the following:

`(e) ACTION BY SENATE REQUIRED- The Senate shall not recess during a session for more than 9 days without first voting on a judicial nomination in any case in which--

`(1) the nomination to fill the judiciary vacancy in the affected circuit court has been pending before the Senate for a period of 60 days or longer; and

`(2) a judicial emergency is declared pursuant to subsection (b) due to vacancies on the affected circuit court.'.

Thanks, Brett!

At 08:47 a.m. 4/21/2003, Brett_M._Kavanaugh@who.eop.gov wrote:
>Yes, I know Leahy introduced a bill/resolution in 1998, I believe . . .
>
>Record Type: Record
>To: Brett M. Kavanaugh/WHO/EOP@EOP
>cc:
>Subject: Leahy and Bush 60-day proposal
>
>We've talked about how Senator Leahy endorsed then-Governor Bush's 60-day
>proposal for votes on judicial nominees. We also know that Specter and
Miller
>have each introduced actual Senate resolutions to change the judicial
>confirmation process. Do you know if Senator Leahy ever introduced a
>resolution? I thought that you might have said that at one point, but I
haven't
>been able to find it yet. Thanks for any info!
>
>James C. Ho
>Chief Counsel
>Senate Subcommittee on the Constitution, Civil Rights & Property Rights
>Chairman, Senator John Cornyn
>(202) 224-9614 (direct line) 901 North Wayne Street
#302
>(202) 224-2934 (general office line) Arlington, VA 22201
>(202) 491-8227 (mobile) <James_Ho@judiciary.senate.gov>
>(703) 812-8152 (home)
<JamesCHo@stanfordalumni.org>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/21/2003 6:17:38 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-APR-2003 10:17:38.00
SUBJECT::
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Interesting concurrence by Judge Hartz (to his own opinion) in this case.
Hartz is one of the President's appointees to CA10.

http://pacer.ca10.uscourts.gov/pdf/01-1508.pdf
```

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/21/2003 7:20:51 AM
Subject: : Re: notices

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:GaryM Stern <garym.stern@nara.gov> ( GaryM Stern <garym.stern@nara.gov> [ UNKNOWN ]
)
CREATION DATE/TIME:21-APR-2003 11:20:51.00
SUBJECT:: Re: notices
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I assume you are now okay with releasing this memo as currently redacted
on the last page only, given the letter you just faxed clearing this
entire notice for opening? If you still have a question, please let me
know. Thanks.

>>> <Brett_M._Kavanaugh@who.eop.gov> 4/21/03 10:02:36 AM >>>
Question re the 220 pages in 2002-046: the Jan. 14, 1982, memo from
Fielding re Adkinson appears to have a lot of (b)(6) that should be
redacted.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Duffield, Steven (RPC) <Steven_Duffield@rpc.senate.gov>
CC: brian benczkowski (e-mail) <brian.a.benczkowski@usdoj.gov>
Sent: 4/21/2003 11:49:14 AM
Subject: : Re: 9th Circuit and "God Save this Honorable Court"

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-APR-2003 15:49:14.00
SUBJECT:: Re: 9th Circuit and "God Save this Honorable Court"
TO:"Duffield, Steven (RPC)" <Steven_Duffield@rpc.senate.gov> ("Duffield, Steven (RPC)" <Steven_Duffield@rpc.senate.gov> [UNKNOWN])
READ:UNKNOWN
CC:"brian benczkowski (e-mail)" <brian.a.benczkowski@usdoj.gov> ("brian benczkowski (e-mail)" <brian.a.benczkowski@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

We would prefer if you took the lead. Thx.

"Duffield, Steven (RPC)" <Steven_Duffield@rpc.senate.gov>
04/21/2003 03:45:57 PM
Record Type: Record

To: "Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov>, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: 9th Circuit and "God Save this Honorable Court"

I want to make sure we follow up on this and nail it down, but don't want to step on your toes if you're researching it yourself. I'll be happy to take the lead in figuring this out (quietly) if you desire. I think we need a copy of the memo from Judge Schroeder to other judges to be able to do anything with this information.

_____
Steven J. Duffield
Judiciary Policy Analyst & Counsel
Senate Republican Policy Committee
347 Russell Senate Office Building
(202) 224-3463 Fax (202) 224-1235

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/21/2003 12:23:34 PM
Subject: : Judical emergency, emergencies or crisis?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-APR-2003 16:23:34.00
SUBJECT:: Judical emergency, emergencies or crisis?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett: The Judge has made an edit to the letter that would have us refer
to the "vacancy crisis in the Sixth Circuit" -- but he asked me to confirm
if that's true. Is "crisis" a term that we use, or do we usually say
"judicial emergency" (or "emergencies" -- when several seats involved,
i.e. one emergency per seat)?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org>
Sent: 4/21/2003 9:40:48 AM
Subject: : Re: NY Times Editorial
Attachments: P_YVNRF003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-APR-2003 13:40:48.00
SUBJECT:: Re: NY Times Editorial
TO:Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org> (Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

We will check. Not optimistic with that paper.

Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org>
04/21/2003 12:11:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: NY Times Editorial

Brett -
Charles Fried asked whether the White House press folks could help in getting his response to last week's editorial placed. I forwarded his submission to the NY Times to you last week. Let me know if you want me to forward it again or if Charles should speak to anyone directly. Thanks.
Carolyn

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_YVNRF003_WHO.TXT_1>

Brett -

Charles Fried asked whether the Whit e House press folks could help in getting his response to last week's editorial placed. I forwarded his submission to the NY Times to you last week. Let me know if you want me to forward it again or if Charles should speak to anyone directly. Thanks.

Carolyn

From: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/21/2003 9:55:01 AM
Subject: : FW: RECENT UPDATE

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ("Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:21-APR-2003 13:55:01.00
SUBJECT:: FW: RECENT UPDATE
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I had RSVP'd to attend, sorry I missed this, was tied up in another meeting. Had no idea you would also present! Would've rearranged my schedule! :)
How'd it go?

CONFIDENTIALITY NOTE:

The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees.; If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited.; If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

-----Original Message-----

The Honorable Viet Dinh is going to be joined by Associate White House Counsel Brett Kavanaugh to discuss the judicial confirmations battle. The event will take place today from 12:00-1:00 in Room SR-385 and lunch will be served. Please respond to this email if you are interested in attending.

Joel Pardue
Associate Director, Lawyers Division

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/21/2003 10:01:15 AM
Subject: : come back! Judge is free for 10 min

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:21-APR-2003 14:01:15.00
SUBJECT:: come back! Judge is free for 10 min
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

;
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 4/21/2003 10:17:22 AM
Subject: : Re: final approval to use WH photos in client newsletter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-APR-2003 14:17:22.00
SUBJECT:: Re: final approval to use WH photos in client newsletter
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

let me know any additional thoughts. thx.
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/21/2003 02:03 PM ----------

Brett M. Kavanaugh
04/21/2003 11:39:54 AM
Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP
cc: julieanne h. thomas/who/eop@eop
bcc: Records Management@EOP
Subject: Re: final approval to use WH photos in client newsletter

We would not object to web sites that are merely discussing the President's legislative proposal from displaying a picture of him so long as (i) the use of the picture is strictly in connection with discussion of the President's plan and (ii) there is no suggestion of any endorsement by the President of any commercial product or service.

From: Kathryn J. Hayes on 04/21/2003 11:09:32 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Julieanne H. Thomas/WHO/EOP@EOP
Subject: final approval to use WH photos in client newsletter

Brett,

I believe Julie Thomas spoke with you about this last week, but wanted to make sure that we have sign off. Please let me know if you need more background on the meeting, but this is when we brought in newsletter writers to meet with the President on the growth package - and they are supportive of the plan.

Thanks!
Katy
---------- Forwarded by Kathryn J. Hayes/WHO/EOP on 04/21/2003
11:08 AM ----------

"Townsend, Michael" <Michael.Townsend@schwab.com>
04/21/2003 11:04:53 AM

Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP
cc:
Subject: final approval to use WH photos in client newsletter

Katy -- Sorry to be so formal about this, but Schwab needs formal acknowledgement of our ability to use a photo from the White House meeting in a newsletter that goes to clients. We have a newsletter that goes to Retirement Plan Sponsors and another to Third-Party Administrators. The photo will accompany the Legislative Update section of each newsletter, which will focus on the President's dividend tax-cut proposal -- I'm writing
the accompanying article.

What I need is for you to do is just copy the following sentence and paste it in an e-mail back to me, with your name and position at the White House -- that's it: "We approve Schwab Corporate Srvs. using one or both of these
photos taken on April 9, 2003, in the Schwab July 2003 client newsletters sent to retirement plan sponsors and Third Party Administrators."

Thanks so much for your help! I'll send over copies of both newsletters once they are printed. If you need to see the text before it is printed, that's no problem -- I can forward it to you once it has been approved internally.

Michael Townsend
Vice President -- Public Policy
Charles Schwab & Co., Inc.
p: 202-638-3755
f: 202-638-3823

-----Original Message-----
From: Kathryn_J._Hayes@who.eop.gov [mailto:Kathryn_J._Hayes@who.eop.gov]
Sent: Thursday, April 10, 2003 12:17 PM
To: Townsend, Michael
Subject: Re: question about photos you sent

Yes, that should be fine. Can you pls send us a copy to review as well?

Thanks so much!
Katy

(Embedded
image moved "Townsend, Michael" <Michael.Townsend@schwab.com>
to file: 04/10/2003 12:12:33 PM
pic18478.pcx)

Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP

cc:
Subject: question about photos you sent

Hi Katy -- Thanks so much for sending along the great photos of yesterday's meeting with the President. It was an extraordinary experience for me, one I will always remember, particularly given the historic nature of the day in terms of the fall of Baghdad.

Quick question -- what are the policies for using one of the photos in internal and external Schwab publications? We'd like to use one in an employee-only newsletter, and we'd also be interested in using one in client newsletters that talk about the dividend tax cut. Please let me know if this is OK.

Thanks again! mike

Michael Townsend
Vice President -- Public Policy
Charles Schwab & Co., Inc.
p: 202-638-3755
f: 202-638-3823

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 4/21/2003 4:11:13 PM
Subject: RE: Can we check with NY Times letters folks to see why they have not published this?

Did he submit it? He should really follow up with them and if they tell him no, I'll raise it here.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 21, 2003 2:13 PM
To: Snee, Ashley
Subject: Can we check with NY Times letters folks to see why they have not published this?

To the editor:

Your editorial Filibustering Priscilla Owen [April 17, 2003] was unfair to Judge Carolyn Kuhl and Senator Dianne Feinstein. All you have to say to justify a minority's blocking a vote on her confirmation is that she "was a strong supporter of maintaning the tax-exempt status of Bob Jones University." You omit to mention that that was some twenty years ago, when as a junior Department of Justice staffer fresh out of law school she gave the legal judgement that the Internal Revenue Service did not have the authority to make that kind of judgment; that she has said many times that she thinks that she had been wrong; and more importantly that in nine years as a trial judge she has won praise and support from a broad range of lawyers who have appeared before her--including civil rights and plaintiffs' lawyers. You also reproach Senator Feinstein for having been "silent" on the nomination. In fact at Judge Kuhl's hearing Senator Feinstein spoke at length, reporting that she had received strong expressions of support for Judge Kuhl from a diverse range of lawyers, as well as strong opposition from a number of interest groups. She was not silent; she was candid and fair. She set an example in this rancorous and slanted campaign.

Charles Fried
Beneficial Professor of Law, Harvard Law School
Judge Kuhl served as my Deputy 1985-86, when I was Solicitor General.

Charles Fried
1525 Massachusetts Avenue
Cambridge, MA 02138
(617) 495 4636
fax: (617) 496 4865

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@Exchange [WHO] <Ashley Estes>
Sent: 4/21/2003 12:44:44 PM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-APR-2003 16:44:44.00
SUBJECT:: RE:
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

sort of.

From: Ashley Estes/WHO/EOP@Exchange on 04/21/2003 04:44:46 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Do you feel ok about it?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 21, 2003 4:41 PM
To: Estes, Ashley
Subject: Re:

i did. it will not be me.

From: Ashley Estes/WHO/EOP@Exchange on 04/21/2003 08:59:56 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

are you going to talk to the judge today?

From: CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/21/2003 12:44:21 PM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:21-APR-2003 16:44:21.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Do you feel ok about it?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 21, 2003 4:41 PM
To: Estes, Ashley
Subject: Re:

i did. it will not be me.

From: Ashley Estes/WHO/EOP@Exchange on 04/21/2003 08:59:56 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

are you going to talk to the judge today?

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/21/2003 12:44:09 PM
Subject: : Re: Judical emergency, emergencies or crisis?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-APR-2003 16:44:09.00
SUBJECT:: Re: Judical emergency, emergencies or crisis?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ok, we'll go with "vacancy crisis."

FYI, he wanted to put in some examples or details re judges getting through in the final year of a presidency. I discussed it with him in detail, explaining that 1992, which is the year at issue, is actually full of (34) examples of judges nominated and confirmed in the final year, but that 1996 and 2000 are not as good. He said that he understands, but still does want to put in some detail. So I will mention the 34 figure for 1992.

Also, you will be happy to learn that the Judge said "I don't care one way or the other about how we end the letter -- with an invitation for proposals or not -- so if you want to leave it out I'm OK with that." And I have now changed it to just conclude "Thank you again for your letter."

Brett M. Kavanaugh
04/21/2003 04:38:04 PM
Record Type: Record

To: Theodore W. Ullyot/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Judical emergency, emergencies or crisis?

we use both terms

Theodore W. Ullyot
04/21/2003 04:23:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Judical emergency, emergencies or crisis?

Brett: The Judge has made an edit to the letter that would have us refer to the "vacancy crisis in the Sixth Circuit" -- but he asked me to confirm if that's true. Is "crisis" a term that we use, or do we usually say "judicial emergency" (or "emergencies" -- when several seats involved, i.e. one emergency per seat)?

From: CN=Ken Mehlman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/21/2003 12:50:09 PM
Subject: : Material for Carl Rove Meeting with Rob Walton

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-APR-2003 16:50:09.00
SUBJECT:: Material for Carl Rove Meeting with Rob Walton
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You ok with Karl participating in this meeting?
---------- Forwarded by Ken Mehlman/WHO/EOP on 04/21/2003 04:49 PM ----------

"Annett, Alexander" <AAnnett@pattonboggs.com>
04/21/2003 03:53:53 PM
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP
cc: "'kate@georgewbush.com'" <kate@georgewbush.com>
Subject: Material for Carl Rove Meeting with Rob Walton

Ken, thank you for setting up the meeting between Carl Rove and Rob Walton. In addition, Rick Chapman, the Walton Foundation Advisor, and Aubrey Rothrock, a partner at Patton Boggs, will attend. I will coordinate with Kate their security clearance.

The purpose of the meeting is to:

I. Discuss the charitable activities of the Walton Foundation; and

II. Discuss a proposal that would allow private foundations, like the Walton Foundation, to increase the amount of stock it can hold in an active business corporation from 2% to 5%.

These are the only two topics that will be discussed. Below is a brief summary of the issue. If you need any further information give me a call.

Thanks again.

Alex

I. Background:

For nearly three years, we have been working with the Walton Foundation to advance legislative proposals that will increase substantially the flow of funds to charity. The Walton Foundation has a particular focus on supporting
national educational opportunities and programs in the Delta region of the country (comprised of portions Arkansas, Louisiana and Mississippi that are among the poorest in the country). The Walton Foundation is committed to ensuring that for every dollar spent, the absolute maximum benefit to charity results.

In certain instances where a private foundation is founded and managed by the same individuals who started a successful business, current law allows the foundation to hold no more than 2% of the stock of such business. Duke

University Law Professor Richard Schmalbeck concluded, after an intensive study of the relevant tax policy issues in 2001, that some liberalization of the 2% limitation would encourage additional gifts of stock to private foundations and lead to a measurable increase in the amount of funds available for active charitable purposes. Accordingly, our proposal would increase the 2% level to 5%, but only subject to a series of conditions to ensure that the new five-percent rule is not abused (including a requirement that the stock held by the foundation be publicly traded and not be controlled by the founding family).

The Senate recently adopted a provision affecting private foundations in its version of the CARE bill. The Senate approach simply extends from 5 to 10 years the period during which a private foundation is permitted to dispose of large gifts of corporate stock (i.e., those in excess of $1 billion). While we are of course appreciative of the Senate's willingness to incorporate a provision in the CARE bill that is intended to assist private foundations manage large gifts of publicly traded stock, we continue to feel that a permanent increase in the permitted holdings of foundations to 5% constitutes better tax policy.

II. Purpose of Personal Meeting

We greatly appreciate the opportunity to (i) make senior policy officials within the Administration aware of the charitable activities of the Walton Foundation and (ii) explain why our proposal will help ensure that such charitable activities continue at the same high level.

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
Sent: 4/21/2003 12:52:06 PM
Subject: : Re: Material for Carl Rove Meeting with Rob Walton

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-APR-2003 16:52:06.00
SUBJECT:: Re: Material for Carl Rove Meeting with Rob Walton
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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yes, but would include a DPC/OFB person as well in the meeting.

Ken Mehlman
04/21/2003 04:49:54 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Material for Carl Rove Meeting with Rob Walton

You ok with Karl participating in this meeting?
---------- Forwarded by Ken Mehlman/WHO/EOP on 04/21/2003 04:49 PM ----------

"Annett, Alexander" <AAnnett@pattonboggs.com>
04/21/2003 03:53:53 PM
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP
cc: "'kate@georgewbush.com'" <kate@georgewbush.com>
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From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/21/2003 12:59:11 PM
Subject: : TRANSCRIPT - Defense Department Briefing 04/21/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:21-APR-2003 16:59:11.00
SUBJECT:: TRANSCRIPT - Defense Department Briefing 04/21/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
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DEFENSE DEPARTMENT OPERATIONAL UPDATE BRIEFING
BRIEFER: SECRETARY OF DEFENSE DONALD RUMSFELD; GENERAL RICHARD MYERS, U.S. AIR FORCE, CHAIRMAN OF THE JOINT CHIEFS OF STAFF

PENTAGON BRIEFING ROOM, ARLINGTON, VIRGINIA
2:00 P.M. EDT, MONDAY, APRIL 21, 2003

;

SEC. RUMSFELD: Good afternoon.

;;;;;; While the overall situation in Iraq is improving daily, coalition forces do still face resistance from remnants of the death squads and foreign fighters who came to oppose the coalition forces. There are still some number of dead-enders that remain in the country, in Baghdad and elsewhere. And as coalition forces hunt them down, some are continuing to fight.

;;;;;; As the coalition works to remove the remaining elements of the former regime, the Iraqi people are emerging from the shadow of Saddam's tyranny to help coalition forces find death squads, uncover weapons caches, capture regime leaders, recover POWs, and restore order and basic services.

;;;;;; Last week near Mosul, Iraqi Kurds handed over the Ba'ath Party regional command chairman to coalition forces. In Baghdad local civilians led coalition forces to the home of a general in the Special Republican Guards, where they found a trove of documents, computers and various other materials. Over the weekend a reconstituted Iraqi police force in Baghdad arrested Saddam Hussein's former finance minister and handed him over to coalition forces.

;;;;;; Baghdad residents recently led Marines to a yellow trailer parked in a residential neighborhood. Inside they found four 40-foot-long missiles.

;;;;;; In another part of the city, a man quietly approached U.S. soldiers, drew them a map directing them to the home of the internal security operative who used to monitor that particular neighborhood. Still other residents led them to a school, where they found a cache of rocket-propelled grenades and small arms.

;;;;;; This kind of spontaneous cooperation is happening on a daily basis across the country -- a sign of the growing trust between coalition forces and the majority of ordinary Iraqis.

;;;;;; Of course, not all Iraqis support the coalition presence, and we know that. It's to be expected. Certainly those who benefited from the former regime don't support the coalition. In any totalitarian system, there will be a small portion of the population that has profited from the power of the dictatorship. Those with allegiances to figures in Iran or

Syria undoubtedly also do not support coalition forces, while some others may be ordinary citizens who are understandably uncomfortable with the presence of any foreign forces in their country.

;;;;;; A few weeks ago, there were no protests in Iraq. Now Iraqis are speaking out, expressing opinions, discussing and debating the future of their country. They can do so because of the courage and determination of the coalition forces, troops that are performing superbly.

;;;;;; I should add that support for the troops has been outstanding. USO affiliates across the United States have collected and distributed more than 80,000 care packages for deploying troops, and they've distributed more than 100,000 international telephone calling cards so that troops can call home to their families and loved ones. I'm told that a man from North Carolina and a woman from Illinois found foster homes for pets of deploying forces, and between them, they've placed roughly 2,000 dogs, cats, and at least one pot-bellied pig. (Laughter.) There are hundreds of similar stories of generosity and self-sacrifice on the part of ordinary Americans.

;;;;;; Of course our forces have no stronger group of supporters back home than their families. And let me say just a word about military families. It can often be harder to be the one left behind than the one who is leaving, especially when the loved one is leaving for war. In wartime, military families endure extended periods of separation, not knowing where their loved ones are, what they're doing, and whether or not they're safe or in danger, or whether they're going to be coming home. These are burdens that the families of the men and women in uniform have carried during the course of this war; they've carried them for our country, and the country is grateful and proud of their service and sacrifice, as well as that of the men and women in uniform.

;;;;;; General Myers?

;;;;;; GEN. MYERS: Thank you, Mr. Secretary.

;;;;;; Operations continue throughout Iraq. Earlier today, the 26th Marine Expeditionary Unit was engaged in a firefight on the Mosul airfield in the north. One Marine was wounded. The Marines returned fire, but the attackers escaped and we have no idea who they were.

;;;;;; Also in the north, U.S. Special Forces discovered a very large weapons cache south of Kirkuk. This cache is in 40 different bunkers; it contains multiple rocket-launch rockets, artillery rounds, and other munitions, including, significantly, 50 SA-7s, the hand-held surface-to-air missile.

;;;;;; In the humanitarian area, 40 Czech doctors and other medical personnel are en route to Iraq today to set up a field hospital. Also today, U.S. forces assisted with a Saudi Arabian field hospital convoy en route to Baghdad's Red Crescent hospital, and a Jordanian field hospital convoy to Fallujah.

;;;;;; The two convoys combined numbered over 150 vehicles.

;;;;;; Also earlier today, an Iraqi health official led U.S. forces to three warehouses in Baghdad which contained enough medical supplies to keep all of Baghdad's hospitals stocked for the next six to 12 months. Coalition forces will provide security for Iraqi Ministry of Health officials to distribute the supplies to city hospitals.

;;;;;; In the south, British forces began rail services from Umm Qasr to Al Basra, and this can obviously carry much-needed cargo from the port city to Basra.

;;;;;; So I think in sum, there's still a lot of dangerous work to do in terms of continued security and stability, as well as the search for weapons of mass destruction and support to humanitarian operations.

;;;;;; And with that, we'll take your questions.

;;;;;; SEC. RUMSFELD: Yes?

;;;;;; Q Mr. Secretary, you spoke about demonstrations in Iraq now that the country is free. Those demonstrations include both Sunni and Shi'a Muslims, and the Shi'a, of course, didn't profit from Saddam. And many of those demonstrators are calling for an Islamic republic to take over in Iraq. Would the United States support an Islamic republic in Iraq under the tenets that you've mentioned before, the democratic tenets that you expect?

;;;;;; SEC. RUMSFELD: Well, I don't know what the definition of "many" is. Portions of this country have been free for 15 minutes, others for a day or two, or three or a week. Characterizing anything as "many" or implying that there are large numbers that happen to have that view, it seems to me, reflects a much more insightful knowledge of the situation than I think is permitted at the present time.

;;;;;; The principles the president has put forward are clear, and that is that there should be a country that is -- has its territorial integrity protected; a country that is not a threat to its neighbors; a country that is organized and arranged in a way that the people in the country are -- the various ethnic groups and religious groups are able to have a voice in their government in some form; and we hope, a system that will be democratic and have free speech, and free press and freedom of religion.

;;;;;; The -- in the last analysis, the Iraqi people are going to decide what that form is, not the United States, not the coalition and not anyone else.

;;;;;; Yes?

;;;;;; Q Would an Islamic -- excuse me, sir, if I may follow, just very -- an "Islamic republic" connotes the idea of an Iran, a government such as that in Iran. Would that be acceptable to the United States -- a government not only based on the tenets of a religion but ruled by the tenets?

;;;;;; SEC. RUMSFELD: I don't think that I would characterize what's going on in Iran as a democratic system. I don't think I would say that it fits the principles that I've just indicated. I think there are an awful lot of people in Iran who feel that that small group of clerics that determine what takes place in that country is not their idea of how they want to live their lives.

;;;;;; Yeah?

;;;;;; Q Mr. Secretary, in your opening statement you talked about the progress that's being made with Iraqis leading U.S. troops to Ba'ath Party leaders, et cetera. You mentioned this general from the Special Republican Guard, and quite a few, I think, people from the deck of cards have either surrendered or been captured now.

;;;;;; SEC. RUMSFELD: True.

;;;;;; Q But so far you haven't mentioned that any of them has confirmed the existence of chemical or biological weapons. And General Myers mentioned this huge weapon cache near Kirkuk, but he didn't mention that any chemical or biological weapons were found there. Does that make you uneasy?

;;;;;; SEC. RUMSFELD: No. I've believed all along we're not likely to stumble over anything, nor did the inspectors stumble over anything. What's going to happen, ultimately, is we'll find people, and the people will decide that they want to look forward instead of back, and they will come to us, as they are, and offer up suggestions as to where one might

look and how one might approach it, and testimony on their personal involvements. And we will obviously look with favor on people that do that.

;;;;;; Q And those who've turned themselves in or have been captured so far, I take it, are not offering up that kind of information?

;;;;;; SEC. RUMSFELD: I think it's premature to be making judgments like that.

;;;;;; Q One of the things from the podium you've said repeatedly over the last three months -- that you've warned Iraqi military, if they used chemical or biological weapons, they'd face war crimes -- General Myers, in any of the debriefs of the 8,000 POWs, has anybody said, "We were going to use things, but the U.S. scared us to death, the U.S. scared us; we decided not to"?

;;;;;; And Mr. Secretary, you talked about not stumbling over anything --

;;;;;; GEN. MYERS: (Let's ?) do one at a time here.

;;;;;; Q Okay. But -- go ahead.

;;;;;; GEN. MYERS: I don't recall specifically about WMD use, but that -- but there were certainly some things that -- where we think our psychological operations had a big impact on them, or we said, "Don't do this, or you're going to bear the responsibility."

;;;;;; Q Are you surprised there's been no tactical weapons found, no 155 Howitzers or rockets, that they were going to use?

;;;;;; GEN. MYERS: No, it's going to be a long -- it's a long process. You can't assume what -- the previous question, that the premise of that question is right.

;;;;;; The debriefings are ongoing. Let them work. They're going to --

;;;;;; SEC. RUMSFELD: I'm going -- that's two or three already. My impression of this is that there is, understandably, an appetite to know the answers to these things. And we know there are people now beginning to explore sites really for the first time that have been in the area where we have reason to believe there is the greatest likelihood that we'll find their programs.

;;;;;; We also have said that they've done a superb job of hiding things, and we know they have. They have learned to function in an inspection environment, so that meant they had to have things deeply buried, well dispersed, well hidden, with a relatively few number of people who knew where things are.

;;;;;; I am not going to answer questions that say, "Do you have any intelligence on this?" or "Any intelligence on that?" I'm just not going to do it. We've got a good group of people, interagency group -- CIA, FBI, DOD, DIA -- working out there, and they're collecting things, they're looking for things, they're interrogating people. They're finding all kinds of information. I do not spend time every day trying to figure out what they're being told, were they given any clue on this or any clue on that. That's not what I do.

;;;;;; You will be told at that point where a site has been explored and we don't know anything or we didn't find anything. Or you'll be told, as you have been -- we've had embedded reporters milling around these places. You'll be told if we do find something. So, in good time. In good time.

;;;;;; Yes

;;;;;; Q Along the same lines --

;;;;;; GEN. MYERS: The only thing I would add to that, that they are ongoing operations, and so anything we would say from here would not -- just not be helpful. I mean there are -- no kidding -- ongoing operations, and we're just better off not commenting on them.

;;;;;; Q Mr. Secretary --

;;;;;; SEC. RUMSFELD: Let me give you an example. When they arrest or capture or get turned over some person or some computer or some documentation, it takes time. They then have to look at that, they have to talk to the person, they have to explore it, they have to examine it, they have to cross-check another place. And these things don't happen in five minutes. They have to translate documents.

;;;;;; The idea that we should be rushing around spewing out fragments of information that come into the hands of people who are in these teams, who are proceeding in an orderly, disciplined way, worrying about chain of control and that type of thing, I think is an expectation that is not going to be fulfilled.

;;;;;; Yes?

;;;;;; Q In the process that you are engaged in now of looking not just at Iraq, but at the region, can you give us your thought process -- frame for us how you want the American footprint to look like, a year or two from now, in the region. There was also a New York Times story saying that the administration was supposedly looking at, long term, four air bases in Iraq.

;;;;;; Is that, in fact, a reflection of your thinking for the future of that country?

;;;;;; SEC. RUMSFELD: Well, I would say that that article probably takes the award for world-class thumbsucker of this year. (Laughter.) It is --

;;;;;; Q (Inaudible.)

;;;;;; SEC. RUMSFELD: Pardon me?

;;;;;; (Cross talk.)

;;;;;; SEC. RUMSFELD: Well, it depends -- it says "senior Bush administration officials say." To my knowledge, I don't know what senior is, but I can tell you he wasn't asked (indicating General Myers), I wasn't asked, Torie wasn't asked, Wolfowitz wasn't asked, Pace wasn't asked, and there has been zero discussion among senior Bush administration officials, the way I define senior, on that subject. We literally have not even considered that.

;;;;;; Now, what is going on? There are four bases that the U.S. is using in that country to help bring in humanitarian assistance, to help provide for stability operations. And are they doing that? Sure. But does that have anything to do with the long term footprint? Not a whit.

;;;;;; Q What of the long term --

;;;;;; Q Well, wait a minute. Wait a minute.

;;;;;; Q Yeah! (Laughter.)

;;;;;; SEC. RUMSFELD: Well, obviously, we're thinking about what we're going to -- how we want to be arranged in the future. And in any instance, it would be a subject for discussion with countries, whether in Europe or Asia or in the Middle East. And those kinds of discussions will take place over an orderly period of time. There haven't been decisions made, there haven't been conclusions reached, and it's just a fact that the implication that, as it says here, that the United States is planning a long-term military relationship with an emerging government of Iraq --

there isn't even an emerging government to plan it with at the present time -- one that would grant the Pentagon access to military bases -- a subject that has not come up with anybody senior -- and "project American influence into the heart of the unsettled" region -- I mean, not so! Not so! And I would say enormously unhelpful.

;;;;;; I mean, let me just get this off my chest. (Laughter.) I have no idea who these people talked to. But I'll tell you, if I were a journalist, I would find -- remember who they are, and I'd write their name down, and I would rank them right at the bottom in terms of reliability, credibility, judgment, knowledge. They are unhelpful.

;;;;;; The impression that's left around the world is that we plan to occupy the country, we plan to use their bases over the long period of time, and it's flat false.

;;;;;; We went in there to change a regime. We went in there to find weapons of mass destruction. We went in there to stop them from threatening their neighbors. And we have said precisely what we're there for, and it is not what that article said.

;;;;;; Q So you --

;;;;;; SEC. RUMSFELD: So the people peddling that stuff are wrong, and the people writing it should check things out better.

;;;;;; Q Mr. Secretary, on that, I don't want that -- my question to -- any of my questions to help my colleague there. My question was just like that theme -- you said weapons of mass destruction are a reason the United States went into Iraq. You said that. I'm not mishearing it from anyone else.

;;;;;; What happens, sir, in the new democracy that one hopes will be in Iraq, if that new administration in Iraq decides it needs weapons of mass destruction to protect itself from its neighbors? What does the United States do at that point?

;;;;;; SEC. RUMSFELD: Well, you know, I could ask 50 hypothetical questions that no one in this room could answer. I mean, why are we even asking those questions? There's all kinds of -- I guess the short answer is Adlai Stevenson's: We'll jump off the bridge when we get to it. It isn't there.

;;;;;; Q Well, I think I asked the question -- I asked the question, sir, because of the implications of the New York Times story which you said was flat false, among other things. But the question does --

;;;;;; SEC. RUMSFELD: I did not say somebody didn't say that to the reporter.

;;;;;; Q No, I realize that. You said what it was portraying --

;;;;;; SEC. RUMSFELD: The content --

;;;;;; Q The content --

;;;;;; SEC. RUMSFELD: Yes.

;;;;;; Q But what the larger theme is of the --

;;;;;; SEC. RUMSFELD: Depending on how you define "senior."

;;;;;; Q I would define you as senior, sir. And so that's why I'm asking you -- (laughter) -- (inaudible) --

;;;;;; SEC. RUMSFELD: (Laughs.)

;;;;;; Q (Inaudible) -- your rank, of course.

;;;;;; Q -- how the U.S. hopes to have stability in that part of the world, I think, also is part of that story, and weapons of mass destruction is very unstable tool in the hands of the wrong people, as you've said so many times. So --

;;;;;; SEC. RUMSFELD: I guess we'll have to work our way through all that and see how things play out. And you're right; weapons of mass destruction in a terrorist state's hands are not a stabilizing influence. I would expect that you're going to find a country in Iraq that's not going to be on the terrorist list and is not going to want to have weapons of mass destruction.

;;;;;; Q Wait a minute.

;;;;;; SEC. RUMSFELD: Yeah.

;;;;;; Q I pushed your button, but you didn't answer my question. (Laughter.) I beg your pardon. I was looking for footprint in the region, not necessarily Iraq.

;;;;;; SEC. RUMSFELD: Right. And we'll announce it when we're ready.

;;;;;; I told you we were in discussions, I told you we were talking to countries -- not yet; we plan to -- and that it's an important question. And, obviously, there will have been significant changes.

;;;;;; I would, personally, say that a friendly Iraq that is not led by a Saddam Hussein would be a reason we could have fewer forces in the region, rather than more, I mean just logically. And we're already starting to pull forces out of the CENTCOM AOR, as you must know.

;;;;;; Q But you don't -- so you don't have a philosophical framework --

;;;;;; SEC. RUMSFELD: No. We'll announce -- we'll announce --

;;;;;; Q -- or a Rumsfeld framework to -- less here, more there?

;;;;;; SEC. RUMSFELD: I have something in my head, but it depends on taking those thoughts, discussing them with other countries, the relevant countries, and listening to them and then coming to some judgments and time-phasings. But it's not something that one divines and then announces in a press briefing without having talked to other countries, obviously. Yeah.

;;;;;; Q Mr. Secretary, taking you back to finding things in Iraq, there was a report today that the Mobile Exploitation Team Alpha actually did find a scientist who produced verifiable information about the presence of precursor chemicals, I think it was, as opposed to some theoretical, unvalidated finding. Can you confirm that finding --

;;;;;; SEC. RUMSFELD: No.

;;;;;; Q -- and explain what those teams are doing in Iraq, these Mobile Exploitation Teams?

;;;;;; SEC. RUMSFELD: I can explain what they're doing. They were formed on an interagency basis, as I said, and they're going out and they're looking at sites that come under our control where the situation is sufficiently secure and stable that they can do that. Some are things we thought we knew before; some are things that are opportunistic, where somebody comes and tells us something. And they, then, have an obligation of analyzing things and doing it in an orderly, disciplined way and not talking about it until such time as they think they've come to some conclusion.

;;;;;; Q In this case there was no --

;;;;;; SEC. RUMSFELD: I have nothing to add to it.

;;;;;; Q Some of those teams have complained of a lack of resources, particularly vehicles, helicopters, and the kinds of resources that they need to do their job well.

;;;;;; SEC. RUMSFELD: I have not heard that.

;;;;;; Q You have not heard that?

;;;;;; SEC. RUMSFELD: No. But, you know, at any given moment, in any given place, somebody doesn't have something they need, and then the squeaky wheel gets the oil. CENTCOM -- I believe they're under the operational control of CENTCOM, and CENTCOM has been denied nothing, that I can recall, in terms of things they have felt they needed. And if they have things that they don't currently have that they think they need and ask for them, they'll get them, because this is an important project.

;;;;;; Q Mr. Secretary?

;;;;;; Q Mr. Secretary, can you make some comments about the helpfulness of people who are declaring themselves the mayors of this town, that town, and what this means for the future stability of the country?

;;;;;; SEC. RUMSFELD: I don't know that it adds or detracts. It will happen. People are entrepreneurial, and they'll make announcements and say things and aspire. And on the ground it will get sorted out. Things will happen. People will agree or disagree. And over time, we'll see what happens. I just -- I am not surprised that people do that.

;;;;;; Now, there is no question there are a number of groups that are trying to assert influence there, and it's going to take time -- people from inside the country, people from outside the country, people that are being influenced by countries -- neighboring countries, people that are not being influenced by neighboring countries, people who believe they represent some view of a certain group and want that view reflected, that's what a -- some process is going to flourish here, and all of that is going to be expressed in a -- something other than a perfectly orderly and disciplined way.

;;;;;; Yes?

;;;;;; Q Mr. Secretary, what's your latest thinking on Syria? Do you see any positive signs now coming out of Syria?

;;;;;; SEC. RUMSFELD: The president and the secretary have both spoken on that recently, and that's good enough for me.

;;;;;; Yes?

;;;;;; Q Mr. Secretary, what's the mechanism now for the U.S. to declare an end to the hostilities with Iraq, since it does appear for several days now major combat has indeed ended? What's the mechanism for that? And what is your framework of thinking now about phase four operations; in other words, the need for a particularly sized military force for security and stability?

;;;;;; SEC. RUMSFELD: That's a subject that General Myers and Pete Pace and CENTCOM and all of us are discussing, and when we have --

;;;;;; GEN. MYERS: The U.K. -- the Brits.

;;;;;; SEC. RUMSFELD: The U.K., coalition forces, exactly. And at some point when we have something -- we are simultaneously going out and bringing other countries into the phase four considerations, and we've had some wonderful luck. To date, there are over 20 countries that have forces on the ground in Iraq or are providing support functions in the theater. Italy has offered 300 Carabinieri for security duties. Albania has

provided military forces for a stability operation. Lithuanian cargo handlers are involved already in the country helping with the delivery of humanitarian supplies.

;;;;;; There are any number of international organizations that are now finding portions of the country sufficiently stable that they can come in. We've had a surge in offers of medical support to assist the humanitarian effort. We've been moving quickly to try to integrate these assets into our overall effort. There's a Czech field hospital that started deploying in Iraq last Friday. Spain has a ship in the Gulf with a medical unit on board which is treating Iraqi civilians. Lithuania sent a medical team.

;;;;;; The idea that no other countries are involved in the post-Saddam Hussein activities reminds me of the -- before the war, when it was -- the United States was acting unilaterally and we were, quote, "going it alone." and we ended up with 66 countries involved, 46 of them public.

;;;;;; Q Can you tell us anything --

;;;;;; SEC. RUMSFELD: And the same thing's true here. We have a large and growing number of countries that are involved in Iraq, doing a good job. And to ignore them and pretend that they're not there and not doing their work, which tends to be the impression that's left frequently, it seems to me it's unfortunate, because these people, with their dollars, are stepping up and offering important humanitarian assistance and stabilization assistance, which is what is exactly what's needed in that country. And the United States never did, from the outset, have any intention of doing it alone or doing the stabilization period alone.

;;;;;; Q Can you tell us anything about the mechanism by which there will be declared a cessation of hostilities, and whether under the Geneva Convention, that would put any additional obligations on the coalition?

;;;;;; SEC. RUMSFELD: It does.

;;;;;; Q How will this emerge?

;;;;;; SEC. RUMSFELD: It does. In other words, you -- my understanding -- Dick can calibrate me, but my understanding is that you have a period where you have hostilities. You then can go into a period where you have a move towards a stabilization period in some portions of the country and not the whole country, or you may continue to have hostilities. If you think of where we are in Afghanistan, that's where we are. We have a reasonably stable environment in much of the country and we have something other than that along the Pakistan border.

;;;;;; I suspect that that's what will happen here, that you'll end up with other countries coming in providing stabilization forces in the areas that are stable at some point, and in other areas that are less stable -- and I have no idea -- no one can predict it, how much the non-Iraqis will be fighting over a period of time, how many of these death squad people have melted into the woodwork and will come out in civilian clothes and try to kill somebody.

;;;;;; Q Will you officially declare this -- not you personally, sir -- will the United States at some point officially declare this war is over?

;;;;;; SEC. RUMSFELD: Dick said it, I think. He said what we'll do is we'll sit down with the coalition and make a recommendation to the president at some point as to what portions of the country you can move towards a stabilization effort in at some moment. Ultimately at some point, it will be over. But is it over now? No.

;;;;;; Q Mr. Secretary, today, Ahmad Chalabi said that his group is tracking Saddam Hussein and his sons inside Iraq based on credible intelligence, saying, "We have received information about his movements and the movements of his sons." Have you received the same information?

;;;;;; GEN. MYERS: Have not.

;;;;;; SEC. RUMSFELD: I've not seen it, but I might not. I mean, it would go to CENTCOM, so we'll just have to see what happens.

;;;;;; Q Mr. Secretary --

;;;;;; Q Is it now a priority to try to figure out what exactly happened to Saddam Hussein and his sons?

;;;;;; SEC. RUMSFELD: It's certainly on the list of priorities.

;;;;;; Q Mr. Secretary, reports --

;;;;;; Q In an effort to get more than that --

;;;;;; SEC. RUMSFELD: (Inaudible.) (Laughter.)

;;;;;; Q -- is there (a good deal ?) going on at that site where -- which was bombed, at al Mansour?

;;;;;; SEC. RUMSFELD: Goodness. There've been -- first of all, there have been more than one site where people suspect that he might have been. To what extent any one of those sites has been exploited or examined or investigated -- only very recently have some of those areas fallen under coalition control.

;;;;;; (Aside to Gen. Myers.) Isn't that true?

;;;;;; GEN. MYERS: That's true, that's true.

;;;;;; Q Mr. Secretary, prior to the conflict, human rights groups complained about the use of cluster bombs by the United States. Now that the major combat phase is over, we're seeing the evidence that this, in fact, is a weapon that can continue to kill after the hostilities are over. There've been a small but significant number of people maimed or killed, including some children and some American forces as well. Would you consider limiting the use of cluster bombs in the future, or perhaps even eliminating them from the U.S. arsenal in response to this kind of -- type of criticism?

;;;;;; GEN. MYERS: I think it gets back to -- well, first of all, cluster bombs are not like mines, completely different subject. Cluster bombs are set to go off when they strike their target or whatever they do, so they're not like a mine that lies there until it's activated.

;;;;;; I have not heard of injuries due to cluster bombs, but we'll look into it. It's possible, of course, but we'll have to look into it. And --

;;;;;; Q Well, we've been seeing pictures of unexploded submunitions in various residential areas --

;;;;;; GEN. MYERS: We'll have to find out who's they are, and do all that sort of thing. I just -- I have not seen those pictures, but I'll --

;;;;;; Q There were four injured soldiers just this past weekend when a little girl handed over a canister-sized piece of a cluster bomb, an M-42.

;;;;;; GEN. MYERS: Yeah, what I -- the story we got on what the little girl handed over -- and it was -- was an improvised explosive device to do harm to the four soldiers. It wasn't trying to return a piece of ordnance, in fact.

;;;;;; Q From a seven-year-old girl?

;;;;;; GEN. MYERS: Exactly. Exactly. Then she tried to run away after she handed it, and it went off.

;;;;;; Q Michael Linington (ph) on the ground said that it was an accident, that she was simply trying to --

;;;;;; GEN. MYERS: Well, initial reports this morning --

;;;;;; Q -- return a piece of an M-42 --

;;;;;; GEN. MYERS: Initial reports this morning, that was not the case, but we'll have to look at that, too.

;;;;;; Q That hasn't changed, then?

;;;;;; GEN. MYERS: All I know is the report we got this morning.

;;;;;; I --

;;;;;; Q Can you expand on that report this morning, please?

;;;;;; GEN. MYERS: I pretty much gave it to you. It's that they were -- this -- four, I think, Marines -- was it? -- or soldiers were approached by a young girl with some sort of explosive device. They couldn't determine what it was, and before they could, it went off. And it injured, I think, the little girl and four soldiers.

;;;;;; Q General, I don't want to get the wrong impression from the remarks, but --

;;;;;; GEN. MYERS: Wait a second. We'll call on people.

;;;;;; Q Oh, I'm sorry. It was a follow-up on that, sir. A quick -- are you suggesting that the cluster bombs are less dangerous to civilians than land mines are?

;;;;;; GEN. MYERS: Oh, absolutely.

;;;;;; Q Okay.

;;;;;; GEN. MYERS: Absolutely. I'm not just suggesting it; I'm -- that's an assertion.

;;;;;; Q Okay.

;;;;;; SEC. RUMSFELD: Back here.

;;;;;; Q Mr. Secretary, could someone just take -- this is not a question you could answer now, but could someone from your office get back to us with how many cluster bombs were used in this and what areas they were used in, to counter some of this impression that we're getting that they were actually used in residential areas and had ended up in residential areas?

;;;;;; GEN. MYERS: And clearly -- well, yeah, we'll have to look --

;;;;;; Q (Off mike) -- whatever you can tell on that?

;;;;;; GEN. MYERS: You bet. We'll get that to you.

;;;;;; Q Mr. Secretary, it was reported over the weekend that Jay Garner had urged the military to provide security at key facilities in Baghdad before it had fallen -- the antiquities place and some banks. In retrospect, was it a mistake not to put security at those facilities? Considering that -- getting intelligence and that you probably lost documents from some buildings, was it a mistake not to provide that security?

;;;;;; SEC. RUMSFELD: I don't know anything about what Jay may have recommended to someone in CENTCOM on the subject. There were a large number of things that it was desirable to have happen, to be protected, if

you will. And the reality is that when forces are at war and they're moving into a city or into a province that's held by enemy, they have a lot of concerns. They have a lot of things they have to do. One is they'd like to prevail in the conflict. Second is, they would like to have as few coalition casualties as is possible. And a third is that they would like to provide for force protection for the coalition forces. Fourth is they'd like to not -- or fifth, they'd like to not kill innocent civilians. So they're careful on that type of thing.

;;;;;; And at some moment their forces increase, and they then start changing that. As the pressure for winning is less and they think they're going to win, and the pressure for protecting their own people is less, they can then begin the process of attempting to think through what other things might be done.

;;;;;; And hospitals are important, places -- getting electricity into a hospital, for example, is important. Protecting headquarters where there might be documentation is important. And a lot of that was done.

;;;;;; Now, everything was not done, nor was everything that ultimately was done done instantaneously. And it strikes me that it's asking an awful lot for a group of people, young men and women in uniform, whose lives are at risk, to expect them to go into an area and protect everything in that area that it would be nice to protect. It just isn't going to happen. I think that expectation is unrealistic.

;;;;;; Pam?

;;;;;; Q Mr. Secretary, I want to close the loop on the Iraq base question. Was your answer intended to say that you are not currently considering -- you haven't considered yet having permanent bases there, or is it that you've ruled it out? Because it seems to me that in places where there are U.S. military bases, there tends to be more stability.

;;;;;; SEC. RUMSFELD: I have never, that I can recall, heard the subject of a permanent base in Iraq discussed in any meeting.

;;;;;; GEN. MYERS: Correct.

;;;;;; Q So that means it hasn't come up, yet, but you haven't ruled it out? Does it?

;;;;;; (Pause.)

;;;;;; Far be it from me to put words in your mouth, because you're on fire today! (Laughter.)

;;;;;; SEC. RUMSFELD: Now, now! Now, now! You should me when I'm on fire. (Laughter.)

;;;;;; Q (Off mike.)

;;;;;; SEC. RUMSFELD: No, no, not even close. I'm reflective today. (Laughter.)

;;;;;; The likelihood of it seems to me to be so low that it does not surprise me that it's never been discussed in my presence, to my knowledge. Why do I say it's low? Well, we've got all kinds of options and opportunities in that part of the world to locate forces, it's not like we need a new place. We have plenty of friends and plenty of ability to work with them and have locations for things that help to contribute to stability in the region. We --

;;;;;; Q Is there a down side to having them?

;;;;;; SEC. RUMSFELD: I think there is a down side. I think any impression that is left, which that article left, that the United States plans some sort of a permanent presence in that country, I think is a signal to the

people of that country that's inaccurate and unfortunate, because we don't plan to function as an occupier, we don't plan to prescribe to any new government how we ought to be arranged in their country.

;;;;;; It's just not something we do. We're not arranged that way.

;;;;;; Q Is the problem, Mr. Secretary, the use of the word "permanent"? Is that the problem? Permanent denotes forever.

;;;;;; SEC. RUMSFELD: Or long-term. How do you like that?

;;;;;; Q Are you okay with long-term?

;;;;;; SEC. RUMSFELD: You can substitute -- no -- you can substitute long-term for permanent, and my answer's the same. We are using those bases, properly so, to help with stabilization forces and humanitarian assistance. And thank goodness we are, because a great deal is coming in through the port and coming in through those airfields in ways that are helpful to the people.

;;;;;; Q So do you have no interest in a future military-to-military relationship with a new Iraqi government if they want one?

;;;;;; SEC. RUMSFELD: We haven't gotten to that point. My goodness gracious, we've just gone in and thrown out Saddam Hussein's regime.

;;;;;; Q But wouldn't it be logical?

;;;;;; SEC. RUMSFELD: Why would --

;;;;;; Q You would be thinking about how to continue on the gains you have made --

;;;;;; SEC. RUMSFELD: It may be logical, but we haven't done it. (Laughter.) We stand indicted of failing to consider permanent bases in Iraq. We apologize profusely. (Laughter.) How have we done?

;;;;;; GEN. MYERS: In 32 days, we're doing okay.

;;;;;; SEC. RUMSFELD: Yeah! (Laughs.)

;;;;;; Q Mr. Secretary, how long do you plan -- there have been several statements this weekend about the possible duration of military presence of --

;;;;;; SEC. RUMSFELD: The possible what?

;;;;;; GEN. MYERS: Duration.

;;;;;; Q The length of a military presence in Iraq. Mr. Richard Perle mentioned six months; Ahmad Chalabi, two years; you said, if I recall correctly, as long as necessary --

;;;;;; SEC. RUMSFELD: And not one day longer.

;;;;;; Q Exactly. How long is that, do you think; in terms of months or years?

;;;;;; SEC. RUMSFELD: We don't know. I don't know. Maybe everyone else has a view, but I'm without a view. It depends on how this thing ends; it depends on how rapidly this interim government evolves; it depends on how successful external influences are in trying to change what's going on in that country adversely. There's so many variables, it's just not possible. We have no desire to be there for long periods, we simply don't. And that's just a cold, hard fact.

;;;;;; Yes?

;;;;;; Q (Inaudible) -- U.S. troops would be able to successfully deal with the remnants of the regime faster than they've been able to do with the Taliban and al Qaeda in Afghanistan?

;;;;;; SEC. RUMSFELD: I would hope so. I would hope so. I think the -- it partly depends on neighbors. The problem in Afghanistan is the border with Iran and with Pakistan. And that opportunity to move back and forth across borders, and to make mischief from the other side of the border and to supply elements within the country makes it more difficult.

;;;;;; If it were an island, it would be, probably, less of a problem. But it's not an island. And I have a feeling that it will partly depend on how Iraq's neighbors behave, to some extent.

;;;;;; But I'm -- I really -- I don't know that I'm smart enough to look out into the future, take all of those variables and grab them and say, "Well, this one is going to come out this way, and that one will come out that way, and then when they all interact, that means it's going to be nine months or nine years." I just can't do that. I just think that anyone who thinks they can probably is just guessing, and I can't get in the business of guessing because you all will beat me up for it. (Scattered laughter.)

;;;;;; Q Could I ask General Myers a question? Last week you were asked about this lessons-learned study that would be done of the war, and you said you didn't want to get into what lessons you thought you could draw already. But I wonder, would you just explain how this exercise works a little bit? What sorts of things get looked at, and what is done with the information? Does it mean that certain weapons systems might get cancelled? Does it mean that units will be reorganized? What's the --

;;;;;; GEN. MYERS: First of all, lessons learned can impact a variety of things: your doctrine, how you organize yourself, how you train, how you train your leadership, and maybe even how you pick your leadership, what kind of facilities you need. It can go into material things as well. There may be certain systems that are -- you know, you've decided might be more valuable in the future than others. So it's across that -- that's how it's applied across that whole gamut.

;;;;;; And the way it will be organized is a little bit different than in the past, is that we're going to try to turn these lessons very, very quickly. And so we're taking a series of views. The first view probably ought to inform us on the sorts of things that we have on the table right now in the '04 budget, and so forth. Are there anything extraordinary that might require some adjustment? That budget was built some time ago, as you know. Certainly for the '05 budget and forward, are there things that need to be done there? And then some of these other things that aren't budget-related, that are just either organization or doctrine, that can be fed into the process as we go along. So --

;;;;;; Q Well, to ask a specific question, I think that some critics of the FA-22 would like to draw the lesson, you know, that this air war went so smoothly that that plane isn't needed. Do you think you can draw a lesson from this war for --

;;;;;; GEN. MYERS: The only thing I would say regarding that, that the Afghan conflict taught us some things, some of which we used in Iraq, some of which we didn't use. Iraq is going to teach us a lot of things, but it's not going to be the template for -- you can't just keep laying it over and saying, "Well, that's the template for the future," necessarily. There will be good elements that we'll want to replicate, want to carry forward, want to enhance; there will be other elements that probably we don't want to have in the future. And I'm not going to make any comments on that.

;;;;;; SEC. RUMSFELD: Thank you very much.

END.

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From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 4/21/2003 5:52:02 PM
Subject: Sen. Ensign op-ed in Reno Gazette-Journal

I always feel grateful when I see an individual who has a lucrative career in the private sector but still decides to willingly forfeit the benefits of such a career to serve his community and his country. So it is particularly disheartening when such a person falls victim to the sometimes-nasty political process in Washington. Such is the case of Miguel Estrada, who has been nominated by President Bush for a seat on the U.S. Court of Appeals for the District of Columbia.

Mr. Estrada embodies much of what is great about our country, having come to America as an immigrant from Honduras, speaking almost no English, graduating magna cum laude from Harvard Law, and ascending to the highest levels of the legal profession. Miguel Estrada was handed nothing and achieved what he did through hard work, perseverance, a commitment to education and a belief that America's opportunities were closed to no one willing to work for them.

Sadly, Mr. Estrada's accomplishments and desire to serve his country have not been enough to protect him from vociferous and partisan attacks with absolutely no foundation in fact. Senate Democrats have gone far beyond their bitter rhetoric and taken the highly unusual step of threatening a filibuster in order to derail Mr. Estrada's nomination.

Mr. Estrada himself is in no way a partisan advocate. He has served in the administrations of Presidents George W. Bush and Bill Clinton. The long list of Hispanic groups backing Miguel Estrada's nomination includes the League of United Latin American Citizens and the U.S. Hispanic Chamber of Commerce, among others.

In Nevada alone, more than a dozen groups have stepped forward to support Mr. Estrada, including Fair Treatment for Immigrants, the Nevada Education Council and the Reno Hispanic Chamber of Commerce.

Some Senate Democrats, however, cannot tolerate a nominee of President Bush no matter his character and qualifications and are willing to try to scuttle his nomination for the sole purpose of denying the president something they see as a political victory. What they fail to understand is that Miguel Estrada's appointment to the Court of Appeals for the District of Columbia will be a victory for all of us because our judicial system will undoubtedly be strengthened by the judgment and wisdom that Mr. Estrada will provide.

Democrats complain loudly that Mr. Estrada has not provided enough information about his views on certain issues. However, it is clearly improper for Mr. Estrada or any other judicial nominee to take a stance during the nomination process on issues he or she might have to rule on as a judge.

By orchestrating a filibuster and denying Miguel Estrada an up-or-down vote in the Senate, Democrats are setting a dangerous precedent that could poison the nomination process for years to come and offset the balance of powers in the federal government that our nation's founders intended.

Let us all hope that these shortsighted, mean-spirited and misguided attempts will fail, and that Miguel Estrada, a fine American and fine judicial candidate, will be allowed to serve our country. The swearing in of Judge Estrada will affirm that hard work and a desire to better the American judicial system must prevail over empty rhetoric and petty politics.

John Ensign is a U.S. senator from Nevada.

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/21/2003 2:11:07 PM
Subject: : White House Global Messenger - 4/22/03
Attachments: P_FJ3SF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:21-APR-2003 18:11:07.00
SUBJECT:: White House Global Messenger - 4/22/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 4-22-03 FINAL.doc)

THE GLOBAL MESSENGER
Tuesday, April 22, 2003

******KEY POINTS******

*The overall situation in Iraq is improving daily, but Coalition forces still face resistance from remnants of Saddam's death squads and foreign fighters who came to oppose Coalition forces.

*As we work to remove remaining elements of the former regime, the Iraqi people are emerging from the shadow of Saddam's tyranny to help Coalition forces find death squads, uncover weapons caches, capture regime leaders, recover POWs, and restore order and basic services.

*This kind of cooperation is happening on a daily basis, across the county - a sign of the growing trust between Coalition forces and the majority of ordinary Iraqis.

*Of course, not all Iraqis support the Coalition presence. In any totalitarian system, there will be a small portion of the population that profits from the power of the dictatorship, while some others may be ordinary citizens who are understandably uncomfortable with the presence of any foreign forces on their soil.

*A few weeks ago, there were no protests in Iraq. Now, Iraqis are speaking out, expressing opinions, discussing and debating the future of their country. They can do so because of the courage and determination of the Coalition forces.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change

7:00am CentCom Operations Update
12:30pm White House Briefing
TBD State Department Briefing
TBD Defense Department Briefing

******LIBERATION UPDATE******
The voices of freedom, now heard in many parts of Iraq

For more reactions to Operation Iraqi Freedom,

visit "Liberation Update" at: http://www.whitehouse.gov/liberation

***
"Iraq has just emerged from a nightmare that lasted 35 years. The problems that Iraq has suffered under the rule of Saddam's regime cannot be eliminated in one or two days. Iraqis must hold several meetings until they agree on what they deem appropriate for the establishment of an interim government representing all Iraqi factions and capable of preparing a permanent constitution top be submitted to the people through a public referendum before the nature of [the next] government could be agreed. This requires a long time."
Muhammad Bahr-al-Ulum, Egyptian Radio,4-16-03

******CLIMATE OF FEAR******
Brief accounts of the pain inflicted by Saddam's regime on the people of Iraq

"When asked what kind of torture he went through, Mekhedi gets tears in his eyes and looks away. After collecting himself, he says only that in this section of the prison, the guards doled out electric shock and, if the prisoner resisted, severe beatings. 'Of course, it is very painful for me to come back and remember, but being back also makes me enthusiastic for the future and gives me the desire to survive,' he says, smiling somewhat ruefully."
US News & World Report, 4-28-03

******KEY QUOTE******

"[W]hen people are free, they express their opinions. You know, [Iraqis] couldn't express their opinions before we came, now they can. I've always said democracy is going to be hard. It's not easy to go from being enslaved to being free. But it's going to happen, because the basic instinct of mankind is to be free."
President Bush, to reporters, 4-20-03

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You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.
- GM 4-22-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FJ3SF003_WHO.TXT_1>

THE GLOBAL MESSENGER

Tuesday, April 22, 2003

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All Times Eastern Daylight. Subject to Change

7:00 am	CentCom Operations Update
12:30 pm	White House Briefing
TBD	State Department Briefing
TBD	Defense Department Briefing

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***US News & World Report*, 4-28-03**

KEY POINTS

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KEY QUOTE

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-- President Bush, to reporters, 4-20-03

From: CN=Courtney S. Elwood/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2003 7:43:12 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME:22-APR-2003 11:43:12.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yeah, I understand. Would you mind, however, if I took a look at the memos that Jay's office prepared during that tort reform exercise?

Brett M. Kavanaugh
04/22/2003 11:40:39 AM
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP
cc:
bcc:
Subject: Re:

yes, I have mine and my current files on class action and medical liability, but nothing in there looks like your stuff.

Courtney S. Elwood
04/22/2003 11:37:16 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

Thanks. Did you find your tort reform materials by chance? I again looked through Jen's files and didn't find my files. Perhaps I gave them to you (although I have no specific recollection of that) and they were archived -- in which case, I guess they are gone forever.

Brett M. Kavanaugh
04/22/2003 11:30:01 AM
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP
cc:
Subject:

I went through my file cabinets and did not see anything that looked like your tort reform file.

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 4/22/2003 10:15:57 AM
Subject: Tea leaves

In **USA Today**, Joan Biskupic reports **here** that "Chief Justice William Rehnquist has extended the contract of his administrative assistant, a possible -- but not definitive -- signal that he will stay on the bench another year."

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 4/22/2003 10:59:34 AM
Subject: RE:

Is the book by Katharine Tenpas?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 22, 2003 10:57 AM
To: Bumatay, Patrick J.
Subject:

I gave Judge a library book a while ago that was entitled something like Presidents and Re-elections. Can you ask him if he has it.

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2003 11:07:21 AM
Subject: : FW:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:22-APR-2003 15:07:21.00
SUBJECT:: FW:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI
-----Original Message-----
From: Leitch, David G.
Sent: Tuesday, April 22, 2003 3:01 PM
To: Sampson, Kyle
Subject:

I see on my calendar our interview with Kinser scheduled for next week.; I think I should probably not participate in that.;

From: CN=Jess Sharp/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2003 7:36:01 AM
Subject: : Re: bankruptcy

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jess Sharp (CN=Jess Sharp/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:22-APR-2003 11:36:01.00
SUBJECT:: Re: bankruptcy
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett - Thank you so much for looking into this. So from a legal standpoint the '84 change has made it more difficult for airlines to cut its labor costs in bankruptcy. What exactly was the pre-'84 procedure? Did bankruptcy provide total protection to the debtor, allowing it to simply declare a contract void?

Brett M. Kavanaugh
04/21/2003 03:04:08 PM
Record Type: Record

To: Jess Sharp/OPD/EOP@EOP
cc:
bcc:
Subject: Re: bankruptcy

I can talk about your first question when you want.

It certainly appears that the amendment to the Bankruptcy Code in 1984, which undermined the Bildisco decision, has hindered the ability of airlines to reject collective bargaining agreements when in bankruptcy. The statute set forth a 3-part test that courts must apply before allowing a debtor to reject a CBA. (Note that this is not an airline-only carve-out.) Beyond the requirements of the statutory test itself, an added problem is that the standards used by courts in applying this test to assess when and under what circumstances a collective bargaining agreement may be rejected are vague and unpredictable. Indeed, there is a circuit split between the Second and Third Circuits on one key issue (the application of the "necessary" standard), with the Second Circuit granting the debtor more flexibility in modifying or rejecting a collective bargaining agreement.

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Jess Sharp
04/17/2003 03:32:26 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: bankruptcy

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Thanks a lot Brett.

Jess

Brett M. Kavanaugh
04/17/2003 03:06:17 PM
Record Type: Record

To: Jess Sharp/OPD/EOP@EOP
cc:
bcc:
Subject: Re: bankruptcy

I can dig into this. What do you need to know?

Jess Sharp
04/16/2003 03:49:21 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: bankruptcy

I'm digging around for as much info as I can on bankruptcy law as it pertains to airlines. Are you the man to talk to? I know you've been in some of our airline meetings, but I didn't know if your angle was only anti trust. Thanks Brett.

Jess

From: Charles Spies - Legal <CSpies@rnchq.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2003 7:56:36 AM
Subject: : FW: 4/25 BCRA-FEC Conference Call
Attachments: P_W2RSF003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charles Spies - Legal <CSpies@rnchq.org> (Charles Spies - Legal <CSpies@rnchq.org> [UNKNOWN])
CREATION DATE/TIME:22-APR-2003 11:56:36.00
SUBJECT:: FW: 4/25 BCRA-FEC Conference Call
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett -

I'm sure you're swamped these days, but if you have time on Friday you may find this conference call interesting. We (Tom and I) will be discussing the FEC's expecting ruling on Thursday regarding a variety of "soft money" solicitation issues regarding Federal candidates and officeholders.

- Charlie

-----Original Message-----
From: Katherine Piper - Legal
Sent: Monday, April 21, 2003 4:48 PM
To: Katherine Piper - Legal
Subject: 4/25 BCRA-FEC Conference Call

After a break last week, we will be resuming our weekly BCRA-FEC Conference Calls this Friday.

Please find below the call-in information for this week's conference call, which will take place on Friday, April 25th, at 4pm EST.

You must RSVP back to me by Wednesday night in order to be on the call. Previous responses will not carry over to this week. You will need to respond to each week's email message.

The subject of this week's call is "FEC Advisory Opinion 2003-03: Federal Officeholder Participation in State and Local Candidate Events". Please email any questions that you would like the attorneys to address by COB on Wednesday.

FEC/BCRA Conference Call
Friday, April 25th 2003, 4 pm EST
Number: 888-566-5776
Leader Name: Tom Josefiak
Passcode: BCRA Five

For security purposes, the leader's name and passcode will be required to join the call. Thank you for your cooperation.

Katie Piper
RNC Counsel's Office
310 First Street, SE
Washington, DC 20003
202.863.8638 (phone)
202.863.8654 (fax)
www.rnc.org

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_W2RSF003_WHO.TXT_1>

Brett -

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To: Katherine Piper - Legal
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RNC Counsel's Office
310 First Street, SE
Washington, DC 20003
202.863.8638 (phone)
202.863.8654 (fax)
www.rnc.org

From: CN=Courtney S. Elwood/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2003 7:57:12 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME:22-APR-2003 11:57:12.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks. Just let me know if you want me to come down and grab it.

Brett M. Kavanaugh
04/22/2003 11:56:06 AM
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP
cc:
bcc:
Subject: Re:

sure, I will dig out some stuff and have it delivered.

Courtney S. Elwood
04/22/2003 11:42:49 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

Yeah, I understand. Would you mind, however, if I took a look at the memos that Jay's office prepared during that tort reform exercise?

Brett M. Kavanaugh
04/22/2003 11:40:39 AM
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP
cc:
bcc:
Subject: Re:

yes, I have mine and my current files on class action and medical liability, but nothing in there looks like your stuff.

Courtney S. Elwood
04/22/2003 11:37:16 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

Thanks. Did you find your tort reform materials by chance? I again looked through Jen's files and didn't find my files. Perhaps I gave them to you (although I have no specific recollection of that) and they were archived -- in which case, I guess they are gone forever.

Brett M. Kavanaugh
04/22/2003 11:30:01 AM
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP
cc:
Subject:

I went through my file cabinets and did not see anything that looked like your tort reform file.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Israel Hernandez/WHO/EOP@Exchange@EOP [WHO] <Israel Hernandez>
Sent: 4/22/2003 9:35:13 AM
Subject: : what kind of info and in what format do you want for possible Law Day event

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-APR-2003 13:35:13.00
SUBJECT:: what kind of info and in what format do you want for possible Law Day event
TO:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/OVP/EOP@EOP [OVP] <Courtney S. Elwood>
Sent: 4/22/2003 10:19:06 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-APR-2003 14:19:06.00
SUBJECT:: Re:
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
End Original ARMS Header

-- political priorities/reality check at the time with a D Senate, as I recall
-- maybe on email; will check

Courtney S. Elwood
04/22/2003 01:46:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

Thanks for the materials. I see that the Horowitz proposal was one of the proposals that was originally discussed by the tort reform group, but it fell out of the process between the initial meeting of the group (1/8/2002) and the final memo (2/27/2002). Having reviewed your docs, do you recall what happened to that idea? Do you still have the memo/document where the pros and cons of each proposal were listed?

Brett M. Kavanaugh
04/22/2003 11:56:06 AM
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP
cc:
bcc:
Subject: Re:

sure, I will dig out some stuff and have it delivered.

Courtney S. Elwood
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To: Brett M. Kavanaugh/WHO/EOP@EOP
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bcc:
Subject: Re:

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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
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Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP
cc:
Subject:

I went through my file cabinets and did not see anything that looked like your tort reform file.

From: Vestewig, Lauren J.
To: <Kavanaugh, Brett M.>
Sent: 4/22/2003 3:13:39 PM
Subject: RE: are we meeting at 430 on airlines?

yes

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 22, 2003 3:12 PM
To: Vestewig, Lauren J.
Subject: are we meeting at 430 on airlines?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>
Sent: 4/22/2003 3:28:52 PM
Subject: : did we get a Coffey letter?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-APR-2003 19:28:52.00
SUBJECT:: did we get a Coffey letter?
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jess Sharp/OPD/EOP@EOP [OPD] <Jess Sharp>
Sent: 4/22/2003 11:50:09 AM
Subject: : Re: bankruptcy

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-APR-2003 15:50:09.00
SUBJECT:: Re: bankruptcy
TO:Jess Sharp (CN=Jess Sharp/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

quick question: is there any paper for the 4:30 meeting?

Jess Sharp
04/22/2003 03:47:43 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: bankruptcy

Cool. Thanks Brett. Any way to zero in on whether and or why some bankruptcy judges arguably allow an airline out of bankruptcy too soon? What is the standard or test that a debtor must meet to be released? Is there some judgement of feasibility?

Brett M. Kavanaugh
04/22/2003 03:44:12 PM
Record Type: Record

To: Jess Sharp/OPD/EOP@EOP
cc:
bcc:
Subject: Re: bankruptcy

It was a very weak standard that allowed debtors pretty much carte blanche to reject contracts, as the standard was intepreted by the Supreme Court. The day the Supreme Court decision came out offering this interpretation, the unions went nuts and persuaded Congress to quickly pass legislation we now have.

Jess Sharp
04/22/2003 11:35:38 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
bcc:
Subject: Re: bankruptcy

Brett - Thank you so much for looking into this. So from a legal standpoint the '84 change has made it more difficult for airlines to cut its labor costs in bankruptcy. What exactly was the pre-'84 procedure? Did bankruptcy provide total protection to the debtor, allowing it to simply declare a contract void?

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Record Type: Record

To: Jess Sharp/OPD/EOP@EOP
cc:
bcc:
Subject: Re: bankruptcy

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It certainly appears that the amendment to the Bankruptcy Code in 1984, which undermined the Bildisco decision, has hindered the ability of airlines to reject collective bargaining agreements when in bankruptcy. The statute set forth a 3-part test that courts must apply before allowing a debtor to reject a CBA. (Note that this is not an airline-only carve-out.) Beyond the requirements of the statutory test itself, an added problem is that the standards used by courts in applying this test to assess when and under what circumstances a collective bargaining agreement may be rejected are vague and unpredictable. Indeed, there is a circuit split between the Second and Third Circuits on one key issue (the application of the "necessary" standard), with the Second Circuit granting the debtor more flexibility in modifying or rejecting a collective bargaining agreement.

I cannot describe with certainty the economic ramifications of all of this, but the ability of a debtor to reject collective bargaining agreements was significantly circumscribed by the 1984 statutory amendment; moreover, the standards outlined in the statute have caused great uncertainty in the courts. I am sure the airlines have described this to you in some depth. I would be happy to write this up in any form you wish.

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04/17/2003 03:32:26 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
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Subject: Re: bankruptcy

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cc:
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From: CN=Jess Sharp/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2003 11:56:31 AM
Subject: : Re: bankruptcy

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jess Sharp (CN=Jess Sharp/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:22-APR-2003 15:56:31.00
SUBJECT:: Re: bankruptcy
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Not that I have. I think we're just running through what should go into a paper for Deputies on Friday and Principals on Monday. I think we'll end up discussing how the Administration can speak with one voice on competition issues.

Brett M. Kavanaugh
04/22/2003 03:49:48 PM
Record Type: Record

To: Jess Sharp/OPD/EOP@EOP
cc:
bcc:
Subject: Re: bankruptcy

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To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
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Subject: Re: bankruptcy

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04/17/2003 03:06:17 PM
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04/16/2003 03:49:21 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: bankruptcy

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Jess

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Brilliant, Hana F.>;<Brosnahan, Jennifer R.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Francisco, Noel J.>;<Ganter, Jonathan F.>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 4/22/2003 5:38:57 PM
Subject: Samuel Der-Yeghiayan

Samuel Der-Yeghiayan, USDC, Northern District of Illinois, is uanimously rated "Qualified" by the ABA.

From: CN=Ryan L. Cole/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2003 2:20:05 PM
Subject: : Re: CNP

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ryan L. Cole (CN=Ryan L. Cole/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-APR-2003 18:20:05.00
SUBJECT:: Re: CNP
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

CNP is one of the oldest conservative groups in the country. They are old fashioned Reagan conservatives: not overly friendly to the government. There should be 150 people at the briefing. I hope this helps. If not, I'll have Matt or Tim give you a call.

Thanks,

Ryan

Brett M. Kavanaugh
04/22/2003 02:26:11 PM
Record Type: Record

To: Ryan L. Cole/WHO/EOP@EOP
cc:
bcc:
Subject: Re: CNP

sure; can you give me a little more info about the group; the description is quite vague

Ryan L. Cole
04/22/2003 01:55:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: CNP

Brett,

Would you be available to speak to a briefing for CNP that Tim Goeglein and Matt Smith are doing in room 450 on 4/24 at 6:00pm? You would only need to speak for 15 minutes. Would this work for you?

Thanks,

Ryan

"The Center for National Policy (CNP), a non-profit, non-partisan public policy organization, is dedicated to promoting the public interest. Since its founding in 1981, CNP has served as a forum for debate and discussion and has been a significant player in developing policy alternatives that are responsive to and effectively serve the interests of all Americans.

CNP works with policy-makers and policy experts from across the political spectrum to promote the development of a common agenda for democratic governance in the 21st Century"

From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Orr, Christopher J.>
Sent: 4/22/2003 8:02:57 PM
Subject: May 9 is target date

From: Gonzales, Alberto R.
To: <Kavanaugh, Brett M.>
Sent: 4/22/2003 8:05:46 PM
Subject: Re: event approved for Rose Garden on Friday, May 9

What is the event look like?

From: CN=Gayle S. Worthy/OU=WHO/O=EOP [WHO]
To: Tony.Coppolino@usdoj.gov @ inet [UNKNOWN] <Tony.Coppolino@usdoj.gov @ inet>;Shannen.Coffin@usdoj.gov @ inet [UNKNOWN] <Shannen.Coffin@usdoj.gov @ inet>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2003 5:45:30 AM
Subject: : Availability for phone meeting this p.m.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Gayle S. Worthy ( CN=Gayle S. Worthy/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-APR-2003 09:45:30.00
SUBJECT:: Availability for phone meeting this p.m.
TO:Tony.Coppolino@usdoj.gov @ inet ( Tony.Coppolino@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Shannen.Coffin@usdoj.gov @ inet ( Shannen.Coffin@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

All, Ed has asked me to setup a phone meeting for this p.m., pls provide
your availability, should take about .15 mins.
thanks
gayle
6-1195
```

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 4/23/2003 7:14:44 AM
Subject:

How Appealing provided a link to this article, which commented on the item I sent you this weekend about Republicans tiring of the judicial fights.

http://rushlimbaugh.com/home/daily/site_042103/content/rush_is_right.guest.html

From: CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2003 7:59:32 AM
Subject: : okl name

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-APR-2003 11:59:32.00
SUBJECT:: okl name
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

is being faxed over right now.
```

From: Thomas, Ginni <ginni.thomas@heritage.org>
To: Thomas, Ginni <ginni.thomas@heritage.org>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/23/2003 8:20:32 AM
Subject: : Heritage Update - Recent Publications and Upcoming Events, April 23rd
Attachments: P_IS3UF003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thomas, Ginni" <ginni.thomas@heritage.org> ("Thomas, Ginni"
<ginni.thomas@heritage.org> [UNKNOWN])
CREATION DATE/TIME:23-APR-2003 12:20:32.00
SUBJECT:: Heritage Update - Recent Publications and Upcoming Events, April 23rd
TO:"Thomas, Ginni" <ginni.thomas@heritage.org> ("Thomas, Ginni"
<ginni.thomas@heritage.org> [UNKNOWN])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Feel free to attend (and RSVP) for any events. We would welcome any
suggestions or ideas too - Thanks, Ginni

<http://www.heritage.org/emails/hidden/heritage_update.gif>
<http://www.heritage.org/> <http://www.heritage.org/research/>
<http://www.heritage.org/press/dailybriefing/>
<http://www.heritage.org/press/events/>

April 23, 2003

Upcoming Events: Click here for
<http://www.heritage.org/Press/Events/index.cfm> event details and RSVP

The Role of the U.S.-Japan Alliance in East Asia's Strategic Environment
Featuring: Honorable Fukushiro Nukaga, H.R.-LDP; Takashi Nishioka,
President, Mitsubishi Corp; Noboru Hoshuyama, Former Director-General,
Defense Facilities Administration Agency; and Larry Wortzel, The Heritage
Foundation.
Tuesday, April 29th, 9:30 a.m. - 11:30 a.m.

Asia: The View from Capitol Hill
Featuring: Frank Jannuzi, Professional Staff Member Committee on Foreign
Relations; Sara Hessenflow, Legislative Assistant Senator Sam Brownback;
Dennis Halpin, Professional Staff Committee on International Relations;
Peter Yeo, Deputy Staff Director, Committee on International Relations;
and Dana Dillion, The Heritage Foundation.
Monday, May 5th, 1:30 p.m. - 3:00 p.m.

President Bush's Health Care Plan
Featuring: Doug Badger, Special Assistant to the President for Economic
Policy, The White House; Director Kay James, Office of Personnel
Management; Ann-Marie Lynch, Deputy Assistant Secretary, Office of Health
Policy, Department of Health and Human Services; Bob Moffit and Mike
Franc, The Heritage Foundation.
Thursday, May 8th, 12:00 noon - 1:30 p.m.
2226 Rayburn House Office Building. Lunch provided.

Foreign and Defense Policy:

<http://www.heritage.org/Research/MiddleEast/wm261.cfm> Operation Iraqi
Freedom: Military Objectives Met
by Baker Spring

<http://www.heritage.org/Research/MiddleEast/wm260.cfm> Saddam Hussein's Violations of the Geneva Convention
by Carrie Satterlee

<http://www.heritage.org/Research/MiddleEast/wm266.cfm> War Crimes Trials
by Paul Rosenzweig

<http://www.heritage.org/Press/Commentary/ed042103.cfm> Syria's Fate by Peter Brookes

<http://www.heritage.org/Press/Commentary/ed041703.cfm> The U.N.'s Strong Suit in Iraq by Peter Brookes

<http://www.heritage.org/Research/MiddleEast/bg1646.cfm> Blueprint for Freedom: Limiting the Role of the United Nations in Post-War Iraq by Nile Gardiner and David Rivkin

<http://www.heritage.org/Press/Commentary/ed041703a.cfm> A Better Way to Chastise France by Dan Mitchell

<http://www.heritage.org/Research/MissileDefense/hl783.cfm> Ten Principles for Combating Nuclear Proliferation
by Baker Spring

<http://www.heritage.org/Research/AsiaandthePacific/hl781.cfm> The Anti-Terrorist Coalition in the Pacifi
<http://www.heritage.org/Research/AsiaandthePacific/hl781.cfm> c by Peter Brookes

<http://www.heritage.org/Research/NationalSecurity/wm256.cfm> Waging War on Terrorism
by Marshall Billingslea

<http://www.heritage.org/Research/HomelandDefense/TST040903.cfm> Securing Freedom And The Nation: Collecting Intelligence Under The Law by Paul Rosenzweig

<http://www.heritage.org/Research/HomelandDefense/wm253.cfm> Facts About WMD Threats Against Washington, D.C.
by Dexter Ingram

<http://www.heritage.org/Research/MiddleEast/wm257.cfm> Women and the Transition to Democracy: Iraq, Afghanistan, Beyond
<http://www.heritage.org/Research/MiddleEast/wm257.cfm> by Paula J. Dobriansky

Domestic Policy:

<http://www.heritage.org/Research/Taxes/em869.cfm> A Modest Proposal: How to Offset More Than Half of the President's Original Tax Cut by Brian M. Riedl

<http://www.heritage.org/Research/Taxes/wm263.cfm> Understanding Pro-Growth Tax Policy by Daniel Mitchell

<http://www.heritage.org/Research/Taxes/bg1644.cfm> CBO Estimates: Spending Weakens the Effects of Pro-Growth Tax Relief by Brian M. Riedl

<http://www.heritage.org/Research/Taxes/wm265.cfm> Most Stocks are Held by Private Investors
<http://www.heritage.org/Research/Taxes/wm265.cfm> by Norbert Michel

<http://www.heritage.org/Research/HealthCare/wm258.cfm> Giving Rural Seniors a Choice of Health Plans: The FEHBP Model for Medicare Reform by

Nina Owcharenko

<http://www.heritage.org/Research/HealthCare/wm259.cfm> Just the Facts:
Health Care Choice and Patient Satisfaction by Derek Hunter

<http://www.heritage.org/Research/HealthCare/wm250.cfm> Comparing
Medicare and Private Health Insurance Spending by Joe Antos and Alfredo
Goyburu

<http://www.heritage.org/Research/LegalIssues/lm7.cfm> The
Over-Criminalization of Social and Economic Conduct
by Paul Rosenzweig

<http://www.heritage.org/Press/Commentary/ed042203.cfm> It's Not Freedom
From Religion - Part 2 by Rebecca Hagelin

Pirates
<http://www.heritage.org/Research/InternetandTechnology/hl785.cfm> and
Posses: The Battle over Digital Copyright
by James Gattuso, Bruce Mehlman, Alec French, Gary Shapiro

<http://www.heritage.org/Research/Welfare/wm264.cfm> Abstinence Education
Programs: The Only Sex Ed That Actually Works
<http://www.heritage.org/Research/Welfare/wm264.cfm> by Melissa Pardue

<http://www.heritage.org/Research/SmartGrowth/wm255.cfm> Does Sprawl
Breed Violence? A Debate by Ronald Utt

<http://www.heritage.org/Press/Commentary/ed041603.cfm> H
<http://www.heritage.org/Press/Commentary/ed041603.cfm> eritage for the
Future by Rebecca Hagelin

Government Relations
<http://www.heritage.org/about/staff/michaelfranc.cfm> Michael Franc
Vice President, Government Relations
Contact: 202-608-6064
Executive Branch Relations
<http://www.heritage.org/about/staff/virginiathomas.cfm> Virginia Thomas
Director, Executive Branch Relations
Contact: 202-608-6240
<http://www.heritage.org/About/Staff/GinaHatheway.cfm> Gina Marie Hatheway
Deputy Director of Government Relations, Foreign Policy and Defense
Contact: 202-608-6065
Meredith Karre (<mailto:%20meredith.karre@heritage.org> email)
Deputy Executive Branch Liaison
Contact: 202-608-6058
<http://www.heritage.org/emails/hidden/pres_prior.gif>
<http://www.heritage.org/Research/MiddleEast/iraq/> War in Iraq
The nexus between terrorists and outlaw regimes striving for or possessing
nuclear, chemical weapons of mass destruction is the greatest threat to
the United States and our allies. This "Briefing Room" will be constantly
updated during the military operation to end Saddam Hussein's brutal and
menacing regime in Iraq.
<http://www.heritage.org/research/taxes/taxbriefingroom.cfm> The Economy
The Heritage Foundation's economics team has established this "Briefing
Room" to present timely and accurate research on the tax debate and the
President's Economic Growth Plan. Implementing the President's Economic
Growth Package could create millions of jobs nationally. To find out how
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<http://www.heritage.org/research/taxes/taxbriefingroom.cfm>
State-by-State Map On Job Growth.

<http://www.heritage.org/research/healthcare/medicarebriefingroom.cfm>
Health Care
Read The Heritage Foundation's suggestions on how to reform Medicare;
increase choices, improve care, and expand coverage to the uninsured.
<http://www.heritage.org/emails/hidden/GR_heritageResources.gif>
<http://www.heritage.org/research/features/agenda.cfm> Agenda 2003:
Shaping America's Future
The issues facing the 108th Congress, from homeland security to health
care to tax reform, present lawmakers with the opportunity to improve all
Americans' security and prosperity. To request a copy of Heritage's Agenda
2003 or to <http://www.heritage.org/research/features/agenda.cfm> view
excerpts, contact Meredith Karre, Deputy Executive Branch Liaison (
<emailto:%20meredith.karre@heritage.org> email).
<http://www.heritage.org/About/Bookstore/policyexperts2003.cfm> Policy
Experts 2003
The essential "who's who" guide to the world of public policy experts and
organizations can be ordered by contacting the Heritage Foundation's
Publications Department at 1-800-544-4843, by mail at, 214 Massachusetts
Avenue NE, Washington, DC 20002, or
<http://www.heritage.org/About/Bookstore/policyexperts2003.cfm> click here
to order online.
<http://www.heritage.org/about/community/insider/> The Insider
<http://www.heritage.org/research/features/familydatabase/> Family and
Society Database
<http://www.heritage.org/About/Staff/experts.cfm> Heritage Experts
<http://www.heritage.org/press/> Press Room
<http://www.heritage.org/press/events/> Heritage Live Events

Meredith Karre
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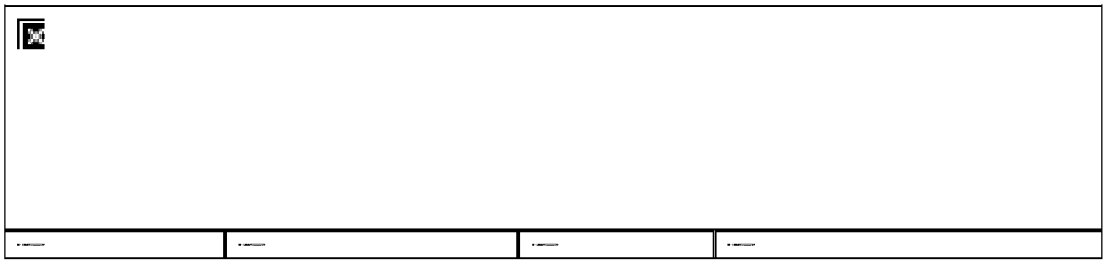
Washington, D.C. 20002
(202) 608-6058 and (202) 608-6068 (fax)
meredith.karre@heritage.org
www.heritage.org

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IS3UF003_WHO.TXT_1>

Feel free to attend (and RSVP) for any events. We would welcome any suggestions or ideas too - Thanks, Ginni



Meredith Karre
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(202) 608-6058 and (202) 608-6068 (fax)
meredith.karre@heritage.org
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April 23, 2003

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2226 Rayburn House Office Building. *Lunch provided.*

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The Anti-Terrorist Coalition in the Pacific b y Peter Brookes
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< FONT face=Arial size=2>Facts About WMD Threats Against Washington, D.C.
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Government Relations

Michael Franc
Vice President, Government Relations
Contact: 202-608-6064

Executive Branch Relations

Virginia Thomas
Director, Executive Branch Relations
Contact: 202-608-6240

Gina Marie Hatheway
Deputy Director of Government Relations, Foreign Policy and Defense
Contact: 202-608-6065

Meredith Karre (email)
Deputy Executive Branch Liaison
Contact: 202-608-6058



War in Iraq
The nexus between terrorists and outlaw regimes striving for or possessing nuclear, chemical weapons of mass destruction is the greatest threat to the United States and our allies. This "Briefing Room" will be constantly updated during the military operation to end Saddam Hussein's brutal and menacing regime in Iraq.

< FONT face=Arial color=#294984>The Economy
The Heritage Foundation's economics team has established this "Briefing Room" to present timely and accurate research on the tax debate and the President's Economic Growth Plan. Implementing the President's Economic Growth Package could create millions of jobs nationally. To find out how the individual states will fare, click here to see the < FONT face=Arial color=#294984>State-by-State Map On Job Growth.

Health Care
Read The Heritage Foundation's

Comparing Medicare and Private Health Insurance Spending by Joe Antos and Alfredo Goyburu
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It's Not Freedom From Religion - Part 2 &
nbsp; by Rebecca Hagelin

Pirates and Posses: The Battle over Digital Copyright
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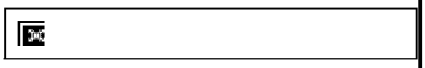
< /SPAN>
Abstinence Education Programs: The Only Sex Ed That Actually Works by Melissa Pardue

Does Sprawl Breed Violence? A Debate by Ronald Utt

Heritage for the Future by Rebecca Hagelin

suggestions on how to reform Medicare; increase choices, improve care, and expand coverag e to the uninsured.



Agenda 2003: Shaping America's Future
The issues facing the 108th Congress, from homeland security to health care to tax reform, present lawmakers with the opportunity to improve all Americans' security and prosperity. To request a copy of Heritage's Agenda 2003 or to view excerpts, contact Meredith Karre, Deputy Executive Branch Liaison (email).

Policy Experts 2003
The essential "who's who" guide to the world of public policy experts and organizations can be ordered by contacting the Heritage Foundation's Publications Department at 1-800-544-4843, by mail at, 214 Massachusetts Avenue NE, Washington, DC 20002, or click here to order online.

The Insider

Family and Society Database

Heritage Experts

Press Room

Heritage Live Events

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>
Sent: 4/23/2003 4:43:13 AM
Subject: : has claude allen's file been cleared?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-APR-2003 08:43:13.00
SUBJECT:: has claude allen's file been cleared?
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Nancy Smith <nancy.smith@nara.gov>
Sent: 4/23/2003 9:19:26 AM
Subject: : Re: notices & 74 pages

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])
CREATION DATE/TIME:23-APR-2003 13:19:26.00
SUBJECT:: Re: notices & 74 pages
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nancy Smith <nancy.smith@nara.gov> (Nancy Smith <nancy.smith@nara.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

FYI, we agree with you and have redacted under (b)(6) the additional sentence in the last paragraph of the Jan. 14, 1982, memo.

Also, here is the answer from the Reagan Library to your question on whether the list of the 74 pages differs in any way from what's on the withdrawal sheets:

The only differences between what is listed on withdrawal sheets and on the inventory is in names, which were shortened to save keystrokes. For example:

"Peter J. Wallison to Thomas F. Gibson re talking points on Iran/Contra affairs"

became

"Wallison to Gibson re talking points on Iran/Contra affairs"

All descriptions of the topic of the items remained the same.

>>> <Brett_M._Kavanaugh@who.eop.gov> 4/21/03 11:23:11 AM >>>
Not correct. We are not asserting privilege on this, as the letter indicates. But we are asking (by way of these e-mails) that you go back and
carefully re-examine the (b)(6) issues. Thanks.

(Embedded
image moved GaryM Stern <garym.stern@nara.gov>
to file: 04/21/2003 11:19:52 AM
pic22152.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Re: notices

I assume you are now okay with releasing this memo as currently redacted on the
last page only, given the letter you just faxed clearing this entire notice for
opening? If you still have a question, please let me know. Thanks.

>>> <Brett_M._Kavanaugh@who.eop.gov> 4/21/03 10:02:36 AM >>>
Question re the 220 pages in 2002-046: the Jan. 14, 1982, memo from

Fielding re Adkinson appears to have a lot of (b)(6) that should be redacted.

From: Shannen.Coffin@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Gayle S. Worthy/WHO /EOP@EOP [WHO] <Gayle S. Worthy>;Tony.Coppolino@usdoj.gov <Tony.Coppolino@usdoj.gov>
Sent: 4/23/2003 5:49:47 AM
Subject: : RE: Availability for phone meeting this p.m.

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Shannen.Coffin@usdoj.gov" <Shannen.Coffin@usdoj.gov> ( "Shannen.Coffin@usdoj.gov"
<Shannen.Coffin@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:23-APR-2003 09:49:47.00
SUBJECT:: RE: Availability for phone meeting this p.m.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Gayle S. Worthy ( CN=Gayle S. Worthy/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Tony.Coppolino@usdoj.gov" <Tony.Coppolino@usdoj.gov> (Receipt Notification Requested) (
"Tony.Coppolino@usdoj.gov" <Tony.Coppolino@usdoj.gov> (Receipt Notification Requested) [
UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Gayle, I'm available all day and Brett says he's available at 10:30 (I was
on the phone with him when I got your email). I'm in a meeting starting
at 10, but can pull away at 10:30 if that's ok with McNally.

-----Original Message-----
From: Gayle_S._Worthy@who.eop.gov [mailto:Gayle_S._Worthy@who.eop.gov]
Sent: Wednesday, April 23, 2003 9:46 AM
To: Coffin, Shannen; Coppolino, Tony; Brett_M._Kavanaugh@who.eop.gov
Subject: Availability for phone meeting this p.m.


All, Ed has asked me to setup a phone meeting for this p.m., pls provide
your
availability, should take about .15 mins.
thanks
gayle
6-1195
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>
Sent: 4/23/2003 10:32:20 AM
Subject: : Fern Smith -- ND Cal

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-APR-2003 14:32:20.00
SUBJECT:: Fern Smith -- ND Cal
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

She has taken senior status. However, this does NOT create a new vacancy
because she had been on Fed Judicial Center and the law authorizing judges
to serve in that center creates an additional seat in the relevant
district immediately (which has now been filled) and specifies that next
vacancy (the Smith vacancy in this case) is not to be filed. So no
vacancy.
```

From: Bartolomucci, H. Christopher
To: <Leitch, David G.>;<Kavanaugh, Brett M.>;<Carroll, James W.>
Sent: 4/23/2003 2:52:45 PM
Subject: Waldman

Waldman's secretary says that he is going to execute the name check form and the credit check form today and that they will be faxed back to us by COB today or first thing in the morning.

From:	Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>
To:	Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>;brian.a.benczkowski@usdoj.gov <brian.a.benczkowski@usdoj.gov>;Nancy.Scottfinan@usdoj.gov <Nancy.Scottfinan@usdoj.gov>;Nancy.Scottfinan@usdoj.gov <Grubbs, Wendy J.>;Nancy.Scottfinan@usdoj.gov <Kavanaugh, Brett M.>
Sent:	4/23/2003 3:30:20 PM
Subject:	FW: Notice of Noiminations Hearing and Tentative Witness List: Wed., April 30th at 9:30 a.m.
Attachments:	NotApril302003-noms.wpd; Tentative Agenda - Apr 30 hearing.rtf

-----Original Message-----
From: Butterfield, Jane (Judiciary)
Sent: Wednesday, April 23, 2003 3:28 PM
To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas_swanton@specter.senate.gov); Frank Brown (frank_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry_kosten@specter.senate.gov); Mark Heilbrun (mark_heilbrun@specter.senate.gov); Singh Seema (seema_singh@specter.senate.gov); Sonia Acosta (sonia_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. 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Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)
Subject: Notice of Noiminations Hearing and Tentative Witness List: Wed., April 30th at 9:30 a.m.

April 23, 2003

NOTICE OF FULL COMMITTEE HEARING

The Senate Committee on the Judiciary will hold a hearing on **Wednesday, April 30, 2003** at 9:30 a.m. in Dirksen Room 226, on **"Nominations."**

Senator Hatch will preside.

By order of the Chairman

90104mytwnine

pnindent720**47812Tentative Agenda**

Senate Judiciary Committee Hearing on Nominations
Wednesday, April 306647812, 2003, at 9:30 a.m.
Dirksen 226

Panel I

d407278 [senators]

Panel II

John G. Roberts, Jr., to be United States Circuit Judge
for the District of Columbia Circuit

pha**Panel III**

David G. Campbell to be United States District Judge
for the District of Arizona

S. Maurice Hicks, Jr., to be United States District Judge
for the Western District of Louisiana

Panel IV

William Emil Moschella to be Assistant Attorney General,
Office of Legislative Affairs, United States Department of Justice

April 23, 2003

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The Senate Committee on the Judiciary will hold a hearing on **Wednesday, April 30, 2003** at 9:30 a.m. in Dirksen Room 226, on **"Nominations."**

Senator Hatch will preside.

By order of the Chairman

From: Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;brian.a.benczkowski@usdoj.gov [UNKNOWN] <brian.a.benczkowski@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Nancy.Scottfinan@usdoj.gov [UNKNOWN] <Nancy.Scottfinan@usdoj.gov>;Jamie.E.Brown@usdoj.gov [UNKNOWN] <Jamie.E.Brown@usdoj.gov>
Sent: 4/23/2003 11:31:27 AM
Subject: : FW: Notice of Noiminations Hearing and Tentative Witness List: Wed., April 30th at 9:30 a.m.
Attachments: P_1CGUF003_WHO.TXT_1.html; P_1CGUF003_WHO.TXT_2.rtf; P_1CGUF003_WHO.TXT_3.wpd

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [ UNKNOWN ]
)
CREATION DATE/TIME:23-APR-2003 15:31:27.00
SUBJECT:: FW: Notice of Noiminations Hearing and Tentative Witness List: Wed., April 30th
at 9:30 a.m.
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:brian.a.benczkowski@usdoj.gov ( brian.a.benczkowski@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nancy.Scottfinan@usdoj.gov ( Nancy.Scottfinan@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

-----Original Message-----
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Sent: Wednesday, April 23, 2003 3:28 PM
To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David
(SAA); Klutts, Chad (Secretary); Miller Reporting
(milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian
(Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary);
Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David
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McDonald, Kevin (Leahy); Molly Buford (molly_buford@biden.senate.gov);
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Subject: Notice of Noiminations Hearing and Tentative Witness List: Wed., April 30th at 9:30 a.m.

April 23, 2003

NOTICE OF FULL COMMITTEE HEARING

The Senate Committee on the Judiciary will hold a hearing on
Wednesday, April 30, 2003 at 9:30 a.m. in Dirksen

Room 226, on "Nominations."

Senator Hatch will preside.

By order of the Chairman

- att1.htm - Tentative Agenda - Apr 30 hearing.rtf - NotApril302003-noms.wpd
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File attachment <P_1CGUF003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1CGUF003_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1CGUF003_WHO.TXT_3>

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Subject: Notice of Noiminations Hearing and Tentative Witness List: Wed., April 30th at 9:30 a.m.

April 23, 2003

NOTICE OF FULL COMMITTEE HEARING

The Senate Committee on the Judiciary will hold a hearing on **Wednesday, April 30, 2003** at 9:30 a.m.<font size=4> in Dirksen Room 226, on **"Nominations."**

Senator Hatch will preside.
By order of the Chairman

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pntxta)sid6647812 **rsid6647812Tentative Agenda**

Senate Judiciary Committee 613914 Hearing on Nominations

Wednes5844890 day, April 30286647812, 2003,0 at 9:30 a.m.

Dirksen 22612

Panel I47812

d407278 [senators]

Panel I278 I

John G. Roberts, Jr., to be United States Circuit Judge

for the District of Columbia Circuit

phasid11930687Panel III

David G. Campbell3427695 to be United States District Judge

for the District of Arizona

S. Maurice Hicks, Jr., to be United States District Judge

for the Westernid10623936 District of Louisiana

Panel IV

William Emil Moschella to be Assistant Attorney General,

Office of Legislative Affairs, United States Department of Justice

insrsid2172887

April 23, 2003

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By order of the Chairman

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ryan L. Cole/WHO/EOP@EOP [WHO] <Ryan L. Cole>
Sent: 4/23/2003 3:34:05 PM
Subject: : Re: CNP

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-APR-2003 19:34:05.00
SUBJECT:: Re: CNP
TO:Ryan L. Cole (CN=Ryan L. Cole/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

that's difficult; what's latest possible time I can do

Ryan L. Cole
04/23/2003 05:17:08 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: CNP

Brett,

We are trying to move the briefing time up. Any chance you can speak at 4:45?

Thanks,

Ryan

Brett M. Kavanaugh
04/22/2003 02:26:11 PM
Record Type: Record

To: Ryan L. Cole/WHO/EOP@EOP
cc:
bcc:
Subject: Re: CNP

sure; can you give me a little more info about the group; the description is quite vague

Ryan L. Cole
04/22/2003 01:55:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: CNP

Brett,

Would you be available to speak to a briefing for CNP that Tim Goeglein and Matt Smith are doing in room 450 on 4/24 at 6:00pm? You would only need to speak for 15 minutes. Would this work for you?

Thanks,

Ryan

"The Center for National Policy (CNP), a non-profit, non-partisan public policy organization, is dedicated to promoting the public interest. Since its founding in 1981, CNP has served as a forum for debate and discussion and has been a significant player in developing policy alternatives that are responsive to and effectively serve the interests of all Americans.

CNP works with policy-makers and policy experts from across the political spectrum to promote the development of a common agenda for democratic governance in the 21st Century"

From: McNally, Edward
To: <Gonzales, Alberto R.>;<Leitch, David G.>
CC: <Addington, David S.>;<Kavanaugh, Brett M.>
Sent: 4/24/2003 12:20:05 AM
Subject: DoJ trial atty recommendation in OHS FOIA case (#1 of 2)

As you know, the plaintiff (EPIC) in this FOIA action has offered to stipulate to a dismissal of the case, so long as the govt agrees that such a dismissal would be w/out prejudice. DoJ's expectation is that, if govt declines, then plaintiff wld surely prevail on a motion to dismiss w/out prejudice.

The analysis and recommendation below is the DoJ's trial attorney's recommendation to me, Brett and his boss (Shannen Coffin) that we take the offer. Shannen endorses that recommendation, and I wld say does so strongly.

A related e-mail from Justice follows next.

---------- Forwarded by Edward McNally/WHO/EOP on 04/24/2003 12:20 AM ----------

"Tony.Coppolino@usdoj.gov"

04/23/2003 12:25:29 PM

To: See the distribution list at the bottom of this message

cc: "Jody.Hunt@usdoj.gov" (Receipt Notification Requested) (IPM Return Requested)

Subject: OHS FOIA

To summarize some of the points I made in our call:

I have reviewed the authority under Rule 41(a)(2) and see no grounds to oppose any motion plaintiff would bring to dismiss without prejudice. We would have to show some "plain legal prejudice" other than the prospect of a second lawsuit. According to Wright & Miller, "dismissal has been allowed in order to give the plaintiff an opportunity to secure new evidence after the plaintiff has found, by discovery or otherwise, that the present claim cannot be proven on the basis of information then available." At most, we would have a claim for costs, but our costs were driven by the court's decision. An opposition to a Rule 41(a)(2) motion may not even satisfy Rule 11.

I am happy to ask plaintiff's to dismiss with prejudice, but do not recommend insisting on this if they balk. If OHS becomes ever becomes a FOIA agency, there is no reasonable basis on which to insist that EPIC preclude itself from seeking documents on certain topics.

Hoping for a favorable DCT decision to cite is not a good reason to withhold stipulating to dismissal in the current posture since (i) we may not get it if Ps move under Rule 41; (ii) a favorable DCT decision would not be binding, whether or not the record changes, and would not likely deter an aggressive litigant anyway and (iii) we can fight the fight later when we have to.

This is not a very hard call in my view.

Tony

Message Sent To:

"Elizabeth.Shapiro@usdoj.gov" (Receipt Notification Requested) (IPM Return Requested)

"Shannen.Coffin@usdoj.gov" (Receipt Notification Requested) (IPM Return Requested)

Faisal M. Gill/WHO/EOP@EOP

Edward McNally/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 4/24/2003 8:32:44 AM
Subject: NYT editorial against Kuhl
Attachments: c.gif

Where are Specter and Feinstein on this? I am told the markup witll be next Thursday?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/24/2003 08:32 AM ----------

From: David G. Leitch/WHO/EOP@Exchange on 04/24/2003 07:24:33 AM

Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: NYT editorial against Kuhl

Another Unworthy Judicial Nominee

<> arolyn Kuhl, a nominee to the United States Court of Appeals for the Ninth Circuit, seems to have undergone a classic confirmation conversion. As a lawyer and as a California state court judge, she advocated objectionable positions on civil rights, abortion and privacy. But at her confirmation hearings, she backpedaled furiously. Her testimony may have been tactically shrewd, but it failed to allay serious concerns about how she would perform as a judge. The Senate should not confirm her.

Judge Kuhl started out as a hard-driving conservative lawyer in the Reagan administration. When the I.R.S. denied tax-exempt status to Bob Jones University, which discriminated against blacks, she played a key role in persuading the Justice Department to take Bob Jones's side. In a landmark 1983 decision the Supreme Court rejected her position, 8 to 1. Judge Kuhl also argued forcefully for Roe v. Wade to be overturned. And she was co-author of a brief backing the defendant in a landmark sexual harassment case. The Supreme Court unanimously rejected its conclusion, ruling for the woman who had been harassed.

Under questioning by the Senate Judiciary Committee, Judge Kuhl repeatedly retracted or minimized her positions: supporting Bob Jones was a mistake, she said, but she had been a "very young staffer" and had not understood the issues fully. She had advocated overturning Roe because President Reagan had wanted it. When, as a private attorney, she had later written a brief critical of Roe, it had not been because she shared its views, but because she had wanted to build an appellate practice and "filing briefs in the Supreme Court is a prestigious thing to do." In the sexual harassment case, her difference with the Supreme Court had been over only a "technical" issue.

Judge Kuhl's many shifts are suspect because of their timing. It is also clear, given this administration's track record, that she was chosen precisely because of the actions she now seeks to distance herself from. The White House can tell from her record that she shares its conservative

agenda, including opposition to abortion rights and skepticism about civil rights. It is unlikely that when she spoke with the administration she was as quick to renounce her past as she was before the Senate.

It shows how politicized the selection of judges has become that Judge Kuhl received a hearing at all. In the past, the Judiciary Committee often would not consider a nominee who lacked the support of both senators from the person's home state. The Republicans have pushed Judge Kuhl forward even though Senator Barbara Boxer has not endorsed her. They have also trampled on the Senate's traditional courtesies by reporting out Priscilla Owen for a Fifth Circuit judgeship, even though the committee rejected her last year.

The Senate has confirmed a vast majority of the administration's judicial nominees. It recently confirmed Jay Bybee, a conservative legal scholar, for the same court for which Judge Kuhl has been nominated. But senators must oppose candidates with views well outside the ideological mainstream, including Judge Kuhl and Judge Owen. Only by holding firm can they persuade a president who campaigned on a promise to govern from the center to start looking there for his judicial nominees.

c

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@Exchange@EOP [WHO] <Wendy J. Grubbs>
Sent: 4/24/2003 4:33:36 AM
Subject: : NYT editorial against Kuhl
Attachments: P_S11VF003_WHO.TXT_1.gif

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2003 08:33:36.00
SUBJECT:: NYT editorial against Kuhl
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Where are Specter and Feinstein on this? I am told the markup witll be next Thursday?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/24/2003 08:32 AM ----------

From: David G. Leitch/WHO/EOP@Exchange on 04/24/2003 07:24:33 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: NYT editorial against Kuhl

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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_S11VF003_WHO.TXT_1>

c

From: Sean Rushton <SRushton@CommitteeforJustice.org>
To: SRushton@CommitteeforJustice.org [UNKNOWN] <SRushton@CommitteeforJustice.org>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/24/2003 5:14:18 AM
Subject: : Kuhl.
Attachments: P_273VF003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> (Sean Rushton
<SRushton@CommitteeforJustice.org> [UNKNOWN])
CREATION DATE/TIME:24-APR-2003 09:14:18.00
SUBJECT:: Kuhl.
TO:SRushton@CommitteeforJustice.org (SRushton@CommitteeforJustice.org [UNKNOWN])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

NY Times

April 24, 2003

Another Unworthy Judicial Nominee

Carolyn Kuhl, a nominee to the United States Court of Appeals for the Ninth Circuit, seems to have undergone a classic confirmation conversion. As a lawyer and as a California state court judge, she advocated objectionable positions on civil rights, abortion and privacy. But at her confirmation hearings, she backpedaled furiously. Her testimony may have been tactically shrewd, but it failed to allay serious concerns about how she would perform as a judge. The Senate should not confirm her.

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Under questioning by the Senate Judiciary Committee, Judge Kuhl repeatedly retracted or minimized her positions: supporting Bob Jones was a mistake, she said, but she had been a "very young staffer" and had not understood the issues fully. She had advocated overturning Roe because President Reagan had wanted it. When, as a private attorney, she had later written a brief critical of Roe, it had not been because she shared its views, but because she had wanted to build an appellate practice and "filing briefs in the Supreme Court is a prestigious thing to do." In the sexual harassment case, her difference with the Supreme Court had been over only a "technical" issue.

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Sean Rushton

Executive Director

Committee for Justice

1275 Pennsylvania Avenue, NW

Tenth Floor

Washington, DC 20004

202-481-6850 phone

202-487-6439 mobile

www.committeeforjustice.org

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_273VF003_WHO.TXT_1>

NY Times
April 24, 2003
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1275 Pennsylvania Avenue, NW
Tenth Floor
Washington, DC< font size=2 face=Arial> 20004
202-481-6850 phone
202-487-6439 mobile
www.committeeforjustice.org

From: Craig.Blackwell@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/24/2003 6:16:42 AM
Subject: : RE: current draft letter -- note that this draft references dateof Reagan assertion

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Craig.Blackwell@usdoj.gov" <Craig.Blackwell@usdoj.gov> (
"Craig.Blackwell@usdoj.gov" <Craig.Blackwell@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:24-APR-2003 10:16:42.00
SUBJECT:: RE: current draft letter -- note that this draft references date of Reagan
assertion
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

This message is a Read Receipt Notification

Your Message : RE: current draft letter -- note that
this draft references date of Reagan assertion
Was Read By : Craig.Blackwell@usdoj.gov
On : Thu, 24 Apr 2003 10:14:49 -0400
```

From: Viet.Dinh@usdoj.gov
To: <Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 4/24/2003 10:48:39 AM
Subject: FW: Dem Ltr re Supreme Court

-----Original Message-----
From: Comstock, Barbara
Sent: Thursday, April 24, 2003 9:33 AM
To: Olson, Theodore B; Clement, Paul D; Ciongoli, Adam; Dinh, Viet; Bryant, Dan; Taylor, Jeffrey
Subject: Dem Ltr re Supreme Court

McAuliffe letter re Supreme Court

-----Original Message-----
URGENT ACTION ALERT: SUPREME COURT COUNTDOWN

Dear XXXXXXXXX:

At the end of June, the current Supreme Court session will come to a close. When that happens, all signs point to one or more of the current Justices retiring, providing an opportunity for President Bush to nominate an extremist Justice who will put our most cherished American values at risk.

* There hasn't been a retirement in almost nine years, the longest drought in nearly 200 years. [1] * Several Justices are facing serious health issues and have indicated a strong desire to retire soon. [2] * Chief Justice Rehnquist has recently held secret meetings with the White House. [3] * Two weeks ago, President Bush's father hosted a fundraiser at his home to raise money for an ad campaign to push Bush's judicial nominees. [4] * The Republican chairman of the Senate Judiciary Committee, Orrin Hatch, is pressuring Justices to make their move. [5]

Civil rights. The freedom to choose. Environmental protections. The hard-won rights of workers. If President Bush stacks the Court with right-wing i deologues, all of these cherished values are in peril. You must get involved today to help protect these values.

http://mailer.democrats.org/rdr/002JK04vsv0001D

At the DNC, we're organizing on every level to make sure the voices of average Americans are heard on this issue. And, with your help, I promise you that we can and will defeat this threat to our values.

I'm asking you to do three things:

1. Come to our Supreme Court Action Center and sign the petition to President Bush letting him know you'll fight his attempts to attack our values and stack the Supreme Court with right-wing extremists.

http://mailer.democrats.org/rdr/002JK04vsv0001E

2. Once you've signed the petition, get as many as your friends as possible to sign it.

http://mailer.democrats.org/rdr/002JK04vsv0001F

3. Join our Supreme Court Action Team by signing up to become a Democratic

eCaptain today.

http://mailer.democrats.org/rdr/002JK04vsv0001G

Signing this petition and telling your friends is the most important thing I have asked you to do since I've been Chairman of the Democratic National Committee.

http://mailer.democrats.org/rdr/002JK04vsv0001H

I pledge that in the weeks to come, I will personally obtain and deliver to your inbox the support of our top Democratic leaders in this effort.

Sincerely, Terence R. McAuliffe Chairman

Cites: [1] New York Times, 12/27/02 [2] Washington Post, 1/6/03, UPI, 6/30/00 [3] Washington Post, 11/27/02 [4] Washington Post, 4/15/03 [5] New York Times, 12/27/02

****

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Harriet Miers/WHO/EOP@Exchange [WHO] <Harriet Miers>
Sent: 4/24/2003 6:48:01 AM
Subject: : Re: FW: Letters for approval - congrats - debbie

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2003 10:48:01.00
SUBJECT:: Re: FW: Letters for approval - congrats - debbie
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Thank you. Will track this down.

From: Harriet Miers/WHO/EOP@Exchange on 04/24/2003 10:43:29 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Letters for approval - congrats - debbie

-----Original Message-----
From: Miers, Harriet
Sent: Thursday, April 24, 2003 10:43 AM
To: Rawson, Kimberly D.
Subject: RE: Letters for approval - congrats - debbie

I don't know what vetting of this occurred but generally we do not endorse organizations and we really are going on the line and saying this organization is wonderful in a difficult industry--one where there are great opportunities for allegations of problems. It needs to be thoroughly checked out that the President should be on record commending this organization setting it up as a model. We also have no familiarity with the award that I know. Is it an award that we recognize year to year?

-----Original Message-----
From: Rawson, Kimberly D.
Sent: Thursday, April 24, 2003 10:36 AM
To: Miers, Harriet
Subject: RE: Letters for approval - congrats - debbie

Good Morning -
Regarding this letter, it is on Mr. Kavanaugh's desk; however, Jon Ganter, in Kavanaugh's office, and I were just curious as to why you had suggested it go through their office - then we will know for future reference.
Thank you very much!
Kimberly

<< File: CONGRATULATIONS.LehighValleyHospital.AwardRecipient.4.16.03.doc >>

From: Harriet Miers/WHO/EOP@Exchange on 04/21/2003 08:30:22 PM
Record Type: Record

To: Kimberly D. Rawson/WHO/EOP@EOP
cc:
Subject: RE: Letters for approval - congrats - debbie

Letter is fine but has to be cleared by counsel if it has not been.

-----Original Message-----
From: Rawson, Kimberly D.
Sent: Friday, April 18, 2003 2:48 PM
To: Miers, Harriet
Subject: Letters for approval - congrats - debbie

Hi Harriet -
Hope you were/are able to get some good R & R time while you are in the great state of Texas!!

I have several letters for your approval - but no rush for today (if you are checking your email), just by Monday noonish - if possible, please Ma'am.

Here is the first of the letters - Thank you very much!!
Kimberly

---------- Forwarded by Kimberly D. Rawson/WHO/EOP on 04/18/2003 02:48 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
Deborah J. Eng
04/16/2003 03:59:22 PM
Record Type: Record

To: Kimberly D. Rawson/WHO/EOP@EOP
cc:
Subject: is this letter ok?

<< File: CONGRATULATIONS.LehighValleyHospital.AwardRecipient.4.16.03.doc >>

From: CN=Harriet Miers/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/24/2003 6:50:27 AM
Subject: : RE: FW: Letters for approval - congrats - debbie

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:24-APR-2003 10:50:27.00
SUBJECT:: RE: FW: Letters for approval - congrats - debbie
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks, Brett. I appreciate your help as always.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, April 24, 2003 10:48 AM
To: Miers, Harriet
Subject: Re: FW: Letters for approval - congrats - debbie

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Record Type: Record

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<< OLE Object: Picture (Device Independent Bitmap) >>
Deborah J. Eng
04/16/2003 03:59:22 PM
Record Type: Record

To: Kimberly D. Rawson/WHO/EOP@EOP
cc:
Subject: is this letter ok?

<< File: CONGRATULATIONS.LehighValleyHospital.AwardRecipient.4.16.03.doc
>>

From: Cooper, Jean
To: <Kavanaugh, Brett M.>
Sent: 4/24/2003 11:19:18 AM
Subject: Peter Coneway letter

Hey Brett,
Steve wanted me to ask you if you had another copy of the Coneway letter? He didn't elaborate, so if you don't know what I'm talking about I'll get you some more info.
Thanks,
Jean

From: Kavanaugh, Brett M.
To: <Vestewig, Lauren J.>
Sent: 4/24/2003 11:37:13 AM
Subject:

what time is deputies meeting tomorrow on airlines. what paper is there?

From: Vestewig, Lauren J.
To: <Kavanaugh, Brett M.>
Sent: 4/24/2003 11:42:54 AM
Subject: RE:

The meeting is at 8:30 in Rm 476. There is no paper that I know of. Liz Dougherty may be able to give you some more info if you want.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, April 24, 2003 11:37 AM
To: Vestewig, Lauren J.
Subject:

what time is deputies meeting tomorrow on airlines. what paper is there?

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/24/2003 3:21:54 PM
Subject: : White House Global Messenger - 4/25/03
Attachments: P_ME4WF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:24-APR-2003 19:21:54.00
SUBJECT:: White House Global Messenger - 4/25/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 4-25-03 FINAL.doc)

THE GLOBAL MESSENGER
Friday, April 25, 2003

******KEY POINTS******

Key Points From The President's Remarks in Lima, Ohio, 4/24/03

- America has applied the might of our country to the cause of freedom. We gave
our word
that the threat from the Iraqi regime would be ended, and with the support of
our
allies, we have kept our word.

- American and Coalition forces still face danger in Iraq. Our enemy is now scattered
but still capable of doing harm. We will not lose our focus, and will press on
until our
mission is complete.

- We value the lives and liberty of the Iraqi people, and we are pressing forward with
the critical and difficult work of relief and reconstruction. Iraq is recovering
not
just from weeks of conflict, but from decades of totalitarian rule.

- We have faith in the Iraqi people. They have the resources, talent, and desire
to live
in peace and freedom - and they will have a consistent friend in the United States.

- Coalition forces and officials are working around the clock to deliver humanitarian
aid, restore basic services, and put Iraq on the road to self government. America will
stay as long as it takes to complete our mission, and then our military forces

will
leave.

- Step by step Iraqi citizens are reclaiming their own country. They are identifying
former official guilty of crimes and volunteering for citizen patrols to provide

security. Many are reviving religious rituals long-forbidden by the old regime,
and
speaking their mind in public - a sure sign that a new day has come.

- Freedom may not always be neat and orderly, but it is the right of every person in
every nation. As new Iraqi leaders emerge, we will work with them. We will not
impose a
government upon Iraq, but will help that nation build a government of, by, and
for the
Iraqi people.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change

7:00 am CentCom Operations Update
12:00 pm Defense Department Briefing
12:15 pm White House Briefing
1:00 pm State Department Briefing

******KEY QUOTES******

"We are aiding the advance of peace by seeking the advance of freedom. Free societies do
not nurture bitterness, or the ideologies of terror and murder. Free societies
are
founded on the belief that every life has equal value. Free societies turn the
creative
gifts of men and women towards progress, and the betterment of their own lives.

"American interests and America's founding beliefs lead in the same direction:
We stand
for human liberty."

--President Bush, remarks in Lima, Ohio, 4/24/03

******LIBERATION UPDATE******

The voices of freedom, now heard across Iraq

For more reactions to Operation Iraqi Freedom,
visit "Liberation Update" at:
http://www.whitehouse.gov/liberation

***
"We are free to do things that were forbidden before."
Ahmed Rubai, who sells previously banned satellite dishes, Wall Street Journal,
4/24/03

***
"For decades, we were used to watching ourselves. Now you can think with words.
But to
talk loudly and to think loudly takes time. Freedom needs practice, and it takes

practice to be free."
Mohammed Thamer, Iraqi poet,
Washington Post, 4/22/03

THE WHITE HOUSE
Office of Global Communications
For more information log on to http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining news and information from
the White
House.

The White House Office of Global Communications distributes information about
the
President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in
Iraq, and more broadly, the ways in which we can all better communicate the aspirations
and interests that Americans share with freedom-loving people everywhere.
- GM 4-25-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ME4WF003_WHO.TXT_1>

THE GLOBAL MESSENGER

Friday, April 25, 2003

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***

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***

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Mohammed Thamer, Iraqi poet, *Washington Post*, 4/22/03

KEY QUOTES

"We are aiding the advance of peace by seeking the advance of freedom. Free societies do not nurture bitterness, or the ideologies of terror and murder. Free societies are founded on the belief that every life has equal value. Free societies turn the creative gifts of men and women towards progress, and the betterment of their own lives.

"American interests and America's founding beliefs lead in the same direction: We stand for human liberty."

--President Bush, remarks in Lima, Ohio, 4/24/03

Key Points From The President's Remarks in Lima, Ohio, 4/24/03

- America has applied the might of our country to the cause of freedom. We gave our word that the threat from the Iraqi regime would be ended, and with the support of our allies, we have kept our word.
- American and Coalition forces still face danger in Iraq. Our enemy is now scattered but still capable of doing harm. We will not lose our focus, and will press on until our mission is complete.
- We value the lives and liberty of the Iraqi people, and we are pressing forward with the critical and difficult work of relief and reconstruction. Iraq is recovering not just from weeks of conflict, but from decades of totalitarian rule.
- We have faith in the Iraqi people. They have the resources, talent, and desire to live in peace and freedom - and they will have a consistent friend in the United States.
- Coalition forces and officials are working around the clock to deliver humanitarian aid, restore basic services, and put Iraq on the road to self government. America will stay as long as it takes to complete our mission, and then our military forces will leave.
- Step by step Iraqi citizens are reclaiming their own country. They are identifying former official guilty of crimes and volunteering for citizen patrols to provide security. Many are reviving religious rituals long-forbidden by the old regime, and speaking their mind in public – a sure sign that a new day has come.
- Freedom may not always be neat and orderly, but it is the right of every person in every nation. As new Iraqi leaders emerge, we will work with them. We will not impose a government upon Iraq, but will help that nation build a government of, by, and for the Iraqi people.

THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From:	Winland, Emily
To:	elizabeth_vannoy@do.treas.gov <Warsh, Kevin>;elizabeth_vannoy@do.treas.gov <Goldman, Adam B.>;elizabeth_vannoy@do.treas.gov <Kavanaugh, Brett M.>;elizabeth_vannoy@do.treas.gov <Silverberg, Kristen>;Viet.Dinh@usdoj.gov <Viet.Dinh@usdoj.gov>;David.Aufhauser@us.treas.gov <David.Aufhauser@us.treas.gov>;David.Aufhauser@us.treas.gov <Elwood, Courtney S.>;David.Aufhauser@us.treas.gov <MacHida, Ado A.>
CC:	<Vestewig, Lauren J.>;<Smith, Marty P.>;<Fishpaw, Marie K.>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;elizabeth_vannoy@do.treas.gov <elizabeth_vannoy@do.treas.gov>;elizabeth_vannoy@do.treas.gov <Schacht, Diana L.>
Sent:	4/24/2003 6:05:31 PM
Subject:	Tort Reform Meeting will be @ 1:45pm tomorrow

The meeting to discuss Tort Reform will have to begin at 1:45pm tomorrow (instead of 2:00pm). It will still be held in Jay Lefkowitz's office. I am sorry for the short notice, and any inconvenience.

thanks,

Emily

456-6534

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Estes/WHO /EOP@EOP [WHO] <Ashley Estes>
Sent: 4/25/2003 5:07:19 AM
Subject: : Re: good luck with your meetings!

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-APR-2003 09:07:19.00
SUBJECT:: Re: good luck with your meetings!
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Thank you

.

----- Original Message -----
From:Ashley Estes/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/25/2003 08:14:19 AM
Subject: good luck with your meetings!

;
```

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 4/25/2003 9:42:56 AM
Subject: FW: Radar Update for Week of April 28
Attachments: Radar Update 4-28.doc

FYI -

-----Original Message-----

From: Vargas, Veronica

Sent: Friday, April 25, 2003 9:29 AM

To: Graham, John; Noe, Paul R.; Anderson, David R.; Besanceney, Brian R.; Bumatay, Patrick J.; Burgeson, Christine M.; Clark, Alicia P.; Conda, Cesar; Cooney, Phil; Daniels, Mitchell; DeFrancis, Suzy; Dove, Stephen W.; Duffy, Trent D.; Goldman, Adam B.; Hennessey, Keith; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Lawlor, Laura S.; Luczynski, Kimberley S.; Lundberg, Stephanie J.; MacHida, Ado A.; Murphy, Daniel J.; Oxford, John; Parell, Christie; Pelletier, Eric C.; Perry, Philip J.; Rossman, Elizabeth L.; Schlapp, Matthew A.; Silverberg, Kristen; Stolpe, Elizabeth A.; Swagel, Phillip L.; Toth, Michael C.; Troy, Tevi; Waters, James A.; Wood, John F.; Weaver, Bessie M.

Cc: Arbuckle, Donald R.; Allen, Bryon P.

Subject: Radar Update for Week of April 28

<>

Rules Likely to be Cleared, Withdrawn or Returned during the Week of April 28

*USDA-FNS	PROPOSED RULE. Vehicle and Maximum Excess Shelter Expense Deduction Provisions of the Agriculture, Rural Development, Food & Drug Administration and Related Agencies Appropriations Act of 2001
*USDA-FSA	INTERIM FINAL RULE. 2002 Farm Bill Regulations; Conservation Reserve Program
USDA-FNS	FINAL RULE. Food Stamp Program; Electronic Benefits Transfer Systems Interoperability and Portability
USDA-FSA	FINAL RULE. Bioenergy Program; 2002 Farm Bill Regulations
*HHS-CMS	PROPOSED RULE. Inpatient Hospital Prospective Payment System
*HHS-CMS	PROPOSED RULE. Inpatient Rehabilitation Hospital Prospective Payment System
*HHS-CMS	PROPOSED RULE. Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities
*HHS-FDA	PROPOSED RULE. Establishment and Maintenance of Records under the Public Health Security and Bioterrorism Preparedness and Response Act of 2003
HHS-CMS	FINAL RULE. Medicaid Program; Grants to States for Operation of Qualified High Risk Pools
HHS-FDA	PROPOSED RULE. Administrative Detention of Food for Human or Animal Consumption under the public Health Security and Bioterrorism Preparedness and Response Act of 2002
*HUD-OH	NOTICE. Non-Proprietary Data Submitted by the Feral National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac)
HUD-OSEC	HOME Investment Partnerships Program; American Dream Down-Payment Initiative
HUD-PIH	NOTICE. Public Housing Assessment System; Introduction to Grading

* Probable Media Interes

HUD-PIH	NOTICE. Public Housing Assessment System; Financial Condition Grading Process
HUD-PIH	NOTICE. Public Housing Assessment System; Management Operation Grading Process
HUD-PIH	NOTICE. Public Housing Assessment System; Resident Service and Satisfaction Grading Process
HUD-PIH	NOTICE. Public Housing Assessment System; Physical Condition Grading Process
DOI-FWS	PROPOSED RULE. Migratory Bird Hunting; Proposed 2003-04 Migratory Game Bird Hunting Regulations with Requests for Indian Tribal Proposals
*DOL-OSHA	INTERIM FINAL RULE. Procedures for Handling Discrimination Complaints under the Corporate and Criminal Fraud Accountability Act
DOL-EBSA	PROPOSED RULE. Health Care Continuation Coverage
DOT-FAA	PROPOSED RULE. Training in Recognition of Hazardous Material
EPA-WATER	NOTICE. 6-Year Review of Existing National Primary Drinking Water Regulations Standards
OGE	FINAL RULE. Privacy Act Rules
*PBGC	PROPOSED RULE. Benefits Payable in Terminated Single-Employer Plans; Limitations on Guaranteed Benefits

REV_00115452

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/25/2003 6:01:10 AM
Subject: : Capito-Rove fundraiser in DC
Attachments: P_6KHWF003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:25-APR-2003 10:01:10.00
SUBJECT:: Capito-Rove fundraiser in DC
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Attached is propsed invite - thanks for reviewing BK!
c
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_6KHWF003_WHO.TXT_1>
```

Please Join

Congresswoman

Shelley Moore Capito

West Virginia – 2

And Her Special Guest

Karl Rove

~~Political Advisor to the President~~Long-Time Adviser to George W. Bush

For a Private Reception and dinner

Tuesday, May 20, 2003
6:30 pm
The Oval Room
800 Connecticut Ave., NW
Washington, DC

Space Limited

For more information or to RSVP, please call

Paid for by Capito for Congress. Political contributions are not deductible as charitable contributions for the purposes of federal income tax. Corporate contributions cannot be accepted. Federal law requires committees to make their best effort to report the name, mailing address, occupation and employer for contributions where the aggregate is in excess of $200 in a calendar year.

THE TOWNSEND GROUP AT 703-683-6703 OR EMAIL ASHLEY@THETOWNSENDGROUP.COM.

Paid for by Capito for Congress. Political contributions are not deductible as charitable contributions for the purposes of federal income tax. Corporate contributions cannot be accepted. Federal law requires committees to make their best effort to report the name, mailing address, occupation and employer for contributions where the aggregate is in excess of $200 in a calendar year.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>
Sent: 4/25/2003 6:17:31 AM
Subject: : Re: Capito-Rove fundraiser in DC
Attachments: P_XKIWF003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-APR-2003 10:17:31.00
SUBJECT:: Re: Capito-Rove fundraiser in DC
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Approved.

Collister W. Johnson
04/25/2003 10:00:45 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Capito-Rove fundraiser in DC

Attached is propsed invite - thanks for reviewing BK!
c

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XKIWF003_WHO.TXT_1>

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From: Leitch, David G.
To: Viet.Dinh@usdoj.gov <Viet.Dinh@usdoj.gov>;Viet.Dinh@usdoj.gov <Kavanaugh, Brett M.>;Bartolomucci, Chris <exch=SMTP#c#h.#u#christopher#u#bartolomucci#064#who.eop.gov%jcon@intmail.usdoj.gov>; Gregory.G.Garre@usdoj.gov <Gregory.G.Garre@usdoj.gov>;Adam.Ciongoli@usdoj.gov <Adam.Ciongoli@usdoj.gov>;Paul.D.Clement@usdoj.gov <Paul.D.Clement@usdoj.gov>;Dan.Bryant@usdoj.gov <Dan.Bryant@usdoj.gov>
Sent: 4/25/2003 10:50:28 AM
Subject: RE: Breaking news: O'Connor to retire!

I'll get even with you for this, Dinh.

-----Original Message-----
From: Viet.Dinh@usdoj.gov [mailto:Viet.Dinh@usdoj.gov]
Sent: Friday, April 25, 2003 10:46 AM
To: Kavanaugh, Brett M.; 'Bartolomucci, Chris'; Gregory.G.Garre@usdoj.gov; Adam.Ciongoli@usdoj.gov; Paul.D.Clement@usdoj.gov; Dan.Bryant@usdoj.gov; Leitch, David G.

Subject: FW: Breaking news: O'Connor to retire!
Importance: High

-----Original Message-----
From: Sales, Nathan
Sent: Friday, April 25, 2003 10:31 AM
To: Dinh, Viet; Charnes, Adam; Benczkowski, Brian A; Remington, Kristi L; Joy, Sheila; Hall, William; Benedi, Lizette D; Kesselman, Marc (OLP); Chenoweth, Mark

Subject: Breaking news: O'Connor to retire!
Importance: High

http://www.cnn.com/2003/SHOWBIZ/Music/04/24/oconnor.reut/index.html

From: \"Dan.Bryant@usdoj.gov\
To: \"Adam.Ciongoli@usdoj.gov\ <Adam.Ciongoli@usdoj.gov>;\"Gregory.G.Garre@usdoj.gov\ <Gregory.G.Garre@usdoj.gov>;\"Paul.D.Clement@usdoj.gov\ <Paul.D.Clement@usdoj.gov>;\"Viet.Dinh@usdoj.gov\ <Viet.Dinh@usdoj.gov>;<Bartolomucci, H. Christopher>;<Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 4/25/2003 12:10:01 PM
Subject: RE: MORE BREAKING NEWS; THOMAS TO RETIRE; I AM NOT MAKING THIS UP
Attachments: att1.eml

Adam--

Take a deep breath....and then click below.

Dan

-----Original Message-----

From: H._Christopher_Bartolomucci@who.eop.gov

[mailto:H._Christopher_Bartolomucci@who.eop.gov]

Sent: Friday, April 25, 2003 12:02 PM

To: Ciongoli, Adam; Bryant, Dan; Garre, Gregory G; Clement, Paul D;

Dinh, Viet; David_G._Leitch@oa.eop.gov; Brett_M._Kavanaugh@who.eop.gov

Subject: MORE BREAKING NEWS; THOMAS TO RETIRE; I AM NOT MAKING THIS UP

Click on the link below

http://www.inform.umd.edu/outlook/2000-05-16/thomas.html

- att1.eml <>

From: Dan.Bryant@usdoj.gov
To: Adam.Ciongoli@usdoj.gov (Receipt Notification Requested); Gregory.G.Garre@usdoj.gov (Receipt Notification Requested); Paul.D.Clement@usdoj.gov (Receipt Notification Requested); Viet.Dinh@usdoj.gov (Receipt Notification Requested); H._Christopher_Bartolomucci@who.eop.gov (Receipt Notification Requested) (IPM Return Requested); 'David_G._Leitch@oa.eop.gov' (Receipt Notification Requested); 'Brett_M._Kavanaugh@who.eop.gov' (Receipt Notification Requested)
Sent: 4/25/2003 12:10:01 PM
Subject: RE: MORE BREAKING NEWS; THOMAS TO RETIRE; I AM NOT MAKING THIS UP

Adam--

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-----Original Message-----
From: H._Christopher_Bartolomucci@who.eop.gov
[mailto:H._Christopher_Bartolomucci@who.eop.gov]
Sent: Friday, April 25, 2003 12:02 PM
To: Ciongoli, Adam; Bryant, Dan; Garre, Gregory G; Clement, Paul D;
Dinh, Viet; David_G._Leitch@oa.eop.gov; Brett_M._Kavanaugh@who.eop.gov
Subject: MORE BREAKING NEWS; THOMAS TO RETIRE; I AM NOT MAKING THIS UP

Click on the link below

http://www.inform.umd.edu/outlook/2000-05-16/thomas.html

From:	Winland, Emily
To:	elizabeth.vannoy@do.treas.gov <Warsh, Kevin>;elizabeth.vannoy@do.treas.gov <Goldman, Adam B.>;elizabeth.vannoy@do.treas.gov <Kavanaugh, Brett M.>;elizabeth.vannoy@do.treas.gov <Silverberg, Kristen>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;david.aufhauser@do.treas.gov <david.aufhauser@do.treas.gov>;david.aufhauser@do.treas.gov <Elwood, Courtney S.>;david.aufhauser@do.treas.gov <MacHida, Ado A.>;david.aufhauser@do.treas.gov <Alexander, Cindy R.>
CC:	<Vestewig, Lauren J.>;<Smith, Marty P.>;<Fishpaw, Marie K.>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;elizabeth.vannoy@do.treas.gov <elizabeth.vannoy@do.treas.gov>;elizabeth.vannoy@do.treas.gov <Schacht, Diana L.>
Sent:	4/25/2003 12:50:25 PM
Subject:	Tort Reform Meeting Tuesday April 29 4:30pm, Room 211, EEOB

The Tort Reform Meeting will be on **Tuesday April 29 at 4:30pm in room 211, EEOB**.

Please send me clearance info for all outside participants.

thanks for your patience in rescheduling,

Emily

456-6534

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Sampson, Kyle>
Sent: 4/25/2003 1:18:05 PM
Subject: from Charlotte paper re CA4

Bush to nominate Raleigh lawyer

Selection would break impasse in 4th Circuit

By JOHN WAGNER, Washington Correspondent

WASHINGTON -- President Bush on Monday intends to nominate Raleigh lawyer Allyson Duncan to serve on the U.S. 4th Circuit Court of Appeals, according to aides in North Carolina Senate offices who have been notified of the White House's plans.

Duncan's name first surfaced publicly in January in a news report in which U.S. Sen. John Edwards, a North Carolina Democrat, said he would likely support her nomination.

Duncan, a black Republican, is a former state appeals court judge and is president-elect of the N.C. Bar Association.

Her confirmation would end a long-running impasse that has kept North Carolina from having any judges on the 4th Circuit, which hears cases from five Southeastern states.

The court is the last stop for federal cases from those states before the U.S. Supreme Court.

In a letter sent this week both to Edwards and U.S. Sen. Elizabeth Dole, a North Carolina Republican, White House Counsel Alberto Gonzales said Bush plans Monday to nominate two African-Americans for the 4th Circuit, including "one who currently lives in North Carolina and has served on the state judiciary in North Carolina."

Mike Briggs, Edwards' press secretary, said his office has been notified that Duncan is Bush's choice.

Gonzales describes the second nominee as someone "who currently lives in Virginia and has strong roots in and ties to both Virginia and North Carolina." The identity of that individual could not be learned Thursday.

In his letter, Gonzales notes that ideally North Carolina should have four or five judges on the 15-member 4th Circuit and that he considers the panel "significantly out of geographic balance."

There are four vacancies on the court.

Feuding between North Carolina's senators has kept the state from having a judge on the panel since 1999. Under Senate tradition, senators have effective veto power over nominees from their states.

The nomination to the 4th Circuit of another North Carolinian, U.S. District Court Judge Terrence Boyle, has been stalled since May 2001.

Edwards has not consented to the nomination, partly in response to the blockage of a string of North Carolina nominees by U.S. Sen. Jesse Helms, Dole's Republican predecessor, during the Clinton administration.

After Duncan is nominated, it is unclear how quickly she will get a confirmation hearing.

Mary Brown Brewer, a spokeswoman for Dole, said the senator prefers that Boyle be granted a hearing first since he was nominated first.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/25/2003 9:22:25 AM
Subject: : Re: actually that was Raleigh paper -- note reference to Judge's CA4 letter in article

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-APR-2003 13:22:25.00
SUBJECT:: Re: actually that was Raleigh paper -- note reference to Judge's CA4 letter in article
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I like the spin on the letter -- all positive in NC.
Did you ever get a .pdf copy of it?

Brett M. Kavanaugh
04/25/2003 01:19:44 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: alberto r. gonzales/who/eop@exchange@eop, david g. leitch/who/eop@exchange@eop, kyle sampson/who/eop@eop
bcc:
Subject: actually that was Raleigh paper -- note reference to Judge's CA4 letter in article

Brett M. Kavanaugh
04/25/2003 01:18:32 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP, David G. Leitch/WHO/EOP@Exchange@EOP, Kyle Sampson/WHO/EOP@EOP
cc:
Subject: from Charlotte paper re CA4

Bush to nominate Raleigh lawyer
Selection would break impasse in 4th Circuit

By JOHN WAGNER, Washington Correspondent

WASHINGTON -- President Bush on Monday intends to nominate Raleigh lawyer Allyson Duncan to serve on the U.S. 4th Circuit Court of Appeals, according to aides in North Carolina Senate offices who have been notified of the White House's plans.
Duncan's name first surfaced publicly in January in a news report in which U.S. Sen. John Edwards, a North Carolina Democrat, said he would likely support her nomination.
Duncan, a black Republican, is a former state appeals court judge and is president-elect of the N.C. Bar Association.
Her confirmation would end a long-running impasse that has kept North

Carolina from having any judges on the 4th Circuit, which hears cases from five Southeastern states.

The court is the last stop for federal cases from those states before the U.S. Supreme Court.

In a letter sent this week both to Edwards and U.S. Sen. Elizabeth Dole, a North Carolina Republican, White House Counsel Alberto Gonzales said Bush plans Monday to nominate two African-Americans for the 4th Circuit, including "one who currently lives in North Carolina and has served on the state judiciary in North Carolina."

Mike Briggs, Edwards' press secretary, said his office has been notified that Duncan is Bush's choice.

Gonzales describes the second nominee as someone "who currently lives in Virginia and has strong roots in and ties to both Virginia and North Carolina." The identity of that individual could not be learned Thursday.

In his letter, Gonzales notes that ideally North Carolina should have four or five judges on the 15-member 4th Circuit and that he considers the panel "significantly out of geographic balance."

There are four vacancies on the court.

Feuding between North Carolina's senators has kept the state from having a judge on the panel since 1999. Under Senate tradition, senators have effective veto power over nominees from their states.

The nomination to the 4th Circuit of another North Carolinian, U.S. District Court Judge Terrence Boyle, has been stalled since May 2001. Edwards has not consented to the nomination, partly in response to the blockage of a string of North Carolina nominees by U.S. Sen. Jesse Helms, Dole's Republican predecessor, during the Clinton administration.

After Duncan is nominated, it is unclear how quickly she will get a confirmation hearing.

Mary Brown Brewer, a spokeswoman for Dole, said the senator prefers that Boyle be granted a hearing first since he was nominated first.

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>;<Leitch, David G.>
Sent: 4/25/2003 2:19:01 PM
Subject: Hew

talked to Hew. He is getting DOJ people lined up. Also, he is working on the precise language and will send in about an hour. I know that Darryl/Phil also worked up some language as well, but we obviously want to see Hew's version.

From: Viet.Dinh@usdoj.gov
To: Adam.Charnes@usdoj.gov <Kavanaugh, Brett M.>
CC: Adam.Charnes@usdoj.gov <Adam.Charnes@usdoj.gov>;Adam.Charnes@usdoj.gov <Leitch, David G.>
Sent: 4/25/2003 2:43:24 PM
Subject: RE: FW: 4th Cir.

thanks. Just wanted final so we are prepared.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, April 25, 2003 2:40 PM
To: Dinh, Viet
Cc: Charnes, Adam; David_G._Leitch@who.eop.gov
Subject: Re: FW: 4th Cir.

Attached in pdf. You all had reviewed draft of same and it was then parked for a week and then sent.

(See attached file: Judges letter 4th Circuit 4 23 03.pdf)

(Embedded image moved "Viet.Dinh@usdoj.gov" to file: 04/25/2003 02:37:47 PM pic05663.pcx)

Record Type: Record

To: David G. Leitch/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc: "Adam.Charnes@usdoj.gov" (Receipt Notification Requested) (IPM Return Requested)
Subject: FW: 4th Cir.

copy of letter? thanks

-----Original Message-----
From: Charnes, Adam
Sent: Friday, April 25, 2003 12:22 PM
To: Dinh, Viet; Remington, Kristi L; Benczkowski, Brian A
Subject: 4th Cir.

Did anyone know about the referenced Gonzales letter?
http://newsobserver.com/news/story/2486882p-2311678c.html

From: Kaplan, Joel
To: <Kavanaugh, Brett M.>
Sent: 4/25/2003 3:26:03 PM
Subject: RE: get us on the list for Bloomberg party; important

Working on it.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, April 25, 2003 2:51 PM
To: Kaplan, Joel
Subject: get us on the list for Bloomberg party; important

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 4/25/2003 4:09:59 PM
Subject: RE:

airline policy matter

From: David G. Leitch/WHO/EOP@Exchange on 04/25/2003 04:10:30 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE:

From what?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, April 25, 2003 4:07 PM

To: Leitch, David G.

Subject:

Larry Thompson has recused.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 4/25/2003 4:10:30 PM
Subject: RE:

From what?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, April 25, 2003 4:07 PM
To: Leitch, David G.
Subject:

Larry Thompson has recused.

From: Kavanaugh, Brett M.
To: <Kavanaugh, Brett M.>
CC: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 4/25/2003 5:29:06 PM
Subject: Re: Makan

. . . and I didn't (and don't) want to seem whiny; that makan comment just came out of the blue and frosted me a little (as was obvious). ok, enough already . . .

From: joschal@dcigroup.com [UNKNOWN]
To: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>
Sent: 4/28/2003 6:45:41 AM
Subject: : RE: anything on owen?
Attachments: P_116YF003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:joschal@dcigroup.com (joschal@dcigroup.com [UNKNOWN])
CREATION DATE/TIME:28-APR-2003 10:45:41.00
SUBJECT:: RE: anything on owen?
TO:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ("Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Ledeen, Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov> ("Ledeen, Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

it is important to know if her nomination will be considered. if it isn't, i don't think the women will make the trip. they want to know they are having an impact and unfortunately, most are not the press savvy types who will come to town simply for a press conf - they need other events. meetings with senators, a briefing by KBH, etc.

manny - do we know the schedule?
-----Original Message-----
From: Ledeen, Barbara (Republican-Conf)
[mailto:Barbara_Ledeen@src.senate.gov]
Sent: Monday, April 28, 2003 10:38 AM
To: joschal@dcigroup.com; Miranda, Manuel (Frist); Brett Kavanaugh
Subject: RE: anything on owen?

We just got the LBJ ROom for 11-12 on Wednesday for the delegation from Texas. Let's do a press conference at 11.
-----Original Message-----
From: joschal@dcigroup.com [mailto:joschal@dcigroup.com]
Sent: Monday, April 28, 2003 9:16 AM
To: Miranda, Manuel (Frist); Brett Kavanaugh; Ledeen, Barbara (Republican-Conf)
Subject: anything on owen?

good morning. any updates on the owen front for this week? there's a group of TX women on stand-by but we need to let them know this morning what
may happen this week. i haven't heard from anyone in over a week so i'm concerned the schedule has changed. please let me know anything as soon as
possible this morning so we can try to help. thanks. jennifer
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_116YF003_WHO.TXT_1>

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Subject: RE: anything on owen?

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-----Original Message-----
From: joschal@dcigroup.com [mailto:joschal@dcigroup.com]
Sent: Monday, April 28, 2003 9:16 AM
To: Miranda, Manuel (Frist); Brett Kavanaugh; Ledeen, Barbara (Republican-Conf)
Subject: anything on owen?

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From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/28/2003 4:44:46 AM
Subject: : RE: Letter from Sec. Card for Juergen Schrempp

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:28-APR-2003 08:44:46.00
SUBJECT:: RE: Letter from Sec. Card for Juergen Schrempp
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Gotcha- I didn't know you were already in the loop.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 28, 2003 8:42 AM
To: Nelson, Carolyn
Subject: RE: Letter from Sec. Card for Juergen Schrempp

I got this from Kristen but understand you referred it to Jen/Nanette. I will not do anything on it; just wanted to make sure you knew.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/28/2003 08:42 AM ----------

From: Kristen Silverberg/WHO/EOP@Exchange on 04/28/2003 07:54:35 AM
Record Type: Record

To: Melissa S. Bennett/WHO/EOP@Exchange, Jay P. Lefkowitz/OPD/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Ross M. Kyle/WHO/EOP@Exchange, Lauren J. Vestewig/OPD/EOP@Exchange
Subject: RE: Letter from Sec. Card for Juergen Schrempp

WHC should review as well.

(Marc's explanation why the letter is needed doesn't make sense to me. Who wrote the draft letter?)

-----Original Message-----
From: Bennett, Melissa S.
Sent: Monday, April 28, 2003 7:04 AM
To: Lefkowitz, Jay P.
Cc: Silverberg, Kristen; Kyle, Ross M.; Vestewig, Lauren J.
Subject: FW: Letter from Sec. Card for Juergen Schrempp

Jay:

Please let me your thoughts on this.

Thanks.
MB
-----Original Message-----
From: Thompson, Carol J.
Sent: Saturday, April 26, 2003 4:48 PM
To: Lefkowitz, Jay P.; Bennett, Melissa S.
Subject: Letter from Sec. Card for Juergen Schrempp

<< File: Daimler Letter.doc >>

Melissa, Jurgen Schrempp, Chair of Daimler Chrysler, is coming from Germany to join the meeting with the President in the Roosevelt Room on Tuesday, 29. Because Schrempp is missing an important board meeting, he is asking to get a letter signed by the Chief to assure his board that the reason for missing his meeting is as imporant as it is. I am told that Schrempp and Andy know each other well. Marc Lampkin left you a voicemail to this effect today.

I've attached a draft letter that can be edited as you wish. Can you check w/the Chief and see if he is willing to sign this letter? They want to fax it to the board on Monday so that it will get to the board by the time of the meeting on Tuesday morning.

Thanks and let me know if you need additional information. ct

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/28/2003 9:34:31 AM
Subject: : RE: press bios

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:28-APR-2003 13:34:31.00
SUBJECT:: RE: press bios
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I did not get confirmations back on all of them. Want me to make sure I do?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 28, 2003 1:31 PM
To: Bumatay, Patrick J.
Subject: RE: press bios

are you sure

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/28/2003 01:26:37 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: press bios

Attorney reviewed individually.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 28, 2003 12:54 PM
To: Bumatay, Patrick J.
Subject: Re: press bios

Have individual attorneys reviewed these; or has someone reviewed all of them as a group??

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/28/2003 12:46:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: press bios

<< File: Robert Conrad.doc >> << File: Brent McKnight.doc >> << File: Claude Allen.doc >> << File: Daniel Ryan.doc >> << File: Dora Irizarry.doc >> << File: Duncan, Allyson bio.doc >> << File: Gary Sharpe.doc >> << File: Glen Conrad.doc >> << File: James Browning.doc >> << File: Jay Waldman.doc >> << File: Kim Gibson.doc >> << File: Lonny Suko.doc >> << File: Mark Filip.doc >> << File: Mike Fisher.doc >> << File: Robert Brack.doc >>

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 4/28/2003 9:50:14 AM
Subject: interesting story re Sup Ct process

Washington Times

April 27, 2003

Forthcoming clash for the court

By James L. Swanson

At the Supreme Court of the United States, October Term 2002 is drawing to a close. The justices hear their last oral arguments on April 30, and in late June they will take to the bench for the last time to announce their final opinions of the term. Court watchers await decisions in several important cases, including free-speech and affirmative-action issues, which may not come down until the last day of the term. But that is not the only reason why court watchers have circled the last week in June on the calendar. That is when oddsmakers are betting on the retirement of at least one member of the court.

For months, pundits have speculated that Chief Justice William H. Rehnquist, Justice Sandra Day O'Connor or Justice John Paul Stevens will step down this year. Why?

Because justices traditionally retire under the political party that appointed them, and this is the last chance for these three Republican appointees to retire during President Bush's first term with the assurance that he can fill a vacancy before the 2004 election.

Because, in the case of the chief justice, he has, in three decades of service, gone from lone dissenter to leader of the court's return to the first principles of limited government and federalism, and will go down as one of the most important chief justices in history.

Because, in the case of Justice O'Connor, the press spread rumors that she wanted to retire.

Because, in the case of Justice Stevens, he is 83 years old.

It is impossible to know whether these or any other members of the Supreme Court are planning to retire this year. Many self-styled experts have embarrassed themselves by attempting to predict a justice's vote in a single case, let alone a retirement from the bench. Nor is this to suggest that any of the nine justices should retire. The performance of the oldest justice (John Paul Stevens) to the youngest (Clarence Thomas), of the longest serving (William H. Rehnquist) to the briefest (Stephen Breyer) reveals that all remain able and engaged. Their written opinions confirm that none has suffered an intellectual decline. One may disagree with their views, but not their competence to serve. If a retirement comes, it will occur because the justice wants to step down, not because he or she has to.

It might not happen until the end of June. But it could also happen tomorrow. Justices Potter Stewart, Warren E. Burger and Thurgood Marshall waited until the end of their final terms and made June announcements. But Byron White and Harry Blackmun announced their retirements early, on March 3, 1993, and April 6, 1994, respectively, to give President Clinton ample time to nominate their successors, Ruth Bader Ginsburg and Stephen Breyer, and to win Senate confirmation by, in both cases, the beginning of August.

Although it is impossible to know if or when a vacancy will occur, one thing is easy to predict: how Democrats will respond to Mr. Bush's first nomination of a Supreme Court justice. Senate Democrats, in combination with a cabal of special interest groups, intend to politicize the Supreme Court and oppose any Bush nominee, regardless of who the nominee is. History, both recent and reaching back to the Reagan and first Bush presidencies, offers little encouragement that the Senate will conduct itself professionally and responsibly.

The pattern emerged over time: the Democrats' defeat of Judge Robert H. Bork's nomination to the court in 1987; their near-killing of Judge Clarence Thomas' nomination in 1991; their rage against the Supreme Court for "handing" the presidency to the Republicans in the

2000 election; the notorious Washington Post op-ed by Abner Mikva (former Clinton White House counsel and retired U.S. Court of Appeals judge) calling on the Senate to block any Supreme Court nominations by President Bush; their bottling up superbly qualified appellate court nominees for nearly two years on the Democratic-controlled Senate Judiciary Committee; their obsession with Roe vs. Wade and their imposition of ideological litmus tests; their celebration of the American Bar Association seal of approval as the "gold standard" - until the ABA began giving many of Mr. Bush's nominees the highest possible rating; their filibustering of the nomination of Miguel Estrada to the U.S. Court of Appeals in Washington to prevent an up or down vote even after a majority of senators announced that they will vote to confirm him; their threatened filibuster against Texas Supreme Court Justice Priscilla Owen for a seat on the 5th U.S. Circuit Court of Appeals.

That history, and more, exposes what Democrats will do to fight a Bush Supreme Court nomination. The attack will be waged on two fronts, one substantive, the other procedural.

The substantive attack will have six parts.

Retirement day blitzkrieg. If the retiring justice is a Republican, and gives the White House advance, confidential notice of his or her intention to retire, as Chief Justice Warren Burger did in 1986, the president will have an opportunity to announce a retirement and a nomination on the same day. Within one hour of that nomination, a leading Democratic senator, probably Tom Daschle, Edward Kennedy, Patrick Leahy or Chares Schumer, will attack the nominee's character, integrity or competence. (Recall Mr. Kennedy's outburst within 45 minutes of President Reagan's nomination of Judge Bork: "Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue policemen could break down citizen's doors in midnight raids, school children could not be taught about evolution, writers and artists could be censured at the whim of government." Sundry left wing "public

interest" (actually, special interest) groups will join the chorus. The purpose of the first day blitzkrieg is to set the president and the nominee reeling on their heels and destroy the momentum of the nomination. The blitzkrieg aims to spin that night's TV coverage and the next morning's newspaper stories.

The paper blizzard. Within hours of the nomination, senators and special interest groups will inundate the press with letters, reports, memos and even small books that purport to expose the unfitness of the nominee. In many cases, those scripts have already been written. For more than two years, Democrats have been doing "opposition research," as though preparing for a political campaign, to uncover damaging information on the 10 to 15 people rumored to be on the president's short list for the court. The purpose of the paper blizzard is to turn public opinion against the nominee long before the Senate Judiciary Committee even convenes a hearing on the nomination.

The indictment. The paper blizzard will include some or all of the following accusations: The nominee is not "sensitive" to the rights of women, children, black Americans and other racial minorities, the disabled, workers, unions, farmers, native Americans and others. The nominee is "out of the mainstream" of the American legal tradition; is too "right wing"; is even "radical." (Democrats perfected their use of those smear tactics against Judge Bork, stooping so low as to suggest he might not believe in God. Apparently a godless conservative is even more dangerous than a god-fearing one.) With much hand-wringing, Democrats will cry crocodile tears, sighing "if only the president had nominated a moderate conservative, we would be delighted to confirm him or her." If the nominee does not have an extensive body of scholarly writings, Democrats will tar him as a "stealth" candidate who possesses hidden and alarming views. If, on the other hand, the nominee has written extensively, those writings will be denounced as "out of the mainstream." (Remember that phrase). If the nominee believes in a color-blind society and equal treatment under the laws, and questions

the constitutionality of race-conscious policies called affirmative action by some, then of course the nominee is a "racist" who will want to "turn back the clock" on civil rights, overturn Brown vs. Board of Education, repeal the 13th, 14th and 15th Amendments, and reintroduce slavery.

Beyond attacking the nominee personally, the paper blizzard will suggest that he or she represents a so-called transformative appointment who will upset the alleged delicate balance of the court. Some Democrats will seek cover by claiming that they have nothing against the nominee, he or she is just the wrong person at the wrong time for the best interests of the court and the country.

Rancorous hearings. Mr. Bush's first nominee to the court should not expect a cordial reception from Democrats on the Judiciary Committee. They will attempt to grill the nominee for three to six days. They will ask hundreds of questions. Many hostile witnesses will be called. Special interest groups will haunt the hearing room and loiter in the halls, murmuring against the nominee and handing out attack literature.

The partisan committee vote. For the Democrats, the hearings are mainly for show and to posture before the cameras for their constituencies and the left-wing special interest groups. They will have already decided their vote before the hearing begins or the nominee speaks one word. Of course that vote is "no." Because Republicans are a majority on the committee, the nomination will be reported to the Senate favorably by a party-line vote.

The Senate vote. Once the Judiciary Committee reports the nomination to the full Senate, Democrats opposing the nomination will continue to fight it on the floor by insisting on a lengthy debate. Then they will try to persuade their colleagues to vote against the nominee. Ultimately they will lose. The president's nominee will be confirmed because the Republican majority, plus a number of responsible Democrats, will vote to confirm him. If there is a vote, that is.

Along with their substantive attack on the nominee, Democrats will mount a procedural attack. That plan has two elements.

Delay the Judiciary Committee hearing. Upon making a nomination, the president will ask Judiciary Committee Chairman Orrin Hatch to schedule hearings by early July, with the goal of having a Senate floor vote by late July or early August. Democrats on the committee will vigorously oppose that goal and attempt to delay the hearing until September. They will bleat that there must be no "rush to judgment," and claim that they require months to "study" the nominee. Their ability to stall Judge Bork's hearings until September contributed to the nomination's defeat. Democrats and the special interest groups had all summer to mobilize their onslaught against Judge Bork. The White House failed to anticipate the viciousness of the assault and was taken off guard. Because the Republicans now control the committee, the Democrats will find it harder to stall the hearings.

The filibuster trump card. When all else fails to cow the president's nominee into withdrawing, when the Democrats have been unable to stall the Judiciary Committee hearing, when they can't stop the committee from reporting the nomination favorably to the full Senate, after they fail to turn mainstream America against the nominee, when they count heads and discover that a majority of senators, including many Democrats, intend to vote to confirm the president's nominee, look for the leaders of the opposition to play their favorite, anti-democratic, Democratic trump card - the filibuster. Democrats challenged the president on Miguel Estrada, and they believe they have found the president wanting. Although Mr. Bush has called Mr. Estrada one of his most important appellate nominees, the White House has, for the past two years, been unable to confirm him. The Democrats' successful filibuster against Miguel Estrada, the first ever against a nominee to a U.S. Court of Appeals, has emboldened them to challenge Mr. Bush when he makes his first nomination to the High Court. The Democrats have paid no price for their Estrada filibuster. Look for them to test

the president again.

Yes, that is the worst-case scenario, and it may not unfold. In any event, if there is a vacancy on the court, the nominee must be treated civilly, fairly and allowed an up or down vote by the full Senate, as the Constitution contemplates. The president had better be prepared for a fight. His opponents are certainly ready. If the president prevents the politicization of nominations to the lower federal courts, and to the U.S. Supreme Court, he will win the most important domestic battle of his first term. If he loses that battle, he may not get a second chance.

James L. Swanson, editor in chief of the Cato Institute's "Supreme Court Review," was on the Department of Justice Office of Legal Counsel team that staffed the nomination and confirmation hearings of Judge Robert H. Bork for the Supreme Court.

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 4/28/2003 10:08:57 AM
Subject: Fw: From the Charlotte Observer

Can you get this letter? I am on the hill. Thanks.
.

-----Original Message-----
From: Comisac, RenaJohnson (Judiciary)
To: Grubbs, Wendy J.
Sent: Mon Apr 28 10:06:21 2003
Subject: FW: From the Charlotte Observer

Could I pls. get a copy of Judge Gonzales's 4/23 letter mentioned below? My fax number is 228-1698. Thanks.

-----Original Message-----
From: KRdaly@aol.com [mailto:KRdaly@aol.com]
Sent: Saturday, April 26, 2003 2:48 PM
To: KRdaly@aol.com
Subject: From the Charlotte Observer

Posted on Sat, Apr. 26, 2003 <http://www.charlotte.com/images/component/topstory_fromthe_txt.gif> <http://www.charlotte.com/images/logos/site/charlotte/observer/archives_title.gif> <http://www.charlotte.com/images/common/spacer.gif>

<http://www.charlotte.com/images/common/spacer.gif>
Impasse on judges ending?
Federal judges from N.C. likely
TIM FUNK AND GARY L. WRIGHT
Staff Writers

WASHINGTON -The White House plans to send nominations to the Senate on Monday that could elevate two Charlotte-based U.S. officials to the federal bench and place two black Republicans with strong N.C. connections on the 4th U.S. Circuit Court of Appeals in Richmond, Va.

U.S. Attorney Bob Conrad and U.S. Magistrate Judge Brent McKnight are expected to be nominated as federal judges for the Western District of North Carolina, said Mike Briggs, a spokesman for U.S. Sen. John Edwards, D-N.C.

Briggs said the White House also intends to nominate Raleigh lawyer Allyson Duncan to the federal appeals court.

Other sources said Claude Allen, a onetime aide to former U.S. Sen. Jesse Helms of North Carolina, would be the other appeals court nominee.

Duncan and Allen are African American.

Years of partisan wrangling in Washington have left North Carolina without a representative on the Richmond-based appeals court, which also covers South Carolina, Maryland, Virginia and West Virginia.

Each of those other states has at least two judges on the bench, which now has four vacancies.

President Bush's legal counsel, Alberto Gonzales, mentioned this geographic imbalance in an April 23 letter to U.S. senators representing North Carolina, Virginia and Maryland. To begin to rectify it, he wrote, the president will nominate, on Monday, two African Americans -- one who lives in North Carolina, one with strong ties to the state -- whose confirmation would also "dismantle an historic (racial) barrier."

Blacks make up 22 percent of the population covered by the circuit court -- higher than any other federal jurisdiction. But only one African American judge, Virginia's Roger Gregory, serves on the 12-member court.

Duncan, 51, was the first black woman to serve on the N.C. Court of Appeals.

She has been a member of the state utilities commission and is the president-elect of the N.C. Bar Association.

In the 1980s she worked for the federal Equal Employment Opportunity Commission and for a time was executive assistant to then-Chairman Clarence Thomas, now a U.S. Supreme Court justice.

Her nomination appears to have the support of both of North Carolina's senators, Edwards and Republican Elizabeth Dole. That's important because Senate rules have long given senators virtual veto power over home-state judicial nominees.

Allen, now a deputy secretary at the U.S. Department of Health and Human Services, could face opposition from Edwards.

The Democratic senator is already blocking Bush's nomination of Terrence Boyle to the 4th U.S. Circuit Court of Appeals. Boyle, chief district judge in Eastern North Carolina, also used to work for Helms.

Allen was press secretary for Helms' 1984 re-election campaign, then worked as a deputy director on the Senate Foreign Relations Committee. He's been deputy attorney general and secretary of health and human services in Virginia.

In 2001, he was picked to manage food safety issues at the U.S. Department of Health and Human Services. He also has been the point person for Bush's campaign to sell teenagers on sexual abstinence.

Neither Allen nor Duncan could be reached Friday.

A long-standing battle

The political fighting over the 4th U.S. Circuit Court of Appeals goes back more than 10 years.After Democrats in the Senate blocked the nomination of Boyle by then-President Bush in 1991, Helms retaliated by blocking four N.C. nominations made later by President Clinton.

Then, when Boyle was nominated by the current President Bush, Edwards made it known he opposed the nomination because of Boyle's decisions regarding civil rights.

Edwards and Helms' successor, Republican Elizabeth Dole, have said they wanted to work together to break the impasse.

In a March 31 letter to Sen. Orrin Hatch, R-Utah, chairman of the Senate Judiciary Committee, Edwards touted Duncan as a "consensus nominee" that he and Dole and the White House could support.

Dole spokeswomen Mary Brown Brewer said this week that Dole wants the vacancies on the appeals court to be filled as soon as possible, but would favor moving forward with Boyle first.

"Terry Boyle's been waiting (more than) 10 years," Brewer said. Asked about Duncan, Brewer would say only that "the president has put forward a number of well-qualified nominees."

Experienced prosecutors

Conrad, 44, and McKnight, 51, wouldn't talk about their potential nominations to the federal judgeships. But both have undergone FBI background checks for the job, sources said.

Conrad, a federal prosecutor since 1989, has been U.S. attorney for the Western District of North Carolina since 2001.

In the trial of two Lebanese brothers last year, Conrad's prosecutors obtained the first criminal conviction under a U.S. law banning material support to terrorist organizations. One of the brothers was sentenced in February to 155 years in prison.

In 1998, Conrad and then-Assistant U.S. Attorney Thomas Walker became the first federal prosecutors in North Carolina to obtain the death penalty since capital punishment for federal crimes was reinstated in 1988.

In 1999, then-Attorney General Janet Reno appointed Conrad, a Republican, to head a Justice Department task force investigating illegal campaign fund raising. Conrad went to the White House with FBI agents to question Clinton under oath for four hours.

Conrad wouldn't talk about who might replace him if he gets the lifetime federal judgeship. Sources in the legal community, however, are speculating that Assistant U.S. Attorney Gretchen Shappert might be selected to replace Conrad as the top federal prosecutor for the Western District of North Carolina.

McKnight, also a Republican, was a state prosecutor in Charlotte for six years in the 1980s. He handled Mecklenburg's first case under the state's tough 1985 obscenity law and worked to close adult bookstores.

He served as a Mecklenburg district judge from 1988 to 1993. In 1993, he was named a federal magistrate judge.

From: Kavanaugh, Brett M.
To: <Wood, John F.>;<Perry, Philip J.>;<Lefkowitz, Jay P.>
Sent: 4/28/2003 10:32:14 AM
Subject: question

Has the President issued an Executive Order prohibiting federal government entities from hiring private lawyers on a contingent fee basis?

From: Bartolomucci, H. Christopher
To: <Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 4/28/2003 10:51:43 AM
Subject: We have a car @ 1:40 to go to DOJ for the Roberts moot

From: Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>
To: Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>;Nancy.Scottfinan@usdoj.gov <Nancy.Scottfinan@usdoj.gov>;sheila.joy@usdoj.gov <sheila.joy@usdoj.gov>;brian.a.benczkowski@usdoj.gov <brian.a.benczkowski@usdoj.gov>;adam.charnes@usdoj.gov <adam.charnes@usdoj.gov>;adam.charnes@usdoj.gov <Grubbs, Wendy J.>;adam.charnes@usdoj.gov <Kavanaugh, Brett M.>
Sent: 4/28/2003 11:29:54 AM
Subject: FW: Notice of Nominations Hearing Time Change: 10:00 a.m.
Attachments: NotApril302003-noms.wpd

-----Original Message-----
From: Butterfield, Jane (Judiciary)
Sent: Monday, April 28, 2003 11:26 AM
To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas_swanton@specter.senate.gov); Frank Brown (frank_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry_kosten@specter.senate.gov); Mark Heilbrun (mark_heilbrun@specter.senate.gov); Singh Seema (seema_singh@specter.senate.gov); Sonia Acosta (sonia_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. 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Lundell, Jason (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary); Soliemanzadeh, Payam (Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)
Subject: Notice of Nominations Hearing Time Change: 10:00 a.m.

April 28, 2003

NOTICE OF FULL COMMITTEE HEARING – TIME CHANGE
10:00 a.m.

The nominations hearing scheduled by the Senate Committee on the Judiciary for **Wednesday, April 30, 2003** in Dirksen Room 226, will begin at 10:00 a.m., rather than the previously scheduled time of 9:30 a.m.

By order of the Chairman

April 28, 2003

NOTICE OF FULL COMMITTEE HEARING – TIME CHANGE
10:00 a.m.

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By order of the Chairman

From: Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>
To: Wendy J. Grubbs/WHO/EOP@Exchange [WHO] <Wendy J. Grubbs>;brian.a.benczkowski@usdoj.gov [UNKNOWN] <brian.a.benczkowski@usdoj.gov>;Nancy.Scottfinan@usdoj.gov [UNKNOWN] <Nancy.Scottfinan@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;adam.charnes@usdoj.gov [UNKNOWN] <adam.charnes@usdoj.gov>;sheila.joy@usdoj.gov [UNKNOWN] <sheila.joy@usdoj.gov>;Jamie.E.Brown@usdoj.gov [UNKNOWN] <Jamie.E.Brown@usdoj.gov>
Sent: 4/28/2003 7:32:07 AM
Subject: : FW: Notice of Nominations Hearing Time Change: 10:00 a.m.
Attachments: P_K2AYF003_WHO.TXT_1.html; P_K2AYF003_WHO.TXT_2.wpd

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [ UNKNOWN ]
)
CREATION DATE/TIME:28-APR-2003 11:32:07.00
SUBJECT:: FW: Notice of Nominations Hearing Time Change: 10:00 a.m.
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:brian.a.benczkowski@usdoj.gov ( brian.a.benczkowski@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Nancy.Scottfinan@usdoj.gov ( Nancy.Scottfinan@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:adam.charnes@usdoj.gov ( adam.charnes@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:sheila.joy@usdoj.gov ( sheila.joy@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

-----Original Message-----
From: Butterfield, Jane (Judiciary)
Sent: Monday, April 28, 2003 11:26 AM
To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David
(SAA); Klutts, Chad (Secretary); Miller Reporting
(milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian
(Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary);
Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David
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McDonald, Kevin (Leahy); Molly Buford (molly_buford@biden.senate.gov);
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Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James (Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary); MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary); Eichner, Leesa (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKennerney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Toomajian, Phil (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. Graham); Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best, David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary); Soliemanzadeh, Payam (Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)
Subject: Notice of Nominations Hearing Time Change: 10:00 a.m.

April 28, 2003

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10:00 a.m.

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By order of the Chairman

- att1.htm - NotApril302003-noms.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_K2AYF003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_K2AYF003_WHO.TXT_2>

-----Original Message-----
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To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas_swanton@specter.senate.gov); Frank Brown (frank_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry_kosten@specter.senate.gov); Mark Heilbrun (mark_heilbrun@specter.senate.gov); Singh Seema (seema_singh@specter.senate.gov); Sonia Acosta (sonia_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks, Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie (DeWine); Higgins, Meaghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley (jodi_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah (Grassley); Trevor Miller (trevor_miller@feingold.senate.gov); Anderson, Kathy (Durbin); Arlene Branca (arlene_branca@kohl.senate.gov); Bar, Alexis (Edwards); Dowd, John (Leahy); Hart Hazard (hart_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik, Tamar (Feinstein); Mary Murphy (mary_murphy@feingold.sena te.gov); McDonald, Kevin (Leahy); Molly Buford (molly_buford@biden.senate.gov); Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James (Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary); MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary); Eichner, Leesa (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKennerney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Toomajian, Phil (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. Graham); Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best, David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary); Soliemanzadeh, Payam (Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)
Subject: Notice of Nominations Hearing Time Change: 10:00 a.m.

April 28, 2003

NOTICE OF FULL COMMITTEE HEARING – TIME CHANGE
10:00 a.m.

The nominations hearing scheduled by the Senate Committee on the Judiciary for **Wednesday, April 30, 2003** in Dirksen Room 226, will begin at 1 0:00 a.m., rather than the previously scheduled time of 9:30 a.m.

By order of the Chairman

April 28, 2003

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10:00 a.m.

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By order of the Chairman

From: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>
To: jamie.e.brown@usdoj.gov <Kavanaugh, Brett M.>
CC: viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;brian benczkowski \(e-mail\) <brian.a.benczkowski@usdoj.gov>;jamie.e.brown@usdoj.gov <jamie.e.brown@usdoj.gov>;jamie.e.brown@usdoj.gov <Grubbs, Wendy J.>
Sent: 4/28/2003 1:01:12 PM
Subject: RE: FW: Scheduler notification from Capitol Correspond

The ML would like to have a meeting with all Principals, JC members, and leadership, I suggested including political office (Rove or Hobbes)...so we will reschedule.

Please advise about Tuesday, May 6th at 11 am.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 28, 2003 12:39 PM
To: Miranda, Manuel (Frist)
Cc: viet.dinh@usdoj.gov; brian benczkowski (e-mail); jamie.e.brown@usdoj.gov; Wendy_J._Grubbs@who.eop.gov
Subject: Re: FW: Scheduler notification from Capitol Correspond

Judge Gonzales will be out of town all day on Thursday, May 1.
Apologies.

(Embedded
image moved "Miranda, Manuel (Frist)"
to file:
pic07679.pcx) 04/25/2003 02:22:56 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: FW: Scheduler notification from Capitol Correspond

Regrettably, we nned to move the Principals' meeting to Thursday as below. WHF and OGH are clear. Please advise.

-----Original Message-----
From: Senator_frist@frist.senate.gov
[mailto:Senator_frist@frist.senate.gov]
Sent: Thursday, April 24, 2003 6:52 PM
To: Vogel, Alex (Frist); Bainwol, Mitch (Frist); Miranda, Manuel (Frist)
Subject: Scheduler notification from Capitol Correspond

SCHEDULING NOTIFICATION

Description: (tentative) Meeting GOP Judiciary Committee Members with Judge Albert Gonzales, WH Legal Counsel and Viet Dinh
Status: Approved
Start Date: 05/01/2003 Start Time: 04:45 pm
End Date: 05/01/2003 End Time: 05:30 pm

Location: S-230
Contact: manny coordinating

Message Sent
To:_____

Brett M. Kavanaugh/WHO/EOP@EOP
Viet.Dinh@usdoj.gov
"Brian Benczkowski (E-mail)"
Jamie.E.Brown@usdoj.gov
Wendy J. Grubbs/WHO/EOP@EOP

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>
Sent: 4/28/2003 1:23:56 PM
Subject: what's tim's phone #

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/28/2003 9:26:06 AM
Subject: : RE: press bios

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:28-APR-2003 13:26:06.00
SUBJECT:: RE: press bios
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Attorney reviewed individually.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 28, 2003 12:54 PM
To: Bumatay, Patrick J.
Subject: Re: press bios

Have individual attorneys reviewed these; or has someone reviewed all of them as a group??

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/28/2003 12:46:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: press bios

<< File: Robert Conrad.doc >> << File: Brent McKnight.doc >> << File: Claude Allen.doc >> << File: Daniel Ryan.doc >> << File: Dora Irizarry.doc >> << File: Duncan, Allyson bio.doc >> << File: Gary Sharpe.doc >> << File: Glen Conrad.doc >> << File: James Browning.doc >> << File: Jay Waldman.doc >> << File: Kim Gibson.doc >> << File: Lonny Suko.doc >> << File: Mark Filip.doc >> << File: Mike Fisher.doc >> << File: Robert Brack.doc >>

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 4/28/2003 1:30:53 PM
Subject: RE: press bios

are you sure

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/28/2003 01:26:37 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: press bios

Attorney reviewed individually.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Monday, April 28, 2003 12:54 PM

To: Bumatay, Patrick J.

Subject: Re: press bios

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Record Type: Record

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From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 4/28/2003 1:34:36 PM
Subject: RE: press bios

no, i will review quickly

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/28/2003 01:35:02 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: press bios

I did not get confirmations back on all of them. Want me to make sure I do?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Monday, April 28, 2003 1:31 PM

To: Bumatay, Patrick J.

Subject: RE: press bios

are you sure

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/28/2003 01:26:37 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: press bios

Attorney reviewed individually.

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Subject: Re: press bios

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From: Mamo, Jeanie S.
To: <Kavanaugh, Brett M.>;<Snee, Ashley>
Sent: 4/28/2003 2:04:14 PM
Subject: Charlotte Observer (4/25/03) re: NC may get a nod for Court of Appeals

This story did NOT run in the "Print" copy of the newspaper. I was in Charlotte on Friday and I could not find it and I even had 2 people who were traveling with me look through the paper as well.. nothing... very interesting..

Posted on Fri, Apr. 25, 2003

N.C. may get a nod for Court of Appeals

2 in Charlotte may get bench bids, too

TIM FUNK

Observer Washington Bureau

WASHINGTON -In a move that could finally put a North Carolinian on the federal bench in Richmond, the White House has notified Sen. John Edwards' office that it plans to nominate Raleigh lawyer Allyson Duncan, an African American Republican, to the 4th U.S. Circuit Court of Appeals on Monday.

Mike Briggs, a spokesman for Edwards' Senate office, said Thursday that the White House also indicated it will nominate U.S. Attorney Bob Conrad and U.S. Magistrate Judge Brent McKnight, both of whom work in Charlotte, to two federal judgeships in the Western District of North Carolina.

Conrad declined comment Thursday night; McKnight could not be reached. White House spokesperson Jeanie Mamo said the White House has made no announcements.

But Briggs said Edwards' office got a call from the White House "saying they intended to send the nominations (to the Senate) on Monday."

Edwards has said he favors Duncan, and Briggs said "we're pleased with the cooperative manner in which the White House has worked with the senator in the nomination of (Duncan) and hope that this will be the model that can be used in the future."

Years of partisan wrangling have left North Carolina without a representative on the Richmond-based appeals court, which also covers South Carolina, Maryland, Virginia, and West Virginia. Every state but North Carolina has at least two judges on the bench.

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 4/28/2003 2:08:27 PM
Subject: Charlotte Observer (4/26/03) re: Impass on judges ending?

Posted on Sat, Apr. 26, 2003

Impasse on judges ending?

Federal judges from N.C. likely

TIM FUNK AND GARY L. WRIGHT

Staff Writers

WASHINGTON -The White House plans to send nominations to the Senate on Monday that could elevate two Charlotte-based U.S. officials to the federal bench and place two black Republicans with strong N.C. connections on the 4th U.S. Circuit Court of Appeals in Richmond, Va.

U.S. Attorney Bob Conrad and U.S. Magistrate Judge Brent McKnight are expected to be nominated as federal judges for the Western District of North Carolina, said Mike Briggs, a spokesman for U.S. Sen. John Edwards, D-N.C.

Briggs said the White House also intends to nominate Raleigh lawyer Allyson Duncan to the federal appeals court.

Other sources said Claude Allen, a onetime aide to former U.S. Sen. Jesse Helms of North Carolina, would be the other appeals court nominee.

Duncan and Allen are African American.

Years of partisan wrangling in Washington have left North Carolina without a representative on the Richmond-based appeals court, which also covers South Carolina, Maryland, Virginia and West Virginia.

Each of those other states has at least two judges on the bench, which now has four vacancies.

President Bush's legal counsel, Alberto Gonzales, mentioned this geographic imbalance in an April 23 letter to

U.S. senators representing North Carolina, Virginia and Maryland. To begin to rectify it, he wrote, the president will nominate, on Monday, two African Americans -- one who lives in North Carolina, one with strong ties to the state -- whose confirmation would also "dismantle an historic (racial) barrier."

Blacks make up 22 percent of the population covered by the circuit court -- higher than any other federal jurisdiction. But only one African American judge, Virginia's Roger Gregory, serves on the 12-member court.

Duncan, 51, was the first black woman to serve on the N.C. Court of Appeals.

She has been a member of the state utilities commission and is the president-elect of the N.C. Bar Association.

In the 1980s she worked for the federal Equal Employment Opportunity Commission and for a time was executive assistant to then-Chairman Clarence Thomas, now a U.S. Supreme Court justice.

Her nomination appears to have the support of both of North Carolina's senators, Edwards and Republican Elizabeth Dole. That's important because Senate rules have long given senators virtual veto power over home-state judicial nominees.

Allen, now a deputy secretary at the U.S. Department of Health and Human Services, could face opposition from Edwards.

The Democratic senator is already blocking Bush's nomination of Terrence Boyle to the 4th U.S. Circuit Court of Appeals. Boyle, chief district judge in Eastern North Carolina, also used to work for Helms.

Allen was press secretary for Helms' 1984 re-election campaign, then worked as a deputy director on the Senate Foreign Relations Committee. He's been deputy attorney general and secretary of health and human services in Virginia.

In 2001, he was picked to manage food safety issues at the U.S. Department of Health and Human Services. He also has been the point person for Bush's campaign to sell teenagers on sexual abstinence.

Neither Allen nor Duncan could be reached Friday.

A long-standing battle

The political fighting over the 4th U.S. Circuit Court of Appeals goes back more than 10 years.After Democrats in the Senate blocked the nomination of Boyle by then-President Bush in 1991, Helms retaliated by blocking four N.C. nominations made later by President Clinton.

Then, when Boyle was nominated by the current President Bush, Edwards made it known he opposed the nomination because of Boyle's decisions regarding civil rights.

Edwards and Helms' successor, Republican Elizabeth Dole, have said they wanted to work together to break the impasse.

In a March 31 letter to Sen. Orrin Hatch, R-Utah, chairman of the Senate Judiciary Committee, Edwards touted Duncan as a "consensus nominee" that he and Dole and the White House could support.

Dole spokeswomen Mary Brown Brewer said this week that Dole wants the vacancies on the appeals court to be filled as soon as possible, but would favor moving forward with Boyle first.

"Terry Boyle's been waiting (more than) 10 years," Brewer said. Asked about Duncan, Brewer would say only that "the president has put forward a number of well-qualified nominees."

Experienced prosecutors

Conrad, 44, and McKnight, 51, wouldn't talk about their potential nominations to the federal judgeships. But both have undergone FBI background checks for the job, sources said.

Conrad, a federal prosecutor since 1989, has been U.S. attorney for the Western District of North Carolina since 2001.

In the trial of two Lebanese brothers last year, Conrad's prosecutors obtained the first criminal conviction under a U.S. law banning material support to terrorist organizations. One of the brothers was sentenced in February to 155 years in prison.

In 1998, Conrad and then-Assistant U.S. Attorney Thomas Walker became the first federal prosecutors in North Carolina to obtain the death penalty since capital punishment for federal crimes was reinstated in 1988.

In 1999, then-Attorney General Janet Reno appointed Conrad, a Republican, to head a Justice Department task force investigating illegal campaign fund raising. Conrad went to the White House with FBI agents to question Clinton under oath for four hours.

Conrad wouldn't talk about who might replace him if he gets the lifetime federal judgeship. Sources in the legal community, however, are speculating that Assistant U.S. Attorney Gretchen Shappert might be selected to replace Conrad as the top federal prosecutor for the Western District of North Carolina.

McKnight, also a Republican, was a state prosecutor in Charlotte for six years in the 1980s. He handled Mecklenburg's first case under the state's tough 1985 obscenity law and worked to close adult bookstores.

He served as a Mecklenburg district judge from 1988 to 1993. In 1993, he was named a federal magistrate judge.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/28/2003 10:17:41 AM
Subject: : Charlotte Observer (4/25/03) re: NC may get a nod for Court of Appeals

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:28-APR-2003 14:17:41.00
SUBJECT:: Charlotte Observer (4/25/03) re: NC may get a nod for Court of Appeals
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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```

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Sent: 4/28/2003 10:17:41 AM
Subject: : Charlotte Observer (4/26/03) re: Impass on judges ending?

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
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Posted on Sat, Apr. 26, 2003

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Staff Writers

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Blacks make up 22 percent of the population covered by the circuit court -- higher than any other federal jurisdiction. But only one African American judge, Virginia's Roger Gregory, serves on the 12-member court.
Duncan, 51, was the first black woman to serve on the N.C. Court of Appeals.

She has been a member of the state utilities commission and is the president-elect of the N.C. Bar Association.
In the 1980s she worked for the federal Equal Employment Opportunity Commission and for a time was executive assistant to then-Chairman Clarence Thomas, now a U.S. Supreme Court justice.
Her nomination appears to have the support of both of North Carolina's senators, Edwards and Republican Elizabeth Dole. That's important because Senate rules have long given senators virtual veto power over home-state judicial nominees.
Allen, now a deputy secretary at the U.S. Department of Health and Human Services, could face opposition from Edwards.
The Democratic senator is already blocking Bush's nomination of Terrence Boyle to the 4th U.S. Circuit Court of Appeals. Boyle, chief district judge in Eastern North Carolina, also used to work for Helms.
Allen was press secretary for Helms' 1984 re-election campaign, then worked as a deputy director on the Senate Foreign Relations Committee.
He's been deputy attorney general and secretary of health and human services in Virginia.
In 2001, he was picked to manage food safety issues at the U.S. Department of Health and Human Services. He also has been the point person for Bush's campaign to sell teenagers on sexual abstinence.
Neither Allen nor Duncan could be reached Friday.
A long-standing battle
The political fighting over the 4th U.S. Circuit Court of Appeals goes back more than 10 years.After Democrats in the Senate blocked the nomination of Boyle by then-President Bush in 1991, Helms retaliated by blocking four N.C. nominations made later by President Clinton.
Then, when Boyle was nominated by the current President Bush, Edwards made it known he opposed the nomination because of Boyle's decisions regarding civil rights.
Edwards and Helms' successor, Republican Elizabeth Dole, have said they wanted to work together to break the impasse.
In a March 31 letter to Sen. Orrin Hatch, R-Utah, chairman of the Senate Judiciary Committee, Edwards touted Duncan as a "consensus nominee" that he and Dole and the White House could support.
Dole spokeswomen Mary Brown Brewer said this week that Dole wants the vacancies on the appeals court to be filled as soon as possible, but would favor moving forward with Boyle first.
"Terry Boyle's been waiting (more than) 10 years," Brewer said. Asked about Duncan, Brewer would say only that "the president has put forward a number of well-qualified nominees."
Experienced prosecutors
Conrad, 44, and McKnight, 51, wouldn't talk about their potential nominations to the federal judgeships. But both have undergone FBI background checks for the job, sources said.
Conrad, a federal prosecutor since 1989, has been U.S. attorney for the Western District of North Carolina since 2001.
In the trial of two Lebanese brothers last year, Conrad's prosecutors obtained the first criminal conviction under a U.S. law banning material support to terrorist organizations. One of the brothers was sentenced in February to 155 years in prison.
In 1998, Conrad and then-Assistant U.S. Attorney Thomas Walker became the first federal prosecutors in North Carolina to obtain the death penalty since capital punishment for federal crimes was reinstated in 1988.
In 1999, then-Attorney General Janet Reno appointed Conrad, a Republican, to head a Justice Department task force investigating illegal campaign fund raising. Conrad went to the White House with FBI agents to question Clinton under oath for four hours.
Conrad wouldn't talk about who might replace him if he gets the lifetime federal judgeship. Sources in the legal community, however, are speculating that Assistant U.S. Attorney Gretchen Shappert might be selected to replace Conrad as the top federal prosecutor for the Western District of North Carolina.
McKnight, also a Republican, was a state prosecutor in Charlotte for six years in the 1980s. He handled Mecklenburg's first case under the state's tough 1985 obscenity law and worked to close adult bookstores.
He served as a Mecklenburg district judge from 1988 to 1993. In 1993, he was named a federal magistrate judge.

From: Skelly, Layton

To: tcordaro@osophs.dhhs.gov <Skelly, Layton>;tcordaro@osophs.dhhs.gov <Gilbert, Alan>;tcordaro@osophs.dhhs.gov <Hall, Philo D.>;paula.stannard@hhs.gov <paula.stannard@hhs.gov>;peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;alex.azar@hhs.gov <alex.azar@hhs.gov>;john.hoff@hhs.gov <john.hoff@hhs.gov>;jennifer.young@hhs.gov <jennifer.young@hhs.gov>;jennifer.young@hhs.gov <Schacht, Diana L.>;jennifer.young@hhs.gov <Jensen, Amy>;jennifer.young@hhs.gov <Loper, Ginger G.>;jennifer.young@hhs.gov <Grubbs, Wendy J.>;jennifer.young@hhs.gov <Lefkowitz, Jay P.>;jennifer.young@hhs.gov <Perry, Philip J.>;jennifer.young@hhs.gov <Silverberg, Kristen>;jennifer.young@hhs.gov <Deleire, Thomas C.>;jennifer.young@hhs.gov <Kavanaugh, Brett M.>;zurawski-paul@dol.gov <zurawski-paul@dol.gov>;zurawski-paul@dol.gov <Young, Tracy>;zurawski-paul@dol.gov <Besanceney, Brian R.>;marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>;marc.kesselman@usdoj.gov <Ackerly, Dana>;marc.kesselman@usdoj.gov <Cowdry, Rex>;hzucker@osophs.dhhs.gov <hzucker@osophs.dhhs.gov>;jafar.karim@hhs.gov <jafar.karim@hhs.gov>

CC: pamela.roller@hhs.gov <pamela.roller@hhs.gov>;joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>;marie.belt@hhs.gov <marie.belt@hhs.gov>;marie.belt@hhs.gov <Winland, Emily>;marie.belt@hhs.gov <Vestewig, Lauren J.>;dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>;india.luckett@hhs.gov <india.luckett@hhs.gov>;scriver-langford-lat@dol.gov <scriver-langford-lat@dol.gov>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;stephanie.wilson@hhs.gov <stephanie.wilson@hhs.gov>;stephanie.wilson@hhs.gov <Stone, Carla B.>;hrobowski-rosita@dol.gov <hrobowski-rosita@dol.gov>;tcordaro@osophs.dhhs.gov <tcordaro@osophs.dhhs.gov>;tcordaro@osophs.dhhs.gov <Lineberry, Stephen M.>

Sent: 4/28/2003 2:24:15 PM

Subject: CC: Weekly Medical Liability Working Group

The Medical Liability Working Group meeting will be a **conference call** tomorrow at 10:00 a.m. The call in information is below:

Call in: 395-6392

CODE: 828027

Thank you,

Layton

456-5085

Layton Skelly

04/21/2003 01:33:17 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

bcc:

Subject: Re: Weekly Medical Liability Working Group 

This is to remind everyone that there WILL be a medical liability working group meeting tomorrow at 10:00 in room 476 EEOB.

If you have not attended one of these meetings in person before, please send me your clearance information so you can get into the building. Thank you.

Layton

456-5085

Message Sent To:

alan gilbert/opd/eop@eop

philo d. hall/opd/eop@eop

paula.stannard@hhs.gov @ inet

peter.urbanowicz@hhs.gov @ inet

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tracy young/who/eop@eop

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marc.kesselman@usdoj.gov @ inet

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hrobowski-rosita@dol.gov

tcordaro@osophs.dhhs.gov

Layton Skelly/OPD/EOP@EOP

Stephen M. Lineberry/WHO/EOP@EOP

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 4/28/2003 3:26:30 PM
Subject: Colleen just called...

and said that you had a car waiting for you for an hour and so I gave her permission to cancel it. If you need another, please email Jon a time and he'll get you another one. He is expecting an email from you. Also, David has a car coming at 3:30 if you would like to ride with him.

From: Tracy.T.Washington@usdoj.gov

To: Adam.Charnes@usdoj.gov <Adam.Charnes@usdoj.gov>;Andrew.Schauder2@usdoj.gov <Andrew.Schauder2@usdoj.gov>;Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>;Dan.Bryant@usdoj.gov <Dan.Bryant@usdoj.gov>;Don.Willett@usdoj.gov <Don.Willett@usdoj.gov>;Heather.Cutchens@usdoj.gov <Heather.Cutchens@usdoj.gov>;Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>;Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>;Lizette.D.Benedi@usdoj.gov <Lizette.D.Benedi@usdoj.gov>;Lori.SharpeDay@usdoj.gov <Lori.SharpeDay@usdoj.gov>;Monica.Goodling@usdoj.gov <Monica.Goodling@usdoj.gov>;Nancy.Scottfinan@usdoj.gov <Nancy.Scottfinan@usdoj.gov>;Nathan.Sales@usdoj.gov <Nathan.Sales@usdoj.gov>;Pat.O'Brien@usdoj.gov <Pat.O'Brien@usdoj.gov>;Sheila.Joy@usdoj.gov <Sheila.Joy@usdoj.gov>;Steve.Koebele@usdoj.gov <Steve.Koebele@usdoj.gov>;Viet.Dinh@usdoj.gov <Viet.Dinh@usdoj.gov>;William.Hall2@usdoj.gov <William.Hall2@usdoj.gov>;Rena_Johnson_Comisac@Judiciary.senate.gov <Rena_Johnson_Comisac@Judiciary.senate.gov>;Margarita_Tapia@Judiciary.senate.gov <Margarita_Tapia@Judiciary.senate.gov>;makan_delrahim@Judiciary.senate.gov <makan_delrahim@Judiciary.senate.gov>;alex_dahl@Judiciary.senate.gov <alex_dahl@Judiciary.senate.gov>;joschal@att.net <joschal@att.net>;Manuel_Miranda@frist.senate.gov <Manuel_Miranda@frist.senate.gov>;alex_vogel@frist.senate.gov <alex_vogel@frist.senate.gov>;alex_vogel@frist.senate.gov <Grubbs, Wendy J.>;alex_vogel@frist.senate.gov <Smith, Matthew E.>;alex_vogel@frist.senate.gov <Sampson, Kyle>;Heather_Wingate@who.eop.gov <Heather_Wingate@who.eop.gov>;Heather_Wingate@who.eop.gov <Bartolomucci, H. Christopher>;Heather_Wingate@who.eop.gov <Kavanaugh, Brett M.>;Heather_Wingate@who.eop.gov <Snee, Ashley>;SRushton@CommitteeforJustice.org <SRushton@CommitteeforJustice.org>;john_abegg@mcconnell.senate.gov <john_abegg@mcconnell.senate.gov>

Sent: 4/28/2003 3:51:58 PM

Subject: 4:00 p.m. Judicial Working Group Conference Call is cancelled.

Tracy T. Washington
U.S. Department of Justice
Office of Legal Policy
Main Building, Room 4234
(202) 514-2737

From: Torgerson, Karin B.
To: <Kavanaugh, Brett M.>
Sent: 4/28/2003 4:13:55 PM
Subject:

Hi Brett. I was wondering where you are on the Law Day Proclamation? Could you let me know? We'll need time to staff it. Thanks

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/28/2003 1:28:35 PM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:28-APR-2003 17:28:35.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

They are awaiting Joe Hagin's approval. Not sure what the hang up is (if any)

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, April 28, 2003 5:22 PM
To: Bumatay, Patrick J.
Subject:

when are they releasing press release

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/28/2003 1:31:26 PM
Subject: : FW: Regional Appointees Conference

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:28-APR-2003 17:31:26.00
SUBJECT:: FW: Regional Appointees Conference
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Parell, Christie
Sent: Monday, April 28, 2003 5:26 PM
To: Montiel, Charlotte L.
Subject: Regional Appointees Conference

Hi Charlotte! Regarding the e-mail below, how do David and Brett's schedules look for 3:15-3:45pm on May 20th? They would each speak 15 min. on "Hatch Act/Ethics" (30 min. session). It's possible that Nanette might be the more appropriate person to speak on ethics...will you please discuss it with them? Feel free to contact me if you have any questions. Thanks!!
---------- Forwarded by Christie Parell/WHO/EOP on 04/28/2003 05:26 PM ----------

From: Brian D. Montgomery/WHO/EOP@Exchange on 04/22/2003 12:01:48 PM
Record Type: Record

To: David G. Leitch/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Charlotte L. Montiel/WHO/EOP@Exchange, Christie Parell/WHO/EOP@EOP
Subject: Regional Appointees Conference

David/Brett:

The Offices of Cabinet Affairs, Presidential Personnel, Intergovernmental Affairs, Political Affairs, and the Council for Excellence in Government are together sponsoring a two-day conference entitled "Regional Appointees: Challenges and Opportunities," scheduled for May 19-20, 2003 in Washington, DC.

This conference will be the first of its kind during this Administration and will include regional appointees from several Cabinet and sub-Cabinet agencies such as Education, Interior, Labor, EPA, HHS, FEMA, GSA, HUD and SBA. It will be held at the nearby Mayflower Hotel, with several sessions taking place in Room 450 EEOB.

Given your office's stake in such an event, we want to involve you in the conference's program workshops and plenary sessions. In working with the agencies, we have identified roughly 85 regional political appointees that we have invited to attend the conference. Other local agency personnel, including inter-governmental affairs staff, will also be invited.

The purpose of the conference is to better engage our regional appointees as representatives of the President around the country and to give them a chance to meet and hear from senior White House officials and agency leaders. Sessions will focus on a variety of vital issues

including:

ú Management Results / President's Management Team

ú Building Support for the President's Agenda

ú Freedom Corps / Faith-Based Initiatives

ú Hatch Act / Ethics

ú Policy Perspectives

ú Homeland Security

ú Working Together for Greater Regional Impact

ú Legislative Update

ú Foreign Policy Update

We have tentatively scheduled your presentation for Tuesday afternoon, May 20 in Room 450 EEOB (exact time is TBD). We would hope you could discuss your insights on the Hatch Act and ethics in government. We would also hope you could join us for a reception to be held later that evening.

We would greatly appreciate your participation, and I know that the Regional Appointees would appreciate hearing from you and will be happy to take your perspectives back with them to their respective regions. Please feel free to contact me should you have additional questions or you may have your assistant contact Christie Parell (6-2343) to confirm your availability.

Many thanks in advance,

Brian Montgomery

From: Estes, Ashley
To: <Kavanaugh, Brett M.>
Sent: 4/28/2003 5:48:02 PM
Subject:

sorry. he'd just gotten back, and it was a little hectic. bg and lg are all here and so it's hard to talk. can i try you a little later?

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/28/2003 5:50:09 PM
Subject: hi

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/28/2003 5:51:53 PM
Subject:

CIA

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 4/28/2003 2:47:28 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:28-APR-2003 18:47:28.00
SUBJECT::
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

cadets must remain standing and silent but need not recite the prayer or
bow their heads. This is more Lee v. Weisman aftermath.
```

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
CC: <Ganter, Jonathan F.>
Sent: 4/28/2003 6:55:20 PM
Subject: Re:

I do.

From: David G. Leitch/WHO/EOP@Exchange on 04/28/2003 06:54:49 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jonathan F. Ganter/WHO/EOP@EOP

cc:

Subject:

Do either one of you have the Ginsburg hearing transcripts that were in my office?

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 4/28/2003 7:33:08 PM
Subject: Re: is this right?

yes

From: Ashley Snee/WHO/EOP@Exchange on 04/28/2003 07:25:48 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: is this right?

Ø There are presently 51 vacancies out of the 862 authorized federal judgeships. The 12 regional federal appeals courts face a particularly serious crisis, with 24 vacancies out of 167 judgeships

From: Lonny_Suko@waed.uscourts.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/28/2003 3:34:06 PM
Subject: : Re: NOMINATIONS SENT TO THE SENATE

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lonny_Suko@waed.uscourts.gov ( Lonny_Suko@waed.uscourts.gov [ UNKNOWN ] )
CREATION DATE/TIME:28-APR-2003 19:34:06.00
SUBJECT:: Re: NOMINATIONS SENT TO THE SENATE
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

A special "thankyou" for forwarding a copy of today's press release, and
for your call of last week. Sheila Joy from DOJ called this afternoon to
finalize some of the paperwork submissions and I am delighted!
```

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 4/28/2003 8:42:55 PM
Subject:

Reg Brown called me. I gave him my thoughts, but I want to talk to you all as well to make sure I should not supplement.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Gonzales, Alberto R.>
Sent: 4/28/2003 10:07:43 PM
Subject: Re:

Let's talk in the am. I tried to reach Reg today to discuss.

.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Gonzales, Alberto R. ; Leitch, David G.
Sent: Mon Apr 28 20:42:55 2003
Subject:

Reg Brown called me. I gave him my thoughts, but I want to talk to you all as well to make sure I should not supplement.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 4/28/2003 10:08:52 PM
Subject: Re:

Also, odd comment from Judge re CA4, which I'll mention to you in a.m.
.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Gonzales, Alberto R. ; Leitch, David G.
Sent: Mon Apr 28 20:42:55 2003
Subject:

Reg Brown called me. I gave him my thoughts, but I want to talk to you all as well to make sure I should not supplement.

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/28/2003 6:08:22 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:28-APR-2003 22:08:22.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Also, odd comment from Judge re CA4, which I'll mention to you in a.m.
.

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Gonzales, Alberto R. <Alberto_R._Gonzales@who.eop.gov>; Leitch, David G. <David_G._Leitch@who.eop.gov>
Sent: Mon Apr 28 20:42:55 2003
Subject:;

Reg Brown called me.; I gave him my thoughts, but I want to talk to you all as well to make sure I should not supplement.

From: CN=Mercedes M. Viana/OU=WHO/O=EOP [WHO]
To: rfernandez@rnchq.org @ inet [UNKNOWN] <rfernandez@rnchq.org @ inet>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Leonard B. Rodriguez/WHO /EOP@EOP [WHO] <Leonard B. Rodriguez>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;scastillo@rnchq.org @ inet [UNKNOWN] <scastillo@rnchq.org @ inet>;Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 4/29/2003 4:44:30 AM
Subject: : this ran in the Detroit News

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-APR-2003 08:44:30.00
SUBJECT:: this ran in the Detroit News
TO:rfernandez@rnchq.org @ inet (rfernandez@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:scastillo@rnchq.org @ inet (scastillo@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
TO:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Mercedes M. Viana/WHO/EOP on 04/29/2003 08:43 AM ----------

Scott Stanzel

04/29/2003 08:39:50 AM

Record Type: Record

To: Mercedes M. Viana/WHO/EOP@EOP
cc:
Subject: this ran in the Detroit News

Estrada filibuster may galvanize Latino voters
By Ruben Navarette

Comment on this story
Send this story to a friend
Get Home Delivery

After several failed attempts by Senate Republicans to break a Democratic filibuster, it's starting to look as if Miguel Estrada may never make it to the U.S. Court of Appeals for the District of Columbia Circuit. The controversial Bush nominee may have to settle for the strangest of consolation prizes: his name plastered on bumper stickers in the 2004 election.
Interestingly enough, both parties seem convinced they can use the Estrada

saga to help them impress Latino voters. And that would be no small thing. Now the nation's largest minority, Latinos have gone from loyal Democrats to up-for-grabs swing voters who can help decide close races in critical battleground states like Florida, Illinois and New Mexico.

Republicans are sure they can get political mileage out of the fact that Senate Democrats treated Estrada inhospitably. And, just to make sure they don't miss their chance, they're calling out the big guns. Former President George H.W. Bush recently hosted a fund-raiser at his home in Houston to collect money for the political equivalent of an air assault. Guests forked over a quarter of a million dollars to buy television commercials targeting Democratic senators who targeted Estrada and other Bush judicial nominees.

In fact, some of the spots are already airing in four states: Nevada, Arkansas, Indiana and North Carolina. All those states have significant and growing Latino populations -- and Democratic senators seeking re-election in 2004. There are more ads coming in Louisiana, Florida, South Carolina, North Dakota and South Dakota. And just to make sure Latino voters don't miss the point about Democrats and their opposition to Estrada, some Republican spots are in Spanish.

About now, I bet Democrats are having second thoughts about the years they spent fighting the English-only movement.

All Republicans need for their investment to pay off is for Latinos to start asking tough questions -- like why the party of John Kennedy, for all its professed progressivism, seems to have decided that the nation's second-most prominent court is not ready for its first Latino judge. Or why it is that Democrats, even while they insist their beef with Estrada is over his lack of judicial experience, were happy to green-light white nominees who also had never served on the bench. Or why President Bill Clinton, in his two opportunities to appoint a justice to the Supreme Court, failed to nominate a Latino. And why President George W. Bush now seems primed to do just that.

It also wouldn't hurt Republicans if Latinos remembered who went to bat for Estrada. It was a Republican president who first put Estrada's nomination in play, and a Republican-controlled Senate that rallied in support of it. And even when it was clear that the nomination was in trouble, the GOP didn't give up.

You can expect Democrats to answer with their own battery of television commercials, and don't be surprised if they are among the most innovative in recent memory. Democrats have to charge that they actually did the Latino community a favor when they went after Estrada. And to do that, they'll have to tag him an activist whose views (were they only better known) would be so conservative as to put him outside the Latino mainstream.

Shouldn't someone let these guys in on the joke and tell them that -- judging from its views on everything from abortion to vouchers -- the Latino mainstream is conservative?

Besides, whom do Democrats think they're kidding? They were against Estrada's nomination from the moment they realized they couldn't control him, intimidate him or take credit for his success. After all, what fun is it for liberals to put minorities in powerful positions if doing so doesn't leave the benefactors feeling somehow empowered?

To cover their tracks, Senate Democrats managed to convince a handful of Latino advocacy groups to join them in opposing Estrada. But Democrats still have to worry about the people these groups insist they represent -- Latino voters. You remember them? They're the sort of folks who have been known to swell up with pride when one of their own tries to advance and respond angrily when someone else tries to hold him back.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 4/29/2003 5:03:44 AM
Subject: : Charlotte Observer (4/29/03) re: Bush picks NC judicial nominees

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-APR-2003 09:03:44.00
SUBJECT:: Charlotte Observer (4/29/03) re: Bush picks NC judicial nominees
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Posted on Tue, Apr. 29, 2003

Bush picks N.C. judicial nominees

African Americans await hearings for seats on appellate bench

GARY L. WRIGHT AND TIM FUNK
Staff Writers

WASHINGTON -President Bush on Monday nominated an African American woman from Raleigh to the 4th U.S. Circuit Court of Appeals -- a move that could end more than a decade of deadlock and finally land a North Carolinian on the Richmond-based court.

Republican Allyson Duncan, 51, who appears to have the backing of both of North Carolina's U.S. senators, would also be the first black woman to sit on the 4th Circuit, a court with jurisdiction over the Carolinas, Virginia, Maryland and West Virginia. Duncan is a former judge on the N.C. Court of Appeals, a former professor at N.C. Central University and president-elect of the state Bar Association.

To fill another vacancy on the 4th Circuit court, the president nominated Virginia-based Claude Allen, a former aide to U.S. Sen. Jesse Helms. Republican Allen, 42, now deputy secretary of the U.S. Department of Health and Human Services, is also African American, but may prove to be a more controversial nominee, partly because of his deeply conservative views.

Sen. Elizabeth Dole, R-N.C., lauded Allen's ties to North Carolina -- like Duncan, he got his law degree from Duke University -- but a spokesman for U.S. Sen. John Edwards, D-N.C., who sits on the Senate Judiciary Committee, said Edwards "is interested in taking a good, close look at (Allen's) qualifications."

Less likely to face any Senate obstacles are two Charlotteans -- U.S. Attorney Bob Conrad and U.S. Magistrate Judge Brent McKnight -- who were also nominated Monday to federal judgeships.

Both said a lawyer with the White House counsel's office notified them about 4:30 p.m. that their nominations for the newly created U.S. District Court judgeships in the Western District of North Carolina had been sent to the Senate.

"I'm honored to be nominated by President Bush," Conrad said. "If confirmed, I would strive to pursue justice with integrity."

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The nominations for the lifetime posts must now be confirmed by the Senate.

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Neither of the 4th Circuit nominees could be reached for comment Monday.

If confirmed, they would become the second and third African Americans on a 14-member court.

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From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/29/2003 5:07:27 AM
Subject: : RE: FW: PEt

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:29-APR-2003 09:07:27.00
SUBJECT:: RE: FW: PEt
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Presidential Event Team- or something like that. It's a daily mtg in room 180 which includes a rep from most event related offices on complex. Sched, etc. may have questions about our 5/9 event.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 8:59 AM
To: Nelson, Carolyn
Subject: Re: FW: PEt

sure, what is it?

From: Carolyn Nelson/WHO/EOP@Exchange on 04/29/2003 08:54:49 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: PEt

Brett- will you go to the PET meeting?
-----Original Message-----
From: Reid, Margaret A.
Sent: Tuesday, April 29, 2003 8:50 AM
To: Nelson, Carolyn
Subject: PEt

can you come to the 10am? you have an event on the 5/9.
thanks!

From:	Winland, Emily
To:	elizabeth.vannoy@do.treas.gov <Warsh, Kevin>;elizabeth.vannoy@do.treas.gov <Goldman, Adam B.>;elizabeth.vannoy@do.treas.gov <Kavanaugh, Brett M.>;elizabeth.vannoy@do.treas.gov <Silverberg, Kristen>;David.Aufhauser@do.treas.gov <David.Aufhauser@do.treas.gov>;David.Aufhauser@do.treas.gov <Elwood, Courtney S.>;David.Aufhauser@do.treas.gov <MacHida, Ado A.>
CC:	<Vestewig, Lauren J.>;<Smith, Marty P.>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;elizabeth.vannoy@do.treas.gov <elizabeth.vannoy@do.treas.gov>
Sent:	4/29/2003 8:24:33 AM
Subject:	Tort Reform Meeting

Please let me know if you are available to start the Tort Reform meeting tonight at 5:45pm. It is possible that we might have to reschedule or push back the meeting from 4:30pm today. Let me know if you could attend starting at 5:45.

I will confirm once I hear back from all participants.

thanks,

Emily

From: Adam.Charnes@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/29/2003 4:54:37 AM
Subject: : RE: has kristi heard anything from ppo

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> ( "Adam.Charnes@usdoj.gov"
<Adam.Charnes@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:29-APR-2003 08:54:37.00
SUBJECT:: RE: has kristi heard anything from ppo
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I believe so, she has interview today with Higbee and Susan Richmond.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 28, 2003 9:09 PM
To: Charnes, Adam
Subject: has kristi heard anything from ppo
```

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 4/29/2003 8:59:04 AM
Subject: Re: FW: PEt

sure, what is it?

From: Carolyn Nelson/WHO/EOP@Exchange on 04/29/2003 08:54:49 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: PEt

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From: Reid, Margaret A.

Sent: Tuesday, April 29, 2003 8:50 AM

To: Nelson, Carolyn

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thanks!

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 4/29/2003 9:02:47 AM
Subject: Charlotte Observer (4/29/03) re: Bush picks NC judicial nominees

Posted on Tue, Apr. 29, 2003

Bush picks N.C. judicial nominees

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GARY L. WRIGHT AND TIM FUNK

Staff Writers

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From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 4/29/2003 9:04:26 AM
Subject: Raleigh News & Observer (4/29/03) re: Bush names lawyer, ex-Helms aide to court

Tuesday, April 29, 2003 12:00AM EDT

Bush names lawyer, ex-Helms aide to court

By JOHN WAGNER, Washington Correspondent

WASHINGTON - President Bush nominated a Raleigh lawyer and a former aide to U.S. Sen. Jesse Helms on Monday for seats on the U.S. 4th Circuit Court of Appeals, a federal panel that has been bereft of North Carolina judges because of a standoff between the state's senators.

The nomination of Allyson Duncan, a Raleigh lawyer with Kilpatrick Stockton, had been expected for months and drew praise Monday night from the offices of both U.S. Sen. John Edwards, a Democrat, and U.S. Sen. Elizabeth Dole, a Republican.

Bush also nominated Claude Allen, a top official at the U.S. Department of Health and Human Services who attended college in North Carolina and served as Helms' press secretary during his 1984 re-election campaign.

Allen currently lives in Virginia, so neither North Carolina senator could block his nomination under a Senate tradition that has effectively allowed members to veto picks from their home states.

Edwards spokesman Mike Briggs said Edwards, who sits on the Judiciary Committee, will reserve judgment on Allen's nomination. Dole's office said that Allen deserves a confirmation hearing, and that Allen's "ties to North Carolina are as strong as his ties to Virginia."

The 4th Circuit, which hears appeals from five Southeastern states, is the last stop for federal cases before they reach the U.S. Supreme Court.

Both Duncan and Allen are Republicans. If confirmed, they would be just the second and third black judges to sit on a court that had been long criticized by Democrats as a conservative, all-white bastion.

Feuding between North Carolina's senators has kept the state from having a single judge on the 15-member panel since 1999. The nomination of another North Carolinian, U.S. District Court Judge Terrence Boyle, has been stalled since May 2001. Edwards has not consented to the nomination, partly in response to the blockage of a string of North Carolina nominees by Helms, Dole's Republican predecessor, during the Clinton administration.

Briggs said that Edwards believes Duncan, a former state appeals court judge, is "the kind of mainstream North Carolinian that would be a good addition to the 4th Circuit."

Still, it remained unclear Monday how quickly the Senate would move to confirm her nomination. Edwards would prefer the Senate move first because both senators support her.

Dole spokeswoman Mary Brown Brewer said Monday night, though, "Senator Dole continues to believe

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Duncan, a Duke University law school graduate, has also served stints at a professor at the N.C. Central University School of Law and on the N.C. Utilities Commission. A list of her supporters released by the White House includes Julius Chambers, N.C. Central's former chancellor who is serving as treasurer of Edwards' presidential campaign.

Allen, a Pennsylvania native, served as Helms' campaign press secretary shortly after graduating from UNC-Chapel Hill. After the 1984 campaign, he got his law degree from Duke University. He since has worked as a lawyer in private practice, for the Virginia attorney general's office and as secretary for Health & Human Resources in Virginia. Bush named him deputy secretary at the federal Department of Health and Human Services in 2001.

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From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 4/29/2003 5:05:23 AM
Subject: : Raleigh News & Observer (4/29/03) re: Bush names lawyer, ex-Helms aide to court

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-APR-2003 09:05:23.00
SUBJECT:: Raleigh News & Observer (4/29/03) re: Bush names lawyer, ex-Helms aide to court
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
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Tuesday, April 29, 2003 12:00AM EDT

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From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/29/2003 9:07:57 AM
Subject: RE: FW: PEt

Presidential Event Team- or something like that. It's a daily mtg in room 180 which includes a rep from most event related offices on complex. Sched, etc. may have questions about our 5/9 event.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 8:59 AM
To: Nelson, Carolyn
Subject: Re: FW: PEt

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From: Carolyn Nelson/WHO/EOP@Exchange on 04/29/2003 08:54:49 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: PEt

Brett- will you go to the PET meeting?
-----Original Message-----
From: Reid, Margaret A.
Sent: Tuesday, April 29, 2003 8:50 AM
To: Nelson, Carolyn
Subject: PEt

can you come to the 10am? you have an event on the 5/9.
thanks!

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 4/29/2003 9:08:00 AM
Subject: RE:

Very wierd

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 8:48 AM
To: Lefkowitz, Jay P.
Subject: Re:

is there an issue here?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/29/2003 08:47 AM ----------

Courtney S. Elwood
04/29/2003 08:30:21 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re:

FYI.
---------- Forwarded by Courtney S. Elwood/OVP/EOP on 04/29/2003 08:25 AM ----------

Cesar Conda
04/28/2003 12:53 PM
Record Type: Record

To: Courtney S. Elwood/OVP/EOP@EOP, Ado A. Machida/OVP/EOP@EOP
cc:
Subject: Re:

i told Jay that the both of you would not attend this meeting.
---------- Forwarded by Cesar Conda/OVP/EOP on 04/28/2003 12:52 PM ----------

From: Jay P. Lefkowitz/OPD/EOP@Exchange on 04/28/2003 12:51:13 PM
Record Type: Record

To: Cesar Conda/OVP/EOP@EOP
cc:
Subject: Re:

Think Courtney is attending.
.

-----Original Message-----
From: Conda, Cesar
To: Lefkowitz, Jay P.
Sent: Mon Apr 28 12:43:49 2003
Subject:

no one from OVP will be available attend your meeting on tort reform tomorrow. call me to discuss.

From: Winland, Emily
To: elizabeth.vannoy@do.treas.gov <Warsh, Kevin>;elizabeth.vannoy@do.treas.gov <Goldman, Adam B.>;elizabeth.vannoy@do.treas.gov <Kavanaugh, Brett M.>;elizabeth.vannoy@do.treas.gov <Silverberg, Kristen>;elizabeth.vannoy@do.treas.gov <Marsh, Robert>;elizabeth.vannoy@do.treas.gov <Grubbs, Wendy J.>;Makan_Delrahim@Judiciary.senate.gov <Makan_Delrahim@Judiciary.senate.gov>
CC: <Vestewig, Lauren J.>;<Smith, Marty P.>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;elizabeth.vannoy@do.treas.gov <elizabeth.vannoy@do.treas.gov>;elizabeth.vannoy@do.treas.gov <Schacht, Diana L.>
Sent: 4/29/2003 9:15:57 AM
Subject: Tort Reform Meeting 5:45pm TODAY, room 211, EEOB

The meeting on Tort Reform will be at 5:45pm today in room 211, EEOB. (not at 4:30pm)

thanks,

Emily

Emily Winland

04/29/2003 08:28:20 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Lauren J. Vestewig/OPD/EOP@Exchange@EOP, Marty P. Smith/OPD/EOP@EOP, heather.mcnaught@usdoj.gov, elizabeth.vannoy@do.treas.gov

Subject: Tort Reform Meeting

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thanks,

Emily

Message Sent To:

Kevin Warsh/OPD/EOP@EOP

Adam B. Goldman/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Kristen Silverberg/WHO/EOP@Exchange@EOP

David.Aufhauser@do.treas.gov @ inet

Courtney S. Elwood/OVP/EOP@EOP

Ado A. Machida/OVP/EOP@EOP

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>
Sent: 4/29/2003 5:23:04 AM
Subject: : this ran in the Detroit News

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-APR-2003 09:23:04.00
SUBJECT:: this ran in the Detroit News
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Matthew A. Schlapp/WHO/EOP on 04/29/2003 09:22 AM ----------

Mercedes M. Viana
04/29/2003 08:44:11 AM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP
cc:
Subject: this ran in the Detroit News

---------- Forwarded by Mercedes M. Viana/WHO/EOP on 04/29/2003 08:44 AM ----------

Scott Stanzel

04/29/2003 08:39:50 AM

Record Type: Record

To: Mercedes M. Viana/WHO/EOP@EOP
cc:
Subject: this ran in the Detroit News

Estrada filibuster may galvanize Latino voters
By Ruben Navarette

Comment on this story
Send this story to a friend
Get Home Delivery

After several failed attempts by Senate Republicans to break a Democratic filibuster, it's starting to look as if Miguel Estrada may never make it to the U.S. Court of Appeals for the District of Columbia Circuit. The controversial Bush nominee may have to settle for the strangest of consolation prizes: his name plastered on bumper stickers in the 2004 election.

Interestingly enough, both parties seem convinced they can use the Estrada saga to help them impress Latino voters. And that would be no small thing. Now the nation's largest minority, Latinos have gone from loyal Democrats to up-for-grabs swing voters who can help decide close races in critical battleground states like Florida, Illinois and New Mexico.

Republicans are sure they can get political mileage out of the fact that Senate Democrats treated Estrada inhospitably. And, just to make sure they don't miss their chance, they're calling out the big guns. Former President George H.W. Bush recently hosted a fund-raiser at his home in Houston to collect money for the political equivalent of an air assault. Guests forked over a quarter of a million dollars to buy television commercials targeting Democratic senators who targeted Estrada and other Bush judicial nominees.

In fact, some of the spots are already airing in four states: Nevada, Arkansas, Indiana and North Carolina. All those states have significant and growing Latino populations -- and Democratic senators seeking re-election in 2004. There are more ads coming in Louisiana, Florida, South Carolina, North Dakota and South Dakota. And just to make sure Latino voters don't miss the point about Democrats and their opposition to Estrada, some Republican spots are in Spanish.

About now, I bet Democrats are having second thoughts about the years they spent fighting the English-only movement.

All Republicans need for their investment to pay off is for Latinos to start asking tough questions -- like why the party of John Kennedy, for all its professed progressivism, seems to have decided that the nation's second-most prominent court is not ready for its first Latino judge. Or why it is that Democrats, even while they insist their beef with Estrada is over his lack of judicial experience, were happy to green-light white nominees who also had never served on the bench. Or why President Bill Clinton, in his two opportunities to appoint a justice to the Supreme Court, failed to nominate a Latino. And why President George W. Bush now seems primed to do just that.

It also wouldn't hurt Republicans if Latinos remembered who went to bat for Estrada. It was a Republican president who first put Estrada's nomination in play, and a Republican-controlled Senate that rallied in support of it. And even when it was clear that the nomination was in trouble, the GOP didn't give up.

You can expect Democrats to answer with their own battery of television commercials, and don't be surprised if they are among the most innovative in recent memory. Democrats have to charge that they actually did the Latino community a favor when they went after Estrada. And to do that, they'll have to tag him an activist whose views (were they only better known) would be so conservative as to put him outside the Latino mainstream.

Shouldn't someone let these guys in on the joke and tell them that -- judging from its views on everything from abortion to vouchers -- the Latino mainstream is conservative?

Besides, whom do Democrats think they're kidding? They were against Estrada's nomination from the moment they realized they couldn't control him, intimidate him or take credit for his success. After all, what fun is it for liberals to put minorities in powerful positions if doing so doesn't leave the benefactors feeling somehow empowered?

To cover their tracks, Senate Democrats managed to convince a handful of Latino advocacy groups to join them in opposing Estrada. But Democrats still have to worry about the people these groups insist they represent -- Latino voters. You remember them? They're the sort of folks who have been known to swell up with pride when one of their own tries to advance and respond angrily when someone else tries to hold him back.

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 4/29/2003 9:38:25 AM
Subject: RE:

Don't worry, I'm not going to sell him down the river. First, no one reads the metro section and secondly, I just want you all to understand that it really doesn't help us to have these guys doing this - although they think their input is helpful - there is more to it than spouting off what they think are cute quotes. It is irritating as I said because if these guys didn't do this, people like Mike Allen would be more likely to call the press office and at least hear our side. I know you know all of this - forgive my venting.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 9:32 AM
To: Snee, Ashley
Subject: Re:

and cannot even be sure it was him, of course.

Brett M. Kavanaugh
04/29/2003 09:08:25 AM
Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange@EOP
cc:
Subject:

btw, i would not dime out berenson to your superiors (unless you think necessary); innocent if unhelpful mistake.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/29/2003 9:53:49 AM
Subject:

Call me ASAP. I need to tell Judge what the deal is.

From: CN=Courtney S. Elwood/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/29/2003 6:45:19 AM
Subject: : Re:

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=OVP/O=EOP [ OVP ] )
CREATION DATE/TIME:29-APR-2003 10:45:19.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I'll call you.
```

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 4/29/2003 11:09:09 AM
Subject: Have you told Sutton about the vote? Should I call him? Or wait until after..

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 4/29/2003 11:23:13 AM
Subject: Re:

where

From: Carolyn Nelson/WHO/EOP@Exchange on 04/29/2003 11:20:57 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject:

FYI, he's meeting with Sen. Craig at noon to discuss Myers.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
CC: <Gonzales, Alberto R.>
Sent: 4/29/2003 11:46:14 AM
Subject: RE: sutton vote at noon; we are preparing statement by President

Good!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 11:30 AM
To: Leitch, David G.
Cc: Gonzales, Alberto R.
Subject: Re: sutton vote at noon; we are preparing statement by President

No, one statement, he has the votes.

From: David G. Leitch/WHO/EOP@Exchange on 04/29/2003 11:30:34 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@Exchange
cc:
Subject: Re: sutton vote at noon; we are preparing statement by President

Are e preparing 2 alternaivw statements?
.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Gonzales, Alberto R. ; Leitch, David G.
Sent: Tue Apr 29 11:23:21 2003
Subject: sutton vote at noon; we are preparing statement by President

From: Ben Wittes <wittesb@washpost.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/29/2003 8:11:31 AM
Subject: : 4th Circuit Md./Va. seat

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ben Wittes <wittesb@washpost.com> (Ben Wittes <wittesb@washpost.com> [UNKNOWN])
CREATION DATE/TIME:29-APR-2003 12:11:31.00
SUBJECT:: 4th Circuit Md./Va. seat
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm interested in the issue of the 4th Circuit Md./Va. seat. Irrespective of Mr. Allen's merits, the moving of this seat seems pretty aggressive to me. On the other hand, I understand that y'all have had real trouble finding names the Md. senators would do business over. I know that both you and Keisler were discussed and that one or the other of the Md. senators said no. Are there others as well? Can you give me any kind of sense of why, in your judgment, this step was necessary?

_____
Benjamin Wittes
Editorial Writer
The Washington Post
1150 15th Street, NW
Washington DC 20071
phone: 202-334-4134
fax: 202-334-5269

From: CN=Wendy L. Nipper/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Tucker A. Eskew/WHO/EOP [WHO] <Tucker A. Eskew>
Sent: 4/29/2003 8:17:28 AM
Subject: : 5/5 Luncheon for Senator Graham
Attachments: P_HURZF003_WHO.TXT_1.htm; P_HURZF003_WHO.TXT_2.txt; P_HURZF003_WHO.TXT_3.doc; P_HURZF003_WHO.TXT_4.xlw

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-APR-2003 12:17:28.00
SUBJECT:: 5/5 Luncheon for Senator Graham
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

Tucker will be speaking to a political group next Monday; and per Nanette's request, I need your blessing on the attached agenda.

Thanks.

Wendy

---------- Forwarded by Wendy L. Nipper/WHO/EOP on 04/29/2003 11:59 AM ----------

Scott Farmer <scott@lindseygraham.com>
04/29/2003 11:52:03 AM
Please respond to scott@lindseygraham.com
Record Type: Record

To: Wendy L. Nipper/WHO/EOP@EOP
cc:
Subject: 5/5 Luncheon for Senator Graham

Wendy,

Thanks for helping work out the details for Tucker's participation in our Founding Members Spring Retreat on Monday. The Senator appreciates Tucker's willingness to attend. A confirmation letter with all details will be faxed later today.

Attached is the only document with Tucker's name on it that is being distributed publicly. We are not sending out invitations, but the attached agenda is being sent to retreat participants. We would like to send this out this afternoon, so please confirm his name and title are listed correctly and get back to me ASAP.

Also attached is the list of attendees scheduled to participate in the retreat. We may add 1-2 more names by Monday, but this is the core of the list. In addition to the Founding Members, a combination of staffers from the Senator's office in Washington and campaign staff in South Carolina

will
also attend.

Thanks!

-Scott

==========
Scott Farmer
State Finance Director
Lindsey Graham for Senate
PO Box 1801
Columbia, SC 29202
803-748-0300 (office)
803-799-5554 (fax)
scott@lindseygraham.com
==========

- att1.htm
- Scott Farmer.vcf
- Washington 03 agenda detailed.doc
- Spring Retreat Luncheon Attendees.xls

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HURZF003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HURZF003_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HURZF003_WHO.TXT_3>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HURZF003_WHO.TXT_4>

Wendy,

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Attached is the only document with Tucker's name on it that is being distributed publicly. ; We are not sending out invitations, but the attached agenda is being sent to retreat participants. **We would like to send this out this afternoon, so please confirm his name and title are listed correctly and get back to me ASAP.**

Also attached is the list of attendees scheduled to participate in the retreat. We may add 1-2 more names by Monday, but this is the core of the list. In addition t o the Founding Members, a combination of staffers from the Senator's office in Washington and campaign staff in South Carolina will also attend.

Thanks!

-Scott

==========
Scott Farmer
State Finance Director
Lindsey Graham for Senate
PO Box 1801
Columbia, SC 29202
803-748-0300 (office)
803-799-5554 (fax)
scott@lindseygraham.com
========== ==========

Full Name:	Scott Farmer
Last Name:	Farmer
First Name:	Scott
Job Title:	State Finance Director
Company:	Lindsey Graham for Senate
Business Address:	P.O. Box 1801 Columbia, SC 29202
Business:	(803) 748-0300
Mobile:	(803) 446-6900
Business Fax:	(803) 799-5554
E-mail:	scott@lindseygraham.com
E-mail Display As:	Scott Farmer <scott@lindseygraham.com>
Web Page:	http://www.lindseygraham.com

2003 Spring Retreat
A Tribute to the Republican Class of 2002
Washington, DC
May 4-5, 2003

TENTATIVE SCHEDULE

Sunday, May 4

5:00-6:00 pm	Welcome Reception hosted by Senator Lindsey Graham in the Georgian Room of the Phoenix Park Hotel, 520 North Capitol Street, NW.

Monday, May 5

9:00-10:30 am	Tour of the U.S. Capitol. Participants should meet in Senator Graham's office, 290 Russell Senate Office Building located at the corner of Constitution Avenue and First Street, NE. Following the tour, participants are responsible for their transportation to the Phoenix Park Hotel.
11:00-11:45 am	Opening session in the Georgian Room of the Phoenix Park Hotel, 520 North Capitol Street, NW. Senator Graham will provide an overview of his transition to the Senate and a national issues briefing.
11:45 am-12:00 pm	Break.
12:00-1:30 pm	Lunch in the Georgian Room. Remarks by The Honorable Tucker Eskew, South Carolina native and former spokesman for Governor Carroll Campbell.
1:30-1:45 pm	Break.
1:45-2:15 pm	Session 2 in the Georgian Room. Remarks by Senator Lamar Alexander (R-TN).
2:15-2:45 pm	Session 3 in the Georgian Room. Remarks by Senate Majority Leader Bill Frist, M.D. (R-TN).
2:45-3:15 pm	Break.
3:15-3:45 pm	Session 4 in the Georgian Room. Remarks by Senator Elizabeth Dole (R-NC).
3:45-4:15 pm	Session 5 in the Georgian Room. Remarks by Senator Saxby Chambliss (R-GA).
4:15-4:30 pm	Wrap-up and closing remarks by Senator Graham.

*Senate gallery passes will be available to view the Senate in session following the retreat. The Senate is scheduled to go into session at 5:00 p.m. on Monday, May 5 and again at 9:00 a.m. on Tuesday, May 6.

Document Produced Natively

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen M. Carroll/WHO/EOP@EOP [WHO] <Colleen M. Carroll>;Anne E. Campbell/WHO /EOP@Exchange@EOP [WHO] <Anne E. Campbell>
Sent: 4/29/2003 12:29:30 PM
Subject: : FW:
Attachments: P_G180G003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-APR-2003 16:29:30.00
SUBJECT:: FW:
TO:Colleen M. Carroll (CN=Colleen M. Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne E. Campbell (CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We will get this to you in a.m. Thx.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/29/2003 04:28 PM ----------

From: Carolyn Nelson/WHO/EOP@Exchange on 04/29/2003 04:22:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW:

;

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_G180G003_WHO.TXT_1>

THE WHITE HOUSE
WASHINGTON

PRESIDENTIAL SPEECHWRITING FORM TODAY'S DATE:__/__/__

TO:	Michael J. Gerson Assistant to the President for Speechwriting and Policy Advisor
FROM:	(Assistant to the President – Project Officer)
NAME, DATE, TIME, & LOCATION OF EVENT:	(We must receive speechwriting request a MINIMUM of 3 days in advance, preferably one week in advance)
LENGTH AND TYPE OF REMARKS:	(Major speech, talking points, brief remarks, etc.)
TOPIC OF REMARKS:	(What substantive/policy points should be emphasized in the remarks? e.g.: 4 points re: Medicare or should the President refer to a previous event he has just attended?)
POINT IN PROGRAM WHEN THE PRESIDENT WILL SPEAK:	(e.g.: after swearing-in, before tour of facility, etc.)
PERSON WHO WILL INTRODUCE THE PRESIDENT:	(e.g.: The First Lady, WHCA, etc.)
OTHERS THE PRESIDENT SHOULD ACKNOWLEDGE IN HIS OPENING REMARKS:	(e.g.: Governor, Members of Congress, etc.)
SIZE AND TYPE OF AUDIENCE:	(e.g.: press conference v. remarks to 3rd grade students in classroom with press pool)
BACKGROUND ON THE EVENT:	(Why was this place/group chosen? What is it known for? Has the President been there before?)
POINTS OF CONTACT:	(Both a White House staff point of contact and a host organization point of contact if possible)
OTHER INFORMATION:	(Any additional information that adds color & texture to remarks. Or Tax Family information: first and last names of family – including children, occupations, current amount of taxes they are paying, amount of taxes they would pay under the President's plan, total they would save under the President's plan - dollar figure and percentage reduction)

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/29/2003 1:17:22 PM
Subject: : RE: argument seats

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:29-APR-2003 17:17:22.00
SUBJECT:: RE: argument seats
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

THANK YOU FOR HELPING HER!!!!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 5:06 PM
To: Montiel, Charlotte L.; Kavanaugh, Brett M.
Subject: Re: argument seats

Yes they need to be at court at 930 and go to marshal's office. They will
be escorted to seats.

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:Charlotte L. Montiel/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/29/2003 04:49:12 PM
Subject: Re: argument seats

Think so.

.

----- Original Message -----
From:Charlotte L. Montiel/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/29/2003 04:48:28 PM
Subject: RE: argument seats

You are amazing for trying to get them for Ginger. Did it work out?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 3:24 PM
To: Montiel, Charlotte L.
Subject: argument seats

need Ginger's parents first names ASAP.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/29/2003 1:46:53 PM
Subject: : FW: Polish Constitution

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:29-APR-2003 17:46:53.00
SUBJECT:: FW: Polish Constitution
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Did you get a chance to review this?

-----Original Message-----
From: Marshall, Misty C.
Sent: Tuesday, April 29, 2003 5:45 PM
To: Bumatay, Patrick J.
Subject: Re: Polish Constitution

Thank you Patrick - we are still waiting for VA Secretary's Awards for Excellence in Nursing...

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/29/2003 05:36:43 PM
Record Type: Record

To: Misty C. Marshall/WHO/EOP@EOP, Sarah Campbell/WHO/EOP@EOP
cc:
Subject: Polish Constitution

No comments on Polish Constitution.

so we are on the same page, what else do I owe you folks?

Thanks,
Patrick

From: Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>
To: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>;joschal@dcigroup.com <joschal@dcigroup.com>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;Steve.Koebele@usdoj.gov <Steve.Koebele@usdoj.gov>;Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>;Kristi.L.Remington@usdoj.gov <Kavanaugh, Brett M.>;Kristi.L.Remington@usdoj.gov <Grubbs, Wendy J.>
Sent: 4/29/2003 1:48:48 PM
Subject: RE: Tomorrow: TX delegation

We have the Roberts hearing tomorrow morning at 10 a.m. I could do it before that --

-----Original Message-----
From: Miranda, Manuel (Frist)
Sent: Tuesday, April 29, 2003 1:31 PM
To: joschal@dcigroup.com; Ledeen, Barbara (Republican-Conf); Comisac, RenaJohnson (Judiciary); Steve.Koebele@usdoj.gov; Kristi.L.Remington@usdoj.gov; Brett_M._Kavanaugh@who.eop.gov; wgrubbs@who.eop.gov
Subject: Tomorrow: TX delegation
Importance: High

Rena, Joe and/or I might give them a briefing, or someone from DOJ and or WH.

Joe/Rena/Kristi/Steve/Brett?

I will call Grainger and Cornyn

Who will make appointments?

-----Original Message-----
From: joschal@dcigroup.com [mailto:joschal@dcigroup.com]
Sent: Tuesday, April 29, 2003 1:20 PM
To: Miranda, Manuel (Frist); Ledeen, Barbara (Republican-Conf)
Subject: RE: TX delegation

right now = the only thing on the schedule is the 11am press conf.

i think it would be best to start the day with a briefing - kay may be the
right person to do that (or cornyn - or do you think hatch can do something) - so the earlier the better.

barb - shall i set up appts or is your office?

-----Original Message-----
From: Miranda, Manuel (Frist) [mailto:Manuel_Miranda@frist.senate.gov]
Sent: Tuesday, April 29, 2003 1:15 PM
To: joschal@dcigroup.com; Ledeen, Barbara (Republican-Conf)
Subject: RE: TX delegation

Give me at ime for grainger and I can call.

Try to see all women Dems, Snowe, and all southerners.

-----Original Message-----
From: joschal@dcigroup.com [mailto:joschal@dcigroup.com]

Sent: Tuesday, April 29, 2003 1:00 PM
To: Ledeen, Barbara (Republican-Conf); Miranda, Manuel (Frist)
Subject: RE: TX delegation

will someone call granger's office?

and what other senators should we attempt to see? remember, we have a bi-partisan group - one dem that i'm certain of, a former TX bar pres, and
perhaps others.

-----Original Message-----
From: Ledeen, Barbara (Republican-Conf)
[mailto:Barbara_Ledeen@src.senate.gov]
Sent: Tuesday, April 29, 2003 11:38 AM
To: joschal@dcigroup.com; Miranda, Manuel (Frist)
Subject: RE: TX delegation

i have spoken with the scheduler in cornyn's office to request the he do this.

-----Original Message-----
From: joschal@dcigroup.com [mailto:joschal@dcigroup.com]
Sent: Tuesday, April 29, 2003 9:16 AM
To: Ledeen, Barbara (Republican-Conf); Miranda, Manuel (Frist)
Subject: FW: TX delegation

what else can we do?

-----Original Message-----
From: Westbrook, Gay (Republican-Conf)
[mailto:Gay_Westbrook@src.senate.gov]
Sent: Tuesday, April 29, 2003 9:17 AM
To: joschal@dcigroup.com
Subject: RE: TX delegation

Jennifer,
Unforunately, Wednesday is jam-packed and we've not been able to make a meeting time work. Please accept our regrets. We really appreciate all your work and the efforts of the delegation. Thank you. Gay

-----Original Message-----
From: joschal@dcigroup.com [mailto:joschal@dcigroup.com]
Sent: Tuesday, April 29, 2003 8:49 AM
To: Westbrook, Gay (Republican-Conf)
Subject: RE: TX delegation

Good morning. I'm putting together an agenda and briefing materials for the
group of women arriving this evening and would like to include the briefing
with Sen. Hutchison if it's going to take place. Please let me know time
and location as soon as you may know it. Thanks very much. Jennifer

-----Original Message-----
From: Westbrook, Gay (Republican-Conf)
[mailto:Gay_Westbrook@src.senate.gov]
Sent: Monday, April 28, 2003 3:19 PM
To: joschal@dcigroup.com
Subject: TX delegation

Jennifer,
We haven't met, but I work in Sen. Hutchison's leadership office, and I wondered if I could get the names and titles of the TX women you're organizing to come to DC in support of Owen. What is their schedule once in
DC? Thanks.

Gay Westbrook
Deputy Director
Senate Republican Conference Vice Chair
(202) 224-5868

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange [WHO] <Ashley Snee>
Sent: 4/29/2003 1:49:27 PM
Subject: : RE: What is etd for press stmt?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-APR-2003 17:49:27.00
SUBJECT:: RE: What is etd for press stmt?
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

AP stories are being written!

From: Ashley Snee/WHO/EOP@Exchange on 04/29/2003 05:35:13 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: What is etd for press stmt?

Should be going right now!!!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 5:30 PM
To: Snee, Ashley; Kavanaugh, Brett M.
Subject: Re: What is etd for press stmt?

Same here!!! Please let me know when you check. Thx!

.

----- Original Message -----
From:Ashley Snee/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/29/2003 05:27:02 PM
Subject: RE: What is etd for press stmt?

I have been in a mtg w/ ari and assumed I would see it already
sent!!!!!!checking...

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 4:52 PM
To: Snee, Ashley
Subject: What is etd for press stmt?

.

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/29/2003 1:50:54 PM
Subject: : RE: What is etd for press stmt?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:29-APR-2003 17:50:54.00
SUBJECT:: RE: What is etd for press stmt?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Do you think I don't know that! Trust me they'll be updated.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 5:49 PM
To: Snee, Ashley
Subject: RE: What is etd for press stmt?

AP stories are being written!

From: Ashley Snee/WHO/EOP@Exchange on 04/29/2003 05:35:13 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: What is etd for press stmt?

Should be going right now!!!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 5:30 PM
To: Snee, Ashley; Kavanaugh, Brett M.
Subject: Re: What is etd for press stmt?

Same here!!! Please let me know when you check. Thx!

.

----- Original Message -----
From:Ashley Snee/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/29/2003 05:27:02 PM
Subject: RE: What is etd for press stmt?

I have been in a mtg w/ ari and assumed I would see it already
sent!!!!!!checking...

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 4:52 PM
To: Snee, Ashley
Subject: What is etd for press stmt?

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From: joschal@dcigroup.com
To: Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;Steve.Koebele@usdoj.gov <Steve.Koebele@usdoj.gov>;Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>;Kristi.L.Remington@usdoj.gov <Kavanaugh, Brett M.>;Kristi.L.Remington@usdoj.gov <Grubbs, Wendy J.>
Sent: 4/29/2003 1:58:57 PM
Subject: RE: Tomorrow: TX delegation

the earlier the better since they're only here for 1 day and would like a series of events.

for everyone's benefit....

a group of 7 women - bipartisan group - are flying into town tonight for a day of activity tomorrow.
right now - nothing is on the agenda except a press conf at 11am and a tentative mtg with cornyn.
we really need to put them to work since they carved out time in their schedules to do this.

i'm happy to arrange things, but was under the impression this was being handled by others - please let me know what we can do ASAP so i have an agenda!

-----Original Message-----
From: Comisac, RenaJohnson (Judiciary)
[mailto:Rena_Johnson_Comisac@Judiciary.senate.gov]
Sent: Tuesday, April 29, 2003 1:49 PM
To: Miranda, Manuel (Frist); joschal@dcigroup.com; Ledeen, Barbara (Republican-Conf); Steve.Koebele@usdoj.gov; Kristi.L.Remington@usdoj.gov; Brett_M._Kavanaugh@who.eop.gov; wgrubbs@who.eop.gov
Subject: RE: Tomorrow: TX delegation

We have the Roberts hearing tomorrow morning at 10 a.m. I could do it before that --

-----Original Message-----
From: Miranda, Manuel (Frist)
Sent: Tuesday, April 29, 2003 1:31 PM
To: joschal@dcigroup.com; Ledeen, Barbara (Republican-Conf); Comisac, RenaJohnson (Judiciary); Steve.Koebele@usdoj.gov; Kristi.L.Remington@usdoj.gov; Brett_M._Kavanaugh@who.eop.gov; wgrubbs@who.eop.gov
Subject: Tomorrow: TX delegation
Importance: High

Rena, Joe and/or I might give them a briefing, or someone from DOJ and or WH.

Joe/Rena/Kristi/Steve/Brett?

I will call Grainger and Cornyn

Who will make appointments?

-----Original Message-----

From: joschal@dcigroup.com [mailto:joschal@dcigroup.com]
Sent: Tuesday, April 29, 2003 1:20 PM
To: Miranda, Manuel (Frist); Ledeen, Barbara (Republican-Conf)
Subject: RE: TX delegation

right now = the only thing on the schedule is the 11am press conf.

i think it would be best to start the day with a briefing - kay may be
the
right person to do that (or cornyn - or do you think hatch can do
something) - so the earlier the better.

barb - shall i set up appts or is your office?

-----Original Message-----
From: Miranda, Manuel (Frist) [mailto:Manuel_Miranda@frist.senate.gov]
Sent: Tuesday, April 29, 2003 1:15 PM
To: joschal@dcigroup.com; Ledeen, Barbara (Republican-Conf)
Subject: RE: TX delegation

Give me at ime for grainger and I can call.

Try to see all women Dems, Snowe, and all southerners.

-----Original Message-----
From: joschal@dcigroup.com [mailto:joschal@dcigroup.com]
Sent: Tuesday, April 29, 2003 1:00 PM
To: Ledeen, Barbara (Republican-Conf); Miranda, Manuel (Frist)
Subject: RE: TX delegation

will someone call granger's office?

and what other senators should we attempt to see? remember, we have a
bi-partisan group - one dem that i'm certain of, a former TX bar pres,
and
perhaps others.

-----Original Message-----
From: Ledeen, Barbara (Republican-Conf)
[mailto:Barbara_Ledeen@src.senate.gov]
Sent: Tuesday, April 29, 2003 11:38 AM
To: joschal@dcigroup.com; Miranda, Manuel (Frist)
Subject: RE: TX delegation

i have spoken with the scheduler in cornyn's office to request the he do
this.

-----Original Message-----
From: joschal@dcigroup.com [mailto:joschal@dcigroup.com]
Sent: Tuesday, April 29, 2003 9:16 AM
To: Ledeen, Barbara (Republican-Conf); Miranda, Manuel (Frist)
Subject: FW: TX delegation

what else can we do?

-----Original Message-----
From: Westbrook, Gay (Republican-Conf)
[mailto:Gay_Westbrook@src.senate.gov]
Sent: Tuesday, April 29, 2003 9:17 AM
To: joschal@dcigroup.com
Subject: RE: TX delegation

Jennifer,
Unforunately, Wednesday is jam-packed and we've not been able to make a meeting time work. Please accept our regrets. We really appreciate all your work and the efforts of the delegation. Thank you. Gay

-----Original Message-----
From: joschal@dcigroup.com [mailto:joschal@dcigroup.com]
Sent: Tuesday, April 29, 2003 8:49 AM
To: Westbrook, Gay (Republican-Conf)
Subject: RE: TX delegation

Good morning. I'm putting together an agenda and briefing materials for the
group of women arriving this evening and would like to include the briefing
with Sen. Hutchison if it's going to take place. Please let me know time
and location as soon as you may know it. Thanks very much. Jennifer

-----Original Message-----
From: Westbrook, Gay (Republican-Conf)
[mailto:Gay_Westbrook@src.senate.gov]
Sent: Monday, April 28, 2003 3:19 PM
To: joschal@dcigroup.com
Subject: TX delegation

Jennifer,
We haven't met, but I work in Sen. Hutchison's leadership office, and I wondered if I could get the names and titles of the TX women you're organizing to come to DC in support of Owen. What is their schedule once in
DC? Thanks.

Gay Westbrook
Deputy Director
Senate Republican Conference Vice Chair
(202) 224-5868

From: CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/29/2003 10:17:46 AM
Subject: : in all seriousness

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:29-APR-2003 14:17:46.00
SUBJECT:: in all seriousness
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

i really am excited to hear about jeff sutton. it is great news. i didn't
mean to sound flip.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>
Sent: 4/29/2003 2:21:32 PM
Subject: : Re: FW: Polish Constitution

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-APR-2003 18:21:32.00
SUBJECT:: Re: FW: Polish Constitution
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

This is ok; please let them know.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/29/2003 05:47:09 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Polish Constitution

Did you get a chance to review this?

-----Original Message-----
From: Marshall, Misty C.
Sent: Tuesday, April 29, 2003 5:45 PM
To: Bumatay, Patrick J.
Subject: Re: Polish Constitution

Thank you Patrick - we are still waiting for VA Secretary's Awards for Excellence in Nursing...

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/29/2003 05:36:43 PM
Record Type: Record

To: Misty C. Marshall/WHO/EOP@EOP, Sarah Campbell/WHO/EOP@EOP
cc:
Subject: Polish Constitution

No comments on Polish Constitution.

so we are on the same page, what else do I owe you folks?

Thanks,
Patrick

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Mercedes M. Viana/WHO /EOP@EOP [WHO] <Mercedes M. Viana>;Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>;Ashley Snee/WHO/EOP@Exchange [WHO] <Ashley Snee>
Sent: 4/29/2003 10:30:47 AM
Subject: : Judge's May speech schedule
Attachments: P_HXZZF003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:29-APR-2003 14:30:47.00
SUBJECT:: Judge's May speech schedule
TO:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

FYI- it's going to be a busy month.
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HXZZF003_WHO.TXT_1>
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Judge Gonzales Speech Schedule

Revised: 4-29-03

April 29th - 11:15 a.m. Navy General Counsel Conference
Location: Alexandria Hilton Mark Center (off Seminary Rd.)
Notes: Arrive 11:05, remarks at 11:15, for up to 45 minutes. Luncheon will follow. Judge Gonzales will not stay for luncheon- needs to be back at WH for P.C.

May 2nd- 2:30 p.m. National Security Agency Law Day Luncheon and Tour
Location: Ft. Meade, Maryland, NSA Headquarters
Notes: Arrive 12:45, drop-in w/ NSA Director, Luncheon remarks for 20 mins, tour of facilities. Depart @ 3:30

May 3 - 8:30 a.m. Miami Dade Community College Commencement
Location: Miami, Florida, Miami Dade Community College
Notes: Depart 5/2 for RON in Miami. 10 mins. of remarks. Public Affairs Office has requested copy of remarks.

May 5th - 10:00 a.m. Federal Judge's Assn. Annual Mtg
Location: Ritz Carlton, Pentagon City
Notes: 30-40 mins of remarks w/ Q & A session. 60 Federal Judges in attendance. Rehnquist will speak after Judge.

May 8, - 8:00 p.m. U.S. Mexico Chamber of Commerce- Good Neighbor Awards Gala
Location: OAS Building, D.C.
Notes: Brief thank you remarks (5-10 minutes)

May 9 - 12:30 p.m. Remarks to D.C. Law Clerks
Location: Judge's Dining Room of U.S. Courthouse
Notes: One hour blocked for luncheon. May consist of structured remarks or Q&A. Up to us.

May 13 - 8:30 a.m. Remarks to NARA 2003 Records Management Conference
Location: International Trade Center – Ronald Reagan Building
Notes: 30 mins of remarks, 10 mins of Q &A

May 19 - 9:05 a.m. State Department Hispanic Business Conference
Location: TBD Room, Department of State
Notes: 10 minutes of opening remarks.

May 23 - 1:00 p.m. Rutgers University School of Law Commencement
Location: Camden Campus, NJ
Notes: 20-30 mins of remarks. Will fly to TX in the evening. School cannot pay for Becky's travel

May 24 - TBD time – South Texas College of Law Commencement Remarks
Location: Houston, TX – George R. Brown Convention Center
Notes: College cannot pay for Becky's travel.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Mercedes M. Viana/WHO /EOP@EOP [WHO] <Mercedes M. Viana>;Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>;Ashley Snee/WHO/EOP@Exchange [WHO] <Ashley Snee>
Sent: 4/29/2003 10:30:42 AM
Subject: : Judge's May speech schedule
Attachments: P_5XZZF003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:29-APR-2003 14:30:42.00
SUBJECT:: Judge's May speech schedule
TO:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

FYI- it's going to be a busy month.
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5XZZF003_WHO.TXT_1>
```

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Revised: 4-29-03

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May 24 - TBD time – South Texas College of Law Commencement Remarks
Location: Houston, TX – George R. Brown Convention Center
Notes: College cannot pay for Becky's travel.

From:	Nelson, Carolyn
To:	<Snee, Ashley>;<Kavanaugh, Brett M.>;<Guerra, Abel>;<Rodriguez, Leonard B.>;<Viana, Mercedes M.>
Sent:	4/29/2003 2:31:12 PM
Subject:	Judge's May speech schedule
Attachments:	Judge Gonzales Speech Schedule.doc

FYI- it's going to be a busy month.

Judge Gonzales Speech Schedule

Revised: 4-29-03

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Location: Houston, TX – George R. Brown Convention Center
Notes: College cannot pay for Becky's travel.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/29/2003 2:47:45 PM
Subject: RE: It may be 7 women; we should have them to Judge's office at 10 (can Karl come?)

Karl will be in with the President from 10-11. Do you have their clearance info or a contact person I can call?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 2:40 PM
To: Nelson, Carolyn
Subject: It may be 7 women; we should have them to Judge's office at 10 (can Karl come?)

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 4/29/2003 2:53:26 PM
Subject: do you have Owen's work number?

From: Mark.Corallo@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/29/2003 10:56:07 AM
Subject: : Out of Office AutoReply: Status of Circuit Nominees

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Mark.Corallo@usdoj.gov" <Mark.Corallo@usdoj.gov> ( "Mark.Corallo@usdoj.gov"
<Mark.Corallo@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:29-APR-2003 14:56:07.00
SUBJECT:: Out of Office AutoReply: Status of Circuit Nominees
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

As of Wednesday, April 16, 2003, until further notice, I will be taking a
leave of absence from the Justice Department.
```

From:	Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>
To:	Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>;brian.a.benczkowski@usdoj.gov <brian.a.benczkowski@usdoj.gov>;brian.a.benczkowski@usdoj.gov <Grubbs, Wendy J.>;brian.a.benczkowski@usdoj.gov <Kavanaugh, Brett M.>
Sent:	4/29/2003 3:18:30 PM
Subject:	FW: Notice of Subcommittee Hearing: Tues., May 6th at 2:30 p.m.
Attachments:	NotMay62003.Constitution.wpd

-----Original Message-----
From: Butterfield, Jane (Judiciary)
Sent: Tuesday, April 29, 2003 3:17 PM
To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas_swanton@specter.senate.gov); Frank Brown (frank_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry_kosten@specter.senate.gov); Mark Heilbrun (mark_heilbrun@specter.senate.gov); Singh Seema (seema_singh@specter.senate.gov); Sonia Acosta (sonia_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks, Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie (DeWine); Higgins, Meaghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley (jodi_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah (Grassley); Trevor Miller (trevor_miller@feingold.senate.gov); Anderson, Kathy (Durbin); Arlene Branca (arlene_branca@kohl.senate.gov); Bar, Alexis (Edwards); Dowd, John (Leahy); Hart Hazard (hart_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik, Tamar (Feinstein); Mary Murphy (mary_murphy@feingold.senate.gov); McDonald, Kevin (Leahy); Molly Buford (molly_buford@biden.senate.gov); Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James (Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary); MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKennerney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Toomajian, Phil (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. Graham); Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best, David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary); Soliemanzadeh, Payam (Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary);

Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)
Subject: Notice of Subcommittee Hearing: Tues., May 6th at 2:30 p.m.

April 29, 2003

NOTICE OF SUBCOMMITTEE HEARING

The Senate Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights will hold a hearing on Tuesday, May 6, 2003 at 2:30 p.m. in Room 226 of the Senate Dirksen Office Building on "Judicial Nominations, Filibusters, and the Constitution: When a Majority Is Denied Its Right to Consent."

Senator Cornyn will preside.

By order of the Chairman

April 29, 2003

NOTICE OF SUBCOMMITTEE HEARING

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Senator Cornyn will preside.

By order of the Chairman

From: Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;brian.a.benczkowski@usdoj.gov [UNKNOWN] <brian.a.benczkowski@usdoj.gov>;Wendy J. Grubbs/WHO/EOP@Exchange [WHO] <Wendy J. Grubbs>;Jamie.E.Brown@usdoj.gov [UNKNOWN] <Jamie.E.Brown@usdoj.gov>
Sent: 4/29/2003 11:20:02 AM
Subject: : FW: Notice of Subcommittee Hearing: Tues., May 6th at 2:30 p.m.
Attachments: P_AB30G003_WHO.TXT_1.html; P_AB30G003_WHO.TXT_2.wpd

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [ UNKNOWN ]
)
CREATION DATE/TIME:29-APR-2003 15:20:02.00
SUBJECT:: FW: Notice of Subcommittee Hearing: Tues., May 6th at 2:30 p.m.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:brian.a.benczkowski@usdoj.gov ( brian.a.benczkowski@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

-----Original Message-----
From: Butterfield, Jane (Judiciary)
Sent: Tuesday, April 29, 2003 3:17 PM
To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David
(SAA); Klutts, Chad (Secretary); Miller Reporting
(milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian
(Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary);
Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David
(Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones,
Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy);
Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch);
Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth
(Kyl); Nuebel, Kathy (Grassley); Thomas Swanton
(thomas_swanton@specter.senate.gov); Frank Brown
(frank_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten
(larry_kosten@specter.senate.gov); Mark Heilbrun
(mark_heilbrun@specter.senate.gov); Singh Seema
(seema_singh@specter.senate.gov); Sonia Acosta
(sonia_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion,
Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita
(Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks,
Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie
(DeWine); Higgins, Meaghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley
(jodi_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah
(Grassley); Trevor Miller (trevor_miller@feingold.senate.gov); Anderson,
Kathy (Durbin); Arlene Branca (arlene_branca@kohl.senate.gov); Bar,
Alexis (Edwards); Dowd, John (Leahy); Hart Hazard
(hart_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik,
Tamar (Feinstein); Mary Murphy (mary_murphy@feingold.senate.gov);
McDonald, Kevin (Leahy); Molly Buford (molly_buford@biden.senate.gov);
Nicholas, Elizabeth (Edwards); Schumer Scheduling
(Scheduling@schumer.senate.gov); Tom Wyler
(tom_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary);
Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James
(Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa
(Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary);
MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya
(Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary);
Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael
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(Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKennerney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Toomajian, Phil (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. Graham); Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best, David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary); Soliemanzadeh, Payam (Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)
Subject: Notice of Subcommittee Hearing: Tues., May 6th at 2:30 p.m.

April 29, 2003

NOTICE OF SUBCOMMITTEE HEARING

The Senate Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights will hold a hearing on Tuesday, May 6, 2003 at 2:30 p.m. in Room 226 of the Senate Dirksen Office Building on "Judicial Nominations, Filibusters, and the Constitution: When a Majority Is Denied Its Right to Consent."

Senator Cornyn will preside.

By order of the Chairman

- att1.htm - NotMay62003.Constitution.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AB30G003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AB30G003_WHO.TXT_2>

-----Original Message-----
From: Butterfield, Jane (Judiciary)
Sent: Tuesday, April 29, 2003 3:17 PM
To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas_swanton@specter.senate.gov); Frank Brown (frank_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry_kosten@specter.senate.gov); Mark Heilbrun (mark_heilbrun@specter.senate.gov); Singh Seema (seema_singh@specter.senate.gov); Sonia Acosta (sonia_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. Graham); Cernok, Jill (Kyl); Cricks, Alison; Farr, MaryBeth (Chambliss); Gumerson, Katie (RPC); Hale, Carrie (DeWine); Higgins, Meaghan (Cornyn); Jafari, Beth (Cornyn); Jodi Lindley (jodi_lindley@craig.senate.gov); Montoya, Ruth (Hatch); Shimp, Leah (Grassley); Trevor Miller (trevor_miller@feingold.senate.gov); Anderson, Kathy (Durbin); Arlene Branca (arlene_branca@kohl.senate.gov); Bar, Alexis (Edwards); Dowd, John (Leahy); Hart Hazard (hart_hazard@biden.senate.gov); Hawkins, Julia (Feinstein); Magarik, Tamar (Feinstein); Mary Murphy (mary_murphy@feingold.senate.gov); McDonald, Kevin (Leahy); Molly Buford (molly_buford@biden.senate.gov); Nicholas, Elizabeth (Edwards); Schumer Scheduling (Scheduling@schumer.senate.gov); Tom Wyler (tom_wyler@feingold.senate.gov); Judiciary, Schumer2 (Judiciary); Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James (Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa (Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary); MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark (Judiciary) ; Longley, Michael (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sess oms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKennerney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Toomajian, Phil (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. 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(Judiciary); Judiciary, NicoleO (Judiciary)
Subject: Notice of Subcommittee Hearing: Tues., May 6th at 2:30 p.m.

April 29, 2003

NOTICE OF SUBCOMMITTEE HEARING

& nbsp; The Senate Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights will hold a hearing on Tuesday, May 6, 2003 at 2:30 p.m. in Room 226 of the Senate Dirksen Office Building on "Judicial Nominations, Filibusters, and the Constitution: When a Majority Is Denied Its Right to Consent."

Senator Cornyn will preside.

By order of the Chairman

April 29, 2003

NOTICE OF SUBCOMMITTEE HEARING

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Senator Cornyn will preside.

By order of the Chairman

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>
Sent: 4/29/2003 3:24:16 PM
Subject: argument seats

need Ginger's parents first names ASAP.

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/29/2003 11:28:57 AM
Subject: : RE: argument seats

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:29-APR-2003 15:28:57.00
SUBJECT:: RE: argument seats
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Jason Mitchell
Grace Long

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 3:24 PM
To: Montiel, Charlotte L.
Subject: argument seats

need Ginger's parents first names ASAP.
```

From: Joseffer, Daryl L.
To: <Lefkowitz, Jay P.>;<Kavanaugh, Brett M.>
Sent: 4/29/2003 3:41:02 PM
Subject: Airline meeting

Do you have any word on the principals' meeting yesterday? Should Phil or I do anything more in anticipation of the meeting with the President on Wednesday?

From: Lefkowitz, Jay P.
To: <Joseffer, Daryl L.>;<Kavanaugh, Brett M.>
Sent: 4/29/2003 3:48:25 PM
Subject: Re: Airline meeting

Cancelled both. Will explain.

.

-----Original Message-----
From: Joseffer, Daryl L.
To: Lefkowitz, Jay P. ; Kavanaugh, Brett M.
Sent: Tue Apr 29 15:41:02 2003
Subject: Airline meeting

Do you have any word on the principals' meeting yesterday? Should Phil or I do anything more in anticipation of the meeting with the President on Wednesday?

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/29/2003 4:22:32 PM
Subject: FW:
Attachments: PRESIDENTIAL SPEECHWRITING FORM.doc

THE WHITE HOUSE
WASHINGTON

PRESIDENTIAL SPEECHWRITING FORM TODAY'S DATE:__/__/__

TO:	Michael J. Gerson Assistant to the President for Speechwriting and Policy Advisor
FROM:	(Assistant to the President – Project Officer)
NAME, DATE, TIME, & LOCATION OF EVENT:	(We must receive speechwriting request a MINIMUM of 3 days in advance, preferably one week in advance)
LENGTH AND TYPE OF REMARKS:	(Major speech, talking points, brief remarks, etc.)
TOPIC OF REMARKS:	(What substantive/policy points should be emphasized in the remarks? e.g.: 4 points re: Medicare or should the President refer to a previous event he has just attended?)
POINT IN PROGRAM WHEN THE PRESIDENT WILL SPEAK:	(e.g.: after swearing-in, before tour of facility, etc.)
PERSON WHO WILL INTRODUCE THE PRESIDENT:	(e.g.: The First Lady, WHCA, etc.)
OTHERS THE PRESIDENT SHOULD ACKNOWLEDGE IN HIS OPENING REMARKS:	(e.g.: Governor, Members of Congress, etc.)
SIZE AND TYPE OF AUDIENCE:	(e.g.: press conference v. remarks to 3rd grade students in classroom with press pool)
BACKGROUND ON THE EVENT:	(Why was this place/group chosen? What is it known for? Has the President been there before?)
POINTS OF CONTACT:	(Both a White House staff point of contact and a host organization point of contact if possible)
OTHER INFORMATION:	(Any additional information that adds color & texture to remarks. Or Tax Family information: first and last names of family – including children, occupations, current amount of taxes they are paying, amount of taxes they would pay under the President's plan, total they would save under the President's plan - dollar figure and percentage reduction)

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/29/2003 12:22:02 PM
Subject: : FW:
Attachments: P_FL70G003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:29-APR-2003 16:22:02.00
SUBJECT:: FW:
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

;
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FL70G003_WHO.TXT_1>
```

THE WHITE HOUSE
WASHINGTON

PRESIDENTIAL SPEECHWRITING FORM TODAY'S DATE:__/__/__

TO:	Michael J. Gerson Assistant to the President for Speechwriting and Policy Advisor
FROM:	(Assistant to the President – Project Officer)
NAME, DATE, TIME, & LOCATION OF EVENT:	(We must receive speechwriting request a MINIMUM of 3 days in advance, preferably one week in advance)
LENGTH AND TYPE OF REMARKS:	(Major speech, talking points, brief remarks, etc.)
TOPIC OF REMARKS:	(What substantive/policy points should be emphasized in the remarks? e.g.: 4 points re: Medicare or should the President refer to a previous event he has just attended?)
POINT IN PROGRAM WHEN THE PRESIDENT WILL SPEAK:	(e.g.: after swearing-in, before tour of facility, etc.)
PERSON WHO WILL INTRODUCE THE PRESIDENT:	(e.g.: The First Lady, WHCA, etc.)
OTHERS THE PRESIDENT SHOULD ACKNOWLEDGE IN HIS OPENING REMARKS:	(e.g.: Governor, Members of Congress, etc.)
SIZE AND TYPE OF AUDIENCE:	(e.g.: press conference v. remarks to 3rd grade students in classroom with press pool)
BACKGROUND ON THE EVENT:	(Why was this place/group chosen? What is it known for? Has the President been there before?)
POINTS OF CONTACT:	(Both a White House staff point of contact and a host organization point of contact if possible)
OTHER INFORMATION:	(Any additional information that adds color & texture to remarks. Or Tax Family information: first and last names of family – including children, occupations, current amount of taxes they are paying, amount of taxes they would pay under the President's plan, total they would save under the President's plan - dollar figure and percentage reduction)

From: Kavanaugh, Brett M.
To: <Campbell, Anne E.>;<Carroll, Colleen M.>
Sent: 4/29/2003 4:28:40 PM
Subject: FW:
Attachments: PRESIDENTIAL SPEECHWRITING FORM.doc

We will get this to you in a.m. Thx.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/29/2003 04:28 PM ----------

From: Carolyn Nelson/WHO/EOP@Exchange on 04/29/2003 04:22:32 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW:

<>

THE WHITE HOUSE
WASHINGTON

PRESIDENTIAL SPEECHWRITING FORM TODAY'S DATE:__/__/__

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From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 4/29/2003 4:51:39 PM
Subject: What is etd for press stmt?

.

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 4/29/2003 5:17:55 PM
Subject: RE: argument seats

THANK YOU FOR HELPING HER!!!!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 5:06 PM
To: Montiel, Charlotte L.; Kavanaugh, Brett M.
Subject: Re: argument seats

Yes they need to be at court at 930 and go to marshal's office. They will be escorted to seats.

.

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:Charlotte L. Montiel/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/29/2003 04:49:12 PM
Subject: Re: argument seats

Think so.

.

----- Original Message -----
From:Charlotte L. Montiel/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/29/2003 04:48:28 PM
Subject: RE: argument seats

You are amazing for trying to get them for Ginger. Did it work out?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 3:24 PM
To: Montiel, Charlotte L.
Subject: argument seats

need Ginger's parents first names ASAP.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 4/29/2003 5:29:50 PM
Subject: Re: What is etd for press stmt?

Same here!!! Please let me know when you check. Thx!

.

----- Original Message -----

From:Ashley Snee/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 04/29/2003 05:27:02 PM

Subject: RE: What is etd for press stmt?

I have been in a mtg w/ ari and assumed I would see it already sent!!!!!!checking...

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, April 29, 2003 4:52 PM

To: Snee, Ashley

Subject: What is etd for press stmt?

.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 4/29/2003 5:49:02 PM
Subject: RE: What is etd for press stmt?

AP stories are being written!

From: Ashley Snee/WHO/EOP@Exchange on 04/29/2003 05:35:13 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: What is etd for press stmt?

Should be going right now!!!

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, April 29, 2003 5:30 PM

To: Snee, Ashley; Kavanaugh, Brett M.

Subject: Re: What is etd for press stmt?

Same here!!! Please let me know when you check. Thx!

.

----- Original Message -----

From:Ashley Snee/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 04/29/2003 05:27:02 PM

Subject: RE: What is etd for press stmt?

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-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, April 29, 2003 4:52 PM

To: Snee, Ashley

Subject: What is etd for press stmt?

.

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 4/29/2003 5:51:24 PM
Subject: RE: What is etd for press stmt?

Do you think I don't know that! Trust me they'll be updated.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 5:49 PM
To: Snee, Ashley
Subject: RE: What is etd for press stmt?

AP stories are being written!

From: Ashley Snee/WHO/EOP@Exchange on 04/29/2003 05:35:13 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: What is etd for press stmt?

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From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 5:30 PM
To: Snee, Ashley; Kavanaugh, Brett M.
Subject: Re: What is etd for press stmt?

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----- Original Message -----
From:Ashley Snee/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/29/2003 05:27:02 PM
Subject: RE: What is etd for press stmt?

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-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 4:52 PM
To: Snee, Ashley
Subject: What is etd for press stmt?

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>
Sent: 4/29/2003 6:13:26 PM
Subject:

tell them to go through the Maryland Ave. entrance and remind them not to bring cell phones in here (checking them in the lockers is a pain and takes forever)

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 4/29/2003 6:21:06 PM
Subject: Re: FW: Polish Constitution

This is ok; please let them know.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/29/2003 05:47:09 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Polish Constitution

Did you get a chance to review this?

-----Original Message-----

From: Marshall, Misty C.

Sent: Tuesday, April 29, 2003 5:45 PM

To: Bumatay, Patrick J.

Subject: Re: Polish Constitution

Thank you Patrick - we are still waiting for VA Secretary's Awards for Excellence in Nursing...

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/29/2003 05:36:43 PM

Record Type: Record

To: Misty C. Marshall/WHO/EOP@EOP, Sarah Campbell/WHO/EOP@EOP

cc:

Subject: Polish Constitution

No comments on Polish Constitution.

so we are on the same page, what else do I owe you folks?

Thanks,

Patrick

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/29/2003 3:11:33 PM
Subject: : White House Global Messenger - 4/30/03
Attachments: P_ZHG0G003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:29-APR-2003 19:11:33.00
SUBJECT:: White House Global Messenger - 4/30/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 4-30-03 FINAL.doc)

THE GLOBAL MESSENGER
Wednesday, April 30, 2003

******KEY POINTS FROM THE PRESIDENT'S REMARKS ON GLOBAL HIV/AIDS******

*HIV/AIDS is a tragedy for millions of men, women and children, and a threat to stability of entire countries and of regions of our world. Confronting this tragedy is the responsibility of every nation.

*Since January 2001, America has increased total spending to fight AIDS overseas by nearly 100 percent. President Bush has asked Congress to enact the Emergency Plan for AIDS Relief to direct $15 billion to fight AIDS abroad over the next five years, beginning with $2 billion in 2004.

*The plan will create comprehensive systems that diagnose, treat and prevent AIDS in 14 African and Caribbean countries where the disease is heavily concentrated.

*Uganda began a comprehensive program in 1986 with a prevention strategy emphasizing abstinence and marital fidelity, and condoms to prevent HIV transmission. The results are encouraging.

*The AIDS infection rate in Uganda has fallen dramatically since 1990, and in places throughout the country, the percentage of pregnant women with HIV has been cut in half.

*Many past international efforts focused on prevention at the expense of

treatment. Integrating
care and treatment with prevention is the cornerstone of the President's
plan.

*A new global AIDS coordinator will manage resources and help utilize and
further develop
successful clinical networks that link urban medical center staff with
rural
clinics, where HIV
tests can be preformed and medications distributed.

*Fighting AIDS on a global scale is a massive and complicated
undertaking. Yet,
this cause is
rooted in the simplest of moral duties. When we see this kind of
preventable
suffering, we
must act.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change

12:30 pm White House Briefing
5:20 pm President Bush meets with the President of Columbia

******IRAQ RECONSTRUCTION UPDATE******

*In southern Iraq, the Al Basrah oil refinery restarted operations April
29 and
will begin
refining propane, benzene, and gasoline for the people of Iraq. Propane is
the
principal fuel
for cooking in Iraq.

*On April 29, USAID reported that repairs have improved the efficiency of
two
major water
plants in Al Basrah from a pre-war level of 35 percent to 80 percent or
greater.
*According to the Humanitarian Operations Center, water in Baghdad is
reported
to be flowing to
85 percent of the city.

*Power plants in Baghdad are currently generating 450 megawatts of
electricity
daily. This has
enabled the operation of the substations at all sixteen water treatment
plants,
24 of 26
wastewater treatment plants, and 11 of 12 major public hospitals. One
quarter of
Baghdad now
has electricity.

******IN THE PRESIDENT'S WORDS, FIGHTING GLOBAL AIDS/HIV, 4/29/03******

"Today, on the continent of Africa alone nearly 30 million people are
living
with HIV/AIDS,
including 3 million people under the age of 15 years old...There are only
two
possible
responses to suffering on this scale. We can turn our eyes away in
resignation
and despair, or
we can take decisive, historic action to turn the tide against this

disease and
give the hope
of life to millions who need our help now. The United States of America
chooses
the path of
action and the path of hope."

THE WHITE HOUSE
Office of Global Communications
For more information log on to http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining news and information
from
the White House.

The White House Office of Global Communications distributes information
about the President's messages to the world. This office distributes
updates on major international topics such as the global war on terror,
the case for regime change in Iraq, and more broadly, the ways in which
we can all better communicate the aspirations and interests that
Americans share with freedom-loving people everywhere.
- GM 4-30-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ZHG0G003_WHO.TXT_1>

THE GLOBAL MESSENGER

Wednesday, April 30, 2003

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All Times Eastern Daylight. Subject to Change

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For more information, please visit:
http://www.whitehouse.gov/news/releases/2003/04/20030429-5.html

KEY POINTS FROM THE PRESIDENT'S REMARKS ON GLOBAL HIV/AIDS

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- The plan will create comprehensive systems that diagnose, treat and prevent AIDS in 14 African and Caribbean countries where the disease is heavily concentrated.
- Uganda began a comprehensive program in 1986 with a prevention strategy emphasizing abstinence and marital fidelity, and condoms to prevent HIV transmission. The results are encouraging.
- The AIDS infection rate in Uganda has fallen dramatically since 1990, and in places throughout the country, the percentage of pregnant women with HIV has been cut in half.
- Many past international efforts focused on prevention at the expense of treatment. Integrating care and treatment with prevention is the cornerstone of the President's plan.
- A new global AIDS coordinator will manage resources and help utilize and further develop successful clinical networks that link urban medical center staff with rural clinics, where HIV tests can be preformed and medications distributed.
- Fighting AIDS on a global scale is a massive and complicated undertaking. Yet, this cause is rooted in the simplest of moral duties. When we see this kind of preventable suffering, we must act.

THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Addington, David S.>
Sent: 4/29/2003 7:36:57 PM
Subject: Freshmen letter (including Pryor) to Senators Frist and Daschle
Attachments: letter.pdf

<>

United States Senate

WASHINGTON, DC 20510

April 30, 2003

Dear Senators Frist and Daschle,

As the ten newest members of the United States Senate, we write to express our concerns about the state of the federal judicial nomination and confirmation process. The apparent breakdown in this process reflects poorly on the ability of the Senate and the Administration to work together in the best interests of our country. The breakdown also disserves the qualified nominees to the federal bench whose confirmations have been delayed or blocked, and the American people who rely on our federal courts for justice.

We, the ten freshmen of the United States Senate for the 108th Congress, are a diverse group. Among our ranks are former federal executive branch officials, members of the U.S. House of Representatives, and state attorneys general. We include state and local officials, and a former trial and appellate judge. We have different viewpoints on a variety of important issues currently facing our country. But we are united in our commitment to maintaining and preserving a fair and effective justice system for all Americans. And we are united in our concern that the judicial confirmation process is broken and needs to be fixed.

In some instances, when a well qualified nominee for the federal bench is denied a vote, the obstruction is justified on the ground of how prior nominees – typically, the nominees of a previous President – were treated. All of these recriminations, made by members on both sides of the aisle, relate to circumstances which occurred before any of us arrived in the United States Senate. None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future.

Each of us firmly believes that the United States Senate needs a fresh start. And each of us believes strongly that we were elected to this body in order to do a job for the citizens of our respective states – to enact legislation to stimulate our economy, protect national security, and promote the national welfare, and to provide advice and consent, and to vote on the President's nominations to important positions in the executive branch and on our nation's courts.

Accordingly, the ten freshmen of the United States Senate for the 108th Congress urge you to work toward improving the Senate's use of the current process or establishing a better process for the Senate's consideration of judicial nominations. We acknowledge that the White House should be included in repairing this process.

All of us were elected to do a job. Unfortunately, the current state of our judicial confirmation process prevents us from doing an important part of that job. We seek a bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees, and leave the bitterness of the past behind us.

Yours truly,

John Cornyn

Mark Pryor

Lamar Alexander

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/29/2003 3:38:00 PM
Subject: : Freshmen letter (including Pryor) to Senators Frist and Daschle
Attachments: P_Q1H0G003_WHO.TXT_1.pdf

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:29-APR-2003 19:38:00.00
SUBJECT:: Freshmen letter (including Pryor) to Senators Frist and Daschle
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Q1H0G003_WHO.TXT_1>
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John Cornyn

Mark Pryor

Lamar Alexander

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen M. Carroll/WHO/EOP@EOP [WHO] <Colleen M. Carroll>
Sent: 4/29/2003 3:39:39 PM
Subject: : Freshmen letter (including Pryor) to Senators Frist and Daschle
Attachments: P_R2H0G003_WHO.TXT_1.pdf

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:29-APR-2003 19:39:39.00
SUBJECT:: Freshmen letter (including Pryor) to Senators Frist and Daschle
TO:Colleen M. Carroll ( CN=Colleen M. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_R2H0G003_WHO.TXT_1>
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Lamar Alexander

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/29/2003 4:38:55 PM
Subject: : Invite approval
Attachments: P_VVH0G003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-APR-2003 20:38:55.00
SUBJECT:: Invite approval
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Pls. approve. thanks
---------- Forwarded by Katherine M. Walters/WHO/EOP on 04/29/2003 08:38 PM ----------

Marcie Brecher <mbrecher@aipac.org>
04/29/2003 10:07:59 AM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: 6.30.03 AIPAC Baltimore Event Invitation

Dear Kate,

I attach below the text of the invitation for AIPAC's Baltimore kick-off event with Ken Mehlman on June 30, 2003 for approval by your office. In addition to the attached, I will include the resume information you shared with me for Ken and for Congressman Hoyer, as well as an insert with the Host Committee (currently in formation). It is my hope to send the invitation to print on Monday, May 5th. Please advise if this is an unrealistic timeline based on your schedule.

I very much appreciate your assistance with this. Please feel free to contact me with any questions.

Sincerely,

Marcie

Marcie Brecher
Area Director, Baltimore and Greater Washington
American Israel Public Affairs Committee
202-639-5231 (phone)
202-347-4918 (fax)

Consistently ranked as the most influential foreign policy lobbying organization on Capitol Hill, AIPAC is a non-partisan American membership organization that seeks to strengthen the relationship between Israel and the United States. Please visit our website www.aipac.org

- 6.30.03 Invitation Text.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_VVH0G003_WHO.TXT_1>

Join members of the Baltimore community
to demonstrate your support for Israel during

An Evening of Solidarity

Sponsored by The American Israel Public Affairs Committee
America's Pro-Israel Lobby

Monday, June 30, 2003
5:30 p.m. Reception
6:30 p.m. Program

Beth Tfiloh Congregation
3300 Old Court Road
Baltimore, Maryland

with special guest speakers
Steny Hoyer (D-MD), Minority Whip, U.S. House of Representatives *

Kenneth Mehlman, White House Political Director

Howard Kohr, Executive Director
The American Israel Public Affairs Committee

RSVP by Monday, June 23rd to Marcie Brecher *(410) 356-9325*;
or email Elliott Mendes, emendes@aipac.org

Couvert per person: $50
Hors d'oeuvres and a buffet supper will be served.
Dietary laws observed.

* Invited.

AIPAC gratefully acknowledges the media sponsorship of *The Baltimore Jewish Times*.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>
Sent: 4/29/2003 4:41:20 PM
Subject: : Re: Invite approval
Attachments: P_RWH0G003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-APR-2003 20:41:20.00
SUBJECT:: Re: Invite approval
TO:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

What kind of organization is AIPAC?

Katherine M. Walters
04/29/2003 08:38:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Invite approval

Pls. approve. thanks
---------- Forwarded by Katherine M. Walters/WHO/EOP on
04/29/2003 08:38 PM ----------

Marcie Brecher <mbrecher@aipac.org>
04/29/2003 10:07:59 AM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: 6.30.03 AIPAC Baltimore Event Invitation

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- 6.30.03 Invitation Text.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RWH0G003_WHO.TXT_1>

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Dietary laws observed.

* Invited.

AIPAC gratefully acknowledges the media sponsorship of *The Baltimore Jewish Times*.

From: Miers, Harriet
To: <Kavanaugh, Brett M.>
Sent: 4/30/2003 6:06:00 AM
Subject: RE: draft Law Day Proclamation

Brett, will check this morning. I am sure we will find a happy medium for the Proclamation. I also will talk to Joel about his concerns.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, April 29, 2003 7:49 PM

To: Miers, Harriet

Subject: draft Law Day Proclamation

Joel had significant concerns about the draft, and our Office proposed substantial changes as well; checking in on current status and draft.

From: CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [WHO]
To: Keith Hennessey/OPD/EOP@Exchange [OPD] <Keith Hennessey>;Brian Reardon/OPD /EOP@EOP [OPD] <Brian Reardon>
CC: jt.young@do.treas.gov@SMTP@Exchange [UNKNOWN] <jt.young@do.treas.gov@SMTP@Exchange>;Jeffrey F. Kupfer/WHO/EOP@Exchange [WHO] <Jeffrey F. Kupfer>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/30/2003 6:07:38 AM
Subject: : RE: debt ceiling question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:30-APR-2003 10:07:38.00
SUBJECT:: RE: debt ceiling question
TO:Keith Hennessey (CN=Keith Hennessey/OU=OPD/O=EOP@Exchange [OPD])
READ:UNKNOWN
TO:Brian Reardon (CN=Brian Reardon/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:jt.young@do.treas.gov@SMTP@Exchange (jt.young@do.treas.gov@SMTP@Exchange [UNKNOWN])
READ:UNKNOWN
CC:Jeffrey F. Kupfer (CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

What is the status on debt ceiling?; When do we hit?; When will we need a longer debt suspension period?; How long will that debt suspension period take us?; What's your plan for getting a bill?;

;-----Original Message-----
From: ; Reardon, Brian;
Sent:;; Tuesday, April 01, 2003 9:57 AM
To:;;;; Silverberg, Kristen
Cc:;;;; Kavanaugh, Brett M.; Hennessey, Keith; jt.young@do.treas.gov
Subject:;;;;;;;; Re: debt ceiling question

Frist will talk to Stevens today or tomorrow about putting a "place holder" in the supplemental so a debt ceiling increase can be added in conference.;

Meanwhile, Treasury has the following draft prepared to declare a three month debt suspension period at the end of the week.; This would provide enough room to get us into late May or early June.; If Congress fails to act, Treasury GC is prepared to make a second declaration through the end of the session.

April 3, 2003

;

The Honorable J. Dennis Hastert

Speaker of the House

U.S.House of Representatives

Washington, D.C.20515

;

Dear Mr. Speaker:

;

;;;;;;;;;;; I am notifying you, as required under 5 U.S.C. õ;8348 (l)(2) that by reason of the public debt limit, it is my determination that I will be unable to invest fully the portion of the Civil Service Retirement and Disability Fund (CSRDF) not immediately required to pay beneficiaries.; For purposes of this statute, I have determined that a "debt issuance suspension period" will begin as early as April 3, 2003; but no later than April 11, 2003and will last until July 11, 2003.; Therefore, during the debt issuance suspension period, the Treasury Department will suspend additional investments of amounts credited to the CSRDF and redeem a portion of the investments held by the CSRDF, as authorized by law.; Beneficiaries will be fully protected and will suffer no adverse consequences.; The governing statute requires that the Treasury restore all due interest and principal to these funds as soon as this can be done without exceeding the public debt limit.

;

;;;;;;;;;;; Even though the debt issuance suspension period will last until July 11th, the investment suspensions and redemptions may only provide debt issuance capacity under the statutory debt limit until the latter half of May or early June.; I know that you share the President's and my commitment to maintaining the full faith and credit of the U.S.government. Together we must continue working to enact an increase in the statutory debt limit as quickly as possible to avoid any negative repercussions at home or abroad during this critical time.

;

;;;
;;;; Sincerely,

;

;

;

;;;
;;;; John W. Snow

From:;; Kristen Silverberg/WHO/EOP@Exchange on 04/01/2003 08:24:05 AM
Record Type:;;; Record

To:;;;; Brian Reardon/OPD/EOP@EOP, Keith Hennessey/OPD/EOP@Exchange
cc:;;;;
Subject:;;;;;;; debt ceiling question

Are we in good shape on the debt ceiling?; Is leadership preparing to put it on the supp and, if so, in what amount?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
Sent: 4/30/2003 6:49:20 AM
Subject: : Re: FW: Staff Mtg tomorrow

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-APR-2003 10:49:20.00
SUBJECT:: Re: FW: Staff Mtg tomorrow
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

i think we should just cancel unless some issue arises -- can you check.
thanks.

From: Carolyn Nelson/WHO/EOP@Exchange on 04/30/2003 09:10:03 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Staff Mtg tomorrow

fyi:
-----Original Message-----
From: Gonzales, Alberto R.
Sent: Wednesday, April 30, 2003 8:14 AM
To: Nelson, Carolyn
Subject: RE: Staff Mtg tomorrow

Brett should lead the meeting.

-----Original Message-----
From: Nelson, Carolyn
Sent: Wednesday, April 30, 2003 8:04 AM
To: Gonzales, Alberto R.
Cc: Leitch, David G.
Subject: Staff Mtg tomorrow

Judge, in light of the fact that both you and David will be out, should we
cancel staff meeting for tomorrow?

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/30/2003 8:48:58 AM
Subject: RE: PET fun

I'll go. Anything I should know about the event that isn't on the scheduling request?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, April 30, 2003 8:15 AM
To: Nelson, Carolyn; Kavanaugh, Brett M.
Subject: Re: PET fun

I cannot go today. You or patrick should go.

.

----- Original Message -----
From:Carolyn Nelson/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/30/2003 08:05:42 AM
Subject: PET fun

FYI, scheduling informs me that we will need to attend PET meeting everyday until our event. 10:00 rm 180.

From: CN=Colleen M. Carroll/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/30/2003 5:04:36 AM
Subject: : Re: Freshmen letter (including Pryor) to Senators Frist and Daschle
Attachments: P_S6R0G003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen M. Carroll (CN=Colleen M. Carroll/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-APR-2003 09:04:36.00
SUBJECT:: Re: Freshmen letter (including Pryor) to Senators Frist and Daschle
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Do you have the other materials for me as well?

Brett M. Kavanaugh
04/29/2003 07:39:06 PM
Record Type: Record

To: Colleen M. Carroll/WHO/EOP@EOP
cc:
Subject: Freshmen letter (including Pryor) to Senators Frist and Daschle

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_S6R0G003_WHO.TXT_1>

United States Senate

WASHINGTON, DC 20510

April 30, 2003

Dear Senators Frist and Daschle,

As the ten newest members of the United States Senate, we write to express our concerns about the state of the federal judicial nomination and confirmation process. The apparent breakdown in this process reflects poorly on the ability of the Senate and the Administration to work together in the best interests of our country. The breakdown also disserves the qualified nominees to the federal bench whose confirmations have been delayed or blocked, and the American people who rely on our federal courts for justice.

We, the ten freshmen of the United States Senate for the 108th Congress, are a diverse group. Among our ranks are former federal executive branch officials, members of the U.S. House of Representatives, and state attorneys general. We include state and local officials, and a former trial and appellate judge. We have different viewpoints on a variety of important issues currently facing our country. But we are united in our commitment to maintaining and preserving a fair and effective justice system for all Americans. And we are united in our concern that the judicial confirmation process is broken and needs to be fixed.

In some instances, when a well qualified nominee for the federal bench is denied a vote, the obstruction is justified on the ground of how prior nominees – typically, the nominees of a previous President – were treated. All of these recriminations, made by members on both sides of the aisle, relate to circumstances which occurred before any of us arrived in the United States Senate. None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future.

Each of us firmly believes that the United States Senate needs a fresh start. And each of us believes strongly that we were elected to this body in order to do a job for the citizens of our respective states – to enact legislation to stimulate our economy, protect national security, and promote the national welfare, and to provide advice and consent, and to vote on the President's nominations to important positions in the executive branch and on our nation's courts.

Accordingly, the ten freshmen of the United States Senate for the 108th Congress urge you to work toward improving the Senate's use of the current process or establishing a better process for the Senate's consideration of judicial nominations. We acknowledge that the White House should be included in repairing this process.

All of us were elected to do a job. Unfortunately, the current state of our judicial confirmation process prevents us from doing an important part of that job. We seek a bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees, and leave the bitterness of the past behind us.

Yours truly,

John Cornyn

Mark Pryor

Lamar Alexander

REV_00115996

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen M. Carroll/WHO/EOP@EOP [WHO] <Colleen M. Carroll>
CC: Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>
Sent: 4/30/2003 5:07:30 AM
Subject: : Re: Freshmen letter (including Pryor) to Senators Frist and Daschle
Attachments: P_GLR0G003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-APR-2003 09:07:30.00
SUBJECT:: Re: Freshmen letter (including Pryor) to Senators Frist and Daschle
TO:Colleen M. Carroll (CN=Colleen M. Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jonathan F. Ganter (CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

They are being gathered and delivered to you. (John: Can you make sure Colleen gets the information asap.)

Colleen M. Carroll
04/30/2003 09:04:05 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Freshmen letter (including Pryor) to Senators Frist and Daschle

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Brett M. Kavanaugh
04/29/2003 07:39:06 PM
Record Type: Record

To: Colleen M. Carroll/WHO/EOP@EOP
cc:
Subject: Freshmen letter (including Pryor) to Senators Frist and Daschle

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GLR0G003_WHO.TXT_1>

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Yours truly,

John Cornyn

Mark Pryor

Lamar Alexander

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/30/2003 5:09:52 AM
Subject: : FW: Staff Mtg tomorrow

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:30-APR-2003 09:09:52.00
SUBJECT:: FW: Staff Mtg tomorrow
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi:
-----Original Message-----
From: Gonzales, Alberto R.
Sent: Wednesday, April 30, 2003 8:14 AM
To: Nelson, Carolyn
Subject: RE: Staff Mtg tomorrow

Brett should lead the meeting.

-----Original Message-----
From: Nelson, Carolyn
Sent: Wednesday, April 30, 2003 8:04 AM
To: Gonzales, Alberto R.
Cc: Leitch, David G.
Subject: Staff Mtg tomorrow

Judge, in light of the fact that both you and David will be out, should we cancel staff meeting for tomorrow?

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 4/30/2003 9:10:03 AM
Subject: FW: Staff Mtg tomorrow

fyi:
-----Original Message-----
From: Gonzales, Alberto R.
Sent: Wednesday, April 30, 2003 8:14 AM
To: Nelson, Carolyn
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From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 4/30/2003 9:15:01 AM
Subject:

- Yesterday, Senate Democrats announced that they will filibuster another one of the President's very qualified nominees - Priscilla Owen. (Texas Supreme Court Justice and nominee for the 5th Circuit)

- The Senate has a Constitutional responsibility to hold an up or down vote on all judicial nominees within a reasonable time, but some Senate Democrats have abandoned that responsibility in favor of partisan obstructionist tactics.

- **Filibusters:** The Constitution is clear; a majority is required to confirm judicial nominees. A minority of Senate Democrats are effectively changing the law with their obstructionist tactics.

- The judicial confirmation process is broken and the consequences for the American people are real.

- The President has proposed a plan that would ensure that all judicial nominees, no matter who is President or who controls the Senate, receive a timely up or down vote. The voice of every Senator deserves to be heard.

- The Presidents nominees are highly qualified and not only do they deserve a vote, they deserve to be confirmed.

- There are presently 51 vacancies out of the 862 authorized federal judgeships. The 12 regional federal appeals courts face a particularly serious crisis, with 24 vacancies out of 167 judgeships.

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 4/30/2003 9:22:43 AM
Subject: Raleigh News & Observer (4/30/03) re: 1984 comes to fore (Claude Allen nomination)

1984 comes to fore

By JOHN WAGNER, Washington Correspondent

North Carolina's 1984 Senate race is being revisited by current Senate aides and interest groups in the wake of President Bush's judicial nomination of Claude Allen, campaign press secretary for then-Sen. Jesse Helms.

Bush on Monday nominated Allen, now an official at the U.S. Department of Health and Human Services, for a seat on the 4th U.S. Circuit Court of Appeals. Shortly after his name was announced, Democratic Senate staffers started pointing reporters to a comment Allen made about Helms' Democratic opponent, then-Gov. Jim Hunt.

During the campaign, Allen suggested that Hunt was vulnerable for his connections "with the queers." He later apologized.

Much attention focused on Allen in 1984, however, had to do with his race. At the time of his hiring, he faced a barrage of questions about why a black would work for Helms, whom many blacks saw as a nemesis.

In advance of the 1984 election, Allen spent the better part of two years traveling around North Carolina with the senator on weekends. In an interview with The News & Observer late last year, as Helms prepared to retire, Allen said the time the two spent together had a lasting impact.

"Knowing him has shaped me in many ways in terms of my values and how I conduct myself, all for the good," Allen said.

Allen, now a Virginia resident, acknowledged the experience was difficult at times. He left work early the day that Helms voted against the creation of a federal holiday honoring Martin Luther King Jr., whom Allen said he grew up revering.

Helms called Allen at home that night to talk about his reasoning, which he said was influenced by the economic effects of establishing another holiday. "While I didn't necessarily agree with his vote, the senator had a reasoned position," Allen said.

Not on board

Walter Dellinger, a Duke University law school professor and former acting solicitor general in the Clinton administration, was among those included on a "supporter contact list" distributed by the White House this week following Allen's nomination.

Allen attended Duke law school, but Dellinger said he was puzzled by his presence on the list. "Claude Allen was a very able law student and one whom I enjoyed teaching," Dellinger said, "but I have not followed his career since law school and have not taken a position on his nomination."

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 4/30/2003 5:23:45 AM
Subject: : Raleigh News & Observer (4/30/03) re: 1984 comes to fore (Claude Allen nomination)

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-APR-2003 09:23:45.00
SUBJECT:: Raleigh News & Observer (4/30/03) re: 1984 comes to fore (Claude Allen nomination)
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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From: Kavanaugh, Brett M.
To: <Goeglein, Tim>;<Smith, Matthew E.>;<Figg, Jeanie L.>;<Perkins, Paul>
Sent: 4/30/2003 9:30:53 AM
Subject: Paul: can you set up time for us to meet tomorrow morning to go over invites for May 9 judges event? Thanks.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 4/30/2003 10:48:52 AM
Subject: Re: FW: Staff Mtg tomorrow

i think we should just cancel unless some issue arises -- can you check. thanks.

From: Carolyn Nelson/WHO/EOP@Exchange on 04/30/2003 09:10:03 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Staff Mtg tomorrow

fyi:

-----Original Message-----

From: Gonzales, Alberto R.

Sent: Wednesday, April 30, 2003 8:14 AM

To: Nelson, Carolyn

Subject: RE: Staff Mtg tomorrow

Brett should lead the meeting.

-----Original Message-----

From: Nelson, Carolyn

Sent: Wednesday, April 30, 2003 8:04 AM

To: Gonzales, Alberto R.

Cc: Leitch, David G.

Subject: Staff Mtg tomorrow

Judge, in light of the fact that both you and David will be out, should we cancel staff meeting for tomorrow?

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/30/2003 7:22:08 AM
Subject: : FW: rove invite
Attachments: P_QL11G003_WHO.TXT_1.htm; P_QL11G003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:30-APR-2003 11:22:08.00
SUBJECT:: FW: rove invite
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

pls. approve. thanks
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Wednesday, April 30, 2003 10:01 AM
To: Kate Walters
Subject: RE: rove invite

i resent but just in case her it is- let me know if u have any questions
-----Original Message-----
From: Kate Walters
Sent: Tuesday, April 29, 2003 8:55 PM
To: Shannon Boozman - Finance
Subject: RE: rove invite

Can you resend? I couldn't find. thanks
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Tuesday, April 29, 2003 5:48 PM
To: Kate Walters
Subject: rove invite

hey kate- i just faxed u over a new invite for majority fund dinner
with
karl rove. please get approval when u get a chance. also, please note the
new location at the hay adams. let me know of any questions. thanks- sb
- att1.htm - rove invite- rescheduled.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QL11G003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QL11G003_WHO.TXT_2>

pls. approve. thanks
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Wednesday, April 30, 2003 10:01 AM
To: Kate Walters
Subject: RE: rove invite

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> **From:** Kate Walters
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> **To:** Shannon Boozma n - Finance
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>
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>
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> > **To:** Kate Walters
> > **Subject:** rove invite
> >
> > hey kate- i just faxed u over a new invite for majority fund dinner with karl rove. please get approval when u get a chance. also, please note the new location at the hay adams. let me know of any questions. thanks- sb

The RNC Majority Fund

Cordially invites you to attend our rescheduled
2003 First Quarterly Dinner

FEATURING

Karl Rove

AND HOST

Jack Oliver

TUESDAY MAY 13, 2003
THE HAY ADAMS
SIXTEENTH AND H STREETS, NW
WASHINGTON DC

Cocktails at 6:30 p.m.
Dinner at 7:00 p.m.

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

THE RNC MAJORITY FUND

QUARTERLY DINNER WITH KARL ROVE

TUESDAY MAY 13TH
THE HAY ADAMS
SIXTEENTH AND H STREETS, NW
WASHINGTON DC

6:30 COCKTAILS
7:00 DINNER

PLEASE FAX TO (202) 863-8634 BY FRIDAY, MAY 9, 2003

YOU MUST RSVP AND HAVE AN EXECUTIVE MEMBERSHIP TO ATTEND. ONLY 1 PERSON PER MEMBERSHIP PLEASE.

☐ **Yes! I will attend.**

☐ **No, I will not be able to attend.**

PAC: _____

ATTENDEE: _____

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Mercedes M. Viana/WHO /EOP@EOP [WHO] <Mercedes M. Viana>;Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>;Ashley Snee/WHO/EOP@Exchange [WHO] <Ashley Snee>
Sent: 4/30/2003 11:22:19 AM
Subject: : Judge's May speech schedule
Attachments: P_FFH1G003_WHO.TXT_1.doc

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SUBJECT:: Judge's May speech schedule
TO:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
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FYI- it's going to be a busy month.
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File attachment <P_FFH1G003_WHO.TXT_1>
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Judge Gonzales Speech Schedule

Revised: 4-29-03

April 29th - 11:15 a.m. Navy General Counsel Conference
Location: Alexandria Hilton Mark Center (off Seminary Rd.)
Notes: Arrive 11:05, remarks at 11:15, for up to 45 minutes. Luncheon will follow. Judge Gonzales will not stay for luncheon- needs to be back at WH for P.C.

May 2nd- 2:30 p.m. National Security Agency Law Day Luncheon and Tour
Location: Ft. Meade, Maryland, NSA Headquarters
Notes: Arrive 12:45, drop-in w/ NSA Director, Luncheon remarks for 20 mins, tour of facilities. Depart @ 3:30

May 3 - 8:30 a.m. Miami Dade Community College Commencement
Location: Miami, Florida, Miami Dade Community College
Notes: Depart 5/2 for RON in Miami. 10 mins. of remarks. Public Affairs Office has requested copy of remarks.

May 5th - 10:00 a.m. Federal Judge's Assn. Annual Mtg
Location: Ritz Carlton, Pentagon City
Notes: 30-40 mins of remarks w/ Q & A session. 60 Federal Judges in attendance. Rehnquist will speak after Judge.

May 8, - 8:00 p.m. U.S. Mexico Chamber of Commerce- Good Neighbor Awards Gala
Location: OAS Building, D.C.
Notes: Brief thank you remarks (5-10 minutes)

May 9 - 12:30 p.m. Remarks to D.C. Law Clerks
Location: Judge's Dining Room of U.S. Courthouse
Notes: One hour blocked for luncheon. May consist of structured remarks or Q&A. Up to us.

May 13 - 8:30 a.m. Remarks to NARA 2003 Records Management Conference
Location: International Trade Center – Ronald Reagan Building
Notes: 30 mins of remarks, 10 mins of Q &A

May 19 - 9:05 a.m. State Department Hispanic Business Conference
Location: TBD Room, Department of State
Notes: 10 minutes of opening remarks.

May 23 - 1:00 p.m. Rutgers University School of Law Commencement
Location: Camden Campus, NJ
Notes: 20-30 mins of remarks. Will fly to TX in the evening. School cannot pay for Becky's travel

May 24 - TBD time – South Texas College of Law Commencement Remarks
Location: Houston, TX – George R. Brown Convention Center
Notes: College cannot pay for Becky's travel.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>
Sent: 4/30/2003 11:42:10 AM
Subject: I have a car coming at noon.

.

From: Judge Carolyn Kuhl <CKuhl@LASuperiorCourt.org>
To: Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristi.L.Remington@usdoj.gov [UNKNOWN] <Kristi.L.Remington@usdoj.gov>
Sent: 4/30/2003 11:44:00 AM
Subject: : Fwd: FW: Daily Journal Article
Attachments: P_PXJ1G003_WHO.TXT_1.htm; P_PXJ1G003_WHO.TXT_2.htm

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SUBJECT:: Fwd: FW: Daily Journal Article
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READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristi.L.Remington@usdoj.gov (Kristi.L.Remington@usdoj.gov [UNKNOWN])
READ:UNKNOWN
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It turns out that subscribers to the Daily Journal can get their articles on line. So here is the article.

- att1.htmReceived: from magic3.co.la.ca.us by LASC_GW; Wed, 30 Apr 2003 12:24:11 -0700
Received: from LASMTPSWP.Msw.MTO.COM (mail.mto.com [66.120.132.131]) by magic3.co.la.ca.us with ESMTP id h3UJOAuD019624 for <ckuhl@lasuperiorcourt.org>; Wed, 30 Apr 2003 12:24:10 -0700 (PDT)
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Date: Wed, 30 Apr 2003 12:23:59 -0700
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Subject: FW: Daily Journal Article
To: "'ckuhl@lasuperiorcourt.org'" <ckuhl@lasuperiorcourt.org>
Message-id: <D0DA51C8CF88D31188580008C739873510CE635C@LA_XCHG>
MIME-version: 1.0
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boundary="Boundary_(ID_k9qk0VIV11On9Oz/YW9WVA)"

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April 30, 2003

NOMINEE DOESN'T DESERVE CALUMNY HEAPED ON HER
Forum Column

By Vilma S. Martinez

As a member of Sen. Barbara Boxer's judicial screening committee during the Clinton administration, I was proud to recommend Judge Richard Paez for the 9th U.S. Circuit Court of Appeals. President Clinton nominated Paez, but his nomination languished for four years, and he was subjected to

a campaign of half-truths and cruel caricatures.
California Superior Court Judge Carolyn Kuhl, characteristic of her sense of fairness and respect for an independent judiciary, stepped up to the plate. She wrote letters, made phone calls and exhorted her fellow Republicans to confirm Paez and other Clinton nominees.
Now that President Bush has nominated Kuhl to the 9th Circuit, many of the groups that supported Paez, ironically, have turned their fire on Kuhl, apparently to exact payback against Senate Republicans. This turnabout
is not fair play. It is the continuation of a vicious cycle that punishes worthy judicial candidates in a misguided effort to use the judiciary to further narrow political ends.
I generally identify myself as a Democrat, am a veteran of civil rights battles and testified against Judge Robert Bork's nomination to the U.S. Supreme Court (on the basis of his inadequate judicial temperament). Like others dedicated to the independence of our judiciary, I certainly do not want ideologues serving as judges on our federal courts. That is why I think that Kuhl would make a great addition to the 9th Circuit.
Kuhl has served for seven years on the Los Angeles County Superior Court. Before that, she and I were law partners for nine years. Kuhl is what
I think of as an "old fashioned" judge. She cares about due process for everyone. In her seven years on the Superior Court, she has shown that she is careful to hear both sides. She does not try to influence the outcome of a case to favor one side or the other. She is serious about her oath to follow the law, whatever the result. Kuhl takes as her guide the words of Justice Felix Frankfurter that the highest calling of a judge is to subordinate the judge's personal views to the law.
Kuhl hardly can be described as being on "the fringe" of the Los Angeles legal community. She is the first woman to serve as the supervising judge of the civil departments of the Los Angeles Superior Court, a court system that is larger than the entire federal trial court nationwide. She served as the supervising judge of that court's very successful complex litigation program in its experimental phase.
Both the plaintiff and defense bars in Los Angeles actively support Kuhl, even though she primarily represented defendants when she practiced law. California Supreme Court Justice Carlos Moreno, more than a dozen justices of the Court of Appeal and almost 100 judges of the Superior Court (including more than 25 women) have signed letters in support of Kuhl. Many of these supporters are active Democrats. They know Kuhl and, like me, they know that she has not been, and would not be, a result-oriented judge.
Prof. Erwin Chemerinsky recently argued, in the pages of this publication, that the battle over judges that was so unfair to nominees of Clinton should continue against Bush's nominees. "Look Closely," Forum, April 17. He also takes the position that candidates for judicial office should be judged by who their clients are and what positions they took on behalf of those clients.
The Los Angeles County Bar Association strongly disagrees. In its March 28 letter to the members of the Senate Judiciary Committee, the County
Bar stated: "The recent trend in attacking the qualifications of judicial candidates on the basis of positions advocated on behalf of clients is misguided ... . [W]e urge that the Judiciary Committee give due consideration to those issues that are critical to assessing a nominees' qualifications - the nominees' professional abilities, intelligence, integrity, experience and judicial temperament - and not to those positions taken by nominees on behalf of their clients."
The letter explains that because of a lawyer's responsibility to explore and present all arguments that may advance a client's cause, "neither the identity of a lawyer's clients nor the zealous advocacy of their causes necessarily provides any insight into the lawyer's personal beliefs, nor do they necessarily provide any indication of how a nominee may
view a particular case presented to him or her as a judge." The letter also notes that the type of personal attacks on candidates that have become common may discourage candidates from pursuing judicial nominations and discourage lawyers from taking on unpopular or controversial clients or causes.

I call on fellow members of the bar, both Democrats and
Republicans,
to step up to the plate to support Kuhl, just like she went to bat for Paez
and other Clinton nominees. It is shameful that her generosity and
dedication to an independent judiciary are being repaid with the same sort
of calumny that Paez suffered. Until the politicians decide to play fair
with judicial candidates, our system of justice will suffer grievously.

Vilma S. Martinez has been a partner at Munger, Tolles & Olson for 20
years.
Previously, she served as president and general counsel of the Mexican
American Legal Defense and Educational Fund.

1322739911
- att2.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_PXJ1G003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_PXJ1G003_WHO.TXT_2>

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Vilma S. Martinez has been a partner at Munger, Tolles & Olson for 20 years. Previously, she served as president an d general counsel of the Mexican American Legal Defense and Educational Fund.

1322739911

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 4/30/2003 7:50:05 AM
Subject: : Dems, including Jocelyn Elders, want LaRouche in SC debate

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CREATION DATE/TIME:30-APR-2003 11:50:05.00
SUBJECT:: Dems, including Jocelyn Elders, want LaRouche in SC debate
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

PRESS RELEASE

April 29, 2003
Democratic Elected Officials Say:
Put LaRouche in ABC-TV Debate
South Carolina media reported on April 29 that the state's Democratic Party chairman had received a letter from nearly 40 current and former Democratic elected officials asking that Presidential pre-candidate Lyndon LaRouche be invited to the May 3 Presidential debate to be broadcast nationally by ABC-TV. At a press conference held by the representatives on April 28, Florence, S.C. City Councilman Edward Robinson released the letter, which had been sent to state chairman Richard Harpootlian on April 12. In it, the Democratic leaders*roughly half from South Carolina and the other half from other states, joined by former Surgeon-General Joycelyn Elders*pointed out that LaRouche now has more contributors to his Presidential campaign than any of the nine Democratic candidates invited to the debate, from which the Party is seeking to exclude him.
"It's outrageous. It's stupid" that LaRouche has not been invited, campaign spokesman Dr. Debra Freeman was quoted in a statewide AP wire. "The Democratic Party in the State of South Carolina has long been under the influence of Don Fowler," she said, adding the campaign did not plan legal action. "We will continue doing what we have been doing, and take the campaign directly to the people."
OPEN LETTER TO SOUTH CAROLINA
DEMOCRATIC PARTY
April 28, 2003
The following letter was released today at a press conference held in Florence, S.C. by Florence City Councilman Edward Robinson.
April 12, 2003

Chairman Richard Harpootlian
South Carolina Democratic Party
1517 Blanding St.
Columbia, South Carolina 29201
Dear Sirs:
It has been brought to our attention that on May 1-3, you are hosting the annual Democratic Party State Convention and Jefferson-Jackson Day events. As part of that weekend, you are also sponsoring a forum for candidates seeking the Democratic Party nomination for President.
We call upon you to extend an invitation to Mr. Lyndon LaRouche to participate in the upcoming candidates' forum. Mr. LaRouche is a registered Democratic Party candidate, filed with the Federal Election Commission, has raised well over $3 million for the upcoming primaries, and qualified for Federal Matching Funds in the last several election campaigns on the Democratic side. According to the FEC, he now ranks fourth in total contributions raised and first in total contributors, among all major Democratic candidates.
Mr. LaRouche is an outspoken opponent of the policies of Donald Rumsfeld

and Vice-President Cheney, and a proponent of policies like those of former President Franklin Roosevelt. Like FDR, Mr. LaRouche proposes to rebuild our nation's deteriorating economy. He has been spending significant sums of money on a radio campaign in Washington, D.C., and has been delivering speeches throughout the nation.

The attempt to limit the nominating process to an agreed-upon number of candidates, as designated by the news media and a handful of people in the national party, is discriminatory. Now is the time for fair and open debate on the critical issues facing our nation and our party. We urge you to extend an invitation to Mr. LaRouche to participate in the upcoming party weekend and candidate debate.

You can contact Mr. LaRouche's representatives in the Washington, D.C. area by calling Stuart Rosenblatt at 1-800-929-7566.

Sincerely, SOUTH CAROLINA SIGNERS:

Sen. Theo W. Mitchell, 1990 Democratic Party nominee for Governor, Greenville SC
Sen. Maggie Wallace Glover, Florence SC
Sen. Robert Ford, Charleston, SC
Rep. Leon Howard, Columbia SC
Rep. Walter Lloyd, Walterboro, SC
Rep. Robert Brown, Hollywood, SC
Rep. Seth Whipper, Charleston, SC
Rep. Brenda Lee, Spartanburg, SC
Rep. Joseph Neal, Columbia, SC
Edward Robinson, Florence City Council, Florence, SC
James Frazier, Horry Co. Commissioner, Conway, SC
James Lewis, Charleston City Council, Charleston, SC
Robert Mitchell, former City Councilman, Charleston, SC
William Nimmons, SC Democratic Party Executive Committee, Olar SC
Mrs. Willie Nimmons, Pres. Democratic Womens's Council, Olar SC
Marvin Stevenson, SC Democratic Party Executive Committee, Marion SC
Buquilla Ervin, Democratic Party activist, Florence, SC
Leon Harden, SC Democratic Executive Committee, Allendale, SC
Donna Lackey, SC Democratic Executive Committee, and President McCormick Co. Chamber of Commerce, Modoc, SC
Michael Johnson, Business Mgr, Intl Brotherhood of Boilermakers Loc 687, Charleston, SC

NATIONAL SIGNERS

Hon. Joycelyn Elders, Former United States Surgeon General, Little Rock, Ar
Sen. Joe Neal, Democratic Nominee for Governor of Nevada in 2002, Las Vegas, NV
Sen. Carlos Cisneros, Questo, New Mexico
Rep. Jan Judy, Fayetteville, Ar
Rep. Edward Dugay, Cherryfield, Me.
Rep. Albion Goodwin, Pembroke, Me.
Rep. Barbara Boyd, Anniston, Al.
Rep. Michael Obuchowski, Bellows Falls, Vt.
Rep. David Gibbs, West Point, Ms.
Rep. Benjamin Swan, Springfield, Ma.
Rep. Esther Haywood, St. Louis, Mo.
Rep. Harold James, Philadelphia, Pa.
Rep. Christine Sinicki, Milwaukee, Wi.
Rep. Barbara Richardson, Richmond, NH
Sue Daniel, Delegate to the Democratic Convention 2000, Frankston, Tx.
Barbara Lett Simmons, Democratic National Committeewoman, Washington, DC
Stuart Rosenblatt, LaRouche in 2004

From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/30/2003 7:50:32 AM
Subject: : TRANSCRIPT - Secretary Rumsfeld Participates in Town Hall Meeting with U.S. Troops 04/30/03

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SECRETARY OF DEFENSE DONALD RUMSFELD PARTICIPATES IN TOWN HALL MEETING
WITH U.S. TROOPS

BAGHDAD, IRAQ
9:28 A.M. EDT, WEDNESDAY, APRIL 30, 2003

;

SEC. RUMSFELD: (In progress) -- that fine welcome, and also for the absolutely superb job that you folks have done. The entire world has watched, impressed.

;;;;;; I have to admit, I'm surprised to see you folks at the Baghdad Airport. (Laughter.) The world was told there were no Americans here -- (cheers) -- over and over and over! But I guess that's the last time we heard from that fella. (Cheers, laughter.)

;;;;;; I do want to thank each of you for your courage, your dedication to duty, and for volunteering, stepping up to serve your country. What you have accomplished is truly remarkable. You've rescued a nation, you've liberated a people, you've deposed a cruel dictator, and you have ended his threat to free nations. You have braved death squads and dust storms, racing across hundreds of miles to reach Baghdad in less than a month. (Cheers of "Hoo-ah.") Some people call that a quagmire! (Laughter.) It was possibly the fastest march on a capital in modern military history. (Cheers of "Hoo-ah"; applause.)

;;;;;; And unlike many armies in the world, you came not to conquer, not to occupy, but to liberate. And the Iraqi people know this. And when you arrived in Baghdad, many of the Iraqi people came into the streets to welcome you, pulling down statues of Saddam Hussein, celebrating their new-found freedom, freedom that you helped restore. And what a sight that was. You've unleashed events that could -- will unquestionably shape the course of this country, a fate of a people, and very likely affect the future of this entire region.

;;;;;; Take great pride in your accomplishment, not only for what you've done but for how you've done it. You've done it well. While your adversary did everything in his power to put civilian lives at risk, you, our coalition partners, took such great care to protect the lives of innocent civilians. Indeed, in a real sense, many of the Iraqi people were hostages to that regime. We want the Iraqi people to live in freedom so that they can build a future where Iraqi leaders answer to the Iraqi people instead of killing them. And because of you, they will have a chance to do just that.

;;;;;; There's still work to be done. The remnants of that regime needs to be removed from every corner of this country. We still have to find and deal with the remaining elements of the former regime. We have to root out

and eliminate terrorist networks operating in this country. We have to help Iraqis restore their basic services. And we have to help provide conditions of stability and security so that the Iraqi people can form an interim authority, an interim government, and then ultimately a free Iraqi government based on political freedom, individual liberty and the rule of law.

;;;;;; So, while you folks have accomplished a great deal, there is still some work to do. We're grateful for your service, but we're also grateful to your families. They worry about you. They endure long separations from you. And they also serve the cause of freedom. So we are grateful and proud of their service as well as your service. (Applause.)

;;;;;; So I thank you for all you've done. I thank you for what you will be doing. I thank your families from my heart. The American people are proud of you. And God bless each of you.

;;;;;; Thank you very much. (Applause.)

;;;;;; Now, are there microphones around here?

;;;;;; Q Yes! (Inaudible.) (Laughter.)

;;;;;; SEC. RUMSFELD: I'm not going to call on you! (Laughter.) You are too eager! (Laughter.)

;;;;;; I'll tell you what. If nobody will ask me when they can go home -- (laughter) -- I'm respond to a few questions.

;;;;;; I'll answer the ones I know the answers to, and I'll respond to the others. (Laughter.)

;;;;;; Who's got a mike? Raise your hand.

;;;;;; Q I do, Mr. Secretary.

;;;;;; SEC. RUMSFELD: Where are you? (Laughter.) There you are, okay.

;;;;;; Q Pfc. Jugalina (ph), 54th Engineer Battalion, Bamberg, Germany. Mr. Secretary, is Iraq currently a member of OPEC? And if not, are they planning to join in the near future?

;;;;;; SEC. RUMSFELD: I don't know. (Laughter, applause.) The -- I suspect they're not, or if they are, they probably are on a very qualified basis. My guess is they're going to have to increase either -- I shouldn't get into -- this is diplomacy -- (chuckling) -- and I don't do diplomacy. (Laughter.) You may have noticed. (Laughter, cheers, applause.)

;;;;;; I think it's a complicated question, and they're going to have to see what kind of a quota or what kind of a role they want to play in the world oil markets, and that's something we've got some very bright people -- we have some excellent people from various countries outside of Iraq, we have some people who have a background in Iraqi oil, and they are beginning that process of working together to make the kinds of judgments that will be necessary.

;;;;;; The first task, as President Bush said, we need to get the sanctions lifted so that the people of this country can begin to see their lives improved.

;;;;;; Who's got a mike?

;;;;;; Q Mr. Secretary. (Pause.) Right here! (Laughter, applause.) Straight in front of you, sir.

;;;;;; SEC. RUMSFELD: Wave it -- there it is! I see it.

;;;;;; Q Specialist Disart (ph), Fox Troop, 3-7 Cav, out of Fort Stewart,

Georgia. (Cheers of "Hoo-ah.") My question is, I heard there is a possibility --

;;;;;; SEC. RUMSFELD: What did he say, he was in the Navy? (Laughter.)

;;;;;; AUDIENCE MEMBERS: No!

;;;;;; SEC. RUMSFELD: Nooo! (Laughter.)

;;;;;; Q No, sir!

;;;;;; SEC. RUMSFELD: Oh, I misunderstood! I thought -- I thought that's what he said. Excuse me.

;;;;;; Q In the 3-7 Cav, sir.

;;;;;; SEC. RUMSFELD: Oh, okay! (Cheers.)

;;;;;; Q You may have heard of us.

;;;;;; SEC. RUMSFELD: You hit a button! (Laughter.)

;;;;;; Q (Off mike) -- possibility of combat time being used in exchange for military school, such as ANOC, BNOC and PLDC. Is this correct?

;;;;;; SEC. RUMSFELD: (Pause.) What do you all think? (Cheers.)

;;;;;; (Pause.)

;;;;;; General, do you know the answer to that? (Pause.) (Laughter, applause.)

;;;;;; One, two, three, four generals don't know the answer, and you ask me?! (Laughter.) It sounds to me like if it isn't, it ought to be. (Cheers.)

;;;;;; Who's got a mike? (Laughter.) And stay away from the young lady down here. We don't -- (laughter).

;;;;;; Q Sir, Mr. Secretary --

;;;;;; SEC. RUMSFELD: Yes? (Laughter.)

;;;;;; Q Sir, Lieutenant Sean Barberis (sp) from 5th Corps, stationed out at Darmstadt, Germany. What is the proposed plan for --

;;;;;; SEC. RUMSFELD: Where are you? (Laughter.) Okay. I see. I like to keep my eye on people. (Laughter.)

;;;;;; Q What is the proposed -- sir, what is the proposed plan for getting units out of Germany? And which units will be affected?

;;;;;; SEC. RUMSFELD: The situation is that the world has changed so much in this 21st century. The Cold War period is, of course, over. We've experienced September 11th. We have, as a result of Operation Enduring Freedom, made a whole set of new relationships in the world -- in Central Asia, in the Middle East.

;;;;;; What we're doing now is systematically working with our friends and allies around the world to examine our footprint, to see where we are, how we want to be arranged for the future. And there's no question in my mind but that we have a -- probably too large a number of folks in Western Europe that -- some of which is still a leftover from the Cold War and the fear of the Soviet Union coming across the North German plain. It was appropriate then. It's less appropriate now.

;;;;;; So General Jones, the European commander and the Supreme Allied Commander of NATO, is in the process of analyzing that. And there is no

doubt in my mind that -- but that we will be making adjustments. As to what particular units he'll decide ought to be shifted and make a recommendation to me, we're just not at that point yet.

;;;;;; Needless to say, we're doing the same thing in this part of the world, we're doing the same thing in Asia, because it is necessary that we arrange ourselves for the future, rather than the past.

;;;;;; Question?

;;;;;; Q (Off mike) -- mike, sir?

;;;;;; SEC. RUMSFELD: There must be a mike somewhere.

;;;;;; Q I'll try and talk loud enough.

;;;;;; Q Here, sir! (Laughter.) Straight in front, sir. Right here, sir.

;;;;;; SEC. RUMSFELD: Okay, we'll do you and come back. Someone will bring a mike over for you.

;;;;;; Go ahead.

;;;;;; Q My name is Lance Corporal Kelly (sp), 3rd LAR, 29 Palms, U.S. Marine Corps. (Cheers.) And I was wondering, if we find Saddam and his regime in surrounding countries, or maybe in Russia or wherever he may have fled, if he got away, will we go in and get him, or will we try to have the countries give them back to us, sir?

;;;;;; SEC. RUMSFELD: Well, first of all, we are finding people in the top several dozen of the Saddam Hussein regime every two or three days. Mostly they're being -- some are stopped at a border as they try to get out, some have been picked up just through serendipity. Still others, in fact most have been the result of the fact that people have come up to us -- Iraqis have come up and said, "Down the block in that house is one of the people you're looking for." And we've been able, then, to find them. As I say, it's been like one or two every three or four days.

;;;;;; There's no doubt but that some people escaped, probably through Syria, earlier on. Some of those are probably still in Syria. Some have probably transited to other countries. We have asked other countries to return them, and we are using diplomatic efforts to try to encourage them to do that.

;;;;;; At least at the moment, my impression is that some of the countries that had been accepting them previously are no longer accepting them, which is a good start.

;;;;;; As an Iraqi government evolves and gets on its feet, it may very well be that they will want to have some of those folks brought back so that they can have a discussion with them.

;;;;;; Question. Yes?

;;;;;; Q Sir -- (microphone fails to work).

;;;;;; SEC. RUMSFELD: I'll tell you what, we'll take someone else, and you come up on the stage and we'll let you ask it up here. You're determined! (Cheers.)

;;;;;; Who's got one while we're waiting for him to get up here? Question. Right there. Do you have a mike?

;;;;;; Q Yes, sir.

;;;;;; SEC. RUMSFELD: Good.

;;;;;; Q Sir, Major Joe Sammick (ph), V Corps Headquarters, engineer.

;;;;;; Sir, do you think that our experiences in Operation Iraqi Freedom has validated our efforts to transition to a more strategically mobile, lighter military force?

;;;;;; SEC. RUMSFELD: I think that the plan and the execution of the plan in Operation Iraqi Freedom has been superb. And what I want to see happen is I want to see those of you who have that experience in combined joint warfighting, and such successful experience, bring that knowledge back into your respective services. We have a long way to go for this defense establishment of ours to get itself fixed so that it can deal with the kinds of problems we're facing in the 21st century. We do need to be quicker on our feet. We need to be able to do things in hours and days instead of weeks and months. We need to be able to do things with somewhat smaller footprints. We need to be able to do a variety of things. We need to be able to function with the services in a completely interconnected way.

;;;;;; I think that the leadership, that some of the key leaders standing right behind me on this platform have fashioned an approach to warfare which will be critically important as we go forward. We've got to see that that gets put into the services so they're less service centered. We need to see that it's put in the schools so that the schools are teaching the kind of things that are going to be needed. We're going to have to have, in my view, more standing joint task force capability so that we don't have to start from a dead start and in fact are well down the way in the event that that kind of a capability is needed.

;;;;;; So I think what we've accomplished here is we've demonstrated == you've demonstrated what can be done, what can be done very well and very rapidly, what can be done in terms of working together. And I must say the relationships between the Army and the Marines on the ground and the naval and Marine and Air Force and Army Air I think has been truly impressive.

;;;;;; Where is this young fellow? There you are.

;;;;;; Q Sir, my question was --

;;;;;; SEC. RUMSFELD: Right up to the mike so they can all hear you. There you go.

;;;;;; Q Okay. How does this fight compare to the war in Afghanistan besides the fact that it shows our military can adapt to the various situations? And also, what images do you think America will remember about this war?

;;;;;; SEC. RUMSFELD: The differences are notable, in my view. In Afghanistan, we basically used large numbers of ground forces that were Afghans in the Northern Alliances and a few people from the tribes in the south. Embedded with them were special forces and special operation teams and superior and precision air power. Here, we had a much different circumstance. We had some support on the ground, but it was not of the same magnitude that we had in Afghanistan. and as a result, we used U.S. ground capability.

;;;;;; The effect of that was that by building up that force over a sustained period of time, we obviously lost strategic surprise. We flowed the forces as the president and Secretary Powell were working in the United Nations attempting to get the United Nations to be supportive and be helpful, and so strategic surprise was gone.

;;;;;; The fact that these gentlemen behind me and General Tom Franks and his team decided to start the ground war before the air war, in my view, helped to achieve tactical surprise. And the fact that the 4th ID was still up in the Mediterranean very likely left the Iraqi regime with the impression that it was not likely that the war would start, because they very likely were expecting sustained air war, which was the pattern of from '91. They very likely were not thinking that we would start the war

without the 4th ID.

;;;;;; And when the ground war began -- it seems like four years ago, but I guess it was only six weeks.

;;;;;; When the ground war began, and then, instead of pausing, it moved forward at such amazing speed, it seems to me that all of those things that we had to worry about that could have gone wrong -- the risks of ballistic missiles being fired into Saudi Arabia and Jordan and Israel, as happened in 1991; the risk that the dams would be blown; the risk that the oil fields would all be set afire and a terrible environmental disaster which happened in 1991 in Kuwait; the risks that weapon(s) of mass destruction might be used, chemical weapons or biological weapons; the risks that there would be large numbers of refugees and internally displaced people in the hundreds of thousands, which had happened, again, in 1991 -- none of those things happened this time. And they happened (sic) because of the superb leadership, the superb plan, and the fact that you folks are so disciplined, so well-trained, so well-equipped, so courageous and so determined. And the loss of life, of innocent life, was minimal because of the precision and the speed.

;;;;;; So when people are writing the history books, you're going to be in it!

;;;;;; Thank you very much. (Cheers, applause.)

END.

;

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 4/30/2003 11:53:26 AM
Subject: Re: I have a car coming at noon.

Near the door.

.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Leitch, David G. ; Kavanaugh, Brett M. ; Bartolomucci, H. Christopher

Sent: Wed Apr 30 11:43:05 2003
Subject: Re: I have a car coming at noon.

Where are you.

.

----- Original Message -----
From:David G. Leitch/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP,
H. Christopher Bartolomucci/WHO/EOP@EOP
Cc:
Date: 04/30/2003 11:42:10 AM
Subject: I have a car coming at noon.

.

From: Snee, Ashley
To: <Orr, Christopher J.>
CC: <Kavanaugh, Brett M.>
Sent: 4/30/2003 11:54:32 AM
Subject: judges

Hey Orr - the Judge has some time on Friday AM to do the tapings for the website. Does that work for you? Brett, how about you? We should get moving on this stuff for the event next week.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 4/30/2003 11:55:57 AM
Subject: Re: I have a car coming at noon.

At senate or white house. I am at outside meeting.

.

----- Original Message -----

From:David G. Leitch/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 04/30/2003 11:53:26 AM

Subject: Re: I have a car coming at noon.

Near the door.

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-----Original Message-----

From: Kavanaugh, Brett M.

To: Leitch, David G. ; Kavanaugh, Brett M. ; Bartolomucci, H. Christopher

Sent: Wed Apr 30 11:43:05 2003

Subject: Re: I have a car coming at noon.

Where are you.

.

----- Original Message -----

From:David G. Leitch/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP,

H. Christopher Bartolomucci/WHO/EOP@EOP

Cc:

Date: 04/30/2003 11:42:10 AM

Subject: I have a car coming at noon.

.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 4/30/2003 12:16:01 PM
Subject: Re: I have a car coming at noon.

Oh. I assumed you were here at SJC. I think it is wrapping up
.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Leitch, David G. ; Kavanaugh, Brett M.
Sent: Wed Apr 30 11:55:57 2003
Subject: Re: I have a car coming at noon.

At senate or white house. I am at outside meeting.

.

----- Original Message -----
From:David G. Leitch/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/30/2003 11:53:26 AM
Subject: Re: I have a car coming at noon.

Near the door.

.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Leitch, David G. ; Kavanaugh, Brett M. ; Bartolomucci, H. Christopher

Sent: Wed Apr 30 11:43:05 2003
Subject: Re: I have a car coming at noon.

Where are you.

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----- Original Message -----
From:David G. Leitch/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP,
H. Christopher Bartolomucci/WHO/EOP@EOP
Cc:
Date: 04/30/2003 11:42:10 AM
Subject: I have a car coming at noon.

.

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/30/2003 1:06:52 PM
Subject: : Re: important op-ed of support for Carolyn Kuhl

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-APR-2003 17:06:52.00
SUBJECT:: Re: important op-ed of support for Carolyn Kuhl
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Excellent

tsg

Brett M. Kavanaugh
04/30/2003 03:47:45 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: important op-ed of support for Carolyn Kuhl

April 30, 2003

NOMINEE DOESN'T DESERVE CALUMNY HEAPED ON HER
Forum Column

By Vilma S. Martinez

As a member of Sen. Barbara Boxer's judicial screening committee during the Clinton administration, I was proud to recommend Judge Richard Paez for the 9th U.S. Circuit Court of Appeals. President Clinton nominated Paez, but his nomination languished for four years, and he was subjected to a campaign of half-truths and cruel caricatures.

California Superior Court Judge Carolyn Kuhl, characteristic of her sense of fairness and respect for an independent judiciary, stepped up to the plate. She wrote letters, made phone calls and exhorted her fellow Republicans to confirm Paez and other Clinton nominees.

Now that President Bush has nominated Kuhl to the 9th Circuit, many of the groups that supported Paez, ironically, have turned their fire on Kuhl, apparently to exact payback against Senate Republicans. This turnabout is not fair play. It is the continuation of a vicious cycle that punishes worthy judicial candidates in a misguided effort to use the judiciary to further narrow political ends.

I generally identify myself as a Democrat, am a veteran of civil rights battles and testified against Judge Robert Bork's nomination to the U.S. Supreme Court (on the basis of his inadequate judicial temperament). Like others dedicated to the independence of our judiciary, I certainly do not want ideologues serving as judges on our federal courts. That is why I think that Kuhl would make a great addition to the 9th Circuit.

Kuhl has served for seven years on the Los Angeles County Superior Court. Before that, she and I were law partners for nine years. Kuhl is what I think of as an "old fashioned" judge. She cares about due process for

everyone. In her seven years on the Superior Court, she has shown that she is careful to hear both sides. She does not try to influence the outcome of a case to favor one side or the other. She is serious about her oath to follow the law, whatever the result. Kuhl takes as her guide the words of Justice Felix Frankfurter that the highest calling of a judge is to subordinate the judge's personal views to the law.

Kuhl hardly can be described as being on "the fringe" of the Los Angeles legal community. She is the first woman to serve as the supervising judge of the civil departments of the Los Angeles Superior Court, a court system that is larger than the entire federal trial court nationwide. She served as the supervising judge of that court's very successful complex litigation program in its experimental phase.

Both the plaintiff and defense bars in Los Angeles actively support Kuhl, even though she primarily represented defendants when she practiced law. California Supreme Court Justice Carlos Moreno, more than a dozen justices of the Court of Appeal and almost 100 judges of the Superior Court (including more than 25 women) have signed letters in support of Kuhl. Many of these supporters are active Democrats. They know Kuhl and, like me, they know that she has not been, and would not be, a result-oriented judge.

Prof. Erwin Chemerinsky recently argued, in the pages of this publication, that the battle over judges that was so unfair to nominees of Clinton should continue against Bush's nominees. "Look Closely," Forum, April 17. He also takes the position that candidates for judicial office should be judged by who their clients are and what positions they took on behalf of those clients.

The Los Angeles County Bar Association strongly disagrees. In its March 28 letter to the members of the Senate Judiciary Committee, the County
Bar stated: "The recent trend in attacking the qualifications of judicial candidates on the basis of positions advocated on behalf of clients is misguided ... . [W]e urge that the Judiciary Committee give due consideration to those issues that are critical to assessing a nominees' qualifications - the nominees' professional abilities, intelligence, integrity, experience and judicial temperament - and not to those positions taken by nominees on behalf of their clients."

The letter explains that because of a lawyer's responsibility to explore and present all arguments that may advance a client's cause, "neither the identity of a lawyer's clients nor the zealous advocacy of their causes necessarily provides any insight into the lawyer's personal beliefs, nor do they necessarily provide any indication of how a nominee may
view a particular case presented to him or her as a judge." The letter also notes that the type of personal attacks on candidates that have become common may discourage candidates from pursuing judicial nominations and discourage lawyers from taking on unpopular or controversial clients or causes.

I call on fellow members of the bar, both Democrats and Republicans,
to step up to the plate to support Kuhl, just like she went to bat for Paez and other Clinton nominees. It is shameful that her generosity and dedication to an independent judiciary are being repaid with the same sort of calumny that Paez suffered. Until the politicians decide to play fair with judicial candidates, our system of justice will suffer grievously.

Vilma S. Martinez has been a partner at Munger, Tolles & Olson for 20 years.
Previously, she served as president and general counsel of the Mexican American Legal Defense and Educational Fund.

Message Sent

To:_____
Wendy J. Grubbs/WHO/EOP@Exchange@EOP
Ashley Snee/WHO/EOP@Exchange@EOP
Tim Goeglein/WHO/EOP@EOP
Matthew E. Smith/WHO/EOP@EOP
Matthew A. Schlapp/WHO/EOP@EOP

From: Douglass, Kimberly A.
To: <Kavanaugh, Brett M.>
Sent: 4/30/2003 2:32:38 PM
Subject: trip summaries...yeah!

As I write this, 3 trip summaries are on their way up to you. They are all 100% official. Do you think you could sign them today or tomorrow? We need to pay bills from these trips right away.

Thanks for your help!

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 4/30/2003 2:43:14 PM
Subject: RE: comments on the me mo

Did it.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, April 30, 2003 2:40 PM
To: Bumatay, Patrick J.
Subject: comments on the me mo

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/30/2003 02:39 PM ----------

Elizabeth S. Dougherty
04/30/2003 02:38:51 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: comments on the me mo

for some reason, only the first page of your fax came through. would you mind sending them again to 6-5557. thanks!!

From: Kavanaugh, Brett M.
To: <Kho, Irene>;<Bumatay, Patrick J.>
Sent: 4/30/2003 2:43:57 PM
Subject: Re: IKK43 - Revised Commerce Report on H.R. 49 - Internet Tax Nondiscrimination Act
Attachments: hr0049bomb.wpd

no problem

Irene Kho

04/30/2003 12:43:51 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP, Steven D. Aitken/OMB /EOP@EOP

cc: Anne R. Stauffer/OMB/EOP@EOP

Subject: IKK43 - Revised Commerce Report on H.R. 49 - Internet Tax Nondiscrimination Act

Good afternoon,

I just want to let you know that Treasury had a discussion with Commerce to tell them that they want Secretary Snow to be added as a signatory to the letter, and Commerce is willing to add him. Please let me know if you have a problem with this.

- hr0049bomb.wpd <>

TREASURY COMMENTS RE REVISED COMMERCE REPORT ON H.R. 49, INTERNET TAX NONDISCRIMINATION ACT

We have discussed with Commerce our interest in adding Secretary Snow as a signatory to the letter, and Commerce has indicated that they are willing to do this.

We have also discussed with Commerce the following changes to the letter. We suggest that the letter commend Rep. Cox for his efforts generally (and not just for the introduction of the bill). In addition, we would like to change "additional taxation" in the penultimate sentence in the second paragraph to "multiple or discriminatory taxation".

From:	CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To:	Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>;Irene Kho/OMB /EOP@EOP [OMB] <Irene Kho>
Sent:	4/30/2003 10:44:25 AM
Subject:	: Re: IKK43 - Revised Commerce Report on H.R. 49 - Internet Tax Nondiscrimination Act
Attachments:	P_FGD1G003_WHO.TXT_1.wpd

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-APR-2003 14:44:25.00
SUBJECT:: Re: IKK43 - Revised Commerce Report on H.R. 49 - Internet Tax Nondiscrimination Act
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Irene Kho (CN=Irene Kho/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

no problem

Irene Kho
04/30/2003 12:43:51 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP, Steven D. Aitken/OMB/EOP@EOP
cc: Anne R. Stauffer/OMB/EOP@EOP
Subject: IKK43 - Revised Commerce Report on H.R. 49 - Internet Tax Nondiscrimination Act

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- hr0049bomb.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FGD1G003_WHO.TXT_1>

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From: Kavanaugh, Brett M.
To: <Vestewig, Lauren J.>
Sent: 4/30/2003 2:46:40 PM
Subject: Re: 4:45 now for the meeting with Jud Sommer. Thanks.

yes

From: Lauren J. Vestewig/OPD/EOP@Exchange on 04/30/2003 02:35:03 PM

Record Type: Record

To: Jeffrey F. Kupfer/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: 4:45 now for the meeting with Jud Sommer. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Matthew A. Schlapp/WHO /EOP@EOP [WHO] <Matthew A. Schlapp>;Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B. Dyck>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/30/2003 3:08:52 PM
Subject: : Cornyn press release on judges process

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:30-APR-2003 19:08:52.00
SUBJECT:: Cornyn press release on judges process
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Paul B. Dyck ( CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

JUDICIAL NOMINATION PROCESS NEEDS "A FRESH START"

- Freshmen Senators seek a bipartisan solution; ask leadership to improve
process for consideration of judicial nominations -

WASHINGTON ) U.S. Sens. John Cornyn (R-Texas) and Mark Pryor (D-Ark.),
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"The Senate needs to find an end to the downward spiral of accusations,
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Lamar Alexander (R-Tenn.), Saxby Chambliss (R-Ga), Norm Coleman (R-Minn.),
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From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 4/30/2003 4:00:01 PM
Subject:

Did we cancel staff meeting? Also, do we need someone at senior staff; I used to go to that when Judge and Tim were not around. Let me know.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/30/2003 12:06:29 PM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:30-APR-2003 16:06:29.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

He says he wants you to go to senior staff. What did he say about staff meeting?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, April 30, 2003 4:00 PM
To: Nelson, Carolyn
Subject:

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From: Kristi.L.Remington@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/30/2003 12:18:10 PM
Subject: : pdf version
Attachments: P_XBM1G003_WHO.TXT_1.pdf

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:30-APR-2003 16:18:10.00
SUBJECT:: pdf version
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I sent this to Senate folks already


- Kuhl - Martinez op-ed.pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XBM1G003_WHO.TXT_1>
```

L.A. Daily Journal
April 30, 2003

Nominee Doesn't Deserve Calumny Heaped on Her

By Vilma S. Martinez

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California Superior Court Judge Carolyn Kuhl, characteristic of her sense of fairness and respect for an independent judiciary, stepped up to the plate. She wrote letters, made phone calls and exhorted her fellow Republicans to confirm Paez and other Clinton nominees.

Now that President Bush has nominated Kuhl to the 9th Circuit, many of the groups that supported Paez, ironically, have turned their fire on Kuhl, apparently to exact payback against Senate Republicans. This turnabout is not fair play. It is the continuation of a vicious cycle that punishes worthy judicial candidates in a misguided effort to use the judiciary to further narrow political ends.

I generally identify myself as a Democrat, am a veteran of civil rights battles and testified against Judge Robert Bork's nomination to the U.S. Supreme Court (on the basis of his inadequate judicial temperament). Like others dedicated to the independence of our judiciary, I certainly do not want ideologues serving as judges on our federal courts. That is why I think that Kuhl would make a great addition to the 9th Circuit.

Kuhl has served for seven years on the Los Angeles County Superior Court. Before that, she and I were law partners for nine years. Kuhl is what I think of as an "old fashioned" judge. She cares about due process for everyone. In her seven years on the Superior Court, she has shown that she is careful to hear both sides. She does not try to influence the outcome of a case to favor one side or the other. She is serious about her oath to follow the law, whatever the result. Kuhl takes as her guide the words of Justice Felix Frankfurter that the highest calling of a judge is to subordinate the judge's personal views to the law.

Kuhl hardly can be described as being on "the fringe" of the Los Angeles legal community. She is the first woman to serve as the supervising judge of the civil departments of the Los Angeles Superior Court, a court system that is larger than the entire federal trial court nationwide. She served as the supervising judge of that court's very successful complex litigation program in its experimental phase.

Both the plaintiff and defense bars in Los Angeles actively support Kuhl, even though she primarily represented defendants when she practiced law. California Supreme Court Justice Carlos Moreno, more than a dozen justices of the Court of Appeal and almost 100 judges of the Superior Court (including more than 25 women) have signed letters in support of Kuhl. Many of these supporters are active Democrats. They know Kuhl and, like me, they know that she has not been, and would not be, a result-oriented judge.

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Prof. Erwin Chemerinsky recently argued, in the pages of this publication, that the battle over judges that was so unfair to nominees of Clinton should continue against Bush's nominees. "Look Closely," Forum, April 17. He also takes the position that candidates for judicial office should be judged by who their clients are and what positions they took on behalf of those clients.

The Los Angeles County Bar Association strongly disagrees. In its March 28 letter to the members of the Senate Judiciary Committee, the County Bar stated: "The recent trend in attacking the qualifications of judicial candidates on the basis of positions advocated on behalf of clients is misguided .... [W]e urge that the Judiciary Committee give due consideration to those issues that are critical to assessing a nominees' qualifications — the nominees' professional abilities, intelligence, integrity, experience and judicial temperament — and not to those positions taken by nominees on behalf of their clients."

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REV_00116130

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>
Sent: 4/30/2003 12:30:34 PM
Subject: : Re: pdf version
Attachments: P_P2N1G003_WHO.TXT_1.pdf

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CREATION DATE/TIME:30-APR-2003 16:30:34.00
SUBJECT:: Re: pdf version
TO:"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> (
"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

great

"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington
04/30/2003 04:16:40 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: pdf version

I sent this to Senate folks already

- Kuhl - Martinez op-ed.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_P2N1G003_WHO.TXT_1>

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REV_00116134

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: caroline.lewis-wolverton@usdoj.gov [UNKNOWN] <caroline.lewis-wolverton@usdoj.gov>;John Laster <John.Laster@nara.gov>;Nancy Smith <nancy.smith@nara.gov>;Jeffrey Landou <jeffrey.landou@nara.gov>
Sent: 4/30/2003 1:37:57 PM
Subject: : Hungarian Gold

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])
CREATION DATE/TIME:30-APR-2003 17:37:57.00
SUBJECT:: Hungarian Gold
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:caroline.lewis-wolverton@usdoj.gov (caroline.lewis-wolverton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:John Laster <John.Laster@nara.gov> (John Laster <John.Laster@nara.gov> [UNKNOWN])
READ:UNKNOWN
CC:Nancy Smith <nancy.smith@nara.gov> (Nancy Smith <nancy.smith@nara.gov> [UNKNOWN])
READ:UNKNOWN
CC:Jeffrey Landou <jeffrey.landou@nara.gov> (Jeffrey Landou <jeffrey.landou@nara.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

** High Priority **

Brett, thank you for your email of yesterday in response to my voice message, informing us that you will extend the time line under section 6 of EO 13233 only as long as necessary for DOJ to complete review on this case. Since our notice to you of April 11, 2003, runs on this Friday, May 2, an extension will be necessary.

As you recall, the Clinton rep. has already signed off on the release. Caroline Wolverton of DOJ federal programs (who I'm cc'ing on this email) has been reviewing the records (approximately 5000 pages). As we understand it, she intends to assert litigation privileges over a good bit of the material, and will begin working on the privilege log shortly, but it will not be ready by this Friday, May 2.

Caroline believes she can finish all the review, including producing the privilege log, within two weeks (let's say Friday, May 16). She also believes that by this Friday, May 2, she can have ready for your review, if necessary, all the material over which she does not intend to assert privilege.

So, do you actually want to review what she is proposing to release, or are you willing to defer to DOJ's decision?

The same question goes to the privilege log: do you want to review it, and/or the records, or simply refer to DOJ? If you do want to review the withheld records, then you need to add whatever amount of time you will need for your own review in setting a new timeline (which also needs to include time to make copies).

Please let us know how you want to proceed and how much time you need in total. Thanks.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 4/30/2003 7:03:36 PM
Subject: Cornyn press release

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/30/2003 3:04:40 PM
Subject: : Cornyn press release

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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:30-APR-2003 19:04:40.00
SUBJECT:: Cornyn press release
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
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TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

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From: Kavanaugh, Brett M.
To: <Smith, Matthew E.>;<Figg, Jeanie L.>;<Goeglein, Tim>
CC: <Perkins, Paul>
Sent: 4/30/2003 7:49:24 PM
Subject: think we are now on for 2:00 Thursday; we can do room 156 at 2:00 if ok with you all

Paul Perkins

04/30/2003 09:53:44 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

bcc:

Subject: Re: Paul: can you set up time for us to meet tomorrow morning to go over invites for May 9 judges event? Thanks.

Brett,

Thursday, May 1, 9:00am, room 476. Just to let you know, someone is using the room at 9:30.

Thanks,

Paul.

Brett M. Kavanaugh

04/30/2003 09:31:44 AM

Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP, Jeanie L. Figg/WHO /EOP@Exchange@EOP, Paul Perkins/WHO/EOP@EOP

cc:

Subject: Paul: can you set up time for us to meet tomorrow morning to go over invites for May 9 judges event? Thanks.

From: Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>
To: Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>;Nancy.Scottfinan@usdoj.gov <Nancy.Scottfinan@usdoj.gov>;brian.a.benczkowski@usdoj.gov <brian.a.benczkowski@usdoj.gov>;brian.a.benczkowski@usdoj.gov <Grubbs, Wendy J.>;brian.a.benczkowski@usdoj.gov <Kavanaugh, Brett M.>
Sent: 4/30/2003 10:51:19 PM
Subject: FW: EXEC TIME CHANGE

-----Original Message-----
From: Dahl, Alex (Judiciary)
Sent: Wednesday, April 30, 2003 8:38 PM
To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Turner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas_swanton@specter.senate.gov); Frank Brown (frank_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry_kosten@specter.senate.gov); Mark Heilbrun (mark_heilbrun@specter.senate.gov); Singh Seema (seema_singh@specter.senate.gov); Sonia Acosta (sonia_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judiciary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. 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Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)
Subject: EXEC TIME CHANGE
Importance: High

Due to the 10:15 a.m. vote, tomorrow's executive business meeting will begin at 10:30 a.m.

Deputy Staff Director & Senior Counsel
Committee on the Judiciary
United States Senate
224 Dirksen Building
Washington, DC 20510
phone: (202) 224-5225
fax: (202) 228-1115

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From: Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>
To: Wendy J. Grubbs/WHO/EOP@Exchange [WHO] <Wendy J. Grubbs>;Nancy.Scottfinan@usdoj.gov [UNKNOWN] <Nancy.Scottfinan@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;brian.a.benczkowski@usdoj.gov [UNKNOWN] <brian.a.benczkowski@usdoj.gov>;Jamie.E.Brown@usdoj.gov [UNKNOWN] <Jamie.E.Brown@usdoj.gov>
Sent: 4/30/2003 6:52:18 PM
Subject: : FW: EXEC TIME CHANGE
Attachments: P_Z802G003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [ UNKNOWN ]
)
CREATION DATE/TIME:30-APR-2003 22:52:18.00
SUBJECT:: FW: EXEC TIME CHANGE
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Nancy.Scottfinan@usdoj.gov ( Nancy.Scottfinan@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:brian.a.benczkowski@usdoj.gov ( brian.a.benczkowski@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

-----Original Message-----
From: Dahl, Alex (Judiciary)
Sent: Wednesday, April 30, 2003 8:38 PM
To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David
(SAA); Klutts, Chad (Secretary); Miller Reporting
(milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian
(Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary);
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McDonald, Kevin (Leahy); Molly Buford (molly_buford@biden.senate.gov);
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Bauerly, Cynthia (Judiciary); Berman, Jeff (Judiciary); Flood, James
(Judiciary); Judiciary, Schumer1 (Judiciary); Terrell, Louisa
(Judiciary); Judiciary, Biden1 (Judiciary); Lee, Marcia (Judiciary);
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MacBride, Neil (Judiciary); Meyer, Jonathan (Judiciary); Robinson, Tonya (Judiciary); Rosen, Eric (Judiciary); Zubrensky, Michael (Judiciary); Kang, Chris (Judiciary); Keam, Mark (Judiciary); Longley, Michael (Judiciary); Zogby, Joseph (Judiciary); White, Kirsten (Judiciary); Busansky, Alex (Judiciary); Judiciary, Feingold1 (Judiciary); Khera, Farhana (Judiciary); Schiff, Bob (Judiciary); Strickland, LaVita (Judiciary); Hantman, David (Judiciary); Hughes, Dempsey (Judiciary); Judiciary, Feinstein1 (Judiciary); Judiciary, Feinstein2 (Judiciary); Knapp, Jason (Feinstein); Lamberti, Matthew (Judiciary); Oscherwitz, Tom (Judiciary); Toone, Robert (Judiciary); Flug, James (Judiciary); Johnson, Olati (Judiciary); Judiciary, Kennedy1 (Judiciary); Judiciary, Kennedy2 (Judiciary); Judiciary, Kennedy3 (Judiciary); Judiciary, Kennedy4 (Judiciary); Kaguyutan, Janice (Judiciary); Olavarria, Esther (Judiciary); Phillips, Richard (Judiciary); Sessoms, Julia (Judiciary); Schwantes, Jonathan (Judiciary); Arends, Ross (Judiciary); Bloom, Seth (Judiciary); Judiciary, Kohl1 (Judiciary); Miller, Jeffrey (Judiciary); Nonna, Caroline (Judiciary); Reder, Elizabeth (Judiciary); Winski, John (Judiciary); Arfa, Rachel (Judiciary); Berry, Jessica (Judiciary); Cohen, Bruce (Judiciary); Davies, Susan (Judiciary); Demaine, Linda (Judiciary); DeOreo, Mary (Judiciary); Dettelbach, Steven (Judiciary); Fine, Daniel (Judiciary); Graves, Lisa (Judiciary); Greenfeld, Helaine (Judiciary); Huebner, Ben (Judiciary); Katzman, Julie (Judiciary); Klepper, Leesa (Judiciary); Lafayette, Ed (Judiciary); Lucius, Kristine (Judiciary); Lynch, Tim (Judiciary); Magner, Tara (Judiciary); McCormack, Blythe (Judiciary); McKennerney, Christina (Judiciary); Neises, Eric (Judiciary); Pagano, Edward (Judiciary); Parry, Liz (Judiciary); Toomajian, Phil (Judiciary); Smith, William (Judiciary); Barnes, Cindy (Judiciary); Judiciary, Sessions1 (Judiciary); Judiciary, Sessions2 (Judiciary); Pai, Ajit (Judiciary); Sander, Andrea (Judiciary); Poindexter, Martha Scott (Chambliss); Gillies, John (Chambliss); McLean, Camila (Chambliss); Ho, James (Judiciary); Brooke Roberts; Taylor, Steve (Judiciary); Blackwell, Robin (Judiciary); Fortier, Evelyn (Judiciary); Jones, Bill (Judiciary); Judiciary, DeWine1 (Judiciary); Judiciary, DeWine2 (Judiciary); Judiciary, DeWine3 (Judiciary); Levitas, Peter (Judiciary); Galyean, James (L. Graham); Reed, Matt (Judiciary); Groover, Chad (Judiciary); Judiciary, Grassley1 (Judiciary); Judiciary, Grassley2 (Judiciary); Judiciary, Grassley4 (Judiciary); Lari, Rita (Judiciary); Augustine, Rene (Judiciary); Best, David (Judiciary); Bloemendal, Katherine (Judiciary); Bunker, Matt (Judiciary); Caramanica, Jessica (Judiciary); Castle, William (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Delrahim, Makan (Judiciary); Eskelsen, Jon (Judiciary); Friedrich, Dabney (Judiciary); Green, Tanya (Judiciary); Greissing, John (Judiciary); Haywood, Amy (Judiciary); Higginbotham, Ryan (Judiciary); Johnson, Jacob (Judiciary); LeBon, Cherylyn (Judiciary); Lehman, Ted (Judiciary); Lundell, Jason (Judiciary); O'Connor, Reed (Judiciary); O'Scannlain, Kevin (Judiciary); Prior, Swen (Judiciary); Seidel, Rebecca (Judiciary); Snell, BethAnn (Judiciary); Soliemanzadeh, Payam (Judiciary); Stahl, Katie (Judiciary); Volkov, Michael (Judiciary); Wagner, Jennifer (Judiciary); Matal, Joe (Judiciary); Higgins, Stephen (Judiciary); Judiciary, kylintern1 (Judiciary); Judiciary, kylintern2 (Judiciary); Letourneau, Matthew (Judiciary); Judiciary, VictoriaS (Judiciary); Judiciary, AnnaG (Judiciary); Judiciary, JonF (Judiciary); Judiciary, MargueriteM (Judiciary); Judiciary, MattG (Judiciary); Judiciary, SheilaB (Judiciary); Millette, Martin (Judiciary); Artim, Bruce (Judiciary); Campbell, Chris (Judiciary); Carlson, Mark (Judiciary); DeLoatche, Patricia (Judiciary); Kim, Harold (Judiciary); Judiciary, TylerH (Judiciary); Judiciary, BarrH (Judiciary); Judiciary, DanT (Judiciary); Judiciary, EricJ (Judiciary); Judiciary, IsaacH (Judiciary); Judiciary, JeremyJ (Judiciary); Judiciary, JeremyN (Judiciary); Judiciary, KristenW (Judiciary); Judiciary, NicoleO (Judiciary)
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begin at 10:30 a.m.

Deputy Staff Director & Senior Counsel

Committee on the Judiciary

United States Senate

224 Dirksen Building

Washington, DC 20510

phone: (202) 224-5225

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- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Z802G003_WHO.TXT_1>

-----Original Message-----
From: Dahl, Alex (Judiciary)
Sent: Wednesday, April 30, 2003 8:38 PM
To: Sebold, Linda (Secretary); Dean, Ken (Secretary); Hauck, David (SAA); Klutts, Chad (Secretary); Miller Reporting (milrepco@millerreporting.com); Miranda, Manuel (Frist); Wikner, Brian (Judiciary); Butterfield, Jane (Judiciary); Carroll, Kurt (Judiciary); Tu rner, Roslyne (Judiciary); Pomerance, Lilah (Schumer); Carle, David (Leahy); Fleek, Susanne (Leahy); Gordon, Robert (Edwards); Jones, Stephanie (Edwards); Lackey, Miles (Edwards); Payne-Funk, Matt (Leahy); Skocki, Stan (DeWine); Abegg, John (McConnell); Cobb, Susan (Hatch); Janzen, Stormie (Sessions); Knight, Patricia (Hatch); Maier, Elizabeth (Kyl); Nuebel, Kathy (Grassley); Thomas Swanton (thomas_swanton@specter.senate.gov); Frank Brown (frank_brown@specter.senate.gov); Glazewski, Tim (Kyl); Larry Kosten (larry_kosten@specter.senate.gov); Mark Heilbrun (mark_heilbrun@specter.senate.gov); Singh Seema (seema_singh@specter.senate.gov); Sonia Acosta (sonia_acosta@kohl.senate.gov); Morcombe, Cecilia (Judiciary); Marmion, Preble (Judiciary); Mohle, Heinz (Judic iary); Tapia, Margarita (Judiciary); Bradley, Ellen (L. 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From: Figg, Jeanie L.
To: <Kavanaugh, Brett M.>
Sent: 5/1/2003 6:06:02 AM
Subject: RE: think we are now on for 2:00 Thursday; we can do room 156 at 2:00 if ok with you all

Fine with me.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, April 30, 2003 7:49 PM
To: Smith, Matthew E.; Figg, Jeanie L.; Goeglein, Tim
Cc: Perkins, Paul
Subject: think we are now on for 2:00 Thursday; we can do room 156 at 2:00 if ok with you all



Paul Perkins
04/30/2003 09:53:44 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Paul: can you set up time for us to meet tomorrow morning to go over invites for May 9 judges event? Thanks. << OLE Object: StdOleLink >>

Brett,
Thursday, May 1, 9:00am, room 476. Just to let you know, someone is using the room at 9:30.
Thanks,
Paul.



Brett M. Kavanaugh
04/30/2003 09:31:44 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP, Jeanie L. Figg/WHO /EOP@Exchange@EOP, Paul Perkins/WHO/EOP@EOP

cc:
Subject: Paul: can you set up time for us to meet tomorrow morning to go over invites for May 9 judges event? Thanks.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Gonzales, Alberto R.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 5/1/2003 6:40:12 AM
Subject: Re: Cornyn press release

This is good stuff. Will the Admiriation have a witness at the hearing -- Viet, perhaps -- to discuss the President's plan?

.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Gonzales, Alberto R. ; Leitch, David G. ; Brosnahan, Jennifer R. ; Newstead, Jennifer G. ; Bartolomucci, H. Christopher ; Sampson, Kyle ; Francisco, Noel J. ; Powell, Benjamin A. ; Ullyot, Theodore W.

Sent: Wed Apr 30 19:03:36 2003
Subject: Cornyn press release

JUDICIAL NOMINATION PROCESS NEEDS "A FRESH START"

- Freshmen Senators seek a bipartisan solution: ask leadership to improve process for consideration of judicial nominations -

WASHINGTON – U.S. Sens. John Cornyn (R-Texas) and Mark Pryor (D-Ark.), joined by all freshmen Senators, urged the Senate leadership Wednesday to seek a fresh start and create a better process for the Senate's consideration of judicial nominations. Cornyn, a member of the Judiciary Committee and chairman of the Subcommittee on the Constitution, led the group of new Senators in petitioning for timely consideration of all judicial nominees.

"The Senate needs to find an end to the downward spiral of accusations, obstruction and delay," Cornyn said. "The President's nominees, and in fact our entire judicial system, deserve no less."

In the letter, the Senators wrote that, "when a well qualified nominee for the federal bench is denied a vote, the obstruction is justified on the grounds of how a prior nominee -- typically, the nominees of a previous President -- was treated. All of these recriminations, made by members on both sides of the aisle, relate to circumstances which occurred before any of us arrived in the United States Senate."

The letter continued: "None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future."

Rather than continue the obstruction that has plagued nominees in the past, the ten Senators committed themselves to solutions for all nominees. "We seek a bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees, and leave the bitterness of the past behind us."

The letter was sent to Senate Majority Leader Bill Frist of Tennessee, and Senate Minority Leader Tom Daschle. It was signed by Sens. Cornyn, Pryor, Lamar Alexander (R-Tenn.), Saxby Chambliss (R-Ga), Norm Coleman (R-Minn.), Elizabeth Dole (R-NC), Lindsey Graham (R-SC), Lisa Murkowski (R-Alaska), John Sununu (R-NH), and Jim Talent (R-Mo). Also copied on the letter were Judiciary Committee Chairman Orrin Hatch (R-Utah) and the panel's senior Democrat, Patrick Leahy (D-Vt).

Sen. Cornyn will hold a hearing of the Constitution subcommittee on May 6 to discuss reform of the broken judicial process. The hearing, titled Judicial Nominations, Filibusters, and the Constitution: When a majority is denied its right to consent, will be held in the Dirksen Senate Office Building, Room 226 at 2 p.m. The hearing will take place nearly two years after the President announced his first class of nominees to the federal courts of appeals, including Texas Supreme Court Justice Priscilla Owen. Her nomination is currently being filibustered in the Senate.

Sen. Cornyn chairs the subcommittee on the Constitution, Civil Rights & Property Rights, and is the only former judge on the committee. He also serves on the Armed Services, Environment and Public Works, and Budget Committees. He served previously as Texas Attorney General, Texas Supreme Court Justice, and Bexar County District Judge.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Gonzales, Alberto R.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 5/1/2003 7:00:32 AM
Subject: Re: Cornyn press release

Even better, if it helps them deliver.

.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Leitch, David G. ; Kavanaugh, Brett M. ; Gonzales, Alberto R. ; Brosnahan, Jennifer R. ; Newstead, Jennifer G. ; Bartolomucci, H. Christopher ; Sampson, Kyle ; Francisco, Noel J. ; Powell, Benjamin A. ; Ullyot, Theodore W.

Sent: Thu May 01 06:48:00 2003
Subject: Re: Cornyn press release

Not as currently planned. As cornyn said, they want this to be senate deal and not look like executive dictating.

.

----- Original Message -----
From:David G. Leitch/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP,
Alberto R. Gonzales/WHO/EOP@Exchange,
Jennifer R. Brosnahan/WHO/EOP@EOP,
Jennifer G. Newstead/WHO/EOP@EOP,
H. Christopher Bartolomucci/WHO/EOP@EOP,
Kyle Sampson/WHO/EOP@EOP,
Noel J. Francisco/WHO/EOP@EOP,
Benjamin A. Powell/WHO/EOP@EOP,
Theodore W. Ullyot/WHO/EOP@EOP
Cc:
Date: 05/01/2003 06:40:12 AM
Subject: Re: Cornyn press release

This is good stuff. Will the Adminiration have a witness at the hearing -- Viet, perhaps -- to discuss the President's plan?

.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Gonzales, Alberto R. ; Leitch, David G. ; Brosnahan, Jennifer R. ; Newstead, Jennifer G. ; Bartolomucci, H. Christopher ; Sampson, Kyle ; Francisco, Noel J. ; Powell, Benjamin A. ; Ullyot, Theodore W.

Sent: Wed Apr 30 19:03:36 2003
Subject: Cornyn press release

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- Freshmen Senators seek a bipartisan solution; ask leadership to improve process for consideration of judicial nominations -

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In the letter, the Senators wrote that, "when a well qualified nominee for the federal bench is denied a vote, the obstruction is justified on the grounds of how a prior nominee -- typically, the nominees of a previous President -- was treated. All of these recriminations, made by members on both sides of the aisle, relate to circumstances which occurred before any of us arrived in the United States Senate."

The letter continued: "None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future."

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The letter was sent to Senate Majority Leader Bill Frist of Tennessee, and Senate Minority Leader Tom Daschle. It was signed by Sens. Cornyn, Pryor, Lamar Alexander (R-Tenn.), Saxby Chambliss (R-Ga), Norm Coleman (R-Minn.), Elizabeth Dole (R-NC), Lindsey Graham (R-SC), Lisa Murkowski (R-Alaska), John Sununu (R-NH), and Jim Talent (R-Mo). Also copied on the letter were Judiciary Committee Chairman Orrin Hatch (R-Utah) and the panel's senior Democrat, Patrick Leahy (D-Vt).

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Sen. Cornyn chairs the subcommittee on the Constitution, Civil Rights & Property Rights, and is the only former judge on the committee. He also serves on the Armed Services, Environment and Public Works, and Budget Committees. He served previously as Texas Attorney General, Texas Supreme Court Justice, and Bexar County District Judge.

From: Vestewig, Lauren J.
To: <Schacht, Diana L.>;<Kavanaugh, Brett M.>
CC: <Winland, Emily>
Sent: 5/1/2003 9:20:26 AM
Subject: Meeting re. Kyl-Cornyn

The VP's office is coming to meet with Jay re. K-C tomorrow at 3:45. Can you join?

From: Kavanaugh, Brett M.
To: <Vestewig, Lauren J.>
Sent: 5/1/2003 9:21:35 AM
Subject: Re: Meeting re. Kyl-Cornyn

yes.

From: Lauren J. Vestewig/OPD/EOP@Exchange on 05/01/2003 09:20:26 AM

Record Type: Record

To: Diana L. Schacht/OPD/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc: Emily Winland/OPD/EOP@EOP

Subject: Meeting re. Kyl-Cornyn

The VP's office is coming to meet with Jay re. K-C tomorrow at 3:45. Can you join?

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/1/2003 9:30:27 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME: 1-MAY-2003 13:30:27.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett -- my heart is with you, but my head is not. The text of the Constitution is, to me, plain as day. I think it would be an absolute loser as a legal matter to argue that there is a constitutionally-implied time limit of "reasonableness" on how long the Senate can take in deciding whether to consent or not, or that there is a constitutional duty to someday have an up or down vote on a nominee. I think it is, however, a political winner, and I think we are perfectly within our rights to castigate the Senate for having taken far longer than any reasonable amount of time to consider our judge noms, and that it is downright cowardly to refuse to have up-or-down recorded votes on our noms. I just think we need to be precise in our distinction between "unconstitutional" and "outrageous," which are two different things -- and what the Senate is doing to our noms is the latter, but not the former.

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>;<Snee, Ashley>;<Goeglein, Tim>;<Smith, Matthew E.>;<Schlapp, Matthew A.>
Sent: 5/1/2003 9:52:33 AM
Subject: Hatch quote from Senate debate just now

Sen. Hatch: "This body is in danger of blowing up."

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 5/1/2003 10:54:57 AM
Subject: who are the 4 who did not vote? which D's voted for cloture?

From: Goeglein, Tim
To: <Kavanaugh, Brett M.>
CC: <Smith, Matthew E.>;<Figg, Jeanie L.>;<Perkins, Paul>
Sent: 5/1/2003 11:02:07 AM
Subject: Re: think we are now on for 2:00 Thursday; we can do room 156 at 2:00 if ok with you all

B

That is fine. See you there, my friend.

tsg

Brett M. Kavanaugh

04/30/2003 07:49:24 PM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Jeanie L. Figg/WHO/EOP@Exchange@EOP, Tim Goeglein/WHO /EOP@EOP

cc: Paul Perkins/WHO/EOP@EOP

bcc:

Subject: think we are now on for 2:00 Thursday; we can do room 156 at 2:00 if ok with you all 

Paul Perkins

04/30/2003 09:53:44 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

bcc:

Subject: Re: Paul: can you set up time for us to meet tomorrow morning to go over invites for May 9 judges event? Thanks. 

Brett,

Thursday, May 1, 9:00am, room 476. Just to let you know, someone is using the room at 9:30.

Thanks,

Paul.

Brett M. Kavanaugh

04/30/2003 09:31:44 AM

Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP, Jeanie L. Figg/WHO /EOP@Exchange@EOP, Paul Perkins/WHO/EOP@EOP

cc:

Subject: Paul: can you set up time for us to meet tomorrow morning to go over invites for May 9 judges event? Thanks.

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/1/2003 11:21:18 AM
Subject: : FW: rove invite
Attachments: P_00V2G003_WHO.TXT_1.htm; P_00V2G003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME: 1-MAY-2003 15:21:18.00
SUBJECT:: FW: rove invite
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

please approve
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Wednesday, April 30, 2003 10:01 AM
To: Kate Walters
Subject: RE: rove invite

i resent but just in case her it is- let me know if u have any questions
-----Original Message-----
From: Kate Walters
Sent: Tuesday, April 29, 2003 8:55 PM
To: Shannon Boozman - Finance
Subject: RE: rove invite

Can you resend? I couldn't find. thanks
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Tuesday, April 29, 2003 5:48 PM
To: Kate Walters
Subject: rove invite

hey kate- i just faxed u over a new invite for majority fund dinner
with
karl rove. please get approval when u get a chance. also, please note the
new location at the hay adams. let me know of any questions. thanks- sb
- att1.htm - rove invite- rescheduled.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_00V2G003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_00V2G003_WHO.TXT_2>

please approve
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Wednesday, April 30, 2003 10:01 AM
To: Kate Walters
Subject: RE: rove invite

i resent but just in case her it is- let me know if u have any questions

> -----Original Message-----
> **From:** Kate Walters
> **Sent:** Tuesday, April 29, 2003 8:55 PM
> **To:** Shannon Boozma n - Finance
> **Subject:** RE: rove invite
>
> Can you resend? I couldn't find. thanks
>
> > -----Original Message-----
> > **From:** Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
> > **Sent:** Tuesday, April 29, 2003 5:48 PM
> > **To:** Kate Walters
> > **Subject:** rove invite
> >
> > hey kate- i just faxed u over a new invite for majority fund dinner with karl rove. please get approval when u get a chance. also, please note the new location at the hay adams. let me know of any questions. thanks- sb

The RNC Majority Fund

Cordially invites you to attend our rescheduled
2003 First Quarterly Dinner

FEATURING

Karl Rove

AND HOST

Jack Oliver

TUESDAY MAY 13, 2003
THE HAY ADAMS
SIXTEENTH AND H STREETS, NW
WASHINGTON DC

Cocktails at 6:30 p.m.
Dinner at 7:00 p.m.

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

THE RNC MAJORITY FUND

QUARTERLY DINNER WITH KARL ROVE

TUESDAY MAY 13TH
THE HAY ADAMS
SIXTEENTH AND H STREETS, NW
WASHINGTON DC

6:30 COCKTAILS
7:00 DINNER

PLEASE FAX TO (202) 863-8634 BY FRIDAY, MAY 9, 2003

YOU MUST RSVP AND HAVE AN EXECUTIVE MEMBERSHIP TO ATTEND. ONLY 1 PERSON PER MEMBERSHIP PLEASE.

☐ **Yes! I will attend.**

☐ **No, I will not be able to attend.**

PAC: _____

ATTENDEE: _____

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/1/2003 11:52:27 AM
Subject: AP Carlton

ABA Press Secretary called to see if he could bring his wife to the May 9 event. Can I tell her yes?

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/1/2003 11:55:55 AM
Subject: Re: AP Carlton

yes

From: Carolyn Nelson/WHO/EOP@Exchange on 05/01/2003 11:52:27 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: AP Carlton

ABA Press Secretary called to see if he could bring his wife to the May 9 event. Can I tell her yes?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange [WHO] <Ashley Snee>
Sent: 5/1/2003 8:25:25 AM
Subject: : RE: AP story on Owen

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-MAY-2003 12:25:25.00
SUBJECT:: RE: AP story on Owen
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

how does it look? (I will not mind if it's much shorter; just interested)

From: Ashley Snee/WHO/EOP@Exchange on 05/01/2003 12:20:35 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: AP story on Owen

I'm waiting for sign-off from dan and staff sec is standing by to send to the road. When we get it - I'll send to holland to update the story - hopfully

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 01, 2003 12:13 PM
To: Snee, Ashley
Subject: AP story on Owen

By JESSE J. HOLLAND
The Associated Press
Thursday, May 1, 2003; 11:21 AM
WASHINGTON - Senate Democrats on Thursday blocked Texas Judge Priscilla Owen from being confirmed to the U.S. Appeals Court, the second time they've thwarted President Bush and majority Republicans in a confrontation over federal judgeships.
GOP senators were not able to get the 60 votes they needed to break the filibuster on Owen, a home-state favorite of the president who has been nominated to the 5th U.S. Circuit Court of Appeals in New Orleans. Their attempt to break the Democratic filibuster failed, 52-44.
The vote broke down along mostly party lines, with independent Sen. Jim Jeffords of Vermont voting with the Democrats and two Democrats - Sens. Zell Miller of Georgia and Ben Nelson of Nebraska -voting with the GOP. Four senators did not vote: Democrats Paul Sarbanes of Maryland, Joe Lieberman of Connecticut, Bob Graham of Florida and Republican James Inhofe of Oklahoma.
Republicans say Owen is more than qualified for the appellate bench and that Democrats misrepresented her positions and demonized her when they rejected her nomination last year when they controlled the Senate.
"I think that Justice Owen has been put in the political meat grinder in Washington, D.C.," said Sen. Kay Bailey Hutchinson, R-Texas.
But Democrats complain that Owen, who sits on the Texas Supreme Court, is an anti-abortion, pro-business judicial activist whose opinions and rulings are overly influenced by her personal beliefs. Bush forced them into this new filibuster by sending her name back for confirmation, they

said.
"We are here because the president has picked another fight with the United States Senate by renominating a divisive and controversial activist to another circuit court, and that's regrettable," said Sen. Patrick Leahy of Vermont, the top Democrat on the Senate Judiciary Committee.
Democrats say they have more than enough votes in their 48-member caucus to keep Owen bottled up in the Senate for months to come.
"She seems to want to make law to fit her own ideological preconception rather than follow the law as written," said Sen. Charles Schumer, D-N.Y.
A successful filibuster on Owen for Democrats will mean that simultaneous filibusters will be going against Owen and Hispanic lawyer Miguel Estrada, nominated to the U.S. Court of Appeals for the District of Columbia. It will be the first time two official filibusters against judicial nominees have occurred simultaneously in the Senate.
Republicans have lost four attempts to break the Estrada filibuster. If they're successful on Owen, Democrats say they're prepared to have three or even more judicial filibusters going simultaneously.
Democrats have threatened all year to filibuster against the nomination of U.S. District Judge Charles Pickering of Mississippi to the 5th Circuit.
"I think Pickering will have a very rough time," Schumer said. "And I think they'll be more" filibusters.
Schumer said another possible target could be California Judge Carolyn Kuhl, a former Reagan administration lawyer nominated to the San Francisco-based 9th U.S. Circuit Court of Appeals.
The Senate Judiciary Committee vote will indicate whether Democrats will try to filibuster a nominee, Schumer said. The committee has 10 Republicans and nine Democrats.
"If we don't get nine votes against them in the Judiciary Committee, it will be a difficult thing to hold it up on the floor of the Senate," said Schumer, who sits on the Senate Judiciary Committee. "That's our rule of thumb."
Sen. John Cornyn, R-Texas, says he will hold hearings in his Senate Judiciary subcommittee in May to try to resolve the Senate logjam. Cornyn personally would prefer to ban filibusters and holds on judicial nominees.
"The Senate needs to find an end to the downward spiral of accusations, obstruction and delay," said Cornyn, who put together a letter from all 10 Senate freshmen calling for quicker confirmation of judges.
Schumer suggested setting up bipartisan nomination commissions in each state that would recommend a judicial candidate to the president for each empty judgeship. "It's our best hope for breaking the vicious cycle," Schumer said.

From:	Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>
To:	Leonard Leo \(E-mail\) <lleo@fed-soc.org>;bgray@wilmer.com <bgray@wilmer.com>;srushton@committeeforjustice.org <srushton@committeeforjustice.org>;Tom Jipping <Tjipping@cwfa.org>;KRdaly@aol.com <KRdaly@aol.com>;KRdaly@aol.com <Kavanaugh, Brett M.>;KRdaly@aol.com <Grubbs, Wendy J.>
Sent:	5/1/2003 1:05:14 PM
Subject:	FW: Whip Alert Update 05/01/03

WHIP ALERT UPDATE
Thursday, April 1, 2003
Vote at 2:15 p.m.

By Unanimous Consent, the Senate will vote at **2:15 p.m.** today on the confirmation of the nomination of Edward C. Prado, of Texas, to be U.S. Circuit Judge for the Fifth Circuit (Exec. Cal. #105).

On Monday, April 5, the Senate will vote at **4:45 p.m**. on the confirmation of the nomination of Deborah L. Cook, of Ohio, to be U.S. Circuit Judge for the Sixth Circuit (Exec. Cal. #34).

On Thursday, April 8, the Senate will take up the nomination of John G. Roberts, Jr., of Maryland, to be U.S. Circuit Judge for the District of Columbia Circuit (Exec. Cal. #35) with the expectation that a vote will occur later in the week.

From:	Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>
To:	Roberts, Brooke \(Craig\) <brooke_roberts@craig.senate.gov>;Lari, Rita \(Judiciary\) <Rita_Lari@Judiciary.senate.gov>;Gillies, John \(Chambliss\) <John_Gillies@chambliss.senate.gov>;Jacquot, Joe \(Hutchison\) <Joe_Jacquot@hutchison.senate.gov>;Gillies, John \(Chambliss\) <John_Gillies@chambliss.senate.gov>;Smith, William \(Judiciary\) <William_Smith@Judiciary.senate.gov>;Mark Heilbrun <Mark_Heilbrun@specter.senate.gov>;Ho, James \(Judiciary\) <James_Ho@Judiciary.senate.gov>;Taylor, Steve \(Judiciary\) <Steve_Taylor@Judiciary.senate.gov>;Galyean, James \(L. Graham\) <James_Galyean@lgraham.senate.gov>;Higgins, Stephen \(Judiciary\) <Stephen_Higgins@Judiciary.senate.gov>;Duffield, Steven \(RPC\) <Steven_Duffield@rpc.senate.gov>;Frank Brown <IMCEACCMAIL-Frank+20Brown+20at+20SPECTER-DC@routing.senate.gov>;Abegg, John \(McConnell\) <John_Abegg@mcconnell.senate.gov>;Simmons, Kyle \(McConnell\) <Kyle_Simmons@mcconnell.senate.gov>;Rodgers, Mark \(Republican-Conf\) <Mark_Rodgers@src.senate.gov>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;Delrahim, Makan \(Judiciary\) <Makan_Delrahim@Judiciary.senate.gov>;Dahl, Alex \(Judiciary\) <Alex_Dahl@Judiciary.senate.gov>;Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;brian benczkowski \(e-mail\) <brian.a.benczkowski@usdoj.gov>;jamie.e.brown@usdoj.gov <jamie.e.brown@usdoj.gov>;jamie.e.brown@usdoj.gov <Grubbs, Wendy J.>;jamie.e.brown@usdoj.gov <Kavanaugh, Brett M.>
CC:	Lessen, Ramona \(Frist\) <Ramona_Lessen@frist.senate.gov>;Rawls, Lee \(Frist\) <Lee_Rawls@frist.senate.gov>;Gold, Martin \(Frist\) <Martin_Gold@frist.senate.gov>;Vogel, Alex \(Frist\) <Alex_Vogel@frist.senate.gov>
Sent:	5/1/2003 2:53:22 PM
Subject:	Principal's Mtn / Nominees May 6th

The Leader has called a Principals' Meeting for leadership, JC members, WH and DOJ principals for Tuesday, May 6th from 11 to 11:45 in S 230.

Please check with your schedulers whom I have called.

Unless you are on this list, please keep company to one staffer per Principal.

From:	Figg, Jeanie L.
To:	<Kavanaugh, Brett M.>;<Smith, Matthew>;<Goeglein, Tim>
Sent:	5/1/2003 3:10:03 PM
Subject:	FYI: if 450 remains your back up
Attachments:	Notebook.jpg

I think the capacity of 450 EEOB is only about 130 guests. If that remains the back up you will be stuck with that number.

Jeanie Figg
X69400

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/1/2003 3:54:18 PM
Subject: Re:

13 or so judges.

.

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 5/1/2003 5:09:41 PM
Subject: Re:

Excellent.
.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Lefkowitz, Jay P.
Sent: Thu May 01 17:06:20 2003
Subject:

kyl-cornyn -- think we should be supportive -- will talk to Diana

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/1/2003 6:00:16 PM
Subject: post

i left mike schear a message to call me back. will keep you posted.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 5/1/2003 6:11:16 PM
Subject: Re: post

PLEASE DO. This stupid thing gnaws at me (not sure whether to be mad at Allen, Dellinger, or our office, but certainly the first 2). Thanks as always!

From: Ashley Snee/WHO/EOP@Exchange on 05/01/2003 06:00:16 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: post

i left mike schear a message to call me back. will keep you posted.

From: Snee, Ashley
To: <Nelson, Carolyn>;<Kavanaugh, Brett M.>
Sent: 5/1/2003 7:22:28 PM
Subject: web

Ok, so, Jimmy Orr has been out sick for the past few days and probably won't be in tomorrow to do the taping. So.... can we do Monday?

From: Kavanaugh, Brett M.
To: <Cooper, Jean>
Sent: 5/1/2003 8:18:34 PM
Subject: Re: Peter Coneway letter

I apparently gave my only copy back to Steve and you. I know what I said on it if that is the question. Apologies about this.

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/1/2003 5:58:34 PM
Subject: : White House Global Messenger - 5/02/03
Attachments: P_ED93G003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME: 1-MAY-2003 21:58:34.00
SUBJECT:: White House Global Messenger - 5/02/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 5-02-03 FINAL3.doc)

THE GLOBAL MESSENGER
Friday, May 2, 2003

******KEY POINTS FROM THE PRESIDENT'S REMARKS
FROM USS LINCOLN, 5/1/03******

*Major combat operations in Iraq have ended. Our coalition is now engaged in securing and reconstructing that country. The United States and our allies have prevailed, and because of this our nation and the Middle East are more secure, a tyrant has fallen and Iraq is now free.

*The credit for our military's success goes to the men and women who went in harm's way. The gratitude of our nation goes to:
-The men and women of our military, particularly those who made the ultimate sacrifice for the country
-The commanders - especially Secretary Rumsfeld and General Tommy Franks
-Our coalition partners - particularly the Armed Forces of the UK, Australia, and Poland.

*Our 21st Century military carried out Operation Iraqi Freedom with a combination of speed, precision and boldness the enemy did not expect, and the world had not seen. With new tactics and precision weapons, coalition forces demonstrated that we can achieve military objectives while directing violence away from civilians.

*Difficult work lies ahead in Iraq:
-Bringing order and security to parts that remain dangerous
-Bringing to justice the leaders of and those who are loyal to the old regime
-Locating hidden chemical and biological weapons
-Rebuilding Iraq's infrastructure after 30 years of devastation
-Standing by the Iraqi people as they establish a government of, by and for the Iraqi people

*The Battle of Iraq is one victory in the broader war on terror

that began on September 11th, 2001, and still goes on. The President detailed progress made in the war on terror and reaffirmed America's commitment to defending our homeland and hunting down terrorists before they can strike.

*America has a tradition of spreading liberty throughout the world. Our country is committed to freedom in Afghanistan, in Iraq, and in a peaceful Palestine. We make this commitment because the advance of freedom is the surest strategy to undermine the appeal of terror in the world.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change

12:50 pm President Bush delivers remarks on National and Economic Security, Santa Clara, CA

******HUMANITARIAN UPDATE******

*On April 29, the World Health Organization (WHO) sent three trucks containing 40 health kits from Amman, Jordan to Baghdad. The health kits will serve a population of 400,000 through the end of July.

*On April 28, the "Southern Star" arrived in Aqaba Port in Jordan from Thailand carrying 20,000 metric tons of rice and 12,500 metric tons of sugar. The World Food Program (WFP) will store the commodities in its Aqaba warehouse and will facilitate the discharge of the goods.

******KEY QUOTES FROM THE PRESIDENT'S ADDRESS TO THE NATION, 5/1/03******

"In the images of celebrating Iraqis, we have...seen the ageless appeal of human freedom. Decades of lies and intimidation could not make the Iraqi people love their oppressors or desire their own enslavement.

"Men and women in every culture need liberty like they need food, and water, and air. Everywhere that freedom arrives, humanity rejoices. And everywhere that freedom stirs, let tyrants fear."

***

"We are committed to freedom in Afghanistan, in Iraq, and in a peaceful Palestine. The advance of freedom is the surest strategy to undermine the appeal of terror in the world. Where freedom takes hold, hatred gives way to hope. When freedom takes hold, men and women turn to the peaceful pursuit of a better life."

THE WHITE HOUSE
Office of Global Communications
For more information log on to http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 5-02-03 FINAL3.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ED93G003_WHO.TXT_1>

THE GLOBAL MESSENGER

Friday, May 2, 2003

TODAY'S SCHEDULE

All Times Eastern Daylight. Subject to Change

12:50 pm — President Bush delivers remarks on National and Economic Security, Santa Clara, CA

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KEY POINTS FROM THE PRESIDENT'S REMARKS FROM U.S.S LINCOLN, 5/1/03

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  - The men and women of our military, particularly those who made the ultimate sacrifice for the country
  - The commanders - especially Secretary Rumsfeld and General Tommy Franks
  - Our coalition partners - particularly the Armed Forces of the UK, Australia, and Poland.
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  - Bringing order and security to parts that remain dangerous
  - Bringing to justice the leaders of and those who are loyal to the old regime
  - Locating hidden chemical and biological weapons
  - Rebuilding Iraq's infrastructure after 30 years of devastation
  - Standing by the Iraqi people as they establish a government of, by and for the Iraqi people
- The Battle of Iraq is one victory in the broader war on terror that began on September 11th, 2001, and still goes on. The President detailed progress made in the war on terror and reaffirmed America's commitment to defending our homeland and hunting down terrorists before they can strike.
- America has a tradition of spreading liberty throughout the world. Our country is committed to freedom in Afghanistan, in Iraq, and in a peaceful Palestine. We make this commitment because the advance of freedom is the surest strategy to undermine the appeal of terror in the world.

THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Wendy J. Grubbs/WHO/EOP@Exchange [WHO] <Wendy J. Grubbs>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/2/2003 6:51:46 AM
Subject: : FW: AP - GOP Frustrated by Dem Filibusters May Sue

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 2-MAY-2003 10:51:46.00
SUBJECT:: FW: AP - GOP Frustrated by Dem Filibusters May Sue
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

;
-----Original Message-----
From: Bravo, Brian
Sent: Friday, May 02, 2003 10:48 AM
Subject: AP - GOP Frustrated by Dem Filibusters May Sue

GOP Frustrated by Dem Filibusters May Sue

By JESSE J. HOLLAND, Associated Press Writer

WASHINGTON - Stymied now on two of President Bush's judicial nominees, Republicans are considering an attempt to change Senate rules or suing to ban judicial filibusters, even against long odds.

"It certainly could be taken to court," Senate Majority Leader Bill Frist, R-Tenn., said after Democrats on Thursday successfully blocked Texas Judge Priscilla Owen from getting a federal appeals court seat.

The discussions reflect frustration among majority Republicans that Democrats have been able to sidestep Bush's popularity and undermine one of his platforms: putting more conservatives in key judgeships.

Bush called the Owen filibuster "shameful" and "unfair to this good woman and unfaithful to the Senate's own obligations."

"The Senate has a constitutional responsibility to exercise its advice and consent function and hold up or down votes on all judicial nominees within a reasonable time after nomination," he said in a statement.

Democrats are filibustering two nominees * Owen and Hispanic lawyer Miguel Estrada * and have promised more if divisive Bush nominees come to the Senate floor. It takes 60 votes to break a filibuster and Democrats showed Thursday with a 52-44 vote that they had a solid enough bloc to keep Owen off the bench. They say they will win again on Monday when Republicans try for the fifth time to force Estrada through.

"History will look kindly on us for doing so," said Sen. Charles Schumer, D-N.Y., "because never has a president of the United States been more ideological in his selection of judges."

The White House, GOP senators and advocates aides have been saying for months that they think filibustering judicial nominees is unconstitutional, but to test that theory someone would have to sue.

Republicans admit that they've thought about it. "One option that has been floated is the idea of a lawsuit," said Sen. John Cornyn, R-Texas on Wednesday.

Frist said he didn't know whether a lawsuit would be the right way to go.

"I can't predict whether that will be done or not, but ultimately I think the United States Senate will decide for itself" how to solve the problem, he told reporters.

Some observers say resorting to a lawsuit to ban filibusters would be futile.

"Even the thought that the courts would get involved in Senate business is mind-boggling," said Sheldon Goldman, a political science professor at the University of Massachusetts at Amherst who studies the federal appellate nomination process. "If this isn't a separation of powers issue, what is?"

Cornyn, a former Texas judge himself, agreed. "Another branch of the government * the judiciary * cannot come in and tell Congress how it must function."

Frist and other Republicans are also looking at changing the Senate rules to eliminate filibusters of judicial nominees.

Cornyn's Senate Judiciary subcommittee plans a whole hearing next week called "Judicial Nominations, Filibusters, and the Constitution: When a majority is denied its right to consent" to explore the issue and plans to change the nomination process.

"If filibusters are going to be made part of the judicial nominee process, I think you will see increasing discussion over whether the rules should be changed," Frist said.

The fact that the GOP's November takeover of the Senate has not made it any easier for Bush's appellate nominees to get confirmed only stokes Republican fury.

Democrats last year voted down Owen and Mississippi Judge Charles Pickering in committee and didn't hold hearings for others. The U.S. Appeals Courts are some of the most important courts in America, one step below the Supreme Court and deciding most of the nation's law.

Senate Judiciary Chairman Orrin Hatch, R-Utah * who is on the front line of the judicial battles * finally boiled over a Wednesday hearing. Schumer was strongly questioning appellate nominee John Roberts at his second hearing for his nomination for the U.S. Court of Appeals for the District of Columbia, when Hatch finally tired of the questions.

"Some I totally disagree with," Hatch said. "Some I think are dumb ... questions, between you and me. I am not kidding you. I mean, as much as I love and respect you, I just think that's true."

;

From: Orr, Christopher J.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 5/2/2003 8:58:30 AM
Subject: FW:

These remarks did make it to the web site yesterday. They made it to the news index page. It is incumbent upon the PPO office to update the Nominations section of the web site. Unfortunately, they don't do it as often as we'd like. We've always asked that they update the info nightly. Instead it gets updated 2 - 3 times per week. If you guys can make them do it more quickly, have at it. I can't. Katja is the contact.

---------- Forwarded by Christopher J. Orr/WHO/EOP on 05/02/2003 08:58 AM ----------

From: Ashley Snee/WHO/EOP@Exchange on 05/02/2003 07:32:35 AM

Record Type: Record

To: Christopher J. Orr/WHO/EOP@EOP

cc:

Subject: FW:

hey - not sure if you're here - but can you forward this to have the team check out. they were the nominations sent to the senate yesterday - along with the bios for the judges. Thanks!

-----Original Message-----

From: Leitch, David G.

Sent: Friday, May 02, 2003 7:23 AM

To: Kavanaugh, Brett M.; Snee, Ashley

Subject:

Doesn't look like yesterday's nominations made it on to the WH web site news page: http://www.whitehouse.gov/news/ <http://www.whitehouse.gov/news/> Any reason why not?

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 5/2/2003 9:23:31 AM
Subject: RE: May 9 event

taking care of our peeps

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/02/2003 09:23 AM ----------

Brett M. Kavanaugh

05/02/2003 09:23:27 AM

Record Type: Record

To: "Adam.Charnes@usdoj.gov"

cc: "viet.dinh@usdoj.gov"

bcc: Records Management@EOP

Subject: RE: May 9 event 

sure, let me know.

"Adam.Charnes@usdoj.gov"

05/02/2003 09:03:22 AM

Record Type: Record

To: "Viet.Dinh@usdoj.gov" , Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: May 9 event

We will get a list together. If possible, it would be nice also to invite folks in the FBI BI unit who worked hard to pull the BI reports together.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Thursday, May 01, 2003 6:19 PM

To: Charnes, Adam; Dinh, Viet

Subject: May 9 event

Thanks to your office for such a great job on the recent noms (as always).

Please make sure everyone who should be invited from OLP (including Sheila and Nancy) is aware of the May 9 Rose Garden event at 10:30. They will be there.

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/2/2003 6:17:23 AM
Subject: : Re: Invite approval
Attachments: P_G8P3G003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAY-2003 10:17:23.00
SUBJECT:: Re: Invite approval
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

It is the American Israel Public Affairs Committee.

Brett M. Kavanaugh
04/29/2003 08:40:51 PM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Invite approval

What kind of organization is AIPAC?

Katherine M. Walters
04/29/2003 08:38:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Invite approval

Pls. approve. thanks
---------- Forwarded by Katherine M. Walters/WHO/EOP on
04/29/2003 08:38 PM ----------

Marcie Brecher <mbrecher@aipac.org>
04/29/2003 10:07:59 AM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: 6.30.03 AIPAC Baltimore Event Invitation

Dear Kate,

I attach below the text of the invitation for AIPAC's Baltimore kick-off

event with Ken Mehlman on June 30, 2003 for approval by your office. In addition to the attached, I will include the resume information you shared with me for Ken and for Congressman Hoyer, as well as an insert with the Host Committee (currently in formation). It is my hope to send the invitation to print on Monday, May 5th. Please advise if this is an unrealistic timeline based on your schedule.

I very much appreciate your assistance with this. Please feel free to contact me with any questions.

Sincerely,

Marcie

Marcie Brecher
Area Director, Baltimore and Greater Washington
American Israel Public Affairs Committee
202-639-5231 (phone)
202-347-4918 (fax)

Consistently ranked as the most influential foreign policy lobbying organization on Capitol Hill, AIPAC is a non-partisan American membership organization that seeks to strengthen the relationship between Israel and the United States. Please visit our website www.aipac.org

- 6.30.03 Invitation Text.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_G8P3G003_WHO.TXT_1>

Join members of the Baltimore community
to demonstrate your support for Israel during

An Evening of Solidarity

Sponsored by The American Israel Public Affairs Committee
America's Pro-Israel Lobby

Monday, June 30, 2003
5:30 p.m. Reception
6:30 p.m. Program

Beth Tfiloh Congregation
3300 Old Court Road
Baltimore, Maryland

with special guest speakers
Steny Hoyer (D-MD), Minority Whip, U.S. House of Representatives *

Kenneth Mehlman, White House Political Director

Howard Kohr, Executive Director
The American Israel Public Affairs Committee

RSVP by Monday, June 23rd to Marcie Brecher *(410) 356-9325*;
or email Elliott Mendes, emendes@aipac.org

Couvert per person: $50
Hors d'oeuvres and a buffet supper will be served.
Dietary laws observed.

* Invited.

AIPAC gratefully acknowledges the media sponsorship of *The Baltimore Jewish Times*.

From: CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/2/2003 11:46:46 AM
Subject: : FW: backup location in case of rain for Judges event on 5/9

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 2-MAY-2003 15:46:46.00
SUBJECT:: FW: backup location in case of rain for Judges event on 5/9
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

am I right? the date cannot change?

-----Original Message-----
From: Figg, Kara G.
Sent: Friday, May 02, 2003 3:19 PM
To: Kavanaugh, Brett M.
Cc: Litkenhaus, Colleen
Subject: RE: backup location in case of rain for Judges event on
5/9

colleen - let us know about moving tours(
the date of the event really cannot change.
thanks!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 02, 2003 3:13 PM
To: Figg, Kara G.
Cc: Litkenhaus, Colleen
Subject: Re: backup location in case of rain for Judges event on
5/9

ok, if we can move tours to afternoon, we would be v.
appreciative. From our perspective, this is a fairly significant event
and particularly so for the Senators and bipartisan bar leaders in
attendance, as well as being a very important event to convey the public
message on the unprecedented Senate filibusters on Owen and Estrada (and
important to set the stage on Senate process for the possible Supreme
Court vacancy we could have in June). And 450 is obviously not nearly as
good. Thanks!

From: Kara G. Figg/WHO/EOP@Exchange on 05/02/2003 02:58:44 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Colleen
Litkenhaus/WHO/EOP@Exchange
cc:
Subject: Re: backup location in case of rain for Judges event on
5/9

We would, but as I am sure you are aware, the state floor opens up to tours next week. Having this event in the east room would mean cancelling tours (which is why you are ccing colleen, I assume). The president has an afternoon commencement that day and therefore we cannot move this event to the afternoon. The only 2 solutions I see are:
Move the event to another date (I know this is the anniversary)
Or
Move tours to the afternoon that day

Colleen - can you let us know if that is possible?
Thanks! And sorry for all of this brett!
.

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Figg, Kara G. <Kara_G._Figg@who.eop.gov>; Litkenhaus, Colleen <Colleen_Litkenhaus@who.eop.gov>
Sent: Fri May 02 14:30:24 2003
Subject: backup location in case of rain for Judges event on 5/9

Can we have East Room as backup for the Judges event in case of rain. Is that possible? We used East Room on May 9, 2001, for original judges event and on October 30, 2002 for other major judges event. And we have about 250 folks coming, including about 10 Senators, ABA President, etc. Thanks.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>;<Sampson, Kyle>
Sent: 5/2/2003 11:50:38 AM
Subject: Talking Points for the Judge

Judge will speak to the Federal Judge's Association Board of Directors on Monday. Will you pls provide talking points on the following subjects:

-Judicial Compensation
-Leahey-Kerry Bill
-Volcker Commission report on compensation for government employees
-The "Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today" or "PROTECT" Act and the "Feeney Amendment"

The speech will be drafted over the weekend- anything you can provide before 5pm will be much appreciated.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
Sent: 5/2/2003 9:16:31 AM
Subject: : Re: Talking Points for the Judge

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAY-2003 13:16:31.00
SUBJECT:: Re: Talking Points for the Judge
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

who is drafting?

From: Carolyn Nelson/WHO/EOP@Exchange on 05/02/2003 11:50:38 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP
cc:
Subject: Talking Points for the Judge

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-Volcker Commission report on compensation for government employees;
-The "Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today" or "PROTECT" Act and the "Feeney Amendment"
;
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From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/2/2003 1:16:06 PM
Subject: Re: Talking Points for the Judge

who is drafting?

From: Carolyn Nelson/WHO/EOP@Exchange on 05/02/2003 11:50:38 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP

cc:

Subject: Talking Points for the Judge

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>
CC: jonathan f. ganter/who/eop@eop [WHO] <jonathan f. ganter>;brett m. kavanaugh/who /eop@eop [WHO] <brett m. kavanaugh>;tracy jucas/who/eop@eop [WHO] <tracy jucas>;christie parell/who/eop@eop [WHO] <christie parell>
Sent: 5/2/2003 10:23:54 AM
Subject: : Re: Regional Appointees Conference

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAY-2003 14:23:54.00
SUBJECT:: Re: Regional Appointees Conference
TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:jonathan f. ganter (CN=jonathan f. ganter/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:tracy jucas (CN=tracy jucas/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:christie parell (CN=christie parell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

ok by me

Nanette Everson
05/02/2003 01:44:11 PM
Record Type: Record

To: Christie Parell/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, tracy jucas/who/eop@eop,
jonathan f. ganter/who/eop@eop
bcc:
Subject: Re: Regional Appointees Conference

ok for me

05/02/2003 10:38 AM
Christie Parell
Christie Parell
Christie Parell
05/02/2003 10:38 AM
05/02/2003 10:38 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Nanette Everson/WHO/EOP@EOP
cc: Tracy Jucas/WHO/EOP@EOP, Jonathan F. Ganter/WHO/EOP@EOP
Subject: Regional Appointees Conference

Brett/Nanette:

Per Brian's e-mail below, he hopes that you will both be able to speak to the regional appointees on May 20th at 1:30pm in EEOB 450. It would be a 30 min. session with Brett speaking for 15 min. on the Hatch Act, and Nanette for 15 min. on Ethics. Does this time work in your schedules??

Thank you!!
---------- Forwarded by Christie Parell/WHO/EOP on 04/28/2003 05:26 PM ----------

From: Brian D. Montgomery/WHO/EOP@Exchange on 04/22/2003 12:01:48 PM
Record Type: Record

To: David G. Leitch/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Charlotte L. Montiel/WHO/EOP@Exchange, Christie Parell/WHO/EOP@EOP
Subject: Regional Appointees Conference

David/Brett:

The Offices of Cabinet Affairs, Presidential Personnel, Intergovernmental Affairs, Political Affairs, and the Council for Excellence in Government are together sponsoring a two-day conference entitled "Regional Appointees: Challenges and Opportunities," scheduled for May 19-20, 2003 in Washington, DC.

This conference will be the first of its kind during this Administration and will include regional appointees from several Cabinet and sub-Cabinet agencies such as Education, Interior, Labor, EPA, HHS, FEMA,;GSA, HUD and SBA. It will be held at;the nearby Mayflower Hotel, with several sessions taking place;in Room 450 EEOB.

Given your office's stake in such an event, we want to involve you in the conference's program workshops and plenary sessions. In working with the agencies, we have identified roughly 85 regional political appointees that we;have invited to attend the conference.;;Other local agency personnel, including inter-governmental affairs staff, will also be invited.

The purpose of the conference is to better engage our regional appointees as representatives of the President around the country and to give them a chance to meet and hear from senior White House officials and agency leaders. Sessions will focus on a variety of vital issues including:

ú Management Results / President's Management Team

ú Building Support for the President's Agenda

ú Freedom Corps / Faith-Based Initiatives

ú Hatch Act / Ethics

ú Policy Perspectives

ú Homeland Security

ú Working Together for Greater Regional Impact

ú Legislative Update

ú Foreign Policy Update

We have tentatively scheduled your;presentation for Tuesday afternoon, May 20 in Room 450 EEOB (exact time is TBD).; We would hope you could;discuss your insights on;the Hatch Act and ethics in government.;;We would also hope you could join us for a reception to be held later that evening.

We would greatly appreciate your participation, and I know that

the Regional Appointees would appreciate hearing from you and will be happy to take your perspectives back with them to their respective regions. Please;feel free to contact me should you have additional questions or you may have your assistant contact Christie Parell (6-2343); to confirm your;availability.;

Many thanks in advance,

Brian Montgomery

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/2/2003 10:26:05 AM
Subject: : Fw: Ohio--Finance Meeting
Attachments: P_8644G003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAY-2003 14:26:05.00
SUBJECT:: Fw: Ohio--Finance Meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett -
Attached is a letter that Governor Taft will send to about 300 key supporters in Ohio, after your approval.
The subject is a fundraiser that Barry Jackson will attend (and Karl Rove will call into) on May 22 in Columbus.
your thoughts?
c

---------- Forwarded by Collister W. Johnson/WHO/EOP on 05/02/2003 02:22 PM ----------

Coddy Johnson <cjohnson@georgewbush.com>
05/02/2003 02:29:20 PM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP
cc:
Subject: Fw: Ohio--Finance Meeting

Ohio--Finance Meeting
----- Original Message -----
From: Annie Gardecki
To: Coddy Johnson
Sent: Friday, May 02, 2003 2:16 PM
Subject: Ohio--Finance Meeting

Coddy--
Attached is the follow-up letter from Governor Taft to our Finance Committee Members for our May 22 meeting. Please take a look at the references to Barry Jackson and Karl Rove and get back to me with a sign off.

Thanks.
AMG

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_8644G003_WHO.TXT_1>

May 2, 2003

/NAME/
/ADDRESS/
/ADDRESS 2/
/CITY/, /STATE/ /ZIP/

Dear /SALUTATION/,

This letters serves as a reminder of the upcoming *Ohio Republican Party Executive Finance Committee Meeting* on **Thursday, May 22nd** at the Columbus Club. You are among an elite group of strong Republican supporters invited to attend as we discuss the needs and challenges facing the Ohio Republican Party as we prepare for the 2004 Presidential Election.

Knowing that Ohio is a key battleground state, Ohio's 20 electoral votes will prove pivotal because it's a fact of political life that no Democrat can win the White House without carrying Ohio. That is why we must prepare right now.

Along with Chairman Bob Bennett, Finance Chairman Jim Dicke and myself, ~~Director of Strategic Initiatives for the White House~~ Barry Jackson – a longtime political advisor to both the state of Ohio and to George W. Bush - will be in attendance.

Karl Rove is expected to address the meeting via phone and Speaker Larry Householder and Senate President Doug White have been invited to present a legislative briefing. Statewide office holders have been invited to attend the dinner following the meeting.

I hope you will join me for this very important meeting. Please confirm your attendance with Annie Gardecki at (614) 228.2481 by May 16th.

Sincerely,

Governor Bob Taft

From: Kavanaugh, Brett M.
To: <Figg, Kara G.>;<Litkenhaus, Colleen>
Sent: 5/2/2003 2:30:24 PM
Subject: backup location in case of rain for Judges event on 5/9

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From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 5/2/2003 2:38:49 PM
Subject: travel office issue I asked you about last week....

Note from Eric Terrell, Director, WH Travel Office:

2. I would only consider the fet issue resolved when the IRS is fully aware that w.h. is no longer paying fet, but that our broker air partner is. Brett & Adam may be up to speed and all agree on how it should work (i.e. the way it is now) but I don't believe anyone's contacted the IRS.

Does someone need to contact the IRS? If yes, who would be the appropriate person?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>
Sent: 5/2/2003 10:39:42 AM
Subject: : Re: Fw: Ohio--Finance Meeting
Attachments: P_UY44G003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAY-2003 14:39:42.00
SUBJECT:: Re: Fw: Ohio--Finance Meeting
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please identify Barry and Karl as "guests." Otherwise, good.

Collister W. Johnson
05/02/2003 02:25:35 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fw: Ohio--Finance Meeting

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ATT CREATION TIME/DATE: 0 00:00:00.00
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/ADDRESS 2/
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From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 5/2/2003 2:41:15 PM
Subject: Re: travel office issue I asked you about last week....

I think we affirmatively decided not to contact the IRS. Let me loop back to Adam and Eric.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/02/2003 02:38:49 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

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From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 5/2/2003 2:43:18 PM
Subject: RE: travel office issue I asked you about last week....

Thanks!

-----Original Message-----
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Sent: Friday, May 02, 2003 2:41 PM
To: Litkenhaus, Colleen
Subject: Re: travel office issue I asked you about last week....

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From: Advance <advance@nationalreview.com>
To: Advance <advance@nationalreview.com>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/2/2003 10:56:01 AM
Subject: : Advance e-copy of National Review's May 19, 2003 Issue

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Advance <advance@nationalreview.com> (Advance <advance@nationalreview.com> [UNKNOWN])
CREATION DATE/TIME: 2-MAY-2003 14:56:01.00
SUBJECT:: Advance e-copy of National Review's May 19, 2003 Issue
TO:Advance <advance@nationalreview.com> (Advance <advance@nationalreview.com> [UNKNOWN])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

http://www.nationalreview.com/advance/advance051903.asp

The Men Who Won the War
By Jim Lacey

Historian Stephen Ambrose said of the American soldier: "When soldiers from any other army, even our allies, entered a town, the people hid in the cellars. When Americans came in, even into German towns, it meant smiles, chocolate bars and C-rations." Ours has always been an army like no other, because our soldiers reflect a society unlike any other. Medics report that the Iraqi wounded they treated were astounded by our compassion. They expected they would be left to suffer or die. I witnessed Iraqi paramilitary troops using women and children as human shields, turning grade schools into fortresses, and defiling their own holy sites. Time and again, I saw Americans taking unnecessary risks to clear buildings without firing or using grenades, because it might injure civilians. I stood in awe as 19-year-olds refused to return enemy fire because it was coming from a mosque.

A Little Patience, Please
By David Pryce-Jones

Since the days of the British, every previous change of regime in Iraq has involved mayhem and murder. Nothing of the kind has occurred so far in Iraq. Under Saddam Hussein, Arabs massacred Kurds and drove them out of Mosul and Kirkuk, stealing their homes and property. Reclaiming what is rightfully theirs, the Kurds have not killed those who so maltreated them. In Basra, the mob caught a notorious secret-police chief; they did not lynch him as they might have, but handed him over to the British. The families of victims are often able to name and identify the Ba'athist secret policemen and torturers who committed crimes against them. Many of them expressed their feelings by looting whatever of the former regime's real or symbolic property was within reach, but they have not taken the law into their own hands in revenge killings. That is remarkable, and grounds for hope.

The View from Pluto
By Jeffrey Gedmin

Historian Arnulf Baring once wrote that the overwhelmingly positive view that Americans have of Germany stems from the fact that tens of thousands of servicemen and their families over the years have visited castles, enjoyed bratwurst, and cruised happily down the Rhine. If more had been able to read the editorial pages they might have had a different view. Americans probably underestimated Germany's frustration at having to play a subordinate role during the Cold War. The rest of Western Europe was dependent on us, too, but the divided, emasculated Germans probably felt it--and resented it--more than most. Today, they're tired of playing second fiddle. The Christian Democrats' foreign-policy spokesman, Karl Lamers, rejected missile defense several years ago on the grounds that it would make the Americans "masters of the universe." A television poll before the Iraq war asked Germans whether they should "give in" to the Americans over Iraq--a whopping 80 percent said no.

He, Gary Hart
By John J. Miller

The 66-year-old Hart never dropped totally out of sight. Since quitting elective office, he's written eight books, including three novels. He also completed a Ph.D. in philosophy at Oxford. The most important piece of his rehabilitation, however, came in 1998, when Bill Clinton appointed him co-chairman of the U.S. Commission on National Security/21st Century. Since the terrorist strikes, Hart has been a regular fixture on the cable-news talk shows, posing as an elder statesman and a prophet of the dangers to come. But how well does he fill this role? There can be no doubt that Gary Hart is an intelligent man. Yet he also confirms the saying that bright minds don't make little mistakes--they make huge ones, and sometimes many of them. Throughout his career, Hart has demonstrated nothing so much as an exquisite talent for big blunders. He's kept on doing it right through the recent war with Iraq.

Fighting AIDS Right
By Ramesh Ponnuru

Instead of focusing exclusively on the encouragement of condom use, Uganda and a few other countries have emphasized abstinence and monogamy. As Rod Dreher has reported in <I>NR</I>, that approach has dramatically reduced the spread of the disease. Respected academics believe that this success could be replicated in other countries--if so, it would be compassionate conservatism at its best. But social-conservative objections have grown as the president's proposal has taken legislative form. The bill that came out of the House International Relations Committee, which is scheduled to be debated on the House floor in early May, does not explicitly direct funds toward the promotion of abstinence and fidelity. Conservatives fear that without clear congressional guidance to that effect, the foreign-aid bureaucracy will just use the money on condoms. Michael Schwartz, a vice president of Concerned Women for America, says, "Anybody who thinks that there's any hope for the Uganda model under those circumstances is an extreme optimist."

Death Becomes Them

By Theodore Dalrymple

There has clearly been a change in the sensibility of the Chinese themselves. After a couple of decades of frantic economic growth, probably unequalled in the annals of history, the Chinese are no longer content to be, nor can be cowed into being, blue-clad workers in a hive, expected to place no special value on their own individual lives. Growing consumerism has taught them that what they want counts. No longer units in an army of forced labor, and moreover increasingly in possession of the means to exchange information--and misinformation, and rumor--that the government can no longer control, they are now given to panic when their individual existence seems to be threatened. Peking has been turned into a ghost city by a mere 39 deaths (let us multiply and call it 390), when only a few years ago a million deaths would have made as little impact on it as a stone on a pond.

An Army of Jessicas
By Kate O'Beirne

The successful integration of combat demands that men and women be treated exactly alike in the face of physical threats--but it was actually Lynch's particular vulnerability that prompted a chivalrous response from the Iraqi lawyer who was moved to help when he saw her being slapped by one of her captors. "Don't worry," Mohammed whispered to Lynch, before he walked six miles to find a U.S. Marine patrol to alert. We can all be grateful that Mohammed hadn't been trained in current notions of gender equality in the modern military, where male chivalry is seen as a risk to national security. At the military's survival, evasion, resistance, and escape (SERE) schools, concern about the well-being of women was so prevalent among male students that trainers now work to desensitize men to sexual assault and other enemy abuse of women.

The Reluctant Empire
By John O'Sullivan

The U.S. is, of course, militarily stronger than any previous power, whether imperial or national. It also has a greater share of the world's productive capacity than any previous "hegemon." And its dominance in everything from technology to popular culture dwarfs the combined efforts of most other major nations. But this does not necessarily make the U.S. an imperialist power--merely a dominant one. Nor are America's major allies, such as Britain and France, subordinate to its policies in anything like an imperial sense, though they may naturally choose to support the U.S. for their own interests. The U.S. can't even impose the commercial free-trade orthodoxy of the "Washington consensus" on countries in economic difficulties, unless the countries' own finance ministers judge that they have more to gain from the IMF's loans than from following a protectionist course. Malaysia's leader demonstrated this by rejecting the IMF's orthodox medicine and following his own unorthodox one. (He has done better than expected.)

http://www.nationalreview.com/advance/advance051903.asp

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/2/2003 10:57:38 AM
Subject: : Re: Fw: Ohio--Finance Meeting
Attachments: P_R764G003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAY-2003 14:57:38.00
SUBJECT:: Re: Fw: Ohio--Finance Meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks man - can i keep the way barry is described - "long-time political advisor to both Ohio and George W. Bush"?
c

Brett M. Kavanaugh
05/02/2003 02:39:12 PM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Fw: Ohio--Finance Meeting

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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_R764G003_WHO.TXT_1>

May 2, 2003

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Sincerely,

Governor Bob Taft

From: Figg, Kara G.
To: <Kavanaugh, Brett M.>;<Litkenhaus, Colleen>
Sent: 5/2/2003 2:58:44 PM
Subject: Re: backup location in case of rain for Judges event on 5/9

We would, but as I am sure you are aware, the state floor opens up to tours next week. Having this event in the east room would mean cancelling tours (which is why you are ccing colleen, I assume). The president has an afternoon commencement that day and therefore we cannot move this event to the afternoon. The only 2 solutions I see are:

Move the event to another date (I know this is the anniversary)
Or
Move tours to the afternoon that day

Colleen - can you let us know if that is possible?
Thanks! And sorry for all of this brett!
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-----Original Message-----
From: Kavanaugh, Brett M.
To: Figg, Kara G. ; Litkenhaus, Colleen
Sent: Fri May 02 14:30:24 2003
Subject: backup location in case of rain for Judges event on 5/9

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: GaryM Stern <garym.stern@nara.gov>
CC: jeffrey landou <jeffrey.landou@nara.gov>
Sent: 5/2/2003 11:08:44 AM
Subject: : Re: Hungarian Gold

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAY-2003 15:08:44.00
SUBJECT:: Re: Hungarian Gold
TO:GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])
READ:UNKNOWN
CC:jeffrey landou <jeffrey.landou@nara.gov> (jeffrey landou <jeffrey.landou@nara.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Yes, please extend until May 23, 2003. Thank you.

GaryM Stern <garym.stern@nara.gov>
05/02/2003 03:00:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jeffrey Landou <jeffrey.landou@nara.gov>
Subject: Hungarian Gold

** High Priority **

If you'd like, by responding yes to this email, you can extend the time for reviewing these records, in resposne to our April 11, 2003, notice to you under section 6 of EO 13233, for an additional three weeks, until May 23, 2003.

Or you can send us a letter or fax.

Please also let us and DOJ know to what extent you want to personally review any of the records that are either proposed for release to plaintiffs are that will be withheld as privileged.

Thanks.

Date: Wed, 30 Apr 2003 17:36:52 -0400
From: "GaryM Stern" <garym.stern@nara.gov>
Subject: Hungarian Gold
To: "Brett Kavanaugh" <Brett_M._Kavanaugh@who.eop.gov>
Cc: "Jeffrey Landou" <jeffrey.landou@nara.gov>, "John Laster" <John.Laster@nara.gov>, "Nancy Smith" <nancy.smith@nara.gov>, "Caroline Wolvertin" <caroline.lewis-wolverton@usdoj.gov>
MIME-version: 1.0
Content-type: text/plain; charset=US-ASCII
Content-disposition: inline
Content-transfer-encoding: 7BIT

** High Priority **

Brett, thank you for your email of yesterday in response to my voice message, informing us that you will extend the time line under section 6 of EO 13233 only as long as necessary for DOJ to complete review on this case. Since our notice to you of April 11, 2003, runs on this Friday, May 2, an extension will be necessary.

As you recall, the Clinton rep. has already signed off on the release. Caroline Wolverton of DOJ federal programs (who I'm cc'ing on this email) has been reviewing the records (approximately 5000 pages). As we understand it, she intends to assert litigation privileges over a good bit of the material, and will begin working on the privilege log shortly, but it will not be ready by this Friday, May 2.

Caroline believes she can finish all the review, including producing the privilege log, within two weeks (let's say Friday, May 16). She also believes that by this Friday, May 2, she can have ready for your review, if necessary, all the material over which she does not intend to assert privilege.

So, do you actually want to review what she is proposing to release, or are you willing to defer to DOJ's decision?

The same question goes to the privilege log: do you want to review it, and/or the records, or simply refer to DOJ? If you do want to review the withheld records, then you need to add whatever amount of time you will need for your own review in setting a new timeline (which also needs to include time to make copies).

Please let us know how you want to proceed and how much time you need in total. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kara G. Figg/WHO/EOP@Exchange [WHO] <Kara G. Figg>
CC: colleen litkenhaus/who/eop@exchange [WHO] <colleen litkenhaus>
Sent: 5/2/2003 11:13:09 AM
Subject: : Re: backup location in case of rain for Judges event on 5/9

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAY-2003 15:13:09.00
SUBJECT:: Re: backup location in case of rain for Judges event on 5/9
TO:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:colleen litkenhaus (CN=colleen litkenhaus/OU=who/O=eop@exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

ok, if we can move tours to afternoon, we would be v.
appreciative. From our perspective, this is a fairly significant event
and particularly so for the Senators and bipartisan bar leaders in
attendance, as well as being a very important event to convey the public
message on the unprecedented Senate filibusters on Owen and Estrada (and
important to set the stage on Senate process for the possible Supreme
Court vacancy we could have in June). And 450 is obviously not nearly as
good. Thanks!

From: Kara G. Figg/WHO/EOP@Exchange on 05/02/2003 02:58:44 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Colleen
Litkenhaus/WHO/EOP@Exchange
cc:
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-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Figg, Kara G. <Kara_G._Figg@who.eop.gov>; Litkenhaus, Colleen
<Colleen_Litkenhaus@who.eop.gov>
Sent: Fri May 02 14:30:24 2003
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etc.; Thanks.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Brosnahan, Jennifer R.>
Sent: 5/2/2003 3:13:20 PM
Subject: FW: CONFIDENTIAL on campaign financing

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/02/2003 03:13 PM ----------

Charles Spies - Legal

05/02/2003 03:09:32 PM

Record Type: Record

To: Jim Dyke - Communications

cc: Tom Josefiak - Legal , Brett M. Kavanaugh/WHO/EOP@EOP

Subject: FW: CONFIDENTIAL:

FYI - Look like we're going to get an opinion in the next 1/2 hour!

-----Original Message-----

From: Burchfield, Bobby [mailto:bburchfield@cov.com]

Sent: Friday, May 02, 2003 3:07 PM

To: Alex Vogel; Ben Ginsberg; Charles Spies - Legal; Don McGahn; Eric

Kuwana; Mike Carvin; Randy Evans; Tom Josefiak - Legal

Cc: Kelner, Robert; Newsom, Kevin; Smith, Richard; Moss, Nicole; West,

Edward; Cohen, Jay

Subject: CONFIDENTIAL:

THE DISCS WILL BE AVAILABLE AT 3:30. SMITH AND I WILL GO DOWN TO PICK THEM UP.

JAY, PLEASE GET WITH PISD IMMEDIATELY AND ARRANGE FOR THEM TO COPY AND PRINT FROM THE DISCS.

THERE WILL BE NO EMAILED DISTRIBUTION. THAT WAS A HEAD FAKE.

WE WILL ATTEMPT TO DISTRIBUTE BY EMAIL.

Bobby R. Burchfield

Covington & Burling

Washington, D.C.

bburchfield@cov.com

(202) 662-5350

(202) 778-5350 (fax)

From: CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Colleen Litkenhaus/WHO/EOP@Exchange [WHO] <Colleen Litkenhaus>
Sent: 5/2/2003 11:18:10 AM
Subject: : RE: backup location in case of rain for Judges event on 5/9

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 2-MAY-2003 15:18:10.00
SUBJECT:: RE: backup location in case of rain for Judges event on 5/9
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

colleen - let us know about moving tours(
the date of the event really cannot change.
thanks!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 02, 2003 3:13 PM
To: Figg, Kara G.
Cc: Litkenhaus, Colleen
Subject: Re: backup location in case of rain for Judges event on
5/9

ok, if we can move tours to afternoon, we would be v.
appreciative. From our perspective, this is a fairly significant event
and particularly so for the Senators and bipartisan bar leaders in
attendance, as well as being a very important event to convey the public
message on the unprecedented Senate filibusters on Owen and Estrada (and
important to set the stage on Senate process for the possible Supreme
Court vacancy we could have in June). And 450 is obviously not nearly as
good. Thanks!

From: Kara G. Figg/WHO/EOP@Exchange on 05/02/2003 02:58:44 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Colleen
Litkenhaus/WHO/EOP@Exchange
cc:
Subject: Re: backup location in case of rain for Judges event on
5/9

We would, but as I am sure you are aware, the state floor opens up to
tours next week. Having this event in the east room would mean cancelling
tours (which is why you are ccing colleen, I assume). The president has
an afternoon commencement that day and therefore we cannot move this event
to the afternoon. The only 2 solutions I see are:
Move the event to another date (I know this is the anniversary)
Or
Move tours to the afternoon that day

Colleen - can you let us know if that is possible?
Thanks! And sorry for all of this brett!
.

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Figg, Kara G. <Kara_G._Figg@who.eop.gov>; Litkenhaus, Colleen <Colleen_Litkenhaus@who.eop.gov>
Sent: Fri May 02 14:30:24 2003
Subject: backup location in case of rain for Judges event on 5/9

Can we have East Room as backup for the Judges event in case of rain. Is that possible? We used East Room on May 9, 2001, for original judges event and on October 30, 2002 for other major judges event. And we have about 250 folks coming, including about 10 Senators, ABA President, etc. Thanks.

From: Shannen.Coffin@usdoj.gov
To: <Leitch, David G.>;<Brosnahan, Jennifer R.>;<Kavanaugh, Brett M.>
Sent: 5/2/2003 3:42:46 PM
Subject: Fw: McConnell v. FEC: This Is Really It

Fyi
Shannen W. Coffin
Civil Division
U.S. Department of Justice
(202) 514-3310 (phone)
(202) 514-8071 (fax)
shannen.coffin@usdoj.gov

-----Original Message-----
From: Gilligan, James
To: Raab, Michael ; Martin, Dana ; Letter, Douglas ; Gershengorn, Ara ; Clement, Paul D ; Stewart, Malcolm L ; Coffin, Shannen ; Jordan, Bill ; Hirt, Theodore ; Hunt, Jody ; McCallum, Robert ; Reyes, Luis ; Miller, Charles S ; Bhattacharyya, Rupa ; Gacki, Andrea ; Henry, Terry ; Kesselman, Marc (OLP) ; Knepper, John ; Turner, Serrin
Sent: Fri May 02 15:07:47 2003
Subject: McConnell v. FEC: This Is Really It

The court just called. The opinion will be available for the parties on CD-ROM at 3:30. It's being announced to the press at 3:45. I was informed that the court's opinion is 1,600 pages long. I am not kidding.

I will go to the courthouse now and pick it up. (Anyone in Fed Programs who wants to join me is welcome.) We in Fed Programs will get the opinion distributed electronically and in hard copy as fast as we absolutely can.

JG

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/2/2003 3:47:34 PM
Subject: Judge is looking for you

From: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/2/2003 1:19:31 PM
Subject: : FW: Eat your heart out Al and Mike!!
Attachments: P_KSE4G003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ("Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME: 2-MAY-2003 17:19:31.00
SUBJECT:: FW: Eat your heart out Al and Mike!!
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You should show this to your boss, the big guy.....it is great!

CONFIDENTIALITY NOTE:

The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

-----Original Message-----
From: Robert McConnell [mailto:RMcConnell@hyi-usa.com]
Sent: Friday, May 02, 2003 5:15 PM
Subject: FW: Eat your heart out Al and Mike!!

Eat your heart out Al and Mike!!

<http://www.rushlimbaugh.com/home/daily/site_050103/content/eib_extra.Par.0007.ImageFile.jpg>

Left: Al Gore in Vietnam [notice where the barrel of the gun is pointed]
Center: Stud fighter pilot Commander in Chief
Right: Mike Dukakis

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_KSE4G003_WHO.TXT_1>

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Right: Mike Dukakis

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kara G. Figg/WHO/EOP@Exchange [WHO] <Kara G. Figg>
Sent: 5/2/2003 1:42:20 PM
Subject: : Re: FW: backup location in case of rain for Judges event on 5/9

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAY-2003 17:42:20.00
SUBJECT:: Re: FW: backup location in case of rain for Judges event on 5/9
TO:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

correct

From: Kara G. Figg/WHO/EOP@Exchange on 05/02/2003 03:47:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: backup location in case of rain for Judges event on
5/9

am I right? the date cannot change?

-----Original Message-----
From: Figg, Kara G.
Sent: Friday, May 02, 2003 3:19 PM
To: Kavanaugh, Brett M.
Cc: Litkenhaus, Colleen
Subject: RE: backup location in case of rain for Judges event on
5/9

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Cc: Litkenhaus, Colleen
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important to set the stage on Senate process for the possible Supreme
Court vacancy we could have in June). And 450 is obviously not nearly as
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From: Kara G. Figg/WHO/EOP@Exchange on 05/02/2003 02:58:44 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Colleen
Litkenhaus/WHO/EOP@Exchange
cc:
Subject: Re: backup location in case of rain for Judges event on
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Or
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Sent: Fri May 02 14:30:24 2003
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From: CN=Nanette Everson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/2/2003 1:47:21 PM
Subject: : Re: Regional Appointees Conference

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAY-2003 17:47:21.00
SUBJECT:: Re: Regional Appointees Conference
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

power point seems a bit of overkill, but you've probably done more of these than I; what are you doing?
---------- Forwarded by Nanette Everson/WHO/EOP on 05/02/2003 05:46 PM ----------

Tracy Jucas
05/02/2003 03:58:49 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: Re: Regional Appointees Conference

Are you going to try and use powerpoint?
---------- Forwarded by Tracy Jucas/WHO/EOP on 05/02/2003 03:54 PM ----------

05/02/2003 03:42 PM
Christie Parell
Christie Parell
Christie Parell
05/02/2003 03:42 PM
05/02/2003 03:42 PM
Record Type: Record

To: tracy jucas/who/eop@eop, jonathan f. ganter/who/eop@eop
cc:
bcc:
Subject: Re: Regional Appointees Conference

Excellent! Thanks for both of your help on this! Can you please check with them on whether they'll need audio/visual equipment eg. PowerPoint projector, etc. There will be a microphone, of course. Thanks!!

Brett M. Kavanaugh
05/02/2003 02:23:30 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc: christie parell/who/eop@eop, brett m. kavanaugh/who/eop@eop, tracy jucas/who/eop@eop, jonathan f. ganter/who/eop@eop
bcc:
Subject: Re: Regional Appointees Conference

ok by me

Nanette Everson
05/02/2003 01:44:11 PM
Record Type: Record

To: Christie Parell/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, tracy jucas/who/eop@eop,
jonathan f. ganter/who/eop@eop
bcc:
Subject: Re: Regional Appointees Conference

ok for me

05/02/2003 10:38 AM
Christie Parell
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05/02/2003 10:38 AM
05/02/2003 10:38 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Nanette Everson/WHO/EOP@EOP
cc: Tracy Jucas/WHO/EOP@EOP, Jonathan F. Ganter/WHO/EOP@EOP
Subject: Regional Appointees Conference

Brett/Nanette:

Per Brian's e-mail below, he hopes that you will both be able to speak to the regional appointees on May 20th at 1:30pm in EEOB 450. It would be a 30 min. session with Brett speaking for 15 min. on the Hatch Act, and Nanette for 15 min. on Ethics. Does this time work in your schedules??

Thank you!!
---------- Forwarded by Christie Parell/WHO/EOP on 04/28/2003 05:26 PM ----------

From: Brian D. Montgomery/WHO/EOP@Exchange on 04/22/2003 12:01:48 PM
Record Type: Record

To: David G. Leitch/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Charlotte L. Montiel/WHO/EOP@Exchange, Christie Parell/WHO/EOP@EOP
Subject: Regional Appointees Conference

David/Brett:

The Offices of Cabinet Affairs, Presidential Personnel, Intergovernmental Affairs, Political Affairs, and the Council for Excellence in Government are together sponsoring a two-day conference entitled "Regional Appointees: Challenges and Opportunities," scheduled for May 19-20, 2003 in Washington, DC.

This conference will be the first of its kind during this Administration and will include regional appointees from several Cabinet and sub-Cabinet agencies such as Education, Interior, Labor, EPA, HHS, FEMA,;GSA, HUD and SBA. It will be held at;the nearby Mayflower Hotel, with several sessions taking place;in Room 450 EEOB.

Given your office's stake in such an event, we want to involve you in the conference's program workshops and plenary sessions. In working with the agencies, we have identified roughly 85 regional political

appointees that we;have invited to attend the conference.;;Other local agency personnel, including inter-governmental affairs staff, will also be invited.

The purpose of the conference is to better engage our regional appointees as representatives of the President around the country and to give them a chance to meet and hear from senior White House officials and agency leaders. Sessions will focus on a variety of vital issues including:

ú Management Results / President's Management Team

ú Building Support for the President's Agenda

ú Freedom Corps / Faith-Based Initiatives

ú Hatch Act / Ethics

ú Policy Perspectives

ú Homeland Security

ú Working Together for Greater Regional Impact

ú Legislative Update

ú Foreign Policy Update

We have tentatively scheduled your;presentation for Tuesday afternoon, May 20 in Room 450 EEOB (exact time is TBD).; We would hope you could;discuss your insights on;the Hatch Act and ethics in government.;;We would also hope you could join us for a reception to be held later that evening.

We would greatly appreciate your participation, and I know that the Regional Appointees would appreciate hearing from you and will be happy to take your perspectives back with them to their respective regions. Please;feel free to contact me should you have additional questions or you may have your assistant contact Christie Parell (6-2343); to confirm your;availability.;

Many thanks in advance,

Brian Montgomery

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 5/2/2003 6:06:38 PM
Subject: Re: initial reaction

Not for purposes of our leg strategy on the growth bill.

Now, the other goal is a different story altogether.
.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Lefkowitz, Jay P.
Sent: Fri May 02 17:05:58 2003
Subject: Re: initial reaction

You mean sympathetic to the goal?

.

----- Original Message -----
From:Jay P. Lefkowitz/OPD/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP,
Courtney S. Elwood/OVP/EOP@EOP,
Ado A. Machida/OVP/EOP@EOP,
Jeffrey F. Kupfer/WHO/EOP@Exchange,
Diana L. Schacht/OPD/EOP@EOP
Cc:
Date: 05/02/2003 04:57:01 PM
Subject: initial reaction

I think for now, our position is that we are generally not sympathetic to the goal, which is getting more money for the States in the growth bill.

Obviously, we need to see what this does for growth bill, which is the key objective.

But for now, we should certainly lie very low.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 5/2/2003 7:53:27 PM
Subject:

We should make sure we get Jeff Toobin the story about Justice Kennedy and the Justice Ginsburg information.

From: Bartolomucci, H. Christopher
To: <Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 5/3/2003 12:59:49 PM
Subject: Campaign Finance Decision

From today's Post story:

"Henderson wrote a blistering criticism of her two colleagues, admonishing Congress to leave district court judges out of similar cases in the future.".

.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>
Sent: 5/3/2003 1:05:06 PM
Subject: Re: Wittes/Leon Holmes

still digesting, but not many surprises -- and, more important, all pretty academic and irrelevant since Supreme Court Justices will not really care what these 3 judges said. On procedure, contrary to what some commentators said in papers today, I think Court will get on this quickly and hear and decide this over summer and early fall rather than waiting until next fall to tackle. Will be interesting to get Clement's take on that point.

From: Alberto R. Gonzales/WHO/EOP@Exchange on 05/03/2003 11:31:32 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: Wittes/Leon Holmes

What is your take on the decision?

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/3/2003 9:31:41 AM
Subject: : FW: rove invite
Attachments: P_F4N4G003_WHO.TXT_1.htm; P_F4N4G003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME: 3-MAY-2003 13:31:41.00
SUBJECT:: FW: rove invite
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

please approve.
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Wednesday, April 30, 2003 10:01 AM
To: Kate Walters
Subject: RE: rove invite

i resent but just in case her it is- let me know if u have any questions
-----Original Message-----
From: Kate Walters
Sent: Tuesday, April 29, 2003 8:55 PM
To: Shannon Boozman - Finance
Subject: RE: rove invite

Can you resend? I couldn't find. thanks
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Tuesday, April 29, 2003 5:48 PM
To: Kate Walters
Subject: rove invite

hey kate- i just faxed u over a new invite for majority fund dinner
with
karl rove. please get approval when u get a chance. also, please note the
new location at the hay adams. let me know of any questions. thanks- sb
- att1.htm - rove invite- rescheduled.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_F4N4G003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_F4N4G003_WHO.TXT_2>

please approve.
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The RNC Majority Fund

Cordially invites you to attend our rescheduled
2003 First Quarterly Dinner

FEATURING

Karl Rove

AND HOST

Jack Oliver

TUESDAY MAY 13, 2003
THE HAY ADAMS
SIXTEENTH AND H STREETS, NW
WASHINGTON DC

Cocktails at 6:30 p.m.
Dinner at 7:00 p.m.

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

THE RNC MAJORITY FUND

QUARTERLY DINNER WITH KARL ROVE

TUESDAY MAY 13TH
THE HAY ADAMS
SIXTEENTH AND H STREETS, NW
WASHINGTON DC

6:30 COCKTAILS
7:00 DINNER

PLEASE FAX TO (202) 863-8634 BY FRIDAY, MAY 9, 2003

YOU MUST RSVP AND HAVE AN EXECUTIVE MEMBERSHIP TO ATTEND. ONLY 1 PERSON PER MEMBERSHIP PLEASE.

☐ **Yes! I will attend.**

☐ **No, I will not be able to attend.**

PAC: _____

ATTENDEE: _____

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>
Sent: 5/3/2003 1:35:41 PM
Subject: from a web blog about Supreme Court confirmation process and this case

What if there are retirements on the Supreme Court? I have written about this frequently. The court is highly divided on these campaign finance issues. What if C.J. Rehnquist retires (a reliable vote for the existing *Buckley* framework), and no replacement is put in place because of the judicial confirmations stalemate in the Senate? Might we have the lower court opinion upheld in its entirety, because of a 4-4 split on the Supreme Court? It is not entirely fanciful to think so.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 5/3/2003 9:38:04 AM
Subject: : Re: FW: rove invite
Attachments: P_U5N4G003_WHO.TXT_1.htm; P_U5N4G003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-MAY-2003 13:38:04.00
SUBJECT:: Re: FW: rove invite
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

Is this a fundraiser or just a dinner? Assume the latter and if so
approved. If not, let me know what the amounts to be raised are.

Kate Walters <kate@georgewbush.com>
05/03/2003 01:54:11 PM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: rove invite

please approve.
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- rove invite- rescheduled.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_U5N4G003_WHO.TXT_1>

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File attachment <P_U5N4G003_WHO.TXT_2>

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> **Subject:** RE: rove invite
>
> Can you resend? I couldn't find. thanks
>
> > -----Original Message-----
> > **From:** Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
> > **Sent:** Tuesday, April 29, 2003 5:48 PM
> > **To:** Kate Walters
> > **Subject:** rove invite
> >
> > hey kate- i just faxed u over a new invite for majority fund dinner with karl rove. please get approval when u get a chance. also, please note the new location at the hay adams. let me know of any questions. thanks- sb

The RNC Majority Fund

Cordially invites you to attend our rescheduled
2003 First Quarterly Dinner

FEATURING

Karl Rove

AND HOST

Jack Oliver

TUESDAY MAY 13, 2003
THE HAY ADAMS
SIXTEENTH AND H STREETS, NW
WASHINGTON DC

Cocktails at 6:30 p.m.
Dinner at 7:00 p.m.

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

THE RNC MAJORITY FUND

QUARTERLY DINNER WITH KARL ROVE

TUESDAY MAY 13TH
THE HAY ADAMS
SIXTEENTH AND H STREETS, NW
WASHINGTON DC

6:30 COCKTAILS
7:00 DINNER

PLEASE FAX TO (202) 863-8634 BY FRIDAY, MAY 9, 2003

YOU MUST RSVP AND HAVE AN EXECUTIVE MEMBERSHIP TO ATTEND. ONLY 1 PERSON PER MEMBERSHIP PLEASE.

☐ **Yes! I will attend.**

☐ **No, I will not be able to attend.**

PAC: _____

ATTENDEE: _____

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310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 5/3/2003 10:06:52 AM
Subject: : Re: FW: rove invite
Attachments: P_YGN4G003_WHO.TXT_1.htm; P_YGN4G003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-MAY-2003 14:06:52.00
SUBJECT:: Re: FW: rove invite
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

Approved. Thanks.

Kate Walters <kate@georgewbush.com>
05/03/2003 01:54:11 PM
Please respond to kate@georgewbush.com
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: rove invite

please approve.
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Wednesday, April 30, 2003 10:01 AM
To: Kate Walters
Subject: RE: rove invite

i resent but just in case her it is- let me know if u have any questions
-----Original Message-----
From: Kate Walters
Sent: Tuesday, April 29, 2003 8:55 PM
To: Shannon Boozman - Finance
Subject: RE: rove invite

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-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Tuesday, April 29, 2003 5:48 PM
To: Kate Walters
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- att1.htm
- rove invite- rescheduled.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_YGN4G003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_YGN4G003_WHO.TXT_2>

please approve.
-----Original Message-----
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To: Kate Walters
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> **Sent:** Tuesday, April 29, 2003 8:55 PM
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ATTENDEE: _____

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310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/3/2003 3:30:27 PM
Subject: Meeting w/ Frist et. al

11:00 am on Tues., right?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kevin Warsh/OPD/EOP@EOP [OPD] <Kevin Warsh>;Jeffrey F. Kupfer/WHO /EOP@Exchange@EOP [WHO] <Jeffrey F. Kupfer>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Jay P. Lefkowitz/OPD/EOP@Exchange@EOP [OPD] <Jay P. Lefkowitz>
Sent: 5/4/2003 11:38:55 AM
Subject: : from Boston Globe

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-MAY-2003 15:38:55.00
SUBJECT:: from Boston Globe
TO:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO:Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Diana L. Schacht ( CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO:Jay P. Lefkowitz ( CN=Jay P. Lefkowitz/OU=OPD/O=EOP@Exchange@EOP [ OPD ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Law firms in tobacco suit seek $1.2b more
Move against Bay State rankles legal community
By Frank Phillips, Globe Staff, 5/4/2003
s Beacon Hill grapples with a fiscal crisis, the lawyers who worked on the state's lawsuit against the tobacco industry are demanding the state now pay them an additional $1.25 billion in legal fees.
In recent court filings, four law firms, led by Brown Rudnick Berlack Israels of Boston, asked a Superior Court judge to enforce a contract that called for the lawyers to be given 25 percent of whatever proceeds Massachusetts received in the case.
The $1.25 billion would be on top of the record $775 million the law firms were awarded in 1998, when a national settlement was reached between the tobacco industry and 46 states that had filed suit.
The lawyers' push to obtain more of the tobacco funds has roiled the legal community in Massachusetts and nationally, with some worrying that the case will reinforce an image of avarice that dogs trial lawyers. It comes at a dire time for the state, which is facing a $3 billion deficit next year.
The Brown Rudnick case is the only challenge by law firms that worked on the landmark multistate litigation against the tobacco industry. Other lawyers from around the country either accepted whatever fees they received in the 1998 settlement or have since reached agreement with their client states on what they will be paid.
The court has set a May 30 hearing date on the Brown Rudnick motion.
James Tierney, a former Maine attorney general who worked closely with the nation's attorneys general on the national settlement, said Brown Rudnick and the other firms have ''isolated themselves from the thinking community, at least those who think about the tobacco settlement.''
Tierney said none of the other law firms involved received fees as high as 25 percent for their work on the litigation.
''It is just wrong,'' Tierney said. ''They should be ashamed of themselves. They have no friends in the legal community, nor should they. This is completely outside the spirit of what this case was about. It was about bringing the tobacco industry to justice.''
In the mid-1990s, Massachusetts became one of the first states to file suit against the major cigarette makers - a pioneering effort to force the industry to pay for smoking-related health costs that states incurred through Medicaid. The states turned to private firms to help them with the complex case. The litigation was considered a long shot at the time, but eventually, almost every state in the country joined the effort.
After the lawsuits forced damaging disclosures of internal company documents, the tobacco industry decided to settle.
Under the multistate settlement, the industry agreed to pay the states

$246 billion over 25 years, including $8.3 billion to Massachusetts.
The industry and states agreed that a special arbitration panel would decide the fees due to the private lawyers who assisted the states' efforts. That panel gave the lawyers who led the Massachusetts case $775 million, to be paid directly by the tobacco industry, also over 25 years.
But the firms say that is not enough. In addition to Brown Rudnick, the other law firms demanding the higher fees include San Francisco-based Lieff Cabraser Heimann; Bernstein, Ness, Motley, Loadholt, Richardson & Poole of South Carolina; and Thornton & Naumes of Boston. A fifth firm involved in the original case has not joined the suit.
R. Robert Popeo, the Boston lawyer hired by Brown Rudnick and Leiff Cabraser to seek enforcement of the contract, argues that the issue is a matter of contractual law, with the state government's integrity at stake. The lawyers took a huge risk, he said, investing more than $10 million of their own money and pursuing a case that most law firms wouldn't touch.
''If the state is permitted to walk away from this contractual obligation, then it can walk away from any contractual obligation,'' said Popeo, a partner at Mintz Levin Cohn Ferris Glovsky and Popeo. ''The integrity of the state's ability to contract will be permanently injured.''
Popeo compared the law firms' decision to take on the case to an extremely high-risk business venture. ''This is risk-based money. It is no different than a venture capital project.''
Popeo dismissed concerns by some in the legal comm unity that the law firms are being greedy and that the case, if successful, would deny the fiscally strapped state the ability to provide funding for its human services programs.
''Why is it greed to go out and do your job for the state and do it successfully, and then simply try to get what you contracted for?'' he said.
But Attorney General Thomas Reilly, who is fighting the law firms' demand, says there is a moral, as well as legal, dimension to this dispute.
He argues that the lawyers are seeking fees far beyond what courts have recognized as reasonable, and that the fees threaten to deny funding to state programs for children and adults, including services for those suffering from tobacco-related ilnesses.
''They were not hired guns; they were partners,'' Reilly said of the legal team assembled to pursue the case. ''We thought we stood shoulder-to-shoulder to protect kids and to fight the tobacco companies.''
The tobacco industry has estimated the hours put into the case by the plaintiffs' lawyers in the Massachusetts case at 90,000. If their lawsuit prevails, the law firms would collect a fee of about $22,000 an hour under that estimate.
The controversy comes at a time when the gains made against smoking and tobacco companies during the last decade are being threatened.
The attorneys general who filed the original lawsuits, including former Massachusetts attorney general Scott Harshbarger, had insisted that 25 percent of the industry payments to each state be used to fund antismoking effforts.
But legislatures and governors, including Massachusetts, are now ignoring or undoing those restrictions, as they struggle with fiscal problems.
Legislative leaders on Beacon Hill are also seeking to eliminate the state's Tobacco Control Program, which was created through a 1992 ballot referendum and called for a new 25-cent cigarette tax to be dedicated to antismoking efforts.
As Massachusetts' fiscal woes have mounted in recent years, State House budget writers have diverted the tax revenues to other programs and cut the antismoking budget from $56 million in 1993 to $4.8 million last year.
Governor Mitt Romney reduced that to $1.7 million in his spending plan.
But the House budget proposal that lawmakers are now debating eliminates the funding altogether.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Allen K. Abney/WHO/EOP@EOP [WHO] <Allen K. Abney>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>;Wendy J. Grubbs/WHO/EOP@Exchange@EOP [WHO] <Wendy J. Grubbs>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/4/2003 12:10:42 PM
Subject: : Richmond Times Dispatch editorial (positive) on Claude Allen

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 4-MAY-2003 16:10:42.00
SUBJECT:: Richmond Times Dispatch editorial (positive) on Claude Allen
TO:Allen K. Abney ( CN=Allen K. Abney/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

GOOD PICK

In nominating Claude Allen to a seat on the Fourth Circuit Court of Appeals, President Bush has made an excellent choice. Allen very well could win approval for the wrong reason - he is black and the composition of the Fourth Circuit has been criticized as insufficiently diverse - but merits the appointment on the strength of his qualifications.

Democrats already are combing through Allen's record for material with which to paint him as an extremist - he supports home schooling and abstinence education, he once worked for (gasp) Jesse Helms. But Allen is no ideologue; as Virginia's Secretary of Health and Human Resources, he sought to expand the FAMIS program that offers subsidized health insurance to lower-middle-income families, and defended the effort against criticism from this newspaper.

From Washington law-firm work in the early 1990s, Allen has risen quickly through the Virginia Attorney General's office under Jim Gilmore and the state health secretariat to (currently) deputy secretary at the federal Department of Health and Human Services. An official with the Bush administration says Allen has been considered as a possible Cabinet Secretary. That background of legal expertise leavened with an understanding of the privation that besets those in need - combined with Allen's intelligence and strong grounding in traditional values - should make him a worthy addition to the court.

From:	Kavanaugh, Brett M.
To:	<Snee, Ashley>;<Grubbs, Wendy J.>;<Devenish, Nicolle>;<Mamo, Jeanie S.>;<Goeglein, Tim>;<Schlapp, Matthew A.>
Sent:	5/4/2003 5:37:34 PM
Subject:	Atlanta Journal-Constitution editorial re judicial politics in South

HEADLINE: OUR OPINION: Democrats use wrong route to win South

BODY:

U.S. Sen. John Kerry (D-Mass.) brought his presidential aspirations to the South last week, promising in Alabama that he will make the national party competitive here once again.

Make competitive, he neglected to mention, a party that has positioned itself in opposition to the war in Iraq and anything other than token tax cuts, and **as Democrats reminded the nation once again about the elevation of conservatives to the federal bench**. While the White House may appeal to some as inside work with no heavy lifting, getting there through the South toting this party's agenda will be a task requiring Herculean labor.

Just this week, for example, Kerry's Democratic colleagues --- Georgia's Zell Miller excepted --- began to filibuster the nomination of Texas Supreme Court Justice Priscilla Owen to the New Orleans-based 5th U.S. Circuit Court of Appeals.

Kerry and other Democrats are already filibustering the nomination of Miguel Estrada to the District of Columbia Circuit Court of Appeals --- the first time simultaneous filibusters against judicial nominees have occurred in the U.S. Senate.

Both Owen and Estrada are superbly qualified in every respect. Yet on Owen, those who complain that a "glass ceiling" exists for women of achievement are busily constructing one to keep her in her place. And those who complain that the federal bench lacks "diversity" find Estrada to be too much diversity for their taste. He is considered to be a conservative, and the interest groups that drive the Democratic Party nationally fear Owen is, too, at least on their abortion litmus test.

The fear with Owen and Estrada is that one or both will be nominated to the U.S. Supreme Court should a vacancy occur. Senate Democrats are determined to keep off the Circuit Court bench any perceived conservative who has the credentials to serve on the U.S. Supreme Court.

Kerry, then, and the legions of presidential soundalikes who campaign with him, have to come to a region where conservativism is the mainstream to explain how reducing federal taxes is bad and cheating exemplary women and minorities of the fair hearing they have earned before the U. S. Senate because they might be conservative is good.

"I can help you wage a fight down here and rebuild this party for the long run," Kerry said in Birmingham. Republicans have carried Alabama in all but three presidential elections in the past 50 years. Jimmy Carter in 1976 was the last Democrat to carry the state. George W. Bush carried every Southern state in 2000, including Tennessee, his Democratic opponent's home state. Al Gore Jr. thought so little of his Southern prospects that he actively campaigned in just three states --- Tennessee, Florida and West Virginia.

Some Democrats, said Kerry, were "surprised" that he visited Alabama.

No surprise that he visited. The real surprise is the party baggage he hauled.

Opposition to tax cuts is comprehensible. Politicians loathe interruptions in the flow of spendable revenues. Opposition to the war is, too. Too confrontational. Angers adversaries. Provokes understandable aggression, for which we bear unexpurgated sin.

While some positions are understandable, not so their party-line opposition to Owen and Estrada. Owen, the new filibusteree, drew the American Bar Association's highest rating. She is a cum laude graduate of the Baylor University Law School who scored the top grade in Texas on the bar exam. She practiced 17 years before becoming a judge and has been widely praised for her integrity and ability. Liberal groups say, unconvincingly except when they are talking to each other and Senate Democrats, that she is anti-abortion and pro-business.

Being a neighborly people, Southerners of course welcome Kerry to visit the region and to indulge himself in its hospitality. But the senator should not indulge himself into believing that a party that opposes tax cuts and filibusters nominees such as Owen and Estrada has the slightest chance of carrying this region.

Jim Wooten is associate editorial page editor. His column appears Sundays, Tuesdays and Fridays.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/4/2003 1:38:00 PM
Subject: : Atlanta Journal-Constitution editorial (helpful) re judicial politics in South

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAY-2003 17:38:00.00
SUBJECT:: Atlanta Journal-Constitution editorial (helpful) re judicial politics in South
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer R. Brosnahan (CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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Jim Wooten is associate editorial page editor. His column appears Sundays, Tuesdays and Fridays.

From: Mamo, Jeanie S.
To: <Kavanaugh, Brett M.>;<Snee, Ashley>
Sent: 5/4/2003 5:57:40 PM
Subject: Huntsville (AL) Times (5/4/03) EDITORIAL re: Pryor's preacher

Pryor's preaching

Editorial

Huntsville (AL) Times

05/04/03

Huntsville Times

Churches promote faith; courtrooms promote justice

Attorney General Bill Pryor usually has been what few Alabama politicians seem to know how to be: principled. Though unabashedly a conservative Republican, Pryor has usually been more nonpartisan than partisan.

More than once, he has ignored the prevailing political winds to do what he thought was right. rying to reform the state's sentencing system is a prime example. one what he thought was right again. But this time Pryor has gotten it wrong.

In a "friend of the court" brief filed almost three months ago regarding the Texas sodomy case before the U.S. Supreme Court, Pryor compared homosexual acts to "prostitution, adultery, necrophilia, bestiality, possession of child pornography and even incest and pedophilia."

This is the same case, of course, that Pennsylvania Sen. Rick Santorum, another conservative Republican, made some similarly troubling remarks about.

The problem here is neither that Pryor has a certain point of view that others may not share, nor that he expressed it. In the United States, we all have a right to think and speak freely.

The problem is that as the attorney general of Alabama - and President Bush's nominee to the 11th Circuit Court of Appeals - Pryor did not separate his personal moral views from his public role as a promoter of justice.

Bill Pryor has championed causes that many Republicans and not a few Democrats would have probably walked away from:, such as the removal of the interracial marriage ban from the state constitution and the recruitment of mentors for underprivileged children, to mention a few.

Alabama has benefited from having him as attorney general, and would probably benefit if he decided to seek an even higher elected office one day.

Perhaps the nation would too, but not if Pryor plans to use a judicial appointment as a opportunity to give his moral points of view the heft of the law's brief seems to be part of a trend to infuse public policy and the law with a morality of an unabashedly religious strain.

Until God (or whoever or whatever it is you do or do not worship) decides to clarify the myriad matters of faith that have caused us to separate into different churches, temples, mosques, sects and beliefs, it would be best for those who believe to enjoy their beliefs in a way that allows others to enjoy theirs - or to enjoy not having any beliefs at all.

Churches are supposed to promote faith, and courtrooms, justice. If Pryor is confirmed to the 11th Circuit, he would do well to honor this distinction.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Gonzales, Alberto R.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
CC: <Rove, Karl C.>;<Schlapp, Matthew A.>
Sent: 5/5/2003 7:31:31 AM
Subject:

FYI

Ensign Submits Name Of Reid's Son For Federal Bench.

Roll Call 's (5/5, Henry) "Heard On The Hill" column reports, "Don't look now, but there's at least one sign of thaw in the partisanship roiling the judicial nomination process. Sen. John Ensign (R-Nev.) has submitted the name of Senate Minority Whip Harry Reid's (D-Nev.) son, Leif, for a lifetime federal judgeship. Hey, we may have actually found a nominee that Democrats won't filibuster. Leif Reid, 35, is one of four names that Ensign sent to the White House for an upcoming District Court vacancy in Nevada. The White House will have the final say over who gets the slot. Ensign and Reid have enjoyed a strangely close relationship over the past two years, considering how tough their 1998 race was, with Reid winning by a little more than 400 votes. It will be interesting see what the American Bar Association makes of this potential appointment. Leif Reid, a 1995 law school graduate of Stanford University, was admitted to the Nevada bar in 1996, nowhere near the minimum of 12 years of practice the ABA usually requires for nominees to get a 'qualified' rating."

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/5/2003 8:05:44 AM
Subject: talking points

Do you have some for the Judge for his speech?

From: Cato Institute <kbrand@cato.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/5/2003 8:05:54 AM
Subject: : REGISTER NOW! The Real Environmental Crisis book forum 5/7/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Cato Institute <kbrand@cato.org> (Cato Institute <kbrand@cato.org> [UNKNOWN])
CREATION DATE/TIME: 5-MAY-2003 12:05:54.00
SUBJECT:: REGISTER NOW! The Real Environmental Crisis book forum 5/7/03
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Cato Institute
invites you to a Book Forum

The Real Environmental Crisis: Why Poverty, Not Affluence, Is the Environment's Number One Enemy
(University of California Press, 2003)

featuring the author
Jack M. Hollander
Professor Emeritus of Energy and Resources
University of California, Berkeley

Jack Hollander contends in his new book that our most critical environmental problem is global poverty. In the course of examining a wide range of
energy, natural resource, and environmental issues, Hollander finds that economic development and technological advances can relieve such problems as
food shortages, deforestation, air pollution, and land degradation, while providing clean water, adequate energy supplies, and improved public health.
The book also tackles such issues as global warming; genetically modified foods; automobile and transportation technologies; and the Endangered Species Act, which Hollander asserts never would have been passed in a poor country whose citizens struggle just to survive. Hollander asks us to look
beyond the media's doomsday rhetoric about the state of the environment and to commit much more of our resources where they will do the most good ? to
lifting the world's population out of poverty.

Wednesday, May 7, 2003
11:00 a.m.
(Luncheon to follow)

Cato Book Forums and luncheons are free of charge.
To register, visit www.cato.org, e-mail Krystal Brand at kbrand@cato.org, fax (202) 371-0841, or call (202) 789-5229 by 11:00 a.m., Tuesday, May 6.

News media inquiries only (no registrations), please call (202) 789-5200.

If you can?t make it to the Cato Institute, watch this forum live online at www.cato.org.

To unsubscribe, send an email to: unsubscribe-15802@uptilt.com with the address: brett_m._kavanaugh@who.eop.gov in the subject line.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/5/2003 8:36:09 AM
Subject: : RE: impt

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 5-MAY-2003 12:36:09.00
SUBJECT:: RE: impt
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI, he's meeting w/ Specter tomorrow at 10:30- before his meeting w/ Frist.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 05, 2003 12:31 PM
To: Nelson, Carolyn
Subject: impt

important that judge talk to karl/joe about backup location asap. i think he should enlist karl first and then talk to joe.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: mestrada@gibsondunn.com @ inet [UNKNOWN] <mestrada@gibsondunn.com @ inet>
Sent: 5/5/2003 5:04:02 AM
Subject: : Atlanta Journal-Constitution editorial re judicial politics in South

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAY-2003 09:04:02.00
SUBJECT:: Atlanta Journal-Constitution editorial re judicial politics in South
TO:mestrada@gibsondunn.com @ inet (mestrada@gibsondunn.com @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I think I mentioned to you a while ago that fear of future electoral pain was a primary motivating force for Senators and political parties. In that regard, this is good. Also, Bob Novak reported this weekend that current scenarios (admittedly too far in advance to predict with accuracy) have the Republicans picking up 4 Senate seats.

HEADLINE: OUR OPINION: Democrats use wrong route to win South

BODY:
U.S. Sen. John Kerry (D-Mass.) brought his presidential aspirations to the South last week, promising in Alabama that he will make the national party competitive here once again.

Make competitive, he neglected to mention, a party that has positioned itself in opposition to the war in Iraq and anything other than token tax cuts, and as Democrats reminded the nation once again about the elevation of conservatives to the federal bench. While the White House may appeal to some as inside work with no heavy lifting, getting there through the South toting this party's agenda will be a task requiring Herculean labor.

Just this week, for example, Kerry's Democratic colleagues --- Georgia's Zell Miller excepted --- began to filibuster the nomination of Texas Supreme Court Justice Priscilla Owen to the New Orleans-based 5th U.S. Circuit Court of Appeals.

Kerry and other Democrats are already filibustering the nomination of Miguel Estrada to the District of Columbia Circuit Court of Appeals --- the first time simultaneous filibusters against judicial nominees have occurred in the U.S. Senate.

Both Owen and Estrada are superbly qualified in every respect. Yet on Owen, those who complain that a "glass ceiling" exists for women of achievement are busily constructing one to keep her in her place. And those who complain that the federal bench lacks "diversity" find Estrada to be too much diversity for their taste. He is considered to be a conservative, and the interest groups that drive the Democratic Party nationally fear Owen is, too, at least on their abortion litmus test.

The fear with Owen and Estrada is that one or both will be nominated to the U.S. Supreme Court should a vacancy occur. Senate Democrats are determined to keep off the Circuit Court bench any perceived conservative who has the credentials to serve on the U.S. Supreme Court.

Kerry, then, and the legions of presidential soundalikes who campaign with him, have to come to a region where conservativism is the mainstream to explain how reducing federal taxes is bad and cheating exemplary women and minorities of the fair hearing they have earned before the U. S. Senate because they might be conservative is good.

"I can help you wage a fight down here and rebuild this party for the long run," Kerry said in Birmingham. Republicans have carried Alabama in all but three presidential elections in the past 50 years. Jimmy Carter in 1976 was the last Democrat to carry the state. George W. Bush carried every Southern state in 2000, including Tennessee, his Democratic opponent's home state. Al Gore Jr. thought so little of his Southern prospects that he actively campaigned in just three states --- Tennessee, Florida and West Virginia.

Some Democrats, said Kerry, were "surprised" that he visited Alabama.

No surprise that he visited. The real surprise is the party baggage he hauled.

Opposition to tax cuts is comprehensible. Politicians loathe interruptions in the flow of spendable revenues. Opposition to the war is, too. Too confrontational. Angers adversaries. Provokes understandable aggression, for which we bear unexpurgated sin.

While some positions are understandable, not so their party-line opposition to Owen and Estrada. Owen, the new filibusteree, drew the American Bar Association's highest rating. She is a cum laude graduate of the Baylor University Law School who scored the top grade in Texas on the bar exam. She practiced 17 years before becoming a judge and has been widely praised for her integrity and ability. Liberal groups say, unconvincingly except when they are talking to each other and Senate Democrats, that she is anti-abortion and pro-business.

Being a neighborly people, Southerners of course welcome Kerry to visit the region and to indulge himself in its hospitality. But the senator should not indulge himself into believing that a party that opposes tax cuts and filibusters nominees such as Owen and Estrada has the slightest chance of carrying this region.

Jim Wooten is associate editorial page editor. His column appears Sundays, Tuesdays and Fridays.

Message Sent
To:_____
Ashley Snee/WHO/EOP@Exchange@EOP
Wendy J. Grubbs/WHO/EOP@Exchange@EOP
Nicolle Devenish/WHO/EOP@EOP
Jeanie S. Mamo/WHO/EOP@EOP
Tim Goeglein/WHO/EOP@EOP
Matthew A. Schlapp/WHO/EOP@EOP

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/5/2003 5:26:47 AM
Subject: : fcfnnn050503 Inside: Paul M. Weyrich's Commentary: How To End The Obstructionism Of President Bush's Judicial Nominees

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAY-2003 09:26:47.00
SUBJECT:: fcfnnn050503 Inside: Paul M. Weyrich's Commentary: How To End The Obstructionism Of President Bush's Judicial Nominees
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi

tsg

Free Congress Foundation's
Notable News Now
May 5, 2003

The Free Congress Commentary
How To End The Obstructionism Of
President Bush's Judicial Nominees
By Paul M. Weyrich

The new freshman class of Senate Republicans is a brighter-than-usual class.
As proved to be the case with many of the members of the 1980 and 1994 classes, those Senators who come to power in watershed elections often do not fare well in their reelection campaigns because they were the product of
a zeitgeist that no longer existed.

This freshman class, although they benefited from President Bush putting himself on the line, could have stood on their own. Two members, Elizabeth Dole (R-NC) and Lamar Alexander (R-TN), are former cabinet members. Alexander had also been a two term Governor of Tennessee. John Cornyn (R-TX)
had been a judge and the Attorney General of a large state. Norm Coleman (R-MN) had been mayor of the second largest city in his state and four new Senators -- John Sununu (R-NH), Saxby Chambliss (R-GA), Lindsey Graham (R-SC) and Jim Talent (R-MO) -- had served in the House when Republicans were in the majority.

The last group is significant because they learned that it is possible for Republicans to exercise power. Considering the razor-thin margins Republicans had in the 105th , the 106th and the 107th Congresses, they did remarkably well thanks to the skilled leadership of now Majority Leader Tom DeLay (R-TX), who is intensely disliked by the minority Democrats precisely because he does not hesitate to use his power for the common good whenever it is necessary.

This freshman Senate class -- the four former House Members in particular --
is very frustrated with the Republican-controlled Senate. Senator Jim Talent

of Missouri, by far the most cerebral member of his class, commented recently that it is the culture, rather than the rules, which is keeping the Senate's leadership from accomplishing meaningful things.

It is true that even the most solid conservatives have convinced themselves that nothing can be done about the current situation. They wring their hands and insist that it takes 60 votes to pass anything, and since Republicans can almost never muster that many votes, the ballgame is over. Right now the minority Democrats are filibustering two appeals court nominees and appear ready to filibuster a district court nominee for the first time in history. The Senate leadership has convinced itself that there is no way out of this situation. The most support that they have been able to muster is 55 votes. Some have suggested that what is needed is a round-the-clock filibuster, but that means all 51 Republicans have to be ready for quorum calls in the middle of the night. If as many as a single Senator were absent, Republicans could lose control of the floor.

I have suggested that President Bush make the blocked nominations his top priority and campaign hard in the states where Senators might be persuaded to switch their votes on cloture, thus allowing an up or down vote on the judicial nominees. But the White House is tied up with tax cuts now and isn't inclined to make judgeships top priority.

Talent suggests there is another way out if you could change the mindset of his caucus to the point where Republican senators would convince themselves that they could use their power to act.

The Talent solution goes like this: After a cloture vote is lost for lack of 60 votes, a senator would move to appeal the vote on the grounds that it is unconstitutional. Why unconstitutional? Because the minority is requiring 60 votes for judicial nominations, yet the Constitution is very clear about when super-majorities are required. Judges isn't one of them. The parliamentarian would most likely rule the motion out of order. (He is a real problem and should be fired by Majority Leader William Frist). His ruling would be appealed and if all 51 Republican Senators held together, his ruling would be overridden. Thus having taken back control of the process, the Senate Majority Leader would move to have the pending nominations considered, which would only need a simple majority vote for approval and which could be readily obtained. The GOP would have taken back control of the process and would be confirming the best of President Bush's nominees.

Now, of course, Republicans would have to be prepared for screams of anguish from the minority, echoed by the national media. But who cares? See, that's the problem. In their current mindset, many Republican Senators, and not just liberals, worry about what is written on the editorial page of the New York Times, or said on the CBS Evening News with Dan Rather. These guys don't yet get it. Fewer and fewer people rely on newspapers and the traditional print media for their information. Most people get their news about politics and government from the broadcast media. Conservatives dominate talk radio and the Fox News Channel is the fastest growing channel in news/ talk television. Then, there is the Internet. All the big web pages are conservative. The liberal media is in a state of significant decline. The Republican senators can get by with doing what Senator Talent suggests and survive politically.

The current culture of the Senate, however, says otherwise. That's why Sen. Talent says it's not the rules but the mindset that is holding back his fellow Republicans in the Senate. It's time Senate Republican caucus faced

up to this problem. If they can finally get into the correct mindset, they can stop the whining about how powerless they are and at last use their power for the good of this country.

Paul M. Weyrich is Chairman and CEO of the Free Congress Foundation.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/5/2003 10:11:43 AM
Subject: call me

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 5/5/2003 11:10:07 AM
Subject: Re: Did the judge reach Specter yet?

they talked friday and are meeting again today.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/05/2003 11:10:40 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Did the judge reach Specter yet?

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 5/5/2003 11:15:07 AM
Subject: resend of Atlanta Journal-Constitution editorial re judicial politics in South

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/05/2003 11:15 AM ----------

Brett M. Kavanaugh

05/04/2003 05:38:56 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Atlanta Journal-Constitution editorial re judicial politics in South

HEADLINE: OUR OPINION: Democrats use wrong route to win South

BODY:

U.S. Sen. John Kerry (D-Mass.) brought his presidential aspirations to the South last week, promising in Alabama that he will make the national party competitive here once again.

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Jim Wooten is associate editorial page editor. His column appears Sundays, Tuesdays and Fridays.

Message Sent To:

Ashley Snee/WHO/EOP@Exchange@EOP

Wendy J. Grubbs/WHO/EOP@Exchange@EOP

Nicolle Devenish/WHO/EOP@EOP

Jeanie S. Mamo/WHO/EOP@EOP

Tim Goeglein/WHO/EOP@EOP

Matthew A. Schlapp/WHO/EOP@EOP

From: Ganter, Jonathan F.
To: <Kavanaugh, Brett M.>;<Montiel, Charlotte L.>
CC: <Nelson, Carolyn>
Sent: 5/5/2003 11:19:02 AM
Subject: MD Interview Changes

Here are the new times for the interviews originally scheduled to start between 4:30 and 5:30 today.

Today (5/5)

2:30 Ronald Tenpas

Tuesday (5/6)

1:30 Harry Storm

4:30 Pamela White

Charlotte, please adjust the waves. Thanks.

Jon

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/5/2003 11:25:49 AM
Subject: : Meeting

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 5-MAY-2003 15:25:49.00
SUBJECT:: Meeting
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

5/6/03 @ 11:00 am
;
Topic: Kyle/Cornyn proposal on attorneys fees and tort reform
;
Attendees: Sec. Card, Josh Bolten
;
In Sec. Card's Office
```

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/5/2003 11:29:43 AM
Subject: : RE: impt

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 5-MAY-2003 15:29:43.00
SUBJECT:: RE: impt
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Karl says 450 is the backup room.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 05, 2003 2:10 PM
To: Nelson, Carolyn
Subject: RE: impt

and . . .

From: Carolyn Nelson/WHO/EOP@Exchange on 05/05/2003 02:05:41 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: impt

Fyi, he just chatted w/ Karl.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 05, 2003 12:31 PM
To: Nelson, Carolyn
Subject: impt

important that judge talk to karl/joe about backup location asap. i think
he should enlist karl first and then talk to joe.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/5/2003 11:57:28 AM
Subject: 1:10

Will you come over at 1:10 to chat about the taping w/ Snee?

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/5/2003 11:57:56 AM
Subject: : in case you missed -- yesterday's Post

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAY-2003 15:57:56.00
SUBJECT:: in case you missed -- yesterday's Post
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

A Camera-Ready Candidate for the Maryland GOP
By Carol Arscott

Sunday, May 4, 2003; Page B08
There is a U.S. Senate race in Maryland in 2004, and leaders of the state Republican Party are doing what they traditionally do at this stage in the election cycle: They are courting candidates, mostly wealthy businessmen, hoping that one will pour millions of dollars into another fruitless effort to topple the entrenched incumbent. The incumbent this time is Barbara Mikulski, first elected in 1986 and never subject to a serious challenge.
The problem with the GOP's ritual is that Maryland politics have changed radically since the party's last Senate candidate took his customary drubbing. Maryland has a Republican governor now, so electing a Republican statewide is no longer a dream -- it's a distinct possibility.
The good news is that Maryland Republicans have a camera-ready candidate waiting in the wings, one with deep roots in the party and experience running -- and winning -- a statewide campaign. That candidate is Lt. Gov. Michael Steele.
Steele would be the ideal pick to run against Mikulski. He is battle-tested, smart and attractive. He has been vetted by the media, and his job allows him the freedom to travel. His Republican Party credentials are impeccable. Further, his public persona is well established and growing, thanks to the high-profile assignments given to him by his boss, Gov. Robert Ehrlich.
But there's more: Steele vs. Mikulski would give Marylanders a high-contrast contest that would boost the chances of a GOP victory. The 2002 gubernatorial election proved that a big contrast between candidates would not be fatal to the Republican challenger.
Harry S. Truman once said that when the people are given a choice between a Republican and a Republican, they'll vote for the Republican every time. The reverse is true in Maryland. The Free State has Democrats aplenty, so Republicans don't fare well when they edge toward the middle and try to convince the voters that they can be Democrats, too. There would be no danger of denying the voters a real alternative with Steele as the GOP candidate.
The differences between Steele and Mikulski could hardly be greater. Steele is an African American man; Mikulski is a Polish American woman. Steele hails from Prince George's County; Mikulski was born and bred in Baltimore.
Steele is uncommonly tall; Mikulski is unusually short.
Steele is a committed conservative; Mikulski is an unrepentant liberal.
Best for Steele, a U.S. Senate candidacy would have no downside for him:
He doesn't have to give up his current position to run.
He'd be a hero to his party and instantly end the debate about who the GOP candidate should be.
He'd be running with George W. Bush at the top of the ticket.
He'd be able to raise money hand over fist.
He'd be able to create a public identity separate from the governor's.
He'd attract the attention of national Republican leaders -- and national fundraisers.

And he'd have a job to go back to if he was unsuccessful.
So what are the lieutenant governor's chances?
My polling company ran Steele against Mikulski in a survey released last week. Mikulski enjoyed a 63 percent job approval rating and led Steele in this initial pairing 54 percent to 37 percent. But Steele's name already is recognized by 83 percent of Maryland voters, and in a September 2001 survey, then-Lt. Gov. Kathleen Kennedy Townsend was beating Ehrlich 54 percent to 31 percent.
The possibilities are tantalizing, but Republican leaders must realize that they stand no chance of upsetting Mikulski with an average opponent. They need star power.
Steele vs. Mikulski: It's a match-up made in heaven.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/5/2003 12:31:28 PM
Subject: impt

important that judge talk to karl/joe about backup location asap. i think he should enlist karl first and then talk to joe.

From: Jucas, Tracy

To: <Bartlett, Daniel J.>;<Bolten, Joshua B.>;<Bridgeland, John M.>;<Card, Andrew H.>;<Fleischer, Lawrence A.>;<Gerson, Michael J.>;<Hagin, Joseph W>;<Libby, Lewis>;<Rice, Condoleezza>; <Rove, Karl C.>;<Eskew, Tucker A.>;<Gordon, John A.>;<Hernandez, Israel>;<Leitch, David G.>;<McClellan, Scott>;<Wehner, Peter H.>;<Bartolomucci, H. Christopher>;<Bernard, Kenneth>;<Buchan, Claire>;<Christie, Ronald I.>;<Dougherty, Elizabeth S.>;<Falkenrath, Richard>;<Francisco, Noel J.>;<Goeglein, Tim>;<Kaplan, Joel>;<Kavanaugh, Brett M.>;<Loper, Ginger G.>;<McNally, Edward>;<Newstead, Jennifer G.>;<Peterman, Brian>;<Sampson, Kyle>; <Schacht, Diana L.>;<Sforza, Scott N.>;<Silverberg, Kristen>

Sent: 5/5/2003 12:33:20 PM

Subject: Annual Ethics Briefing Reminder

Nanette has asked me to remind the remaining Commissioned Officers who have not yet attended a live ethics briefing this year that another briefing will take place tomorrow at 10:00 in room 450. If you are able to attend, please try to make this briefing.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/5/2003 12:36:21 PM
Subject: RE: impt

FYI, he's meeting w/ Specter tomorrow at 10:30- before his meeting w/ Frist.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 05, 2003 12:31 PM
To: Nelson, Carolyn
Subject: impt

important that judge talk to karl/joe about backup location asap. i think he should enlist karl first and then talk to joe.

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>
Sent: 5/5/2003 12:38:18 PM
Subject: what's going on with kyl-cornyn?

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 5/5/2003 12:43:20 PM
Subject: when will he know about Sen. Pryor? Also, if he cannot come, can we get other D Senators to come?

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>;David B. Rachelson/WHO/EOP@EOP [WHO] <David B. Rachelson>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
Sent: 5/5/2003 9:59:07 AM
Subject: : Ken has been asked by GovernorTaft...

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-MAY-2003 13:59:07.00
SUBJECT:: Ken has been asked by GovernorTaft...
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Katherine M. Walters ( CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:David B. Rachelson ( CN=David B. Rachelson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

... to participate via conference call in a fundraiser he is having
tomorrow evening in Columbus for the Republican Governor's association.
My understanding is that it will be 50-60 top donors in a
reception-format, with ken joining at 7:15pm to give a 15 minute update on
the President;s agenda.
your thoughts on legality?

c
```

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/5/2003 2:05:41 PM
Subject: RE: impt

Fyi, he just chatted w/ Karl.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 05, 2003 12:31 PM
To: Nelson, Carolyn
Subject: impt

important that judge talk to karl/joe about backup location asap. i think he should enlist karl first and then talk to joe.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/5/2003 2:09:47 PM
Subject: RE: impt

and . . .

From: Carolyn Nelson/WHO/EOP@Exchange on 05/05/2003 02:05:41 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: impt

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From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/05/2003 02:13:26 PM
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@Exchange [WHO] <Wendy J. Grubbs>
Sent: 5/5/2003 10:28:12 AM
Subject: : RE: when will he know about Sen. Pryor? Also, if he cannot come, can we get other D Senators to come?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAY-2003 14:28:12.00
SUBJECT:: RE: when will he know about Sen. Pryor? Also, if he cannot come, can we get other D Senators to come?
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
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To: Wendy J. Grubbs/WHO/EOP@Exchange [WHO] <Wendy J. Grubbs>
Sent: 5/5/2003 10:33:59 AM
Subject: : RE: when will he know about Sen. Pryor? Also, if he cannot come, can we get other D Senators to come?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAY-2003 14:33:59.00
SUBJECT:: RE: when will he know about Sen. Pryor? Also, if he cannot come, can we get other D Senators to come?
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@Exchange [WHO] <Wendy J. Grubbs>
Sent: 5/5/2003 10:36:58 AM
Subject: : RE: when will he know about Sen. Pryor? Also, if he cannot come, can we get other D Senators to come?

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAY-2003 14:36:58.00
SUBJECT:: RE: when will he know about Sen. Pryor? Also, if he cannot come, can we get other D Senators to come?
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

no, a possibility. let's chat later. i have 4 interviews now until 4:30. but availanle on bberry

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From: Brosnahan, Jennifer R.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 5/5/2003 2:39:33 PM
Subject: DOJ's summary of campaign finance decision
Attachments: mcconnell.summary.doc

Attached is DOJ's summary of the principal holdings in the campaign finance decision. It discusses the Title I (soft money) and Title II (issue ads) holdings. Please let me know if this is what you are looking for, or if you would like something more/less/different. Thanks.

---------- Forwarded by Jennifer R. Brosnahan/WHO/EOP on 05/05/2003 02:39 PM ----------

"Jody.Hunt@usdoj.gov"

05/05/2003 01:24:43 PM

Record Type: Record

To: Jennifer R. Brosnahan/WHO/EOP@EOP

cc:

Subject: RE: Summary

Jenny,

Let's try this to see if the Word conversion works. Let me know.

-Jody

- mcconnell.summary.doc <>

Title I of BCRA completely prohibits national party committees from raising, receiving, or spending "soft money" and also, as a general matter, prohibits state party committees from using soft money for so-called "Federal Election Activity." Federal Election Activity is defined, in the main, as (i) voter registration for federal elections; (ii) generic campaign activity (such as get-out-the-vote activities) associated with federal elections; and (iii) advertising that promotes or attacks candidates for federal office.

Judge Henderson determined that both the national and state party soft money bans are unconstitutional. Judge Kollar-Kotelly determined that the bans are constitutional. Judge Leon authored the controlling opinion on soft money, and determined that the state and national soft money bans are unconstitutional except for one application, the use of soft money for advertising that promotes, supports, opposes, or attacks a candidate for federal office. According to Judge Leon, the government had not demonstrated a sufficient risk or appearance of corruption of federal candidates and officeholders to justify a ban on soft money except with respect to soft money used to directly affect federal elections. Judge Leon found that the use of soft money for activities such as voter registration and get-out-the-vote had not been shown to directly affect federal elections. He did conclude, however, that advertisements promoting or attacking federal candidates do have a direct effect on federal elections, and so limited the state and national bans to the solicitation or use of soft money for such advertising.

Title I also prohibits federal candidates and officeholders from raising soft money for federal election purposes and, with respect to soft money raised for state election purposes, constrains federal candidates and officeholders from raising soft money from unions and corporations and in amounts that exceed federal hard money contribution limits. Judges Henderson and Kollar-Kotelly upheld this provision as constitutional. (Judge Leon agreed, except that he would have held the prohibition unconstitutional as applied to federal candidates' and officeholders' raising of soft money for uses that do not directly affect federal elections.) Thus, federal candidates and officeholders remain barred from raising soft money for federal election and many state election purposes.

Title II of BCRA, §§ 201, 203, prohibits corporations and labor unions from spending general treasury funds to finance "electioneering communications," which the statute principally defines as TV or radio broadcasts within 60 days of a general election, or 30 days of a primary, that refer to a candidate for federal office (and are targeted to that candidate's electorate).[1] The

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[1] Title II amends the longstanding prohibition against labor unions and corporations making independent expenditures (or contributions) from their general treasury funds for the purpose of influencing federal elections. 2 U.S.C. § 441b. Labor unions and corporations may, however, make contributions or expenditures in connection with federal elections from separate segregated accounts, containing funds donated by their officers, shareholders or members for that purpose. In FEC v. Massachusetts Citizens for Life, Inc., 479 U.S. 238 (1986), the Supreme Court limited this financing restriction to expenditures for communications that expressly advocate the election or defeat of a candidate for office. Congress enacted Title II in the belief that labor unions and corporations had been evading this restriction by sponsoring so-called "issue" ads that promote or attack candidates for office without expressly urging viewers to vote for or against them.

statute also contains a "backup" definition of electioneering communications, in case the principal definition is held unconstitutional, which defines electioneering communications as TV or radio broadcasts that promote, support, attack or oppose a candidate for office "and [are] suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate."

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Because the backup definition of electioneering communications does not include the time limits incorporated by the principal definition (60 days before a general election, and 30 days before a primary), but instead applies at all times of year, corporations and labor unions are, as a result of the district court's ruling, now immediately and at all times prohibited from financing TV or radio broadcasts that promote or attack candidates for federal office, except through separate segregated accounts (a.k.a. PACs) containing donations from their individual officers, shareholders or members.

From: Estes, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/5/2003 2:44:22 PM
Subject:

major garrett just did a piece on cook and judges on fox

From: CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/5/2003 10:44:24 AM
Subject: : DOJ's summary of campaign finance decision
Attachments: P_O0P5G003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jennifer R. Brosnahan (CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAY-2003 14:44:24.00
SUBJECT:: DOJ's summary of campaign finance decision
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Attached is DOJ's summary of the principal holdings in the campaign finance decision. It discusses the Title I (soft money) and Title II (issue ads) holdings. Please let me know if this is what you are looking for, or if you would like something more/less/different. Thanks.

---------- Forwarded by Jennifer R. Brosnahan/WHO/EOP on 05/05/2003 02:39 PM ----------

"Jody.Hunt@usdoj.gov" <Jody.Hunt
05/05/2003 01:24:43 PM
Record Type: Record

To: Jennifer R. Brosnahan/WHO/EOP@EOP
cc:
Subject: RE: Summary

Jenny,

Let's try this to see if the Word conversion works. Let me know.

-Jody

- mcconnell.summary.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_O0P5G003_WHO.TXT_1>

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From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 5/5/2003 3:07:11 PM
Subject: Kyl

Am setting up mtg in AHC's office for later today or tomorrow am to discuss.

You, Judge, Karl, me, Kristen, Josh and Andy.

From: Snee, Ashley
To: <Orr, Christopher J.>;<Kavanaugh, Brett M.>
Sent: 5/5/2003 3:10:31 PM
Subject: on-line chat

How about 5-5:30 on Thursday. He has to go to an award ceremony at 6pm - so we would have to do before. What do you think? Orr - How is the traffic at that time?

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/5/2003 3:30:24 PM
Subject: RE: impt

Karl says 450 is the backup room.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 05, 2003 2:10 PM
To: Nelson, Carolyn
Subject: RE: impt

and . . .

From: Carolyn Nelson/WHO/EOP@Exchange on 05/05/2003 02:05:41 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: impt

Fyi, he just chatted w/ Karl.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 05, 2003 12:31 PM
To: Nelson, Carolyn
Subject: impt

important that judge talk to karl/joe about backup location asap. i think he should enlist karl first and then talk to joe.

From:	Bennett, Melissa S.
To:	<Kyle, Ross M.>;<Silverberg, Kristen>;<Nelson, Carolyn>;<Kavanaugh, Brett M.>;<Allgood, Lauren K.>;<Cooper, Jean>;<Vestewig, Lauren J.>;<Ralston, Susan B.>
Sent:	5/5/2003 3:35:30 PM
Subject:	Confirmation for meeting tomorrow at 11am

Tomorrow at 11 am there will be a meeting in Sec. Card's office on Kyl/Cornyn proposal on attorney fees and tort reform. The meeting should be about 20 mins in length.

Participants:

Sec. Card
Josh Bolten
Judge/Brett Kavanaugh
Steve Freidman/Keith Hennessey
Karl Rove
Jay Lefkowitz

Thanks.
Melissa

From: Skelly, Layton

To: tcordaro@osophs.dhhs.gov <Gilbert, Alan>;tcordaro@osophs.dhhs.gov <Hall, Philo D.>;paula.stannard@hhs.gov <paula.stannard@hhs.gov>;peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;alex.azar@hhs.gov <alex.azar@hhs.gov>;john.hoff@hhs.gov <john.hoff@hhs.gov>;jennifer.young@hhs.gov <jennifer.young@hhs.gov>;jennifer.young@hhs.gov <Schacht, Diana L.>;jennifer.young@hhs.gov <Jensen, Amy>;jennifer.young@hhs.gov <Loper, Ginger G.>;jennifer.young@hhs.gov <Lefkowitz, Jay P.>;jennifer.young@hhs.gov <Perry, Philip J.>;jennifer.young@hhs.gov <Silverberg, Kristen>;jennifer.young@hhs.gov <Deleire, Thomas C.>;jennifer.young@hhs.gov <Kavanaugh, Brett M.>;zurawski-paul@dol.gov <zurawski-paul@dol.gov>;zurawski-paul@dol.gov <Young, Tracy>;zurawski-paul@dol.gov <Besanceney, Brian R.>;marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>;marc.kesselman@usdoj.gov <Ackerly, Dana>;marc.kesselman@usdoj.gov <Cowdry, Rex>;hazucker@osophs.dhhs.gov <hazucker@osophs.dhhs.gov>;jafar.karim@hhs.gov <jafar.karim@hhs.gov>;jafar.karim@hhs.gov <Grubbs, Wendy J.>

CC: pamela.roller@hhs.gov <pamela.roller@hhs.gov>;joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>;marie.belt@hhs.gov <marie.belt@hhs.gov>;marie.belt@hhs.gov <Winland, Emily>;marie.belt@hhs.gov <Vestewig, Lauren J.>;dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>;india.luckett@hhs.gov <india.luckett@hhs.gov>;scriver-langford-lat@dol.gov <scriver-langford-lat@dol.gov>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;stephanie.wilson@hhs.gov <stephanie.wilson@hhs.gov>;stephanie.wilson@hhs.gov <Stone, Carla B.>;hrobowski-rosita@dol.gov <hrobowski-rosita@dol.gov>;tcordaro@osophs.dhhs.gov <tcordaro@osophs.dhhs.gov>;tcordaro@osophs.dhhs.gov <Lineberry, Stephen M.>;tcordaro@osophs.dhhs.gov <Skelly, Layton>

Sent: 5/5/2003 3:42:24 PM

Subject: NO Medical Liability Working Group tomorrow

There will not be a Medical Liability Working Group meeting or call tomorrow. Thank you.

Layton

From:	Kavanaugh, Brett M.
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>;<Addington, David S.>
Sent:	5/5/2003 5:20:39 PM
Subject:	Supreme Court takes another Foster case, this time FOIA

Justices to Hear Privacy Case

Supreme Court Will Decide if Government Must Release Foster Photos

By Gina Holland

Associated Press Writer

Monday, May 5, 2003; 10:34 AM

The Supreme Court said Monday it would spell out when the public has a right to information in law enforcement files, like recordings of emergency calls and pictures from crime scenes.

The justices will consider next fall whether the government must release post-mortem pictures of former White House attorney Vincent Foster, resurrecting a 10-year-old controversy over Foster's suicide.

The high court will balance people's privacy interests, in this case involving Foster's family, against the rights of others under a public records law. The Bush administration had urged the court to review the case. At stake is "the privacy interest of millions of individuals, about whom personal and sensitive information is stored in government files," Solicitor General Theodore Olson told the court.

Foster's death, in the first year of Bill Clinton's presidency, spurred a legion of conspiracy theories that he was murdered in a White House cover-up. Foster was a kindergarten friend of Clinton and former law partner of Sen. Hillary Rodham Clinton.

Special prosecutor Kenneth Starr headed one of the many investigations that determined Foster killed himself on July 20, 1993, at a Civil War-era park near Washington.

The justices will decide if a California attorney has a right to pictures of Foster's body. The attorney, Allan Favish, already has been given more than 100 pictures, including photos of Foster's car and the Virginia park site. He has posted some on a Web site.

Lower courts have split over the release of more explicit pictures.

An appeals court in California said that four of the pictures could be made public. A court in Washington said they could not because there was not compelling evidence of government misconduct.

One of the pictures, which shows Foster's hand holding a gun, has already been published in Time magazine. None of the photos show his face or the bullet wounds. He died of a single shot to the head from an antique

revolver.

The Supreme Court had scheduled arguments in another government records case involving a weapons database this spring. Justices dismissed the case, however, when Congress passed a provision restricting the release of the information which included names of gun shops and gun owners whose weapons were used in crimes.

Olson, the Bush administration's Supreme Court lawyer, said justices should use this case to clarify when lower courts should allow the release of information under the Freedom of Information Act. The law allows reporters and others to get unclassified government records that officials would not otherwise release.

Olson said that five investigations concluded that Foster, who was depressed, killed himself. He said a sixth probe "by an unsatisfied private citizen" seemed unnecessary.

The public information law allows officials to withhold information that could cause "an unwarranted invasion of personal privacy."

The attorney for the Foster family, James Hamilton, said the release of more photos would be damaging to the relatives, "invading their memory of a loved one, by subjecting them to harassment from any number of media outlets, and by leaving them vulnerable to the unwitting viewing of profoundly traumatic images."

He said that the rationale used to order the release of the photos could also be used to get information about the terrorist attacks, including voice mail messages left by people trapped in the World Trade Center.

The case is Office of Independent Counsel v. Favish, 02-954.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO /EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/5/2003 1:22:03 PM
Subject: : Supreme Court takes another Foster case, this time FOIA

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAY-2003 17:22:03.00
SUBJECT:: Supreme Court takes another Foster case, this time FOIA
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer R. Brosnahan (CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Justices to Hear Privacy Case
Supreme Court Will Decide if Government Must Release Foster Photos

By Gina Holland
Associated Press Writer
Monday, May 5, 2003; 10:34 AM
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From: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>
To: <Grubbs, Wendy J.>;<Kavanaugh, Brett M.>;Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>
Sent: 5/5/2003 7:15:15 PM
Subject: Tomorrow's meeting

Please let me know if there is any agendum you or your boss would like to see on the agenda for tomorrow's 11 AM meeting.

From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Brian.A.Benczkowski@usdoj.gov [UNKNOWN] <Brian.A.Benczkowski@usdoj.gov>;Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 5/5/2003 3:16:25 PM
Subject: : Tomorrow's meeting
Attachments: P_HW46G003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ( "Miranda, Manuel
(Frist)" <Manuel_Miranda@frist.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME: 5-MAY-2003 19:16:25.00
SUBJECT:: Tomorrow's meeting
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brian.A.Benczkowski@usdoj.gov ( Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Please let me know if there is any agendum you or your boss would like
to see on the agenda for tomorrow's 11 AM meeting.
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HW46G003_WHO.TXT_1>
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Please let me know if there is any agendum you or your boss would like to see on the agenda for tomorrow's 11 AM meeting.

From: CN=Jan E. Williams/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/5/2003 4:21:44 PM
Subject: : Archivist

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jan E. Williams ( CN=Jan E. Williams/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-MAY-2003 20:21:44.00
SUBJECT:: Archivist
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

yea or nay??????
```

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 5/5/2003 10:37:41 PM
Subject: District Court judge summary

107th Congress

83 confirmed

108th Congress

15 confirmed

43 pending (many of these recently nominated)

From: CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/5/2003 7:20:29 PM
Subject: : Re: question

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-MAY-2003 23:20:29.00
SUBJECT:: Re: question
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Both.

.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>
Sent: 5/5/2003 7:36:59 PM
Subject: : Re: question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAY-2003 23:36:59.00
SUBJECT:: Re: question
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Were you a White clerk assigned to Stevens -- ie, who hired you? They were asking because some profile of Judge is mentioning former clerks in this office and who they clerked for.

Benjamin A. Powell
05/05/2003 11:19:53 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: question

Both.

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>
Sent: 5/5/2003 8:41:29 PM
Subject: : Harry Edwards in dissent in case you know; Cornyn plans to use this today

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-MAY-2003 00:41:29.00
SUBJECT:: Harry Edwards in dissent in case you know; Cornyn plans to use this today
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

"The confirmation clause example (also cited in the introduction)
illustrates the ramifications outside the presentment clause context of a
decision upholding Rule XXI(5)(c). See Bloch, note 2 supra. Professor
Bloch provides a striking demonstration of how Congress could use the
rulemaking clause to increase its own power at the expense of the
executive. The Constitution states that the President "shall nominate, and
by and with the Advice and Consent of the Senate, shall appoint
Ambassadors, other public Ministers and Consuls, Judges of the supreme
Court, and all other Officers of the United States." U.S. CONST. art. II,
õ 2, cl. 2. The Constitution does not specify the number of votes required
for confirmation, so if Rule XXI(5)(c) is constitutional, the Senate could
use the rulemaking clause to require that three-fifths of its members,
rather than one-half, vote in favor of confirmation of a presidential
appointee. The Senate thereby could essentially take over the appointment
process from the President. Acceptance of the Clerk's argument that
Congress can use the rulemaking clause to change the number of votes
required to pass a law amounts to acceptance of the proposition that each
House of Congress can fundamentally alter the balance of power established
by the Framers.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO /EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/5/2003 8:53:38 PM
Subject: : Las Vegas Review-Journal editorial

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAY-2003 00:53:38.00
SUBJECT:: Las Vegas Review-Journal editorial
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer R. Brosnahan (CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
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EDITORIAL: Filibuster two-fer
Senate Democrats kick judicial obstruction up a notch

The decision three months ago by Senate Democrats to filibuster the nomination of Miguel Estrada for a seat on the U.S. Court of Appeals for the District of Columbia was a first. Never before had a filibuster been launched to prevent the confirmation of federal appeals court or district court nominee. On Tuesday, the Democrats made it a two-fer ... pledging to also filibuster Texas Supreme Court Justice Priscilla Owen's selection to an opening on the 5th Circuit.

Senate Minority Leader Tom Daschle, D-S.D., defended the repeated use of this heretofore unprecedented stalling tactic: "In her interpretation in the law on case after case, she has made the decisions that her own views are superior, her own views are the ones that have greater weight than the law itself."

Really? Why, then, does the American Bar Association's committee on judicial nominees -- certainly no conservative bastion -- consider Justice Owen "well qualified" for the federal bench?

Sen. Daschle's charge is nonsense, of course, ginned up by the hyper left-wing groups to whom the Democratic Party has sold its soul.

consider an appeals court judge who was confirmed this week: former Ohio solicitor general Jeffrey S. Sutton. Mr. Sutton was approved Tuesday for a vacancy on the 6th Circuit by a 52-41 margin -- fewer affirmative votes, it should be noted, than either Mr. Estrada or Ms. Owen would get should the Democrats' tactics be thwarted. Opponents focused on several cases Mr. Sutton successfully argued before the U.S. Supreme Court which placed limits on the ability of individuals to bring lawsuits, based on federal statutes, against state governments.

In other words, he's considered an out-of-the-mainstream ideologue by some advocacy groups because he has defended constitutional principles before the nation's highest court ... and won.

Beltway Democrats, led by Sen. Daschle and Nevada's Harry Reid, are playing with fire, here. The party suffered an unprecedented humiliation in last November's election, to a large degree because President Bush blamed Democratic obstructionism for a rash of judicial vacancies. With few judges available to hear cases, for countless litigants, justice has been delayed.

Sen. John Cornyn, who served with Justice Owen for three years on the Texas Supreme Court, plans to convene hearings next week on the judicial crisis titled "Judicial nominations, filibusters and the Constitution: When a majority is denied its right to consent." The hearings will examine why five of the 11 people Mr. Bush has nominated to federal appeals courts since May 2001 have never received a vote.

The hearings may spur much-needed reforms of the nomination process. Or the Democrats could render the hearings moot by living up to their sworn duties under the Constitution, and allowing all of Mr. Bush's judicial nominations to receive up or down votes without further delay.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>
Sent: 5/5/2003 9:01:23 PM
Subject: : Re: John Cornyn: The Constitution and the Judiciary: Where's the check on Senate filibusters?
Attachments: P_DU76G003_WHO.TXT_1.html

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CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAY-2003 01:01:23.00
SUBJECT:: Re: John Cornyn: The Constitution and the Judiciary: Where's the check on Senate filibusters?
TO:"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> ("Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Judge's letters to Schumer and Feinstein will be FAXed and emailed around in mid-morning.

"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov>
05/06/2003 12:21:40 AM
Record Type: Record

To:
cc:
Subject: John Cornyn: The Constitution and the Judiciary: Where's the check on Senate filibusters?

http://www.opinionjournal.com/extra/?id=110003456

BALANCE OF POWER

The Constitution and the Judiciary

Where's the check on Senate filibusters?

BY JOHN CORNYN

Tuesday, May 6, 2003 12:01 a.m. EDT

This week, the Senate marks a dismal political anniversary: Two years of partisan obstruction of President Bush's judicial nominees, culminating in two unprecedented filibusters. More are threatened. Never before has the judicial confirmation process been so broken, and the constitutional principles of judicial independence and majority rule so undermined.

It's time for a fresh start.

In that spirit, the Senate Subcommittee on the Constitution will hold a hearing today to consider proposals to restore both the confirmation process and our most cherished constitutional values.

The essence of our democratic system of government is beautiful in its simplicity: Majorities must be permitted to govern. As our nation's Founders explained in Federalist No. 22, "the fundamental maxim of republican government . . . requires that the sense of the majority should prevail." And as the Supreme Court has unanimously held, our Constitution is premised on the democratic doctrine of majority rule.

Today, a minority of obstructionist senators are forcing upon the confirmation process a supermajority requirement of 60 votes. They are using the filibuster not simply to ensure adequate debate, but actually to block many of our nation's numerous judicial vacancies from being filled.

The public's historic aversion to abusive filibusters is well grounded. These tactics not only violate democracy and majority rule, but arguably offend the Constitution as well. Indeed, prominent Democrats such as Lloyd Cutler and Sens. Tom Daschle, Joe Lieberman and Tom Harkin have condemned filibuster misuse as unconstitutional.

Moreover, abusive filibusters against judicial nominations uniquely threaten both presidential power and judicial independence--and are thus more dubious than filibusters of legislation, an area of pre-eminent congressional power.

Harry Edwards, a respected Carter-appointed appeals judge, wrote that the Constitution forbids the Senate from imposing a supermajority rule for confirmations. Otherwise, "the Senate, acting unilaterally, could thereby increase its own power at the expense of the President" and "essentially take over the appointment process from the President." He concluded: "the Framers never intended for Congress to have such unchecked authority to impose supermajority voting requirements that fundamentally change the nature of our democratic processes." (He expressed less concern with legislative filibusters.)

History confirms Judge Edwards's constitutional interpretation. A Senate majority has never been denied its constitutional right to confirm judicial nominees--until now. The obstruction is as unprecedented as it is harmful.

Some have cited, to justify the current filibusters, the example of Abe Fortas, whom President Lyndon Johnson nominated to be chief justice in 1968. But majority rule was not under attack in that case. Dogged by allegations of ethical improprieties and bipartisan opposition, Fortas was unable to obtain the votes of 51 senators to prematurely end debate. Three days later, Johnson withdrew the nomination altogether.

* * *

That is a far cry from the present situation. After extensive debate, Miguel Estrada, Priscilla Owen and countless others enjoy enthusiastic, bipartisan majority support, yet they face an uncertain future of indefinite debate. By brazenly insisting, as Nevada's Harry Reid--the Senate's second-ranking Democrat--has said, that "there is not a number [of hours] in the universe that would be sufficient" for debate on certain nominees, Democrat leaders admit they are using the filibuster not to ensure adequate debate, but to change the Constitution by imposing a supermajority requirement for judicial confirmations.

Whether unconstitutional or merely destructive to our political system, the current confirmation crisis cries out for reform. As all 10 freshman senators, myself included, stated last week in a letter to Senate leadership, "we are united in our concern that the judicial confirmation process is broken and needs to be fixed." Veteran senators from both parties express similar sentiments.

Accordingly, today's hearing will explore various reform proposals:

* Sen. Zell Miller suggests--as did Sens. Harkin, Lieberman and 17 other Democrats in 1995--that the 60-vote rule for ending debate be reduced incrementally with each succeeding vote, until the rule reaches 51 votes.

* President Bush and Sens. Arlen Specter and Patrick Leahy have urged the imposition of strict time deadlines for the Senate to hold hearings and vote on judicial nominees.

* Sen. Charles Schumer advocates an overhaul of the nomination process by eliminating the president's appointment power and instead giving President Bush and Sen. Daschle "equal roles in picking the judge-pickers."

These proposals will be debated. What's important is that these public officials acknowledge the crisis and urge reform.

* * *

The judicial confirmation process has reached the bottom of a decades-long downward spiral. Our current state of affairs is neither fair nor representative of the bipartisan majority of this body. For democracy to work, and for the constitutional principle of majority rule to prevail, this obstructionism must end, and we must bring matters to a vote. As Sen. Henry Cabot Lodge famously said of filibusters: "To vote without debating is perilous, but to debate and never vote is imbecile." Two years is too long. The Senate needs a fresh start.

Mr. Cornyn is a senator from Texas and chairman of the Senate Subcommittee on the Constitution. He served previously on the Supreme Court of Texas, and as the state's attorney general.

James C. Ho

Chief Counsel

U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights

U.S. Senator John Cornyn, Chairman

<mailto:James_Ho@judiciary.senate.gov> James_Ho@judiciary.senate.gov <mailto:James_Ho@judiciary.senate.gov>

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(202) 224-2934 (general office number)

(202) 491-8227 (mobile)

(703) 812-8152 (home)

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_DU76G003_WHO.TXT_1>

http://www.opinionjournal.com/extra/?id=110003456

BALANCE OF POWER

The Constitution and the Judiciary
Where's the check on Senate filibusters?

BY JOHN CORNYN
Tuesday, May 6, 2003 12:01 a.m. EDT

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Today, a minority of obstructionist senators are forcing upon the confirmation process a supermajority requirement of 60 votes. They are using the filibuster not simply to ensure adequate debate, but actually to block many of our nation's numerous judicial vacancies from being filled.

The public's historic aversion to abusive filibusters is well grounded. These tactics not only violate democracy and majority rule, but arguably offend the Constitution as well. Indeed, prominent Democrats such as L loyd Cutler and Sens. Tom Daschle, Joe Lieberman and Tom Harkin have condemned filibuster misuse as unconstitutional.

Moreover, abusive filibusters against judicial nominations uniquely threaten both presidential power and judicial independence--and are thus more dubious than filibusters of legislation, an area of pre-eminent congressional power.

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James C. Ho
Chief Counsel
U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights
U.S. Senator John Cornyn, Chairman
James_Ho@judiciary.senate.gov
(202) 224-9614 (direct line)
(202) 224-2934 (general office number)
(202) 491-8227 (mobile)
(703) 812-8152 (home)

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 5/6/2003 1:08:25 AM
Subject: invites; pre-event

I talked to Israel and the pre-meeting with Senators is possible. I feel odd about putting Pryor out there all alone because that could backfire with backlash he would receive from D caucus; maybe we should invite Miller, Breaux, Hatch, and Specter as the 4 "non-freshmen" invitees?

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/6/2003 5:38:04 AM
Subject: : RE: draft letter to Feinstein

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 6-MAY-2003 09:38:04.00
SUBJECT:: RE: draft letter to Feinstein
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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I would have the judge place a heads up call to drive the point home that he feels she is sincere.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 05, 2003 10:08 PM
To: Gonzales, Alberto R.; Leitch, David G.; Grubbs, Wendy J.
Cc: Nelson, Carolyn
Subject: draft letter to Feinstein

May 6, 2003

Dear Senator Feinstein:

On behalf of President Bush, I write in response to your letter of May 5.

You propose that the President and the opposite political party select in equal numbers members of citizen judicial nominating commissions in each State who would then select nominees for each judicial vacancy. The President would be required to nominate one of the individuals selected by the commission and the Senate required to vote up or down on that nominee. You propose this as a permanent change to the constitutional scheme for appointment of federal judges.

We appreciate and share your stated belief that the judicial confirmation process is &going in the wrong direction8 and is potentially &spiral[ing] out of control.8 But as explained more fully in my attached letter to Senator Schumer in response to his similar proposal, we respectfully believe that this proposal is inconsistent with the Constitution, with the history and traditions of the Nation,s federal judicial appointments process, and with the soundest approach for appointment of highly qualified federal judges, as the Founders determined. Rather, as President Bush and many other Senators of both parties have stated in the past, the solution to the broken judicial confirmation process is for the Senate to exercise its constitutional responsibility to vote up or down on judicial nominees within a reasonable time after nomination, no matter who is President or which party controls the Senate. We thus agree with your statement of September 16, 1999 in which you stated: &A nominee is entitled to a vote. Vote them up; vote them down.8 As you said on October 4, 1999, moreover, the Senate,s &institutional integrity requires an up-or-down vote.8

We very much appreciate your open-minded approach to the President, s judicial nominees and what I know is your sincere desire to fix this

process on a permanent and bipartisan basis. Thank you very much for your letter, and please do not hesitate to contact me at any time about the judicial appointments process.

Sincerely,

Alberto R. Gonzales
Counsel to the
President

The Honorable Dianne Feinstein
United States Senate

Copy: The Honorable Bill Frist
The Honorable Thomas Daschle
The Honorable Orrin Hatch
The Honorable Patrick Leahy

From:	Leitch, David G.
To:	<Kavanaugh, Brett M.>;<Gonzales, Alberto R.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>;<Addington, David S.>
Sent:	5/6/2003 7:03:41 AM
Subject:	Cornyn in today's WSJ

BALANCE OF POWER

The Constitution and the Judiciary

Where's the check on Senate filibusters?

BY JOHN CORNYN

Tuesday, May 6, 2003 12:01 a.m.

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Mr. Cornyn is a senator from Texas and chairman of the Senate Subcommittee on the Constitution. He served previously on the Supreme Court of Texas, and as the state's attorney general.

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From: Leitch, David G.
To: <Snee, Ashley>
CC: <Kavanaugh, Brett M.>
Sent: 5/6/2003 7:43:58 AM
Subject:

Have you had any luck discerning from Neil Lewis the support for his statement last week that "Mr. Gonzales has, in interviews, acknowledged he was referring to her [Owen] and said that his description of her as a judicial activist was merely heated language among judges who disagreed."

From: MailRouter [SYS]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/6/2003 4:04:52 AM
Subject: DELIVERY FAILURE: Recipient user name Wendy J. Grubbs/WHO/EOP@EOP not unique. Several matches found in Name & Address Book.

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SUBJECT:DELIVERY FAILURE: Recipient user name Wendy J. Grubbs/WHO/EOP@EOP not unique.
Several matches found in Name & Address Book.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

DELIVERY FAILURE REPORT

Your Document:
Re: invites; pre-event
could not be delivered to:
CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP
because:
Recipient user name Wendy J. Grubbs/WHO/EOP@EOP not unique. Several matches found in Name &
Address Book.
Routing Path:
CN=SGEOP05/O=EOP;CN=SGEOP05/O=EOP;CN=Mail2/O=EOP
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From: CN=Alicia W. Davis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/6/2003 4:32:38 AM
Subject: : Re: politics and eggs

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAY-2003 08:32:38.00
SUBJECT:: Re: politics and eggs
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No, why? I think it is all set.

Brett M. Kavanaugh
05/05/2003 11:52:24 PM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP
cc:
Subject: politics and eggs

were there questions about this? looks fine as described. Assume it is not a fundraiser?

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/6/2003 8:33:04 AM
Subject: : Tampa Tribune (5/6/03) EDITORIAL re: Schumer's Latest Bit of Trickery (Judicial nomination process)

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAY-2003 12:33:04.00
SUBJECT:: Tampa Tribune (5/6/03) EDITORIAL re: Schumer's Latest Bit of Trickery (Judicial nomination process)
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Schumer's Latest Bit Of Trickery
EDITORIAL
Tampa Tribune
Published: May 6, 2003

N ew York's Sen. Charles Schumer, a particularly odious character, has suggested to President Bush that the Senate and president give up their constitutionally prescribed roles in the selection of federal judges.

Seizing on the president's description of the judicial nomination and confirmation process as ``broken,'' Schumer would turn to nominating commissions to ensure ``a true balance'' is achieved on the bench.

Each commission would be made up of an equal number of Democrats and Republicans chosen by the president and the Senate leader of the opposition party. The commissions would recommend one candidate whom the president would nominate and the Senate would confirm.

Well, setting aside the inconvenient fact that the Constitution requires the executive to select and nominate federal judges, commissions made up of men and women chosen for partisan reasons would not take the politics out of the judicial selection process, nor would they guarantee ``true balance,'' whatever that is.

Balance, whether pertaining to judicial philosophy or ideology or gender or race, is in theory achieved through periodic changes in the executive branch.

But even if we were to treat Schumer's proposal as not objectionable because we could amend the Constitution, the defining question must be whether it would result in a better court. And the answer is no.

Consider Florida. Judicial nominating commissions here were created to take the politics out of the selection process, but that cannot be done. As a result, no one is responsible.

At least under the present system of choosing federal judges, the politics are out front. We know where the president stands. We know where senators like Schumer stand. With committees, the political agendas would be hidden, and nobody would be responsible.

That Schumer would dispatch his constitutional role comes as no surprise. He is, after all, an architect of the Senate's ``filibuster'' policy, preventing a final vote on two Bush candidates and in effect requiring a supermajority for confirmation.

That the Democrats are using the filibuster (even though they continue to conduct other business) to keep Miguel Estrada and Priscilla Owen off the bench has led some commentators to suggest the president fill those seats and other judicial vacancies with appointments during the next congressional recess.

Better still, the president should take his case to the people and point out who the Senate Democrats' ``mainstream'' candidates are - intensely nontraditional eccentrics who would delete ``God'' from the Pledge of Allegiance and approve the horror of partial-birth abortion.

Bush should pound home the message that he won't have democracy thwarted.

He should force a true filibuster. Let the Democrats be responsible for bringing the Senate to a standstill, and then let us see who folds.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alicia W. Davis/WHO /EOP@EOP [WHO] <Alicia W. Davis>
Sent: 5/6/2003 4:34:02 AM
Subject: : Re: politics and eggs

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAY-2003 08:34:02.00
SUBJECT:: Re: politics and eggs
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Had a flier in my box.

.

----- Original Message -----
From:Alicia W. Davis/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 05/06/2003 08:32:06 AM
Subject: Re: politics and eggs

No, why? I think it is all set.

Brett M. Kavanaugh
05/05/2003 11:52:24 PM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP
cc:
Subject: politics and eggs

were there questions about this? looks fine as described. Assume it is not a fundraiser?

From: CN=Alicia W. Davis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/6/2003 4:35:45 AM
Subject: : Re: politics and eggs

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAY-2003 08:35:45.00
SUBJECT:: Re: politics and eggs
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Apologies-my crack staff of interns has a hard time.

Brett M. Kavanaugh
05/06/2003 08:33:22 AM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: politics and eggs

Had a flier in my box.

.

----- Original Message -----
From:Alicia W. Davis/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 05/06/2003 08:32:06 AM
Subject: Re: politics and eggs

No, why? I think it is all set.

Brett M. Kavanaugh
05/05/2003 11:52:24 PM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP
cc:
Subject: politics and eggs

were there questions about this? looks fine as described. Assume it is
not a fundraiser?

From: Mallea, Jose
To: <Everson, Nanette>;<Kavanaugh, Brett M.>
Sent: 5/6/2003 9:11:48 AM
Subject: FW: Citizen of the Year 2003

Wanted to know if it was OK for Sec. Card to accept the below mentioned award. They've included a draft of their letter. I don't think we ever got the original letter.

Thanks,

Jose

-----Original Message-----
From: Lea Callaway [mailto:lcallaway@boyscouts-ncac.org]
Sent: Tuesday, May 06, 2003 9:09 AM
To: Mallea, Jose; Lea Callaway
Subject: RE: Citizen of the Year 2003

Jose,

Good morning. I have the video tapes you requested.

Additionally, our Executive Director, Ron Carroll, has made a donation to the Scouts endowment fund in honor of Sec Card. A letter was mailed in April regarding the donation. I have taken the liberty of cutting and pasting the letter below. The letter will better explain the recognition.

Question: It is possible for Mr Carroll to present the award to Sec Card in person? perhaps and excellent photo opportunity. Location to be determined as best for your schedule. (Sec Card's office is ideal)

Jose, many thanks for all of your time and support of the Scouting program!

lc

Dear «Salutation»:

An integral part of the National Capital Area
Council's program to expand its endowment trust fund to ensure its future financial stability is the James E. West Fellowship Award. Named after the first Chief Scout Executive of the Boy Scouts of America, the award is a national recognition for those who contribute $1,000 or more in cash or securities to the local council endowment fund.

Our Scout Executive, Ron Carroll, has made a $1,000
donation to the National Capital Area Council Endowment fund in your honor.

As a James E. West Fellowship Award recipient you
will be recognized with a personalized engraved brick, 8-by-10-inch certificate, distinctive lapel pin/charm, and an embroidered square knot.

We would like to formally present these items to you
at The Alice S. Marriott Patio & The Robert & Dee Leggett Endowment Garden, Re-Dedication and Donor Recognition event. The event is April 26, 2003, 10:00am-11:00am at the Marriott Scout Service Center. Your personalized engraved brick will remain on permanent display in our endowment garden.

Simply put thank you for your support of the Scouting program.

Sincerely,

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>
Sent: 5/6/2003 5:16:19 AM
Subject: : Re: Question

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAY-2003 09:16:19.00
SUBJECT:: Re: Question
TO:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

As he long as he does not solicit contributions, of course, and they do not inappropriately use his official title, this is fine. They should make clear on any written material that he is a "guest" speaker.

Alicia W. Davis
05/06/2003 08:45:01 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Question

NH GOP wants Karl to sit down with 20 of their "platinum members" tomorrow-- basically companies that donate $10,000 to their state account.

This is not a problem--correct?

They did not do any written invitation-just via phone calls.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange@EOP [WHO] <Carolyn Nelson>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/6/2003 5:37:34 AM
Subject: : final of Schumer and Feinstein letters for review and signature
Attachments: P_14H6G003_WHO.TXT_1.doc; P_14H6G003_WHO.TXT_2.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-MAY-2003 09:37:34.00
SUBJECT:: final of Schumer and Feinstein letters for review and signature
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_14H6G003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_14H6G003_WHO.TXT_2>
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May 6, 2003

Dear Senator Schumer:

On behalf of President Bush, I write in response to your letter of April 30.

You propose that the President and Senate leader of the opposite party select in equal numbers members of citizen judicial nominating commissions in each State and circuit who would then select one nominee for each judicial vacancy. The President then would be required to nominate the individual selected by the commission and the Senate required to confirm that individual, at least absent "evidence" that the candidate is "unfit for judicial service." You propose this as a permanent change to the constitutional scheme for appointment of federal judges.

We appreciate and share your stated goal of repairing the "broken" judicial confirmation process and the "vicious cycle" of "delayed" Senate nominees. But we respectfully disagree with your proposal as inconsistent with the Constitution, with the history and traditions of the Nation's federal judicial appointments process, and with the soundest approach for appointment of highly qualified federal judges, as the Founders determined. Rather, as President Bush and many Senators of both parties have stated in the past, the solution to the broken judicial confirmation process is for the Senate to exercise its constitutional responsibility to vote up or down on judicial nominees within a reasonable time after nomination, no matter who is President or which party controls the Senate.

I. The Constitution, the Current Problem, and the Solution

Article II of the Constitution provides: The President "shall nominate, and by with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court, and all other Officers of the United States . . . ." During the first Congress and throughout most of this Nation's history, the Senate has both recognized and exercised its constitutional responsibility under Article II to hold majority, up-or-down votes on a President's nominees within a reasonable time after nomination. The Framers intended that the Senate vote on nominations would prevent Presidential appointment of "unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity." *Federalist* 76.

Your proposal would effectively transfer the nomination power of the President and the confirmation power of the Senate to a group of unelected and unaccountable private citizens. As the Supreme Court has explained, however, the Appointments Clause is "more than a matter of etiquette or protocol; it is among the significant structural safeguards of the constitutional scheme. By vesting the President with the exclusive power to select the principal (noninferior) officers of the United States, the Appointments Claude prevents congressional encroachment upon the Executive and Judicial Branches. This disposition was also designed to assure a higher quality of appointments: the Framers anticipated that the President would be less vulnerable to interest-group pressure and personal favoritism than would a collective body." *Edmond v.*

United States, 520 U.S. 651, 659 (1997) (citations omitted). Importantly, as the Supreme Court has also explained, the Appointments Clause not only guards against encroachment "but also preserves another aspect of the Constitution's structural integrity by preventing the diffusion of the appointment power." *Freytag v. CIR*, 501 U.S. 868, 878 (1991). Therefore, "neither Congress nor the Executive can agree to waive this structural protection" afforded by the Appointments Clause. *Id.* at 880. These principles and precedents amply demonstrate the constitutional and structural problems with any proposal to transfer the constitutional responsibilities of the President and the Senate to a group of unelected and unaccountable private citizens.

That said, we very much appreciate your recognition that the Senate's judicial confirmation process is "broken." The precise problem, in our judgment, is that the Senate has too often failed in recent years to hold votes on judicial nominees within a reasonable time after nomination (often because a *minority* of Senators has used procedural tactics to prevent the Senate from voting and expressing its majority will). Many appeals court nominees have waited years for votes; many others have never received votes. Today, for example, although the Senate never before has denied a vote to an appeals court nominee on account of a filibuster, a minority of Senators are engaged in unprecedented simultaneous filibusters to prevent up or down votes on *two* superb nominees, Priscilla Owen and Miguel Estrada, who were nominated two years ago and who have the support of a majority of the Senate.

The problem of the Senate not holding votes on certain judicial nominees is a relatively recent development, albeit not new to this Presidency. In the Administrations of both President George H.W. Bush in the 102nd Congress and President Clinton in the 106th Congress, for example, too many appeals court nominees never received up-or-down votes. As President Bush has explained, however, the problem has persisted and significantly worsened in the 107th and 108th Congresses during this President's tenure.

President Bush's commitment to solving this problem also is not new. In June 2000, during the Presidential campaign, then-Governor Bush emphasized that the Senate should hold up-or-down votes on all nominees within a reasonable time after nomination (60 days). Last fall, after two additional years of Senate delays that were causing a judicial vacancy crisis (an "emergency situation," in the words of the American Bar Association), the President proposed a comprehensive three-Branch plan to solve the problem. President Bush stated that this three-Branch plan should apply now and in the future, no matter who is President or which party controls the Senate. In particular, he proposed that judges provide one-year advance notice of retirement where possible; in March 2003, the Judicial Conference adopted the President's recommendation. The President proposed that Presidents nominate judges within 180 days of learning of a vacancy; the President is complying with this part of the plan and already has submitted nominations, for example, for the 15 new judgeships created on November 2, 2002. The President also proposed that the Senate vote up or down on judicial nominees within 180 days of receiving a nomination, a generous period of time for all Senators to evaluate nominees and to have their voices heard and their votes counted.

In the past, you and Senators of both parties have publicly agreed with the need for timely Senate votes on judicial nominees. On March 7, 2000, for example, you stated: "The

REV_00116799

basic problem is it takes so long for us to debate those qualifications. It is an example of Government not fulfilling its constitutional mandate because the President nominates, and *we are charged with voting on the nominees*. . . . I also plead with my colleagues to move judges with alacrity – *vote them up or down*. But this delay makes a mockery of the Constitution, makes a mockery of the fact that we are here working, and makes a mockery of the lives of very sincere people who have put themselves forward to be judges and then they hang out there in limbo."

In the 2000 campaign, moreover, several Democrat Senators such as Senator Leahy and Senator Harkin publicly and expressly agreed with then-Governor Bush's proposal for timely votes on nominees. In addition, Senator Specter in 2002, Senator Leahy in 1998, and Senator Bob Graham in 1991 all introduced Senate proposals to ensure timely up-or-down votes on judicial nominees. The Chief Justice, speaking on behalf of the federal Judiciary, also has expressly asked the Senate to ensure prompt up-or-down votes on nominees. And the American Bar Association, for its part, adopted a resolution last summer asking the Senate to hold prompt votes on judicial nominations, stating: "Vote them up or down, but don't hang them out to dry."

In seeking to fix the broken Senate confirmation process, we respectfully ask that you and other Senators consider these past statements, a sample of which are listed below, advocating timely up-or-down Senate votes on judicial nominees and ensure such votes no matter who is President or which party controls the Senate:

- *Senator Leahy* on October 3, 2000, stated: "Governor Bush and I, while we disagree on some issues, have one very significant issue on which we agree. He gave a speech a while back and criticized what has happened in the Senate where confirmations are held up not because somebody votes down a nominee but because they cannot ever get a vote. Governor Bush said: You have the nominee. Hold the hearing. Then, within 60 days, vote them up or vote them down. Don't leave them in limbo. *Frankly, that is what we are paid to do in this body. We are paid to vote either yes or no – not vote maybe*. When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are not only voting 'maybe,' but we are doing a terrible disservice to the man or woman to whom we do this."

- *Senator Leahy* on June 18, 1998, stated: "I have stated over and over again on this floor that I would refuse to put an anonymous hold on any judge; that I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported; that I felt the Senate should do its duty. *If we don't like somebody the President nominates, vote him or her down.* But don't hold them in this anonymous unconscionable limbo, because in doing that, the minority of Senators really shame all Senators."

- *Senator Daschle* on October 5, 1999, stated: "As Chief Justice Rehnquist has recognized, 'The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.' *An up or down vote, that is all we ask for Berzon and Paez*. And

REV_00116800

after years of waiting, they deserve at least that much. . . . *I find it simply baffling that a Senator would vote against even voting on a judicial nomination.*"

- *Senator Harkin* on September 14, 2000, stated: "I'll just close by saying that *Governor Bush had the right idea.* He said the candidate should get an up or down vote within 60 days of their nomination."

    - *Senator Harkin* on October 6, 2000, stated that then-Governor Bush's proposal for an up-or-down vote within 60 days of nomination was a "great idea."

- *Senator Biden* on March 19, 1997, stated: "I respectfully suggest that everyone who is nominated is entitled to have a shot, to have a hearing and to have a shot to be heard on the floor *and have a vote on the floor.*"

- *Senator Bob Graham* on April 24, 1991, introduced a bill that would require the Judiciary Committee to report a nomination within 90 days of nomination and *would require an up-or-down vote on the floor within 120 days of nomination.* Senator Graham stated: "I consider it a judicial emergency when a judgeship is vacant for one day more than necessary."

- *Senator Kennedy* on February 3, 1998, stated: "We owe it to Americans across the country to give these nominees a vote. If our Republican colleagues don't like them, vote against them. *But give them a vote.*"

    - On September 21, 1999, *Senator Kennedy* stated: "It is true that some Senators have voiced concerns about these nominations. But that should not prevent a roll call vote which gives every Senator the opportunity to vote 'yes' or 'no.' . . . *These delays can only be described as an abdication of the Senate's constitutional responsibility* to work with the President and ensure the integrity of our federal courts."

- *Senator Durbin* on September 28, 1998, stated: "I am not suggesting that we would give our consent to all of these nominees. I am basically saying that this process should come to a close. *The Senate should vote.*"

- *Senator Feinstein* on September 16, 1999, stated: "*A nominee is entitled to a vote. Vote them up; vote them down.*"

    - *Senator Feinstein* on October 4, 1999, stated: "Our institutional integrity requires an up-or-down vote."

- *Senator Harry Reid* on June 9, 2001, stated: "I think we should have up-or-down votes in the committee and on the floor."

REV_00116801

- *Senator Feingold* on March 8, 2000, stated: "All Judge Paez has ever asked for was this opportunity: an up or down vote on his confirmation. Yet for years, the Senate has denied him that simple courtesy."

- *Senator Kohl* on September 21, 1999, stated: "These nominees, who have to put their lives on hold waiting for us to act, *deserve an up or down vote*."

    - *Senator Kohl* on May 15, 1997, stated: "[L]et's breathe life back into the confirmation process. Let's vote on the nominees who already have been approved by the Judiciary Committee, and let's set a timetable for future hearings on pending judges. *Let's fulfill our constitutional responsibilities*."

- *Senator Lincoln* on September 14, 2000, stated: "If we want people to respect their government again, then government must act respectably. It's my hope that we'll take the necessary steps to give these men and these women especially *the up or down vote that they deserve*."

- *Senator Boxer* on January 28, 1998, stated: "I think, whether the delays are on the Republican side or the Democratic side, let these names come up, *let us have debate, let us vote*."

    - *Senator Boxer* on May 14, 1997, stated: "According to the U.S. Constitution, the President nominates, and the Senate shall provide advice and consent. *It is not the role of the Senate to obstruct the process and prevent numbers of highly qualified nominees from even being given the opportunity for a vote on the Senate floor*."

- *Senator Sarbanes* on December 15, 1997, stated: "This politicization . . . has been extended to include the practice of denying nominees an up or down vote on the Senate floor or even in the Judiciary Committee. *If the majority of the Senate opposes a judicial nominee enough to derail a nomination by an up or down vote, then at least the process has been served*."

    - *Senator Sarbanes* on March 19, 1997, stated: "It is not whether you let the President have his nominees confirmed. *You will not even let them be considered by the Senate for an up-or-down vote. That is the problem today*."

- *Senator Levin* on September 14, 2000, stated: "The truth of the matter is that the leadership of *the Senate has a responsibility to do what the Constitution says we should do, which is to advise and at least vote on whether or not to consent to the nomination of nominees for these courts*."

REV_00116802

- *Senator Levin* on May 24, 2000, stated: "These Michigan candidates . . . deserve to have *an up or down vote* on their nominations. . . . The Senate slowdown has a serious impact on the administration of justice."

II. Additional Points Regarding Your Proposal

I also want to make three other points regarding your proposal.

First, contrary to an implicit suggestion in your proposal, the members of these citizen committees themselves will bring their own views about the best qualities for judicial candidates, and their own preferences and visions and ideologies. But there is an important difference between these private citizens, on the one hand, and the President and 100 Senators, on the other. The American people did not elect these citizens to exercise this critical constitutional responsibility and cannot hold them accountable for their exercise of it.

Moreover, the Framers of the Constitution expressly considered and rejected a committee nomination process, concluding that such a process was unlikely to focus on the "intrinsic merit of the candidate." *Federalist* 76. As Hamilton explained, "in every exercise of the power of appointing to offices by an assembly of men we must expect to see a full display of all the private and party likings and dislikes, partialities and antipathies, attachments and animosities, which are felt by those who compose the assembly." *Id.* It will "rarely happen that the advancement of the public service will be the primary object either of party victories or of party negotiations." *Id.*

By contrast, "[t]he sole and undivided responsibility of one man" – the President – "will naturally beget a livelier sense of duty and a more exact regard to reputation. He will, on this account, feel himself under stronger obligations, and more interested to investigate with care the qualities requisite to the stations to be filled, and to prefer with impartiality the persons who may have the fairest pretensions to them." *Id.* The Framers wanted the President alone to exercise the power of nomination, moreover, because the "blame of a bad nomination would fall upon the President singly and absolutely." *Federalist* 77. In a committee nomination process, by contrast, "all idea of responsibility is lost." *Id.*

For these reasons, the Framers concluded that the President alone was to nominate and the Senate as a body was to vote up or down on the President's nominations.

Second, you explain that your proposal would ensure the merit of federal judges. In your letter to President Bush of March 16, 2001, however, you and Senator Leahy expressed the view that the American Bar Association ratings provide "unique, unbiased and essential information" about judicial candidates, and provide an "independent, apolitical" evaluation of their qualifications. You referred to the ABA rating as the "gold standard" for evaluating nominees. All 42 of the President's appeals court nominees rated so far have received "well-qualified" or "qualified" ABA ratings. By the standard outlined in your letter of March 16, 2001, all of these appeals court nominees warrant your support.

REV_00116803

Third, you explain that your proposal would avoid "extremist" judges. The Framers intended that the President would nominate judges and the Senate as a body would vote up-or-down on the nominations to express the majority will of the Senate. The constitutional scheme of Presidential appointment and majority vote in the Senate ensures that the nominees are not unfit. And your proposal would not preclude judges you might label as "extremist" from emerging from the citizen committees. Indeed, even more troubling is the fact that your proposal would not prevent judges whom both the President *and* a majority of the Senate might view as "extremist" from emerging from the citizen committees, yet the President and Senate would be essentially powerless to prevent the appointment.

One final point warrants mention. We assume that you include Miguel Estrada and Priscilla Owen in your description of "extremists" given the extraordinary ongoing filibusters of their nominations. But Miguel Estrada and Priscilla Owen represent the mainstream of American law and American values, as indicated by the fact that the President nominated them and a majority of the Senate supports them. Moreover, Miguel Estrada is supported by prominent Democrat lawyers such as Seth Waxman and Ron Klain and by a bipartisan group of 14 former colleagues in the Solicitor General's office, among many others. He worked for four years in the Clinton Administration. He was unanimously rated "well-qualified" by the American Bar Association. Priscilla Owen is supported by three former Democrat Justices on the Texas Supreme Court with whom she served and 15 past Presidents of the State Bar of Texas. She also received a *unanimous* "well-qualified" rating from the American Bar Association.

These two nominees are the mainstream. It bears note, moreover, that you and other Democrat Senators have supported nominees such as Jay Bybee and Michael McConnell who (unlike Mr. Estrada and Justice Owen) have taken strong public positions contrary to yours on significant issues of concern to you. We believe that an unfair double standard is being applied to both Miguel Estrada and Priscilla Owen.

* * *

We appreciate your desire to fix the broken judicial confirmation process. The President believes that the fix is for the Senate to exercise its constitutional responsibility and ensure that every judicial nominee receives an up-or-down Senate vote within a reasonable time after nomination, no matter who is President or which party controls the Senate.

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable Charles Schumer
United States Senate

Copy: The Honorable Bill Frist

REV_00116804

The Honorable Thomas Daschle
The Honorable Orrin Hatch
The Honorable Patrick Leahy
The Honorable John Cornyn
The Honorable Russ Feingold

REV_00116805

May 6, 2003

Dear Senator Feinstein:

On behalf of President Bush, I write in response to your letter of May 5.

You propose that the President and the opposite political party select in equal numbers members of citizen judicial nominating commissions in each State who would then select nominees for each judicial vacancy. The President would be required to nominate one of the individuals selected by the commission and the Senate required to vote up or down on that nominee. You propose this as a permanent change to the constitutional scheme for appointment of federal judges.

We appreciate and share your stated belief that the judicial confirmation process is "going in the wrong direction" and is potentially "spiral[ing] out of control." But as explained more fully in my attached letter to Senator Schumer in response to his similar proposal, we respectfully believe that this proposal is inconsistent with the Constitution, with the history and traditions of the Nation's federal judicial appointments process, and with the soundest approach for appointment of highly qualified federal judges, as the Founders determined. Rather, as President Bush and many other Senators of both parties have stated in the past, the solution to the broken judicial confirmation process is for the Senate to exercise its constitutional responsibility to vote up or down on judicial nominees within a reasonable time after nomination, no matter who is President or which party controls the Senate. We thus agree with your statement of September 16, 1999 in which you stated: "A nominee is entitled to a vote. Vote them up; vote them down." As you said on October 4, 1999, moreover, the Senate's "institutional integrity requires an up-or-down vote."

We very much appreciate your open-minded approach to the President's judicial nominees and what I know is your sincere desire to fix this process on a permanent and

bipartisan basis. Thank you very much for your letter, and please do not hesitate to contact me at any time about the judicial appointments process.

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable Dianne Feinstein
United States Senate

Copy: The Honorable Bill Frist
The Honorable Thomas Daschle
The Honorable Orrin Hatch
The Honorable Patrick Leahy
The Honorable John Cornyn
The Honorable Russ Feingold

REV_00116807

From: CN=Erin E. Healy/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/6/2003 6:58:31 AM
Subject: : Re: judicial event

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAY-2003 10:58:31.00
SUBJECT:: Re: judicial event
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ouch.

Brett M. Kavanaugh
05/06/2003 10:43:51 AM
Record Type: Record

To: Erin E. Healy/WHO/EOP@EOP
cc:
bcc:
Subject: Re: judicial event

about double that.

Erin E. Healy
05/06/2003 10:41:11 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: judicial event

i worried about the weather on friday. want to prepare you for the ugly
450 venue. what's your audience size? unfortunately that room only holds
134.

From: CN=Jonathan F. Ganter/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/6/2003 7:36:31 AM
Subject: : Re: what time is hearing? and where?

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CREATION DATE/TIME: 6-MAY-2003 11:36:31.00
SUBJECT:: Re: what time is hearing? and where?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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Brett- I looked through your mailbox and found a couple of items that Kate
still needs. I think they are already done, but wanted to verify that
before I walk them down. They are on your desk.

Jon
```

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/6/2003 8:22:14 AM
Subject: :
Attachments: P_RGT6G003_WHO.TXT_1.pdf

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SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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Note that this is still in process of being faxed.
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File attachment <P_RGT6G003_WHO.TXT_1>
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THE WHITE HOUSE

WASHINGTON

May 6, 2003

Dear Senator Feinstein:

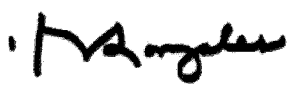
On behalf of President Bush, I write in response to your letter of May 5.

You propose that the President and the opposite political party select in equal numbers members of citizen judicial nominating commissions in each State who would then select nominees for each judicial vacancy. The President would be required to nominate one of the individuals selected by the commission and the Senate required to vote up or down on that nominee. You propose this as a permanent change to the constitutional scheme for appointment of federal judges.

We appreciate and share your stated belief that the judicial confirmation process is "going in the wrong direction" and is potentially "spiral[ing] out of control." But as explained more fully in my attached letter to Senator Schumer in response to his similar proposal, we respectfully believe that this proposal is inconsistent with the Constitution, with the history and traditions of the Nation's federal judicial appointments process, and with the soundest approach for appointment of highly qualified federal judges, as the Founders determined. Rather, as President Bush and many other Senators of both parties have stated in the past, the solution to the broken judicial confirmation process is for the Senate to exercise its constitutional responsibility to vote up or down on judicial nominees within a reasonable time after nomination, no matter who is President or which party controls the Senate. We thus agree with your statement of September 16, 1999 in which you stated: "A nominee is entitled to a vote. Vote them up; vote them down." As you said on October 4, 1999, moreover, the Senate's "institutional integrity requires an up-or-down vote."

We very much appreciate your open-minded approach to the President's judicial nominees and what I know is your sincere desire to fix this process on a permanent and bipartisan basis. Thank you very much for your letter, and please do not hesitate to contact me at any time about the judicial appointments process.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Copy: The Honorable Bill Frist
The Honorable Thomas Daschle
The Honorable Orrin Hatch
The Honorable Patrick Leahy
The Honorable John Cornyn
The Honorable Russ Feingold

REV_00116823

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>;<Snee, Ashley>;<Mamo, Jeanie S.>;<Goeglein, Tim>;<Smith, Matthew E.>
Sent: 5/6/2003 12:42:31 PM
Subject: Judge Gonzales letter to Senator Schumer re Sen. Schumer's proposal
Attachments: judges schumer letter 5 6 03 #2.pdf

<>

THE WHITE HOUSE

WASHINGTON

May 6, 2003

Dear Senator Schumer:

On behalf of President Bush, I write in response to your letter of April 30.

You propose that the President and Senate leader of the opposite party select in equal numbers members of citizen judicial nominating commissions in each State and circuit who would then select one nominee for each judicial vacancy. The President then would be required to nominate the individual selected by the commission and the Senate required to confirm that individual, at least absent "evidence" that the candidate is "unfit for judicial service." You propose this as a permanent change to the constitutional scheme for appointment of federal judges.

We appreciate and share your stated goal of repairing the "broken" judicial confirmation process and the "vicious cycle" of "delayed" Senate nominees. But we respectfully disagree with your proposal as inconsistent with the Constitution, with the history and traditions of the Nation's federal judicial appointments process, and with the soundest approach for appointment of highly qualified federal judges, as the Founders determined. Rather, as President Bush and many Senators of both parties have stated in the past, the solution to the broken judicial confirmation process is for the Senate to exercise its constitutional responsibility to vote up or down on judicial nominees within a reasonable time after nomination, no matter who is President or which party controls the Senate.

I. The Constitution, the Current Problem, and the Solution

Article II of the Constitution provides: The President "shall nominate, and by with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court, and all other Officers of the United States . . . ." During the first Congress and throughout most of this Nation's history, the Senate has both recognized and exercised its constitutional responsibility under Article II to hold majority, up-or-down votes on a President's nominees within a reasonable time after nomination. The Framers intended that the Senate vote on nominations would prevent Presidential appointment of "unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity." *Federalist* 76.

Your proposal would effectively transfer the nomination power of the President and the confirmation power of the Senate to a group of unelected and unaccountable private citizens. As the Supreme Court has explained, however, the Appointments Clause is "more than a matter of etiquette or protocol; it is among the significant structural safeguards of the constitutional scheme. By vesting the President with the exclusive power to select the principal (noninferior) officers of the United States, the Appointments Claude prevents congressional encroachment upon the Executive and Judicial Branches. This disposition was also designed to assure a higher quality of appointments: the Framers anticipated that the President would be less vulnerable to

interest-group pressure and personal favoritism than would a collective body." *Edmond v. United States*, 520 U.S. 651, 659 (1997) (citations omitted). Importantly, as the Supreme Court has also explained, the Appointments Clause not only guards against encroachment "but also preserves another aspect of the Constitution's structural integrity by preventing the diffusion of the appointment power." *Freytag v. CIR*, 501 U.S. 868, 878 (1991). Therefore, "neither Congress nor the Executive can agree to waive this structural protection" afforded by the Appointments Clause. *Id.* at 880. These principles and precedents amply demonstrate the constitutional and structural problems with any proposal to transfer the constitutional responsibilities of the President and the Senate to a group of unelected and unaccountable private citizens.

That said, we very much appreciate your recognition that the Senate's judicial confirmation process is "broken." The precise problem, in our judgment, is that the Senate has too often failed in recent years to hold votes on judicial nominees within a reasonable time after nomination (often because a *minority* of Senators has used procedural tactics to prevent the Senate from voting and expressing its majority will). Many appeals court nominees have waited years for votes; many others have never received votes. Today, for example, although the Senate never before has denied a vote to an appeals court nominee on account of a filibuster, a minority of Senators are engaged in unprecedented simultaneous filibusters to prevent up or down votes on *two* superb nominees, Priscilla Owen and Miguel Estrada, who were nominated two years ago and who have the support of a majority of the Senate.

The problem of the Senate not holding votes on certain judicial nominees is a relatively recent development, albeit not new to this Presidency. In the Administrations of both President George H.W. Bush in the 102nd Congress and President Clinton in the 106th Congress, for example, too many appeals court nominees never received up-or-down votes. As President Bush has explained, however, the problem has persisted and significantly worsened in the 107th and 108th Congresses during this President's tenure.

President Bush's commitment to solving this problem also is not new. In June 2000, during the Presidential campaign, then-Governor Bush emphasized that the Senate should hold up-or-down votes on all nominees within a reasonable time after nomination (60 days). Last fall, after two additional years of Senate delays that were causing a judicial vacancy crisis (an "emergency situation," in the words of the American Bar Association), the President proposed a comprehensive three-Branch plan to solve the problem. President Bush stated that this three-Branch plan should apply now and in the future, no matter who is President or which party controls the Senate. In particular, he proposed that judges provide one-year advance notice of retirement where possible; in March 2003, the Judicial Conference adopted the President's recommendation. The President proposed that Presidents nominate judges within 180 days of learning of a vacancy; the President is complying with this part of the plan and already has submitted nominations, for example, for the 15 new judgeships created on November 2, 2002. The President also proposed that the Senate vote up or down on judicial nominees within 180 days of receiving a nomination, a generous period of time for all Senators to evaluate nominees and to have their voices heard and their votes counted.

REV_00116831

In the past, you and Senators of both parties have publicly agreed with the need for timely Senate votes on judicial nominees. On March 7, 2000, for example, you stated: "The basic problem is it takes so long for us to debate those qualifications. It is an example of Government not fulfilling its constitutional mandate because the President nominates, and *we are charged with voting on the nominees*. . . . I also plead with my colleagues to move judges with alacrity – *vote them up or down*. But this delay makes a mockery of the Constitution, makes a mockery of the fact that we are here working, and makes a mockery of the lives of very sincere people who have put themselves forward to be judges and then they hang out there in limbo."

In the 2000 campaign, moreover, several Democrat Senators such as Senator Leahy and Senator Harkin publicly and expressly agreed with then-Governor Bush's proposal for timely votes on nominees. In addition, Senator Specter in 2002, Senator Leahy in 1998, and Senator Bob Graham in 1991 all introduced Senate proposals to ensure timely up-or-down votes on judicial nominees. The Chief Justice, speaking on behalf of the federal Judiciary, also has expressly asked the Senate to ensure prompt up-or-down votes on nominees. And the American Bar Association, for its part, adopted a resolution last summer asking the Senate to hold prompt votes on judicial nominations, stating: "Vote them up or down, but don't hang them out to dry."

In seeking to fix the broken Senate confirmation process, we respectfully ask that you and other Senators consider these past statements, a sample of which are listed below, advocating timely up-or-down Senate votes on judicial nominees and ensure such votes no matter who is President or which party controls the Senate:

- *Senator Leahy* on October 3, 2000, stated: "Governor Bush and I, while we disagree on some issues, have one very significant issue on which we agree. He gave a speech a while back and criticized what has happened in the Senate where confirmations are held up not because somebody votes down a nominee but because they cannot ever get a vote. Governor Bush said: You have the nominee. Hold the hearing. Then, within 60 days, vote them up or vote them down. Don't leave them in limbo. *Frankly, that is what we are paid to do in this body. We are paid to vote either yes or no – not vote maybe*. When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are not only voting 'maybe,' but we are doing a terrible disservice to the man or woman to whom we do this."

- *Senator Leahy* on June 18, 1998, stated: "I have stated over and over again on this floor that I would refuse to put an anonymous hold on any judge; that I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported; that I felt the Senate should do its duty. *If we don't like somebody the President nominates, vote him or her down.* But don't hold them in this anonymous unconscionable limbo, because in doing that, the minority of Senators really shame all Senators."

- *Senator Daschle* on October 5, 1999, stated: "As Chief Justice Rehnquist has recognized, 'The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote

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him down.' *An up or down vote, that is all we ask for Berzon and Paez*. And after years of waiting, they deserve at least that much. . . . *I find it simply baffling that a Senator would vote against even voting on a judicial nomination*."

- *Senator Harkin* on September 14, 2000, stated: "I'll just close by saying that *Governor Bush had the right idea*. He said the candidate should get an up or down vote within 60 days of their nomination."

    - *Senator Harkin* on October 6, 2000, stated that then-Governor Bush's proposal for an up-or-down vote within 60 days of nomination was a "great idea."

- *Senator Biden* on March 19, 1997, stated: "I respectfully suggest that everyone who is nominated is entitled to have a shot, to have a hearing and to have a shot to be heard on the floor *and have a vote on the floor*."

- *Senator Bob Graham* on April 24, 1991, introduced a bill that would require the Judiciary Committee to report a nomination within 90 days of nomination and *would require an up-or-down vote on the floor within 120 days of nomination*. Senator Graham stated: "I consider it a judicial emergency when a judgeship is vacant for one day more than necessary."

- *Senator Kennedy* on February 3, 1998, stated: "We owe it to Americans across the country to give these nominees a vote. If our Republican colleagues don't like them, vote against them. *But give them a vote*."

    - On September 21, 1999, *Senator Kennedy* stated: "It is true that some Senators have voiced concerns about these nominations. But that should not prevent a roll call vote which gives every Senator the opportunity to vote 'yes' or 'no.' . . . *These delays can only be described as an abdication of the Senate's constitutional responsibility* to work with the President and ensure the integrity of our federal courts."

- *Senator Durbin* on September 28, 1998, stated: "I am not suggesting that we would give our consent to all of these nominees. I am basically saying that this process should come to a close. *The Senate should vote*."

- *Senator Feinstein* on September 16, 1999, stated: "*A nominee is entitled to a vote. Vote them up; vote them down*."

    - *Senator Feinstein* on October 4, 1999, stated: "Our institutional integrity requires an up-or-down vote."

- *Senator Harry Reid* on June 9, 2001, stated: "I think we should have up-or-down votes in the committee and on the floor."

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- *Senator Feingold* on March 8, 2000, stated: "All Judge Paez has ever asked for was this opportunity: an up or down vote on his confirmation. Yet for years, the Senate has denied him that simple courtesy."

- *Senator Kohl* on September 21, 1999, stated: "These nominees, who have to put their lives on hold waiting for us to act, *deserve an up or down vote*."

    - *Senator Kohl* on May 15, 1997, stated: "[L]et's breathe life back into the confirmation process. Let's vote on the nominees who already have been approved by the Judiciary Committee, and let's set a timetable for future hearings on pending judges. *Let's fulfill our constitutional responsibilities*."

- *Senator Lincoln* on September 14, 2000, stated: "If we want people to respect their government again, then government must act respectably. It's my hope that we'll take the necessary steps to give these men and these women especially *the up or down vote that they deserve*."

- *Senator Boxer* on January 28, 1998, stated: "I think, whether the delays are on the Republican side or the Democratic side, let these names come up, *let us have debate, let us vote*."

    - *Senator Boxer* on May 14, 1997, stated: "According to the U.S. Constitution, the President nominates, and the Senate shall provide advice and consent. *It is not the role of the Senate to obstruct the process and prevent numbers of highly qualified nominees from even being given the opportunity for a vote on the Senate floor*."

- *Senator Sarbanes* on December 15, 1997, stated: "This politicization . . . has been extended to include the practice of denying nominees an up or down vote on the Senate floor or even in the Judiciary Committee. *If the majority of the Senate opposes a judicial nominee enough to derail a nomination by an up or down vote, then at least the process has been served*."

    - *Senator Sarbanes* on March 19, 1997, stated: "It is not whether you let the President have his nominees confirmed. *You will not even let them be considered by the Senate for an up-or-down vote. That is the problem today*."

- *Senator Levin* on September 14, 2000, stated: "The truth of the matter is that the leadership of *the Senate has a responsibility to do what the Constitution says we should do, which is to advise and at least vote on whether or not to consent to the nomination of nominees for these courts*."

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- *Senator Levin* on May 24, 2000, stated: "These Michigan candidates . . . deserve to have *an up or down vote* on their nominations. . . . The Senate slowdown has a serious impact on the administration of justice."

II. Additional Points Regarding Your Proposal

I also want to make three other points regarding your proposal.

First, contrary to an implicit suggestion in your proposal, the members of these citizen committees themselves will bring their own views about the best qualities for judicial candidates, and their own preferences and visions and ideologies. But there is an important difference between these private citizens, on the one hand, and the President and 100 Senators, on the other. The American people did not elect these citizens to exercise this critical constitutional responsibility and cannot hold them accountable for their exercise of it.

Moreover, the Framers of the Constitution expressly considered and rejected a committee nomination process, concluding that such a process was unlikely to focus on the "intrinsic merit of the candidate." *Federalist* 76. As Hamilton explained, "in every exercise of the power of appointing to offices by an assembly of men we must expect to see a full display of all the private and party likings and dislikes, partialities and antipathies, attachments and animosities, which are felt by those who compose the assembly." *Id.* It will "rarely happen that the advancement of the public service will be the primary object either of party victories or of party negotiations." *Id.*

By contrast, "[t]he sole and undivided responsibility of one man" – the President – "will naturally beget a livelier sense of duty and a more exact regard to reputation. He will, on this account, feel himself under stronger obligations, and more interested to investigate with care the qualities requisite to the stations to be filled, and to prefer with impartiality the persons who may have the fairest pretensions to them." *Id.* The Framers wanted the President alone to exercise the power of nomination, moreover, because the "blame of a bad nomination would fall upon the President singly and absolutely." *Federalist* 77. In a committee nomination process, by contrast, "all idea of responsibility is lost." *Id.*

For these reasons, the Framers concluded that the President alone was to nominate and the Senate as a body was to vote up or down on the President's nominations.

Second, you explain that your proposal would ensure the merit of federal judges. In your letter to President Bush of March 16, 2001, however, you and Senator Leahy expressed the view that the American Bar Association ratings provide "unique, unbiased and essential information" about judicial candidates, and provide an "independent, apolitical" evaluation of their qualifications. You referred to the ABA rating as the "gold standard" for evaluating nominees. All 42 of the President's appeals court nominees rated so far have received "well-qualified" or "qualified" ABA ratings. By the standard outlined in your letter of March 16, 2001, all of these appeals court nominees warrant your support.

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Third, you explain that your proposal would avoid "extremist" judges. The Framers intended that the President would nominate judges and the Senate as a body would vote up-or-down on the nominations to express the majority will of the Senate. The constitutional scheme of Presidential appointment and majority vote in the Senate ensures that the nominees are not unfit. And your proposal would not preclude judges you might label as "extremist" from emerging from the citizen committees. Indeed, even more troubling is the fact that your proposal would not prevent judges whom both the President *and* a majority of the Senate might view as "extremist" from emerging from the citizen committees, yet the President and Senate would be essentially powerless to prevent the appointment.

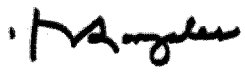
One final point warrants mention. We assume that you include Miguel Estrada and Priscilla Owen in your description of "extremists" given the extraordinary ongoing filibusters of their nominations. But Miguel Estrada and Priscilla Owen represent the mainstream of American law and American values, as indicated by the fact that the President nominated them and a majority of the Senate supports them. Moreover, Miguel Estrada is supported by prominent Democrat lawyers such as Seth Waxman and Ron Klain and by a bipartisan group of 14 former colleagues in the Solicitor General's office, among many others. He worked for four years in the Clinton Administration. He was unanimously rated "well-qualified" by the American Bar Association. Priscilla Owen is supported by three former Democrat Justices on the Texas Supreme Court with whom she served and 15 past Presidents of the State Bar of Texas. She also received a *unanimous* "well-qualified" rating from the American Bar Association.

These two nominees are the mainstream. It bears note, moreover, that you and other Democrat Senators have supported nominees such as Jay Bybee and Michael McConnell who (unlike Mr. Estrada and Justice Owen) have taken strong public positions contrary to yours on significant issues of concern to you. We believe that an unfair double standard is being applied to both Miguel Estrada and Priscilla Owen.

* * *

We appreciate your desire to fix the broken judicial confirmation process. The President believes that the fix is for the Senate to exercise its constitutional responsibility and ensure that every judicial nominee receives an up-or-down Senate vote within a reasonable time after nomination, no matter who is President or which party controls the Senate.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Charles Schumer
United States Senate
Washington, DC 20510

REV_00116836

Copy: The Honorable Bill Frist
The Honorable Thomas Daschle
The Honorable Orrin Hatch
The Honorable Patrick Leahy
The Honorable John Cornyn
The Honorable Russ Feingold

REV_00116837

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: jamie.e.brown@usdoj.gov [UNKNOWN] <jamie.e.brown@usdoj.gov>;adam.charnes@usdoj.gov [UNKNOWN] <adam.charnes@usdoj.gov>;brian.a.benczkowski@usdoj.gov [UNKNOWN] <brian.a.benczkowski@usdoj.gov>;viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>
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Subject: : Judge Gonzales letter to Sen. Schumer
Attachments: P_OSU6G003_WHO.TXT_1.pdf

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READ:UNKNOWN
TO:adam.charnes@usdoj.gov ( adam.charnes@usdoj.gov [ UNKNOWN ] )
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File attachment <P_OSU6G003_WHO.TXT_1>
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THE WHITE HOUSE

WASHINGTON

May 6, 2003

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Your proposal would effectively transfer the nomination power of the President and the confirmation power of the Senate to a group of unelected and unaccountable private citizens. As the Supreme Court has explained, however, the Appointments Clause is "more than a matter of etiquette or protocol; it is among the significant structural safeguards of the constitutional scheme. By vesting the President with the exclusive power to select the principal (noninferior) officers of the United States, the Appointments Claude prevents congressional encroachment upon the Executive and Judicial Branches. This disposition was also designed to assure a higher quality of appointments: the Framers anticipated that the President would be less vulnerable to

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President Bush's commitment to solving this problem also is not new. In June 2000, during the Presidential campaign, then-Governor Bush emphasized that the Senate should hold up-or-down votes on all nominees within a reasonable time after nomination (60 days). Last fall, after two additional years of Senate delays that were causing a judicial vacancy crisis (an "emergency situation," in the words of the American Bar Association), the President proposed a comprehensive three-Branch plan to solve the problem. President Bush stated that this three-Branch plan should apply now and in the future, no matter who is President or which party controls the Senate. In particular, he proposed that judges provide one-year advance notice of retirement where possible; in March 2003, the Judicial Conference adopted the President's recommendation. The President proposed that Presidents nominate judges within 180 days of learning of a vacancy; the President is complying with this part of the plan and already has submitted nominations, for example, for the 15 new judgeships created on November 2, 2002. The President also proposed that the Senate vote up or down on judicial nominees within 180 days of receiving a nomination, a generous period of time for all Senators to evaluate nominees and to have their voices heard and their votes counted.

REV_00116840

In the past, you and Senators of both parties have publicly agreed with the need for timely Senate votes on judicial nominees. On March 7, 2000, for example, you stated: "The basic problem is it takes so long for us to debate those qualifications. It is an example of Government not fulfilling its constitutional mandate because the President nominates, and *we are charged with voting on the nominees*. . . . I also plead with my colleagues to move judges with alacrity – *vote them up or down*. But this delay makes a mockery of the Constitution, makes a mockery of the fact that we are here working, and makes a mockery of the lives of very sincere people who have put themselves forward to be judges and then they hang out there in limbo."

In the 2000 campaign, moreover, several Democrat Senators such as Senator Leahy and Senator Harkin publicly and expressly agreed with then-Governor Bush's proposal for timely votes on nominees. In addition, Senator Specter in 2002, Senator Leahy in 1998, and Senator Bob Graham in 1991 all introduced Senate proposals to ensure timely up-or-down votes on judicial nominees. The Chief Justice, speaking on behalf of the federal Judiciary, also has expressly asked the Senate to ensure prompt up-or-down votes on nominees. And the American Bar Association, for its part, adopted a resolution last summer asking the Senate to hold prompt votes on judicial nominations, stating: "Vote them up or down, but don't hang them out to dry."

In seeking to fix the broken Senate confirmation process, we respectfully ask that you and other Senators consider these past statements, a sample of which are listed below, advocating timely up-or-down Senate votes on judicial nominees and ensure such votes no matter who is President or which party controls the Senate:

- *Senator Leahy* on October 3, 2000, stated: "Governor Bush and I, while we disagree on some issues, have one very significant issue on which we agree. He gave a speech a while back and criticized what has happened in the Senate where confirmations are held up not because somebody votes down a nominee but because they cannot ever get a vote. Governor Bush said: You have the nominee. Hold the hearing. Then, within 60 days, vote them up or vote them down. Don't leave them in limbo. *Frankly, that is what we are paid to do in this body. We are paid to vote either yes or no – not vote maybe*. When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are not only voting 'maybe,' but we are doing a terrible disservice to the man or woman to whom we do this."

- *Senator Leahy* on June 18, 1998, stated: "I have stated over and over again on this floor that I would refuse to put an anonymous hold on any judge; that I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported; that I felt the Senate should do its duty. *If we don't like somebody the President nominates, vote him or her down.* But don't hold them in this anonymous unconscionable limbo, because in doing that, the minority of Senators really shame all Senators."

- *Senator Daschle* on October 5, 1999, stated: "As Chief Justice Rehnquist has recognized, 'The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote

REV_00116841

him down.' *An up or down vote, that is all we ask for Berzon and Paez*. And after years of waiting, they deserve at least that much. . . . *I find it simply baffling that a Senator would vote against even voting on a judicial nomination*."

- *Senator Harkin* on September 14, 2000, stated: "I'll just close by saying that *Governor Bush had the right idea*. He said the candidate should get an up or down vote within 60 days of their nomination."

    - *Senator Harkin* on October 6, 2000, stated that then-Governor Bush's proposal for an up-or-down vote within 60 days of nomination was a "great idea."

- *Senator Biden* on March 19, 1997, stated: "I respectfully suggest that everyone who is nominated is entitled to have a shot, to have a hearing and to have a shot to be heard on the floor *and have a vote on the floor*."

- *Senator Bob Graham* on April 24, 1991, introduced a bill that would require the Judiciary Committee to report a nomination within 90 days of nomination and *would require an up-or-down vote on the floor within 120 days of nomination*. Senator Graham stated: "I consider it a judicial emergency when a judgeship is vacant for one day more than necessary."

- *Senator Kennedy* on February 3, 1998, stated: "We owe it to Americans across the country to give these nominees a vote. If our Republican colleagues don't like them, vote against them. *But give them a vote*."

    - On September 21, 1999, *Senator Kennedy* stated: "It is true that some Senators have voiced concerns about these nominations. But that should not prevent a roll call vote which gives every Senator the opportunity to vote 'yes' or 'no.' . . . *These delays can only be described as an abdication of the Senate's constitutional responsibility* to work with the President and ensure the integrity of our federal courts."

- *Senator Durbin* on September 28, 1998, stated: "I am not suggesting that we would give our consent to all of these nominees. I am basically saying that this process should come to a close. *The Senate should vote*."

- *Senator Feinstein* on September 16, 1999, stated: "*A nominee is entitled to a vote. Vote them up; vote them down*."

    - *Senator Feinstein* on October 4, 1999, stated: "Our institutional integrity requires an up-or-down vote."

- *Senator Harry Reid* on June 9, 2001, stated: "I think we should have up-or-down votes in the committee and on the floor."

REV_00116842

- *Senator Feingold* on March 8, 2000, stated: "All Judge Paez has ever asked for was this opportunity: an up or down vote on his confirmation. Yet for years, the Senate has denied him that simple courtesy."

- *Senator Kohl* on September 21, 1999, stated: "These nominees, who have to put their lives on hold waiting for us to act, *deserve an up or down vote*."

    - *Senator Kohl* on May 15, 1997, stated: "[L]et's breathe life back into the confirmation process. Let's vote on the nominees who already have been approved by the Judiciary Committee, and let's set a timetable for future hearings on pending judges. *Let's fulfill our constitutional responsibilities*."

- *Senator Lincoln* on September 14, 2000, stated: "If we want people to respect their government again, then government must act respectably. It's my hope that we'll take the necessary steps to give these men and these women especially *the up or down vote that they deserve*."

- *Senator Boxer* on January 28, 1998, stated: "I think, whether the delays are on the Republican side or the Democratic side, let these names come up, *let us have debate, let us vote*."

    - *Senator Boxer* on May 14, 1997, stated: "According to the U.S. Constitution, the President nominates, and the Senate shall provide advice and consent. *It is not the role of the Senate to obstruct the process and prevent numbers of highly qualified nominees from even being given the opportunity for a vote on the Senate floor*."

- *Senator Sarbanes* on December 15, 1997, stated: "This politicization . . . has been extended to include the practice of denying nominees an up or down vote on the Senate floor or even in the Judiciary Committee. *If the majority of the Senate opposes a judicial nominee enough to derail a nomination by an up or down vote, then at least the process has been served*."

    - *Senator Sarbanes* on March 19, 1997, stated: "It is not whether you let the President have his nominees confirmed. *You will not even let them be considered by the Senate for an up-or-down vote. That is the problem today*."

- *Senator Levin* on September 14, 2000, stated: "The truth of the matter is that the leadership of *the Senate has a responsibility to do what the Constitution says we should do, which is to advise and at least vote on whether or not to consent to the nomination of nominees for these courts*."

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- *Senator Levin* on May 24, 2000, stated: "These Michigan candidates . . . deserve to have *an up or down vote* on their nominations. . . . The Senate slowdown has a serious impact on the administration of justice."

II. Additional Points Regarding Your Proposal

I also want to make three other points regarding your proposal.

First, contrary to an implicit suggestion in your proposal, the members of these citizen committees themselves will bring their own views about the best qualities for judicial candidates, and their own preferences and visions and ideologies. But there is an important difference between these private citizens, on the one hand, and the President and 100 Senators, on the other. The American people did not elect these citizens to exercise this critical constitutional responsibility and cannot hold them accountable for their exercise of it.

Moreover, the Framers of the Constitution expressly considered and rejected a committee nomination process, concluding that such a process was unlikely to focus on the "intrinsic merit of the candidate." *Federalist* 76. As Hamilton explained, "in every exercise of the power of appointing to offices by an assembly of men we must expect to see a full display of all the private and party likings and dislikes, partialities and antipathies, attachments and animosities, which are felt by those who compose the assembly." *Id.* It will "rarely happen that the advancement of the public service will be the primary object either of party victories or of party negotiations." *Id.*

By contrast, "[t]he sole and undivided responsibility of one man" – the President – "will naturally beget a livelier sense of duty and a more exact regard to reputation. He will, on this account, feel himself under stronger obligations, and more interested to investigate with care the qualities requisite to the stations to be filled, and to prefer with impartiality the persons who may have the fairest pretensions to them." *Id.* The Framers wanted the President alone to exercise the power of nomination, moreover, because the "blame of a bad nomination would fall upon the President singly and absolutely." *Federalist* 77. In a committee nomination process, by contrast, "all idea of responsibility is lost." *Id.*

For these reasons, the Framers concluded that the President alone was to nominate and the Senate as a body was to vote up or down on the President's nominations.

Second, you explain that your proposal would ensure the merit of federal judges. In your letter to President Bush of March 16, 2001, however, you and Senator Leahy expressed the view that the American Bar Association ratings provide "unique, unbiased and essential information" about judicial candidates, and provide an "independent, apolitical" evaluation of their qualifications. You referred to the ABA rating as the "gold standard" for evaluating nominees. All 42 of the President's appeals court nominees rated so far have received "well-qualified" or "qualified" ABA ratings. By the standard outlined in your letter of March 16, 2001, all of these appeals court nominees warrant your support.

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Third, you explain that your proposal would avoid "extremist" judges. The Framers intended that the President would nominate judges and the Senate as a body would vote up-or-down on the nominations to express the majority will of the Senate. The constitutional scheme of Presidential appointment and majority vote in the Senate ensures that the nominees are not unfit. And your proposal would not preclude judges you might label as "extremist" from emerging from the citizen committees. Indeed, even more troubling is the fact that your proposal would not prevent judges whom both the President *and* a majority of the Senate might view as "extremist" from emerging from the citizen committees, yet the President and Senate would be essentially powerless to prevent the appointment.

One final point warrants mention. We assume that you include Miguel Estrada and Priscilla Owen in your description of "extremists" given the extraordinary ongoing filibusters of their nominations. But Miguel Estrada and Priscilla Owen represent the mainstream of American law and American values, as indicated by the fact that the President nominated them and a majority of the Senate supports them. Moreover, Miguel Estrada is supported by prominent Democrat lawyers such as Seth Waxman and Ron Klain and by a bipartisan group of 14 former colleagues in the Solicitor General's office, among many others. He worked for four years in the Clinton Administration. He was unanimously rated "well-qualified" by the American Bar Association. Priscilla Owen is supported by three former Democrat Justices on the Texas Supreme Court with whom she served and 15 past Presidents of the State Bar of Texas. She also received a *unanimous* "well-qualified" rating from the American Bar Association.

These two nominees are the mainstream. It bears note, moreover, that you and other Democrat Senators have supported nominees such as Jay Bybee and Michael McConnell who (unlike Mr. Estrada and Justice Owen) have taken strong public positions contrary to yours on significant issues of concern to you. We believe that an unfair double standard is being applied to both Miguel Estrada and Priscilla Owen.

* * *

We appreciate your desire to fix the broken judicial confirmation process. The President believes that the fix is for the Senate to exercise its constitutional responsibility and ensure that every judicial nominee receives an up-or-down Senate vote within a reasonable time after nomination, no matter who is President or which party controls the Senate.

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable Charles Schumer
United States Senate
Washington, DC 20510

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Copy: The Honorable Bill Frist
The Honorable Thomas Daschle
The Honorable Orrin Hatch
The Honorable Patrick Leahy
The Honorable John Cornyn
The Honorable Russ Feingold

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From: Mamo, Jeanie S.
To: <Kavanaugh, Brett M.>;<Snee, Ashley>
Sent: 5/6/2003 1:25:10 PM
Subject: Spartanburg (SC) Herald-Tribune EDITORIAL re: Senate Democrats prepare to delay more judicial nominees

Posted on May 05, 2003

Senate Democrats prepare to delay more Bush judicial nominees

Spartanburg (SC)Herald-Tribune

EDITORIAL

Senate Democrats have launched another filibuster to make sure that a second Bush nominee never gets a vote by the full body.

Democrats have already held up the nomination of Miguel Estrada to a federal appeals court for months using a filibuster. Now they are using the same tactic against the nomination of Texas Supreme Court Justice Priscilla Owen to the 5th U.S. Circuit Court of Appeals.

Democrats don't have the votes necessary to defeat the nominations in an open vote, so they are trying to make sure the votes are never taken. They do so by filibustering, by continuing to debate the topic whenever it comes up, refusing to allow a vote to be taken. It takes 60 votes in the Senate to close debate and force a vote.

So what the Democrats are doing is using the rules to prevent the full Senate from carrying out its constitutional duty to vote on the president's judicial nominees.

Why? Why do Senate Democrats refuse to let their body carry out its duty?

Because they say Bush's nominees are too conservative for them. They say that Estrada is a stealth conservative because they have been unable to prove his ideology. They accuse Owen of being anti-abortion and pro-business.

Of course, the fact of the matter is that the Constitution gives the president the ability to appoint judges. The people vote for the president they want and the ideology they want used to select judges. As a check on that authority, the Senate is empowered to give advice and consent to the president, to confirm or reject his nominees.

If a vote of the full Senate were allowed, both Estrada and Owen would be confirmed.

So, in order to enforce their ideological blockade, Senate Democrats have short-circuited the constitutional process. They say they may also filibuster other nominees.

Sen. Charles Schumer, D-N.Y., announced: "History will look kindly on us for doing so."

He is wrong. History will record that Democrats tried to assume a power they didn't have, that they tried to negate the effect of the democratic process, that they refused to allow a president elected by the people to exercise the power granted to him by the Constitution and that they corrupted their own body by refusing to allow it to fulfill its constitutional duty -- all because they insisted on pushing an ideology rejected by the voters.

From:	Kavanaugh, Brett M.
To:	<Snee, Ashley>
Sent:	5/6/2003 1:27:21 PM
Subject:	opinion
Attachments:	~~DLNK0.URL; ~~DLNK1.URL; ~~DLNK2.URL; ~~DLNK3.URL; ~~DLNK4.URL; ~~DLNK5.URL; ~~DLNK6.URL; ~~DLNK7.URL; ~~DLNK8.URL; ~~DLNK9.URL; ~~DLNK10.URL; ~~DLNK11.URL; ~~DLNK12.URL; ~~DLNK13.URL; ~~DLNK14.URL; ~~DLNK15.URL; ~~DLNK16.URL; ~~DLNK17.URL; ~~DLNK18.URL; ~~DLNK19.URL; ~~DLNK20.URL; ~~DLNK21.URL; ~~DLNK22.URL; ~~DLNK23.URL

JUSTICE GONZALES, joined by JUSTICE ENOCH, concurring.

I fully join in the Court's judgment and opinion. I agree that there is no evidence supporting the trial court's finding that Jane Doe was not sufficiently well informed. And I agree that the contrary position is established as a matter of law.

Only in this, an appeal after remand of the first of four *Jane Doe* cases, has the Court granted a minor's application to bypass notifying her parents before she consents to an abortion. n1 Yet in each case, the Court has struggled to render the correct decision, and some members of the Court have strongly disagreed. The tenor of the opinions have been unmistakably contentious. It has been suggested that the Court's decisions are motivated by personal ideology. *See Jane Doe 4(I)*, 19 S.W.3d 322, 2000 Tex. LEXIS 27, <> *16 (HECHT, J., dissenting). To the contrary, every member of this Court agrees that the duty of a judge is to follow the law as written by the Legislature. n2 This case is no different. The Court's decision is based on the language of the Parental Notification Act as written by the Legislature and on established rules of construction. Any suggestion that something else is going on is simply wrong.

- - - - - - - - - - - - - - - - - -Footnotes- - - - - - - - - - - - - - - - - -

n1 *See In re Jane Doe*, 19 S.W.3d 249, 2000 Tex. LEXIS 21 (Tex. 2000) <> (*Doe 1(I)*); *In re Jane Doe 2*, 19 S.W.3d 278, 2000 Tex. LEXIS 25 (Tex. 2000); <> *In re Jane Doe 3*, 19 S.W.3d 300, 2000 Tex. LEXIS 26 (Tex. 2000); <> *In re Jane Doe 4*, 19 S.W.3d 322, 2000 Tex. LEXIS 27 (Tex. 2000), <> *appeal after remand*, *In re Jane Doe 4*, 19 S.W.3d 337, 2000 Tex. LEXIS 34 (Tex. 2000). <> **[**44]**

n2 *See National Liab. & Fire Ins. Co. v. Allen*, 15 S.W.3d 525 (Tex. 2000) <> (BAKER, J.); *Quick v. City of Austin*, 7 S.W.3d 109, 135-36 (Tex. 1999) <> (HANKINSON, J., dissenting); *Fleming Foods of Texas Inc. v. Rylander*, 6 S.W.3d 278, 284 (Tex. 1999) <> (OWEN, J.); *Fitzgerald v. Advanced Spine Fixation Sys., Inc.*, 996 S.W.2d 864, 866 (Tex. 1999) <> (GONZALES, J.); *Phillips v. Beaber*, 995 S.W.2d 655, 658 (Tex. 1999) <> (O'NEILL, J.); *In re Bay Area Citizens Against Lawsuit Abuse*, 982 S.W.2d 371, 380 (Tex. 1998) <> (ABBOTT, J.); *Abbott Lab., Inc. v. Segura*, 907 S.W.2d 503, 512 (Tex. 1995) <> (PHILLIPS, C.J.); *City of LaPorte v. Barfield*, 898 S.W.2d 288, 292 (Tex. 1995) <> (HECHT, J.); *Bridgestone/Firestone, Inc. v. Glyn-Jones*, 878 S.W.2d 132, 135 (Tex. 1994) <> (ENOCH, J., dissenting).

- - - - - - - - - - - - - - - - -End Footnotes- - - - - - - - - - - - - - - - -

Legislative intent is the polestar of statutory construction. *See City of LaPorte v. Barfield*, 898 S.W.2d 288, 292 (Tex. 1995). <> Our role as judges requires that we put aside our own personal views of what we might like to see enacted, and instead do our best to discern what the Legislature actually intended. *See Fitzgerald v. Advanced Spine Fixation Sys., Inc.*, 996 S.W.2d 864, 865-66 (Tex. 1999). <> We take the words of the statute as the surest guide to legislative intent. *See id.* at 866. <> Once we discern the Legislature's intent we must put it into

effect, even if we ourselves might have made different policy choices. *See id.*

The starting point for understanding the Parental Notification Act is its provision that a medical professional may not perform an abortion on a minor without first notifying one of the parents. *See* TEX. FAM. CODE § 33.003(a) <> . The policy decision here is clear -- to protect parents' rights to involve themselves in their daughters' decisions and to encourage that involvement. But that is only the starting point. The Legislature did not make this parental right absolute. Instead, the Legislature created three exceptions, allowing a minor to avoid notifying her parents if she can show: (1) she is mature and sufficiently well informed to make the decision to have an abortion performed without **[**46]** notification of either parent, (2) notification of the parents would not be in the minor's best interest, or (3) notification of the parents may lead to physical, sexual, or emotional abuse of the minor. *See* TEX. FAM. CODE § 33.003(i) <> .

The dissenting opinions suggest that the exceptions to the general rule of notification should be very rare and require a high standard of proof. I respectfully submit that these are policy decisions for the Legislature. And I find nothing in this statute to directly show that the Legislature intended such a narrow construction. As the Court demonstrates, the Legislature certainly could have written section 33.033(i) to make it harder to bypass a parent's right to be involved in decisions affecting their daughters. *See* 19 S.W.3d at 350. <> But it did not. Likewise, parts of the statute's legislative history directly contradict the suggestion that the Legislature intended bypasses to be very rare. *See* 19 S.W.3d at 352 <> (detailing legislative history). Thus, to construe the Parental Notification Act so narrowly as to eliminate bypasses, or to create hurdles that simply are not to be found in the words of the statute, would be an **unconscionable act of judicial activism.** As a judge, I hold the rights of parents to protect and guide the education, safety, health, and development of their children as one of the most important rights in our society. But I cannot rewrite the statute to make parental rights absolute, or virtually absolute, particularly when, as here, the Legislature has elected not to do so. The Court said in *Doe 1(I)* that a minor must make at least three showings before she may exercise the bypass rights the Legislature gave "mature and sufficiently well informed" minors under section 33.003(i). *In re Doe 1(I)*, 19 S.W.3d 249, 2000 Tex. LEXIS 21 (Tex. 2000). <> These showings are to ensure that the minor can demonstrate the level of maturity and knowledge the Legislature seems to have intended when it passed a statute that primarily protects parental rights, but also confers judicial bypass rights to certain minors. Based on the evidence of Doe's maturity and knowledge, I conclude the limitations upon parental rights in section 33.003(i) apply here. Therefore, I am compelled to grant Doe's application.

It is important to appreciate that the Legislature adopted a statutory scheme that subordinates parental rights in the case of a mature and sufficiently well informed minor, even if the minor has an ideal relationship with her parents, and even if notifying the parents would not only not place the minor in emotional or physical danger, but may in fact be in her best interest. While the ramifications of such a law and the results of the Court's decision here may be personally troubling to me as a parent, it is my obligation as a judge to impartially apply the laws of this state without imposing my moral view on the decisions of the Legislature. JUSTICE HECHT charges that our decision demonstrates the Court's determination to construe the Parental Notification Act as the Court believes the Act should be construed and not as the Legislature intended. *See* 19 S.W.3d 346, 373-374, 2000 Tex. LEXIS 67, <> *115-120 (HECHT, J., dissenting). I respectfully disagree. This decision demonstrates the Court's determination to see to it that we discharge our responsibilities as judges, and that personal ideology is subordinated to the public will that is reflected in the words of the Parental Notification Act, including the provisions allowing a judicial bypass.

Because the majority opinion correctly applies the Act as written to the facts in this record, I concur.

Alberto R. Gonzales

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/6/2003 9:29:20 AM
Subject: : opinion

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SUBJECT:: opinion
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
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JUSTICE GONZALES, joined by JUSTICE ENOCH, concurring.

I fully join in the Court's judgment and opinion. I agree that there is no evidence supporting the trial court's finding that ÿJane Doe was not sufficiently well informed. And I agree that the contrary position is established as a matter of law.

Only in this, an appeal after remand of the first of four Jane Doe cases, has the Court granted a minor's application to bypass notifying her parents before she consents to an abortion. n1 Yet in each case, the Court has struggled to render the correct decision, and some members of the Court have strongly disagreed. The tenor of the opinions have been unmistakably contentious. It has been suggested that the Court's decisions are motivated by personal ideology. See Jane Doe 4(I), 19 S.W.3d 322, 2000 Tex. LEXIS 27, *16 (HECHT, J., dissenting). To the contrary, every member of this Court agrees that the duty of a judge is to follow the law as written by the Legislature. n2 This case is no different. The Court's decision is based on the language of the Parental Notification Act as written by the Legislature and on established rules of construction. Any suggestion that something else is going on is simply wrong.
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- - - - - - - - - - - - - - - - - -Footnotes- - - - - - - - - - - - - - - - -

n1 See In re Jane Doe, 19 S.W.3d 249, 2000 Tex. LEXIS 21 (Tex. 2000)(Doe 1(I)); In re Jane Doe 2, 19 S.W.3d 278, 2000 Tex. LEXIS 25 (Tex. 2000); In re Jane Doe 3, 19 S.W.3d 300, 2000 Tex. LEXIS 26 (Tex. 2000); In re Jane Doe 4, 19 S.W.3d 322, 2000 Tex. LEXIS 27 (Tex. 2000), appeal after remand, In re Jane Doe 4, 19 S.W.3d 337, 2000 Tex. LEXIS 34 (Tex. 2000). ÿ[**44]ÿ

n2 See National Liab. & Fire Ins. Co. v. Allen, 15 S.W.3d 525 (Tex. 2000) (BAKER, J.); Quick v. City of Austin, 7 S.W.3d 109, 135-36 (Tex. 1999) (HANKINSON, J., dissenting); Fleming Foods of Texas Inc. v. Rylander, 6 S.W.3d 278, 284 (Tex. 1999)(OWEN, J.); Fitzgerald v. Advanced Spine Fixation Sys., Inc., 996 S.W.2d 864, 866 (Tex. 1999)(GONZALES, J.); Phillips v. Beaber, 995 S.W.2d 655, 658 (Tex. 1999)(O'NEILL, J.); In re Bay Area Citizens Against Lawsuit Abuse, 982 S.W.2d 371, 380 (Tex. 1998) (ABBOTT, J.); Abbott Lab., Inc. v. Segura, 907 S.W.2d 503, 512 (Tex. 1995) (PHILLIPS, C.J.); City of LaPorte v. Barfield, 898 S.W.2d 288, 292 (Tex. 1995)(HECHT, J.); Bridgestone/Firestone, Inc. v. Glyn-Jones, 878 S.W.2d 132, 135 (Tex. 1994)(ENOCH, J., dissenting).
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- - - - - - - - - - - - - - - - - -End Footnotes- - - - - - - - - - - - - - - - -

Legislative intent is the polestar of statutory construction. See City of LaPorte v. Barfield, 898 S.W.2d 288, 292 (Tex. 1995). Our role as judges requires that we put aside our own personal views ÿof what we might like to see enacted, and instead do our best to discern what the Legislature actually intended. See Fitzgerald v. Advanced Spine Fixation Sys., Inc., 996 S.W.2d 864, 865-66 (Tex. 1999). We take the words of the statute as

the surest guide to legislative intent. See id. at 866. Once we discern the Legislature's intent we must put it into effect, even if we ourselves might have made different policy choices. See id.

The starting point for understanding the Parental Notification Act is its provision that a medical professional may not perform an abortion on a minor without first notifying one of the parents. See TEX. FAM. CODE õ 33.003(a). The policy decision here is clear -- to protect parents' rights to involve themselves in their daughters' decisions and to encourage that involvement. But that is only the starting point. The Legislature did not make this parental right absolute. Instead, the Legislature created three exceptions, allowing a minor to avoid notifying her parents if she can show: (1) she is mature and sufficiently well informed to make the decision to have an abortion performed without ý[**46]ý notification of either parent, (2) notification of the parents would not be in the minor's best interest, or (3) notification of the parents may lead to physical, sexual, or emotional abuse of the minor. See TEX. FAM. CODE õ 33.003(i).

The dissenting opinions suggest that the exceptions to the general rule of notification should be very rare and require a high standard of proof. I respectfully submit that these are policy decisions for the Legislature. And I find nothing in this statute to directly show that the Legislature intended such a narrow construction. As the Court demonstrates, the Legislature certainly could have written section 33.033(i) to make it harder to bypass a ýparent's right to be involved in decisions affecting their daughters. See 19 S.W.3d at 350. But it did not. Likewise, parts of the statute's legislative history directly contradict the suggestion that the Legislature intended bypasses to be very rare. See 19 S.W.3d at 352 (detailing legislative history). Thus, to construe the Parental Notification Act so narrowly as to eliminate bypasses, or to create hurdles that simply are not to be found in the words of the statute, would be an unconscionable act of judicial activism. As a judge, I hold the rights of parents to protect and guide the education, safety, health, and development of their children as one of the most important rights in our society. But I cannot rewrite the statute to make parental rights absolute, or virtually absolute, particularly when, as here, the Legislature has elected not to do so. The Court said in Doe 1(I) that a minor must make at least three showings before she may exercise the bypass rights the Legislature gave "mature and sufficiently well informed" minors under section 33.003(i). In re Doe 1(I), 19 S.W.3d 249, 2000 Tex. LEXIS 21 (Tex. 2000). These showings are to ensure that the minor can demonstrate the level of maturity and knowledge the Legislature seems to have intended when it passed a statute that primarily protects parental rights, but also confers judicial bypass rights to certain minors. Based on the evidence of Doe's maturity and knowledge, I conclude the limitations upon parental rights in section 33.003(i) apply here. Therefore, I am compelled to grant Doe's application.

It is important to appreciate that the Legislature adopted a statutory scheme that subordinates parental rights in the case of a mature and sufficiently well informed minor, even if the minor has an ideal relationship with her parents, and even if notifying the parents would not only not place the minor in emotional or physical danger, but may in fact be in her best interest. While the ramifications of such a law and the results of the Court's decision here may be personally troubling to me as a parent, it is my obligation as a judge to impartially apply the laws of this state without imposing my moral view on the decisions of the Legislature. JUSTICE HECHT charges that our decision demonstrates the Court's determination to construe the Parental Notification Act as the Court believes the Act should be construed and not as the Legislature intended. See 19 S.W.3d 346, 373-374, 2000 Tex. LEXIS 67, *115-120 (HECHT, J., dissenting). I respectfully disagree. This decision demonstrates the Court's determination to see to it that we discharge our responsibilities as judges, and that personal ideology is subordinated to the public will that is reflected in the words of the Parental Notification Act, including the provisions allowing a judicial bypass.

Because the majority opinion correctly applies the Act as written to the

facts in this record, I concur.
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Alberto R. Gonzales

From: CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/6/2003 1:54:25 PM
Subject: : just left you a voicemail

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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do you plan on walking over for a minute? i feel like i should.
;
-----Original Message-----
From: Hagin, Joseph W
Sent: Tuesday, May 06, 2003 5:16 PM
To: Hagin, Joseph W
Subject: SAVE THE DATE

Join us to bid farewell to Julian Flannery, who will be leaving us at;the
White House and heading up to Boston.
;
Tuesday, May 6th, 6:30 pm
;
Off the Record
1 Lafayette Square Northwest
;
Please come to wish him well.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;David G. Leitch/WHO /EOP@Exchange@EOP [WHO] <David G. Leitch>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/6/2003 10:40:04 AM
Subject: : More Leif Reid

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The Las Vegas Review-Journal
Saturday, May 3, 2003

Ensign nominates son of Harry Reid as judge

By STEVE TETREAULT

STEPHENS WASHINGTON BUREAU

WASHINGTON -- Sen. John Ensign, R-Nev., has recommended that President Bush consider crossing party lines and bestow a federal judgeship on the son of a good friend, Sen. Harry Reid, D-Nev.

In a move political and legal observers describe as highly unusual, Reno attorney Leif Reid was put forward to the White House this week as one of four possibilities to replace U.S. District Court Judge David Hagen, who is taking senior status later this year.

Ensign interviewed Leif Reid, a registered Democrat, and concluded he is &eminently qualified8 for the federal bench, Ensign spokesman Jack Finn said.

Leif Reid, 35, is a Stanford Law School graduate who was admitted to the Nevada Bar seven years ago.

Ensign did not disclose the names of the other three persons

forwarded for Bush,s consideration. Ensign declined to be interviewed.

Harry Reid also had no comment. His spokeswoman, Tessa Hafen, said Reid played no role in engineering a recommendation for Leif Reid, one of his five children who are playing an increasingly visible role in Nevada law and politics.

&My understanding is that Ensign chose the four names, and Reid didn,t have a problem with any of them,8 Hafen said.

Shortly after Ensign became a senator in 2001, he and Reid disclosed an arrangement where Ensign would recommend three judicial nominees and then Reid would be allowed to choose the fourth.

Since then, U.S. District judges James Mahan and Larry Hicks, and 9th U.S. Circuit Court Judge Jay Bybee have been confirmed on Ensign,s recommendations.

That would appear to put the current vacancy in Reid,s court. But his chief of staff, Susan McCue, said, &That is absolutely not the case. When it came to Leif, that was entirely John Ensign.8

Other sources in the congressional delegation said the senators largely put the judge deal aside as they developed a working relationship.

It is not unheard of for senators to help their children achieve high appointments, experts said. Then- Sen. Strom Thurmond, R-S.C., in 2001 arranged the nomination of his 28--year old son Strom Jr. to be U.S. attorney in South Carolina. Sen. Jim Bunning, R-Ky., promoted his son David for a federal judgeship.

Carl Tobias, a professor at the William S. Boyd School of Law in Las Vegas, said he could name several federal judges who were appointed in their mid-30s, including Michael Luttig of the 4th U.S. Circuit Court of Appeals.

&It,s unusual that someone with that level of experience might be appointed, but not unprecedented,8 Tobias said.

What makes this case stand out is that Ensign has recommended a Democrat, said Eric Herzik, acting dean of the College of Arts and Sciences at University of Nevada Reno.

&It,s not uncommon for politically connected sons to be recommended, but it,s very unusual to be recommended by a senator from the opposition party,8 Herzik said.

White House officials had no immediate comment Friday. From bashing Bush over the Yucca Mountain Project to engineering filibusters of his judicial nominees, Harry Reid, the Senate,s No. 2 Democratic leader, has been a thorn for the president.

While it would seem unlikely Bush would embrace the son of one of his congressional adversaries, observers said nothing should be ruled out.

&It might depend on what Bush thinks he could get, and there are a lot of things he,d like to get from Reid,8 one analyst said.8District court nominees are not considered as precious as appeals court nominees. They can be used politically and are sometimes.8

Since September 1999, Leif Reid has been an associate at Lionel, Sawyer and Collins, which also employs his brothers, Key, Rory and Josh, as attorneys. He received a Stanford law degree in 1995 and was admitted to the Nevada Bar a year later. Leif Reid clerked for

Procter Hug Jr., chief judge of the 9th U.S. Circuit Court of Appeals, and was a prosecutor under U.S. Attorney Kathryn Landreth, who was a Harry Reid appointee.

Harry Reid inadvertently disclosed the news during a breakfast Thursday with Ensign and visiting Nevadans. Within hours, word spread through political and legal circles in the state.

Attorneys contacted Friday declined to speak on the record, but their initial reaction focused on Leif Reid,s experience.

&He has no qualifications whatsoever to be a federal district judge, but he,s a man of character,8 said one assistant U.S. attorney who worked with Leif Reid in Las Vegas. &He,s a very nice guy.8

The assistant U.S. attorney, who asked not to be identified, knows of only one case Leif Reid tried during his time with the Las Vegas office: &a simple bank robbery.8 Reid lacks legal skills and should not have been hired as a federal prosecutor, his former colleague said.

&A lot of people felt his old man pulled a lot of strings for him,8 the source said.

But Landreth and her first assistant, Howard Zlotnick, said Leif Reid won the job on &outstanding credentials.8

&Whenever a politically connected offspring gets something, it,s often seen as the good-old-boy network, which is sometimes true but also unfair to the success of the child,8 UNR analyst Herzik said. &He may very well be deserving.8

Review-Journal writer Carri Geer Thevenot and Adam Ashton of the Stephens Washington Bureau contributed to this story.

---------- Forwarded by Kyle Sampson/WHO/EOP on 05/06/2003 02:37 PM ----------

Kyle Sampson
05/06/2003 02:31:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Leif Reid

Las Vegas Sun
Monday, May 5, 2003

Ensign puts Reid,s son on judge list
By Benjamin Grove

WASHINGTON -- In an intriguing political move, Sen. John Ensign, R-Nev., included Leif Reid, the son of Sen. Harry Reid, D-Nev., on a short list of recommendations for President Bush to consider for a federal judge post.

A judge will be needed to fill the spot of U.S. District Judge David Hagen of Reno, who will assume senior status, and fewer duties, later this year.

As the senator of the president,s party, Ensign last week forwarded the names of four potential judicial nominees to the White House. Bush

will nominate one to the Senate, which confirms federal nominees. Ensign has not released the names of the other three recommendations.

Reid and Ensign declined comment. The two senators had said that they had an agreement that Ensign would recommend three judicial candidates and allow Reid to recommend the fourth. The Senate has confirmed Ensign,s first three recommendations.

But Reid had nothing to do with his son making Ensign,s short list, although Reid is honored that Ensign would nominate him, Reid spokewoman Tessa Hafen said.

&This was entirely Senator Ensign,s decision,8 Hafen said.

Hafen said Reid approved of all four of Ensign,s recommendations.

Reid and Ensign are friends, although their political views on most issues contrast sharply. The two have sided with their respective parties in recent, bitterly partisan Senate battles over federal judicial nominees.

Ensign,s move raised eyebrows in political circles in Nevada. But there haven,t been open complaints about it by Republicans, said Nevada Republican Party director Joe Brezny. Still Republicans seized on the Ensign recommendation to take a jab at Reid for adamantly opposing several of Bush,s GOP nominees.

Leif Reid &should be given the same consideration as Miguel Estrada,8 the embattled nominee whose nomination is stalled, Brezny said. &We need to be consistent in how we look at these candidates.8

In a carefully worded statement, Rep. Jim Gibbons, R-Nev., who is considering whether to challenge Reid for his Senate seat, said, &Clearly, Sen. Ensign believes that (Leif Reid) is prepared to take a lifetime appointment to the federal bench. As all future nominees are considered, I hope that the highly skilled, well qualified nominees currently before the Senate may be approved in a timely manner, without the unprecedented filibusters that continue to stonewall the advice and consent process.8

Leif Reid was not available for comment. Reid, 35, is a 1995 Stanford law school graduate and works as a lawyer in the Reno office of Lionel Sawyer & Collins. The firm is the largest in Nevada and also employs Sen. Reid,s three other sons, Rory, Josh and Key. Leif Reid focuses on commercial, energy, utilities and administrative law.

It,s not the first time a senator,s son has been considered for a federal post. In 2001 the Senate confirmed former Sen. Strom Thurmond,s son as U.S. attorney in South Carolina. Last year the Senate approved David Bunning, who was recommended by his father Sen. Jim Bunning, R-Ky., to be a federal judge.

There,s nothing improper about one lawmaker nominating the son of another lawmaker, said Georgetown University law professor David Cole, a federal courts expert.

&There,s no nepotism bar or anything like that,8 Cole said. &You apply the same standards that you would to any other nominee.8

Message Sent
To:_____
Alberto R. Gonzales/WHO/EOP@Exchange@EOP
David G. Leitch/WHO/EOP@Exchange@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Theodore W. Ullyot/WHO/EOP@EOP

Jennifer G. Newstead/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Jennifer R. Brosnahan/WHO/EOP@EOP

From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 5/6/2003 3:50:22 PM
Subject: Re:

Going fine. Specter was good and hinted at what we discussed already.

.

----- Original Message -----

From:Ashley Snee/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 05/06/2003 03:37:52 PM

Subject: RE:

That's fine. I've sent it to all of the usual guys. Who all is up there? How did it go?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, May 06, 2003 3:22 PM

To: Snee, Ashley

Subject: Re:

We did this.

.

----- Original Message -----

From:Brett M. Kavanaugh/WHO/EOP

To:Ashley Snee/WHO/EOP@EOP

Cc:

Date: 05/06/2003 03:14:02 PM

Subject: Re:

Can I have them distribute it up here?

.

----- Original Message -----

From:Brett M. Kavanaugh/WHO/EOP

To:Ashley Snee/WHO/EOP@EOP

Cc:

Date: 05/06/2003 02:55:59 PM

Subject:

We need to make sure judge's letter to schumer is part of any story about schumers proposal. Schumer is testifying now and we want to make sure reporters have our response. Lots of reporters here in hearing room. Thx.

.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 5/6/2003 4:11:26 PM
Subject: `FW:

This was apparently faxed to you. Have you review it ?

-----Original Message-----
From: Campbell, Sarah
Sent: Tuesday, May 06, 2003 4:06 PM
To: Bumatay, Patrick J.
Subject:

Actually I lied, we faxed it on Thursday the 1st. Sorry about that.
---------- Forwarded by Sarah Campbell/WHO/EOP on 05/06/2003 04:06 PM ----------



Sarah Campbell 05/06/2003 04:05:58 PM

Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP
cc:
Subject:

Has anyone looked at the message for the New World Federal Credit Union? We faxed it on Monday. Thank you!!

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/6/2003 4:45:20 PM
Subject: : White House Global Messenger - 5/7/03
Attachments: P_7VJ7G003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of
Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )
CREATION DATE/TIME: 6-MAY-2003 20:45:20.00
SUBJECT:: White House Global Messenger - 5/7/03
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global
Communications/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

(See attached file: GM 5-07-03 FINAL.doc)

THE GLOBAL MESSENGER
Wednesday, May 7, 2003

******KEY POINTS******

*President Bush appointed Ambassador Bremer as Presidential Envoy to Iraq,
an
important next step forward in Iraq's long-term transition to democracy and
prosperity that completes the senior U.S. management team.

*Bremer will oversee Coalition reconstruction efforts and the process by
which
the
Iraqi people build the institutions and governing structures to guide their
future.

*Major combat operations in Iraq have ended. Our coalition is now engaged
in
securing and reconstructing that country. The United States and our allies
have
prevailed, and because of this our nation and the Middle East are more
secure, a
tyrant has fallen and Iraq is now free.

*Difficult work lies ahead in Iraq:
-Bringing order and security to parts that remain dangerous;
-Bringing to justice the leaders of and those who are loyal to the old
regime;
-Locating hidden chemical and biological weapons;
-Rebuilding Iraq's infrastructure after 30 years of devastation;
-Standing by the Iraqi people as they establish a government of, by and
for the
Iraqi people.

*Saddam Hussein is no more. The terrorists can no longer find a source of
funding
or weapons of mass destruction from the Saddam Hussein regime, because that
regime
is gone forever.


******TODAY'S SCHEDULE******
```

All Times Eastern Daylight. Subject to Change

12:15 pm State Department Briefing
12:30 pm White House Briefing
5:40 pm President Bush and Spanish President Aznar hold press availability
TBD Defense Department Briefing

******EXAMPLES OF SPAIN'S ASSISTANCE FOR IRAQ******

Spain is providing key assistance for military operations, maritime assistance
and
de-mining operations, as well as humanitarian aid and medical support, including:

*$70.3 million in humanitarian aid, for emergency water and drainage facilities,
electricity, transport and telecommunications, basic health care equipment and
emergency materials.

*A field hospital at the port of Umm Qasr, to increase medical care in southern
Iraq, including primary care, minor surgeries, and X-rays.

*Appointment of a high-level commissioner to coordinate reconstruction efforts
and
four high-level civil servants for the reconstruction.

Information provided by the Spanish government. For more information:
http://www.aeci.es/14-Documentacion/ayuda_humanitaria/iraq_en.htm#La financiacion
de la ayuda: 52,9 millones de euros

******COALITION STATEMENTS OF SUPPORT******

"Right up until the end, the Iraqi regime defied international law by ignoring
its
obligations to disarm... it threw away its last chance... With a full sense of
our
responsibilities, the government of this nation supports the re-establishment of
international law so that conditions for peace and security prevail."
Spanish President Jose Maria Aznar, 3/20/03

******KEY QUOTE******

"I'm not surprised if we begin to uncover the weapons program of Saddam Hussein...
one thing we know is that he had a weapons program. We also know he spent years
trying to hide the weapons program. And over time the truth will come out."
President Bush, to reporters, 5/6/03

THE WHITE HOUSE
Office of Global Communications
For more information log on to http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.
- GM 5-07-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7VJ7G003_WHO.TXT_1>

THE GLOBAL MESSENGER

Wednesday, May 7, 2003

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- Appointment of a high-level commissioner to coordinate reconstruction efforts and four high-level civil servants for the reconstruction.

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COALITION STATEMENTS OF SUPPORT

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KEY POINTS

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- Bremer will oversee Coalition reconstruction efforts and the process by which the Iraqi people build the institutions and governing structures to guide their future.
- Major combat operations in Iraq have ended. Our coalition is now engaged in securing and reconstructing that country. The United States and our allies have prevailed, and because of this our nation and the Middle East are more secure, a tyrant has fallen and Iraq is now free.
- Difficult work lies ahead in Iraq:

  - Bringing order and security to parts that remain dangerous;
  - Bringing to justice the leaders of and those who are loyal to the old regime;
  - Locating hidden chemical and biological weapons;
  - Rebuilding Iraq's infrastructure after 30 years of devastation;
  - Standing by the Iraqi people as they establish a government of, by and for the Iraqi people.

- Saddam Hussein is no more. The terrorists can no longer find a source of funding or weapons of mass destruction from the Saddam Hussein regime, because that regime is gone forever.

KEY QUOTE

"I'm not surprised if we begin to uncover the weapons program of Saddam Hussein…one thing we know is that he had a weapons program. We also know he spent years trying to hide the weapons program. And over time the truth will come out."
President Bush, to reporters, 5/6/03

THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

REV_00116921

From: Kupfer, Jeffrey F.
To: <Kavanaugh, Brett M.>
Sent: 5/6/2003 4:51:58 PM
Subject: RE: arbitration

Thanks -- it's a pretty distressing picture.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, May 06, 2003 12:09 PM

To: Lefkowitz, Jay P.; Schacht, Diana L.; Kupfer, Jeffrey F.

Subject: arbitration

This article describes how ridiculous the arbitration process is and some of the dynamics at work.

 - MSAArbitrationArticle.pdf << File: MSAArbitrationArticle.pdf >>

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/6/2003 5:04:50 PM
Subject: FW: Law Day Event, May 9

What should I tell her?
-----Original Message-----
From: McKinney-Browning, Mabel [mailto:mckinneyb@staff.abanet.org]
Sent: Tuesday, May 06, 2003 4:59 PM
To: Nelson, Carolyn
Cc: 'Richard Wiley'
Subject: Law Day Event, May 9

Dear Ms. Nelson:

I am forwarding to your attention a list of suggested invitees to the White House Law Day event. I am sure that many of the individuals and/or legal organizations listed already have been included in your outreach. However, we thought we would share the list of organizations both legal and civic, that cooperate with us for Law Day. If I can be of further assistance, please feel free to contact me.

Mabel McKinney-Browning

Mabel McKinney-Browning, Director
American Bar Association, Division for Public Education
541 N. Fairbanks Court
Chicago, Illinois 60611
312/988-5731
312/988-5494 (fax)
McKinneyB@staff.abanet.org

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/6/2003 6:04:17 PM
Subject: FW:

When do you want to do this?
-----Original Message-----
From: david.greene@baltsun.com [mailto:david.greene@baltsun.com]
Sent: Tuesday, May 06, 2003 4:30 PM
To: Snee, Ashley
Subject: RE:

that would be fantastic. tomorrow after 11am or anytime thursday works for me. let me know. thanks much, Ashley!

David

From: Kavanaugh, Brett M.
To: <Orr, Christopher J.>
CC: <Snee, Ashley>
Sent: 5/6/2003 6:05:07 PM
Subject: Re:

Ron Klain.

From: Christopher J. Orr on 05/06/2003 01:17:20 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange@EOP

cc:

Subject:

How do you spell Ron "Klein's" last name?

Al Gore's Counsel.....

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Christopher J. Orr/WHO/EOP@EOP [WHO] <Christopher J. Orr>
CC: ashley snee/who/eop@exchange@eop [WHO] <ashley snee>
Sent: 5/6/2003 2:17:19 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAY-2003 18:17:19.00
SUBJECT:: Re:
TO:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:ashley snee (CN=ashley snee/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Ron Klain.

From: Christopher J. Orr on 05/06/2003 01:17:20 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ashley
Snee/WHO/EOP@Exchange@EOP
cc:
Subject:

How do you spell Ron "Klein's" last name?

Al Gore's Counsel.....

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO /EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/7/2003 4:52:08 AM
Subject: : story on Senate's nuclear plan on filibusters

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 7-MAY-2003 08:52:08.00
SUBJECT:: story on Senate's nuclear plan on filibusters
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Hatch group may go +nuclear, on judges
Plan would limit use of Rule XXII in Dem filibusters
By Alexander Bolton and Geoff Earle
Several senior Republican senators are seeking wider party backing for a bold plan that would break the Democrats, filibuster of President Bush,s judicial nominees.
Their approach calls for employing a rarely used parliamentary tactic to overturn current Senate procedures.
Under the strategy envisioned by Senate Judiciary Chairman Orrin Hatch (R-Utah), among others, the Republicans would strip any Senate minority *

currently the Democrats * of their ability to filibuster presidential nominees.

Approval by Senate Majority Leader Bill Frist (Tenn.), which is being sought, would all but assure that the plan would go forward.
Under the most likely scenario now under discussion, they would secure a ruling from the chair that Senate Rule XXII does not apply to executive submissions to the Senate * and that includes judicial nominees. Rule XXII provides for unlimited debate on all legislative issues that reach the floor unless three-fifths of the Senate calls a halt.
With such an approach, a favorable ruling from the chair on limiting the scope of Rule XXII could stand after only a simple majority approved it.
Anticipating these moves, Democrats have already asked the Senate parliamentarian to weigh in on the issue in their defense.
From the standpoint of the proponents, the appeal of this &silver-bullet8 strategy is that it would quash the Democratic blockade without requiring 60 votes, the number needed by current rules to halt such delaying tactics, or 67 votes, the number needed to change a filibustered Senate rule.
One drawback of this proposed tactic is that it might destroy whatever is left of the working relationship between Democrats and Republicans. That is why some legislative experts liken the parliamentary tool to a legislative nuclear bomb.
Under the most likely scenario, the presiding officer of the Senate * perhaps Vice President Dick Cheney * would rule that a filibuster of presidential nominees is unprotected by Rule XXII.
Democrats would need 51 votes to overturn that ruling. In practical terms, that means they would need the help of two GOP defectors * three if Sen. Zell Miller (D-Ga.) votes with Republicans, as he often has.
Another alternative would be to change the rule through the Senate Rules Committee. But that process would entail extensive hearings and negotiations, and would be unlikely to attract Democratic support.
Democrats would view any change of Senate rules that circumscribed the rights of the minority party and was not approved by two-thirds of the chamber as an abuse of majority power.
However, with few exceptions, Senate Republicans view the filibuster of circuit court nominees, a tactic that until recently was rarely used, as an abuse of minority power.
Democrats are filibustering Bush,s nominations of Miguel Estrada and Priscilla Owen to the U.S. Court of Appeals for the D.C. Circuit and the 5th Circuit Court of Appeals, respectively. This has prompted an outcry from conservatives in Congress and around the country.
And Republicans on the Judiciary Committee expect Democrats soon to filibuster two more Bush nominees: Bill Pryor, nominated to the 11th Circuit Court, and Carolyn Kuhl, nominated to the 9th Circuit Court, said Margarita Tapia, spokeswoman for the panel.
However, what may be really at stake is the future makeup of the Supreme Court. The justices on the high tribunal have now served together for nearly a decade. Three of the nine justices are over 70 years old.
Although Senate Republican leaders have kept their parliamentary strategy close to the vest, Hatch offered an insight into it in during an interview Friday with The Hill.
Hatch said the Democratic filibuster is &violative of the Constitution8 and &totally politicizing of the judicial selection process,8 adding: &I

know how to break it, and I will when the time comes.8
When asked how he would break the Democratic blockade, Hatch said: &You,ve got to deny Rule XXII on the executive calendar. I think you,ll see this in the not-too-distant future because the process is broken and it can,t continue like this.8
All regular Senate business*that is to say all public and private bills*is placed on the legislative calendar. Business sent to the Senate from the White House, such as treaties, executive branch nominees and judicial branch nominees, are placed on the executive calendar.
Hatch believes the Senate has a right to set its own rules * in this case the right to filibuster * for the legislative calendar but not for the executive calendar because that would entail imposing Senate rules on the executive branch and would violate the Constitution,s separation of powers.
&The executive branch and the judicial branch are co-equal [with the legislative branch],8 Hatch said.
However, when pressed later about how specifically he would curtail Rule XXII, Hatch said: &Rule XXII should not apply to the executive calendar. I, m not going to go into the plan. There are a variety of methodologies we, re looking at.8
The current Senate stalemate over nominees is the culmination of the increasingly intense battle over the ideological makeup of the federal judiciary, and a sign, many GOP lawmakers say, that the judicial nominating process is &broken.8
&I think it,s a big problem,8 said Sen. Trent Lott (R-Miss.), the chairman of the Senate Rules Committee. &I think it,s unconstitutional, but I would defer to Senator Hatch about what is the best way to deal with the problem. I don,t think we can let this stand. We cannot let the Democrats set this [precedent] in perpetuity for them and for us, requiring 60 votes to confirm a judge.8
Lott said the Senate Republican leadership &has to make the final call, but there are a number of us who think we,ve got to take some further action*I think Ted Stevens [of Alaska], Orrin Hatch and a number of others.8
Lott said that there are ways to change how the Senate does business without enlisting the support of 67 senators, the number needed for a filibustered rule change, but he would not reveal any specific details: &I don,t want to get into it right now. I don,t want to reveal our hand because if we say what exactly we are entertaining, the Democrats will try to find a way to block it.8
One GOP leadership aide said Frist is open to the suggestions of Hatch and others but will not make any hasty decisions.
&We,re not going to rule out any rules changes,8 said the aide. &Mr. Frist may do something later but he,s not going to tear up the rules book. He is going to proceed in a very slow and deliberative way.8
&We,ve learned in the past just because a member or aide says he knows the way to do something that may not be what the parliamentarian says,8 the aide added.
However, when asked if he has solicited the parliamentarian about curbing Rule XXII, Hatch said: &I know what the parliamentarian is going to say.8
A Senate Democratic leadership aide warned against an attempt by Hatch to exempt judicial nominees from the Senate,s filibuster rules. &Rule XXII obviously does apply to nominees, no matter how he wants to parse it.8
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Wendy J. Grubbs/WHO/EOP@Exchange@EOP [WHO] <Wendy J. Grubbs>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
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Subject: : story on Senate's "nuclear" option on filibusters of judges

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Hatch group may go +nuclear, on judges
Plan would limit use of Rule XXII in Dem filibusters
By Alexander Bolton and Geoff Earle
Several senior Republican senators are seeking wider party backing for a bold plan that would break the Democrats, filibuster of President Bush,s judicial nominees.
Their approach calls for employing a rarely used parliamentary tactic to overturn current Senate procedures.
Under the strategy envisioned by Senate Judiciary Chairman Orrin Hatch (R-Utah), among others, the Republicans would strip any Senate minority * currently the Democrats * of their ability to filibuster presidential nominees.

Approval by Senate Majority Leader Bill Frist (Tenn.), which is being sought, would all but assure that the plan would go forward.
Under the most likely scenario now under discussion, they would secure a

ruling from the chair that Senate Rule XXII does not apply to executive submissions to the Senate * and that includes judicial nominees. Rule XXII provides for unlimited debate on all legislative issues that reach the floor unless three-fifths of the Senate calls a halt.

With such an approach, a favorable ruling from the chair on limiting the scope of Rule XXII could stand after only a simple majority approved it.

Anticipating these moves, Democrats have already asked the Senate parliamentarian to weigh in on the issue in their defense.

From the standpoint of the proponents, the appeal of this &silver-bullet8 strategy is that it would quash the Democratic blockade without requiring 60 votes, the number needed by current rules to halt such delaying tactics, or 67 votes, the number needed to change a filibustered Senate rule.

One drawback of this proposed tactic is that it might destroy whatever is left of the working relationship between Democrats and Republicans. That is why some legislative experts liken the parliamentary tool to a legislative nuclear bomb.

Under the most likely scenario, the presiding officer of the Senate * perhaps Vice President Dick Cheney * would rule that a filibuster of presidential nominees is unprotected by Rule XXII.

Democrats would need 51 votes to overturn that ruling. In practical terms, that means they would need the help of two GOP defectors * three if Sen. Zell Miller (D-Ga.) votes with Republicans, as he often has.

Another alternative would be to change the rule through the Senate Rules Committee. But that process would entail extensive hearings and negotiations, and would be unlikely to attract Democratic support.

Democrats would view any change of Senate rules that circumscribed the rights of the minority party and was not approved by two-thirds of the chamber as an abuse of majority power.

However, with few exceptions, Senate Republicans view the filibuster of circuit court nominees, a tactic that until recently was rarely used, as an abuse of minority power.

Democrats are filibustering Bush,s nominations of Miguel Estrada and Priscilla Owen to the U.S. Court of Appeals for the D.C. Circuit and the 5th Circuit Court of Appeals, respectively. This has prompted an outcry from conservatives in Congress and around the country.

And Republicans on the Judiciary Committee expect Democrats soon to filibuster two more Bush nominees: Bill Pryor, nominated to the 11th Circuit Court, and Carolyn Kuhl, nominated to the 9th Circuit Court, said Margarita Tapia, spokeswoman for the panel.

However, what may be really at stake is the future makeup of the Supreme Court. The justices on the high tribunal have now served together for nearly a decade. Three of the nine justices are over 70 years old.

Although Senate Republican leaders have kept their parliamentary strategy close to the vest, Hatch offered an insight into it in during an interview Friday with The Hill.

Hatch said the Democratic filibuster is &violative of the Constitution8 and &totally politicizing of the judicial selection process,8 adding: &I know how to break it, and I will when the time comes.8

When asked how he would break the Democratic blockade, Hatch said: &You,ve got to deny Rule XXII on the executive calendar. I think you,ll see this in the not-too-distant future because the process is broken and it can,t continue like this.8

All regular Senate business*that is to say all public and private bills*is placed on the legislative calendar. Business sent to the Senate from the White House, such as treaties, executive branch nominees and judicial branch nominees, are placed on the executive calendar.

Hatch believes the Senate has a right to set its own rules * in this case the right to filibuster * for the legislative calendar but not for the executive calendar because that would entail imposing Senate rules on the executive branch and would violate the Constitution,s separation of powers.

&The executive branch and the judicial branch are co-equal [with the

legislative branch],8 Hatch said.
However, when pressed later about how specifically he would curtail Rule XXII, Hatch said: &Rule XXII should not apply to the executive calendar. I, m not going to go into the plan. There are a variety of methodologies we, re looking at.8
The current Senate stalemate over nominees is the culmination of the increasingly intense battle over the ideological makeup of the federal judiciary, and a sign, many GOP lawmakers say, that the judicial nominating process is &broken.8
&I think it,s a big problem,8 said Sen. Trent Lott (R-Miss.), the chairman of the Senate Rules Committee. &I think it,s unconstitutional, but I would defer to Senator Hatch about what is the best way to deal with the problem. I don,t think we can let this stand. We cannot let the Democrats set this [precedent] in perpetuity for them and for us, requiring 60 votes to confirm a judge.8
Lott said the Senate Republican leadership &has to make the final call, but there are a number of us who think we,ve got to take some further action*I think Ted Stevens [of Alaska], Orrin Hatch and a number of others.8
Lott said that there are ways to change how the Senate does business without enlisting the support of 67 senators, the number needed for a filibustered rule change, but he would not reveal any specific details: &I don,t want to get into it right now. I don,t want to reveal our hand because if we say what exactly we are entertaining, the Democrats will try to find a way to block it.8
One GOP leadership aide said Frist is open to the suggestions of Hatch and others but will not make any hasty decisions.
&We,re not going to rule out any rules changes,8 said the aide. &Mr. Frist may do something later but he,s not going to tear up the rules book. He is going to proceed in a very slow and deliberative way.8
&We,ve learned in the past just because a member or aide says he knows the way to do something that may not be what the parliamentarian says,8 the aide added.
However, when asked if he has solicited the parliamentarian about curbing Rule XXII, Hatch said: &I know what the parliamentarian is going to say.8
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Sent: 5/7/2003 5:24:57 AM
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THE WHITE HOUSE

WASHINGTON

May 6, 2003

Dear Senator Schumer:

On behalf of President Bush, I write in response to your letter of April 30.

You propose that the President and Senate leader of the opposite party select in equal numbers members of citizen judicial nominating commissions in each State and circuit who would then select one nominee for each judicial vacancy. The President then would be required to nominate the individual selected by the commission and the Senate required to confirm that individual, at least absent "evidence" that the candidate is "unfit for judicial service." You propose this as a permanent change to the constitutional scheme for appointment of federal judges.

We appreciate and share your stated goal of repairing the "broken" judicial confirmation process and the "vicious cycle" of "delayed" Senate nominees. But we respectfully disagree with your proposal as inconsistent with the Constitution, with the history and traditions of the Nation's federal judicial appointments process, and with the soundest approach for appointment of highly qualified federal judges, as the Founders determined. Rather, as President Bush and many Senators of both parties have stated in the past, the solution to the broken judicial confirmation process is for the Senate to exercise its constitutional responsibility to vote up or down on judicial nominees within a reasonable time after nomination, no matter who is President or which party controls the Senate.

I. The Constitution, the Current Problem, and the Solution

Article II of the Constitution provides: The President "shall nominate, and by with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court, and all other Officers of the United States . . . ." During the first Congress and throughout most of this Nation's history, the Senate has both recognized and exercised its constitutional responsibility under Article II to hold majority, up-or-down votes on a President's nominees within a reasonable time after nomination. The Framers intended that the Senate vote on nominations would prevent Presidential appointment of "unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity." *Federalist* 76.

Your proposal would effectively transfer the nomination power of the President and the confirmation power of the Senate to a group of unelected and unaccountable private citizens. As the Supreme Court has explained, however, the Appointments Clause is "more than a matter of etiquette or protocol; it is among the significant structural safeguards of the constitutional scheme. By vesting the President with the exclusive power to select the principal (noninferior) officers of the United States, the Appointments Claude prevents congressional encroachment upon the Executive and Judicial Branches. This disposition was also designed to assure a higher quality of appointments: the Framers anticipated that the President would be less vulnerable to

interest-group pressure and personal favoritism than would a collective body." *Edmond v. United States*, 520 U.S. 651, 659 (1997) (citations omitted). Importantly, as the Supreme Court has also explained, the Appointments Clause not only guards against encroachment "but also preserves another aspect of the Constitution's structural integrity by preventing the diffusion of the appointment power." *Freytag v. CIR*, 501 U.S. 868, 878 (1991). Therefore, "neither Congress nor the Executive can agree to waive this structural protection" afforded by the Appointments Clause. *Id.* at 880. These principles and precedents amply demonstrate the constitutional and structural problems with any proposal to transfer the constitutional responsibilities of the President and the Senate to a group of unelected and unaccountable private citizens.

That said, we very much appreciate your recognition that the Senate's judicial confirmation process is "broken." The precise problem, in our judgment, is that the Senate has too often failed in recent years to hold votes on judicial nominees within a reasonable time after nomination (often because a *minority* of Senators has used procedural tactics to prevent the Senate from voting and expressing its majority will). Many appeals court nominees have waited years for votes; many others have never received votes. Today, for example, although the Senate never before has denied a vote to an appeals court nominee on account of a filibuster, a minority of Senators are engaged in unprecedented simultaneous filibusters to prevent up or down votes on *two* superb nominees, Priscilla Owen and Miguel Estrada, who were nominated two years ago and who have the support of a majority of the Senate.

The problem of the Senate not holding votes on certain judicial nominees is a relatively recent development, albeit not new to this Presidency. In the Administrations of both President George H.W. Bush in the 102nd Congress and President Clinton in the 106th Congress, for example, too many appeals court nominees never received up-or-down votes. As President Bush has explained, however, the problem has persisted and significantly worsened in the 107th and 108th Congresses during this President's tenure.

President Bush's commitment to solving this problem also is not new. In June 2000, during the Presidential campaign, then-Governor Bush emphasized that the Senate should hold up-or-down votes on all nominees within a reasonable time after nomination (60 days). Last fall, after two additional years of Senate delays that were causing a judicial vacancy crisis (an "emergency situation," in the words of the American Bar Association), the President proposed a comprehensive three-Branch plan to solve the problem. President Bush stated that this three-Branch plan should apply now and in the future, no matter who is President or which party controls the Senate. In particular, he proposed that judges provide one-year advance notice of retirement where possible; in March 2003, the Judicial Conference adopted the President's recommendation. The President proposed that Presidents nominate judges within 180 days of learning of a vacancy; the President is complying with this part of the plan and already has submitted nominations, for example, for the 15 new judgeships created on November 2, 2002. The President also proposed that the Senate vote up or down on judicial nominees within 180 days of receiving a nomination, a generous period of time for all Senators to evaluate nominees and to have their voices heard and their votes counted.

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In the past, you and Senators of both parties have publicly agreed with the need for timely Senate votes on judicial nominees. On March 7, 2000, for example, you stated: "The basic problem is it takes so long for us to debate those qualifications. It is an example of Government not fulfilling its constitutional mandate because the President nominates, and *we are charged with voting on the nominees*. . . . I also plead with my colleagues to move judges with alacrity – *vote them up or down*. But this delay makes a mockery of the Constitution, makes a mockery of the fact that we are here working, and makes a mockery of the lives of very sincere people who have put themselves forward to be judges and then they hang out there in limbo."

In the 2000 campaign, moreover, several Democrat Senators such as Senator Leahy and Senator Harkin publicly and expressly agreed with then-Governor Bush's proposal for timely votes on nominees. In addition, Senator Specter in 2002, Senator Leahy in 1998, and Senator Bob Graham in 1991 all introduced Senate proposals to ensure timely up-or-down votes on judicial nominees. The Chief Justice, speaking on behalf of the federal Judiciary, also has expressly asked the Senate to ensure prompt up-or-down votes on nominees. And the American Bar Association, for its part, adopted a resolution last summer asking the Senate to hold prompt votes on judicial nominations, stating: "Vote them up or down, but don't hang them out to dry."

In seeking to fix the broken Senate confirmation process, we respectfully ask that you and other Senators consider these past statements, a sample of which are listed below, advocating timely up-or-down Senate votes on judicial nominees and ensure such votes no matter who is President or which party controls the Senate:

- *Senator Leahy* on October 3, 2000, stated: "Governor Bush and I, while we disagree on some issues, have one very significant issue on which we agree. He gave a speech a while back and criticized what has happened in the Senate where confirmations are held up not because somebody votes down a nominee but because they cannot ever get a vote. Governor Bush said: You have the nominee. Hold the hearing. Then, within 60 days, vote them up or vote them down. Don't leave them in limbo. *Frankly, that is what we are paid to do in this body. We are paid to vote either yes or no – not vote maybe*. When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are not only voting 'maybe,' but we are doing a terrible disservice to the man or woman to whom we do this."

- *Senator Leahy* on June 18, 1998, stated: "I have stated over and over again on this floor that I would refuse to put an anonymous hold on any judge; that I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported; that I felt the Senate should do its duty. *If we don't like somebody the President nominates, vote him or her down.* But don't hold them in this anonymous unconscionable limbo, because in doing that, the minority of Senators really shame all Senators."

- *Senator Daschle* on October 5, 1999, stated: "As Chief Justice Rehnquist has recognized, 'The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote

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him down.' *An up or down vote, that is all we ask for Berzon and Paez*. And after years of waiting, they deserve at least that much. . . . *I find it simply baffling that a Senator would vote against even voting on a judicial nomination*."

- *Senator Harkin* on September 14, 2000, stated: "I'll just close by saying that *Governor Bush had the right idea*. He said the candidate should get an up or down vote within 60 days of their nomination."

    - *Senator Harkin* on October 6, 2000, stated that then-Governor Bush's proposal for an up-or-down vote within 60 days of nomination was a "great idea."

- *Senator Biden* on March 19, 1997, stated: "I respectfully suggest that everyone who is nominated is entitled to have a shot, to have a hearing and to have a shot to be heard on the floor *and have a vote on the floor*."

- *Senator Bob Graham* on April 24, 1991, introduced a bill that would require the Judiciary Committee to report a nomination within 90 days of nomination and *would require an up-or-down vote on the floor within 120 days of nomination*. Senator Graham stated: "I consider it a judicial emergency when a judgeship is vacant for one day more than necessary."

- *Senator Kennedy* on February 3, 1998, stated: "We owe it to Americans across the country to give these nominees a vote. If our Republican colleagues don't like them, vote against them. *But give them a vote*."

    - On September 21, 1999, *Senator Kennedy* stated: "It is true that some Senators have voiced concerns about these nominations. But that should not prevent a roll call vote which gives every Senator the opportunity to vote 'yes' or 'no.' . . . *These delays can only be described as an abdication of the Senate's constitutional responsibility* to work with the President and ensure the integrity of our federal courts."

- *Senator Durbin* on September 28, 1998, stated: "I am not suggesting that we would give our consent to all of these nominees. I am basically saying that this process should come to a close. *The Senate should vote*."

- *Senator Feinstein* on September 16, 1999, stated: "*A nominee is entitled to a vote. Vote them up; vote them down*."

    - *Senator Feinstein* on October 4, 1999, stated: "Our institutional integrity requires an up-or-down vote."

- *Senator Harry Reid* on June 9, 2001, stated: "I think we should have up-or-down votes in the committee and on the floor."

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- *Senator Feingold* on March 8, 2000, stated: "All Judge Paez has ever asked for was this opportunity: an up or down vote on his confirmation. Yet for years, the Senate has denied him that simple courtesy."

- *Senator Kohl* on September 21, 1999, stated: "These nominees, who have to put their lives on hold waiting for us to act, *deserve an up or down vote*."

    - *Senator Kohl* on May 15, 1997, stated: "[L]et's breathe life back into the confirmation process. Let's vote on the nominees who already have been approved by the Judiciary Committee, and let's set a timetable for future hearings on pending judges. *Let's fulfill our constitutional responsibilities*."

- *Senator Lincoln* on September 14, 2000, stated: "If we want people to respect their government again, then government must act respectably. It's my hope that we'll take the necessary steps to give these men and these women especially *the up or down vote that they deserve*."

- *Senator Boxer* on January 28, 1998, stated: "I think, whether the delays are on the Republican side or the Democratic side, let these names come up, *let us have debate, let us vote*."

    - *Senator Boxer* on May 14, 1997, stated: "According to the U.S. Constitution, the President nominates, and the Senate shall provide advice and consent. *It is not the role of the Senate to obstruct the process and prevent numbers of highly qualified nominees from even being given the opportunity for a vote on the Senate floor*."

- *Senator Sarbanes* on December 15, 1997, stated: "This politicization . . . has been extended to include the practice of denying nominees an up or down vote on the Senate floor or even in the Judiciary Committee. *If the majority of the Senate opposes a judicial nominee enough to derail a nomination by an up or down vote, then at least the process has been served*."

    - *Senator Sarbanes* on March 19, 1997, stated: "It is not whether you let the President have his nominees confirmed. *You will not even let them be considered by the Senate for an up-or-down vote. That is the problem today*."

- *Senator Levin* on September 14, 2000, stated: "The truth of the matter is that the leadership of *the Senate has a responsibility to do what the Constitution says we should do, which is to advise and at least vote on whether or not to consent to the nomination of nominees for these courts*."

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- *Senator Levin* on May 24, 2000, stated: "These Michigan candidates . . . deserve to have *an up or down vote* on their nominations. . . . The Senate slowdown has a serious impact on the administration of justice."

II. Additional Points Regarding Your Proposal

I also want to make three other points regarding your proposal.

First, contrary to an implicit suggestion in your proposal, the members of these citizen committees themselves will bring their own views about the best qualities for judicial candidates, and their own preferences and visions and ideologies. But there is an important difference between these private citizens, on the one hand, and the President and 100 Senators, on the other. The American people did not elect these citizens to exercise this critical constitutional responsibility and cannot hold them accountable for their exercise of it.

Moreover, the Framers of the Constitution expressly considered and rejected a committee nomination process, concluding that such a process was unlikely to focus on the "intrinsic merit of the candidate." *Federalist* 76. As Hamilton explained, "in every exercise of the power of appointing to offices by an assembly of men we must expect to see a full display of all the private and party likings and dislikes, partialities and antipathies, attachments and animosities, which are felt by those who compose the assembly." *Id.* It will "rarely happen that the advancement of the public service will be the primary object either of party victories or of party negotiations." *Id.*

By contrast, "[t]he sole and undivided responsibility of one man" – the President – "will naturally beget a livelier sense of duty and a more exact regard to reputation. He will, on this account, feel himself under stronger obligations, and more interested to investigate with care the qualities requisite to the stations to be filled, and to prefer with impartiality the persons who may have the fairest pretensions to them." *Id.* The Framers wanted the President alone to exercise the power of nomination, moreover, because the "blame of a bad nomination would fall upon the President singly and absolutely." *Federalist* 77. In a committee nomination process, by contrast, "all idea of responsibility is lost." *Id.*

For these reasons, the Framers concluded that the President alone was to nominate and the Senate as a body was to vote up or down on the President's nominations.

Second, you explain that your proposal would ensure the merit of federal judges. In your letter to President Bush of March 16, 2001, however, you and Senator Leahy expressed the view that the American Bar Association ratings provide "unique, unbiased and essential information" about judicial candidates, and provide an "independent, apolitical" evaluation of their qualifications. You referred to the ABA rating as the "gold standard" for evaluating nominees. All 42 of the President's appeals court nominees rated so far have received "well-qualified" or "qualified" ABA ratings. By the standard outlined in your letter of March 16, 2001, all of these appeals court nominees warrant your support.

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Third, you explain that your proposal would avoid "extremist" judges. The Framers intended that the President would nominate judges and the Senate as a body would vote up-or-down on the nominations to express the majority will of the Senate. The constitutional scheme of Presidential appointment and majority vote in the Senate ensures that the nominees are not unfit. And your proposal would not preclude judges you might label as "extremist" from emerging from the citizen committees. Indeed, even more troubling is the fact that your proposal would not prevent judges whom both the President *and* a majority of the Senate might view as "extremist" from emerging from the citizen committees, yet the President and Senate would be essentially powerless to prevent the appointment.

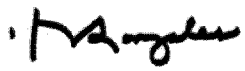
One final point warrants mention. We assume that you include Miguel Estrada and Priscilla Owen in your description of "extremists" given the extraordinary ongoing filibusters of their nominations. But Miguel Estrada and Priscilla Owen represent the mainstream of American law and American values, as indicated by the fact that the President nominated them and a majority of the Senate supports them. Moreover, Miguel Estrada is supported by prominent Democrat lawyers such as Seth Waxman and Ron Klain and by a bipartisan group of 14 former colleagues in the Solicitor General's office, among many others. He worked for four years in the Clinton Administration. He was unanimously rated "well-qualified" by the American Bar Association. Priscilla Owen is supported by three former Democrat Justices on the Texas Supreme Court with whom she served and 15 past Presidents of the State Bar of Texas. She also received a *unanimous* "well-qualified" rating from the American Bar Association.

These two nominees are the mainstream. It bears note, moreover, that you and other Democrat Senators have supported nominees such as Jay Bybee and Michael McConnell who (unlike Mr. Estrada and Justice Owen) have taken strong public positions contrary to yours on significant issues of concern to you. We believe that an unfair double standard is being applied to both Miguel Estrada and Priscilla Owen.

* * *

We appreciate your desire to fix the broken judicial confirmation process. The President believes that the fix is for the Senate to exercise its constitutional responsibility and ensure that every judicial nominee receives an up-or-down Senate vote within a reasonable time after nomination, no matter who is President or which party controls the Senate.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Charles Schumer
United States Senate
Washington, DC 20510

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Copy: The Honorable Bill Frist
The Honorable Thomas Daschle
The Honorable Orrin Hatch
The Honorable Patrick Leahy
The Honorable John Cornyn
The Honorable Russ Feingold

REV_00116996

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To: <Nelson, Carolyn>
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Subject: Re: FW: PET

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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: PET

Can you go?

-----Original Message-----

From: Reid, Margaret A.

Sent: Wednesday, May 07, 2003 9:17 AM

To: Nelson, Carolyn

Subject: PET

can someone from your office come to the meeting? i can't guarantee he will ask any questions.....however he did yesterday and no one could answer.

thanks!!! i know it's painful!

From: CN=Christal R. West/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>
CC: Eric C. Pelletier/WHO/EOP@Exchange [WHO] <Eric C. Pelletier>;Wendy J. Grubbs/WHO /EOP@Exchange [WHO] <Wendy J. Grubbs>
Sent: 5/7/2003 5:31:01 AM
Subject: : FW: Judicial Indepence Remarks -- Friday, May 9

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 7-MAY-2003 09:31:01.00
SUBJECT:: FW: Judicial Indepence Remarks -- Friday, May 9
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:Eric C. Pelletier (CN=Eric C. Pelletier/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi --
we have word that pryor, miller and nelson will not attend, so this will be;all Rs...
i'm assuming we can seat them in the front row?...i'll ask jeanie for seat cards.
thanks -- please let me know if you need anything else.
cw
-----Original Message-----
From: West, Christal R.
Sent: Wednesday, May 07, 2003 9:24 AM
To: Holbrook, Ashley ; Jones, Alison
Cc: Grubbs, Wendy J.; Ojakli, Ziad ; Pelletier, Eric C.
Subject: Judicial Indepence Remarks -- Friday, May 9

Please extend invites to the following Senators for the President's Remarks on Judicial Independence on Friday, May 9.
;
Location:;;;;;;;;;;;;;;;; Rose Garden (seated in audience)
;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;450 EEOB (rain site)
;
Time:
;;;;;;;;;;;;;;;;;;;;;;;;;;;; Arrive -- 10:10am NW Gate
;;;;;;;;;;;;;;;;;;;;;;;;;;;; Remarks -- 10:30am
;
Senators:
Cornyn
Sununu
Dole
Graham
Alexander
Chambliss
Coleman
Murkowski
Pryor
Talent
;
Frist
Hatch

McConnell
Specter
Miller
Ben Nelson
;
THANKS!
cw

From: West, Christal R.
To: <Montiel, Charlotte L.>;<Kavanaugh, Brett M.>;<Nelson, Carolyn>
CC: <Grubbs, Wendy J.>;<Pelletier, Eric C.>
Sent: 5/7/2003 9:31:26 AM
Subject: FW: Judicial Indepence Remarks -- Friday, May 9

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Cc: Grubbs, Wendy J.; Ojakli, Ziad ; Pelletier, Eric C.
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Coleman
Murkowski
Pryor
Talent

Frist
Hatch
McConnell
Specter
Miller
Ben Nelson

THANKS!
cw

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 5/7/2003 9:45:02 AM
Subject: RE: Judicial Indepence Remarks -- Friday, May 9

True, although Miller is still possible, but he went home sick to Ga.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, May 07, 2003 9:40 AM
To: Grubbs, Wendy J.
Subject: FW: Judicial Indepence Remarks – Friday, May 9

true or not??

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/07/2003 09:39 AM ----------

From: Christal R. West/WHO/EOP@Exchange on 05/07/2003 09:31:26 AM
Record Type: Record

To: Charlotte L. Montiel/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@Exchange
cc: Wendy J. Grubbs/WHO/EOP@Exchange, Eric C. Pelletier/WHO/EOP@Exchange
Subject: FW: Judicial Indepence Remarks -- Friday, May 9

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Sent: Wednesday, May 07, 2003 9:24 AM
To: Holbrook, Ashley ; Jones, Alison
Cc: Grubbs, Wendy J.; Ojakli, Ziad ; Pelletier, Eric C.
Subject: Judicial Indepence Remarks -- Friday, May 9

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Alexander
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Coleman
Murkowski
Pryor
Talent

Frist
Hatch
McConnell
Specter
Miller
Ben Nelson

THANKS!
cw

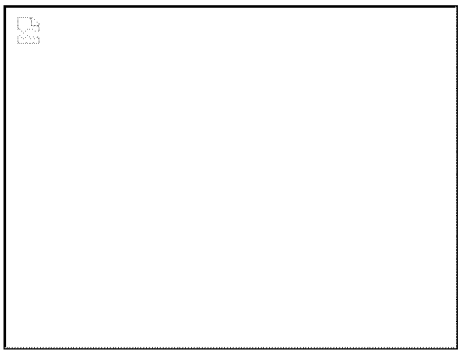
From: Kavanaugh, Brett M.
To: <Smith, Matthew E.>;<Grubbs, Wendy J.>;<Goeglein, Tim>;<Snee, Ashley>
CC: <Perkins, Paul>
Sent: 5/7/2003 10:22:31 AM
Subject: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Ullyot, Theodore W.>
Sent: 5/7/2003 10:22:03 AM
Subject: Story from "The Hill" on Michigan Blue Slips
Attachments: levin carl 5 6 03.jpg

Michigan Republicans are blue over blue slips
By Sarita Chourey

Despite intense pressure from Michigan's nine Republican House members, their state is unlikely to win any new seats on the Sixth U.S. Circuit Court of Appeals, due to the opposition of Democratic Sens. Carl Levin and Debbie Stabenow to four potential nominees from Michigan.

On Monday, Senate Judiciary Committee Chairman Orrin Hatch (R-Utah) indicated that the Michigan senators' opposition to the four conservative judicial hopefuls from their state is likely prevent Michigan from additional representation on the court.



JENNA THOMPSON
Sen. Carl Levin (D-Mich.)

"There's not much I can do," Hatch said Monday after Levin and Stabenow filed so-called "blue slips" to prevent President Bush's picks for the Sixth Circuit Court from being considered. "They probably deserve one or two judges, but I suspect they're going to have to go other states to fill those seats."

But on Tuesday, Hatch said he was undecided on how to respond to Levin and Stabenow's attempt to block all the president's nominees from Michigan by taking advantage of a procedure that allows senators to hold up consideration of any judicial nominee from their state.

Levin and Stabenow have also said they will oppose the nomination of Thomas Ludington of Michigan to a seat on the U.S. District Court.

There are 22 judges on the four-state Sixth Circuit Court, but only 10 are active, and only one of those is from Michigan.

Last week, Rep. Michael Rogers (R-Mich.) voiced frustration about the judicial holdup to President Bush during the president's trip to Dearborn, Mich., to speak to Iraqi-Americans.

Rogers also recently sent a letter, signed by all nine Michigan House Republicans, to Hatch urging him to hold hearings on the four Michigan judicial nominees.

Hatch said it's harder to overcome blue slips for district court nominees," adding, "There's a real question of whether blue slips should be honored, and I haven't resolved that question in my mind yet."

Citing Sen. Edward Kennedy's (D-Mass.) adherence to the blue slip rule when he chaired the Judiciary Committee, Hatch said blue slips have to be given serious consideration, but are not the final word. "In the case of the Michigan senators, I don't see a good reason why they should be holding up these very fine nominees," he said.

Rogers, who has conferred with the Department of Justice and met with several members of the Senate Judiciary Committee, said, "We're hearing that the White House will make appointments from other states, and not that they're not great jurors, but we'll lose Michigan's insights on that court. That would be extremely harmful."

Almost a year and a half ago, Michigan's Republicans conferred with 31 assistant U.S. attorneys for the eastern district of Michigan, which prompted the attorneys to write a letter to Levin, urging him to "resolve the current impasse."

The mixture of criminal and appellate lawyers wrote, "The large number of vacancies on the [Sixth Circuit] has made it more difficult for us to do our jobs well, and in some cases has prejudiced the position of the United States."

Levin and Stabenow's opposition of the president's nominees is rooted in the Sixth Circuit Court's history.

Stabenow's GOP predecessor, Secretary of Commerce Spencer Abraham, opposed President Clinton's nomination of Michigan Court of Appeals Judge Helene White to the Sixth U.S. Circuit Court. She waited four years and did not receive a hearing.

Another Clinton nominee, Kathleen McCree Lewis, from Michigan, met a similar fate.

Charles Tiefer, former deputy House counsel, said Democrats are not likely to feel any political fallout.

"I think many Democrats like Sen. [Dianne] Feinstein [D-Calif.] have taken a very measured stance of accommodating who the president and the Republican party want to pick. Against that background of major accommodation, a few blue slips show only adherence to Senate tradition, not obstruction."

Nine senators have not returned blue slips yet, but spokesmen for most of them said the senators are still reviewing the information provided on each of the nominees.

Four of the five nominees for the Sixth Circuit — which spans Michigan, Ohio, Kentucky, and Tennessee — are designated for Michigan . The fifth nominee, Deborah Cook, from Ohio, was confirmed by the Senate on Monday.

Sen. Barbara Boxer (D-Calif.) is the only other senator who is opposing a home state nominee. Boxer was angered when Hatch held a hearing on the nomination of Los Angeles Circuit Court Judge Carolyn Kuhl's nomination to the Ninth U.S. Circuit Court of Appeals, even though Boxer did not return a positive blue slip on Kuhl.

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 5/7/2003 10:30:55 AM
Subject: Re: I am jumping in your car to go to Senate

Got it
.

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 5/7/2003 10:41:38 AM
Subject: Flag Burning

Have any of you worked on the Flag Burning amendment?

The House Judiciary committee is having a markup on a constitutional amendment.

From: Orr, Christopher J.
To: <Steele, Lynden R.>;<Draper, Eric>
CC: <Kavanaugh, Brett M.>;<Snee, Ashley>
Sent: 5/7/2003 11:02:31 AM
Subject: photos

We are putting together a video for the Judicial Nominations event later this week.

We have the video produced, but need photos for b-roll.

Would appreciate photos from the following events (as many as possible):

1. February 11, 2003. Remarks following meeting on welfare (cabinet room).
2. October 30, 2002. Remarks on Judicial Nominations (east room)
3. February 9, 2003 Remarks at Congress of Tomorrow retreat
4. October 17, 2002 President Deliver Keynote at Hispanic Chamber of Commerce
5. Sep 25, 2002 President Speaks at National REpublican Senatorial Committee Dinner
6. August 23, 2002 Hispanic Education event (Santa Anna, California)
7. **May 9, 2001 Judicial Nominations Event (this would be especially good)**

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/7/2003 11:16:43 AM
Subject: Important Questions

AG has not yet been invited. Are we inviting him to be a stage participant? Will he have any kind of a speaking role? Also, how is this list:

General Ashcroft
Larry Thompson
Ted Olson
Paul Clement
Viet Dinh
Kristi Remington
Robert McCallum
Brian B.
Adam Charnes
Adam Ciongoli
David Ayres
David Israelite
Shiela Joy

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>;<Kavanaugh, Brett M.>
Sent: 5/7/2003 11:17:26 AM
Subject: Re: Important Questions

No and no

.

----- Original Message -----

From:Carolyn Nelson/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 05/07/2003 11:16:43 AM

Subject: Important Questions

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Kristi Remington

Robert McCallum

Brian B.

Adam Charnes

Adam Ciongoli

David Ayres

David Israelite

Shiela Joy

From: Snee, Ashley
To: <Orr, Christopher J.>;<Steele, Lynden R.>;<Draper, Eric>
CC: <Kavanaugh, Brett M.>
Sent: 5/7/2003 11:17:04 AM
Subject: RE: photos

This would great! The photos would really add to the message. Thanks all!

-----Original Message-----
From: Orr, Christopher J.
Sent: Wednesday, May 07, 2003 11:03 AM
To: Steele, Lynden R.; Draper, Eric
Cc: Kavanaugh, Brett M.; Snee, Ashley
Subject: photos

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We have the video produced, but need photos for b-roll.

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6. August 23, 2002 Hispanic Education event (Santa Anna, California)
7. **May 9, 2001 Judicial Nominations Event (this would be especially good)**

From: Bolten, Joshua B.

To: <Connaughton, James>;<Gillmor, Eleanor L.>;<Vestewig, Lauren J.>;<Hall, Philo D.>;<Justesen, Troy>;<Kuzmich, Holly A.>;<Malphrus, Garry>;<Sharp, Jess>;<Skelly, Layton>;<Wilson, Christina C.>;<Winland, Emily>;<O'Neill, Joseph F.>;<Thompson, Carol J.>;<Cooper, Jean>; <Allgood, Lauren K.>;<Heath, Daniel D.>;<Gerdelman, Sue H.>;<Smith, Marty P.>;<Boeckel, Caroline>;<Gottesman, Blake>;<Estes, Ashley>;<Bennett, Melissa S.>;<Riepenhoff, Allison L.>;<Kyle, Ross M.>;<Mallea, Jose>;<Reynolds, Tim>;<Figg, Kara G.>;<Weinstein, Jared B.>;<Cleveland, Carolyn E.>;<Bird, Debra D.>;<Barclay, Barbara A.>;<Bartlett, Daniel J.>;<Bolten, Joshua B.>;<Bridgeland, John M.>;<Card, Andrew H.>;<Fleischer, Lawrence A.>;<Friedman, Stephen>;<Gerson, Michael J.>;<Gonzales, Alberto R.>;<Hagin, Joseph W>;<Hobbs, David W.>;<Miers, Harriet>;<Powell, Dina>;<Rove, Karl C.>;<Spellings, Margaret M.>;<Johnson III, Clay>;<Abbot, Charles S.>;<Ball, Andrea G.>;<Barrales, Ruben S.>;<DeFrancis, Suzy>;<Edson, Gary R.>;<Eskew, Tucker A.>;<Hennessey, Keith>;<Hernandez, Israel>;<Ingle, Edward>;<Jackson, Barry S.>;<Jenkins, Gregory J.>;<Keniry, Daniel>; <Lefkowitz, Jay P.>;<Leitch, David G.>;<McClellan, Scott>;<McConnell, John P.>;<Mehlman, Ken>;<Montgomery, Brian D.>;<Ojakli, Ziad>;<Towey, Jim>;<Wehner, Peter H.>;<Westine, Lezlee J.>;<Allen, Michael>;<Arends, Jackie>;<Badger, William D.>;<Bartolomucci, H. Christopher>;<Bernard, Kenneth>;<Besanceney, Brian R.>;<Beyer, Todd W.>;<Beynon, Rebecca A.>;<Blahous, Charles P.>;<Brosnahan, Jennifer R.>;<Buchan, Claire>;<Bullock, Katja>; <Burgeson, Christine M.>;<Burks, Jonathan W.>;<Chadwick, Kirsten>;<Christie, Ronald I.>;<Clark, Alicia P.>;<Contreras, Rebecca>;<Cox, Christopher C.>;<Jensen, Amy>;<Devenish, Nicolle>;<Dougherty, Elizabeth S.>;<Dunn, David>;<Everson, Nanette>;<Falkenrath, Richard>; <Fenton, Catherine S.>;<Francisco, Noel J.>;<Gannon, Kelley>;<Gilbert, Alan>;<Goeglein, Tim>;<Goldman, Adam B.>;<Grubbs, Wendy J.>;<Higbee, David>;<Kaplan, Joel>;<Kavanaugh, Brett M.>;<Kelly, James M.>;<Kirk, Matthew>;<Kozberg, Lindsey C.>;<Kuo, David>;<Kurtz, Paul B.>;<Liang, Elan>;<Loper, Ginger G.>;<Smith, Heidi M.>;<Marsh, Robert>;<McNally, Robert C.>;<McNally, Edward>;<Moy, Edmund C.>;<Neusner, Noam M.>;<Newstead, Jennifer G.>;<O'Hollaren, Sean B.>;<Pelletier, Eric C.>;<Peterman, Brian>;<Powell, Benjamin A.>;<Reardon, Brian>;<Wright, Liza>;<Sampson, Kyle>;<Sayle, Desiree T.>;<Schacht, Diana L.>;<Schlapp, Matthew A.>;<Scully, Matthew>;<Sforza, Scott N.>;<Silverberg, Kristen>; <Torgerson, Karin B.>;<Troy, Tevi>;<Ullyot, Theodore W.>;<Warsh, Kevin>

Sent: 5/7/2003 11:56:54 AM

Subject: COS staff

As many of you know, Kristen Silverberg is shipping out this week for Baghdad. She will serve as policy advisor to the new Presidential Envoy to Iraq, Amb. Jerry Bremer, who will be the senior Coalition official in Iraq. We wish Kristen well in this important adventure, confident that the reconstruction operation is in good hands.

Filling in for Kristen during her absence will be Jeffrey Kupfer, on generous loan from the Treasury Department, where he is Deputy Chief of Staff. Jeff will be in the same COS office space on the first floor WW, at extension 6-5773. We're grateful to have Jeff in this role; please make him welcome.

There will be drinks in the Chief's office at 5:30 this afternoon, to celebrate Kristen and other departing soldiers in the armies of reconstruction.

From: Adam.Charnes@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/7/2003 8:06:15 AM
Subject: : FW: Invitation to the Judicial Independence Event w/ President Bush and Judge Gonzales

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> ("Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 7-MAY-2003 12:06:15.00
SUBJECT:: FW: Invitation to the Judicial Independence Event w/ President Bush and Judge Gonzales
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI -- don't know if this means that other members of the nominations team -- Nathan et al. -- weren't invited, but if not, they really busted their butts meeting the 180 day standard so it would be nice to invite them.

-----Original Message-----
From: Bass, Amy
Sent: Wednesday, May 07, 2003 12:00 PM
To: Olson, Theodore B; Remington, Kristi L; Clement, Paul D; Dinh, Viet; McCallum, Robert; Benczkowski, Brian A; Charnes, Adam; Ayres, David; Joy, Sheila; Ciongoli, Adam
Cc: Martinson, Wanda; Powell, SeLena Y; Gunn, Currie; McNaught, Heather; Smith, Judy L; Beach, Andrew; Potter, Janet
Subject: Invitation to the Judicial Independence Event w/ President Bush and Judge Gonzales

The White House is inviting you to the Judicial Independence Event with President Bush and Judge Gonzales scheduled for this Friday, May 9 from 10:30 AM - 11:00 AM in the Rose Garden (Rain site is room 450). The audience will be made up of approximately 150 people such as representatives from the Bar Association, Federalist Society, DOJ and Members of Congress (although specific Members have not yet been confirmed).

Would you please let me know if you plan on attending? I will also need your social security number and date of birth for clearance purposes. You will need to arrive no later than 10AM.

Thank you.

Amy E. Bass
Assistant to the Attorney General
Tel: 202-514-4195 Fax: 202-307-2825
Email: Amy.Bass@usdoj.gov

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/7/2003 12:32:31 PM
Subject: briefing paper example
Attachments: 10 29 02 Jud Conf Event Briefing Paper.doc

Do you want me to do this? I'm more than happy to do it.

REVISED BRIEFING PAPER

REMARKS ON JUDICIAL CONFIRMATIONS
Tuesday, October, 29, 2002
1:40 p.m. – 2:10 p.m.
East Room
Alberto R. Gonzales

I. PURPOSE

To speak about the judicial vacancy crisis and Senate confirmation process and to propose a specific plan for the timely consideration of judicial nominees.

II. BACKGROUND

The process for Senate confirmation of judges remains broken, exacerbating a judicial vacancy crisis that the Chief Justice of the United States has termed "alarming." The Senate's delay in holding hearings and up-or-down floor votes on judges has been a problem for many years, but is now worse than ever.

Many observers, including the Chief Justice and most recently the American Bar Association, have called for the Senate to give every judicial nominee a timely hearing and up-or-down vote. At your initial announcement of judicial nominees on May 9, 2001, you called for the Senate to ensure a timely hearing and vote for all judicial nominees, no matter who is President or which party controls the Senate.

III. PARTICIPANTS

Attorney General John Ashcroft
Deputy Attorney General Larry Thompson
Solicitor General Ted Olson
Judge Alberto Gonzales
Bar leaders, Justice Department officials, lawyers, and others to be determined

IV. PRESS PLAN

Open

V. SEQUENCE OF EVENTS
You arrive State Floor and proceed to Blue Room
You and Judge Gonzales are introduced into East Room by WHCA and proceed to stage.
Judge Gonzales proceeds to podium and you stand to the side of the podium as he delivers brief remarks and introduces you.
Note: Judge Gonzales will take his seat on the front row after his remarks.
You deliver remarks.
You conclude remarks and depart.

VI. REMARKS

Provided by speechwriting.

VII. ATTACHMENTS

Remarks attached.

From: Spellings, Margaret M.

To: <Bolten, Joshua B.>;<Connaughton, James>;<Gillmor, Eleanor L.>;<Vestewig, Lauren J.>;<Hall, Philo D.>;<Justesen, Troy>;<Kuzmich, Holly A.>;<Malphrus, Garry>;<Sharp, Jess>;<Skelly, Layton>;<Wilson, Christina C.>;<Winland, Emily>;<O'Neill, Joseph F.>;<Thompson, Carol J.>;<Cooper, Jean>;<Allgood, Lauren K.>;<Heath, Daniel D.>;<Gerdelman, Sue H.>;<Smith, Marty P.>;<Boeckel, Caroline>;<Gottesman, Blake>;<Estes, Ashley>;<Bennett, Melissa S.>;<Riepenhoff, Allison L.>;<Kyle, Ross M.>;<Mallea, Jose>;<Reynolds, Tim>;<Figg, Kara G.>;<Weinstein, Jared B.>;<Cleveland, Carolyn E.>;<Bird, Debra D.>;<Barclay, Barbara A.>;<Bartlett, Daniel J.>;<Bridgeland, John M.>;<Card, Andrew H.>;<Fleischer, Lawrence A.>;<Friedman, Stephen>;<Gerson, Michael J.>;<Gonzales, Alberto R.>;<Hagin, Joseph W>;<Hobbs, David W.>;<Miers, Harriet>;<Powell, Dina>;<Rove, Karl C.>;<Johnson III, Clay>;<Abbot, Charles S.>;<Ball, Andrea G.>;<Barrales, Ruben S.>;<DeFrancis, Suzy>;<Edson, Gary R.>;<Eskew, Tucker A.>;<Hennessey, Keith>;<Hernandez, Israel>;<Ingle, Edward>;<Jackson, Barry S.>;<Jenkins, Gregory J.>;<Keniry, Daniel>;<Lefkowitz, Jay P.>;<Leitch, David G.>;<McClellan, Scott>;<McConnell, John P.>;<Mehlman, Ken>;<Montgomery, Brian D.>;<Ojakli, Ziad>;<Towey, Jim>;<Wehner, Peter H.>;<Westine, Lezlee J.>;<Allen, Michael>;<Arends, Jackie>;<Badger, William D.>;<Bartolomucci, H. Christopher>;<Bernard, Kenneth>;<Besanceney, Brian R.>;<Beyer, Todd W.>;<Beynon, Rebecca A.>;<Blahous, Charles P.>;<Brosnahan, Jennifer R.>;<Buchan, Claire>;<Bullock, Katja>;<Burgeson, Christine M.>;<Burks, Jonathan W.>;<Chadwick, Kirsten>;<Christie, Ronald I.>;<Clark, Alicia P.>;<Contreras, Rebecca>;<Cox, Christopher C.>;<Jensen, Amy>;<Devenish, Nicolle>;<Dougherty, Elizabeth S.>;<Dunn, David>;<Everson, Nanette>;<Falkenrath, Richard>;<Fenton, Catherine S.>;<Francisco, Noel J.>;<Gannon, Kelley>;<Gilbert, Alan>;<Goeglein, Tim>;<Goldman, Adam B.>;<Grubbs, Wendy J.>;<Higbee, David>;<Kaplan, Joel>;<Kavanaugh, Brett M.>;<Kelly, James M.>;<Kirk, Matthew>;<Kozberg, Lindsey C.>;<Kuo, David>;<Kurtz, Paul B.>;<Liang, Elan>;<Loper, Ginger G.>;<Smith, Heidi M.>;<Marsh, Robert>;<McNally, Robert C.>;<McNally, Edward>;<Moy, Edmund C.>;<Neusner, Noam M.>;<Newstead, Jennifer G.>;<O'Hollaren, Sean B.>;<Pelletier, Eric C.>;<Peterman, Brian>;<Powell, Benjamin A.>;<Reardon, Brian>;<Wright, Liza>;<Sampson, Kyle>;<Sayle, Desiree T.>;<Schacht, Diana L.>;<Schlapp, Matthew A.>;<Scully, Matthew>;<Sforza, Scott N.>;<Silverberg, Kristen>;<Torgerson, Karin B.>;<Troy, Tevi>;<Ullyot, Theodore W.>;<Warsh, Kevin>

Sent: 5/7/2003 12:36:51 PM

Subject: RE: COS staff

Thanks, Josh and all the best to Kristen. We in DPC are contributing to the cause by offering up Reuben Jeffery to the Iraq reconstruction effort. His Washington D.C. portfolio will be handled by Terrell Halaska and his New York issues will be managed by Jay Lefkowitz in his absence. See you at 5:30. Margaret

-----Original Message-----

From: Bolten, Joshua B.

Sent: Wednesday, May 07, 2003 11:57 AM

To: Connaughton, James; Gillmor, Eleanor L.; Vestewig, Lauren J.; Hall, Philo D.; Justesen, Troy; Kuzmich, Holly A.; Malphrus, Garry; Sharp, Jess; Skelly, Layton; Wilson, Christina C.; Winland, Emily; O'Neill, Joseph F.; Thompson, Carol J.; Cooper, Jean; Allgood, Lauren K.; Heath, Daniel D.; Gerdelman, Sue H.; Smith, Marty P.; Boeckel, Caroline; Gottesman, Blake; Estes, Ashley; Bennett, Melissa S.; Riepenhoff, Allison L.; Kyle, Ross M.; Mallea, Jose; Reynolds, Tim; Figg, Kara G.; Weinstein, Jared B.; Cleveland, Carolyn E.; Bird, Debra D.; Barclay, Barbara A.; Bartlett, Daniel J.; Bolten, Joshua B.; Bridgeland, John M.; Card, Andrew H.; Fleischer, Lawrence A.; Friedman, Stephen; Gerson, Michael J.; Gonzales, Alberto R.; Hagin, Joseph W; Hobbs, David W.; Miers, Harriet; Powell, Dina; Rove, Karl C.; Spellings, Margaret M.; Johnson III, Clay ; Abbot, Charles S.; Ball, Andrea G.; Barrales, Ruben S.; DeFrancis, Suzy; Edson, Gary R.; Eskew, Tucker A.; Hennessey, Keith; Hernandez, Israel; Ingle, Edward; Jackson, Barry S.; Jenkins, Gregory J.; Keniry, Daniel ; Lefkowitz, Jay P.; Leitch, David G.; McClellan, Scott ; McConnell, John P.; Mehlman, Ken; Montgomery, Brian D.; Ojakli, Ziad ; Towey, Jim; Wehner, Peter H.; Westine, Lezlee J.; Allen, Michael; Arends, Jackie; Badger, William D.; Bartolomucci, H. Christopher; Bernard, Kenneth; Besanceney, Brian R.; Beyer, Todd W.; Beynon, Rebecca A.; Blahous, Charles P.; Brosnahan, Jennifer R.; Buchan, Claire ; Bullock, Katja; Burgeson, Christine M.; Burks, Jonathan W.; Chadwick, Kirsten; Christie, Ronald I.; Clark, Alicia P.; Contreras, Rebecca; Cox, Christopher C.; Jensen, Amy; Devenish, Nicolle; Dougherty, Elizabeth S.; Dunn, David; Everson, Nanette; Falkenrath, Richard; Fenton, Catherine S.; Francisco, Noel J.; Gannon, Kelley; Gilbert, Alan; Goeglein, Tim; Goldman, Adam B.; Grubbs, Wendy J.; Higbee, David; Kaplan, Joel; Kavanaugh, Brett M.; Kelly, James M.; Kirk, Matthew ; Kozberg, Lindsey C.; Kuo, David; Kurtz, Paul B.; Liang, Elan; Loper, Ginger G.; Smith, Heidi M.; Marsh, Robert ; McNally, Robert C.; McNally, Edward; Moy, Edmund C.; Neusner, Noam M.; Newstead, Jennifer G.; O'Hollaren, Sean B.; Pelletier, Eric C.; Peterman, Brian; Powell, Benjamin A.; Reardon, Brian; Wright, Liza; Sampson, Kyle; Sayle, Desiree T.; Schacht, Diana L.; Schlapp, Matthew A.; Scully, Matthew; Sforza, Scott N.; Silverberg, Kristen;

Torgerson, Karin B.; Troy, Tevi; Ullyot, Theodore W.; Warsh, Kevin
Subject: COS staff

As many of you know, Kristen Silverberg is shipping out this week for Baghdad. She will serve as policy advisor to the new Presidential Envoy to Iraq, Amb. Jerry Bremer, who will be the senior Coalition official in Iraq. We wish Kristen well in this important adventure, confident that the reconstruction operation is in good hands.

Filling in for Kristen during her absence will be Jeffrey Kupfer, on generous loan from the Treasury Department, where he is Deputy Chief of Staff. Jeff will be in the same COS office space on the first floor WW, at extension 6-5773. We're grateful to have Jeff in this role; please make him welcome.

There will be drinks in the Chief's office at 5:30 this afternoon, to celebrate Kristen and other departing soldiers in the armies of reconstruction.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/7/2003 1:00:07 PM
Subject: RE: briefing paper example

Almost done, but will you pls call me to discuss a couple of items?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, May 07, 2003 12:36 PM
To: Nelson, Carolyn; Kavanaugh, Brett M.
Subject: Re: briefing paper example

Yes. Send me draft. Thanks!!!

.

----- Original Message -----
From:Carolyn Nelson/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 05/07/2003 12:32:31 PM
Subject: briefing paper example

Do you want me to do this? I'm more than happy to do it.

From: Snee, Ashley
To: <Kavanaugh, Brett M.>;<Smith, Matthew E.>;<Grubbs, Wendy J.>;<Goeglein, Tim>
CC: <Perkins, Paul>
Sent: 5/7/2003 1:13:20 PM
Subject: RE: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

I'm fine with 4. Where should we meet?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, May 07, 2003 10:23 AM
To: Smith, Matthew E.; Grubbs, Wendy J.; Goeglein, Tim; Snee, Ashley
Cc: Perkins, Paul
Subject: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/7/2003 1:29:08 PM
Subject: I will be over at 145.

.

From: Kavanaugh, Brett M.
To: <Kavanaugh, Brett M.>
CC: <Smith, Matthew E.>;<Grubbs, Wendy J.>;<Goeglein, Tim>;<Snee, Ashley>;<Perkins, Paul>
Sent: 5/7/2003 2:26:13 PM
Subject: Re: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

We will meet in 156 at 4:00.

Brett M. Kavanaugh

05/07/2003 10:23:31 AM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Wendy J. Grubbs/WHO/EOP@Exchange@EOP, Tim Goeglein/WHO /EOP@EOP, Ashley Snee/WHO/EOP@Exchange@EOP

cc: Paul Perkins/WHO/EOP@EOP

Subject: can we meet at 4:00 today to go over Friday activities and coordinate. Thanks.

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/7/2003 11:30:55 AM
Subject: : CFIF Daschle Ad -- Confirmations
Attachments: P_NWI8G003_WHO.TXT_1.htm; P_NWI8G003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAY-2003 15:30:55.00
SUBJECT:: CFIF Daschle Ad -- Confirmations
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Matthew E. Smith/WHO/EOP on 05/07/2003 03:30 PM ----------

Jeff Mazzella <jmazzella@cfif.org>
05/07/2003 03:26:50 PM
Please respond to Jeff Mazzella <jmazzella@cfif.org>
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: CFIF Daschle Ad -- Confirmations

FYI -- Thought you'd be interested. We are running the attached ad in the Washington Times on Friday.

Thanks,
Jeff

Jeffrey Mazzella
Sr. Vice President, Legislative Affairs
Center for Individual Freedom
901 N. Washington St., Suite 402
Alexandria, VA 22314
703-535-5836
703-535-5838 (fax)
jmazzella@cfif.org
www.cfif.org

- att1.htm
- Daschle print ad.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NWI8G003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NWI8G003_WHO.TXT_2>

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Jeffrey Mazzella
Sr. Vice President, Legislative Affairs
Center for Individual Freedom
901 N. Washington St., Suite 402
Alexandria, VA 22314
703-535-5836
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jmazzella@cfif.org
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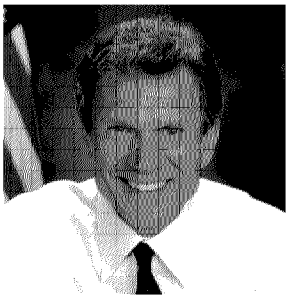
Hypocrite!



"I find it simply baffling that a Senator would vote against even voting on a judicial nomination."

--Senate Minority Leader Tom Daschle,
Congressional Record, Oct. 5, 1999

"Hispanic or non-Hispanic, African American or non-African American, woman or man, it is wrong not to have a vote on the Senate floor."

--Senate Minority Leader Tom Daschle,
Congressional Record, Oct. 28, 1999

That was then. Now, Tom Daschle is preventing the full Senate from voting on not one, but two, "well-qualified"* judicial nominees, Miguel Estrada and Priscilla Owen.

Mr. Daschle, you are a leader in the United States Senate. Act like one!

Call Senator Daschle today!

202-224-2321

Tell him to live by his own words.

VOTE ON THE JUDGES!

Center for Individual Freedom (www.cfif.org).

*Rating of the American Bar Association

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 5/7/2003 3:34:06 PM
Subject: following ad apparently is running in Wash Times Friday
Attachments: Daschle print ad.doc

- Daschle print ad.doc <>

Hypocrite!



"I find it simply baffling that a Senator would vote against even voting on a judicial nomination."

--Senate Minority Leader Tom Daschle,
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"Hispanic or non-Hispanic, African American or non-African American, woman or man, it is wrong not to have a vote on the Senate floor."

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*Rating of the American Bar Association

From: Ullyot, Theodore W.
To: <Kavanaugh, Brett M.>
CC: <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>
Sent: 5/7/2003 3:38:44 PM
Subject: Re: following ad apparently is running in Wash Times Friday
Attachments: Daschle print ad.doc

They ought to run it in South Dakota as well.

Brett M. Kavanaugh

05/07/2003 03:34:52 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: following ad apparently is running in Wash Times Friday

- Daschle print ad.doc <>

Message Sent To:

Alberto R. Gonzales/WHO/EOP@Exchange@EOP

David G. Leitch/WHO/EOP@Exchange@EOP

Jennifer R. Brosnahan/WHO/EOP@EOP

Jennifer G. Newstead/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Benjamin A. Powell/WHO/EOP@EOP

Theodore W. Ullyot/WHO/EOP@EOP

Hypocrite!



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--Senate Minority Leader Tom Daschle,
Congressional Record, Oct. 5, 1999

"Hispanic or non-Hispanic, African American or non-African American, woman or man, it is wrong not to have a vote on the Senate floor."

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Center for Individual Freedom (www.cfif.org).

*Rating of the American Bar Association

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 5/7/2003 3:54:28 PM
Subject: Raleigh N&O (5/7/03) re: Judcial nominations; Dole seeking a better way

Raleigh News & Observer

UNDER THE DOME

May 7, 2003

Seeking a better way

U.S. Sen Elizabeth Dole, a North Carolina Republican, was among 10 Senate freshmen who signed a letter last week urging reforms in the way federal judges are nominated and confirmed.

The letter to congressional leaders, signed by nine Republicans and one Democrat, calls for an unspecified "bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees and leave the bitterness of the past behind us."

A long-running stalemate between North Carolina senators has kept the state from having a single judge on the U.S. 4th Circuit Court of Appeals since 1999.

Currently, two nominees from the state are pending before the Judiciary Committee. They are District Court Judge Terrence Boyle and Raleigh lawyer Allyson Duncan.

More nomination news

President Bush announced last week that he plans to nominate C.F. Shappert to be U.S. attorney for the Western District of North Carolina. Shappert, who attended Duke University as an undergraduate, is currently an assistant attorney in that office.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/7/2003 11:55:58 AM
Subject: : Raleigh N&O (5/7/03) re: Judcial nominations; Dole seeking a better way

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAY-2003 15:55:58.00
SUBJECT:: Raleigh N&O (5/7/03) re: Judcial nominations; Dole seeking a better way
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Raleigh News & Observer
UNDER THE DOME
May 7, 2003
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From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 5/7/2003 4:52:03 PM
Subject:

what is the berenson meeting?

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/7/2003 5:00:09 PM
Subject: reminder on staff sec packet; thanks

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Gonzales, Alberto R.>
Sent: 5/7/2003 5:17:10 PM
Subject: RE:

Good news, I'd say. Waxman? (Seth, not Henry).

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, May 07, 2003 5:06 PM
To: Gonzales, Alberto R.; Leitch, David G.
Subject:

Cutler and Dellinger are both coming.

From: Kyle, Ross M.

To: <Connaughton, James>;<Gillmor, Eleanor L.>;<Vestewig, Lauren J.>;<Hall, Philo D.>;<Justesen, Troy>;<Kuzmich, Holly A.>;<Malphrus, Garry>;<Sharp, Jess>;<Skelly, Layton>;<Wilson, Christina C.>;<Winland, Emily>;<O'Neill, Joseph F.>;<Thompson, Carol J.>;<Cooper, Jean>; <Allgood, Lauren K.>;<Heath, Daniel D.>;<Gerdelman, Sue H.>;<Smith, Marty P.>;<Boeckel, Caroline>;<Gottesman, Blake>;<Estes, Ashley>;<Bennett, Melissa S.>;<Riepenhoff, Allison L.>;<Kyle, Ross M.>;<Mallea, Jose>;<Reynolds, Tim>;<Figg, Kara G.>;<Weinstein, Jared B.>;<Cleveland, Carolyn E.>;<Bird, Debra D.>;<Barclay, Barbara A.>;<Bartlett, Daniel J.>;<Bolten, Joshua B.>;<Bridgeland, John M.>;<Card, Andrew H.>;<Fleischer, Lawrence A.>;<Friedman, Stephen>;<Gerson, Michael J.>;<Gonzales, Alberto R.>;<Hagin, Joseph W>;<Hobbs, David W.>;<Miers, Harriet>;<Powell, Dina>;<Rove, Karl C.>;<Spellings, Margaret M.>;<Johnson III, Clay>;<Abbot, Charles S.>;<Ball, Andrea G.>;<Barrales, Ruben S.>;<DeFrancis, Suzy>;<Edson, Gary R.>;<Eskew, Tucker A.>;<Hennessey, Keith>;<Hernandez, Israel>;<Ingle, Edward>;<Jackson, Barry S.>;<Jenkins, Gregory J.>;<Keniry, Daniel>; <Lefkowitz, Jay P.>;<Leitch, David G.>;<McClellan, Scott>;<McConnell, John P.>;<Mehlman, Ken>;<Montgomery, Brian D.>;<Ojakli, Ziad>;<Towey, Jim>;<Wehner, Peter H.>;<Westine, Lezlee J.>;<Allen, Michael>;<Arends, Jackie>;<Badger, William D.>;<Bartolomucci, H. Christopher>;<Bernard, Kenneth>;<Besanceney, Brian R.>;<Beyer, Todd W.>;<Beynon, Rebecca A.>;<Blahous, Charles P.>;<Brosnahan, Jennifer R.>;<Buchan, Claire>;<Bullock, Katja>; <Burgeson, Christine M.>;<Burks, Jonathan W.>;<Chadwick, Kirsten>;<Christie, Ronald I.>;<Clark, Alicia P.>;<Contreras, Rebecca>;<Cox, Christopher C.>;<Jensen, Amy>;<Devenish, Nicolle>;<Dougherty, Elizabeth S.>;<Dunn, David>;<Everson, Nanette>;<Falkenrath, Richard>; <Fenton, Catherine S.>;<Francisco, Noel J.>;<Gannon, Kelley>;<Gilbert, Alan>;<Goeglein, Tim>;<Goldman, Adam B.>;<Grubbs, Wendy J.>;<Higbee, David>;<Kaplan, Joel>;<Kavanaugh, Brett M.>;<Kelly, James M.>;<Kirk, Matthew>;<Kozberg, Lindsey C.>;<Kuo, David>;<Kurtz, Paul B.>;<Liang, Elan>;<Loper, Ginger G.>;<Smith, Heidi M.>;<Marsh, Robert>;<McNally, Robert C.>;<McNally, Edward>;<Moy, Edmund C.>;<Neusner, Noam M.>;<Newstead, Jennifer G.>;<O'Hollaren, Sean B.>;<Pelletier, Eric C.>;<Peterman, Brian>;<Powell, Benjamin A.>;<Reardon, Brian>;<Wright, Liza>;<Sampson, Kyle>;<Sayle, Desiree T.>;<Schacht, Diana L.>;<Schlapp, Matthew A.>;<Scully, Matthew>;<Sforza, Scott N.>;<Silverberg, Kristen>; <Torgerson, Karin B.>;<Troy, Tevi>;<Ullyot, Theodore W.>;<Warsh, Kevin>;<Kyle, Ross M.>;<Nelson, Carolyn>;<Bumatay, Patrick J.>;<Hughes, Taylor A.>;<Ritacco, Krista L.>;<Campbell, Anne E.>;<Reese, Shelley>;<Ingols, Adam B.>;<West, Christal R.>;<Douglas, Penny G.>;<Deckard, Josh>;<Levine, Adam L.>;<Snee, Ashley>;<Ralston, Susan B.>;<Hager, Henry C>;<McDonald, Rebekah>;<Walters, Katherine M.>;<Bellinger, John B.>;<Miller, Franklin C.>;<Cleveland, Robin>;<Heiden, Debra>;<Field, Jennifer D.>;<Mayfield, Jennifer H.>;<McCormack, Brian V.>;<Cabral, Raquel>;<Middlemas, A. Morgan>;<Blakeman, Bradley A.>;<Gambatesa, Linda M.>;<Litkenhaus, Colleen>;<Daniels, Mitchell>

Sent: 5/7/2003 5:33:15 PM

Subject: REMINDER - 5:30 Celebration

Please join Secretary Card at 5:30 as we see our co-workers off and wish them well as they leave for Iraq.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/7/2003 6:36:52 PM
Subject: FW: Attendees

Just fyi

-----Original Message-----

From: Loy, Carrie B.

Sent: Wednesday, May 07, 2003 6:28 PM

To: Nelson, Carolyn

Cc: Smith, Matthew E.

Subject: Attendees

Please note that this list is incomplete and that I will be sending an updated list tomorrow at noon for clearance purposes.



From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Grubbs, Wendy J.>
Sent: 5/7/2003 6:52:21 PM
Subject: FOX News is reporting on "nuclear option"

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 5/7/2003 7:17:58 PM
Subject: no idea what this is about, but Sen. Conrad (ND) has asked to meet with Miguel Tuesday

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/7/2003 3:30:05 PM
Subject: : FW: Reuters - Top Bush economic adviser stumped by dog question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 7-MAY-2003 19:30:05.00
SUBJECT:: FW: Reuters - Top Bush economic adviser stumped by dog question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

;
-----Original Message-----
From: Bravo, Brian
Sent: Wednesday, May 07, 2003 6:05 PM
Subject: Reuters - Top Bush economic adviser stumped by dog question

Top Bush economic adviser stumped by dog question

;;;;;;;;;;; ;;; WASHINGTON, May 7 (Reuters) - Chief White House economic adviser Stephen Friedman, prepared for hardball questions about President George W. Bush's tax cut plan, was stumped.

;;;;;;;;;;; ;;; ``Yvonne'' from Chelmsford, England, didn't seem to care much about the double taxation of dividends or rate cuts.

;;;;;;;;;;; ;;; ``My 15-month-old Scottie MacGregor wondered how old Barney was and what his favorite toy was? How did President Bush come to choose a Scottie?'' Yvonne asked Friedman, who on Wednesday hosted an online question-and-answer session on the White House's Web site, www.whitehouse.gov.

;;;;;;;;;;; ;;; Barney is Bush's black Scottish terrier.

;;;;;;;;;;; ;;; ``I don't know, but please tell Scottie that I'll ask the president and we'll post later here on whitehouse.gov. I'd ask Barney, but he never wants to talk about dividends,'' Friedman wrote in response.

;;;;;;;;;;; ;;; Yvonne's question was far from the norm during the weekly interactive forum, dubbed ``Ask the White House.''

;;;;;;;;;;; ;;; Online visitors from Dayton, Ohio, to San Francisco grilled Friedman on the details of Bush's economic agenda, and the wisdom of passing a $550 billion tax cut when the federal budget deficit is already projected to set a record.

;;;;;;;;;;; ;;; ``The president is concerned about deficits and believes that it is important to return to balanced budgets and budget surpluses. The best way to balance the budget is to grow our economy and control spending in Washington,'' Friedman wrote in response to one question.

;;;;;;;;;;; ;;; A search of the White House Web site revealed that Barney will turn 3 on Sept. 30.

;

;

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/7/2003 7:30:43 PM
Subject: FW: Reuters - Top Bush economic adviser stumped by dog question

-----Original Message-----
From: Bravo, Brian
Sent: Wednesday, May 07, 2003 6:05 PM
Subject: Reuters - Top Bush economic adviser stumped by dog question

Top Bush economic adviser stumped by dog question

WASHINGTON, May 7 (Reuters) - Chief White House economic adviser Stephen Friedman, prepared for hardball questions about President George W. Bush's tax cut plan, was stumped.

``Yvonne'' from Chelmsford, England, didn't seem to care much about the double taxation of dividends or rate cuts.

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From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/7/2003 4:13:46 PM
Subject: : White House Global Messenger - 5/08/03
Attachments: P_8SW8G003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME: 7-MAY-2003 20:13:46.00
SUBJECT:: White House Global Messenger - 5/08/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 5-08-03 FINAL.doc)

THE GLOBAL MESSENGER
Thursday, May 8, 2003

******KEY POINTS: LIFTING U.S. SANCTIONS AGAINST IRAQ******
* President Bush has suspended the Iraq Sanctions Act of 1990 imposed by the United States against Iraq's old regime.
* The U.S. has also suspended certain unilateral economic sanctions against Iraq as they begin the process of rebuilding their lives after more than two decades of brutal dictatorship.
* At the President's request, the U.S. Treasury has issued four new general licenses permitting many transactions previously prohibited, including:
-Licenses allowing those interested in providing humanitarian aid to Iraq to begin doing so immediately;
-Personal remittances. Friends and family living in the U.S. are now able to contribute cash payments to any person in Iraq for up to $500 per month;
-Any activity paid for with U.S. government funds to fulfill our obligations under international law to the Iraqi people, including activities by contractors in support of those objectives;
-Privately funded Humanitarian activities by U.S. entities not specifically in support of government objectives are also permitted.
* The regime that was once target of our economic sanctions has been extinguished, and our mission is to now rebuild Iraq. Lifting sanctions is an essential step in providing for the humanitarian and reconstruction needs of Iraq.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change

11:25 am President Bush meets with Amir Hamad bin Khalifa Al Thani of Qatar

12:15 pm State Department Briefing

1:45 pm White House Briefing

******COALITION EFFORTS TO UNCOVER IRAQI WMD PROGRAMS******

*The Coalition has a comprehensive approach to identify, assess and eliminate Iraq's WMD programs and delivery systems. The effort is focused on:
- Interviewing and obtaining the cooperation of key Iraqi personnel;
- Accessing and assessing sensitive sites; and
- Obtaining and assessing key documents, computers, and other informational materials.

"As time goes by and the more we learn, I'm sure we're going to discover that the WMD programs are as extensive and as varied as the secretary of States reported in his February address."

Steve Cambone, Defense Department Press Briefing, 5/7/03

******IN THE PRESIDENTS WORDS: U.S.-SINGAPORE RELATIONS, 5/5/03******

"Singapore worked hard to secure the passage of [UN] Resolution 1441, requiring Iraq to live up to its international obligations. And now with Iraq's liberation, Singapore will send police and health care workers to help with Iraq's reconstruction.

"I appreciate [Singapore's] contribution as we overcome great dangers and defend the peace. I'm grateful, as well, for your commitment to a world that trades in freedom and for all the hard work on both sides that have made this agreement possible. We take great pride in the strong relationship between our countries."

******LIBERATION UPDATE******
The voices of freedom, now heard across Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at:
http://www.whitehouse.gov/liberation

"[Schools] will have to change all the subjects. They were about only Saddam."
Abdul Kareem, a professor in Iraq,
Chicago Tribune, 5/6/03
***
"This is the first step on the road to democracy. I promise I will be a faithful soldier."
Ghanam al-Basso, newly elected mayor of Mosul in first vote since Saddam Hussein was ousted,
New York Times, 5/5/03

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messages to the world. This office distributes
updates on major international topics such
as the global war on terror, the case for
regime change in Iraq, and more broadly, the
ways in which we can all better communicate
the aspirations and interests that Americans
share with freedom-loving people everywhere.
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THE GLOBAL MESSENGER

Thursday, May 8, 2003

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All Times Eastern Daylight. Subject to Change

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KEY POINTS LIFTING U.S. SANCTIONS AGAINST IRAQ

- President Bush has suspended the Iraq Sanctions Act of 1990 imposed by the United States against Iraq's old regime.
- The U.S. has also suspended certain unilateral economic sanctions against Iraq as they begin the process of rebuilding their lives after more than two decades of brutal dictatorship.
- At the President's request, the U.S. Treasury has issued four new general licenses permitting many transactions previously prohibited, including:
  - Licenses allowing those interested in providing humanitarian aid to Iraq to begin doing so immediately;
  - Personal remittances. Friends and family living in the U.S. are now able to contribute cash payments to any person in Iraq for up to $500 per month;
  - Any activity paid for with U.S. government funds to fulfill our obligations under international law to the Iraqi people, including activities by contractors in support of those objectives;
  - Privately funded Humanitarian activities by U.S. entities not specifically in support of government objectives are also permitted.
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THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

REV_00117274

From: Kavanaugh, Brett M.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 5/7/2003 9:06:41 PM
Subject: Re: Reuters - Top Bush economic adviser stumped by dog question

Weird.

.

----- Original Message -----

From:Ashley Snee/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 05/07/2003 07:30:43 PM

Subject: FW: Reuters - Top Bush economic adviser stumped by dog question

-----Original Message-----

From: Bravo, Brian

Sent: Wednesday, May 07, 2003 6:05 PM

Subject: Reuters - Top Bush economic adviser stumped by dog question

Top Bush economic adviser stumped by dog question

WASHINGTON, May 7 (Reuters) - Chief White House economic adviser Stephen Friedman, prepared for hardball questions about President George W. Bush's tax cut plan, was stumped.

``Yvonne'' from Chelmsford, England, didn't seem to care much about the double taxation of dividends or rate cuts.

``My 15-month-old Scottie MacGregor wondered how old Barney was and what his favorite toy was? How did President Bush come to choose a Scottie?'' Yvonne asked Friedman, who on Wednesday hosted an online question-and-answer session on the White House's Web site, www.whitehouse.gov.

Barney is Bush's black Scottish terrier.

``I don't know, but please tell Scottie that I'll ask the president and we'll post later here on whitehouse.gov. I'd ask Barney, but he never wants to talk about dividends,'' Friedman wrote in response.

Yvonne's question was far from the norm during the weekly interactive forum, dubbed ``Ask the White House.''

Online visitors from Dayton, Ohio, to San Francisco grilled Friedman on the details of Bush's economic agenda, and the wisdom of passing a $550 billion tax cut when the federal budget deficit is already projected to set a record.

``The president is concerned about deficits and believes that it is important to return to balanced budgets and budget surpluses. The best way to balance the budget is to grow our economy and control spending in Washington,'' Friedman wrote in response to one question.

A search of the White House Web site revealed that Barney will turn 3 on Sept. 30.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@EOP [WHO] <Ashley Snee>
Sent: 5/7/2003 5:07:21 PM
Subject: : Re: Reuters - Top Bush economic adviser stumped by dog question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAY-2003 21:07:21.00
SUBJECT:: Re: Reuters - Top Bush economic adviser stumped by dog question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Weird.

.

----- Original Message -----
From:Ashley Snee/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 05/07/2003 07:30:43 PM
Subject: FW: Reuters - Top Bush economic adviser stumped by dog question

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joe_Matal@Judiciary.senate.gov [UNKNOWN] <Joe_Matal@Judiciary.senate.gov>
Sent: 5/7/2003 5:42:26 PM
Subject: : Re: Please Oppose S.887

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAY-2003 21:42:26.00
SUBJECT:: Re: Please Oppose S.887
TO:Joe_Matal@Judiciary.senate.gov (Joe_Matal@Judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The american lawyer article you sent me was very helpful.

.

----- Original Message -----
From:<Joe_Matal@Judiciary.senate.gov>
To:<Steven_Duffield@rpc.senate.gov>
Cc:
Date: 05/07/2003 09:37:43 PM
Subject: FW: Please Oppose S.887

Attached please find a letter being sent around Capitol Hill by Joan Claybrook's Public Citizen, a Naderite "consumer" group. You should know that this and other Nader groups are funded by the trial lawyers -- they serve ATLA's agenda, not consumers'.

Pasted in below the Public Citizen email message is a link to a Capital Research Center story titled "ATLA: How it Works with Ralph Nader Against Tort Reform." Joan Claybrook, one of the authors of this letter, was instrumental in developing ATLA's links to "consumer" groups -- and she admits in this story that just her own group, Public Citizen, takes $200,000 a year from trial lawyers. Below the link is a relevant passage from the article, describing how Public Citizen and other Naderite groups redefine consumer interests as "what's good for ATLA."

Also attached is a basic information packet on ISCRAA (S.887), the Kyl-Cornyn bill, which rebuts the charges made by Claybrook. And if you don't believe that there are serious ethical abuses resulting from the tobacco settlement -- abuses that cost consumers and taxpayers billions, but which "Public Citizen" has been totally silent about -- read pages 3-7 of Senator Cornyn's speech (also attached), which describes the unbelievable corruption that infected the tobacco settlement fee awards in state after state. Also attached is a rebuttal of a "constitutional" analysis of ISCRAA that a local law firm was recently paid to do. Finally, for good measure, Senator Kyl's speech introducing ISCRAA also is attached.

Finally, remember that S.887 is not an "anti-trial lawyer" bill. It only applies to a small subset of cases where there have been gross ethical abuses, and it allows fees as high is 500% of reasonable hourly rates -- as liberal as the most liberal state courts (it is effectively the Florida Supreme Court standard), and much more liberal than what federal courts allows in cases of this size. When Claybrook says that federal courts don't use lodestar, she is wrong -- in high value cases, the courts have made clear that even when they formally apply a "percentage" fee, they base the percentage on what constitutes a reasonable multiple of the lodestar. And federal courts never give more than 300% of that lodestar in $100 million cases.

Subject: Please Oppose S.887

Dear Senate Staffer,

Please find a letter from Public Citizen urging your opposition to Senate Amendment S. 887 attached. Should you have any questions or require further information on this issue, please do not hesitate to contact Jackson Williams at (202)454-5135.

Thank you in advance for your time and consideration of the enclosed letter of mutual concern.

Sincerly,

Rebecca Romo
Legislative Assistant
Public Citizen, Congress Watch
215 Pennsylvania Avenue, SE
Washington, DC 20003
(202)454-5115
(202)546-4996
rromo@citizen.org

http://www.capitalresearch.org/pubs/pubs.asp?ID=108

CJF's Nader Connection
In the mid-1980s, ATLA began to build closer contacts with consumer activists. The Coalition for Consumer Justice, an umbrella organization started by Joan Claybrook, showed ATLA how to create relationships with its "natural allies," i.e., special interest activists who are not afraid to sue. Claybrook had worked closely with Ralph Nader since the mid-1960s and was president of Public Citizen, a consumer group founded by Nader in 1971. She describes the Coalition's objective as lobbying for increased regulation of insurance companies (old foes of ATLA) and resisting insurance company demands for tort reform. Said Claybrook, "The insurance industry's real goal is to limit our right to hold wrongdoers responsible for the permanent injuries they inflict."
But when the trial lawyers met the consumer movement they discovered something about their "natural allies." Roxanne Barton Conlin, an ATLA member who worked on the relationship building effort, expressed it well. "We quickly learned," she recalled in 1992, "how close to the margin of existence many of these groups were...If these groups were to continue...they needed money." A grantmaking organization that could provide regular transfusions of funds to ATLA's new friends was essential. Conlin credits Claybrook for having "helped begin the foundation." She continues to serve as one of seven consumer activist representatives on CJF's 26-member board of

trustees.
Since its 1986 founding CJF has contributed $1.3 million to more than 100 consumer advocacy groups. (See Sidebar on page 5.) Grant applications stream to CJF, ensuring that ATLA supports groups that help keep trial lawyers abreast of new developments in "consumer advocacy."
Public Citizen says it does not accept funding from ATLA. But trial lawyer contributions to Nader-backed groups reinforce the ties between them. In a 1999 interview Claybrook admitted that Public Citizen receives about $200,000 per year in donations from individual trial lawyers.
Chamber specifically endorsed arbitration as a less costly and contentious method to resolve disputes. ATLA and Public Citizen went ballistic. Public Citizen's Tyler Slocum cast doubt on arbitration's usefulness; he defended liability lawsuits as a way to force corporations to change their practices in ways "that benefited the consumer."
ATLA president Mary Alexander called the ads a "tragic misuse of our capitalist system."
Why the heated rhetoric? Perhaps because in 2001 the number of arbitration proceedings-200,000-exceeded the number of public jury trials. Arbitration clauses are increasingly used in many contract settlements, including employment, credit, insurance, and securities agreements. Under an arbitration clause, consumers agree to resolve a contract dispute in arbitration rather than through court litigation. An impartial individual or panel hears the issues and decides how to resolve the dispute. Arbitration is fast and cheap.
Killing arbitration is an ATLA priority. A July 2002 article in Trial describes arbitration as "the ultimate tort 'reform' tool" because it takes "away a person's right to trial."
Last year ATLA was disappointed when the U.S. Supreme Court refused to weaken arbitration, and it began looking for help from Congress. ATLA supported a number of bills that would make arbitration agreements unenforceable, and it found a vocal supporter for its position in Nader's Public Citizen. In May 2002, Public Citizen published a report attacking the practice of using mandatory arbitration in place of lawsuits. "This growing corporate maneuver is threatening the rule of law," said Public Citizen's Claybrook.
- Kyl Amendment - S887.doc - ISCRAAInformationPacket.pdf - ISCRAACornynSpeech.pdf - ISCRAAResponseToSutherland.pdf - ISCRAAKylSpeech.pdf

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 5/7/2003 11:40:13 PM
Subject: Fw: IMPORTANT PICKERING ARTICLE
Attachments: att1.htm

Good news.

.

----- Original Message -----

From:

To:Brett M. Kavanaugh/WHO/EOP@EOP,

,

Tim Goeglein/WHO/EOP@EOP,

Cc:

Date: 05/07/2003 04:04:00 PM

Subject: IMPORTANT PICKERING ARTICLE

Miss. Rep. Changes Mind on Bush Judge Pick

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Supreme Court - AP

Miss. Rep. Changes Mind on Bush Judge Pick

43 minutes ago

JACKSON, Miss. - The head of the Mississippi Legislative Black Caucus says he no longer opposes U.S. District Judge Charles Pickering's appeals court nomination - a surprising turnabout that could cost him his position.

State Rep. Phillip West, a Democrat, said in a Tuesday statement that he was speaking only for himself and not for the full caucus. The 45-member caucus has vigorously opposed Pickering's nomination to the 5th U.S. Circuit Court of Appeals (news <http://us.rd.yahoo.com/DailyNews/manual/*http://search.news.yahoo.com/search/news?p=%22U.S.%20Circuit%20Court%20of%20Appeals%22&c=&n=20&yn=c&c=news&cs=nw> - web <http://us.rd.yahoo.com/DailyNews/manual/*http://search.yahoo.com/bin/search?cs=nw&p=U.S.%20Circuit%20Court%20of%20Appeals> sites).

Pickering, nominated to the New Orleans-based court by President Bush (news <http://us.rd.yahoo.com/DailyNews/manual/*http://search.news.yahoo.com/search/news?p=%22President%20Bush%22&c=&n=20&yn=c&c=news&cs=nw> - web <http://us.rd.yahoo.com/DailyNews/manual/*http://search.yahoo.com/search/search?p=George+W.+Bush> sites), has been criticized by black organizations for his record on civil rights issues, including his decision to seek a lighter sentence for a convicted cross-burner.

In February, Pickering and his son, U.S. Rep. Chip Pickering, R-Miss., met privately with caucus members, most of whom had signed a petition stating their opposition to the nomination.

The judge explained how he took heat for testifying against a Ku Klux Klan imperial wizard Sam Bowers in a 1968 murder trial.

"That struck home with me because I know that feeling," said West, who has also been active in the National Association for the Advancement of Colored People (news <http://us.rd.yahoo.com/DailyNews/manual/*http://search.news.yahoo.com/search/news?p=%22National%20Association%20for%20the%20Advancement%20of%20Colored%20People%22&c=&n=20&yn=c&c=news&cs=nw> - web <http://us.rd.yahoo.com/DailyNews/manual/*http://search.yahoo.com/bin/search?cs=nw&p=National%20Association%20for%20the%20Advancement%20of%20Colored%20People> sites). "I have been ostracized and shunned by both blacks and whites and characterized as a racist myself."

West said he waited to take a public stance on the Pickering nomination because he wanted to persuade the caucus to drop its opposition. When the caucus didn't act, he said, he issued his own statement.

"It left me with the opportunity and the right to express my opinion," West said Wednesday.

Chip Pickering said the U.S. Senate Judiciary Committee (news <http://us.rd.yahoo.com/DailyNews/manual/*http://search.news.yahoo.com/search/news?p=%22Judiciary%20Committee%22&c=&n=20&yn=c&c=news&cs=nw> - web <http://us.rd.yahoo.com/DailyNews/manual/*http://search.yahoo.com/bin/search?cs=nw&p=Judiciary%20Committee> sites) hearing on his father's nomination is tentatively scheduled for next Wednesday, and he is confident his father will survive the committee's vote.

The younger Pickering was not sure, however, that there are enough votes in the full Senate to break a filibuster by Democrats.

Bush renominated Charles Pickering this year after opposition from key Democrats derailed the nomination a year ago. The Republicans took back control of the Senate this year.

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Supreme Court - AP

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43 minutes ago

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Pickering, nominated to the New Orleans-based court by President Bush (news - web sites), has been criticized by black organizations for his record on civil rights issues, including his decision to seek a lighter sentence for a convicted cross-burner.

In February, Pickering and his son, U.S. Rep. Chip Pickering, R-Miss., met privately with caucus members, most of whom had signed a petition stating their opposition to the nomination.

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Bush renominated Charles Pickering this year after opposition from key Democrats derailed the nomination a year ago. The Republicans took back control of the Senate this year.

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From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/7/2003 11:42:34 PM
Subject:

Ed whelan and pat philbin should be invited.

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/8/2003 5:28:52 AM
Subject: : Newsday article

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2003 09:28:52.00
SUBJECT:: Newsday article
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
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GOP Shifts Tactics on Judges
Weighs lawsuit, rule change to break nominee stalemate

By Anne Q. Hoy
WASHINGTON BUREAU

May 8, 2003

Washington - Frustrated by Democratic filibusters of two of President George W. Bush's judicial nominees, Senate Republicans are considering a major shift in tactics that some Democrats contend would only inflame partisan tensions over the stalemate.

Republicans are contemplating going to the Supreme Court to test the constitutionality of using a supermajority threshold of 60 votes to block judicial nominees from a final vote that would carry with a simple majority.

The legal route is being studied by Republican Sens. Saxby Chambliss of Georgia and Lindsey Graham of South Carolina, though neither has yet decided whether to file a lawsuit.

Other Republicans have floated a plan to try to change a Senate rule that requires 60 votes to end a filibuster before a troubled nomination can get a final vote, something that requires only a simple majority to prevail.

Senate Majority Leader Bill Frist (R-Tenn.) said yesterday he still prefers "an up or down vote" and is not advocating either proposal.

Democrats are blocking two appeals court nominations from final votes: Washington attorney Miguel Estrada for a seat on the U.S. Court of Appeals for the District of Columbia and Texas Supreme Court Justice Priscilla Owen for the U.S. Circuit Court of Appeals on the Fifth Circuit based in New Orleans. They are prepared to block others they find extreme.

Republicans contend that the two nominees are mainstream and that Republicans have the votes to confirm them. Judiciary Committee Chairman Orrin Hatch (R-Utah) says Democrats are pursuing obstructionist tactics.

Democrats counter that the two nominees are far too conservative. Sen. Charles Schumer (D-N.Y.), a Judiciary Committee member, said that of the 123 judicial nominees Bush has proposed, the Senate has confirmed 121.

"If there was ever a view, 'We want everything,' it's shown by these temper tantrums," Schumer said.

Schumer has called on Bush to set up bipartisan nominating commissions in each state to select nominees, a proposal White House Counsel Alberto Gonzales dismissed as a transfer of Bush's constitutional powers "to a group of unelected and unaccountable private citizens."

The Judiciary Committee is expected today to send to the full Senate another controversial nominee: Carolyn Kuhl for the U.S. Court of Appeals for the 9th Circuit. Kuhl, a Los Angeles Superior Court judge, played a key role in supporting tax-exempt status for Bob Jones University during the Reagan administration. The university has since lost the tax status because of discriminatory practices.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
CC: paul perkins/who/eop@eop [WHO] <paul perkins>;carolyn nelson/who/eop@exchange@eop [WHO] <carolyn nelson>
Sent: 5/8/2003 6:44:28 AM
Subject: : Re: Two state AGs would like to attend the event on tomorrow morning (Friday)

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CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2003 10:44:28.00
SUBJECT:: Re: Two state AGs would like to attend the event on tomorrow morning (Friday)
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:paul perkins (CN=paul perkins/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:carolyn nelson (CN=carolyn nelson/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
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Great

Matthew E. Smith

05/08/2003 10:43:19 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@Exchange@EOP
cc: Paul Perkins/WHO/EOP@EOP
Subject: Two state AGs would like to attend the event on tomorrow morning (Friday)

---------- Forwarded by Matthew E. Smith/WHO/EOP on 05/08/2003 10:43 AM ----------

John G. Burke

05/08/2003 10:41:47 AM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc: Ruben S. Barrales/WHO/EOP@EOP, Sara M. Taylor/WHO/EOP@EOP
Subject: Two state AGs would like to attend the event on tomorrow morning (Friday)

Matt,

The following AGs would like to attend tomorrow morning's event:

Virginia Attorney General Jerry Kilgore (RAGA President)
Michigan Attorney General Michael ("Mike") Cox

Please advise.

Thanks.

Toby

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>
Sent: 5/8/2003 9:16:51 AM
Subject: what is happening on hill with kyl cornyn

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen M. Carroll/WHO/EOP@EOP [WHO] <Colleen M. Carroll>
Sent: 5/8/2003 5:21:26 AM
Subject: :

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CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2003 09:21:26.00
SUBJECT::
TO:Colleen M. Carroll (CN=Colleen M. Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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no need to reference but fyi
CA Judicial Nominee Opposed By Both Home-State Senators. The Los Angeles Times (5/8, Savage, Weinstein) reports Carolyn Kuhl, a veteran of the Reagan Administration Justice Department, &called for the Justice Department to lead an attack on the US Supreme Court's Roe vs. Wade ruling that legalized abortion. She also helped persuade President Reagan's attorney general to change sides and support a restored tax exemption for Bob Jones University and other racially discriminatory private schools.8 Now, &a wide array of civil rights, environmental, feminist and labor organizations is deeply opposed to Kuhl's nomination to the U.S. 9th Circuit Court of Appeals, which reviews cases from nine Western states, including California.8 Since &returning to Los Angeles in 1986, she has won many admirers as a lawyer and, more recently, as a Superior Court judge. She has been endorsed by more than 100 local judges - Democrats as well as Republicans - and by the former president of the Mexican American Legal Defense and Education Fund for a seat on the 9th Circuit, based in San Francisco.8 Kuhl is &likely to narrowly win approval8 by the Senate Judiciary Committee. Until recently, Sen. Dianne Feinstein (D-Calif.) & had been officially undecided. But on Wednesday, her spokesman said she would oppose the nomination - a decision that heartened liberal activists who say Kuhl may still be blocked on the Senate floor.8 Kuhl's critics & emphasized that it would be highly unusual for the Senate to even hold a vote on - much less confirm - a nominee who is opposed by both of her home-state senators.8

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/8/2003 5:31:29 AM
Subject: : Re: Newsday article

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CREATOR:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2003 09:31:29.00
SUBJECT:: Re: Newsday article
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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I think the more press the better on the nucular option. Also, I think we should refute this Dem talking point (which is made everywhere, including in the article below): "of the 123 judicial nominees Bush has proposed, the Senate has confirmed 121" Not true. Some nominees, e.g. the Michigan Four, are not even being let out of committee.

Brett M. Kavanaugh
05/08/2003 09:28:13 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Newsday article

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Democrats counter that the two nominees are far too conservative. Sen. Charles Schumer (D-N.Y.), a Judiciary Committee member, said that of the 123 judicial nominees Bush has proposed, the Senate has confirmed 121.

"If there was ever a view, 'We want everything,' it's shown by these temper tantrums," Schumer said.

Schumer has called on Bush to set up bipartisan nominating commissions in each state to select nominees, a proposal White House Counsel Alberto Gonzales dismissed as a transfer of Bush's constitutional powers "to a group of unelected and unaccountable private citizens."

The Judiciary Committee is expected today to send to the full Senate another controversial nominee: Carolyn Kuhl for the U.S. Court of Appeals for the 9th Circuit. Kuhl, a Los Angeles Superior Court judge, played a key role in supporting tax-exempt status for Bob Jones University during the Reagan administration. The university has since lost the tax status because of discriminatory practices.

Message Sent
To:_____
Alberto R. Gonzales/WHO/EOP@Exchange@EOP
David G. Leitch/WHO/EOP@Exchange@EOP
Jennifer R. Brosnahan/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Theodore W. Ullyot/WHO/EOP@EOP

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/8/2003 9:33:33 AM
Subject: Rose Garden event

can you make sure to send the email.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/08/2003 09:33 AM ----------

Theodore W. Ullyot

05/08/2003 09:32:51 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Rose Garden event

Others in the counsel's office have been asking -- when is it (I said I believe 1030 am tomorrow), and are we correct to assume that there will be space for Assoc Counsels to attend?

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 5/8/2003 9:52:55 AM
Subject: Byron York tamping down "nuclear option" idea

Will the GOP "Go Nuclear" Over Judges?

Don't bet on it.

here's been a flurry of speculation in the Senate and in conservative circles about a so-called "nuclear option" to break through the current deadlock over judicial nominations.

The scenario envisions Republicans using parliamentary maneuvers either to declare the Democratic filibusters of Miguel Estrada and Priscilla Owen unconstitutional, or to decide that Senate rules forbid the minority party from using the filibuster in cases of judicial nominations. In either case, the scenario goes, a simple majority of 51 votes could then be held to uphold the parliamentary ruling. Then, the Senate could move on to a final confirmation vote for both nominees.

While some senators have indeed studied the strategy, sources say there is little or no chance it will be used by the Senate Republican leadership anytime soon. What is more likely is that the GOP will try to introduce a version of a filibuster-breaking plan outlined by Georgia Democratic Sen. Zell Miller.

The Miller proposal is based on an idea put forth in 1995 by Democratic senators Joseph Lieberman and Tom Harkin (which itself was based on still earlier proposals). The plan in effect makes it progressively more difficult for a minority party to stand in the way of the majority's will. Under the plan, when a filibuster is under way and the majority tries to break it by holding a cloture vote, the first vote would require, as it does today, 60 votes to break the filibuster. But if the first attempt fails, the next cloture vote would require just 57 votes to end debate. If a third cloture vote was needed, 54 votes would be needed to end debate. Finally, a fourth cloture vote would require just 51 votes, a simple majority, to move on to a final confirmation vote. At that point, the majority's will would prevail.

"This would preserve the Senate tradition," Miller said in written testimony on Tuesday, "while still giving the minority plenty of time to plead its case without blocking the majority forever."

The only problem with such a proposal, Republicans concede, is that it would require a change in Senate rules, a move that would run into stiff Democratic resistance. Miller himself notes that in 1995, the Lieberman-Harkin plan won just 19 votes. "I'm enough of a realist to know things haven't changed that much in eight years and my proposal wouldn't fare much better today," Miller said. "But at the very least...I would hope we would consider applying my proposal to judicial nominations."

Still, it's likely that Republicans will introduce some version of the Miller plan, even though they know it is

unlikely to win early approval. "It's an argument that has to be rolled out, discussed, you build public attention to it, and then see what happens," says one Republican.

If the Miller plan fails, GOP leaders will then consider whether to move on to stronger measures, including a stepped-up political campaign against so-called moderate Democrats who have so far supported the Estrada and Owen filibusters. Whether Republicans will ever decide to use the "nuclear option" is not clear.

The strategizing on Capitol Hill comes amid yet another highly visible breakdown in relations between the parties over the judicial issue. This latest breakdown occurred, ironically, at a hearing called to explore ways to resolve the impasse.

The hearing, held Tuesday, was presided over by Texas Republican Sen. John Cornyn, who chairs the Judiciary Subcommittee on the Constitution. Cornyn, a freshman, arrived in the Senate in the midst of the judicial fight; having played no role in old conflicts, and having no scores to settle, he set about looking for ways to end the fighting.

The hearing was the result of that search. Cornyn began the session — entitled "Judicial Nominations, Filibusters, and the Constitution: When a majority is denied its right to consent" — by trying to reach out to Democrats, especially to Wisconsin Sen. Russell Feingold, the ranking member of the subcommittee. "Senator Feingold is an honorable and public-minded person," Cornyn said in his opening remarks, "and I'm glad that we've already developed what I believe to be a good, cooperative, bipartisan relationship." "I think we agree...that the current judicial confirmation process is broken and something needs to be done," Cornyn continued, "and the purpose of this hearing is to talk about ideas about what can done."

For the briefest of moments it appeared as if there might be some real energy behind an effort to find a solution to the confirmation crisis. Then came Feingold's chance to speak. His message, and that of his fellow Democrats, might be briefly summarized as: Forget it.

To begin with, Feingold didn't like the name Cornyn had given to the hearing. "Unfortunately, the title of the hearing suggests that it may be intended to turn up the hear rather than cool things down," Feingold said. "The argument recently advanced on the floor by a number of senators that filibusters of judicial nominees are unconstitutional seems to be part of a campaign of political intimidation launched by supporters of the president's nominees. If this hearing is a prelude to a floor effort to rewrite the Senate's rules, or circumvent them through parliamentary tactics, I doubt very much they will succeed, and I am sure they will be me with stiff resistance. The end result could be to take the tensions we feel in this committee and spread them to the floor of the Senate."

In addition, Feingold said that "those of us who take the Constitution seriously" were dismayed at Republican attempts to end the Democratic filibusters of Estrada and Owen. Feingold conceded that the filibuster was a highly unusual tactic in judicial nominations — "We do admit it's an extreme step," he said — but insisted that the real villain in the judicial conflict was the Bush administration. "So far, the White House seems intent on forging ahead with its efforts to push through as many nominees with the most extreme views as possible, in the shortest possible time," Feingold said. Just as bad, he added, Republicans on the committee have "participated in that strategy by pursuing a 'take no prisoners' approach."

And that, at least from a Democratic standpoint, was the end of any "good, cooperative, bipartisan relationship" that might have existed at the hearing.

In the next hour, Feingold's sentiments were repeated by Massachusetts Democrat Ted Kennedy, who revived the old Democratic charge that "President Bush has no mandate from the American people to stack the courts with judges who share his agenda." New York Democrat Charles Schumer, who has proposed that the president solve the confirmation crisis by simply giving up his constitutional responsibility to appoint judges, appeared as a witness, telling the panel, "Yes, we're sort of in deadlock, but this was not started by Democrats."

After opening remarks, the hearing moved on to a long round of testimony from six constitutional experts. Much of the discussion focused on the legal basis for the "nuclear option." Specifically, the experts analyzed Senate

Rule 22, which lays out the procedure for ending a filibuster. The rule reads, in relevant part:

> At any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question: "Is it the sense of the Senate that the debate shall be brought to a close?" And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn — except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting — then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

The language of the rule, which was adopted in the late 1940s, seems quite clear: It takes 60 votes to end a filibuster. And if the majority tries to change Senate rules, and the minority launches a filibuster to stop *that*, an even greater majority — 67 votes — is required to end debate and move forward. At least on its face, Rule 22 is an immovable obstruction to the "nuclear option" solution to the Estrada and Owen filibusters.

Still, some Republicans are studying Senate precedents with an eye toward advancing the idea that Rule 22 does not apply to judicial nominations. But as attractive as that idea seems, many Republicans remain skeptical. "If they're going to do it [break the filibusters] by having the chair say X is really Y," says one, "that would be parliamentary activism."

Those in the GOP who oppose such a tactic find themselves in uncomfortable agreement with Schumer, who is the most outspoken opponent of President Bush's judicial nominees. At the Cornyn hearing, Schumer engaged the legal experts in a furious back-and-forth over the idea of changing Rule 22 or seeking a ruling that it is unconstitutional as applied to judicial nominations.

"I'm totally befuddled by the idea that it is unconstitutional to filibuster a judge but not unconstitutional to filibuster legislation," Schumer said. "This is taking the result you want and then twisting the legal argument to make it right. It's the most absurd thing I've ever seen, and I think it's almost a joke."

Schumer's position — and that of more than 40 of his fellow Democrats — leaves Republicans with a tough choice. They can either try to devise some parliamentary solution to the filibuster problem — a solution based on shaky grounds at best — or they can decide to escalate the political battle over nominations.

That would undoubtedly involve a high-profile effort by President Bush, both to put pressure on key Democrats in their home states and to nationalize the issue of Democratic obstruction. It would also involve returning the Senate spotlight to the Estrada nomination with a more rigorous effort than the off-and-on debate going on today. It might even involve Republicans forcing Democrats to mount an old-fashioned filibuster, that is, forcing them to talk without end to prevent votes on Estrada and Owen. "If people screwed up their moxie and hauled in the cots, it could be done," says one Republican.

But not easily. And it is entirely possible that none of those measures will produce a victory before the 2004 elections. But rather than rely on parliamentary sleight-of-hand, many Republicans believe the party must exercise raw political power to win the battle over judicial nominations. At the Cornyn hearing, Democrats made clear that they will not be persuaded to stop their filibuster. The question is whether President Bush and Senate Republicans can put enough political pressure on them to force the issue.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/8/2003 5:57:17 AM
Subject: : Byron York tamping down "nuclear option" idea

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2003 09:57:17.00
SUBJECT:: Byron York tamping down "nuclear option" idea
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer R. Brosnahan (CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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From: Kavanaugh, Brett M.
To: <Orr, Christopher J.>
CC: <Snee, Ashley>
Sent: 5/8/2003 10:02:34 AM
Subject:

can you use pictures of Estrada and Owen from their hearings -- from AP.

Also, photo office has pictures of them individually with President on May 9, 2001.

From: Figg, Kara G.
To: <Kavanaugh, Brett M.>
CC: <Nelson, Carolyn>
Sent: 5/8/2003 10:18:01 AM
Subject: Pre-Brief tomorrow?

I noticed you did not ask for a Pre-Brief before tomorrow's event.
Does the Judge need 5 minutes prior to brief the President? Or, do you feel comfortable without one?
Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 5/8/2003 10:33:55 AM
Subject: : Fed Soc invitations

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2003 14:33:55.00
SUBJECT:: Fed Soc invitations
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi. Fed Soc caused some problems all around.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
05/08/2003 02:33 PM ----------

Brett M. Kavanaugh
05/08/2003 02:30:36 PM
Record Type: Record

To: lleo@fed-soc.org @ inet
cc: Matthew E. Smith/WHO/EOP@EOP
Subject: Fed Soc invitations

Federalist Society should NOT be calling people in government (Justice and Senate) to invite them. This is presenting protocol issues at Senate and with DOJ. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kristi.l.remington@usdoj.gov @ inet [UNKNOWN] <kristi.l.remington@usdoj.gov @ inet>;viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov @ inet>;adam.charnes@usdoj.gov @ inet [UNKNOWN] <adam.charnes@usdoj.gov @ inet>
Sent: 5/8/2003 10:38:14 AM
Subject: : Invites

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 8-MAY-2003 14:38:14.00
SUBJECT:: Invites
TO:kristi.l.remington@usdoj.gov @ inet ( kristi.l.remington@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:viet.dinh@usdoj.gov @ inet ( viet.dinh@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:adam.charnes@usdoj.gov @ inet ( adam.charnes@usdoj.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Please make clear to everyone there that our intention from the
get-go was to invite any and all comers from OLP for the precise purpose
of expressing President's and WH appreciation of the hard work. The
problem was that Cabinet Affairs does DOJ invites and does not usually
make calls until 2-3 days before event. Meanwhile, Public Liaison handles
outside groups and has to give more advance notice. Pub Liaison had
called Fed Soc late last week and told them to round up 25-50 people. Fed
Soc then stupidly called people in your office and some Senate staffers
instead of calling people on the outside. Sorry for confusion, but please
make sure people in OLP and FBI unit understand they always were to be
invited by us.
```

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 10:38:02 AM
Subject: FW: query

fyi
-----Original Message-----
From: Pelletier, Eric C.
Sent: Thursday, May 08, 2003 10:35 AM
To: Lefkowitz, Jay P.
Subject: RE: query

House is pretty much locked down. Senate is only real play.
-----Original Message-----
From: Lefkowitz, Jay P.
Sent: Thursday, May 08, 2003 10:30 AM
To: Pelletier, Eric C.
Subject: RE: query

any chance at this point of it happening in House or is Senate the only option
-----Original Message-----
From: Pelletier, Eric C.
Sent: Thursday, May 08, 2003 10:25 AM
To: Lefkowitz, Jay P.
Cc: Ojakli, Ziad
Subject: RE: query

It is still in play, although it has to be offered correctly because Lott (because of the situation with his brother) must vote present to avoid conflict of interest. If he votes present oin an amendment to add it, the amendment fails, if an amendment to strike it from something else, it stays in that vehicle. The proponents are working through that process right now.
-----Original Message-----
From: Lefkowitz, Jay P.
Sent: Thursday, May 08, 2003 10:22 AM
To: Pelletier, Eric C.
Subject: query

any news on Kyl Cornyn?

From: Kavanaugh, Brett M.
To: <Smith, Matthew E.>
CC: <Nelson, Carolyn>;<Perkins, Paul>
Sent: 5/8/2003 10:43:55 AM
Subject: Re: Two state AGs would like to attend the event on tomorrow morning (Friday)

Great

Matthew E. Smith

05/08/2003 10:43:19 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@Exchange@EOP

cc: Paul Perkins/WHO/EOP@EOP

Subject: Two state AGs would like to attend the event on tomorrow morning (Friday)

---------- Forwarded by Matthew E. Smith/WHO/EOP on 05/08/2003 10:43 AM ----------

John G. Burke

05/08/2003 10:41:47 AM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP

cc: Ruben S. Barrales/WHO/EOP@EOP, Sara M. Taylor/WHO/EOP@EOP

Subject: Two state AGs would like to attend the event on tomorrow morning (Friday)

Matt,

The following AGs would like to attend tomorrow morning's event:

Virginia Attorney General Jerry Kilgore (RAGA President)

Michigan Attorney General Michael ("Mike") Cox

Please advise.

Thanks.

Toby

From: Smith, Matthew E.
To: <Kavanaugh, Brett M.>;<Nelson, Carolyn>
CC: <Perkins, Paul>
Sent: 5/8/2003 10:43:01 AM
Subject: Two state AGs would like to attend the event on tomorrow morning (Friday)

---------- Forwarded by Matthew E. Smith/WHO/EOP on 05/08/2003 10:43 AM ----------

John G. Burke

05/08/2003 10:41:47 AM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP

cc: Ruben S. Barrales/WHO/EOP@EOP, Sara M. Taylor/WHO/EOP@EOP

Subject: Two state AGs would like to attend the event on tomorrow morning (Friday)

Matt,

The following AGs would like to attend tomorrow morning's event:

Virginia Attorney General Jerry Kilgore (RAGA President)

Michigan Attorney General Michael ("Mike") Cox

Please advise.

Thanks.

Toby

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 5/8/2003 10:55:34 AM
Subject: interesting story about Kuhl in LA Times

Nominee Motivates Foes, Allies;

A conservative L.A. Superior Court judge in line to sit on the Court of Appeals finds herself the latest lightning rod in the federal judicial war.

BYLINE: David G. Savage and Henry Weinstein, Times Staff Writers

DATELINE: WASHINGTON

BODY:

As a 29-year-old lawyer in the Reagan administration, **Carolyn** B. **Kuhl** was one of the young conservatives determined to shift the law to the right.

She called for the Justice Department to lead an attack on the U.S. Supreme Court's Roe vs. Wade ruling that legalized abortion. She also helped persuade President Reagan's attorney general to change sides and support a restored tax exemption for Bob Jones University and other racially discriminatory private schools.

Now, a wide array of civil rights, environmental, feminist and labor organizations is deeply opposed to Kuhl's nomination to the U.S. 9th Circuit Court of Appeals, which reviews cases from nine Western states, including California.

Since returning to Los Angeles in 1986, she has won many admirers as a lawyer and, more recently, as a Superior Court judge. She has been endorsed by more than 100 local judges -- Democrats as well as Republicans -- and by the former president of the Mexican American Legal Defense and Education Fund for a seat on the 9th Circuit, based in San Francisco.

Listening to Kuhl's supporters and detractors, the chasm is so great it is hard to imagine they are talking about the same person.

In the latest battle in the partisan war over judges, a deeply split Senate Judiciary Committee is scheduled to vote today on whether Kuhl, 50, merits a lifetime seat on the 9th Circuit.

She is likely to narrowly win approval, because the panel has 10 Republicans and nine Democrats.

Until recently, Sen. Dianne Feinstein (D-Calif.) had been officially undecided. But on Wednesday, her spokesman said she would oppose the nomination -- a decision that heartened liberal activists who say Kuhl may still be blocked on the Senate floor.

Both sides in the warring over President Bush's judicial nominees said this week that they see an escalation in the battle.

Never before, Republicans say, has a minority used the Senate's rules to filibuster a lower-court judge.

But Kuhl's critics emphasized that it would be highly unusual for the Senate to even hold a vote on -- much less confirm -- a nominee who is opposed by both of her home-state senators.

The Democrats have blocked a final Senate vote on two prospective Circuit Court judges, Washington attorney Miguel Estrada and Texas state Supreme Court Justice Priscilla Owen.

Filibustering judges is not entirely new; since Republicans used the filibuster in the summer of 1968 to prevent a vote on Justice Abe Fortas, President Lyndon B. Johnson's choice to become chief justice of the Supreme Court.

Nonetheless, angry Republican senators said this week the confirmation process is "broken."

Some were reportedly considering using a parliamentary maneuver to change the Senate rules and clear the way for a majority vote on Estrada and Owen.

Nominees' Progress

Both nominees have the support of more than 50 senators, but not the 60 votes that are required under the Senate rules to end debate.

For their part, Democrats are angered that Kuhl's nomination is moving forward.

Under the Judiciary Committee's rules, the president's proposed judges needed a signed "blue slip" signaling the approval of both home-state senators.

In the late 1990s, Republican former Sens. Jesse Helms of North Carolina and Phil Gramm of Texas refused to sign off on President Clinton's nominees to the appeals court in their region. Their refusal killed the nominations.

Two years ago, when Bush nominated Kuhl for the 9th Circuit, Sen. Barbara Boxer (D-Calif.) refused to give her approval. She called Kuhl "anti-choice" and "anti-civil rights."

But when the Republicans retook control of the Senate and the Judiciary Committee this year, Sen. Orrin G. Hatch (R-Utah) said he would no longer allow one home-state senator to block action on a Bush nominee.

The Democrats also complained this week about "GOP whining" over judges. They noted that despite the well-publicized filibusters, 121 of Bush's judges have won confirmation in the first two years and three months of his administration.

By that standard, his predecessors did not fare as well. President Clinton and the elder President Bush won approval of about 45 judges a year.

The Democrats also say the number of vacancies on the bench is the lowest in 13 years.

The 9th Circuit, with an allotment of 28 judges, has three vacancies.

Liberal activists remain determined to stop Kuhl from winning one, and they are urging Democrats to block a final vote on her nomination.

Kuhl has "repeatedly demonstrated a deep-seated hostility to the rights of women and minorities," says Nan Aron, executive director of the liberal Alliance for Justice.

The fact that Feinstein has joined Boxer in opposing the nomination means that there "absolutely is the possibility of a filibuster," Aron said Wednesday night.

Academic Record

Kuhl, who was raised in St. Louis, was a top student at Princeton and then at Duke Law School, earning a

clerkship with then-9th Circuit Judge Anthony M. Kennedy, who is now a U.S. Supreme Court justice.

Kuhl does not have many controversial public writings, and critics have focused on the internal memos she wrote during the Reagan administration. At her hearing last month before the Judiciary Committee, she said her role in those controversies had been exaggerated but that she regretted her stand in the Bob Jones case. The Supreme Court later rebuffed the administration's position to restore the school's tax-exempt status by a vote of 8 to 1.

Among those supporting Kuhl are the chairwoman and chairman-elect of the Los Angeles County Bar's litigation section, Gretchen M. Nelson and Stephen R. English, who sent Hatch a letter April 28 voicing their support.

They emphasized that they are "life-long Democrats. We have first-hand, repeated knowledge of Judge Kuhl's integrity ... and commitment to improving the administration of justice."

Endorsement Push

Elizabeth A. Grimes, who was appointed to the Los Angeles County Superior Court by Gov. Pete Wilson in 1997, spearheaded the effort to get judges on that bench to endorse Kuhl. Grimes said she thought it was "important for the senators to know what high regard Carolyn is held in by her colleagues on the Superior Court, regardless of their political party affiliation."

In addition to the Superior Court judges, Kuhl has garnered letters of support from at least a dozen state appeals court judges, including Democrats Joan Dempsey Klein, Paul Boland and Dennis Perluss.

In a letter to Feinstein, Perluss emphasized that Kuhl was not a conservative ideologue who would "inject personal, social and political agendas into the judicial process."

Kuhl's backers -- including Vilma Martinez, former director of the Mexican American Legal Defense and Education Fund who later worked with Kuhl at Munger, Tolles & Olson, one of Los Angeles' most prestigious law firms -- also have cited Kuhl's support for Richard Paez, who waited nearly four years to be confirmed by the Senate to the 9th Circuit because of opposition from ultraconservatives.

But Kuhl's critics have hardly been pacified.

In late April, 200 law professors from around the country, including many from California, sent a letter to Hatch and Sen. Patrick J. Leahy (D-Vt.) expressing "strong opposition to the nomination."

"Judge Kuhl has spent her entire professional life -- in the government, in private practice, and on the state bench -- aggressively promoting an extremist agenda that is hostile to women, minorities, injured workers and the environment."

In support of this position, Kuhl's critics cite in particular an October 1999 ruling. Kuhl dismissed an invasion-of-privacy claim filed by Azucena Sanchez-Scott, a breast cancer patient whose doctor allowed a drug company representative to watch his physical examination of her while she was disrobed from the waist up without telling her who the man was.

Ruling from the bench, Kuhl said that since Sanchez-Scott did not specifically object to the presence of the man, "I think it cannot be said that there was a reasonable expectation of privacy." Sanchez-Scott said she only learned who the man was when she asked the doctor's receptionist after she was examined.

A state appellate court unanimously reversed Kuhl's ruling, citing an old precedent in Michigan and more recent ones in California.

Every patient has a "legally well-established expectation of privacy," the appeals court said, emphasizing that the defendants had failed to cite "any authority which permits a male drug salesperson to be present in

an examination room during the examination of a partially disrobed woman." Writing for the court, Justice Paul Turner said no precedent supported Kuhl's ruling.

Kuhl was questioned about the ruling at her Judiciary Committee hearing in April. In response to a question from Sen. Richard Durbin (D-Ill.) about whether her views on privacy had changed, Kuhl did not offer a direct response. Rather, she said she did not object to the ruling rendered by the appeals court and emphasized that Turner is now supporting her.

After questioning Kuhl, Sen. Charles E. Schumer (D-N.Y.) said, "I think most Americans would be horrified to hear that your view of privacy rights, particularly in that situation, depended on someone who was scared and upset having to ask questions."

Eventually the case was settled. On Wednesday at a news conference in L.A., Sanchez-Scott criticized Kuhl.

From: Ganter, Jonathan F.
To: <Montiel, Charlotte L.>;<Kavanaugh, Brett M.>
Sent: 5/8/2003 11:12:27 AM
Subject: Ron Rubin Interview

Ron Rubin is coming for his interview at 9:00 on Monday morning, 5/12.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
CC: Erin E. Healy/WHO/EOP@EOP [WHO] <Erin E. Healy>;Carolyn Nelson/WHO /EOP@Exchange@EOP [WHO] <Carolyn Nelson>;Jeanie L. Figg/WHO/EOP@Exchange@EOP [WHO] <Jeanie L. Figg>
Sent: 5/8/2003 12:19:50 PM
Subject: : Re: Seating

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2003 16:19:50.00
SUBJECT:: Re: Seating
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
CC:Jeanie L. Figg (CN=Jeanie L. Figg/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Matt: Think I am missing anyone?

VIP seating

Senators tbd
former Clinton/Carter Counsel Lloyd Cutler
former AG Bill Barr
former AG Dick Thornburgh
Boyden Gray
ABA President A.P. Carlton and spouse
Hispanic National Bar Association President Duard Bradshaw
Leonidas Mecham, head of Administrative Office of US Courts
Chief Judge Tom Hogan, Chief Judge of district court in DC
Leonard Leo
Jay Sekulow

Matthew E. Smith

05/08/2003 04:07:58 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Seating

Brett,

Can you send to Jeanie a list of VIPs you want priority seating for?

I also think that the four coalition leaders should get good seats
[Leonard, Jay Sekulow, Boyden]

Matt

From: Smith, Matthew E.
To: <Kavanaugh, Brett M.>;<Figg, Jeanie L.>
Sent: 5/8/2003 12:27:57 PM
Subject: Forecast

Forecast calls for rain in the afternoon.

Brett - now maybe a good time for you to start going back to church.

From:	Vestewig, Lauren J.
To:	<Kavanaugh, Brett M.>;<Perry, Philip J.>;<Schacht, Diana L.>;<Wood, John F.>
CC:	<Lefkowitz, Jay P.>;<Weaver, Bessie M.>;<Stone, Carla B.>;<Winland, Emily>
Sent:	5/8/2003 1:08:03 PM
Subject:	Meeting re. victims of international terror

There will be a meeting re. victims of international terror at 10:00 on Monday in Jay's office. Please let me know if you can attend. Thanks.

From: Stone, Carla B.
To: <Vestewig, Lauren J.>
CC: <Kavanaugh, Brett M.>;<Perry, Philip J.>;<Schacht, Diana L.>;<Wood, John F.>;<Lefkowitz, Jay P.>;<Weaver, Bessie M.>;<Winland, Emily>
Sent: 5/8/2003 1:08:31 PM
Subject: Re: Meeting re. victims of international terror

Yes for Phil.

From: Kavanaugh, Brett M.
To: <Orr, Christopher J.>;<Snee, Ashley>
Sent: 5/8/2003 1:23:14 PM
Subject: web site

I reviewed tape and had 3 small (but important) things to edit out. Looked pretty nice.

From: Orr, Christopher J.
To: <Kavanaugh, Brett M.>
CC: <Snee, Ashley>
Sent: 5/8/2003 1:28:25 PM
Subject: Re: web site

I will take care of the three things today. Any luck on photos?

Brett M. Kavanaugh

05/08/2003 01:25:05 PM

Record Type: Record

To: Christopher J. Orr/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange@EOP

cc:

Subject: web site

I reviewed tape and had 3 small (but important) things to edit out. Looked pretty nice.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>;<Torgerson, Karin B.>
Sent: 5/8/2003 1:37:25 PM
Subject: Judicial Event

fyi

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/08/2003 01:37 PM ----------

From: Israel Hernandez/WHO/EOP@Exchange on 05/08/2003 01:38:19 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Kara G. Figg/WHO/EOP@Exchange

Subject: Judicial Event

Yes, Karl said we should meet with the Senators prior to the meeting.

But, David Hobbs siad there may be votes on the Hill and if Senator Miller cancels then we should not initiate a meeting with only GOP Senators.

At this point I would have the Senators listed in the Sequence of going straight to their seats but insert a note of a possible meeting prior to the event.

Iz

From: Hernandez, Israel
To: <Kavanaugh, Brett M.>
CC: <Figg, Kara G.>
Sent: 5/8/2003 1:38:19 PM
Subject: Judicial Event

Yes, Karl said we should meet with the Senators prior to the meeting.
But, David Hobbs siad there may be votes on the Hill and if Senator Miller cancels then we should not initiate a meeting with only GOP Senators.

At this point I would have the Senators listed in the Sequence of going straight to their seats but insert a note of a possible meeting prior to the event.

Iz

From: Kavanaugh, Brett M.
To: <Orr, Christopher J.>
CC: <Snee, Ashley>
Sent: 5/8/2003 1:41:19 PM
Subject: Re: web site

No. Did photo office get the individual ones from May 9 with President?

From: Christopher J. Orr on 05/08/2003 01:28:25 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: ashley snee/who/eop@exchange@eop

bcc:

Subject: Re: web site 

I will take care of the three things today. Any luck on photos?

Brett M. Kavanaugh

05/08/2003 01:25:05 PM

Record Type: Record

To: Christopher J. Orr/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange@EOP

cc:

Subject: web site

I reviewed tape and had 3 small (but important) things to edit out. Looked pretty nice.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 5/8/2003 1:47:27 PM
Subject: RE: Statement by the President for today

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/08/2003 01:47 PM ----------

From: David W. Hobbs/WHO/EOP@Exchange on 05/08/2003 01:47:10 PM

Record Type: Record

To: Harriet Miers/WHO/EOP@Exchange, Daniel J. Bartlett/WHO/EOP@Exchange, Karl C. Rove/WHO/EOP@Exchange

cc: Brett M. Kavanaugh/WHO/EOP@EOP, Georgia D. Godfrey/WHO/EOP@Exchange

Subject: RE: Statement by the President for today

Our friends on the Hill care enough to vote cloture so I think we should put out a statement

-----Original Message-----

From: Miers, Harriet

Sent: Thursday, May 08, 2003 1:25 PM

To: Bartlett, Daniel J.; Hobbs, David W.; Rove, Karl C.

Cc: Kavanaugh, Brett M.; Godfrey, Georgia D.

Subject: RE: Statement by the President for today

Given the events tomorrow and past statements, I question whether still yet another statement makes sense.

-----Original Message-----

From: Snee, Ashley

Sent: Thursday, May 08, 2003 12:15 PM

To: Staff Secretary

Cc: Kavanaugh, Brett M.; Godfrey, Georgia D.

Subject: Statement by the President for today

Thank you.

Please put Georgia Godfrey down as contact.

66210 fax

62580 phone << File: 5-8 cloture vote estrada owen.doc >>

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 5/8/2003 1:50:04 PM
Subject:

Hate to be more of a pest, but how's draft fact sheet. Ask because that will have to go through staffing before tomorrow a.m. presumably.

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 1:52:49 PM
Subject: possible mtg times

I need times from that you are available tomorrow and Monday for the meeting with David, Judge, Brad, and Dan Bartlett.

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 2:12:42 PM
Subject: RE:

I am so swamped and have not gotten to it yet. I have what went out last year and the basic out line of what it will be. My plan is to get it into staffing tonight - definitely. Just not sure when.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 08, 2003 1:50 PM
To: Snee, Ashley
Subject:

Hate to be more of a pest, but how's draft fact sheet. Ask because that will have to go through staffing before tomorrow a.m. presumably.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/8/2003 2:20:13 PM
Subject:

Can you have public liaison call ed kavanaugh (331-1964) and invite him. He's my dad, but I will not be able to escort him tomorrow and he wants to come so easiest for him just to come with the masses. (He came to last one on 10-30-02.)

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/8/2003 2:31:10 PM
Subject: Fed Soc invitations

fyi

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/08/2003 02:31 PM ----------

Brett M. Kavanaugh

05/08/2003 02:30:36 PM

Record Type: Record

To: lleo@fed-soc.org @ inet

cc: Matthew E. Smith/WHO/EOP@EOP

Subject: Fed Soc invitations

Federalist Society should NOT be calling people in government (Justice and Senate) to invite them. This is presenting protocol issues at Senate and with DOJ. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
Sent: 5/8/2003 10:33:22 AM
Subject: : Re: Fed Soc invitations

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2003 14:33:22.00
SUBJECT:: Re: Fed Soc invitations
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

MAJOR license; he called Hatch's and Viet's shops before we ever had called either.

Matthew E. Smith

05/08/2003 02:31:59 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Fed Soc invitations

They were NEVER asked to do that. I was very specific with Leonard on what we wanted from them. I think Joel is taking a license.

Brett M. Kavanaugh
05/08/2003 02:30:36 PM
Record Type: Record

To: lleo@fed-soc.org @ inet
cc: Matthew E. Smith/WHO/EOP@EOP
Subject: Fed Soc invitations

Federalist Society should NOT be calling people in government (Justice and Senate) to invite them. This is presenting protocol issues at Senate and with DOJ. Thanks.

From: CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To: Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 5/8/2003 10:41:17 AM
Subject: : Judge on whitehouse.gov today

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 8-MAY-2003 14:41:17.00
SUBJECT:: Judge on whitehouse.gov today
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Judge will be the guest on ask the white house (online q and a session) at
5pm today on whitehouse.gov

In Focus

Iraq

National Security

Economic Security

Homeland Security

More Issues
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En Espa¤ol

News

Current News

Video

Press Briefings

Proclamations

Executive Orders

Radio Addresses

Appointments

Nominations

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OMB

More Offices

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Iraqi Freedom

State of the Union

Economy

Education

Homeland Security

Iraqi Threat

U.N. Remarks

9/11/02 Remarks

Photos

Photo Essays

REV_00117564

Privacy Policy
Welcome to "Ask the White House" -- an online interactive forum where you can submit questions to White House officials.

Alberto Gonzales
Biography

Today's guest: Counsel to the President Judge Alberto Gonzales
Time: 5pm(ET)
Topic: Judge Gonzales will discuss the President's judicial nominees and the nominating process.
You can submit questions to Judge Gonzales beginning at 3pm today.

Steve Friedman
Biography

Steve Friedman, Director of the National Economic Council and Assistant to the President for Economic Policy
Steve Friedman: Sorry I am late. As you know, the U.S. economy is growing, but not fast enough to create the jobs that we need. That's why the President has proposed his jobs and growth plan. I'd love to chat with you about it. Full Transcript

Christie Todd Whitman
Biography

EPA Administrator Hosts Earth Day Online Discussion
Administrator Todd: Good evening, I'm Christie Whitman, Administrator of the Environmental Protection Agency. On this Earth Day 2003, I welcome you to the third of our "Ask the White House" online discussions. This evening, as we join together to discuss our environment, it's important to reflect on just how far we've come. We don't have killer smogs today and our rivers don't catch fire, but we still have headlines like the ones this week stating that one child in four in parts of New York City have asthma. Full Transcript

Andrew Card
Biography

Secretary Card Hosts Inaugural Online Discussion
Secretary Card: Good evening, I'm Andy Card - Chief of Staff to President George W. Bush. I welcome you to the inaugural "Ask the White House" online discussion. I am pleased to be here tonight to answer your questions . . . Full Transcript

Mark Forman
Biography

E-Gov Chief Discusses Electronic Government
Mark Forman: Good Afternoon, I'm Mark Forman, the newly appointed Administrator of E-Government and Information Technology at the Office of Management and Budget. Welcome to the second "Ask the White House" online discussion. . .
Full Transcript

REV_00117566

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 5/8/2003 3:11:20 PM
Subject: Re: FW:

I could not open this.

From: Ashley Snee/WHO/EOP@Exchange on 05/08/2003 03:11:42 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Lynden R. Steele/WHO/EOP@EOP

Subject: FW:

Brett - Can you tell lynden which one Owen is.

Lynden - Estrada is bottom row center. (right Brett?)

-----Original Message-----

From: Orr, Christopher J.

Sent: Thursday, May 08, 2003 3:04 PM

To: Snee, Ashley

Subject:

Here is the URL -- just tell Lynden where Estrada and Owen are

www.whitehouse.gov/news/releases/2001/05/images/20010509-3.html

From: Loy, Carrie B.
To: <Kavanaugh, Brett M.>;<Ullyot, Theodore W.>;<Koch, Matthew>;<Pfeifer, Sarah>;<Montgomery, Brian D.>;<Ingle, Edward>;<Villarreal, Jesse O.>
Sent: 5/8/2003 3:11:27 PM
Subject: Agency FOIA Requests
Attachments: FOIA 05-08-03.doc

<>

05/08/03

AGENCY FOIA REQUESTS

DOJ

Todd W. Hutton, of Judicial Watch, Inc., has requested all records from the Office of the Attorney General pertaining to: the Islamic Association for Palestine; the InfoCom Corporation; the Holy Land Foundation for Relief and Development; and the American Middle Eastern League for Palestine.

Rob Evans, of the Guardian newspaper, has requested copies of all correspondence between August 1, 2002 and April 1, 2003 between Attorney General Ashcroft and British Home Secretary David Blunkett.

Rick Hind, of Greenpeace, has requested copies of all records between the United States Department of Justice and entities of the chemical industry regarding policy recommendations on the issue of chemical security or the vulnerability of chemical plants to terrorism for the period of October 1, 2001 to the present.

Connor Raso, an individual, has requested a complete schedule from June 1, 2001 through April 25, 2003 of Viet D. Dinh, Assistant Attorney General for the Office of Legal Policy.

Mark H. Drake, an individual, has requested copies of all correspondence between Senator John F. Kerry and the United States Department of Justice for the period of January 1, 1985 to the present.

John A. Farrell, of the Boston Globe, has requested copies of all correspondence, or records of communications, with Senator John F. Kerry of Massachusetts and/or any member of his staff.

EPA

During the week of April 28-May 2, 2003, the Agency received 254 FOIA requests. Of the total, 46 were received in Headquarters. Year-to-date totals are 1,411 for Headquarters and 7,555 agency-wide. Significant FOIA requests received this week include:

(1) **Benjamin Coates of The Center for Public Integrity** has requested records regarding compliance of Deputy Administrator Fisher with various ethics requirements, including letters of disqualification;

(2) **Scott Slaughter of the Center for Regulatory Effectiveness** has requested records regarding EPA=s use of the Integrated Planning Model in developing the President=s Clear Skies Initiative;

(3) **Zahirah Washington of the Natural Resources Defense Council** has requested

documents relating to amendments to environmental and public health statutes proposed in the Readiness and Range Preservation Initiative by the Department of Defense. Through the National Defense Reauthorization Act for FY04, the Department of Defense is seeking exemptions from Clean Air Act, RCRA, and CERCLA;

(4) **Rick Hind of Greenpeace** has requested communications to and from the chemical industry regarding chemical security or chemical plant vulnerability;

(5) **Dena Briscoe of Brentwood Exposed** has requested information regarding the cleaning and fumigation of the Washington, DC mail processing and distribution center, commonly known as the Brentwood Facility;

(6) **Randy Herschaft of the *Associated Press*** has requested transactions, communications, and contracts regarding Choicepoint, Inc. and EPA from January 2001 to present;

(7) **Mark Drake**, private citizen without an affiliation noted, has requested all correspondence between Senator John F. Kerry and EPA from January 1, 1985 to present;

(8) **Congressman Robert A. Brady (D-PA)** has requested the final report of the Logan site and any updated sampling of the site;

(9) **Margaret Janes of the Appalachian Center for the Economy and the Environment** has requested responses to EPA/Tetratech=s 2003 call for data related to selenium discharges into southern West Virginia streams in the Coal, Gauley, and Guyandotte watersheds;

(10) **Kevin Buchan of the Western States Petroleum Association** has requested correspondence between EPA Region 9, the US Fish and Wildlife Service, and the National Marine Fisheries Service regarding the 2002 draft criteria for selenium;

(11) **Inger Brinck of The Women=s Foundation** has requested FY 2000 to present records of environmental releases originating from five specified oil refineries in California, and;

(12) **Geoff Koss of Inside Washington Publishers *(Inside EPA)*** has requested copies of recent public comment letters on the draft expanded site investigation for the Upper Columbia River, Washington.

OPM

- **Jackie Salmon of the *Washington Post*** has been advised that she will have to submit a FOIA request to the Local Federal Coordinating Committee (LFCC) to obtain a copy of the proposal by Global Impact, which the Washington D.C.-area LFCC awarded the contract to administer the Combined Federal Campaign (CFC) in the national capital region (as would Global's competitors).

- **Frank Joseph of the Key Communications Group** submitted a FOIA request (5/5) for the orientation guide issued to all new OPM employees. Last week OPM provided information to Key's Janine Jackson on orientation programs run by OPM for its own employees, and informed her that each agency designs and implements its own program (although some have requested our guide as a model). Reporter **never** asked for a copy of the OPM guide. Following receipt of the FOIA request, the reporter was called and asked about her perceived need to file the request, and advised that OPM's orientation guide would be mailed on Tuesday (she did not want to send a courier).

DOL

Rick Hind, Legislative Director, Greenpeace Toxics Campaign, Greenpeace, Washington, D.C., is seeking:

copies of documents, not limited to but including all letters, notes, meeting times, places and agendas as well as other communications to and from chemical industry entities regarding policy recommendations on the issue of chemical security or the vulnerability of chemical plants to terrorism for the period of time beginning October 1, 2001 and extending to the present;

In addition, this request should include: copies of all communications on chemical security policy to, by and from DOL, including but not limited to Secretary Elaine Chao and other relevant staff with all chemical industry representatives or entities, including but not limited to the American Chemistry Council, Chlorine Chemistry Council, Chloride Institute, Dow Chemical, Dupont, Occidental Chemical, and all other trade associations, such as the Chamber of Commerce, as well as lobby firms representing these companies and their trade associations regarding their input, comments and recommendations on chemical security policies; and

copies of all communications regarding chemical security policy to, by and from all other United States government departments and agencies and their staff, including but not limited to the United States Environmental Protection Agency, United States Department of Justice, Attorney General John Ashcroft, Department of Homeland Security, Secretary Thomas Ridge and General Lawler, Office of Management and Budget Director Mitchell Daniels, White House Office of Homeland Security, Richard Falkenrath and Kenneth Stroech with all chemical industry representatives or entities including but not limited to the American Chemistry Council, Chloride Chemistry Council, Chloride Institute, Dow Chemical, Dupont,
Occidental Chemical, and all other trade associations, such as the Chamber of Commerce, as well as lobby firms representing these companies and their trade associations regarding their input, comments and recommendations on chemical security policies.

Lisa Fletcher, Editor, ABC 15 KNXV, Phoenix, AZ, is seeking:
a comprehensive list of all complaints by reservists against companies they believe are violating USERRA.

a comprehensive list of adjudicated complaints and those adjudicated complaints, and then all adjudicated complaints by reservists against companies for violating USERRA.

American Newspaper, Odessa, TX is seeking information on citations involving an accident at United Energy Corporation.

Rachael Kibbe, Reporter, Countywide, Karnes City, TX, is seeking information concerning a trenching fatality involving Ram II General Contractors.

HHS

5/28/03
News Media FOIA Request - The **Los Angeles Times requested copies of FOIA requests made by Johnson & Johnson,** or any of its units, including Ortho Biotech, about Amgen Inc., Aranesp, also called darbepoetin alfa, and Epogen, also called epoetin, and a list of documents made available under the requests for the period January 2001 to April 2003.

DOI

Glacier Bay Commercial Fishing Compensation Program.
City Clerk from City of Petersburg, Alaska requested "records related to the National Park Service's Glacier Bay Commercial Fishing Compensation Program." Requested records include: any record expressing formula used in determining how funds would be distributed; any record establishing and justifying the basis of compensation distribution; any record that lists fund recipients, with distribution amounts indicated; any record establishing the means of judging and assessing appeals; any record, not privileged, that lists who appealed their original estimated compensation and the result of each appeal.

DOE

Aubrey Bruggeman, The Center for Public Integrity: Requests copies of all correspondence between DOE and the 1) Republican National Committee; 2) National Republican Senatorial Committee; 3) Republican National Congressional Committee; 4) Democratic National Committee; 5) Democratic Senatorial Campaign Committee; and 6) Democratic Congressional Campaign Committee.

DOC

Received 04/24/03 from **Michael Barcott, Holmes, Weddle & Barcott**, requesting records concerning Brian Mason vs. Alaskan Observers, Inc.;

Received 04/25/03 from **Timothy Harris, Building Industry Association of Washington,** requesting records regarding proposed policy on hatchery production in Endangered Species Act Listing Determinations for Pacific Salmon and Steelhead;

Received 4/25/03 from **Robert N. King, Councilman, North Charleston**, South Carolina, requesting a copy of a recent letter sent from EDA to the City of North Charleston concerning

conditions outlined and obligations to be met prior to the sale of former Naval Base property to the Noisette Company;

Received 4/29/03 from **Melissa Brennan, OMB Watch**, requesting the current membership roster for the ISAC for Chemicals & Allied Products and correspondence between ITA and potential members of the ISAC for Chemicals & Allied Products, 1/20/01-4/29/03;

Received 04/30/03 from **Damon Chappie** of Washington, D.C., requesting Correspondence with Representative Lincoln Diaz-Balart (R-FL).

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
CC: <Steele, Lynden R.>
Sent: 5/8/2003 3:12:54 PM
Subject: Re: Emailing: 20010509-3
Attachments: 20010509-3.jpg

Priscilla Owen is bottom right next to Miguel.

From: Ashley Snee/WHO/EOP@Exchange on 05/08/2003 03:13:34 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Lynden R. Steele/WHO/EOP@EOP

Subject: Emailing: 20010509-3

<<20010509-3.jpg>>



From: Snee, Ashley
To: <Kavanaugh, Brett M.>
CC: <Steele, Lynden R.>
Sent: 5/8/2003 3:13:34 PM
Subject: Emailing: 20010509-3
Attachments: 20010509-3.jpg

<<20010509-3.jpg>>



From: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>
To: <Grubbs, Wendy J.>;<Kavanaugh, Brett M.>
Sent: 5/8/2003 3:34:31 PM
Subject: rose garden

I know we mortals are supposed to be there tomorrow at 9:30, but what time can Senators roll in?

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 5/8/2003 3:43:55 PM
Subject: Re: I asked for the Pickering package they are distributing

who is "they"

'

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 03:44:23 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: I asked for the Pickering package they are distributing

and I am sending it your way to review. We should do a notebook if anything is distributed, right?

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/8/2003 11:46:30 AM
Subject: : RE: I asked for the Pickering package they are distributing

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 8-MAY-2003 15:46:30.00
SUBJECT:: RE: I asked for the Pickering package they are distributing
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The pickering team. Chip, Chip's COS and whoever else they are using. You should know them(hehe

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 08, 2003 3:44 PM
To: Grubbs, Wendy J.
Subject: Re: I asked for the Pickering package they are distributing

who is "they"
'

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 03:44:23 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: I asked for the Pickering package they are distributing

and I am sending it your way to review. We should do a notebook if anything is distributed, right?

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/8/2003 3:47:10 PM
Subject: Re: FW: Updated - Judicial Independence

WHAT ABOUT ALL THE OTHER PEOPLE FROM DOJ??????

From: Carolyn Nelson/WHO/EOP@Exchange on 05/08/2003 03:47:36 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Updated - Judicial Independence

-----Original Message-----

From: Loy, Carrie B.

Sent: Thursday, May 08, 2003 2:15 PM

To: Nelson, Carolyn; Smith, Matthew E.

Subject: Updated - Judicial Independence



From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 3:47:36 PM
Subject: FW: Updated - Judicial Independence

-----Original Message-----

From: Loy, Carrie B.

Sent: Thursday, May 08, 2003 2:15 PM

To: Nelson, Carolyn; Smith, Matthew E.

Subject: Updated - Judicial Independence



From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>
Sent: 5/8/2003 3:48:59 PM
Subject: Re: possible mtg times

maybe 3:00? I have to fly out late tomorrow.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/08/2003 01:52:49 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: possible mtg times

I need times from that you are available tomorrow and Monday for the meeting with David, Judge, Brad, and Dan Bartlett.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/8/2003 11:49:55 AM
Subject: : RE: FW: Updated - Judicial Independence

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 8-MAY-2003 15:49:55.00
SUBJECT:: RE: FW: Updated - Judicial Independence
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

They are confirmed- I handled myself.

I'll get the final list from Matt so there isn't any confusion, but I am 100% certain that they are good to go.
-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 08, 2003 3:47 PM
To: Nelson, Carolyn
Subject: Re: FW: Updated - Judicial Independence

WHAT ABOUT ALL THE OTHER PEOPLE FROM DOJ??????

From: Carolyn Nelson/WHO/EOP@Exchange on 05/08/2003 03:47:36 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Updated - Judicial Independence

-----Original Message-----
From: Loy, Carrie B.
Sent: Thursday, May 08, 2003 2:15 PM
To: Nelson, Carolyn; Smith, Matthew E.
Subject: Updated - Judicial Independence

<< OLE Object: Picture (Metafile) >>

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/8/2003 11:56:43 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2003 15:56:43.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

got it

Brett M. Kavanaugh
05/08/2003 03:55:40 PM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc:
Subject:

Goeglein just called me and did a mea culpa. Anyway, our message to Senate staffers should be that (i) many units in WH cast wide nets for events,
(ii) sometimes group leaders that are invited to events on behalf of their groups in turn invite other people, and (iii) it is therefore possible that someone will be caught in multiple invitation nets, so to speak. Of course, problem here is that Fed Soc should not have been calling govt people as opposed to private lawyers, but we can elide that mistake.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 5/8/2003 11:56:08 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2003 15:56:08.00
SUBJECT::
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Goeglein just called me and did a mea culpa. Anyway, our message to Senate staffers should be that (i) many units in WH cast wide nets for events,
(ii) sometimes group leaders that are invited to events on behalf of their groups in turn invite other people, and (iii) it is therefore possible that someone will be caught in multiple invitation nets, so to speak. Of course, problem here is that Fed Soc should not have been calling govt people as opposed to private lawyers, but we can elide that mistake.

From: Nelson, Carolyn
To: <Hernandez, Israel>;<Figg, Kara G.>;<Kavanaugh, Brett M.>
Sent: 5/8/2003 3:56:53 PM
Subject: AG

The AG WILL come tomorrow. I'm going to ask the Judge if he'd like to include him in the pre-brief @ 10:20. If not, he'll go directly to his seat. He will be mentioned in the remarks.

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/8/2003 12:10:20 PM
Subject: : RE: possible mtg times

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 8-MAY-2003 16:10:20.00
SUBJECT:: RE: possible mtg times
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

That won't work. What about times for mon and tues.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 08, 2003 3:49 PM
To: Montiel, Charlotte L.
Subject: Re: possible mtg times

maybe 3:00? I have to fly out late tomorrow.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/08/2003 01:52:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: possible mtg times

I need times from that you are available tomorrow and Monday for the meeting with David, Judge, Brad, and Dan Bartlett.

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 4:10:54 PM
Subject: RE: possible mtg times

That won't work. What about times for mon and tues.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 08, 2003 3:49 PM
To: Montiel, Charlotte L.
Subject: Re: possible mtg times

maybe 3:00? I have to fly out late tomorrow.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/08/2003 01:52:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: possible mtg times

I need times from that you are available tomorrow and Monday for the meeting with David, Judge, Brad, and Dan Bartlett.

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 4:14:50 PM
Subject: wsj

unless you object, you are meeting off-the-record with bob greenburg of the wsj tomorrow at 2pm. he covers legal issues for them and wants to meet you. work for you?

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 4:16:29 PM
Subject: RE: Judges List

I need to chat re: briefing paper.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 08, 2003 4:08 PM
To: Perkins, Paul
Cc: Nelson, Carolyn; Smith, Matthew E.
Subject: Re: Judges List

These people are all confirmed as coming?



Paul Perkins
05/08/2003 04:05:54 PM
Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange@EOP
cc: Matthew E. Smith/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Judges List

Here is the most up to date list.
Thanks,
Paul.

<< File: Judges List - yes2.xls >>

From: Kavanaugh, Brett M.
To: <Smith, Matthew E.>
CC: <Figg, Jeanie L.>;<Healy, Erin E.>;<Nelson, Carolyn>
Sent: 5/8/2003 4:19:21 PM
Subject: Re: Seating

Matt: Think I am missing anyone?

VIP seating

Senators tbd

former Clinton/Carter Counsel Lloyd Cutler

former AG Bill Barr

former AG Dick Thornburgh

Boyden Gray

ABA President A.P. Carlton and spouse

Hispanic National Bar Association President Duard Bradshaw

Leonidas Mecham, head of Administrative Office of US Courts

Chief Judge Tom Hogan, Chief Judge of district court in DC

Leonard Leo

Jay Sekulow

Matthew E. Smith

05/08/2003 04:07:58 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Seating

Brett,

Can you send to Jeanie a list of VIPs you want priority seating for?

I also think that the four coalition leaders should get good seats [Leonard, Jay Sekulow, Boyden]

Matt

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 4:19:17 PM
Subject: FW: Meeting with the President

FYI. Next Thurs AM.
-----Original Message-----
From: Figg, Kara G.
Sent: Thursday, May 08, 2003 4:18 PM
To: Nelson, Carolyn
Subject: Meeting with the President

The Meeting with the Judge has been approved for May 15 at 9:00am for 20 minutes.

From: Kavanaugh, Brett M.
To: <Kavanaugh, Brett M.>
CC: <Smith, Matthew E.>;<Figg, Jeanie L.>;<Healy, Erin E.>;<Nelson, Carolyn>
Sent: 5/8/2003 4:21:59 PM
Subject: Re: Seating

. . . and add Judge Gonzales, AG Ashcroft, DAG Thompson, SG Olson, AAG McCollum

Brett M. Kavanaugh

05/08/2003 04:19:21 PM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP

cc: Jeanie L. Figg/WHO/EOP@Exchange@EOP, Erin E. Healy/WHO/EOP@EOP, Carolyn Nelson/WHO /EOP@Exchange@EOP

bcc: Records Management@EOP

Subject: Re: Seating

Matt: Think I am missing anyone?

VIP seating

Senators tbd

former Clinton/Carter Counsel Lloyd Cutler

former AG Bill Barr

former AG Dick Thornburgh

Boyden Gray

ABA President A.P. Carlton and spouse

Hispanic National Bar Association President Duard Bradshaw

Leonidas Mecham, head of Administrative Office of US Courts

Chief Judge Tom Hogan, Chief Judge of district court in DC

Leonard Leo

Jay Sekulow

Matthew E. Smith

05/08/2003 04:07:58 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Seating

Brett,

Can you send to Jeanie a list of VIPs you want priority seating for?

I also think that the four coalition leaders should get good seats [Leonard, Jay Sekulow, Boyden]

Matt

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 4:21:37 PM
Subject: RE: Seating

Ashcroft

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 08, 2003 4:19 PM
To: Smith, Matthew E.
Cc: Figg, Jeanie L.; Healy, Erin E.; Nelson, Carolyn
Subject: Re: Seating

Matt: Think I am missing anyone?

VIP seating

Senators tbd
former Clinton/Carter Counsel Lloyd Cutler
former AG Bill Barr
former AG Dick Thornburgh
Boyden Gray
ABA President A.P. Carlton and spouse
Hispanic National Bar Association President Duard Bradshaw
Leonidas Mecham, head of Administrative Office of US Courts
Chief Judge Tom Hogan, Chief Judge of district court in DC
Leonard Leo
Jay Sekulow

Matthew E. Smith
05/08/2003 04:07:58 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Seating

Brett,

Can you send to Jeanie a list of VIPs you want priority seating for?

I also think that the four coalition leaders should get good seats [Leonard, Jay Sekulow, Boyden]

Matt

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 5/8/2003 4:22:46 PM
Subject: why aren't Dole and Hutchison coming?

From: Kavanaugh, Brett M.
To: <Healy, Erin E.>
CC: <Nelson, Carolyn>
Sent: 5/8/2003 4:32:56 PM
Subject:

Erin: Carrie will send new briefing paper when we have. Also, we are talking to Judge about standing behind.

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 5/8/2003 4:33:33 PM
Subject: WHAT VOTES ARE OCCURRING TODAY?

From: Baldwin, Jenica
To: <Kavanaugh, Brett M.>
CC: <Montiel, Charlotte L.>
Sent: 5/8/2003 4:36:01 PM
Subject: Friday

I am sorry to keep bugging you, I need to know if this works since the briefing is tomorrow. Please let me know at your earliest convenience.

Thank you!

---------- Forwarded by Jenica Baldwin/WHO/EOP on 05/08/2003 04:36 PM ----------

Jenica Baldwin 05/07/2003 06:25:35 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Friday

I understand from Lezlee that you will speak on Friday! Thank you!

I have you down from 1:20pm - 1:40pm

Please let me know if this works

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 4:37:11 PM
Subject: RE: why aren't Dole and Hutchison coming?

Brett, you crack me up. I assume they are going home.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 08, 2003 4:23 PM
To: Grubbs, Wendy J.
Subject: why aren't Dole and Hutchison coming?

From:	Ganter, Jonathan F.
To:	<Farrell, J. Elizabeth>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>;<Ullyot, Theodore W.>;<Kavanaugh, Brett M.>;<Everson, Nanette>;<Carroll, James W.>;<Vallecillo, Maria F.>;<Phillips, Garry L.>;<Plunkett, Wade>;<Anderson, Peder>;<Rounds, Emory>;<Jucas, Tracy>
CC:	<Nelson, Carolyn>;<Montiel, Charlotte L.>;<Bumatay, Patrick J.>
Sent:	5/8/2003 4:50:59 PM
Subject:	Judge on the Web

In case you aren't already aware, Judge Gonzales is participating in a live web chat starting at 5:00pm. The chat can be accessed via the White House home page.

Jon

From: Smith, Matthew E.
To: <Figg, Jeanie L.>;<Kavanaugh, Brett M.>
Sent: 5/8/2003 4:54:07 PM
Subject: Number

Keeping in mind the Senators, Government/Administration Officials, and invited guests my count is at 242 tomorrow.

From: Grubbs, Wendy J.
To: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>;<Kavanaugh, Brett M.>
Sent: 5/8/2003 5:09:28 PM
Subject: RE: Miller

Done
-----Original Message-----
From: Miranda, Manuel (Frist) [mailto:Manuel_Miranda@frist.senate.gov]
Sent: Thursday, May 08, 2003 5:08 PM
To: Grubbs, Wendy J.; Kavanaugh, Brett M.
Subject: Miller

Have you considered inviting Senator Zell Miller?

From: Nelson, Carolyn
To: <Smith, Matthew E.>;<Kavanaugh, Brett M.>
Sent: 5/8/2003 5:12:01 PM
Subject: RE: Briefing paper

We're revising at the moment. Will email final version in a bit.

-----Original Message-----
From: Smith, Matthew E.
Sent: Thursday, May 08, 2003 5:09 PM
To: Nelson, Carolyn; Kavanaugh, Brett M.
Subject: Briefing paper

Make sure Jeanie Figg and Erin Healy see a copy of the briefing paper.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jenica Baldwin/WHO/EOP@EOP [WHO] <Jenica Baldwin>
CC: charlotte l. montiel/who/eop@exchange@eop [WHO] <charlotte l. montiel>
Sent: 5/8/2003 5:47:28 PM
Subject: : Re: Tomorrow
Attachments: P_HZBAG003_WHO.TXT_1.doc; P_HZBAG003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2003 21:47:28.00
SUBJECT:: Re: Tomorrow
TO:Jenica Baldwin (CN=Jenica Baldwin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:charlotte l. montiel (CN=charlotte l. montiel/OU=who/O=eop@exchange@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Not all of this would be necessary, but here it is for you to select from.

Jenica Baldwin 05/08/2003 06:32:01 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Charlotte L. Montiel/WHO/EOP@Exchange@EOP
Subject: Tomorrow

I am counting on you Brett, thank you for doing this. They just want to
hear generally about Judicial nominations- more Q&A than anything
Do you have a bio?

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HZBAG003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HZBAG003_WHO.TXT_2>

INVITATION TO SPEAK TODAY'S DATE: 04/30/2003

TO: Brett Kavanaugh
Special Assistant to the President
Associate Counsel

FROM: Lezlee Westine
Deputy Assistant to the President
Director of the Office of Public Liaison

REQUEST: White House Briefing for the Corporate Council on Africa and Liberty Education Forum

BACKGROUND:

Corporate Council on Africa:

The Corporate Council on Africa (CCA), established in 1992, is at the forefront of strengthening and facilitating the commercial relationship between the United States and the African continent. CCA works closely with governments, multilateral groups and business to improve the African continent's trade and investment climate, and to raise the profile of Africa in the US business community.

CCA programs are designed to bring together potential business partners and raise Africa's investment profile in the US by developing critical contacts and business relationships and providing a forum for the exchange of information and ideas.

Liberty Education Forum

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DATE AND TIME: Friday, May 9. 2003
1:00 pm – 2:00 pm

LOCATION:	Old Executive Office Building, Room 474
SIZE AND TYPE OF AUDIENCE:	100 -125 members of the Corporate Council on Africa and the Liberty Education Forum.
PROPOSED OUTLINE OF EVENT:	Standard White House Briefing, Remarks and Question/Answer

1:00pm – 1:20pm Holly Kuzmich
1:20pm – 1:40pm Brett Kavanaugh
1:40pm – 2:00pm Joseph O'Neill
* Schedule open to Change*

MEDIA:	Closed
STAFF CONTACT:	Jenica Baldwin X66641

Brett M. Kavanaugh

Since January 2001, Brett Kavanaugh has served as Associate Counsel to President Bush in the office of Judge Alberto Gonzales, Counsel to the President.

Mr. Kavanaugh graduated from Yale College in 1987 and from Yale Law School in 1990. He clerked for Judge Walter Stapleton on the United States Court of Appeals for the Third Circuit and for Judge Alex Kozinski on the United States Court of Appeals for the Ninth Circuit. He worked in 1992-93 as an attorney in the Office of Solicitor General at the Department of Justice. Mr. Kavanaugh clerked for Justice Anthony M. Kennedy on the Supreme Court of the United States in 1993-94. After his clerkship with Justice Kennedy, Mr. Kavanaugh worked for the Office of Independent Counsel Kenneth W. Starr from 1994 to 1997 and again in 1998. Mr. Kavanaugh was a partner in the Washington office of Kirkland & Ellis from 1997 to 1998 and from 1999 to January 2001.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 5/8/2003 6:20:07 PM
Subject: Re: call me - we're doing a conference call at 6:45 to talk about the event tomorrow. need your confirmation you can do.

yes; how about 6:50

From: Ashley Snee/WHO/EOP@Exchange on 05/08/2003 06:20:42 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: call me - we're doing a conference call at 6:45 to talk about the event tomorrow. need your confirmation you can do.

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 6:20:42 PM
Subject: call me - we're doing a conference call at 6:45 to talk about the event tomorrow. need your confirmation you can do.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 6:21:45 PM
Subject: FW: Coleman just declined - going to MN for a funeral

fyi
-----Original Message-----
From: Holbrook, Ashley
Sent: Thursday, May 08, 2003 6:13 PM
To: West, Christal R.
Cc: Grubbs, Wendy J.; Nelson, Carolyn
Subject: Coleman just declined - going to MN for a funeral

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 6:23:18 PM
Subject: Per Diem

See Kathy's email re: determining the percentage of my per diem. I had one day of political events w/ KR and one day of Asian outreach meetings. I stayed 2 nights. Do you want the detailed schedule to figure out the percentage?

-----Original Message-----
From: Prendergast, Katherine M.
Sent: Thursday, May 08, 2003 6:00 PM
To: Ralston, Susan B.
Subject: RE: travel authorizations

When you say "mixed" I assume you mean part political/part official. You can get per diem for the official portion of your trip. If you need guidance in how to figure out how much of it was official, ask WH Counsel and they will determine the percentage.

If we did your TA(s) already for the Asian outreach meetings, it probably gives you per diem for the whole trip. If we did a political TA for you, it will give you no per diem.

Hope this is helpful. I am taking off at 6 tonight to attend an event so let's talk tomorrow if you need help. Thanks. Kathy

Kathy Prendergast
White House Management
ph: (202) 456-5106
fx: (202) 456-6472
kprender@who.eop.gov
-----Original Message-----
From: Ralston, Susan B.
Sent: Thursday, May 08, 2003 5:50 PM
To: Prendergast, Katherine M.
Subject: RE: travel authorizations

On my trip to Chicago, I staffed Karl for his events, but then I assumed a separate schedule for Asian outreach meetings. I was in Chicago 2 days. For a mixed trip, do I get a per diem?
-----Original Message-----
From: Prendergast, Katherine M.
Sent: Thursday, May 01, 2003 10:16 AM
To: Armstead, Elisabeth; Shayegan, Morad; Bobenrieth, Matias; Vashisht, Satya; Lindahl, Susan D.
Cc: Alleyne, Janet J.; Morgan, Judy R.; Beard, Glenda S.; Douglass, Kimberly A.; McMaster, David; Nelson, Carolyn; Montiel, Charlotte L.; Campbell, Anne E.; Gorordo, Leonardo F.; Ralston, Susan B.; Fricks Iii, Joseph W.; Rachelson, David B.; Johnson, Collister W.; Bush, Adriel M.; Teague, Randal C.
Subject: travel authorizations

T3B01027 Alberto R. Gonzales 04/30/03 (mil air both directions)
T3B01028 David Leitch 04/30/03 (mil air both directions)
T3B01029 Michael Gerson 05/01/03 (via AF One - commercial return 5/2-5/3)
T3B01030 Karl Rove 05/01/03 (political - outside source)
T3B01031 Susan Ralston 05/01/03 (political - outside source)
T3B01032 Paul Dyck 05/04/03 (official - commercial outbound - return via AF One)
T3B01033 Coddy Johnson 05/15/03 (political - outside source)
T3B01034 Karl Rove 05/15/03 (political - outside source)
T3B01035 Heather Graham 05/27/03

Kathy Prendergast
White House Management
ph: (202) 456-5106
fx: (202) 456-6472
kprender@who.eop.gov

From: Baldwin, Jenica
To: <Kavanaugh, Brett M.>
CC: <Montiel, Charlotte L.>
Sent: 5/8/2003 6:30:10 PM
Subject: Tomorrow
Attachments: Brett K Invite.doc

<>

I am counting on you Brett, thank you for doing this. They just want to hear generally about Judicial nominations- more Q&A than anything

Do you have a bio?

INVITATION TO SPEAK TODAY'S DATE: 04/30/2003

TO: Brett Kavanaugh
Special Assistant to the President
Associate Counsel

FROM: Lezlee Westine
Deputy Assistant to the President
Director of the Office of Public Liaison

REQUEST: White House Briefing for the Corporate Council on Africa and Liberty Education Forum

BACKGROUND:

Corporate Council on Africa:

The Corporate Council on Africa (CCA), established in 1992, is at the forefront of strengthening and facilitating the commercial relationship between the United States and the African continent. CCA works closely with governments, multilateral groups and business to improve the African continent's trade and investment climate, and to raise the profile of Africa in the US business community.

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1:40pm – 2:00pm Joseph O'Neill
* Schedule open to Change*

MEDIA:	Closed
STAFF CONTACT:	Jenica Baldwin X66641

From: CN=Jenica Baldwin/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Charlotte L. Montiel/WHO/EOP@Exchange@EOP [WHO] <Charlotte L. Montiel>
Sent: 5/8/2003 2:32:36 PM
Subject: : Tomorrow
Attachments: P_4R8AG003_WHO.TXT_1.doc

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jenica Baldwin ( CN=Jenica Baldwin/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 8-MAY-2003 18:32:36.00
SUBJECT:: Tomorrow
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

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Do you have a bio?
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4R8AG003_WHO.TXT_1>
```

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TO: Brett Kavanaugh
Special Assistant to the President
Associate Counsel

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* Schedule open to Change*

MEDIA:	Closed
STAFF CONTACT:	Jenica Baldwin X66641

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/8/2003 2:50:41 PM
Subject: : No photo per Dan

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 8-MAY-2003 18:50:41.00
SUBJECT:: No photo per Dan
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

;
Ed thinks the easiest thing is to have the AG and the Senators exit the
oval inside, and enter the rose garden from the doors by lower press. This
makes sense since we aren't doing a photo.
;
Thoughts?
```

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 6:51:09 PM
Subject: No photo per Dan

Ed thinks the easiest thing is to have the AG and the Senators exit the oval inside, and enter the rose garden from the doors by lower press. This makes sense since we aren't doing a photo.

Thoughts?

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 6:55:28 PM
Subject: FW: your conference call

Call me when you can

-----Original Message-----
From: Donnan, Elizabeth H.
Sent: Thursday, May 08, 2003 6:26 PM
To: Snee, Ashley
Subject: your conference call

The confirmation number is # 612

dial in number is: (202) 395-6392
conference call code: 275805

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 7:15:37 PM
Subject: individual plans

- As the President has said – The Senate has a Constitutional responsibility to hold an up or down vote on all judicial nominees in a reasonable amount of time. He is supportive of efforts being made to ensure a fair up or down vote is held on every nominee. I'm not going to talk about specifics.

From: West, Christal R.
To: <Nelson, Carolyn>;<Kavanaugh, Brett M.>
Sent: 5/8/2003 7:57:43 PM
Subject: no votes in the senate tomorrow...

could lose some in the morning (maybe miller)...will let you know.
thanks
cw

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 5/8/2003 8:05:22 PM
Subject: no votes in the senate tomorrow...

Is Miller still coming?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/08/2003 08:05 PM ----------

From: Christal R. West/WHO/EOP@Exchange on 05/08/2003 07:57:43 PM

Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: no votes in the senate tomorrow...

could lose some in the morning (maybe miller)...will let you know.

thanks

cw

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 5/8/2003 8:10:09 PM
Subject: who has the New Mexico remarks for Monday?

From: Kavanaugh, Brett M.
To: <Baldwin, Jenica>
CC: <Montiel, Charlotte L.>
Sent: 5/8/2003 8:40:29 PM
Subject: Re: Friday

yes, thanks.

Jenica Baldwin 05/08/2003 04:37:00 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Charlotte L. Montiel/WHO/EOP@Exchange@EOP

Subject: Friday

I am sorry to keep bugging you, I need to know if this works since the briefing is tomorrow. Please let me know at your earliest convenience.

Thank you!

---------- Forwarded by Jenica Baldwin/WHO/EOP on 05/08/2003 04:36 PM ----------

Jenica Baldwin 05/07/2003 06:25:35 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Friday

I understand from Lezlee that you will speak on Friday! Thank you!

I have you down from 1:20pm - 1:40pm

Please let me know if this works

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>;<Bumatay, Patrick J.>;<Montiel, Charlotte L.>
Sent: 5/8/2003 9:18:38 PM
Subject: THANK YOU

Thanks for all the great help today. Little crazy with a speech, event planning, briefing paper, invite coordination, statement by the President, Executive order, online chat, web video, background press briefing, and the like -- all when Senate was still holding judicial votes during the day. Thanks again.

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 5/8/2003 9:44:07 PM
Subject: Re: why aren't Dole and Hutchison coming?

Dole is apparently coming. That's good.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/08/2003 09:44:53 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: why aren't Dole and Hutchison coming?

Yup, I agree, but you know where this ultimately ranks.

.

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 9:44:02 PM
Subject: Re: from speech -- ok?

Great.
.

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 5/8/2003 9:44:53 PM
Subject: Re: why aren't Dole and Hutchison coming?

Yup, I agree, but you know where this ultimately ranks.
.

From: Kavanaugh, Brett M.
To: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>;<Grubbs, Wendy J.>
Sent: 5/8/2003 11:40:07 PM
Subject: Re: Miller Lite
Attachments: att1.htm

Thanks Manny. See you in a.m.

"Miranda, Manuel (Frist)"

05/08/2003 06:08:11 PM

Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Miller Lite

The decision to go with this was made by WHF today.

Here are the points of contrast with S. Res. 85, the proposed change to

Rule 22 tracks normal cloture procedure with exceptions:

1) Applies only to nominations.

2) Cloture cannot be filed until a nomination has been pending for

12 hours.

3) Cloture requirements decline on succeeding votes: 60, 57, 54,

51 and finally a simple majority of those present and voting. (This

latter feature is based on the premise that the Constitution does not

state a floor.

4) A follow-up cloture motion cannot be filed until disposition of

the prior cloture motion.

S. Res 85 as introduced by Senator Miller

- applied to all debate, not just nominations
- did not provide a 12 hour wait
- stopped at 51

The ML intends to introduce this tomorrow. There are 9 GOP co-sponsors and we are waiting on Miller.

- att1.htm <>

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/9/2003 3:22:39 AM
Subject: :
Attachments: P_DVFAG003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-MAY-2003 07:22:39.00
SUBJECT::
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi about activities of one group.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/09/2003 07:21 AM ----------

Tim Goeglein
05/09/2003 07:19:40 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Two Year Anniversary of Liberal Democrat Obstructionism Tomorrow

fyi

tsg

---------- Forwarded by Tim Goeglein/WHO/EOP on 05/09/2003 07:19 AM ----------

Jim Backlin <jimbacklin@cc.org>
05/09/2003 06:38:37 AM
Record Type: Record

To: Jim Backlin <jimbacklin@cc.org>
cc:
Subject: Two Year Anniversary of Liberal Democrat Obstructionism Tomorrow

Subscriber Email
FYI

Jim Backlin

CHRISTIAN COALITION OF AMERICA
ACTION ALERT
Date: 5/8/2003
President Roberta Combs

---

2 YEAR ANNIVERSARY OF LIBERAL DEMOCRAT OBSTRUCTIONISM TOMORROW
MAJORITY NEEDS TO USE "NUCLEAR" OPTION TO BREAK UNCONSTITUTIONAL
POWER PLAY

President Bush will be giving a speech in the White House Rose Garden tomorrow decrying the obstructionism by liberal Democrats in the Senate who have blocked some of his highly-qualified judicial nominees for 2 years as of tomorrow. Christian Coalition of America President Roberta Combs said, "It is outrageous that the left-wingers in the Democrat Party have blocked many of President Bush's judicial nominees for 2 years as of May 9th. They lost control of the Senate last November because of such obstructionism. Secondly, they are beginning to lose their Hispanic base. As Hispanics learn about the outrageous treatment of Miguel Estrada, an American success story, they are realizing their pro-family values are not shared by such left-wingers."

The Christian Coalition urges the majority to do what Vice President Nelson Rockefeller did in 1975 and change the Senate "standing rules" to make it easier to break a filibuster, i.e. what's being called the "nuclear" option, mentioned in a Senate hearing this week entitled: "Judicial Nominations, Filibusters and the Constitution: When a Majority is denied its right to consent." A clear majority of United States Senators want to vote and will vote for highly-qualified judicial nominees Miguel Estrada (filibustered for over 3 months) and Priscilla Owen (in her 2nd month of being filibustered.) The U.S. Constitution does not say 3/5 of Senators are required to confirm judges; just a simple majority.

Sixty votes are required to break a filibuster and the 5 additional votes to stop debate could come from any of the following Senators: Senator Mark Pryor (D-AR) 202-224-2353; Senator Blanche Lincoln (D-AR) 202-224-4843; Senator Joseph Lieberman (D-CT) 202-224-4041; Senator Thomas Carper (D-DE) 202-224-2441; Senator Bob Graham (D-FL) 202-224-3041; Senator Daniel Inouye (D-HI) 202-224-3934; Senator Evan Bayh (D-IN) 202-224-5623; Senator Mary Landrieu (D-LA) 202-224-5824; Senator Max Baucus (D-MT) 202-224-2651; Senator Jeff Bingaman (D-NM) 202-224-5521; Senator John Edwards (D-NC) 202-224-3154; Senator Kent Conrad (D-ND) 202-224-2043; Senator Byron Dorgan (D-ND) 202-224-2551; Senator Ernest Hollings (D-SC) 202-224-6121; Senator Tom Daschle (D-SD) 202-224-2321; Senator Tim Johnson (D-SD) 202-224-5842; Senator Robert Byrd (D-WV) 202-224-3954.

A C T I O N:

Please join the the "Obstructionism Day" Rally tomorrow at noon at the "Senate Swamp" which is located between the U.S. Capitol Building and the Russell Senate Office Building.

Please call your two Senators and ask them to vote to confirm President Bush's judicial nominees, most especially, Miguel Estrada, Justice Priscilla Owen, and Judge Charles Pickering. In addition, ask them to vote to STOP any filibuster, i.e. vote to stop endless debate on the Senate floor. Call the U.S. Capitol switchboard at 202-224-3121 or you can go to http://www.cc.org/legis/contactcongress.html

CHRISTIAN COALITION OF AMERICA
P.O. Box 37030, Washington, D.C. 20013 (202) 479-6900

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your old and new email address).

Please CLICK HERE to edit your interests or modify subscriptions.
Please CLICK HERE to unsubscribe.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_DVFAG003_WHO.TXT_1>

FYI

Jim Backlin

CHRISTIAN COALITION OF AMERICA ACTION ALERT

Date: 5/8/2003

President Roberta Combs

---

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P.O. Box 37030, Washington, D.C. 20013 (202) 479-6900

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To support the Christian Coalition of America please CLICK HERE
https://www.cc.org/secure/cc/index.asp

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Please C LICK HERE to edit your interests or modify subscriptions.
Please CLICK HERE to unsubscribe.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 5/9/2003 7:21:22 AM
Subject:
Attachments: att1.htm

fyi about activities of one group.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/09/2003 07:21 AM ----------

Tim Goeglein

05/09/2003 07:19:40 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Two Year Anniversary of Liberal Democrat Obstructionism Tomorrow

fyi

tsg

---------- Forwarded by Tim Goeglein/WHO/EOP on 05/09/2003 07:19 AM ----------

Jim Backlin

05/09/2003 06:38:37 AM

Record Type: Record

To: Jim Backlin

cc:

Subject: Two Year Anniversary of Liberal Democrat Obstructionism Tomorrow

Subscriber Email

FYI

Jim Backlin

CHRISTIAN COALITION OF AMERICA

ACTION ALERT

Date: 5/8/2003

President Roberta Combs

---

2 YEAR ANNIVERSARY OF LIBERAL DEMOCRAT OBSTRUCTIONISM TOMORROW

MAJORITY NEEDS TO USE "NUCLEAR" OPTION TO BREAK UNCONSTITUTIONAL POWER PLAY

President Bush will be giving a speech in the White House Rose Garden tomorrow decrying the obstructionism by liberal Democrats in the Senate who have blocked some of his highly-qualified judicial nominees for 2 years as of tomorrow. Christian Coalition of America President Roberta Combs said, "It is outrageous that the left-wingers in the Democrat Party have blocked many of President Bush's judicial nominees for 2 years as of May 9th. They lost control of the Senate last November because of such obstructionism. Secondly, they are beginning to lose their Hispanic base. As Hispanics learn about the outrageous treatment of Miguel Estrada, an American success story, they are realizing their pro-family values are not shared by such left-wingers."

The Christian Coalition urges the majority to do what Vice President Nelson Rockefeller did in 1975 and change the Senate "standing rules" to make it easier to break a filibuster, i.e. what's being called the "nuclear" option, mentioned in a Senate hearing this week entitled: "Judicial Nominations, Filibusters and the Constitution: When a Majority is denied its right to consent." A clear majority of United States Senators want to vote and will vote for highly-qualified judicial nominees Miguel Estrada (filibustered for over 3 months) and Priscilla Owen (in her 2nd month of being filibustered.) The U.S. Constitution does not say 3/5 of Senators are required to confirm judges; just a simple majority.

Sixty votes are required to break a filibuster and the 5 additional votes to stop debate could come from any of the following Senators:

Senator Mark Pryor (D-AR) 202-224-2353; Senator Blanche Lincoln (D-AR) 202-224-4843; Senator Joseph Lieberman (D-CT) 202-224-4041; Senator Thomas Carper (D-DE) 202-224-2441; Senator Bob Graham (D-FL) 202-224-3041; Senator Daniel Inouye (D-HI) 202-224-3934; Senator Evan Bayh (D-IN) 202-224-5623; Senator Mary Landrieu (D-LA) 202-224-5824; Senator Max Baucus (D-MT) 202-224-2651; Senator Jeff Bingaman (D-NM) 202-224-5521; Senator John Edwards (D-NC) 202-224-3154; Senator Kent Conrad (D-ND) 202-224-2043; Senator Byron Dorgan (D-ND) 202-224-2551; Senator Ernest Hollings (D-SC) 202-224-6121; Senator Tom Daschle (D-SD) 202-224-2321; Senator Tim Johnson (D-SD) 202-224-5842; Senator Robert Byrd (D-WV) 202-224-3954.

A C T I O N:

Please join the the "Obstructionism Day" Rally tomorrow at noon at the "Senate Swamp" which is located between the U.S. Capitol Building and the Russell Senate Office Building.

Please call your two Senators and ask them to vote to confirm President Bush's judicial nominees, most especially, Miguel Estrada, Justice Priscilla Owen, and Judge Charles Pickering. In addition, ask them to vote to STOP any filibuster, i.e. vote to stop endless debate on the Senate floor. Call the U.S. Capitol switchboard at 202-224-3121 or you can go to http://www.cc.org/legis/contactcongress.html

CHRISTIAN COALITION OF AMERICA

P.O. Box 37030, Washington, D.C. 20013 (202) 479-6900

How to support Christian Coalition:

To support the Christian Coalition of America please CLICK HERE https://www.cc.org/secure/cc/index.asp

If the link below does not work to modify your subscription information, please contact field3@cc.org and submit your request to subscribe, unsubscribe or to change your email address (be sure to include your old and new email address).

Please CLICK HERE to edit your interests or modify subscriptions.

Please CLICK HERE to unsubscribe.

- att1.htm <>

FYI

Jim Backlin

CHRISTIAN COALITION OF AMERICA ACTION ALERT

Date: 5/8/2003

President Roberta Combs

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224-4843; Senator Joseph Lieberman (D-CT) 202-224-4041; Senator Thomas Carper (D-DE) 202-224-2441; Senator Bob Graham (D-FL) 202-224-3041; Senator Daniel Inouye (D-HI) 202-224-3934; Senator Evan Bayh (D-IN) 202-224-5623; Senator Mary Landrieu (D-LA) 202-224-5824; Senator Max Baucus (D-MT) 202-224-2651; Senator Jeff Bingaman (D-NM) 202-224-5521; Senator John Edwards (D-NC) 202-224-3154; Senator Kent Conrad (D-ND) 202-224-2043; Senator Byron Dorgan (D-ND) 202-224-2551; Senator Ernest Hollings (D-SC) 202-224-6121; Senator Tom Daschle (D-SD) 202-224-2321; Senator Tim Johnson (D-SD) 202-224-5842; Senator Robert Byrd (D-WV) 202-224-3954.

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CHRISTIAN COALITION OF AMERICA
P.O. Box 37030, Washington, D.C. 20013 (202) 479-6900

How to support Christian Coalition:
To support the Christian Coalition of America please CLICK HERE
https://www.cc.org/secure/cc/index.asp

If the link below does not work to modify your subscription information, please contact field3@cc.org and submit your request to subscribe, unsubscribe or to change your email address (be sure to include your old and new email address).

Please CLICK HERE to edit your interests or modify subscriptions.
Please CLICK HERE to unsubscribe.

From: Figg, Kara G.
To: <Kavanaugh, Brett M.>;<Nelson, Carolyn>
CC: <Gottesman, Blake>
Sent: 5/9/2003 7:54:58 AM
Subject: Judicial Event

Per Brad, they decided in Sr Staff to use Room 450 for the event.
Check in w/David Hobbs - he mentioned that if Sen Zell Miller attends, the Members will be in a holding room in EEOB.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/9/2003 3:59:51 AM
Subject: : FW: Judges List
Attachments: P_EIGAG003_WHO.TXT_1.xlw

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 9-MAY-2003 07:59:51.00
SUBJECT:: FW: Judges List
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This is the latest version.
-----Original Message-----
From: Perkins, Paul
Sent: Thursday, May 08, 2003 4:16 PM
To: Nelson, Carolyn
Cc: Kavanaugh, Brett M.; Smith, Matthew E.
Subject: RE: Judges List

This is the list with the congressional staff.
Thanks,
Paul.

From: Carolyn Nelson/WHO/EOP@Exchange on 05/08/2003 04:14:53 PM
Record Type: Record

To: Paul Perkins/WHO/EOP@EOP
cc: Matthew E. Smith/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
Subject: RE: Judges List

Also, please add the congressional staff I emailed about 5 mins ago.

Thanks!!
-----Original Message-----
From: Perkins, Paul
Sent: Thursday, May 08, 2003 4:05 PM
To: Nelson, Carolyn
Cc: Smith, Matthew E.; Kavanaugh, Brett M.
Subject: Judges List

Here is the most up to date list.
Thanks,
Paul.

<< File: Judges List - yes2.xls >>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_EIGAG003_WHO.TXT_1>

Document Produced Natively

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Jeanie S. Mamo/WHO /EOP@EOP [WHO] <Jeanie S. Mamo>
Sent: 5/9/2003 8:24:14 AM
Subject: : reminder for them: President's remarks on judges in North Carolina on October 24, 2002, and July 25, 2002

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-MAY-2003 12:24:14.00
SUBJECT:: reminder for them: President's remarks on judges in North Carolina on October 24, 2002, and July 25, 2002
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

October 24 Welcome Event
in Charlotte

And speaking about benches, another reason we need Elizabeth Dole in the Senate -- besides the fact that she's going to do a great job for North Carolina -- is I've got to have United States senators who will work with me to make sure our federal judiciary is strong. The record -- (interrupted by cheers, applause). I'm picking -- I'm picking good people to be judges -- good, solid, honorable people to be the judges on the federal judiciary; people who will strictly interpret the Constitution of the United States, not people who will use the bench to write new legislation. (Cheers, applause.)

And the record of this United States Senate is a lousy record! (Cheers, applause.) They have politicized the process. They have distorted the records of many of our good candidates we put forward. They're playing petty politics with the candidates that I put up there. We're not getting a hearing fast enough. The percentage of judges is the worst in modern history -- percentage of judges approved -- and that's not right.

Let me tell you about one -- Terry Boyle from North Carolina, I nominated for the Fourth Circuit Court. I nominated him a long while ago. He can't even get a hearing.

For the sake of a good, sound judiciary, we need to change the United States Senate, and it can start by electing Elizabeth Dole to the Senate. (Cheers, applause.)

July 25 Dinner for
Elizabeth Dole in Greensboro

You know else why I need Elizabeth Dole? I want my judges to get a fair hearing.

(APPLAUSE)

I nominate good people to serve on the bench -- good, qualified, distinguished Americans like Terry Boyle. I put his name out there...

(APPLAUSE)

I put his name out there 14 months ago. And he can't get a hearing.

I nominated a fabulous woman from Texas named Priscilla Owen, a great jurist, ranked at the highest rating by the ABA, ran twice statewide in Texas and won. And yet, when you listen to the rhetoric up there, it's all

politics in Washington, D.C. They're not willing to give these judges their fair shake in a fair do.

It's time to get the Senate in the hands of people who will approve the good jurists I send so we can have a federal bench that will not -- from which it will be -- will not legislate from, but will strictly interpret the Constitution of the United States of America.

(APPLAUSE)

From: CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/9/2003 4:28:21 AM
Subject: : FW: Joel Kaplan's Birthday

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 9-MAY-2003 08:28:21.00
SUBJECT:: FW: Joel Kaplan's Birthday
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

did you; know this??? it is TODAY.; i think we should take him to dinner on sunday night.;who else should be invited?; ;
;
;
-----Original Message-----
From: Kyle, Ross M.
Sent: Friday, May 09, 2003 8:23 AM
To: Gottesman, Blake; Estes, Ashley; Gambatesa, Linda M.; Riepenhoff, Allison L.; Hagin, Joseph W; Kupfer, Jeffrey F.; Mallea, Jose; Reynolds, Tim; Bennett, Melissa S.; McCormack, Brian V.; Field, Jennifer D.; Heiden, Debra; Barnett, Cheryl E.; Heishman, Jane C.; Gray, Ann ; Litkenhaus, Colleen; Arnold, Listi; Hughes, Taylor A.; Montgomery, Brian D.; Reese, Shelley; Falkenrath, Richard; Middlemas, A. Morgan; Miers, Harriet; Burks, Jonathan W.; Torgerson, Karin B.; Cleveland, Carolyn E.; Weinstein, Jared B.; Figg, Kara G.; Blakeman, Bradley A.; Ritacco, Krista L.; Bartlett, Daniel J.; DeFrancis, Suzy; Hobbs, David W.; Pelletier, Eric C.; Ingols, Adam B.; West, Christal R.; Douglas, Penny G.; Cabral, Raquel; Powell, Dina; Bumatay, Patrick J.; Nelson, Carolyn; Montiel, Charlotte L.; Ralston, Susan B.; Hager, Henry C; Hernandez, Israel; Rove, Karl C.; Vestewig, Lauren J.; Lefkowitz, Jay P.; Hennessey, Keith; Allgood, Lauren K.; Cooper, Jean; Friedman, Stephen; Gillmor, Eleanor L.; Spellings, Margaret M.; Lineberry, Laura E.; Gonzales, Alberto R.; Leitch, David G.; Thompson, Carol J.
Subject: Joel Kaplan's Birthday

Please join us to celebrate
;
Joel Kaplan's birthday
;
at 9:15 a.m.
;
in the Chief of Staff's office.

From: Estes, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/9/2003 8:28:56 AM
Subject: FW: Joel Kaplan's Birthday

did you know this??? it is TODAY. i think we should take him to dinner on sunday night. who else should be invited?

-----Original Message-----
From: Kyle, Ross M.
Sent: Friday, May 09, 2003 8:23 AM
To: Gottesman, Blake; Estes, Ashley; Gambatesa, Linda M.; Riepenhoff, Allison L.; Hagin, Joseph W; Kupfer, Jeffrey F.; Mallea, Jose; Reynolds, Tim; Bennett, Melissa S.; McCormack, Brian V.; Field, Jennifer D.; Heiden, Debra; Barnett, Cheryl E.; Heishman, Jane C.; Gray, Ann ; Litkenhaus, Colleen; Arnold, Listi; Hughes, Taylor A.; Montgomery, Brian D.; Reese, Shelley; Falkenrath, Richard; Middlemas, A. Morgan; Miers, Harriet; Burks, Jonathan W.; Torgerson, Karin B.; Cleveland, Carolyn E.; Weinstein, Jared B.; Figg, Kara G.; Blakeman, Bradley A.; Ritacco, Krista L.; Bartlett, Daniel J.; DeFrancis, Suzy; Hobbs, David W.; Pelletier, Eric C.; Ingols, Adam B.; West, Christal R.; Douglas, Penny G.; Cabral, Raquel; Powell, Dina; Bumatay, Patrick J.; Nelson, Carolyn; Montiel, Charlotte L.; Ralston, Susan B.; Hager, Henry C; Hernandez, Israel; Rove, Karl C.; Vestewig, Lauren J.; Lefkowitz, Jay P.; Hennessey, Keith; Allgood, Lauren K.; Cooper, Jean; Friedman, Stephen; Gillmor, Eleanor L.; Spellings, Margaret M.; Lineberry, Laura E.; Gonzales, Alberto R.; Leitch, David G.; Thompson, Carol J.
Subject: Joel Kaplan's Birthday

Please join us to celebrate

Joel Kaplan's birthday

at 9:15 a.m.

in the Chief of Staff's office.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Snee, Ashley>
Sent: 5/9/2003 8:50:46 AM
Subject: RE: Fact Sheet for Friday Morning

Don't know if this is too late, but we should use the same font throughout.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 08, 2003 11:21 PM
To: Gonzales, Alberto R.; Leitch, David G.
Subject: Fact Sheet for Friday Morning

fyi -- draft Fact Sheet.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/08/2003 11:20 PM ----------

From: Ashley Snee/WHO/EOP@Exchange on 05/08/2003 11:16:10 PM
Record Type: Record

To: Staff Secretary@EOP
cc: Lawrence A. Fleischer/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Fact Sheet for Friday Morning

Please put me down for the contact. Please send remarks by 9:30 AM ph: 62115 fax: 60126

Thank you! << File: judges 5 9 03 #2.doc >>

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>
Sent: 5/9/2003 9:00:10 AM
Subject: Specter

Senator Specter's proposal had no specific time frames but rather provided for Judiciary Committee Chair and Ranking Member to establish such time frames.

From: CN=Jenica Baldwin/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/9/2003 5:01:27 AM
Subject: : Re: Tomorrow
Attachments: P_6XIAG003_WHO.TXT_1.doc; P_6XIAG003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jenica Baldwin (CN=Jenica Baldwin/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-MAY-2003 09:01:27.00
SUBJECT:: Re: Tomorrow
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thank you!

Brett M. Kavanaugh
05/08/2003 09:46:53 PM
Record Type: Record

To: Jenica Baldwin/WHO/EOP@EOP
cc: charlotte l. montiel/who/eop@exchange@eop
bcc:
Subject: Re: Tomorrow

Not all of this would be necessary, but here it is for you to select from.

Jenica Baldwin 05/08/2003 06:32:01 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Charlotte L. Montiel/WHO/EOP@Exchange@EOP
Subject: Tomorrow

I am counting on you Brett, thank you for doing this. They just want to
hear generally about Judicial nominations- more Q&A than anything
Do you have a bio?

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_6XIAG003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_6XIAG003_WHO.TXT_2>

Brett M. Kavanaugh

Since January 2001, Brett Kavanaugh has served as Associate Counsel to President Bush in the office of Judge Alberto Gonzales, Counsel to the President.

Mr. Kavanaugh graduated from Yale College in 1987 and from Yale Law School in 1990. He clerked for Judge Walter Stapleton on the United States Court of Appeals for the Third Circuit and for Judge Alex Kozinski on the United States Court of Appeals for the Ninth Circuit. He worked in 1992-93 as an attorney in the Office of Solicitor General at the Department of Justice. Mr. Kavanaugh clerked for Justice Anthony M. Kennedy on the Supreme Court of the United States in 1993-94. After his clerkship with Justice Kennedy, Mr. Kavanaugh worked for the Office of Independent Counsel Kenneth W. Starr from 1994 to 1997 and again in 1998. Mr. Kavanaugh was a partner in the Washington office of Kirkland & Ellis from 1997 to 1998 and from 1999 to January 2001.

INVITATION TO SPEAK TODAY'S DATE: 04/30/2003

TO: Brett Kavanaugh
Special Assistant to the President
Associate Counsel

FROM: Lezlee Westine
Deputy Assistant to the President
Director of the Office of Public Liaison

REQUEST: White House Briefing for the Corporate Council on Africa and Liberty Education Forum

BACKGROUND:

Corporate Council on Africa:

The Corporate Council on Africa (CCA), established in 1992, is at the forefront of strengthening and facilitating the commercial relationship between the United States and the African continent. CCA works closely with governments, multilateral groups and business to improve the African continent's trade and investment climate, and to raise the profile of Africa in the US business community.

CCA programs are designed to bring together potential business partners and raise Africa's investment profile in the US by developing critical contacts and business relationships and providing a forum for the exchange of information and ideas.

Liberty Education Forum

Liberty Education Forum (LEF) was originally established to provide a non-partisan education and research component to complement the work of the Log Cabin Republicans. But with a full-scale launching on July 21, 2001, the Liberty Education Forum is a brand new educational think tank - based in Washington, D.C. - that is dedicated to new ideas and new directions for the gay community, with a centrist approach. The mission of the Liberty Education Forum is to work toward achieving individual freedom and fairness for gay Americans by applying the principles of individual rights, individual responsibilities, free markets and limited government.

The Log Cabin Republicans are a part of the White House Judicial Coalition as well as the AIDS Coalition.

DATE AND TIME: Friday, May 9. 2003
1:00 pm – 2:00 pm

LOCATION:	Old Executive Office Building, Room 474
SIZE AND TYPE OF AUDIENCE:	100 -125 members of the Corporate Council on Africa and the Liberty Education Forum.
PROPOSED OUTLINE OF EVENT:	Standard White House Briefing, Remarks and Question/Answer

1:00pm – 1:20pm Holly Kuzmich
1:20pm – 1:40pm Brett Kavanaugh
1:40pm – 2:00pm Joseph O'Neill
* Schedule open to Change*

MEDIA:	Closed
STAFF CONTACT:	Jenica Baldwin X66641

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 5/9/2003 9:47:47 AM
Subject: Have you proofed fact sheet?

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>
Sent: 5/9/2003 12:17:16 PM
Subject: Corporate Council on Africa

This is the group, I believe???

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/09/2003 12:17 PM ----------

Jenica Baldwin 05/05/2003 05:41:00 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Joseph F. O'Neill/OPD/EOP@EOP

cc:

Subject: Corporate Council on Africa

I am following up to see if you all are available to speak to the Corporate Council on Africa and Liberty Education Forum this Friday morning.

Please let me know,

Thank you.

From: Kavanaugh, Brett M.
To: <Mamo, Jeanie S.>;<Snee, Ashley>
Sent: 5/9/2003 12:23:13 PM
Subject: reminder for them: President's remarks on judges in North Carolina on October 24, 2002, and July 25, 2002

October 24 Welcome Event in Charlotte

And speaking about benches, another reason we need Elizabeth Dole in the Senate -- besides the fact that she's going to do a great job for North Carolina -- is I've got to have United States senators who will work with me to make sure our federal judiciary is strong. The record -- (interrupted by cheers, applause). I'm picking -- I'm picking good people to be judges -- good, solid, honorable people to be the judges on the federal judiciary; people who will strictly interpret the Constitution of the United States, not people who will use the bench to write new legislation. (Cheers, applause.)

And the record of this United States Senate is a lousy record! (Cheers, applause.) They have politicized the process. They have distorted the records of many of our good candidates we put forward. They're playing petty politics with the candidates that I put up there. We're not getting a hearing fast enough. The percentage of judges is the worst in modern history -- percentage of judges approved -- and that's not right.

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July 25 Dinner for Elizabeth Dole in Greensboro

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(APPLAUSE)

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(APPLAUSE)

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It's time to get the Senate in the hands of people who will approve the good jurists I send so

we can have a federal bench that will not -- from which it will be -- will not legislate from, but will strictly interpret the Constitution of the United States of America.

(APPLAUSE)

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/9/2003 12:46:08 PM
Subject: : RE: that is not funny

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 9-MAY-2003 16:46:08.00
SUBJECT:: RE: that is not funny
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tuesday 5-5:30 is the mtg. Judge's office.

Attendees: David, Judge, Brett, Brad, Dan Bartlett

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 09, 2003 4:12 PM
To: Montiel, Charlotte L.
Subject: Re: that is not funny

Tuesday afternoon.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/09/2003 03:32:47
PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: that is not funny

PLEASE tell me when you are available monday and tuesday.

From: Snee, Ashley
To: <Nelson, Carolyn>;<Kavanaugh, Brett M.>;<Bartlett, Daniel J.>;<Fleischer, Lawrence A.>;<Bartlett, Daniel J.>
Sent: 5/9/2003 1:11:12 PM
Subject: Fox News Today - OFF

Fox just called. We got bumped. They are instead going to be focusing on the President's commencement address. I told them they were obstructing the process of us getting our message out. They may still want to do next week. I'll keep you posted. Thanks

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/9/2003 2:00:29 PM
Subject: greenburg is here - sitting outside of my office

From: Snee, Ashley
To: <Kavanaugh, Brett M.>;<Grubbs, Wendy J.>
Sent: 5/9/2003 2:02:20 PM
Subject: FW: Judges Rule Change
Attachments: Floor Statement ML.wpd

I'm assuming you guys got this - but just in case.

-----Original Message-----
From: Wichterman, Bill (Frist) [mailto:Bill_Wichterman@frist.senate.gov]
Sent: Friday, May 09, 2003 10:43 AM
Subject: Judges Rule Change

This morning, Senate Majority Leader Bill Frist made the below statement on the Senate Floor proposing a rules change on the judicial nominations process. Also, attached is a link to the Matt Drudge story.

Bill Wichterman
Policy Advisor
Senate Majority Leader's Office
S-230 U.S. Capitol
Washington, DC 20510
202-224-3135

http://drudgereport.com

Mr. President:

With regret but determination, and along with my Senate colleague, I introduce today a resolution to amend the Senate Rules. This amendment will change the way the Senate concludes debate on Presidential nominees. No longer will it be necessary to overcome a 60 vote barrier before Senators can exercise their power to consent to a nomination.

Five months into the 108th Congress, we confront multiple filibusters of highly qualified and intellectually superior judicial nominees, filibusters that are unfair to the nominees, unfair to the President, and unfair to the majority of Senators who stand ready to confirm them. I fully respect and honor the views of any Senator who differs with my assessment on the quality of these nominations, and think if he or she finds those nominees unfit for any reason, they should vote to reject. Because they have chosen to filibuster, they deny the Senate and each

Senator the right to vote at all.

The remedy, Mr. President, is filibuster reform. Over time, many Democrats as well as many Republicans have proposed changes to introduce greater fairness in the Senate rules, and it is to those proposals I have looked in crafting this resolution.

Mr. President, my proposal is similar to S. Res. 85,introduced in March by my distinguished Democratic colleague from Georgia, Senator Zell Miller. It also tracks a recommendation offered in 1995 by the distinguished Democratic Senators from Iowa and Connecticut, Tom Harkin and Joe Lieberman. Both the Harkin-Lieberman and Miller resolutions provide for declining cloture requirements of 60,57, 54, and 51 on successive cloture motions. They represent a wholesale reform of the cloture rule, applying to every debatable proposition.

My resolution, by contrast, is more narrowly tailored to respond to the problem at hand. It applies to nominations alone, and leaves the rest of Rule XXII unamended. It addresses only a defect that needs repair. There are other differences, however minor, from these other cloture reform efforts. Unlike those proposals, mine would not allow a cloture motion to be filed until a nomination has been pending before the Senate for at least 12 hours. This provision tracks language that the distinguished Democratic Leader inserted in S. Res. 8, the power sharing resolution he introduced in the last Congress. I share his purpose to ensure there exists an adequate foundation of debate before cloture can be sought.

My resolution also provides for a step below the constitutional majority of 51 votes on the fourth cloture attempt. Under my proposal, further cloture motions will require a majority of all Senators present and voting. This provision is included in response to colleagues who believe that supermajority voting requirements on nominations are unconstitutional. If

95 Senators are present, a 51 vote threshold is still a supermajority.

Cloture by a majority of Senators present and voting has deep historical roots among Senate Democrats. In past years, such a change was offered by eminent and distinguished Senators such as Hubert Humphrey of Minnesota, Paul Douglas of Illinois, and Wayne Morse of Oregon, and these Senators proposed to reach all Senate debate, not just nominations.

Under these new procedures, cloture cannot be precipitously invoked. Not only is there a 12 hour waiting period, the resolution tracks a provision from the Harkin-Lieberman and Miller initiatives that one cloture motion cannot be filed until disposition of a prior cloture vote. This is contrary to the present operation of Rule XXII, which permits multiple cloture motions to be advanced without waiting for the outcome of a cloture motion previously filed. Between the time a nomination is brought to the floor and the moment it can be confirmed by a simple majority vote, the elapsed time would be 13 session days.

Mr. President, I have stated that I regret having to introduce this resolution. The right to debate is not unlimited but it is precious and important. My first vote as a Senator was to table the Harkin-Lieberman resolution in 1995, even though I was a freshman in a newly elected majority and the cloture amendment they proposed would have advantaged our party. By contrast, nine Democratic Senators now sitting voted in favor of the sweeping Harkin-Lieberman reform. Will they now support this narrow remedy?

I was presiding when the distinguished Democratic Senator from West

Virginia, Robert C. Byrd took to the floor to contend that Harkin-Lieberman was unnecessary because it was primarily aimed at controlling filibusters on motions to proceed. No need to change the rules, said the Senator, because a Leader could avoid such filibusters by offering non-debatable motions in the Morning Hour. The Senator did not argue the absence of a problem, but rather the presence of an alternative solution, a safety valve, so further limiting of debate was not required.

I was persuaded by his logic. I opposed then, and would oppose now, a comprehensive change in rules governing Senate debate.

In the case of nominations, Mr. President, the safety valve of an alternative solution is not as readily at hand. Under existing cloture rules, the filibuster of a nomination is the last word and it is fatal.

Filibustering nominations is a relatively new phenomenon, even as to nominees for the Executive Branch, and it has emerged in this Congress as a particular problem relative to federal judges. Prior to this year, the record number of cloture votes on any nominee was three, and on a judicial nominee, the record was two. Already, we have had six cloture votes on the nomination of Miguel Estrada to the D.C. Circuit Court of Appeals, two cloture votes on the nomination of Priscilla Owen to the Fifth Circuit Court of Appeals, and threats from the minority of additional filibusters on other nominees. We have entered upon a new era, damaging to the Senate as an institution, where a majority will be denied its right to consent to a nomination because a minority will filibuster to hold that nomination hostage. The need to reform the filibuster on nominations is obvious and it is now urgent.

Many will contend that the Senate should not rubber stamp Presidential appointments. I fully concur. The Senate's responsibility under Article II to advise and consent is critical to maintaining the checks and balances of our

constitutional system. For reasons sufficient unto itself, the Senate may reject any nominee. Brought forward to a vote, the Supreme Court nominations of Clement Haynsworth, G. Harrold Carswell, and Robert Bork all failed on the Senate floor, and not by filibuster. Scholars may argue whether these nominees should have been turned aside, but no one can dispute the Senate's right to reject them. The Senate's constitutional role must never be diminished.

In the case of Miguel Estrada and Priscilla Owen, it is plain that the votes to confirm are present. But the votes to confirm cannot be taken, because these debates have been tainted by filibuster. Without filibuster reform, a disciplined minority can cast an ever lengthening shadow over the confirmation process. Through reform, we will respect the right of all Senators to act upon a nomination brought to the floor. In doing this, we will strengthen the Senate as an institution and enhance its constitutional purpose.

Mr. President, it is unfortunate we have come to this point. I would have far preferred that nominations be given a floor vote after full and free debate. As the filibuster strategy emerged, I tried many times without success to secure agreements to vote at a time certain. Wanting to respect minority rights and, indeed, the rights of all Senators, I withheld filing for cloture until the Estrada nomination had been pending for 13 session days.

But just as I act with regret, I act with determination. For almost all our nation's history, filibustering nominations was unheard of and unknown. It was unknown when the cloture rule was adopted in 1917. It was unknown when the rule was extended to nominations in 1949. The renowned filibusters of the 1950's and 1960's never involved filibustering a judge. Senator Richard Russell of Georgia led those filibusters, but even in the face of growing judicial activism, neither he nor his allies ever filibustered a judge. Obviously, some respected traditions have changed.

Senate rules are not immutable. Senate norms have altered over time, and
our rules have changed in response. The initial cloture rule of 1917 was a reaction to cumulative and growing consternation over years of uncontrolled filibusters. The 1949 expansion reflected frustration that the original rule

was too narrow, and applied only to pending measures. In 1959 and 1975, the rule was amended because the hurdle for cloture was thought to be too high. In 1979, Senator Byrd successfully amended the rule to eliminate the abuse of the post-cloture filibuster.

Before the practice of filibustering nominations takes deeper root, and damages the Senate even more, it is time to amend our rules again. I act now as a first step to ensure we have a confirmation process that is fair to nominees, fair to the President, and fair to all Senators. If we achieve that, we will also be fair to the American people.

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REV_00117930

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REV_00117931

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REV_00117932

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REV_00117933

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REV_00117934

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REV_00117935

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REV_00117936

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REV_00117937

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REV_00117938

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 5/9/2003 2:43:13 PM
Subject: Can we get transcript of sticks. The zell miller quote was priceless.

.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 5/9/2003 3:00:55 PM
Subject: interesting tidbt from ny times web site story

The president shrewdly alluded to the fact that Democratic presidents have also had their problems getting nominees confirmed. "During the administration of former Presidents Bush and Clinton," Mr. Bush said, "many appeals court nominees never received votes. And today the situation is worse than ever, making the need for reform greater than ever."

From: Gonzales, Alberto R.
To: <Kavanaugh, Brett M.>;<Leitch, David G.>;<Nelson, Carolyn>
Sent: 5/9/2003 3:24:54 PM
Subject: RE: NARA REMARKS FOR THE JUDGE

Well, why don't you do the speech? The questions and answers .....brother.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 09, 2003 3:14 PM
To: Gonzales, Alberto R.; Leitch, David G.; Nelson, Carolyn
Subject: NARA REMARKS FOR THE JUDGE

I cannot believe I suggested this.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/09/2003 03:14 PM ----------

From: Carolyn Nelson/WHO/EOP@Exchange on 05/09/2003 03:14:58 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: NARA REMARKS FOR THE JUDGE

remarks from 8:45-9:30 (including 10 mins Q&A), Tuesday, May 13

"....audience would be interested in hearing your thoughts about the importance of records in both documenting the decisions and actions of the federal government as well as providing an historical legacy for future generations."

Have fun!!!!

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 5/9/2003 3:32:47 PM
Subject: that is not funny

PLEASE tell me when you are available monday and tuesday.

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 5/9/2003 4:46:27 PM
Subject: RE: that is not funny

Tuesday 5-5:30 is the mtg. Judge's office.

Attendees: David, Judge, Brett, Brad, Dan Bartlett

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 09, 2003 4:12 PM
To: Montiel, Charlotte L.
Subject: Re: that is not funny

Tuesday afternoon.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/09/2003 03:32:47 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: that is not funny

PLEASE tell me when you are available monday and tuesday.

From: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>
To: <Kavanaugh, Brett M.>;KRdaly@aol.com <KRdaly@aol.com>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;KRdaly@aol.com <Grubbs, Wendy J.>;KRdaly@aol.com <Snee, Ashley>;KRdaly@aol.com <Viana, Mercedes M.>
Sent: 5/9/2003 5:20:32 PM
Subject: Speech needed

Can someone please send me the Bush speech? And any support for the facts and figures, tps, etc.

From: Hager, Henry C
To: <Kavanaugh, Brett M.>
Sent: 5/9/2003 5:46:12 PM
Subject: two things

hey just following up on:
1) Video for Heroes and Legends of the Texas Cemetery
2) Center for Democracy request that arrived interoffice with Iz suggesting declined. He wanted your opinion before sending back to scheduling.

thanks man

From: Hager, Henry C
To: <Kavanaugh, Brett M.>
Sent: 5/9/2003 6:22:22 PM
Subject: RE: two things

Great, thanks

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 09, 2003 6:15 PM
To: Hager, Henry C; Kavanaugh, Brett M.
Subject: Re: two things

Ok on 1 and agree with Iz on 2.

.

----- Original Message -----
From:Henry C Hager/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 05/09/2003 05:46:12 PM
Subject: two things

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1) Video for Heroes and Legends of the Texas Cemetery
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From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 5/10/2003 8:17:44 AM
Subject: Today's Post Article on Speech

Two things of note. First, it says that the President asserted the Senate has a constitutional duty to hold an up or down vote on all noms "regardless of whether the Judiciary Committee supported them." Don't know where that's coming from. Second, it says Dems have accused us of not sending the Committee adequate background materials on noms. That's a new one to me. Is that so?

.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>;<Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 5/10/2003 10:46:18 AM
Subject: Re: Today's Post Article on Speech

On number 2 that is referring to SG memos issue it appears.

.

----- Original Message -----

From:David G. Leitch/WHO/EOP@Exchange

To:Alberto R. Gonzales/WHO/EOP@Exchange,

Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 05/10/2003 08:17:44 AM

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.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: David B. Rachelson/WHO/EOP@EOP [WHO] <David B. Rachelson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/11/2003 2:03:46 PM
Subject: : Raleigh News & Observer (5/10/03) re: Dole highlights Edwards' block of judicial nominee

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-MAY-2003 18:03:46.00
SUBJECT:: Raleigh News & Observer (5/10/03) re: Dole highlights Edwards' block of judicial nominee
TO:David B. Rachelson (CN=David B. Rachelson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Saturday, May 10, 2003 6:07AM EDT

Dole highlights Edwards' block of judicial nominee

By JOHN WAGNER, Washington Correspondent

WASHINGTON -- U.S. Sen. Elizabeth Dole on Friday tried to publicly pressure U.S. Sen. John Edwards to let the Senate consider a judicial candidate from North Carolina whose nomination has languished for two years.

Dole, a Republican, sent a letter to Edwards, a Democrat, and later held a conference call with reporters to highlight the plight of U.S. District Court Judge Terrence Boyle, whom President Bush nominated to the U.S. 4th Circuit Court of Appeals in May 2001.

Edwards has refused to return a "blue slip" that would allow the Senate Judiciary Committee to convene a hearing on Boyle's nomination. Dole's Republican predecessor, U.S. Sen. Jesse Helms, employed the same tactic during the Clinton Administration to block a string of Democratic nominees from his home state.

"I'm calling on my colleague and friend to return the blue slips," Dole said. "It's time for the cycle of blame and recriminations to end."

Feuding between North Carolina's senators has kept the state from having a single judge on the 15-member panel since 1999. The 4th Circuit, which hears appeals from five Southeastern states, is the last stop for federal cases before they reach the U.S. Supreme Court.

Boyle is now one of two pending nominees from North Carolina. Last month, Bush nominated Raleigh lawyer Allyson Duncan to the 4th Circuit as well.

Edwards spokes-man Mike Briggs urged "quick action" by the Senate on the Duncan nomination. Though Duncan is a Republican, he said Edwards considers her "a consensus nominee."

Dole, however, said she thinks Boyle should get a hearing first because he was nominated first.

Dole said the federal judiciary is facing a "vacancy crisis" created by "a handful of Democratic senators for political and partisan reasons."

But when asked about Helms' actions during the Clinton administration, she declined several times to characterize them.

Briggs noted Friday that in a previous letter to Dole, Edwards proposed setting up a bipartisan commission to recommend judges from North Carolina. Dole did not accept the proposal.

Politics - John Edwards

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: David B. Rachelson/WHO/EOP@EOP [WHO] <David B. Rachelson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/11/2003 2:13:30 PM
Subject: : Charlotte Observer (5/10/03) re: GOP senators try to free jam of judge nominees

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-MAY-2003 18:13:30.00
SUBJECT:: Charlotte Observer (5/10/03) re: GOP senators try to free jam of judge nominees
TO:David B. Rachelson (CN=David B. Rachelson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Posted on Sat, May. 10, 2003

GOP senators try to free jam of judge nominees

Bush, Dole have had enough of what they see as stalling tactics

TIM FUNK
Observer Washington Bureau

WASHINGTON - Frustrated by Democrats blocking of votes on key conservative judicial nominations, President Bush, Sen. Elizabeth Dole and GOP Senate leaders went on the offensive Friday in hopes of ending what Bush called the "obstructionist tactics of a small group of senators."

One of their targets: Sen. John Edwards, D-N.C., who has been standing in the way of Senate consideration of North Carolina's Terrence Boyle, a onetime legislative assistant to former N.C. Sen. Jesse Helms whose nomination to the 4th U.S. Circuit Court of Appeals has been languishing for years.

On Friday, Dole, R-N.C., said she had sent a letter to Edwards asking that he return the "blue slip" for Boyle -- Senate lingo for telling the Judiciary Committee to go ahead with a hearing and vote on a judicial nomination from the senator's home state.

"Our country deserves better than petty politics, and it's time for a bipartisan solution," Dole told N.C. reporters, adding that years of "blame and recriminations" have left the 16-member federal appeals court in Richmond, Va., without a judge from North Carolina even though it's the biggest state in the circuit.

Edwards was in Atlanta campaigning for president Friday, but his Senate office issued a statement saying there was a bipartisan solution: Go forward now with "consensus nominee" Allyson Duncan, a former state appeals court judge in Raleigh who was nominated to the 4th Circuit by President Bush last month.

"(Edwards) looks forward to quick action on her nomination," the statement

said.
But Dole insisted again Friday that judicial candidates deserve hearings in the order they were nominated. That position, coupled with Edwards' continuing opposition to Boyle, left little prospect Friday that either N.C. nomination would move ahead without further negotiations.
Boyle, 57, who is now a U.S. district judge in Elizabeth City, was first nominated to the 4th Circuit Court in 1991. When Democrats blocked his path then, Helms retaliated throughout the 1990s by vetoing four N.C. nominations to the 4th Circuit offered by President Clinton.
Boyle's name was re-submitted on May 9, 2001 -- exactly two years ago Friday -- as one of President Bush's first 11 nominees to the federal appeals court. Besides Boyle, that initial batch of nominees included Miguel Estrada and Priscilla Owen.
Both are still awaiting floor votes as Democratic senators continue to filibuster their nominations to, respectively, the U.S. Court of Appeals for the District of Columbia and the 5th U.S. Circuit Court of Appeals in New Orleans.
Those filibusters were the focus of a coordinated campaign attack by Bush, his Senate allies and even Republican Party offices around the country, who dubbed Friday "Democrat Obstruction Day" in a flurry of e-mails to reporters.
Senate Majority Leader Bill Frist, R-Tenn., kicked off the offensive by introducing a bill that would force a vote on a judicial nomination within two weeks. Then, if the filibuster survived three votes, only 51 votes would be needed to end it on the fourth tally.
Next up was Bush, who gave a Rose Garden speech to an audience of lawyers from around the country. Among the North Carolinians on hand: N.C. Supreme Court justices I. Beverly Lake Jr. and Bob Orr; Jeff Hunt, the Hendersonville-based president-elect of the N.C. Conference of District Attorneys; and A.P. Carlton of Raleigh, president of the American Bar Association, the group that rates the qualifications of judicial candidates.
Later, Hunt, a Republican, said the slowdown in confirming federal appeals court judges has created a crisis situation in North Carolina, where drug cases are often handled in federal rather than state courts.
But Carlton, a Democrat, said that the Senate has been moving quickly on nominations other than some of those for the federal appeals court. "We're close to an all-time low on (overall federal judicial) vacancies," he said.
What could undercut the Republicans' offensive is their own history when Democrats held the White House -- and judicial appointments -- under Clinton.
Despite Friday's claims of crisis, Helms said as recently as 2001 he agreed with a statement by 4th U.S. Circuit Court of Appeals Judge J. Harvie Wilkinson that the court did not need another judge.
And then there are those Clinton nominations blocked by Helms.
Asked about those Friday, Dole said, "I'm not going to go back over past history about Senator Helms. This is a new Congress, a new day."

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/11/2003 2:27:24 PM
Subject: : AP (5/9/03) re: Dole, Edwards feuding over judicial nominations

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-MAY-2003 18:27:24.00
SUBJECT:: AP (5/9/03) re: Dole, Edwards feuding over judicial nominations
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Fri May 9, 2003 18:02 EDT

Dole, Edwards feuding over judicial nominees
SCOTT MOONEYHAM
Associated Press Writer

RALEIGH, N.C. (AP) _ North Carolina's two U.S. senators are feuding over appointments to the federal judiciary, just months after pledging to cooperate on the issue.
Republican Sen. Elizabeth Dole sent a letter to Democratic Sen. John Edwards on Friday urging him to allow hearings to proceed on judicial nominees, particularly those to the 4th U.S. Circuit Court of Appeals.
``There is no question that when North Carolina has the largest population in the circuit and we don't have a single person on the court, something is wrong,'' Dole said.
Dole's letter and comments came as Senate Majority Leader Bill Frist on Friday proposed changing Senate rules that for 28 years has allowed parliamentary tactics to block nominations. Democrats responded that the Senate has approved 124 of Bush's 126 judicial nominations that have reached the chamber's floor.
In North Carolina, Edwards has blocked the nomination of Terrence Boyle of Edenton, chief judge of the District Court for Eastern North Carolina, since 2001.
Prior to Bush's election, former Sen. Jesse Helms blocked North Carolina nominees to the court made by President Clinton.
The disputes have left the 15-member court with no North Carolina judges since 1999. The court has three vacancies.
During a news conference held by telephone, Dole said Friday it was time to stop the partisan maneuvering over judicial nominees. She said the disagreements ``weaken the federal judiciary and endanger the administration of justice.''
``I just think it is time for the cycle of blame and recriminations to end,'' Dole said.
Through a spokesman, Edwards responded that he had worked with Bush and Dole to reach consensus on one nominee to the federal appeals court, Raleigh lawyer Allyson Duncan.
``Senator Edwards believes we need a bipartisan process to get mainstream consensus nominees for the federal bench,'' the spokesman said.
The Republican leadership has held up a hearing on Duncan's nomination, pushing first for a hearing for Boyle.
Dole said she believed that the nominees deserved hearings in the order in which they were nominated.
Besides Boyle and Duncan, Bush also nominated former Helms aide Claude Allen, a top official at the U.S. Department of Health and Human Services who now lives in Virginia.
Under Senate traditions and rules, senators can hold up judicial nominees from their home state by blocking a hearing before the Senate Judiciary Committee.

Edwards is a member of the judiciary committee, giving him more power to block Bush nominees.

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Dole eventually rejected the proposal, saying it was the responsibility of elected officials, not the bar association, to manage the nomination process.

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``The proper place to stop a nominee is on the Senate floor by convincing enough senators that the nominee should not be confirmed. Regardless of the outcome, every nominee deserves the courtesy of a vote,'' she said.

Democrats, though, have responded that Republicans are trying to force them to rubber stamp Bush's nominees.

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>;<Johnson, Collister W.>;<Rachelson, David B.>
Sent: 5/11/2003 6:09:25 PM
Subject: Charlotte Observer (5/10/03) re: GOP senators try to free jam of judge nominees

Posted on Sat, May. 10, 2003

GOP senators try to free jam of judge nominees

Bush, Dole have had enough of what they see as stalling tactics

TIM FUNK

Observer Washington Bureau

WASHINGTON - Frustrated by Democrats blocking of votes on key conservative judicial nominations, President Bush, Sen. Elizabeth Dole and GOP Senate leaders went on the offensive Friday in hopes of ending what Bush called the "obstructionist tactics of a small group of senators."

One of their targets: Sen. John Edwards, D-N.C., who has been standing in the way of Senate consideration of North Carolina's Terrence Boyle, a onetime legislative assistant to former N.C. Sen. Jesse Helms whose nomination to the 4th U.S. Circuit Court of Appeals has been languishing for years.

On Friday, Dole, R-N.C., said she had sent a letter to Edwards asking that he return the "blue slip" for Boyle -- Senate lingo for telling the Judiciary Committee to go ahead with a hearing and vote on a judicial nomination from the senator's home state.

"Our country deserves better than petty politics, and it's time for a bipartisan solution," Dole told N.C. reporters, adding that years of "blame and recriminations" have left the 16-member federal appeals court in Richmond, Va., without a judge from North Carolina even though it's the biggest state in the circuit.

Edwards was in Atlanta campaigning for president Friday, but his Senate office issued a statement saying there was a bipartisan solution: Go forward now with "consensus nominee" Allyson Duncan, a former state appeals court judge in Raleigh who was nominated to the 4th Circuit by President Bush last month.

"(Edwards) looks forward to quick action on her nomination," the statement said.

But Dole insisted again Friday that judicial candidates deserve hearings in the order they were nominated. That position, coupled with Edwards' continuing opposition to Boyle, left little prospect Friday that either N.C. nomination would move ahead without further negotiations.

Boyle, 57, who is now a U.S. district judge in Elizabeth City, was first nominated to the 4th Circuit Court in 1991. When Democrats blocked his path then, Helms retaliated throughout the 1990s by vetoing four N.C. nominations to the 4th Circuit offered by President Clinton.

Boyle's name was re-submitted on May 9, 2001 -- exactly two years ago Friday -- as one of President Bush's first 11 nominees to the federal appeals court. Besides Boyle, that initial batch of nominees included Miguel Estrada and Priscilla Owen.

Both are still awaiting floor votes as Democratic senators continue to filibuster their nominations to, respectively, the U.S. Court of Appeals for the District of Columbia and the 5th U.S. Circuit Court of Appeals in New Orleans.

Those filibusters were the focus of a coordinated campaign attack by Bush, his Senate allies and even Republican Party offices around the country, who dubbed Friday "Democrat Obstruction Day" in a flurry of e-mails to reporters.

Senate Majority Leader Bill Frist, R-Tenn., kicked off the offensive by introducing a bill that would force a vote on a judicial nomination within two weeks. Then, if the filibuster survived three votes, only 51 votes would be needed to end it on the fourth tally.

Next up was Bush, who gave a Rose Garden speech to an audience of lawyers from around the country. Among the North Carolinians on hand: N.C. Supreme Court justices I. Beverly Lake Jr. and Bob Orr; Jeff Hunt, the Hendersonville-based president-elect of the N.C. Conference of District Attorneys; and A.P. Carlton of Raleigh, president of the American Bar Association, the group that rates the qualifications of judicial candidates.

Later, Hunt, a Republican, said the slowdown in confirming federal appeals court judges has created a crisis situation in North Carolina, where drug cases are often handled in federal rather than state courts.

But Carlton, a Democrat, said that the Senate has been moving quickly on nominations other than some of those for the federal appeals court.

"We're close to an all-time low on (overall federal judicial) vacancies," he said.

What could undercut the Republicans' offensive is their own history when Democrats held the White House -- and judicial appointments -- under Clinton.

Despite Friday's claims of crisis, Helms said as recently as 2001 he agreed with a statement by 4th U.S. Circuit Court of Appeals Judge J. Harvie Wilkinson that the court did not need another judge.

And then there are those Clinton nominations blocked by Helms.

Asked about those Friday, Dole said, "I'm not going to go back over past history about Senator Helms. This is a new Congress, a new day."

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 5/11/2003 6:25:02 PM
Subject: AP (5/9/03) re: Dole, Edwards feuding over judicial nominations

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From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 5/12/2003 3:18:49 AM
Subject: :
Attachments: P_AEYBG003_WHO.TXT_1.gif; P_AEYBG003_WHO.TXT_2.gif

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CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
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SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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End Original ARMS Header

More on Kuhl and Holmes:
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May 12, 2003

Judges Beyond the Pale

By BOB HERBERT

few years ago Azucena Sanchez-Scott, a resident of Los Angeles, underwent chemotherapy for breast cancer. On one occasion a man she had never seen before joined her doctor in the examination room.

The doctor said the man would be observing the examination. The doctor told Ms. Sanchez-Scott to undress to the waist and lie down on the examination table with her feet in the stirrups. The other man watched as the doctor examined her upper body.

According to court papers, "During the examination [Ms. Sanchez-Scott] began to feel extremely hot and flushed." She took a pocket fan from her purse and, her distress increasing, began to fan herself.

The doctor took the fan from her and gave it to the other man. The stranger began fanning the patient and both men began to laugh. Ms. Sanchez-Scott tried to take the fan back, but the stranger would not relinquish it.

Ms. Sanchez-Scott dressed as quickly as she could when the examination ended. She later learned that the stranger was not a medical person. He was a drug company salesman.

Ms. Sanchez-Scott went to court, asserting that her privacy had been violated. A judge, Carolyn Kuhl, dismissed the case. She ruled that because Ms. Sanchez-Scott had not openly objected to the man's presence in the examination room, she lost whatever right to privacy she may have had. In Judge Kuhl's view, at least from a legal standpoint, this humiliation of a seriously ill woman in the supposed sanctity of her doctor's office was quite O.K.

A three-judge Court of Appeals panel disagreed and unanimously overturned Judge Kuhl's ruling. The opinion stated emphatically: "A breast cancer patient who goes into an oncologist's office to be examined does not, nor should she, take a risk that what goes on in the examination room will be seen or heard by anyone other than medical personnel."

President Bush does not appear to be troubled by Carolyn Kuhl's way-out-of-the-mainstream judgment in this case, and in a number of others. He's nominated her to a seat on the Ninth Circuit Court of Appeals, which is one step down from the Supreme Court.

As a Justice Department lawyer in the Reagan administration, Ms. Kuhl aggressively argued for a return to the good old days before the Supreme Court's Roe v. Wade abortion decision. She co-wrote a Supreme Court brief that said Roe was "so far flawed that this court should overrule it and return the law to the condition in which it was before that case was decided."

Last week the Republican-controlled Senate Judiciary Committee, in a strict 10-to-9 party-line vote, sent Judge Kuhl's nomination to the Senate floor. Democrats are fighting the nomination as part of their thankless task of trying to block at least the worst of Mr. Bush's judicial appointments.

Senator Charles Schumer, a Democrat from New York who is on the Judiciary Committee, has been trying (along with many others) to sound the alarm about the succession of ideologues and extremists that the president has been attempting to install in the courts. During an interview last week, he discussed several "troubling" nominations, including that of James Leon Holmes to a federal judgeship in Arkansas.

Mr. Holmes has a problem with women. He doesn't see them as equals. "The wife is to subordinate herself to her husband," he has written. The woman, in Mr. Holmes's view, "is to place herself under the authority of the man."

Those who adopt the "feminist principle" of the equality of the sexes, he has said, "are contributing to the culture of death."

Mr. Holmes, a lawyer, is an absolute opponent of abortion, even in cases of rape. He once said that "conception from rape occurs with approximately the same frequency as snowfall in Miami."

He has since expressed regret for that remark.

"Even assuming they want to nominate conservative Republicans," said Senator Schumer, "can't they do better than these nominations? This president has selected judges through an ideological prism to a far greater extent than any other president in history."

The fight over the most extreme of President Bush's judicial nominations is not a fight against his right to appoint conservatives to the bench. It's a fight to keep the courts within some kind of boundary that is reasonably close to the mainstream of American life.;

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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AEYBG003_WHO.TXT_2>

The New York Times
nytimes.com

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From:	Leitch, David G.
To:	<Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent:	5/12/2003 7:19:27 AM
Subject:	
Attachments:	a.gif; logoprinter.gif

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The New York Times
nytimes.com

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From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 5/12/2003 7:28:19 AM
Subject: From the Hattiesburg American

Pickering is good man, fine jurist

Give Judge Charles Pickering a fair hearing.

This is our plea to members of the U.S. Senate Judiciary Committee.

Pickering, who is President Bush's nominee to the U.S. 5th Circuit Court of Appeals in New Orleans, is tentatively scheduled to meet with the committee some time before Memorial Day.

Liberal Democrats on the committee blocked Pickering's confirmation last year. And if recent judiciary proceedings are any indication of what might befall the nominee, Pickering could be in for another rough ride.

This would be unfortunate - and highly unfair.

The nominee is a skilled jurist and a man of character.

Whether he is confirmed or not, Pickering deserves what every judicial nominee is entitled to: A fair, impartial hearing.

Liberals Democrats have twisted Pickering's record and a few of his legal decisions to suit their political biases. In recent weeks, they've used this modus operandi to sack two of the president's other judicial appointees: Texas Judge Priscilla Owen to the U.S. 5th Circuit Court of Appeals, and Hispanic lawyer Miguel Estrada to the U.S. Court of Appeals for the District of Columbia.

Pickering's opponents have attempted to portray the judge as a racist. (Case in point: Pickering's opponents cite the judge's "lenient" decision in a cross-burning case as evidence. Pickering says he reduced the sentence for a man convicted of cross burning because others involved in the case received lighter sentences.)

Pickering is not a racist.

In fact, nothing could be further from the truth.

And let it be noted that some key members of Mississippi's African American community who have studied Pickering's record and his character concur with this conclusion.

Just last week, state Rep. Phillip West, D-Natchez, the head of the 45-member Mississippi Legislative Black Caucus, created a stir when he reversed his previous position and threw his support behind Pickering - a decision that puts West at odds with the black caucus, which opposes the Pickering nomination.

"He struck me as a sincere person," said West.

Others who've given Pickering a fair hearing have reached a similar conclusion.

Unfortunately, the liberal bias against the conservative Pickering is already rearing its ugly head - even in the media.

Last week, George Clark, the Hattiesburg American's chief photographer, was contacted by representatives at the New York Times, the Washington Post, the Los Angeles Times and other media outlets.

Each of these publishing giants sought the same thing - a photograph of the cross-burning incident cited above.

When Clark told them the Hattiesburg American didn't have a photograph of the cross-burning incident - but that we did have other file art of Pickering - they told him "thanks but no thanks."

Apparently the cross-burning case, the facts of which liberals have skewed to fit their presuppositions and validate their conclusions, constitutes the sine qua non ("without which there is none") of their interest in the nominee.

Why didn't these media outlets ask whether the American had any file art of Pickering testifying against Ku Klux Klansman Sam Bowers in 1968? Or of Pickering's efforts as a state lawmaker to bring about racial reconciliation in Mississippi?

Alas, we already know the answer to these questions.

Give Pickering a fair hearing.

To do anything less would be an injustice to a good and decent man.

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 5/12/2003 7:36:59 AM
Subject: Report on Estrada considering withdrawal

Miguel Estrada Wants Name Withdrawn From Nomination, CNBC Says

By Patricia Azer

Washington, May 9 (Bloomberg) -- Miguel Estrada has ``raised the possibility'' with the White House of withdrawing his name from the appeals court nomination, financial news network CNBC reported, citing unidentified people close to Estrada.

Estrada, President George W. Bush's choice for a federal judgeship, will likely not withdraw his name because the White House ``would like to continue the fight to break that Democratic filibuster threat up on Capitol Hill,'' CNBC said.

(CNBC 5-9)

From:	Bartolomucci, H. Christopher
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>; <Ullyot, Theodore W.>
Sent:	5/12/2003 7:43:47 AM
Subject:	Sen. Breaux remarks on filibustered judicial nominees

From Fox News Sunday:

HUME: Let's concede that point. Presumably, you don't think these two should be filibustered endlessly and then blocked by a filibuster?

BREAUX: I think eventually we should vote on it, and I think eventually we will.

HUME: You think eventually they'll both get an up or down vote?

BREAUX: I think eventually they'll both get an up or down vote.

From: CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/12/2003 4:18:30 AM
Subject: : FW: AP - Daschle: Not All Judge Picks Merit Vote

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
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CREATION DATE/TIME:12-MAY-2003 08:18:30.00
SUBJECT:: FW: AP - Daschle: Not All Judge Picks Merit Vote
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

when will you fill out your paperwork?
-----Original Message-----
From: Bravo, Brian
Sent: Monday, May 12, 2003 8:17 AM
Subject: AP - Daschle: Not All Judge Picks Merit Vote

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Democrats have held up votes on two of President Bush's picks, leading majority Republicans to propose last week a change in Senate rules to restrict the use of delaying tactics to block nominations.

In theory and practice, senators should have the chance to cast a direct vote on all nominees for the federal bench, said Daschle, D-S.D.

"That should be the rule but sometimes there are ... exceptions to the rule," he said. "There are extreme cases when extreme judges deserve no more than a cloture vote and these two cases fit that category."

A cloture vote is one to end debate and move to an immediate vote. Under current Senate rules, it takes 60 votes to end a filibuster blocking final action on legislation or a nomination.

Republicans have failed to reach that number in six cloture votes on appeals court nominees Miguel Estrada and two on Priscilla Owen, both opposed by Democrats for what they say is their conservative judicial activism.

"We have made all kinds of offers to the administration on Judge Estrada. If he just fills out his job application, there would be no filibuster," Daschle said on NBC's "Meet the Press."

"He refuses to do it. You wouldn't hire somebody that wouldn't fill out their job application. It's unprecedented that he would deny us the right to the information that so many of his predecessors have provided."

President Bush last week deplored the delays, saying the current Senate process was "a disgrace."

Changing the Senate rules would take two-thirds of voting senators.

Democrats note that the Senate had approved 124 of Bush's 126 judicial nominations that have reached the full Senate, and that Republicans prevented 60 of President Clinton's nominees from ever coming to a vote.

While Sen. John Breaux, D-La., said he had not seen two simultaneous

filibusters before, "I've seen Republicans who have neglected to even have a hearing on nominees in the Clinton administration. It's the same effect."

Breaux said presidents are entitled to direct votes on their judicial picks.

"I think that what we're trying to say is that, look, give us the information on the judges and we'll have a record vote," Breaux told "Fox News Sunday."

Breaux said he thinks the Senate will get a chance to vote on Estrada's nomination.

"And on nominees that you do not like their philosophy, and I think there's a real argument on some of them, I think eventually you get to a vote," he said.

Democrats, who want more information about Estrada, have asked him to answer more questions and have urged the White House to release memos Estrada wrote while working for the Justice Department.

The Bush administration has refused to release those memos. Republicans have accused Democrats of treating Estrada unfairly because he is a conservative Hispanic.

Frist, R-Tenn., said changes in the rules that have governed the Senate the past 28 years were the only way to resolve an issue that has disrupted other Senate business and intensified partisan discord in the body.

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From: Estes, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/12/2003 8:19:07 AM
Subject: FW: AP - Daschle: Not All Judge Picks Merit Vote

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"We have made all kinds of offers to the administration on Judge Estrada. If he just fills out his job application, there would be no filibuster," Daschle said on NBC's "Meet the Press."

"He refuses to do it. You wouldn't hire somebody that wouldn't fill out their job application. It's unprecedented that he would deny us the right to the information that so many of his predecessors have provided."

President Bush last week deplored the delays, saying the current Senate process was "a disgrace."

Changing the Senate rules would take two-thirds of voting senators.

Democrats note that the Senate had approved 124 of Bush's 126 judicial nominations that have reached the full Senate, and that Republicans prevented 60 of President Clinton's nominees from ever coming to a vote.

While Sen. John Breaux, D-La., said he had not seen two simultaneous filibusters before, "I've seen Republicans who have neglected to even have a hearing on nominees in the Clinton administration. It's the same effect."

Breaux said presidents are entitled to direct votes on their judicial picks.

"I think that what we're trying to say is that, look, give us the information on the judges and we'll have a record vote," Breaux told "Fox News Sunday."

Breaux said he thinks the Senate will get a chance to vote on Estrada's nomination.

"And on nominees that you do not like their philosophy, and I think there's a real argument on some of them, I think eventually you get to a vote," he said.

Democrats, who want more information about Estrada, have asked him to answer more questions and have urged the White House to release memos Estrada wrote while working for the Justice Department.

The Bush administration has refused to release those memos. Republicans have accused Democrats of treating Estrada unfairly because he is a conservative Hispanic.

Frist, R-Tenn., said changes in the rules that have governed the Senate the past 28 years were the only way to resolve an issue that has disrupted other Senate business and intensified partisan discord in the body.

From:	Bartolomucci, H. Christopher
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>; <Ullyot, Theodore W.>
Sent:	5/12/2003 8:48:04 AM
Subject:	Article re Sen. DeWine's role in securing confirmation of 6th Cir. nominees

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Columbus Dispatch (Ohio)

May 11, 2003 Sunday, Home Final Edition

SECTION: EDITORIAL & COMMENT; Pg. 05D

LENGTH: 642 words

HEADLINE: DEWINE SMOOTHS COOK'S PATH VIA MODERATING TACT

BYLINE: Jonathan Riskind, THE COLUMBUS DISPATCH

BODY:

Sen. Edward Kennedy of Massachusetts was chatting up other Democrats on the Senate floor Monday during the vote to confirm Deborah L. Cook to the 6th U.S. Circuit Court of Appeals in Cincinnati, when Sen. Mike DeWine, R-Ohio, sauntered over.

"Sweet talker!" thundered Kennedy, as he and the other Democrats laughed. "Don't come over here. You've done enough damage with your sweet talking!"

DeWine's response was inaudible to the group in the press gallery, but his broad grin told the story even before the votes were counted, 66-25 in Cook's favor.

The nomination had been held captive for two years in partisan gridlock over President Bush's judicial choices, but Cook ended up winning over 17 Democrats, despite opposition from organized labor and Kennedy, a master at blocking nominations. He claimed that as an Ohio Supreme Court justice, Cook has been overly friendly to business interests and too often against workers' rights.

Cook can thank DeWine and, to a lesser extent, Columbus lawyer Jeffrey S. Sutton, for her extraordinary change of fortune. Sutton, former Ohio solicitor, also had been in Senate limbo before he was confirmed the previous week to another 6th Circuit seat.

DeWine isn't publicizing his achievement, but several Senate Democrats who serve with him on the Judiciary Committee gave him his due. DeWine's quiet maneuvering and ability to capitalize on the mutual trust he's developed with many Democrats freed Cook from the gridlock.

Democrats were charging that Sen. Orrin Hatch, R-Utah, chairman of the committee, broke Senate rules in forcing a final committee vote on Cook and John Roberts, Bush's nominee to the District of Columbia Circuit Court of Appeals. Democrats were angry enough to block both from getting a vote before the full Senate; Republicans, who needed 60 votes to stop a filibuster, have just a 51-49 majority.

But DeWine and a close friend, Sen. Richard Durbin, D-Ill., got together in search of a compromise. Durbin, also a Judiciary Committee member, realized Democrats couldn't block all Bush nominees from getting a vote, and DeWine knew the GOP had to give Democrats a fair procedural shake.

The pair approached Hatch and the committee's top Democrat, Sen. Patrick Leahy of Vermont, and proposed a compromise: Allow a vote on Cook but send Roberts back to committee for another hearing before letting his nomination go forward.

Meanwhile, DeWine argued Cook's case to Democratic senators, pledging she was a mainstream Republican who would be a fair and restrained federal judge, not a radical judicial activist looking to reshape the laws from the appeals bench.

"Mike DeWine's credibility is entwined in her judicial future," Durbin said. "He did a lot for her."

Another Democrat on the Judiciary Committee, Sen. Russell Feingold of Wisconsin, said DeWine "was instrumental in causing the Cook

nomination to get a better reception than it might have."

Sutton was a more controversial choice than Cook, because disability-rights advocates and other groups claimed that Sutton's states' rights stands would undermine federal laws. Sutton did himself a great deal of good when he persuaded the committee's Sen. Dianne Feinstein, D-Calif., that he can separate his advocacy from his role as a judge.

Even at that, Feingold and Durbin said DeWine's consensus-building helped ensure Sutton wasn't blocked from receiving a floor vote.

And Sutton's harshest critic in the hearings, Democratic Sen. Tom Harkin of Iowa, said DeWine's reputation for moderation helped ease through a nomination of a man Harkin views as an extremist.

"I thought his . . . defense of Mr. Sutton was informed and reasoned, and I thought very good," Harkin said. "Mike DeWine is sort of moderating in any area."

Jonathan Riskind is chief of The Dispatch Washington bureau.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/12/2003 4:50:13 AM
Subject: : Article re Sen. DeWine's role in securing confirmation of 6th Cir. nominees

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-MAY-2003 08:50:13.00
SUBJECT:: Article re Sen. DeWine's role in securing confirmation of 6th Cir. nominees
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer R. Brosnahan (CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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Columbus Dispatch (Ohio)

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Jonathan Riskind is chief of The Dispatch Washington bureau.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/12/2003 8:51:06 AM
Subject:

do you need this tape of the Judge's remarks for the website, or can he keep it??

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/12/2003 5:06:39 AM
Subject: : Cincinnati Enquirer Story
Attachments: P_1Y2CG003_WHO.TXT_1.gif

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:12-MAY-2003 09:06:39.00
SUBJECT:: Cincinnati Enquirer Story
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Monday, May 12, 2003

N.Ky. lawyers push Bush nominees

_____

<mailto:pcrowley@enquirer.com>
Yes, those were two Northern Kentucky lawyers hanging out with President Bush Friday in the White House Rose Garden.

Fort Mitchell's Rick Robinson and Jeff Landen of Edgewood - both partners with Graydon Head & Ritchey - were in Washington as part of an effort to pressure Senate Democrats into voting on Bush's 11 nominees for the federal bench.

"Because of the Senate's failure to hold timely votes, the number of judicial vacancies has become unacceptably high," Bush said in a statement released by the White House. "When the federal courts are understaffed, they cannot act in a timely manner to resolve disputes that affect the lives and liberties of Americans."

Robinson and Landen, both active in local GOP politics, are members of a group called Progress for America, which supports the president's agenda.

"We've been involved with the battle to try and get the Senate to confirm appellate court judges, in particular the 6th Circuit (Court of Appeals in Cincinnati)," Robinson said. "The Rose Garden event was a part of that effort, and it was great, very exciting."

Robinson attended two Rose Garden ceremonies while working in the early 1990s as legislative director for then-U.S. Rep. Jim Bunning, the Southgate Republican elected to the Senate in 1998.

Both of those events were sports-related - one to honor the 1990 Cincinnati Reds World Series team, the other when the White House honored baseball legends Ted Williams and Joe DiMaggio.

"I've been to Rose Garden ceremonies before, but this was the first time I was there for a public policy speech," he said. "It was nice to see the president really tee up the issue ... because I really think this is one of the most important policy and constitutional battles of our time.

"It's the legislative branch holding up the judicial branch. What the Senate Democrats are doing is unconscionable."

Landen has visited the White House, but Friday was his first Rose Garden event.

"It was fascinating," he said. "It was obviously very interesting to be in the Rose Garden, but it was also exciting to see the president and hear what he said about getting his judicial nominations confirmed. Justice delayed is justice denied, and in this case justice is being denied."

The left-leaning People for the American Way called Bush's comments "Orwellian doublespeak."

"First, (Bush) claims that there is a judicial vacancy crisis when vacancies are actually at their lowest level in 13 years," Ralph G. Neas, the president of the organization, said in a statement.

"Second, he claims that the Senate has been obstructionist when it has confirmed more than 120 judges since July 2001 and has only filibustered two. The opportunity for senators to engage in unlimited debate on important national issues and nominations has often served the nation well."

Later in the day, Robinson and Landen were invited to watch Bush leave the White House lawn via Marine One, the presidential helicopter - which is a huge invite among the Washington power crowd.
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1Y2CG003_WHO.TXT_1>

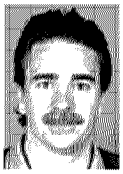


Patrick Crowley

From: Snee, Ashley
To: <Kavanaugh, Brett M.>;<Mamo, Jeanie S.>
Sent: 5/12/2003 9:07:15 AM
Subject: Cincinnati Enquirer Story
Attachments: crowley

Monday, May 12, 2003

N.Ky. lawyers push Bush nominees



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Patrick
Crowley

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>
Sent: 5/12/2003 10:55:40 AM
Subject:

guess Hatch scuttled Kyl-Cornyn?

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 5/12/2003 11:12:48 AM
Subject: timing

If you all agree with general idea, we should try to get Daschle letter out today.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/12/2003 11:42:26 AM
Subject: RE: tomorrow

No.

From: Carolyn Nelson/WHO/EOP@Exchange on 05/12/2003 11:42:54 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: tomorrow

Did you read the email I sent you Friday??? I'll resend- it has all the particulars.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Monday, May 12, 2003 11:40 AM

To: Nelson, Carolyn

Subject: tomorrow

How long do they want him to speak? Did they indicate a preference on subject? Any q and a? Who exactly and how many people are in audience?

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/12/2003 11:43:52 AM
Subject: FW: NARA REMARKS FOR THE JUDGE

500 + in attendance.
-----Original Message-----
From: Nelson, Carolyn
Sent: Friday, May 09, 2003 3:15 PM
To: Kavanaugh, Brett M.
Subject: NARA REMARKS FOR THE JUDGE

remarks from 8:45-9:30 (including 10 mins Q&A), Tuesday, May 13

"....audience would be interested in hearing your thoughts about the importance of records in both documenting the decisions and actions of the federal government as well as providing an historical legacy for future generations."

Have fun!!!!

From: Viet.Dinh@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/12/2003 7:55:50 AM
Subject: : RE: Invites

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> ("Viet.Dinh@usdoj.gov"
<Viet.Dinh@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:12-MAY-2003 11:55:50.00
SUBJECT:: RE: Invites
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, May 08, 2003 2:38 PM
To: Charnes, Adam; Remington, Kristi L; Dinh, Viet
Subject: Invites

Please make clear to everyone there that our intention from the
get-go was
to invite any and all comers from OLP for the precise purpose of expressing
President's and WH appreciation of the hard work. The problem was that
Cabinet
Affairs does DOJ invites and does not usually make calls until 2-3 days
before
event. Meanwhile, Public Liaison handles outside groups and has to give
more
advance notice. Pub Liaison had called Fed Soc late last week and told
them to
round up 25-50 people. Fed Soc then stupidly called people in your office
and
some Senate staffers instead of calling people on the outside. Sorry for
confusion, but please make sure people in OLP and FBI unit understand they
always were to be invited by us.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Nelson, Carolyn>
Sent: 5/12/2003 12:33:41 PM
Subject:

Posted on Sat, May. 10, 2003

Gay GOP Group Readies for 2004 Elections

Associated Press

WASHINGTON - A gay Republicans group says it is trying to get beyond the flap over Sen. Rick Santorum's derogatory remarks about homosexual behavior, yet it is that very controversy that helped double the attendance at its annual convention.

Comments by the conservative Republican from Pennsylvania, the GOP takeover of the Senate last year and the upcoming presidential race were the main topics that lured more than 200 people to the Log Cabin Republicans' annual convention, which ends here Saturday night. That's more than twice the attendance of last year's meeting.

Santorum has been a center of attention since an April 7 interview with The Associated Press in which he brought up a pending Supreme Court case over a Texas sodomy law and likened gay behavior to incest and polygamy.

"It was a reminder to all that we had work to do," Patrick Guerriero, director of the group, said Saturday about the increased attendance.

On Friday, about 200 gay members of the GOP met for more than an hour with three White House officials at the Eisenhower Executive Office Building - Joseph O'Neill, the White House AIDS czar, Brett Kavanaugh, associate White House counsel, and Holly Kuzmich, associate director of the White House domestic policy council.

Ken Lisaius, a White House spokesman, downplayed the meeting, saying it was one of many policy meetings requested by groups looking for ways to further the president's initiatives. The group talked about AIDS, education and judicial nominees for the federal bench, he said.

Guerriero said the Bush administration has invited gay Republicans to discussions about AIDS, judicial nominations and other policy issues. Still, the Log Cabin Republicans believe the White House could have distanced itself further from the Santorum controversy.

"If we were completely satisfied that the Republican Party was as inclusive as we wished, we would cease to exist," Guerriero said. "It's obvious that the issue of inclusiveness in the Republican Party is going to be a major issue."

An estimated 1 million gay and lesbian Americans voted for President Bush in 2000, he said. The gay Republicans attending the annual convention, complete with get-out-the-vote workshops and congressional briefings, are convinced that gays and lesbians, if they don't vote for Bush, could be partly responsible for "losing the White House," he said.

From: Gambatesa, Linda M.
To: <Kavanaugh, Brett M.>
Sent: 5/12/2003 1:28:17 PM
Subject: FW: Presidential Library Items - Barksdale AFB
Attachments: att1.eml

Just FYI.

-----Original Message-----
From: "MacLean, Robin" @EOP
Sent: Monday, May 12, 2003 11:19 AM
To: Rigg Buck Civ 2 BW/MU
Cc: Gambatesa, Linda M.; Miller, Mike
Subject: RE: Presidential Library Items - Barksdale AFB



Mr. Rigg,
Thanks for the quick response. I am certain the USAF Museum program will understand that the Presidential Library will take precedence. If they have any questions or concerns, they may contact me direct. Thank you for keeping me informed.
v/r LT MacLean

-----Original Message-----
From: Rigg Buck Civ 2 BW/MU [mailto:Buck.Rigg@BARKSDALE.AF.MIL]
Sent: Monday, May 12, 2003 11:15 AM
To: MacLean, Robin
Cc: Gambatesa, Linda M.; Miller, Mike H. RDML
Subject: RE: Presidential Library Items - Barksdale AFB

Lt. MacLean,

I will forward this schedule to HQ ACC and the USAF Museum to bring them in the loop as these items are accessioned with National USAF Museum Program.

They, HQ ACC and USAF Museum, will need to be made aware of the possible redistribution.

Not sure if it was mentioned in Gen Carlson's letter that the items are already a part of a National Museum - the National USAF Museum.

Again thank you.

vr
MR. BUCK RIGG, GS-10, USAF
Director, 8th Air Force Museum
88 Shreveport Road
Barksdale AFB, LA 71110-2090
(318)456-5553 DSN 781-5553
fax(318)456-5558 DSN 781-5558
www.8afmuseum.net

-----Original Message-----
From: MacLean, Robin [mailto:RAMacLean@whmo.mil]
Sent: Monday, May 12, 2003 10:03 AM
To: Rigg Buck Civ 2 BW/MU
Cc: Gambatesa, Linda M.; Miller, Mike H. RDML
Subject: Presidential Library Items - Barksdale AFB

Mr. Rigg,
Thank you for your e-mail. As I explained to Mr. Myer on 21 Apr 03, the White House would like to have all the items listed on the 20 Mar 03 letter from Lt Gen Carlson, and we plan to keep in touch with you on 6 month intervals until it's time to send them for the Presidential Library. I'll check in with you next in Oct 03. Appreciate all you've done to keep these items safe and accounted for. Please let me know if you have any questions or concerns, or if I may be of assistance to you.

v/r
LT Robin MacLean, USN
Director of Administration
White House Military Office
(202) 757-2151

-----Original Message-----
From: Rigg Buck Civ 2 BW/MU [mailto:Buck.Rigg@BARKSDALE.AF.MIL]
Sent: Monday, May 12, 2003 9:43 AM
To: MacLean, Robin
Subject: RE: Presidential Library Items

Lt. MacLean,

I am the director of the 8th Air Force Museum at Barksdale AFB. The 8th Air Force Museum is one of 12 USAF Field Museum's under the AF History and Museum Program.

The museum was the lead agency in the collection and saving and now displaying the items associated with the visit of the Commander in Chief on 11 Sept 2001, Barksdale AFB. (in fact, if it had not been for this museum's forethought and perseverance many of these items would not exist today.)

These items were accessioned into the National USAF Museum collection, Wright-Patterson AFB, OH.

I am your museum point of contact at Barksdale. DSN 781-5553 (com - (318) 456-5553), fax DSN 781-5558 (com - (318) 456-5558)

Thank you I look forward to any further correspondence.

VR

MR. BUCK RIGG, GS-10, USAF
Director, 8th Air Force Museum
88 Shreveport Road

Barksdale AFB, LA 71110-2090
(318)456-5553 DSN 781-5553
fax(318)456-5558 DSN 781-5558
www.8afmuseum.net

 - att1.eml <>

From: MacLean, Robin <RAMacLean@whmo.mil>
To: Rigg Buck Civ 2 BW/MU
CC: Gambatesa, Linda M.; Miller, Mike H. RDML
Sent: 5/12/2003 11:19:12 AM
Subject: RE: Presidential Library Items - Barksdale AFB

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v/r LT MacLean

-----Original Message-----
From: Rigg Buck Civ 2 BW/MU [mailto:Buck.Rigg@BARKSDALE.AF.MIL]
Sent: Monday, May 12, 2003 11:15 AM
To: MacLean, Robin
Cc: Gambatesa, Linda M.; Miller, Mike H. RDML
Subject: RE: Presidential Library Items - Barksdale AFB

Lt. MacLean,

I will forward this schedule to HQ ACC and the USAF Museum to bring them in the loop as these items are accessioned with National USAF Museum Program.

They, HQ ACC and USAF Museum, will need to be made aware of the possible redistribution.

Not sure if it was mentioned in Gen Carlson's letter that the items are already a part of a National Museum - the National USAF Museum.

Again thank you.

vr
MR. BUCK RIGG, GS-10, USAF
Director, 8th Air Force Museum
88 Shreveport Road
Barksdale AFB, LA 71110-2090
(318)456-5553 DSN 781-5553
fax(318)456-5558 DSN 781-5558
www.8afmuseum.net

-----Original Message-----
From: MacLean, Robin [mailto:RAMacLean@whmo.mil]
Sent: Monday, May 12, 2003 10:03 AM
To: Rigg Buck Civ 2 BW/MU
Cc: Gambatesa, Linda M.; Miller, Mike H. RDML
Subject: Presidential Library Items - Barksdale AFB

Mr. Rigg,
Thank you for your e-mail. As I explained to Mr. Myer on 21 Apr 03, the White House would like to have all the items listed on the 20 Mar 03 letter from Lt Gen Carlson, and we plan to keep in touch with you on 6 month intervals until it's time to send them for the Presidential Library. I'll check in with you next in Oct 03. Appreciate all you've done to keep these items safe and accounted for. Please let me know if you have any questions or concerns, or if I may be of assistance to you.

v/r

LT Robin MacLean, USN
Director of Administration
White House Military Office
(202) 757-2151

-----Original Message-----
From: Rigg Buck Civ 2 BW/MU [mailto:Buck.Rigg@BARKSDALE.AF.MIL]
Sent: Monday, May 12, 2003 9:43 AM
To: MacLean, Robin
Subject: RE: Presidential Library Items

Lt. MacLean,

I am the director of the 8th Air Force Museum at Barksdale AFB. The 8th Air Force Museum is one of 12 USAF Field Museum's under the AF History and Museum Program.

The museum was the lead agency in the collection and saving and now displaying the items associated with the visit of the Commander in Chief on 11 Sept 2001, Barksdale AFB. (in fact, if it had not been for this museum's forethought and perseverance many of these items would not exist today.)

These items were accessioned into the National USAF Museum collection, Wright-Patterson AFB, OH.

I am your museum point of contact at Barksdale. DSN 781-5553 (com - (318) 456-5553), fax DSN 781-5558 (com - (318) 456-5558)

Thank you I look forward to any further correspondence.

VR

MR. BUCK RIGG, GS-10, USAF
Director, 8th Air Force Museum
88 Shreveport Road
Barksdale AFB, LA 71110-2090
(318)456-5553 DSN 781-5553
fax(318)456-5558 DSN 781-5558
www.8afmuseum.net

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>
Sent: 5/12/2003 9:31:45 AM
Subject: : Indianapolis Star story passed on per Ari's request

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-MAY-2003 13:31:45.00
SUBJECT:: Indianapolis Star story passed on per Ari's request
TO:Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/12/2003 01:31 PM ----------

From: Brian Bravo/WHO/EOP@Exchange on 05/12/2003 01:31:07 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Indianapolis Star story passed on per Ari's request

Bush already stumping for Daniels

;By Mary Beth Schneider

May 11, 2003

Indianapolis Star

;

Mitch Daniels isn't even officially running for Indiana governor yet, but he's already become the man to beat.

Last Tuesday, Daniels announced he will step down June 6 as the White House budget director, all but guaranteeing that his next move will be to step into the race for governor.

The news completely overshadowed the other political news of that day -- a primary election so boring that fewer than 10 percent of Marion County voters bothered to cast a ballot.

Daniels will be entering a field of Republicans that includes former U.S. Rep. David McIntosh, trying for a comeback after losing the governor's race in 2000; conservative activist Eric Miller; state Sens. Murray Clark and Luke Kenley; and Petersburg Mayor Randy Harris.

Daniels has some baggage. Democrats and even some Republicans will point out that the federal surplus that was blossoming when he became budget director is now a burgeoning federal deficit. And Daniels is among 30 former IPALCO directors and officers subpoenaed as part of an Indiana Securities Division investigation into the unloading of stock by company insiders about the time the utility was sold to a company whose stock plummeted.

But Daniels will have on his side the biggest heavy lifter in American politics today -- President Bush.

On Tuesday, Daniels demurred to discuss the race for governor as long as he is still a federal employee. Bush wasn't so shy.

"This administration's loss is the gain of the people of Indiana," said Bush.

The next day, the White House announced Bush was coming to Indianapolis.

The reason is to tout his plan to eliminate the taxes on stock dividends.

But the dividend for Daniels is immeasurable.

He'll be with the president as several thousand Hoosiers fill the Pepsi Coliseum. They'll hear Bush praise the men and women in uniform. They'll hear his case that eliminating the tax on dividends will help senior citizens who live on pensions and investments.

And how much do you bet that they'll also hear what a great guy Mitch Daniels is and how lucky the state is to have him coming back?

As they say, you can't buy publicity like that.

Just as important for Daniels, Bush will be making a private endorsement Monday night. He'll arrive in Indianapolis that evening and meet with a couple dozen of the deep-pocketed business leaders who have bankrolled Republican candidates in the past.

It's a meeting Bush personally asked for. It's not a fund-raiser. It's a chance for the kind of people who support Bush to meet both him and Daniels -- paving the way for them to financially back Daniels once he launches a campaign.

"This is not the 'Frugal Hoosiers for Mitch' crowd," one Republican familiar with the event said with a laugh.

The "Frugal Hoosiers" are a grass-roots group of Hoosiers -- who think $10 is a deep financial commitment -- who have been urging Daniels to run.

The question Daniels is asked most often: "When will you announce?" The question his GOP opponents are asked most often -- by reporters, anyway: "When will you get out?"

Kenley says he is weighing whether to continue, while the others say they are in the race to stay. The test for them is how they withstand the blast from Air Force One.

;

;

From: Bravo, Brian
To: <Kavanaugh, Brett M.>
Sent: 5/12/2003 1:31:07 PM
Subject: Indianapolis Star story passed on per Ari's request

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By Mary Beth Schneider
May 11, 2003
Indianapolis Star

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them is how they withstand the blast from Air Force One.

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/12/2003 1:33:36 PM
Subject: : Washington Update - May 12, 2003

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-MAY-2003 17:33:36.00
SUBJECT:: Washington Update - May 12, 2003
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett and Matt

See item 3 below.

tsg

---------- Forwarded by Tim Goeglein/WHO/EOP on 05/12/2003 05:32 PM ----------

Family Research Council <frcpub@frc.org>
05/12/2003 05:00:20 PM
Please respond to frcpub@frc.org
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
Subject: Washington Update - May 12, 2003

Washington Update - May 12, 2003
To: Friends of Family Research Council
From: Ken Connor, President
Date: May 12, 2003 - Monday

In This Edition:
---
1) Is Graham Charge of 911 'Cover-up' Politics as Usual?
2) The High Price of Abortion
3) Filibuster: Change the Rules or 'Go Nuclear'

Is Graham Charge of 911 'Cover-up' Politics as Usual?

Florida Sen. Bob Graham, Democratic candidate for president, is a low key politician not typically given to wild allegations. So eyebrows went up when he charged the Bush administration with conducting a "cover up" by refusing to declassify an 800-page congressional intelligence report on the Sept. 11th terrorist attacks. Sen. Graham hints darkly that, as a member of the Senate Intelligence Committee, he has special knowledge that the 911 attacks could and should have been prevented. Is this true, or just posturing for political advantage? It's impossible to say. Other members of the House and Senate intelligence committees express frustration with the CIA's

slow pace of clearing the report for public release, but they do not confirm Sen. Graham's serious allegations. Sen. Graham, of course, has made terrorism his key campaign issue. He opposed the war in Iraq because, he charges, it diverted resources from counterterrorism. Sen. Graham alleges the U.S. is more vulnerable to a terrorist attack today than it was on 911. This charge seems unsupportable in view of the progress that has been made on improving national security and the destruction of the Taliban in Afghanistan and Saddam Hussein's regime in Iraq. Osama bin Ladin is in hiding and al-Qaeda is being dismantled. Still, it would be in the interest of the Bush administration to expedite the release of the 911 report so that Sen. Graham's serious charges can either be substantiated or discredited.

The High Price of Abortion

A new study reports that women who have abortions are 65 percent more likely to experience clinical depression than those who carry their pregnancies to term. The results of this study fly in the face of abortion advocates who blithely dismiss the idea that terminating a pregnancy has any emotional, psychological, or spiritual impact on women. The study by the Elliot Institute was based on data from an Ohio State University study funded by the federal government that spanned 21 years and involved 1,884 women. Abortion is the taking of an innocent human life. Common sense suggests that making such a "choice" would have a profound impact on women. Women contemplating abortion deserve to make fully informed decisions by having all available information on its physical and psychological consequences. On a related note, FRC has just produced a new resource to help illustrate the devastating loss of life since abortion was legalized in 1973. Click the link below to see a map of the U.S. with 17 states highlighted in red. The current population of these states is equivalent to the 43 million children lost to abortion since the Roe decision. I encourage you to view this map, show it to friends and order copies for crisis pregnancy centers, churches, and schools in your community.

Additional Resources:

U.S. map http://www.frc.org/?i=LK03E22&f=WA03E38&t=e

Filibuster: Change the Rules or 'Go Nuclear'

The Constitution specifies the five instances in which a supermajority vote is required and confirming judges is not one of them. Requiring 60 votes to confirm judges, as the Senate's segregation-era rules require, is unconstitutional. Majority Leader Bill Frist has proposed changing the rules to allow all judicial nominees to get up-or-down confirmation votes after a series of votes to cut off debate. Despite past opposition to the filibuster--Sen. Tom Harkin of Iowa first proposed this rule change--Democrats promise to block the proposal. This leaves only the so-called "nuclear option," that is, forcing a simple majority vote on confirmation by invoking a parliamentary point-of-order. This could succeed, but it would require all 52 Republicans to support it, a doubtful prospect at present. Sen. Frist should keep up the pressure for the rule change and President Bush should keep making the constitutional case to the American people.

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Washington, D.C. 20001
Phone: 202-393-2100
Fax: 202-393-2134
http://www.frc.org
To donate, go to: https://secure.frc.org/gifts.cfm

From: Viet.Dinh@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/12/2003 9:37:39 AM
Subject: : RE: Invites

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov> ("Viet.Dinh@usdoj.gov"
<Viet.Dinh@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:12-MAY-2003 13:37:39.00
SUBJECT:: RE: Invites
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Sorry about that--I was pretty exercised when Fed Soc were inviting my own people to WH events. thanks

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, May 12, 2003 1:00 PM
To: Dinh, Viet
Subject: RE: Invites

no problem. just wanted to be clear because your voice mail was weird.

(Embedded
image moved "Viet.Dinh@usdoj.gov" <Viet.Dinh
to file: 05/12/2003 11:54:50 AM
pic03563.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: Invites

thanks

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, May 08, 2003 2:38 PM
To: Charnes, Adam; Remington, Kristi L; Dinh, Viet
Subject: Invites

Please make clear to everyone there that our intention from the get-go was
to invite any and all comers from OLP for the precise purpose of expressing President's and WH appreciation of the hard work. The problem was that

Cabinet
Affairs does DOJ invites and does not usually make calls until 2-3 days
before
event. Meanwhile, Public Liaison handles outside groups and has to give
more
advance notice. Pub Liaison had called Fed Soc late last week and told
them to
round up 25-50 people. Fed Soc then stupidly called people in your office
and
some Senate staffers instead of calling people on the outside. Sorry for
confusion, but please make sure people in OLP and FBI unit understand they
always were to be invited by us.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/12/2003 1:42:08 PM
Subject:

Are you in the loop on the mtg. with the AG, the Judge and a group of newspaper editors? They'll meet later this month to discuss FOIA.

From: Charles Spies - Legal <CSpies@rnchq.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/12/2003 10:23:55 AM
Subject: : FW: Opposition of RNC to Motions for Stay
Attachments: P_06KCG003_WHO.TXT_1.pdf

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charles Spies - Legal <CSpies@rnchq.org> ( Charles Spies - Legal <CSpies@rnchq.org>
[ UNKNOWN ] )
CREATION DATE/TIME:12-MAY-2003 14:23:55.00
SUBJECT:: FW: Opposition of RNC to Motions for Stay
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

You may find interesting.

- Charlie
- Opposition of RNC to Motions for Stay.pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_06KCG003_WHO.TXT_1>
```

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RECEIVED
MAY 12 2003
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

REPUBLICAN NATIONAL COMMITTEE, *et al.*, **Plaintiffs,**	
v.	**Civ. No. 02-874 (CKK, KLH, RJL)**
FEDERAL ELECTION COMMISSION, *et al.*, **Defendants.**	**All consolidated cases.**

OPPOSITION OF REPUBLICAN NATIONAL COMMITTEE TO DEFENDANTS' AND INTERVENORS' MOTIONS FOR STAY PENDING APPEAL

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Attorneys for RNC Plaintiffs

May 12, 2003

REV_00118092

TABLE OF CONTENTS

FACTS 2

ARGUMENT 3

I. DEFENDANTS' EFFORT TO REARGUE THE MERITS CANNOT JUSTIFY A STAY. 4

II. DEFENDANTS CANNOT MEET THE REMAINING REQUIREMENTS FOR A STAY. 5

A. A Stay Will Impose Immediate and Irreparable Injury on the RNC Plaintiffs 5

B. The Public Interest Disfavors a Stay. 7

CONCLUSION 8

REV_00118093

TABLE OF AUTHORITIES

FEDERAL CASES

Cuomo v. *U.S. Nuclear Regulatory Commission*, 772 F.2d 972 (D.C. Cir. 1985).....3

Elrod v. Burns, 427 U.S. 347 (1976).....5

Freethought Society v. *Chester County*, 194 F. Supp.2d 437 (E.D. Pa. 2002)..... 7

Gay Lesbian Bisexual Alliance v. *Sessions*, 917 F. Supp. 1558 (M.D. Ala. 1996).....7

In re Verizon Internet Services, Inc., 2003 WL 1946489 (D.D.C. Apr. 24, 2003).....3

People for the Ethical Treatment of Animals, Inc. v. *Gittens*, 215 F. Supp.2d 120 (D.D.C. 2002).....7

United States v. *Philip Morris*, 314 F.3d 612 (D.C. Cir. 2003)..... 4

FEDERAL STATUTES

Bipartisan Campaign Reform Act of 2002, Pub. L. 107-155.....*passim*

TEXTS

WRIGHT & MILLER, FEDERAL PRACTICE AND PROCEDURE.....4

REV_00118094

Defendants and Intervenors have moved for a stay, pending appeal to the United States Supreme Court, of this Court's judgment permanently enjoining enforcement of major provisions of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. No. 107-155. Defendants have also moved for an "administrative stay" while this Court considers the pending motions for a stay pending appeal. The Republican National Committee ("RNC"), Republican Parties of Colorado, New Mexico, and Ohio, Dallas County (Iowa) Republican County Central Committee, and Michael Duncan (the "RNC Plaintiffs") urge this Court to deny these motions, insofar as they relate to Title I of the BCRA.[1]

For six months, the RNC Plaintiffs have operated in compliance with a regime that deprives them of their First Amendment rights of speech and association. This Court's judgment invalidates at least some of those restrictions. Now, in less than six months -- on November 4 of this year -- five states will hold state and local elections, and three of those five will elect governors. In addition, citizens in numerous other states will go to the polls to vote for their local governments -- mayors, city councils, school boards, and other officials that have an immediate effect on their daily lives. Plaintiff Republican Parties of Colorado, New Mexico, and Ohio all have mayoral elections scheduled to take place in their states on November 4. Since its founding in 1856, the RNC has been intimately and continuously involved in these state and local elections, but under Title I of BCRA its ability to assist state and local parties and candidates was restricted at best and prohibited at worst. Remarkably, despite extensive briefing by the RNC Plaintiffs on this very issue of national party participation in off-year elections, Defendants completely ignore the issue in seeking full enforcement of Title I at a time when

[1] The RNC and its co-plaintiffs have not challenged the "electioneering communications" provisions of BCRA's Title II and therefore do not address herein the separate motions filed by various plaintiffs in the other consolidated actions that seek a stay limited to those provisions.

REV_00118095

there is simply no cognizable federal interest in doing so. Once again, Defendants have confirmed their world view that all election activity -- state and local, as well as federal -- is subject to total *federal* regulation.

Having won from this Court their freedom once again to associate freely with state and local parties and candidates as well as to engage in core political speech without fear of criminal prosecution, the RNC Plaintiffs oppose in the strongest terms any effort to continue BCRA's infringements of these precious freedoms.

FACTS

As found by this Court, five states -- Kentucky, Louisiana, Mississippi, New Jersey, and Virginia -- have state and local elections in odd-numbered years when there are no federal candidates on the ballot, including this November. *See* Op. of Henderson, J. at 151, Findings ¶ 71(c)(2)(A); Op. of Leon, J. at 151, Findings ¶ 58. All of the money raised and spent by the state and local parties and candidates in those elections is raised, spent, and reported consistent with state, not federal, law. This money is, accordingly, "*nonfederal money*."

A critical part of the mission of the national party committees is to work with state and local parties, and state and local candidates, to design and implement voter mobilization programs (called "Victory Plans" by the Republicans and "Coordinated Campaigns" by the Democrats) in these off-year elections. Yet Section 323(a) severely impedes the ability of national party personnel to work with state and local parties and candidates on these voter mobilization plans without fear of civil or even criminal liability. It is far too easy for a zealous prosecutor or a political opponent to allege that advising and providing direction in the construction and implementation of such a "Victory Plan" constitutes "direct[ing]" or "spend[ing]" nonfederal money. It is noteworthy indeed that Defendants in this action have

REV_00118096

never denied that RNC participation in these plans is severely curtailed by new Section 323(a). These voter mobilization plans for the November 2003 election are being developed right now, and under this Court's ruling there is no question that the RNC may cooperate fully with and assist Republican state and local parties, and state and local candidates in implementing them. In all likelihood, these plans will be completed and perhaps even fully implemented before the Supreme Court is able to act.

This Court's decision largely ameliorates concerns about whether national party personnel can legally work with state and local parties and candidates on their voter mobilization plans, without fear of committing a federal crime. As the RNC Plaintiffs understand the decision, RNC personnel may freely meet with state and local party officials and candidates to advise them on how to spend, allocate and raise their resources in these upcoming elections, just as they did before BCRA became effective. Whereas such consultation would, under Section 323(a) as drafted, subject RNC personnel to possible felony prosecution for "direct[ing] . . . [or] spend[ing]" nonfederal money, the Court's decision will allow political parties to participate fully in the November 2003 state and local election campaigns without fear of prosecution. The RNC Plaintiffs respectfully submit that there can be no countervailing justification favoring a return to BCRA's oppressive restrictions that would be weighty enough to preclude unfettered national party participation in these imminent state and local elections. This concern alone strongly militates against entry of the requested stay.

ARGUMENT

The granting of a stay pending appeal is "an extraordinary remedy." *Cuomo* v. *U.S. Nuclear Reg. Comm'n*, 772 F.2d 972, 978 (D.C. Cir. 1985). The moving party bears a "heavy burden" to establish its entitlement to a stay. *See In re Verizon Internet Services, Inc.*,

REV_00118097

2003 WL 1946489, at *19 (D.D.C. Apr. 24, 2003) (denying stay pending appeal); *see* WRIGHT & MILLER, FEDERAL PRACTICE AND PROCEDURE § 2904 ("Because the burden of meeting this standard is a heavy one, more commonly stay requests will not meet this standard and will be denied.").

Under the familiar rules of this Circuit, to obtain a stay pending appeal, Defendants and Intervenors must show (1) that they have a substantial likelihood of success on the merits, (2) that they will suffer irreparable injury if the stay is denied, (3) that issuance of the stay will not cause substantial harm to other parties, and (4) that the public interest will be served by issuance of the stay. *See United States* v. *Philip Morris*, 314 F.3d 612, 617 (D.C. Cir. 2003). For the reasons described below, they cannot meet this heavy burden here.

I. DEFENDANTS' EFFORT TO REARGUE THE MERITS CANNOT JUSTIFY A STAY.

Defendants' and Intervenors' arguments for a stay largely reiterate the arguments this Court has already carefully considered and rejected. Moreover, it is highly unlikely that the claimed public cynicism would be exacerbated by allowing the RNC Plaintiffs to exercise their rights of association and speech in formulating and implementing voter mobilization plans together with state and local parties and candidates in the five states and numerous localities holding off-year elections. As the majority of this Court recognized, participation in nonfederal elections during an off year presents no prospect of corruption or apparent corruption of federal officials. Since the Supreme Court will undoubtedly decide this case well before the 2004 federal elections, a ruling by the Supreme Court reviving Title I (however unlikely) would come in time for the 2004 elections when both federal and state candidates will be on the same ballot.

This Court's decision clearly establishes that the RNC Plaintiffs, not Defendants, enjoy a substantial likelihood of success on the merits, with regard to Title I. The RNC Plaintiffs

REV_00118098

incorporate herein by reference their briefing on the merits. It suffices to note that after careful consideration of the elaborate record in this case, the Court found that Title I's interference with political parties' participation in state and local elections through unified party building programs for all its candidates restricts their First Amendment rights in a manner that is not closely drawn to serve the government's interest in preventing corruption or apparent corruption of federal candidates or officeholders. Judge Henderson would have gone further and struck down Title I in its entirety. (Neither Judge Henderson nor Judge Leon needed to address the RNC's substantial arguments based on federalism or equal protection; Defendants will, of course, need to overcome these hurdles, as well as this Court's First Amendment rulings, in the Supreme Court in order to resurrect Title I.) In light of the Court's decision, and the ample support for that decision as recounted at length by Judges Henderson and Leon, it can hardly be claimed that Defendants and Intervenors are likely to succeed on the merits. To the contrary, all indications are that they are likely to fail.

II. DEFENDANTS CANNOT MEET THE REMAINING REQUIREMENTS FOR A STAY.

A. A Stay Will Impose Immediate and Irreparable Injury on the RNC Plaintiffs.

It is the RNC Plaintiffs, not the Government or the Intervenors, who will suffer irreparable injury if this Court stays its judgment enjoining enforcement of Title I. This year's state and local election campaigns are already underway. State and local parties and candidates are looking to the RNC for the strategic advice and assistance the national party historically provides in devising and implementing effective plans for registering and turning out Republican voters. It is well-settled that "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *See Elrod* v. *Burns*, 427 U.S. 347, 373 (1976). Every day that the RNC is constrained from speaking freely and closely

REV_00118099

associating with state and local parties and candidates, the RNC Plaintiffs and their millions of supporters suffer irreparable injury. Because a stay would "cause substantial harm" to the RNC Plaintiffs, Defendants and Intervenors cannot satisfy the third prong of the standard for issuance of a stay.

Nor would denial of a stay cause Defendants and Intervenors irreparable injury. Notwithstanding their claim that absent issuance of a stay, "uncertainty" would result and the FEC's job of administering the Federal Election Campaign Act would be complicated, neither of these exaggerated concerns could possibly outweigh the immediate injury to political parties' First Amendment freedoms and the irreparable effect of that injury on this year's state and local elections -- an effect that Defendants and Intervenors studiously ignore in their papers. To the extent that the FEC believes it must reinstate its pre-BCRA reporting and "allocation" regulations, nothing is stopping the FEC from doing so, whether by formal, interim rulemaking or by issuance of a policy statement. Indeed, as Intervenors note, the Chairman of the FEC is already on record as stating that the FEC would likely issue "guidelines to the political community" and that the FEC "will try to get guidance out as quickly as possible." *See* Intervenors' Motion for Stay, at 4 n. 3 (quoting BNA Today, May 6, 2003). The interim administrative action apparently already planned by the FEC would address Defendant's purported concerns *without* reinstating BCRA's oppressive restrictions on political speech in the heat of state and local election campaigns. Intervenors' suggestion that a stay would, in fact, be helpful to Plaintiffs by obviating "the prospect of adjusting to several separate sets of campaign finance laws in roughly a year's time," (Intervenors' Motion for Stay, ¶ 9), is a nonsensical makeweight. This purported concern did not dissuade the Intervenors from filing their challenges to the Federal Election Commission's ("FEC") regulations implementing BCRA,

REV_00118100

even though those very challenges ensured that some uncertainty would surround enforcement of federal election laws by the FEC. More fundamentally, although it is true that Section 323(a) could not be more clear in its extreme breadth and unforgiving scope, it is perverse to rely upon that clarity and overbreadth as a basis for justifying the continued abridgment of First Amendment rights.

B. The Public Interest Disfavors a Stay.

The public interest here strongly favors denial of a stay. Enforcement of First Amendment rights is always in the public interest, especially so when political speech at the heart of the First Amendment is at issue. *See People for the Ethical Treatment of Animals, Inc.* v. *Gittens*, 215 F. Supp. 2d 120, 127 (D.D.C. 2002) (granting preliminary injunction enforcing First Amendment rights because "the public interest favors a preliminary injunction whenever First Amendment rights have been violated."); *Freethought Soc'y* v. *Chester County*, 194 F. Supp.2d 437, 441 (E.D. Pa. 2002); *Gay Lesbian Bisexual Alliance* v. *Sessions*, 917 F. Supp. 1558 (M.D. Ala. 1996) (denying stay pending appeal of judgment enforcing First Amendment rights, and noting public interest served because "vital First Amendment speech principles are at stake here"). Here issuance of a stay would preclude the political parties from playing their traditional role in this year's state and local elections. Neither in their merits briefing nor in their stay papers have Defendants been able to postulate -- much less prove -- any adverse effect on the public interest from the RNC's participation in the development and implementation of Victory Plans in this year's nonfederal elections. The public interest favors allowing the elections to proceed unfettered by the artificial and unconstitutional associational and speech constraints imposed by BCRA.

REV_00118101

CONCLUSION

For the foregoing reasons, the RNC Plaintiffs respectfully urge this Court to deny the motions for stay with regard to Title I.

Respectfully submitted,



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May 12, 2003

REV_00118102

CERTIFICATE OF SERVICE

Robert K. Kelner, a member of the bar of this Court, certifies that he caused a copy of the foregoing Opposition of Republican National Committee to Motion for Stay Pending Appeal to be served on all counsel required to be served on this 12th day of May, 2003, by the means indicated below:

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REV_00118103

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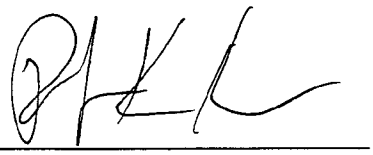
Dated: May 12, 2003



Robert K. Kelner

REV_00118105

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edward Kavanaugh <kavanaughe@ctfa.org>
Sent: 5/12/2003 10:37:25 AM
Subject: : Re: Legal Times

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-MAY-2003 14:37:25.00
SUBJECT:: Re: Legal Times
TO:Edward Kavanaugh <kavanaughe@ctfa.org> (Edward Kavanaugh <kavanaughe@ctfa.org> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

not yet; heard about it. It's wrong as described because says something about Estrada withdrawing, which is not accurate, and does not mention that there are 2 other vacancies still on DC Circuit.

Edward Kavanaugh <kavanaughe@ctfa.org>
05/12/2003 02:35:03 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Legal Times

Bill Scott tells me there is an article that mentions you--have you seen it?

From:	Viet.Dinh@usdoj.gov
To:	Marc.Kesselman2@usdoj.gov <Kavanaugh, Brett M.>;Marc.Kesselman2@usdoj.gov <Schacht, Diana L.>;Marc.Kesselman2@usdoj.gov <Joseffer, Daryl L.>;Marc.Kesselman2@usdoj.gov <Grubbs, Wendy J.>;Marc.Kesselman2@usdoj.gov <Newstead, Jennifer G.>
CC:	Karen.L.Wilson@usdoj.gov <Karen.L.Wilson@usdoj.gov>;Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>;Adam.Charnes@usdoj.gov <Adam.Charnes@usdoj.gov>;Marc.Kesselman2@usdoj.gov <Marc.Kesselman2@usdoj.gov>
Sent:	5/12/2003 2:40:43 PM
Subject:	Class Action Testimony

Y'all,

Just got word that House Judiciary wants me to testify on class action reform on Thursday. This is easy, as we have a previously cleared letter of support for the bill in the 107th, and we will base the testimony on that letter. Just wanted to give you a heads up and ask for you help in clearing the testimony (going to OMB tomorrow morning) by Wednesday morning. thanks,

viet

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/12/2003 3:26:45 PM
Subject: : White House Global Messenger - 5/13/03
Attachments: P_RPYCG003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:12-MAY-2003 19:26:45.00
SUBJECT:: White House Global Messenger - 5/13/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
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(See attached file: GM 5-13-03 FINAL.doc)

THE GLOBAL MESSENGER
Tuesday, May 13, 2003

******KEY POINTS FROM THE PRESIDENT: PEACE IN THE MIDDLE EAST, 5/9/03******

*A dictator in Iraq has been removed from power, reformers in the Middle East are gaining influence, and the momentum of freedom is growing. The United States will seize this moment for the sake of peace.

*The Middle East presents many obstacles to the advance of freedom. America is working with governments and reformers to strengthen ties through our Middle East partnership initiative, and pursuing an agenda of economic, political, and social progress.

*Now with a liberated Iraq, with new leadership for the Palestinian people, with efforts of leaders like President Mubarak and Crown Prince Abdallah, the hope of peace is renewed.

*All sides of the conflict have duties. The Palestinian people must take concrete steps to crack down on terror, and continue on a path of peace, reform and democracy.

*Israel must take tangible steps now to ease the suffering of the Palestinians and to show respect for their dignity.

*As progress is made toward peace, Israel must stop settlement activity in the occupied territories. Arab nations must fight terror in all forms, and recognize

and state once and for all: Israel has a right to exist as a Jewish state at
peace
with its neighbors.

*We're determined to help build a Middle East that grows in hope instead of resentment. Because of the ideals and resolve of this nation, we will not live
in
an age of terror, but in an age of liberty.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change

10:55am President Bush remarks - Indianapolis, IN

1:00pm State Department Briefing

******THE LATEST ON WMD******

*President Bush has made identifying and eliminating Iraq's weapons of mass destruction a top priority.

*We've had a major development in finding the biological weapons lab, which looks
like the sketch that Secretary Powell talked about at the United Nations. There
will be other breakthroughs.

*The Coalition is taking a comprehensive approach by:
-Obtaining the cooperation of key Iraqi personnel;
-Accessing and assessing possible sites; and
-Obtaining and examining key documents and computers.

*A new team working on weapons discovery and other surveys is entering Iraq to
take advantage of the documentation and interviews with Iraqi personnel. This
long-planned rotation enhances our WMD verification program. This team is larger
and will have more experience in document exploitation, intelligence, and other
key
elements.

*The Iraqi regime devised many concealment and deception tools. Iraq's "just-in-time inventory" allowed them to put together weapons at the last moment.
It was inspections-proof.

*They embedded as much as they could in the "dual-use infrastructure," allowing
them - for example - to make as much as 50 percent more chlorine than needed.
The
making of chlorine looks perfectly innocent, but it is a precursor for some chemical weapons.

******LIBERATION UPDATE******
The voices of freedom, now heard across Iraq

For more reactions to Operation Iraqi Freedom,
visit "Liberation Update" at:
http://www.whitehouse.gov/liberation

***
"All my life I have been escaping. So I have dreamed of freedom, of

traveling
abroad, of feeling life the way all young people do. Maybe now I will."
Mohammed Khadum, in Baghdad, Washington Post, 5/8/03

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in Iraq, and more broadly, the ways in which we can all better communicate
the
aspirations and interests that Americans share with freedom-loving people
everywhere.

- GM 5-13-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RPYCG003_WHO.TXT_1>

THE GLOBAL MESSENGER

Tuesday, May 13, 2003

TODAY'S SCHEDULE

All Times Eastern Daylight. Subject to Change

10:55 am	President Bush remarks - Indianapolis, IN
1:00 pm	State Department Briefing

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- We've had a major development in finding the biological weapons lab, which looks like the sketch that Secretary Powell talked about at the United Nations. There will be other breakthroughs.
- The Coalition is taking a comprehensive approach by:
  - Obtaining the cooperation of key Iraqi personnel;
  - Accessing and assessing possible sites; and
  - Obtaining and examining key documents and computers.
- A new team working on weapons discovery and other surveys is entering Iraq to take advantage of the documentation and interviews with Iraqi personnel. This long-planned rotation enhances our WMD verification program. This team is larger and will have more experience in document exploitation, intelligence, and other key elements.
- The process of identifying and verifying WMD is complicated and lengthy. The U.S. government has always expected this to be a difficult and time-consuming process.
  - Based on intelligence, the U.S. has compiled a list of roughly 600 sites related to WMD.
  - Thus far, special teams have visited 70 sites on the original list and another 40 sites that came from leads developed in country.
- The Iraqi regime devised many concealment and deception tools. Iraq's "just-in-time inventory" allowed them to put together weapons at the last moment. It was inspections-proof.
- They embedded as much as they could in the "dual-use infrastructure," allowing them – for example -- to make as much as 50 percent more chlorine than needed. The making of chlorine looks perfectly innocent, but it is a precursor for some chemical weapons.

KEY POINTS FROM THE PRESIDENT: MIDDLE EAST PEACE, 5/9/03

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- Israel must take tangible steps now to ease the suffering of the Palestinians and to show respect for their dignity.
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LIBERATION UPDATE

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http://www.whitehouse.gov/liberation

***

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Mohammed Khadum, in Baghdad, Washington Post, 5/8/03

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Office of Global Communications
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REV_00118116

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 5/12/2003 6:26:01 PM
Subject: Re: the meeting before the meeting

1 is best; 11 is also ok

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/12/2003 06:26:20 PM

Record Type: Record

To: Kimberly A. Douglass/WHO/EOP@Exchange, Michael J. Boisvenue/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: the meeting before the meeting

Let's please get together to discuss political travel. We will try to identify all the questions that we need to answer before meeting with Linda, Joe, Political and Advance.

I am available on Wednesday at the following times:

11am

12pm

1pm

2pm

Do any of these times work for the three of you?

From: Litkenhaus, Colleen
To: <Douglass, Kimberly A.>;<Boisvenue, Michael J.>;<Kavanaugh, Brett M.>
Sent: 5/12/2003 6:26:20 PM
Subject: the meeting before the meeting

Let's please get together to discuss political travel. We will try to identify all the questions that we need to answer before meeting with Linda, Joe, Political and Advance.

I am available on Wednesday at the following times:

11am
12pm
1pm
2pm

Do any of these times work for the three of you?

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>
Sent: 5/12/2003 6:56:55 PM
Subject: we're staying at Beach Club

From: Brosnahan, Jennifer R.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 5/12/2003 6:58:13 PM
Subject: FYI campaign finance update

As you know, on Friday DOJ asked the district court to stay its decision pending the Supreme Court's final disposition of the case. DOJ also filed for administrative stay of the decision pending resolution of the stay motions.

Today, DOJ filed with the district court a response to the other parties' stay motions (which had sought stays of only parts of the district court's decision). DOJ argued that the whole decision, not just part, should be stayed pending the Supreme Court's final disposition.

Today, DOJ also filed its jurisdictional statement with the Supreme Court, which gets the appeal process underway.

Also today, worried that the district court will not grant the requested stay, the NRA asked the Chief Justice for a temporary emergency stay of the decision on Title II, pending the district court's resolution of the stay motions.

If by tomorrow the district court has not ruled on the stay motions, DOJ may also file with the Chief a motion for a temporary emergency stay of the district court's decision, pending resolution of the stay motions, except DOJ will ask to have the entire decision, not just the Title II part, stayed.

I will let you know as things continue to develop.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 5/12/2003 7:19:55 PM
Subject: Consuelo Callahan got 1 question at her hearing

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Connie.Callahan@jud.ca.gov [UNKNOWN] <Connie.Callahan@jud.ca.gov>
Sent: 5/12/2003 3:24:26 PM
Subject: : Speech

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-MAY-2003 19:24:26.00
SUBJECT:: Speech
TO:Connie.Callahan@jud.ca.gov (Connie.Callahan@jud.ca.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

THE PRESIDENT: Thank you all, very much. (Applause.) Please be seated. Thanks. (Applause.) Thanks a lot for coming, thanks for the warm welcome. Welcome to the White House and the Rose Garden. I'm pleased all of you could be here to stand for a truly independent federal judiciary. The framers of the Constitution knew that freedom and justice depend on fair and impartial judges. To ensure judges of the highest quality, integrity, they designed a system in which the President would nominate judges and the Senate would vote up or down on the nominees.

Today, we are facing a crisis in the Senate, and therefore, a crisis in our judiciary. Highly qualified judicial nominees are waiting years to get an up-or-down vote from the United States Senate. They wait for years while partisans search in vain for reasons to reject them. The obstructionist tactics of a small group of senators are setting a pattern that threatens judicial independence. Meanwhile, vacancies on the bench and overcrowded court dockets are causing delays for citizens seeking justice. The judicial confirmation is broken, and it must be fixed for the good of the country. (Applause.)

Every person nominated to the federal bench deserves a timely vote. I want to appreciate Al Gonzales' introduction. I appreciate his good sound legal advice. He's been my friend for a long time. I'm really pleased he left Austin, Texas to come up here and serve our country. I also want to thank the Attorney General for serving our country, as well. He is doing a fabulous job for our nation. (Applause.) And we wish him a happy 60th birthday today. (Applause.)

I'm so pleased the leaders of the United States Senate are here. Bill Frist is ably leading the United States Senate. Thank you for coming, Senator. (Applause.) I want to thank Senator Orrin Hatch for being here, as well. The Chairman is going to lead the efforts to reform our process. And, Mr. Chairman, I support your work to make sure we increase judicial pay across the United States. Thank you for your leadership. (Applause.)

I'm also grateful that Senators Cornyn, from Texas, Dole -- and Graham, of South Carolina -- Mitch McConnell, Zell Miller and Arlen Specter are with us. These folks represent the best of the United States Senate, and thank you for coming. (Applause.)

I appreciate the fact that members of John Aschcroft's staff from the Justice Department are here, in particular Larry Thompson, Bobby McCallum, and Ted Olson. Thank you all, for your good work and service. (Applause.)

I know we've got a lot of distinguished lawyers who are here. A.P. Carlton is the President of the American Bar Association. A.P., I appreciate you coming and lending your efforts to make sure that the system works on behalf of the American people. Duard Bradshaw is the President of the Hispanic National Bar Association -- is here, as well. Welcome to you both. Thank you for your concern. (Applause.) And welcome to all.

Exactly two years ago, I announced my first 11 nominees to the federal appeals court. I chose men and women of talent and integrity, highly qualified nominees who represent the mainstream of American law and American values. Eight of them waited more than a year without an up-or-down vote in the United States Senate. As of today, three of that

original group have waited two years. Their treatment by a group of senators is a disgrace.

Overall, I have sent to the Senate 42 superb nominees for federal courts of appeal. Eighteen of them are still waiting for a vote in the Senate; and eight of those 18 have been waiting more than a year. More appeals court nominees have had to wait over a year for a hearing in my presidency than in the last 50 years combined. This is not just business as usual; this is an abnication of constitutional responsibility, and it is hurting our country. (Applause.)

As President, I have the constitutional responsibility to nominate excellent judges. And I take that responsibility seriously. The men and women I have nominated are an historically diverse group, whose character and credentials are impeccable.

This group includes Miguel Estrada, my selection for the D.C. Circuit Court of Appeals. Miguel Estrada has served in the Justice Department under Presidents from both political parties. He has argued 15 cases before the U.S. Supreme Court. He has earned the American Bar Association's highest mark, a unanimous rating of well qualified. If confirmed, Miguel would be the first Hispanic American ever to serve on the court that is often considered the second highest in the land. Miguel Estrada's nomination has strong support from citizens and leaders in both political parties. And he has support from a majority in the United States Senate. Yet, after two years, he still cannot get an up-or-down vote on the floor of the Senate. A group of Democratic senators has insisted that Mr. Estrada answer questions that other nominees were not required to answer. These senators have sought confidential Justice Department memos not sought for other appeal court nominees -- a request opposed by all living former Solicitor Generals because of the damage it would do to our legal system. These senators have also filibustered for three months to prevent a vote on Miguel Estrada's nomination. Never before has there been a successful filibuster to prevent an up-or-down vote on an appeals court nominee. This is an unprecedented tactic that threatens judicial independence and adds to the vacancy crisis in our courts. And it is wrong. (Applause.)

Justice Priscilla Owen, whom I have nominated to the Fifth Circuit Court of Appeals, also has the support of the majority of United States senators. And she, too, has become the target of a filibuster. Justice Owen is an extraordinarily well qualified nominee, who has served with distinction on the Texas Supreme Court since 1995. Like Miguel Estrada, she has earned the American Bar Association's unanimous rating of well qualified. She has strong bipartisan support, including endorsements from three Democrats who served with her on the Texas Supreme Court; and endorsements from 15 past presidents of the Texas bar. Yet, Justice Owen has been waiting two years -- two years -- for an up-or-down vote on the Senate floor.

The list goes on. And the trend is clear: Of the 18 appeals court nominees awaiting a vote, all who have been rated by the American Bar Association have received well qualified or qualified ratings. Some Democratic senators have referred to those ratings as the gold standard. But those same senators have ignored those high marks, and instead of applying the gold standard, have applied a double standard to some of my nominees. The Senate has a constitutional responsibility to hold an up-or-down vote. (Applause.)

Throughout most of our history, the Senate has exercised this responsibility and voted promptly on judicial nominees. During the administration of former Presidents Bush and Clinton, however, too many appeals court nominees never received votes. And today the situation is worse than ever, making the need for reform greater than ever.

While senators stall and hold on to old grudges, American justice is suffering. Dockets are overcrowded, judges are overworked, and citizens are waiting too long for their cases to be heard. The regional appeals courts have a 12 percent vacancy rate. And filings in those courts have reached an all-time high, again last year. The Sixth Circuit, which covers Ohio and Michigan and Kentucky and Tennessee has four vacancies on a 16-judge court. The D.C. Circuit has three vacancies on a 12-judge court. Of the eighteen open seats that could be filled by the nominees waiting for Senate confirmation, 15 have been classified as judicial emergencies by the Judicial Conference of the United States. The American Bar

Association has called this an emergency situation. And the Chief Justice recently said that these vacancies and rising caseloads threaten the proper functioning of federal courts and asked the Senate to give every nominee a prompt up-or-down vote.

The bitterness and partisanship that have taken over the judicial confirmations process, also threaten judicial independence. Some senators have tried to force nominees to take positions on controversial issues before they even take the bench. This is contrary to the constitutional design of a separate and independent judicial branch.

Six months ago, I proposed a plan to end the vacancy crisis and make the process work again. This plan would apply no matter who lives in the White House or no matter which party controls the United States Senate. Here's how it works: Judges on the federal appellate and district courts would notify the President of their intentions to retire at least a year in advance whenever that is possible. The President would then submit a nomination to the U.S. Senate within 180 days of receiving notice of a vacancy or intended retirement. The Senate Judiciary Committee would hold a hearing within 90 days of receiving a nomination. And the full Senate would vote on a nominee no longer than 180 days after the nomination is submitted. The goal is to have a new judge ready to take the bench on the same day the sitting judge retires.

Since I announced this plan, the Judicial Conference has done its part by strongly urging judges to give a one-year advance notice of retirement. I've done my part with an executive order issued today formalizing my commitment to submit nominations within 180 days after notification of a vacancy. And now we're waiting for the Senate to do its duty and ensure timely up-or-down votes for every single nominee. (Applause.)

Majority Leader Frist and Judiciary Chairman Hatch are pushing hard for progress on this issue. They are reformers. And I thank you for your hard work. (Applause.) U.S. Senator Arlen Specter and U.S. Senator Zell Miller have proposed reforms to fix the problem. And I thank you for your leadership. (Applause.) I'm very pleased that 10 freshmen senators of both parties have come together to demand the return of dignity and civility to the process. As newcomers, they see the futility of endless bickering that blocks good judges from the bench.

Under the leadership of John Cornyn and Democrat Mark Pryor, these senators sent a letter to the Senate leadership last week. And this is what it said: None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future. Each of us firmly believes the United States Senate needs a fresh start.

I completely agree, and so do the American people. (Applause.) I believe a fresh start is possible. And we will stand with these senators to bring needed reform on behalf of the American people. And I ask for your help -- I ask for your help to make sure our judiciary functions in a way that will make the people proud. I ask for your help in talking to senators as we convince them that obstructionist policies harm the American people. It hurts the justice system that makes us the envy of the world. I know we can move forward. I look forward to the day when a good nominee gets a vote -- up or down, in timely fashion -- on the floor of the United States Senate. Thank you all for coming. And God bless. (Applause.) Thank you all for coming. (Applause.)

END 10:51 A.M. EDT

From:	Snee, Ashley
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>;<Grubbs, Wendy J.>;<Mamo, Jeanie S.>
Sent:	5/13/2003 7:19:19 AM
Subject:	The Politics Of Filibusters (WSJournal) - Editorial Today -

The Politics Of Filibusters (WSJournal)

Editorial

The Wall Street Journal, May 13, 2003

Where's Jimmy Stewart when you need him? Two historic filibusters are currently under way in the Senate -- one's been going on for months -- but next to no one outside the Beltway has noticed.

Senate business proceeds as usual, the Members get to sleep in their own beds at night, and Miguel Estrada and Priscilla Owen's names come up only when repeated motions to close debate and bring their judicial nominations to a vote are defeated. Hollywood is not remaking "Mr. Smith Goes to Washington." All of which is exactly the way Democrats want it: They can defeat two Bush judges, and more down the road, without paying a political price.

So one can hardly blame Majority Leader Bill Frist for trying to shine a little light on the problem. The Democrats are imposing an extraordinary new standard for confirming judges -- not a simple majority of 51 votes but a super-majority of 60, the number required to shut off debate. Both filibustered nominees have the support of a bipartisan majority, yet they are being denied the confirmation votes to which they are entitled under the advice-and-consent clause of the U.S. Constitution.

Mr. Frist's proposed solution is to change the procedure under which debate ends and a vote is taken, a process known as "cloture." He would amend Senate Rule XXII so that the number of votes needed to end a filibuster would fall from 60 to 57 to 54 to 51 on successive votes. This would preserve the essential purpose of the filibuster -- which is to give the minority a chance to make their case -- but not let them abuse the system by holding confirmable nominees hostage forever.

Georgia Democrat Zell Miller made an even more ambitious reform proposal on this page in March, when he called for new cloture rules for nominations and legislation -- not just nominations, as Mr. Frist proposes. Mr. Miller's proposal was in turn based on one in 1995 by Democrats Tom Harkin and Joseph Lieberman.

That last one had the support of none other than Tom Daschle, who said at the time that "Democracy means majority rule, not minority gridlock." Mr. Daschle hewed to a different principle on Sunday, when he told NBC's "Meet the Press" that Mr. Estrada and Judge Owen are "exceptions to the rule" that every nominee deserves an up or down vote in the Senate. Apparently he doesn't believe the Constitution should be applied equally to every American.

Under current practice no Senate rule, including the 60-vote cloture rule, can be changed except by a two-thirds majority. Which is where things get interesting, constitutionally speaking. Many legal scholars -- liberal and conservative -- argue that Rule XXII is unconstitutional because it binds future Senates to rules made by a past Senate. "It is an ancient principle of Anglo-American law that one legislature cannot bind a succeeding legislature," Steven Calabresi of Northwestern Law School, told the Senate last week.

Catholic University's Douglas Kmiec made a similar point on this page in March, and Lloyd Cutler, White House Counsel to Presidents Carter and Clinton, wrote in 1993 that "the Senate rule requiring a super-majority vote to cut off debate is unconstitutional." Vice Presidents Nixon, Humphrey and Rockefeller, while presiding over the Senate, have all held that Senate rules can be changed by a simple majority.

If the current Senate did that with Rule XXII -- obtain a majority vote to change the cloture rules for nominations -- Vice President Cheney would presumably agree. That would leave the Democrats with the option of going to court, where the Supreme Court could take the case or, more likely, decide it was a political dispute best left to the Senate to resolve. The President's nominees would be seated.

We've said it before, but it's worth repeating that the Democrats' judicial filibusters are unprecedented in Senate history. Filibustering nominations wasn't even permitted until 1949 and the sole judicial nominee stopped by a filibuster was Abe Fortas, LBJ's nominee for Supreme Court Chief Justice, who faced charges of corruption. Meanwhile, the Democrats are just warming up. A third appeals-court filibuster looks likely this spring, and a Supreme Court filibuster could be next if there's a vacancy this summer.

The system for confirming judges is clearly broken. Democrats are playing politics with Senate rules, but they now profess shock and outrage that Republicans want to play politics too and reform the filibuster rules being abused. Sounds to us as if

Republicans are on to something.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel Pardue <jpardue@fed-soc.org>
Sent: 5/13/2003 7:47:21 AM
Subject: : Re: War Room Meeting

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-MAY-2003 11:47:21.00
SUBJECT:: Re: War Room Meeting
TO:Joel Pardue <jpardue@fed-soc.org> (Joel Pardue <jpardue@fed-soc.org> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

probably me and David Leitch

Joel Pardue <jpardue@fed-soc.org>
05/12/2003 11:20:48 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: War Room Meeting

I just wanted to let you know that we have had several people confirmed for next week's meeting on the 22nd from 12:00-3:00 (lunch will be provided) at Jones Day regarding the information download / War Room meeting with the veterans. Who all is coming from your camp? Thanks.

Joel Pardue
Associate Director, Lawyers Division

From: Joel Pardue <jpardue@fed-soc.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/13/2003 7:50:45 AM
Subject: : Re: War Room Meeting

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joel Pardue <jpardue@fed-soc.org> ( Joel Pardue <jpardue@fed-soc.org> [ UNKNOWN ] )
CREATION DATE/TIME:13-MAY-2003 11:50:45.00
SUBJECT:: Re: War Room Meeting
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Thanks.

At 11:46 AM 5/13/2003 -0400, you wrote:
>probably me and David Leitch
>
>
>
>
>
> (Embedded
> image moved Joel Pardue <jpardue@fed-soc.org>
> to file: 05/12/2003 11:20:48 AM
> pic05722.pcx)
>
>
>
>
>Record Type: Record
>
>
>To: Brett M. Kavanaugh/WHO/EOP@EOP
>
>cc:
>Subject: War Room Meeting
>
>
>
>I just wanted to let you know that we have had several people confirmed
for
>next week's meeting on the 22nd from 12:00-3:00 (lunch will be provided)
at
>Jones Day regarding the information download / War Room meeting with the
>veterans. Who all is coming from your camp? Thanks.
>
>
>Joel Pardue
>Associate Director, Lawyers Division
>
>
>
>
>


Joel Pardue
Associate Director, Lawyers Division
```

From: Boisvenue, Michael J.
To: <Litkenhaus, Colleen>;<Douglass, Kimberly A.>;<Kavanaugh, Brett M.>
Sent: 5/13/2003 8:04:27 AM
Subject: RE: the meeting before the meeting

I'm free Wed at 1:00 and 2:00
-----Original Message-----
From: Litkenhaus, Colleen
Sent: Monday, May 12, 2003 6:26 PM
To: Douglass, Kimberly A.; Boisvenue, Michael J.; Kavanaugh, Brett M.
Subject: the meeting before the meeting

Let's please get together to discuss political travel. We will try to identify all the questions that we need to answer before meeting with Linda, Joe, Political and Advance.

I am available on Wednesday at the following times:

11am
12pm
1pm
2pm

Do any of these times work for the three of you?

From: Douglass, Kimberly A.
To: <Litkenhaus, Colleen>;<Boisvenue, Michael J.>;<Kavanaugh, Brett M.>
Sent: 5/13/2003 8:29:28 AM
Subject: RE: the meeting before the meeting

any time is good for me
-----Original Message-----
From: Litkenhaus, Colleen
Sent: Monday, May 12, 2003 6:26 PM
To: Douglass, Kimberly A.; Boisvenue, Michael J.; Kavanaugh, Brett M.
Subject: the meeting before the meeting

Let's please get together to discuss political travel. We will try to identify all the questions that we need to answer before meeting with Linda, Joe, Political and Advance.

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11am
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1pm
2pm

Do any of these times work for the three of you?

From: Litkenhaus, Colleen
To: <Douglass, Kimberly A.>;<Boisvenue, Michael J.>;<Kavanaugh, Brett M.>
Sent: 5/13/2003 8:30:04 AM
Subject: RE: the meeting before the meeting

1 pm on Wednesday it is. Should we come to you Brett or do you want to go to Room One?
-----Original Message-----
From: Douglass, Kimberly A.
Sent: Tuesday, May 13, 2003 8:29 AM
To: Litkenhaus, Colleen; Boisvenue, Michael J.; Kavanaugh, Brett M.
Subject: RE: the meeting before the meeting

any time is good for me
-----Original Message-----
From: Litkenhaus, Colleen
Sent: Monday, May 12, 2003 6:26 PM
To: Douglass, Kimberly A.; Boisvenue, Michael J.; Kavanaugh, Brett M.
Subject: the meeting before the meeting

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11am
12pm
1pm
2pm

Do any of these times work for the three of you?

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/13/2003 6:25:41 AM
Subject: : FW:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:13-MAY-2003 10:25:41.00
SUBJECT:: FW:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

??
-----Original Message-----
From: Rodriguez, Leonard B.
Sent: Tuesday, May 13, 2003 10:03 AM
To: Nelson, Carolyn
Subject: Re:

Coming...

Do you know if Brett and the Judge spoke RE: Moctesuma Esparza??

From: Carolyn Nelson/WHO/EOP@Exchange on 05/13/2003 09:43:46 AM
Record Type: Record

To: Leonard B. Rodriguez/WHO/EOP@EOP
cc:
Subject:

Sorry to be a pest, but any luck on dates for the June naturalization ceremonies?

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/13/2003 10:26:17 AM
Subject: FW:

??

-----Original Message-----

From: Rodriguez, Leonard B.

Sent: Tuesday, May 13, 2003 10:03 AM

To: Nelson, Carolyn

Subject: Re:

Coming...

Do you know if Brett and the Judge spoke RE: Moctesuma Esparza??

From: Carolyn Nelson/WHO/EOP@Exchange on 05/13/2003 09:43:46 AM
Record Type: Record

To: Leonard B. Rodriguez/WHO/EOP@EOP
cc:
Subject:

Sorry to be a pest, but any luck on dates for the June naturalization ceremonies?

From: Vestewig, Lauren J.
To: <Kavanaugh, Brett M.>
Sent: 5/13/2003 10:29:20 AM
Subject: Victims of International Terror Meeting

Jay, Phil Perry and John Wood are meeting tomorrow at 9 am re. victims of international terror. Can you make it? (Did I already ask you?)

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 5/13/2003 10:38:03 AM
Subject: what finally happened with Cohen on Campbell?

From:	Nelson, Carolyn
To:	<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Ullyot, Theodore W.>;<Everson, Nanette>;<Leitch, David G.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>; <Brosnahan, Jennifer R.>
CC:	<Montiel, Charlotte L.>;<Bumatay, Patrick J.>
Sent:	5/13/2003 10:40:46 AM
Subject:	Staff Meeting

There will not be a staff meeting on Memorial Day (Monday, May 26). Thanks!

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 5/13/2003 10:52:57 AM
Subject: RE:

It hasn't come through in staffing yet. I'll forward to you as soon as it comes.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, May 13, 2003 10:49 AM
To: Bumatay, Patrick J.
Subject:

Can I see remarks for Natl Hispanic Prayer Breakfast?

From: Thomas, Ginni <ginni.thomas@heritage.org>
To: Karre, Meredith <Meredith.Karre@heritage.org>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/13/2003 6:53:13 AM
Subject: : Heritage Update - Recent Publications and Upcoming Events, May 13th
Attachments: P_28FDG003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thomas, Ginni" <ginni.thomas@heritage.org> ("Thomas, Ginni"
<ginni.thomas@heritage.org> [UNKNOWN])
CREATION DATE/TIME:13-MAY-2003 10:53:13.00
SUBJECT:: Heritage Update - Recent Publications and Upcoming Events, May 13th
TO:"Karre, Meredith" <Meredith.Karre@heritage.org> ("Karre, Meredith"
<Meredith.Karre@heritage.org> [UNKNOWN])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

<http://www.heritage.org/emails/hidden/heritage_update.gif>
<http://www.heritage.org/> <http://www.heritage.org/research/>
<http://www.heritage.org/press/dailybriefing/>
<http://www.heritage.org/press/events/>

May 13, 2003

Domestic Policy:
<http://www.heritage.org/Research/Taxes/em878.cfm> International
Provisions of Tax Bill Undermine U.S. Competitiveness by Dan Mitchell

Senate <http://www.heritage.org/Research/Taxes/em876.cfm> Dividend Plan
Fails to Deliver for the Economy
by Dan Mitchell

The 2001 <http://www.heritage.org/Research/Taxes/bg1653.cfm> Tax Cut Did
Make a Difference
by Ron Utt

President's <http://www.heritage.org/Press/Commentary/ed051203a.cfm> Plan
Sees Forests and Trees
by Cha[Thomas, Ginni] r li Coon

Foreign and Defense Policy:
<http://www.heritage.org/Press/Commentary/ed051203.cfm> Time To Pressure
Iran by Peter Brookes

<http://www.heritage.org/Research/LatinAmerica/em877.cfm> Free Trade with
Chile: Advancing U.S. Policy in Latin America by Ana Eiras

Upcoming Events:
Click Here for <http://www.heritage.org/Press/Events/index.cfm> Event
Information and RSVP

Beyond Terrorism: The Future Of U.S. Relations With Pakistan
Featuring: Khurshid M. Kasuri, Foreign Minister of the Islamic Republic of
Pakistan; and Dr. Larry Wortzel, The Heritage Foundation.
Thursday, May 15th 3:00 p.m. - 4:30 p.m.

Can Increased Marriage Sharply Reduce Child Poverty?
Featuring: Wade Horn, Assistant Secretary for Children and Families, U.S.
Department of Health and Human Services; and Robert Rector and Lauren

Noyes, The Heritage Foundation.
Tuesday, May 20th 12:00 noon - 1:30 p.m.

The Politics of Deviance
Featuring: Anne Hendershott, Author; and Pat Fagan, The Heritage Foundation.
Thursday, May 22nd 12:00 noon - 1:00 p.m.

Government Relations
<http://www.heritage.org/about/staff/michaelfranc.cfm> Michael Franc
Vice President, Government Relations
Contact: 202-608-6064
Executive Branch Relations
<http://www.heritage.org/about/staff/virginiathomas.cfm> Virginia Thomas
Director, Executive Branch Relations
Contact: 202-608-6240
Meredith Karre (<mailto:%20meredith.karre@heritage.org> email)
Deputy Executive Branch Liaison
Contact: 202-608-6058
<http://www.heritage.org/emails/hidden/pres_prior.gif>

<http://www.heritage.org/research/taxes/taxbriefingroom.cfm> The Economy
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<http://www.heritage.org/Research/MiddleEast/iraq/> Post-war Iraq
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<http://www.heritage.org/research/features/agenda.cfm> Agenda 2003: Shaping America's Future
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<http://www.heritage.org/About/Staff/experts.cfm> Heritage Experts
<http://www.heritage.org/press/> Press Room
<http://www.heritage.org/press/events/> Heritage Live Events
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_28FDG003_WHO.TXT_1>

May 13 , 2003

Domestic Policy: **& nbsp;** **&n bsp;** International Provisions of Tax Bill Undermine U.S. Competitiveness by Dan Mitchell

Senate Dividend Plan Fails to Deliver for the Economy by Dan Mitchell

The 2001 Tax Cut Did Make a Difference by Ron Utt
Presi dent's Plan Sees Forests and Trees by Cha[Thomas, Ginni] r li Coon

Foreign and Defense Policy:
Time To Pressure Iran by Peter Brookes
Free Trade with Chile: Advancing U.S. Polic y in Latin America by Ana Eiras

Upcoming Events:
Click Here fo r Event Information and RSVP
< /DIV>
Beyond Terrorism: The Future Of **U.S. Relations With Pakistan**< /DIV>
Featuring: **Khurshid M. Kasuri**, Foreign Minister of the Islamic Republic of Pakistan; and **Dr. Larry Wortzel**, The Heritage Foundation.
Thursday, **May 15th** 3:00 p.m. - 4:30 p.m.
< /DIV>
Can Increased Marriage Sharply **Reduce Child Poverty**?
Featuring: **Wade Horn**, Assistant Secretary for Children and Families, U.S. Department of Health and Human Services; and **Robert Rector** and **Lauren Noyes**, The Heritage Foundation.
Tuesday, **May 20th** 12:00 noon - 1:30 p.m.

The **Politics of Deviance**
Featuring: **Anne Hendershott**, Author; and **Pat Fagan**, The Heritage Foundation.
Thursday, **May 22nd** 12:00 noon - 1:00 p.m.

Government Relations

Michael Franc
Vice President, Government Relations
Contact: 202-608-6064

Executive Branch Relations

Virginia Thomas
Director, Executive Branch Relations
Contact: 202-608-6240

Meredith Karre (email)
Deputy Executive Branch Liaison
Contact: 202-608-6058



< FONT face=Arial color=#294984>The Economy

New and timely research on the tax debate and the President's plan.

Post-war Iraq

Health Care



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From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/13/2003 7:18:02 AM
Subject: : Leif Reid -- from The Hill

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-MAY-2003 11:18:02.00
SUBJECT:: Leif Reid -- from The Hill
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Kyle Sampson/WHO/EOP on 05/13/2003 11:17 AM ----------

"Kristi.L.Remington@usdoj.gov" <Kristi.L.Remington
05/13/2003 11:13:35 AM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc:
Subject: The Hill

In case you hadn't seen:

MAY 13, 2003
Reid's son to become latest chip in Judiciary standoff
By Geoff Earle

Sen. John Ensign (R-Nev.) has injected a new personal element into the fight over judicial nominations by recommending the son of his Democratic colleague, Senate Minority Whip Harry Reid, for a federal judgeship.

Senate insiders say that if President Bush decides to nominate Leif Reid as a federal district judge in Nevada, it would present Republicans with a bargaining chip - one they could use either to go along with his nomination or push back with the kind of obstructionist tactics they say Democrats have used to thwart two of Bush's U.S. appellate court nominees.

Several Republican senators have spoken glowingly about Leif Reid, 35, a former assistant U.S. attorney and graduate of Stanford Law School.

"He's a very competent young man," said Judiciary Committee Chairman Orrin Hatch (R-Utah). "He'd make an excellent judge." Hatch said he has "weighed in" for Reid, whom he has met. "I can't speak for the Senate, but I will do everything in my power, within reason, to get him through."

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believe Democrats have unfairly blocked presidential nominees based solely on ideological considerations.

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Although some Republicans expressed surprise that Ensign would make such a gesture to a Democratic leader in view of the partisan backdrop of the judicial-nominations fight, several members pointed to Sen. Reid's high regard within the chamber. As minority whip, he is constantly troubleshooting problems and vetting procedural agreements with Republicans, sometimes clearing obstacles to move legislation and nominations.

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Lott added, "He understands - and a lot of other Democrats understand - that we've got to stop
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Reid's name was among four candidates for the vacant judgeship that Ensign submitted to the White House. He said he relies on an informal panel of about a dozen people in Nevada to advise him on nominations.

Ensign and Reid's father have a close working relationship, despite having faced off in a bitter Senate contest won by Reid in 1998. They collaborated to try to fight a permanent nuclear-waste storage facility at Yucca Mountain in Nevada.

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: wittesb@washpost.com @ inet [UNKNOWN] <wittesb@washpost.com @ inet>
Sent: 5/13/2003 7:43:53 AM
Subject: : from The Hill newspaper

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-MAY-2003 11:43:53.00
SUBJECT:: from The Hill newspaper
TO:wittesb@washpost.com @ inet (wittesb@washpost.com @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

MAY 13, 2003
; Reid's son to become latest chip in Judiciary standoff
;By Geoff Earle

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From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 5/13/2003 12:17:47 PM
Subject:

please call re op-ed and calling Jonathan Groner at Legal Times. Thanks.

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/13/2003 9:04:49 AM
Subject: : FW: Congressional Questions for the Record
Attachments: P_BANDG003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:13-MAY-2003 13:04:49.00
SUBJECT:: FW: Congressional Questions for the Record
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Daniel, James F.
Sent: Thursday, May 08, 2003 8:30 AM
To: Campen, Tim; Gambatesa, Linda M.; Litkenhaus, Colleen;
Pelletier, Eric C.; Powell, Benjamin A.; O'Donnell, Claire M.; Addington,
David S.
Cc: Dilworth, Monique L.; Gelfer, Elizabeth; Greenstone, Adam F.
Subject: FW: Congressional Questions for the Record

Attached for your review are the questions we received from the Congress(we have assigned the questions to the appropriate EOP staff and are in the process of issuing specific questions to specific staff members. Given the short suspense, we plan to forward the answers to you for review and approval as we receive the answers then coordinate the final consolidated package for approval. thanks

-----Original Message-----
From: Dilworth, Monique L.
Sent: Thursday, May 08, 2003 7:40 AM
To: Daniel, James F.
Subject: Congressional Questions for the Record

Below is the note I plan to send to all personnel that are assigned questions.

Yesterday, we received 169 Congressional Questions for the Record on the EOP FY 2004 Budget Request. The answers are due to Congress on May 23rd. So that we are able to obtain all required clearances in a timely manner, we ask that you provide draft responses to the questions assigned to you no later than COB Wednesday, May 14th.

The questions assigned to you are listed below. Please answer the questions completely, consisely and accurately. Be able to produce all supporting documentation since Congress will often ask follow up questions based on our responses. Several questions refer to last year's (FY 2003) hearing record. I will provide those references in a separate email shortly. It is important that you do not share the questions or answers with anyone or any organization outside of the EOP.

Send your responses directly to me with a copy to Jim Daniel. As always, contact me if you need any clarification.

Monique Dilworth
5-7638

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_BANDG003_WHO.TXT_1>

Questions for the Record
Chairman Ernest J. Istook, Jr.
Hearing on the Executive Office of the President
April 30, 2003

Unobligated Balances (POC - Veronica Kitchen)

Question 1: Please provide a listing of all unobligated balances, by fiscal year, appropriation and PPA, for all accounts within the Executive Office of the President. Please also show the original appropriation levels for these accounts.

Consolidation of Accounts (POC- Al Muhlbauer)

Question 2: Sections 105 and 106 of title 3 U. S. Code describe expenses that may be accounted for solely on the certificate of the President and Vice President, respectively. Most of these expenses correspond to particular accounts. The Comptroller General may inspect documents related to these expenditures, but solely to verify that the expenditures were made for allowed purposes. When we asked last year how certified expenses would be identified for audit within a consolidated appropriation, the response was that the certification requirements would continue to be observed (p. 41). This does not answer the question of how the account structure will be maintained to provide an identifiable and auditable crosswalk between title 3-certifiable expenses and other expenses within the consolidated appropriation.

Question 3: Please provide a listing of all appropriations language enacted in Public Law 108-7 which would be dropped in the proposed account consolidation, and provide a brief explanation of why that language is not necessary.

The White House (Consolidated Account) (POC – Chuck Sigman)

Question 4: You are requesting $12,302,000 for object class 23.3 (communications, utilities, and miscellaneous services) in FY 2004. This is a large increase over the estimated $7,010,000 for FY 2003. What accounts for the increase?

Rental Pricing (POC – Chuck Sigman)

Question 5: The FY 2004 justifications state that, over the past year, EOP, GSA, and OMB have undertaken an assessment of space rental costs for all EOP entities. The result of this analysis is that the FY 2004 request includes additional funding to accommodate an "EOP average" rental rate. Please provide details of how this analysis was conducted, and specify the estimated rental rates for the various EOP entities, as determined by this analysis.

REV_00118213

EOP Staffing (POC – Jon Laurich)

Question 6: By EOP office, please provide FTE and OGE, similar in format to the tables found on pages 111 and 112 of last year's hearing record. Please provide data for FY 2002 through 2004.

OA Staffing (POC – Jon Laurich)

Question 7: By OA office, please provide FTE and OGE, similar in format to the tables found on page 113 of last year's hearing record. Please provide data for FY 2002 through 2004.

OMB Staffing (POC – Jon Laurich/Brian Gillis)

Question 8: By OMB office, please provide FTE and OGE, similar in format to the tables found on page 114 of last year's hearing record. Please provide data for FY 2002 through 2004.

Office of Homeland Security (POC – Paul Ehrhardt)

Question 9: Your FY 2004 budget requests $8,331,000 for the Office of Homeland Security. Please provide an object class breakdown of those costs and compare them to FY 2003 estimated levels.

Question 10: In particular, how much are you requesting in FY 2004 for professional contracts, and how does that compare to the estimated FY 2003 level?

Question 11: How many FTE and FTP are you requesting for this office in FY 2004, and how do these figures compare to current FY 2003 estimates and actuals for FY 2002?

Question 12: How many positions in the office are filled today, and how many are vacant?

Question 13: Please provide a table comparing the number of detailees to OHS, by federal agency, for each of the fiscal years 2002 through 2004 (estimated).

Question 14: How many detailees are on board today?

Question 15: Please provide a list of all positions in OHS, showing the incumbent's name, rate of annual salary, and position title. Please annotate any positions which are currently vacant.

Question 16: Please update the OHS organizational chart found on page 50 of last year's hearing record.

REV_00118214

Question 17: Please update the information shown on pages 44 through 47 of last year's hearing record concerning Office of Homeland Security travel. In addition to the information provided last year, please provide a brief descriptor of the travel purpose.

Question 18: Currently, OHS costs are included in both the WHO and OA appropriations. Is that also the case in the FY 2004 request? If so, please provide a table, by appropriation, showing total OHS budgeted costs, for each of the fiscal years 2002 through 2004.

Question 19: Last year, it was stated that one MOU existed between OHS and other EOP entities (p. 51). Please provide a copy of the MOU between MOU and the Office of Science and Technology Policy.

Question 20: Have any other MOUs been signed since that time?

Question 21: At this time last year, OHS planned to establish a coordination center which would function 24 hours a day, 7 days a week; a communications room; and two incident management rooms. At the same time, the Administration made clear that the role of OHS was to establish and coordinate policy, and not to conduct operational activities. With the establishment of the Department of Homeland Security, have these specific activities been descoped or eliminated?

Question 22: How many positions support these activities in the FY 2004 request, and what is the total budgeted amount?

Question 23: How are such activities appropriate for a policymaking body, when DHS now exists to coordinate and execute operational activities related to specific homeland security incidents and activities?

Question 24: At the time of last year's hearing, the permanent location and amount of space for the President's Critical Infrastructure Protection Board had not been determined (p. 77). Have these requirements been determined today?

Question 25: Likewise, total CIPB staffing had not been determined. Do you have an estimate today? What staffing assumptions were made in the FY 2004 budget submission?

Question 26: How much funding is included in the FY 2004 request for CIPB, and how does that compare to the current estimate for FY 2003?

Question 27: Please provide a breakdown showing how those funds would be used.

Question 28: Please provide details on any government-industry partnerships that have been created in support of cyber security initiatives coordinated by, or carried out, through EOP or the CIPB.

REV_00118215

National Security Council (POC – Katherine Fertakis)

Question 29: Your request includes a 10.8 percent increase to cover reimbursable detailee costs and additional support staff for the President's Foreign Intelligence Advisory Board. Please explain the need for these increases in detail.

Question 30: What are the dollar and percentage increases for each of the above items, compared to the FY 2003 estimated levels?

Question 31: The justifications indicate that 11 additional positions are being added to this office in FY 2003, raising the estimated from 60 in FY 2002 to an estimated 71 in FY 2003. What specific positions are being created?

Question 32: The FY 2004 request includes funds for a new GS-14 administrative manager for the PFIAB. Why is this new position needed at this time?

Office of National Drug Control Policy (POC – Michelle Marx)

Question 33: You are requesting 10 additional FTE in FY 2004 to replace 10 non-reimbursable detailees who are no longer available. Why are these positions no longer available, and what are the specific positions?

Renovation of the Eisenhower Executive Office Building (POC – Steve Beattie)

Question 34: What is the status of funding provided in FY 2002 and 2003? Please provide a breakdown of funding by the type of activity or renovation performed.

Question 35: How much remains unobligated, by appropriation?

Question 36: Please provide a detailed breakdown showing how funds requested in the GSA budget for FY 2004 would be used.

Question 37: Please provide a detailed schedule for activities planned in FY 2004.

Question 38: How much are you currently paying GSA for the unoccupied space along the 17th Street side of EEOB, and how much rental cost are you incurring for the new locations where relocated employees are working?

Executive Residence (POC – Worthington White)

Question 39: Please provide a table, corresponding to the projects on page 81 of last year's hearing record, showing the original appropriation for each project, the amount obligated to date, and the project status. This involves projects funded in fiscal year 2002.

REV_00118216

Question 40: Please provide a listing of the 95 FTE positions at the Executive Residence requested for funding in FY 2004, showing the position title and the annual salary level.

Question 41: The justifications (p. 67) indicate an estimated unobligated balance of $7,023,000 in this appropriation at the beginning of FY 2003. Please explain the sources of this balance, and provide a schedule for obligation of increments of those funds.

White House Repair and Restoration (POC – Dennis Freemyer)

Question 42: You are requesting $4.225,000 for repairs and restoration of the White House. Is there additional funding in the National Park Service budget or elsewhere in the President's budget request for FY 2004 for similar activities at the White House?

Question 43: Of this request, $3,500,000 is for restoration of the east and west wing exterior. Please provide a detailed discussion and breakdown of this request.

Pennsylvania Avenue Improvements (POC – Steve Beattie)

Question 44: What is the total estimated cost of security and street improvements on Pennsylvania Avenue in front of the White House, for which funds were provided in FY 2003?

Question 45: What is the status of that project? When will FY 2003 funds be obligated?

Question 46: How much funding is requested for this project in FY 2004, and where is it located in the budget?

Question 47: What is the schedule for studies of traffic congestion mitigation alternatives in the vicinity of the White House, as funded in FY 2003?

Remote Data Center (POC – Carlos Solari)

Question 48: What is the status of establishment today of the remote data center?

Question 49: Last year, you estimated annual operating costs of this facility to be $7,500,000 (p. 88). Is that your current estimate?

Question 50: Your FY 2004 request includes $8,403,000 to transition the remote data center to full operational status (p. 75). What specific activities are required in FY 2004 to accomplish this? Can you provide a breakdown of the FY 2004 request consistent with these activities?

REV_00118217

President's Travel (POC - Rothley Howard)

Question 51: Please update the information on pages 89 through 94 of last year's hearing record concerning travel by the President and the First Lady by continuing data from the final entry of last year's record to the present time.

Presidential Staff Travel (POC – Rothley Howard)

Question 52: Please provide a listing of staff travel not in support of the President for fiscal year 2002 and thus far in fiscal year 2003. For each entry, please include the name of traveler, the destination and purpose of trip, the number of days in travel status, and the trip cost.

Consulting Services (POC – Kathleen O'Halloran)

Question 53: Updating the information on page 115 of last year's hearing record, please provide actual and estimated amounts for consulting services for fiscal years 2002 through 2004.

Freedom Corps (POC – Eric Lanman)

Question 54: Please provide EOP budgeted funding for the Freedom Corps for fiscal years 2002 through 2004.

Question 55: Please provide a breakdown of the FY 2004 request for the Freedom Corps, and a brief description of the work to be accomplished under each item.

Question 56: Last year, funds were requested for Freedom Corps information dissemination and recognition materials (p. 239). Are similar activities funded in FY 2004? If so, how much?

Question 57: Are additional funds requested in FY 2004 outside the EOP?

Question 58: Please provide a listing of the staff in the USA Freedom Corps Office, showing the incumbent name and position. Please designate any detailees.

Sensitive Compartmented Information Facilities (POC – Jeff Thompson)

Question 59: Are any funds requested in any EOP office in the FY 2004 President's request for the construction of sensitive compartmented information facilities (SCIFs)?

Question 60: How many such facilities have been built within EOP offices since the terrorist attacks of September 11, 2001?

REV_00118218

Data Center Relocation (POC – Carlos Solari)

Question 61: What is the status of efforts to relocate the existing EOP data center, and what are plans for the coming year?

Question 62: Are funds requested in the FY 2004 budget for this project?

White House Communications Agency (POC – Eric Lanman)

Question 63: Updating the information on page 133 of last year's hearing record, please provide estimated reimbursements for the White House Communications Agency for each of the fiscal years 2002 through 2004.

Office of Administration (POC – Chuck Sigman)

Question 64: Updating the information on page 134 of last year's hearing record, please provide a current organizational chart for the Office of Administration, including the associated numbers of FTEs requested for each office in the FY 2004 President's budget.

Question 65: Last year, it was estimated that 4 FTE were needed to provide administrative services to the Office of Homeland Security. Since that office is substantially smaller due to establishment of the DHS, is there a lesser requirement for OA support? If so, is that reflected in FY 2004 staffing figures?

Question 66: Your salary and expenses request includes a transfer of $1,500 from Homeland Security for information technology services. What are these services?

Question 67: You are requesting additional funding for victim rescue units, which would be distributed to all White House staff (p. 82). What are these units, and what is the unit cost?

Question 68: How is the requirement for additional safes and emergency evacuation chairs documented?

Financial Audits (POC – Al Muhlbauer)

Question 69: Last year, you advised us that EOP would plan to address the findings of the recent auditability assessment no later than FY 2003. What is the status of that effort today?

Question 70: When will you be able to produce an auditable financial statement?

Question 71: Last year, you stated that you had identified best practices for documented policies and procedures based upon one federal agency which has been recognized as one of the best in the Federal Government (p. 136). Which agency are you using as a model, and what are some examples of the specific best practices you intend to use?

REV_00118219

White House Office (POC – Eric Lanman)

Question 72: Please provide a breakdown of the FY 2004 budget request for the White House Office by office or activity, as itemized on pages 137 and 138 of last year's hearing record. Please compare those amounts to corresponding amounts for FY 2002 (actual) and FY 2003 (estimated), similar in format to that shown on pages 246 and 247 of last year's hearing record.

Question 73: Please provide a corresponding breakdown for FTE staffyears and OGE, similar in format to that shown on pages 152 through 154 of last year's hearing record.

Historically Provided White House Office Positions (POC – Eric Lanman/Jon Laurich)

Question 74: Updating the information on page 235 of last year's hearing record, please provide a listing of historically provided White House Office positions.

Other Services (POC – Chuck Sigman)

Question 75: Similar to the information on page 236 et seq. of last year's hearing record, please provide a detailed description of each project, program, or initiative proposed to be funded in FY 2004 under object class 25.2 ("other services").

Salaries and Expenses (POC – Dilworth)

Question 76: Please provide a detailed description of any expenses in the FY 2004 budget under "salaries and expenses" which are not directly related to personnel compensation and benefits.

Security Guard Services for OSTP (POC – Chuck Sigman)

Question 77: In FY 2003, you budgeted $1,798,000 for security guard services for the Office of Science and Technology Policy. Are similar funds requested in FY 2004? If so, how much?

Question 78: Why aren't such funds in the OSTP budget?

Political Appointees (POC – Jon Laurich)

Question 79: Please update the information on political appointees within EOP as shown on page 268 of last year's hearing record, using the same criteria and assumptions as last year.

REV_00118220

Detailees (POC – Jon Laurich)

Question 80: Please update the information on reimbursable and non-reimbursable detailees with EOP as shown on pages 268 and 269 of last year's hearing record.

Office of the Vice President (POC – Kristen Savercool)

Question 81: You are requesting an additional $70,000 (+1.7 percent) for the Vice President's travel, due to increased travel to undisclosed locations after the terrorist attacks of September 11, 2001. Weren't these type of increases baselined in FY 2002 and FY 2003, and if so, why are further increases needed in FY 2004?

Unanticipated Needs (POC – Eric Lanman)

Question 82: Please provide a listing of the uses of Unanticipated Needs funds in FY 2002.

REV_00118221

Questions for the Record
Ranking Member, John Olver
Hearing on the Executive Office of the President
April 30, 2003

Account Consolidation and Transfer Proposals (POC – Al Muhlbauer/Jim Daniel)
When we centralized the funds within the Office of Administration, Congress intended that each agency would continue to receive a similar share of support and assistance under the consolidation.

Question 83: Are any agencies going to receive diminished services or resources under the consolidation?

Question 84: Are any agencies to receive extra services above and beyond the amount of funds they contributed as part of the consolidation?

Question 85: Under the procurement consolidation pilot approved in the FY03 Omnibus, are IT or database services for any EOP agency going to be paid for by funds contributed by other EOP agencies?

Question 86: In general, are the funds appropriated for this centralized procurement program going to be used to supplement the appropriation made to individual agencies?

Question 87: If so, which agencies will benefit and which agencies will receive less than their share of contributions?

Question 88: You recently submitted a very cursory report on the procurement pilot. When will you provide us with specific details on the progress of the pilot program?

Your budget also proposes a change that would permit EOP agencies to transfer up to 10% into our out any agency's budget. Coupled with your account consolidation proposal, that would allow you to transfer in up to $18 million more into (or out of) the White House's budget.

Question 89: Under the procurement consolidation program that we approved in the FY03 bill, don't you have a similar type of flexibility already? What other flexibility is needed?

Question 90: What protection is there for smaller EOP agencies under this proposal? Don't they stand to lose critical resources if the White House or Vice President's Office decide to take 10% of their resources?

REV_00118222

Office of Homeland Security Questions (POC – Paul Ehrhardt)

We recently received a reprogramming request to transfer $2m of the funds provided to the Office of Homeland Security to the Remote Delivery Site cleanup efforts. The source of these funds would come from the Office of Homeland Security.

The Office of Homeland Security has gone from an initial $25m stated need when the initial FY03 bills passed the House and Senate to $11m when the FY03 Omnibus was passed to what will be $9m if the reprogramming is approved.

Question 91: What exactly does the Office of Homeland Security do now that the Department of Homeland Security is in place?

Question 92: Does OHS still have a presence at Nebraska Avenue?

Question 93: Does the Office of Administration provide any support to agencies at Nebraska Avenue? If so, please describe the specific types of support provided. Is this support on a reimbursable basis?

Question 94: How many personnel and detailees now work for OHS?

Question 95: What is the actual operational budget need for OHS in FY03?

Question 96: For the record, please provide us a breakout by object class of the Office of Homeland Security's FY03 remaining budget.

Question 97: Any likelihood that these estimates will be revised downward again?

Question 98: I understand that the President named General Gordon as his new Homeland Security Adviser. Does he support the latest $2 million cut to his office's resources?

Question 99: Have you validated the FY04 request recently to ensure it is an accurate figure?

Budget Questions:

After the FY03 enacted levels are adjusted to reflect the transfer of $9 million to the Office of Homeland Security, the Executive Office of the President's FY04 budget request reflects an 8% increase over FY03 levels. Your agency, the Office of Administration requests a 10% increase between FY03 and FY04.

When the budget was introduced, Mitch Daniels said that the overall growth of Federal programs would be pegged to the expected 4% growth in inflation. The administration

REV_00118223

also said the President wanted to "match government's growth with the growth of American family income."

Question 100: When the rest of the government is forced to live with 4% growth, how can you justify an almost 10% increase in your office and an overall Executive Office of the President increase of 8%? **(POC – Chuck Sigman)**

The White House Office's increase of 3.6% looks smaller because of a realignment of $1.85m in rent to the Office of Administration's account. Without the realignment, the White House Office's increase would be around 6.6%. **(POC – Eric Lanman)**

Question 101: What is the justification for this realignment? **(POC – Eric Lanman)**

Question 102: How could the White House have been paying the bill for space that wasn't theirs? **(POC – Eric Lanman)**

Question 103: Which EOP agencies occupied this space on which the White House Office has been paying rent? **(POC – Eric Lanman)**

Question 104: Are these costs that had historically been paid by the White House Office? **(POC – Eric Lanman)**

Question 105: If so, why make the change this year? **(POC – Eric Lanman)**

Travel

The White House Office's request includes a decrease of $400,000 in Presidential Travel. **(POC – Eric Lanman)**

Question 106: Was the FY03 estimate too high? **(POC – Eric Lanman)**

Question 107: If so, how do you intend to use the surplus funds? **(POC – Eric Lanman)**

Question 108: Are you planning less travel in FY04 or will more of the travel just be paid for by political entities? **(POC – Eric Lanman)**

Question 109: Please provide a list of all White House Office, Office of Homeland Security and Office of Vice President official staff travel for FY02 and FY03 (to date). Include a brief description of the official purpose of the trip. For FY04 estimates, provide estimated number of trips and trip purpose. **(POC – Rothley Howard)**

Question 110: Please provide a list of all Presidential, First Lady and Vice Presidential travel for FY02 and FY03 (to date). For each trip, please provide the trip date, destination, designation (i.e., political, official), number of official EOP staff supporting the Principal and, the official cost of the trip. **(POC – Rothley Howard)**

REV_00118224

Question 111: How much did OMB reimburse the White House Office for use of White House motorpool vehicles in FY02? How much is OMB projecting to reimburse in FY03 and FY04? **(POC – Brian Gillis)**

In the hearing, Mr. Daniel mentioned that the FY03 vehicle lease and IT support contracts came in significantly below the original budget estimates.

Question 112: Do you intend to return the unused funds to the Treasury at the end of the fiscal year? **(POC – Chuck Sigman)**

Question 113: For these areas in which savings were realized, what are your plans for the funds? **(POC – Chuck Sigman)**

Political Travel (POC – Andy Kalnins)

Question 114: Please explain the reimbursement procedures the White House intends to follow during the Presidential election season.

Question 115: Exactly when will the presidential-campaign procedures take effect?

Question 116: How do you determine who the official travelers are on a campaign or political trip? Does the list of positions vary from trip to trip?

Question 117: On trips with political and official components, what is the procedure for determining which events are paid for using official funds and which events are reimbursed by the political entity?

Question 118: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, what criteria is used to determine whether an event is "political" or "official"?

Question 119: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, does the political entity reimburse the White House for the Speechwriters time?

Question 120: Have events been classified as "official" even if only members of the President's political party are invited to share the stage with the President?

Question 121: If so, what justification is used to argue that these events were not political events?

Question 122: Please provide information about reimbursement to the White House Office or other government agencies associated with local staff travel to political events attended by the President in FY02 or FY03. For each reimbursement made, please provide the date the bill was generated, the number of events reflected on the bill, the

REV_00118225

date payment was received, the political entity paying the charges and the total amount paid on each bill.

Photographic Services (POC – Eric Lanman)

Question 123: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photographic equipment purchased for use by the White House photographers?

Question 124: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photo lab equipment purchased for use by the WHCA photo lab?

Question 125: For FY02, FY03 and FY04, what was (or is projected to be) the total travel cost associated with travel of White House Photographers?

Question 126: For FY02, FY03 and FY04, what was (or is projected to be) the total rent cost associated with the WHCA photo lab?

Question 127: Please explain the procedures for determining when and how the government is to be reimbursed for photos released for non-official purposes. If these procedures have changed from those followed by the previous administration, please explain any changes that have been made.

Question 128: For FY02 and the first seven months of FY03, please provide the following information about each payment made to the White House, OA, WHCA, DISA (or other DoD organization) to reimburse for the release of photos or photo lab services that were provided:

- date reimbursement was made
- name of reimbursing organization
- amount of payment
- number of photos purchased by reimbursing organization
- size of photos purchased by reimbursing organization

Remote Delivery Site Reprogramming Request (POC – Paul Ehrhardt)

We recently received a reprogramming request to transfer $2m of the funds provided to the Office of Homeland Security to the Remote Delivery Site cleanup efforts.

Question 129: What is the status of remediation efforts?

Question 130: Please provide the total budget estimate for this project.

Question 131: Please provide the anticipated schedule for this effort.

Question 132: What caused this $2 million overrun?

REV_00118226

Question 133: Why have you stopped providing the monthly reports on the remediation efforts?

Previously the Remote Delivery Site was used to screen incoming mail. It also used to serve as an off-site supply depot. With the Department of Homeland Security now assuming the mail processing function and with supply operations now established on the White House Complex, I'm curious about future plans for the RDS.

Question 134: What will the facility be used for when remediation is finished?

Question 135: Will the DHS use the facility to screen the White House's mail?

Question 136: Will you close the on-site supply stores and revert back to running the supply operation out of the Remote Delivery Site?

White House Access (POC – Eric Pelletier)

Question 137: For the record, please provide the total number of visitors who passed through the White House as part of tours in 2000, 2001, 2002 and 2003 (to date).

Question 138: Why are White House tours currently not open to the general public?

Question 139: What is the status of the report on the status of White House Tours that was due to the Subcommittee by March 22nd?

Question 140: Who has the lead on the efforts to decide whether public tours can be resumed?

Question 141: Does the USSS do a background check on all individuals attending events and meetings at the White House Complex before access can be granted?

Question 142: During this administration, have White House aides ever overruled a building-access recommendation made by the USSS?

Off-site EOP Support (POC – Eric Pelletier)

Question 143: How many EOP employees are based in Crawford, TX?

Question 144: How much space does the EOP pay rent for in Crawford, TX?

Question 145: How many trailers were acquired for Crawford, TX?

Question 146: What was the cost to purchase and renovate these trailers?

REV_00118227

Question 147: What are the expected FY04 operating costs of facilities and staff permanently deployed to Crawford, TX?

Rent (POC – Steve Beattie)

Question 148: Please provide an accounting of all space on which the EOP currently pays rent. The list should include the number of staff in each building, the agencies which occupy space in each facility, the total square footage by agency in each facility, the total square footage of vacant space on which the EOP is currently paying rent in each facility and the GSA rent rates for each facility.

Question 149: Under the procurement consolidation pilot that was approved in the FY03 Omnibus, is the rent for any EOP agency going to be paid out of funds contributed by other EOP agencies?

Question 150: Under the procurement consolidation pilot that was approved in the FY03 Omnibus, are after hours utilities charges for any EOP agency going to be paid out of funds contributed by other EOP agencies?

Travel Office (POC – Mayra Segovia)

Question 151: Please describe the current role the White House Travel Office plays in managing and arranging the financial aspects of White House Press Corps travel. Does the White House Travel Office operate as a "dollar-for-dollar" operation?

Question 152: How many EOP staff work in the White House Travel Office?

Question 153: How many contractor travel agents support the White House Travel Office?

Question 154: Please include the most recent independent financial statement audit of the White House Travel Office's accounts for the record.

Question 155: Please explain the formula you use to determine the rate of reimbursement for Press Corps travelers on the Press Charter?

Question 156: Please explain the formula you use to determine the rate of reimbursement for Press Pool travelers on Air Force One?

Question 157: Please explain the formula used to identify the reimbursement rate that the Travel Office billed Press Corps travelers accompanying the President's travel to the USS Abraham Lincoln. In your response, please include the actual rate billed to individual press corps travelers on this trip.

REV_00118228

Bonuses

Question 158: Why did this administration reinstate the payments of bonuses to political appointees? **(POC – Eric Pelletier)**

Question 159: Have any EOP political staff been given bonuses since the policy was reinstated in March of 2002? **(POC – Jon Laurich)**

Question 160: Have any EOP political staff been given pay increases for a single pay period in FY02 or FY03 (to date) that would have the same effect as a bonus? **(POC – Jon Laurich)**

Eisenhower Executive Office Building

Question 161: Since 1/20/01, have any non-Federal funds been used for renovations and/or furnishings in the GSA facilities occupied by the Executive Office of the President? [this question does not apply to the White House residence.] **(POC – Eric Pelletier)**

Question 162: Which Federal agency (i.e., GSA, OA/Facilitles) coordinated the work that was paid for using non-Federal funds? **(POC – Eric Pelletier)**

Question 163: For the record, please provide the sources and amounts of the non-Federal funds used for renovations and/or furnishings? **(POC – Eric Pelletier)**

Question 164: For the record, please also provide a description of each project for which non-Federal funds were provided. **(POC – Eric Pelletier)**

Question 165: Why were non-Federal funds used to renovate and/or furnish these GSA facilities? **(POC – Eric Pelletier)**

Question 166: Which agency's gift authority was used to accept the contribution of non-Federal funds for renovations and/or furnishings?

Question 167: Please provide a list of all EOP and EOP-support-related agencies that occupied space in the Eisenhower Executive Office Building on 1/20/01 that have since been relocated to locations outside the EEOB. For each agency that relocated, please identify the agency that paid the move-related costs. **(POC – Steve Beattie)**

Question 168: What is the status of the vacant space on the 17th Street side of the Eisenhower Executive Office Building? **(POC – Steve Beattie)**

REV_00118229

EOP Staffing Levels:

Question 169: By EOP agency, provide FTE and OGE. Itemize OGE by category (e.g. reimbursable detailee, PSC, etc). Include FY 2002 (actual) and FY03-FY04 (estimates). Please provide a list of the "historically provided" White House Office positions, the office to which these positions are assigned and the agency that pays the salary for each of these positions. **(POC – Jon Laurich)**

REV_00118230

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Estes/WHO /EOP@EOP [WHO] <Ashley Estes>
Sent: 5/13/2003 1:05:10 PM
Subject: : Re: Michael gallagher.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-MAY-2003 17:05:10.00
SUBJECT:: Re: Michael gallagher.
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Any thoughts on letter?

.

----- Original Message -----
From:Ashley Estes/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 05/13/2003 05:04:43 PM
Subject: RE: Michael gallagher.

Was this a mistake?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, May 13, 2003 5:02 PM
To: Estes, Ashley
Subject: Michael gallagher.

.

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 5/13/2003 1:05:11 PM
Subject: FW: Congressional Questions for the Record
Attachments: FY04_EOP_Subcommittee QFRs.doc

-----Original Message-----

From: Daniel, James F.

Sent: Thursday, May 08, 2003 8:30 AM

To: Campen, Tim; Gambatesa, Linda M.; Litkenhaus, Colleen; Pelletier, Eric C.; Powell, Benjamin A.; O'Donnell, Claire M.; Addington, David S.

Cc: Dilworth, Monique L.; Gelfer, Elizabeth; Greenstone, Adam F.

Subject: FW: Congressional Questions for the Record

Attached for your review are the questions we received from the Congress... we have assigned the questions to the appropriate EOP staff and are in the process of issuing specific questions to specific staff members. Given the short suspense, we plan to forward the answers to you for review and approval as we receive the answers then coordinate the final consolidated package for approval. thanks

-----Original Message-----

From: Dilworth, Monique L.

Sent: Thursday, May 08, 2003 7:40 AM

To: Daniel, James F.

Subject: Congressional Questions for the Record

Below is the note I plan to send to all personnel that are assigned questions.

Yesterday, we received 169 Congressional Questions for the Record on the EOP FY 2004 Budget Request. The answers are due to Congress on May 23rd. So that we are able to obtain all required clearances in a timely manner, **we ask that you provide draft responses to the questions assigned to you no later than COB Wednesday, May 14th.**

The questions assigned to you are listed below. Please answer the questions completely, consisely and accurately. Be able to produce all supporting documentation since Congress will often ask follow up questions based on our responses. Several questions refer to last year's (FY 2003) hearing record. I will provide those references in a separate email shortly. **It is important that you do not share the questions or answers with anyone or any organization outside of the EOP.**

Send your responses directly to me with a copy to Jim Daniel. As always, contact me if you need any clarification.

<>

Monique Dilworth
5-7638

Questions for the Record
Chairman Ernest J. Istook, Jr.
Hearing on the Executive Office of the President
April 30, 2003

Unobligated Balances (POC - Veronica Kitchen)

Question 1: Please provide a listing of all unobligated balances, by fiscal year, appropriation and PPA, for all accounts within the Executive Office of the President. Please also show the original appropriation levels for these accounts.

Consolidation of Accounts (POC- Al Muhlbauer)

Question 2: Sections 105 and 106 of title 3 U. S. Code describe expenses that may be accounted for solely on the certificate of the President and Vice President, respectively. Most of these expenses correspond to particular accounts. The Comptroller General may inspect documents related to these expenditures, but solely to verify that the expenditures were made for allowed purposes. When we asked last year how certified expenses would be identified for audit within a consolidated appropriation, the response was that the certification requirements would continue to be observed (p. 41). This does not answer the question of how the account structure will be maintained to provide an identifiable and auditable crosswalk between title 3-certifiable expenses and other expenses within the consolidated appropriation.

Question 3: Please provide a listing of all appropriations language enacted in Public Law 108-7 which would be dropped in the proposed account consolidation, and provide a brief explanation of why that language is not necessary.

The White House (Consolidated Account) (POC – Chuck Sigman)

Question 4: You are requesting $12,302,000 for object class 23.3 (communications, utilities, and miscellaneous services) in FY 2004. This is a large increase over the estimated $7,010,000 for FY 2003. What accounts for the increase?

Rental Pricing (POC – Chuck Sigman)

Question 5: The FY 2004 justifications state that, over the past year, EOP, GSA, and OMB have undertaken an assessment of space rental costs for all EOP entities. The result of this analysis is that the FY 2004 request includes additional funding to accommodate an "EOP average" rental rate. Please provide details of how this analysis was conducted, and specify the estimated rental rates for the various EOP entities, as determined by this analysis.

REV_00118234

EOP Staffing (POC – Jon Laurich)

Question 6: By EOP office, please provide FTE and OGE, similar in format to the tables found on pages 111 and 112 of last year's hearing record. Please provide data for FY 2002 through 2004.

OA Staffing (POC – Jon Laurich)

Question 7: By OA office, please provide FTE and OGE, similar in format to the tables found on page 113 of last year's hearing record. Please provide data for FY 2002 through 2004.

OMB Staffing (POC – Jon Laurich/Brian Gillis)

Question 8: By OMB office, please provide FTE and OGE, similar in format to the tables found on page 114 of last year's hearing record. Please provide data for FY 2002 through 2004.

Office of Homeland Security (POC – Paul Ehrhardt)

Question 9: Your FY 2004 budget requests $8,331,000 for the Office of Homeland Security. Please provide an object class breakdown of those costs and compare them to FY 2003 estimated levels.

Question 10: In particular, how much are you requesting in FY 2004 for professional contracts, and how does that compare to the estimated FY 2003 level?

Question 11: How many FTE and FTP are you requesting for this office in FY 2004, and how do these figures compare to current FY 2003 estimates and actuals for FY 2002?

Question 12: How many positions in the office are filled today, and how many are vacant?

Question 13: Please provide a table comparing the number of detailees to OHS, by federal agency, for each of the fiscal years 2002 through 2004 (estimated).

Question 14: How many detailees are on board today?

Question 15: Please provide a list of all positions in OHS, showing the incumbent's name, rate of annual salary, and position title. Please annotate any positions which are currently vacant.

Question 16: Please update the OHS organizational chart found on page 50 of last year's hearing record.

REV_00118235

Question 17: Please update the information shown on pages 44 through 47 of last year's hearing record concerning Office of Homeland Security travel. In addition to the information provided last year, please provide a brief descriptor of the travel purpose.

Question 18: Currently, OHS costs are included in both the WHO and OA appropriations. Is that also the case in the FY 2004 request? If so, please provide a table, by appropriation, showing total OHS budgeted costs, for each of the fiscal years 2002 through 2004.

Question 19: Last year, it was stated that one MOU existed between OHS and other EOP entities (p. 51). Please provide a copy of the MOU between MOU and the Office of Science and Technology Policy.

Question 20: Have any other MOUs been signed since that time?

Question 21: At this time last year, OHS planned to establish a coordination center which would function 24 hours a day, 7 days a week; a communications room; and two incident management rooms. At the same time, the Administration made clear that the role of OHS was to establish and coordinate policy, and not to conduct operational activities. With the establishment of the Department of Homeland Security, have these specific activities been descoped or eliminated?

Question 22: How many positions support these activities in the FY 2004 request, and what is the total budgeted amount?

Question 23: How are such activities appropriate for a policymaking body, when DHS now exists to coordinate and execute operational activities related to specific homeland security incidents and activities?

Question 24: At the time of last year's hearing, the permanent location and amount of space for the President's Critical Infrastructure Protection Board had not been determined (p. 77). Have these requirements been determined today?

Question 25: Likewise, total CIPB staffing had not been determined. Do you have an estimate today? What staffing assumptions were made in the FY 2004 budget submission?

Question 26: How much funding is included in the FY 2004 request for CIPB, and how does that compare to the current estimate for FY 2003?

Question 27: Please provide a breakdown showing how those funds would be used.

Question 28: Please provide details on any government-industry partnerships that have been created in support of cyber security initiatives coordinated by, or carried out, through EOP or the CIPB.

REV_00118236

National Security Council (POC – Katherine Fertakis)

Question 29: Your request includes a 10.8 percent increase to cover reimbursable detailee costs and additional support staff for the President's Foreign Intelligence Advisory Board. Please explain the need for these increases in detail.

Question 30: What are the dollar and percentage increases for each of the above items, compared to the FY 2003 estimated levels?

Question 31: The justifications indicate that 11 additional positions are being added to this office in FY 2003, raising the estimated from 60 in FY 2002 to an estimated 71 in FY 2003. What specific positions are being created?

Question 32: The FY 2004 request includes funds for a new GS-14 administrative manager for the PFIAB. Why is this new position needed at this time?

Office of National Drug Control Policy (POC – Michelle Marx)

Question 33: You are requesting 10 additional FTE in FY 2004 to replace 10 non-reimbursable detailees who are no longer available. Why are these positions no longer available, and what are the specific positions?

Renovation of the Eisenhower Executive Office Building (POC – Steve Beattie)

Question 34: What is the status of funding provided in FY 2002 and 2003? Please provide a breakdown of funding by the type of activity or renovation performed.

Question 35: How much remains unobligated, by appropriation?

Question 36: Please provide a detailed breakdown showing how funds requested in the GSA budget for FY 2004 would be used.

Question 37: Please provide a detailed schedule for activities planned in FY 2004.

Question 38: How much are you currently paying GSA for the unoccupied space along the 17th Street side of EEOB, and how much rental cost are you incurring for the new locations where relocated employees are working?

Executive Residence (POC – Worthington White)

Question 39: Please provide a table, corresponding to the projects on page 81 of last year's hearing record, showing the original appropriation for each project, the amount obligated to date, and the project status. This involves projects funded in fiscal year 2002.

REV_00118237

Question 40: Please provide a listing of the 95 FTE positions at the Executive Residence requested for funding in FY 2004, showing the position title and the annual salary level.

Question 41: The justifications (p. 67) indicate an estimated unobligated balance of $7,023,000 in this appropriation at the beginning of FY 2003. Please explain the sources of this balance, and provide a schedule for obligation of increments of those funds.

White House Repair and Restoration (POC – Dennis Freemyer)

Question 42: You are requesting $4.225,000 for repairs and restoration of the White House. Is there additional funding in the National Park Service budget or elsewhere in the President's budget request for FY 2004 for similar activities at the White House?

Question 43: Of this request, $3,500,000 is for restoration of the east and west wing exterior. Please provide a detailed discussion and breakdown of this request.

Pennsylvania Avenue Improvements (POC – Steve Beattie)

Question 44: What is the total estimated cost of security and street improvements on Pennsylvania Avenue in front of the White House, for which funds were provided in FY 2003?

Question 45: What is the status of that project? When will FY 2003 funds be obligated?

Question 46: How much funding is requested for this project in FY 2004, and where is it located in the budget?

Question 47: What is the schedule for studies of traffic congestion mitigation alternatives in the vicinity of the White House, as funded in FY 2003?

Remote Data Center (POC – Carlos Solari)

Question 48: What is the status of establishment today of the remote data center?

Question 49: Last year, you estimated annual operating costs of this facility to be $7,500,000 (p. 88). Is that your current estimate?

Question 50: Your FY 2004 request includes $8,403,000 to transition the remote data center to full operational status (p. 75). What specific activities are required in FY 2004 to accomplish this? Can you provide a breakdown of the FY 2004 request consistent with these activities?

REV_00118238

President's Travel (POC - Rothley Howard)

Question 51: Please update the information on pages 89 through 94 of last year's hearing record concerning travel by the President and the First Lady by continuing data from the final entry of last year's record to the present time.

Presidential Staff Travel (POC – Rothley Howard)

Question 52: Please provide a listing of staff travel not in support of the President for fiscal year 2002 and thus far in fiscal year 2003. For each entry, please include the name of traveler, the destination and purpose of trip, the number of days in travel status, and the trip cost.

Consulting Services (POC – Kathleen O'Halloran)

Question 53: Updating the information on page 115 of last year's hearing record, please provide actual and estimated amounts for consulting services for fiscal years 2002 through 2004.

Freedom Corps (POC – Eric Lanman)

Question 54: Please provide EOP budgeted funding for the Freedom Corps for fiscal years 2002 through 2004.

Question 55: Please provide a breakdown of the FY 2004 request for the Freedom Corps, and a brief description of the work to be accomplished under each item.

Question 56: Last year, funds were requested for Freedom Corps information dissemination and recognition materials (p. 239). Are similar activities funded in FY 2004? If so, how much?

Question 57: Are additional funds requested in FY 2004 outside the EOP?

Question 58: Please provide a listing of the staff in the USA Freedom Corps Office, showing the incumbent name and position. Please designate any detailees.

Sensitive Compartmented Information Facilities (POC – Jeff Thompson)

Question 59: Are any funds requested in any EOP office in the FY 2004 President's request for the construction of sensitive compartmented information facilities (SCIFs)?

Question 60: How many such facilities have been built within EOP offices since the terrorist attacks of September 11, 2001?

REV_00118239

Data Center Relocation (POC – Carlos Solari)

Question 61: What is the status of efforts to relocate the existing EOP data center, and what are plans for the coming year?

Question 62: Are funds requested in the FY 2004 budget for this project?

White House Communications Agency (POC – Eric Lanman)

Question 63: Updating the information on page 133 of last year's hearing record, please provide estimated reimbursements for the White House Communications Agency for each of the fiscal years 2002 through 2004.

Office of Administration (POC – Chuck Sigman)

Question 64: Updating the information on page 134 of last year's hearing record, please provide a current organizational chart for the Office of Administration, including the associated numbers of FTEs requested for each office in the FY 2004 President's budget.

Question 65: Last year, it was estimated that 4 FTE were needed to provide administrative services to the Office of Homeland Security. Since that office is substantially smaller due to establishment of the DHS, is there a lesser requirement for OA support? If so, is that reflected in FY 2004 staffing figures?

Question 66: Your salary and expenses request includes a transfer of $1,500 from Homeland Security for information technology services. What are these services?

Question 67: You are requesting additional funding for victim rescue units, which would be distributed to all White House staff (p. 82). What are these units, and what is the unit cost?

Question 68: How is the requirement for additional safes and emergency evacuation chairs documented?

Financial Audits (POC – Al Muhlbauer)

Question 69: Last year, you advised us that EOP would plan to address the findings of the recent auditability assessment no later than FY 2003. What is the status of that effort today?

Question 70: When will you be able to produce an auditable financial statement?

Question 71: Last year, you stated that you had identified best practices for documented policies and procedures based upon one federal agency which has been recognized as one of the best in the Federal Government (p. 136). Which agency are you using as a model, and what are some examples of the specific best practices you intend to use?

REV_00118240

White House Office (POC – Eric Lanman)

Question 72: Please provide a breakdown of the FY 2004 budget request for the White House Office by office or activity, as itemized on pages 137 and 138 of last year's hearing record. Please compare those amounts to corresponding amounts for FY 2002 (actual) and FY 2003 (estimated), similar in format to that shown on pages 246 and 247 of last year's hearing record.

Question 73: Please provide a corresponding breakdown for FTE staffyears and OGE, similar in format to that shown on pages 152 through 154 of last year's hearing record.

Historically Provided White House Office Positions (POC – Eric Lanman/Jon Laurich)

Question 74: Updating the information on page 235 of last year's hearing record, please provide a listing of historically provided White House Office positions.

Other Services (POC – Chuck Sigman)

Question 75: Similar to the information on page 236 et seq. of last year's hearing record, please provide a detailed description of each project, program, or initiative proposed to be funded in FY 2004 under object class 25.2 ("other services").

Salaries and Expenses (POC – Dilworth)

Question 76: Please provide a detailed description of any expenses in the FY 2004 budget under "salaries and expenses" which are not directly related to personnel compensation and benefits.

Security Guard Services for OSTP (POC – Chuck Sigman)

Question 77: In FY 2003, you budgeted $1,798,000 for security guard services for the Office of Science and Technology Policy. Are similar funds requested in FY 2004? If so, how much?

Question 78: Why aren't such funds in the OSTP budget?

Political Appointees (POC – Jon Laurich)

Question 79: Please update the information on political appointees within EOP as shown on page 268 of last year's hearing record, using the same criteria and assumptions as last year.

REV_00118241

Detailees (POC – Jon Laurich)

Question 80: Please update the information on reimbursable and non-reimbursable detailees with EOP as shown on pages 268 and 269 of last year's hearing record.

Office of the Vice President (POC – Kristen Savercool)

Question 81: You are requesting an additional $70,000 (+1.7 percent) for the Vice President's travel, due to increased travel to undisclosed locations after the terrorist attacks of September 11, 2001. Weren't these type of increases baselined in FY 2002 and FY 2003, and if so, why are further increases needed in FY 2004?

Unanticipated Needs (POC – Eric Lanman)

Question 82: Please provide a listing of the uses of Unanticipated Needs funds in FY 2002.

REV_00118242

Questions for the Record
Ranking Member, John Olver
Hearing on the Executive Office of the President
April 30, 2003

Account Consolidation and Transfer Proposals (POC – Al Muhlbauer/Jim Daniel)
When we centralized the funds within the Office of Administration, Congress intended that each agency would continue to receive a similar share of support and assistance under the consolidation.

Question 83: Are any agencies going to receive diminished services or resources under the consolidation?

Question 84: Are any agencies to receive extra services above and beyond the amount of funds they contributed as part of the consolidation?

Question 85: Under the procurement consolidation pilot approved in the FY03 Omnibus, are IT or database services for any EOP agency going to be paid for by funds contributed by other EOP agencies?

Question 86: In general, are the funds appropriated for this centralized procurement program going to be used to supplement the appropriation made to individual agencies?

Question 87: If so, which agencies will benefit and which agencies will receive less than their share of contributions?

Question 88: You recently submitted a very cursory report on the procurement pilot. When will you provide us with specific details on the progress of the pilot program?

Your budget also proposes a change that would permit EOP agencies to transfer up to 10% into our out any agency's budget. Coupled with your account consolidation proposal, that would allow you to transfer in up to $18 million more into (or out of) the White House's budget.

Question 89: Under the procurement consolidation program that we approved in the FY03 bill, don't you have a similar type of flexibility already? What other flexibility is needed?

Question 90: What protection is there for smaller EOP agencies under this proposal? Don't they stand to lose critical resources if the White House or Vice President's Office decide to take 10% of their resources?

REV_00118243

Office of Homeland Security Questions (POC – Paul Ehrhardt)

We recently received a reprogramming request to transfer $2m of the funds provided to the Office of Homeland Security to the Remote Delivery Site cleanup efforts. The source of these funds would come from the Office of Homeland Security.

The Office of Homeland Security has gone from an initial $25m stated need when the initial FY03 bills passed the House and Senate to $11m when the FY03 Omnibus was passed to what will be $9m if the reprogramming is approved.

Question 91: What exactly does the Office of Homeland Security do now that the Department of Homeland Security is in place?

Question 92: Does OHS still have a presence at Nebraska Avenue?

Question 93: Does the Office of Administration provide any support to agencies at Nebraska Avenue? If so, please describe the specific types of support provided. Is this support on a reimbursable basis?

Question 94: How many personnel and detailees now work for OHS?

Question 95: What is the actual operational budget need for OHS in FY03?

Question 96: For the record, please provide us a breakout by object class of the Office of Homeland Security's FY03 remaining budget.

Question 97: Any likelihood that these estimates will be revised downward again?

Question 98: I understand that the President named General Gordon as his new Homeland Security Adviser. Does he support the latest $2 million cut to his office's resources?

Question 99: Have you validated the FY04 request recently to ensure it is an accurate figure?

Budget Questions:

After the FY03 enacted levels are adjusted to reflect the transfer of $9 million to the Office of Homeland Security, the Executive Office of the President's FY04 budget request reflects an 8% increase over FY03 levels. Your agency, the Office of Administration requests a 10% increase between FY03 and FY04.

When the budget was introduced, Mitch Daniels said that the overall growth of Federal programs would be pegged to the expected 4% growth in inflation. The administration

REV_00118244

also said the President wanted to "match government's growth with the growth of American family income."

Question 100: When the rest of the government is forced to live with 4% growth, how can you justify an almost 10% increase in your office and an overall Executive Office of the President increase of 8%? **(POC – Chuck Sigman)**

The White House Office's increase of 3.6% looks smaller because of a realignment of $1.85m in rent to the Office of Administration's account. Without the realignment, the White House Office's increase would be around 6.6%. **(POC – Eric Lanman)**

Question 101: What is the justification for this realignment? **(POC – Eric Lanman)**

Question 102: How could the White House have been paying the bill for space that wasn't theirs? **(POC – Eric Lanman)**

Question 103: Which EOP agencies occupied this space on which the White House Office has been paying rent? **(POC – Eric Lanman)**

Question 104: Are these costs that had historically been paid by the White House Office? **(POC – Eric Lanman)**

Question 105: If so, why make the change this year? **(POC – Eric Lanman)**

Travel

The White House Office's request includes a decrease of $400,000 in Presidential Travel. **(POC – Eric Lanman)**

Question 106: Was the FY03 estimate too high? **(POC – Eric Lanman)**

Question 107: If so, how do you intend to use the surplus funds? **(POC – Eric Lanman)**

Question 108: Are you planning less travel in FY04 or will more of the travel just be paid for by political entities? **(POC – Eric Lanman)**

Question 109: Please provide a list of all White House Office, Office of Homeland Security and Office of Vice President official staff travel for FY02 and FY03 (to date). Include a brief description of the official purpose of the trip. For FY04 estimates, provide estimated number of trips and trip purpose. **(POC – Rothley Howard)**

Question 110: Please provide a list of all Presidential, First Lady and Vice Presidential travel for FY02 and FY03 (to date). For each trip, please provide the trip date, destination, designation (i.e., political, official), number of official EOP staff supporting the Principal and, the official cost of the trip. **(POC – Rothley Howard)**

REV_00118245

Question 111: How much did OMB reimburse the White House Office for use of White House motorpool vehicles in FY02? How much is OMB projecting to reimburse in FY03 and FY04? **(POC – Brian Gillis)**

In the hearing, Mr. Daniel mentioned that the FY03 vehicle lease and IT support contracts came in significantly below the original budget estimates.

Question 112: Do you intend to return the unused funds to the Treasury at the end of the fiscal year? **(POC – Chuck Sigman)**

Question 113: For these areas in which savings were realized, what are your plans for the funds? **(POC – Chuck Sigman)**

Political Travel (POC – Andy Kalnins)

Question 114: Please explain the reimbursement procedures the White House intends to follow during the Presidential election season.

Question 115: Exactly when will the presidential-campaign procedures take effect?

Question 116: How do you determine who the official travelers are on a campaign or political trip? Does the list of positions vary from trip to trip?

Question 117: On trips with political and official components, what is the procedure for determining which events are paid for using official funds and which events are reimbursed by the political entity?

Question 118: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, what criteria is used to determine whether an event is "political" or "official"?

Question 119: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, does the political entity reimburse the White House for the Speechwriters time?

Question 120: Have events been classified as "official" even if only members of the President's political party are invited to share the stage with the President?

Question 121: If so, what justification is used to argue that these events were not political events?

Question 122: Please provide information about reimbursement to the White House Office or other government agencies associated with local staff travel to political events attended by the President in FY02 or FY03. For each reimbursement made, please provide the date the bill was generated, the number of events reflected on the bill, the

REV_00118246

date payment was received, the political entity paying the charges and the total amount paid on each bill.

Photographic Services (POC – Eric Lanman)

Question 123: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photographic equipment purchased for use by the White House photographers?

Question 124: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photo lab equipment purchased for use by the WHCA photo lab?

Question 125: For FY02, FY03 and FY04, what was (or is projected to be) the total travel cost associated with travel of White House Photographers?

Question 126: For FY02, FY03 and FY04, what was (or is projected to be) the total rent cost associated with the WHCA photo lab?

Question 127: Please explain the procedures for determining when and how the government is to be reimbursed for photos released for non-official purposes. If these procedures have changed from those followed by the previous administration, please explain any changes that have been made.

Question 128: For FY02 and the first seven months of FY03, please provide the following information about each payment made to the White House, OA, WHCA, DISA (or other DoD organization) to reimburse for the release of photos or photo lab services that were provided:

- date reimbursement was made
- name of reimbursing organization
- amount of payment
- number of photos purchased by reimbursing organization
- size of photos purchased by reimbursing organization

Remote Delivery Site Reprogramming Request (POC – Paul Ehrhardt)

We recently received a reprogramming request to transfer $2m of the funds provided to the Office of Homeland Security to the Remote Delivery Site cleanup efforts.

Question 129: What is the status of remediation efforts?

Question 130: Please provide the total budget estimate for this project.

Question 131: Please provide the anticipated schedule for this effort.

Question 132: What caused this $2 million overrun?

REV_00118247

Question 133: Why have you stopped providing the monthly reports on the remediation efforts?

Previously the Remote Delivery Site was used to screen incoming mail. It also used to serve as an off-site supply depot. With the Department of Homeland Security now assuming the mail processing function and with supply operations now established on the White House Complex, I'm curious about future plans for the RDS.

Question 134: What will the facility be used for when remediation is finished?

Question 135: Will the DHS use the facility to screen the White House's mail?

Question 136: Will you close the on-site supply stores and revert back to running the supply operation out of the Remote Delivery Site?

White House Access (POC – Eric Pelletier)

Question 137: For the record, please provide the total number of visitors who passed through the White House as part of tours in 2000, 2001, 2002 and 2003 (to date).

Question 138: Why are White House tours currently not open to the general public?

Question 139: What is the status of the report on the status of White House Tours that was due to the Subcommittee by March 22nd?

Question 140: Who has the lead on the efforts to decide whether public tours can be resumed?

Question 141: Does the USSS do a background check on all individuals attending events and meetings at the White House Complex before access can be granted?

Question 142: During this administration, have White House aides ever overruled a building-access recommendation made by the USSS?

Off-site EOP Support (POC – Eric Pelletier)

Question 143: How many EOP employees are based in Crawford, TX?

Question 144: How much space does the EOP pay rent for in Crawford, TX?

Question 145: How many trailers were acquired for Crawford, TX?

Question 146: What was the cost to purchase and renovate these trailers?

REV_00118248

Question 147: What are the expected FY04 operating costs of facilities and staff permanently deployed to Crawford, TX?

Rent (POC – Steve Beattie)

Question 148: Please provide an accounting of all space on which the EOP currently pays rent. The list should include the number of staff in each building, the agencies which occupy space in each facility, the total square footage by agency in each facility, the total square footage of vacant space on which the EOP is currently paying rent in each facility and the GSA rent rates for each facility.

Question 149: Under the procurement consolidation pilot that was approved in the FY03 Omnibus, is the rent for any EOP agency going to be paid out of funds contributed by other EOP agencies?

Question 150: Under the procurement consolidation pilot that was approved in the FY03 Omnibus, are after hours utilities charges for any EOP agency going to be paid out of funds contributed by other EOP agencies?

Travel Office (POC – Mayra Segovia)

Question 151: Please describe the current role the White House Travel Office plays in managing and arranging the financial aspects of White House Press Corps travel. Does the White House Travel Office operate as a "dollar-for-dollar" operation?

Question 152: How many EOP staff work in the White House Travel Office?

Question 153: How many contractor travel agents support the White House Travel Office?

Question 154: Please include the most recent independent financial statement audit of the White House Travel Office's accounts for the record.

Question 155: Please explain the formula you use to determine the rate of reimbursement for Press Corps travelers on the Press Charter?

Question 156: Please explain the formula you use to determine the rate of reimbursement for Press Pool travelers on Air Force One?

Question 157: Please explain the formula used to identify the reimbursement rate that the Travel Office billed Press Corps travelers accompanying the President's travel to the USS Abraham Lincoln. In your response, please include the actual rate billed to individual press corps travelers on this trip.

REV_00118249

Bonuses

Question 158: Why did this administration reinstate the payments of bonuses to political appointees? **(POC – Eric Pelletier)**

Question 159: Have any EOP political staff been given bonuses since the policy was reinstated in March of 2002? **(POC – Jon Laurich)**

Question 160: Have any EOP political staff been given pay increases for a single pay period in FY02 or FY03 (to date) that would have the same effect as a bonus? **(POC – Jon Laurich)**

Eisenhower Executive Office Building

Question 161: Since 1/20/01, have any non-Federal funds been used for renovations and/or furnishings in the GSA facilities occupied by the Executive Office of the President? [this question does not apply to the White House residence.] **(POC – Eric Pelletier)**

Question 162: Which Federal agency (i.e., GSA, OA/Facilitles) coordinated the work that was paid for using non-Federal funds? **(POC – Eric Pelletier)**

Question 163: For the record, please provide the sources and amounts of the non-Federal funds used for renovations and/or furnishings? **(POC – Eric Pelletier)**

Question 164: For the record, please also provide a description of each project for which non-Federal funds were provided. **(POC – Eric Pelletier)**

Question 165: Why were non-Federal funds used to renovate and/or furnish these GSA facilities? **(POC – Eric Pelletier)**

Question 166: Which agency's gift authority was used to accept the contribution of non-Federal funds for renovations and/or furnishings?

Question 167: Please provide a list of all EOP and EOP-support-related agencies that occupied space in the Eisenhower Executive Office Building on 1/20/01 that have since been relocated to locations outside the EEOB. For each agency that relocated, please identify the agency that paid the move-related costs. **(POC – Steve Beattie)**

Question 168: What is the status of the vacant space on the 17th Street side of the Eisenhower Executive Office Building? **(POC – Steve Beattie)**

REV_00118250

EOP Staffing Levels:

Question 169: By EOP agency, provide FTE and OGE. Itemize OGE by category (e.g. reimbursable detailee, PSC, etc). Include FY 2002 (actual) and FY03-FY04 (estimates). Please provide a list of the "historically provided" White House Office positions, the office to which these positions are assigned and the agency that pays the salary for each of these positions. **(POC – Jon Laurich)**

REV_00118251

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>;<Douglass, Kimberly A.>;<Boisvenue, Michael J.>;<Kavanaugh, Brett M.>
Sent: 5/13/2003 1:46:31 PM
Subject: Re: the meeting before the meeting

Room 1

.

----- Original Message -----

From:Colleen Litkenhaus/WHO/EOP@Exchange

To:Kimberly A. Douglass/WHO/EOP@Exchange,

Michael J. Boisvenue/WHO/EOP@Exchange,

Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 05/13/2003 08:30:04 AM

Subject: RE: the meeting before the meeting

1 pm on Wednesday it is. Should we come to you Brett or do you want to go to Room One?

-----Original Message-----

From: Douglass, Kimberly A.

Sent: Tuesday, May 13, 2003 8:29 AM

To: Litkenhaus, Colleen; Boisvenue, Michael J.; Kavanaugh, Brett M.

Subject: RE: the meeting before the meeting

any time is good for me

-----Original Message-----

From: Litkenhaus, Colleen

Sent: Monday, May 12, 2003 6:26 PM

To: Douglass, Kimberly A.; Boisvenue, Michael J.; Kavanaugh, Brett M.

Subject: the meeting before the meeting

Let's please get together to discuss political travel. We will try to identify all the questions that we need to answer before meeting with Linda, Joe, Political and Advance.

I am available on Wednesday at the following times:

11am

12pm

1pm

2pm

Do any of these times work for the three of you?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: wittesb@washpost.com @ inet [UNKNOWN] <wittesb@washpost.com @ inet>
Sent: 5/13/2003 10:17:13 AM
Subject: : Ark. Dem.-Gaz. editorial criticizing Wash. Post editorial against Holmes

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-MAY-2003 14:17:13.00
SUBJECT:: Ark. Dem.-Gaz. editorial criticizing Wash. Post editorial against Holmes
TO:wittesb@washpost.com @ inet (wittesb@washpost.com @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The Arkansas Democrat-Gazette, May 13, 2003, Tuesday

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Arkansas Democrat-Gazette (Little Rock, AR)

May 13, 2003, Tuesday

SECTION: ARKANSAS; Pg. 14

LENGTH: 613 words

HEADLINE: EDITORIALS : How to bork a nominee Leon Holmes gets the treatment

BODY:
BORK IS no longer a proper noun in Washington, as in Judge Robert Bork, but a verb. It means to launch a vicious, irrelevant, roundhouse campaign against a judicial nominee, throwing in everything, including a couple of kitchen sinks.

The term stems from the treatment of Judge Bork when he was nominated to the Supreme Court. Not satisfied with relevant criticisms, the judge's more partisan critics reached back to criticize everything he'd said or done from approximately the age of three, and quite a few things he hadn't.

That borking has become a Washington tradition by now-indeed, an addiction-is illustrated by the sharp but impressively mean-spirited editorial we reprint on today's page from the Washington Post. It's a textbook example of borking; students in political science classes should cut it out and save it, like a ripe specimen of that low art.

Notice that, unable to find anything contemporary to criticize about Little Rock's Leon Holmes-an outstanding scholar, advocate and thinker who has just been nominated to the federal bench-the Posthas had to go back years and even decades to dig up any utterance it could use against him, including one that went back to 1980-yes, 1980-and for which he apologized as soon as it was brought to his attention.

The other citation-a quote from Scripture in an article co-written with his wife in April of 1997-is so wrenched out of context that you might never guess it was a philosophical rumination on the Book of Ephesians.

As any smear artist knows, there's no need to go into detail. Especially relevant detail. In this case the innocent reader would be left with no idea of what kind of nominee, or man, Leon Holmes really is. Which is the

whole purpose of borking: to make the nominee look like the biggest, scariest menace that ever came down confirmation road. Instead, to quote an informal recommendation from a colleague, Leon Holmes is the kind of guy he'd be willing to shoot dice with over the phone.

The charge that Mr. Holmes is in favor of the subjugation of women would amuse anyone who's ever met Susan Holmes, his wife and co-author, or any of the women in the law for whom he has been mentor, role model, supporter and encourager.

But we're glad to see that the Post has not lost its talent for irony. Alas, in this case it's unintended irony.

For the Post accuses the president of radicalizing judicial nominations by his choice of Leon Holmes for the bench, when it is the one being radical, going back or decades to find words from a much younger Leon Holmes that fail to show the proper reverence for the politically correct gods of today.

In the process, the Post has ignored the legal acumen and philosophical learning that the mature Leon Holmes has demonstrated day after day, year after year, in his career and life. Forget all that; the Post is determined to crucify this nominee even if it has to use old, rusty nails. It takes a couple of stray quotes and equates them with the man's whole career. A neat trick, if a low one.

A confession: In recent years we've found ourselves growing soft on the Post's editorial page; on its good days it started to look like one of those old-fashioned liberal organs not beyond the reach of reason. Clearly we were mistaken.

When the chance to do a little borking came up, the Post has leaped at it. As if it couldn't help itself. Even if it means using low means to attain a purely ideological end. Which may be the worst thing about borking; it's habit-forming. Once it becomes ingrained in a paper's character, there's no telling when it will seep out again.

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/13/2003 3:27:22 PM
Subject: : White House Global Messenger -- 5/14/03
Attachments: P_OV6EG003_WHO.TXT_1.doc

Begin Original ARMS Header
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CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:13-MAY-2003 19:27:22.00
SUBJECT:: White House Global Messenger -- 5/14/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 5-14-03 FINAL.doc)

THE GLOBAL MESSENGER
Wednesday, May 14, 2003

******TERRORISM IN SAUDI ARABIA******

Excerpt from the President's Remarks, 5/13/03

"Today's attacks in Saudi Arabia, the ruthless murder of American citizens and other citizens, remind us that the war on terror continues. My thoughts and prayers and those of our fellow citizens are with the families of the victims of yesterday's murder in Saudi Arabia. We pray for them. We mourn the loss of life. These despicable acts were committed by killers whose only faith is hate. And the United States will find the killers and they will learn the meaning of American justice."

Excerpts from Secretary Powell's Remarks, 5/13/03

"These are people who are determined to try to penetrate facilities like this for the purpose of killing people in their sleep, killing innocent people, killing people who would try to help others.

"...[I]t will not deter the United States, and I am sure will not deter Saudi Arabia, in our mutual effort to go after this kind of terrorism and roll it up: go after their finances; go after their information systems, their intelligence systems; make sure we take full advantage of our law enforcement assets, both in the United States and Saudi Arabia and around the world."

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change.

12:30 pm White House Briefing

1:00 pm State Department Briefing

6:00 pm President Bush meets with President Roh of

South Korea

******U.S., Other Nations Act to Support
Innovation in Agriculture******

The United States on Tuesday announced the U.S., Argentina, Canada, and Egypt will file a World Trade Organization case against the European Union over its illegal five-year moratorium on approving agricultural biotech products.

Agricultural biotechnology continues the practice of innovation that has boosted productivity, quality and choices and nourished the hungry.

Other countries expressing support for this case by joining it as third parties include: Australia, Chile, Colombia, El Salvador, Honduras, Mexico, New Zealand, Peru and Uruguay.

Frequently asked questions include:

Are biotech crops safe?
Yes. More than 300 million North Americans have been eating biotech foods for several years. No adverse health consequences have been reported. A number of biotech products have been shown safe by both the U.S. and EU food safety approval systems.

What countries grow biotech products?
In addition to the U.S., with 96.3 million acres currently under cultivation, other leading biotech food producers are Argentina (33.3 million acres); Canada, (8.6 million acres); and China, (5.2 million acres).

12 other countries grow more than 2.5 million acres of biotech crops each year: South Africa, India, Spain, Mexico, Indonesia, Honduras, Australia, Romania, Uruguay, Bulgaria, Colombia, and Germany.

******LIBERATION UPDATE******
The voices of freedom, now heard across Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at:
http://www.whitehouse.gov/liberation

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"I am happy that Saddam is gone. The teachers told me to love Saddam. My parents told me he was a bad man."
Dina, 7, U.S. News & World Report, 5/12/03

THE WHITE HOUSE
Office of Global Communications

For more information log on to http://www.whitehouse.gov/ogc

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You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 5-14-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OV6EG003_WHO.TXT_1>

THE GLOBAL MESSENGER

Wednesday, May 14, 2003

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For more information: http://www.ustr.gov or http://www.usda.gov.

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"….[I]t will not deter the United States, and I am sure will not deter Saudi Arabia, in our mutual effort to go after this kind of terrorism and roll it up: go after their finances; go after their information systems, their intelligence systems; make sure we take full advantage of our law enforcement assets, both in the United States and Saudi Arabia and around the world."

LIBERATION UPDATE

The voices of freedom, now heard across Iraq

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"I am happy that Saddam is gone. The teachers told me to love Saddam. My parents told me he was a bad man."
Dina, 7, *U.S. News & World Report*, 5/12/03

THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 5/13/2003 3:46:02 PM
Subject: Kyl's office just called; really eager to have Campbell on markup Thursday; please try to call Cohen asap

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/13/2003 4:19:27 PM
Subject: RE: has op-ed been submitted?

Have left a message for Gigot and the NYT op-ed page editor....

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, May 13, 2003 4:10 PM
To: Snee, Ashley
Subject: has op-ed been submitted?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 5/13/2003 1:02:55 PM
Subject: : Michael gallagher.

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-MAY-2003 17:02:55.00
SUBJECT:: Michael gallagher.
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

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From: Brosnahan, Jennifer R.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 5/13/2003 5:09:48 PM
Subject: Chief denies emergency stay

FYI, the latest on the campaign finance litigation. The district court's ruling on the stay motions is expected tomorrow at the earliest, according to this article. I am awaiting an update from Paul.

Supreme Court Denies Request to Stay Campaign Finance Ruling

Tuesday, May 13, 2003

WASHINGTON — The Supreme Court declined to intervene Tuesday to block part of a lower court's long-delayed ruling on the new campaign finance law, but the move is almost certainly not the high court's last word on the subject.

Chief Justice William H. Rehnquist turned down a request from the National Rifle Association, which had asked the high court to suspend what it calls unconstitutional restrictions on political advertisements by interest groups.

Rehnquist's action was not a ruling on the merits of the NRA's argument, or on the entire lower court pronouncement on the campaign finance law.

The Supreme Court is expected to rule eventually on whether the entire law violates the constitutional principle of free speech. Because of unexplained delays in the lower court, that ruling is now unlikely to come before this fall.

Rehnquist did not give a reason for rejecting the NRA's emergency request for a stay, or suspension of a May 2 ruling by lower court judges. Numerous groups with a stake in campaign fund raising have asked the lower court to put part or all of its ruling on hold, pending a full review by the Supreme Court. The lower court is not expected to rule on those requests until Wednesday at the earliest.

The NRA tried to jump ahead on Monday by asking the Supreme Court to get involved. Rehnquist said the NRA could renew the high court request if the lower court has not acted by May 20.

The NRA says the lower court isn't moving quickly enough, and it has ads it wants to air now.

The lower court ruled unconstitutional a provision of the law barring a range of interest groups, including those financed with corporate and union money, from airing political ads mentioning federal candidates in those candidates' districts the month before a primary and within two months of a general election.

It upheld fallback rules that bar the same groups from airing ads that promote, support, attack or oppose a candidate at any time. It's unclear how far interest groups can go when featuring candidates in ads because the law doesn't define what it means to promote, support, attack or oppose.

If the NRA wins a stay from either court, the 30-60 day ad restrictions would be in effect. The group opposes those too, but says it prefers them to the fallback rules because it's not a congressional election year.

From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/13/2003 1:12:48 PM
Subject: : TRANSCRIPT - Press Stakeout with Senator Bob Graham 05/13/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:13-MAY-2003 17:12:48.00
SUBJECT:: TRANSCRIPT - Press Stakeout with Senator Bob Graham 05/13/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

PRESS STAKEOUT WITH SENATOR BOB GRAHAM (D-FL) FOLLOWING SENATE POLICY LUNCHEON

THE OHIO CLOCK CORRIDOR, THE CAPITOL BUILDING, WASHINGTON, D.C. TUESDAY, MAY 13, 2003

;

SEN. GRAHAM: Hello. How are you?

;;;;;; Q (Off mike) -- believe that al Qaeda is severely crippled. In light of yesterday's attack, how would you assess al Qaeda's capabilities?

;;;;;; SEN. GRAHAM: We essentially ended the war on terror about a year ago, and since that time, al Qaeda has been allowed to regenerate. To carry out the series of attacks that they did last fall, from Yemen to Bali, and now today in Saudi Arabia, possibly with a linkage to the tragedy in Chechnya as well, indicates that they have significant capability to carry out complicated operations in a simultaneous manner.

;;;;;; Q Where do you think al Qaeda is primarily regrouped right now?

;;;;;; SEN. GRAHAM: They're regrouping, certainly, in the Afghanistan-Pakistan area, but no doubt also in other areas where al Qaeda has a significant presence. The declassified information is that al Qaeda has that significant presence in some 30 to 40 countries, including the United States.

;;;;;; Q (Off mike) -- in terms of targeting al Qaeda, Hezbollah, and other terror groups?

;;;;;; SEN. GRAHAM: Right. Hezbollah has the greater presence in the United States, so it deservedly should get the major attention. But I believe we are not going to win the war on terror by trying to build a fortress in every neighborhood in the United States. We're going to win the war on terror by taking it to the terrorists, defeating them where they live. And that's what we have not been doing for the last year.

;;;;;; Q Where are the weaknesses in our terror fighting that allowed something like yesterday to happen?

;;;;;; SEN. GRAHAM: Well, because we have allowed the basic structure of al Qaeda to continue. Yes, we've been engaged in a manhunt to find their past leadership, but what we're also finding is that al Qaeda has a deep farm team and they're able to replace those who are killed or detained.

;;;;;; Q Would you say that al Qaeda is 50 percent less powerful than it was around September 11th, 25 percent? How would you assess al Qaeda's strength now compared to then?

;;;;;; SEN. GRAHAM: I would say that al Qaeda had been substantially

weakened and was on the ropes about 12 to 14 months ago. And the fact that we have backed away from a war and reduced it down to a manhunt, that we moved military and intelligence resources out of Afghanistan and Pakistan to get ready for the war in Iraq, has allowed them to regenerate. They probably are not back to the level that they were before September the 11th, but they're a lot closer to that level of capability than they were a year ago.

;;;;;; Q How cooperative do you think the Saudis will be in cooperating with us on this, the latest attack?

;;;;;; SEN. GRAHAM: I would say they probably will be very cooperative on this particular incident.

;;;;;; Q So, more than they have in the past?

;;;;;; SEN. GRAHAM: I hope so.

;;;;;; Q Why do you think that is?

;;;;;; SEN. GRAHAM: Because I think they would like to be in our favor and good graces.

;;;;;; Q So, will this be a new degree of sort of U.S. -- a test of U.S.-Saudi cooperation on the war on terror?

;;;;;; SEN. GRAHAM: This will be another test, and it comes in a climate of a very mixed Saudi role in the war on terror, which we know, and they know we know. So, I would imagine this tragedy will be used as an opportunity for them to try to ingratiate themselves with us by being very cooperative.

;;;;;; Q Secretary Powell said this had the fingerprints of al Qaeda all over it. It was also said that this was a well-planned and well- executed plan. Was there anything out there that could have let us know that this was coming? Is there anything that you would see in your investigation?

;;;;;; SEN. GRAHAM: Well, if there's one thing about al Qaeda, Hezbollah, the other highly organized terrorist groups, is they tend to do what they say they're going to do. And over two weeks ago, a message that allegedly came from Osama bin Laden said they were about to start another series of terrorist attacks aimed at Americans. They have now done what they said they were doing to do.

;;;;;; Q So what does this say about the administration's war on terror?

;;;;;; SEN. GRAHAM: Well, as I said last fall, I thought the priority for the United States should be to win the war on terror before we took on other evils in the Middle East and Central Asia. If we had done that, al Qaeda would not have had the opportunity to regenerate; Hezbollah would not have been given the continued sanctuary for it to strengthen.

;;;;;; Q Are we winning the war?

;;;;;; SEN. GRAHAM: No, I -- if the question is -- Are we more or less secure from terrorists today than we were a year ago? -- the answer is we are less secure.

;;;;;; Q So, Senator, you're saying that the negligence --

;;;;;; Q You're saying the war weakened the war -- the war against Iraq weakened the war on al Qaeda?

;;;;;; SEN. GRAHAM: I'm saying that the war on Iraq was a distraction. It took us off the war on terror, which we were on a path to win, but we've now let it slip away from us.

;;;;;; Q Specifically, what do you mean by "took us off the war"? What

military or other action would you have taken?

;;;;;; SEN. GRAHAM: Well, the first thing I would -- what I would not have done is I would not have relocated military and intelligence capabilities from Afghanistan and Pakistan to begin the war on Iraq.

;;;;;; Second, I would have pursued aggressively a war, not a manhunt, to break the backbone of al Qaeda, not just pick off its toes and fingers.

;;;;;; And third, I would have moved out of Afghanistan and Pakistan to other areas where there is a substantial al Qaeda presence.

;;;;;; Q Such as? Which countries?

;;;;;; SEN. GRAHAM: Well, Yemen is the one that comes most to mind.

;;;;;; Q Senator, do you believe that had those steps been taken, that what happened in Saudi Arabia might not have happened?

;;;;;; SEN. GRAHAM: Well, it could have been avoided, if you had actually crushed the basic infrastructure of al Qaeda, that they would not have had the capability to launch such a sophisticated attack.

;;;;;; Q What do you think are the most vulnerable al Qaeda targets now?

;;;;;; SEN. GRAHAM: Americans, wherever they are, here in the United States or abroad.

;;;;;; Q Senator, can you clarify -- there has been some speculation that you have some knowledge of Bush administration weakness or failure to act in the days up to 9/11. Is that the case?

;;;;;; SEN. GRAHAM: Yes.

;;;;;; Q Face the cameras --

;;;;;; SEN. GRAHAM: Do I have knowledge to that effect?

;;;;;; Q Yes.

;;;;;; SEN. GRAHAM: Yes.

;;;;;; Q (Off mike) -- cameras.

;;;;;; Q Can you tell us what that is?

;;;;;; SEN. GRAHAM: No, that's -- that is one of the many pieces of information which the American people should have access to, which is currently classified and does not appear that it's going to be declassified.

;;;;;; Q So you --

;;;;;; Q Do you have information on -- for the cameras, do you have information that the administration -- that the Bush administration failed to act on certain information?

;;;;;; SEN. GRAHAM: There was information which was known to the administration and its agencies before September the 11th, which did not -- I'll start over. There was information known to the administration or its agencies which was not acted upon.

;;;;;; That same information has not been acted upon today. I want to underscore we're not talking solely about history, we're talking about the threats to the American people today because signals, information that could have been used was not used before September the 11th and continues to go unused.

;;;;;; Q Senator, you're saying that -- this is a pretty strong charge of negligence here and --

;;;;;; SEN. GRAHAM: Yeah, yeah. Excuse me. I inappropriately used -- I meant to signal, not signals. Can I take one more shot at that question?

;;;;;; Q (Off mike.)

;;;;;; SEN. GRAHAM: Okay. Going to ask it again?

;;;;;; Q Okay. Sure.

;;;;;; SEN. GRAHAM: Yeah.

;;;;;; Q So you have information that basically -- that there was information out there that the Bush administration did not act on?

;;;;;; SEN. GRAHAM: There was information which the administration and its agencies knew before September 11th that was not acted upon. That same information is available today. It's not being acted upon today. That failure to act contributed to September the 11th, and the failure to act today continues Americans in a vulnerable circumstance.

;;;;;; Q So this -- is this a charge of negligence on the administration, do you think?

;;;;;; SEN. GRAHAM: Others can characterize it. I can just state the facts.

;;;;;; Q Senator, how could they have differently -- you said there's -- we missed the opportunity to cripple the basic infrastructure of al Qaeda, that we were somehow close. What --

;;;;;; SEN. GRAHAM: Yeah, I think from the beginning of the war in Afghanistan, which was in early October of 2001, until about February or March of 2002, we were making good progress in dismantling the basic structure of al Qaeda.

;;;;;; Then we started to redirect our attention to Iraq, and al Qaeda has regenerated. They not only apparently conducted a terrorist raid in Saudi Arabia yesterday, their fingerprints appear to be on the attack in Chechnya, as well as the whole string of terrorist attacks from Bali to Yemen that took place last fall. All that indicates that they are an institution that has got considerable capabilities.

;;;;;; Q In regard to the information before the 9/11 attacks, are you talking about information that specifically pointed to the attacks, or more general information about the overall danger of al Qaeda?

;;;;;; SEN. GRAHAM: I cannot comment on that. I hope that that information will soon be made available to the American people.

;;;;;; Q And you had mentioned before about a link with the -- you tied this in with the bombing in Chechnya. Why do you feel that they're associated?

;;;;;; SEN. GRAHAM: Well, first, al Qaeda's had a long presence in Chechnya. Second, some of the ways in which this was conducted: A well-planned, orchestrated car bombing, and the fact that it occurred on the same day as the attacks in Saudi Arabia. All of those are the kind of characteristics that has identified al Qaeda.

;;;;;; Q And do you feel that the warning that had been issued last week or the week before about al Qaeda attacks, do you think that that provided enough information that the attacks that occurred yesterday could have been prevented?

;;;;;; SEN. GRAHAM: I don't know whether there was any specific omission

which contributed to yesterday's tragedy.

;;;;;; Q (Off mike) -- the White House, and beyond, who would say that this particular criticism now is politically motivated somehow.

;;;;;; SEN. GRAHAM: It's the same criticism that I made last fall when I voted against the resolution to go to war against Iraq. I said our number one enemy is not Saddam Hussein, it's international terrorism; that if we get diverted into Iraq, we're going to allow the international terrorist to strengthen others like Hezbollah to go on unaffected by our actions.

;;;;;; Q You've said the administration is engaging in a cover-up by refusing to declassify the report. Why do you think it's a cover-up?

;;;;;; SEN. GRAHAM: Because I don't -- I do not believe this information is of a national security nature. I think that it is not being released because it is, frankly, embarrassing, both embarrassing as to what happened before September the 11th, but maybe even more so the fact that the lessons of September the 11th are not being applied today to reduce the vulnerability to the American people.

;;;;;; Q An embarrassment to any one particular, you know, agency, the president, the vice president, anyone in particular?

;;;;;; SEN. GRAHAM: Well, I would say the administration, and specifically the CIA and the FBI.

;;;;;; Q Can you -- can you just tell us where you are on the report, the joint inquiry?

;;;;;; SEN. GRAHAM: Well, next week will be five months since this report has been submitted for declassification. There is no light at the end of the tunnel. It's hard to believe that intelligence agencies can't read a report of approximately 600 to 800 pages in a five-month period.

;;;;;; Q And, Senator -- (off mike) -- there might not be anyone held responsible for the lack of attention -- connecting the dots, as --

;;;;;; SEN. GRAHAM: Well, the administration could certainly hold people responsible, because they know everything and more that I know.

;;;;;; Q Do you think jobs could be lost?

;;;;;; SEN. GRAHAM: Yes. I think that there should be accountability: accountability from the highest level, accountability to the leadership of the agencies that were involved, and to the individuals who had specific responsibility.

;;;;;; Q So when do you think the report will come out?

;;;;;; SEN. GRAHAM: I have no idea.

;;;;;; Q Thank you.

;;;;;; Q Thank you.

;;;;;; SEN. GRAHAM: Certainly.

END.

;

From: Sampson, Kyle
To: <Gonzales, Alberto R.>
CC: <Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 5/13/2003 5:23:28 PM
Subject: Judicial Pay

In case you missed (I did):

FEDERAL JUDGES DESERVE A PAY RAISE

New York Times

May 9, 2003

In a rare show of bipartisan unity, Senator Orrin Hatch, a Republican who is chairman of the Senate Judiciary Committee, and Senator Patrick Leahy, the committee's ranking Democrat, have introduced a measure to increase the salaries of federal judges.

This is clearly the right step. Yet even with the backing of President Bush, the proposed 16.9 percent increase may prove a hard sell, given these economic hard times. The increase is warranted to make up for the erosion in judicial pay caused by inflation and Congress's repeated withholding of cost-of-living adjustments that are supposed to be routine.

A report in January by the National Commission on the Public Service, a study group led by Paul Volcker, the former chairman of the Federal Reserve, said that the purchasing power of federal judicial salaries had dropped 24 percent since 1969. It said the decline was "arguably inconsistent with the Constitutional provision that judicial salaries may not be reduced by Congress." A year ago, the Supreme Court declined to accept a case raising that issue. But it should not take a lawsuit to persuade members of Congress to treat the judiciary fairly.

The government cannot match the salaries offered by big-time law firms. But to recruit and retain quality judges — and for the sake of fairness — Congress needs to provide salaries that bear a reasonable relationship to other professional opportunities.

As part of the package, judges should be required to forgo privately financed junkets that cast an ethical cloud on the courts, as Senator Leahy has previously proposed. These are matters that transcend the ongoing partisan battle over President Bush's hard-right judicial nominees.

From:	Brian.A.Benczkowski@usdoj.gov
To:	Jamie.E.Brown@usdoj.gov <Schacht, Diana L.>;Jamie.E.Brown@usdoj.gov <Kavanaugh, Brett M.>;Jamie.E.Brown@usdoj.gov <Newstead, Jennifer G.>;Jamie.E.Brown@usdoj.gov <Joseffer, Daryl L.>;Jamie.E.Brown@usdoj.gov <Grubbs, Wendy J.>
CC:	Adam.Charnes@usdoj.gov <Adam.Charnes@usdoj.gov>;Marc.Kesselman2@usdoj.gov <Marc.Kesselman2@usdoj.gov>;Viet.Dinh@usdoj.gov <Viet.Dinh@usdoj.gov>;Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>
Sent:	5/13/2003 7:32:10 PM
Subject:	RE: Class Action Testimony
Attachments:	house.judiciary.classaction.5-15-03.FINAL.wpd

All-

Attached please find Viet's draft testimony for Thursday's hearing. This has cleared the Department, and is on its way through the OMB process. Wanted you all to have a bootleg copy of the latest and ask again for your help in getting this cleared by late tomorrow morning for transmission to the Hill.

Best,

BAB

Brian A. Benczkowski
Staff Director and Senior Counsel
Office of Legal Policy
United States Department of Justice
950 Pennsylvania Ave., NW
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Washington, DC 20530
Telephone: (202) 616-2004
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-----Original Message-----
From: Dinh, Viet
Sent: Monday, May 12, 2003 2:40 PM
To: 'Diana_L._Schacht@opd.eop.gov'; 'Kavanaugh, Brett'; 'Jennifer_G._Newstead@who.eop.gov'; 'Daryl_L._Joseffer@omb.eop.gov'; 'wgrubbs@who.eop.gov'
Cc: Wilson, Karen L; Benczkowski, Brian A; Charnes, Adam; Kesselman, Marc (OLP)
Subject: Class Action Testimony

Y'all,

Just got word that House Judiciary wants me to testify on class action reform on Thursday. This is easy, as we have a previously cleared letter of support for the bill in the 107th, and we will base the testimony on that letter. Just wanted to give you a heads up and ask for you help in clearing the testimony (going to OMB tomorrow morning) by Wednesday morning. thanks,

viet

TESTIMONY OF THE HONORABLE VIET D. DINH,
ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGAL POLICY,
BEFORE THE JUDICIARY COMMITTEE
OF THE UNITED STATES HOUSE OF REPRESENTATIVES
ON THE "CLASS ACTION FAIRNESS ACT OF 2003."

May 15, 2003

Mr. Chairman, it is a pleasure for me to be here this morning to present the views of the Department of Justice on H.R. 1115, the "Class Action Fairness Act of 2003." The Department of Justice supports this bill, which is nearly identical to H.R. 2341 passed by the House of Representatives in the 107th Congress, also with our strong support. Mr. Chairman, we appreciate your leadership on this important legislation, and the leadership of the bill's bi-partisan group of sponsors.

Let me emphasize at the outset that the problem is not the class action device itself. If that were the case, then we could simply repeal Rule 23 and all go home. Everyone recognizes that class actions can serve a very important goal. As one former Solicitor General has stated, "their true purpose is noble – to vindicate the rights of large groups of individuals who sought justice for civil rights violations and other wrongs, but who could not achieve such justice individually."

Class action abuses, however, have taken a toll on our legal system. All too often, class actions represent a lawyer's rush to the courthouse in order to select the most favorable State forum before duplicative actions purporting to represent the same victims with the same claims are filed in other States. In essence, it becomes a race to the courthouse for the attorneys to see who among them can file and then settle his or her case the fastest and thereby collect attorney's fees. The losers in this race are the consumers who often gain little or nothing through the settlement, yet are bound in perpetuity.

As explained by committees of the Judicial Conference, overlapping and duplicative class actions in federal and state courts threaten the resolution and settlement of such actions on terms that are fair to victims, burden both plaintiffs and defendants with the expenses of multiple litigation of the same issues, and place conscientious class counsel at a potential disadvantage. Certainly we can all agree that consumers such as Bank of Boston account holders do not benefit when plaintiffs are each awarded $8.76, but then each must pay $90 to the attorneys who purportedly brought the action on their behalf. The goal of class action reform, then, must be to stop the abuses which have frustrated the class action device's noble purpose.

The Class Action Fairness Act of 2003 contains three distinct, but necessary components: (1) a "Consumer Class Action Bill of Rights" which addresses the administration of class actions in Federal courts, which have been collectively dubbed (2) expanded federal diversity jurisdiction to ensure that class actions with national implications can be heard in federal courts;

REV_00118301

and (3) expedited appellate review of decisions whether to certify a class. I would like to briefly address each in turn.

Consumer Class Action Bill of Rights

Section 3 of H.R. 1115, entitled the "Class Action Bill of Rights and Improved Procedures for Interstate Class Actions," would establish long needed protections for consumers whose rights are often adjudicated by lawyers not of their choosing in fora with which they have no connection, and where settlements are, in practical effect, imposed on those consumers. Too often victims receive notices of class action settlement proposals that are too confusing to provide any meaningful information about the proposed settlement. This section appropriately would guard against settlements that were unreasonable or even harmful to individual class members by providing for thorough review by the courts. To ensure that victims receive adequate information, this section would require settlement notices be in plain English and in a standardized, easy-to-read format.

Federal Court Jurisdiction for National Class Actions

In addition to the problem of duplicative class actions being filed in numerous states, certain local courthouses have become known for particularly generous awards. The threat of these large awards often coerces defendants to agree to disproportionately high settlement amounts. Often, these tiny jurisdictions are the first to adjudicate a class action claim and impose their laws on class members from other States and on those States themselves, where similar actions may be pending. Such interstate litigation is exactly why the Founders created diversity jurisdiction: to provide a Federal forum preventing bias against out-of-State defendants and out-of-State plaintiffs.

H.R. 1115 would close the gap in diversity jurisdiction that has resulted from the interpretation and application of diversity and jurisdictional amount requirements in the unique class action world. The bill would prevent attorneys from avoiding removal through artful pleading that eliminates full diversity or minimizes the claimed damages of the individual class members – actions that fail to serve the victims and prejudice the defendants. Specifically, sections 4 and 5 of H.R.1115 provide much needed amendments to Federal diversity jurisdiction by relaxing the "complete diversity" rule. The Act would permit, but not require, removal by any class member and any defendant, so long as there is "minimal diversity," the aggregate amount in controversy exceeds $2 million, and the lawsuit is not primarily intra-state in nature.

Importantly, H.R. 1115 also contains an anti-circumvention measure. Section 4 provides that – regardless of the label placed on a lawsuit by the State court – an action will be "deemed" a class action if: (1) the named plaintiff (exclusive of a State attorney general) purports to act for the interests of its members who are not named parties to the action; or (2) the monetary relief claims of 100 or more other persons are proposed to be tried jointly in the action on the grounds the claims involve common questions of law or fact. This definition would appropriately encompass "private attorney general suits" in which an individual seeks to recover on behalf of the general public, as well as "mass actions" brought on behalf of plaintiffs who claim that their suits present common questions of law or fact that should be resolved in a single proceeding.

REV_00118302

The Department fully supports these changes to Federal diversity jurisdiction and removal procedures, which recognize the Federal interest in significant class action litigation that truly involves multiple interstate plaintiffs and defendants. In addition, providing for consistent and uniform Federal adjudication of these claims will protect each State and its citizens from other State courts' legal rulings from which there is no recourse.

Prior witnesses before this committee have described the multi-billion dollar judgment awarded in Madison County, Illinois against State Farm Insurance for repairing automobiles with "aftermarket parts" as distinguished from original manufacturers' parts. That decision applied Illinois law to plaintiffs in all 50 states, even though such a ruling was contrary to state insurance regulations in New York, Massachusetts, and Hawaii among other places. The State Farm case is not an isolated example. Right now, for instance, we are following with interest a case in Oklahoma where a nationwide class has been certified against DaimlerChrylser Corporation. The Oklahoma courts plan to apply Michigan law to adjudicate, on behalf of residents of all 50 states, claims that Chrysler should not have installed certain airbags that comply with federal safety standards.

Expansion of Federal diversity jurisdiction, of course, will shift some state class actions to the Federal courts. However, Federal courts have significant interests in cases that involve interstate commerce and parties from many States, and federal adjudication avoids costly and inefficient duplication in State courts. The Constitution's provision for diversity jurisdiction was intended to prevent just the sort of local biases that have resulted from State court class actions that often award higher settlements to in-State victims and award excessive damages against out-of-State defendants. The unique circumstances of class actions, a modern phenomenon, have outstripped the original conception of 28 U.S.C. § 1332, when that provision was initially enacted.

Interlocutory Appeal of Class Certification Decision

Because a district court's decision whether to certify a class often is decisive — a decision to certify may place insurmountable pressure on the defendant to settle, while a refusal to certify may force the plaintiffs to abandon their claims — the bill permits immediate appeal of certification decisions as a matter of right. Immediate appeals of certification decisions can be crucial to efficient management of class actions, preventing the nightmare situation where parties engage in years of expensive litigation under a ruling on the class certification, only to have the appeals court reverse the class certification determination. Contrary to concerns voiced about previous legislative proposals, H.R. 1115 would not encourage or permit the destruction of documents or other evidence during the appeal of the certification decision. On the contrary, discovery would be stayed under this section unless the court finds that specific discovery is necessary to preserve evidence or to prevent undue prejudice.

Conclusion

REV_00118303

In sum, H.R. 1115 is an important step in returning common sense to the nation's class action system and providing greater protections for the victims the system originally was designed to benefit. The bill would update diversity jurisdiction appropriately to account for class action litigation, while permitting State court actions to proceed in cases where no party sought removal and in specified circumstances such as where the class is relatively small or where the primary plaintiffs and defendants are within the State. Thus, State courts would be able to offer redress and provide a convenient forum for their citizens, while Federal courts would provide a forum for truly interstate class actions.

Thank you for this opportunity to present our views. We greatly appreciate your efforts in support of meaningful class action reform. I would be pleased to answer any questions that the Committee may have on this subject.

REV_00118304

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@Exchange@EOP [WHO] <Ashley Estes>
Sent: 5/13/2003 3:39:46 PM
Subject: : sorry; will call back

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-MAY-2003 19:39:46.00
SUBJECT:: sorry; will call back
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/14/2003 8:06:33 AM
Subject: can you come over now?

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 5/14/2003 8:46:08 AM
Subject:

any word about WSJ??

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/14/2003 8:53:57 AM
Subject: RE:

No, not yet. However, when there is word, you will be the first to know, promise.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, May 14, 2003 8:46 AM
To: Snee, Ashley
Subject:

any word about WSJ??

From: Wood, John F.
To: <Lefkowitz, Jay P.>;<Perry, Philip J.>;<Kavanaugh, Brett M.>
Sent: 5/14/2003 10:05:26 AM
Subject: Victims of Int'l Terrorism

Jim Terry from State Dept. leg affairs said that Rep. Wolf needs to get a draft from us by a week from today, or else Wolf will feel the need to introduce a version of his own.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 5/14/2003 10:06:17 AM
Subject: Senate action on Frist proposal

Lott as Chair of Rules Committee will hold hearing on it on June 5.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO /EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/14/2003 6:38:35 AM
Subject: : Rule of Law column

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-MAY-2003 10:38:35.00
SUBJECT:: Rule of Law column
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
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Pirates We Be
Rule of Law
By STEPHEN G. CALABRESI

Last Friday marked the two-year anniversary of President Bush's nominations of Miguel Estrada and Priscilla Owen as federal appellate judges. The nominations, supported by a majority of senators, are being filibustered to death by a posse of Senate Democrats. Tom Daschle, the Senate minority leader who has previously attacked filibusters as unconstitutional, is spearheading the effort. He growls that the current disruption is but a preview of what's to come.

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The stakes in this particular nomination battle are even higher than usual. With Chief Justice William Rehnquist and Justice Sandra Day O'Connor getting ready to retire, a minority of Senate Democrats are threatening to filibuster anyone to the right of David Souter. On the merits, Antonin Scalia should be nominated as chief justice and Judges Michael Luttig or Michael McConnell as the new associate justice. But the fear of endless Senate filibusters may deter Mr. Bush from picking the best candidate if it means wading into another fetid nomination swamp. Fortunately, Senate Majority Leader Bill Frist and 10 other senators, including Democrat Zell Miller, have proposed a resolution to prevent indefinite filibusters of judicial nominations. The Frist-Miller proposal would gradually reduce the number of senators required to invoke cloture on a nomination from 60 votes, to 57, to 54, to 51 to a majority of senators present and voting. The basis for their proposal is well

supported in history and constitutional law. The Constitution was originally written to empower Congress to make most decisions by majority rule. A major defect in the Constitution's precursor, the Articles of Confederation, was that it required supermajorities for many important decisions. That difference was deliberately remedied by the Framers. Exceptions to the constitutional principle of majority rule exist, but they are enumerated in seven express situations where a two-thirds vote is required. The bar for requiring a super-majority is high: removing an official who has been impeached, expelling a member of Congress, passing a constitutional amendment, or overriding a presidential veto. Confirming one of the nearly 1,000 lower federal court judges is not the sort of serious action that the Framers thought or said required a super-majority.

Both houses of Congress have the power by majority vote to establish the "Rules of its Proceedings." But as an original matter, there is no evidence this clause was meant to authorize indefinite filibusters. Nor is there evidence I am aware of that indefinite filibusters were allowed in 1787 in the state legislatures or in the British Parliament, although legislative committees and more ordinary rules governing debate were common. In fact, from 1789 to 1806 -- during the critical first eight Senates to sit under the Constitution -- the Senate's rules allowed for cutting off debate by a simple majority vote. This strongly suggests what the text of the Constitution already implies: the Senate filibuster is on very shaky ground as a matter of text and original constitutional history.

The traditional Senate filibuster of legislation has an ignominious history. It got its start in the 1840s when Sen. John C. Calhoun first employed a rule adopted in 1806 to defend slavery. He was called a "filibusterer," a term taken from a Dutch word for pirates who sought to overthrow Latin American governments to hasten the spread of slavery. From 1841 to the present, the filibuster was primarily used to defend Jim Crow laws. Today it stands in the way of vouchers, school choice, tort reform, and tax cuts.

Now for the first time in 214 years of American history a minority of senators is seeking to extend the tradition of filibustering from legislation to judicial nominees who they know enjoy the support of a majority of the Senate. This is a change of constitutional dimensions and amounts to a kind of coup d'etat. While a filibuster was briefly used in 1968 against chief justice nominee Abe Fortas -- he was supported by fewer than 50 senators -- there was only one cloture vote on his nomination.

The unprecedented extension of the filibuster to judicial nominees supported by a majority of the Senate threatens to raise the vote required for confirmation from 51 to 60 in violation of the Advice and Consent Clause. Were the Democrats to succeed in this pattern, it would greatly weaken the intended power of the president to appoint federal judges who are supported by a Senate majority. It would also undermine judicial independence by giving a minority of senators -- led by special interest groups -- a veto over who can become a judge.

Senate Rule XXII purports to require a two-thirds vote of the Senate to end debate on amendments of the Senate rules. Constitutional scholars of all political persuasions, however, agree that the Senate can always change its rules by a simple majority vote. Three vice presidents and law professors from Erwin Chemerinsky on the left to John McGinnis on the right agree. Even Lloyd Cutler, White House Counsel to Presidents Carter and Clinton, has written in the Washington Post that Senate Rule XXII "is plainly unconstitutional."

To the extent that the rule purports to require a two-thirds majority for cloture on rules changes, it is unconstitutional. It is an ancient principle of Anglo-American constitutional law that a legislature cannot bind a succeeding legislature. A two-thirds requirement for cloture on rules changes allows the Senate that adopted Rule XXII unconstitutionally to bind this Republican Senate, elected in 2002, after a campaign in which judicial confirmations figured prominently.

Fidelity to the text of the Constitution, the original understanding, and 214 years in which there wasn't a single sustained filibuster of judicial nominees, is ample evidence that the Democrats' plan to thwart Republican nominees from entering the judicial system must be stopped. Republicans were voted into control of the House, the Senate and the White House. It is time for them to govern.

Mr. Calabresi is a professor at the Northwestern University Law School and

a co-founder of the Federalist Society.

From: Snee, Ashley
To: <Leitch, David G.>;<Kavanaugh, Brett M.>;<Nelson, Carolyn>
Sent: 5/14/2003 10:56:52 AM
Subject: FW: SENIOR LAW ENFORCEMENT OFFICIALS TO HOLD PEN AND PAD REGARDING THE USA PATRIOT ACT
Attachments: ATT547364.dat; ATT547365.dat

FYI - this backgrounder at 1pm today is to walk through information that was sent to the hill last night. All information is on how the Act has been implemented so far, and will aim to frame the info that was sent to Congress. The briefers will be off-camera and on background. (to include Chuck Rosenberg, Viet, Barbara Comstock and someone from the Criminal Division)

-----Original Message-----
From: Josie.Duckett@usdoj.gov [mailto:Josie.Duckett@usdoj.gov]
Sent: Wednesday, May 14, 2003 10:23 AM
Subject: SENIOR LAW ENFORCEMENT OFFICIALS TO HOLD PEN AND PAD REGARDING THE USA PATRIOT ACT

MEDIA ADVISORY AG
WEDNESDAY, MAY 14, 2003 (202) 514-2008
WWW.USDOJ.GOV TDD (202) 514-1888

SENIOR LAW ENFORCEMENT OFFICIALS TO HOLD
PEN AND PAD REGARDING THE USA PATRIOT ACT

WASHINGTON, D.C.- Senior law enforcement officials will hold a pen and pad briefing on WEDNESDAY, MAY 14, 2003, at 1:00 p.m. EDT regarding implementation of the USA PATRIOT Act during the War on Terrorism.

WHO: Senior Law Enforcement Officials

WHAT: Pen and Pad Briefing
(No video or still photography)

WHEN: Wednesday, May 14, 2003
1:00 p.m. EDT

WHERE: 7th Floor Conference Room
Main Justice Building
951 Constitution Ave NW
Washington, D.C. 20530

NOTE: Credentialed media should arrive to the 951 Constitution Ave entrance with ID and will be escorted to and from the 7th Floor Conference Room by Public Affairs staff.

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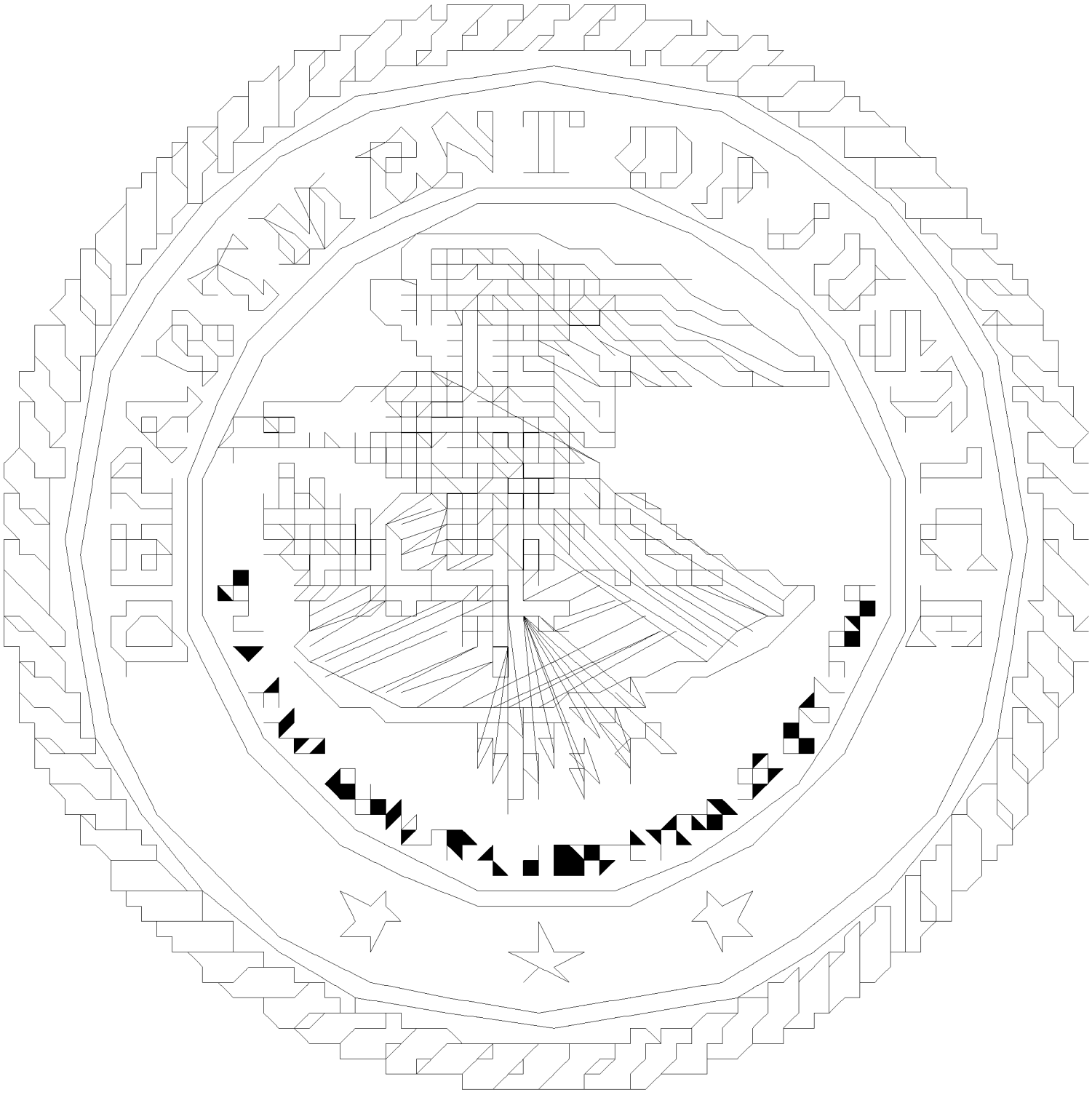
03-289



REV_00118334

Department of Justice

From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/14/2003 12:12:31 PM
Subject: : TRANSCRIPT - Condoleezza Rice at the Foreign Press Center 05/14/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:14-MAY-2003 16:12:31.00
SUBJECT:: TRANSCRIPT - Condoleezza Rice at the Foreign Press Center 05/14/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

STATE DEPARTMENT FOREIGN PRESS CENTER BRIEFING
SUBJECT: NATIONAL SECURITY ISSUES
BRIEFER: CONDOLEEZZA RICE, NATIONAL SECURITY ADVISER

THE FOREIGN PRESS CENTER, WASHINGTON, D.C.
1:51 P.M. EDT, WEDNESDAY, MAY 14, 2003

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MS. RICE: Thank you very much. I'm very happy to be here. It's my first visit to the Foreign Press Center, but I assume it won't be my last, if I'm invited back.

;;;;;; I just want to talk for a few minutes about the fact that we look forward tonight to welcoming President Roh of South Korea. He will meet with President Bush late this afternoon, and then they will have a private dinner together in the White House residence. President Bush is looking forward to his first face-to-face meeting with the new South Korean president. It's a very timely meeting, coming in the year of the 50th anniversary of the alliance between our two nations. It is a strong, vital, multifaceted alliance that is of mutual benefit.

;;;;;; President Bush will take this opportunity to thank President Roh for his support during the liberation of Iraq. The two leaders will also discuss issues of mutual interest, including the situation with North Korea, and multilateral issues, like the war on terrorism and issues of the world economy.

;;;;;; The president will look forward to this meeting. He has a number of other meetings coming up. This is a time of intensive diplomacy for the president and for the United States.

;;;;;; But with those opening remarks about the meeting today, I am happy to take your questions.

;;;;;; MODERATOR: Very good. Let's start right over here with Italy.

;;;;;; Q Giampiero Gramaglia, Italian news agency, ANSA. Dr. Rice, are you satisfied with the level of cooperation you received in the past, and you are receiving now, from Saudi Arabia in the fight against terrorism?

;;;;;; MS. RICE: We have, indeed, very good cooperation with Saudi Arabia in the war on terrorism, very good cooperation in a number of aspects of it. We have been intensifying our cooperation, for instance, on stopping the financing of terrorism. And we expect to have even more intensive discussions and relations with Saudi Arabia.

;;;;;; It was just a reminder, the other day, that the war on terrorism goes on, that our work is not done, that there is hard work ahead. I might mention that we had also, this week, bombings in Chechnya, which remind us that the war on terrorism is not done.

;;;;;; This is a worldwide and global effort, and everybody must participate and participate to the fullest.

;;;;;; But we've had good cooperation with the Saudi government, and I'm sure that in the wake of this terrible incident in Riyadh, that we will seek to intensify our cooperation. We can always do better. All of us can always do better. And we look forward to working with the Saudi government.

;;;;;; Q Parasuram of the Press Trust of India. Recently you met Mr. Mishra. So did the president. And also the foreign minister of India met the secretary of State. I was wondering; recently Mr. Mishra made a suggestion that India, United States and Israel should join together in the war against terrorism. I was wondering whether you view that as a feasible thing, and how you generally view the war on terrorism. There has been a feeling in India that the United States does not take the war on terrorism against India as seriously as it takes the war against terrorism against Americans. Is it a legitimate thing to say, or how do you react to it?

;;;;;; MS. RICE: Thank you for the question.

;;;;;; The president is very firm in his commitment that terrorism, wherever it is carried out, against whom it is carried out, is not a legitimate means for advancing a political agenda. All terrorism is wrong. And in fact, we have had very good cooperation with the Indian government in the war on terrorism. At the time of the attack on the Indian Parliament, more than a year ago now, the United States spoke out very strongly about that terrorism. The United States also has listed a number of organizations that have been involved in terrorism against India, including Kashmiri-based organizations that have been involved in terrorism. And we will continue to speak out about terrorism wherever it might occur.

;;;;;; Let me just use the opportunity, though, to say that our relationship with India is a broad and deepening relationship. It goes beyond security matters. It goes beyond proliferation issues. It goes beyond regional issues.

;;;;;; And this president has been dedicated to strengthening and broadening the Indian relationship to make it in accordance with the fact that India is the world's largest democracy, that it is a country that has a potentially very important role to play as a stabilizing force in the region. We've had good cooperation and consultations on Afghanistan, for instance, and we intend to continue to have this very good relationship.

;;;;;; The recent steps by Prime Minister Vajpayee and the reciprocal steps by Pakistan are to be welcomed for what they may mean for a diminution of tensions and hopefully a road to peace for the two parties. And we have had discussions about that, and we stand ready to help in any way that we can as the two parties try to reenter dialogue.

;;;;;; MODERATOR: Okay. The lady in white, second row.

;;;;;; Q Thank you. Dolia Estevez with El Financiero from Mexico City. Good afternoon, Dr. Rice.

;;;;;; I have a quick question for you. After your meetings last week with the foreign minister of Mexico, are you now counting with Mexico's vote for -- in the Security Council for the new resolution on Iraq? And can you confirm reports that President Bush will be traveling to Mexico in November, meeting with Fox to -- and also to attend the special Summit of the Americas? And how would you describe at this point the status of the bilateral relation with Mexico?

;;;;;; MS. RICE: One question. Right. (Laughs.)

;;;;;; Q (Off mike.)

;;;;;; MS. RICE: It's one -- yeah. No, I agree. I understand.

;;;;;; Q (Off mike.)

;;;;;; MS. RICE: I understand. First of all, on a trip to Mexico, we've not yet finalized the presidential schedule for the fall. We are in discussions with countries about what might be done to give a little push to the Summit of the Americas agenda in the interim, but nothing has been planned yet.

;;;;;; As to U.S.-Mexican relations, Mexico is a friend. The president and President Fox have had a good relationship and continue to have a good relationship.

;;;;;; It is important to recognize that we've been through a difficult period. Obviously, the U.N. process did not work out in a way that we would have hoped, given the importance of this issue as a security matter for the United States. It was unfortunate that we were not able to get an 18th resolution against Saddam Hussein. We believe that there was more than enough authority in Resolution 1441 and the previous resolutions. But it would have been good, had the Security Council been able to affirm once again its willingness to defend its resolutions.

;;;;;; But that is now behind us.

;;;;;; And we are now in a U.N. process -- the U.N. Security Council process that really has to be aimed at helping the Iraqi people. That is all that we should be worried about at this point in time. The coalition is on the ground. The coalition has certain responsibilities, as well as certain authorities, to help the Iraqi people get back on their feet and move toward their future.

;;;;;; And we expect all U.N. Security Council members, including Mexico, to react positively to the need to lift sanctions. It cannot possibly be said that it was all right to lift sanctions against Saddam Hussein, but now that he is gone, it is not a good thing to lift sanctions. This simply makes no sense. And so, we have put forward a resolution for the lifting of sanctions. We put forward a resolution that is pretty minimalist in terms of what we need to be able to do to help the Iraqi people to establish a democratic path. And so, we expect cooperation from all Security Council members, and including from Mexico.

;;;;;; MODERATOR: (Off mike.)

;;;;;; Q (Name inaudible) -- from Russia's -- (affiliation inaudible) -- newspaper. How genuine is the statement by the American administration for Syria to withdraw its troops from Lebanon? And where do you put the relation between USA and Syria?

;;;;;; MS. RICE: Well, the relationship between the United States and Syria has been problematic because the policies and behavior of Syria have been problematic. The Syrian support for terrorism, particularly for Hezbollah, but also other rejectionist organizations where it comes to peace in the Middle East. The Syrian occupation of Lebanon, which we -- it has long been U.S. policy that it should end. And the Syrian relationship has been very difficult.

;;;;;; Now, it doesn't have to remain difficult. There is a path that could create conditions in which this could be a much better relationship, but we are not there. We were very concerned about Syrian activities at the closing in on the end of the Iraq conflict. The -- it was obvious that people were escaping into Syria. It was obvious that they were not being stopped. There was some improvement in that in -- after we raised the issue, but there is a lot of work to be done. Syrian weapons of mass destruction programs have to be accounted for, and Syria should stand up and renounce those and make it possible to verify that they've given up

any aspirations to weapons of mass destruction.

;;;;;; But it is, frankly, a very difficult relationship, and it is not one that is likely to improve without some major changes in Syrian behavior.

;;;;;; MODERATOR: The gentleman from Turkey, right there.

;;;;;; Q This is Umit Enginsoy with Turkey's NTV Television. Dr. Rice, we are aware of the difficulties between Turkey and the United States with regard to the Iraq war. From this point on, what would you -- what measures -- what specific measures would you advise the Turkish government to take to re-improve relations with the United States? Thank you.

;;;;;; MS. RICE: Well, I'm not in the habit of advising the Turkish government, but I can tell you that we are certainly aware of our joint strategic interests with Turkey. This is a long-time ally. It is an alliance that is based on friendship and interests, and I expect that it will be well into the future. We have a lot of work to do. Turkey has a very strong interest in the establishment of a stable and unified Iraq. The United States has a strong interest in the establishment of a stable and unified Iraq. This is an area in which we can work together. We actually have worked together pretty effectively at the end of the conflict, and I expect that we will in the future. Turkey, I would hope. would be involved in the reconstruction effort in Iraq, giving -- lending support to that, because a stable Iraq will be a good neighbor for Turkey, and I'm sure that that is what Turkey wants.

;;;;;; We obviously are NATO partners, and the evolution that is going on in NATO, which is really quite dramatic, as we bring in more new states, as NATO has to redefine its mission in terms of the threats of the 21st century, which are terrorism, weapons of mass destruction, potentially the nexus between them, Turkey is an important member of NATO and ought to be very involved in carrying out that agenda.

;;;;;; We obviously have interest in dealing with the Cyprus problem. We had made some progress on Cyprus. The U.N. general secretary has made heroic efforts to try and resolve that, and we would hope that Turkey would put its weight behind a settlement of the Cyprus issue.

;;;;;; So we have many, many goals ahead of us together. Turkey is important as a message to the world that democracy and Islam can exist side by side; that they can exist in a way that is organic and is to the good of its people.

;;;;;; And so we will be working with Turkey. Yes, we went through some difficult periods of time, but this is a strong relationship, it's going to remain a strong relationship, and we look forward to continuing to work with it. As a matter of fact, the president talked with President Sezer the other day to express his condolences on the earthquake. And I believe that Prime Minister Erdogan and the president are speaking today about the matter of the bombing in Riyadh. So contacts continue.

;;;;;; Q Patrick Jarreau, Le Monde. Dr. Rice, what is the purpose of the discussions in Geneva between the U.S. and Iran? What is the scope of those discussions? Is it on Iraq, is it proliferation, terrorism? And is Iraq still a member of the axis of evil?

;;;;;; MS. RICE: Iraq or Iran?

;;;;;; Q Iran.

;;;;;; MS. RICE: Yes, right. Iraq, I think, is quickly not going to be a member of the axis of evil any longer.

;;;;;; Iran continues to engage in behavior that is deeply troubling and antithetical to American interests. Iran's weapons of mass destruction program, its nuclear program, the United States has raised alarms about

this nuclear program over a long period of time. And now, with the IAEA visit to Iran, which seemed to raise a lot of questions about what the Iranians were doing under so-called civil nuclear uses measures, really those concerns have got to be addressed. The IAEA needs to be very tough in making sure that those questions are answered, because we believe that this is a disguise for a nuclear weapons program. We have lots of evidence of that. And now the suspicions that are there as a result of the IAEA visit, I think really give to the world new impetus to want to know fully what is going on in Iran, and Iran should be responsive to that.

;;;;;; It is also the case that Iran is one of the chief sponsors of terrorism -- Hezbollah operating out of Iran. And Iran cannot continue to support rejectionist organizations as we try to pursue peace in the Middle East.

;;;;;; Clearly, the Iranian government, also, which was elected, elected by the Iranian people in overwhelming numbers to fulfill their aspirations for liberalism and democracy and for rights, has done nothing but frustrate those aspirations of their people.

;;;;;; And we stand firmly with the Iranian people in their aspirations for freedom.

;;;;;; Finally, we are concerned about al Qaeda operating in Iran, and we've made that clear on -- from time to time to the Iranians. And we expect Iran to behave toward the new Iraqi government as a good neighbor, in a transparent way. We understand Iran is a neighbor of Iraq, just like Iran is a neighbor of Afghanistan, and of course it's going to have relations with those countries, but they need to be transparent, state-to-state relations, not relations that are aimed surreptitiously at importing the Iranian form of government into Iraq. So we have a wide range of issues that are very difficult with Iran.

;;;;;; We are not, in the discussions in Geneva, in discussions about broad relations between the United States and Iraq -- Iran. These are only discussions about very specific matters having to do with Afghanistan. And we expanded those at a point in time to do very specific discussions having to do with matters in Iraq. We are in the same neighborhood, so to speak, at this point in time, and so it's important not to have any misunderstandings. But nobody should construe the discussions that are going on in Geneva as discussions that are meant to lead somehow to broad improvement or normalization of relations with Iran. That is not their purpose. These are very, very narrow in scope.

;;;;;; Q Dr. Rice --

;;;;;; MODERATOR: The gentleman against the wall there, please.

;;;;;; Q (Off mike) -- the front.

;;;;;; Q My question is --

;;;;;; (Cross-talk.)

;;;;;; MS. RICE: (Laughs.) Well, I don't know who you were pointing to. He's got the (pen ?).

;;;;;; Q Yes.

;;;;;; MS. RICE: All right. Okay.

;;;;;; Q Dr. Rice, thank you. My name is Daniel Rosha (ph), fromr Worldnet. I have a question on Colombia. How is the U.S. government cooperating with the Colombian government to rescue the three Americans kidnapped by the FARC? And after the meeting with the President Uribe, is there any new plan to help the Colombian government to resolve that problem of the narco-guerrilla?

;;;;;; MS. RICE: Well, we are very impressed with the administration of President Uribe. There have been a couple of meetings. We've had wide-ranging meetings with ministers there, minister of defense, minister of foreign affairs, of course. The president is just immensely impressed with the courage and the resolve of President Uribe to take his country back on behalf of the Colombian people from the narcoterrorists who operate there. And we are doing everything that we can to support that effort through more effective sharing of intelligence, through more effective coordination.

;;;;;; The problem in Colombia is a problem of terrorism against a democratic state. And that means that a state, like the United States, that is devoted to the war on terrorism has got to be an active partner with a country that is trying to fight off that attack on democracy by terrorism.

;;;;;; As to the hostages, we are hopeful that they will -- that we will be able to do something about that, but we stay in very close contact with the Colombian government about how to handle that situation. The one thing that we expect no one to do is to somehow negotiate with terrorists. It only emboldens them.

;;;;;; MODERATOR: The gentleman in the center.

;;;;;; Q My name is Ogata (sp) with Kyodo News. Dr. Rice, one quick question about North Korea. Did the United States already decide to continue the three-way talks with North Korea? And if not, what kind of economic sanctions are you preparing on the table right now?

;;;;;; MS. RICE: Our policy toward North Korea is -- can really be summed up as follows. No one should be willing to give in to the kind of blackmail that the North Koreans have been practicing on the world for a number of years now, especially not the United States.

;;;;;; And in order not to give in to blackmail, in order to do something that is this time effective, the president believes that we have to have a multilateral approach to this. This cannot just be the United States. The North Koreans would like nothing better than to have the United States and North -- this be a problem between the United States and North Korea. This is not a problem between the United States and North Korea, this is a problem between North Korea and the world, because North Korea has completely shunted aside its international obligations not to do certain things. Announcing from time to time that it's getting out of this agreement, or that agreement is null and void -- this kind of behavior simply cannot be tolerated.

;;;;;; So this is an issue between North Korea and the world, and that's why we've insisted on multilateral talks -- multilateral talks that include the neighbors and the most affected states.

;;;;;; So the Beijing talks, we believe, were useful. We were specially appreciative of China's role. China, after all, has very big interest in a non-nuclear Korean peninsula.

;;;;;; China has said that a -- the nuclearization of the Korean peninsula would not be in China's interests. And so we were able to make common cause with China to create a place at which we could begin this discussion. Now, we believe that those talks will only be really effective and fruitful when South Korea, Japan, and possibly Russia, are involved in them so that -- and others who are interested.

;;;;;; If there are to be further talks, though, the attitude ought to be more constructive. The North Koreans used the trilateral talks to posture, and to threaten, and to try and blackmail. That is not the spirit in which we would expect to conduct any further talks. But we are not fearful of talks, and if we believe that they're useful at some point in time, we would be more than willing to reenter them.

;;;;;; MODERATOR: The gentleman in the yellow shirt there. (Off mike.)

;;;;;; Q Ki-Yon Kuk with the Segye Times. President Roh Moo Hyun of South Korea strongly objects to the idea of a preemption targeting North Korea. But I hear you keep saying that all options are on the table. So how can you reconcile the different perspectives on the North Korean issue?

;;;;;; MS. RICE: Well, the United States and South Korea agree that a non-nuclear Korean peninsula is in the best interest of stability in Asia. And they're not the only ones that agree; Japan agrees, Russia agrees, China agrees. There is broadscale agreement on this matter.

;;;;;; We believe, and have communicated to all of our partners, that there is a peaceful resolution of this that is possible, if we are all strong in insisting that North Korea live up to its obligations. So we, too, believe that a peaceful resolution is possible and, of course, preferable.

;;;;;; The president never takes his options off the table in any circumstance. And we have always said on -- just going to the broader matter of preemption -- that preemption says only that you will not allow a threat necessarily to hit you before you hit it. It has never been the first option for the United States. This is after other things have been tried.

;;;;;; We do believe that this can be resolved peacefully, but that is going to require everybody to be firm, and to be strong and not to allow the North Koreans to blackmail us. It is going to require that the North Koreans understand that their only way into the international system is by peaceful means.

;;;;;; It's really rather sad, because last summer, North Korea was doing rather well. It had the Japanese prime minister there, who was talking about a path to normalization. You had intensification of the North-South dialogue, the opening of rail lines and the like. You had the president or Russia there. You had the president -- the foreign minister of North Korea meet Secretary Powell in Brunei. North Korea was really doing very well in trying to enter the international system. And then all of a sudden, because they were confronted with the fact that they were violating the agreed framework, the North Koreans decided they were going to go back to blackmailing people into letting them engage in peaceful relations. It's not the way to behave, and the North Koreans have got to be told that in no uncertain circumstances.

;;;;;; MODERATOR: Back here please.

;;;;;; Q Canada News Service. Dr. Rice, could you comment on a report that the person -- the commander behind the attacks on Riyadh may have been Abdul Rahman Jabara, a Canadian citizen of Kuwaiti origin, whose younger brother, Muhammad Mansour Jabara (ph), was arrest in Amman last year, returned to Canada and is currently being interrogated in the U.S.?

;;;;;; MS. RICE: I'm sorry, I can't comment on those specific reports. Obviously, this is an unfolding story. We are going to do everything that we can in cooperation with the Saudi government to find the perpetrators, to find not just those who carried out the attack, but those who planned this attack. Al Qaeda is obviously still operative. It has been hurt. There's no doubt that pulling out important field generals like Khalid Sheik Mohammed and Abu Zubaida and others hurts the organization. But we've always known that they were still capable of striking, and we've got a lot of work to do, and we'll continue to do that.

;;;;;; MODERATOR: In the second row.

;;;;;; Q Dobriav Kasavic (ph), Belgrade Daily -- (inaudible) -- on the Balkans. Given the fact that there is a presence, U.S. and NATO presence in Serbia and Montenegro and that country is not part of any structures like Partnership for Peace, how do you see prospects for that to happen?

And also, how do you see overall engagement -- U.S. engagement in the Balkans?

;;;;;; MS. RICE: In the Balkans. Well, first of all, the Balkans is in many ways the beginning of a success story. Let me put it that way. If you look at where we were several years ago in the Balkans, we have seen the coming of democratic states; we have -- the violence has stopped; there is no longer civil war, and the civil presence is beginning to make some difference in the lives of the people. But there is an awful lot of work still to be done, particularly on the economic reconstruction. And I was reading some material the other day about the need to really intensify the economic reconstruction in these places, because people are still without work. And you want people to have hope, and on the basis of that hope, then to commit to a peaceful future.

;;;;;; And so, there's still a lot of work to be done.

;;;;;; I would not despair that the Balkans are not yet a part of the structures that Europe has. I'm sure that they will be in time. I think that there have been contact groups that have been very effective in making certain that there are channels of communication about security and other issues. I expect that through NATO -- the fact that there are new NATO members who make their homes in the Balkans will make a difference to the Balkans' contact and proximity to NATO. And eventually, all of these countries should recognize that President Bush's Warsaw dream that all democratic states should expect that NATO would welcome them, that that is something to aspire to. But it is an aspiration that has to be satisfied through actually making changes on the ground.

;;;;;; And so, what I would say to countries like Macedonia is that not yet; however, that does not mean not ever. And if the hard work is done of reform in the way that countries like Slovenia and Slovakia, the Baltic states that have just come into NATO, took on that mantle and did the hard work -- they're now members of NATO; NATO is an open organization -- and when those countries are ready, I'm sure NATO will be ready for them.

;;;;;; MODERATOR: (Off mike.)

;;;;;; Q Samir Nader (ph) -- (affiliation inaudible). President Assad of Syria said in an interview in the Washington Post last Sunday that he is not willing to withdraw Syrian troops from Lebanon until the achieving of a comprehensive peace in the Middle East. Is this acceptable to the U.S.?

;;;;;; MS. RICE: I think this is something that we should not think of as a sequence, you know. It is important that Syria be willing and ready to end its occupation of Lebanon.

;;;;;; The Middle East peace, if I can use the question as an opportunity to talk a little bit about that -- we do have a tremendous opportunity now. We have an opportunity thanks to the victory of the coalition forces in Iraq, which removed one of the really terrible tyrants and one of the destabilizing forces in the Middle East. We have an opportunity because there is a new Palestinian leadership emerging that will, we hope, be dedicated to rolling back terrorist organizations and recognizing that a Palestinian state can never be founded on a foundation of terror, but only on a foundation of democracy and peace.

;;;;;; And the president is intending to seize this opportunity to push the process forward. We've published the roadmap. We are getting comments from the parties. It's a good thing to get comments from the parties because ultimately the parties have to own the roadmap and have to implement it. But we -- we don't want to spend time negotiating it, we really want to get people moving forward. But in that context we would hope that Syria would recognize that it is Syria's responsibility to become a contributing power to peace rather than one that detracts from peace by its position in Lebanon and by what it does in the support of terror.

;;;;;; Q (Off mike)

;;;;;; MODERATOR: (Off mike) -- in the front, please?

;;;;;; Q My name is Andrei Sitov. I am with the Russian News Agency TASS. Thank you, Dr. Rice, thank you, WFPC, for this opportunity. Obviously, the question about Russia's upcoming summit in St. Petersburg. Will this be strictly fence mending after Iraq, or do you expect to move forward on a positive agenda? What specifically would you have in mind? And do you expect any high level contacts before the summit and after the -- Secretary Powell's visit to Moscow? Thank you.

;;;;;; MS. RICE: Thank you. Well, of course, we've already had a number of contacts. I was in Moscow, Secretary Powell is now in Moscow, the presidents have talked on the telephone, and I'm sure that they will again, and there may be other high level contacts as well.

;;;;;; The -- St. Petersburg will be yet another opportunity to move the relationship forward. Now, it's true that we don't have that much time in St. Petersburg. We are principally there to celebrate the glorious 300th anniversary of St. Petersburg, and we all look very much forward to that, especially I as a Russian specialist. To be at the 300th anniversary of St. Petersburg is going to be like a dream. So that's the primary reason that we will be there. But we will also advance the agenda, I am quite certain of it. I might note that the Moscow Treaty I believe was ratified by the Duma today. It was ratified a little over a month ago by the American Senate. So we are moving the relationship forward. We continue to work hard in the war on terrorism and to have very fruitful cooperation there.

;;;;;; We have common security problems. And yes, we had difficulties over Iraq. It's unfortunate. But I'm hopeful that the Russian government, as I said about the Security Council, is now ready to move forward in a way that helps to do what we need to do for the Iraq people.

;;;;;; That's really the key. We all owe it now to the Iraqi people to get a U.N. Security Council resolution that is in their interest. And I have to say that the atmosphere in New York thus far, and the atmosphere in capitals as we've discussed the resolution, has been quite good. It doesn't mean that there won't be continued discussions, but the atmosphere has been good.

;;;;;; And so we look forward to St. Petersburg. We expect it to, indeed, advance the agenda. And the U.S.-Russian strategic partnership we believe is on track.

;;;;;; Thank you very much.

;;;;;; MODERATOR: Thank you very much.

;;;;;; MS. RICE: Thank you. Thank you very much.

END.

;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/14/2003 8:55:31 AM
Subject: : Roll Call editorial

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-MAY-2003 12:55:31.00
SUBJECT:: Roll Call editorial
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer R. Brosnahan (CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Roll Call - EDITORIAL

'Fresh Start?' Nah!

14 May 2003

It would be great if, as President Bush recommended last week, Republicans and Democrats made a "fresh start" on the issue of judicial nominations. Unfortunately, his call for new procedures for nominating and confirming federal judges came on what Republicans were calling "Obstruction Day," and his Rose Garden remarks clearly were designed to put pressure on Democrats who are filibustering two of his appellate court nominees. For these, and other reasons, the chance of a "fresh start" is zero.

The blame for the current impasse rests more heavily on Democrats than on Republicans. It's the Democrats who have escalated the judicial war by making it party policy to filibuster nominations they oppose. So far, they've used the tactic against two Bush selections, Miguel Estrada and Priscilla Owen, but they've indicated they may do so against two more, Carolyn Kuhl and Charles Pickering. Moreover, they defend their right to do so, indicating that what once was regarded as an extraordinary step now will be regular policy.

There's no question that Republicans also bear a share of the blame for politicizing the judicial nomination process. They blocked 60 Clinton nominees by denying them hearings in the Judiciary Committee or by

placing "holds" on them to prevent a floor vote. In two cases, some Republicans tried to filibuster but lost cloture votes. Bush, if he were truly interested in making peace in the Senate, could have covered this history in more than one sentence of his Rose Garden statement.

Part of what Bush has proposed to do about what he called "a crisis in the Senate" and "a crisis in our judiciary" makes some sense: Judges planning to retire would give a year's notice, the president would nominate a successor within 180 days and the Senate would process the nomination within another 180 days. However, other procedural reforms being put forward - mainly by Republicans - make no sense in the present environment.

Some GOP Senators want to sue the Senate on the grounds that filibustering nominees is an unconstitutional imposition of a "super-majority" requirement. The courts will never accept the case. Republicans wisely dropped the so-called "nuclear" option of changing Senate rules on the filibuster question not by the two- thirds vote called for in the rules, but by a majority vote on a ruling from the Parliamentarian. That would have led to total chaos, with Democrats blocking action on any legislation. Republicans now are pushing a third option - a rules change allowing the number of votes required to end a filibuster to fall from 60 to 51 on a fourth cloture vote.

The 60-vote requirement for cloture is not sacrosanct. It was adopted in 1949 to replace a two-thirds requirement. But in the present Senate atmosphere, no rules change will be passed. So, this crisis will continue. It's going to take a decisive election to break it - or a genuine agreement between the parties to make a "fresh start."

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/14/2003 1:07:16 PM
Subject: RE: Is leonartd leo cleared to see me at 230? Can you.

I'll clear him for you.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, May 14, 2003 1:02 PM
To: Nelson, Carolyn
Subject: Is leonartd leo cleared to see me at 230? Can you.

.

From:	Newstead, Jennifer G.
To:	<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>;<Francisco, Noel J.>;<Ullyot, Theodore W.>;<Powell, Benjamin A.>;<Brosnahan, Jennifer R.>;<Sampson, Kyle>;<Cunningham, H. Bryan>
CC:	<Leitch, David G.>
Sent:	5/14/2003 1:21:09 PM
Subject:	Total Information Awareness report

Is anyone working on the above subject -- DOJ called about a report they are preparing for transmittal (I believe to the Hill) on a report which is a joint DOJ-DOD-CIA project.

Thanks

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 5/14/2003 1:40:54 PM
Subject: FW: Memorial Day & Message Meeting

-----Original Message-----
From: Ritacco, Krista L.
Sent: Wednesday, May 14, 2003 1:39 PM
To: Yunker, Jacob H.; Allgood, Lauren K.; Ball, Andrea G.; Barrales, Ruben S.; Bennett, Melissa S.; Besanceney, Brian R.; Buchan, Claire ; Burkhart, Shannon; Burks, Jonathan W.; Campbell, Anne E.; Christie, Ronald I.; Ciafardini, Andrew D.; Conde, Roberta L.; Cooper, Rory S.; DeFrancis, Suzy; Devenish, Nicolle; Douglas, Penny G.; Duffy, Trent D.; Ellison, Kimberly; Eskew, Tucker A.; Figg, Kara G.; Gerdelman, Sue H.; Gillmor, Eleanor L.; Grant, Britt; Gray, Adrian G.; Gray, Ann ; Hager, Henry C; Healy, Erin E.; Hennessey, Keith; Hernandez, Israel; Hughes, Taylor A.; Ingle, Edward; Jackson, Barry S.; Kaplan, Joel; Kozberg, Lindsey C.; Kupfer, Jeffrey F.; Kyle, Ross M.; Lawrimore, Emily A.; Lefkowitz, Jay P.; Lineberry, Stephen M.; Litkenhaus, Colleen; Mallea, Jose; Martin, Catherine J.; McClellan, Scott ; McCord, Lauren; McDonald, Rebekah; McQuade, Vickie A.; Mehlman, Ken; Middlemas, A. Morgan; Millerwise, Jennifer; Millison, Cathy L.; Montiel, Charlotte L.; Nelson, Carolyn; Nipper, Wendy L.; Parell, Christie; Pelletier, Eric C.; Perez, Anna M.; Ralston, Susan B.; Reese, Shelley; Riepenhoff, Allison L.; Rodriguez, Noelia ; Rogers, Edwina C.; Rust, Kathryn E.; Ryun, Catharine A.; Schulte, Gregory L.; Sforza, Scott N.; Smith, Heidi M.; Snee, Ashley; Torgerson, Karin B.; Towey, Jim; Vestewig, Lauren J.; Walters, Katherine M.; Wehner, Peter H.; Westine, Lezlee J.; Williams, Mary C.; Wozniak, Natalie S.
Subject: Memorial Day & Message Meeting

There will be **NO** Message Meeting on Monday, May 26 (Memorial Day).

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 5/14/2003 2:55:53 PM
Subject: Cincinnati Enquirer (5/12/03) re: N. KY lawyers pushing for Bush's federal bench picks

FYI..

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May 12, 2003 Monday Kentucky Edition

SECTION: METRO; Pg. 1B

LENGTH: 813 words

HEADLINE: Politics

BYLINE: Patrick Crowley, STAFF

BODY:

N.Ky. lawyers pushing for

Bush's federal bench picks

By **Patrick Crowley**

Yes, those were two Northern Kentucky lawyers hanging out with President Bush Friday in the White House Rose Garden.

Fort Mitchell's Rick Robinson and Jeff Landen of Edgewood - both partners with Graydon Head & Ritchey - were in Washington as part of an effort to pressure Senate Democrats into voting on Bush's 11 nominees for the federal bench.

"Because of the Senate's failure to hold timely votes, the number of judicial vacancies has become unacceptably high," Bush said in a statement released by the White House. "When the federal courts are understaffed, they cannot act in a timely manner to resolve disputes that affect the lives and liberties of Americans."

Robinson and Landen, both active in local GOP politics, are members of a group called Progress for America, which supports the president's agenda.

"We've been involved with the battle to try and get the Senate to confirm appellate court judges, in particular the 6th Circuit (Court of Appeals in Cincinnati)," Robinson said. "The Rose Garden event was a part of that effort, and it was great, very exciting."

Robinson attended two Rose Garden ceremonies while working in the early 1990s as legislative director for then-U.S. Rep. Jim Bunning, the Southgate Republican elected to the Senate in 1998.

Both of those events were sports-related - one to honor the 1990 Cincinnati Reds World Series team, the other when the White House honored baseball legends Ted Williams and Joe DiMaggio.

"I've been to Rose Garden ceremonies before, but this was the first time I was there for a public policy speech," he said. "It was nice to see the president really tee up the issue because I really think this is one of the most important policy and constitutional battles of our time.

"It's the legislative branch holding up the judicial branch. What the Senate Democrats are doing is unconscionable."

Landen has visited the White House, but Friday was his first Rose Garden event.

"It was fascinating," he said. "It was obviously very interesting to be in the Rose Garden, but it was also exciting to see the president and hear what he said about getting his judicial nominations confirmed. Justice delayed is justice denied, and in this case justice is being denied."

The left-leaning People for the American Way called Bush's comments "Orwellian doublespeak."

"First, (Bush) claims that there is a judicial vacancy crisis when vacancies are actually at their lowest level in 13 years," Ralph G. Neas, the president of the organization, said in a statement.

"Second, he claims that the Senate has been obstructionist when it has confirmed more than 120 judges since July 2001 and has only filibustered two. The opportunity for senators to engage in unlimited debate on important national issues and nominations has often served the nation well."

Later in the day, Robinson and Landen were invited to watch Bush leave the White House lawn via Marine One, the presidential helicopter - which is a huge invite among the Washington power crowd.

Trey rakes it in. Lost in all of the fund-raising stories about gubernatorial and congressional candidates was an item about Trey Grayson, the Park Hills Republican and lawyer running unopposed in the GOP primary for secretary of state.

Grayson has raised more than $100,000, a big take for a first-time candidate running statewide.

He still trails Democratic front-runner Russ Maple, who has raised more than $300,000. But Maple has a contested primary and has had to spend, while Grayson has been able to hit the fund-raising circuit.

Grayson also gets a boost from his Democrat dad, Merwin Grayson, a retired banker and former University of Kentucky trustee who has connections all across the state. Look for Trey to raise a big wad of dough for the fall race.

Hunter not in the hunt. Hunter Bates, the former aide to Kentucky U.S. Sen. Mitch McConnell, won't be running for Congress in the 4th District next year.

Bates, an Oldham County Republican, has briefly flirted with running for the seat now held by Boone County Democrat Ken Lucas. But when Northern Kentucky Republicans got miffed that McConnell was pushing his protempty setgempty set for the race, Bates backed off and jumped on the gubernatorial ticket of Ernie Fletcherof Lexington.

That, of course, ended badly when a state court ruled that Bates did not qualify for the ballot because he did not meet residency requirements to run for state office.

Although Bates and others maintained he would have prevailed on appeal, Bates left the ticket to spare Fletcher the political grief.

There had been speculation that Bates would run for the congressional seat. But during last week's Kentucky Derby, Bates said he has no plans to seek the office.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/14/2003 10:57:13 AM
Subject: : Cincinnati Enquirer (5/12/03) re: N. KY lawyers pushing for Bush's federal bench picks

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-MAY-2003 14:57:13.00
SUBJECT:: Cincinnati Enquirer (5/12/03) re: N. KY lawyers pushing for Bush's federal bench picks
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 5/14/2003 3:58:24 PM
Subject: Conrad is being bugged by his Governor...that is what

is spurring him to action, so to speak.

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 5/14/2003 4:09:30 PM
Subject: can I come over there verses you coming here?

From:	CN=Christie Parell/OU=WHO/O=EOP [WHO]
To:	Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
CC:	Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Tracy Jucas/WHO /EOP@EOP [WHO] <Tracy Jucas>
Sent:	5/14/2003 12:17:40 PM
Subject:	: Regional Appointees Conference
Attachments:	P_276FG003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Christie Parell (CN=Christie Parell/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-MAY-2003 16:17:40.00
SUBJECT:: Regional Appointees Conference
TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jonathan F. Ganter (CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Tracy Jucas (CN=Tracy Jucas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett and Nanette:

We are looking forward to your participation in the Regional Appointees Conference on May 20th in EEOB 450. Attached for your reference is the tentative agenda. Again, you will share a 30 min. session beginning promptly at 1:30pm - Brett for 15 min. on Hatch Act and Nanette for 15 min. on Ethics. Brian asks that you provide a copy of your bio for introduction purposes and also just a couple of bullets on your topic. Please feel free to contact me if you have any questions.

Thank you!

Christie Parell
Cabinet Affairs
6-2343

---------- Forwarded by Christie Parell/WHO/EOP on 05/14/2003 03:54 PM ----------

05/02/2003 10:38 AM
Christie Parell
Christie Parell
Christie Parell
05/02/2003 10:38 AM
05/02/2003 10:38 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Nanette Everson/WHO/EOP@EOP
cc: Tracy Jucas/WHO/EOP@EOP, Jonathan F. Ganter/WHO/EOP@EOP
Subject: Regional Appointees Conference

Brett/Nanette:

Per Brian's e-mail below, he hopes that you will both be able to speak to the regional appointees on May 20th at 1:30pm in EEOB 450. It would be a 30 min. session with Brett speaking for 15 min. on the Hatch Act, and Nanette for 15 min. on Ethics. Does this time work in your schedules??

Thank you!!
---------- Forwarded by Christie Parell/WHO/EOP on 04/28/2003 05:26 PM ----------

From: Brian D. Montgomery/WHO/EOP@Exchange on 04/22/2003 12:01:48 PM
Record Type: Record

To: David G. Leitch/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Charlotte L. Montiel/WHO/EOP@Exchange, Christie Parell/WHO/EOP@EOP
Subject: Regional Appointees Conference

David/Brett:

The Offices of Cabinet Affairs, Presidential Personnel, Intergovernmental Affairs, Political Affairs, and the Council for Excellence in Government are together sponsoring a two-day conference entitled "Regional Appointees: Challenges and Opportunities," scheduled for May 19-20, 2003 in Washington, DC.

This conference will be the first of its kind during this Administration and will include regional appointees from several Cabinet and sub-Cabinet agencies such as Education, Interior, Labor, EPA, HHS, FEMA,;GSA, HUD and SBA. It will be held at;the nearby Mayflower Hotel, with several sessions taking place;in Room 450 EEOB.

Given your office's stake in such an event, we want to involve you in the conference's program workshops and plenary sessions. In working with the agencies, we have identified roughly 85 regional political appointees that we;have invited to attend the conference.;;Other local agency personnel, including inter-governmental affairs staff, will also be invited.

The purpose of the conference is to better engage our regional appointees as representatives of the President around the country and to give them a chance to meet and hear from senior White House officials and agency leaders. Sessions will focus on a variety of vital issues including:

ú Management Results / President's Management Team

ú Building Support for the President's Agenda

ú Freedom Corps / Faith-Based Initiatives

ú Hatch Act / Ethics

ú Policy Perspectives

ú Homeland Security

ú Working Together for Greater Regional Impact

ú Legislative Update

ú Foreign Policy Update

We have tentatively scheduled your;presentation for Tuesday afternoon, May 20 in Room 450 EEOB (exact time is TBD).; We would hope you could;discuss your insights on;the Hatch Act and ethics in government.;;We would also hope you could join us for a reception to be held later that evening.

We would greatly appreciate your participation, and I know that the Regional Appointees would appreciate hearing from you and will be

happy to take your perspectives back with them to their respective regions. Please;feel free to contact me should you have additional questions or you may have your assistant contact Christie Parell (6-2343); to confirm your;availability.;

Many thanks in advance,

Brian Montgomery

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_276FG003_WHO.TXT_1>

Tentative Agenda
Regional Appointee Conference
May 19-21, 2003

LOCATION: Washington, DC: Mayflower Hotel; Eisenhower Executive Office Building, Room 450

HOSTS: Cabinet Affairs (OCA), Presidential Personnel (PPO), Inter-governmental Affairs (IGA), Council for Excellence in Government (CEG)

ATTENDEES: Regional Political Appointees from the following agencies: HHS, HUD, Interior, FEMA, EPA, Education, Labor, GSA, SBA and VA.

5/19: EVENING:
Reception (Mayflower Hotel, Colonial Room) 5:30 pm – 7:30 pm
Featured Speaker: Director Kay Coles James, Office of Personnel Management

5/20: DAY TWO:
Plenary Sessions (Mayflower Hotel: morning; EEOB Room 450: afternoon/evening)

Continental Breakfast (Mayflower East Room)~~Hotel)~~
8:00 am – 9:00 am

Morning Program (Mayflower East Room) 9:00~~9:00~~ am – 12:00~~30~~ pm

Clay Johnson:~~:~~ *Management Results/*
Counselor to OMB Director *President's Management Team*
9:00 am – 9:30 am

Randall Kroszner: *Economic Briefing* 9:30 am – 10:00 am
Council of Economic Advisors ~~John Bridgeland:~~ ~~*Freedom Corps and Faith-based*~~

Formatted: Indent: First line: 0"

Cameron Findlay: *Effective Regional Mgmt* 10:00 am – 10:30 am
Deputy Secretary, Dept. of Labor
~~10:00 am – 10:30 am~~

~~BREAK: 10:30 am – 10:45 am~~

Inter-governmental Affairs (IGA), Cabinet Affairs (OCA), Public Liaison (OPL), Political Affairs *Working Together for Greater Regional Impact* 10:30 am – 11:00 am

REV_00118403

(OPA):

Regional Breakouts:	*Led by Council for Excellence in Government with OPA, IGA, OPL, and OCA staff*	11:00 am – 11:45 am

Lunch (Mayflower Hotel) 12:00 pm – 1:15 pm

Featured Speaker:

Secretary Andrew Card, White House Chief of Staff

Afternoon Program (EEOB Room 450) 1:30 pm – 5:00 pm

Brett Kavanaugh/ Nanette Everson: White House Counsel	*Hatch Act/Ethics*	1:30 pm – 2:00 pm
John Bridgeland: Director, Freedom Corps	*Freedom Corps/Faith-Based Initiatives*	2:00 pm – 2:30 pm
Ken Mehlman: Director, Political Affairs	*Building Support for President's Agenda*	2:30 pm – 3:00 pm
BREAK:		3:00 pm – 3:15 pm
David Hobbs: Director, Legislative Affairs	*Legislative Update*	3:15 pm – 3:45 pm
Margaret Spellings: Domestic Policy Advisor	*Policy Perspectives*	3:45 pm – 4:15 pm
Greg Schulte: Executive Secretary, NSC	*Foreign Policy Update*	4:15 pm – 4:45 pm
Secretary		
~~Regional Breakouts~~		~~3:45 pm – 5:00 pm~~
~~Led by Council for Excellence in Government with OPA, IGA and OCA staff~~		

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REV_00118404

Mel Martinez: *Homeownership Initiative* 4:45 pm – 5:15 pm
Department of HUD

Wrap Up and Closing Remarks 5:15 pm – 5:30 pm

Reception in Indian Treaty Room (EEOB) ~~Hotel)~~
~~6:00 pm – 7:30 pm~~

Featured Speaker: Secretary Tom Ridge, Department of Homeland Security

Invited Cabinet Secretaries, Deputy Secretaries, and senior White House staff

Formatted: Indent: Hanging: 0.25"

Formal Conference Concludes

~~Dinner~~

5/21: DAY THREE:

Attendees encouraged to visit respective agencies.

REV_00118405

From: Wendy J. Keefer <WJKeefer@barnwell-whaley.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/14/2003 12:28:36 PM
Subject: : FW: Advice

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wendy J. Keefer" <WJKeefer@barnwell-whaley.com> ( "Wendy J. Keefer"
<WJKeefer@barnwell-whaley.com> [ UNKNOWN ] )
CREATION DATE/TIME:14-MAY-2003 16:28:36.00
SUBJECT:: FW: Advice
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

> Brett:
>
> No rush, but when you get one of those spare moments you get all the
time,
> I am interested in your advice on something.
>
> Wendy J. Keefer
> Barnwell Whaley Patterson & Helms, LLC
> 885 Island Park Drive
> P.O. Drawer H
> Charleston, SC 29402
> (843) 577-7700
> (843) 329-5311
>
> CONFIDENTIAL & PRIVILEGED
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> Unless otherwise indicated or obvious from the nature of the following
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> destroy any copies, electronic, paper or otherwise, which you may have of
> this communication.
>
>
```

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 5/14/2003 4:52:21 PM
Subject: Wash Post is interested

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/14/2003 5:23:28 PM
Subject: : decent Mosman editorial

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:14-MAY-2003 21:23:28.00
SUBJECT:: decent Mosman editorial
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Asked and answered
The Portland Oregonian
05/14/03
T he Bush administration's nomination of Michael Mosman to a U.S. District
Court seat shows that a measure of justice still remains in the
increasingly contentious business of filling judicial vacancies. Not only
did President Bush make the pick for the federal judgeship, but Democratic
Sen. Ron Wyden announced his support for Mosman, too.
The backing in both quarters testifies to the legal talent and judicial
temperament that people from Oregon to Washington, D.C., have seen in the
current U.S. attorney for Oregon. But the bipartisan support also shows
Mosman has allayed concerns about his positions regarding gays or privacy
rights.
This probably won't stop questions still being raised, judicial politics
being what they are. But anyone who had such questions -- and we initially
did -- couldn't help but be assured by Mosman's answers about his work as
a Supreme Court clerk for Justice Lewis Powell 17 years ago. All this
should be an issue of the past -- and Powell's past, not his clerk's.
As for the future, we have no doubt that now that justice has been done in
Mosman's case, he'll soon be dispensing it from the bench.
```

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/14/2003 1:46:01 PM
Subject: : Cincinnati Enquirer Story
Attachments: P_7NGFG003_WHO.TXT_1.gif

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:14-MAY-2003 17:46:01.00
SUBJECT:: Cincinnati Enquirer Story
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Monday, May 12, 2003

N.Ky. lawyers push Bush nominees

_____

<mailto:pcrowley@enquirer.com>
Yes, those were two Northern Kentucky lawyers hanging out with President Bush Friday in the White House Rose Garden.

Fort Mitchell's Rick Robinson and Jeff Landen of Edgewood - both partners with Graydon Head & Ritchey - were in Washington as part of an effort to pressure Senate Democrats into voting on Bush's 11 nominees for the federal bench.

"Because of the Senate's failure to hold timely votes, the number of judicial vacancies has become unacceptably high," Bush said in a statement released by the White House. "When the federal courts are understaffed, they cannot act in a timely manner to resolve disputes that affect the lives and liberties of Americans."

Robinson and Landen, both active in local GOP politics, are members of a group called Progress for America, which supports the president's agenda.

"We've been involved with the battle to try and get the Senate to confirm appellate court judges, in particular the 6th Circuit (Court of Appeals in Cincinnati)," Robinson said. "The Rose Garden event was a part of that effort, and it was great, very exciting."

Robinson attended two Rose Garden ceremonies while working in the early 1990s as legislative director for then-U.S. Rep. Jim Bunning, the Southgate Republican elected to the Senate in 1998.

Both of those events were sports-related - one to honor the 1990 Cincinnati Reds World Series team, the other when the White House honored baseball legends Ted Williams and Joe DiMaggio.

"I've been to Rose Garden ceremonies before, but this was the first time I was there for a public policy speech," he said. "It was nice to see the president really tee up the issue ... because I really think this is one of the most important policy and constitutional battles of our time.

"It's the legislative branch holding up the judicial branch. What the Senate Democrats are doing is unconscionable."

Landen has visited the White House, but Friday was his first Rose Garden event.

"It was fascinating," he said. "It was obviously very interesting to be in the Rose Garden, but it was also exciting to see the president and hear what he said about getting his judicial nominations confirmed. Justice delayed is justice denied, and in this case justice is being denied."

The left-leaning People for the American Way called Bush's comments "Orwellian doublespeak."

"First, (Bush) claims that there is a judicial vacancy crisis when vacancies are actually at their lowest level in 13 years," Ralph G. Neas, the president of the organization, said in a statement.

"Second, he claims that the Senate has been obstructionist when it has confirmed more than 120 judges since July 2001 and has only filibustered two. The opportunity for senators to engage in unlimited debate on important national issues and nominations has often served the nation well."

Later in the day, Robinson and Landen were invited to watch Bush leave the White House lawn via Marine One, the presidential helicopter - which is a huge invite among the Washington power crowd.
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7NGFG003_WHO.TXT_1>



Patrick
Crowley

From:	Ganter, Jonathan F.
To:	<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Bartolomucci, H. Christopher>;<Kavanaugh, Brett M.>;<Sampson, Kyle>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>;<Ullyot, Theodore W.>;<Everson, Nanette>;<Carroll, James W.>;<Jucas, Tracy>;<Farrell, J. Elizabeth>
CC:	<Montiel, Charlotte L.>;<Bumatay, Patrick J.>;<Nelson, Carolyn>
Sent:	5/14/2003 6:31:11 PM
Subject:	Volunteering in Presidential Correspondence

The office of Presidential Correspondence is inviting staff to volunteer in the office of Mail Analysis on Tuesday and Thursday evenings, anytime between 5 and 9 PM. Your interest is greatly appreciated. Please contact Carolyn Atkinson at 456-5442 for more information.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 5/14/2003 6:39:54 PM
Subject: please call

Richard Parker, Claude Allen's office
re:names for NY Times
358-2367
c: 301-502-2531

From: Sampson, Kyle
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 5/14/2003 9:22:04 PM
Subject: decent Mosman editorial

Asked and answered

The Portland Oregonian

05/14/03

T he Bush administration's nomination of Michael Mosman to a U.S. District Court seat shows that a measure of justice still remains in the increasingly contentious business of filling judicial vacancies. Not only did President Bush make the pick for the federal judgeship, but Democratic Sen. Ron Wyden announced his support for Mosman, too.

The backing in both quarters testifies to the legal talent and judicial temperament that people from Oregon to Washington, D.C., have seen in the current U.S. attorney for Oregon. But the bipartisan support also shows Mosman has allayed concerns about his positions regarding gays or privacy rights.

This probably won't stop questions still being raised, judicial politics being what they are. But anyone who had such questions -- and we initially did -- couldn't help but be assured by Mosman's answers about his work as a Supreme Court clerk for Justice Lewis Powell 17 years ago. All this should be an issue of the past -- and Powell's past, not his clerk's.

As for the future, we have no doubt that now that justice has been done in Mosman's case, he'll soon be dispensing it from the bench.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@Exchange@EOP [WHO] <Ashley Estes>
Sent: 5/15/2003 7:05:25 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-MAY-2003 11:05:25.00
SUBJECT::
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I am in book for tomorrow.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Estes/WHO /EOP@EOP [WHO] <Ashley Estes>
Sent: 5/15/2003 8:06:10 AM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-MAY-2003 12:06:10.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Kyle. No I will not be there.

.

----- Original Message -----
From:Ashley Estes/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 05/15/2003 11:07:09 AM
Subject: RE:

Scary(who has to present that? Will y ou be in the mtg? that would be awkward.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 15, 2003 11:05 AM
To: Estes, Ashley
Subject:

I am in book for tomorrow.

From: Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/15/2003 8:43:37 AM
Subject: : Judicial Watch D.D.C. filing on filibusters
Attachments: P_8TEGG003_WHO.TXT_1.wpd

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)"
<James_Ho@Judiciary.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:15-MAY-2003 12:43:37.00
SUBJECT:: Judicial Watch D.D.C. filing on filibusters
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

In case you missed this.

James C. Ho
Chief Counsel
U.S. Senate Subcommittee on the Constitution, Civil Rights & Property
Rights
U.S. Senator John Cornyn, Chairman
James_Ho@judiciary.senate.gov
(202) 224-9614 (direct line)
(202) 224-2934 (general office number)
(202) 491-8227 (mobile)
(703) 812-8152 (home)

- Complaint2.Senate.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_8TEGG003_WHO.TXT_1>
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JUDICIAL WATCH, INC. 501 School Street, S.W., Suite 500 Washington, DC 20024, Plaintiff, v. THE UNITED STATES SENATE The Capitol Building Washington, DC 20510, and EMILY REYNOLDS, in her official capacity as SECRETARY OF THE UNITED STATES SENATE, The Capitol Building Washington, DC 20510, and WILLIAM H. PICKLE, in his official capacity as SERGEANT AT ARMS OF THE U.S. SENATE, The Capitol Building Washington, DC 20510, Defendants.	)	Civil Action No.:

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff, Judicial Watch, Inc., hereby sues the United States Senate, the Secretary of the United States Senate and the Sergeant at Arms of the United States for declaratory and injunctive relief, and as grounds therefor alleges as follows:

REV_00118435

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, as this action arises under the United States Constitution.

2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and (e).

PARTIES

3. Judicial Watch, Inc. is a non-profit educational foundation organized under the laws of the District of Columbia and having its principal place of business at 501 School Street, S.W., Suite 725, Washington, DC 20024.

4. Defendant United States Senate is one of two legislative chambers that comprise the United States Congress and, as such, is an integral part of the United States Government. The United States Senate has its principal place of business at The Capitol in Washington, DC. The United States Senate is required by the United States Constitution to give its advice and consent to the President of the United States on the appointment of judges to the Courts of the United States.

5. Defendant Emily Reynolds is the Secretary of the United States Senate. Ms. Reynold's principal place of business is at The Capitol in Washington, DC. She is being sued in her official capacity. The duties and responsibilities of the Secretary of the United States Senate include legislative, financial and administrative functions.

6. Defendant William H. Pickle is the Sergeant at Arms of the United States Senate. Mr. Pickle's principal place of business is at The Capitol in Washington, DC. He is being sued in his official capacity. The Sergeant at Arms of the United States Senate serves as the executive officer of the Senate for enforcement of all Senate Rules.

REV_00118436

COUNT I

5. Judicial Watch, Inc. is a non-profit, tax-exempt educational foundation organized to increase public understanding of the operations of government and to restore ethics and morality to our nation's public life. Judicial Watch, Inc. utilizes the civil litigation process to obtain and disseminate information to the public in furtherance of its educational mission.

6. Judicial Watch, Inc. also utilizes the civil litigation process as a means of exercising its First Amendment rights. Judicial Watch, Inc. prosecutes lawsuit, on its own behalf and on behalf of clients, to highlight and inform the public about issues Judicial Watch, Inc. believes are of public importance and to hold public officials accountable.

7. Since its inception in 1994, Judicial Watch, Inc. has filed more than one hundred lawsuits in state and federal courts across the country in furtherance of its educational mission. Judicial Watch, Inc. thus has a concrete and particularized interest in the timely and efficient functioning of the judiciary, including the appointment of the full number of judges provided for by 28 U.S.C. § 44.

8. Headquartered in Washington, DC, Judicial Watch, Inc. files the majority of its lawsuits in federal court in the District of Columbia. It currently has approximately forty-five (45) lawsuits pending in the federal courts of the District of Columbia, including at least eight matters pending before the U.S. Court of Appeals for the District of Columbia Circuit ("D.C. Circuit"). It also has had a substantial number of matters pending before the D.C. Circuit in the past.

9. On information and belief, Judicial Watch, Inc. is second only to the United States Government as the entity with the largest number of cases pending before the federal courts of the District of Columbia.

10. Judicial Watch, Inc. also has a significant number of lawsuits pending in federal courts across the United States, including *Stephens v. Haliburton*, No. 3-02CV1442-L, pending

REV_00118437

in the U.S. District Court for the Northern District of Texas, and *Wilt v. Fastow*, No. H-02-0576, pending in the U.S. District Court for the Southern District of Texas. Both district courts are within the jurisdiction of the U.S. Court of Appeals for the Fifth Circuit ("Fifth Circuit").

11. The federal courts of the United States currently are experiencing a significant number of vacancies in federal judgeships. On or about November 7, 2002, President George W. Bush warned that nine percent (9%) of all federal judgeships were vacant and that seventeen percent (17%) of federal appellate court judgeships were vacant. *See* Edwin Chen and Henry Weinstein, "Liberals Bracing for Quick Judicial Action by Bush," *The Los Angeles Times*, November 7, 2002.

12. Chief Justice William H. Rehnquist also commented on the significant number of vacancies in the federal courts and their impact on the federal court system in his 2002 Year-End Report on the Federal Judiciary:

> The 2002 Year-End Report on the Federal Judiciary is my 17th. As I look back on these reports, I am struck by the number of issues that seem regularly to crop up, or perhaps never go away -- judicial vacancies, the need for additional judgeships, judges' salaries, judicial appropriations . . . I spoke to delays in the confirmation process in my Year-End Report in 1997 and again last year. As I have noted in my previous reports, to continue functioning effectively and efficiently, our federal courts must be appropriately staffed. This means that judicial vacancies must be filled in a timely manner with well-qualified candidates. We appreciate the fact that the Senate confirmed 100 judges during the 107th Congress. Yet when the Senate adjourned, there were still 60 vacancies and 31 nominations pending.

13. In addition, according to the 2002 Annual Report of Administrative Office of the U.S. Courts, appellate filings remained at a record level in 2002, increasing to 57,555 appellate filings that year and breaking a prior record of 57,464 appellate filings in 2001. "Judicial vacancies continue to be a serious concern," according to the Administrative Office of the U.S. Courts.

14. As recently as May 9, 2003, President Bush described the vacancies in federal judgeships as a "crisis in our judiciary," as "vacancies on the bench and overcrowded court

REV_00118438

dockets are causing delays for citizens seeking justice." *See* Charles Hurt, Judicial Filibuster Rule Change Faces High Hurdle in Senate," *The Washington Times*, May 10, 2003.

15. Judicial Watch, Inc. has experienced substantial delays in the disposition of matters pending before the federal courts, and before the D.C. Circuit in particular. In 2002, the median time necessary to complete an appeal in the federal system, measured from the filing of a notice of appeal to final disposition, was 10.7 months. However, appeals to the D.C. Circuit in which Judicial Watch, Inc. has been involved during this same time period have taken much longer, as the following examples of Judicial Watch, Inc. cases demonstrate:

a. *Dolly Kyle Browning v. William Jefferson Clinton*, Appeal No. 01-5050 (D.C. Cir.): notice of appeal filed on or about February 16, 2001; appeal concluded on or about August 1, 2002, a period of approximately 17.5 months.

b. *W.L. Meng v. Bernard L. Schwartz*, Appeal No. 01-5275 (D.C. Cir.): notice of appeal filed on or about August 7, 2001; appeal concluded on or about December 23, 2002, a period of approximately 17 months;

c. *Johnny Chung v. U.S. Department of Justice*, Appeal No. 01-5365 (D.C. Cir.): notice of appeal filed on or about October 11, 2001; no ruling to date, despite matter being pending for approximately 18 months;

d. *United We Stand America v. Internal Revenue Service*, Appeal No. 02-5266 (D.C. Cir.): notice of appeal filed on or about August 26, 2002; no oral argument or ruling to date, despite matter being pending for approximately 8 months;

e. *In re Richard B. Cheney, Vice President of the United States*, Appeal No. 02-
5354 (D.C. Cir.); petition for writ of mandamus filed by Vice President Cheney on or about November 7, 2002; no ruling issued to date despite matter being pending for approximately 6 months; and

REV_00118439

f. *Sonya G. Stewart v. Donald Evans*, Appeal No. 02-5391 (D.C. Cir.): notice of appeal filed on or about December 2, 2002; no briefing schedule issued to date, despite matter being pending for more than 5 months.

16. The D.C. Circuit is experiencing a particularly severe shortage of judges. One-third of the D.C. Circuit's judgeships remain vacant. Of the twelve (12) judgeships allotted to the D.C. Circuit (*see* 28 U.S.C. § 44), only eight (8) of these positions are occupied by active, full-time judges. Two (2) of the seventeen (17) judges allotted to the Fifth Circuit are vacant. *See* 28 U.S.C. § 44.

17. The U.S. Congress has plainly expressed its intent that the timely and efficient administration of justice in the D.C. Circuit requires twelve (12) judges be appointed to that court, having set forth its intent in 28 U.S.C. § 44. The U.S. Congress also has plainly expressed its intent that the timely and efficient administration of justice in the Fifth Circuit requires seventeen (17) judges be appointed to that court, again having set forth its intent in 28 U.S.C. § 44. However, Congress's intent is being unconstitutionally thwarted, to Judicial Watch, Inc.'s substantial detriment, by a minority of U.S. Senators attempting to block President Bush's judicial nominees. 18. On or about May 9, 2001, President Bush nominated former Assistant Solicitor General Miguel Estrada and Texas Supreme Court Justice Priscilla R. Owen to vacant judgeships on the D.C. Circuit and the Fifth Circuit, respectively.

19. The judgeship to which President Bush nominated former Assistant Solicitor General Estrada has been vacant since approximately November 16, 1999, when former Circuit Judge Patricia M. Wald retired. The judgeship to which President Bush nominated Justice Owen has been vacant since approximately January 23, 1997, when Circuit Judge William L. Garwood took on senior status.

20. Both former Assistant Solicitor General Estrada and Justice Owen were rated "well qualified" by the American Bar Association.

REV_00118440

21. Nonetheless, the U.S. Senate failed to confirm both nominees. The Senate Judiciary Committee rejected Justice Owen's nomination in 2002, and the U.S. Senate as a whole failed to vote on the merits of former Assistant Solicitor General Estrada's nomination at any point during that year.

22. On or about January 7, 2003, President Bush renominated Justice Owen. Assistant Solicitor General Estrada's nomination remains pending before the U.S. Senate by reason of the Senate's failure to vote on the merits of the nomination.

23. Article II, Section 2 of the U.S. Constitution requires a simple majority of only fifty-

one (51) votes for the U.S. Senate to confirm a judicial nominee.

24. Based upon published reports, at least a simple majority of fifty-one (51) U.S. senators intend to vote in favor of the Estrada and Owen nominations.

25. However, a minority of U.S. senators have employed and are continuing to employ Senate rules and procedures to prevent the U.S. Senate from confirming former Assistant Solicitor General Estrada and Justice Owen to federal judgeships. Specifically, these senators have used and are continuing to use Senate Rule XXII to prevent Estrada's and Owen's confirmations. The use of Senate Rule XXII to block judicial nominees is highly unusual, if not historically unprecedented.

26. Rule XXII requires a supermajority of sixty (60) votes to end debate on a topic, a process known as "cloture." By refusing to end debate on the two nominations, a minority of between thirty-nine (39) and forty-five (45) senators have prevented and are continuing to prevent former Assistant Solicitor General Estrada and Justice Owen from being confirmed.

27. The application of Rule XXII to these nominations thus imposes an additional, unconstitutional requirement that judicial nominees be confirmed by a supermajority of sixty (60) votes rather than the simple majority of fifty-one (51) votes required by Article II, Section 2 of the United States Constitution.

REV_00118441

28. As recently as May 8, 2003, forty-three (43) senators voted against cloture on the Estrada nomination and forty-five (45) senators voted against cloture on the Owen nomination.

29. Importantly, Senate Rule XXII was amended in 1959 to require an even larger supermajority of sixty-seven (67) votes for cloture on any motion to amend the Senate Rules. In addition, Senate Rule V preserves all Senate Rules from one session to the next. Consequently, the current session of the U.S. Senate can only amend Senate Rule XXII by a two-thirds supermajority.

30. Given that thirty-nine (39) to forty-five (45) U.S. senators have voted against cloture on the Estrada and Owen nominations, it is extremely unlikely that any cloture vote on a motion to amend the sixty (60) vote requirement of Senate Rule XXII would ever succeed. Senate Rules XXII and V thus unconstitutionally deprive the current session of the U.S. Senate of the same jurisdiction and powers to establish rules governing its processes and procedures that its predecessor session had in 1959, when it enacted the two-thirds supermajority requirement for ending debate on motions to amend the rules.

31. Judicial Watch, Inc. has suffered and is continuing to suffer significant, irreparable harm by reason of the unconstitutional application of Senate Rule XXII and Senate Rule V to the Estrada and Owen nominations. But for the efforts of a minority of U.S. senators to use Senate Rules XXII and V to prevent the confirmation of former Assistant Solicitor General Estrada and Justice Owen to federal judgeships, these well-qualified judicial nominees would have been confirmed, and will be confirmed, for appointments to the D.C. Circuit and Fifth Circuit, respectively, and their confirmations would have lessened, and will lessen, the high vacancy rates and resulting significant and prejudicial delays experienced by Judicial Watch, Inc. in litigating in the federal courts. The application of Senate Rule XXII and Senate Rule V to the Estrada and Owen nominations has thus impaired, and is continuing to impair, both Judicial Watch, Inc.'s public interest mission and the exercise of its First Amendment Rights.

REV_00118442

WHEREFORE, Plaintiff Judicial Watch, Inc. respectfully requests that the Court enter judgment against Defendants:

(1) declaring that Senate Rules XXII and V are unconstitutional as applied to judicial nominees, pursuant to 28 U.S.C. § 2201;

(2) enjoining Defendants from continuing to prevent votes on the nominations of former Assistant Solicitor General Estrada and Justice Owen; and

(3) granting any and all other relief the Court deems just and proper.

REV_00118443

Respectfully submitted,
JUDICIAL WATCH, INC.

_____

Larry Klayman, Esq.
D.C. Bar No. 334581

_____

Paul J. Orfanedes, Esq.
D.C. Bar No. 429716
Suite 500
501 School Street, S.W.
Washington, DC 20024
(202) 646-5172

Attorneys for Plaintiff

REV_00118444

From:	Nelson, Carolyn
To:	<Bartolomucci, H. Christopher>;<Ullyot, Theodore W.>;<Leitch, David G.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>; <Brosnahan, Jennifer R.>
CC:	<Bumatay, Patrick J.>;<Montiel, Charlotte L.>;<Ganter, Jonathan F.>;<Farrell, J. Elizabeth>
Sent:	5/15/2003 8:49:03 AM
Subject:	REMINDER: Meeting with the President

Our meeting is still confirmed for 9:25 tomorrow morning in the Oval Office.

Staff prep will begin at 9:00 in the Judge's Office.

Thanks!
-----Original Message-----
From: Nelson, Carolyn
Sent: Monday, May 12, 2003 10:56 AM
To: Bartolomucci, H. Christopher; Ullyot, Theodore W.; Leitch, David G.; Gonzales, Alberto R.; Kavanaugh, Brett M.; Newstead, Jennifer G.; Powell, Benjamin A.; Sampson, Kyle; Brosnahan, Jennifer R.
Cc: Montiel, Charlotte L.; Bumatay, Patrick J.
Subject: Meeting with the President re: Judges

We're confirmed for a meeting with the President THIS FRIDAY, May 16, at 9:25 am.

Please keep in mind that the binder is due to Staff Secretary no later than C.O.B. Wednesday - materials should be provided to Patrick accordingly.

Thanks!

From: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>
To: Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;Keys, Elizabeth \(Republican-Conf\) <Elizabeth_Keys@src.senate.gov>;<Grubbs, Wendy J.>;<Kavanaugh, Brett M.>;Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>;Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>;Abegg, John \(McConnell\) <John_Abegg@mcconnell.senate.gov>;Duffield, Steven \(RPC\) <Steven_Duffield@rpc.senate.gov>
Sent: 5/15/2003 9:11:30 AM
Subject: reminder

Subject: Kuhl conf call

Thursday, May 15th at 10:00 am

Dial in: 202-353-0878
Passcode: 1645

From: Lisaius, Kenneth A.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 5/15/2003 9:14:42 AM
Subject: Seattle P-I

Is there anyone we can get to write an op-ed for the P-I to counter this column by Joel Connelly.....

In the Northwest: Bush working to tilt federal bench toward the right

By JOEL CONNELLY

SEATTLE POST-INTELLIGENCER COLUMNIST

A faded button carrying the two-word slogan "FREE WILLY" sits in my dusty collection of campaign memorabilia. It has nothing to do with the movie killer whale of the same name.

The "Willy" here mentioned is William Fletcher, a University of California law professor whose nomination to the 9th U.S. Circuit Court of Appeals by President Clinton was kept in limbo for 2 1/2 years by Senate Republicans.

The example of Fletcher, and two long-delayed 9th Circuit nominees out of Seattle, came to mind last week as cable-TV news channels gave President Bush time to fulminate over Senate Democrats' decision to block two of his most controversial appellate court nominees.

Delays in confirming nominees Priscilla Owen and Miguel Estrada were a "disgrace," Bush intoned. He decried "obstructionist tactics" that "threaten judicial independence."

What is this man so angry about? After all, the Senate has confirmed more than 120 of his judicial nominees. The vacancy rate in the federal court system stands at just 5.7 percent, the lowest in 11 years.

By contrast, just a few years back, as many as 10 of the 28 judgeships on the 9th Circuit went vacant as the GOP-controlled Senate held up a Democratic president's nominations.

The court, with jurisdiction over nine Western states, had a backlog of more than 600 cases.

Could be that Bush is beholden to his political guru. White House political strategist Karl Rove was paid more than $250,000 in 1994 to oversee Owen's campaign for a seat on the Texas Supreme Court.

Or the president could be displaying stage anger.

Talking up conservative judges is a tried-and-true tactic to get blood and saliva flowing in the right wing of the Republican Party: These elephants never forget and still feel mightily wronged by the Supreme Court confirmation battles of Robert Bork and Clarence Thomas.

The real reason, though, could be a characteristic piece of (to use Rove's joke nickname) Bush "strategery." The more this president demands, the more insistent he is, the more he gets.

The ordinary citizen ought to tune in to this battle. Basic rights are at stake, from an injured consumer's ability to haul corporations into court, to a citizen's right to due process, to obtaining information from an intensely secretive administration in our capital.

On rare occasions when it is covered by our supine and superficial national media, the fight over judicial nominations is depicted as part of the Washington, D.C., "power game" and an example of "hardball."

So it was a half-dozen years back: GOP Sen. Slade Gorton wanted a voice in filling vacancies to the local federal bench. He played it rough with the Clinton administration, and eventually won a judicial screening committee, its members named equally by Gorton and Democratic Sen. Patty Murray.

The held-up Clinton appointees were anything but ideologues. Margaret McKeown and Ron Gould were partners in the state's largest law firm. Gould was a former president of the Washington State Bar Association. McKeown was an intellectual-property specialist who spent much of her time arguing cases for Nintendo and The Boeing Co.

Fletcher, too, was eventually confirmed to the 9th Circuit, after Republicans insisted that his mother first retire from her seat on the court.

The Bush administration, by contrast, seems out to recast the federal judiciary in an ideological mold with judges picked for their records in upholding state power and overruling corporate accountability. It is nominating younger judges -- the 73-year-old Slade Gorton can't get himself named to the 9th Circuit -- so the imprint will be lasting.

We've yet to see it here. Washington has an outstanding federal bench. Elsewhere, however, conservative judicial activism is very much in vogue.

One of Bush's earliest appointments to the federal bench in Washington, D.C., went to a one-time aide to Whitewater prosecutor Kenneth Starr: The intense Starr subordinate once wanted to hit the White House with sweeping subpoenas to search for Hillary Clinton's old law-firm records.

With his side in power, the new judge ruled that Vice President Dick Cheney was under no obligation to disclose lists of lobbyists and executives who met at the White House with Cheney's energy task force.

The conservative media celebrate Miguel Estrada as a Honduran emigre who rose by his bootstraps. Perhaps so, but he has declined to answer senators' questions on his legal views.

The Bush administration refuses to provide documents on Estrada's legal work, which reportedly show views as far to the right as those of Supreme Court Justice Antonin Scalia.

On a Republican-run Texas Supreme Court, Owen not infrequently dissented against fellow justices, including Alberto Gonzales, now Bush's White House counsel. She delivered a series of opinions advocating restriction of abortion.

It is once life begins, however, that Owen's rulings deserve closest scrutiny.

She took 16 months to write an opinion that reversed a $30 million damage award to the family of a quadriplegic teenager. The family had argued that negligent seat-belt construction caused his head to be severed from his spine.

In this case, Ford Motor Co. v. Miles, Owen based her decision to order a new trial on a finding of improper venue. The issue of where the case was brought was neither raised nor argued by either side on appeal.

The boy, Willie Searcy, died while awaiting his new trial.

In the legal world of Priscilla Owen, the right to life may begin at conception. It seems, however, to end at birth.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 5/15/2003 9:28:59 AM
Subject: RE: rush

fyi. An email from Kyl's guy.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/15/2003 09:29 AM ----------

"Higgins, Stephen (Judiciary)"

05/15/2003 09:22:52 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: rush

Alex? I thought he was going to talk with Cohen. Please call/email

ASAP (4-1490). Markup will start soon. My boss wants the latest.

THANKS.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Thursday, May 15, 2003 9:04 AM

To: Higgins, Stephen (Judiciary)

Subject: Re: rush

He is talking to Alex this a.m.

From: Higgins, Stephen (Judiciary) <Stephen_Higgins@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/15/2003 5:52:42 AM
Subject: : FW:
Attachments: P_PB2GG003_WHO.TXT_1.html; P_PB2GG003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Higgins, Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> ("Higgins, Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:15-MAY-2003 09:52:42.00
SUBJECT:: FW:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett

Here you go.

Stephen

-----Original Message-----
From: Campbell, David [mailto:DGCampbell@omlaw.com]
Sent: Wednesday, May 14, 2003 1:40 PM
To: Higgins, Stephen (Judiciary)
Subject:

- att1.htm - OMLAW-433412-v1-HW work product issue bullet points.DOC
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_PB2GG003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_PB2GG003_WHO.TXT_2>

Brett

Here you go.

Stephen

-----Original Message-----
From: Campbell, David [mailto:DGCampbell@omlaw.com]
Sent: Wednesday, May 14, 2003 1:40 PM
To: Higgins, Stephen (Judiciary) **Subject:**

- For several years, Dave Campbell has represented Honeywell in dealings with ADEQ concerning Honeywell's airport facility.

- In 1999, Honeywell and ADEQ signed an Administrative Order on Consent ("AOC") that called for Honeywell to produce a research report describing historical operations and potential contamination sources at the airport facility.

- When Honeywell produced the report to ADEQ in December of 1999, it withheld two categories of information – laboratory analysis of subsurface fuel and internal sump samples – as attorney work product under *State v. Ybarra*, 161 Ariz. 188, 777 P.2d 686 (1989).

- Honeywell informed ADEQ that the report did not include work product and cited the *Ybarra* case.

- Eight months after the research report was submitted, Honeywell voluntarily disclosed the subsurface fuel analysis to ADEQ after the analysis had been used by Honeywell's expert witnesses in litigation (and therefore no longer qualified as confidential work product).

- Ten months after the research report was submitted, Honeywell disclosed the internal sump analysis when ADEQ requested that Honeywell disclose all lab analysis.

- ADEQ has taken the position that Honeywell violated the AOC by withholding the fuel analysis and sump samples as work product. Honeywell disagrees.

- While the fuel analysis was being withheld as work product, ADEQ requested that Honeywell produce a portion of the analysis. Honeywell produced the requested portion and retained the rest as work product. ADEQ has taken the position that Honeywell should have disclosed all of the analysis and not retained a portion as work product. Honeywell disagrees.

- If ADEQ and Honeywell are unable to resolve their differences by agreement, ADEQ has stated that it will bring a civil penalty action against Honeywell for violating the AOC by withholding the work product and for other civil penalties unrelated to the work product issue.

From: Duffield, Steven \(RPC\) <Steven_Duffield@rpc.senate.gov>
To: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;Keys, Elizabeth \(Republican-Conf\) <Elizabeth_Keys@src.senate.gov>;<Grubbs, Wendy J.>;<Kavanaugh, Brett M.>;Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>;Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>;Abegg, John \(McConnell\) <John_Abegg@mcconnell.senate.gov>
Sent: 5/15/2003 10:14:18 AM
Subject: Holmes editorial

Copyright 2003 Little Rock Newspapers, Inc.
Arkansas Democrat-Gazette (Little Rock, AR)

May 13, 2003, Tuesday

SECTION: ARKANSAS; Pg. 14

LENGTH: 613 words

HEADLINE: EDITORIALS : How to bork a nominee Leon Holmes gets the treatment

BODY:
BORK IS no longer a proper noun in Washington, as in Judge Robert Bork, but a verb. It means to launch a vicious, irrelevant, roundhouse campaign against a judicial nominee, throwing in everything, including a couple of kitchen sinks.

The term stems from the treatment of Judge Bork when he was nominated to the Supreme Court. Not satisfied with relevant criticisms, the judge's more partisan critics reached back to criticize everything he'd said or done from approximately the age of three, and quite a few things he hadn't.

That borking has become a Washington tradition by now-indeed, an addiction-is illustrated by the sharp but impressively mean-spirited editorial we reprint on today's page from the Washington Post. It's a textbook example of borking; students in political science classes should cut it out and save it, like a ripe specimen of that low art.

Notice that, unable to find anything contemporary to criticize about Little Rock's Leon Holmes-an outstanding scholar, advocate and thinker who has just been nominated to the federal bench-the Posthas had to go back years and even decades to dig up any utterance it could use against him, including one that went back to 1980-yes, 1980-and for which he apologized as soon as it was brought to his attention.

The other citation-a quote from Scripture in an article co-written with his wife in April of 1997-is so wrenched out of context that you might never guess it was a philosophical rumination on the Book of Ephesians.

As any smear artist knows, there's no need to go into detail. Especially relevant detail. In this case the innocent reader would be left with no idea of what kind of nominee, or man, Leon Holmes really is. Which is the whole purpose of borking: to make the nominee look like the biggest, scariest menace that ever came down confirmation road. Instead, to quote an informal recommendation from a colleague, Leon Holmes is the kind of guy he'd be willing to shoot dice with over the phone.

The charge that Mr. Holmes is in favor of the subjugation of women would amuse anyone who's ever met Susan Holmes, his wife and co-author, or any of the women in the law for whom he has been mentor, role model, supporter and encourager.

But we're glad to see that the Post has not lost its talent for irony. Alas, in this case it's unintended irony.

For the Post accuses the president of radicalizing judicial nominations by his choice of Leon Holmes for the bench, when it is the one being radical, going back or decades to find words from a much younger Leon Holmes that fail to show the proper reverence for the politically correct gods of today.

In the process, the Post has ignored the legal acumen and philosophical learning that the mature Leon Holmes has demonstrated day after day, year after year, in his career and life. Forget all that; the Post is determined to crucify this nominee even if it has to use old, rusty nails. It takes a couple of stray quotes and equates them with the man's whole career. A neat trick, if a low one.

A confession: In recent years we've found ourselves growing soft on the Post's editorial page; on its good days it started to look like one of those old-fashioned liberal organs not beyond the reach of reason. Clearly we were mistaken.

When the chance to do a little borking came up, the Post has leaped at it. As if it couldn't help itself. Even if it means using low means to attain a purely ideological end. Which may be the worst thing about borking; it's habit-forming. Once it becomes ingrained in a paper's character, there's no telling when it will seep out again.

This story was originally published on Tuesday, May 13, 2003.

Steven J. Duffield
Judiciary Policy Analyst & Counsel
Senate Republican Policy Committee
347 Russell Senate Office Building
(202) 224-3463 Fax (202) 224-1235

-----Original Message-----
From: Miranda, Manuel (Frist)
Sent: Thursday, May 15, 2003 9:12 AM
To: Ledeen, Barbara (Republican-Conf); Keys, Elizabeth (Republican-Conf); wgrubbs@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov; Kristi.L.Remington@usdoj.gov; Brian.A.Benczkowski@usdoj.gov; Abegg, John (McConnell); Duffield, Steven (RPC)
Subject: reminder
Importance: High

Subject: Kuhl conf call

Thursday, May 15th at 10:00 am

Dial in: 202-353-0878
Passcode: 1645

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
Sent: 5/15/2003 7:18:31 AM
Subject: : call me re osc

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-MAY-2003 11:18:31.00
SUBJECT:: call me re osc
TO:Jan E. Williams ( CN=Jan E. Williams/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/15/2003 11:40:27 AM
Subject: can you send me Wash state and Idaho letters in PDF

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 5/15/2003 11:49:25 AM
Subject: message

Fax for Bill Myers
202-208-5589

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/15/2003 8:06:18 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:15-MAY-2003 12:06:18.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

David wanted to see if you could help him interview the paralegal
candidates.; Can you and one other Associate (maybe Jen?) interview the
seven great candidates we have and narrow it down to 3 for David to
interview?; Both Liz's and Jon's resumes are in the stack of seven.; If
you don't feel like you need to interview them, I understand.; David may
interview them anyway as a courtesy.; Let me know how you would like to
proceed.
;
Charlotte
;
```

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/15/2003 12:53:51 PM
Subject: Re: REVISED Ashley: We have sign-off from here; are you ok to send to Wittes/Post?

Brett ill call you soon
.

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/15/2003 8:56:29 AM
Subject: : message

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:15-MAY-2003 12:56:29.00
SUBJECT:: message
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Fax for Bill Myers
202-208-5589
```

From:	Nelson, Carolyn
To:	<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Ullyot, Theodore W.>;<Everson, Nanette>;<Leitch, David G.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>; <Brosnahan, Jennifer R.>
CC:	<Montiel, Charlotte L.>;<Bumatay, Patrick J.>
Sent:	5/15/2003 1:04:31 PM
Subject:	NO staff mtg on Monday

Staff meeting has been cancelled for Monday, May 19, due to the State Arrival Ceremony.

Thanks!

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
CC: <Montiel, Charlotte L.>
Sent: 5/15/2003 1:14:37 PM
Subject: can we meet at 4:00

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>
CC: Charlotte L. Montiel/WHO/EOP@Exchange@EOP [WHO] <Charlotte L. Montiel>
Sent: 5/15/2003 9:15:25 AM
Subject: : can we meet at 4:00

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-MAY-2003 13:15:25.00
SUBJECT:: can we meet at 4:00
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 5/15/2003 1:17:34 PM
Subject: 4:00 is good

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Thursday, May 15, 2003 1:15 PM

To: Leitch, David G.

Cc: Montiel, Charlotte L.

Subject: can we meet at 4:00

From: Smith, Matthew E.
To: <Boeckel, Caroline>;<Ryun, Catharine A.>;<Kavanaugh, Brett M.>;<Ralston, Susan B.>;<Cooper, Colby J.>;<Vestewig, Lauren J.>
Sent: 5/15/2003 1:41:54 PM
Subject: Speaking Request for Thursday, May 22, 2003

We are holding a White House briefing for folks attending the Legatus Pro-Life Pilgrimage in Washington D.C. from May 20 – 22, 2003 The briefing is an opportunity for this important group of lay Catholics to hear about Administration priorities.

Briefing Date: Thursday, May 22, 2003

Time: 9:00 a.m. – 11:00 a.m.

Location: EEOB Room 450

Invited Speakers:

Jay Lefkowitz Subject: Cloning Ban, Global AIDS (if applicable)

Karl Rove Subject: Update on the President

Elliott Abrams Subject: Iraq

Jim Towey Subject: Faith-based and Community Initiative

Brett Kavanaugh Subject: Judicial Nominations

Brian Reardon Subject: Economic Package

Background:

Legatus members are business leaders - men and women with varying interests and diverse talents who all share one overriding goal: to become better Catholics and, in turn, positively impact their business and personal lives.

Legatus currently has over 37 chapters throughout the United States serving close to 1500 members. Legatus members are typically Chairman, President, CEO, Controlling Owner, Managing Director, Managing Partner, or Executive Vice President's of businesses with at least 30 employees or ten employees with a one million-dollar payroll. The businesses must also achieve three million dollars annually or have a net value of ten million dollars.

Legatus is the Latin word for "ambassador". Their members don't typically wear their faith on their shirtsleeves. They spread the faith through good example, good deeds and high ethical standards.

An encounter between Pope John Paul II and Tom Monaghan in May 1987, served as the inspiration for Legatus. As former owner of Domino's Pizza and the Detroit Tigers baseball franchise, Tom valued his experience in the Young Presidents' Organization. Tom wanted to capture the YPO dynamic for Catholic CEOs and their spouses by combining business, faith and family in one package.

Legatus members are in Washington from May 20 through May 22, 2003 for their third annual Legatus Life Issues Pilgrimage. Legatus members are very active pro-life Catholics and will be hearing from speakers, Members of Congress, and prominent Washington-based pro-life leaders.

Secretary Martinez received the annual Ambassador of the Year award from Legatus in February 2001 at their annual convention held in Naples, Florida.

Attorney General Ashcroft was their keynote speaker for this event in 2001.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 5/15/2003 2:01:53 PM
Subject: Tax Foundation

Do you have any comments on the red tag "Foundation of Tax Relief" due at 12 pm today?

thanks

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 5/15/2003 2:05:15 PM
Subject: Re: Tax Foundation

No comments.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 05/15/2003 02:01:53 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Tax Foundation

Do you have any comments on the red tag "Foundation of Tax Relief" due at 12 pm today?

thanks

From: CN=Douglas L. Hoelscher/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/15/2003 10:22:42 AM
Subject: : your guidance

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Douglas L. Hoelscher ( CN=Douglas L. Hoelscher/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:15-MAY-2003 14:22:42.00
SUBJECT:: your guidance
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett,
Thanks again for your guidance -- once you send me an e-mail with written
guidance I will add it to my personal records.
-Doug
```

From: CN=Douglas L. Hoelscher/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/15/2003 10:31:19 AM
Subject: : Re: your guidance

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-MAY-2003 14:31:19.00
SUBJECT:: Re: your guidance
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks

Brett M. Kavanaugh
05/15/2003 02:25:43 PM
Record Type: Record

To: Douglas L. Hoelscher/WHO/EOP@EOP
cc:
bcc:
Subject: Re: your guidance

You may continue to engage in appropriate official activities related to appointments if both DHS and OPA approve.

Douglas L. Hoelscher
05/15/2003 02:22:06 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: your guidance

Brett,
Thanks again for your guidance -- once you send me an e-mail with written guidance I will add it to my personal records.
-Doug

From: Sampson, Kyle
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 5/15/2003 3:01:24 PM
Subject: decent Mosman editorial

And a good puff piece too:

Michael Mosman: Years in court and now the court of public opinion

The Portland Oregonian

05/12/03

FRED LEESON

Since the judges were on vacation, the new U.S. Supreme Court law clerk wore a golf shirt the first day he bounded up the massive granite stairway.

A fellow clerk noticed "Belhaven," an Idaho golf course, embroidered on Michael Mosman's shirt.

"Belhaven," the clerk said. That's the name of my house.."

"Your house?" Mosman asked. "Where I come from houses have numbers.

That was Mosman's introduction to a world where many of the brightest East Coast law grads had already known one another for years, competing in prestigious prep schools, Ivy League law schools and judicial clerkships.

Mosman had grown up swimming in the Clearwater River, hiking in the Seven Devils Wilderness and playing baseball all day in his baseball-mad hometown, Lewiston, Idaho. College was Utah State University and Brigham Young Law School.

"I had never met anyone like them, and they had never met anyone like me," recalled Mosman, Oregon's U.S. attorney and nominee for a U.S. District Court judicial vacancy.

"Turned out we got along fine."

That's how things seem to turn for Mosman, 46. From the time he started reading Tarzan books aloud to his mother on the kitchen counter at age 4, he's been a voracious learner lurking behind a seemingly calm and low-key personality.

Mosman's comforting demeanor will get its severest test when the U.S. attorney faces Senate hearings on his nomination to a U.S. District Court seat. Confirmations have turned increasingly rancorous on Capitol Hill and some old comments by Mosman on such hot-button subjects as gay rights and abortion will attract scrutiny from Democrats wary of President Bush's appointees.

Eager for the courtroom

Mosman took little time making an impression on the Miller Nash law firm in Portland, where he started work in 1987 after his Supreme Court clerkship with Justice Lewis Powell Jr.

"He was a quick study," said Judy Vacura, who was a first-year associate in the next office." "Prominent attorneys vied for his time. You don't see that with first year associates. He was that good.

But in big firms, even brilliant young associates in big firms don't get to try many cases. After two years, Mosman found an opening in the U.S. attorney's office. He knew he'd find the emotional highs and lows of the courtroom.

"There's nothing like sitting there trying to look calm while your witness has just said something that sends your case down the toilet," he said.

"You're sweating through your suit, trying to look unruffled and knowing you have 20 seconds to ask a question that will save your case."

A case could be made that it was in Mosman's genes. His father, Roy Mosman, was a prosecuting attorney in Lewiston with a civil practice on the side and spent five years as a trial judge. In Roy's early years, he sold cars and worked as a physical therapist on the side to make ends meet.

Michael Mosman planned to be a marriage counselor. But by the time he'd completed his undergraduate psychology degree, he concluded that counseling it was more art than science. "I didn't feel I had much art within me." he said.

Having married his college sweetheart, Suzanne Hogan, after his sophomore year, Mosman needed to settle on a career. His thoughts drifted to law.

"I had seen the law through my father's career and others as an honorable career," he said. "I still think it's an honorable career. On average, I think lawyers pay more attention to honesty than most people because they have to confront it regularly with their clients.

Value of loving the job

Mosman looks the picture of professionalism as he strides about the Mark O. Hatfield U.S. Courthouse. Nary a razor-scut hair is out of place, hekkps his desktop shiny clean.

As a prosecutor, Mosman displayed an even-tempered, low-key style, eschewing the quick wit that relatives and co-workers attribute to him.

Defense lawyers who have appeared against him many times say they know little him personally. When defense g younger nominees with shorter track records to scrutinize.

"If there is a powerful voice against you, it will not be overridden by powerful voices in your favor," Jones said. "Nobody can make you a federal judge, but a lot of people can prevent it. The downside is you wind up picking people nobody knows anything about. "

As Mosman has learned, "It doesn't take much of a track record to create a firestorm. One bench memo can do it."

The memo, one he wrote during his Supreme Court year as a clerk for Powell involved a case that challenged a Georgia making sodomy a crime. Powell asked Mosman to study the impact of striking down the sodomy prohibition in relation to the murky area of constitutional privacy guarantees.

Mosman's memo argued against expanding privacy rights to include sodomy. Powell ultimately sided with that view in a controversial 5-4 decision.

Mosman doubts whether the 1986 memo affected Powell's thinking at all, but gay rights groups said they feared it reflected a personal anti-gay bias.

Like selling greeting cards as a kid to pay for a banana-seat bicycle or carrying out his pledge to date every high school cheerleader his senior year, Mosman faced the challenge with tempered determination.

He met privately with representatives of the state's largest gay-rights group, Basic Rights Oregon. "He came across as thoughtful, careful and a good listener," said Roey Thorpe, executive director.

Politically, Thorpe said it was riskier for Basic Rights to accept Mosman's nomination than to oppose it. But she said Mosman convinced her that he cares deeply about being seen as a person who is fair.

Abortion also could be a hot potato for Mosman because he once said he would "trim back" the Roe vs. Wade ruling. Abortion proponents are concerned that his legal views might be colored by his religious beliefs as a Mormon.

As a trial judge, Mosman says he'd have no problem following legal precedents, even those that differ with his religious views. "One of my strongest religious views is the important principle of separation of church and state," he said. "That is vital for the state, and it is vital for religion."

Mosman's ability to follow the law and to provide fair hearings has never been doubted by prominent local legal minds who have watched him. "He's a real class person," said Multnomah County District Attorney Michael Schrunk. "He"sr's genes. His father, Roy Mosman, definitely going to be an asset to the U.S. District Court."

Sid Lezak, a former U.S. attorney who still pays close attention to his former office, said he's seen no whiff of political partisanship in Mosman's office management that would suggest a hidden agenda as he heads to the bench.

"There's nothing in his background to indicate he would not be an excellent appointment to a federal judgeship," Lezak said.

No matter where Mosman goes next, he will always be grounded in Lewiston, says his mother, Barbara Mosman, who now resides in Moscow, Idaho. During a visit with his parents last year, she said their conversation turned to a childhood of swimming and hiking and baseball and a driveway full of kids shooting baskets.

She recalls him asking, "Mom, were the summers in Lewiston really endless?"

---------- Forwarded by Kyle Sampson/WHO/EOP on 05/15/2003 03:01 PM ----------

Kyle Sampson

05/14/2003 09:22:50 PM

Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP, David G. Leitch/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: decent Mosman editorial

Asked and answered

The Portland Oregonian

05/14/03

T he Bush administration's nomination of Michael Mosman to a U.S. District Court seat shows that a measure of justice still remains in the increasingly contentious business of filling judicial vacancies. Not only did President Bush make the pick for the federal judgeship, but Democratic Sen. Ron Wyden announced his support for Mosman, too.

The backing in both quarters testifies to the legal talent and judicial temperament that people from Oregon to Washington, D.C., have seen in the current U.S. attorney for Oregon. But the bipartisan support also shows Mosman has allayed concerns about his positions regarding gays or privacy rights.

This probably won't stop questions still being raised, judicial politics being what they are. But anyone who had such questions -- and we initially did -- couldn't help but be assured by Mosman's answers about his work as a Supreme Court clerk for Justice Lewis Powell 17 years ago. All this should be an issue of the past -- and Powell's past, not his clerk's.

As for the future, we have no doubt that now that justice has been done in Mosman's case, he'll soon be dispensing it from the bench.

From: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>
To: kmajor@GOPAC.org <kmajor@GOPAC.org>;kmajor@GOPAC.org <Kavanaugh, Brett M.>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;kmajor@GOPAC.org <Grubbs, Wendy J.>;Duffield, Steven \(RPC\) <Steven_Duffield@rpc.senate.gov>;Abegg, John \(McConnell\) <John_Abegg@mcconnell.senate.gov>;Wichterman, Bill \(Frist\) <Bill_Wichterman@frist.senate.gov>;Dahl, Alex \(Judiciary\) <Alex_Dahl@Judiciary.senate.gov>;Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Brian.A.Benczkowski@usdoj.gov <Brian.A.Benczkowski@usdoj.gov>;Brian.A.Benczkowski@usdoj.gov <Snee, Ashley>;Keys, Elizabeth \(Republican-Conf\) <Elizabeth_Keys@src.senate.gov>
Sent: 5/15/2003 5:47:59 PM
Subject: Kuhl planning

Kristi,

Tomorrow morning I will collect two email lists as we discussed for conference calls on Monday, that you might respond to with call in codes. This email is a preliminary notice just to lock in times for those few listed.

Monday 10:00 (30 Minutes) – inter-staff call
Monday 12:00 (45 minutes) – groups and communications call

If anyone has suggestions as to who should be on the second call, use tomorrow to recruit.

Thanks
Manny

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>
Sent: 5/15/2003 7:18:31 PM
Subject: : Re: President's Dinner

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-MAY-2003 23:18:31.00
SUBJECT:: Re: President's Dinner
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

That is fine and I would be happy to attend. Thx.

.

----- Original Message -----
From:Katherine M. Walters/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 05/15/2003 10:50:04 PM
Subject: President's Dinner

As last year, I am arranging tickets for WH staff members to attend the President's dinner on 5/21. I am dealing directly with the organization, not anyone who has purchased tables. Is that fine?

thanks

ps- would you like to attend?

From: CN=Katherine M. Walters/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 5/16/2003 7:42:26 AM
Subject: : Re: Regional Appointees Conference
Attachments: P_PAKHG003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-MAY-2003 11:42:26.00
SUBJECT:: Re: Regional Appointees Conference
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I wanted to check to see if it was still appropriate that Ken speak to this conference on Tuesday?

---------- Forwarded by Katherine M. Walters/WHO/EOP on 05/16/2003 11:41 AM ----------

05/15/2003 05:45 PM
Christie Parell
Christie Parell
Christie Parell
05/15/2003 05:45 PM
05/15/2003 05:45 PM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: Re: Regional Appointees Conference

One more thing...will you please make a note on Ken's agenda that he should only speak until 2:55pm because the regional appointees need to get down to the Navy Steps for a 3:05pm photo op with the President? Thank you!
---------- Forwarded by Christie Parell/WHO/EOP on 05/15/2003 05:43 PM ----------

05/14/2003 04:32 PM
Christie Parell
Christie Parell
Christie Parell
05/14/2003 04:32 PM
05/14/2003 04:32 PM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
bcc: Records Management@EOP
Subject: Re: Regional Appointees Conference

Hi Kate! We are looking forward to Ken speaking at the Regional Appointees Conference on May 20th. Attached is a tentative agenda for your reference. Again, he will speak from 2:30-3:00pm (20 min + 10 min. Q&A), giving his general "Building Support for President's Agenda"

speech. He should arrive 10 min. early in case the program is running ahead of schedule. Will you please send me a copy of his bio for introduction purposes and also just a few simple bullet points on what he will speak about? I assume he will not need a PowerPoint projector or tech equipment other than a podium? Thanks a lot!

Christie
6-2334

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_PAKHG003_WHO.TXT_1>

Tentative Agenda
Regional Appointee Conference
May 19-21, 2003

LOCATION: Washington, DC: Mayflower Hotel; Eisenhower Executive Office Building, Room 450

HOSTS: Cabinet Affairs (OCA), Presidential Personnel (PPO), Inter-governmental Affairs (IGA), Council for Excellence in Government (CEG)

ATTENDEES: Regional Political Appointees from the following agencies: HHS, HUD, Interior, FEMA, EPA, Education, Labor, GSA, SBA and VA.

5/19: EVENING:
Reception (Mayflower Hotel, Colonial Room) 5:30 pm – 7:30 pm
Featured Speaker: Director Kay Coles James, Office of Personnel Management

5/20: DAY TWO:
Plenary Sessions (Mayflower Hotel: morning; EEOB Room 450: afternoon/evening)

Continental Breakfast (Mayflower East Room)~~Hotel)~~
8:00 am – 9:00 am

Morning Program (Mayflower East Room) 9:00~~9:00~~ am – 12:00~~30~~ pm

Clay Johnson:~~:~~ *Management Results/*
Counselor to OMB Director *President's Management Team*
9:00 am – 9:30 am

Randall Kroszner: *Economic Briefing* 9:30 am – 10:00 am
Council of Economic Advisors ~~John Bridgeland: *Freedom Corps and Faith-based*~~

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Cameron Findlay: *Effective Regional Mgmt* 10:00 am – 10:30 am
Deputy Secretary, Dept. of Labor
~~10:00 am – 10:30 am~~

~~BREAK: 10:30 am – 10:45 am~~

Inter-governmental Affairs (IGA), Cabinet Affairs (OCA), Public Liaison (OPL), Political Affairs *Working Together for Greater Regional Impact* 10:30 am – 11:00 am

REV_00118535

(OPA):

Regional Breakouts:	*Led by Council for Excellence in Government with OPA, IGA, OPL, and OCA staff*	11:00 am – 11:45 am

Lunch (Mayflower Hotel) 12:00 pm – 1:15 pm

Featured Speaker:

Secretary Andrew Card, White House Chief of Staff

Afternoon Program (EEOB Room 450) 1:30 pm – 5:00 pm

Brett Kavanaugh/ Nanette Everson: White House Counsel	*Hatch Act/Ethics*	1:30 pm – 2:00 pm
John Bridgeland: Director, Freedom Corps	*Freedom Corps/Faith-Based Initiatives*	2:00 pm – 2:30 pm
Ken Mehlman: Director, Political Affairs	*Building Support for President's Agenda*	2:30 pm – 3:00 pm
BREAK:		3:00 pm – 3:15 pm
David Hobbs: Director, Legislative Affairs	*Legislative Update*	3:15 pm – 3:45 pm
Margaret Spellings: Domestic Policy Advisor	*Policy Perspectives*	3:45 pm – 4:15 pm
Greg Schulte: Executive Secretary, NSC	*Foreign Policy Update*	4:15 pm – 4:45 pm

Secretary

~~Regional Breakouts 3:45 pm – 5:00 pm~~

~~Led by Council for Excellence in Government with OPA, IGA and OCA staff~~

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REV_00118536

Mel Martinez: *Homeownership Initiative* 4:45 pm – 5:15 pm
Department of HUD

Wrap Up and Closing Remarks 5:15 pm – 5:30 pm

Reception in Indian Treaty Room (EEOB) ~~Hotel)~~
~~6:00 pm – 7:30 pm~~

Featured Speaker: Secretary Tom Ridge, Department of Homeland Security

Invited Cabinet Secretaries, Deputy Secretaries, and senior White House staff

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Formal Conference Concludes

~~Dinner~~

5/21: DAY THREE:

Attendees encouraged to visit respective agencies.

REV_00118537

From: Miers, Harriet
To: <Kavanaugh, Brett M.>
Sent: 5/16/2003 8:04:23 AM
Subject: Brett could you please call Harriet 62702

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/16/2003 9:00:56 AM
Subject: : Judgeships bill
Attachments: P_CVOHG003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-MAY-2003 13:00:56.00
SUBJECT:: Judgeships bill
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer R. Brosnahan (CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

14 more Article III district court judgeships coming soon!

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/16/2003 12:58 PM ----------

"Comisac, RenaJohnson (Judiciary)"
<Rena_Johnson_Comisac@Judiciary.senate.gov>
05/16/2003 12:36:07 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Judgeships bill

The judgeships bill that was reported out of Committee yesterday was S. 878, as amended with a substitute by Senator Feinstein and a second-degree amendment by Senator Biden. The bill as amended:

* creates 1 permanent Idaho district judgeship
* creates 3 permanent and converts 1 temporary to

permanent for E.D. Cal.
* creates 1 permanent for S.D. Cal.
* creates 2 permanent for D. Arizona
* creates 2 permanent and 1 temporary for E.D.N.Y.
* creates 1 permanent for D. Utah
* creates 1 temporary for N.D. Iowa
* creates 1 permanent for N.D. Ala.
* creates 1 permanent for D.S.C.
* converts 1 temporary to permanent for D. Neb.
* creates approx. 36 permanent and temporary
bankruptcy judgeships

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- att1.htm

Message Sent
To:_____
Brett M. Kavanaugh/WHO/EOP@EOP
Wendy J. Grubbs/WHO/EOP@EOP
Jamie.E.Brown@usdoj.gov
Brian.A.Benczkowski@usdoj.gov
Kristi.L.Remington@usdoj.gov
"Duffield, Steven (RPC)" <Steven_Duffield@rpc.senate.gov>
"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov>
"Dahl, Alex (Judiciary)" <Alex_Dahl@Judiciary.senate.gov>
"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov>
"Abegg, John (McConnell)" <John_Abegg@mcconnell.senate.gov>
"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_CVOHG003_WHO.TXT_1>

The judgeships bill that was reported out of Committee yeste rday was S. 878, as amended with a substitute by Senator Feinstein and a second-degree amendment by Senator Biden. The bill as amended:

- creates 1 permanent Idaho district judgeship
- creates 3 permanent and converts 1 temporary to perma nent for E.D. Cal.
- creates 1 permanent for S.D. Cal.
- creates 2 permanent for D. Arizona
- creates 2 permanent and 1 temporary for E.D.N.Y.
- creates 1 permanent for D. Utah
- creates 1 temporary for N.D. Iowa
- creates 1 permanent for N.D. Ala.
- creates 1 permanent for D.S.C.
- converts 1 temporary to permanent for D. Neb.
- creates approx. 36 permanent and temporary bankruptcy judgeships

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;David G. Leitch/WHO /EOP@Exchange@EOP [WHO] <David G. Leitch>
Sent: 5/16/2003 9:20:52 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:16-MAY-2003 13:20:52.00
SUBJECT::
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

think one of you two may want to gently remind folks that what President
says in his meetings stays in his meetings.
```

From: Kaplan, Joel
To: <Kavanaugh, Brett M.>
Sent: 5/16/2003 9:52:14 AM
Subject: worthington manor

at 10:10 on Sunday for a two-some.

From: Sampson, Kyle
To: <Gonzales, Alberto R.>
CC: <Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 5/16/2003 10:52:45 AM
Subject: judicial pay

The below link will take you to the Judicial Conference's press release entitled, "President Endorses Senate Bill to Raise Pay of Federal Judges":

http://www.uscourts.gov/Press_Releases/pay503.pdf

From: Cato Institute <kbrand@cato.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/16/2003 8:40:32 AM
Subject: : REGISTER NOW - Ashcroft's U-Turn: Suing Big Tobacco 5/21/03 Policy Forum

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Cato Institute <kbrand@cato.org> (Cato Institute <kbrand@cato.org> [UNKNOWN])
CREATION DATE/TIME:16-MAY-2003 12:40:32.00
SUBJECT:: REGISTER NOW - Ashcroft's U-Turn: Suing Big Tobacco 5/21/03 Policy Forum
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Cato Institute
invites you to a Policy Forum

Ashcroft?s U-Turn: Suing Big Tobacco for a Quarter Trillion Bucks

Featuring

Matthew Myers
President, Campaign for Tobacco-Free Kids

William B. Schultz
Partner, Zuckerman Spaeder LLP

Robert A. Levy
Senior Fellow in Constitutional Studies, Cato Institute

Kenneth N. Bass
Partner, Kirkland & Ellis

Ten months after the tobacco giants and the states settled their differences for a skimpy $246 billion, the federal government decided that it wanted a piece of the pie. So the Clinton Justice Department filed suit, alleging that industry executives conspired to lie about their product, manipulate nicotine content, and target kids with cigarette ads. Then the Republicans took over. Attorney General John Ashcroft, who opposed the suit as a senator, was reluctant to fund litigation that he deemed too weak for trial. But he's changed his mind. In an astonishing about-face, the Justice Department has now decided to seek an additional $289 billion in damages, with a trial planned for next year if the industry doesn?t cave. Why the reversal? Is the multi-billion-dollar pot just too enticing for the cash-strapped feds? Or is there a real need for one more round in the government?s anti-tobacco campaign? Please join us for a vigorous debate on health, public policy, and the rule of law.

Wednesday, May 21, 2003
11:30 a.m.
(Luncheon to follow)

Cato Policy Forums and luncheons are free of charge.
To register, visit www.cato.org, e-mail Krystal Brand at kbrand@cato.org, fax (202) 371-0841, or call (202) 789-5229 by 11:30 a.m., Tuesday, May 20.

News media inquiries only (no registrations), please call (202) 789-5200.

If you can't make it to the Cato Institute, watch this forum live online at www.cato.org.

The Cato Institute is located at 1000 Massachusetts Ave., N. W., Washington, D. C.

To unsubscribe, send an email to: unsubscribe-16323@uptilt.com with the address: brett_m._kavanaugh@who.eop.gov in the subject line.

From: The Federalist Society <fedsoc@radix.net>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/16/2003 8:40:34 AM
Subject: : Now On-Line: Campaign Finance Decision Video
Attachments: P_RWNHG003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:The Federalist Society <fedsoc@radix.net> ( The Federalist Society
<fedsoc@radix.net> [ UNKNOWN ] )
CREATION DATE/TIME:16-MAY-2003 12:40:34.00
SUBJECT:: Now On-Line: Campaign Finance Decision Video
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

THE CAMPAIGN FINANCE DECISION VIDEO<br>IS NOW ON-LINE AT CSPAN.ORG




On May 12, the Federalist Society and the CATO
Institute co-sponsored a forum on the recent Campaign
Finance Decision. C-SPAN recorded the event and
posted the video on their web site. <a
href="http://video.c-
span.org:8080/ramgen/odrive/c04_051203_cfr.rm">Click
here to watch the video on Real One Player.</a>
<br><br><a
href="http://forms.real.com/netzip/getrde601.html?
h=207.188.7.150&f=windows/RealOnePlayerV2GOLD.exe
&p=RealOne+Player&oem=dl&tagtype=ie&type=dl">
Click HERE to download Real One Player for free.</a>
<br><br>
<b>SPEAKERS:</b>
<ul><li><b>The Hon. Kenneth W. Starr</b>, Partner,
Kirkland & Ellis, and counsel to Senator Mitch
McConnell<br>
<li><b>Jan Witold Baran</b>, Partner, Wiley, Rein &
Fielding, and counsel to Senator Mitch McConnell<br>
<li><b>The Hon. Randolph D. Moss</b>, Partner,
Wilmer, Cutler & Pickering,, and counsel to
Congressional Sponsors of the Legislation, as Defendant
Intervenors<br>
<li><b>The Hon. Trevor Potter</b>, Partner, Caplin &
Drysdale, and counsel to Congressional Sponsors of the
Legislation, as Defendant Intervenors

*** THE CAMPAIGN FINANCE DECISION:<br>WHAT DOES IT MEAN AND WHERE DO WE GO
FROM HERE? ***
Only days ago, the special three-judge
panel of the U.S. District Court for the District of
Columbia handed down its long-awaited opinion in the
Bipartisan Campaign Reform Act case, argued in
December 2002.
<br>This startling 1,600 page document-the product of
a divided court and three separate opinions-sent
journalists, lawyers, and the parties scrambling to study
the decision and divine its holdings and its
consequences. Join us as four attorneys prominent in
the litigation analyze the opinion and look ahead to
Supreme Court review.
```

Click here to watch the video now.
http://rs6.net/tn.jsp?t=pbssivn6.vubafvn6.b7vyivn6&p=http%3A%2F%2Fvideo.c-s
pan.org%3A8080%2Framgen%2Fodrive%2Fc04_051203_cfr.rm

Of Interest

-- 2003 National Lawyers Convention
Washington, D.C.
Thursday, November 13 -
Saturday, November 15, 2003

Save-the-dates
Details and registration
information will be released soon.

-- Barbara K. Olson Memorial Lecture Video
The first Barbara K. Olson Memorial Lecture video is
now on-line. The lecture was delivered by Solicitor
General Theodore Olson on November 16, 2001.

Click HERE to watch the video.
http://rs6.net/tn.jsp?t=pbssivn6.vubafvn6.a7vyivn6&p=http%3A%2F%2Fwww.fed-s
oc.org%2FBKOlsonMemorialLecture%2Fbkolsonlecture-111601.htm

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href="http://forms.real.com/netzip/getrde601.html?
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&p=RealOne+Player&oem=dl&tagtype=ie&type=dl">
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The Federalist Society for Law and Public Policy Studies
---
email: fedsoc@radix.net
voice: 202-822-8138
web: http://www.fed-soc.org

This email was sent to brett_kavanaugh@who.eop.gov,
by The Federalist Society for Law and Public Policy Studies.

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gh@who.eop.gov

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The Federalist Society for Law and Public Policy Studies

THE CAMPAIGN FINANCE DECISION VIDEO IS NOW ON-LINE AT CSPAN.ORG

Of Interest

2003 National Lawyers Convention

Washington, D.C.
Thursday, November 13 - Saturday, November 15, 2003
Save-the-dates
Details and registration information will be released soon.

Barbara K. Olson Memorial Lecture Video

The first Barbara K. Olson Memorial Lecture video is now on-line. The lecture was delivered by Solicitor General Theodore Olson on November 16, 2001.
Click HERE to watch the video.

On May 12, the Federalist Society and the CATO Institute co-sponsored a forum on the recent Campaign Finance Decision. C-SPAN recorded the event and posted the video on their web site. Click here to watch the video on Real One Player.

Click HERE to download Real One Player for free.

SPEAKERS:

- **The Hon. Kenneth W. Starr**, Partner, Kirkland & Ellis, and counsel to Senator Mitch McConnell
- **Jan Witold Baran**, Partner, Wiley, Rein & Fielding, and counsel to Senator Mitch McConnell
- **The Hon. Randolph D. Moss**, Partner, Wilmer, Cutler & Pickering,, and counsel to Congressional Sponsors of the Legislation, as Defendant Intervenors
- **The Hon. Trevor Potter**, Partner, Caplin & Drysdale, and counsel to Congressional Sponsors of the Legislation, as Defendant Intervenors

THE CAMPAIGN FINANCE DECISION: WHAT DOES IT MEAN AND WHERE DO WE GO F ROM HERE?

Only days ago, the special three-judge panel of the U.S. District Court for the District of Columbia handed down its long-awaited opinion in the Bipartisan Campaign Reform Act case, argued in December 2002.

This startling 1,600 page document-the product of a divided court and three separate opinions-sent journalists, lawyers, and the parties scrambling to study the decision and divine its holdings and its consequences. Join us as four attorneys prominent in the litigation analyze the opinion and look ahead to Supreme Court review.

Click here to watch the video now.

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From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Bartolomucci, H. Christopher>;<Grubbs, Wendy J.>
Sent: 5/16/2003 1:07:37 PM
Subject: Leon Holmes item

Liberals For Leon Holmes

Thu, May 15, 2003

Column By John Brummett

Arkansas News Bureau

Kent Rubens of West Memphis and Nate Coulter of Little Rock belong on anyone's list of the half-dozen leading liberal lawyers in Arkansas. Both have written letters endorsing the Bush administration's federal judgeship nomination of Leon Holmes of Little Rock, the anti-abortion zealot who escaped the Senate Judiciary Committee without an actual vote, but a mere referral to the Senate floor without comment.

He'll be confirmed since neither of your nominally Democratic senators, Blanche Lincoln and Mark Pryor, has the nerve to oppose him.

The committee's oddly neutral disposition came after revelations that Holmes once wrote that getting pregnant from rape was as likely as snowfall in Miami. It also was revealed that he and his wife had co-authored an article seeming to say the wife must be subservient to the husband.

Asked by Lincoln to explain himself, Holmes apologized for the reference to weather and impregnation, which he offered 23 years ago. He explained that his religious belief is that a wife is to be to a husband as the church is to Christ. But he explained that his religious view of the scriptural family structure does not have anything to do with society at large or the work place, where he fully supports women's rights.

Rubens said in his letter that he'd roll dice with Holmes over the phone. He told me last week that he'd had occasion to encounter Holmes in the legal arena and found him a man strictly of his word. He said he couldn't excuse what Holmes had written, but that considering other conservative lawyers the Bush administration might be inclined to nominate, he'd take Holmes and trust his integrity.

Rubens even speculated that Holmes might not mind resisting the death penalty, at least to the extent that the legal process would properly allow him.

Coulter said he'd gone up against Holmes a half-dozen times — as a plaintiff's attorney with Holmes defending the insurance industry — and found him sensible enough to settle in all cases. "At root, except for his religion that is out of the mainstream, I think Leon's a populist," Coulter said. "To that extent I think he's a better choice than some Little Rock Country Club Republican."

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 5/16/2003 1:41:42 PM
Subject: RE:

What are you hearing?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 16, 2003 1:19 PM
To: Leitch, David G.; Sampson, Kyle
Subject:

think one of you two may want to gently remind folks that what President says in his meetings stays in his meetings.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 5/16/2003 1:51:46 PM
Subject: RE:

nothing major. will call you.

From: David G. Leitch/WHO/EOP@Exchange on 05/16/2003 01:41:42 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE:

What are you hearing?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, May 16, 2003 1:19 PM

To: Leitch, David G.; Sampson, Kyle

Subject:

think one of you two may want to gently remind folks that what President says in his meetings stays in his meetings.

From: Steve.Colloton@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/16/2003 10:25:38 AM
Subject: :

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<Steve.Colloton@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME:16-MAY-2003 14:25:38.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Looks like I may be able to meet with Sen. Harkin in DC on Thursday
morning. Would you have time for dinner on Wed?
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From:	Conda, Cesar
To:	<All Ovp Users>;<Kaplan, Joel>;<Lefkowitz, Jay P.>;<Spellings, Margaret M.>;<Troy, Tevi>; <Hennessey, Keith>;<Buchan, Claire>;<Mamo, Jeanie S.>;<McNally, Robert C.>;<Ojakli, Ziad>; <Kirk, Matthew>;<Schlapp, Matthew A.>;<Mehlman, Ken>;<O'Hollaren, Sean B.>;<Loper, Ginger G.>;<Burgeson, Christine M.>;<Hobbs, David W.>;<Thomas, David M.>;<Lisaius, Kenneth A.>;<Dougherty, Elizabeth S.>;<Friedman, Stephen>;<Connaughton, James>;<Cooney, Phil>;<Bear, Dinah>;<Boling, Edward A.>;<Fiddelke, Debbie S.>;<Anderson, David R.>;<Greczmiel, Horst>;<Stolpe, Elizabeth A.>;<Leary, William H.>;<Hannegan, Bryan J.>;<Peel, Kenneth L.>;<Hecht, Alan>;<Peacock, Marcus>;<Weatherly, Mark A.>;<Perry, Philip J.>;<Hickey, Michael>;<Edson, Gary R.>;<Sharp, Jess>;<Hall, Philo D.>;<Badger, William D.>;<Conner, Charles>;<Reardon, Brian>;<Kavanaugh, Brett M.>;<Sampson, Kyle>;<McNally, Edward>;<Rees, Matthew R.>;<Eskew, Tucker A.>;<Pelletier, Eric C.>;<Powell, Dina>; <Barrales, Ruben S.>;<Westine, Lezlee J.>;<Goldman, Adam B.>;<Christie, Ronald I.>;<Bridgeland, John M.>;<Kroszner, Randall S.>;<Russell, Richard M.>
Sent:	5/16/2003 2:39:35 PM
Subject:	You're invited to Farewell Reception for Karen Knutson
Attachments:	karenbye.doc

Thursday, May 22nd, 4:00-5:30 p.m. in the Vice President's Ceremonial Office of the E.O.B.

Click on this invite:

<>


A Proper Send Off
Please join OVP in thanking Karen Knutson for her service
as Deputy Assistant to the Vice President
and wishing her good luck in the days ahead.
Where: EEOB 276
Date: Thursday, May 22, 2003
Time: 4:00 PM – 5:30 PM
RSVP: MFishpaw@ovp.eop.gov / 456.6655

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 5/16/2003 2:52:06 PM
Subject: reminder

reminder that we need to see WSJ op-ed before Monday

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>;<Leitch, David G.>
Sent: 5/16/2003 3:03:44 PM
Subject: FW: Gonzalez op-ed

-----Original Message-----
From: Levey, Collin [mailto:Collin.Levey@wsj.com]
Sent: Friday, May 16, 2003 3:01 PM
To: Snee, Ashley; Nelson, Carolyn
Subject: Gonzalez op-ed

Here's the edit of Mr. Gonzalez's oped for Monday's newspaper. Please let me know when he has looked it over and signed off. If you or he have any questions or requested changes, we can make them over the phone (646 552 5584). Otherwise, an email to sign off will be fine. Thanks for your help. Collin

****

By Alberto Gonzales

On May 9, President Bush addressed the American people from the Rose Garden on the subject of judicial nominees. The process, he explained, is broken. In the past three administrations, too many nominees to the federal appeals courts have languished for years without a vote; other nominees never received votes at all. The president called for the Senate to perform its constitutional responsibility to hold timely up or down votes on judicial nominees. That should hold, he emphasized, no matter who is president or which party controls the Senate.

Democrat Leader Tom Daschle quickly responded to the president's call by claiming that the Senate's judicial confirmation process "ain't broke." We respectfully disagree.

To begin with, Sen. Daschle's statements are flatly inconsistent with the views of many other Democrat senators. For example:

* New York Sen. Chuck Schumer in his April 30 letter to the president stated that he "could not agree more" with President Bush that the process is "broken" and that we are in a "vicious cycle" of "delayed" confirmations.

* California Sen. Diane Feinstein in her May 5 letter to the president stated that she believes the judicial confirmation process is "going in the wrong direction" and is potentially "spiral\[ing\] out of control."

* Arkansas Sen. Mark Pryor in his April 30 letter to Tennessee Sen. Bill Frist agreed-together with all 10 of the new senators-that the "judicial confirmation process is broken and needs to be fixed" and that the "United States Senate needs a fresh start."

* Georgia Sen. Zell Miller in his May 9 statements to the media said the Senate was becoming the "world's greatest obstructionist body" because a minority of senators was denying votes on judicial nominees.

These Democrat senators are not alone. Speaking on behalf of the federal judiciary, Supreme Court Chief Justice William Rehnquist said in January that the judicial confirmation process does not work as it should. The American Bar Association made the same point last August.

The Senate's actions in the last two years amply demonstrate the problems in the process. Senate Democrats are currently engaged in unprecedented simultaneous filibusters to block votes on Miguel Estrada and Priscilla Owen-nominees who have the support of a majority of senators and whose nomination have been pending for more than two years without a vote. More filibusters are apparently likely, according to Democrat senators.

The filibusters are occurring despite statements like Sen. Daschle's on Oct. 5, 1999 that "I find it simply baffling that a Senator would vote against even voting on a judicial nomination."

Beyond the filibusters, some senators are seeking access to confidential Justice Department information never before demanded for appeals-court nominees even though every living former solicitor general including four Democrats opposes this request as harmful to the

U.S. What's more, these senators are demanding such memos only for select nominees like Mr. Estrada and not for similarly situated nominees like John Roberts-even though both men have spent their careers as advocates for clients, including for the U.S., and were nominated to the same D.C. Circuit Court.

In addition, by demanding answers to questions about nominees' personal views on legal questions, some senators are threatening to compromise judicial independence, as Justice Anthony Kennedy recently warned and as justices like Ruth Bader Ginsburg have explained in the past.

The overall delays in holding hearings and votes on appeals-court nominees have also risen to new and extraordinary levels: The 107th Congress was the least efficient in modern history in holding hearings and votes on appeals court nominations, according to a recent independent study by leading judicial historian Sheldon Goldman. In this presidency, more appeals-court nominees have had to wait at least a year for a hearing than in the last 50 years combined. Today, as a result of these delays, 12% of the federal appeals-court seats are vacant, and 9% are classified as judicial emergencies.

As President Bush has repeatedly explained since June 2000 when President Clinton was still in office, excessive delays in the judicial confirmation process need to be corrected. The delays harm the courts and the American people, and deter good people from being willing to be considered for service on the bench.

The solution to the problem should be very simple. As the ABA said, "Vote them up or down, but don't hang them out to dry."

A system with timely up or down votes for all nominees is fair to all senators, allowing each to have his voice heard and vote counted. It also is fair to the president, the judiciary, the nominees, and the American people who depend on a fully staffed judiciary. As Senator Bob Graham said in 1991, "I consider it a judicial emergency when a judgeship is vacant for one day more than necessary." A Senate majority vote is the approach that our Founders established in the Constitution and that the Senate has followed for most of the nation's history.

The judicial confirmation system will remain broken and subject to abuse until judicial nominees are ensured a prompt up or down vote within a reasonable and set time after nomination. It is time for the Senate to do so for the benefit of the country.

[SHIRT]Mr. Gonzales is counsel to the president.

From: Bellinger, John B.
To: <Kavanaugh, Brett M.>
CC: <Wiegmann, John B.>;<Lefkowitz, Jay P.>;<Moore, Holly T.>
Sent: 5/16/2003 3:20:02 PM
Subject: Re: Victims of int'l terror

Sorry. Brad is on leave and I have been in NY. This looks good to me, but I've asked Holly to have a quick look as well.

From:	CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [WHO]
To:	Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Joshua B. Bolten/WHO /EOP@Exchange [WHO] <Joshua B. Bolten>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Gregory L. Schulte/NSC/EOP@EOP [NSC] <Gregory L. Schulte>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Dina Powell/WHO/EOP@Exchange [WHO] <Dina Powell>;Joseph W Hagin/WHO /EOP@Exchange [UNKNOWN] <Joseph W Hagin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Margaret M. Spellings/OPD/EOP@Exchange [OPD] <Margaret M. Spellings>;David W. Hobbs/WHO/EOP@Exchange [WHO] <David W. Hobbs>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Clay Johnson III/WHO/EOP@Exchange [WHO] <Clay Johnson III>
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Sent:	5/16/2003 11:58:16 AM
Subject:	: Important Update on next week's Regional Appointees Conference
Attachments:	P_4YYHG003_WHO.TXT_1.doc; P_4YYHG003_WHO.TXT_2.doc

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CC:Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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All:
;
We are pleased to report that more than 100 regional appointees and local
senior agency leaders will attend Tuesday's regional appointees
conference.; ;We also anticipate a good crowd at the evening receptions
scheduled for Monday (Mayflower Hotel);and Tuesday (EEOB Indian Treaty
Room).;You of course are invited to both receptions.
;
As part of the pre-planning leading up to the conference, we asked each
attendee to answer several questions related to issues such as the
President's Management Agenda, local best practices, and communicating
with their home office and White House staff, to name a few.
;
To help you better prepare for your presentation we have attached a
summary of some of those responses, which I think should give you a sense
of what their concerns/issues are.; While we have not attributed any of
the responses, we still ask that you keep them;confidential.
;
Also, remember that we have you slated for a 30 minute time slot, which
includes 5-10 minutes for Q&A.; Again, thank you helping us better promote
the President's agenda with our regional appointees.; Let me add, they are
ecstatic to be invited;to the White House and participate in this
first-of-its-kind event.
;
We have also included the near final conference agenda with a brief

summary of your presentation topic.; If you have any changes or
corrections to the summaries please let us know as soon as possible.
;
Please contact me or Christie Parell if you need additional information.
;
Thank you!
Brian Montgomery
;
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;
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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4YYHG003_WHO.TXT_2>

AGENDA
Regional Appointee Conference
May 19-21, 2003

LOCATION: Washington, DC: Mayflower Hotel; Eisenhower Executive Office Building, Room 450 and Indian Treaty Room

HOSTS: Cabinet Affairs (OCA), Presidential Personnel (PPO), Inter-governmental Affairs (IGA), Council for Excellence in Government (CEG)

ATTENDEES: Regional Political Appointees from the following agencies: HHS, HUD, Interior, FEMA, EPA, Education, Labor, GSA, SBA and VA.

5/19: EVENING:

5:30 pm – 7:30 pm Reception (Mayflower Hotel, Colonial Room)

6:00 pm – 6:15 pm Introduction: Brian Montgomery

6:15 pm – 6:45 pm Director Kay Coles James, Office of Personnel Management
- *Importance of Human Capital*
- *Working for the President*

5/20: DAY TWO:

Plenary Sessions (Mayflower Hotel: morning; EEOB Room 450, Indian Treaty Room afternoon/evening)

8:00 am – 8:45 am Continental Breakfast (Mayflower East Room)~~Hotel)~~

8:45~~9:00~~ am – 12:00~~30~~ pm Morning Program (Mayflower East Room)

8:45 am – 9:00 am Introduction: Pat McGinnis, Council for Excellence in Government (CEG)

9:00 am – 9:30 am Clay Johnson, Counselor, Office of Management and Budget (OMB)~~:~~
- *President's Management Team*
- *PPO's Role / OMB's Role*
- ~~*Management Results*~~

9:30 am – 10:00 am Randall Kroszner, Member, Council of Economic Advisors
- *Current Economic Conditions*

REV_00118601

- *Overview of Jobs & Growth*
- *Prospects for the Future*

~~John Bridgeland: *Freedom Corps and Faith-based*~~

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10:00 am – 10:30 am Cameron Findlay, Deputy Secretary, Department of Labor (DOL)

- *Effective Regional Management*
- *DOL's Regional Outreach Strategy*
- *Two Perspectives: Working for the White House vs. an Agency*

~~10:00 am – 10:30 am~~

10:30 am – 11:00 am

~~BREAK: 10:30 am – 10:45 am~~

Inter-governmental Affairs (IGA), Cabinet Affairs (OCA), Public Liaison (OPL), Political Affairs (OPA)
Working Together for Greater Regional Impact

11:00 am – 11:45 am Regional Breakouts:
Led by Council for Excellence in Government with OCA and IGA staff

12:00 pm – 1:15 pm Lunch (Mayflower East Room)

12:15 pm – 12:45 pm:

Secretary Andrew Card, White House Chief of Staff

- *Working as a Team in Service to the President*
- *Following your Moral Compass*

1:30 pm – 5:00 pm Afternoon Program (EEOB Room 450)

1:30 pm – 2:00 pm Brett Kavanaugh / Nanette Everson, White House Counsel

- *Hatch Act: Ethical and Legal*
- *Importance of Good Ethics*
- *Pitfalls to Avoid*

2:00 pm – 2:30 pm John Bridgeland, Director, Freedom Corps

- *Establishment of Freedom Corps*
- *Development of Faith-Based Agenda*
- *Importance of Volunteerism – Nationally and Locally*

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2:30 pm – 3:00 pm Ken Mehlman, Director, Office of Political Affairs
Building Support for President's Agenda

3:00 pm – 3:15 pm BREAK

REV_00118602

3:15 pm – 3:45 pm David Hobbs, Director, Office of Legislative Affairs
- *Legislative Update*
- *Prospects for President's Priorities*
- *Appointee Issues in the Senate*

3:45 pm – 4:15 pm Margaret Spellings, Domestic Policy Advisor
- *Determination of Domestic Priorities*
- *Working for President Bush*
- *Key Areas of Domestic Agenda: Education, Medicare, Welfare, Head Start*

4:15 pm – 4:45 pm Greg Schulte, Executive Secretary, National Security Council
- *Liberation of Iraq*
- *War on Terror*
- *Long-Term Prospects*

4:45 pm – 5:15 pm Secretary
- ~~Regional Breakouts~~
  ~~3:45 pm – 5:00 pm~~

~~Led by Council for Excellence in Government with OPA, IGA and OCA staff~~

Mel Martinez, Department of Housing and Urban Development
- *Government Service / Working for the Administration*
- *Serving in the President's Cabinet*
- *HUD's Interaction with State and Local Governments*

5:15 pm – 5:30 pm Wrap Up: Pat McGinnis / Brian Montgomery
**Designated Breakout Group leaders will each give a short re-cap.*

5:45 pm – 6:00 pm Closing Remarks: Brian Montgomery, Cabinet Secretary

6:00 pm – 8:00 pm Reception in Indian Treaty Room (EEOB)~~Hotel)~~

Featured Speaker: Secretary Tom Ridge, Department of Homeland Security
- *Keeping the Homeland Safe*
- *Update on Top-Off Exercises*
- *Importance of Regional Appointees in Homeland Security Efforts*

Invited Cabinet Secretaries, Deputy Secretaries, and senior White House staff

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Formal Conference Concludes

~~Dinner~~

5/21: DAY THREE:

Attendees encouraged to visit respective agencies.

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CONFIDENTIAL

Regional Appointees Conference Questionnaire Summary

Office of Cabinet Affairs – Not for Distribution

As part of the process of facilitating the Regional Appointees Conference, attendees were asked to complete a confidential questionnaire covering various topics. Provided below are summaries of some of their comments (not for attribution) and general themes found in the responses to the questionnaire. Please keep these thoughts in mind as you prepare your remarks.

Communication:

How do you communicate with your agency, how well is that working, and what improvements can be made?

The channels of communication are designed to 1) deliver the Administration message to all appropriate staff and 2) listen, discuss, and respond to suggestions/concerns from our regional partners. All responses to the questionnaire felt the communication channels were adequate. Some say there is a lack of two-way communication.

The President's Management Agenda:

What is your role in implementing the President's Management Agenda?

All regional appointees have a role with implementing the President's Management Agenda. Some respondents feel that they do not have a direct role, but recognize they serve aspects of communication and facilitation.

One agency seemed to have the biggest disconnect.

Challenges:

What are the most difficult challenges you face in doing your job as a Regional Appointee?

Management: Managing complex operations with few resources, problems with career staff attitude, challenges in HR procedures such as hiring staff, taking disciplinary actions, and compensating good performers.

Political: Lack of Federal involvement in States/regions to help implement policy and affect media coverage (ex. No Child Left Behind), time management with external constituencies, inability to stay involved with the developments in Washington D.C.

Communication: Lack of timely access to information.

Best Practices:

What are the best practices that you have developed or discovered to make your job more effective?

Communication: Build relationships with other Federal agencies in the region to regularly share information on regional issues, ongoing agency activities and regional activities of common interest (Create a Federal agency working group or utilize Federal Regional Councils). Maintain a constant focus on developing and maintaining relationships with state and local stakeholders and constituent groups through regular contact (visits, telephone calls, e-mails etc.).

Management: Regular, constant two-way communication on all issues with staff, from Administration goals and objectives to office policies and security and safety matters. Get out of office to meet with top managers and staff as much as possible. Public support of career staff, particularly when unduly criticized. Reminders 1.) that staff is valued key to agency success and 2.) the office represents the President and the Secretary.

Communication with The White House:

Describe how you communicate with White House offices, how well it is working, and what improvements can be made?

Many have no direct communication with The White House and would like more. Most communicate with The White House through their agencies.

What is working: Many receive regular e-mails from White House Liaisons forwarding information from the White House. Some have been contacted by White House IGA.

Ways to improve/What can improve: Annual or semi-annual regional meetings with White House personnel. Need better coordination and communication on Presidential visits to the area.

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To:	Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Joshua B. Bolten/WHO /EOP@Exchange [WHO] <Joshua B. Bolten>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Gregory L. Schulte/NSC/EOP@EOP [NSC] <Gregory L. Schulte>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Dina Powell/WHO/EOP@Exchange [WHO] <Dina Powell>;Joseph W Hagin/WHO /EOP@Exchange [UNKNOWN] <Joseph W Hagin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Margaret M. Spellings/OPD/EOP@Exchange [OPD] <Margaret M. Spellings>;David W. Hobbs/WHO/EOP@Exchange [WHO] <David W. Hobbs>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Clay Johnson III/WHO/EOP@Exchange [WHO] <Clay Johnson III>
CC:	libby.camp@dhs.gov@SMTP@Exchange [UNKNOWN] <libby.camp@dhs.gov@SMTP@Exchange>;cmillison@nsc.eop.gov@SMTP@Exchange [UNKNOWN] <cmillison@nsc.eop.gov@SMTP@Exchange>;Adam B. Ingols/WHO /EOP@Exchange [WHO] <Adam B. Ingols>;Britt Grant/OPD/EOP@EOP [OPD] <Britt Grant>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;Melissa S. Bennett/WHO /EOP@Exchange [WHO] <Melissa S. Bennett>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;immilan@opm.gov@SMTP@Exchange [UNKNOWN] <immilan@opm.gov@SMTP@Exchange>;OCA - Office of Cabinet Affairs@EOP [UNKNOWN] <OCA - Office of Cabinet Affairs@EOP>;philip_a._musser@hud.gov@SMTP@Exchange [UNKNOWN] <philip_a._musser@hud.gov@SMTP@Exchange>;Eleanor L. Gillmor/OPD /EOP@Exchange [OPD] <Eleanor L. Gillmor>;Katherine M. Walters/WHO/EOP@EOP [WHO] <Katherine M. Walters>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Jose Mallea/WHO/EOP@Exchange [WHO] <Jose Mallea>;guerra-lyanna@dol.gov@SMTP@Exchange [UNKNOWN] <guerra-lyanna@dol.gov@SMTP@Exchange>;Emily A. House/WHO/EOP@Exchange [WHO] <Emily A. House>;Kathryn E. Rust/WHO/EOP@EOP [WHO] <Kathryn E. Rust>
Sent:	5/16/2003 11:58:16 AM
Subject:	: Important Update on next week's Regional Appointees Conference
Attachments:	03168_p_4yyhg003_who.txt_1.doc; 03168_p_4yyhg003_who.txt_2.doc

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CREATOR:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-MAY-2003 15:58:16.00
SUBJECT:: Important Update on next week's Regional Appointees Conference
TO:Lezlee J. Westine ( CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:Dina Powell ( CN=Dina Powell/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Joseph W Hagin ( CN=Joseph W Hagin/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )
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TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:John M. Bridgeland ( CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO:Margaret M. Spellings ( CN=Margaret M. Spellings/OU=OPD/O=EOP@Exchange [ OPD ] )
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CC:Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP@EOP [WHO])
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End Original ARMS Header

All:
;
We are pleased to report that more than 100 regional appointees and local
senior agency leaders will attend Tuesday's regional appointees
conference.; ;We also anticipate a good crowd at the evening receptions
scheduled for Monday (Mayflower Hotel);and Tuesday (EEOB Indian Treaty
Room).;You of course are invited to both receptions.
;
As part of the pre-planning leading up to the conference, we asked each
attendee to answer several questions related to issues such as the
President's Management Agenda, local best practices, and communicating
with their home office and White House staff, to name a few.
;
To help you better prepare for your presentation we have attached a
summary of some of those responses, which I think should give you a sense
of what their concerns/issues are.; While we have not attributed any of
the responses, we still ask that you keep them;confidential.
;
Also, remember that we have you slated for a 30 minute time slot, which
includes 5-10 minutes for Q&A.; Again, thank you helping us better promote
the President's agenda with our regional appointees.; Let me add, they are
ecstatic to be invited;to the White House and participate in this
first-of-its-kind event.
;
We have also included the near final conference agenda with a brief

summary of your presentation topic.; If you have any changes or
corrections to the summaries please let us know as soon as possible.
;
Please contact me or Christie Parell if you need additional information.
;
Thank you!
Brian Montgomery
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AGENDA
Regional Appointee Conference
May 19-21, 2003

LOCATION: Washington, DC: Mayflower Hotel; Eisenhower Executive Office Building, Room 450 and Indian Treaty Room

HOSTS: Cabinet Affairs (OCA), Presidential Personnel (PPO), Inter-governmental Affairs (IGA), Council for Excellence in Government (CEG)

ATTENDEES: Regional Political Appointees from the following agencies: HHS, HUD, Interior, FEMA, EPA, Education, Labor, GSA, SBA and VA.

5/19: EVENING:

5:30 pm – 7:30 pm Reception (Mayflower Hotel, Colonial Room)

6:00 pm – 6:15 pm Introduction: Brian Montgomery

6:15 pm – 6:45 pm Director Kay Coles James, Office of Personnel Management
- *Importance of Human Capital*
- *Working for the President*

5/20: DAY TWO:

Plenary Sessions (Mayflower Hotel: morning; EEOB Room 450, Indian Treaty Room afternoon/evening)

8:00 am – 8:45 am Continental Breakfast (Mayflower East Room)~~Hotel)~~

8:45~~9:00~~ am – 12:00~~30~~ pm Morning Program (Mayflower East Room)

8:45 am – 9:00 am Introduction: Pat McGinnis, Council for Excellence in Government (CEG)

9:00 am – 9:30 am Clay Johnson, Counselor, Office of Management and Budget (OMB)~~:~~
- *President's Management Team*
- *PPO's Role / OMB's Role*
- ~~*Management Results*~~

9:30 am – 10:00 am Randall Kroszner, Member, Council of Economic Advisors
- *Current Economic Conditions*

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- *Overview of Jobs & Growth*
- *Prospects for the Future*

~~John Bridgeland: *Freedom Corps and Faith-based*~~

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10:00 am – 10:30 am Cameron Findlay, Deputy Secretary, Department of Labor (DOL)

- *Effective Regional Management*
- *DOL's Regional Outreach Strategy*
- *Two Perspectives: Working for the White House vs. an Agency*

~~10:00 am – 10:30 am~~

10:30 am – 11:00 am

~~BREAK: 10:30 am – 10:45 am~~

Inter-governmental Affairs (IGA), Cabinet Affairs (OCA), Public Liaison (OPL), Political Affairs (OPA)
Working Together for Greater Regional Impact

11:00 am – 11:45 am Regional Breakouts:
Led by Council for Excellence in Government with OCA and IGA staff

12:00 pm – 1:15 pm Lunch (Mayflower East Room)

12:15 pm – 12:45 pm:

Secretary Andrew Card, White House Chief of Staff

- *Working as a Team in Service to the President*
- *Following your Moral Compass*

1:30 pm – 5:00 pm Afternoon Program (EEOB Room 450)

1:30 pm – 2:00 pm Brett Kavanaugh / Nanette Everson, White House Counsel

- *Hatch Act: Ethical and Legal*
- *Importance of Good Ethics*
- *Pitfalls to Avoid*

2:00 pm – 2:30 pm John Bridgeland, Director, Freedom Corps

- *Establishment of Freedom Corps*
- *Development of Faith-Based Agenda*
- *Importance of Volunteerism – Nationally and Locally*

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2:30 pm – 3:00 pm Ken Mehlman, Director, Office of Political Affairs
Building Support for President's Agenda

3:00 pm – 3:15 pm BREAK

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3:15 pm – 3:45 pm David Hobbs, Director, Office of Legislative Affairs
- *Legislative Update*
- *Prospects for President's Priorities*
- *Appointee Issues in the Senate*

3:45 pm – 4:15 pm Margaret Spellings, Domestic Policy Advisor
- *Determination of Domestic Priorities*
- *Working for President Bush*
- *Key Areas of Domestic Agenda: Education, Medicare, Welfare, Head Start*

4:15 pm – 4:45 pm Greg Schulte, Executive Secretary, National Security Council
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- *War on Terror*
- *Long-Term Prospects*

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- ~~Regional Breakouts~~
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~~Led by Council for Excellence in Government with OPA, IGA and OCA staff~~

Mel Martinez, Department of Housing and Urban Development
- *Government Service / Working for the Administration*
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- *HUD's Interaction with State and Local Governments*

5:15 pm – 5:30 pm Wrap Up: Pat McGinnis / Brian Montgomery
**Designated Breakout Group leaders will each give a short re-cap.*

5:45 pm – 6:00 pm Closing Remarks: Brian Montgomery, Cabinet Secretary

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Featured Speaker: Secretary Tom Ridge, Department of Homeland Security
- *Keeping the Homeland Safe*
- *Update on Top-Off Exercises*
- *Importance of Regional Appointees in Homeland Security Efforts*

Invited Cabinet Secretaries, Deputy Secretaries, and senior White House staff

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Formal Conference Concludes

~~Dinner~~

5/21: DAY THREE:

Attendees encouraged to visit respective agencies.

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CONFIDENTIAL

Regional Appointees Conference Questionnaire Summary

Office of Cabinet Affairs – Not for Distribution

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How do you communicate with your agency, how well is that working, and what improvements can be made?

The channels of communication are designed to 1) deliver the Administration message to all appropriate staff and 2) listen, discuss, and respond to suggestions/concerns from our regional partners. All responses to the questionnaire felt the communication channels were adequate. Some say there is a lack of two-way communication.

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What is your role in implementing the President's Management Agenda?

All regional appointees have a role with implementing the President's Management Agenda. Some respondents feel that they do not have a direct role, but recognize they serve aspects of communication and facilitation.

One agency seemed to have the biggest disconnect.

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What are the most difficult challenges you face in doing your job as a Regional Appointee?

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What are the best practices that you have developed or discovered to make your job more effective?

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Ways to improve/What can improve: Annual or semi-annual regional meetings with White House personnel. Need better coordination and communication on Presidential visits to the area.

From:	Montgomery, Brian D.
To:	libby.camp@dhs.gov <Johnson III, Clay>;libby.camp@dhs.gov <Kroszner, Randall S.>;libby.camp@dhs.gov <Mehlman, Ken>;libby.camp@dhs.gov <Barrales, Ruben S.>;libby.camp@dhs.gov <Hobbs, David W.>;libby.camp@dhs.gov <Schulte, Gregory L.>;libby.camp@dhs.gov <Spellings, Margaret M.>;libby.camp@dhs.gov <Goeglein, Tim>;libby.camp@dhs.gov <Bridgeland, John M.>;libby.camp@dhs.gov <Everson, Nanette>;libby.camp@dhs.gov <Kavanaugh, Brett M.>;libby.camp@dhs.gov <Bolten, Joshua B.>;libby.camp@dhs.gov <Hagin, Joseph W>;libby.camp@dhs.gov <Westine, Lezlee J.>;libby.camp@dhs.gov <Powell, Dina>
CC:	<Rust, Kathryn E.>;immilan@opm.gov <immilan@opm.gov>;immilan@opm.gov <House, Emily A.>;immilan@opm.gov <Branch, Lisa D.>;guerra-lyanna@dol.gov <guerra-lyanna@dol.gov>;guerra-lyanna@dol.gov <Bennett, Melissa S.>;guerra-lyanna@dol.gov <Mallea, Jose>;guerra-lyanna@dol.gov <Jucas, Tracy>;guerra-lyanna@dol.gov <Ganter, Jonathan F.>;guerra-lyanna@dol.gov <Grant, Britt>;guerra-lyanna@dol.gov <Walters, Katherine M.>;guerra-lyanna@dol.gov <Ingols, Adam B.>;guerra-lyanna@dol.gov <Gillmor, Eleanor L.>;cmillison@nsc.eop.gov <cmillison@nsc.eop.gov>;philip_a._musser@hud.gov <philip_a._musser@hud.gov>;libby.camp@dhs.gov <libby.camp@dhs.gov>;libby.camp@dhs.gov <Oca - Office Of Cabinet Affairs>
Sent:	5/16/2003 3:59:01 PM
Subject:	Important Update on next week's Regional Appointees Conference
Attachments:	Pre-conference bullets.doc; Tentative Agenda1.doc

All:

We are pleased to report that more than 100 regional appointees and local senior agency leaders will attend Tuesday's regional appointees conference. We also anticipate a good crowd at the evening receptions scheduled for Monday (Mayflower Hotel) and Tuesday (EEOB Indian Treaty Room). You of course are invited to both receptions.

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To help you better prepare for your presentation we have attached a summary of some of those responses, which I think should give you a sense of what their concerns/issues are. While we have not attributed any of the responses, we still ask that you keep them confidential.

Also, remember that we have you slated for a 30 minute time slot, which includes 5-10 minutes for Q&A. Again, thank you helping us better promote the President's agenda with our regional appointees. Let me add, they are ecstatic to be invited to the White House and participate in this first-of-its-kind event.

We have also included the near final conference agenda with a brief summary of your presentation topic. If you have any changes or corrections to the summaries please let us know as soon as possible.

Please contact me or Christie Parell if you need additional information.

Thank you!

Brian Montgomery

<> <>

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- *PPO's Role / OMB's Role*
- ~~*Management Results*~~

9:30 am – 10:00 am Randall Kroszner, Member, Council of Economic Advisors
- *Current Economic Conditions*

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- *Overview of Jobs & Growth*
- *Prospects for the Future*

~~John Bridgeland: *Freedom Corps and Faith-based*~~

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10:00 am – 10:30 am Cameron Findlay, Deputy Secretary, Department of Labor (DOL)

- *Effective Regional Management*
- *DOL's Regional Outreach Strategy*
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Building Support for President's Agenda

3:00 pm – 3:15 pm BREAK

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- *Legislative Update*
- *Prospects for President's Priorities*
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- ~~Regional Breakouts~~
  ~~3:45 pm – 5:00 pm~~

~~Led by Council for Excellence in Government with OPA, IGA and OCA staff~~

Mel Martinez, Department of Housing and Urban Development
- *Government Service / Working for the Administration*
- *Serving in the President's Cabinet*
- *HUD's Interaction with State and Local Governments*

5:15 pm – 5:30 pm Wrap Up: Pat McGinnis / Brian Montgomery
**Designated Breakout Group leaders will each give a short re-cap.*

5:45 pm – 6:00 pm Closing Remarks: Brian Montgomery, Cabinet Secretary

6:00 pm – 8:00 pm Reception in Indian Treaty Room (EEOB)~~Hotel)~~

Featured Speaker: Secretary Tom Ridge, Department of Homeland Security
- *Keeping the Homeland Safe*
- *Update on Top-Off Exercises*
- *Importance of Regional Appointees in Homeland Security Efforts*

Invited Cabinet Secretaries, Deputy Secretaries, and senior White House staff

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Formal Conference Concludes

~~Dinner~~

5/21: DAY THREE:

Attendees encouraged to visit respective agencies.

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CONFIDENTIAL

Regional Appointees Conference Questionnaire Summary

Office of Cabinet Affairs – Not for Distribution

As part of the process of facilitating the Regional Appointees Conference, attendees were asked to complete a confidential questionnaire covering various topics. Provided below are summaries of some of their comments (not for attribution) and general themes found in the responses to the questionnaire. Please keep these thoughts in mind as you prepare your remarks.

Communication:

How do you communicate with your agency, how well is that working, and what improvements can be made?

The channels of communication are designed to 1) deliver the Administration message to all appropriate staff and 2) listen, discuss, and respond to suggestions/concerns from our regional partners. All responses to the questionnaire felt the communication channels were adequate. Some say there is a lack of two-way communication.

The President's Management Agenda:

What is your role in implementing the President's Management Agenda?

All regional appointees have a role with implementing the President's Management Agenda. Some respondents feel that they do not have a direct role, but recognize they serve aspects of communication and facilitation.

One agency seemed to have the biggest disconnect.

Challenges:

What are the most difficult challenges you face in doing your job as a Regional Appointee?

Management: Managing complex operations with few resources, problems with career staff attitude, challenges in HR procedures such as hiring staff, taking disciplinary actions, and compensating good performers.

Political: Lack of Federal involvement in States/regions to help implement policy and affect media coverage (ex. No Child Left Behind), time management with external constituencies, inability to stay involved with the developments in Washington D.C.

Communication: Lack of timely access to information.

Best Practices:

What are the best practices that you have developed or discovered to make your job more effective?

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Communication with The White House:

Describe how you communicate with White House offices, how well it is working, and what improvements can be made?

Many have no direct communication with The White House and would like more. Most communicate with The White House through their agencies.

What is working: Many receive regular e-mails from White House Liaisons forwarding information from the White House. Some have been contacted by White House IGA.

Ways to improve/What can improve: Annual or semi-annual regional meetings with White House personnel. Need better coordination and communication on Presidential visits to the area.

From:	Montgomery, Brian D.
To:	libby.camp@dhs.gov <Johnson III, Clay>;libby.camp@dhs.gov <Kroszner, Randall S.>;libby.camp@dhs.gov <Mehlman, Ken>;libby.camp@dhs.gov <Barrales, Ruben S.>;libby.camp@dhs.gov <Hobbs, David W.>;libby.camp@dhs.gov <Schulte, Gregory L.>;libby.camp@dhs.gov <Spellings, Margaret M.>;libby.camp@dhs.gov <Goeglein, Tim>;libby.camp@dhs.gov <Bridgeland, John M.>;libby.camp@dhs.gov <Everson, Nanette>;libby.camp@dhs.gov <Kavanaugh, Brett M.>;libby.camp@dhs.gov <Bolten, Joshua B.>;libby.camp@dhs.gov <Hagin, Joseph W>;libby.camp@dhs.gov <Westine, Lezlee J.>;libby.camp@dhs.gov <Powell, Dina>
CC:	<Rust, Kathryn E.>;immilan@opm.gov <immilan@opm.gov>;immilan@opm.gov <House, Emily A.>;immilan@opm.gov <Branch, Lisa D.>;guerra-lyanna@dol.gov <guerra-lyanna@dol.gov>;guerra-lyanna@dol.gov <Bennett, Melissa S.>;guerra-lyanna@dol.gov <Mallea, Jose>;guerra-lyanna@dol.gov <Jucas, Tracy>;guerra-lyanna@dol.gov <Ganter, Jonathan F.>;guerra-lyanna@dol.gov <Grant, Britt>;guerra-lyanna@dol.gov <Walters, Katherine M.>;guerra-lyanna@dol.gov <Ingols, Adam B.>;guerra-lyanna@dol.gov <Gillmor, Eleanor L.>;cmillison@nsc.eop.gov <cmillison@nsc.eop.gov>;philip_a._musser@hud.gov <philip_a._musser@hud.gov>;libby.camp@dhs.gov <libby.camp@dhs.gov>;libby.camp@dhs.gov <Oca - Office Of Cabinet Affairs>
Sent:	5/16/2003 3:59:01 PM
Subject:	Important Update on next week's Regional Appointees Conference
Attachments:	Pre-conference bullets.doc; Tentative Agenda1.doc

All:

We are pleased to report that more than 100 regional appointees and local senior agency leaders will attend Tuesday's regional appointees conference. We also anticipate a good crowd at the evening receptions scheduled for Monday (Mayflower Hotel) and Tuesday (EEOB Indian Treaty Room). You of course are invited to both receptions.

As part of the pre-planning leading up to the conference, we asked each attendee to answer several questions related to issues such as the President's Management Agenda, local best practices, and communicating with their home office and White House staff, to name a few.

To help you better prepare for your presentation we have attached a summary of some of those responses, which I think should give you a sense of what their concerns/issues are. While we have not attributed any of the responses, we still ask that you keep them confidential.

Also, remember that we have you slated for a 30 minute time slot, which includes 5-10 minutes for Q&A. Again, thank you helping us better promote the President's agenda with our regional appointees. Let me add, they are ecstatic to be invited to the White House and participate in this first-of-its-kind event.

We have also included the near final conference agenda with a brief summary of your presentation topic. If you have any changes or corrections to the summaries please let us know as soon as possible.

Please contact me or Christie Parell if you need additional information.

Thank you!

AGENDA
Regional Appointee Conference
May 19-21, 2003

LOCATION: Washington, DC: Mayflower Hotel; Eisenhower Executive Office Building, Room 450 and Indian Treaty Room

HOSTS: Cabinet Affairs (OCA), Presidential Personnel (PPO), Inter-governmental Affairs (IGA), Council for Excellence in Government (CEG)

ATTENDEES: Regional Political Appointees from the following agencies: HHS, HUD, Interior, FEMA, EPA, Education, Labor, GSA, SBA and VA.

5/19: EVENING:

5:30 pm – 7:30 pm Reception (Mayflower Hotel, Colonial Room)

6:00 pm – 6:15 pm Introduction: Brian Montgomery

6:15 pm – 6:45 pm Director Kay Coles James, Office of Personnel Management
- *Importance of Human Capital*
- *Working for the President*

5/20: DAY TWO:

Plenary Sessions (Mayflower Hotel: morning; EEOB Room 450, Indian Treaty Room afternoon/evening)

8:00 am – 8:45 am Continental Breakfast (Mayflower East Room)~~Hotel)~~

8:45~~9:00~~ am – 12:00~~30~~ pm Morning Program (Mayflower East Room)

8:45 am – 9:00 am Introduction: Pat McGinnis, Council for Excellence in Government (CEG)

9:00 am – 9:30 am Clay Johnson, Counselor, Office of Management and Budget (OMB)~~:~~
- *President's Management Team*
- *PPO's Role / OMB's Role*
- ~~*Management Results*~~

9:30 am – 10:00 am Randall Kroszner, Member, Council of Economic Advisors
- *Current Economic Conditions*

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- *Overview of Jobs & Growth*
- *Prospects for the Future*

~~John Bridgeland: *Freedom Corps and Faith-based*~~

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10:00 am – 10:30 am Cameron Findlay, Deputy Secretary, Department of Labor (DOL)

- *Effective Regional Management*
- *DOL's Regional Outreach Strategy*
- *Two Perspectives: Working for the White House vs. an Agency*

~~10:00 am – 10:30 am~~

10:30 am – 11:00 am

~~BREAK: 10:30 am – 10:45 am~~

Inter-governmental Affairs (IGA), Cabinet Affairs (OCA), Public Liaison (OPL), Political Affairs (OPA)
Working Together for Greater Regional Impact

11:00 am – 11:45 am Regional Breakouts:
Led by Council for Excellence in Government with OCA and IGA staff

12:00 pm – 1:15 pm Lunch (Mayflower East Room)

12:15 pm – 12:45 pm:

Secretary Andrew Card, White House Chief of Staff

- *Working as a Team in Service to the President*
- *Following your Moral Compass*

1:30 pm – 5:00 pm Afternoon Program (EEOB Room 450)

1:30 pm – 2:00 pm Brett Kavanaugh / Nanette Everson, White House Counsel

- *Hatch Act: Ethical and Legal*
- *Importance of Good Ethics*
- *Pitfalls to Avoid*

2:00 pm – 2:30 pm John Bridgeland, Director, Freedom Corps

- *Establishment of Freedom Corps*
- *Development of Faith-Based Agenda*
- *Importance of Volunteerism – Nationally and Locally*

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2:30 pm – 3:00 pm Ken Mehlman, Director, Office of Political Affairs
Building Support for President's Agenda

3:00 pm – 3:15 pm BREAK

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3:15 pm – 3:45 pm David Hobbs, Director, Office of Legislative Affairs

- *Legislative Update*
- *Prospects for President's Priorities*
- *Appointee Issues in the Senate*

3:45 pm – 4:15 pm Margaret Spellings, Domestic Policy Advisor

- *Determination of Domestic Priorities*
- *Working for President Bush*
- *Key Areas of Domestic Agenda: Education, Medicare, Welfare, Head Start*

4:15 pm – 4:45 pm Greg Schulte, Executive Secretary, National Security Council

- *Liberation of Iraq*
- *War on Terror*
- *Long-Term Prospects*

4:45 pm – 5:15 pm Secretary

- ~~Regional Breakouts~~
  ~~3:45 pm – 5:00 pm~~

~~Led by Council for Excellence in Government with OPA, IGA and OCA staff~~

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REV_00118628

Formal Conference Concludes

~~Dinner~~

5/21: DAY THREE:

Attendees encouraged to visit respective agencies.

REV_00118629

CONFIDENTIAL

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From: Duffield, Steven (RPC) <Steven_Duffield@rpc.senate.gov>
To: Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>;Brian Benczkowski (E-mail) <Brian.A.Benczkowski@usdoj.gov>;Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>
CC: Matal, Joe (Judiciary) <Joe_Matal@Judiciary.senate.gov>;Smith, William (Judiciary) <William_Smith@Judiciary.senate.gov>;Pai, Ajit (Judiciary) <Ajit_Pai@Judiciary.senate.gov>;Groover, Chad (Judiciary) <Chad_Groover@Judiciary.senate.gov>;Higgins, Stephen (Judiciary) <Stephen_Higgins@Judiciary.senate.gov>;Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>
Sent: 5/16/2003 12:48:27 PM
Subject: : FYI -- New Republic article on Bush *district* court nominees

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(RPC)" <Steven_Duffield@rpc.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:16-MAY-2003 16:48:27.00
SUBJECT:: FYI -- New Republic article on Bush *district* court nominees
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)
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)"
<Manuel_Miranda@frist.senate.gov> [ UNKNOWN ] )
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TO:"Brian Benczkowski (E-mail)" <Brian.A.Benczkowski@usdoj.gov> ( "Brian Benczkowski
(E-mail)" <Brian.A.Benczkowski@usdoj.gov> [ UNKNOWN ] )
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(Judiciary)" <William_Smith@Judiciary.senate.gov> [ UNKNOWN ] )
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CC:"Pai, Ajit (Judiciary)" <Ajit_Pai@Judiciary.senate.gov> ( "Pai, Ajit (Judiciary)"
<Ajit_Pai@Judiciary.senate.gov> [ UNKNOWN ] )
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CC:"Groover, Chad (Judiciary)" <Chad_Groover@Judiciary.senate.gov> ( "Groover, Chad
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CC:"Higgins, Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> ( "Higgins,
Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
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<James_Ho@Judiciary.senate.gov> [ UNKNOWN ] )
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FYI, this article from the upcoming issue of The New Republic is an
escalation in the arguments against the President's judicial nominees, as
it alleges with some particularity that his *district* court nominees are
out of the mainstream, and not just Mr. Holmes. -- sjd


The New Republic
May 26, 2003
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Bush packs the lower courts.
By Clay Risen

This January, the Bush administration nominated James Leon Holmes, a Little Rock lawyer, to sit on Arkansas's Eastern District Court. On April 10, however, Holmes's nomination was delayed indefinitely in the Judiciary Committee after a group of Democrats, along with moderate Republican Arlen Specter, balked at his religious-right provenance. (As the former president of Arkansas Right to Life and a longtime anti-abortion activist, Holmes had authored articles arguing that "the woman is to place herself under the authority of the man" and comparing the pro-choice movement to Nazi Germany.) In an almost unprecedented move, on May 1, Republicans sent Holmes to the Senate floor without the Judiciary Committee's imprimatur.

Ultimately, though, what makes Holmes an anomaly among President Bush's district court nominees is neither his far-right provenance nor the fact that he has made it to the Senate floor. What's anomalous about Holmes is that Democrats slowed his nomination down at all, even temporarily. While Democratic senators have waged a few high-profile battles over Bush's nominees to higher courts--for instance, Miguel Estrada, Priscilla Owen, and Charles Pickering--they have put up little resistance to the administration's steady politicization of the lower federal courts. "What has been noticed at the appellate level is also happening at the district court level," says one aide to a member of the Senate Judiciary Committee. "It's just no one pays attention."

District courts are the lowest and most numerous in the federal judicial system, and as such they are often deemed politically irrelevant--concerned with, as one staffer to a member of the Judiciary Committee puts it, "making widgets." But those widgets are the building blocks of much of U.S. law. Because, in most instances, district courts are the first courts to hear a case, they set the tone for later appeals. "District courts make, in most cases, the most important decisions and the decisions that appellate courts defer to," says Peter Rubin, a lawyer and president of the American Constitution Society. "Should we verify a class action, should we grant summary judgment--and that's the end of the case for a lot of people." District courts can also provide political cover for more conservative judges at the appellate and Supreme Court level by reducing the chances that those courts will be forced to reverse decisions. "One of the problems," says Michael Gerhardt, a professor at the William and Mary School of Law, "is, if you don't take ideology into account in the lower-court nominations, then your higher judges are forced to reverse more often."

In Louisiana, for example, a recent Bush appointee to the Eastern District Court, Jay Zainey--who was unanimously confirmed by the Senate last year despite a record as an anti-abortion activist--ruled against a woman who claims she was denied access to abortion services while in prison. The woman, known to the court as Victoria W., had been sent to prison for a parole violation and soon after learned from the prison doctor that she was pregnant. She requested an abortion but was denied; by the time of her release, it was too late to obtain one. Victoria W. contacted a lawyer and filed suit in federal court, and the case came before Zainey in April 2002. Zainey dismissed the case in a three-page order, refusing even to hear it. The decision was unprecedented. "No federal court in the country," said Victoria W.'s lawyer, Linda Rosenthal, "has ever held constitutional a prison policy that intentionally obstructed a prisoner's right to terminate her pregnancy." Victoria W. is appealing the verdict, but that appeal will be heard by the U.S. Court of Appeals for the Fifth Circuit, which is already overwhelmingly conservative and will only grow more so if Bush succeeds in placing Owen and Pickering on it. By making a controversial ruling at the district level, Zainey gives the higher-profile appellate court room to uphold his ruling while avoiding the taint of right-wing judicial activism.

The flip side works as well. A recent ruling by Sam Haddon, a Bush appointee in Montana, in favor of an oil- and natural-gas-exploration company accused of violating the Clean Water Act (CWA) was overturned in

April by the U.S. Court of Appeals for the Ninth Circuit. In doing so, the appeals court expanded the CWA's list of pollutants and opened up the possibility of further suits--which reinforces its image as an excessively liberal bench. And, paradoxically, Haddon's ruling, which experts say represents an almost unprecedentedly narrow interpretation of the CWA, will likely receive much less public scrutiny because it took place at the district level.

Another reason district court benches matter is that they serve as "farm teams" for higher courts. Because appellate nominees who come from the district courts have federal judiciary experience, district courts make excellent places to cultivate future appellate court nominees and to park potentially controversial nominees. Take William Steele. An Alabama magistrate judge, he was nominated in 2001 to the U.S. Court of Appeals for the Eleventh Circuit. But he soon came under withering fire from a bevy of civil rights groups, who charged him with "racial insensitivity" in a number of anti-discrimination suits. His nomination was withdrawn, but, in January, Bush nominated him to Alabama's Southern District Court; he was confirmed by voice vote in March. After a few years building a federal judicial record at the district level, he could be an almost unstoppable appellate court nominee.

So far, the administration has filled 100 district court seats, and, while most of the nominations have not been controversial, as a whole they have been at least as ideologically oriented as the more high-profile names at the appellate level. On the list is Paul Cassell, confirmed to the Utah District Court in May 2002, who previously led a campaign to overturn the Supreme Court's landmark Miranda ruling; Michael Mills, a Mississippi nominee known for his anti-abortion views while on the state supreme court; and Nebraska's Laurie Smith Camp, who has been an outspoken abortion-rights opponent. Another frequently cited appointment is that of Ron Clark, who recently began his judgeship on Texas's Eastern District Court. As a member of the Texas House of Representatives, Clark put forward a series of bills to limit access to reproductive-health services, including placing zoning restrictions on clinics and instituting mandatory 24-hour waiting periods. Despite his record on abortion and his lack of judicial experience, he was approved by a voice vote in October 2002. However, Clark was also running for reelection to the narrowly divided Texas House, and, if he had immediately accepted the administration's appointment, he would have likely ceded the closely contested race to a Democrat. So, with Bush's blessing, Clark refused the appointment until after the election--winning and then promptly resigning, an unheard of step that blurs the line between the White House's political interests and its duty to promote an independent judiciary.

There is no formal requirement for how the president nominates district court nominees; nevertheless, there are traditional checks and balances that have evolved over the last 50 years, practices that are being either rewritten or discarded by the administration. These include ignoring state judicial nominating committees, rejecting American Bar Association ratings, placing Justice Department political appointees in positions related to judicial selection, and refusing to cooperate with home-state senators. Says one former Justice staffer, "They have systematically ignored bipartisan commissions $(and$) ignored traditions of consultation that were in place when we got there and have been in place for years in order to make these ideological appointments and political rewards for jobs well done."

Bush has come under especially heavy fire for ignoring home-state senators when making his judicial picks, reversing a tradition that had held since the Eisenhower administration. In the past, administrations have either allowed senators from a district's state to make nominations or have given them broad sway in the selection, even when the senators are both from the opposing party. Several states have even organized bipartisan nominating committees in an attempt to institutionalize this coordination. But, in a number of instances--in Washington, Hawaii, Wisconsin, and Florida among others--the administration has ignored both the senators and, in many cases, the commissions. In the case of Florida's Southern District Court,

the White House not only overlooked nominees put forward by the state's Judicial Nominating Commission, it also rebuffed concerns about the process from Democratic Senators Bob Graham and Bill Nelson. Both senators criticized the administration publicly for going ahead with its own nominee, Cecilia Altonaga (though, neither voted against her when she was confirmed on May 6). "It's a stunning lack of consultation with the home-state senators," says one former Justice staffer. "For years, there was fabulous cooperation between the senators in Florida no matter what the party. ... We had no trouble filling Florida judgeships with very qualified, nonpolitical people, and $(Bush $) just ripped it up."

Democrats, for their part, say they are so busy fighting at the appellate level that a number of controversial nominees have slipped through virtually unopposed. "The groups on the progressive side of the House are battling this furiously, but there just aren't enough resources," says a former Justice Department official. Even many nominees who should have been controversial slipped through. As an example, several Democratic staffers cite John Bates, whom Bush appointed to the D.C. District Court. A former independent counsel's office lawyer under Kenneth Starr, Bates was nominated to the court in June 2001 and received unanimous Senate approval in December of that year. Soon after coming to the bench, he was assigned to hear Walker v. Cheney, in which the General Accounting Office (GAO) sued the vice president for access to documents detailing meetings with energy-industry officials. In December, Bates ruled against the GAO. That ruling, in addition to effectively closing off public inquiry into the energy task force, could have a disastrous long-term impact on congressional oversight of the executive branch. And it proves definitively that a district court judge can have a powerful impact on the nation's political and legal battles--something the Bush administration understands all too well.

Steven J. Duffield
Judiciary Policy Analyst & Counsel
Senate Republican Policy Committee
347 Russell Senate Office Building
(202) 224-3463 Fax (202) 224-1235

From: CN=Paul B. Dyck/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/16/2003 1:05:40 PM
Subject: : FW: VP Event invite
Attachments: P_0B3IG003_WHO.TXT_1.html; P_0B3IG003_WHO.TXT_2.doc; P_0B3IG003_WHO.TXT_3.doc

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CREATOR:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-MAY-2003 17:05:40.00
SUBJECT:: FW: VP Event invite
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

For approval. Vice President fundraiser with Haley Barbour on June 9.
Thanks.

---------- Forwarded by Paul B. Dyck/WHO/EOP on 05/16/2003 05:04 PM ----------

Henry Barbour <henryb@haleybarbour.com>
05/16/2003 03:54:28 PM
Please respond to henry@haleybarbour.com
Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP
cc: 'Shellie Purvis' <shellie@haleybarbour.com>, 'Arnie Hederman' <arnie@haleybarbour.com>
Subject: FW: VP Event invite

Paul: there was a typo, so I have resent the files.

Henry

-----Original Message-----
From: Henry Barbour [mailto:henryb@haleybarbour.com]
Sent: Friday, May 16, 2003 12:45 PM
To: 'Paul_B._Dyck@who.eop.gov'
Cc: 'Arnie Hederman'; 'Shellie Purvis'
Subject: VP Event invite

Paul:

Here is the invite and reply card for VP approval. We may add host names; otherwise, there will be no change to whatever y'all approve.

Thanks,

Henry

- att1.htm
- Cheney Invite.doc
- Cheneyreply.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_0B3IG003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_0B3IG003_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_0B3IG003_WHO.TXT_3>

Paul: there was a typo, so I have resent the files.

Henry

-----Original Message-----
From: Henry Barbour [mailto:henryb@haleybarbour.com]
Sent: Friday, May 16, 2003 12:45 PM
To: 'Paul_B._Dyck@who.eop.gov'
Cc: 'Arnie Hederman'; 'Shellie Purvis'
Subject: VP Event invite

Paul:

Here is the invite and reply card for VP approval. We may add host names; otherwise, there will be no change to whatever y'all approve.

If possible, please see if you can turn this around by cob today.

Thanks,

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You are cordially invited to join

Haley Barbour

Candidate for Governor of Mississippi

For a Vice Presidential Luncheon

with honored guest

Dick Cheney

Monday, June 9, 2003

Doors open at 11:00 a.m.

at the
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R.S.V.P. Shellie Purvis
601.957.5818
Reply Card Enclosed

$100 per person
$1,000 per table
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VICE PRESIDENTIAL LUNCHEON

Biloxi, Mississippi June 9, 2003

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Name:_____

Address:_____

Phone:_____Email:_____

Occupation:_____Employer:_____

Please make checks payable to: Barbour for Governor. All responses should be mailed to the following address:

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Paid for by Barbour for Governor

FR060903

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 5/16/2003 5:14:20 PM
Subject: The State (5/16/03) re: Floyd nominated to be federal judge

Posted on Fri, May. 16, 2003

Floyd nominated to be federal judge

By LAUREN MARKOE

Washington Bureau

Washington State judge Henry Floyd of Pickens is President Bush's choice to be South Carolina's next federal judge.

U.S. Sen. Lindsey Graham, R-S.C., recommended Floyd to Bush and knows the judge from his own days as a young Pickens lawyer.

Floyd, 55, is now a circuit judge on the state's 13th Judicial Circuit, which includes Greenville and Pickens counties.

The White House sent his nomination to the Senate Judiciary Committee on Thursday. He would join the U.S. District Court for the District of South Carolina.

Floyd, with the Senate's approval, would fill the seat vacated by U.S. District Court Judge Dennis Shedd of Columbia, who earlier this year was promoted to the 4th U.S. Circuit Court of Appeals.

Floyd's confirmation hearing has not been scheduled. When he does go to Washington, Graham said, he should sail through.

"Given his judicial record, If Henry Floyd has any problem, then the system is beyond repair," said Graham, who sits on the Judiciary Committee that would first consider the nomination. The Senate would then have to give its approval.

Republicans and Democrats in the Senate are in an ongoing battle over several Bush nominees, but the partisan

rancor typically does not apply to district court nominees.

"He will be an outstanding jurist," Graham said. "He's fair. He's conservative. He comes highly recommended from all those who have practiced before him."

Floyd said Thursday the federal bench has long been his goal.

"It's always been my ambition to try some really good and complex cases and most will be in federal court," said Floyd, who has tried his share of complicated South Carolina cases.

As a trial court judge for the past 12 years, Floyd was widely praised for keeping a complicated insurance lawsuit in 1998 out of partisan politics.

The state in that case had sued to recover more than $80 million for S.C. businesses.

Floyd also presided over the highly publicized 1996 trial of Steve Beckham, the son of a retired Episcopal bishop, who was convicted of murdering his estranged wife, Vickie Lander Beckham -- the daughter of then-state Sen. Jim Lander, D-Newberry.

Floyd is known for keeping lawyers in line. In the Beckham trial, he addressed both the prosecuting and defense attorneys: "Gentlemen, this is not a place to hash and rehash."

Jean Toal, chief justice of the S.C. Supreme Court and former longtime Democratic state legislator, called Floyd's nomination "a grand day for South Carolina and for Pickens County."

"Apart from that," she added, "he is a man of uncommon intellect and deep compassion. There is not an arena of law in which Henry Floyd has not distinguished himself. He will do President Bush and Senator Graham proud."

The Republican president and senator are behind Floyd even though the now-unaffiliated judge was once a Democrat and won his three terms in the State House, from 1973 to 1979, as a member of that party.

"The important thing is that he's someone you can trust to decide cases," said Graham.

Asked how he was celebrating his nomination Thursday night, Floyd said his wife, Libba, a curriculum director for Pickens County Schools, was in Columbia and that he was home baby-sitting the family's two Boston terriers -- Ben and Hearsay.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/16/2003 1:15:12 PM
Subject: : The State (5/16/03) re: Floyd nominated to be federal judge

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-MAY-2003 17:15:12.00
SUBJECT:: The State (5/16/03) re: Floyd nominated to be federal judge
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
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Posted on Fri, May. 16, 2003

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By LAUREN MARKOE
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From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 5/16/2003 5:39:19 PM
Subject: Greenville News (5/16/03) re: Pickens Judge Floyd nominated for federal judgeship

Pickens Judge Floyd nominated for federal judgeship

Posted Friday, May 16, 2003 - 5:26 pm

By Anna Simon

CLEMSON BUREAU

Greenville News

PICKENS — Thirteenth Circuit Judge Henry Floyd of Pickens has been nominated by President George Bush to fill a federal court vacancy in South Carolina.

Floyd, 55, has been a circuit judge serving Greenville and Pickens counties for nearly 12 years and was Pickens County's first resident circuit judge since the death of Thomas Joab Mauldin in 1931.

Floyd said this is "an opportunity to do something different," saying he always wanted to be a federal judge.

"The federal system has some interesting issues. You see things in federala court that you don't see in state court, so it's just kind of a challenge."

Floyd previously has been county attorney for Pickens, commissioner on the South Carolina Forestry Commission and a three-term member of the state House of Representatives.

Floyd was nominated for a vacancy created by the recent promotion of U.S. District Judge Dennis Shedd of Columbia to the Fourth Circuit Court of Appeals in Richmond.

In announcing the nomination, U.S. Sen. Lindsey Graham said, "The president could not have selected a more qualified candidate or a better person.

The two have known each other since Graham returned to Oconee County and started practicing law after military service in the U.S. Air Force, Floyd said.

"He is a dedicated public servant and is well respected among his peers. He has consistently received praise from the South Carolina Bar and those who have practiced before him," Graham said.

"Judge Floyd has an exceptional legal mind, impeccable character and a legacy of fair application of the law."

When Floyd was sworn in as circuit judge in 1992, he promised the people who packed a Pickens County Courthouse courtroom that he would put two signs in his office: one that reads "Patience," and a second telling him, "Remember that you were once a trial lawyer."

The signs still are in his office, and they will go with him if he moves to the federal bench. "I've always lived by those two mottoes," Floyd said. "That's good advice no matter where you are."

Graham said he expects the nomination to go smoothly because of Floyd's judicial record.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/16/2003 1:40:46 PM
Subject: : Greenville News (5/16/03) re: Pickens Judge Floyd nominated for federal judgeship

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-MAY-2003 17:40:46.00
SUBJECT:: Greenville News (5/16/03) re: Pickens Judge Floyd nominated for federal judgeship
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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CLEMSON BUREAU
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: CSpies@rnchq.org @ inet [UNKNOWN] <CSpies@rnchq.org @ inet>
Sent: 5/16/2003 1:41:48 PM
Subject: : FW: VP Event invite
Attachments: P_T55IG003_WHO.TXT_1.html; P_T55IG003_WHO.TXT_2.doc; P_T55IG003_WHO.TXT_3.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-MAY-2003 17:41:48.00
SUBJECT:: FW: VP Event invite
TO:CSpies@rnchq.org @ inet (CSpies@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Any concerns about fundraising aspect/corp contributions?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/16/2003 05:40 PM ----------

Paul B. Dyck
05/16/2003 05:05:00 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: VP Event invite

For approval. Vice President fundraiser with Haley Barbour on June 9.
Thanks.

---------- Forwarded by Paul B. Dyck/WHO/EOP on 05/16/2003 05:04 PM ----------

Henry Barbour <henryb@haleybarbour.com>
05/16/2003 03:54:28 PM
Please respond to henry@haleybarbour.com
Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP
cc: 'Shellie Purvis' <shellie@haleybarbour.com>, 'Arnie Hederman' <arnie@haleybarbour.com>
Subject: FW: VP Event invite

Paul: there was a typo, so I have resent the files.

Henry

-----Original Message-----
From: Henry Barbour [mailto:henryb@haleybarbour.com]
Sent: Friday, May 16, 2003 12:45 PM
To: 'Paul_B._Dyck@who.eop.gov'
Cc: 'Arnie Hederman'; 'Shellie Purvis'
Subject: VP Event invite

Paul:

Here is the invite and reply card for VP approval. We may add host

names; otherwise, there will be no change to whatever y'all approve.

Thanks,

Henry

- att1.htm
- Cheney Invite.doc
- Cheneyreply.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_T55IG003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_T55IG003_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_T55IG003_WHO.TXT_3>

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From: Henry Barbour [mailto:henryb@haleybarbour.com]
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Candidate for Governor of Mississippi

For a Vice Presidential Luncheon

with honored guest
Dick Cheney

Monday, June 9, 2003
Doors open at 11:00 a.m.

at the
Mississippi Coast Coliseum & Convention Center
2350 Beach Boulevard
Biloxi, Mississippi

R.S.V.P. Shellie Purvis
601.957.5818
Reply Card Enclosed

$100 per person
$1,000 per table
Business Attire

VICE PRESIDENTIAL LUNCHEON

Biloxi, Mississippi June 9, 2003

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Address:_____

Phone:_____Email:_____

Occupation:_____Employer:_____

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Barbour for Governor
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Paid for by Barbour for Governor

FR060903

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B. Dyck>
Sent: 5/16/2003 1:41:59 PM
Subject: : Re: FW: VP Event invite
Attachments: P_065IG003_WHO.TXT_1.html; P_065IG003_WHO.TXT_2.doc; P_065IG003_WHO.TXT_3.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-MAY-2003 17:41:59.00
SUBJECT:: Re: FW: VP Event invite
TO:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

checking.

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Record Type: Record

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FR060903

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To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/16/2003 1:42:33 PM
Subject: : Spartanburg (SC) Herald-Journal (5/15/03) Re: Filibusters multiply as senators frustrate democracy

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-MAY-2003 17:42:33.00
SUBJECT:: Spartanburg (SC) Herald-Journal (5/15/03) Re: Filibusters multiply as senators frustrate democracy
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Posted on May 15, 2003
Filibusters multiply as senators frustrate democracy

Senate Democrats should change the name of their party. Their goal is to frustrate and twist rather than to support the democratic process.

Democracy, as we all know, means putting issues up for a vote. The votes are counted, and the majority rules. That's the process that senators who call themselves Democrats are determined to interrupt.

It started with a filibuster on one of President Bush's judicial nominees. Democratic senators are now filibustering two nominees and threatening to do so to more. The tactic is an unprecedented partisan attack on the constitutional method for selecting judges.

This week, they threw another filibuster into the mix. They don't like a bill that would protect firearm manufacturers and dealers from frivolous lawsuits.

So they are determined to not allow the Senate to vote on the bill.

That's what a filibuster is. It's a tactic to keep debate open forever, so the body never has a chance to vote on the issue. It takes 51 votes to settle an issue in the Senate, but it takes 60 votes to end debate and call for the vote.

Senate Democrats know that Bush's nominees would be confirmed if the Senate voted on them, so they don't allow the vote. They also know that the firearm litigation bill would be approved by the full Senate, so they are filibustering to prevent a vote.

These are not principled stands. Democratic senators oppose Bush's nominees because they suspect them of being too conservative. They oppose the firearm litigation bill because the trial lawyers' lobby opposes it, and trial lawyers give huge sums of money to Democratic campaigns.

But the bill should pass. It would stop the crazy lawsuits in which cities and crime victims sue firearm manufacturers for the cost of gun-related crime.

It would not prevent someone from suing when a defective gun injures someone. It would not prevent legitimate lawsuits. It would simply prohibit cities and gun-control groups from blaming gun manufacturers for the crimes committed by individuals.

This minority rule in the Senate should end. The Senate should change its rules regarding filibusters and restore the ability of the entire body to vote on the issues before it.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 5/16/2003 7:18:59 PM
Subject: Did we get a final final from WSJ?

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/16/2003 7:59:23 PM
Subject: RE: Did we get a final final from WSJ?

I sent them what you sent me and they responded with "ok, we got it, thanks" Fear not Brett, and sleep well.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 16, 2003 7:19 PM
To: Snee, Ashley
Subject: Did we get a final final from WSJ?

From: Kavanaugh, Brett M.
To: <Kaplan, Joel>
Sent: 5/17/2003 4:52:56 PM
Subject:

To confirm, the lodging is not included.

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>
Sent: 5/17/2003 12:53:49 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-MAY-2003 16:53:49.00
SUBJECT::
TO:Joel D. Kaplan ( CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

To confirm, the lodging is not included.

.
```

From: CN=Alicia W. Davis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/19/2003 5:29:56 AM
Subject: : NH Bus

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAY-2003 09:29:56.00
SUBJECT:: NH Bus
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The driver is putting the bus up for auction on ebay. How do we handle?
---------- Forwarded by Alicia W. Davis/WHO/EOP on 05/19/2003
09:28 AM ----------

Jason Recher
05/19/2003 09:26:58 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: bus

---------- Forwarded by Jason Recher/WHO/EOP on 05/19/2003
09:25 AM ----------

"Grappone, Jeff" <Jeff.Grappone@mail.house.gov>
05/19/2003 09:23:33 AM
Record Type: Record

To: Jason Recher/WHO/EOP@EOP, "'BRGOP@attbi.com'" <BRGOP@attbi.com>,
"'Robb.Thomson@nh.usda.gov'" <Robb.Thomson@nh.usda.gov>
cc:
Subject: bus

Bush driver plans to be with president, on new bus, for next

ÿ

campaign

dewleb

ÿÿ ENFIELD, N.H.(AP) _ The New Hampshire man who drove President

Bush all around the state during his primary campaign in 2000 plans

a new road trip with Bush, in a new bus, for his re-election

campaign.

ÿÿ John LaBombard, 59, of Enfield, offered his 1995 bus to the Bush

campaign as a mobile headquarters for the last campaign, with him at the wheel.

ÿÿ Next month, LaBombard is putting the bus on eBay, the Internet auction site.

ÿÿ ``It's time to get a new one,'' said LaBombard. He's got his eye set on a 2002 bus in Tennessee, and more campaigning.

ÿÿ ``I plan on going six states or more with the president'' in the 2004 campaign, he said.

ÿÿ LaBombard met the Bush family through an old friend, and now considers himself part of the Bush team.

ÿÿ ``I went down to a Christmas party (in Washington) last year,'' he explained. ``(Presidential adviser) Karl Rove gives me a hug and a kiss every time he sees me. It's a tradition of the Bush people.''

ÿÿ He said Rove told him Bush wants to go back on the road with him.

ÿÿ ``Mention New Hampshireto the president,'' said LaBombard, ``and the first thing he thinks of is 'Big John'.'' That's him.

ÿÿ Bush thought enough of LaBombard and the bus, that he included them in his inaugural parade.

ÿÿ LaBombard figures the bus has enough special perks to fetch between $1 million and $5 million.

ÿÿ He had it built originally so he and his wife could live in it in Alaska. An old friend who knew the Bush family suggested using it to help out on state campaigns, and eventually Bush hopped aboard after he announced his candidacy and made the bus his campaign headquarters, said LaBombard.

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ÿÿÿAP-ES-05-17-03 1148EDT

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Jeff Grappone

Congressman Charles F. Bass

2421 RayburnBuilding

Washington, DC20515

Phone: (202) 225-5206

Fax: (202) 225-2946

E-mail: Jeff.Grappone@mail.house.gov

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Message Sent
To:_____
Andrew D. Ciafardini/WHO/EOP@EOP
Alicia W. Davis/WHO/EOP@EOP
Abel Guerra/WHO/EOP@EOP
Todd W. Beyer/WHO/EOP@EOP
Bradley A. Blakeman/WHO/EOP@Exchange@EOP

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/19/2003 5:32:47 AM
Subject: : are you the best person to come up with answers to these questions?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:19-MAY-2003 09:32:47.00
SUBJECT:: are you the best person to come up with answers to these questions?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Question 119:; If the President gives virtually the same speech at a political event that he gave at an official event in that same city, does the political entity reimburse the White House for the Speechwriters time?

;

Question 120:; Have events been classified as &official8 even if only members of the President,s political party are invited to share the stage with the President?

;

Question 121:; If so, what justification is used to argue that these events were not political events?

;

Question 122:; Please provide information about reimbursement to the White House Office or other government agencies associated with local staff travel to political events attended by the President in FY02 or FY03.; For each reimbursement made, please provide the date the bill was generated, the number of events reflected on the bill, the date payment was received, the political entity paying the charges and the total amount paid on each bill.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/19/2003 5:50:39 AM
Subject: : call me re Immergut

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:19-MAY-2003 09:50:39.00
SUBJECT:: call me re Immergut
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 5/19/2003 10:03:56 AM
Subject: RE:

My understanding from Krista Ritacco is that it will be used to explain the President's/Republican's Medicare policy.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 19, 2003 10:01 AM
To: Litkenhaus, Colleen
Subject: RE:

What is it to be used for?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/19/2003 10:00:23 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Turns out the RNC is going to pay for it. It is only going to be distributed to Republicans.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 19, 2003 9:40 AM
To: Litkenhaus, Colleen
Subject:

The House Republican Conference Medicare video can be paid for out of White House funds based on description in your voice mail. But what do they plan to use it for?

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 5/19/2003 10:08:21 AM
Subject: FW: Medicare Video

-----Original Message-----
From: Ritacco, Krista L.
Sent: Friday, May 16, 2003 9:14 AM
To: 'ihernandez@georgewbush.com'; Hernandez, Israel
Cc: Hager, Henry C; Litkenhaus, Colleen; Purcell, Kristopher N.
Subject: Medicare Video

izzy, got your voice mail. the house republican conference asked the wh (through suzy defrancis) for a generic medicare video that they can give their members to use when they go back to their districts and hold town hall meetings. i've talked to colleen litkenhaus about whether or not we should use wh funds, or ask the hrc (who would most likely ask the rnc) to pay, and colleen is checking with counsel's office for their recommendation & we'll let you know...

by the way, the taping is currently on the schedule for tuesday, may 27 at 3pm.

thanks!

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 5/19/2003 10:32:21 AM
Subject: did Kuhl confirm travel plans?

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 5/19/2003 12:22:01 PM
Subject: FW: Heads-Up on DOT's Interim Final Rule on the Transportation of Household Goods
Attachments: WWHU Moving Household Goods.doc

-----Original Message-----

From: Chuckerel, Mary M.

Sent: Monday, May 19, 2003 9:09 AM

To: Arbuckle, Donald R.; Bartlett, Daniel J.; Besanceney, Brian R.; Bumatay, Patrick J.; Call, Amy L.; Conda, Cesar; Cullinan, Nancy L; DeFrancis, Suzy; Dougherty, Elizabeth S.; Dove, Stephen W.; Duffy, Trent D.; Fleischer, Lawrence A.; Goldman, Adam B.; Greene, William; Hennessey, Keith; Hobbs, David W.; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Kupfer, Jeffrey F.; Lefkowitz, Jay P.; Libby, Lewis ; MacHida, Ado A.; Murphy, Daniel J.; Oxford, John; Pelletier, Eric C.; Perry, Philip J.; Rossman, Elizabeth L.; Schlapp, Matthew A.; Schwartz, Kenneth L.; Swagel, Phillip L.; Troy, Tevi; Weaver, Bessie M.; Wood, John F.; McMillin, Stephen S.

Cc: Jones, Lisa M.; Ritacco, Krista L.; Thompson, Carol J.; McQuade, Vickie A.; Williams, Alice H.; Ingwell, Carmen M.; Vestewig, Lauren J.; Mayfield, Jennifer H.; Bennett, Melissa S.; Garvin, Dorothy C; Allgood, Lauren K.; Silverman, Garrette; Roberson, Halley M.

Subject: Heads-Up on DOT's Interim Final Rule on the Transportation of Household Goods

<>

May 19, 2003

MEMORANDUM FOR ANDREW CARD

THROUGH: Mitchell E. Daniels, Jr.

FROM: John D. Graham

SUBJECT: Heads-Up on DOT's Interim Final Rule on the Transportation of Household Goods

We have concluded review of a Federal Motor Carrier Safety Administration (FMCSA) interim final rule that will amend and update FMCSA's regulations governing the interstate transportation of personal property for use in a private residence (i.e., household goods). The regulations would specify how movers of household goods must assist their customers.

The rule is intended to make the current regulations easier to understand and to assist consumers. Specifically, the rules will enhance consumer protections by (1) clarifying mover liability disclosure requirements; (2) requiring movers to disclose the identity of subcontractors used to conduct moves; (3) requiring movers to relinquish delivered property and defer those charges not included in the estimate that they could have reasonably determined at the time of pick-up; and (4) mandating a three-day grace period for customers to cancel service orders without penalty.

Although this rule preempts all State regulations intended to govern interstate transportation of household goods, DOT and the States appear willing to coordinate their efforts to protect individuals who hire movers. The American Moving and Storage Association supported DOT's 1998 proposal, so we do not expect serious industry objections to the final rule.

Please let me know if you have any questions.

cc: Don Arbuckle
Dan Bartlett
Brian Besanceney
Patrick Bumatay
Amy Call
Cesar Conda
Nancy Cullinan
Suzy DeFrancis
Liz Dougherty
Stephen Dove
Trent Duffy
Ari Fleischer
Adam Goldman
Bill Greene
Keith Hennessey
David Hobbs
Ed Ingle
Daryl Joseffer
Joel Kaplan
Jeff Kupfer
Jay Lefkowitz
Lewis Libby
Ado Machida
Steve McMillin
Dan Murphy
John Oxford
Eric Pelletier
Phil Perry
Beth Rossman
Matt Schlapp
Ken Schwartz
Phillip Swagel
Tevi Troy
Bess Weaver
John Wood

REV_00118729

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/19/2003 1:48:03 PM
Subject: : RE: gentle reminder about paralegal

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:19-MAY-2003 17:48:03.00
SUBJECT:: RE: gentle reminder about paralegal
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

They want more substantive projects, but that doesn't mean that they don't have anything to do.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 19, 2003 5:42 PM
To: Montiel, Charlotte L.
Subject: Re: gentle reminder about paralegal

I thought they were bored!

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/19/2003 05:42:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: gentle reminder about paralegal

How are we doing on interviewing for the paralegal position? If you could interview people this week we'd be much appreciative. Things are getting crazy for Jon and Liz and we'd really like to have another person in there ASAP. Let us know when to set the interviews up for you.

Charlotte

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/19/2003 9:51:55 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAY-2003 13:51:55.00
SUBJECT::
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

An Unfair Double Standard

Last week, the Senate confirmed John Roberts to be a judge on the U.S. Court of Appeals for the D.C. Circuit. Roberts has served as Principal Deputy Solicitor General of the United States, Associate Counsel to President Reagan, and Law Clerk to then-Justice Rehnquist. He has argued numerous cases before the U.S. Supreme Court and is widely recognized as one of the very best appellate lawyers in America. The American Bar Association unanimously rated him well qualified. In short, John Roberts exemplifies the kind of judge President Bush has nominated to the federal courts, and will be a distinguished judge on the D.C. Circuit.

The Senate's confirmation of Roberts is noteworthy for two additional reasons, however, both of which demonstrate the breakdown in the Senate confirmation process for federal appeals court nominees about which President Bush and many Senators of both parties have spoken in recent years.

First, the long road from Roberts' initial nomination to his confirmation vote was unfair and is impossible to defend. Roberts was first nominated to the D.C. Circuit in January 1992, yet did not receive a hearing before the end of President George H.W. Bush's term a year later. President George W. Bush then nominated Roberts on May 9, 2001, shortly after taking office. But the Senate Judiciary Committee did not hold a hearing on Roberts' nomination during the entire last Congress, even though no serious objections were lodged against him. President Bush then re-nominated Roberts on January 7, 2003. After two hearings this year, Roberts received his Senate vote on May 8, 2003 -- two years after nomination by President George W. Bush and more than 11 years after his first nomination. And when Roberts finally received that elusive vote, the Senate unanimously confirmed him, which makes the many years of delay all the more difficult to explain and justify.

The Senate's delays and denials of votes on appeals court nominees) which have been too common in recent Administrations -- flout the intention of the Constitution and the tradition of the Senate. No judicial nominee ever should have to wait years for a vote in the Senate. So that the federal courts are fully staffed to do their jobs for the American people and in order to attract the best and brightest to judicial service, the Senate should fulfill its constitutional responsibility and ensure that every judicial nominee receives an up-or-down Senate vote within a reasonable period of time after nomination.

Second, the confirmation of John Roberts also dramatically exposes the double standard being applied to the President,s other D.C. Circuit nominee, Miguel Estrada. The career records of Roberts and Estrada are strikingly similar. Both Estrada and Roberts were unanimously rated well-qualified by the ABA. Both have argued numerous cases before the Supreme Court, including as attorneys in the Solicitor General's office. Both have devoted large portions of their legal careers to public service and also been partners at major Washington law firms. Both have clerked

for Supreme Court Justices. Both have the very strong support of prominent Democrat attorneys who served in high-ranking positions in the Clinton Administration. Neither has served previously as a judge or a professor and therefore neither has written widely about their personal views on legal issues. Both have served instead as superb and well-respected lawyers for public and private clients throughout their careers.

Despite the similarities between Roberts and Estrada, 45 Senate Democrats have treated them very differently. Senate Democrats never requested confidential case memoranda written by Roberts during his time in the Solicitor General's office. Yet they are insisting on reviewing memoranda written by Estrada during his tenure in the Solicitor General's office as a condition of ending a 3-month filibuster of his nomination. Consistent with judicial independence and the traditional practice of judicial nominees, Senate Democrats also did not demand that Roberts answer questions about his personal views on legal and policy issues before they voted on him. Yet these Senators are demanding that Estrada answer the same questions as a condition of ending the filibuster on Estrada.

The 45 Senate Democrats who are filibustering Estrada's nomination are applying a double standard. There is no rational or legitimate justification for the disparate treatment of Roberts and Estrada -- particularly by means of the extraordinary and unprecedented filibuster of Estrada, who would be the first Hispanic to serve on the D.C. Circuit and has the clear support of a majority of Senators. The President has asked that the Senate Democrats halt the filibuster and allow an up-or-down vote on Estrada. As the President has said, let each Senator vote as he or she thinks best, but end the double standard, stop the unfair treatment, and give the man a vote.

From:	Kavanaugh, Brett M.
To:	<Gonzales, Alberto R.>;<Leitch, David G.>
Sent:	5/19/2003 3:08:04 PM
Subject:	from ABC's daily The Note
Attachments:	~~DLNK0.URL; ~~DLNK1.URL; ~~DLNK2.URL; ~~DLNK3.URL

Judicial confirmation battles:

It's a big day for White House counsel Al Gonzales, what with Time touting him as the president's likely choice for an increasingly anticipated SCOTUS opening LINK <> ; the *Washington Post* profiling him LINK <> ; this hot-off-the-presses Texas Monthly piece LINK <> ; and Judge Gonzales himself penning a *Wall Street Journal* op-ed on judicial confirmation stand offs generally (with some oppo research befitting the RNC).

The *New York Times* ed board says nominees' positions on gay rights issues should be front and center in the confirmation process. LINK <>

[InternetShortcut]
URL=http://www.time.com/time/magazine/article/0,9171,1101030526-452802,00.html

[InternetShortcut]
URL=http://www.washingtonpost.com/wp-dyn/articles/A7019-2003May18.html

[InternetShortcut]
URL=http://www.texasmonthly.com/mag/issues/2003-06-01/feature4.php

[InternetShortcut]
URL=http://www.nytimes.com/2003/05/19/opinion/19MON2.html

From: Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/19/2003 3:49:58 PM
Subject: : List of groups
Attachments: P_62WJG003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [UNKNOWN]
)
CREATION DATE/TIME:19-MAY-2003 19:49:58.00
SUBJECT:: List of groups
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can you (or someone else) send me a list of the groups that you usually invite to the coalitions meetings along with the names of their representatives and contact information? Thanks.

CONFIDENTIALITY NOTE: The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_62WJG003_WHO.TXT_1>

Can you (or someone else) send me a list of the groups that you usually invite to the coalitions meetings along with the names of their representatives and contact information? Thanks.

CONFIDENTIALITY NOTE: The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/19/2003 4:17:40 PM
Subject: : Nan Aron in LA Times

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAY-2003 20:17:40.00
SUBJECT:: Nan Aron in LA Times
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You Too Can Be a Judge;
If you get the nod from Bush, just follow one of the right -- far right -- roads to confirmation.

BYLINE: Nan Aron

BODY:
It pays decently, you make your mother proud and, best of all, you never have to polish up your resume again. Even if you lack the qualities you think a president would look for in a judicial nominee -- real intellect, unquestionable integrity and a career-long commitment to equal justice for all -- there are other ways to get the attention of Karl Rove and the Bush administration judge pickers. Here's how:

* Support Bob Jones University. Remember Bob Jones, the South Carolina university that once excluded African Americans and banned interracial dating? Candidate George W. Bush, bruised by his New Hampshire primary defeat, sought comfort at the school, where a spirited campaign rally let him flaunt his "Southern" credentials.

Carolyn Kuhl's aggressive persuasion convinced the Reagan administration to try to restore tax-exempt status for the university. Although her argument was too radical for the Supreme Court, which ruled against her 8 to 1, it has helped earn her a Bush nomination to the U.S. 9th Circuit Court of Appeals.

Since then, however, Bob Jones lifted its interracial dating ban after Bush's visit, succumbing to the weight of bad PR for the school and the candidate, so it may not need as much help now.

* Fight against reproductive freedom. Administration officials cry "litmus test" whenever Democrats suggest they want judges who would uphold Roe vs. Wade. Yet Bush's nominees share a remarkable consistency in their opposition to choice. Alabama Atty. Gen. William H. Pryor, a Bush nominee to the 11th Circuit Court of Appeals, says the day the case was decided was "the day seven members of our highest court ... ripped out the life of millions of unborn children."

Arkansas district court nominee James Leon Holmes, while supporting a constitutional amendment banning abortion, rejected a rape and incest exception as unnecessary, saying "the concern for rape victims is a red herring because conceptions from rape occur with the same frequency as snow in Miami."

Texas Supreme Court Justice Priscilla Owen was accused in a judicial opinion by Alberto Gonzales, her former colleague and now Bush's own White House counsel, of engaging in "an unconscionable act of judicial activism" for her tortured readings of the state's parental notification statute in

abortion cases.

* Work for a right-wing partisan. If you helped Ken Starr investigate President Clinton, step to the head of the line. You'd be joining John Bates, who now holds the gavel in district court in Washington, and 8th Circuit nominee Steve Colloton, who honed his lawyering skills investigating phony "Filegate" allegations that Clinton officials sought confidential FBI checks of GOP appointees.

Working for senators such as Strom Thurmond and Orrin Hatch is a sure-fire path to a judgeship. Thurmond staffer Terry Wooten became a judge despite claims that he leaked an FBI file to discredit Anita Hill's allegations against Clarence Thomas, and Thurmond counsel Dennis W. Shedd now sits on the 4th Circuit. Because of her lack of trial experience, Sharon Prost, former counsel to Judiciary Committee Chairman Hatch, elicited consternation when she was nominated to the federal circuit.

Don't despair, though, if you missed the scandal and Senate boats. You can always befriend presidential consigliere Karl Rove, who pulled rank on White House counsel Gonzales to get his old client Owen (who paid Rove $250,000 for consulting during her 1994 Texas Supreme Court campaign) nominated over Gonzales' choice of Deborah Hankinson. Hankinson is, not surprisingly, considered a moderate on abortion issues.

* Oppose gay rights. If other options fail, demean gays and lesbians. When campaigning for his old boss, Jesse Helms, 4th Circuit nominee Claude Allen said Helms' opponent had links "with the queers." Bush judicial nominee Pryor warned that if the Supreme Court recognized a right to privacy for gay sex, it would have to do the same for necrophilia, bestiality, child pornography and even pedophilia.

A final note on "confirmation conversions." Although you might be tempted at your Judiciary Committee hearing to express regret for your past conduct, to plead youthful indiscretion or to blame clients for outlandish arguments you made on their behalf, don't bother. Committee Republicans will still vote for you, even as they express "concern" about your behavior. The hard part is getting picked by the president in the first place.

So study the resumes of some of the 124 Bush judges now on the bench. Or just follow one of these four options.

Nan Aron is president of the Alliance for Justice, a national coalition of public-interest organizations.

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Brilliant, Hana F.>;<Brosnahan, Jennifer R.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Francisco, Noel J.>;<Ganter, Jonathan F.>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 5/19/2003 4:41:38 PM
Subject: Save the Date

Please save the date for Noel Francisco's Farewell Happy Hour

(Or as I call it: Patrick becomes the Third Highest Ranking Filipino in the White House Party).

Wednesday, May 28

"Off the Record," Hay Adams Hotel

6:30 - 8:30 pm

See you there!

From:	Gambatesa, Linda M.
To:	<Bartlett, Daniel J.>;<Bolten, Joshua B.>;<Bridgeland, John M.>;<Card, Andrew H.>;<Fleischer, Lawrence A.>;<Friedman, Stephen>;<Gerson, Michael J.>;<Gonzales, Alberto R.>;<Hobbs, David W.>;<Miers, Harriet>;<Powell, Dina>;<Rove, Karl C.>;<Spellings, Margaret M.>;<Johnson III, Clay>;<Abbot, Charles S.>;<Ball, Andrea G.>;<Barrales, Ruben S.>;<DeFrancis, Suzy>; <Edson, Gary R.>;<Eskew, Tucker A.>;<Hennessey, Keith>;<Hernandez, Israel>;<Ingle, Edward>;<Jackson, Barry S.>;<Jenkins, Gregory J.>;<Keniry, Daniel>;<Lefkowitz, Jay P.>;<Leitch, David G.>;<McClellan, Scott>;<McConnell, John P.>;<Mehlman, Ken>;<Montgomery, Brian D.>;<Ojakli, Ziad>;<Towey, Jim>;<Wehner, Peter H.>;<Westine, Lezlee J.>;<Allen, Michael>;<Arends, Jackie>;<Badger, William D.>;<Bartolomucci, H. Christopher>;<Bernard, Kenneth>;<Besanceney, Brian R.>;<Beyer, Todd W.>;<Beynon, Rebecca A.>;<Blahous, Charles P.>;<Brosnahan, Jennifer R.>;<Buchan, Claire>;<Bullock, Katja>; <Burgeson, Christine M.>;<Burks, Jonathan W.>;<Chadwick, Kirsten>;<Christie, Ronald I.>;<Clark, Alicia P.>;<Contreras, Rebecca>;<Cox, Christopher C.>;<Jensen, Amy>;<Devenish, Nicolle>;<Dougherty, Elizabeth S.>;<Dunn, David>;<Everson, Nanette>;<Falkenrath, Richard>; <Fenton, Catherine S.>;<Francisco, Noel J.>;<Gannon, Kelley>;<Gilbert, Alan>;<Goeglein, Tim>;<Goldman, Adam B.>;<Grubbs, Wendy J.>;<Higbee, David>;<Kaplan, Joel>;<Kavanaugh, Brett M.>;<Kelly, James M.>;<Kirk, Matthew>;<Kozberg, Lindsey C.>;<Kuo, David>;<Kurtz, Paul B.>;<Liang, Elan>;<Loper, Ginger G.>;<Smith, Heidi M.>;<Marsh, Robert>;<McNally, Robert C.>;<McNally, Edward>;<Moy, Edmund C.>;<Neusner, Noam M.>;<Newstead, Jennifer G.>;<O'Hollaren, Sean B.>;<Pelletier, Eric C.>;<Peterman, Brian>;<Powell, Benjamin A.>;<Reardon, Brian>;<Wright, Liza>;<Sampson, Kyle>;<Sayle, Desiree T.>;<Schacht, Diana L.>;<Schlapp, Matthew A.>;<Scully, Matthew>;<Sforza, Scott N.>;<Silverberg, Kristen>; <Torgerson, Karin B.>;<Troy, Tevi>;<Ullyot, Theodore W.>;<Warsh, Kevin>;<Blakeman, Bradley A.>;<Kozberg, Lindsey C.>;<Armstrong, Sara W.>;<Donnelly, Diana>;<Rhodes, Katherine A.>;<Ingwell, Carmen M.>;<Hughes, Taylor A.>;<Gray, Ann>;<Bennett, Melissa S.>;<Riepenhoff, Allison L.>;<Kyle, Ross M.>;<Nelson, Carolyn>;<Ganter, Jonathan F.>;<Ritacco, Krista L.>;<Douglas, Penny G.>;<West, Christal R.>;<Godfrey, Georgia D.>;<Gerdelman, Sue H.>;<Figg, Kara G.>;<Weinstein, Jared B.>;<Campbell, Anne E.>;<Cleveland, Carolyn E.>;<McQuade, Vickie A.>;<Baumgardner, Healy E.>;<Purcell, Kristopher N.>;<Burkhart, Shannon>;<Wilson, Christina C.>;<Williams, Sherman A.>;<Ryun, Catharine A.>;<Teague, Randal C.>;<Grant, Britt>;<Rust, Kathryn E.>;<Nipper, Wendy L.>;<Cushman, Cameron>; <Zartman, Matthew>;<Cabral, Raquel>;<McMaster, David>;<Walters, Katherine M.>;<Baldwin, Jenica>;<Droege, Philip C.>;<Ellison, Kimberly>;<Ralston, Susan B.>;<Heltibridle, Janice A.>;<Kenneally, Kelly>;<McCord, Lauren>;<Jesmer, Kendall>
CC:	<Raad, Lori J.>;<Van Riper, Jameson H.>;<Hagin, Joseph W>
Sent:	5/19/2003 4:55:39 PM
Subject:	New White House Personnel Director

Please welcome Lori Raad, the new Director of White House Personnel. Before joining us, Lori served as White House Liaison at the Department of Commerce (DOC) where she managed the hiring process for all DOC political appointees.

In her role as Director of Personnel, Lori will be able to provide the following important services to each of you:

Gather resumes and make suggestions to fill vacancies
Conduct preliminary and courtesy interviews on your behalf
Serve as a clearing house for all incoming resumes - collect resumes and respond to them on your behalf
Serve as a source of information on staff plans and budgets
Assist with any personnel related questions or issues as they arise

If there are other services you would like the Personnel Office to consider offering to meet your needs, please let us know. Lori can be reached at 6-5979. Her new Personnel Assistant, Jamie Van Riper, can be reached at 6-2310.

Thanks!
Linda Gambatesa and Colleen Litkenhaus

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/19/2003 5:30:35 PM
Subject: invitation

I just faxed an invite for the Judge to you. Will you pls look it over and let me know your thoughts?

Thanks

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 5/19/2003 5:32:06 PM
Subject: RE: are you on this call?

Dang it.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 19, 2003 5:29 PM
To: Grubbs, Wendy J.
Subject: RE: are you on this call?

actually yes

From: Wendy J. Grubbs/WHO/EOP@Exchange on 05/19/2003 05:28:00 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: are you on this call?

No..should I be...just got back from another meeting. Are enlightening things being said?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 19, 2003 5:25 PM
To: Grubbs, Wendy J.
Subject: are you on this call?

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>
Sent: 5/19/2003 5:41:41 PM
Subject: Re: gentle reminder about paralegal

I thought they were bored!

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/19/2003 05:42:32 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: gentle reminder about paralegal

How are we doing on interviewing for the paralegal position? If you could interview people this week we'd be much appreciative. Things are getting crazy for Jon and Liz and we'd really like to have another person in there ASAP. Let us know when to set the interviews up for you.

Charlotte

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>
Sent: 5/19/2003 1:48:50 PM
Subject: : RE: gentle reminder about paralegal

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAY-2003 17:48:50.00
SUBJECT:: RE: gentle reminder about paralegal
TO:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

mixed messages.

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/19/2003 05:48:36 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: gentle reminder about paralegal

They want more substantive projects, but that doesn't mean that they don't have anything to do.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 19, 2003 5:42 PM
To: Montiel, Charlotte L.
Subject: Re: gentle reminder about paralegal

I thought they were bored!

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/19/2003 05:42:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: gentle reminder about paralegal

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Charlotte

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 5/19/2003 5:48:36 PM
Subject: RE: gentle reminder about paralegal

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-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 19, 2003 5:42 PM
To: Montiel, Charlotte L.
Subject: Re: gentle reminder about paralegal

I thought they were bored!

From: Charlotte L. Montiel/WHO/EOP@Exchange on 05/19/2003 05:42:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: gentle reminder about paralegal

How are we doing on interviewing for the paralegal position? If you could interview people this week we'd be much appreciative. Things are getting crazy for Jon and Liz and we'd really like to have another person in there ASAP. Let us know when to set the interviews up for you.

Charlotte

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 5/19/2003 7:11:49 PM
Subject:

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/19/2003 07:11 PM ----------

Brett M. Kavanaugh

05/19/2003 05:49:51 PM

Record Type: Record

To: David S. Addington/OVP/EOP@EOP

cc:

Subject:

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/19/2003 05:49 PM ----------

"M.Edward.Whelan@usdoj.gov"

05/19/2003 05:48:26 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: thoughts

I wouldn't want to call an inference drawn from "negative implication" an "express statement".

From: Kavanaugh, Brett M.
To: <Hughes, Taylor A.>;<Montgomery, Brian D.>
Sent: 5/19/2003 7:28:57 PM
Subject: returned call; I am at 67984

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 5/19/2003 7:29:36 PM
Subject: any word; are we overexposed?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 5/19/2003 3:38:51 PM
Subject: : FW: Asbestos bill
Attachments: P_TUVJG003_WHO.TXT_1.html; P_TUVJG003_WHO.TXT_2.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAY-2003 19:38:51.00
SUBJECT:: FW: Asbestos bill
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

see sec. 301
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/19/2003 07:38 PM ----------

"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov>
05/19/2003 07:35:55 PM
Record Type: Record

To:
cc:
Subject: FW: Asbestos bill

Draft of asbestos bill that sen. Hatch had submitted for the congressional record and for public comment. Sen. Hatch will introduce this bill (with perhaps modifications that may be suggested) on Thursday with several Democratic colleagues. Please let us know if any changes, suggestions you might have.

-----Original Message-----
From: Seidel, Rebecca (Judiciary)
Sent: Monday, May 19, 2003 6:34 PM
To: Delrahim, Makan (Judiciary)
Cc: Tapia, Margarita (Judiciary)
Subject: FW: Asbestos bill

Makan - just for your own convenience. This is the bill that will be printed in the record tonight.

CONFIDENTIALITY NOTE:

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-----Original Message-----
From: McGhie, Matt (Legis Counsel)
Sent: Monday, May 19, 2003 6:19 PM
To: Seidel, Rebecca (Judiciary)
Cc: Coe, Tony (Legis Counsel)
Subject: Asbestos bill

The latest "discussion draft" is attached.

Matt McGhie
Staff Attorney, Office of the Legislative Counsel
United States Senate
668 Dirksen Senate Office Building
Phone: 202-224-6461; FAX: 202-224-0567

- att1.htm
- MDM03_438.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TUVJG003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TUVJG003_WHO.TXT_2>

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From: Seidel, Rebecca (Judiciary)
Sent: Monday, May 19, 2003 6:34 PM
To: Delrahim, Makan (Judiciary)
Cc: Tapia, Margarita (Judiciary) **Subject: FW: Asbestos bill< /font>**

-

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-

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-

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From: McGhie, Matt (Legis Counsel)
Sent: Monday, May 19, 2003 6:19 PM
To: Seidel, Rebecca (Judiciary)
Cc: Coe, Tony (Legis Counsel)
Subject: Asbestos bill

-

The latest "discussion draft" is attached.

-

Matt McGhie

Sta ff Attorney, Office of the Legislative Counsel
United States Senate
668 Dirksen Senate Office Building
Phone: 202-224-6461; FAX: 202-224-0567

108TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fairness in Asbestos Injury Resolution Act of 2003" or the "FAIR Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—United States Court of Asbestos Claims

Sec. 101. Establishment of Asbestos Court.

Subtitle B—Asbestos Injury Claims Resolution Procedures

Sec. 111. Filing of claims.
Sec. 112. General rule concerning no-fault compensation.
Sec. 113. Essential elements of eligible asbestos claim.
Sec. 114. Eligibility determinations and claim awards.
Sec. 115. Medical evidence auditing procedures.
Sec. 116. Claimant assistance program.

Subtitle C—Medical Criteria

Sec. 121. Essential elements of eligible asbestos claim.
Sec. 122. Diagnostic criteria requirements.
Sec. 123. Latency criteria requirements.
Sec. 124. Medical criteria requirements.
Sec. 125. Exposure criteria requirements.

Subtitle D—Awards

Sec. 131. Amount.
Sec. 132. Medical monitoring.
Sec. 133. Payments.
Sec. 134. Reduction in benefit payments for collateral sources.

Subtitle E—En Banc Review

Sec. 141. En banc review.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

Sec. 201. Definitions.
Sec. 202. Authority and tiers.
Sec. 203. Subtier assessments.
Sec. 204. Assessment administration.

Subtitle B—Asbestos Insurers Commission

Sec. 211. Establishment of Asbestos Insurers Commission.
Sec. 212. Duties of Asbestos Insurers Commission.
Sec. 213. Powers of Asbestos Insurers Commission.
Sec. 214. Personnel matters.
Sec. 215. Nonapplication of FOIA and confidentiality of information.
Sec. 216. Termination of Asbestos Insurers Commission.
Sec. 217. Authorization of appropriations.

Subtitle C—Office of Asbestos Injury Claims Resolution

Sec. 221. Establishment of the Office of Asbestos Injury Claims Resolution.
Sec. 222. Powers of the Administrator and management of the Fund.
Sec. 223. Asbestos Injury Claims Resolution Fund.
Sec. 224. Enforcement of contributions.

Sec. 225. Additional contributing participants.

TITLE III—JUDICIAL REVIEW

Sec. 301. Judicial review of decisions of the Asbestos Court.
Sec. 302. Judicial review of final determinations of the Asbestos Insurers Commission.
Sec. 303. Exclusive review.
Sec. 304. Private right of action against reinsurers.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. False information.
Sec. 402. Effect on bankruptcy laws.
Sec. 403. Effect on other laws and existing claims.

SEC. 2. PURPOSE.

The purpose of this Act is to create a privately funded, publicly administered fund to provide the necessary resources for an asbestos injury claims resolution program.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Asbestos Injury Claims Resolution appointed under section 221(c).

(2) ASBESTOS.—The term ''asbestos'' includes—

(A) chrysotile;

(B) amosite;

(C) crocidolite;

(D) tremolite;

(E) winchite;

(F) richterite;

(G) anthophyllite;

(H) actinolite;

(I) any of the minerals listed under subparagraphs (A) through (H) that has been chemically treated or altered, and any variety, type, or component thereof; and

(J) asbestos-containing material, such as asbestos-containing products, automotive or industrial parts or components, equipment, improvements to real property, and any other material that contains asbestos in any physical or chemical form.

(3) ASBESTOS CLAIM.—

(A) IN GENERAL.—The term ''asbestos claim'' means any personal injury claim for damages or other relief presented in a civil action or bankruptcy proceeding, arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium, wrongful death, and any derivative claim made by, or on behalf of, any exposed person or any representative, spouse, parent, child or other relative of any exposed person.

(B) EXCLUSION.—The term does not include claims for benefits under a workers' compensation law or veterans' benefits program, or

claims brought by any person as a subrogee by virtue of the payment of benefits under a workers' compensation law.

(4) ASBESTOS CLAIMANT.—The term "asbestos claimant" means an individual who files an asbestos claim under section 111.

(5) ASBESTOS COURT; COURT.—The terms "Asbestos Court" or "Court" means the United States Court of Asbestos Claims established under section 101.

(6) CIVIL ACTION.—The term "civil action" means all suits of a civil nature in State or Federal court, whether cognizable as cases at law or in equity or in admiralty, but does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(7) COLLATERAL SOURCE.—The term "collateral source" means all collateral sources, including—

(A) disability insurance;

(B) health insurance;

(C) medicare;

(D) medicaid;

(E) death benefit programs;

(F) defendants;

(G) insurers of defendants; and

(H) compensation trusts.

(8) ELIGIBLE DISEASE OR CONDITION.—The term ''eligible disease or condition'' means, to the extent that the illness meets the medical criteria requirements established under subtitle C of title I, asbestosis/pleural disease, severe asbestosis disease, mesothelioma, lung cancer I, lung cancer II, other cancers, and qualifying non-malignant asbestos-related diseases.

(9) FUND.—The term ''Fund'' means the Asbestos Injury Claims Resolution Fund established under section 223.

(10) LAW.—The term ''law'' includes all law, judicial or administrative decisions, rules, regulations, or any other principle or action having the effect of law.

(11) PARTICIPANT.—The term ''participant'' means any person subject to the funding requirements of title II, including—

(A) any defendant participant subject to an assessment for contribution under subtitle A of that title; and

(B) any insurer participant subject to an assessment for contribution under subtitle B of that title.

(12) PERSON.—The term ''person''—

(A) means an individual, trust, firm, joint stock company, partnership, association, insurance company, reinsurance company, or corporation; and

(B) does not include the United States, any State or local government, or subdivision thereof, including school districts and any general or special function governmental unit established under State law.

(13) STATE.—The term ''State'' means any State of the United States and also includes the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(14) VETERANS' BENEFITS PROGRAM.—The term ''veterans' benefits program'' means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(15) WORKER'S COMPENSATION LAW.—The term ''worker's compensation law''—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. sections 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers' Liability Act, or damages recovered by any employee in a liability action against an employer.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—United States Court of Asbestos Claims

SEC. 101. ESTABLISHMENT OF ASBESTOS COURT.

(a) IN GENERAL.—Part I of title 28, United States Code, is amended by inserting after chapter 7 the following:

"CHAPTER 9—UNITED STATES COURT OF ASBESTOS CLAIMS

"Sec.
"201. Establishment of the United States Court of Asbestos Claims.
"202. Magistrates.
"203. Retirement of judges of the United States Court of Asbestos Claims.

"§ 201. Establishment of the United States Court of Asbestos Claims

"(a) ESTABLISHMENT AND APPOINTMENT OF JUDGES.—

"(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 5 judges, who shall constitute a court of record known as the United States Court of Asbestos Claims.

"(2) ARTICLE I COURT.—The Court of Asbestos Claims is declared to be a court established under article I of the Constitution of the United States.

"(b) TERM; REMOVAL; COMPENSATION.—

"(1) TERM.—Each judge appointed under subsection (a) shall serve for a term of 15 years, except that judges initially appointed shall serve for staggered terms as the President shall determine appropriate to assure continuity.

"(2) REMOVAL.—Judges may be removed by the President only for good cause.

"(3) COMPENSATION.—Each judge shall receive a salary at the rate of pay, and in the same manner, as judges of the district courts of the United States.

"(c) CHIEF JUDGE.—

"(1) IN GENERAL.—The President shall designate 1 of the judges appointed under subsection (b)(1), who is less than 70 years of age, to serve as chief judge.

"(2) TERM.—The chief judge may continue to serve as such until—

"(A) he or she reaches the age of 70 years;

"(B) another judge is designated as chief judge by the President; or

"(C) the expiration of his or her term under subsection (b)(1).

"(3) CONTINUITY OF SERVICE.—Upon the designation by the President of another judge to serve as chief judge, the former chief judge may continue to serve as a judge of the Court of Asbestos Claims for the balance of the term to which he or she was appointed.

"(4) POWERS OF CHIEF JUDGE.—The chief judge is authorized to—

"(A) prescribe rules and procedures for hearings and appeals of the Court of Asbestos Claims and its magistrates;

"(B) appoint magistrates;

"(C) appoint or contract for the services of such personnel as may be necessary and appropriate to carry out the responsibilities of the Court of Asbestos Claims; and

"(D) make such expenditures as may be necessary and appropriate in the administration of the responsibilities of the Court of Asbestos Claims and the chief judge under this chapter and the Fairness in Asbestos Injury Resolution Act of 2003.

"(d) TIME AND PLACES OF HOLDING COURT.—

"(1) IN GENERAL.—The principal office of the Court of Asbestos Claims shall be in the District of Columbia, but the Court of Asbestos Claims may hold court at such times and in such places as the chief judge may prescribe by rule.

"(2) LIMITATION.—The times and places of the sessions of the Court of Asbestos Claims shall be prescribed with a view to securing reasonable opportunity to citizens to appear before the Court of Asbestos Claims.

"(e) OFFICIAL DUTY STATION; RESIDENCE.—

"(1) DUTY STATION.—The official duty station of each judge of the Court of Asbestos Claims is the District of Columbia.

"(2) RESIDENCE.—After appointment and while in active service, each judge of the Court of Asbestos Claims shall reside within 50 miles of the District of Columbia.

"§ 202. Magistrates

"(a) APPOINTMENT.—The chief judge shall appoint such magistrates as necessary to facilitate the expeditious processing of claims.

"(b) COMPENSATION.—The compensation of magistrates shall be determined by the chief judge, but shall not exceed the annual rate of basic pay of level V of the Executive Schedule, as prescribed by section 5316 of title 5.

"(c) RETIREMENT.—For purposes of Federal laws relating to retirement, including chapters 83 and 84 of title 5, magistrates appointed under this section shall be deemed to be appointed under section 631 of this title.

"(d) REGULATIONS.—Except as provided under subsection (c), chapter 43 shall not apply to magistrates appointed under this chapter, except the chief judge may

prescribe rules similar to the provisions of chapter 43 to apply to magistrates.

"§ 203. Retirement of judges of the United States Court of Asbestos Claims

"(a) IN GENERAL.—For purposes of Federal laws relating to retirement, judges of the Court of Asbestos Claims shall be treated in the same manner and to the same extent as judges of the Court of Federal Claims.

"(b) REGULATIONS.—In carrying out this section—

"(1) the Director of the Administrative Office of the United States Courts shall promulgate regulations to apply provisions similar to section 178 of this title (including the establishment of a Court of Asbestos Claims Judges Retirement Fund) to judges of the Court of Asbestos Claims; and

"(2) the Director of the Office of Personnel Management shall promulgate regulations to apply chapters 83 and 84 of title 5 to judges of the Court of Asbestos Claims.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 28, United States Code, is amended by striking the item relating to chapter 9, and inserting after the item relating to chapter 7 the following:

"9. United States Court of Asbestos Claims.".

Subtitle B—Asbestos Injury Claims Resolution Procedures

SEC. 111. FILING OF CLAIMS.

(a) WHO MAY SUBMIT.—

(1) GENERAL RULE.—Any individual who has suffered from an eligible disease or condition that is believed to meet the requirements established under subtitle C (or the spouse, parent, child, or other relative of such individual in a representative capacity, or the executor of the estate of such individual) may file a claim with the Asbestos Court for compensation with respect to such injury.

(2) RULES.—The Asbestos Court may issue procedural rules to specify individuals who may file an asbestos claim as a representative of another individual.

(3) LIMITATION.—An asbestos claim may not be filed by any person seeking contribution or indemnity.

(b) REQUIRED INFORMATION.—To be valid, an asbestos claim filed under subsection (a) shall be notarized and include—

(1) the name, social security number, gender, date of birth, and, if applicable, date of death of the claimant;

(2) information relating to the identity of dependents and beneficiaries of the claimant;

(3) a detailed description of the work history of the claimant, including social security records or a signed release permitting access to such records;

(4) a detailed description of the asbestos exposure of the claimant, including information on the identity of any product or manufacturer, site, or location of exposure, plant name, and duration and intensity of exposure;

(5) a detailed description of the tobacco product use history of the claimant, including frequency and duration;

(6) an identification and description of the asbestos-related diseases of the claimant, including a written report by the claimant's physician with medical diagnoses and test results necessary to make a determination of medical eligibility that complies with the applicable requirements of this subtitle and subtitle C;

(7) a description of any prior or pending civil action or other claim brought by the claimant for asbestos-related injury, including an identification of any recovery of compensation or damages through settlement, judgment, or otherwise; and

(8) any other information that is required to be included under procedural rules issued by the Court.

(c) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), if an individual fails to file an asbestos claim with the Asbestos Court under this section within 2 years after the date on which the individual first—

(A) received a medical diagnosis of an eligible disease or condition as provided for under this subtitle and subtitle C; or

(B) discovered facts that would have led a reasonable person to obtain a medical diagnosis with respect to an eligible disease or condition,

any claim relating to that injury, and any other asbestos claim related to that injury, shall be extinguished, and any recovery thereon shall be prohibited.

(2) EFFECT ON PENDING CLAIMS.—If an asbestos claimant has any claim for an asbestos-related injury that is pending in a Federal or State court or with a trust established under title 11, United States Code, on the date of enactment of this Act, such claimant shall file an asbestos claim under this section within 2 years after such date of enactment

or be barred from receiving any compensation under this title.

(3) EFFECT OF MULTIPLE INJURIES.—An asbestos claimant who receives compensation under this title for an eligible disease or condition, and who subsequently develops another such injury, shall be eligible for additional compensation under this title (subject to appropriate setoffs for such prior recovery of compensation under this title and from any other collateral source) and the statute of limitations under paragraph (1) shall not begin to run with respect to such subsequent injury until such claimant obtains a medical diagnosis of such other injury or discovers facts that would have led a reasonable person to obtain such a diagnosis.

(4) RULE OF CONSTRUCTION.—Paragraph (2) shall be interpreted as a statute of limitations and be construed to the benefit of the Fund and of any person who might otherwise have been made subject to an asbestos claim to which such paragraph is applied.

SEC. 112. GENERAL RULE CONCERNING NO-FAULT COMPENSATION.

An asbestos claimant shall not be required to demonstrate that the asbestos-related injury for which the

claim is being made resulted from the negligence or other fault of any other person.

SEC. 113. ESSENTIAL ELEMENTS OF ELIGIBLE ASBESTOS CLAIM.

To be eligible for compensation under this subtitle for an asbestos-related injury, an individual shall—

(1) file an asbestos claim in a timely manner in accordance with section 111; and

(2) prove, by a preponderance of the evidence that—

(A) the claimant suffers from an eligible disease or condition, as demonstrated by evidence (submitted as part of the claim) that meets the medical criteria requirements and diagnostic criteria requirements established under subtitle C; and

(B) the claimant meets the latency criteria requirements and the exposure criteria requirements established under subtitle C.

SEC. 114. ELIGIBILITY DETERMINATIONS AND CLAIM AWARDS.

(a) CLAIMS EXAMINERS.—

(1) IN GENERAL.—The Asbestos Court shall appoint, or contract for the services of, qualified in-

dividuals to assist magistrates by conducting eligibility reviews of asbestos claims filed with the Court.

(2) CRITERIA.—The Asbestos Court shall establish criteria with respect to the qualifications of individuals who are eligible to serve as claims examiners and, in developing such criteria, shall consult with such experts as the Court determines appropriate.

(b) REFERRAL OF ASBESTOS CLAIM.—Not later than 20 days after the filing of an asbestos claim with the Asbestos Court, the Court shall refer such claim to a magistrate.

(c) INITIAL REVIEW.—

(1) IN GENERAL.—Under the direction of a magistrate, a claims examiner shall make an initial review of an asbestos claim to determine whether all required information has been submitted by the claimant.

(2) NOTICE OF INCOMPLETE CLAIM.—If the claims examiner determines that all required information has not been submitted, the examiner—

(A) shall notify the claimant of such determination and require the submission of additional information necessary for a determination of eligibility;

(B) may compel the submission of any additional information;

(C) may request that the claimant undergo additional medical examinations and tests if information from such examinations or tests is necessary to enable the examiner to make a determination of medical eligibility; and

(D) may require any releases necessary to enable the examiner to obtain medical or other information relevant to the determination of eligibility.

(d) EXPEDITIOUS DETERMINATIONS.—The Asbestos Court shall prescribe rules to expedite claims for asbestos claimants with exigent circumstances.

(e) AUDIT AND PERSONNEL REVIEW PROCEDURES.—The Asbestos Court shall establish audit and personnel review procedures for evaluating the accuracy of eligibility recommendations of magistrates.

(f) ELIGIBILITY DETERMINATIONS.—

(1) IN GENERAL.—Not later than 60 days after the receipt by a magistrate of all required information and requested medical advice with respect to an asbestos claim, the magistrate shall transmit a recommendation of the compensation to which the

claimant is entitled and findings of fact to a judge of the Asbestos Court.

(2) ADMISSIBILITY OF FINDINGS OF FACT.—A determination under paragraph (1) shall include relevant findings of fact and shall be admissible as evidence in any judicial review.

(g) DECISION OF JUDGE.—

(1) IN GENERAL.—Not later than 30 days after receipt of a recommendation of a magistrate, a judge of the Asbestos Court shall make a final decision of any compensation to which the claimant is entitled.

(2) WAIVER OF JUDICIAL REVIEW.—The final decision under paragraph (1) shall include an acceptance form by which the claimant may waive the right to judicial review and expedite payment of compensation from the Fund.

(h) AWARDING OF COMPENSATION.—

(1) IN GENERAL.—If a judge of the Asbestos Court determines that an asbestos claimant is entitled to compensation, the Court shall notify the Administrator to award the claimant compensation from the Fund in the amount of the judge's decision.

(2) CLAIM EXTINGUISHED.—The acceptance of a payment under this Act shall extinguish all claims related to such payment.

SEC. 115. MEDICAL EVIDENCE AUDITING PROCEDURES.

(a) DEVELOPMENT.—The Asbestos Court shall develop methods for auditing the medical evidence submitted as part of an asbestos claim, including methods to ensure the independent reading of x-rays and results of pulmonary function tests. The Court may develop additional methods for auditing other types of evidence or information received by the Court.

(b) REFUSAL TO CONSIDER CERTAIN EVIDENCE.—

(1) IN GENERAL.—If the Asbestos Court determines that an audit conducted in accordance with the methods developed under subsection (a) demonstrates that the medical evidence submitted by a specific physician or medical facility is not consistent with prevailing medical practices or the applicable requirements of this Act, the Court shall notify claims examiners and the magistrates that any medical evidence from such physician or facility shall be unacceptable for purposes of establishing eligibility for compensation under this Act.

(2) NOTIFICATION.—Upon a determination by the Asbestos Court under paragraph (1), the Court

shall notify the physician or medical facility involved of the results of the audit. Such physician or facility shall have a right to appeal the determination of the Court under procedures issued by the Court.

SEC. 116. CLAIMANT ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—The Asbestos Court shall establish an asbestos claimant assistance program to provide assistance to claimants in preparing and submitting asbestos claim applications and in responding to claimant inquiries.

(b) LEGAL ASSISTANCE.—

(1) IN GENERAL.—As part of the program established under subsection (a), the Asbestos Court shall establish a legal assistance program to provide assistance to asbestos claimants concerning legal representation issues.

(2) LIST OF QUALIFIED ATTORNEYS.—As part of the program, the Court shall maintain a roster of qualified attorneys who have agreed to provide pro bono services to asbestos claimants under rules established by the Court. The claimants shall not be required to use the attorneys listed on such roster.

Subtitle C—Medical Criteria

SEC. 121. ESSENTIAL ELEMENTS OF ELIGIBLE ASBESTOS CLAIM.

To be eligible for compensation under this title for an asbestos-related injury, an individual shall—

(1) file an asbestos claim under this title in a timely manner; and

(2) prove, by a preponderance of the evidence that—

(A) the claimant suffers from an eligible disease or condition, as demonstrated by evidence (submitted as part of the claim) that meets the diagnostic criteria requirements described in section 122 and the medical criteria requirements described in section 124; and

(B) the claimant meets the latency criteria requirements described in section 123 and the exposure criteria requirements described in section 125.

SEC. 122. DIAGNOSTIC CRITERIA REQUIREMENTS.

(a) IN GENERAL.—To be eligible to receive compensation under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall demonstrate a medical diagnosis that meets the requirements of this section.

(b) DIAGNOSIS.—A medical diagnosis meets the requirements of this section if the diagnosis—

(1) is made by a physician who—

(A) treated, or is treating, the claimant;

(B) conducted an in-person medical examination of the claimant; and

(C) is licensed to practice medicine in the State in which the examination occurred and in which the diagnosis is rendered;

(2) includes a review by the physician of the work history, asbestos exposure pattern, and smoking history of the claimant, or other factors determined appropriate by the Asbestos Court;

(3) is independently verified with respect to the duration, proximity, regularity, and intensity of the asbestos exposure involved; and

(4) has excluded other more likely causes of the injury of the claimant.

(c) RESULTS OF MEDICAL EXAMINATIONS AND TESTS.—

(1) IN GENERAL.—In making the demonstration required under subsection (a), an asbestos claimant shall submit—

(A) x-rays (including both films and B-reader reports);

(B) detailed results of pulmonary function tests (including spirometric tracings);

(C) laboratory tests; and

(D) the results of medical examination or reviews of other medical evidence.

(2) PROCEDURAL REQUIREMENTS.—A submission under paragraph (1) shall comply with the requirements of this Act and recognized medical standards regarding equipment, testing methods, and procedures to ensure that such medical evidence is reliable.

(d) SUFFICIENCY OF MEDICAL EVIDENCE.—In making determinations under this section, a magistrate shall not make a determination unless the medical evidence provided in support of the asbestos claim is credible and consistent with this section, the medical criteria described in section 124, and recognized medical standards.

(e) ATTORNEY RETENTION AGREEMENTS.—An attorney retention agreement shall not be required as a prerequisite to a medical examination or medical screening for purposes of obtaining a medical diagnosis or other medical information under this section.

(f) RULES.—The Asbestos Court shall prescribe rules to implement the diagnostic criteria requirements to be used in applying this section.

SEC. 123. LATENCY CRITERIA REQUIREMENTS.

(a) IN GENERAL.—To be eligible to receive compensation under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall demonstrate that the claimant was exposed to asbestos—

(1) in a manner that meets the exposure requirements of sections 124 and 125;

(2) within the United States or its territories or possessions; and

(3) for at least 10 years before the initial diagnosis of any asbestos-related injury.

(b) CONSISTENCY WITH MEDICAL CRITERIA.—An asbestos claimant shall be required to demonstrate that any delay between asbestos exposure and the asbestos-related injury is consistent with medical criteria concerning the latency periods typically associated with the disease category for which the claim is being made.

(c) VARIATIONS IN LATENCY PERIODS.—Latency periods under this section may vary based on the eligible disease or condition involved.

(d) RULES.—The Asbestos Court shall prescribe rules, based on the medical literature or other appropriate medical evidence concerning latency periods, for the purpose of implementing the criteria used in applying this section.

SEC. 124. MEDICAL CRITERIA REQUIREMENTS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) BILATERAL ASBESTOS-RELATED NONMALIGNANT DISEASE.—The term ''bilateral asbestos-related nonmalignant disease'' means a diagnosis of bilateral asbestos-related nonmalignant disease based on—

(A) an x-ray reading of 1/0 or higher on the ILO scale; or

(B) an x-ray showing bilateral pleural plaques or pleural thickening, bilateral interstitial fibrosis, or bilateral interstitial markings.

(2) BILATERAL PLEURAL DISEASE OF B2.—The term ''bilateral pleural disease of B2'' means a chest wall pleural thickening or plaque with a maximum width of at least 5 millimeters and a total length of at least ¼ of the projection of the lateral chest wall.

(3) FEV1.—The term ''FEV1'' means forced expiratory volume (1 second), which is the maximal volume of air expelled in 1 second during performance of the spirometric test for forced vital capacity.

(4) FVC.—The term ''FVC'' means forced vital capacity, which is the maximal volume of air expired with a maximally forced effort from a position of maximal inspiration.

(5) ILO GRADE.—The term ''ILO grade'' means the radiological ratings for the presence of lung or pleural changes as determined from a chest x-ray, all as established from time to time by the International Labor Organization.

(6) PATHOLOGICAL EVIDENCE OF ASBESTOSIS.—The term ''pathological evidence of asbestosis'' means proof of asbestosis based on the pathological grading system for asbestosis described in the Special Issue of the Archives of Pathology and Laboratory Medicine, ''Asbestos-associated Diseases'', Vol. 106, No. 11, App. 3 (October 8, 1982).

(7) PULMONARY FUNCTION TESTING.—The term ''pulmonary function testing'' means spirometry testing that is in compliance with the quality criteria established from time to time by the American Thoracic Society and is performed on equipment which is in compliance with the standards of the American Thoracic Society for technical quality and calibration.

(8) SIGNIFICANT OCCUPATIONAL EXPOSURE.—The term ''significant occupational exposure'' means employment for a cumulative period of at least 5 years, in an industry and an occupation in which the claimant—

(A) handled raw asbestos fibers on a regular basis;

(B) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to raw asbestos fibers;

(C) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to asbestos fibers; or

(D) was employed in an industry and occupation such that the claimant worked on a regular basis in close proximity to workers engaged in the activities described under subparagraph (A), (B), or (C).

(9) TLC.—The term ''TLC'' means total lung capacity, which is the volume of air in the lung after maximal inspiration.

(b) REQUIREMENT.—To be eligible for compensation or medical monitoring reimbursement under this title, a claimant shall establish that the claimant meets the medical criteria for 1 of the following categories:

(1) For Level I: Asymptomatic Exposure, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a bilateral asbestos-related nonmalignant disease or an asbestos-related malignancy; and

(B) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) 5 years cumulative occupational exposure to asbestos.

(2) For Level II: Asbestosis/Pleural Disease A, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of asbestosis by chest x-rays for which a B-reader report is furnished showing small irregular opacities of ILO Grade 1/0 or greater, or showing bilateral pleural disease of B2 or greater, or by pathological evidence of asbestosis; and

(B) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(3) For Level III: Asbestosis/Pleural Disease B, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of asbestosis by chest x-rays for which a B-reader report is furnished showing small irregular opacities of ILO Grade 1/0 or greater, or showing bilateral pleural disease of B2 or greater, or by pathological evidence of asbestosis;

(B) pulmonary function testing that shows—

(i) TLC less than 80 percent of predicted; or

(ii) FVC less than 80 percent of predicted, and a FEV1/FVC ratio of not less than 65 percent; and

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(4) For Level IV: Severe Asbestosis, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of asbestosis by chest x-rays for which a B-reader report is furnished showing small irregular opacities of ILO Grade

2/1 or greater, or by pathological evidence of asbestosis;

(B) pulmonary function testing that shows—

(i) TLC less than 65 percent of predicted; or

(ii) FVC less than 65 percent of predicted, and a FEV1/FVC ratio greater than 65 percent; and

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(5) For Level V: Other Cancer, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a primary laryngeal, esophageal, pharyngeal, or stomach cancer;

(B) evidence of an underlying bilateral asbestos-related nonmalignant disease; and

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(6) For Level VI: Lung Cancer One, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a primary lung cancer; and

(B) meaningful and credible evidence of 6 months of occupational exposure to asbestos before December 31, 1982.

(7) For Level VII: Lung Cancer Two, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a primary lung cancer;

(B) evidence of an underlying bilateral asbestos-related nonmalignant disease;

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure; and

(D) supporting medical documentation and certification by or on behalf of the claimant establishing asbestos exposure as a contributing factor causing the relevant lung cancer.

(8) For Level VIII: Mesothelioma, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of mesothelioma; and

(B) meaningful and credible evidence of exposure to asbestos.

SEC. 125. EXPOSURE CRITERIA REQUIREMENTS.

(a) REQUIREMENT.—To be eligible to receive compensation under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall contain information to demonstrate that the claimant meets the minimum exposure requirements under this subtitle.

(b) BURDEN OF PROOF.—

(1) IN GENERAL.—An asbestos claimant has the burden of demonstrating meaningful and credible exposure to asbestos for purposes of this subtitle.

(2) EVIDENCE.—The demonstration under paragraph (1) may be established by—

(A) an affidavit submitted by the claimant, a coworker of the claimant, or a family member, in the case of a deceased claimant;

(B) employment records;

(C) invoices;

(D) construction or other similar records; or

(E) other credible evidence.

(c) RULES.—

(1) EXPOSURE INFORMATION.—The Asbestos Court shall issue rules prescribing specific exposure information that shall be submitted to permit the Court to process an asbestos claim and prescribing a proof of claim form. Such rules may provide that a claims examiner or magistrate, as applicable, may require the submission of other or additional evidence of exposure when determined to be appropriate and necessary.

(2) REBUTTABLE PRESUMPTIONS.—The Asbestos Court may prescribe rules identifying specific industries, occupations within those industries, time periods, and employment periods for which significant occupational exposure (as defined under section 124) may be a rebuttable presumption for asbestos claimants who provide meaningful and credible evidence that the claimant worked in that industry and occupation for the requisite period of time. The Administrator may provide evidence to rebut this presumption.

Subtitle D—Awards

SEC. 131. AMOUNT.

(a) IN GENERAL.—An asbestos claimant who meets the requirements of section 113 shall be entitled to com-

pensation in an amount determined by reference to the benefit table contained in subsection (b).

(b) BENEFIT TABLE.—

(1) IN GENERAL.—An asbestos claimant with an eligible disease or condition established in accordance with section 124, other than an injury described in paragraph (2), shall be eligible for compensation according to the following schedule:

Level	Scheduled Condition or Disease	Scheduled Value
I	Asymptomatic Exposure	$0
II	Asbestosis/Pleural Disease A	$0
III	Asbestosis/Pleural Disease B	$40,000
IV	Severe Asbestosis	$400,000
V	Other Cancer	$200,000
VI	Lung Cancer I (smoker)	$50,000
VII	Lung Cancer II (non-smoker)	$400,000
VIII	Mesothelioma	$750,000

(2) MEDICAL MONITORING.—An asbestos claimant with asymptomatic exposure or asbestosis/pleural disease A, based on the criteria under section 124(b)(1), shall only be eligible for medical monitoring reimbursement.

SEC. 132. MEDICAL MONITORING.

(a) RELATION TO STATUTE OF LIMITATIONS.—The filing of an asbestos claim that seeks reimbursement for medical monitoring shall not be considered as evidence

that the claimant has discovered facts that would otherwise commence the period applicable for purposes of the statute of limitations under section 111(c).

(b) COSTS.—Reimbursable medical monitoring costs shall include the costs of a claimant not covered by health insurance for x-ray tests and pulmonary function tests every 3 years.

(c) REGULATIONS.—The Administrator shall promulgate regulations that establish—

(1) the reasonable costs for medical monitoring that is reimbursable; and

(2) the procedures applicable to asbestos claimants.

SEC. 133. PAYMENTS.

(a) STRUCTURED PAYMENTS.—

(1) IN GENERAL.—An asbestos claimant who is entitled to compensation shall receive such compensation through structured payments from the Fund, made over a period of not less than 3 years.

(2) ACCELERATED PAYMENTS.—The Administrator shall develop guidelines to provide for accelerated payments to asbestos claimants who are mesothelioma victims and who are alive on the date on which the administrator receives notice of the eligibility of the claimant. Such payments shall be cred-

ited against the first regular payment under the structured payment plan for the claimant.

(3) EXPEDITED PAYMENTS.—The Administrator shall develop guidelines to provide for expedited payments to asbestos claimants in cases of exigent circumstances or extreme hardship caused by asbestos-related injury.

(4) ANNUITY.—An asbestos claimant may elect to receive any payments to which they are entitled under this title in the form of an annuity.

(b) LIMITATION ON TRANSFERABILITY.—An asbestos claim shall not be assignable or otherwise transferable under this Act.

(c) CREDITORS.—An award of compensation under this title shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, and such exemption may not be waived.

(d) TREATMENT FOR INTERNAL REVENUE PURPOSES.—All compensation received under this subtitle shall be deemed to be compensation for personal physical injuries or physical sickness under section 104 of the Internal Revenue Code of 1986.

(e) MEDICARE AS SECONDARY PAYER.—No award of compensation under this title shall be deemed a payment

for purposes of section 1862 of the Social Security Act (42 U.S.C. 1395y).

SEC. 134. REDUCTION IN BENEFIT PAYMENTS FOR COLLATERAL SOURCES.

(a) IN GENERAL.—The amount of compensation otherwise available to an asbestos claimant under this title shall be reduced by the amount of collateral source compensation that the claimant received, or is entitled to receive, for the asbestos-related injury that is the subject of the compensation.

(b) EXCLUSIONS.—In no case shall statutory benefits under workers' compensation laws and veterans benefits programs be deemed as collateral source compensation for purposes of this section.

Subtitle E—En Banc Review

SEC. 141. EN BANC REVIEW.

(a) IN GENERAL.—

(1) EN BANC PANELS.—The chief judge of the Asbestos Court shall—

(A) establish en banc panels to carry out this subtitle; and

(B) assign 3 judges of the Asbestos Court to each en banc panel.

(2) FILING OF APPEAL.—Not later than 30 days after receiving notice of the decision of a judge

under section 114, a claimant may file an appeal for review with an en banc panel of the Asbestos Court.

(b) DE NOVO REVIEW.—An Asbestos Court panel shall provide a de novo review of the magistrate's determination and the judge's decision.

(c) REPRESENTATION OF THE ADMINISTRATOR.—The Administrator may appoint counsel to represent the interests of the Fund and the Administrator in all proceedings before a panel, including oral arguments and the submission of briefs.

(d) FEDERAL RULES OF APPELLATE PROCEDURE.—An Asbestos Court panel shall apply the Federal Rules of Appellate Procedures to all proceedings before the panel.

(e) DECISION OF PANEL.—An Asbestos Court panel shall enter a final decision on an appeal on the earlier date occurring—

(1) not later than 30 days after the date of the conclusion of oral arguments; or

(2) not later than 60 days after an appeal is filed under this section.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

SEC. 201. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) AFFILIATED GROUP.—The term ''affiliated group'' means—

(A) with respect to any nonbankrupt defendant participant that is an ultimate parent or a person whose entire beneficial interest is owned on the date of enactment of this Act, directly or indirectly, by an ultimate parent, that set of nonbankrupt persons including the ultimate parent and all of the nonbankrupt persons whose entire beneficial interest shall be owned on December 31, 2002, directly or indirectly, by that ultimate parent; or

(B) with respect to any bankrupt defendant participant, the debtor and all of its direct and indirect majority owned subsidiaries, whether or not such subsidiaries are debtors.

(2) DEBTOR.—The term ''debtor''—

(A) means all entities that are subject to a case pending under any chapter of title 11,

United States Code, on the date of enactment of this Act; and

(B) shall not include an entity—

(i) subject to chapter 7 of title 11, United States Code, if a final decree closing the estate shall have been entered before the date of enactment of this Act; or

(ii) subject to chapter 11 of title 11, United States Code, if a plan of reorganization for such entity shall have been confirmed by a final judgment.

(3) INDEMNIFIABLE COST.—The term ''indemnifiable cost'' means a cost, expense, debt, judgment, or settlement incurred with respect to an asbestos claim that, at any time before December 31, 2002, was or could have been subject to indemnification, contribution, surety, or guaranty.

(4) INDEMNITEE.—The term ''indemnitee'' means a person against whom any asbestos claim has been asserted before December 31, 2002, who has received from any other person, or on whose behalf a sum has been paid by such other person to any third person, in settlement, judgment, defense, or indemnity in connection with an alleged duty with respect to the defense or indemnification of such

person concerning that asbestos claim, other than under a policy of insurance or reinsurance.

(5) INDEMNITOR.—The term ''indemnitor'' means a person who has paid under a written agreement at any time before December 31, 2002, a sum in settlement, judgment, defense, or indemnity to or on behalf of any person defending against an asbestos claim, in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, except that payments by an insurer or reinsurer under a contract of insurance or reinsurance shall not make the insurer or reinsurer an indemnitor for purposes of this subtitle.

(6) PRIOR ASBESTOS EXPENDITURES.—The term ''prior asbestos expenditures''—

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims against that person;

(B) includes payments made by insurance carriers to or for the benefit of such person or on such person's behalf with respect to such as-

bestos claims, except as provided in section 204(g);

(C) shall not include any payment made by a person in connection with any activities or disputes related to insurance coverage matters for asbestos-related liabilities; and

(D) shall not include any payment made by or on behalf of persons who are common carriers by railroad for asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers' Liability Act, including settlement, judgment, defense, or indemnity costs associated with these claims.

(7) TRUST.—The term ''trust'' means all persons or affiliated groups that formed under section 524(g) of title 11, United States Code, or formed under any plan under section 1129 of title 11, United States Code, for the purpose of administering and paying asbestos claims.

(8) ULTIMATE PARENT.—The term ''ultimate parent'' means a person—

(A) that owns, on the date of enactment of this Act, the entire beneficial interest, directly or indirectly, of at least 1 other person; and

(B) whose entire beneficial interest is not owned, on December 31, 2002, directly or indirectly, by any other single person.

SEC. 202. AUTHORITY AND TIERS.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Administrator shall assess from defendant participants contributions to the Fund in accordance with this section based on tiers and subtiers assigned to defendant participants.

(2) AGGREGATE CONTRIBUTION LEVEL.—The total contribution required of all defendant participants over the life of the Fund shall be equal to $45,000,000,000.

(b) TIER I.—The Administrator shall assign to Tier I all persons that are debtors or affiliated groups that include a person that—

(1) is a debtor on the date of enactment of this Act or at any time during the 1-year period preceding that date; and

(2) have paid a prior asbestos expenditure, irrespective of whether a related case under title 11, United States Code, is dismissed.

(c) TREATMENT OF TIER I BUSINESS ENTITIES IN BANKRUPTCY.—

(1) DEFINED TERM.—In this subsection, the term ''bankrupt business entity'' means a person that is not a natural person that—

(A) filed under chapter 11, of title 11, United States Code, before January 1, 2003;

(B) has not confirmed a plan of reorganization as of the date of enactment of this Act; and

(C) the Chief Executive Officer, Chief Financial Officer, or Chief Legal Officer of that business entity certifies in writing to the bankruptcy court presiding over the business entity's case, that asbestos liability was neither the sole nor precipitating cause for the filing under chapter 11.

(2) PROCEEDING WITH REORGANIZATION PLAN.—A bankrupt business entity may proceed with the filing, solicitation, and confirmation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction under section 524(g) of title 11, United States Code, notwithstanding any other provisions of this Act, if—

(A) the bankruptcy court presiding over the chapter 11 case of the bankrupt business entity determines that—

(i) confirmation is necessary to permit the reorganization of that entity and assure that all creditors and that entity are treated fairly and equitably; and

(ii) confirmation is clearly favored by the balance of the equities; and

(B) an order confirming the plan of reorganization is entered by the bankruptcy court within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown.

(3) APPLICABILITY.—If the bankruptcy court does not make the required determination, or if an order confirming the plan is not entered within 9 months of the effective date of this Act or such longer period of time approved by the bankruptcy court for cause shown, the provisions of the Act shall apply to the bankrupt business entity notwithstanding the certification. Any timely appeal under title 11, United States Code, from a confirmation order entered during the applicable time period shall automatically extend the time during which this Act

is inapplicable to the bankrupt business entity, until the appeal is fully and finally resolved.

(4) OFFSETS.—

(A) PAYMENTS BY INSURERS.—To the extent that a bankrupt business entity successfully confirms a plan of reorganization, including a trust under section 524(g) of title 11, United States Code, and channeling injunction that involves payments by insurers who are otherwise subject to this Act, an insurer who makes payments to the trust under section 524(g) of title 11, United States Code, shall obtain a dollar for dollar reduction in the amount otherwise payable by that insurer under this Act to the Fund.

(B) CONTRIBUTIONS TO FUND.—Any cash payments by a bankrupt business entity, if any, to a trust under section 524(g) of title 11, United States Code, may be counted as a contribution to the Fund.

(d) TIERS II THROUGH VI.—Except as provided in sections 202(b), 204(b), and 204(g), persons or affiliated groups shall be assigned to Tier II, III, IV, V, or VI according to the prior asbestos expenditures paid by such persons or affiliated groups as follows:

(1) Tier II: $75,000,000 or greater.

(2) Tier III: $50,000,000 or greater but less than $75,000,000.

(3) Tier IV: $10,000,000 or greater but less than $50,000,000.

(4) Tier V: $5,000,000 or greater but less than $10,000,000.

(5) Tier VI: $1,000,000 or greater but less than $5,000,000.

(e) ASSIGNMENTS AND COSTS.—

(1) PERMANENT ASSIGNMENT.—Subject to section 204(d), after the Administrator has assigned a person or affiliated group to a tier under this section, such person or affiliated group shall remain in that tier throughout the life of the Fund, regardless of subsequent events, including—

(A) the filing of a petition under a chapter of title 11, United States Code;

(B) a discharge from bankruptcy;

(C) the confirmation of a plan of reorganization; or

(D) the sale or transfer of assets to any other person or affiliated group.

(2) COSTS.—The payment of contributions to the Fund by all persons or affiliated groups that in-

clude a person that is a debtor that is the subject of a case under a chapter of title 11, United States Code, after the date of enactment of this Act—

(A) shall constitute costs and expenses of administration of the case under section 503 of that title 11 and shall be payable in accordance with the payment provisions under this subtitle notwithstanding the pendency of the case under that title 11;

(B) shall not be stayed or affected as to enforcement or collection by any stay or injunction power of any court; and

(C) shall not be impaired or discharged in any current or future case under title 11, United States Code.

(f) SUPERSEDING PROVISIONS.—Any plan of reorganization with respect to any debtor assigned to Tier I and any agreement, understanding, or undertaking by any such debtor or any third party with respect to the treatment of any asbestos claim filed before the date of enactment of this Act and subject to confirmation of a plan under chapter 11 of title 11, United States Code, shall be superseded in their entirety by this Act. Any such plan of reorganization, agreement, understanding, or undertaking by any debtor or any third party shall be of no

force or effect, and no person shall have any rights or claims with respect to any of the foregoing.

SEC. 203. SUBTIER ASSESSMENTS.

(a) IN GENERAL.—

(1) ASSESSMENTS.—Except as provided under subsections (a), (b), (d), (f), and (g) of section 204, the Administrator shall assess contributions to persons or affiliated groups within Tiers I through VII in accordance with this section.

(2) 2002 REVENUES.—The audited consolidated revenue for the year 2002 of each debtor (in this section referred to as "2002 revenues") shall include the revenues for year 2002 of the debtor and all of its affiliated groups. The pro forma revenues of a person or affiliated group that are assigned to Subtier 3 shall not be included in calculating the 2002 revenues of any debtor that is a direct or indirect majority owner of such Subtier 3 person or affiliated group.

(3) GROSS REVENUES.—

(A) IN GENERAL.—For purposes of this section, gross revenues shall be determined in accordance with generally accepted accounting principles, consistently applied, using the amount reported as gross revenues in the an-

nual report filed with the Securities and Exchange Commission in accordance with section 13(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)(2)) for the year ending December 31, 2002, or, if applicable, the earlier fiscal year that ends during calendar year 2002, if such fiscal year is principally employed by the defendant participant.

(B) INSURANCE PREMIUMS.—Any portion of gross revenues of a defendant participant that is derived from insurance premiums shall not be used to calculate the contribution of that defendant participant under this subtitle.

(C) PRIVATELY-HELD COMPANIES.—If the defendant participant is not required to file an earnings report with the Securities and Exchange Commission, gross revenues shall be the amount that the defendant participant would have reported as gross revenues in the event that it had been required to file the report described under subparagraph (A).

(b) TIER I SUBTIERS.—

(1) IN GENERAL.—Except as provided under subsections (a), (b), (d), (f), and (g) of section 204, the Administrator shall assign each person or affili-

ated group in Tier I to 1 of 4 Subtiers. Each person or affiliated group shall make contributions to the Fund as provided under this section.

(2) SUBTIER 1.—

(A) IN GENERAL.—All persons that are debtors or affiliated groups, which include a debtor with prior asbestos expenditures of $10,000,000 or greater, shall be assigned to Subtier 1.

(B) ASSIGNMENT.—Each debtor assigned to Subtier 1 shall make annual payments based on a percentage of its 2002 revenues.

(C) PAYMENT.—Each debtor assigned to Subtier 1 shall pay on an annual basis the following with respect to the year of the establishment of the Fund:

(i) Years 1 through 5, 1.4533 percent of the debtor's 2002 revenues.

(ii) Years 6 through 8, 1.3080 percent of the debtor's 2002 revenues.

(iii) Years 9 through 11, 1.1772 percent of the debtor's 2002 revenues.

(iv) Years 12 through 14, 1.0595 percent of the debtor's 2002 revenues.

(v) Years 15 through 17, 0.9535 percent of the debtor's 2002 revenues.

(vi) Years 18 through 20, 0.8582 percent of the debtor's 2002 revenues.

(vii) Years 21 through 23, 0.7723 percent of the debtor's 2002 revenues.

(viii) Years 24 through 25, 0.6951 percent of the debtor's 2002 revenues.

(3) SUBTIER 2.—

(A) IN GENERAL.—All persons that are debtors or affiliated groups which include a debtor that have no material continuing business operations but hold cash or other assets that have been allocated or earmarked for asbestos settlements shall be assigned to Subtier 2.

(B) ASSIGNMENT OF ASSETS.—Not later than 30 days after the date of enactment of this Act, each person or affiliated group assigned to Subtier 2 shall assign all of its assets to the Fund.

(4) SUBTIER 3.—

(A) IN GENERAL.—All persons that are debtors or affiliated groups that include a debtor, other than those included in Subtier 2,

which have no material continuing business operations and no cash or other assets allocated or earmarked for the settlement of any asbestos claim, shall be assigned to Subtier 3.

(B) ASSIGNMENT OF UNENCUMBERED ASSETS.—Not later than 30 days after the date of enactment of this Act, each person or affiliated group assigned to Subtier 3 shall contribute an amount equal to 50 percent of its total unencumbered assets.

(C) CALCULATION OF UNENCUMBERED ASSETS.—Unencumbered assets shall be calculated as the Subtier 3 person or affiliated group's total assets, excluding insurance related assets, less—

(i) all allowed administrative expenses;

(ii) allowed priority claims under section 507 of title 11, United States Code; and

(iii) allowed secured claims.

(c) TIER II SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier II to 1 of 5 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each con-

tain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest gross revenues assigned to Subtier 1;

(B) those persons or affiliated groups with the next highest gross revenues assigned to Subtier 2;

(C) those persons or affiliated groups with the lowest gross revenues assigned to Subtier 5;

(D) those persons or affiliated groups with the next lowest gross revenues assigned to Subtier 4; and

(E) those persons or affiliated groups remaining assigned to Subtier 3.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $25,000,000.

(B) Subtier 2: $22,500,000.

(C) Subtier 3: $20,000,000.

(D) Subtier 4: $17,500,000.

(E) Subtier 5: $15,000,000.

(d) TIER III SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier III to 1 of 5 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest gross revenues assigned to Subtier 1;

(B) those persons or affiliated groups with the next highest gross revenues assigned to Subtier 2;

(C) those persons or affiliated groups with the lowest gross revenues assigned to Subtier 5;

(D) those persons or affiliated groups with the next lowest gross revenues assigned to Subtier 4; and

(E) those persons or affiliated groups remaining assigned to Subtier 3.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $15,000,000.

(B) Subtier 2: $12,500,000.

(C) Subtier 3: $10,000,000.

(D) Subtier 4: $7,500,000.

(E) Subtier 5: $5,000,000.

(e) TIER IV SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier IV to 1 of 4 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest gross revenues in Subtier 1, those with the lowest gross revenues in Subtier 4. Those persons or affiliated groups with the highest gross revenues among those remaining will be assigned to Subtier 2 and the rest in Subtier 3.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $3,500,000.

(B) Subtier 2: $2,250,000.

(C) Subtier 3: $1,500,000.

(D) Subtier 4: $500,000.

(f) TIER V SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier V to 1

of 3 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest gross revenues in Subtier 1, those with the lowest gross revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $1,000,000.

(B) Subtier 2: $500,000.

(C) Subtier 3: $200,000.

(g) TIER VI SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier VI to 1 of 3 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest gross revenues in Subtier 1, those with the lowest gross revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $500,000.

(B) Subtier 2: $250,000.

(C) Subtier 3: $100,000.

(h) TIER VII.—

(1) IN GENERAL.—Notwithstanding any assignment to Tiers II, III, IV, V, and VI based on prior asbestos expenditures under section 204(g), a person shall be assigned to Tier VII if the person—

(A) is a common carrier by railroad subject to asbestos claims brought under the Federal Employers' Liability Act (45 U.S.C. 51 et seq.); and

(B) have paid not less than $5,000,000 in settlement, judgment, defense, or indemnity costs relating to such claims.

(2) ADDITIONAL AMOUNT.—The contribution requirement for persons assigned to Tier VII shall be in addition to any applicable contribution requirement that such person may be assessed under Tiers II through VI.

(3) SUBTIER 1.—The Administrator shall assign each person or affiliated group in Tier VII with

gross revenues of not less than $5,000,000,000 to Subtier 1 and shall require each such person or affiliated group to make annual payments of $10,000,000 into the Fund.

(4) SUBTIER 2.—The Administrator shall assign each person or affiliated group in Tier VII with gross revenues of less than $5,000,000,000, but not less than $3,000,000,000 to Subtier 2, and shall require each such person or affiliated group to make annual payments of $5,000,000 into the Fund.

(5) SUBTIER 3.—The Administrator shall assign each person or affiliated group in Tier VII with gross revenues of less than $3,000,000,000, but not less than $500,000,000 to Subtier 3, and shall require each such person or affiliated group to make annual payments of $500,000 into the Fund.

(6) JOINT VENTURE REVENUES AND LIABILITY.—

(A) REVENUES.—For purposes of this subsection, the revenues of a joint venture shall be included on a pro rata basis reflecting relative joint ownership to calculate the revenues of the parents of that joint venture. The joint venture shall not be responsible for a contribution amount under this subsection.

(B) LIABILITY.—For purposes of this subsection, the liability under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers' Liability Act, shall be attributed to the parent owners of the joint venture on a pro rata basis, reflecting their relative share of ownership. The joint venture shall not be responsible for a contribution amount under this provision.

SEC. 204. ASSESSMENT ADMINISTRATION.

(a) REDUCTION ADJUSTMENTS.—The Administrator shall assess contributions based on amounts provided under this subtitle for each person or affiliated group within Tiers II, III, IV, V, VI, and VII for the first 5 years of the operation of the Fund. Beginning in year 6, and every 3 years thereafter, the Administrator shall reduce the contribution amount for each defendant participant in each of these tiers by 10 percent of the amount assessed in the prior year.

(b) SMALL BUSINESS EXEMPTION.—A person or affiliated group that is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), on December 31, 2002, is exempt from any contribution requirement under this subsection.

(c) PROCEDURES.—The Administrator shall prescribe procedures on how contributions assessed under this subtitle are to be paid.

(d) EXCEPTIONS.—

(1) IN GENERAL.—Under expedited procedures established by the Administrator, a defendant participant may seek adjustment of the amount of its contribution based on severe financial hardship or demonstrated inequity. The Administrator may determine whether to grant an adjustment and the size of any such adjustment, in accordance with this subsection. Such determinations shall not prejudice the integrity of the Fund and shall not be subject to judicial review.

(2) FINANCIAL HARDSHIP ADJUSTMENTS.—

(A) IN GENERAL.—A defendant may apply for an adjustment based on financial hardship at any time during the life of the Fund and may qualify for such adjustment by demonstrating that the amount of its contribution under the statutory allocation would constitute a severe financial hardship.

(B) TERM.—A hardship adjustment under this subsection shall have a term of 3 years.

(C) RENEWAL.—A defendant may renew its hardship adjustment by demonstrating that it remains justified.

(D) LIMITATION.—The Administrator may not grant hardship adjustments under this subsection in any year that exceed, in the aggregate, 3 percent of the total annual contributions required of all defendant participants.

(3) INEQUITY ADJUSTMENTS.—

(A) IN GENERAL.—A defendant may qualify for an adjustment based on inequity by demonstrating that the amount of its contribution under the statutory allocation is exceptionally inequitable when measured against the amount of the likely cost to the defendant of its future liability in the tort system in the absence of the Fund.

(B) TERM.—Subject to the annual availability of funds in the Orphan Share Reserve Account established under section 223(e), an inequity adjustment granted by the Administrator under this subsection shall remain in effect for the life of the Fund.

(C) LIMITATION.—The Administrator may grant inequity adjustments only to the extent that—

(i) the financial condition of the Fund is sufficient to accommodate such adjustments;

(ii) the Orphan Share Reserve Account is sufficient to cover such adjustments for that year; and

(iii) such adjustments do not exceed 2 percent of the total annual contributions required of all defendant participants.

(4) ADVISORY PANELS.—

(A) APPOINTMENT.—The Administrator shall appoint a Financial Hardship Adjustment Panel and an Inequity Adjustment Panel to advise the Administrator in carrying out this subsection.

(B) MEMBERSHIP.—The membership of the panels appointed under subparagraph (A) may overlap.

(C) COORDINATION.—The panels appointed under subparagraph (A) shall coordinate their deliberations and recommendations.

(e) LIMITATION ON LIABILITY.—The liability of each defendant participant to contribute to the Fund shall be limited to the payment obligations under this subtitle, and no defendant participant shall have any liability for the payment obligations of any other defendant participant.

(f) CONSOLIDATION OF CONTRIBUTIONS.—

(1) IN GENERAL.—For purposes of determining the contribution levels of defendant participants, any affiliated group including 1 or more defendant participants may irrevocably elect, as part of the submission to be made under subsection (i), to report on a consolidated basis all of the information necessary to determine the contribution level under this subtitle and contribute to the Fund on a consolidated basis.

(2) ELECTION.—If an affiliated group elects consolidation as provided in this subsection—

(A) for purposes of this Act other than this subsection, the affiliated group shall be treated as if it were a single participant, including without limitation with respect to the assessment of a single annual contribution under this subtitle for the entire affiliated group;

(B) the ultimate parent of the affiliated group shall prepare and submit the submission

to be made under subsection (i), on behalf of the entire affiliated group and shall be solely liable, as between the Administrator and the affiliated group only, for the payment of the annual contribution assessed against the affiliated group, except that, if the ultimate parent does not pay when due any contribution for the affiliated group, the Administrator shall have the right to seek payment of all or any portion of the entire amount due from any member of the affiliated group;

(C) all members of the affiliated group shall be identified in the submission under subsection (i) and shall certify compliance with this subsection and the Administrator's regulations implementing this subsection; and

(D) the obligations under this subtitle shall not change even if, after the date of enactment of this Act, the beneficial ownership interest between any members of the affiliated group shall change.

(g) DETERMINATION OF PRIOR ASBESTOS EXPENDITURES.—

(1) IN GENERAL.—For purposes of determining a defendant participant's prior asbestos expenditure,

the Administrator shall prescribe such rules as may be necessary or appropriate to assure that payments by indemnitors before December 31, 2002, shall be counted as part of the indemnitor's prior asbestos expenditure, rather than the indemnitee's prior asbestos expenditure, in accordance with this subsection.

(2) INDEMNIFIABLE COSTS.—If an indemnitor has paid or reimbursed to an indemnitee any indemnifiable cost or otherwise made a payment on behalf of or for the benefit of an indemnitee to a third party for an indemnifiable cost before December 31, 2002, the amount of such indemnifiable cost shall be solely for the account of the indemnitor for purposes under this Act.

(3) INSURANCE PAYMENTS.—When computing the prior asbestos expenditure with respect to an asbestos claim, any amount paid or reimbursed by insurance shall be solely for the account of the indemnitor, even if the indemnitor would have no direct right to the benefit of the insurance, if—

(A) such insurance has been paid or reimbursed to the indemnitor or the indemnitee, or paid on behalf of or for the benefit of the

indemnitee, any indemnifiable cost related to the asbestos claim; and

(B) the indemnitor has either, with respect to such asbestos claim or any similar asbestos claim, paid or reimbursed to its indemnitee any indemnifiable cost or paid to any third party on behalf of or for the benefit of the indemnitee any indemnifiable cost.

(h) MINIMUM CONTRIBUTIONS.—Minimum aggregate contributions of defendant participants to the Fund in any calendar year shall be as follows:

(1) For each of the first 5 years of the Fund, the aggregate contributions of defendant participants to the fund shall be at least $2,500,000,000.

(2) After the 5th year, the minimum aggregate contribution shall be reduced by $250,000,000 every 3 years as follows:

(A) For years 6 through 8, $2,250,000,000.

(B) For years 9 through 11, $2,000,000,000.

(C) For years 12 through 14, $1,750,000,000.

(D) For years 15 through 17, $1,500,000,000.

(E) For years 18 through 20, $1,250,000,000.

(F) For years 21 through 23, $1,000,000,000.

(G) For years 24 through 26, $750,000,000.

(i) PROCEDURES TO DETERMINE FUND CONTRIBUTION ASSESSMENTS.—

(1) NOTICE TO PARTICIPANTS.—Not later than 60 days after his or her initial appointment, the Administrator shall—

(A) directly notify all reasonably identifiable defendant participants of the requirement to submit information necessary to calculate the amount of any required contribution to the Fund; and

(B) publish in the Federal Register a notice requiring any person who may be a defendant participant (as determined by criteria outlined in the notice) to submit such information.

(2) RESPONSE REQUIRED.—

(A) IN GENERAL.—Any person who receives notice under paragraph (1)(A), and any other person meeting the criteria specified in the notice published under paragraph (1)(B),

shall respond by providing the Administrator with all the information requested in the notice at the earlier of—

(i) 30 days after the receipt of direct notice; or

(ii) 30 days after the publication of notice in the Federal Register.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(3) NOTICE OF INITIAL DETERMINATION.—

(A) IN GENERAL.—Not later than 60 days after receiving a response under paragraph (2), the Administrator shall send the participant a notice of initial determination assessing a contribution to the Fund, which shall be based on the information received from the participant in response to the Administrator's request for information.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response is received from the

participant, or if the response is incomplete, the initial determination assessing a contribution from the participant shall be based on the best information available to the Administrator.

(4) CONFIDENTIALITY.—Any Person may designate any information submitted under this subsection as confidential commercial or financial information for purposes of the Freedom of Information Act (5 U.S.C. 552). The Administrator shall adopt procedures for designating such information as confidential.

(5) NEW INFORMATION.—

(A) EXISTING PARTICIPANT.—The Administrator shall adopt procedures for revising initial assessments based on new information received after the initial assessments are calculated.

(B) ADDITIONAL PARTICIPANT.—If the Administrator, at any time, receives information that an additional person may qualify as a participant, the Administrator shall require such person to submit information necessary to determine whether an initial determination assessing a contribution from that person should be

issued, in accordance with the requirements of this subsection.

(6) PAYMENT SCHEDULE.—Any initial determination issued under this subsection may allow for periodic payments, provided that the full annual amount assessed is paid each year. Each participant shall pay its contribution to the Fund in the amount specified it the initial determination of assessment from the Administrator, according to the schedule specified in the initial determination.

(7) SUBPOENAS.—The Administrator may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(8) REHEARING.—A Participant has a right to obtain rehearing of the Administrator's initial determination pursuant to section 202.

Subtitle B—Asbestos Insurers Commission

SEC. 211. ESTABLISHMENT OF ASBESTOS INSURERS COMMISSION.

(a) ESTABLISHMENT.—There is established the Asbestos Insurers Commission (referred to in this subtitle as the "Commission") to carry out the duties described in section 212.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 5 members who shall be appointed by the President, after consultation with—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—

(A) EXPERTISE.—Members of the Commission shall have sufficient expertise to fulfill their responsibilities under this subtitle.

(B) CONFLICT OF INTEREST.—No member of the Commission appointed under paragraph (1) may be an employee, former employee, or

shareholder of any insurer participant, or an immediate family member of any such individual.

(C) FEDERAL EMPLOYMENT.—A member of the Commission may not be an officer or employee of the Federal Government, except by reason of membership on the Commission.

(3) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(4) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(5) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(6) CHAIRMAN.—The Commission shall select a Chairman from among its members.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chairman as necessary to accomplish the duties under section 212.

(3) QUORUM.—No business may be conducted or hearings held without the participation of all of the members of the Commission.

SEC. 212. DUTIES OF ASBESTOS INSURERS COMMISSION.

(a) DETERMINATION OF INSURER LIABILITY FOR ASBESTOS INJURIES.—

(1) IN GENERAL.—The Commission shall determine the amount that each insurer participant will be required to pay into the Fund to satisfy their contractual obligation to compensate claimants for asbestos injuries.

(2) ALLOCATION AGREEMENT.—

(A) IN GENERAL.—Not later than 30 days after the Commission issues its initial determination, the insurer participants may submit an allocation agreement, approved by all of the insurer participants, to—

(i) the Commission;

(ii) the Committee on the Judiciary of the Senate; and

(iii) the Committee on the Judiciary of the House of Representatives.

(B) CERTIFICATION.—The authority of the Commission under this subtitle shall terminate on the day after the Commission certifies that

an allocation agreement submitted under subparagraph (A) meets the requirements of this subtitle.

(3) GENERAL PROVISIONS.—

(A) AGGREGATE CONTRIBUTION LEVEL.—The total contribution required of all insurer participants over the life of the Fund shall be equal to $45,000,000,000.

(B) DECLINING PAYMENTS.—Since the payments from the Fund are expected to decline over time, the annual contributions from insurer participants is also expected to decline over time. The proportionate share of each insurer participant's contributions to the Fund will remain the same throughout the life of the Fund.

(C) SEVERAL LIABILITY.—Each insurer participant's obligation to contribute to the Fund is several. There is no joint liability and the future insolvency of any insurer participant shall not affect the assessment assigned to any other insurer participant.

(4) ASSESSMENT CRITERIA.—

(A) MANDATORY PARTICIPANTS.—Insurers that have paid, or been assessed by a legal

judgment or settlement, at least $1,000,000 in defense and indemnity costs before the date of enactment of this Act in response to claims for compensation for asbestos injuries shall be mandatory participants in the Fund. Other insurers shall be exempt from mandatory payments.

(B) PARTICIPANT TIERS.—Contributions shall be determined by assigning mandatory insurer participants into tiers, which shall be determined and defined based on—

(i) net written premiums received from policies covering asbestos that were in force at any time during the period beginning on January 1, 1940 and ending on December 31, 1986;

(ii) net paid losses for asbestos injuries compared to all such losses for the insurance industry;

(iii) net carried reserve level for asbestos claims on the most recent financial statement of the insurer participant; and

(iv) future liability.

(C) PAYMENT SCHEDULE.—Any final determination of assessment issued under sub-

section (b) may allow for periodic payments, provided that the full annual amount assessed is paid each year. Each insurer participant shall pay its contribution to the Fund in the amount specified in the final determination of assessment from the Commission, according to the schedule specified in the final determination.

(b) PROCEDURE.—

(1) NOTICE TO PARTICIPANTS.—Not later than 30 days after the initial meeting of the Commission, the Commission shall—

(A) directly notify all reasonably identifiable insurer participants of the requirement to submit information necessary to calculate the amount of any required contribution to the Fund; and

(B) publish in the Federal Register a notice requiring any person who may be an insurer participant (as determined by criteria outlined in the notice) to submit such information.

(2) RESPONSE REQUIRED.—

(A) IN GENERAL.—Any person who receives notice under paragraph (1)(A), and any other person meeting the criteria specified in the notice published under paragraph (1)(B),

shall respond by providing the Commission with all the information requested in the notice at the earlier of—

(i) 30 days after the receipt of direct notice; or

(ii) 30 days after the publication of notice in the Federal Register.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(3) NOTICE OF INITIAL DETERMINATION.—

(A) IN GENERAL.—Not later than 120 days after the initial meeting of the Commission, the Commission shall send each insurer participant a notice of initial determination assessing a contribution to the Fund, which shall be based on the information received from the participant in response to the Commission's request for information.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response is received from an in-

surer participant, or if the response is incomplete, the initial determination assessing a contribution from the insurer participant shall be based on the best information available to the Commission.

(4) REVIEW PERIOD.—

(A) COMMENTS FROM INSURER PARTICIPANTS.—Not later than 30 days after receiving a notice of initial determination from the Commission, an insurer participant may provide the Commission with additional information to support limited adjustments to the assessment received to reflect exceptional circumstances.

(B) ADDITIONAL PARTICIPANTS.—If, before the final determination of the Commission, the Commission receives information that an additional person may qualify as an insurer participant, the Commission shall require such person to submit information necessary to determine whether a contribution from that person should be assessed, in accordance with the requirements of this subsection.

(C) REVISION PROCEDURES.—The Commission, shall adopt procedures for revising initial assessments based on information received

under subparagraphs (A) and (B). Any adjustments to assessment levels shall comply with the criteria under subsection (a).

(5) SUBPOENAS.—The Commission may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) NOTICE OF FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 60 days after the notice of initial determination is sent to the insurer participants, the Commission shall send each insurer participant a notice of final determination.

(B) JUDICIAL REVIEW.—A participant has a right to obtain judicial review of the Commission's final determination under title III.

(c) DETERMINATION OF RELATIVE LIABILITY FOR ASBESTOS INJURIES.—The Commission shall determine the percentage of the total liability of each participant identified under subsection (a).

(d) REPORT.—

(1) RECIPIENTS.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report, containing the information described under paragraph (2), to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives; and

(C) the Court of Asbestos Claims.

(2) CONTENTS.—The report under paragraph (1) shall contain the amount that each insurer participant is required to contribute to the Fund, including the payment schedule for such contributions.

SEC. 213. POWERS OF ASBESTOS INSURERS COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairman of the Commission, the head of such depart-

ment or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may not accept, use, or dispose of gifts or donations of services or property.

SEC. 214. PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section

3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 215. NONAPPLICATION OF FOIA AND CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—Section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) shall not apply to the Commission.

(b) CONFIDENTIALITY OF INFORMATION.—All information submitted to the Commission shall be privileged and confidential information and shall not be disclosed to any person outside the Commission, unless such privilege is knowingly and intentionally waived by the person submitting the information. An appeal of an assessment to the Fund under this subtitle shall be deemed a waiver for the purposes of this subsection unless the appellee participant makes a motion for an in camera review of its appeal.

SEC. 216. TERMINATION OF ASBESTOS INSURERS COMMISSION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 212(c).

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission such sums as may be necessary for fiscal year 2004 to carry out the provisions of this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle C—Office of Asbestos Injury Claims Resolution

SEC. 221. ESTABLISHMENT OF THE OFFICE OF ASBESTOS INJURY CLAIMS RESOLUTION.

(a) IN GENERAL.—There is established the Office of Asbestos Injury Claims Resolution.

(b) RESPONSIBILITIES.—The Office shall be responsible for—

(1) administering the Fund;

(2) providing compensation from the Fund to asbestos claimants who are determined to be eligible for such compensation; and

(3) carrying out other applicable provisions of this title and other activities determined appropriate by the Administrator.

(c) ADMINISTRATOR.—

(1) APPOINTMENT.—The Office shall be headed by an Administrator who shall be appointed by the

President, by and with the advice and consent of the Senate.

(2) TERM; REMOVAL.—The Administrator shall serve for a term of 5 years and may be removable by the President only for good cause.

SEC. 222. POWERS OF THE ADMINISTRATOR AND MANAGEMENT OF THE FUND.

(a) GENERAL POWERS.—The Administrator shall have the following general powers:

(1) To promulgate such regulations as the Administrator determines to be necessary to implement the provisions of this subtitle.

(2) To appoint employees or contract for the services of other personnel as may be necessary and appropriate to carry out the provisions of this subtitle, including entering into cooperative agreements with other Federal agencies.

(3) To make such expenditures as may be necessary and appropriate in the administration of this subtitle.

(4) To take all actions necessary to prudently manage the Fund, including—

(A) administering, in a fiduciary capacity, the assets of the Fund for the exclusive purpose

of providing benefits to asbestos claimants and their beneficiaries;

(B) defraying the reasonable expenses of administering the Fund;

(C) investing the assets of the Fund in accordance with subsection (b)(2); and

(D) retaining advisers, managers, and custodians who possess the necessary facilities and expertise to provide for the skilled and prudent management of the Fund, to assist in the development, implementation and maintenance of the Fund's investment policies and investment activities, and to provide for the safekeeping and delivery of the Fund's assets.

(5) To have all other powers incidental, necessary, or appropriate to carrying out the functions of the Office.

(b) REQUIREMENTS RELATING TO FUND ASSETS.—

(1) IN GENERAL.—Amounts in the Fund shall be held for the exclusive purpose of providing benefits to asbestos claimants and their beneficiaries and to otherwise defray the reasonable expenses of administering the Fund.

(2) INVESTMENTS.—

(A) IN GENERAL.—Amounts in the Fund shall be administered and invested with the care, skill, prudence, and diligence, under the circumstances prevailing at the time of such investment, that a prudent person acting in a like capacity and manner would use.

(B) STRATEGY.—The Administrator shall invest amounts in the Fund in a manner that enables the Fund to make current and future distributions to or for the benefit of asbestos claimants. In pursuing an investment strategy under this subparagraph, the Administrator shall consider, to the extent relevant to an investment decision or action—

(i) the size of the Fund;

(ii) the nature and estimated duration of the Fund;

(iii) the liquidity and distribution requirements of the Fund;

(iv) general economic conditions at the time of the investment;

(v) the possible effect of inflation or deflation on Fund assets;

(vi) the role that each investment or course of action plays with respect to the overall assets of the Fund;

(vii) the expected amount to be earned (including both income and appreciation of capital) through investment of amounts in the Fund; and

(viii) the needs of asbestos claimants for current and future distributions authorized under this Act.

SEC. 223. ASBESTOS INJURY CLAIMS RESOLUTION FUND.

(a) ESTABLISHMENT.—There is established in the Office of Asbestos Injury Claims Resolution, the Asbestos Injury Claims Resolution Fund, which shall be available to pay—

(1) claims for compensation for an eligible disease or condition determined under title I;

(2) claims for reimbursement for medical monitoring determined under title I;

(3) principal and interest on borrowings under subsection (c); and

(4) administrative expenses to carry out this subtitle.

(b) LIMITATIONS ON CONTRIBUTIONS BY MANDATORY PARTICIPANTS.—The aggregate contributions of all

mandatory participants to the Fund may not exceed $5,000,000,000 in any calendar year.

(c) BORROWING AUTHORITY.—The Administrator is authorized to borrow, in any calendar year, an amount not to exceed anticipated contributions to the Fund in the following calendar year for purposes of carrying out the obligations of the Fund under this Act.

(d) GUARANTEED PAYMENT ACCOUNT.—

(1) IN GENERAL.—The Administrator shall establish a guaranteed payment account within the Fund to insure payment of the total amount of contributions required to be paid into the Fund by all participants.

(2) SURCHARGE.—The Administrator shall impose, on each participant required to pay contributions into the Fund under this Act, in addition to the amount of such contributions, a reasonable surcharge to be paid into the guaranteed payment account in an amount that the Administrator determines appropriate to insure against the risk of nonpayment of required contributions by any such participant.

(3) PROCEDURE.—The surcharge required under this section shall be paid in such manner, at

such times, and in accordance with such procedures as the Administrator determines appropriate.

(4) USES OF GUARANTEED PAYMENT ACCOUNT.—Amounts in the guaranteed payment account shall be used as necessary to pay claims from the Fund, to the extent that amounts in the Fund are insufficient to pay such claims due to nonpayment by any participant.

(5) ENFORCEMENT.—The enforcement of the payment of a surcharge under this subsection may be enforced in the same manner and to the same extent as the enforcement of a contribution under section 224.

(e) ORPHAN SHARE RESERVE ACCOUNT.—

(1) IN GENERAL.—To the extent the total amount of contributions of the participants in any given year exceed the minimum aggregate contribution under subsection (h), the excess monies shall be placed in an orphan share reserve account established within the Fund by the Administrator.

(2) USE OF ACCOUNT MONIES.—Monies from the orphan share reserve account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) in the event that a petition for relief is filed and not withdrawn for the participant under title 11, United States Code, after the date of enactment of this Act and the participant cannot meet its obligations under this subtitle; and

(B) to the extent the Administrator grants a participant relief for severe financial hardship or exigent circumstances under this section.

SEC. 224. ENFORCEMENT OF CONTRIBUTIONS.

(a) DEFAULT.—If any participant fails to make any payment in the amount and according to the schedule specified in a determination of assessment, after demand and 30 days opportunity to cure the default, there shall be a lien in favor of the United States for the amount of the delinquent payment (including interest) upon all property and rights to property, whether real or personal, belonging to such participant.

(b) BANKRUPTCY.—In the case of a bankruptcy or insolvency proceeding, the lien imposed under subsection (a) shall be treated in the same manner as a lien for taxes due and owing to the United States for purposes of the provisions of title 11, United States Code, or section 3713(a) of title 31, United States Code.

(c) CIVIL ACTION.—

(1) IN GENERAL.—In any case in which there has been a refusal or neglect to pay the liability imposed by the final determination under section 202 or 212, the Administrator may bring a civil action in the Federal district court for the District of Columbia to—

(A) enforce such liability and the lien of the United States under this section; or

(B) subject any property, of whatever nature, of the participant, or in which the participant has any right, title, or interest, to the payment of such liability.

(2) DEFENSE LIMITATION.—In any proceeding under this subsection, the participant shall be barred from bringing any challenge to the assessment if such challenge could have been made during the review period under section 202(b)(4) or 212(b)(4), or a judicial review proceeding under title III.

SEC. 225. ADDITIONAL CONTRIBUTING PARTICIPANTS.

(a) DEFINED TERM.—In this section, the term ''additional contributing participant'' means any defendant in an asbestos claim that is not a mandatory participant under subtitle A and is likely to avoid future civil liability as a result of this Act.

(b) ASSESSMENT.—In addition to contributions assessed under subtitle A, the Administrator may assess additional contributing participants for contributions to the Fund. Any additional contributing participant assessed under this section shall be treated as a defendant participant for purposes of procedures and appeals under this Act.

(c) ASSESSMENT LIMITATIONS.—The Administrator may assess under subsection (b), over the life of the Fund, an amount not to exceed $10,000,000,000 from all additional contributing participants.

TITLE III—JUDICIAL REVIEW

SEC. 301. JUDICIAL REVIEW OF DECISIONS OF THE ASBESTOS COURT.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia shall have exclusive jurisdiction over any action to review a final decision of the Asbestos Court.

(b) PROCEDURE FOR APPEALS.—

(1) PERIOD FOR FILING APPEAL.—An appeal under this section shall be filed not later than 30 days after the issuance of a final decision by the Asbestos Court.

(2) TRANSMITTAL OF RECORD.—Upon the filing of an appeal, a copy of the filing shall be trans-

mitted by the clerk of the court to the Asbestos Court, and the Asbestos Court shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

(3) STANDARD OF REVIEW.—

(A) IN GENERAL.—The court shall uphold the decision of the Asbestos Court if the court determines, upon review of the record as a whole, that the decision is not arbitrary and capricious.

(B) EFFECT OF DETERMINATION.—If the court determines that a final decision of the Asbestos Court is arbitrary and capricious, the court shall remand the case to the Asbestos Court.

(4) FINALITY OF DETERMINATION.—The decision of the United States Court of Appeals for the District of Columbia shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code.

SEC. 302. JUDICIAL REVIEW OF FINAL DETERMINATIONS OF THE ASBESTOS INSURERS COMMISSION.

(a) EXCLUSIVE JURISDICTION.—The United States District Court for the District of Columbia shall have ex-

clusive jurisdiction over any action to review a final determination by the Asbestos Insurers Commission regarding the assessment of a contribution to the Fund from a participant.

(b) PROCEDURE FOR APPEAL.—

(1) PERIOD FOR FILING APPEAL.—An appeal under this section shall be filed not later than 30 days after the issuance of a final determination by the Commission.

(2) TRANSMITTAL OF RECORD.—Upon the filing of an appeal, a copy of the filing shall be transmitted by the clerk of the court to the Commission.

(c) STANDARD OF REVIEW.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall uphold the final determination of the Commission with respect to the assessment of a contribution to the Fund from a participant if such determination is not arbitrary and capricious.

(2) EFFECT OF DETERMINATION.—If the court determines that a final determination with respect to the amount of a contribution to the Fund by a participant may not be upheld, the court shall remand the decision to the Commission, with instructions to modify the final determination.

(3) NO STAYS.—The court may not issue a stay of payment into the Fund pending its final judgment.

(4) FINALITY OF DETERMINATION.—The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court, as provided in section 1254 of title 28, United States Code.

SEC. 303. EXCLUSIVE REVIEW.

(a) EXCLUSIVITY OF REVIEW.—An action of the Asbestos Court or the Asbestos Insurers Commission for which review could have been obtained under section 301 or 302 shall not be subject to judicial review in any other proceeding, including proceedings before the Asbestos Court.

(b) CONSTITUTIONAL REVIEW.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any interlocutory or final judgment, decree, or order of a Federal court holding this Act, or any provision or application thereof, unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court.

(2) PERIOD FOR FILING APPEAL.—Any such appeal shall be filed not more than 30 days after entry of such judgment, decree, or order.

SEC. 304. PRIVATE RIGHT OF ACTION AGAINST REINSURERS.

(a) IN GENERAL.—Any insurer participant may file a claim in the United States District Court for the District of Columbia against any reinsurer that is contractually obligated to reimburse such insurer participant for a portion of costs incurred as a result of payment of asbestos related claims.

(b) EXPEDITED PROCEDURES.—

(1) IN GENERAL.—A claim filed under subsection (a) shall be subject to expedited procedures, as prescribed by the United States District Court for the District of Columbia.

(2) EVIDENTIARY STANDARD.—The plaintiff shall not recover in a claim under subsection (a) unless the plaintiff demonstrates the right to recover by a preponderance of the evidence.

(3) FINAL JUDGMENT.—A final judgment shall be issued on a claim filed under subsection (a) not later than 30 days after such filing.

(c) APPEALS.—

(1) IN GENERAL.—An appeal from a decision under subsection (b) may be filed with the Court of Appeals for the District of Columbia.

(2) STANDARD OF REVIEW.—The final judgment of the district court shall be upheld unless the

court of appeals finds the judgment to be arbitrary and capricious.

(3) FINAL JUDGMENT.—A final judgment shall be issued on an appeal filed under paragraph (1) not later than 30 days after such filing.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FALSE INFORMATION.

Any person who knowingly provides false information in connection with an assessment of contributions, a claim for compensation, or an audit under this Act shall be subject to—

(1) criminal prosecution under section 1001 of title 18, United States Code; and

(2) civil penalties under section 3729 of title 31, United States Code.

SEC. 402. EFFECT ON BANKRUPTCY LAWS.

(a) NO AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (18) the following:

"(19) of the enforcement of any payment obligations under section 204 of the Fairness in Asbestos Injury Resolution Act of 2003, against a debtor, or the property of the estate of a debtor, that is a participant (as that term is defined in section 3 of that Act).".

(b) ASSUMPTION OF EXECUTORY CONTRACTS.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

"(q) If a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003), the trustee shall be deemed to have assumed all executory contracts entered into by the participant under section 204 of that Act. The trustee may not reject any such executory contract.".

(c) ALLOWED ADMINISTRATIVE EXPENSES.—Section 503 of title 11, United States Code, is amended by adding at the end the following:

"(c)(1) Claims of the United States, the Attorney General, or the Administrator (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003) based upon the asbestos payment obligations of a debtor that is a Participant (as that term is defined in section 3 of that Act), shall be paid as an allowed ad-

ministrative expense. The debtor shall not be entitled to either notice or a hearing with respect to such claims.

"(2) For purposes of paragraph (1), the term "asbestos payment obligation" means any payment obligation under subtitle B of title II of the Fairness in Asbestos Injury Resolution Act of 2003.".

(d) NO DISCHARGE.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

"(f) A discharge under section 727, 1141, 1228, or 1328 of this title does not discharge any debtor that is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003) of the payment obligations of the debtor under subtitle B of title II of that Act.".

(e) PAYMENT.—Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) PARTICIPANT DEBTORS.—

"(1) IN GENERAL.—Paragraphs (2) and (3) shall apply to a debtor who—

"(A) is a participant that has made prior asbestos expenditures (as such terms are defined in the Fairness in Asbestos Injury Resolution Act of 2003); and

"(B) is subject to a case under this title that is pending—

"(i) on the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2003; or

"(ii) at any time during the 1 year period preceding the date of enactment of that Act.

"(2) TIER I DEBTORS.—A debtor that has been assigned to tier I under section 202 of the Fairness in Asbestos Injury Resolution Act of 2003 shall make payments in accordance with sections 202 and 203 of that Act.

"(3) TREATMENT OF PAYMENT OBLIGATIONS.—All payment obligations of a debtor under sections 202 and 203 of the Fairness in Asbestos Injury Resolution Act of 2003 shall—

"(A) constitute costs and expenses of administration of a case under section 503 of this title;

"(B) notwithstanding any case pending under this title, be payable in accordance with section 202 of that Act;

"(C) not be stayed;

"(D) not be affected as to enforcement or collection by any stay or injunction of any court; and

"(E) not be impaired or discharged in any current or future case under this title.".

(f) TREATMENT OF TRUSTS.—Section 524 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(j) ASBESTOS TRUSTS.—

"(1) IN GENERAL.—A trust shall assign a portion of the corpus of the trust to the Asbestos Injury Claims Resolution Fund (referred to in this subsection as the 'Fund') as is required under section 202 of the Fairness in Asbestos Injury Resolution Act of 2003 if—

"(A) the trust was formed prior to October 22, 1994; and

"(B) the trust qualifies as a "trust" under section 201 of that Act.

"(2) TRANSFER OF TRUST ASSETS.—

"(A) IN GENERAL.—Except as provided under subparagraphs (B) and (C), the assets in any trust established to provide compensation for asbestos claims (as defined in section 3 of the FAIR Act of 2003) shall be transferred to

the Fund not later than 6 months after the date of enactment of the FAIR Act of 2003. Except as provided under subparagraph (B), the Administrator of the Fund shall accept such assets and utilize them for any purposes of the Fund under section 223 of such Act, including the payment of claims for compensation under such Act to beneficiaries of the trust from which the assets were transferred. After such transfer, each trustee of such trust shall have no liability to any beneficiary of such trust.

"(B) AUTHORITY TO REFUSE ASSETS.—The Administrator of the Fund may refuse to accept any asset that the Administrator determines may create liability for the Fund in excess of the value of the asset.

"(C) ALLOCATION OF TRUST ASSETS.—If a trust under subparagraph (A) has beneficiaries with claims that are not asbestos claims, the assets transferred to the Fund under subparagraph (A) shall not include assets allocable to such beneficiaries. The trustees of any such trust shall determine the amount of such trust assets to be reserved for the continuing operation of the trust in processing and

paying claims that are not asbestos claims. Such reserved amount shall not be greater than 3 percent of the total assets in the trust and shall not be transferred to the Fund.

"(D) SALE OF FUND ASSETS.—The investment requirements under section 222 of the FAIR Act of 2003 shall not be construed to require the Administrator of the Fund to sell assets transferred to the Fund under subparagraph (A).

"(E) LIQUIDATED CLAIMS.—A trust shall not make any payment relating to asbestos claims unless such claims were liquidated before the date of enactment of the FAIR Act of 2003.

"(3) INJUNCTION.—Any injunction issued as part of the formation of a trust described in paragraph (1) shall remain in full force and effect until the assignment required under paragraph (1) has been made.".

(g) NO AVOIDANCE OF TRANSFER.—Section 546 of title 11, United States Code, is amended by adding at the end the following:

"(h) Notwithstanding the rights and powers of a trustee under section 544, 545, 547, 548, 549, and 550

of this title, if a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003), the trustee may not avoid a transfer made by the debtor pursuant to its payment obligations under sections 202 or 203 of that Act.''.

(h) CONFIRMATION OF PLAN.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

''(14) If the debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003), the plan provides for the continuation after its effective date of payment of all payment obligations under title II of that Act.''.

SEC. 403. EFFECT ON OTHER LAWS AND EXISTING CLAIMS.

(a) EFFECT ON FEDERAL AND STATE LAW.—The provisions of this Act shall supersede any and all State and Federal laws insofar as they may relate to any asbestos claim filed under this Act.

(b) EXCLUSIVE REMEDY.—The remedies provided under this Act shall be the exclusive remedy for any asbestos claim under any Federal or State law.

(c) BAR ON ASBESTOS CLAIMS.—

(1) IN GENERAL.—No asbestos claim may be pursued in any State or Federal court, except for

enforcement of claims for which a final judgment is entered before the date of enactment of this Act.

(2) PREEMPTION.—Any action asserting an asbestos claim in a court of any State, except actions for which final judgment are entered before the date of enactment of this Act, is preempted by this Act.

(3) DISMISSAL.—No judgment other than a judgment of dismissal may be entered in any such action, including an action pending on appeal, or on petition or motion for discretionary review, on or after the date of enactment of this Act. A court may dismiss any such action on its motion. If the district court denies the motion to dismiss, it shall stay further proceedings until final disposition of any appeal taken under this Act.

(4) REMOVAL.—

(A) IN GENERAL.—If an action under paragraph (2) is not dismissed, or if an order entered after the date of enactment of this Act purporting to enter judgment or deny review is not rescinded and replaced with an order of dismissal within 30 days after the filing of a motion by any party to the action advising the court of the provisions of this Act, any party may remove the case to the district court of the

United States for the district in which such action is pending.

(B) TIME LIMITS.—For actions originally filed after the date of enactment of this Act, the notice of removal shall be filed within the time limits specified in section 1441(b) of title 28, United States Code.

(C) PROCEDURES.—The procedures for removal and proceedings after removal shall be in accordance with sections 1446 through 1450 of title 28, United States Code, except as may be necessary to accommodate removal of any actions pending (including on appeal) on the date of enactment of this Act.

(D) JURISDICTION.—The jurisdiction of the district court shall be limited to—

(i) determining whether removal was proper; and

(ii) ruling on a motion to dismiss based on this Act.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>
Sent: 5/19/2003 3:50:47 PM
Subject: : Re: List of groups
Attachments: P_G2WJG003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAY-2003 19:50:47.00
SUBJECT:: Re: List of groups
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> ("Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Tim and Matt: Can you reply to Rena? Thanks.

"Comisac, RenaJohnson (Judiciary)"
<Rena_Johnson_Comisac@Judiciary.senate.gov>
05/19/2003 07:49:07 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: List of groups

Can you (or someone else) send me a list of the groups that you usually invite to the coalitions meetings along with the names of their representatives and contact information? Thanks.

CONFIDENTIALITY NOTE: The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_G2WJG003_WHO.TXT_1>

Can you (or someone else) send me a list of the groups that you usually invite to the coalitions meetings along with the names of their representatives and contact information? Thanks.

CONFIDENTIALITY NOTE: The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

From: Montgomery, Brian D.
To: <Kavanaugh, Brett M.>;<Hughes, Taylor A.>;<Everson, Nanette>
Sent: 5/19/2003 8:22:27 PM
Subject: RE: returned call; I am at 67984

Also:

- I introduce you and Nanette
- You guys are on from 1:30-2 in Room 450, EEOB; try to arrive 10 minutes early
- John Bridgeland follows you
- Ask for Christie Parell, Carmen Ingwell or me (at check-in table)
- 75 regional political appointees, mostly SES or GS-13-15
- Another 15-20 senior agency personnel
- Average age is 40+ (definitely a seasoned group)
- 20 minutes for presentation, 10 minutes for Q&A

I appreciate your participation!

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Monday, May 19, 2003 7:29 PM

To: Hughes, Taylor A.; Montgomery, Brian D.

Subject: returned call; I am at 67984

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 5/19/2003 8:48:13 PM
Subject:

Alicia is going to call you re Specter.

From: Kirk Blalock <kblalock@fierce-isakowitz.com>
To: <Schacht, Diana L.>;<Kavanaugh, Brett M.>;<Warsh, Kevin>
CC: Mike Meece <mmeece@doc.gov>;<Kirk, Matthew>
Sent: 5/20/2003 7:49:05 AM
Subject: Hatch Asbestos Discussion Draft for the Congressional Record
Attachments: MDM03_438.pdf

108TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fairness in Asbestos Injury Resolution Act of 2003" or the "FAIR Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—United States Court of Asbestos Claims

Sec. 101. Establishment of Asbestos Court.

Subtitle B—Asbestos Injury Claims Resolution Procedures

Sec. 111. Filing of claims.
Sec. 112. General rule concerning no-fault compensation.
Sec. 113. Essential elements of eligible asbestos claim.
Sec. 114. Eligibility determinations and claim awards.
Sec. 115. Medical evidence auditing procedures.
Sec. 116. Claimant assistance program.

Subtitle C—Medical Criteria

Sec. 121. Essential elements of eligible asbestos claim.
Sec. 122. Diagnostic criteria requirements.
Sec. 123. Latency criteria requirements.
Sec. 124. Medical criteria requirements.
Sec. 125. Exposure criteria requirements.

Subtitle D—Awards

Sec. 131. Amount.
Sec. 132. Medical monitoring.
Sec. 133. Payments.
Sec. 134. Reduction in benefit payments for collateral sources.

Subtitle E—En Banc Review

Sec. 141. En banc review.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

Sec. 201. Definitions.
Sec. 202. Authority and tiers.
Sec. 203. Subtier assessments.
Sec. 204. Assessment administration.

Subtitle B—Asbestos Insurers Commission

Sec. 211. Establishment of Asbestos Insurers Commission.
Sec. 212. Duties of Asbestos Insurers Commission.
Sec. 213. Powers of Asbestos Insurers Commission.
Sec. 214. Personnel matters.
Sec. 215. Nonapplication of FOIA and confidentiality of information.
Sec. 216. Termination of Asbestos Insurers Commission.
Sec. 217. Authorization of appropriations.

Subtitle C—Office of Asbestos Injury Claims Resolution

Sec. 221. Establishment of the Office of Asbestos Injury Claims Resolution.
Sec. 222. Powers of the Administrator and management of the Fund.
Sec. 223. Asbestos Injury Claims Resolution Fund.
Sec. 224. Enforcement of contributions.

Sec. 225. Additional contributing participants.

TITLE III—JUDICIAL REVIEW

Sec. 301. Judicial review of decisions of the Asbestos Court.
Sec. 302. Judicial review of final determinations of the Asbestos Insurers Commission.
Sec. 303. Exclusive review.
Sec. 304. Private right of action against reinsurers.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. False information.
Sec. 402. Effect on bankruptcy laws.
Sec. 403. Effect on other laws and existing claims.

SEC. 2. PURPOSE.

The purpose of this Act is to create a privately funded, publicly administered fund to provide the necessary resources for an asbestos injury claims resolution program.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Asbestos Injury Claims Resolution appointed under section 221(c).

(2) ASBESTOS.—The term ''asbestos'' includes—

(A) chrysotile;

(B) amosite;

(C) crocidolite;

(D) tremolite;

(E) winchite;

(F) richterite;

(G) anthophyllite;

(H) actinolite;

(I) any of the minerals listed under subparagraphs (A) through (H) that has been chemically treated or altered, and any variety, type, or component thereof; and

(J) asbestos-containing material, such as asbestos-containing products, automotive or industrial parts or components, equipment, improvements to real property, and any other material that contains asbestos in any physical or chemical form.

(3) ASBESTOS CLAIM.—

(A) IN GENERAL.—The term ''asbestos claim'' means any personal injury claim for damages or other relief presented in a civil action or bankruptcy proceeding, arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium, wrongful death, and any derivative claim made by, or on behalf of, any exposed person or any representative, spouse, parent, child or other relative of any exposed person.

(B) EXCLUSION.—The term does not include claims for benefits under a workers' compensation law or veterans' benefits program, or

claims brought by any person as a subrogee by virtue of the payment of benefits under a workers' compensation law.

(4) ASBESTOS CLAIMANT.—The term "asbestos claimant" means an individual who files an asbestos claim under section 111.

(5) ASBESTOS COURT; COURT.—The terms "Asbestos Court" or "Court" means the United States Court of Asbestos Claims established under section 101.

(6) CIVIL ACTION.—The term "civil action" means all suits of a civil nature in State or Federal court, whether cognizable as cases at law or in equity or in admiralty, but does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(7) COLLATERAL SOURCE.—The term "collateral source" means all collateral sources, including—

(A) disability insurance;

(B) health insurance;

(C) medicare;

(D) medicaid;

(E) death benefit programs;

(F) defendants;

(G) insurers of defendants; and

(H) compensation trusts.

(8) ELIGIBLE DISEASE OR CONDITION.—The term ''eligible disease or condition'' means, to the extent that the illness meets the medical criteria requirements established under subtitle C of title I, asbestosis/pleural disease, severe asbestosis disease, mesothelioma, lung cancer I, lung cancer II, other cancers, and qualifying non-malignant asbestos-related diseases.

(9) FUND.—The term ''Fund'' means the Asbestos Injury Claims Resolution Fund established under section 223.

(10) LAW.—The term ''law'' includes all law, judicial or administrative decisions, rules, regulations, or any other principle or action having the effect of law.

(11) PARTICIPANT.—The term ''participant'' means any person subject to the funding requirements of title II, including—

(A) any defendant participant subject to an assessment for contribution under subtitle A of that title; and

(B) any insurer participant subject to an assessment for contribution under subtitle B of that title.

(12) PERSON.—The term ''person''—

(A) means an individual, trust, firm, joint stock company, partnership, association, insurance company, reinsurance company, or corporation; and

(B) does not include the United States, any State or local government, or subdivision thereof, including school districts and any general or special function governmental unit established under State law.

(13) STATE.—The term ''State'' means any State of the United States and also includes the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(14) VETERANS' BENEFITS PROGRAM.—The term ''veterans' benefits program'' means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(15) WORKER'S COMPENSATION LAW.—The term ''worker's compensation law''—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. sections 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers' Liability Act, or damages recovered by any employee in a liability action against an employer.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—United States Court of Asbestos Claims

SEC. 101. ESTABLISHMENT OF ASBESTOS COURT.

(a) IN GENERAL.—Part I of title 28, United States Code, is amended by inserting after chapter 7 the following:

"CHAPTER 9—UNITED STATES COURT OF ASBESTOS CLAIMS

"Sec.
"201. Establishment of the United States Court of Asbestos Claims.
"202. Magistrates.
"203. Retirement of judges of the United States Court of Asbestos Claims.

"§ 201. Establishment of the United States Court of Asbestos Claims

"(a) ESTABLISHMENT AND APPOINTMENT OF JUDGES.—

"(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 5 judges, who shall constitute a court of record known as the United States Court of Asbestos Claims.

"(2) ARTICLE I COURT.—The Court of Asbestos Claims is declared to be a court established under article I of the Constitution of the United States.

"(b) TERM; REMOVAL; COMPENSATION.—

"(1) TERM.—Each judge appointed under subsection (a) shall serve for a term of 15 years, except that judges initially appointed shall serve for staggered terms as the President shall determine appropriate to assure continuity.

"(2) REMOVAL.—Judges may be removed by the President only for good cause.

"(3) COMPENSATION.—Each judge shall receive a salary at the rate of pay, and in the same manner, as judges of the district courts of the United States.

"(c) CHIEF JUDGE.—

"(1) IN GENERAL.—The President shall designate 1 of the judges appointed under subsection (b)(1), who is less than 70 years of age, to serve as chief judge.

"(2) TERM.—The chief judge may continue to serve as such until—

"(A) he or she reaches the age of 70 years;

"(B) another judge is designated as chief judge by the President; or

"(C) the expiration of his or her term under subsection (b)(1).

"(3) CONTINUITY OF SERVICE.—Upon the designation by the President of another judge to serve as chief judge, the former chief judge may continue to serve as a judge of the Court of Asbestos Claims for the balance of the term to which he or she was appointed.

"(4) POWERS OF CHIEF JUDGE.—The chief judge is authorized to—

"(A) prescribe rules and procedures for hearings and appeals of the Court of Asbestos Claims and its magistrates;

"(B) appoint magistrates;

"(C) appoint or contract for the services of such personnel as may be necessary and appropriate to carry out the responsibilities of the Court of Asbestos Claims; and

"(D) make such expenditures as may be necessary and appropriate in the administration of the responsibilities of the Court of Asbestos Claims and the chief judge under this chapter and the Fairness in Asbestos Injury Resolution Act of 2003.

"(d) TIME AND PLACES OF HOLDING COURT.—

"(1) IN GENERAL.—The principal office of the Court of Asbestos Claims shall be in the District of Columbia, but the Court of Asbestos Claims may hold court at such times and in such places as the chief judge may prescribe by rule.

"(2) LIMITATION.—The times and places of the sessions of the Court of Asbestos Claims shall be prescribed with a view to securing reasonable opportunity to citizens to appear before the Court of Asbestos Claims.

"(e) OFFICIAL DUTY STATION; RESIDENCE.—

"(1) DUTY STATION.—The official duty station of each judge of the Court of Asbestos Claims is the District of Columbia.

"(2) RESIDENCE.—After appointment and while in active service, each judge of the Court of Asbestos Claims shall reside within 50 miles of the District of Columbia.

"§ 202. Magistrates

"(a) APPOINTMENT.—The chief judge shall appoint such magistrates as necessary to facilitate the expeditious processing of claims.

"(b) COMPENSATION.—The compensation of magistrates shall be determined by the chief judge, but shall not exceed the annual rate of basic pay of level V of the Executive Schedule, as prescribed by section 5316 of title 5.

"(c) RETIREMENT.—For purposes of Federal laws relating to retirement, including chapters 83 and 84 of title 5, magistrates appointed under this section shall be deemed to be appointed under section 631 of this title.

"(d) REGULATIONS.—Except as provided under subsection (c), chapter 43 shall not apply to magistrates appointed under this chapter, except the chief judge may

prescribe rules similar to the provisions of chapter 43 to apply to magistrates.

"§ 203. Retirement of judges of the United States Court of Asbestos Claims

"(a) IN GENERAL.—For purposes of Federal laws relating to retirement, judges of the Court of Asbestos Claims shall be treated in the same manner and to the same extent as judges of the Court of Federal Claims.

"(b) REGULATIONS.—In carrying out this section—

"(1) the Director of the Administrative Office of the United States Courts shall promulgate regulations to apply provisions similar to section 178 of this title (including the establishment of a Court of Asbestos Claims Judges Retirement Fund) to judges of the Court of Asbestos Claims; and

"(2) the Director of the Office of Personnel Management shall promulgate regulations to apply chapters 83 and 84 of title 5 to judges of the Court of Asbestos Claims.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 28, United States Code, is amended by striking the item relating to chapter 9, and inserting after the item relating to chapter 7 the following:

"9. United States Court of Asbestos Claims.".

Subtitle B—Asbestos Injury Claims Resolution Procedures

SEC. 111. FILING OF CLAIMS.

(a) WHO MAY SUBMIT.—

(1) GENERAL RULE.—Any individual who has suffered from an eligible disease or condition that is believed to meet the requirements established under subtitle C (or the spouse, parent, child, or other relative of such individual in a representative capacity, or the executor of the estate of such individual) may file a claim with the Asbestos Court for compensation with respect to such injury.

(2) RULES.—The Asbestos Court may issue procedural rules to specify individuals who may file an asbestos claim as a representative of another individual.

(3) LIMITATION.—An asbestos claim may not be filed by any person seeking contribution or indemnity.

(b) REQUIRED INFORMATION.—To be valid, an asbestos claim filed under subsection (a) shall be notarized and include—

(1) the name, social security number, gender, date of birth, and, if applicable, date of death of the claimant;

(2) information relating to the identity of dependents and beneficiaries of the claimant;

(3) a detailed description of the work history of the claimant, including social security records or a signed release permitting access to such records;

(4) a detailed description of the asbestos exposure of the claimant, including information on the identity of any product or manufacturer, site, or location of exposure, plant name, and duration and intensity of exposure;

(5) a detailed description of the tobacco product use history of the claimant, including frequency and duration;

(6) an identification and description of the asbestos-related diseases of the claimant, including a written report by the claimant's physician with medical diagnoses and test results necessary to make a determination of medical eligibility that complies with the applicable requirements of this subtitle and subtitle C;

(7) a description of any prior or pending civil action or other claim brought by the claimant for asbestos-related injury, including an identification of any recovery of compensation or damages through settlement, judgment, or otherwise; and

(8) any other information that is required to be included under procedural rules issued by the Court.

(c) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), if an individual fails to file an asbestos claim with the Asbestos Court under this section within 2 years after the date on which the individual first—

(A) received a medical diagnosis of an eligible disease or condition as provided for under this subtitle and subtitle C; or

(B) discovered facts that would have led a reasonable person to obtain a medical diagnosis with respect to an eligible disease or condition,

any claim relating to that injury, and any other asbestos claim related to that injury, shall be extinguished, and any recovery thereon shall be prohibited.

(2) EFFECT ON PENDING CLAIMS.—If an asbestos claimant has any claim for an asbestos-related injury that is pending in a Federal or State court or with a trust established under title 11, United States Code, on the date of enactment of this Act, such claimant shall file an asbestos claim under this section within 2 years after such date of enactment

or be barred from receiving any compensation under this title.

(3) EFFECT OF MULTIPLE INJURIES.—An asbestos claimant who receives compensation under this title for an eligible disease or condition, and who subsequently develops another such injury, shall be eligible for additional compensation under this title (subject to appropriate setoffs for such prior recovery of compensation under this title and from any other collateral source) and the statute of limitations under paragraph (1) shall not begin to run with respect to such subsequent injury until such claimant obtains a medical diagnosis of such other injury or discovers facts that would have led a reasonable person to obtain such a diagnosis.

(4) RULE OF CONSTRUCTION.—Paragraph (2) shall be interpreted as a statute of limitations and be construed to the benefit of the Fund and of any person who might otherwise have been made subject to an asbestos claim to which such paragraph is applied.

SEC. 112. GENERAL RULE CONCERNING NO-FAULT COMPENSATION.

An asbestos claimant shall not be required to demonstrate that the asbestos-related injury for which the

claim is being made resulted from the negligence or other fault of any other person.

SEC. 113. ESSENTIAL ELEMENTS OF ELIGIBLE ASBESTOS CLAIM.

To be eligible for compensation under this subtitle for an asbestos-related injury, an individual shall—

(1) file an asbestos claim in a timely manner in accordance with section 111; and

(2) prove, by a preponderance of the evidence that—

(A) the claimant suffers from an eligible disease or condition, as demonstrated by evidence (submitted as part of the claim) that meets the medical criteria requirements and diagnostic criteria requirements established under subtitle C; and

(B) the claimant meets the latency criteria requirements and the exposure criteria requirements established under subtitle C.

SEC. 114. ELIGIBILITY DETERMINATIONS AND CLAIM AWARDS.

(a) CLAIMS EXAMINERS.—

(1) IN GENERAL.—The Asbestos Court shall appoint, or contract for the services of, qualified in-

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dividuals to assist magistrates by conducting eligibility reviews of asbestos claims filed with the Court.

(2) CRITERIA.—The Asbestos Court shall establish criteria with respect to the qualifications of individuals who are eligible to serve as claims examiners and, in developing such criteria, shall consult with such experts as the Court determines appropriate.

(b) REFERRAL OF ASBESTOS CLAIM.—Not later than 20 days after the filing of an asbestos claim with the Asbestos Court, the Court shall refer such claim to a magistrate.

(c) INITIAL REVIEW.—

(1) IN GENERAL.—Under the direction of a magistrate, a claims examiner shall make an initial review of an asbestos claim to determine whether all required information has been submitted by the claimant.

(2) NOTICE OF INCOMPLETE CLAIM.—If the claims examiner determines that all required information has not been submitted, the examiner—

(A) shall notify the claimant of such determination and require the submission of additional information necessary for a determination of eligibility;

(B) may compel the submission of any additional information;

(C) may request that the claimant undergo additional medical examinations and tests if information from such examinations or tests is necessary to enable the examiner to make a determination of medical eligibility; and

(D) may require any releases necessary to enable the examiner to obtain medical or other information relevant to the determination of eligibility.

(d) EXPEDITIOUS DETERMINATIONS.—The Asbestos Court shall prescribe rules to expedite claims for asbestos claimants with exigent circumstances.

(e) AUDIT AND PERSONNEL REVIEW PROCEDURES.—The Asbestos Court shall establish audit and personnel review procedures for evaluating the accuracy of eligibility recommendations of magistrates.

(f) ELIGIBILITY DETERMINATIONS.—

(1) IN GENERAL.—Not later than 60 days after the receipt by a magistrate of all required information and requested medical advice with respect to an asbestos claim, the magistrate shall transmit a recommendation of the compensation to which the

claimant is entitled and findings of fact to a judge of the Asbestos Court.

(2) ADMISSIBILITY OF FINDINGS OF FACT.—A determination under paragraph (1) shall include relevant findings of fact and shall be admissible as evidence in any judicial review.

(g) DECISION OF JUDGE.—

(1) IN GENERAL.—Not later than 30 days after receipt of a recommendation of a magistrate, a judge of the Asbestos Court shall make a final decision of any compensation to which the claimant is entitled.

(2) WAIVER OF JUDICIAL REVIEW.—The final decision under paragraph (1) shall include an acceptance form by which the claimant may waive the right to judicial review and expedite payment of compensation from the Fund.

(h) AWARDING OF COMPENSATION.—

(1) IN GENERAL.—If a judge of the Asbestos Court determines that an asbestos claimant is entitled to compensation, the Court shall notify the Administrator to award the claimant compensation from the Fund in the amount of the judge's decision.

(2) CLAIM EXTINGUISHED.—The acceptance of a payment under this Act shall extinguish all claims related to such payment.

SEC. 115. MEDICAL EVIDENCE AUDITING PROCEDURES.

(a) DEVELOPMENT.—The Asbestos Court shall develop methods for auditing the medical evidence submitted as part of an asbestos claim, including methods to ensure the independent reading of x-rays and results of pulmonary function tests. The Court may develop additional methods for auditing other types of evidence or information received by the Court.

(b) REFUSAL TO CONSIDER CERTAIN EVIDENCE.—

(1) IN GENERAL.—If the Asbestos Court determines that an audit conducted in accordance with the methods developed under subsection (a) demonstrates that the medical evidence submitted by a specific physician or medical facility is not consistent with prevailing medical practices or the applicable requirements of this Act, the Court shall notify claims examiners and the magistrates that any medical evidence from such physician or facility shall be unacceptable for purposes of establishing eligibility for compensation under this Act.

(2) NOTIFICATION.—Upon a determination by the Asbestos Court under paragraph (1), the Court

shall notify the physician or medical facility involved of the results of the audit. Such physician or facility shall have a right to appeal the determination of the Court under procedures issued by the Court.

SEC. 116. CLAIMANT ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—The Asbestos Court shall establish an asbestos claimant assistance program to provide assistance to claimants in preparing and submitting asbestos claim applications and in responding to claimant inquiries.

(b) LEGAL ASSISTANCE.—

(1) IN GENERAL.—As part of the program established under subsection (a), the Asbestos Court shall establish a legal assistance program to provide assistance to asbestos claimants concerning legal representation issues.

(2) LIST OF QUALIFIED ATTORNEYS.—As part of the program, the Court shall maintain a roster of qualified attorneys who have agreed to provide pro bono services to asbestos claimants under rules established by the Court. The claimants shall not be required to use the attorneys listed on such roster.

Subtitle C—Medical Criteria

SEC. 121. ESSENTIAL ELEMENTS OF ELIGIBLE ASBESTOS CLAIM.

To be eligible for compensation under this title for an asbestos-related injury, an individual shall—

(1) file an asbestos claim under this title in a timely manner; and

(2) prove, by a preponderance of the evidence that—

(A) the claimant suffers from an eligible disease or condition, as demonstrated by evidence (submitted as part of the claim) that meets the diagnostic criteria requirements described in section 122 and the medical criteria requirements described in section 124; and

(B) the claimant meets the latency criteria requirements described in section 123 and the exposure criteria requirements described in section 125.

SEC. 122. DIAGNOSTIC CRITERIA REQUIREMENTS.

(a) IN GENERAL.—To be eligible to receive compensation under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall demonstrate a medical diagnosis that meets the requirements of this section.

(b) DIAGNOSIS.—A medical diagnosis meets the requirements of this section if the diagnosis—

(1) is made by a physician who—

(A) treated, or is treating, the claimant;

(B) conducted an in-person medical examination of the claimant; and

(C) is licensed to practice medicine in the State in which the examination occurred and in which the diagnosis is rendered;

(2) includes a review by the physician of the work history, asbestos exposure pattern, and smoking history of the claimant, or other factors determined appropriate by the Asbestos Court;

(3) is independently verified with respect to the duration, proximity, regularity, and intensity of the asbestos exposure involved; and

(4) has excluded other more likely causes of the injury of the claimant.

(c) RESULTS OF MEDICAL EXAMINATIONS AND TESTS.—

(1) IN GENERAL.—In making the demonstration required under subsection (a), an asbestos claimant shall submit—

(A) x-rays (including both films and B-reader reports);

(B) detailed results of pulmonary function tests (including spirometric tracings);

(C) laboratory tests; and

(D) the results of medical examination or reviews of other medical evidence.

(2) PROCEDURAL REQUIREMENTS.—A submission under paragraph (1) shall comply with the requirements of this Act and recognized medical standards regarding equipment, testing methods, and procedures to ensure that such medical evidence is reliable.

(d) SUFFICIENCY OF MEDICAL EVIDENCE.—In making determinations under this section, a magistrate shall not make a determination unless the medical evidence provided in support of the asbestos claim is credible and consistent with this section, the medical criteria described in section 124, and recognized medical standards.

(e) ATTORNEY RETENTION AGREEMENTS.—An attorney retention agreement shall not be required as a prerequisite to a medical examination or medical screening for purposes of obtaining a medical diagnosis or other medical information under this section.

(f) RULES.—The Asbestos Court shall prescribe rules to implement the diagnostic criteria requirements to be used in applying this section.

SEC. 123. LATENCY CRITERIA REQUIREMENTS.

(a) IN GENERAL.—To be eligible to receive compensation under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall demonstrate that the claimant was exposed to asbestos—

(1) in a manner that meets the exposure requirements of sections 124 and 125;

(2) within the United States or its territories or possessions; and

(3) for at least 10 years before the initial diagnosis of any asbestos-related injury.

(b) CONSISTENCY WITH MEDICAL CRITERIA.—An asbestos claimant shall be required to demonstrate that any delay between asbestos exposure and the asbestos-related injury is consistent with medical criteria concerning the latency periods typically associated with the disease category for which the claim is being made.

(c) VARIATIONS IN LATENCY PERIODS.—Latency periods under this section may vary based on the eligible disease or condition involved.

(d) RULES.—The Asbestos Court shall prescribe rules, based on the medical literature or other appropriate medical evidence concerning latency periods, for the purpose of implementing the criteria used in applying this section.

SEC. 124. MEDICAL CRITERIA REQUIREMENTS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) BILATERAL ASBESTOS-RELATED NONMALIGNANT DISEASE.—The term ''bilateral asbestos-related nonmalignant disease'' means a diagnosis of bilateral asbestos-related nonmalignant disease based on—

(A) an x-ray reading of 1/0 or higher on the ILO scale; or

(B) an x-ray showing bilateral pleural plaques or pleural thickening, bilateral interstitial fibrosis, or bilateral interstitial markings.

(2) BILATERAL PLEURAL DISEASE OF B2.—The term ''bilateral pleural disease of B2'' means a chest wall pleural thickening or plaque with a maximum width of at least 5 millimeters and a total length of at least ¼ of the projection of the lateral chest wall.

(3) FEV1.—The term ''FEV1'' means forced expiratory volume (1 second), which is the maximal volume of air expelled in 1 second during performance of the spirometric test for forced vital capacity.

(4) FVC.—The term ''FVC'' means forced vital capacity, which is the maximal volume of air expired with a maximally forced effort from a position of maximal inspiration.

(5) ILO GRADE.—The term ''ILO grade'' means the radiological ratings for the presence of lung or pleural changes as determined from a chest x-ray, all as established from time to time by the International Labor Organization.

(6) PATHOLOGICAL EVIDENCE OF ASBESTOSIS.—The term ''pathological evidence of asbestosis'' means proof of asbestosis based on the pathological grading system for asbestosis described in the Special Issue of the Archives of Pathology and Laboratory Medicine, ''Asbestos-associated Diseases'', Vol. 106, No. 11, App. 3 (October 8, 1982).

(7) PULMONARY FUNCTION TESTING.—The term ''pulmonary function testing'' means spirometry testing that is in compliance with the quality criteria established from time to time by the American Thoracic Society and is performed on equipment which is in compliance with the standards of the American Thoracic Society for technical quality and calibration.

(8) SIGNIFICANT OCCUPATIONAL EXPOSURE.—The term ''significant occupational exposure'' means employment for a cumulative period of at least 5 years, in an industry and an occupation in which the claimant—

(A) handled raw asbestos fibers on a regular basis;

(B) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to raw asbestos fibers;

(C) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to asbestos fibers; or

(D) was employed in an industry and occupation such that the claimant worked on a regular basis in close proximity to workers engaged in the activities described under subparagraph (A), (B), or (C).

(9) TLC.—The term ''TLC'' means total lung capacity, which is the volume of air in the lung after maximal inspiration.

(b) REQUIREMENT.—To be eligible for compensation or medical monitoring reimbursement under this title, a claimant shall establish that the claimant meets the medical criteria for 1 of the following categories:

(1) For Level I: Asymptomatic Exposure, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a bilateral asbestos-related nonmalignant disease or an asbestos-related malignancy; and

(B) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) 5 years cumulative occupational exposure to asbestos.

(2) For Level II: Asbestosis/Pleural Disease A, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of asbestosis by chest x-rays for which a B-reader report is furnished showing small irregular opacities of ILO Grade 1/0 or greater, or showing bilateral pleural disease of B2 or greater, or by pathological evidence of asbestosis; and

(B) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(3) For Level III: Asbestosis/Pleural Disease B, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of asbestosis by chest x-rays for which a B-reader report is furnished showing small irregular opacities of ILO Grade 1/0 or greater, or showing bilateral pleural disease of B2 or greater, or by pathological evidence of asbestosis;

(B) pulmonary function testing that shows—

(i) TLC less than 80 percent of predicted; or

(ii) FVC less than 80 percent of predicted, and a FEV1/FVC ratio of not less than 65 percent; and

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(4) For Level IV: Severe Asbestosis, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of asbestosis by chest x-rays for which a B-reader report is furnished showing small irregular opacities of ILO Grade

2/1 or greater, or by pathological evidence of asbestosis;

(B) pulmonary function testing that shows—

(i) TLC less than 65 percent of predicted; or

(ii) FVC less than 65 percent of predicted, and a FEV1/FVC ratio greater than 65 percent; and

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(5) For Level V: Other Cancer, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a primary laryngeal, esophageal, pharyngeal, or stomach cancer;

(B) evidence of an underlying bilateral asbestos-related nonmalignant disease; and

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(6) For Level VI: Lung Cancer One, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a primary lung cancer; and

(B) meaningful and credible evidence of 6 months of occupational exposure to asbestos before December 31, 1982.

(7) For Level VII: Lung Cancer Two, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a primary lung cancer;

(B) evidence of an underlying bilateral asbestos-related nonmalignant disease;

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure; and

(D) supporting medical documentation and certification by or on behalf of the claimant establishing asbestos exposure as a contributing factor causing the relevant lung cancer.

(8) For Level VIII: Mesothelioma, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of mesothelioma; and

(B) meaningful and credible evidence of exposure to asbestos.

SEC. 125. EXPOSURE CRITERIA REQUIREMENTS.

(a) REQUIREMENT.—To be eligible to receive compensation under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall contain information to demonstrate that the claimant meets the minimum exposure requirements under this subtitle.

(b) BURDEN OF PROOF.—

(1) IN GENERAL.—An asbestos claimant has the burden of demonstrating meaningful and credible exposure to asbestos for purposes of this subtitle.

(2) EVIDENCE.—The demonstration under paragraph (1) may be established by—

(A) an affidavit submitted by the claimant, a coworker of the claimant, or a family member, in the case of a deceased claimant;

(B) employment records;

(C) invoices;

(D) construction or other similar records; or

(E) other credible evidence.

(c) RULES.—

(1) EXPOSURE INFORMATION.—The Asbestos Court shall issue rules prescribing specific exposure information that shall be submitted to permit the Court to process an asbestos claim and prescribing a proof of claim form. Such rules may provide that a claims examiner or magistrate, as applicable, may require the submission of other or additional evidence of exposure when determined to be appropriate and necessary.

(2) REBUTTABLE PRESUMPTIONS.—The Asbestos Court may prescribe rules identifying specific industries, occupations within those industries, time periods, and employment periods for which significant occupational exposure (as defined under section 124) may be a rebuttable presumption for asbestos claimants who provide meaningful and credible evidence that the claimant worked in that industry and occupation for the requisite period of time. The Administrator may provide evidence to rebut this presumption.

Subtitle D—Awards

SEC. 131. AMOUNT.

(a) IN GENERAL.—An asbestos claimant who meets the requirements of section 113 shall be entitled to com-

pensation in an amount determined by reference to the benefit table contained in subsection (b).

(b) BENEFIT TABLE.—

(1) IN GENERAL.—An asbestos claimant with an eligible disease or condition established in accordance with section 124, other than an injury described in paragraph (2), shall be eligible for compensation according to the following schedule:

Level	Scheduled Condition or Disease	Scheduled Value
I	Asymptomatic Exposure	$0
II	Asbestosis/Pleural Disease A	$0
III	Asbestosis/Pleural Disease B	$40,000
IV	Severe Asbestosis	$400,000
V	Other Cancer	$200,000
VI	Lung Cancer I (smoker)	$50,000
VII	Lung Cancer II (non-smoker)	$400,000
VIII	Mesothelioma	$750,000

(2) MEDICAL MONITORING.—An asbestos claimant with asymptomatic exposure or asbestosis/pleural disease A, based on the criteria under section 124(b)(1), shall only be eligible for medical monitoring reimbursement.

SEC. 132. MEDICAL MONITORING.

(a) RELATION TO STATUTE OF LIMITATIONS.—The filing of an asbestos claim that seeks reimbursement for medical monitoring shall not be considered as evidence

that the claimant has discovered facts that would otherwise commence the period applicable for purposes of the statute of limitations under section 111(c).

(b) COSTS.—Reimbursable medical monitoring costs shall include the costs of a claimant not covered by health insurance for x-ray tests and pulmonary function tests every 3 years.

(c) REGULATIONS.—The Administrator shall promulgate regulations that establish—

(1) the reasonable costs for medical monitoring that is reimbursable; and

(2) the procedures applicable to asbestos claimants.

SEC. 133. PAYMENTS.

(a) STRUCTURED PAYMENTS.—

(1) IN GENERAL.—An asbestos claimant who is entitled to compensation shall receive such compensation through structured payments from the Fund, made over a period of not less than 3 years.

(2) ACCELERATED PAYMENTS.—The Administrator shall develop guidelines to provide for accelerated payments to asbestos claimants who are mesothelioma victims and who are alive on the date on which the administrator receives notice of the eligibility of the claimant. Such payments shall be cred-

ited against the first regular payment under the structured payment plan for the claimant.

(3) EXPEDITED PAYMENTS.—The Administrator shall develop guidelines to provide for expedited payments to asbestos claimants in cases of exigent circumstances or extreme hardship caused by asbestos-related injury.

(4) ANNUITY.—An asbestos claimant may elect to receive any payments to which they are entitled under this title in the form of an annuity.

(b) LIMITATION ON TRANSFERABILITY.—An asbestos claim shall not be assignable or otherwise transferable under this Act.

(c) CREDITORS.—An award of compensation under this title shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, and such exemption may not be waived.

(d) TREATMENT FOR INTERNAL REVENUE PURPOSES.—All compensation received under this subtitle shall be deemed to be compensation for personal physical injuries or physical sickness under section 104 of the Internal Revenue Code of 1986.

(e) MEDICARE AS SECONDARY PAYER.—No award of compensation under this title shall be deemed a payment

for purposes of section 1862 of the Social Security Act (42 U.S.C. 1395y).

SEC. 134. REDUCTION IN BENEFIT PAYMENTS FOR COLLATERAL SOURCES.

(a) IN GENERAL.—The amount of compensation otherwise available to an asbestos claimant under this title shall be reduced by the amount of collateral source compensation that the claimant received, or is entitled to receive, for the asbestos-related injury that is the subject of the compensation.

(b) EXCLUSIONS.—In no case shall statutory benefits under workers' compensation laws and veterans benefits programs be deemed as collateral source compensation for purposes of this section.

Subtitle E—En Banc Review

SEC. 141. EN BANC REVIEW.

(a) IN GENERAL.—

(1) EN BANC PANELS.—The chief judge of the Asbestos Court shall—

(A) establish en banc panels to carry out this subtitle; and

(B) assign 3 judges of the Asbestos Court to each en banc panel.

(2) FILING OF APPEAL.—Not later than 30 days after receiving notice of the decision of a judge

under section 114, a claimant may file an appeal for review with an en banc panel of the Asbestos Court.

(b) DE NOVO REVIEW.—An Asbestos Court panel shall provide a de novo review of the magistrate's determination and the judge's decision.

(c) REPRESENTATION OF THE ADMINISTRATOR.—The Administrator may appoint counsel to represent the interests of the Fund and the Administrator in all proceedings before a panel, including oral arguments and the submission of briefs.

(d) FEDERAL RULES OF APPELLATE PROCEDURE.—An Asbestos Court panel shall apply the Federal Rules of Appellate Procedures to all proceedings before the panel.

(e) DECISION OF PANEL.—An Asbestos Court panel shall enter a final decision on an appeal on the earlier date occurring—

(1) not later than 30 days after the date of the conclusion of oral arguments; or

(2) not later than 60 days after an appeal is filed under this section.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

SEC. 201. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) AFFILIATED GROUP.—The term ''affiliated group'' means—

(A) with respect to any nonbankrupt defendant participant that is an ultimate parent or a person whose entire beneficial interest is owned on the date of enactment of this Act, directly or indirectly, by an ultimate parent, that set of nonbankrupt persons including the ultimate parent and all of the nonbankrupt persons whose entire beneficial interest shall be owned on December 31, 2002, directly or indirectly, by that ultimate parent; or

(B) with respect to any bankrupt defendant participant, the debtor and all of its direct and indirect majority owned subsidiaries, whether or not such subsidiaries are debtors.

(2) DEBTOR.—The term ''debtor''—

(A) means all entities that are subject to a case pending under any chapter of title 11,

United States Code, on the date of enactment of this Act; and

(B) shall not include an entity—

(i) subject to chapter 7 of title 11, United States Code, if a final decree closing the estate shall have been entered before the date of enactment of this Act; or

(ii) subject to chapter 11 of title 11, United States Code, if a plan of reorganization for such entity shall have been confirmed by a final judgment.

(3) INDEMNIFIABLE COST.—The term ''indemnifiable cost'' means a cost, expense, debt, judgment, or settlement incurred with respect to an asbestos claim that, at any time before December 31, 2002, was or could have been subject to indemnification, contribution, surety, or guaranty.

(4) INDEMNITEE.—The term ''indemnitee'' means a person against whom any asbestos claim has been asserted before December 31, 2002, who has received from any other person, or on whose behalf a sum has been paid by such other person to any third person, in settlement, judgment, defense, or indemnity in connection with an alleged duty with respect to the defense or indemnification of such

person concerning that asbestos claim, other than under a policy of insurance or reinsurance.

(5) INDEMNITOR.—The term ''indemnitor'' means a person who has paid under a written agreement at any time before December 31, 2002, a sum in settlement, judgment, defense, or indemnity to or on behalf of any person defending against an asbestos claim, in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, except that payments by an insurer or reinsurer under a contract of insurance or reinsurance shall not make the insurer or reinsurer an indemnitor for purposes of this subtitle.

(6) PRIOR ASBESTOS EXPENDITURES.—The term ''prior asbestos expenditures''—

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims against that person;

(B) includes payments made by insurance carriers to or for the benefit of such person or on such person's behalf with respect to such as-

bestos claims, except as provided in section 204(g);

(C) shall not include any payment made by a person in connection with any activities or disputes related to insurance coverage matters for asbestos-related liabilities; and

(D) shall not include any payment made by or on behalf of persons who are common carriers by railroad for asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers' Liability Act, including settlement, judgment, defense, or indemnity costs associated with these claims.

(7) TRUST.—The term ''trust'' means all persons or affiliated groups that formed under section 524(g) of title 11, United States Code, or formed under any plan under section 1129 of title 11, United States Code, for the purpose of administering and paying asbestos claims.

(8) ULTIMATE PARENT.—The term ''ultimate parent'' means a person—

(A) that owns, on the date of enactment of this Act, the entire beneficial interest, directly or indirectly, of at least 1 other person; and

(B) whose entire beneficial interest is not owned, on December 31, 2002, directly or indirectly, by any other single person.

SEC. 202. AUTHORITY AND TIERS.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Administrator shall assess from defendant participants contributions to the Fund in accordance with this section based on tiers and subtiers assigned to defendant participants.

(2) AGGREGATE CONTRIBUTION LEVEL.—The total contribution required of all defendant participants over the life of the Fund shall be equal to $45,000,000,000.

(b) TIER I.—The Administrator shall assign to Tier I all persons that are debtors or affiliated groups that include a person that—

(1) is a debtor on the date of enactment of this Act or at any time during the 1-year period preceding that date; and

(2) have paid a prior asbestos expenditure, irrespective of whether a related case under title 11, United States Code, is dismissed.

(c) TREATMENT OF TIER I BUSINESS ENTITIES IN BANKRUPTCY.—

(1) DEFINED TERM.—In this subsection, the term ''bankrupt business entity'' means a person that is not a natural person that—

(A) filed under chapter 11, of title 11, United States Code, before January 1, 2003;

(B) has not confirmed a plan of reorganization as of the date of enactment of this Act; and

(C) the Chief Executive Officer, Chief Financial Officer, or Chief Legal Officer of that business entity certifies in writing to the bankruptcy court presiding over the business entity's case, that asbestos liability was neither the sole nor precipitating cause for the filing under chapter 11.

(2) PROCEEDING WITH REORGANIZATION PLAN.—A bankrupt business entity may proceed with the filing, solicitation, and confirmation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction under section 524(g) of title 11, United States Code, notwithstanding any other provisions of this Act, if—

(A) the bankruptcy court presiding over the chapter 11 case of the bankrupt business entity determines that—

(i) confirmation is necessary to permit the reorganization of that entity and assure that all creditors and that entity are treated fairly and equitably; and

(ii) confirmation is clearly favored by the balance of the equities; and

(B) an order confirming the plan of reorganization is entered by the bankruptcy court within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown.

(3) APPLICABILITY.—If the bankruptcy court does not make the required determination, or if an order confirming the plan is not entered within 9 months of the effective date of this Act or such longer period of time approved by the bankruptcy court for cause shown, the provisions of the Act shall apply to the bankrupt business entity notwithstanding the certification. Any timely appeal under title 11, United States Code, from a confirmation order entered during the applicable time period shall automatically extend the time during which this Act

is inapplicable to the bankrupt business entity, until the appeal is fully and finally resolved.

(4) OFFSETS.—

(A) PAYMENTS BY INSURERS.—To the extent that a bankrupt business entity successfully confirms a plan of reorganization, including a trust under section 524(g) of title 11, United States Code, and channeling injunction that involves payments by insurers who are otherwise subject to this Act, an insurer who makes payments to the trust under section 524(g) of title 11, United States Code, shall obtain a dollar for dollar reduction in the amount otherwise payable by that insurer under this Act to the Fund.

(B) CONTRIBUTIONS TO FUND.—Any cash payments by a bankrupt business entity, if any, to a trust under section 524(g) of title 11, United States Code, may be counted as a contribution to the Fund.

(d) TIERS II THROUGH VI.—Except as provided in sections 202(b), 204(b), and 204(g), persons or affiliated groups shall be assigned to Tier II, III, IV, V, or VI according to the prior asbestos expenditures paid by such persons or affiliated groups as follows:

(1) Tier II: $75,000,000 or greater.

(2) Tier III: $50,000,000 or greater but less than $75,000,000.

(3) Tier IV: $10,000,000 or greater but less than $50,000,000.

(4) Tier V: $5,000,000 or greater but less than $10,000,000.

(5) Tier VI: $1,000,000 or greater but less than $5,000,000.

(e) ASSIGNMENTS AND COSTS.—

(1) PERMANENT ASSIGNMENT.—Subject to section 204(d), after the Administrator has assigned a person or affiliated group to a tier under this section, such person or affiliated group shall remain in that tier throughout the life of the Fund, regardless of subsequent events, including—

(A) the filing of a petition under a chapter of title 11, United States Code;

(B) a discharge from bankruptcy;

(C) the confirmation of a plan of reorganization; or

(D) the sale or transfer of assets to any other person or affiliated group.

(2) COSTS.—The payment of contributions to the Fund by all persons or affiliated groups that in-

clude a person that is a debtor that is the subject of a case under a chapter of title 11, United States Code, after the date of enactment of this Act—

(A) shall constitute costs and expenses of administration of the case under section 503 of that title 11 and shall be payable in accordance with the payment provisions under this subtitle notwithstanding the pendency of the case under that title 11;

(B) shall not be stayed or affected as to enforcement or collection by any stay or injunction power of any court; and

(C) shall not be impaired or discharged in any current or future case under title 11, United States Code.

(f) SUPERSEDING PROVISIONS.—Any plan of reorganization with respect to any debtor assigned to Tier I and any agreement, understanding, or undertaking by any such debtor or any third party with respect to the treatment of any asbestos claim filed before the date of enactment of this Act and subject to confirmation of a plan under chapter 11 of title 11, United States Code, shall be superseded in their entirety by this Act. Any such plan of reorganization, agreement, understanding, or undertaking by any debtor or any third party shall be of no

force or effect, and no person shall have any rights or claims with respect to any of the foregoing.

SEC. 203. SUBTIER ASSESSMENTS.

(a) IN GENERAL.—

(1) ASSESSMENTS.—Except as provided under subsections (a), (b), (d), (f), and (g) of section 204, the Administrator shall assess contributions to persons or affiliated groups within Tiers I through VII in accordance with this section.

(2) 2002 REVENUES.—The audited consolidated revenue for the year 2002 of each debtor (in this section referred to as "2002 revenues") shall include the revenues for year 2002 of the debtor and all of its affiliated groups. The pro forma revenues of a person or affiliated group that are assigned to Subtier 3 shall not be included in calculating the 2002 revenues of any debtor that is a direct or indirect majority owner of such Subtier 3 person or affiliated group.

(3) GROSS REVENUES.—

(A) IN GENERAL.—For purposes of this section, gross revenues shall be determined in accordance with generally accepted accounting principles, consistently applied, using the amount reported as gross revenues in the an-

nual report filed with the Securities and Exchange Commission in accordance with section 13(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)(2)) for the year ending December 31, 2002, or, if applicable, the earlier fiscal year that ends during calendar year 2002, if such fiscal year is principally employed by the defendant participant.

(B) INSURANCE PREMIUMS.—Any portion of gross revenues of a defendant participant that is derived from insurance premiums shall not be used to calculate the contribution of that defendant participant under this subtitle.

(C) PRIVATELY-HELD COMPANIES.—If the defendant participant is not required to file an earnings report with the Securities and Exchange Commission, gross revenues shall be the amount that the defendant participant would have reported as gross revenues in the event that it had been required to file the report described under subparagraph (A).

(b) TIER I SUBTIERS.—

(1) IN GENERAL.—Except as provided under subsections (a), (b), (d), (f), and (g) of section 204, the Administrator shall assign each person or affili-

ated group in Tier I to 1 of 4 Subtiers. Each person or affiliated group shall make contributions to the Fund as provided under this section.

(2) SUBTIER 1.—

(A) IN GENERAL.—All persons that are debtors or affiliated groups, which include a debtor with prior asbestos expenditures of $10,000,000 or greater, shall be assigned to Subtier 1.

(B) ASSIGNMENT.—Each debtor assigned to Subtier 1 shall make annual payments based on a percentage of its 2002 revenues.

(C) PAYMENT.—Each debtor assigned to Subtier 1 shall pay on an annual basis the following with respect to the year of the establishment of the Fund:

(i) Years 1 through 5, 1.4533 percent of the debtor's 2002 revenues.

(ii) Years 6 through 8, 1.3080 percent of the debtor's 2002 revenues.

(iii) Years 9 through 11, 1.1772 percent of the debtor's 2002 revenues.

(iv) Years 12 through 14, 1.0595 percent of the debtor's 2002 revenues.

(v) Years 15 through 17, 0.9535 percent of the debtor's 2002 revenues.

(vi) Years 18 through 20, 0.8582 percent of the debtor's 2002 revenues.

(vii) Years 21 through 23, 0.7723 percent of the debtor's 2002 revenues.

(viii) Years 24 through 25, 0.6951 percent of the debtor's 2002 revenues.

(3) SUBTIER 2.—

(A) IN GENERAL.—All persons that are debtors or affiliated groups which include a debtor that have no material continuing business operations but hold cash or other assets that have been allocated or earmarked for asbestos settlements shall be assigned to Subtier 2.

(B) ASSIGNMENT OF ASSETS.—Not later than 30 days after the date of enactment of this Act, each person or affiliated group assigned to Subtier 2 shall assign all of its assets to the Fund.

(4) SUBTIER 3.—

(A) IN GENERAL.—All persons that are debtors or affiliated groups that include a debtor, other than those included in Subtier 2,

which have no material continuing business operations and no cash or other assets allocated or earmarked for the settlement of any asbestos claim, shall be assigned to Subtier 3.

(B) ASSIGNMENT OF UNENCUMBERED ASSETS.—Not later than 30 days after the date of enactment of this Act, each person or affiliated group assigned to Subtier 3 shall contribute an amount equal to 50 percent of its total unencumbered assets.

(C) CALCULATION OF UNENCUMBERED ASSETS.—Unencumbered assets shall be calculated as the Subtier 3 person or affiliated group's total assets, excluding insurance related assets, less—

(i) all allowed administrative expenses;

(ii) allowed priority claims under section 507 of title 11, United States Code; and

(iii) allowed secured claims.

(c) TIER II SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier II to 1 of 5 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each con-

tain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest gross revenues assigned to Subtier 1;

(B) those persons or affiliated groups with the next highest gross revenues assigned to Subtier 2;

(C) those persons or affiliated groups with the lowest gross revenues assigned to Subtier 5;

(D) those persons or affiliated groups with the next lowest gross revenues assigned to Subtier 4; and

(E) those persons or affiliated groups remaining assigned to Subtier 3.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $25,000,000.

(B) Subtier 2: $22,500,000.

(C) Subtier 3: $20,000,000.

(D) Subtier 4: $17,500,000.

(E) Subtier 5: $15,000,000.

(d) TIER III SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier III to 1 of 5 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest gross revenues assigned to Subtier 1;

(B) those persons or affiliated groups with the next highest gross revenues assigned to Subtier 2;

(C) those persons or affiliated groups with the lowest gross revenues assigned to Subtier 5;

(D) those persons or affiliated groups with the next lowest gross revenues assigned to Subtier 4; and

(E) those persons or affiliated groups remaining assigned to Subtier 3.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $15,000,000.

(B) Subtier 2: $12,500,000.

(C) Subtier 3: $10,000,000.

(D) Subtier 4: $7,500,000.

(E) Subtier 5: $5,000,000.

(e) TIER IV SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier IV to 1 of 4 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest gross revenues in Subtier 1, those with the lowest gross revenues in Subtier 4. Those persons or affiliated groups with the highest gross revenues among those remaining will be assigned to Subtier 2 and the rest in Subtier 3.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $3,500,000.

(B) Subtier 2: $2,250,000.

(C) Subtier 3: $1,500,000.

(D) Subtier 4: $500,000.

(f) TIER V SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier V to 1

of 3 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest gross revenues in Subtier 1, those with the lowest gross revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $1,000,000.

(B) Subtier 2: $500,000.

(C) Subtier 3: $200,000.

(g) TIER VI SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier VI to 1 of 3 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest gross revenues in Subtier 1, those with the lowest gross revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $500,000.

(B) Subtier 2: $250,000.

(C) Subtier 3: $100,000.

(h) TIER VII.—

(1) IN GENERAL.—Notwithstanding any assignment to Tiers II, III, IV, V, and VI based on prior asbestos expenditures under section 204(g), a person shall be assigned to Tier VII if the person—

(A) is a common carrier by railroad subject to asbestos claims brought under the Federal Employers' Liability Act (45 U.S.C. 51 et seq.); and

(B) have paid not less than $5,000,000 in settlement, judgment, defense, or indemnity costs relating to such claims.

(2) ADDITIONAL AMOUNT.—The contribution requirement for persons assigned to Tier VII shall be in addition to any applicable contribution requirement that such person may be assessed under Tiers II through VI.

(3) SUBTIER 1.—The Administrator shall assign each person or affiliated group in Tier VII with

gross revenues of not less than $5,000,000,000 to Subtier 1 and shall require each such person or affiliated group to make annual payments of $10,000,000 into the Fund.

(4) SUBTIER 2.—The Administrator shall assign each person or affiliated group in Tier VII with gross revenues of less than $5,000,000,000, but not less than $3,000,000,000 to Subtier 2, and shall require each such person or affiliated group to make annual payments of $5,000,000 into the Fund.

(5) SUBTIER 3.—The Administrator shall assign each person or affiliated group in Tier VII with gross revenues of less than $3,000,000,000, but not less than $500,000,000 to Subtier 3, and shall require each such person or affiliated group to make annual payments of $500,000 into the Fund.

(6) JOINT VENTURE REVENUES AND LIABILITY.—

(A) REVENUES.—For purposes of this subsection, the revenues of a joint venture shall be included on a pro rata basis reflecting relative joint ownership to calculate the revenues of the parents of that joint venture. The joint venture shall not be responsible for a contribution amount under this subsection.

(B) LIABILITY.—For purposes of this subsection, the liability under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers' Liability Act, shall be attributed to the parent owners of the joint venture on a pro rata basis, reflecting their relative share of ownership. The joint venture shall not be responsible for a contribution amount under this provision.

SEC. 204. ASSESSMENT ADMINISTRATION.

(a) REDUCTION ADJUSTMENTS.—The Administrator shall assess contributions based on amounts provided under this subtitle for each person or affiliated group within Tiers II, III, IV, V, VI, and VII for the first 5 years of the operation of the Fund. Beginning in year 6, and every 3 years thereafter, the Administrator shall reduce the contribution amount for each defendant participant in each of these tiers by 10 percent of the amount assessed in the prior year.

(b) SMALL BUSINESS EXEMPTION.—A person or affiliated group that is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), on December 31, 2002, is exempt from any contribution requirement under this subsection.

(c) PROCEDURES.—The Administrator shall prescribe procedures on how contributions assessed under this subtitle are to be paid.

(d) EXCEPTIONS.—

(1) IN GENERAL.—Under expedited procedures established by the Administrator, a defendant participant may seek adjustment of the amount of its contribution based on severe financial hardship or demonstrated inequity. The Administrator may determine whether to grant an adjustment and the size of any such adjustment, in accordance with this subsection. Such determinations shall not prejudice the integrity of the Fund and shall not be subject to judicial review.

(2) FINANCIAL HARDSHIP ADJUSTMENTS.—

(A) IN GENERAL.—A defendant may apply for an adjustment based on financial hardship at any time during the life of the Fund and may qualify for such adjustment by demonstrating that the amount of its contribution under the statutory allocation would constitute a severe financial hardship.

(B) TERM.—A hardship adjustment under this subsection shall have a term of 3 years.

(C) RENEWAL.—A defendant may renew its hardship adjustment by demonstrating that it remains justified.

(D) LIMITATION.—The Administrator may not grant hardship adjustments under this subsection in any year that exceed, in the aggregate, 3 percent of the total annual contributions required of all defendant participants.

(3) INEQUITY ADJUSTMENTS.—

(A) IN GENERAL.—A defendant may qualify for an adjustment based on inequity by demonstrating that the amount of its contribution under the statutory allocation is exceptionally inequitable when measured against the amount of the likely cost to the defendant of its future liability in the tort system in the absence of the Fund.

(B) TERM.—Subject to the annual availability of funds in the Orphan Share Reserve Account established under section 223(e), an inequity adjustment granted by the Administrator under this subsection shall remain in effect for the life of the Fund.

(C) LIMITATION.—The Administrator may grant inequity adjustments only to the extent that—

(i) the financial condition of the Fund is sufficient to accommodate such adjustments;

(ii) the Orphan Share Reserve Account is sufficient to cover such adjustments for that year; and

(iii) such adjustments do not exceed 2 percent of the total annual contributions required of all defendant participants.

(4) ADVISORY PANELS.—

(A) APPOINTMENT.—The Administrator shall appoint a Financial Hardship Adjustment Panel and an Inequity Adjustment Panel to advise the Administrator in carrying out this subsection.

(B) MEMBERSHIP.—The membership of the panels appointed under subparagraph (A) may overlap.

(C) COORDINATION.—The panels appointed under subparagraph (A) shall coordinate their deliberations and recommendations.

(e) LIMITATION ON LIABILITY.—The liability of each defendant participant to contribute to the Fund shall be limited to the payment obligations under this subtitle, and no defendant participant shall have any liability for the payment obligations of any other defendant participant.

(f) CONSOLIDATION OF CONTRIBUTIONS.—

(1) IN GENERAL.—For purposes of determining the contribution levels of defendant participants, any affiliated group including 1 or more defendant participants may irrevocably elect, as part of the submission to be made under subsection (i), to report on a consolidated basis all of the information necessary to determine the contribution level under this subtitle and contribute to the Fund on a consolidated basis.

(2) ELECTION.—If an affiliated group elects consolidation as provided in this subsection—

(A) for purposes of this Act other than this subsection, the affiliated group shall be treated as if it were a single participant, including without limitation with respect to the assessment of a single annual contribution under this subtitle for the entire affiliated group;

(B) the ultimate parent of the affiliated group shall prepare and submit the submission

to be made under subsection (i), on behalf of the entire affiliated group and shall be solely liable, as between the Administrator and the affiliated group only, for the payment of the annual contribution assessed against the affiliated group, except that, if the ultimate parent does not pay when due any contribution for the affiliated group, the Administrator shall have the right to seek payment of all or any portion of the entire amount due from any member of the affiliated group;

(C) all members of the affiliated group shall be identified in the submission under subsection (i) and shall certify compliance with this subsection and the Administrator's regulations implementing this subsection; and

(D) the obligations under this subtitle shall not change even if, after the date of enactment of this Act, the beneficial ownership interest between any members of the affiliated group shall change.

(g) DETERMINATION OF PRIOR ASBESTOS EXPENDITURES.—

(1) IN GENERAL.—For purposes of determining a defendant participant's prior asbestos expenditure,

the Administrator shall prescribe such rules as may be necessary or appropriate to assure that payments by indemnitors before December 31, 2002, shall be counted as part of the indemnitor's prior asbestos expenditure, rather than the indemnitee's prior asbestos expenditure, in accordance with this subsection.

(2) INDEMNIFIABLE COSTS.—If an indemnitor has paid or reimbursed to an indemnitee any indemnifiable cost or otherwise made a payment on behalf of or for the benefit of an indemnitee to a third party for an indemnifiable cost before December 31, 2002, the amount of such indemnifiable cost shall be solely for the account of the indemnitor for purposes under this Act.

(3) INSURANCE PAYMENTS.—When computing the prior asbestos expenditure with respect to an asbestos claim, any amount paid or reimbursed by insurance shall be solely for the account of the indemnitor, even if the indemnitor would have no direct right to the benefit of the insurance, if—

(A) such insurance has been paid or reimbursed to the indemnitor or the indemnitee, or paid on behalf of or for the benefit of the

indemnitee, any indemnifiable cost related to the asbestos claim; and

(B) the indemnitor has either, with respect to such asbestos claim or any similar asbestos claim, paid or reimbursed to its indemnitee any indemnifiable cost or paid to any third party on behalf of or for the benefit of the indemnitee any indemnifiable cost.

(h) MINIMUM CONTRIBUTIONS.—Minimum aggregate contributions of defendant participants to the Fund in any calendar year shall be as follows:

(1) For each of the first 5 years of the Fund, the aggregate contributions of defendant participants to the fund shall be at least $2,500,000,000.

(2) After the 5th year, the minimum aggregate contribution shall be reduced by $250,000,000 every 3 years as follows:

(A) For years 6 through 8, $2,250,000,000.

(B) For years 9 through 11, $2,000,000,000.

(C) For years 12 through 14, $1,750,000,000.

(D) For years 15 through 17, $1,500,000,000.

(E) For years 18 through 20, $1,250,000,000.

(F) For years 21 through 23, $1,000,000,000.

(G) For years 24 through 26, $750,000,000.

(i) PROCEDURES TO DETERMINE FUND CONTRIBUTION ASSESSMENTS.—

(1) NOTICE TO PARTICIPANTS.—Not later than 60 days after his or her initial appointment, the Administrator shall—

(A) directly notify all reasonably identifiable defendant participants of the requirement to submit information necessary to calculate the amount of any required contribution to the Fund; and

(B) publish in the Federal Register a notice requiring any person who may be a defendant participant (as determined by criteria outlined in the notice) to submit such information.

(2) RESPONSE REQUIRED.—

(A) IN GENERAL.—Any person who receives notice under paragraph (1)(A), and any other person meeting the criteria specified in the notice published under paragraph (1)(B),

shall respond by providing the Administrator with all the information requested in the notice at the earlier of—

(i) 30 days after the receipt of direct notice; or

(ii) 30 days after the publication of notice in the Federal Register.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(3) NOTICE OF INITIAL DETERMINATION.—

(A) IN GENERAL.—Not later than 60 days after receiving a response under paragraph (2), the Administrator shall send the participant a notice of initial determination assessing a contribution to the Fund, which shall be based on the information received from the participant in response to the Administrator's request for information.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response is received from the

participant, or if the response is incomplete, the initial determination assessing a contribution from the participant shall be based on the best information available to the Administrator.

(4) CONFIDENTIALITY.—Any Person may designate any information submitted under this subsection as confidential commercial or financial information for purposes of the Freedom of Information Act (5 U.S.C. 552). The Administrator shall adopt procedures for designating such information as confidential.

(5) NEW INFORMATION.—

(A) EXISTING PARTICIPANT.—The Administrator shall adopt procedures for revising initial assessments based on new information received after the initial assessments are calculated.

(B) ADDITIONAL PARTICIPANT.—If the Administrator, at any time, receives information that an additional person may qualify as a participant, the Administrator shall require such person to submit information necessary to determine whether an initial determination assessing a contribution from that person should be

issued, in accordance with the requirements of this subsection.

(6) PAYMENT SCHEDULE.—Any initial determination issued under this subsection may allow for periodic payments, provided that the full annual amount assessed is paid each year. Each participant shall pay its contribution to the Fund in the amount specified it the initial determination of assessment from the Administrator, according to the schedule specified in the initial determination.

(7) SUBPOENAS.—The Administrator may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(8) REHEARING.—A Participant has a right to obtain rehearing of the Administrator's initial determination pursuant to section 202.

Subtitle B—Asbestos Insurers Commission

SEC. 211. ESTABLISHMENT OF ASBESTOS INSURERS COMMISSION.

(a) ESTABLISHMENT.—There is established the Asbestos Insurers Commission (referred to in this subtitle as the "Commission") to carry out the duties described in section 212.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 5 members who shall be appointed by the President, after consultation with—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—

(A) EXPERTISE.—Members of the Commission shall have sufficient expertise to fulfill their responsibilities under this subtitle.

(B) CONFLICT OF INTEREST.—No member of the Commission appointed under paragraph (1) may be an employee, former employee, or

shareholder of any insurer participant, or an immediate family member of any such individual.

(C) FEDERAL EMPLOYMENT.—A member of the Commission may not be an officer or employee of the Federal Government, except by reason of membership on the Commission.

(3) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(4) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(5) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(6) CHAIRMAN.—The Commission shall select a Chairman from among its members.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chairman as necessary to accomplish the duties under section 212.

(3) QUORUM.—No business may be conducted or hearings held without the participation of all of the members of the Commission.

SEC. 212. DUTIES OF ASBESTOS INSURERS COMMISSION.

(a) DETERMINATION OF INSURER LIABILITY FOR ASBESTOS INJURIES.—

(1) IN GENERAL.—The Commission shall determine the amount that each insurer participant will be required to pay into the Fund to satisfy their contractual obligation to compensate claimants for asbestos injuries.

(2) ALLOCATION AGREEMENT.—

(A) IN GENERAL.—Not later than 30 days after the Commission issues its initial determination, the insurer participants may submit an allocation agreement, approved by all of the insurer participants, to—

(i) the Commission;

(ii) the Committee on the Judiciary of the Senate; and

(iii) the Committee on the Judiciary of the House of Representatives.

(B) CERTIFICATION.—The authority of the Commission under this subtitle shall terminate on the day after the Commission certifies that

an allocation agreement submitted under subparagraph (A) meets the requirements of this subtitle.

(3) GENERAL PROVISIONS.—

(A) AGGREGATE CONTRIBUTION LEVEL.—The total contribution required of all insurer participants over the life of the Fund shall be equal to $45,000,000,000.

(B) DECLINING PAYMENTS.—Since the payments from the Fund are expected to decline over time, the annual contributions from insurer participants is also expected to decline over time. The proportionate share of each insurer participant's contributions to the Fund will remain the same throughout the life of the Fund.

(C) SEVERAL LIABILITY.—Each insurer participant's obligation to contribute to the Fund is several. There is no joint liability and the future insolvency of any insurer participant shall not affect the assessment assigned to any other insurer participant.

(4) ASSESSMENT CRITERIA.—

(A) MANDATORY PARTICIPANTS.—Insurers that have paid, or been assessed by a legal

judgment or settlement, at least $1,000,000 in defense and indemnity costs before the date of enactment of this Act in response to claims for compensation for asbestos injuries shall be mandatory participants in the Fund. Other insurers shall be exempt from mandatory payments.

(B) PARTICIPANT TIERS.—Contributions shall be determined by assigning mandatory insurer participants into tiers, which shall be determined and defined based on—

(i) net written premiums received from policies covering asbestos that were in force at any time during the period beginning on January 1, 1940 and ending on December 31, 1986;

(ii) net paid losses for asbestos injuries compared to all such losses for the insurance industry;

(iii) net carried reserve level for asbestos claims on the most recent financial statement of the insurer participant; and

(iv) future liability.

(C) PAYMENT SCHEDULE.—Any final determination of assessment issued under sub-

section (b) may allow for periodic payments, provided that the full annual amount assessed is paid each year. Each insurer participant shall pay its contribution to the Fund in the amount specified in the final determination of assessment from the Commission, according to the schedule specified in the final determination.

(b) PROCEDURE.—

(1) NOTICE TO PARTICIPANTS.—Not later than 30 days after the initial meeting of the Commission, the Commission shall—

(A) directly notify all reasonably identifiable insurer participants of the requirement to submit information necessary to calculate the amount of any required contribution to the Fund; and

(B) publish in the Federal Register a notice requiring any person who may be an insurer participant (as determined by criteria outlined in the notice) to submit such information.

(2) RESPONSE REQUIRED.—

(A) IN GENERAL.—Any person who receives notice under paragraph (1)(A), and any other person meeting the criteria specified in the notice published under paragraph (1)(B),

shall respond by providing the Commission with all the information requested in the notice at the earlier of—

(i) 30 days after the receipt of direct notice; or

(ii) 30 days after the publication of notice in the Federal Register.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(3) NOTICE OF INITIAL DETERMINATION.—

(A) IN GENERAL.—Not later than 120 days after the initial meeting of the Commission, the Commission shall send each insurer participant a notice of initial determination assessing a contribution to the Fund, which shall be based on the information received from the participant in response to the Commission's request for information.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response is received from an in-

surer participant, or if the response is incomplete, the initial determination assessing a contribution from the insurer participant shall be based on the best information available to the Commission.

(4) REVIEW PERIOD.—

(A) COMMENTS FROM INSURER PARTICIPANTS.—Not later than 30 days after receiving a notice of initial determination from the Commission, an insurer participant may provide the Commission with additional information to support limited adjustments to the assessment received to reflect exceptional circumstances.

(B) ADDITIONAL PARTICIPANTS.—If, before the final determination of the Commission, the Commission receives information that an additional person may qualify as an insurer participant, the Commission shall require such person to submit information necessary to determine whether a contribution from that person should be assessed, in accordance with the requirements of this subsection.

(C) REVISION PROCEDURES.—The Commission, shall adopt procedures for revising initial assessments based on information received

under subparagraphs (A) and (B). Any adjustments to assessment levels shall comply with the criteria under subsection (a).

(5) SUBPOENAS.—The Commission may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) NOTICE OF FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 60 days after the notice of initial determination is sent to the insurer participants, the Commission shall send each insurer participant a notice of final determination.

(B) JUDICIAL REVIEW.—A participant has a right to obtain judicial review of the Commission's final determination under title III.

(c) DETERMINATION OF RELATIVE LIABILITY FOR ASBESTOS INJURIES.—The Commission shall determine the percentage of the total liability of each participant identified under subsection (a).

(d) REPORT.—

(1) RECIPIENTS.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report, containing the information described under paragraph (2), to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives; and

(C) the Court of Asbestos Claims.

(2) CONTENTS.—The report under paragraph (1) shall contain the amount that each insurer participant is required to contribute to the Fund, including the payment schedule for such contributions.

SEC. 213. POWERS OF ASBESTOS INSURERS COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairman of the Commission, the head of such depart-

ment or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may not accept, use, or dispose of gifts or donations of services or property.

SEC. 214. PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section

3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 215. NONAPPLICATION OF FOIA AND CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—Section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) shall not apply to the Commission.

(b) CONFIDENTIALITY OF INFORMATION.—All information submitted to the Commission shall be privileged and confidential information and shall not be disclosed to any person outside the Commission, unless such privilege is knowingly and intentionally waived by the person submitting the information. An appeal of an assessment to the Fund under this subtitle shall be deemed a waiver for the purposes of this subsection unless the appellee participant makes a motion for an in camera review of its appeal.

SEC. 216. TERMINATION OF ASBESTOS INSURERS COMMISSION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 212(c).

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission such sums as may be necessary for fiscal year 2004 to carry out the provisions of this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle C—Office of Asbestos Injury Claims Resolution

SEC. 221. ESTABLISHMENT OF THE OFFICE OF ASBESTOS INJURY CLAIMS RESOLUTION.

(a) IN GENERAL.—There is established the Office of Asbestos Injury Claims Resolution.

(b) RESPONSIBILITIES.—The Office shall be responsible for—

(1) administering the Fund;

(2) providing compensation from the Fund to asbestos claimants who are determined to be eligible for such compensation; and

(3) carrying out other applicable provisions of this title and other activities determined appropriate by the Administrator.

(c) ADMINISTRATOR.—

(1) APPOINTMENT.—The Office shall be headed by an Administrator who shall be appointed by the

President, by and with the advice and consent of the Senate.

(2) TERM; REMOVAL.—The Administrator shall serve for a term of 5 years and may be removable by the President only for good cause.

SEC. 222. POWERS OF THE ADMINISTRATOR AND MANAGEMENT OF THE FUND.

(a) GENERAL POWERS.—The Administrator shall have the following general powers:

(1) To promulgate such regulations as the Administrator determines to be necessary to implement the provisions of this subtitle.

(2) To appoint employees or contract for the services of other personnel as may be necessary and appropriate to carry out the provisions of this subtitle, including entering into cooperative agreements with other Federal agencies.

(3) To make such expenditures as may be necessary and appropriate in the administration of this subtitle.

(4) To take all actions necessary to prudently manage the Fund, including—

(A) administering, in a fiduciary capacity, the assets of the Fund for the exclusive purpose

of providing benefits to asbestos claimants and their beneficiaries;

(B) defraying the reasonable expenses of administering the Fund;

(C) investing the assets of the Fund in accordance with subsection (b)(2); and

(D) retaining advisers, managers, and custodians who possess the necessary facilities and expertise to provide for the skilled and prudent management of the Fund, to assist in the development, implementation and maintenance of the Fund's investment policies and investment activities, and to provide for the safekeeping and delivery of the Fund's assets.

(5) To have all other powers incidental, necessary, or appropriate to carrying out the functions of the Office.

(b) REQUIREMENTS RELATING TO FUND ASSETS.—

(1) IN GENERAL.—Amounts in the Fund shall be held for the exclusive purpose of providing benefits to asbestos claimants and their beneficiaries and to otherwise defray the reasonable expenses of administering the Fund.

(2) INVESTMENTS.—

(A) IN GENERAL.—Amounts in the Fund shall be administered and invested with the care, skill, prudence, and diligence, under the circumstances prevailing at the time of such investment, that a prudent person acting in a like capacity and manner would use.

(B) STRATEGY.—The Administrator shall invest amounts in the Fund in a manner that enables the Fund to make current and future distributions to or for the benefit of asbestos claimants. In pursuing an investment strategy under this subparagraph, the Administrator shall consider, to the extent relevant to an investment decision or action—

(i) the size of the Fund;

(ii) the nature and estimated duration of the Fund;

(iii) the liquidity and distribution requirements of the Fund;

(iv) general economic conditions at the time of the investment;

(v) the possible effect of inflation or deflation on Fund assets;

(vi) the role that each investment or course of action plays with respect to the overall assets of the Fund;

(vii) the expected amount to be earned (including both income and appreciation of capital) through investment of amounts in the Fund; and

(viii) the needs of asbestos claimants for current and future distributions authorized under this Act.

SEC. 223. ASBESTOS INJURY CLAIMS RESOLUTION FUND.

(a) ESTABLISHMENT.—There is established in the Office of Asbestos Injury Claims Resolution, the Asbestos Injury Claims Resolution Fund, which shall be available to pay—

(1) claims for compensation for an eligible disease or condition determined under title I;

(2) claims for reimbursement for medical monitoring determined under title I;

(3) principal and interest on borrowings under subsection (c); and

(4) administrative expenses to carry out this subtitle.

(b) LIMITATIONS ON CONTRIBUTIONS BY MANDATORY PARTICIPANTS.—The aggregate contributions of all

mandatory participants to the Fund may not exceed $5,000,000,000 in any calendar year.

(c) BORROWING AUTHORITY.—The Administrator is authorized to borrow, in any calendar year, an amount not to exceed anticipated contributions to the Fund in the following calendar year for purposes of carrying out the obligations of the Fund under this Act.

(d) GUARANTEED PAYMENT ACCOUNT.—

(1) IN GENERAL.—The Administrator shall establish a guaranteed payment account within the Fund to insure payment of the total amount of contributions required to be paid into the Fund by all participants.

(2) SURCHARGE.—The Administrator shall impose, on each participant required to pay contributions into the Fund under this Act, in addition to the amount of such contributions, a reasonable surcharge to be paid into the guaranteed payment account in an amount that the Administrator determines appropriate to insure against the risk of nonpayment of required contributions by any such participant.

(3) PROCEDURE.—The surcharge required under this section shall be paid in such manner, at

such times, and in accordance with such procedures as the Administrator determines appropriate.

(4) USES OF GUARANTEED PAYMENT ACCOUNT.—Amounts in the guaranteed payment account shall be used as necessary to pay claims from the Fund, to the extent that amounts in the Fund are insufficient to pay such claims due to nonpayment by any participant.

(5) ENFORCEMENT.—The enforcement of the payment of a surcharge under this subsection may be enforced in the same manner and to the same extent as the enforcement of a contribution under section 224.

(e) ORPHAN SHARE RESERVE ACCOUNT.—

(1) IN GENERAL.—To the extent the total amount of contributions of the participants in any given year exceed the minimum aggregate contribution under subsection (h), the excess monies shall be placed in an orphan share reserve account established within the Fund by the Administrator.

(2) USE OF ACCOUNT MONIES.—Monies from the orphan share reserve account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) in the event that a petition for relief is filed and not withdrawn for the participant under title 11, United States Code, after the date of enactment of this Act and the participant cannot meet its obligations under this subtitle; and

(B) to the extent the Administrator grants a participant relief for severe financial hardship or exigent circumstances under this section.

SEC. 224. ENFORCEMENT OF CONTRIBUTIONS.

(a) DEFAULT.—If any participant fails to make any payment in the amount and according to the schedule specified in a determination of assessment, after demand and 30 days opportunity to cure the default, there shall be a lien in favor of the United States for the amount of the delinquent payment (including interest) upon all property and rights to property, whether real or personal, belonging to such participant.

(b) BANKRUPTCY.—In the case of a bankruptcy or insolvency proceeding, the lien imposed under subsection (a) shall be treated in the same manner as a lien for taxes due and owing to the United States for purposes of the provisions of title 11, United States Code, or section 3713(a) of title 31, United States Code.

(c) CIVIL ACTION.—

(1) IN GENERAL.—In any case in which there has been a refusal or neglect to pay the liability imposed by the final determination under section 202 or 212, the Administrator may bring a civil action in the Federal district court for the District of Columbia to—

(A) enforce such liability and the lien of the United States under this section; or

(B) subject any property, of whatever nature, of the participant, or in which the participant has any right, title, or interest, to the payment of such liability.

(2) DEFENSE LIMITATION.—In any proceeding under this subsection, the participant shall be barred from bringing any challenge to the assessment if such challenge could have been made during the review period under section 202(b)(4) or 212(b)(4), or a judicial review proceeding under title III.

SEC. 225. ADDITIONAL CONTRIBUTING PARTICIPANTS.

(a) DEFINED TERM.—In this section, the term ''additional contributing participant'' means any defendant in an asbestos claim that is not a mandatory participant under subtitle A and is likely to avoid future civil liability as a result of this Act.

(b) ASSESSMENT.—In addition to contributions assessed under subtitle A, the Administrator may assess additional contributing participants for contributions to the Fund. Any additional contributing participant assessed under this section shall be treated as a defendant participant for purposes of procedures and appeals under this Act.

(c) ASSESSMENT LIMITATIONS.—The Administrator may assess under subsection (b), over the life of the Fund, an amount not to exceed $10,000,000,000 from all additional contributing participants.

TITLE III—JUDICIAL REVIEW

SEC. 301. JUDICIAL REVIEW OF DECISIONS OF THE ASBESTOS COURT.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia shall have exclusive jurisdiction over any action to review a final decision of the Asbestos Court.

(b) PROCEDURE FOR APPEALS.—

(1) PERIOD FOR FILING APPEAL.—An appeal under this section shall be filed not later than 30 days after the issuance of a final decision by the Asbestos Court.

(2) TRANSMITTAL OF RECORD.—Upon the filing of an appeal, a copy of the filing shall be trans-

mitted by the clerk of the court to the Asbestos Court, and the Asbestos Court shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

(3) STANDARD OF REVIEW.—

(A) IN GENERAL.—The court shall uphold the decision of the Asbestos Court if the court determines, upon review of the record as a whole, that the decision is not arbitrary and capricious.

(B) EFFECT OF DETERMINATION.—If the court determines that a final decision of the Asbestos Court is arbitrary and capricious, the court shall remand the case to the Asbestos Court.

(4) FINALITY OF DETERMINATION.—The decision of the United States Court of Appeals for the District of Columbia shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code.

SEC. 302. JUDICIAL REVIEW OF FINAL DETERMINATIONS OF THE ASBESTOS INSURERS COMMISSION.

(a) EXCLUSIVE JURISDICTION.—The United States District Court for the District of Columbia shall have ex-

clusive jurisdiction over any action to review a final determination by the Asbestos Insurers Commission regarding the assessment of a contribution to the Fund from a participant.

(b) PROCEDURE FOR APPEAL.—

(1) PERIOD FOR FILING APPEAL.—An appeal under this section shall be filed not later than 30 days after the issuance of a final determination by the Commission.

(2) TRANSMITTAL OF RECORD.—Upon the filing of an appeal, a copy of the filing shall be transmitted by the clerk of the court to the Commission.

(c) STANDARD OF REVIEW.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall uphold the final determination of the Commission with respect to the assessment of a contribution to the Fund from a participant if such determination is not arbitrary and capricious.

(2) EFFECT OF DETERMINATION.—If the court determines that a final determination with respect to the amount of a contribution to the Fund by a participant may not be upheld, the court shall remand the decision to the Commission, with instructions to modify the final determination.

(3) NO STAYS.—The court may not issue a stay of payment into the Fund pending its final judgment.

(4) FINALITY OF DETERMINATION.—The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court, as provided in section 1254 of title 28, United States Code.

SEC. 303. EXCLUSIVE REVIEW.

(a) EXCLUSIVITY OF REVIEW.—An action of the Asbestos Court or the Asbestos Insurers Commission for which review could have been obtained under section 301 or 302 shall not be subject to judicial review in any other proceeding, including proceedings before the Asbestos Court.

(b) CONSTITUTIONAL REVIEW.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any interlocutory or final judgment, decree, or order of a Federal court holding this Act, or any provision or application thereof, unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court.

(2) PERIOD FOR FILING APPEAL.—Any such appeal shall be filed not more than 30 days after entry of such judgment, decree, or order.

SEC. 304. PRIVATE RIGHT OF ACTION AGAINST REINSURERS.

(a) IN GENERAL.—Any insurer participant may file a claim in the United States District Court for the District of Columbia against any reinsurer that is contractually obligated to reimburse such insurer participant for a portion of costs incurred as a result of payment of asbestos related claims.

(b) EXPEDITED PROCEDURES.—

(1) IN GENERAL.—A claim filed under subsection (a) shall be subject to expedited procedures, as prescribed by the United States District Court for the District of Columbia.

(2) EVIDENTIARY STANDARD.—The plaintiff shall not recover in a claim under subsection (a) unless the plaintiff demonstrates the right to recover by a preponderance of the evidence.

(3) FINAL JUDGMENT.—A final judgment shall be issued on a claim filed under subsection (a) not later than 30 days after such filing.

(c) APPEALS.—

(1) IN GENERAL.—An appeal from a decision under subsection (b) may be filed with the Court of Appeals for the District of Columbia.

(2) STANDARD OF REVIEW.—The final judgment of the district court shall be upheld unless the

court of appeals finds the judgment to be arbitrary and capricious.

(3) FINAL JUDGMENT.—A final judgment shall be issued on an appeal filed under paragraph (1) not later than 30 days after such filing.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FALSE INFORMATION.

Any person who knowingly provides false information in connection with an assessment of contributions, a claim for compensation, or an audit under this Act shall be subject to—

(1) criminal prosecution under section 1001 of title 18, United States Code; and

(2) civil penalties under section 3729 of title 31, United States Code.

SEC. 402. EFFECT ON BANKRUPTCY LAWS.

(a) NO AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (18) the following:

"(19) of the enforcement of any payment obligations under section 204 of the Fairness in Asbestos Injury Resolution Act of 2003, against a debtor, or the property of the estate of a debtor, that is a participant (as that term is defined in section 3 of that Act).".

(b) ASSUMPTION OF EXECUTORY CONTRACTS.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

"(q) If a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003), the trustee shall be deemed to have assumed all executory contracts entered into by the participant under section 204 of that Act. The trustee may not reject any such executory contract.".

(c) ALLOWED ADMINISTRATIVE EXPENSES.—Section 503 of title 11, United States Code, is amended by adding at the end the following:

"(c)(1) Claims of the United States, the Attorney General, or the Administrator (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003) based upon the asbestos payment obligations of a debtor that is a Participant (as that term is defined in section 3 of that Act), shall be paid as an allowed ad-

ministrative expense. The debtor shall not be entitled to either notice or a hearing with respect to such claims.

"(2) For purposes of paragraph (1), the term "asbestos payment obligation" means any payment obligation under subtitle B of title II of the Fairness in Asbestos Injury Resolution Act of 2003.".

(d) NO DISCHARGE.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

"(f) A discharge under section 727, 1141, 1228, or 1328 of this title does not discharge any debtor that is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003) of the payment obligations of the debtor under subtitle B of title II of that Act.".

(e) PAYMENT.—Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) PARTICIPANT DEBTORS.—

"(1) IN GENERAL.—Paragraphs (2) and (3) shall apply to a debtor who—

"(A) is a participant that has made prior asbestos expenditures (as such terms are defined in the Fairness in Asbestos Injury Resolution Act of 2003); and

"(B) is subject to a case under this title that is pending—

"(i) on the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2003; or

"(ii) at any time during the 1 year period preceding the date of enactment of that Act.

"(2) TIER I DEBTORS.—A debtor that has been assigned to tier I under section 202 of the Fairness in Asbestos Injury Resolution Act of 2003 shall make payments in accordance with sections 202 and 203 of that Act.

"(3) TREATMENT OF PAYMENT OBLIGATIONS.—All payment obligations of a debtor under sections 202 and 203 of the Fairness in Asbestos Injury Resolution Act of 2003 shall—

"(A) constitute costs and expenses of administration of a case under section 503 of this title;

"(B) notwithstanding any case pending under this title, be payable in accordance with section 202 of that Act;

"(C) not be stayed;

"(D) not be affected as to enforcement or collection by any stay or injunction of any court; and

"(E) not be impaired or discharged in any current or future case under this title.".

(f) TREATMENT OF TRUSTS.—Section 524 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(j) ASBESTOS TRUSTS.—

"(1) IN GENERAL.—A trust shall assign a portion of the corpus of the trust to the Asbestos Injury Claims Resolution Fund (referred to in this subsection as the 'Fund') as is required under section 202 of the Fairness in Asbestos Injury Resolution Act of 2003 if—

"(A) the trust was formed prior to October 22, 1994; and

"(B) the trust qualifies as a "trust" under section 201 of that Act.

"(2) TRANSFER OF TRUST ASSETS.—

"(A) IN GENERAL.—Except as provided under subparagraphs (B) and (C), the assets in any trust established to provide compensation for asbestos claims (as defined in section 3 of the FAIR Act of 2003) shall be transferred to

the Fund not later than 6 months after the date of enactment of the FAIR Act of 2003. Except as provided under subparagraph (B), the Administrator of the Fund shall accept such assets and utilize them for any purposes of the Fund under section 223 of such Act, including the payment of claims for compensation under such Act to beneficiaries of the trust from which the assets were transferred. After such transfer, each trustee of such trust shall have no liability to any beneficiary of such trust.

"(B) AUTHORITY TO REFUSE ASSETS.—The Administrator of the Fund may refuse to accept any asset that the Administrator determines may create liability for the Fund in excess of the value of the asset.

"(C) ALLOCATION OF TRUST ASSETS.—If a trust under subparagraph (A) has beneficiaries with claims that are not asbestos claims, the assets transferred to the Fund under subparagraph (A) shall not include assets allocable to such beneficiaries. The trustees of any such trust shall determine the amount of such trust assets to be reserved for the continuing operation of the trust in processing and

paying claims that are not asbestos claims. Such reserved amount shall not be greater than 3 percent of the total assets in the trust and shall not be transferred to the Fund.

"(D) SALE OF FUND ASSETS.—The investment requirements under section 222 of the FAIR Act of 2003 shall not be construed to require the Administrator of the Fund to sell assets transferred to the Fund under subparagraph (A).

"(E) LIQUIDATED CLAIMS.—A trust shall not make any payment relating to asbestos claims unless such claims were liquidated before the date of enactment of the FAIR Act of 2003.

"(3) INJUNCTION.—Any injunction issued as part of the formation of a trust described in paragraph (1) shall remain in full force and effect until the assignment required under paragraph (1) has been made.".

(g) NO AVOIDANCE OF TRANSFER.—Section 546 of title 11, United States Code, is amended by adding at the end the following:

"(h) Notwithstanding the rights and powers of a trustee under section 544, 545, 547, 548, 549, and 550

of this title, if a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003), the trustee may not avoid a transfer made by the debtor pursuant to its payment obligations under sections 202 or 203 of that Act.''.

(h) CONFIRMATION OF PLAN.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

''(14) If the debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003), the plan provides for the continuation after its effective date of payment of all payment obligations under title II of that Act.''.

SEC. 403. EFFECT ON OTHER LAWS AND EXISTING CLAIMS.

(a) EFFECT ON FEDERAL AND STATE LAW.—The provisions of this Act shall supersede any and all State and Federal laws insofar as they may relate to any asbestos claim filed under this Act.

(b) EXCLUSIVE REMEDY.—The remedies provided under this Act shall be the exclusive remedy for any asbestos claim under any Federal or State law.

(c) BAR ON ASBESTOS CLAIMS.—

(1) IN GENERAL.—No asbestos claim may be pursued in any State or Federal court, except for

enforcement of claims for which a final judgment is entered before the date of enactment of this Act.

(2) PREEMPTION.—Any action asserting an asbestos claim in a court of any State, except actions for which final judgment are entered before the date of enactment of this Act, is preempted by this Act.

(3) DISMISSAL.—No judgment other than a judgment of dismissal may be entered in any such action, including an action pending on appeal, or on petition or motion for discretionary review, on or after the date of enactment of this Act. A court may dismiss any such action on its motion. If the district court denies the motion to dismiss, it shall stay further proceedings until final disposition of any appeal taken under this Act.

(4) REMOVAL.—

(A) IN GENERAL.—If an action under paragraph (2) is not dismissed, or if an order entered after the date of enactment of this Act purporting to enter judgment or deny review is not rescinded and replaced with an order of dismissal within 30 days after the filing of a motion by any party to the action advising the court of the provisions of this Act, any party may remove the case to the district court of the

United States for the district in which such action is pending.

(B) TIME LIMITS.—For actions originally filed after the date of enactment of this Act, the notice of removal shall be filed within the time limits specified in section 1441(b) of title 28, United States Code.

(C) PROCEDURES.—The procedures for removal and proceedings after removal shall be in accordance with sections 1446 through 1450 of title 28, United States Code, except as may be necessary to accommodate removal of any actions pending (including on appeal) on the date of enactment of this Act.

(D) JURISDICTION.—The jurisdiction of the district court shall be limited to—

(i) determining whether removal was proper; and

(ii) ruling on a motion to dismiss based on this Act.

From: Estes, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/20/2003 8:26:26 AM
Subject: FW: hs for today

did you ever find the address fro your cousin?
-----Original Message-----
From: Gottesman, Blake
Sent: Tuesday, May 20, 2003 8:24 AM
To: Hanusa, Mary Ann
Cc: Chambers, Shane P.; Estes, Ashley; Gambatesa, Linda M.
Subject: hs for today

mah -
the president saw mrs. janet ashcroft (wife of the atty general) last night in the state dinner receiving line. president asked about her twin sister, whom he had met in the oval ofc once. mrs ashcroft reported that her sister had just received her doctorate, and the president said he would like to send her a note.

her name is anne giddings. according to the ag, she received her e.d.d. at university of hartford on sunday, 5/18. she was a math teacher for a long time, then a school principal, and is now in school administration; she is considering - with the new degree - becoming a superintendent.

orm should have her mailing address on file, since we have sent pictures to her in the past. if not, pls let me know - and we can contact the ag's ofc.

thanks,
blake

From:	Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>
To:	Duffield, Steven \(RPC\) <Steven_Duffield@rpc.senate.gov>;Delrahim, Makan \(Judiciary\) <Makan_Delrahim@Judiciary.senate.gov>;<Grubbs, Wendy J.>;<Kavanaugh, Brett M.>;<Holbrook, Ashley>
CC:	Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Willcox, Lawrence \(RPC\) <Lawrence_Willcox@rpc.senate.gov>
Sent:	5/20/2003 8:41:19 AM
Subject:	Re: Kuhl

Excellent. Schehule one for next Tuesday and another the following Tuesday for anyone who does not attend the first. We will also check into Mansfield Room for the first one.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----
From: Duffield, Steven (RPC)
To: Delrahim, Makan (Judiciary) ; Wendy_J._Grubbs@who.eop.gov ; Miranda, Manuel (Frist) ; bkavanau@who.eop.gov ; Ashley_Holbrook@who.eop.gov
CC: Comisac, RenaJohnson (Judiciary) ; Willcox, Lawrence (RPC)
Sent: Mon May 19 21:04:31 2003
Subject: Re: Kuhl

I will check availability for our Big Room and schedule this in coordination with Makan, Brett, and others.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: Elwood, Courtney S.
To: <Kavanaugh, Brett M.>
Sent: 5/20/2003 8:49:49 AM
Subject: RE: Kyl Cornyn

Thanks for the update.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 16, 2003 1:20 PM
To: Lefkowitz, Jay P.; Schacht, Diana L.; Elwood, Courtney S.
Subject: Kyl Cornyn

.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/16/2003 01:20 PM ----------

"Matal, Joe (Judiciary)"
05/16/2003 11:59:14 AM

Record Type: Record

To: "Duffield, Steven (RPC)"
cc:
Subject: outgunned

A motion to waive germaneness and attach a modified Kyl-Cornyn attorneys fee bill to the tax package was defeated, 37-61. We had modified the bill so that it only applies to fees received after enactment, and so that it guarantees the tobacco lawyers $20,000 an hour (the bill wouldn't apply to their fees until they reach that level).

We didn't have much of a chance once it became clear that we couldn't get Hatch. His vote gives cover to all of the trial-lawyer friendly Republicans - we have no leverage with them without Hatch. And for another half dozen Republicans, Hatch is a bellwether on tort-reform issues. We also lost a few guys who are a mystery - Crapo of Idaho, Allen of Virginia. We didn't work the issue hard enough, and the other side worked it very hard. (Al D'Amato visited with at least two Senators that we know of to lobby against the bill. ATLA came out in full fury.)

We did everything that we could to get Hatch. And his staff was very helpful to us. (Kevin O'Scannlain in particular made heroic efforts to persuade Hatch to join us.) We even offered to carve out Hatch's friends from the bill's scope (distasteful as that would be). But he said that he wouldn't support the bill no matter how high an hourly rate the tobacco lawyers were guaranteed. The one ray of hope with Hatch is

that he indicated that he wouldn't have voted to strike the provision if it had been in the Chairman's mark of the tax bill, as a part of the state aid package. Why this would have made a difference isn't entirely clear, but it does suggest some flexibility.

Hatch is still critical for any prospects for any version of this bill. Even if this got into a House tax bill in the future in some form, Hatch would almost certainly be on the conference.

One of the arguments that was used against us with some effect is that courts have approved the tobacco fees. This isn't true - no court has approved the actual MSA fee awards, and although courts approved the MSA itself (before the fee awards were made), they did so with a gun to their heads: the MSA has a provision reducing a state's MSA payments by 35% if that state's court strikes down part of the MSA. No state really had an option whether to join the MSA, either. All states' smokers pay the higher cigarette costs to fund the MSA, whether their state joins or not. The states' only option was whether or not to collect MSA payments.

In order to address factual arguments about whether courts have approved the fees and what they would do if they did review the fees, we are considering changing the bill to provide that, with regard to the tobacco MSA, any fee payment that has not yet been judicially reviewed shall be subject to review in federal court. The court would be directed to ask whether the fees are legal in light of the lawyers' ethical and fiduciary obligations, and would have discretion to return any improper fee payments to the states. (The MSA currently bars judicial review of fee awards.) Such a provision would at least preempt the argument that courts have approved the MSA awards. It might be worth voting the bill out of Finance with such a change if it can win over Hatch.

 - att1.htm << File: att1.htm >>

From: Goeglein, Tim
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 5/20/2003 9:58:49 AM
Subject: Inside: Paul M. Weyrich's Commentary: What Happens W hen Chief Justice Rehnquist Decides To Hang Up His Robes?

fyi

tsg

Free Congress Foundation's

Notable News Now

May 20, 2003

The Free Congress Commentary

What Happens When Chief Justice

Rehnquist Decides To Hang Up His Robes?

By Paul M. Weyrich

A little over a week ago, I was in a meeting where a well-known journalist insisted that the White House had received what they consider to be a clear signal that Chief Justice William Rehnquist is going to retire. I challenged that assertion, but the journalist insisted that the White House was preparing for a confirmation fight later this year.

Then, last Thursday, I attended a social gathering where a well-known jurist said he had attended a meeting with people who are supposedly in the know about such things. There were those in attendance at that meeting who believed that Sandra Day O'Connor is a shoo-in for chief justice on the grounds she could be confirmed by this otherwise recalcitrant United States Senate.

I often wonder where some people get their information. First, friends of Chief Justice Rehnquist say that if he is planning to retire then he certainly is keeping it a deep, dark secret. Even relatives of his say he has given no indication of retirement. We know he is feeling a lot better now than he had been last November after suffering an injury from a bad

fall.

But for the sake of argument, let's suppose my information is wrong, and Rehnquist is indeed going to hang up his robes.

Let's look at what President George W. Bush has said about the Supreme Court. I look to what Bush has said because he is, rather more than is usual for a Washington politician, a man of his word. So over and over again, during the 2000 campaign he said that his two favorite justices were Antonin Scalia and Clarence Thomas. He suggested that if given the opportunity, he would appoint justices such as those to the nation's highest court.

So if the Chief, as he is known by his colleagues, does retire, what will Bush do? While I would love nothing more than to see Justice Thomas promoted as Chief Justice Rehnquist's successor, it is unlikely to happen. Although Thomas is striking in his ability to handle controversial cases, he was only confirmed by a vote of 52 to 48 when George Herbert Walker Bush, the current President's father, still retained much of his post-Gulf War popularity.

While the Senate is now in Republican hands and ideologically it must be considered a bit better than the 101st Congress, it is almost certain that the whole Anita Hill business would be fought all over again. President Bush doesn't need that.

So what about Justice Scalia? When Chief Justice Warren Burger told the Reagan White House he was going to resign, they were prepared. As soon as the resignation was public, Reagan proposed promoting Associate Justice William Rehnquist (who had been appointed to the Supreme Court by President Richard Nixon in 1971) as Burger's replacement. And to fill the vacancy that nomination created, he proposed Judge Antonin Scalia, who had been on the Court of Appeals for the District of Columbia. Whereas the Rehnquist nomination drew fire and a fair number of opposition votes, Scalia sailed through. The Italian community, which had never had a Supreme Court justice before, put out the word that they didn't want any trouble. Even then-governor Mario Cuomo of New York spoke in Scalia's favor. It was clear from his rulings that Judge Scalia was at least as conservative as Justice

Rehnquist, but that didn't seem to bother the Senate at the time.

I suspect that if the President nominated Scalia as chief justice, there would be some fireworks this time and a goodly number of no votes, but I highly doubt he would be filibustered, for the same reason that he was easily confirmed in 1986.

It would be a very prudent appointment for two reasons. First, because Scalia has a stellar intellect and has the ability to influence others. Bush would never have to apologize for a Scalia appointment. Second, because Scalia has told friends that if he is not named chief justice, he will almost certainly resign from the court. He would have served seventeen years on the court, yet he is still young enough to make a good living to support his family. If Scalia is lost, Bush almost certainly could not get someone of his caliber through this Senate. Another high-quality candidate is likely to be filibustered.

Sandra Day O'Connor brings the President problems. She was the swing vote that kept Roe vs. Wade legal. Many of her votes over the years are highly unpopular with President Bush's base. If the President is seen as breaking his word, it would be very hurtful to him in 2004 with the evangelical and conservative Catholic and Eastern Orthodox voters.

If the President nominates someone with rock-solid values and this Senate won't confirm him (or her), whether for chief justice or for associate justice or both, it won't hurt the President and may actually help him in 2004. It almost certainly would defeat some obstructionist senators. On the other hand, if the President makes an appointment such as Justice O'Connor, so he can avoid a confirmation fight and get her through the Senate with ease, he could well suffer at the polls for it. Survey research may currently say that she has a good image and most would approve of the appointment, but that is before the talk radio shows and talk television shows and the webpages of news organizations and concerned groups would discuss her record in detail. He clearly would be seen as breaking an implied promise with that appointment.

My betting is, if the President does get the chance to nominate justices for

the Supreme Court, it won't be until his second term, if indeed there is one. In a second term, the President could likely do as he wishes. If I am wrong and those appointments come soon, the President's choices may make or break his presidency.

Paul M. Weyrich is Chairman and CEO of the Free Congress Foundation.

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/20/2003 6:22:53 AM
Subject: : Re: FW: Bush Photo
Attachments: P_Z0BKG003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAY-2003 10:22:53.00
SUBJECT:: Re: FW: Bush Photo
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We weren't the action officers on the meeting so since you all were you should have received the photos.

Brett M. Kavanaugh
05/20/2003 09:34:38 AM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: FW: Bush Photo

Should someone in your shop follow up on this?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/20/2003 09:34 AM ----------

joschal@dcigroup.com
05/20/2003 08:42:32 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Bush Photo

i wasn't aware that the group of Texans who came LAST YEAR had photos taken. is it still possible to get copies? i'll get addresses for everyone if so. thanks.

-----Original Message-----
From: Todd Olsen [mailto:to@olsen-delisi.com]
Sent: Monday, May 19, 2003 10:50 PM
To: Jennifer Oshcal
Subject: Fw: Bush Photo

can you help me with the request below?

----- Original Message -----

From: "Richard Pena" <richard@rpena73.com>
To: "Todd Olsen" <TO@od-s.com>
Sent: Sunday, May 11, 2003 4:29 PM
Subject: Bush Photo

> Hello Todd:
>
> You may remember I was part of the Texas group that went to Wash. D.C.
to
> lobby on behalf of Justice Pricilla Owen. It was a great experience.
We
> met the President on July 16, 2002, and did what we could.
>
> The President took a photo with each of us. I know it takes some time

> to receive these. I have not received mine yet, and was wondering if
an
> inquiry could be made to see if things are on track for such receipt.
I
> hate to bother you with such a minor thing, but I'm redoing my office
and
> sure would be proud to have it hanging.
>
> Thanks...Richard
>
> Law Offices of Richard Pena, P.C.
> 2028 E. Ben White, Suite 220
> Austin, Texas 78741
> (512) 327-6884 (phone)
> (512) 327-8354 (fax)
> richard@rpena73.com
>
>

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Z0BKG003_WHO.TXT_1>

i wasn't aware that the group of Texans who came LAST YEAR had photos taken. is it still possible to get copies? i'll get addresses for everyone if so. thanks.

-----Original Message-----
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Sent: Monday, May 19, 2003 10:50 PM
To: Jennifer Oshcal
Subject: Fw: Bush Photo

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Sent: Sunday, May 11, 2003 4:29 PM
Subject: Bush Photo

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> The President took a photo with each o f us. I know it takes some time
> to receive these. I have not received mine yet, and was wondering if an
> inquiry could be made to see if things are on track for such receipt. I
> hate to bother you with such a minor thing, but I'm redoing my office and
> sure would be proud to have it hanging.
>
> Thanks...Richard
>
> Law Offices of Richard Pena, P.C.
> 2028 E. Ben White, Suite 220
> Austin, Texas 78741
> (512) 327-6884 (phone)
> (512) 327-8354 (fax)
> richard@rpena73.com
>
>

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 5/20/2003 10:34:38 AM
Subject: FW: Reviewing Presidential Messages

I got this message from Presidential Messages -

They want to know have you review their messages - only for grammar and content or for the organization also. I assume it is only for grammar and content. But please let me know if that is different.

Patrick

-----Original Message-----

From: Marshall, Misty C.

Sent: Tuesday, May 20, 2003 9:31 AM

To: Ingwell, Carmen M.; Loy, Carrie B.; Conde, Roberta L.; Bennett, Melissa S.; Ritacco, Krista L.; Daigle, Sandra F.; Bumatay, Patrick J.; Francisco, Noel J.; Nipper, Wendy L.; Grant, Britt; Fullerton, Laura F.; Stout, Timothy C.; Rust, Kathryn E.; Brancato, Keith R.; West, Christal R.; Mamo, Jeanie S.; Gerdelman, Sue H.; Ficklin, John W.; Olsen, Kathie L.; Russell, Richard M.; Cooper Briscoe, Virlena; Bryant, Veola C.; Baldwin, Jenica; Walters, Katherine M.; Waters, James A.; Keller, Karen E.; McQuade, Vickie A.; Snee, Ashley; Ralston, Susan B.; Hernandez, Israel; Hager, Henry C; Kthompson@USTR.gov; MacLean, Robin A.

Cc: Burks, Jonathan W.; Torgerson, Karin B.; Smith, Heidi M.; Campbell, Sarah

Subject: Reviewing Presidential Messages

In a recent meeting with Staff Sec Office - I have been asked to find out **"what is the process that our messages go through when we send to your office for White House Staff to review our messages and requests."**

Does your office review content and grammar of our draft only?
Or
Does your office review content and grammar of our draft AND check the organization requesting the message?

Please discuss these questions with your staff members that review our Presidential messages and let me know asap.

Thanks again for all your help! Please call me at 65503 if you have any questions.
Misty

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/20/2003 11:02:04 AM
Subject: : Mobile Register, column by Willie J. Huntley, Jr. re: Civil rights guardian, outstanding nominee

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAY-2003 15:02:04.00
SUBJECT:: Mobile Register, column by Willie J. Huntley, Jr. re: Civil rights guardian, outstanding nominee
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Civil rights guardian, outstanding nominee
05/20/03
By WILLIE J. HUNTLEY JR.
Special to the Register
T he Washington-headquartered, liberal witch-hunt against President Bush's federal judicial nominees has targeted its next victim, and it is one of our own: Bill Pryor, the attorney general of Alabama.
Among those leading the charge against Pryor is the mis-named group People For the American Way. This should be no surprise; PFAW has led vicious attacks against Attorney General John Ashcroft, Justice Clarence Thomas, Priscilla Owen, Miguel Estrada and numerous other Republican nominees.
PFAW is a radical leftist group that has supported broad court protection for child pornography, burning the American flag, and publicly funded art portraying the Virgin Mary splattered with elephant dung. Most recently, PFAW helped coordinate protests against the war in Iraq -- the war in which some Alabamians gave their lives for their country.
PFAW is funded by the pornography industry and Hollywood radicals, including Playboy magazine, the Screen Actors Guild, and the Center for Alternative Media & Culture. (And they call Bill Pryor an extremist.)
PFAW asserts that Pryor's appointment would devastate civil rights. What its people don't say is that after about 100 years of inaction by other leaders, Bill Pryor led a coalition that included the NAACP to rid the Alabama Constitution of its racist ban on inter-racial marriage.
Pryor then defended the repeal against a court challenge by a so-called Confederate heritage organization.
Our attorney general also took the side of the NAACP in successfully defending majority-minority voting districts -- all the way to the U.S. Supreme Court -- against a challenge by white Alabama Republicans.
Bill Pryor further opposed a white Republican redistricting proposal that would have hurt African-American voters. He did not back down to criticism from his own party -- not one inch.
He then played a key role in the successful prosecution of former Ku Klux Klansmen Bobby Frank Cherry and Thomas Blanton Jr. for the 1963 bombing of the Sixteenth Street Baptist Church in Birmingham. In fact, he will personally argue to uphold Blanton's murder conviction before the Alabama Court of Criminal Appeals later this month.
Pryor started a mentoring program for at-risk kids, and regularly goes to Montgomery public schools to teach African-American kids to read.
Because Bill Pryor has a civil rights record that very few can equal, it is no wonder that African-American leaders who know and have worked with him -- like Artur Davis, Joe Reed, Cleo Thomas and Alvin Holmes -- support his nomination to the 11th Circuit Court of Appeals.
Ignoring Pryor's defense of voting rights for African-Americans, PFAW charges that he opposes the landmark Voting Rights Act. The truth is, he has dutifully enforced all of the Voting Rights Act every time a case has come up.
Pryor has simply stated that a procedural part of the Voting Rights Act --

Section 5 -- has problems that Congress should fix. Section 5 requires federal officials in Washington to approve even minor changes in voting practices that have nothing to do with discrimination.

For example, last year, Pryor issued an opinion that required a white replacement candidate for a deceased white state legislator to get Washington approval under Section 5 to use stickers to put his name on the ballot over the name of the deceased candidate.

Thurbert Baker, the African-American Democratic attorney general of Georgia, has voiced similar concerns about Section 5 before the U.S. Supreme Court.

Undeterred, PFAW and its allies also charge that Pryor believes in "states' rights" -- their code words for racism. The truth is that he believes in the Constitution. He has fought to protect the state's treasury from lawsuits that would have taken our tax dollars away from the state -- away from salaries for teachers and medical care for poor people. It is the job of an attorney general to defend his client -- the state. In fact, the key Supreme Court case on defending a state from lawsuits was won not by Pryor, but by Democratic Attorney General Bob Butterworth of Florida.

Democratic attorneys general like Eliot Spitzer of New York, Jim Doyle of Wisconsin and others have all made the same arguments to defend their state budgets. I guess they are all "right-wing extremists," too.

PFAW and its allies have also attacked Pryor for being extremist on abortion rights. As a dedicated Roman Catholic, Bill Pryor loves kids and is against abortion, no doubt about it.

But even though he disagrees with abortion, he instructed Alabama's district attorneys to apply Alabama's partial-birth abortion law in a moderate way that was consistent with U.S. Supreme Court precedent. Again, he was criticized by Republicans; pro-life activists accused him of gutting the statute. Again, he didn't back down.

Not surprisingly, PFAW and its allies have attacked Pryor for supporting the display of the Ten Commandments in courthouses. But Pryor simply took the position that if a representation of the Ten Commandments can be carved into the wall of the U.S. Supreme Court's courtroom, it can be placed in an Alabama courtroom.

PFAW also has attacked Pryor for the position he took in the Alexander vs. Sandoval case, in which a person who didn't speak English sued to force Alabama to spend its money on printing driver's license tests in foreign languages.

As broke as our state is, there are better things to spend our money on -- like teaching kids to read English so they can take the test and read road signs, and also paving the roads for them to drive on. Pryor fought this attempt to drain our state budget, and the U.S. Supreme Court agreed with him.

The truth and the record show that Bill Pryor has fought for the civil rights and voting rights of African-Americans in Alabama when PFAW was nowhere to be found. Now that President Bush has nominated Pryor to a federal judgeship, PFAW assumes that it can come here and attack him.

I, for one, suggest that PFAW pack up its pro-pornography, flag-burning, anti-religious, attack-dog tactics and go back to Hollywood and Washington.

We who actually know Bill Pryor support him 100 percent.

Willie Huntley is a former assistant U.S. attorney for the Southern District of Alabama. An African-American, he now has a private law practice in Mobile.

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/20/2003 7:24:47 AM
Subject: : WV Problem

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAY-2003 11:24:47.00
SUBJECT:: WV Problem
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett -
Just following up on that memo I sent you earlier this week re. Weirton Steel's meeting with Karl.
The memo pointed out a letter that Weirton had sent after the meeting which talked about "assurances" the company had received re. upcoming steel policy by the Admin. As noted in the memo, no such assurance were given at the meeting.
Would like your guidance on how to handle this, especially considering that the letter was copied to Sen. Byrd and that Weirton just filed for bankruptcy (see below) -

c

========
05/19/2003
Weirton Steel Goes Bankrupt

Staff
Weirton

CLICK THE ???LIVE AUDIO??? ICON ABOVE TO HEAR COMMENTS FROM WEIRTON STEEL PRESIDENT AND CEO JOHN WALKER. (AUDIO COURTESEY WTOV-TV)

What once was West Virginia's largest private employer has fallen onto financial hard times. Monday, Weirton Steel could no longer stand the pressure and filed for Chapter 11 bankruptcy in U.S. District Bankruptcy Court in Wheeling.

Company President and CEO John Walker made the difficult announcement to employees and the media during a press conference at the mill in Weirton Monday.

"This is a start of a new chapter in our history, but we believe it is not the final chapter.??? said Walker putting the best face on the difficulties as possible. "Our goal is to emerge from the reorganization process as quickly as possible as a stronger company, better positioned to compete in the rapidly consolidating steel industry."

The company, like many in the U.S. steel industry, has been struggling for years to overcome obstacles. Walker blames those obstacles like skyrocketing legacy costs, increased consolidation of competitors, and illegal foreign dumping as the leading reasons for this decision. Weirton Steel has over $760 Million in retiree liabilities. Other companies have shed the retirement pension liabilities in bankruptcy; Walker promises that Weirton Steel will not. Walker says they'll seek to form a retiree board through the bankruptcy product to protect those pensions.

Walker says their plans are to keep the Hancock County mill up and running and to save the 3,000 jobs at the facility.

"I want to emphasize that Weirton Steel is still in business, we're still making high-quality steel, serving our customers like we were yesterday. We will continue to do that."

Walker says they are not unlike others in the industry.

"The American Steel industry is in a state of siege and transformation. The challenges facing our company are the same as those facing the entire industry."

The bankruptcy filing gives the company 180 days to work out a plan to emerge from bankruptcy. Walker says in the meantime they've secured a $200 Million line of credit and a $25 Million loan to keep the company operating during the period.

Walker says they remain committed through the process to keep the company a viable part of the region and part of the United State steel industry.

"We have no plans to liquidate the assets or close our mill. In fact our plan is to continue to make investments and upgrade our mill as cash flow improves. That is encouraging news for the community and for the Ohio Valley."

From: Schacht, Diana L.
To: <Kavanaugh, Brett M.>;<Warsh, Kevin>;<Kupfer, Jeffrey F.>
Sent: 5/20/2003 11:30:21 AM
Subject: Asbestos bill
Attachments: att1.htm; MDM03_438.pdf

I've asked Justice to take a look at this too. Pls let me know if you see anything here that would be an absolute red line for us.

Thanks

---------- Forwarded by Diana L. Schacht/OPD/EOP on 05/20/2003 11:30 AM ----------

"Delrahim, Makan (Judiciary)"

05/19/2003 07:35:55 PM

Record Type: Record

To:

cc:

Subject: FW: Asbestos bill

Draft of asbestos bill that sen. Hatch had submitted for the
congressional record and for public comment. Sen. Hatch will introduce
this bill (with perhaps modifications that may be suggested) on Thursday
with several Democratic colleagues. Please let us know if any changes,
suggestions you might have.

-----Original Message-----

From: Seidel, Rebecca (Judiciary)

Sent: Monday, May 19, 2003 6:34 PM

To: Delrahim, Makan (Judiciary)

Cc: Tapia, Margarita (Judiciary)

Subject: FW: Asbestos bill

Makan - just for your own convenience. This is the bill that will be
printed in the record tonight.

CONFIDENTIALITY NOTE:

The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

-----Original Message-----

From: McGhie, Matt (Legis Counsel)

Sent: Monday, May 19, 2003 6:19 PM

To: Seidel, Rebecca (Judiciary)

Cc: Coe, Tony (Legis Counsel)

Subject: Asbestos bill

The latest "discussion draft" is attached.

Matt McGhie

Staff Attorney, Office of the Legislative Counsel

United States Senate

668 Dirksen Senate Office Building

Phone: 202-224-6461; FAX: 202-224-0567

- att1.htm <>

- MDM03_438.pdf <>

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To: Seidel, Rebecca (Judiciary)
Cc: Coe, Tony (Legis Counsel)
Subject: Asbestos bill

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Matt McGhie

Staff Attorney, Office of the Legislative Counsel
United States Senate
668 Dirksen Senate Office Building
Phone: 202-224-6461; FAX: 202-224-0567

108TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fairness in Asbestos Injury Resolution Act of 2003" or the "FAIR Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—United States Court of Asbestos Claims

Sec. 101. Establishment of Asbestos Court.

Subtitle B—Asbestos Injury Claims Resolution Procedures

Sec. 111. Filing of claims.
Sec. 112. General rule concerning no-fault compensation.
Sec. 113. Essential elements of eligible asbestos claim.
Sec. 114. Eligibility determinations and claim awards.
Sec. 115. Medical evidence auditing procedures.
Sec. 116. Claimant assistance program.

Subtitle C—Medical Criteria

Sec. 121. Essential elements of eligible asbestos claim.
Sec. 122. Diagnostic criteria requirements.
Sec. 123. Latency criteria requirements.
Sec. 124. Medical criteria requirements.
Sec. 125. Exposure criteria requirements.

Subtitle D—Awards

Sec. 131. Amount.
Sec. 132. Medical monitoring.
Sec. 133. Payments.
Sec. 134. Reduction in benefit payments for collateral sources.

Subtitle E—En Banc Review

Sec. 141. En banc review.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

Sec. 201. Definitions.
Sec. 202. Authority and tiers.
Sec. 203. Subtier assessments.
Sec. 204. Assessment administration.

Subtitle B—Asbestos Insurers Commission

Sec. 211. Establishment of Asbestos Insurers Commission.
Sec. 212. Duties of Asbestos Insurers Commission.
Sec. 213. Powers of Asbestos Insurers Commission.
Sec. 214. Personnel matters.
Sec. 215. Nonapplication of FOIA and confidentiality of information.
Sec. 216. Termination of Asbestos Insurers Commission.
Sec. 217. Authorization of appropriations.

Subtitle C—Office of Asbestos Injury Claims Resolution

Sec. 221. Establishment of the Office of Asbestos Injury Claims Resolution.
Sec. 222. Powers of the Administrator and management of the Fund.
Sec. 223. Asbestos Injury Claims Resolution Fund.
Sec. 224. Enforcement of contributions.

Sec. 225. Additional contributing participants.

TITLE III—JUDICIAL REVIEW

Sec. 301. Judicial review of decisions of the Asbestos Court.
Sec. 302. Judicial review of final determinations of the Asbestos Insurers Commission.
Sec. 303. Exclusive review.
Sec. 304. Private right of action against reinsurers.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. False information.
Sec. 402. Effect on bankruptcy laws.
Sec. 403. Effect on other laws and existing claims.

SEC. 2. PURPOSE.

The purpose of this Act is to create a privately funded, publicly administered fund to provide the necessary resources for an asbestos injury claims resolution program.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Asbestos Injury Claims Resolution appointed under section 221(c).

(2) ASBESTOS.—The term ''asbestos'' includes—

(A) chrysotile;

(B) amosite;

(C) crocidolite;

(D) tremolite;

(E) winchite;

(F) richterite;

(G) anthophyllite;

(H) actinolite;

(I) any of the minerals listed under subparagraphs (A) through (H) that has been chemically treated or altered, and any variety, type, or component thereof; and

(J) asbestos-containing material, such as asbestos-containing products, automotive or industrial parts or components, equipment, improvements to real property, and any other material that contains asbestos in any physical or chemical form.

(3) ASBESTOS CLAIM.—

(A) IN GENERAL.—The term ''asbestos claim'' means any personal injury claim for damages or other relief presented in a civil action or bankruptcy proceeding, arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium, wrongful death, and any derivative claim made by, or on behalf of, any exposed person or any representative, spouse, parent, child or other relative of any exposed person.

(B) EXCLUSION.—The term does not include claims for benefits under a workers' compensation law or veterans' benefits program, or

claims brought by any person as a subrogee by virtue of the payment of benefits under a workers' compensation law.

(4) ASBESTOS CLAIMANT.—The term "asbestos claimant" means an individual who files an asbestos claim under section 111.

(5) ASBESTOS COURT; COURT.—The terms "Asbestos Court" or "Court" means the United States Court of Asbestos Claims established under section 101.

(6) CIVIL ACTION.—The term "civil action" means all suits of a civil nature in State or Federal court, whether cognizable as cases at law or in equity or in admiralty, but does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(7) COLLATERAL SOURCE.—The term "collateral source" means all collateral sources, including—

(A) disability insurance;

(B) health insurance;

(C) medicare;

(D) medicaid;

(E) death benefit programs;

(F) defendants;

(G) insurers of defendants; and

(H) compensation trusts.

(8) ELIGIBLE DISEASE OR CONDITION.—The term ''eligible disease or condition'' means, to the extent that the illness meets the medical criteria requirements established under subtitle C of title I, asbestosis/pleural disease, severe asbestosis disease, mesothelioma, lung cancer I, lung cancer II, other cancers, and qualifying non-malignant asbestos-related diseases.

(9) FUND.—The term ''Fund'' means the Asbestos Injury Claims Resolution Fund established under section 223.

(10) LAW.—The term ''law'' includes all law, judicial or administrative decisions, rules, regulations, or any other principle or action having the effect of law.

(11) PARTICIPANT.—The term ''participant'' means any person subject to the funding requirements of title II, including—

(A) any defendant participant subject to an assessment for contribution under subtitle A of that title; and

(B) any insurer participant subject to an assessment for contribution under subtitle B of that title.

(12) PERSON.—The term ''person''—

(A) means an individual, trust, firm, joint stock company, partnership, association, insurance company, reinsurance company, or corporation; and

(B) does not include the United States, any State or local government, or subdivision thereof, including school districts and any general or special function governmental unit established under State law.

(13) STATE.—The term ''State'' means any State of the United States and also includes the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(14) VETERANS' BENEFITS PROGRAM.—The term ''veterans' benefits program'' means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(15) WORKER'S COMPENSATION LAW.—The term ''worker's compensation law''—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. sections 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers' Liability Act, or damages recovered by any employee in a liability action against an employer.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—United States Court of Asbestos Claims

SEC. 101. ESTABLISHMENT OF ASBESTOS COURT.

(a) IN GENERAL.—Part I of title 28, United States Code, is amended by inserting after chapter 7 the following:

"CHAPTER 9—UNITED STATES COURT OF ASBESTOS CLAIMS

"Sec.
"201. Establishment of the United States Court of Asbestos Claims.
"202. Magistrates.
"203. Retirement of judges of the United States Court of Asbestos Claims.

"§ 201. Establishment of the United States Court of Asbestos Claims

"(a) ESTABLISHMENT AND APPOINTMENT OF JUDGES.—

"(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 5 judges, who shall constitute a court of record known as the United States Court of Asbestos Claims.

"(2) ARTICLE I COURT.—The Court of Asbestos Claims is declared to be a court established under article I of the Constitution of the United States.

"(b) TERM; REMOVAL; COMPENSATION.—

"(1) TERM.—Each judge appointed under subsection (a) shall serve for a term of 15 years, except that judges initially appointed shall serve for staggered terms as the President shall determine appropriate to assure continuity.

"(2) REMOVAL.—Judges may be removed by the President only for good cause.

"(3) COMPENSATION.—Each judge shall receive a salary at the rate of pay, and in the same manner, as judges of the district courts of the United States.

"(c) CHIEF JUDGE.—

"(1) IN GENERAL.—The President shall designate 1 of the judges appointed under subsection (b)(1), who is less than 70 years of age, to serve as chief judge.

"(2) TERM.—The chief judge may continue to serve as such until—

"(A) he or she reaches the age of 70 years;

"(B) another judge is designated as chief judge by the President; or

"(C) the expiration of his or her term under subsection (b)(1).

"(3) CONTINUITY OF SERVICE.—Upon the designation by the President of another judge to serve as chief judge, the former chief judge may continue to serve as a judge of the Court of Asbestos Claims for the balance of the term to which he or she was appointed.

"(4) POWERS OF CHIEF JUDGE.—The chief judge is authorized to—

"(A) prescribe rules and procedures for hearings and appeals of the Court of Asbestos Claims and its magistrates;

"(B) appoint magistrates;

"(C) appoint or contract for the services of such personnel as may be necessary and appropriate to carry out the responsibilities of the Court of Asbestos Claims; and

"(D) make such expenditures as may be necessary and appropriate in the administration of the responsibilities of the Court of Asbestos Claims and the chief judge under this chapter and the Fairness in Asbestos Injury Resolution Act of 2003.

"(d) TIME AND PLACES OF HOLDING COURT.—

"(1) IN GENERAL.—The principal office of the Court of Asbestos Claims shall be in the District of Columbia, but the Court of Asbestos Claims may hold court at such times and in such places as the chief judge may prescribe by rule.

"(2) LIMITATION.—The times and places of the sessions of the Court of Asbestos Claims shall be prescribed with a view to securing reasonable opportunity to citizens to appear before the Court of Asbestos Claims.

"(e) OFFICIAL DUTY STATION; RESIDENCE.—

"(1) DUTY STATION.—The official duty station of each judge of the Court of Asbestos Claims is the District of Columbia.

"(2) RESIDENCE.—After appointment and while in active service, each judge of the Court of Asbestos Claims shall reside within 50 miles of the District of Columbia.

"§ 202. Magistrates

"(a) APPOINTMENT.—The chief judge shall appoint such magistrates as necessary to facilitate the expeditious processing of claims.

"(b) COMPENSATION.—The compensation of magistrates shall be determined by the chief judge, but shall not exceed the annual rate of basic pay of level V of the Executive Schedule, as prescribed by section 5316 of title 5.

"(c) RETIREMENT.—For purposes of Federal laws relating to retirement, including chapters 83 and 84 of title 5, magistrates appointed under this section shall be deemed to be appointed under section 631 of this title.

"(d) REGULATIONS.—Except as provided under subsection (c), chapter 43 shall not apply to magistrates appointed under this chapter, except the chief judge may

prescribe rules similar to the provisions of chapter 43 to apply to magistrates.

"§ 203. Retirement of judges of the United States Court of Asbestos Claims

"(a) IN GENERAL.—For purposes of Federal laws relating to retirement, judges of the Court of Asbestos Claims shall be treated in the same manner and to the same extent as judges of the Court of Federal Claims.

"(b) REGULATIONS.—In carrying out this section—

"(1) the Director of the Administrative Office of the United States Courts shall promulgate regulations to apply provisions similar to section 178 of this title (including the establishment of a Court of Asbestos Claims Judges Retirement Fund) to judges of the Court of Asbestos Claims; and

"(2) the Director of the Office of Personnel Management shall promulgate regulations to apply chapters 83 and 84 of title 5 to judges of the Court of Asbestos Claims.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 28, United States Code, is amended by striking the item relating to chapter 9, and inserting after the item relating to chapter 7 the following:

"9. United States Court of Asbestos Claims.".

Subtitle B—Asbestos Injury Claims Resolution Procedures

SEC. 111. FILING OF CLAIMS.

(a) WHO MAY SUBMIT.—

(1) GENERAL RULE.—Any individual who has suffered from an eligible disease or condition that is believed to meet the requirements established under subtitle C (or the spouse, parent, child, or other relative of such individual in a representative capacity, or the executor of the estate of such individual) may file a claim with the Asbestos Court for compensation with respect to such injury.

(2) RULES.—The Asbestos Court may issue procedural rules to specify individuals who may file an asbestos claim as a representative of another individual.

(3) LIMITATION.—An asbestos claim may not be filed by any person seeking contribution or indemnity.

(b) REQUIRED INFORMATION.—To be valid, an asbestos claim filed under subsection (a) shall be notarized and include—

(1) the name, social security number, gender, date of birth, and, if applicable, date of death of the claimant;

(2) information relating to the identity of dependents and beneficiaries of the claimant;

(3) a detailed description of the work history of the claimant, including social security records or a signed release permitting access to such records;

(4) a detailed description of the asbestos exposure of the claimant, including information on the identity of any product or manufacturer, site, or location of exposure, plant name, and duration and intensity of exposure;

(5) a detailed description of the tobacco product use history of the claimant, including frequency and duration;

(6) an identification and description of the asbestos-related diseases of the claimant, including a written report by the claimant's physician with medical diagnoses and test results necessary to make a determination of medical eligibility that complies with the applicable requirements of this subtitle and subtitle C;

(7) a description of any prior or pending civil action or other claim brought by the claimant for asbestos-related injury, including an identification of any recovery of compensation or damages through settlement, judgment, or otherwise; and

(8) any other information that is required to be included under procedural rules issued by the Court.

(c) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), if an individual fails to file an asbestos claim with the Asbestos Court under this section within 2 years after the date on which the individual first—

(A) received a medical diagnosis of an eligible disease or condition as provided for under this subtitle and subtitle C; or

(B) discovered facts that would have led a reasonable person to obtain a medical diagnosis with respect to an eligible disease or condition,

any claim relating to that injury, and any other asbestos claim related to that injury, shall be extinguished, and any recovery thereon shall be prohibited.

(2) EFFECT ON PENDING CLAIMS.—If an asbestos claimant has any claim for an asbestos-related injury that is pending in a Federal or State court or with a trust established under title 11, United States Code, on the date of enactment of this Act, such claimant shall file an asbestos claim under this section within 2 years after such date of enactment

or be barred from receiving any compensation under this title.

(3) EFFECT OF MULTIPLE INJURIES.—An asbestos claimant who receives compensation under this title for an eligible disease or condition, and who subsequently develops another such injury, shall be eligible for additional compensation under this title (subject to appropriate setoffs for such prior recovery of compensation under this title and from any other collateral source) and the statute of limitations under paragraph (1) shall not begin to run with respect to such subsequent injury until such claimant obtains a medical diagnosis of such other injury or discovers facts that would have led a reasonable person to obtain such a diagnosis.

(4) RULE OF CONSTRUCTION.—Paragraph (2) shall be interpreted as a statute of limitations and be construed to the benefit of the Fund and of any person who might otherwise have been made subject to an asbestos claim to which such paragraph is applied.

SEC. 112. GENERAL RULE CONCERNING NO-FAULT COMPENSATION.

An asbestos claimant shall not be required to demonstrate that the asbestos-related injury for which the

claim is being made resulted from the negligence or other fault of any other person.

SEC. 113. ESSENTIAL ELEMENTS OF ELIGIBLE ASBESTOS CLAIM.

To be eligible for compensation under this subtitle for an asbestos-related injury, an individual shall—

(1) file an asbestos claim in a timely manner in accordance with section 111; and

(2) prove, by a preponderance of the evidence that—

(A) the claimant suffers from an eligible disease or condition, as demonstrated by evidence (submitted as part of the claim) that meets the medical criteria requirements and diagnostic criteria requirements established under subtitle C; and

(B) the claimant meets the latency criteria requirements and the exposure criteria requirements established under subtitle C.

SEC. 114. ELIGIBILITY DETERMINATIONS AND CLAIM AWARDS.

(a) CLAIMS EXAMINERS.—

(1) IN GENERAL.—The Asbestos Court shall appoint, or contract for the services of, qualified in-

dividuals to assist magistrates by conducting eligibility reviews of asbestos claims filed with the Court.

(2) CRITERIA.—The Asbestos Court shall establish criteria with respect to the qualifications of individuals who are eligible to serve as claims examiners and, in developing such criteria, shall consult with such experts as the Court determines appropriate.

(b) REFERRAL OF ASBESTOS CLAIM.—Not later than 20 days after the filing of an asbestos claim with the Asbestos Court, the Court shall refer such claim to a magistrate.

(c) INITIAL REVIEW.—

(1) IN GENERAL.—Under the direction of a magistrate, a claims examiner shall make an initial review of an asbestos claim to determine whether all required information has been submitted by the claimant.

(2) NOTICE OF INCOMPLETE CLAIM.—If the claims examiner determines that all required information has not been submitted, the examiner—

(A) shall notify the claimant of such determination and require the submission of additional information necessary for a determination of eligibility;

(B) may compel the submission of any additional information;

(C) may request that the claimant undergo additional medical examinations and tests if information from such examinations or tests is necessary to enable the examiner to make a determination of medical eligibility; and

(D) may require any releases necessary to enable the examiner to obtain medical or other information relevant to the determination of eligibility.

(d) EXPEDITIOUS DETERMINATIONS.—The Asbestos Court shall prescribe rules to expedite claims for asbestos claimants with exigent circumstances.

(e) AUDIT AND PERSONNEL REVIEW PROCEDURES.—The Asbestos Court shall establish audit and personnel review procedures for evaluating the accuracy of eligibility recommendations of magistrates.

(f) ELIGIBILITY DETERMINATIONS.—

(1) IN GENERAL.—Not later than 60 days after the receipt by a magistrate of all required information and requested medical advice with respect to an asbestos claim, the magistrate shall transmit a recommendation of the compensation to which the

claimant is entitled and findings of fact to a judge of the Asbestos Court.

(2) ADMISSIBILITY OF FINDINGS OF FACT.—A determination under paragraph (1) shall include relevant findings of fact and shall be admissible as evidence in any judicial review.

(g) DECISION OF JUDGE.—

(1) IN GENERAL.—Not later than 30 days after receipt of a recommendation of a magistrate, a judge of the Asbestos Court shall make a final decision of any compensation to which the claimant is entitled.

(2) WAIVER OF JUDICIAL REVIEW.—The final decision under paragraph (1) shall include an acceptance form by which the claimant may waive the right to judicial review and expedite payment of compensation from the Fund.

(h) AWARDING OF COMPENSATION.—

(1) IN GENERAL.—If a judge of the Asbestos Court determines that an asbestos claimant is entitled to compensation, the Court shall notify the Administrator to award the claimant compensation from the Fund in the amount of the judge's decision.

(2) CLAIM EXTINGUISHED.—The acceptance of a payment under this Act shall extinguish all claims related to such payment.

SEC. 115. MEDICAL EVIDENCE AUDITING PROCEDURES.

(a) DEVELOPMENT.—The Asbestos Court shall develop methods for auditing the medical evidence submitted as part of an asbestos claim, including methods to ensure the independent reading of x-rays and results of pulmonary function tests. The Court may develop additional methods for auditing other types of evidence or information received by the Court.

(b) REFUSAL TO CONSIDER CERTAIN EVIDENCE.—

(1) IN GENERAL.—If the Asbestos Court determines that an audit conducted in accordance with the methods developed under subsection (a) demonstrates that the medical evidence submitted by a specific physician or medical facility is not consistent with prevailing medical practices or the applicable requirements of this Act, the Court shall notify claims examiners and the magistrates that any medical evidence from such physician or facility shall be unacceptable for purposes of establishing eligibility for compensation under this Act.

(2) NOTIFICATION.—Upon a determination by the Asbestos Court under paragraph (1), the Court

shall notify the physician or medical facility involved of the results of the audit. Such physician or facility shall have a right to appeal the determination of the Court under procedures issued by the Court.

SEC. 116. CLAIMANT ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—The Asbestos Court shall establish an asbestos claimant assistance program to provide assistance to claimants in preparing and submitting asbestos claim applications and in responding to claimant inquiries.

(b) LEGAL ASSISTANCE.—

(1) IN GENERAL.—As part of the program established under subsection (a), the Asbestos Court shall establish a legal assistance program to provide assistance to asbestos claimants concerning legal representation issues.

(2) LIST OF QUALIFIED ATTORNEYS.—As part of the program, the Court shall maintain a roster of qualified attorneys who have agreed to provide pro bono services to asbestos claimants under rules established by the Court. The claimants shall not be required to use the attorneys listed on such roster.

Subtitle C—Medical Criteria

SEC. 121. ESSENTIAL ELEMENTS OF ELIGIBLE ASBESTOS CLAIM.

To be eligible for compensation under this title for an asbestos-related injury, an individual shall—

(1) file an asbestos claim under this title in a timely manner; and

(2) prove, by a preponderance of the evidence that—

(A) the claimant suffers from an eligible disease or condition, as demonstrated by evidence (submitted as part of the claim) that meets the diagnostic criteria requirements described in section 122 and the medical criteria requirements described in section 124; and

(B) the claimant meets the latency criteria requirements described in section 123 and the exposure criteria requirements described in section 125.

SEC. 122. DIAGNOSTIC CRITERIA REQUIREMENTS.

(a) IN GENERAL.—To be eligible to receive compensation under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall demonstrate a medical diagnosis that meets the requirements of this section.

(b) DIAGNOSIS.—A medical diagnosis meets the requirements of this section if the diagnosis—

(1) is made by a physician who—

(A) treated, or is treating, the claimant;

(B) conducted an in-person medical examination of the claimant; and

(C) is licensed to practice medicine in the State in which the examination occurred and in which the diagnosis is rendered;

(2) includes a review by the physician of the work history, asbestos exposure pattern, and smoking history of the claimant, or other factors determined appropriate by the Asbestos Court;

(3) is independently verified with respect to the duration, proximity, regularity, and intensity of the asbestos exposure involved; and

(4) has excluded other more likely causes of the injury of the claimant.

(c) RESULTS OF MEDICAL EXAMINATIONS AND TESTS.—

(1) IN GENERAL.—In making the demonstration required under subsection (a), an asbestos claimant shall submit—

(A) x-rays (including both films and B-reader reports);

(B) detailed results of pulmonary function tests (including spirometric tracings);

(C) laboratory tests; and

(D) the results of medical examination or reviews of other medical evidence.

(2) PROCEDURAL REQUIREMENTS.—A submission under paragraph (1) shall comply with the requirements of this Act and recognized medical standards regarding equipment, testing methods, and procedures to ensure that such medical evidence is reliable.

(d) SUFFICIENCY OF MEDICAL EVIDENCE.—In making determinations under this section, a magistrate shall not make a determination unless the medical evidence provided in support of the asbestos claim is credible and consistent with this section, the medical criteria described in section 124, and recognized medical standards.

(e) ATTORNEY RETENTION AGREEMENTS.—An attorney retention agreement shall not be required as a prerequisite to a medical examination or medical screening for purposes of obtaining a medical diagnosis or other medical information under this section.

(f) RULES.—The Asbestos Court shall prescribe rules to implement the diagnostic criteria requirements to be used in applying this section.

SEC. 123. LATENCY CRITERIA REQUIREMENTS.

(a) IN GENERAL.—To be eligible to receive compensation under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall demonstrate that the claimant was exposed to asbestos—

(1) in a manner that meets the exposure requirements of sections 124 and 125;

(2) within the United States or its territories or possessions; and

(3) for at least 10 years before the initial diagnosis of any asbestos-related injury.

(b) CONSISTENCY WITH MEDICAL CRITERIA.—An asbestos claimant shall be required to demonstrate that any delay between asbestos exposure and the asbestos-related injury is consistent with medical criteria concerning the latency periods typically associated with the disease category for which the claim is being made.

(c) VARIATIONS IN LATENCY PERIODS.—Latency periods under this section may vary based on the eligible disease or condition involved.

(d) RULES.—The Asbestos Court shall prescribe rules, based on the medical literature or other appropriate medical evidence concerning latency periods, for the purpose of implementing the criteria used in applying this section.

SEC. 124. MEDICAL CRITERIA REQUIREMENTS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) BILATERAL ASBESTOS-RELATED NONMALIGNANT DISEASE.—The term ''bilateral asbestos-related nonmalignant disease'' means a diagnosis of bilateral asbestos-related nonmalignant disease based on—

(A) an x-ray reading of 1/0 or higher on the ILO scale; or

(B) an x-ray showing bilateral pleural plaques or pleural thickening, bilateral interstitial fibrosis, or bilateral interstitial markings.

(2) BILATERAL PLEURAL DISEASE OF B2.—The term ''bilateral pleural disease of B2'' means a chest wall pleural thickening or plaque with a maximum width of at least 5 millimeters and a total length of at least ¼ of the projection of the lateral chest wall.

(3) FEV1.—The term ''FEV1'' means forced expiratory volume (1 second), which is the maximal volume of air expelled in 1 second during performance of the spirometric test for forced vital capacity.

(4) FVC.—The term ''FVC'' means forced vital capacity, which is the maximal volume of air expired with a maximally forced effort from a position of maximal inspiration.

(5) ILO GRADE.—The term ''ILO grade'' means the radiological ratings for the presence of lung or pleural changes as determined from a chest x-ray, all as established from time to time by the International Labor Organization.

(6) PATHOLOGICAL EVIDENCE OF ASBESTOSIS.—The term ''pathological evidence of asbestosis'' means proof of asbestosis based on the pathological grading system for asbestosis described in the Special Issue of the Archives of Pathology and Laboratory Medicine, ''Asbestos-associated Diseases'', Vol. 106, No. 11, App. 3 (October 8, 1982).

(7) PULMONARY FUNCTION TESTING.—The term ''pulmonary function testing'' means spirometry testing that is in compliance with the quality criteria established from time to time by the American Thoracic Society and is performed on equipment which is in compliance with the standards of the American Thoracic Society for technical quality and calibration.

(8) SIGNIFICANT OCCUPATIONAL EXPOSURE.—The term ''significant occupational exposure'' means employment for a cumulative period of at least 5 years, in an industry and an occupation in which the claimant—

(A) handled raw asbestos fibers on a regular basis;

(B) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to raw asbestos fibers;

(C) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to asbestos fibers; or

(D) was employed in an industry and occupation such that the claimant worked on a regular basis in close proximity to workers engaged in the activities described under subparagraph (A), (B), or (C).

(9) TLC.—The term ''TLC'' means total lung capacity, which is the volume of air in the lung after maximal inspiration.

(b) REQUIREMENT.—To be eligible for compensation or medical monitoring reimbursement under this title, a claimant shall establish that the claimant meets the medical criteria for 1 of the following categories:

(1) For Level I: Asymptomatic Exposure, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a bilateral asbestos-related nonmalignant disease or an asbestos-related malignancy; and

(B) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) 5 years cumulative occupational exposure to asbestos.

(2) For Level II: Asbestosis/Pleural Disease A, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of asbestosis by chest x-rays for which a B-reader report is furnished showing small irregular opacities of ILO Grade 1/0 or greater, or showing bilateral pleural disease of B2 or greater, or by pathological evidence of asbestosis; and

(B) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(3) For Level III: Asbestosis/Pleural Disease B, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of asbestosis by chest x-rays for which a B-reader report is furnished showing small irregular opacities of ILO Grade 1/0 or greater, or showing bilateral pleural disease of B2 or greater, or by pathological evidence of asbestosis;

(B) pulmonary function testing that shows—

(i) TLC less than 80 percent of predicted; or

(ii) FVC less than 80 percent of predicted, and a FEV1/FVC ratio of not less than 65 percent; and

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(4) For Level IV: Severe Asbestosis, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of asbestosis by chest x-rays for which a B-reader report is furnished showing small irregular opacities of ILO Grade

2/1 or greater, or by pathological evidence of asbestosis;

(B) pulmonary function testing that shows—

(i) TLC less than 65 percent of predicted; or

(ii) FVC less than 65 percent of predicted, and a FEV1/FVC ratio greater than 65 percent; and

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(5) For Level V: Other Cancer, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a primary laryngeal, esophageal, pharyngeal, or stomach cancer;

(B) evidence of an underlying bilateral asbestos-related nonmalignant disease; and

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(6) For Level VI: Lung Cancer One, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a primary lung cancer; and

(B) meaningful and credible evidence of 6 months of occupational exposure to asbestos before December 31, 1982.

(7) For Level VII: Lung Cancer Two, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a primary lung cancer;

(B) evidence of an underlying bilateral asbestos-related nonmalignant disease;

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure; and

(D) supporting medical documentation and certification by or on behalf of the claimant establishing asbestos exposure as a contributing factor causing the relevant lung cancer.

(8) For Level VIII: Mesothelioma, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of mesothelioma; and

(B) meaningful and credible evidence of exposure to asbestos.

SEC. 125. EXPOSURE CRITERIA REQUIREMENTS.

(a) REQUIREMENT.—To be eligible to receive compensation under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall contain information to demonstrate that the claimant meets the minimum exposure requirements under this subtitle.

(b) BURDEN OF PROOF.—

(1) IN GENERAL.—An asbestos claimant has the burden of demonstrating meaningful and credible exposure to asbestos for purposes of this subtitle.

(2) EVIDENCE.—The demonstration under paragraph (1) may be established by—

(A) an affidavit submitted by the claimant, a coworker of the claimant, or a family member, in the case of a deceased claimant;

(B) employment records;

(C) invoices;

(D) construction or other similar records; or

(E) other credible evidence.

(c) RULES.—

(1) EXPOSURE INFORMATION.—The Asbestos Court shall issue rules prescribing specific exposure information that shall be submitted to permit the Court to process an asbestos claim and prescribing a proof of claim form. Such rules may provide that a claims examiner or magistrate, as applicable, may require the submission of other or additional evidence of exposure when determined to be appropriate and necessary.

(2) REBUTTABLE PRESUMPTIONS.—The Asbestos Court may prescribe rules identifying specific industries, occupations within those industries, time periods, and employment periods for which significant occupational exposure (as defined under section 124) may be a rebuttable presumption for asbestos claimants who provide meaningful and credible evidence that the claimant worked in that industry and occupation for the requisite period of time. The Administrator may provide evidence to rebut this presumption.

Subtitle D—Awards

SEC. 131. AMOUNT.

(a) IN GENERAL.—An asbestos claimant who meets the requirements of section 113 shall be entitled to com-

pensation in an amount determined by reference to the benefit table contained in subsection (b).

(b) BENEFIT TABLE.—

(1) IN GENERAL.—An asbestos claimant with an eligible disease or condition established in accordance with section 124, other than an injury described in paragraph (2), shall be eligible for compensation according to the following schedule:

Level	Scheduled Condition or Disease	Scheduled Value
I	Asymptomatic Exposure	$0
II	Asbestosis/Pleural Disease A	$0
III	Asbestosis/Pleural Disease B	$40,000
IV	Severe Asbestosis	$400,000
V	Other Cancer	$200,000
VI	Lung Cancer I (smoker)	$50,000
VII	Lung Cancer II (non-smoker)	$400,000
VIII	Mesothelioma	$750,000

(2) MEDICAL MONITORING.—An asbestos claimant with asymptomatic exposure or asbestosis/pleural disease A, based on the criteria under section 124(b)(1), shall only be eligible for medical monitoring reimbursement.

SEC. 132. MEDICAL MONITORING.

(a) RELATION TO STATUTE OF LIMITATIONS.—The filing of an asbestos claim that seeks reimbursement for medical monitoring shall not be considered as evidence

that the claimant has discovered facts that would otherwise commence the period applicable for purposes of the statute of limitations under section 111(c).

(b) COSTS.—Reimbursable medical monitoring costs shall include the costs of a claimant not covered by health insurance for x-ray tests and pulmonary function tests every 3 years.

(c) REGULATIONS.—The Administrator shall promulgate regulations that establish—

(1) the reasonable costs for medical monitoring that is reimbursable; and

(2) the procedures applicable to asbestos claimants.

SEC. 133. PAYMENTS.

(a) STRUCTURED PAYMENTS.—

(1) IN GENERAL.—An asbestos claimant who is entitled to compensation shall receive such compensation through structured payments from the Fund, made over a period of not less than 3 years.

(2) ACCELERATED PAYMENTS.—The Administrator shall develop guidelines to provide for accelerated payments to asbestos claimants who are mesothelioma victims and who are alive on the date on which the administrator receives notice of the eligibility of the claimant. Such payments shall be cred-

ited against the first regular payment under the structured payment plan for the claimant.

(3) EXPEDITED PAYMENTS.—The Administrator shall develop guidelines to provide for expedited payments to asbestos claimants in cases of exigent circumstances or extreme hardship caused by asbestos-related injury.

(4) ANNUITY.—An asbestos claimant may elect to receive any payments to which they are entitled under this title in the form of an annuity.

(b) LIMITATION ON TRANSFERABILITY.—An asbestos claim shall not be assignable or otherwise transferable under this Act.

(c) CREDITORS.—An award of compensation under this title shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, and such exemption may not be waived.

(d) TREATMENT FOR INTERNAL REVENUE PURPOSES.—All compensation received under this subtitle shall be deemed to be compensation for personal physical injuries or physical sickness under section 104 of the Internal Revenue Code of 1986.

(e) MEDICARE AS SECONDARY PAYER.—No award of compensation under this title shall be deemed a payment

for purposes of section 1862 of the Social Security Act (42 U.S.C. 1395y).

SEC. 134. REDUCTION IN BENEFIT PAYMENTS FOR COLLATERAL SOURCES.

(a) IN GENERAL.—The amount of compensation otherwise available to an asbestos claimant under this title shall be reduced by the amount of collateral source compensation that the claimant received, or is entitled to receive, for the asbestos-related injury that is the subject of the compensation.

(b) EXCLUSIONS.—In no case shall statutory benefits under workers' compensation laws and veterans benefits programs be deemed as collateral source compensation for purposes of this section.

Subtitle E—En Banc Review

SEC. 141. EN BANC REVIEW.

(a) IN GENERAL.—

(1) EN BANC PANELS.—The chief judge of the Asbestos Court shall—

(A) establish en banc panels to carry out this subtitle; and

(B) assign 3 judges of the Asbestos Court to each en banc panel.

(2) FILING OF APPEAL.—Not later than 30 days after receiving notice of the decision of a judge

under section 114, a claimant may file an appeal for review with an en banc panel of the Asbestos Court.

(b) DE NOVO REVIEW.—An Asbestos Court panel shall provide a de novo review of the magistrate's determination and the judge's decision.

(c) REPRESENTATION OF THE ADMINISTRATOR.—The Administrator may appoint counsel to represent the interests of the Fund and the Administrator in all proceedings before a panel, including oral arguments and the submission of briefs.

(d) FEDERAL RULES OF APPELLATE PROCEDURE.—An Asbestos Court panel shall apply the Federal Rules of Appellate Procedures to all proceedings before the panel.

(e) DECISION OF PANEL.—An Asbestos Court panel shall enter a final decision on an appeal on the earlier date occurring—

(1) not later than 30 days after the date of the conclusion of oral arguments; or

(2) not later than 60 days after an appeal is filed under this section.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

SEC. 201. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) AFFILIATED GROUP.—The term ''affiliated group'' means—

(A) with respect to any nonbankrupt defendant participant that is an ultimate parent or a person whose entire beneficial interest is owned on the date of enactment of this Act, directly or indirectly, by an ultimate parent, that set of nonbankrupt persons including the ultimate parent and all of the nonbankrupt persons whose entire beneficial interest shall be owned on December 31, 2002, directly or indirectly, by that ultimate parent; or

(B) with respect to any bankrupt defendant participant, the debtor and all of its direct and indirect majority owned subsidiaries, whether or not such subsidiaries are debtors.

(2) DEBTOR.—The term ''debtor''—

(A) means all entities that are subject to a case pending under any chapter of title 11,

United States Code, on the date of enactment of this Act; and

(B) shall not include an entity—

(i) subject to chapter 7 of title 11, United States Code, if a final decree closing the estate shall have been entered before the date of enactment of this Act; or

(ii) subject to chapter 11 of title 11, United States Code, if a plan of reorganization for such entity shall have been confirmed by a final judgment.

(3) INDEMNIFIABLE COST.—The term ''indemnifiable cost'' means a cost, expense, debt, judgment, or settlement incurred with respect to an asbestos claim that, at any time before December 31, 2002, was or could have been subject to indemnification, contribution, surety, or guaranty.

(4) INDEMNITEE.—The term ''indemnitee'' means a person against whom any asbestos claim has been asserted before December 31, 2002, who has received from any other person, or on whose behalf a sum has been paid by such other person to any third person, in settlement, judgment, defense, or indemnity in connection with an alleged duty with respect to the defense or indemnification of such

person concerning that asbestos claim, other than under a policy of insurance or reinsurance.

(5) INDEMNITOR.—The term ''indemnitor'' means a person who has paid under a written agreement at any time before December 31, 2002, a sum in settlement, judgment, defense, or indemnity to or on behalf of any person defending against an asbestos claim, in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, except that payments by an insurer or reinsurer under a contract of insurance or reinsurance shall not make the insurer or reinsurer an indemnitor for purposes of this subtitle.

(6) PRIOR ASBESTOS EXPENDITURES.—The term ''prior asbestos expenditures''—

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims against that person;

(B) includes payments made by insurance carriers to or for the benefit of such person or on such person's behalf with respect to such as-

bestos claims, except as provided in section 204(g);

(C) shall not include any payment made by a person in connection with any activities or disputes related to insurance coverage matters for asbestos-related liabilities; and

(D) shall not include any payment made by or on behalf of persons who are common carriers by railroad for asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers' Liability Act, including settlement, judgment, defense, or indemnity costs associated with these claims.

(7) TRUST.—The term ''trust'' means all persons or affiliated groups that formed under section 524(g) of title 11, United States Code, or formed under any plan under section 1129 of title 11, United States Code, for the purpose of administering and paying asbestos claims.

(8) ULTIMATE PARENT.—The term ''ultimate parent'' means a person—

(A) that owns, on the date of enactment of this Act, the entire beneficial interest, directly or indirectly, of at least 1 other person; and

(B) whose entire beneficial interest is not owned, on December 31, 2002, directly or indirectly, by any other single person.

SEC. 202. AUTHORITY AND TIERS.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Administrator shall assess from defendant participants contributions to the Fund in accordance with this section based on tiers and subtiers assigned to defendant participants.

(2) AGGREGATE CONTRIBUTION LEVEL.—The total contribution required of all defendant participants over the life of the Fund shall be equal to $45,000,000,000.

(b) TIER I.—The Administrator shall assign to Tier I all persons that are debtors or affiliated groups that include a person that—

(1) is a debtor on the date of enactment of this Act or at any time during the 1-year period preceding that date; and

(2) have paid a prior asbestos expenditure, irrespective of whether a related case under title 11, United States Code, is dismissed.

(c) TREATMENT OF TIER I BUSINESS ENTITIES IN BANKRUPTCY.—

(1) DEFINED TERM.—In this subsection, the term ''bankrupt business entity'' means a person that is not a natural person that—

(A) filed under chapter 11, of title 11, United States Code, before January 1, 2003;

(B) has not confirmed a plan of reorganization as of the date of enactment of this Act; and

(C) the Chief Executive Officer, Chief Financial Officer, or Chief Legal Officer of that business entity certifies in writing to the bankruptcy court presiding over the business entity's case, that asbestos liability was neither the sole nor precipitating cause for the filing under chapter 11.

(2) PROCEEDING WITH REORGANIZATION PLAN.—A bankrupt business entity may proceed with the filing, solicitation, and confirmation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction under section 524(g) of title 11, United States Code, notwithstanding any other provisions of this Act, if—

(A) the bankruptcy court presiding over the chapter 11 case of the bankrupt business entity determines that—

(i) confirmation is necessary to permit the reorganization of that entity and assure that all creditors and that entity are treated fairly and equitably; and

(ii) confirmation is clearly favored by the balance of the equities; and

(B) an order confirming the plan of reorganization is entered by the bankruptcy court within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown.

(3) APPLICABILITY.—If the bankruptcy court does not make the required determination, or if an order confirming the plan is not entered within 9 months of the effective date of this Act or such longer period of time approved by the bankruptcy court for cause shown, the provisions of the Act shall apply to the bankrupt business entity notwithstanding the certification. Any timely appeal under title 11, United States Code, from a confirmation order entered during the applicable time period shall automatically extend the time during which this Act

is inapplicable to the bankrupt business entity, until the appeal is fully and finally resolved.

(4) OFFSETS.—

(A) PAYMENTS BY INSURERS.—To the extent that a bankrupt business entity successfully confirms a plan of reorganization, including a trust under section 524(g) of title 11, United States Code, and channeling injunction that involves payments by insurers who are otherwise subject to this Act, an insurer who makes payments to the trust under section 524(g) of title 11, United States Code, shall obtain a dollar for dollar reduction in the amount otherwise payable by that insurer under this Act to the Fund.

(B) CONTRIBUTIONS TO FUND.—Any cash payments by a bankrupt business entity, if any, to a trust under section 524(g) of title 11, United States Code, may be counted as a contribution to the Fund.

(d) TIERS II THROUGH VI.—Except as provided in sections 202(b), 204(b), and 204(g), persons or affiliated groups shall be assigned to Tier II, III, IV, V, or VI according to the prior asbestos expenditures paid by such persons or affiliated groups as follows:

(1) Tier II: $75,000,000 or greater.

(2) Tier III: $50,000,000 or greater but less than $75,000,000.

(3) Tier IV: $10,000,000 or greater but less than $50,000,000.

(4) Tier V: $5,000,000 or greater but less than $10,000,000.

(5) Tier VI: $1,000,000 or greater but less than $5,000,000.

(e) ASSIGNMENTS AND COSTS.—

(1) PERMANENT ASSIGNMENT.—Subject to section 204(d), after the Administrator has assigned a person or affiliated group to a tier under this section, such person or affiliated group shall remain in that tier throughout the life of the Fund, regardless of subsequent events, including—

(A) the filing of a petition under a chapter of title 11, United States Code;

(B) a discharge from bankruptcy;

(C) the confirmation of a plan of reorganization; or

(D) the sale or transfer of assets to any other person or affiliated group.

(2) COSTS.—The payment of contributions to the Fund by all persons or affiliated groups that in-

clude a person that is a debtor that is the subject of a case under a chapter of title 11, United States Code, after the date of enactment of this Act—

(A) shall constitute costs and expenses of administration of the case under section 503 of that title 11 and shall be payable in accordance with the payment provisions under this subtitle notwithstanding the pendency of the case under that title 11;

(B) shall not be stayed or affected as to enforcement or collection by any stay or injunction power of any court; and

(C) shall not be impaired or discharged in any current or future case under title 11, United States Code.

(f) SUPERSEDING PROVISIONS.—Any plan of reorganization with respect to any debtor assigned to Tier I and any agreement, understanding, or undertaking by any such debtor or any third party with respect to the treatment of any asbestos claim filed before the date of enactment of this Act and subject to confirmation of a plan under chapter 11 of title 11, United States Code, shall be superseded in their entirety by this Act. Any such plan of reorganization, agreement, understanding, or undertaking by any debtor or any third party shall be of no

force or effect, and no person shall have any rights or claims with respect to any of the foregoing.

SEC. 203. SUBTIER ASSESSMENTS.

(a) IN GENERAL.—

(1) ASSESSMENTS.—Except as provided under subsections (a), (b), (d), (f), and (g) of section 204, the Administrator shall assess contributions to persons or affiliated groups within Tiers I through VII in accordance with this section.

(2) 2002 REVENUES.—The audited consolidated revenue for the year 2002 of each debtor (in this section referred to as "2002 revenues") shall include the revenues for year 2002 of the debtor and all of its affiliated groups. The pro forma revenues of a person or affiliated group that are assigned to Subtier 3 shall not be included in calculating the 2002 revenues of any debtor that is a direct or indirect majority owner of such Subtier 3 person or affiliated group.

(3) GROSS REVENUES.—

(A) IN GENERAL.—For purposes of this section, gross revenues shall be determined in accordance with generally accepted accounting principles, consistently applied, using the amount reported as gross revenues in the an-

nual report filed with the Securities and Exchange Commission in accordance with section 13(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)(2)) for the year ending December 31, 2002, or, if applicable, the earlier fiscal year that ends during calendar year 2002, if such fiscal year is principally employed by the defendant participant.

(B) INSURANCE PREMIUMS.—Any portion of gross revenues of a defendant participant that is derived from insurance premiums shall not be used to calculate the contribution of that defendant participant under this subtitle.

(C) PRIVATELY-HELD COMPANIES.—If the defendant participant is not required to file an earnings report with the Securities and Exchange Commission, gross revenues shall be the amount that the defendant participant would have reported as gross revenues in the event that it had been required to file the report described under subparagraph (A).

(b) TIER I SUBTIERS.—

(1) IN GENERAL.—Except as provided under subsections (a), (b), (d), (f), and (g) of section 204, the Administrator shall assign each person or affili-

ated group in Tier I to 1 of 4 Subtiers. Each person or affiliated group shall make contributions to the Fund as provided under this section.

(2) SUBTIER 1.—

(A) IN GENERAL.—All persons that are debtors or affiliated groups, which include a debtor with prior asbestos expenditures of $10,000,000 or greater, shall be assigned to Subtier 1.

(B) ASSIGNMENT.—Each debtor assigned to Subtier 1 shall make annual payments based on a percentage of its 2002 revenues.

(C) PAYMENT.—Each debtor assigned to Subtier 1 shall pay on an annual basis the following with respect to the year of the establishment of the Fund:

(i) Years 1 through 5, 1.4533 percent of the debtor's 2002 revenues.

(ii) Years 6 through 8, 1.3080 percent of the debtor's 2002 revenues.

(iii) Years 9 through 11, 1.1772 percent of the debtor's 2002 revenues.

(iv) Years 12 through 14, 1.0595 percent of the debtor's 2002 revenues.

(v) Years 15 through 17, 0.9535 percent of the debtor's 2002 revenues.

(vi) Years 18 through 20, 0.8582 percent of the debtor's 2002 revenues.

(vii) Years 21 through 23, 0.7723 percent of the debtor's 2002 revenues.

(viii) Years 24 through 25, 0.6951 percent of the debtor's 2002 revenues.

(3) SUBTIER 2.—

(A) IN GENERAL.—All persons that are debtors or affiliated groups which include a debtor that have no material continuing business operations but hold cash or other assets that have been allocated or earmarked for asbestos settlements shall be assigned to Subtier 2.

(B) ASSIGNMENT OF ASSETS.—Not later than 30 days after the date of enactment of this Act, each person or affiliated group assigned to Subtier 2 shall assign all of its assets to the Fund.

(4) SUBTIER 3.—

(A) IN GENERAL.—All persons that are debtors or affiliated groups that include a debtor, other than those included in Subtier 2,

which have no material continuing business operations and no cash or other assets allocated or earmarked for the settlement of any asbestos claim, shall be assigned to Subtier 3.

(B) ASSIGNMENT OF UNENCUMBERED ASSETS.—Not later than 30 days after the date of enactment of this Act, each person or affiliated group assigned to Subtier 3 shall contribute an amount equal to 50 percent of its total unencumbered assets.

(C) CALCULATION OF UNENCUMBERED ASSETS.—Unencumbered assets shall be calculated as the Subtier 3 person or affiliated group's total assets, excluding insurance related assets, less—

(i) all allowed administrative expenses;

(ii) allowed priority claims under section 507 of title 11, United States Code; and

(iii) allowed secured claims.

(c) TIER II SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier II to 1 of 5 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each con-

tain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest gross revenues assigned to Subtier 1;

(B) those persons or affiliated groups with the next highest gross revenues assigned to Subtier 2;

(C) those persons or affiliated groups with the lowest gross revenues assigned to Subtier 5;

(D) those persons or affiliated groups with the next lowest gross revenues assigned to Subtier 4; and

(E) those persons or affiliated groups remaining assigned to Subtier 3.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $25,000,000.

(B) Subtier 2: $22,500,000.

(C) Subtier 3: $20,000,000.

(D) Subtier 4: $17,500,000.

(E) Subtier 5: $15,000,000.

(d) TIER III SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier III to 1 of 5 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest gross revenues assigned to Subtier 1;

(B) those persons or affiliated groups with the next highest gross revenues assigned to Subtier 2;

(C) those persons or affiliated groups with the lowest gross revenues assigned to Subtier 5;

(D) those persons or affiliated groups with the next lowest gross revenues assigned to Subtier 4; and

(E) those persons or affiliated groups remaining assigned to Subtier 3.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $15,000,000.

(B) Subtier 2: $12,500,000.

(C) Subtier 3: $10,000,000.

(D) Subtier 4: $7,500,000.

(E) Subtier 5: $5,000,000.

(e) TIER IV SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier IV to 1 of 4 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest gross revenues in Subtier 1, those with the lowest gross revenues in Subtier 4. Those persons or affiliated groups with the highest gross revenues among those remaining will be assigned to Subtier 2 and the rest in Subtier 3.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $3,500,000.

(B) Subtier 2: $2,250,000.

(C) Subtier 3: $1,500,000.

(D) Subtier 4: $500,000.

(f) TIER V SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier V to 1

of 3 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest gross revenues in Subtier 1, those with the lowest gross revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $1,000,000.

(B) Subtier 2: $500,000.

(C) Subtier 3: $200,000.

(g) TIER VI SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier VI to 1 of 3 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest gross revenues in Subtier 1, those with the lowest gross revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $500,000.

(B) Subtier 2: $250,000.

(C) Subtier 3: $100,000.

(h) TIER VII.—

(1) IN GENERAL.—Notwithstanding any assignment to Tiers II, III, IV, V, and VI based on prior asbestos expenditures under section 204(g), a person shall be assigned to Tier VII if the person—

(A) is a common carrier by railroad subject to asbestos claims brought under the Federal Employers' Liability Act (45 U.S.C. 51 et seq.); and

(B) have paid not less than $5,000,000 in settlement, judgment, defense, or indemnity costs relating to such claims.

(2) ADDITIONAL AMOUNT.—The contribution requirement for persons assigned to Tier VII shall be in addition to any applicable contribution requirement that such person may be assessed under Tiers II through VI.

(3) SUBTIER 1.—The Administrator shall assign each person or affiliated group in Tier VII with

gross revenues of not less than $5,000,000,000 to Subtier 1 and shall require each such person or affiliated group to make annual payments of $10,000,000 into the Fund.

(4) SUBTIER 2.—The Administrator shall assign each person or affiliated group in Tier VII with gross revenues of less than $5,000,000,000, but not less than $3,000,000,000 to Subtier 2, and shall require each such person or affiliated group to make annual payments of $5,000,000 into the Fund.

(5) SUBTIER 3.—The Administrator shall assign each person or affiliated group in Tier VII with gross revenues of less than $3,000,000,000, but not less than $500,000,000 to Subtier 3, and shall require each such person or affiliated group to make annual payments of $500,000 into the Fund.

(6) JOINT VENTURE REVENUES AND LIABILITY.—

(A) REVENUES.—For purposes of this subsection, the revenues of a joint venture shall be included on a pro rata basis reflecting relative joint ownership to calculate the revenues of the parents of that joint venture. The joint venture shall not be responsible for a contribution amount under this subsection.

(B) LIABILITY.—For purposes of this subsection, the liability under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers' Liability Act, shall be attributed to the parent owners of the joint venture on a pro rata basis, reflecting their relative share of ownership. The joint venture shall not be responsible for a contribution amount under this provision.

SEC. 204. ASSESSMENT ADMINISTRATION.

(a) REDUCTION ADJUSTMENTS.—The Administrator shall assess contributions based on amounts provided under this subtitle for each person or affiliated group within Tiers II, III, IV, V, VI, and VII for the first 5 years of the operation of the Fund. Beginning in year 6, and every 3 years thereafter, the Administrator shall reduce the contribution amount for each defendant participant in each of these tiers by 10 percent of the amount assessed in the prior year.

(b) SMALL BUSINESS EXEMPTION.—A person or affiliated group that is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), on December 31, 2002, is exempt from any contribution requirement under this subsection.

(c) PROCEDURES.—The Administrator shall prescribe procedures on how contributions assessed under this subtitle are to be paid.

(d) EXCEPTIONS.—

(1) IN GENERAL.—Under expedited procedures established by the Administrator, a defendant participant may seek adjustment of the amount of its contribution based on severe financial hardship or demonstrated inequity. The Administrator may determine whether to grant an adjustment and the size of any such adjustment, in accordance with this subsection. Such determinations shall not prejudice the integrity of the Fund and shall not be subject to judicial review.

(2) FINANCIAL HARDSHIP ADJUSTMENTS.—

(A) IN GENERAL.—A defendant may apply for an adjustment based on financial hardship at any time during the life of the Fund and may qualify for such adjustment by demonstrating that the amount of its contribution under the statutory allocation would constitute a severe financial hardship.

(B) TERM.—A hardship adjustment under this subsection shall have a term of 3 years.

(C) RENEWAL.—A defendant may renew its hardship adjustment by demonstrating that it remains justified.

(D) LIMITATION.—The Administrator may not grant hardship adjustments under this subsection in any year that exceed, in the aggregate, 3 percent of the total annual contributions required of all defendant participants.

(3) INEQUITY ADJUSTMENTS.—

(A) IN GENERAL.—A defendant may qualify for an adjustment based on inequity by demonstrating that the amount of its contribution under the statutory allocation is exceptionally inequitable when measured against the amount of the likely cost to the defendant of its future liability in the tort system in the absence of the Fund.

(B) TERM.—Subject to the annual availability of funds in the Orphan Share Reserve Account established under section 223(e), an inequity adjustment granted by the Administrator under this subsection shall remain in effect for the life of the Fund.

(C) LIMITATION.—The Administrator may grant inequity adjustments only to the extent that—

(i) the financial condition of the Fund is sufficient to accommodate such adjustments;

(ii) the Orphan Share Reserve Account is sufficient to cover such adjustments for that year; and

(iii) such adjustments do not exceed 2 percent of the total annual contributions required of all defendant participants.

(4) ADVISORY PANELS.—

(A) APPOINTMENT.—The Administrator shall appoint a Financial Hardship Adjustment Panel and an Inequity Adjustment Panel to advise the Administrator in carrying out this subsection.

(B) MEMBERSHIP.—The membership of the panels appointed under subparagraph (A) may overlap.

(C) COORDINATION.—The panels appointed under subparagraph (A) shall coordinate their deliberations and recommendations.

(e) LIMITATION ON LIABILITY.—The liability of each defendant participant to contribute to the Fund shall be limited to the payment obligations under this subtitle, and no defendant participant shall have any liability for the payment obligations of any other defendant participant.

(f) CONSOLIDATION OF CONTRIBUTIONS.—

(1) IN GENERAL.—For purposes of determining the contribution levels of defendant participants, any affiliated group including 1 or more defendant participants may irrevocably elect, as part of the submission to be made under subsection (i), to report on a consolidated basis all of the information necessary to determine the contribution level under this subtitle and contribute to the Fund on a consolidated basis.

(2) ELECTION.—If an affiliated group elects consolidation as provided in this subsection—

(A) for purposes of this Act other than this subsection, the affiliated group shall be treated as if it were a single participant, including without limitation with respect to the assessment of a single annual contribution under this subtitle for the entire affiliated group;

(B) the ultimate parent of the affiliated group shall prepare and submit the submission

to be made under subsection (i), on behalf of the entire affiliated group and shall be solely liable, as between the Administrator and the affiliated group only, for the payment of the annual contribution assessed against the affiliated group, except that, if the ultimate parent does not pay when due any contribution for the affiliated group, the Administrator shall have the right to seek payment of all or any portion of the entire amount due from any member of the affiliated group;

(C) all members of the affiliated group shall be identified in the submission under subsection (i) and shall certify compliance with this subsection and the Administrator's regulations implementing this subsection; and

(D) the obligations under this subtitle shall not change even if, after the date of enactment of this Act, the beneficial ownership interest between any members of the affiliated group shall change.

(g) DETERMINATION OF PRIOR ASBESTOS EXPENDITURES.—

(1) IN GENERAL.—For purposes of determining a defendant participant's prior asbestos expenditure,

the Administrator shall prescribe such rules as may be necessary or appropriate to assure that payments by indemnitors before December 31, 2002, shall be counted as part of the indemnitor's prior asbestos expenditure, rather than the indemnitee's prior asbestos expenditure, in accordance with this subsection.

(2) INDEMNIFIABLE COSTS.—If an indemnitor has paid or reimbursed to an indemnitee any indemnifiable cost or otherwise made a payment on behalf of or for the benefit of an indemnitee to a third party for an indemnifiable cost before December 31, 2002, the amount of such indemnifiable cost shall be solely for the account of the indemnitor for purposes under this Act.

(3) INSURANCE PAYMENTS.—When computing the prior asbestos expenditure with respect to an asbestos claim, any amount paid or reimbursed by insurance shall be solely for the account of the indemnitor, even if the indemnitor would have no direct right to the benefit of the insurance, if—

(A) such insurance has been paid or reimbursed to the indemnitor or the indemnitee, or paid on behalf of or for the benefit of the

indemnitee, any indemnifiable cost related to the asbestos claim; and

(B) the indemnitor has either, with respect to such asbestos claim or any similar asbestos claim, paid or reimbursed to its indemnitee any indemnifiable cost or paid to any third party on behalf of or for the benefit of the indemnitee any indemnifiable cost.

(h) MINIMUM CONTRIBUTIONS.—Minimum aggregate contributions of defendant participants to the Fund in any calendar year shall be as follows:

(1) For each of the first 5 years of the Fund, the aggregate contributions of defendant participants to the fund shall be at least $2,500,000,000.

(2) After the 5th year, the minimum aggregate contribution shall be reduced by $250,000,000 every 3 years as follows:

(A) For years 6 through 8, $2,250,000,000.

(B) For years 9 through 11, $2,000,000,000.

(C) For years 12 through 14, $1,750,000,000.

(D) For years 15 through 17, $1,500,000,000.

(E) For years 18 through 20, $1,250,000,000.

(F) For years 21 through 23, $1,000,000,000.

(G) For years 24 through 26, $750,000,000.

(i) PROCEDURES TO DETERMINE FUND CONTRIBUTION ASSESSMENTS.—

(1) NOTICE TO PARTICIPANTS.—Not later than 60 days after his or her initial appointment, the Administrator shall—

(A) directly notify all reasonably identifiable defendant participants of the requirement to submit information necessary to calculate the amount of any required contribution to the Fund; and

(B) publish in the Federal Register a notice requiring any person who may be a defendant participant (as determined by criteria outlined in the notice) to submit such information.

(2) RESPONSE REQUIRED.—

(A) IN GENERAL.—Any person who receives notice under paragraph (1)(A), and any other person meeting the criteria specified in the notice published under paragraph (1)(B),

shall respond by providing the Administrator with all the information requested in the notice at the earlier of—

(i) 30 days after the receipt of direct notice; or

(ii) 30 days after the publication of notice in the Federal Register.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(3) NOTICE OF INITIAL DETERMINATION.—

(A) IN GENERAL.—Not later than 60 days after receiving a response under paragraph (2), the Administrator shall send the participant a notice of initial determination assessing a contribution to the Fund, which shall be based on the information received from the participant in response to the Administrator's request for information.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response is received from the

participant, or if the response is incomplete, the initial determination assessing a contribution from the participant shall be based on the best information available to the Administrator.

(4) CONFIDENTIALITY.—Any Person may designate any information submitted under this subsection as confidential commercial or financial information for purposes of the Freedom of Information Act (5 U.S.C. 552). The Administrator shall adopt procedures for designating such information as confidential.

(5) NEW INFORMATION.—

(A) EXISTING PARTICIPANT.—The Administrator shall adopt procedures for revising initial assessments based on new information received after the initial assessments are calculated.

(B) ADDITIONAL PARTICIPANT.—If the Administrator, at any time, receives information that an additional person may qualify as a participant, the Administrator shall require such person to submit information necessary to determine whether an initial determination assessing a contribution from that person should be

issued, in accordance with the requirements of this subsection.

(6) PAYMENT SCHEDULE.—Any initial determination issued under this subsection may allow for periodic payments, provided that the full annual amount assessed is paid each year. Each participant shall pay its contribution to the Fund in the amount specified it the initial determination of assessment from the Administrator, according to the schedule specified in the initial determination.

(7) SUBPOENAS.—The Administrator may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(8) REHEARING.—A Participant has a right to obtain rehearing of the Administrator's initial determination pursuant to section 202.

Subtitle B—Asbestos Insurers Commission

SEC. 211. ESTABLISHMENT OF ASBESTOS INSURERS COMMISSION.

(a) ESTABLISHMENT.—There is established the Asbestos Insurers Commission (referred to in this subtitle as the "Commission") to carry out the duties described in section 212.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 5 members who shall be appointed by the President, after consultation with—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—

(A) EXPERTISE.—Members of the Commission shall have sufficient expertise to fulfill their responsibilities under this subtitle.

(B) CONFLICT OF INTEREST.—No member of the Commission appointed under paragraph (1) may be an employee, former employee, or

shareholder of any insurer participant, or an immediate family member of any such individual.

(C) FEDERAL EMPLOYMENT.—A member of the Commission may not be an officer or employee of the Federal Government, except by reason of membership on the Commission.

(3) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(4) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(5) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(6) CHAIRMAN.—The Commission shall select a Chairman from among its members.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chairman as necessary to accomplish the duties under section 212.

(3) QUORUM.—No business may be conducted or hearings held without the participation of all of the members of the Commission.

SEC. 212. DUTIES OF ASBESTOS INSURERS COMMISSION.

(a) DETERMINATION OF INSURER LIABILITY FOR ASBESTOS INJURIES.—

(1) IN GENERAL.—The Commission shall determine the amount that each insurer participant will be required to pay into the Fund to satisfy their contractual obligation to compensate claimants for asbestos injuries.

(2) ALLOCATION AGREEMENT.—

(A) IN GENERAL.—Not later than 30 days after the Commission issues its initial determination, the insurer participants may submit an allocation agreement, approved by all of the insurer participants, to—

(i) the Commission;

(ii) the Committee on the Judiciary of the Senate; and

(iii) the Committee on the Judiciary of the House of Representatives.

(B) CERTIFICATION.—The authority of the Commission under this subtitle shall terminate on the day after the Commission certifies that

an allocation agreement submitted under subparagraph (A) meets the requirements of this subtitle.

(3) GENERAL PROVISIONS.—

(A) AGGREGATE CONTRIBUTION LEVEL.—The total contribution required of all insurer participants over the life of the Fund shall be equal to $45,000,000,000.

(B) DECLINING PAYMENTS.—Since the payments from the Fund are expected to decline over time, the annual contributions from insurer participants is also expected to decline over time. The proportionate share of each insurer participant's contributions to the Fund will remain the same throughout the life of the Fund.

(C) SEVERAL LIABILITY.—Each insurer participant's obligation to contribute to the Fund is several. There is no joint liability and the future insolvency of any insurer participant shall not affect the assessment assigned to any other insurer participant.

(4) ASSESSMENT CRITERIA.—

(A) MANDATORY PARTICIPANTS.—Insurers that have paid, or been assessed by a legal

judgment or settlement, at least $1,000,000 in defense and indemnity costs before the date of enactment of this Act in response to claims for compensation for asbestos injuries shall be mandatory participants in the Fund. Other insurers shall be exempt from mandatory payments.

(B) PARTICIPANT TIERS.—Contributions shall be determined by assigning mandatory insurer participants into tiers, which shall be determined and defined based on—

(i) net written premiums received from policies covering asbestos that were in force at any time during the period beginning on January 1, 1940 and ending on December 31, 1986;

(ii) net paid losses for asbestos injuries compared to all such losses for the insurance industry;

(iii) net carried reserve level for asbestos claims on the most recent financial statement of the insurer participant; and

(iv) future liability.

(C) PAYMENT SCHEDULE.—Any final determination of assessment issued under sub-

section (b) may allow for periodic payments, provided that the full annual amount assessed is paid each year. Each insurer participant shall pay its contribution to the Fund in the amount specified in the final determination of assessment from the Commission, according to the schedule specified in the final determination.

(b) PROCEDURE.—

(1) NOTICE TO PARTICIPANTS.—Not later than 30 days after the initial meeting of the Commission, the Commission shall—

(A) directly notify all reasonably identifiable insurer participants of the requirement to submit information necessary to calculate the amount of any required contribution to the Fund; and

(B) publish in the Federal Register a notice requiring any person who may be an insurer participant (as determined by criteria outlined in the notice) to submit such information.

(2) RESPONSE REQUIRED.—

(A) IN GENERAL.—Any person who receives notice under paragraph (1)(A), and any other person meeting the criteria specified in the notice published under paragraph (1)(B),

shall respond by providing the Commission with all the information requested in the notice at the earlier of—

(i) 30 days after the receipt of direct notice; or

(ii) 30 days after the publication of notice in the Federal Register.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(3) NOTICE OF INITIAL DETERMINATION.—

(A) IN GENERAL.—Not later than 120 days after the initial meeting of the Commission, the Commission shall send each insurer participant a notice of initial determination assessing a contribution to the Fund, which shall be based on the information received from the participant in response to the Commission's request for information.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response is received from an in-

surer participant, or if the response is incomplete, the initial determination assessing a contribution from the insurer participant shall be based on the best information available to the Commission.

(4) REVIEW PERIOD.—

(A) COMMENTS FROM INSURER PARTICIPANTS.—Not later than 30 days after receiving a notice of initial determination from the Commission, an insurer participant may provide the Commission with additional information to support limited adjustments to the assessment received to reflect exceptional circumstances.

(B) ADDITIONAL PARTICIPANTS.—If, before the final determination of the Commission, the Commission receives information that an additional person may qualify as an insurer participant, the Commission shall require such person to submit information necessary to determine whether a contribution from that person should be assessed, in accordance with the requirements of this subsection.

(C) REVISION PROCEDURES.—The Commission, shall adopt procedures for revising initial assessments based on information received

under subparagraphs (A) and (B). Any adjustments to assessment levels shall comply with the criteria under subsection (a).

(5) SUBPOENAS.—The Commission may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) NOTICE OF FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 60 days after the notice of initial determination is sent to the insurer participants, the Commission shall send each insurer participant a notice of final determination.

(B) JUDICIAL REVIEW.—A participant has a right to obtain judicial review of the Commission's final determination under title III.

(c) DETERMINATION OF RELATIVE LIABILITY FOR ASBESTOS INJURIES.—The Commission shall determine the percentage of the total liability of each participant identified under subsection (a).

(d) REPORT.—

(1) RECIPIENTS.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report, containing the information described under paragraph (2), to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives; and

(C) the Court of Asbestos Claims.

(2) CONTENTS.—The report under paragraph (1) shall contain the amount that each insurer participant is required to contribute to the Fund, including the payment schedule for such contributions.

SEC. 213. POWERS OF ASBESTOS INSURERS COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairman of the Commission, the head of such depart-

ment or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may not accept, use, or dispose of gifts or donations of services or property.

SEC. 214. PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section

3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 215. NONAPPLICATION OF FOIA AND CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—Section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) shall not apply to the Commission.

(b) CONFIDENTIALITY OF INFORMATION.—All information submitted to the Commission shall be privileged and confidential information and shall not be disclosed to any person outside the Commission, unless such privilege is knowingly and intentionally waived by the person submitting the information. An appeal of an assessment to the Fund under this subtitle shall be deemed a waiver for the purposes of this subsection unless the appellee participant makes a motion for an in camera review of its appeal.

SEC. 216. TERMINATION OF ASBESTOS INSURERS COMMISSION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 212(c).

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission such sums as may be necessary for fiscal year 2004 to carry out the provisions of this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle C—Office of Asbestos Injury Claims Resolution

SEC. 221. ESTABLISHMENT OF THE OFFICE OF ASBESTOS INJURY CLAIMS RESOLUTION.

(a) IN GENERAL.—There is established the Office of Asbestos Injury Claims Resolution.

(b) RESPONSIBILITIES.—The Office shall be responsible for—

(1) administering the Fund;

(2) providing compensation from the Fund to asbestos claimants who are determined to be eligible for such compensation; and

(3) carrying out other applicable provisions of this title and other activities determined appropriate by the Administrator.

(c) ADMINISTRATOR.—

(1) APPOINTMENT.—The Office shall be headed by an Administrator who shall be appointed by the

President, by and with the advice and consent of the Senate.

(2) TERM; REMOVAL.—The Administrator shall serve for a term of 5 years and may be removable by the President only for good cause.

SEC. 222. POWERS OF THE ADMINISTRATOR AND MANAGEMENT OF THE FUND.

(a) GENERAL POWERS.—The Administrator shall have the following general powers:

(1) To promulgate such regulations as the Administrator determines to be necessary to implement the provisions of this subtitle.

(2) To appoint employees or contract for the services of other personnel as may be necessary and appropriate to carry out the provisions of this subtitle, including entering into cooperative agreements with other Federal agencies.

(3) To make such expenditures as may be necessary and appropriate in the administration of this subtitle.

(4) To take all actions necessary to prudently manage the Fund, including—

(A) administering, in a fiduciary capacity, the assets of the Fund for the exclusive purpose

of providing benefits to asbestos claimants and their beneficiaries;

(B) defraying the reasonable expenses of administering the Fund;

(C) investing the assets of the Fund in accordance with subsection (b)(2); and

(D) retaining advisers, managers, and custodians who possess the necessary facilities and expertise to provide for the skilled and prudent management of the Fund, to assist in the development, implementation and maintenance of the Fund's investment policies and investment activities, and to provide for the safekeeping and delivery of the Fund's assets.

(5) To have all other powers incidental, necessary, or appropriate to carrying out the functions of the Office.

(b) REQUIREMENTS RELATING TO FUND ASSETS.—

(1) IN GENERAL.—Amounts in the Fund shall be held for the exclusive purpose of providing benefits to asbestos claimants and their beneficiaries and to otherwise defray the reasonable expenses of administering the Fund.

(2) INVESTMENTS.—

(A) IN GENERAL.—Amounts in the Fund shall be administered and invested with the care, skill, prudence, and diligence, under the circumstances prevailing at the time of such investment, that a prudent person acting in a like capacity and manner would use.

(B) STRATEGY.—The Administrator shall invest amounts in the Fund in a manner that enables the Fund to make current and future distributions to or for the benefit of asbestos claimants. In pursuing an investment strategy under this subparagraph, the Administrator shall consider, to the extent relevant to an investment decision or action—

(i) the size of the Fund;

(ii) the nature and estimated duration of the Fund;

(iii) the liquidity and distribution requirements of the Fund;

(iv) general economic conditions at the time of the investment;

(v) the possible effect of inflation or deflation on Fund assets;

(vi) the role that each investment or course of action plays with respect to the overall assets of the Fund;

(vii) the expected amount to be earned (including both income and appreciation of capital) through investment of amounts in the Fund; and

(viii) the needs of asbestos claimants for current and future distributions authorized under this Act.

SEC. 223. ASBESTOS INJURY CLAIMS RESOLUTION FUND.

(a) ESTABLISHMENT.—There is established in the Office of Asbestos Injury Claims Resolution, the Asbestos Injury Claims Resolution Fund, which shall be available to pay—

(1) claims for compensation for an eligible disease or condition determined under title I;

(2) claims for reimbursement for medical monitoring determined under title I;

(3) principal and interest on borrowings under subsection (c); and

(4) administrative expenses to carry out this subtitle.

(b) LIMITATIONS ON CONTRIBUTIONS BY MANDATORY PARTICIPANTS.—The aggregate contributions of all

mandatory participants to the Fund may not exceed $5,000,000,000 in any calendar year.

(c) BORROWING AUTHORITY.—The Administrator is authorized to borrow, in any calendar year, an amount not to exceed anticipated contributions to the Fund in the following calendar year for purposes of carrying out the obligations of the Fund under this Act.

(d) GUARANTEED PAYMENT ACCOUNT.—

(1) IN GENERAL.—The Administrator shall establish a guaranteed payment account within the Fund to insure payment of the total amount of contributions required to be paid into the Fund by all participants.

(2) SURCHARGE.—The Administrator shall impose, on each participant required to pay contributions into the Fund under this Act, in addition to the amount of such contributions, a reasonable surcharge to be paid into the guaranteed payment account in an amount that the Administrator determines appropriate to insure against the risk of nonpayment of required contributions by any such participant.

(3) PROCEDURE.—The surcharge required under this section shall be paid in such manner, at

such times, and in accordance with such procedures as the Administrator determines appropriate.

(4) USES OF GUARANTEED PAYMENT ACCOUNT.—Amounts in the guaranteed payment account shall be used as necessary to pay claims from the Fund, to the extent that amounts in the Fund are insufficient to pay such claims due to nonpayment by any participant.

(5) ENFORCEMENT.—The enforcement of the payment of a surcharge under this subsection may be enforced in the same manner and to the same extent as the enforcement of a contribution under section 224.

(e) ORPHAN SHARE RESERVE ACCOUNT.—

(1) IN GENERAL.—To the extent the total amount of contributions of the participants in any given year exceed the minimum aggregate contribution under subsection (h), the excess monies shall be placed in an orphan share reserve account established within the Fund by the Administrator.

(2) USE OF ACCOUNT MONIES.—Monies from the orphan share reserve account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) in the event that a petition for relief is filed and not withdrawn for the participant under title 11, United States Code, after the date of enactment of this Act and the participant cannot meet its obligations under this subtitle; and

(B) to the extent the Administrator grants a participant relief for severe financial hardship or exigent circumstances under this section.

SEC. 224. ENFORCEMENT OF CONTRIBUTIONS.

(a) DEFAULT.—If any participant fails to make any payment in the amount and according to the schedule specified in a determination of assessment, after demand and 30 days opportunity to cure the default, there shall be a lien in favor of the United States for the amount of the delinquent payment (including interest) upon all property and rights to property, whether real or personal, belonging to such participant.

(b) BANKRUPTCY.—In the case of a bankruptcy or insolvency proceeding, the lien imposed under subsection (a) shall be treated in the same manner as a lien for taxes due and owing to the United States for purposes of the provisions of title 11, United States Code, or section 3713(a) of title 31, United States Code.

(c) CIVIL ACTION.—

(1) IN GENERAL.—In any case in which there has been a refusal or neglect to pay the liability imposed by the final determination under section 202 or 212, the Administrator may bring a civil action in the Federal district court for the District of Columbia to—

(A) enforce such liability and the lien of the United States under this section; or

(B) subject any property, of whatever nature, of the participant, or in which the participant has any right, title, or interest, to the payment of such liability.

(2) DEFENSE LIMITATION.—In any proceeding under this subsection, the participant shall be barred from bringing any challenge to the assessment if such challenge could have been made during the review period under section 202(b)(4) or 212(b)(4), or a judicial review proceeding under title III.

SEC. 225. ADDITIONAL CONTRIBUTING PARTICIPANTS.

(a) DEFINED TERM.—In this section, the term ''additional contributing participant'' means any defendant in an asbestos claim that is not a mandatory participant under subtitle A and is likely to avoid future civil liability as a result of this Act.

(b) ASSESSMENT.—In addition to contributions assessed under subtitle A, the Administrator may assess additional contributing participants for contributions to the Fund. Any additional contributing participant assessed under this section shall be treated as a defendant participant for purposes of procedures and appeals under this Act.

(c) ASSESSMENT LIMITATIONS.—The Administrator may assess under subsection (b), over the life of the Fund, an amount not to exceed $10,000,000,000 from all additional contributing participants.

TITLE III—JUDICIAL REVIEW

SEC. 301. JUDICIAL REVIEW OF DECISIONS OF THE ASBESTOS COURT.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia shall have exclusive jurisdiction over any action to review a final decision of the Asbestos Court.

(b) PROCEDURE FOR APPEALS.—

(1) PERIOD FOR FILING APPEAL.—An appeal under this section shall be filed not later than 30 days after the issuance of a final decision by the Asbestos Court.

(2) TRANSMITTAL OF RECORD.—Upon the filing of an appeal, a copy of the filing shall be trans-

mitted by the clerk of the court to the Asbestos Court, and the Asbestos Court shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

(3) STANDARD OF REVIEW.—

(A) IN GENERAL.—The court shall uphold the decision of the Asbestos Court if the court determines, upon review of the record as a whole, that the decision is not arbitrary and capricious.

(B) EFFECT OF DETERMINATION.—If the court determines that a final decision of the Asbestos Court is arbitrary and capricious, the court shall remand the case to the Asbestos Court.

(4) FINALITY OF DETERMINATION.—The decision of the United States Court of Appeals for the District of Columbia shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code.

SEC. 302. JUDICIAL REVIEW OF FINAL DETERMINATIONS OF THE ASBESTOS INSURERS COMMISSION.

(a) EXCLUSIVE JURISDICTION.—The United States District Court for the District of Columbia shall have ex-

clusive jurisdiction over any action to review a final determination by the Asbestos Insurers Commission regarding the assessment of a contribution to the Fund from a participant.

(b) PROCEDURE FOR APPEAL.—

(1) PERIOD FOR FILING APPEAL.—An appeal under this section shall be filed not later than 30 days after the issuance of a final determination by the Commission.

(2) TRANSMITTAL OF RECORD.—Upon the filing of an appeal, a copy of the filing shall be transmitted by the clerk of the court to the Commission.

(c) STANDARD OF REVIEW.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall uphold the final determination of the Commission with respect to the assessment of a contribution to the Fund from a participant if such determination is not arbitrary and capricious.

(2) EFFECT OF DETERMINATION.—If the court determines that a final determination with respect to the amount of a contribution to the Fund by a participant may not be upheld, the court shall remand the decision to the Commission, with instructions to modify the final determination.

(3) NO STAYS.—The court may not issue a stay of payment into the Fund pending its final judgment.

(4) FINALITY OF DETERMINATION.—The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court, as provided in section 1254 of title 28, United States Code.

SEC. 303. EXCLUSIVE REVIEW.

(a) EXCLUSIVITY OF REVIEW.—An action of the Asbestos Court or the Asbestos Insurers Commission for which review could have been obtained under section 301 or 302 shall not be subject to judicial review in any other proceeding, including proceedings before the Asbestos Court.

(b) CONSTITUTIONAL REVIEW.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any interlocutory or final judgment, decree, or order of a Federal court holding this Act, or any provision or application thereof, unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court.

(2) PERIOD FOR FILING APPEAL.—Any such appeal shall be filed not more than 30 days after entry of such judgment, decree, or order.

SEC. 304. PRIVATE RIGHT OF ACTION AGAINST REINSURERS.

(a) IN GENERAL.—Any insurer participant may file a claim in the United States District Court for the District of Columbia against any reinsurer that is contractually obligated to reimburse such insurer participant for a portion of costs incurred as a result of payment of asbestos related claims.

(b) EXPEDITED PROCEDURES.—

(1) IN GENERAL.—A claim filed under subsection (a) shall be subject to expedited procedures, as prescribed by the United States District Court for the District of Columbia.

(2) EVIDENTIARY STANDARD.—The plaintiff shall not recover in a claim under subsection (a) unless the plaintiff demonstrates the right to recover by a preponderance of the evidence.

(3) FINAL JUDGMENT.—A final judgment shall be issued on a claim filed under subsection (a) not later than 30 days after such filing.

(c) APPEALS.—

(1) IN GENERAL.—An appeal from a decision under subsection (b) may be filed with the Court of Appeals for the District of Columbia.

(2) STANDARD OF REVIEW.—The final judgment of the district court shall be upheld unless the

court of appeals finds the judgment to be arbitrary and capricious.

(3) FINAL JUDGMENT.—A final judgment shall be issued on an appeal filed under paragraph (1) not later than 30 days after such filing.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FALSE INFORMATION.

Any person who knowingly provides false information in connection with an assessment of contributions, a claim for compensation, or an audit under this Act shall be subject to—

(1) criminal prosecution under section 1001 of title 18, United States Code; and

(2) civil penalties under section 3729 of title 31, United States Code.

SEC. 402. EFFECT ON BANKRUPTCY LAWS.

(a) NO AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (18) the following:

"(19) of the enforcement of any payment obligations under section 204 of the Fairness in Asbestos Injury Resolution Act of 2003, against a debtor, or the property of the estate of a debtor, that is a participant (as that term is defined in section 3 of that Act).".

(b) ASSUMPTION OF EXECUTORY CONTRACTS.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

"(q) If a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003), the trustee shall be deemed to have assumed all executory contracts entered into by the participant under section 204 of that Act. The trustee may not reject any such executory contract.".

(c) ALLOWED ADMINISTRATIVE EXPENSES.—Section 503 of title 11, United States Code, is amended by adding at the end the following:

"(c)(1) Claims of the United States, the Attorney General, or the Administrator (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003) based upon the asbestos payment obligations of a debtor that is a Participant (as that term is defined in section 3 of that Act), shall be paid as an allowed ad-

ministrative expense. The debtor shall not be entitled to either notice or a hearing with respect to such claims.

"(2) For purposes of paragraph (1), the term "asbestos payment obligation" means any payment obligation under subtitle B of title II of the Fairness in Asbestos Injury Resolution Act of 2003.".

(d) NO DISCHARGE.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

"(f) A discharge under section 727, 1141, 1228, or 1328 of this title does not discharge any debtor that is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003) of the payment obligations of the debtor under subtitle B of title II of that Act.".

(e) PAYMENT.—Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) PARTICIPANT DEBTORS.—

"(1) IN GENERAL.—Paragraphs (2) and (3) shall apply to a debtor who—

"(A) is a participant that has made prior asbestos expenditures (as such terms are defined in the Fairness in Asbestos Injury Resolution Act of 2003); and

"(B) is subject to a case under this title that is pending—

"(i) on the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2003; or

"(ii) at any time during the 1 year period preceding the date of enactment of that Act.

"(2) TIER I DEBTORS.—A debtor that has been assigned to tier I under section 202 of the Fairness in Asbestos Injury Resolution Act of 2003 shall make payments in accordance with sections 202 and 203 of that Act.

"(3) TREATMENT OF PAYMENT OBLIGATIONS.—All payment obligations of a debtor under sections 202 and 203 of the Fairness in Asbestos Injury Resolution Act of 2003 shall—

"(A) constitute costs and expenses of administration of a case under section 503 of this title;

"(B) notwithstanding any case pending under this title, be payable in accordance with section 202 of that Act;

"(C) not be stayed;

"(D) not be affected as to enforcement or collection by any stay or injunction of any court; and

"(E) not be impaired or discharged in any current or future case under this title.".

(f) TREATMENT OF TRUSTS.—Section 524 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(j) ASBESTOS TRUSTS.—

"(1) IN GENERAL.—A trust shall assign a portion of the corpus of the trust to the Asbestos Injury Claims Resolution Fund (referred to in this subsection as the 'Fund') as is required under section 202 of the Fairness in Asbestos Injury Resolution Act of 2003 if—

"(A) the trust was formed prior to October 22, 1994; and

"(B) the trust qualifies as a "trust" under section 201 of that Act.

"(2) TRANSFER OF TRUST ASSETS.—

"(A) IN GENERAL.—Except as provided under subparagraphs (B) and (C), the assets in any trust established to provide compensation for asbestos claims (as defined in section 3 of the FAIR Act of 2003) shall be transferred to

the Fund not later than 6 months after the date of enactment of the FAIR Act of 2003. Except as provided under subparagraph (B), the Administrator of the Fund shall accept such assets and utilize them for any purposes of the Fund under section 223 of such Act, including the payment of claims for compensation under such Act to beneficiaries of the trust from which the assets were transferred. After such transfer, each trustee of such trust shall have no liability to any beneficiary of such trust.

"(B) AUTHORITY TO REFUSE ASSETS.—The Administrator of the Fund may refuse to accept any asset that the Administrator determines may create liability for the Fund in excess of the value of the asset.

"(C) ALLOCATION OF TRUST ASSETS.—If a trust under subparagraph (A) has beneficiaries with claims that are not asbestos claims, the assets transferred to the Fund under subparagraph (A) shall not include assets allocable to such beneficiaries. The trustees of any such trust shall determine the amount of such trust assets to be reserved for the continuing operation of the trust in processing and

paying claims that are not asbestos claims. Such reserved amount shall not be greater than 3 percent of the total assets in the trust and shall not be transferred to the Fund.

"(D) SALE OF FUND ASSETS.—The investment requirements under section 222 of the FAIR Act of 2003 shall not be construed to require the Administrator of the Fund to sell assets transferred to the Fund under subparagraph (A).

"(E) LIQUIDATED CLAIMS.—A trust shall not make any payment relating to asbestos claims unless such claims were liquidated before the date of enactment of the FAIR Act of 2003.

"(3) INJUNCTION.—Any injunction issued as part of the formation of a trust described in paragraph (1) shall remain in full force and effect until the assignment required under paragraph (1) has been made.".

(g) NO AVOIDANCE OF TRANSFER.—Section 546 of title 11, United States Code, is amended by adding at the end the following:

"(h) Notwithstanding the rights and powers of a trustee under section 544, 545, 547, 548, 549, and 550

of this title, if a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003), the trustee may not avoid a transfer made by the debtor pursuant to its payment obligations under sections 202 or 203 of that Act.''.

(h) CONFIRMATION OF PLAN.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

''(14) If the debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003), the plan provides for the continuation after its effective date of payment of all payment obligations under title II of that Act.''.

SEC. 403. EFFECT ON OTHER LAWS AND EXISTING CLAIMS.

(a) EFFECT ON FEDERAL AND STATE LAW.—The provisions of this Act shall supersede any and all State and Federal laws insofar as they may relate to any asbestos claim filed under this Act.

(b) EXCLUSIVE REMEDY.—The remedies provided under this Act shall be the exclusive remedy for any asbestos claim under any Federal or State law.

(c) BAR ON ASBESTOS CLAIMS.—

(1) IN GENERAL.—No asbestos claim may be pursued in any State or Federal court, except for

enforcement of claims for which a final judgment is entered before the date of enactment of this Act.

(2) PREEMPTION.—Any action asserting an asbestos claim in a court of any State, except actions for which final judgment are entered before the date of enactment of this Act, is preempted by this Act.

(3) DISMISSAL.—No judgment other than a judgment of dismissal may be entered in any such action, including an action pending on appeal, or on petition or motion for discretionary review, on or after the date of enactment of this Act. A court may dismiss any such action on its motion. If the district court denies the motion to dismiss, it shall stay further proceedings until final disposition of any appeal taken under this Act.

(4) REMOVAL.—

(A) IN GENERAL.—If an action under paragraph (2) is not dismissed, or if an order entered after the date of enactment of this Act purporting to enter judgment or deny review is not rescinded and replaced with an order of dismissal within 30 days after the filing of a motion by any party to the action advising the court of the provisions of this Act, any party may remove the case to the district court of the

United States for the district in which such action is pending.

(B) TIME LIMITS.—For actions originally filed after the date of enactment of this Act, the notice of removal shall be filed within the time limits specified in section 1441(b) of title 28, United States Code.

(C) PROCEDURES.—The procedures for removal and proceedings after removal shall be in accordance with sections 1446 through 1450 of title 28, United States Code, except as may be necessary to accommodate removal of any actions pending (including on appeal) on the date of enactment of this Act.

(D) JURISDICTION.—The jurisdiction of the district court shall be limited to—

(i) determining whether removal was proper; and

(ii) ruling on a motion to dismiss based on this Act.

From: CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/20/2003 11:32:53 AM
Subject: : i have a work question

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:20-MAY-2003 15:32:53.00
SUBJECT:: i have a work question
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

pls. call me as soon as you are free.
```

From: Johnson, Collister W.
To: <Kavanaugh, Brett M.>
CC: <Rove, Karl C.>;<Schlapp, Matthew A.>
Sent: 5/20/2003 1:07:54 PM
Subject: Re: Weirton Counsel guidance

Thanks Brett -

Karl -

FYI, below, from Brett re. the letter sent by Weirton Steel last week that falsely listed "assurances" received during the 5/5 meeting in your office. Brett recommends that I sign and send the response letter, which I will do today and blind-copy your office.

c

Brett M. Kavanaugh

05/20/2003 01:03:14 PM

Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP

cc:

Subject: Weirton

I would propose that you should send a letter back to them thanking them for their input and views, but also indicating that there were no assurances of any kind provided in the meeting, or intended to be provided.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/20/2003 9:14:41 AM
Subject: : Rapid City SD editorial

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAY-2003 13:14:41.00
SUBJECT:: Rapid City SD editorial
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
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TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
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TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Pirates of the Senate
By The Journal Editorial Board

In James Clavell's novel "Shogun," the hero, John Blackthorne, is a 17th century English captain sailing a Dutch vessel who becomes marooned in Japan after fleeing from Spanish warships in the New World. Blackthorne is, to use the 17th century Dutch word for it, a filibuster, or a privateer who wages war against the colonies of a foreign nation.

Americans adopted the word in the mid-19th century to characterize adventurers who plundered weakly governed Central American and Caribbean countries.
Filibuster also came to refer to the tactics used to delay or defeat action in a legislative assembly, most notably in the U.S. Senate, where rules and custom allow a minority of senators to obstruct legislation from coming to a vote. Recently, Democratic senators have extended the use of the filibuster to prevent confirmation votes on two of President George W. Bush's judicial nominees - Miguel Estrada and Patricia Owen.

On May 9, President Bush took the opportunity of the second anniversary of nominating his first 11 judges to complain that three of his nominees have not received a confirmation vote, including Estrada and Owen. "This is an abdication of constitutional responsibility, and it is hurting our country," Bush said. One year ago, the president used the same occasion to complain that eight of his nominations hadn't received a vote after one

year.

The progress in the past year has been due to the demotion of Sen. Tom Daschle from Senate majority leader to minority leader. A year ago, Majority Leader Daschle wouldn't allow a floor vote on nominees who hadn't received a majority of votes from the then-Democratic majority Senate Judiciary Committee. Today, Minority Leader Daschle and his Democratic colleagues are using a filibuster to block floor votes for certain nominees who have received a majority of votes from the Republican majority committee.

The Journal published an article by Sen. Daschle on Saturday (May 17) in which he defended the Senate's record of confirming judges. He notes that only two of Bush's 126 judicial nominations have not received a floor vote - a 98.4 percent confirmation rate. Daschle writes that the "confirmation process is working well" (without mentioning the unprecedented use of a filibuster to block confirmation votes) and then changes the subject midway through his article to the economy, deficits, ethanol and drought relief.

Majority Leader Bill Frist has proposed changing the Senate rules on filibusters to lower the number of votes necessary to end a filibuster after every cloture vote from 60 votes eventually to 51 votes, a simple majority of the Senate body. Filibusters were first adopted by the Senate in the mid-19th century but have been changed over time from unanimous consent needed to end debate, to a two-thirds vote in 1917, to a three-fifths vote in 1975. Sen. Tom Harkin, D-Iowa, originally proposed the Frist filibuster rule change in 1995. The problem is that changing Senate rules requires a two-thirds vote, something Democrats are unlikely to agree to unless it serves their interests.

The U.S. Constitution gives the president the power to appoint judges with the "advice and consent" of the Senate, a practice that until the present time has meant a committee hearing and a vote by the whole Senate. Basic courtesy would require that the Senate give every president's judicial nominees their chance at a timely and fair hearing and an up-or-down confirmation vote.

"There are extreme cases when extreme judges deserve no more than a cloture vote, and these two cases fit that category," Sen. Daschle said recently, an odd statement considering that both Estrada and Owen have the support of a majority of senators and have both received the highest recommendation from that hotbed of extremism, the American Bar Association. Odd, unless you're engaging in legislative piracy, or filibustering, as the Dutch would say.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>
CC: <Nelson, Carolyn>;<Leitch, David G.>
Sent: 5/20/2003 1:58:56 PM
Subject: 2 reminders

1. Call Sen. Pryor. Thank him for his letter to Sen. Frist on process (with the other freshmen) and ask him about Holmes

2. Call Dan Bartlett about the double standard op-ed for the Post. I found out that their actual concern has nothing to do with you, but rather with using space in the Wash Post on this. I think you should advocate for submitting this. It makes a great point that has not been made, we have been getting beat up some on judges in recent days in the NY Times, and the Post solicited this piece.

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 5/20/2003 2:34:57 PM
Subject:

From the Pittsburgh Business Times

Despite Bush's protests, court vacancies are down

Jon Delano

"Confirm my judicial appointments." It's a familiar refrain. In recent years, presidents have called on the Senate to expedite confirmation so that their choices for the federal bench don't face endless delays.

Former President Clinton railed against the obstructionist tactics of the Republican-controlled Senate, accusing that body of partisan behavior. During Mr. Clinton's last six years in office not a single judge was confirmed for the U.S. District Court in Western Pennsylvania.

Why?

The simple answer is politics. U.S. Sen. Rick Santorum, a Republican, "blue slipped" or put on hold the consideration of Mr. Clinton's appointments in this region, arguing that he should be able to name at least one of every three appointees. When Mr. Clinton rejected that claim, there was deadlock.

Last week in the Rose Garden, President Bush sounded a lot like Mr. Clinton, denouncing "obstructionist tactics" by Senate Democrats. At a press conference last Friday, U.S. Sen. Arlen Specter, a member of the Senate Judiciary Committee, got it exactly right. "When we Republicans controlled the Senate and President Clinton was in office, some things were done which shouldn't have been done," the state's senior senator opined. "And when President Bush took office and the Democrats were in control, there were some things that shouldn't have been done."

The old saying that what goes around comes around seems apt. Mr. Bush is reaping the ill will that was sown earlier. But a careful comparison of the state's federal judiciary today, particularly in Pennsylvania, suggests that this Senate, whether run by Democrats or Republicans, has treated Mr. Bush's nominees better than Mr. Clinton's. In 28 months in office, Mr. Bush has already had 100 district judges confirmed by the Senate along with 23 appellate judges. Of the 665 judges on the federal district courts across America, there are only 26 vacancies, and the vacancy rate among the 179 judges on the courts of appeals is down to 21.

Take the Western District of Pennsylvania, for example. During the years of the Santorum filibuster, that court of 10 judges had as many as five vacancies. Today, the Senate has confirmed four Bush appointees -- Judges Joy Conti, David Cercone, Terry McVerry, and Art Schwab -- and the fifth nomination, attorney Tom Hardiman, has just been sent to the Senate.

With the elevation and confirmation of Judge Brooks Smith to the U.S. Court of Appeals, the president still needs to name one more judge to the local court, but once completed, Mr. Bush, with less than three years in office, will have named -- and the Senate will have confirmed -- six of the 10 judges on the local federal court. That hardly sounds like obstructionism.

The U.S. Court of Appeals for the Third Circuit (Pennsylvania, Delaware, New Jersey, and the Virgin Islands), the court just under the Supreme Court, has 11 of its 14 judges in place, one appointed by President Carter, two by President Reagan, two by President Bush I, and five appointed by President Clinton.

Mr. Bush's first appointment to that appellate court, Brooks Smith, was confirmed last year, and the president only two weeks ago sent two more Republican names to the Senate: Attorney General Mike Fisher and former Richard Thornburgh aide Jay Waldman. Nobody expects much controversy over these nominees.

So what is Mr. Bush complaining about?

It turns out that what really angers him is a procedural move adopted by Democrats to deny a final vote on a few controversial nominees. Unable to put a "hold" on nominees as Mr. Santorum did when the Republicans controlled the Senate, the Democrats, the minority party, are using the filibuster to block an up-or-down vote on a few nominees. Under Senate rules, it takes 60 votes to stop a filibuster. With just 51 Republican senators, the GOP cannot force a vote unless some Democrats go along. So far, at least on the nominations of two controversial appellate court judges, Miguel Estrada and Priscilla Owens, the Democrats have stuck together.

The Democrats insist that they are not blocking all of Mr. Bush's nominees, only those with which have major problems.

But both sides are playing politics. Mr. Bush is nominating very conservative candidates to appease a wing of his party. And Democrats are denying an up-or-down vote on them to appease a wing of their party. The good news is that vacancies are down. That's progress!

MR. DELANO teaches public policy at CMU's Heinz School and is the money and politics editor for KDKA-TV and the political analyst for WQED-TV's "On Q Magazine." Contact him at jdelano@andrew.cmu.edu.

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From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/20/2003 2:57:14 PM
Subject: : White House Global Messenger - 5/21/03
Attachments: P_8U7LG003_WHO.TXT_1.doc

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CREATION DATE/TIME:20-MAY-2003 18:57:14.00
SUBJECT:: White House Global Messenger - 5/21/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
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(See attached file: GM 5-21-03 FINAL.doc)

THE GLOBAL MESSENGER
Wednesday, May 21, 2003

******KEY POINTS: MIDDLE EAST PEACE/ROADMAP******

President Bush spoke Tuesday morning with Palestinian Authority Prime Minister Mahmoud Abbas. It was their first conversation.

*President Bush remains committed to the vision of June 24th, including Israeli and Palestinian states living side by side in peace.

*The President reminds all parties to take concrete steps toward peace. Cooperative efforts between all Arab parties and Israel are required to create the conditions for peace and security in the Middle East.

*All parties must fight terror.

*America remains committed to the security of the state of Israel.

*President Bush appreciates Prime Minister Abbas' commitment to reform, peace, and ending all acts of terror, and he looks forward to meeting the Prime Minister in the future.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change

11:00 am President Bush delivers remarks at the United States Coast Guard Academy Commencement Ceremony, New London, CT
12:30 pm State Department briefing

******KEY QUOTE******

"The countries in the region that long for a peace process must understand that what's more important than process is results, and that we've got to work

together to cut off the funding and the support and activity of the terrorist killers who can't stand peace. Europe must work with us to do everything we can to discourage the terrorist activities that derail a process toward peace."

-President Bush, 5/20/03

******THE PRESIDENT'S CUBAN INDEPENDENCE DAY MESSAGE, 5/20/03******

"On behalf of the people of the United States, I send greetings to the Cuban community. My hope is for the Cuban people to soon enjoy the same freedoms and rights that we do. Dictatorships have no place in the Americas. May God bless the Cuban people, who are struggling for freedom."

******LIBERATION UPDATE******
The voices of freedom, now heard across Iraq

For more reactions to Operation Iraqi Freedom, visit "Liberation Update" at:
http://www.whitehouse.gov/liberation

"We've been living in jail for three decades. Now, we are free. Help is coming. Day by day, life is for the better."
Saddam Agil, Basra resident, USA Today, 5/20/03

"Now, for the first time, we can say what we want. We keep writing about the ex regime."
Fuaad Ghazy, editor of the new Iraqi newspaper
The News, The Times (London), 5/20/03

"Every day in Iraq a few more newspapers start publishing, taking advantage of the first freedom of speech most Iraqis have ever known."
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You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.
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From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 5/20/2003 3:03:01 PM
Subject: Mobile Register, column by Ralph G. Neas re: Harmful "states' rights" advocate

Harmful 'states' rights' advocate

05/20/03

By RALPH G. NEAS

Special to the Register

T he case against Alabama Attorney General William Pryor's nomination to the U.S. Court of Appeals for the 11th Circuit is a simple one: Despite the denials of his friends and admirers, Pryor has consistently used the power of his office to try to change the law to suit his ideology.

In doing so, he has jeopardized the rights of Alabamians and all Americans. Giving him a lifetime seat on the federal appeals court would further jeopardize those rights.

Pryor's devotion to a "states' rights" philosophy has already contributed to a weakening of federal protections for those most in need. In reviewing his record in the office of the attorney general and his extensive speeches and writings, even a casual observer must conclude that, for William Pryor, his states' rights ideology conquers all.

Over the past half-dozen years, Pryor has urged the Supreme Court -- often in cases where Alabama's interests were not at stake -- to advance the states' rights interpretation of the Constitution. In the process, he has helped to weaken civil rights protections for millions of Americans.

Alabama's argument before the court in Garrett vs. Alabama was that key remedies provided in the Americans With Disabilities Act do not apply to state employees, because the Constitution shields states from such suits. Although it was based on the once-discredited states' rights interpretation of the Constitution, Alabama won the case, effectively ending protections against age discrimination for millions of state employees across the country.

In another case, Pryor successfully argued that congressional efforts to end age discrimination -- and provide a remedy for victims of such discrimination -- were not appropriate with respect to state employees.

Pushing this same states' rights philosophy, Pryor has filed a brief before the U.S. Supreme Court supporting the state of Nevada in a case that would leave state employees with no real recourse for violations of the Family and Medical Leave Act. The outcome of this case is pending.

Although Pryor has praised the Supreme Court's rulings in favor of states' rights, he has been critical when his interpretation of the Constitution has been rebuked.

For instance, the court rejected as "cruel and unusual punishment" Alabama prison guards' practice of handcuffing a prisoner to a hitching post and denying him clothing, water and even bathroom breaks. Pryor had defended these barbarous ac tions, and complained that the high court was using "its own subjective views on appropriate methods of prison discipline."

Yet interpreting the Constitution and enforcing its protections is exactly what the Supreme Court is supposed to do.

As a veteran observer of judicial nomination hearings, I can recall more than one of President Bush's nominees grudgingly asserting to a panel of senators that he or she would follow the Supreme Court's Roe vs. Wade ruling, because it was "the law of the land." But Bill Pryor has called the ruling "the worst abomination of constitutional law in our history."

Indeed, at an April 1997 rally, he decried the decades-old precedent of Roe. He said, "I will never forget Jan. 22, 1973, the day seven members of our highest court ripped the Constitution."

In a survey of state attorneys general on the issue, Pryor said, "Abortion is murder and Roe vs. Wade is an abominable decision." He opposes abortion even in cases of rape or incest.

One of Pryor's most memorable efforts to move the law closer to his ideology is seen through Alabama Chief Justice Roy Moore's crusade to defy a federal court order and display the Ten Commandments in his courtroom and on other state property. Moore parlayed his refusal to remove such a display -- even after a court ordered him to do so -- into a successful campaign for the state's top judgeship.

In Montgomery, he again displayed his Ten Commandments, this time on a granite monument in the rotunda of the Alabama Judicial Building. Pryor has backed Judge Moore, even though the judge's actions plainly violate the Constitution's requirement of the separation of church and state.

Bill Pryor, like Roy Moore, fails to understand the purpose of the "Establishment clause" of the Constitution. It is not hostility to people of faith, but respect for the beliefs of every person that underpins the separation of church and state, which Pryor seems to hold in such low regard.

Out of respect for freedom of conscience, government officials are prevented from using their power to promote specific religious beliefs.

Pryor flouts the spirit of the Establishment Clause. Speaking at a rally in support of Judge Moore in 1997, he said, "God has chosen, through his son Jesus Christ, this time and this place for all Christians to save our country and save our courts."

His efforts to push the law in the direction of his own ideology have also damaged the interests of the people of Alabama. In fact, Pryor's ideology may have cost the people of Alabama millions in the settlement from the suit by state attorneys general against tobacco companies.

According to Mississippi Attorney General Mike Moore, Pryor fought against his fellow state negotiators in talks with tobacco companies. "But tobacco lobbyists saw him as a friend. He was their friend," Mike Moore later told the Decatur Daily News. "He defended them at all costs."

In the end, Alabama did not receive as generous a settlement from the litigation as other states, even though it had lost just as much revenue in health costs for tobacco-related disease and death. Moore says that this is because Pryor "did a better job of defending the tobacco companies than their own defense attorneys."

Pryor also seems to believe it is acceptable to imprison gay men and lesbians for expressing their own human sexuality in the privacy of their homes. He filed a brief in the Supreme Court asking the Court to uphold the Texas "Homosexual Conduct Law," under which two gay men were arrested and jailed for engaging in private consensual sex.

In his brief, Pryor presaged the recent com ments of Pennsylvania Sen. Rick Santorum, equating for the purposes of legal analysis the consensual acts between two people of the same gender with "prostitution, adultery, necrophilia, bestiality, possession of child pornography and even incest and pedophilia."

As the Tuscaloosa News editorialized, "It is a long step from sanctioning, or even tolerating, consensual private activity between two adults to permitting abusive crimes such as pedophilia. The law is perfectly capable of drawing such distinctions in theory and in practice."

It is disturbing that Pryor apparently cannot draw those distinctions.

These are just some of the reasons why his confirmation would pose a threat to the rights of the Americans who seek justice every year in the 11th Circuit. The federal appeals court is almost always the last best chance for justice for the citizens of Alabama, Florida and Georgia, considering that the Supreme Court hears fewer than 90 cases each year.

Pryor is far from being, as one supporter stated, "utterly fair and demonstrably nonpartisan." He has demonstrated that he uses his position to remake the law in order to suit his extreme ideological beliefs.

For these reasons, he is, as the Atlanta Constitution wrote recently, "unfit to judge."

Ralph G. Neas is president of People for the American Way, a national organization that espouses the principles of diversity and freedom of thought, expression and religion.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/20/2003 11:04:51 AM
Subject: : Mobile Register, column by Ralph G. Neas re: Harmful "states' rights" advocate

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TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
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05/20/03
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From:	Kavanaugh, Brett M.
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
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Subject:	Mobile Register, column by Willie J. Huntley, Jr. re: Civil rights guardian, outstanding nominee

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/20/2003 03:04 PM ----------

Jeanie S. Mamo

05/20/2003 03:01:23 PM

Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Mobile Register, column by Willie J. Huntley, Jr. re: Civil rights guardian, outstanding nominee

Civil rights guardian, outstanding nominee

05/20/03

By WILLIE J. HUNTLEY JR.

Special to the Register

T he Washington-headquartered, liberal witch-hunt against President Bush's federal judicial nominees has targeted its next victim, and it is one of our own: Bill Pryor, the attorney general of Alabama.

Among those leading the charge against Pryor is the mis-named group People For the American Way. This should be no surprise; PFAW has led vicious attacks against Attorney General John Ashcroft, Justice Clarence Thomas, Priscilla Owen, Miguel Estrada and numerous other Republican nominees.

PFAW is a radical leftist group that has supported broad court protection for child pornography, burning the American flag, and publicly funded art portraying the Virgin Mary splattered with elephant dung. Most recently, PFAW helped coordinate protests against the war in Iraq -- the war in which some Alabamians gave their lives for their country.

PFAW is funded by the pornography industry and Hollywood radicals, including Playboy magazine, the Screen Actors Guild, and the Center for Alternative Media & Culture. (And they call Bill Pryor an extremist.)

PFAW asserts that Pryor's appointment would devastate civil rights. What its people don't say is that after about 100 years of inaction by other leaders, Bill Pryor led a coalition that included the NAACP to rid the Alabama Constitution of its racist ban on inter-racial marriage.

Pryor then defended the repeal against a court challenge by a so-called Confederate heritage organization.

Our attorney general also took the side of the NAACP in successfully defending majority-minority voting districts -- all the way to the U.S. Supreme Court -- against a challenge by white Alabama Republicans.

Bill Pryor further opposed a white Republican redistricting proposal that would have hurt African-American voters. He did not back down to criticism from his own party -- not one inch.

He then played a key role in the successful prosecution of former Ku Klux Klansmen Bobby Frank Cherry and Thomas Blanton Jr. for the 1963 bombing of the Sixteenth Street Baptist Church in Birmingham. In fact, he will personally argue to uphold Blanton's murder conviction before the Alabama Court of Criminal Appeals later this month.

Pryor started a mentoring program for at-risk kids, and regularly goes to Montgomery public schools to teach African-American kids to read.

Because Bill Pryor has a civil rights record that very few can equal, it is no wonder that African-American leaders who know and have worked with him -- like Artur Davis, Joe Reed, Cleo Thomas and Alvin Holmes -- support his nomination to the 11th Circuit Court of Appeals.

Ignoring Pryor's defense of voting rights for African-Americans, PFAW charges that he opposes the landmark Voting Rights Act. The truth is, he has dutifully enforced all of the Voting Rights Act every time a case has come up.

Pryor has simply stated that a procedural part of the Voting Rights Act -- Section 5 -- has problems that Congress should fix. Section 5 requires federal officials in Washington to approve even minor changes in voting practices that have nothing to do with discrimination.

For example, last year, Pryor issued an opinion that required a white replacement candidate for a deceased white state legislator to get Washington approval under Section 5 to use stickers to put his name on the ballot over the name of the deceased candidate.

Thurbert Baker, the African-American Democratic attorney general of Georgia, has voiced similar concerns about Section 5 before the U.S. Supreme Court.

Undeterred, PFAW and its allies also charge that Pryor believes in "states' rights" -- their code words for racism. The truth is that he believes in the Constitution. He has fought to protect the state's treasury from lawsuits that would have taken our tax dollars away from the state -- away from salaries for teachers and medical care for poor people.

It is the job of an attorney general to defend his client -- the state. In fact, the key Supreme Court case on defending a state from lawsuits was won not by Pryor, but by Democratic Attorney General Bob Butterworth of Florida.

Democratic attorneys general like Eliot Spitzer of New York, Jim Doyle of Wisconsin and others have all made the same arguments to defend their state budgets. I guess they are all "right-wing extremists," too.

PFAW and its allies have also attacked Pryor for being extremist on abortion rights. As a dedicated Roman Catholic, Bill Pryor loves kids and is against abortion, no doubt about it.

But even though he disagrees with abortion, he instructed Ala-

bama's district attorneys to apply Alabama's partial-birth abortion law in a moderate way that was consistent with U.S. Supreme Court precedent.

Again, he was criticized by Republicans; pro-life activists accused him of gutting the statute. Again, he didn't back down.

Not surprisingly, PFAW and its allies have attacked Pryor for supporting the display of the Ten Commandments in courthouses. But Pryor simply took the position that if a representation of the Ten Commandments can be carved into the wall of the U.S. Supreme Court's courtroom, it can be placed in an Alabama courtroom.

PFAW also has attacked Pryor for the position he took in the Alexander vs. Sandoval case, in which a person who didn't speak English sued to force Alabama to spend its money on printing driver's license tests in foreign languages.

As broke as our state is, there are better things to spend our money on -- like teaching kids to read English so they can take the test and read road signs, and also paving the roads for them to drive on. Pryor fought this attempt to drain our state budget, and the U.S. Supreme Court agreed with him.

The truth and the record show that Bill Pryor has fought for the civil rights and voting rights of African-Americans in Alabama

when PFAW was nowhere to be found. Now that President Bush has nominated Pryor to a federal judgeship, PFAW assumes that it can come here and attack him.

I, for one, suggest that PFAW pack up its pro-pornography, flag-burning, anti-religious, attack-dog tactics and go back to Hollywood and Washington.

We who actually know Bill Pryor support him 100 percent.

Willie Huntley is a former assistant U.S. attorney for the Southern District of Alabama. An African-American, he now has a private law practice in Mobile.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
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TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

---------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
05/20/2003 03:04 PM ---------------------------



Jeanie S. Mamo
05/20/2003 03:01:23 PM
Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP
cc:
Subject: Mobile Register, column by Willie J. Huntley, Jr. re:
Civil rights guardian, outstanding nominee


Civil rights guardian, outstanding nominee
05/20/03
By WILLIE J. HUNTLEY JR.
Special to the Register
T he Washington-headquartered, liberal witch-hunt against President Bush's
federal judicial nominees has targeted its next victim, and it is one of
our own: Bill Pryor, the attorney general of Alabama.
Among those leading the charge against Pryor is the mis-named group People
For the American Way. This should be no surprise; PFAW has led vicious
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attacks against Attorney General John Ashcroft, Justice Clarence Thomas, Priscilla Owen, Miguel Estrada and numerous other Republican nominees.
PFAW is a radical leftist group that has supported broad court protection for child pornography, burning the American flag, and publicly funded art portraying the Virgin Mary splattered with elephant dung. Most recently, PFAW helped coordinate protests against the war in Iraq -- the war in which some Alabamians gave their lives for their country.
PFAW is funded by the pornography industry and Hollywood radicals, including Playboy magazine, the Screen Actors Guild, and the Center for Alternative Media & Culture. (And they call Bill Pryor an extremist.)
PFAW asserts that Pryor's appointment would devastate civil rights. What its people don't say is that after about 100 years of inaction by other leaders, Bill Pryor led a coalition that included the NAACP to rid the Alabama Constitution of its racist ban on inter-racial marriage.
Pryor then defended the repeal against a court challenge by a so-called Confederate heritage organization.
Our attorney general also took the side of the NAACP in successfully defending majority-minority voting districts -- all the way to the U.S. Supreme Court -- against a challenge by white Alabama Republicans.
Bill Pryor further opposed a white Republican redistricting proposal that would have hurt African-American voters. He did not back down to criticism from his own party -- not one inch.
He then played a key role in the successful prosecution of former Ku Klux Klansmen Bobby Frank Cherry and Thomas Blanton Jr. for the 1963 bombing of the Sixteenth Street Baptist Church in Birmingham. In fact, he will personally argue to uphold Blanton's murder conviction before the Alabama Court of Criminal Appeals later this month.
Pryor started a mentoring program for at-risk kids, and regularly goes to Montgomery public schools to teach African-American kids to read.
Because Bill Pryor has a civil rights record that very few can equal, it is no wonder that African-American leaders who know and have worked with him -- like Artur Davis, Joe Reed, Cleo Thomas and Alvin Holmes -- support his nomination to the 11th Circuit Court of Appeals.
Ignoring Pryor's defense of voting rights for African-Americans, PFAW charges that he opposes the landmark Voting Rights Act. The truth is, he has dutifully enforced all of the Voting Rights Act every time a case has come up.
Pryor has simply stated that a procedural part of the Voting Rights Act -- Section 5 -- has problems that Congress should fix. Section 5 requires federal officials in Washington to approve even minor changes in voting practices that have nothing to do with discrimination.
For example, last year, Pryor issued an opinion that required a white replacement candidate for a deceased white state legislator to get Washington approval under Section 5 to use stickers to put his name on the ballot over the name of the deceased candidate.
Thurbert Baker, the African-American Democratic attorney general of Georgia, has voiced similar concerns about Section 5 before the U.S. Supreme Court.
Undeterred, PFAW and its allies also charge that Pryor believes in "states' rights" -- their code words for racism. The truth is that he believes in the Constitution. He has fought to protect the state's treasury from lawsuits that would have taken our tax dollars away from the state -- away from salaries for teachers and medical care for poor people. It is the job of an attorney general to defend his client -- the state. In fact, the key Supreme Court case on defending a state from lawsuits was won not by Pryor, but by Democratic Attorney General Bob Butterworth of Florida.
Democratic attorneys general like Eliot Spitzer of New York, Jim Doyle of Wisconsin and others have all made the same arguments to defend their state budgets. I guess they are all "right-wing extremists," too.
PFAW and its allies have also attacked Pryor for being extremist on abortion rights. As a dedicated Roman Catholic, Bill Pryor loves kids and is against abortion, no doubt about it.
But even though he disagrees with abortion, he instructed Alabama's district attorneys to apply Alabama's partial-birth abortion law in a moderate way that was consistent with U.S. Supreme Court precedent. Again, he was criticized by Republicans; pro-life activists accused him of gutting the statute. Again, he didn't back down.

Not surprisingly, PFAW and its allies have attacked Pryor for supporting the display of the Ten Commandments in courthouses. But Pryor simply took the position that if a representation of the Ten Commandments can be carved into the wall of the U.S. Supreme Court's courtroom, it can be placed in an Alabama courtroom.

PFAW also has attacked Pryor for the position he took in the Alexander vs. Sandoval case, in which a person who didn't speak English sued to force Alabama to spend its money on printing driver's license tests in foreign languages.

As broke as our state is, there are better things to spend our money on -- like teaching kids to read English so they can take the test and read road signs, and also paving the roads for them to drive on. Pryor fought this attempt to drain our state budget, and the U.S. Supreme Court agreed with him.

The truth and the record show that Bill Pryor has fought for the civil rights and voting rights of African-Americans in Alabama when PFAW was nowhere to be found. Now that President Bush has nominated Pryor to a federal judgeship, PFAW assumes that it can come here and attack him.

I, for one, suggest that PFAW pack up its pro-pornography, flag-burning, anti-religious, attack-dog tactics and go back to Hollywood and Washington.

We who actually know Bill Pryor support him 100 percent.

Willie Huntley is a former assistant U.S. attorney for the Southern District of Alabama. An African-American, he now has a private law practice in Mobile.

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>;<Ullyot, Theodore W.>
Sent: 5/20/2003 3:22:58 PM
Subject: FW: School Choice Update

Fyi

INSTITUTE FOR JUSTICE

MEMORANDUM

TO: Institute for Justice Supporters

FROM: Clint Bolick and Chip Mellor

RE: School Choice Update

DATE: May 20, 2003

The U.S. Supreme Court's decision yesterday to review the decision of the U.S. Court of Appeals for the Ninth Circuit in Davey v. Locke is very important news for the school choice movement. It raises squarely the issue we are confronting around the nation: does a state's Blaine Amendment that is interpreted to require discrimination against religious educational options violate the First Amendment?

Washington State discriminates in its postsecondary student aid programs against students studying for the ministry. The Ninth Circuit ruled 2-1 that the Blaine Amendment must give way to the First Amendment's requirement, and it struck down the discrimination. Although our side won, we submitted an amicus brief on behalf of IJ and the Center for Education Reform written by IJ attorney Dick Komer supporting Supreme Court review because the case raises important issues for school choice.

Prospects in the Supreme Court are uncertain. Usually the Court takes cases in order to reverse them, and it reverses the Ninth Circuit most often of all. But four justices wrote several years ago in Mitchell v. Helms that it was time to take on the legacy of bigotry embodied in the Blaine Amendments.

The group litigating the case is the American Center for Law and Justice, which has a good track record in the Supreme Court. However, ACLJ is focused on religious liberty, not school choice. So IJ will seek to play as central a role as possible in raising the Court's consciousness about the impact of the case on school choice.

A clear victory could wipe away the largest remaining legal obstacle to school choice. The Court could decide the case on some narrow grounds that would require further cases to resolve the larger issue. A loss would mean simply that we will have to litigate the Blaine Amendment issue state-by-state, as we have done in Wisconsin and Arizona, as we are currently doing in Florida, and as we soon will be doing in Colorado. Compounding the uncertainty is the possibility of some change in the composition of the Court before arguments this fall. Regardless, we will work aggressively to shift the odds in favor of a victory for school choice.

Meanwhile, we expect an imminent challenge to the Colorado program. Chip will head the litigation defense for IJ and is in Colorado now working with school choice activists and meeting with parents. We will be prepared to intervene as soon as the lawsuit is filed. Fortunately, the school choice team in Colorado is strong and well organized.

The second wave of litigation is growing intense. With luck, there will be many programs to defend--and the strength of the legal challenges will continue to diminish. Thanks as always for your support.

1717 Pennsylvania Avenue, NW Suite 200, Washington DC 20006 (202) 955-1300 (202) 955-1329 FAX
Homepage: www.IJ.org

From: Estes, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/20/2003 3:33:20 PM
Subject: i have a work question

pls. call me as soon as you are free.

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 5/20/2003 3:36:28 PM
Subject: Charleston (WV) Gazettte (5/20/03) EDITORIAL re: Far-right unsuitable appointees

Far-right

Unsuitable appointees

EDITORIAL

Charleston (WV) Gazette

May 20, 2003

LAST WEEK, President Bush told America that U.S. courts are in a "crisis" because Democratic senators won't confirm his judicial appointees.

His statement was surprisingly false. The Senate has approved great numbers of his judge choices — and has balked only at some who hold extreme, narrow views far outside the national mainstream.

"The fact is that 124 have been confirmed, and two have been held back," noted Sen. Patrick Leahy, D-Vt. "You would not know that by listening to the president's remarks."

In comparison, when Democrat Bill Clinton was president, Senate Republicans blocked far more of his judicial appointments. Nonetheless, Bush wants Senate rules changed so Democrats can no longer use filibusters to prevent votes on his nominees.

Why are some Bush appointees in trouble? Because, according to The New York Times, they "are far-right ideologues whose views offend most Americans."

"What kind of nominees are Senate Democrats balking at?" the national newspaper asked. "One, an Arkansas anti-abortion activist, has written that women should be subordinate to men.

Another argued, as a Justice Department lawyer, that Bob Jones University should keep its tax-exempt status even though it discriminated against blacks."

President Bush, deeply in bed with the fundamentalist wing of the GOP, has striven to load the federal government with far-right "social conservatives" who will steer America toward their policies.

For example, his education secretary, Roderick Paige, told Southern Baptists that America's public schools should teach "the values of the Christian community, where a child is taught to have a strong faith." That may sound harmless, but it offended millions of American Jews, Muslims, Buddhists and others.

For example, to head a federal panel on reproductive health drugs, Bush appointed Dr. David Hager of Kentucky, who refuses to prescribe birth-control pills and recommends Scripture reading as a cure for premenstrual pain.

The Republican platform seeks several harsh changes in America, such as banning abortion, which would require jailing of women and doctors involved. Appointment of judges and officials dedicated to such goals is part of the process of attaining them.

Therefore, it's commendable that Senate Democrats like Robert C. Byrd and Jay Rockefeller are striving to prevent confirmation of extreme far-right nominees.

From:	Leitch, David G.
To:	<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Carroll, James W.>;<Everson, Nanette>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
CC:	<Gonzales, Alberto R.>;<Addington, David S.>;<Bellinger, John B.>;<McNally, Edward>;<Farrell, J. Elizabeth>;<Ganter, Jonathan F.>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Bumatay, Patrick J.>
Sent:	5/20/2003 6:02:04 PM
Subject:	Summer interns

This summer we will have three law studens working as interns in our office. Please make an effort to welcome them to the office and to identify interesting and substantive projects for them to work on.

Mara Zimmerman will begin May 27th and will be in our office for the first half of the summer. Mara is currently a second year at Vanderbilt University Law School, where she is a member of the Vanderbilt Journal of Transnational Law. She will be a summer associate at Vincent & Elkins for the second half of the summer. She earned her bachelors degree from Rhodes College, where she majored in Russian and International Studies.

Starting June 4th and staying with us for the whole summer will be Lee Rudolfsky. Lee is a first year at Harvard Law School. He earned a bachelor of science in Industrial and Labor Relations and a masters in Public Affairs from Cornell University. He is editor of the Harvard Journal of Law and Public Policy and is a member of the Harvard Law Republicans.

Alexandra Smith will start on July 1st and stay for latter half of the summer. Alexandra is a second year at Brigham Young University. She is very active in BYU Moot Court and won both the Best Oral Advocate and the Best Brief Writer awards last year. She was also an undergraduate at BYU, where she majored in International Development.

Also, beginning June 16th, Tim Flanigan, Jr. will be joining the office as an intern for the remainder of the summer. Tim is a recent graduate of BYU and is applying to law school. During college, Tim was a research assistant in the BYU Political Science Department and the BYU Office of the General Counsel. I hear he comes from good stock.

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/20/2003 2:45:19 PM
Subject: : Re: FW: Railroad Explosives Rule

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAY-2003 18:45:19.00
SUBJECT:: Re: FW: Railroad Explosives Rule
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

BK, here's the report from HSC directorate for Border & Transportation Security. Do you have DoT, have you checked w/ Kirk? (Liz Dougherty also comes to mind -- she may have been involved in this process?)

Brian Peterman
05/20/2003 06:32:05 PM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP
cc: jan brecht-clark/who/eop@eop,
bcc:
Subject: Re: FW: Railroad Explosives Rule

Ed- We were involved in negotiating a dispute between DOT and ATF/DOJ regarding rulemaking in support of the Explosives Act. Looks like they may still be slinging mud. We have not been involved in this particular issue and frankly, I don't think we should be. DOT and DOJ need to work this out. If you feel compelled to follow up, you might have someone check with Kirk Van Tine to see what they are doing regarding rulemaking.

Brian

Brett M. Kavanaugh
05/20/2003 05:18:26 PM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP
cc:
Subject: FW: Railroad Explosives Rule

what do you know on this?

May 15, 2003

TO ALL:

As you know, both the Department of Transportation (DOT) and the Department of Justice continue to receive inquiries regarding the status of pending regulations that will address the transportation of explosives via rail. These inquiries have been increasing in frequency because of the so-called rail embargo on explosives, including fireworks, and the upcoming July 4th holiday.

It is our understanding that comprehensive regulations still are being

drafted by DOT. In light of the growing need to alleviate concerns of the railroad industry, however, DOT should consider issuing a brief interim rule addressing the current regulatory scheme.

Based on previous conversations with DOT, it appears that the Federal Railroad Administration currently has in place substantial regulations governing the transportation via rail of hazardous materials, including explosives. In addition, DOT also has indicated that the railroad industry has in place other security measures regarding their operations. Moreover, the nature of the railroad industry may make it less susceptible to the diversion of explosives than other modes of transportation.

As a result, DOT may be able to assert either that it has regulated a relevant aspect of the transportation of explosives via rail, or that it has determined that certain aspects of the transportation of explosives do not pose a security risk warranting further regulation at this time. If DOT can make such determinations, then it could trigger the exception under 18 U.S.C. 845(a)(1) in a brief interim rulemaking. Such a rulemaking should discuss the basis for DOT's determination and contain explicit language triggering section 845(a)(1) with respect to persons subject to 18 U.S.C. 842(i).

Please let me know if the Department can be of any service in the drafting of the necessary regulations. The Department is prepared to expedite its review of such rules.

Thanks for your attention to this matter,

Eric

******
--- Eric Taylor Gormsen ---
Office of Legal Policy
(202) 514-4087
Fax: 353-2374

From: Robert McConnell <RMcConnell@hyi-usa.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/21/2003 3:39:29 AM
Subject: : FW: PFAW Attack on Bill Pryor Exposed
Attachments: P_KWELG003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert McConnell <RMcConnell@hyi-usa.com> (Robert McConnell <RMcConnell@hyi-usa.com> [UNKNOWN])
CREATION DATE/TIME:21-MAY-2003 07:39:29.00
SUBJECT:: FW: PFAW Attack on Bill Pryor Exposed
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Haden, Ed [mailto:ehaden@balch.com]
Sent: Tuesday, May 20, 2003 6:35 PM
To: Ben Powell (E-mail); Brian Benczkowski (E-mail); William Smith (E-mail); Robert McConnell; Brad Berenson (E-mail); Byron York (E-mail); Doug Cox (E-mail); Eric George (E-mail); Gene Meyer (E-mail); Jay Sekulow (E-mail); John Abegg (E-mail); John McGinnis (E-mail); John O'Quinn (E-mail); Kay Daly (E-mail); Larry Childs (E-mail); Lee Otis (E-mail); Leonard Leo (E-mail); Sheri Lowder (E-mail); Steve Thayer (E-mail); Terry Eastland (E-mail)
Subject: PFAW Attack on Bill Pryor Exposed

Attached find the Internet link to Willie Huntley's piece defending Bill Pryor against PFAW''s attack. Read and enjoy.

http://www.al.com/opinion/mobileregister/insight.ssf?/xml/story.ssf/html_standard.xsl?/base/opinion/1053422176255050.xml
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_KWELG003_WHO.TXT_1>

-----Original Message-----
From: Haden, Ed [mailto:ehaden@balch.com]
Sent: Tuesday, May 20, 2003 6:35 PM
To: Ben Powell (E-mail); Brian Benczkowski (E-mail); William Smith (E-mail); Robert McConnell; Brad Berenson (E-mail); Byron York (E-mail); Doug Cox (E-mail); Eric George (E-mail); Gene Meyer (E-mail); Jay Sekulow (E-mail); John Abegg (E-mail); John McGinnis (E-mail); John O'Quinn (E-mail); Kay Daly (E-mail); Larry Childs (E-mail); Lee Otis (E-mail); Leonard Leo (E-mail); Sheri Lowder (E-mail); Steve Thayer (E-mail); Terry Eastland (E-mail)
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http://www.al.com/opinion/mobileregister/insight.ssf?/xml/story.s sf/html_standard.xsl?/base/opinion/1053422176255050.xml

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;tjosefiak@rnchq.org [UNKNOWN] <tjosefiak@rnchq.org>;Adam B. Ingols/WHO/EOP@EOP [WHO] <Adam B. Ingols>
Sent: 5/21/2003 4:07:24 AM
Subject: : FW: Mehlman/Hobbs Invite
Attachments: P_CKFLG003_WHO.TXT_1.htm; P_CKFLG003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:21-MAY-2003 08:07:24.00
SUBJECT:: FW: Mehlman/Hobbs Invite
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:tjosefiak@rnchq.org (tjosefiak@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO:Adam B. Ingols (CN=Adam B. Ingols/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please approve this invite. thanks
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Monday, May 19, 2003 1:16 PM
To: Kate Walters
Subject: Mehlman/Hobbs Invite

Hey Kate-
When u get a chance, I just faxed this one over for approval! Hope you had
a
great weekend- talk to u soon.
- att1.htm - hobbs invite.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_CKFLG003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_CKFLG003_WHO.TXT_2>

Please approve this invite. thanks
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Monday, May 19, 2003 1:16 PM
To: Kate Walters
Subject: Mehlman/Hobbs Invite

Hey Kate-
When u get a chance, I just faxed this one over for approval! Hope you had a great weekend- talk to u soon.

The RNC Majority Fund

Cordially invites you to attend a luncheon

FEATURING

Ken Mehlman & David Hobbs

THURSDAY, JUNE 5, 2003
THE OCCIDENTAL
1475 PENNSYLVANIA AVENUE, NW
WASHINGTON DC

12:00-1:00 p.m.

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

THE RNC MAJORITY FUND

Luncheon with Mehlman & Hobbs

THURSDAY, JUNE 5, 2003
12:00-1:00 p.m.
THE OCCIDENTAL
1475 PENNSYLVANIA AVE, NW
WASHINGTON, DC

PLEASE FAX TO (202) 863-8634 BY FRIDAY, MARCH 14, 2003

YOU MUST RSVP TO ATTEND.

☐ **Yes! I will attend.**

☐ **No, I will not be able to attend.**

PAC: _____

ATTENDEE: _____

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

REV_00119399

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/21/2003 5:47:49 AM
Subject: : interview schedule

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:21-MAY-2003 09:47:49.00
SUBJECT:: interview schedule
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Here's the interview schedule for the paralegal:
;
Thursday;;; 4:30 pm;;; Denise Gitsham (in your office)
;
Friday;;;;;;; 9:30 am;;; Colin Newman (in Judge's office)
Friday;;;;;;; 9:50 am;;; Courtney Anderson (in Judge's office)
Friday;;;;;;; 10:10 am;;; Elizabeth Bingold (in Judge's office)
;
;
```

From: Kate Walters <kate@georgewbush.com>
To: <Ingols, Adam B.>;<Kavanaugh, Brett M.>;tjosefiak@rnchq.org <tjosefiak@rnchq.org>
Sent: 5/21/2003 8:30:34 AM
Subject: FW: Mehlman/Hobbs Invite
Attachments: hobbs invite.doc

Please approve this invite. thanks
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Monday, May 19, 2003 1:16 PM
To: Kate Walters
Subject: Mehlman/Hobbs Invite

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YOU MUST RSVP TO ATTEND.

☐ **Yes! I will attend.**

☐ **No, I will not be able to attend.**

PAC: _____

ATTENDEE: _____

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310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kate@georgewbush.com [OMB] <kate@georgewbush.com>
Sent: 5/21/2003 4:57:48 AM
Subject: : Re: FW: Mehlman/Hobbs Invite
Attachments: P_5LHLG003_WHO.TXT_1.htm; P_5LHLG003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAY-2003 08:57:48.00
SUBJECT:: Re: FW: Mehlman/Hobbs Invite
TO:kate@georgewbush.com (kate@georgewbush.com [OMB])
READ:UNKNOWN
End Original ARMS Header

how much?

Kate Walters <kate@georgewbush.com>
05/21/2003 08:30:34 AM
Please respond to kate@georgewbush.com
Record Type: Record

To: Adam B. Ingols/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
tjosefiak@rnchq.org
cc:
Subject: FW: Mehlman/Hobbs Invite

Please approve this invite. thanks
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Sent: Monday, May 19, 2003 1:16 PM
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Subject: Mehlman/Hobbs Invite

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great weekend- talk to u soon.

- att1.htm
- hobbs invite.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5LHLG003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5LHLG003_WHO.TXT_2>

Please approve this invite. thanks
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Monday, May 19, 2003 1:16 PM
To: Kate Walters
Subject: Mehlman/Hobbs Invite

Hey Kate-
When u get a chance, I just faxed this one over for approval! Hope you had a great weekend- talk to u soon.

The RNC Majority Fund

Cordially invites you to attend a luncheon

FEATURING

Ken Mehlman & David Hobbs

THURSDAY, JUNE 5, 2003
THE OCCIDENTAL
1475 PENNSYLVANIA AVENUE, NW
WASHINGTON DC

12:00-1:00 p.m.

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

THE RNC MAJORITY FUND

Luncheon with Mehlman & Hobbs

THURSDAY, JUNE 5, 2003
12:00-1:00 p.m.
THE OCCIDENTAL
1475 PENNSYLVANIA AVE, NW
WASHINGTON, DC

PLEASE FAX TO (202) 863-8634 BY FRIDAY, MARCH 14, 2003

YOU MUST RSVP TO ATTEND.

☐ **Yes! I will attend.**

☐ **No, I will not be able to attend.**

PAC: _____

ATTENDEE: _____

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

REV_00119420

From: Leitch, David G.
To: <Montiel, Charlotte L.>;<Kavanaugh, Brett M.>
Sent: 5/21/2003 10:16:55 AM
Subject: What's the status of the paralegal interview?

.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
CC: <Montiel, Charlotte L.>
Sent: 5/21/2003 10:18:22 AM
Subject: Re: What's the status of the paralegal interview?

doing a bunch Friday to narrow down for you

From: David G. Leitch/WHO/EOP@Exchange on 05/21/2003 10:16:55 AM

Record Type: Record

To: Charlotte L. Montiel/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: What's the status of the paralegal interview?

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>
CC: charlotte l. montiel/who/eop@exchange [WHO] <charlotte l. montiel>
Sent: 5/21/2003 6:19:04 AM
Subject: : Re: What's the status of the paralegal interview?

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-MAY-2003 10:19:04.00
SUBJECT:: Re: What's the status of the paralegal interview?
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
CC:charlotte l. montiel ( CN=charlotte l. montiel/OU=who/O=eop@exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

doing a bunch Friday to narrow down for you




From: David G. Leitch/WHO/EOP@Exchange on 05/21/2003 10:16:55 AM
Record Type: Record

To: Charlotte L. Montiel/WHO/EOP@Exchange, Brett M.
Kavanaugh/WHO/EOP@EOP
cc:
Subject: What's the status of the paralegal interview?


.
```

From:	Frank, Robyn C.
To:	<Gonzales, Alberto R.>;<Nelson, Carolyn>;<Leitch, David G.>;<Montiel, Charlotte L.>;<Bartolomucci, H. Christopher>;<Everson, Nanette>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>;<Carroll, James W.>;<Bumatay, Patrick J.>;<Jucas, Tracy>;<Vallecillo, Maria F.>;<Ganter, Jonathan F.>;<Brosnahan, Jennifer R.>;<Rounds, Emory>;<Good, Terry W.>;<Droege, Philip C.>;<Saunders, G. Timo>;<Kalbaugh, David E.>;<McCathran, William W.>;<Addington, David S.>;<Elwood, Courtney S.>;<Fishpaw, Marie K.>
Sent:	5/21/2003 10:33:03 AM
Subject:	Invitation to reception for new EOP law librarian

You are cordially invited to a reception to meet our new law librarian, Lauren Sayer, on Wednesday, May 28, at 2-3:30 p.m. in the EEOB Library, Rm. 308.

Lauren received her BA from George Mason University and her MLS from the University of Texas. She has over seven years experience working in law libraries (state court, government, corporate, and academic). In addition, Lauren has experience in developing and maintaining Web pages and training clients in how to use electronic resources.

Please join us in welcoming her to the EOP.

From: Duffield, Steven \(RPC\) <Steven_Duffield@rpc.senate.gov>
To: <Kavanaugh, Brett M.>;<Grubbs, Wendy J.>
Sent: 5/21/2003 10:51:20 AM
Subject: Gonzales op-ed in WSJ -- fyi

Sen. Kyl liked it and asked us to distribute it on RPC letterhead.

Steven J. Duffield
Judiciary Policy Analyst & Counsel
Senate Republican Policy Committee
347 Russell Senate Office Building
(202) 224-3463 Fax (202) 224-1235

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/21/2003 7:19:51 AM
Subject: : Re: Gonzales op-ed in WSJ -- fyi

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAY-2003 11:19:51.00
SUBJECT:: Re: Gonzales op-ed in WSJ -- fyi
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Terrific.

tsg

Brett M. Kavanaugh
05/21/2003 10:57:34 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Gonzales op-ed in WSJ -- fyi

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/21/2003 10:56 AM ----------

"Duffield, Steven (RPC)" <Steven_Duffield@rpc.senate.gov>
05/21/2003 10:51:20 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Wendy J. Grubbs/WHO/EOP@EOP
cc:
Subject: Gonzales op-ed in WSJ -- fyi

Sen. Kyl liked it and asked us to distribute it on RPC letterhead.

_____
Steven J. Duffield
Judiciary Policy Analyst & Counsel
Senate Republican Policy Committee
347 Russell Senate Office Building
(202) 224-3463 Fax (202) 224-1235

Message Sent
To:_____
Daniel J. Bartlett/WHO/EOP@Exchange@EOP
Ashley Snee/WHO/EOP@Exchange@EOP
Alberto R. Gonzales/WHO/EOP@Exchange@EOP
David G. Leitch/WHO/EOP@Exchange@EOP
Tim Goeglein/WHO/EOP@EOP

From: CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/21/2003 8:17:34 AM
Subject: : Buffalo News

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAY-2003 12:17:34.00
SUBJECT:: Buffalo News
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett -

Doug Turner of the Buffalo News has called looking - yet again - to speak with someone about judges/judicial nominations - he has made this request several times in the past - and then he has backed out - however - he just sat down with Sen. Schumer and discussed matters and would like to hear from someone from the WH about "Schumer's allegations."

Do you have time to speak with him on background today?

Ken

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/21/2003 8:35:52 AM
Subject: : Mobile Register (5/21/03) re: Constitution isn't a wish list (Pryor)

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-MAY-2003 12:35:52.00
SUBJECT:: Mobile Register (5/21/03) re: Constitution isn't a wish list (Pryor)
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Constitution isn't a wish list
05/21/03
EDITORIAL
MOBILE (AL) REGISTER

A New York Times editorial this week against the nomination of Alabama Attorney General Bill Pryor for a federal appeals judgeship provides a textbook example of what's wrong with the way the political left sees the courts.

The editorial contends that a brief Mr. Pryor filed in defense of Texas' anti-sodomy statute makes him unfit for the judgeship because it shows the AG is against gay rights.

Nowhere in the editorial, however, is there any reference to the Constitution or to Supreme Court precedent. Instead, there is a clear assumption that laws against homosexual acts are unfair -- and that, therefore, they ought to be struck down by the courts.

The problem is that judges are not supposed to decide on their own whether a law is fair -- that's a job for legislators -- but only whether it is forbidden by the Constitution or by a superseding statute. As famed Justice Oliver Wendell Holmes once said: I don't do justice; I do the law.

In the case of the law barring homosexual sodomy, Mr. Pryor is on firm legal ground. He argued that if the courts invent, out of thin air, a right to all consensual sexual acts, then legislatures also could be forbidden from outlawing other sexual acts such as prostitution, bestiality or adult incest.

Not even the Times can argue that Mr. Pryor's argument is out of the mainstream. As noted in this space previously, the AG was citing the existing law of the land, as explained by the Supreme Court in Bowers vs. Hardwick. One of the liberal justices appointed since that case was decided, Ruth Bader Ginsburg, also has argued that the Constitution's assumed right to privacy extends to prostitution.

But the Times seems less concerned with what's in the Constitution or in court precedent than it is intent on determining its own sense of what is or isn't fair, and then turning its opinion into a constitutional right -- by judicial fiat, without any democratic processes intervening. Down that road lie not more rights, but tyranny.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
CC: Wendy J. Grubbs/WHO/EOP@Exchange@EOP [WHO] <Wendy J. Grubbs>
Sent: 5/21/2003 8:43:53 AM
Subject: : Holmes

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-MAY-2003 12:43:53.00
SUBJECT:: Holmes
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Wendy is checking where the concerned R's stand.
```

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/21/2003 9:00:12 AM
Subject: : Cartoon from The State Newspaper (Columbia, SC)

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-MAY-2003 13:00:12.00
SUBJECT:: Cartoon from The State Newspaper (Columbia, SC)
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Kavanaugh, Brett M.
To: <Elwood, Courtney S.>
Sent: 5/21/2003 2:31:35 PM
Subject: draft

"To the extent anything said by the President [Vice President] is construed as a general solicitation, he is not soliciting funds other than federally permissible funds -- namely, up to $2000 from individuals and no corporate, labor, or minors' funds."

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/21/2003 2:35:55 PM
Subject: : White House Global Messenger -- 5/22/03
Attachments: P_S5HMG003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:21-MAY-2003 18:35:55.00
SUBJECT:: White House Global Messenger -- 5/22/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 5-22-03 FINAL.doc)

THE GLOBAL MESSENGER
Thursday, May 22, 2003

******KEY POINTS FROM THE PRESIDENT'S ADDRESS AT THE COAST GUARD ACADEMY******

"We find our greatest security in the advance of human freedom."
--President Bush 5/21/03

HIV/AIDS

*The President's Emergency Plan for AIDS Relief directs $15 billion over the next five years to fight AIDS abroad - specifically in 14 African and Caribbean countries.

*Our European partners, Japan, and Canada must join our mission. We urge them to match their good intentions with real resources.

FAMINE

*The President will commit to a $1 billion initiative for drinking water in the developing world.

*The President has asked Congress to provide $200 million for a new Famine Fund, and it is time for other nations to follow our lead.

*The President also proposed an Initiative to End Hunger in Africa. Widening the use of new high-yield bio-crops and unleashing the power of markets can feed more people across the continent.

*Our partners in Europe are impeding this effort by blocking all new bio-crops because of unfounded, unscientific fears. Europe should join - not hinder - the cause of ending hunger in Africa.

POVERTY

*The President reiterated his commitment to a new Millennium Challenge Account to help developing nations. MCA funds will go to nations committed to the rule of law, investing in health and education of their people, and pursuing policies that encourage economic freedom.

VOLUNTEERISM

*A new USA Freedom Corps initiative - Volunteers for Prosperity - will give America
's highly skilled
professionals new opportunities to serve abroad.

*The President also is determined to double the size of the Peace Corps over five years.

******TODAY'S SCHEDULE******

All Times Eastern Daylight. Subject to Change.

5 pm The President and Mrs. Bush greet Prime Minister Koizumi of Japan, Crawford, TX

******KEY QUOTE******

"America's national ambition is the spread of free markets, free trade, and free societies. These goals are not achieved at the expense of other nations, they are achieved for the benefit for all nations. America seeks to expand, not the borders of our country, but the realm of liberty."

-- President Bush, 5/21/03******HIV/AIDS IN AFRICA******

"The African ambassadors and the entire African Diplomatic Corps on the United States are united in their efforts to highlight the urgency for action against the impending menace of HIV-AIDS. More than 30 million people have died from AIDS in the last two decades, nearly as many as the entire population of South Africa. An additional 40 million people are infected with the virus, mostly in Africa and the Caribbean."

"We need the help of the American people and the international community to turn back this disease. President Bush's proposed emergency plan for AIDS relief is an important, aggressive step forward in this effort... Every day another 14,000 people are infected, and another 8,500 die. Time is of the essence. America must send a signal to the rest of the world that action by all countries is needed in the war against AIDS."

--African Ambassadors and the African DiplomaticCorps in a letter to Congress on HIV/AIDS, 5/15/03

THE WHITE HOUSE
Office of Global Communications
For more information log on to
http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining

news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere. - GM 5-22-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_S5HMG003_WHO.TXT_1>

THE GLOBAL MESSENGER

Thursday, May 22, 2003

TODAY'S SCHEDULE

All Times Eastern Daylight. Subject to Change.

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KEY QUOTE

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KEY POINTS FROM THE PRESIDENT'S ADDRESS AT THE COAST GUARD ACADEMY

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THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>
Sent: 5/21/2003 11:30:38 AM
Subject: : Re: Do you mind riding w/Tim Goeglein at 3:50?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAY-2003 15:30:38.00
SUBJECT:: Re: Do you mind riding w/Tim Goeglein at 3:50?
TO:Jonathan F. Ganter (CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

good

Jonathan F. Ganter
05/21/2003 03:19:41 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Do you mind riding w/Tim Goeglein at 3:50?

From:	Reed, McGavock D.
To:	Rosemary.Hart@usdoj.gov <Rosemary.Hart@usdoj.gov>;Matthew.Berry@usdoj.gov <Matthew.Berry@usdoj.gov>;Sean.Thornton@do.treas.gov <Sean.Thornton@do.treas.gov>;Dash@ms.state.gov <Dash@ms.state.gov>;GKAMINSK@bis.doc.gov <GKAMINSK@bis.doc.gov>;GKAMINSK@bis.doc.gov <Kavanaugh, Brett M.>
CC:	<Torgerson, Karin B.>;<Aitken, Steven D.>
Sent:	5/21/2003 3:47:58 PM
Subject:	EO-0019-A Proposed EO Protecting the Development Fund for Iraq and Other Property in Which Iraq has an Interest

Treasury concurs. Mac

---------- Forwarded by McGavock D. Reed/OMB/EOP on 05/21/2003 03:48 PM ----------

Ronald.Levy@do.treas.gov

05/21/2003 03:43:27 PM

Record Type: Record

To: McGavock D. Reed/OMB/EOP@EOP

cc: LLR@do.treas.gov

Subject: EO-0019-A Proposed EO Protecting the Development Fund for Iraq and Other Property in Which Iraq has an Interest

Mac:

We have no objection to the proposed EO.

Ron .

From: Kate Walters <kate@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/21/2003 2:47:59 PM
Subject: : RE: FW: Mehlman/Hobbs Invite
Attachments: P_ZJHMG003_WHO.TXT_1

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kate Walters <kate@georgewbush.com> (Kate Walters <kate@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:21-MAY-2003 18:47:59.00
SUBJECT:: RE: FW: Mehlman/Hobbs Invite
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

It is a fulfillment event for past donations. Not a fundraiser. please approve. t hanks

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, May 21, 2003 8:57 AM
To: Kate Walters
Subject: Re: FW: Mehlman/Hobbs Invite

how much?

(Embedded
image moved Kate Walters <kate@georgewbush.com>
to file: 05/21/2003 08:30:34 AM
pic02593.pcx)

Please respond to kate@georgewbush.com

Record Type: Record

To: Adam B. Ingols/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, tjosefiak@rnchq.org

cc:
Subject: FW: Mehlman/Hobbs Invite

Please approve this invite. thanks
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org <mailto:SBoozman@rnchq.org>]
Sent: Monday, May 19, 2003 1:16 PM
To: Kate Walters
Subject: Mehlman/Hobbs Invite

Hey Kate-

When u get a chance, I just faxed this one over for approval! Hope you had
a

great weekend- talk to u soon.

- winmail.dat
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ZJHMG003_WHO.TXT_1>

It is a fulfillment event for past donations. Not a fundraiser. please approve. t hanks

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov [mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, May 21, 2003 8:57 AM
To: Kate Walters
Subject: Re: FW: Mehlman/Hobbs Invite

how much?

(Embedded
image moved Kate Walters <kate@georgewbush.com>
to file: 05/21/2003 08:30:34 AM
pic02593.pcx)

Please respond to kate@georgewbush.com

Record Type: Record

To: Adam B. Ingols/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
tjosefiak@rnchq.org

cc:
Subject: FW: Mehlman/Hobbs Invite

Please approve this invite. thanks
-----Original Message-----
From: Shannon Boozman - Finance [
mailto:SBoozman@rnchq.org]
Sent: Monday, May 19, 2003 1:16 PM
To: Kate Walters
Subject: Mehlman/Hobbs Invite

Hey Kate-
When u get a chance, I just faxed this one over for approval! Hope you had a great weekend- talk to u soon.

From: CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/21/2003 2:47:37 PM
Subject: : blue slips

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-MAY-2003 18:47:37.00
SUBJECT:: blue slips
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Is there somewhere we keep track of blue slips that have come in?

From: Kavanaugh, Brett M.
To: kate@georgewbush.com <kate@georgewbush.com>
CC: <Ingols, Adam B.>;tjosefiak@rnchq.org <tjosefiak@rnchq.org>
Sent: 5/21/2003 6:51:24 PM
Subject: Re: FW: Mehlman/Hobbs Invite
Attachments: att1.htm; hobbs invite.doc

Approved from here.

Kate Walters

05/21/2003 08:30:34 AM

Please respond to kate@georgewbush.com

Record Type: Record

To: Adam B. Ingols/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, tjosefiak@rnchq.org

cc:

Subject: FW: Mehlman/Hobbs Invite

Please approve this invite. thanks

-----Original Message-----

From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]

Sent: Monday, May 19, 2003 1:16 PM

To: Kate Walters

Subject: Mehlman/Hobbs Invite

Hey Kate-

When u get a chance, I just faxed this one over for approval! Hope you had a

great weekend- talk to u soon.

- att1.htm <>

- hobbs invite.doc <>

Please approve this invite. thanks
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Monday, May 19, 2003 1:16 PM
To: Kate Walters
Subject: Mehlman/Hobbs Invite

Hey Kate-
When u get a chance, I just faxed this one over for approval! Hope you had a great weekend- talk to u soon.

The RNC Majority Fund

Cordially invites you to attend a luncheon

FEATURING

Ken Mehlman & David Hobbs

THURSDAY, JUNE 5, 2003
THE OCCIDENTAL
1475 PENNSYLVANIA AVENUE, NW
WASHINGTON DC

12:00-1:00 p.m.

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

THE RNC MAJORITY FUND

Luncheon with Mehlman & Hobbs

THURSDAY, JUNE 5, 2003
12:00-1:00 p.m.
THE OCCIDENTAL
1475 PENNSYLVANIA AVE, NW
WASHINGTON, DC

PLEASE FAX TO (202) 863-8634 BY FRIDAY, MARCH 14, 2003

YOU MUST RSVP TO ATTEND.

☐ **Yes! I will attend.**

☐ **No, I will not be able to attend.**

PAC: _____

ATTENDEE: _____

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

From:	CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To:	kate@georgewbush.com [OMB] <kate@georgewbush.com>
CC:	tjosefiak@rnchq.org [UNKNOWN] <tjosefiak@rnchq.org>;adam b. ingols/who/eop@eop [WHO] <adam b. ingols>
Sent:	5/21/2003 2:52:08 PM
Subject:	: Re: FW: Mehlman/Hobbs Invite
Attachments:	P_4NHMG003_WHO.TXT_1.htm; P_4NHMG003_WHO.TXT_2.doc

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-MAY-2003 18:52:08.00
SUBJECT:: Re: FW: Mehlman/Hobbs Invite
TO:kate@georgewbush.com ( kate@georgewbush.com [ OMB ] )
READ:UNKNOWN
CC:tjosefiak@rnchq.org ( tjosefiak@rnchq.org [ UNKNOWN ] )
READ:UNKNOWN
CC:adam b. ingols ( CN=adam b. ingols/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Approved from here.




Kate Walters <kate@georgewbush.com>
05/21/2003 08:30:34 AM
Please respond to kate@georgewbush.com
Record Type: Record

To: Adam B. Ingols/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
tjosefiak@rnchq.org
cc:
Subject: FW: Mehlman/Hobbs Invite



Please approve this invite. thanks
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Monday, May 19, 2003 1:16 PM
To: Kate Walters
Subject: Mehlman/Hobbs Invite


Hey Kate-
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a
great weekend- talk to u soon.

- att1.htm
- hobbs invite.doc



ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4NHMG003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4NHMG003_WHO.TXT_2>
```

Please approve this invite. thanks
-----Original Message-----
From: Shannon Boozman - Finance [mailto:SBoozman@rnchq.org]
Sent: Monday, May 19, 2003 1:16 PM
To: Kate Walters
Subject: Mehlman/Hobbs Invite

Hey Kate-
When u get a chance, I just faxed this one over for approval! Hope you had a great weekend- talk to u soon.

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THE RNC MAJORITY FUND

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PLEASE FAX TO (202) 863-8634 BY FRIDAY, MARCH 14, 2003

YOU MUST RSVP TO ATTEND.

☐ **Yes! I will attend.**

☐ **No, I will not be able to attend.**

PAC: _____

ATTENDEE: _____

Paid for by the Republican National Committee. Not authorized by any candidate or candidate committee.
310 First Street, SE * Washington DC 20003 * (p) 202-863-8732 * (f) 202-863-8634

From: Estes, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/22/2003 7:43:50 AM
Subject:
Attachments: dotted_divider.gif; icon_email.gif; icon_most_emailed.gif; icon_print.gif; nytlogoleft_article.gif; safire.gif; sect_opinion.gif; spacer.gif; spacer.gif; sprintsponsor.gif; w.gif

The Great Media Gulp

By WILLIAM SAFIRE

ARTICLE TOOLS
E-Mail This Article
Printer-Friendly Format
Most E-Mailed Articles

WASHINGTON
The future formation of American public opinion has fallen into the lap of an ambitious 36-year-old lawyer whose name you never heard. On June 2, after deliberations conducted behind closed doors, he will decide the fate of media large and small, print and broadcast. No other decision made in Washington will more directly affect how you will be informed, persuaded and entertained.

Columnist Page: William Safire



Forum: Discuss This Column

E-mail: safire@nytimes.com

His name is Kevin Martin. He and his wife, Catherine, now Vice President Dick Cheney's public affairs adviser, are the most puissant young "power couple" in the capital. He is one of three Republican members of the five-person Federal Communications Commission, and because he recently broke ranks with his chairman, Michael Powell (Colin's son), on a telecom controversy, this engaging North Carolinian has become the swing vote on the power play that has media moguls salivating.

The F.C.C. proposal remains officially secret to avoid public comment but was forced into the open by the two commission Democrats. It would end the ban in most cities of cross-ownership of television stations and newspapers, allowing such companies as The New York Times, Washington Post and Chicago Tribune to gobble up ever more electronic outlets. It would permit Viacom, Disney and AOL Time Warner to control TV stations with nearly half the national audience. In the largest cities, it would allow owners of "only" two TV stations to buy a third.

TIMES NEWS TRACKER
Topics Alerts
Federal Communications Commission Creat
Television Creat
Newspapers Creat
Create Your Own | Manage Alerts

We've already seen what happened when the F.C.C. allowed the monopolization of local radio: today three companies own half the stations in America, delivering a homogenized product that neglects local news coverage and dictates music sales.

And the F.C.C. has abdicated enforcement of the "public interest" requirement in issuing licenses. Time was, broadcasters had to regularly reapply and show public-interest programming to earn continuance; now they mail the F.C.C. a postcard every eight years that nobody reads.

Ah, but aren't viewers and readers now blessed with a whole new world of hot competition through cable and the Internet? That's the shucks-we're-no-monopolists line that Rupert Murdoch will take today in testimony before the pussycats of John McCain's Senate Commerce Committee.

The answer is no. Many artists, consumers, musicians and journalists know that such protestations of cable and Internet competition by the huge dominators of content and communication are malarkey. The overwhelming amount of news and entertainment comes via broadcast and print. Putting those outlets in fewer and bigger hands profits the few at the cost of the many.

Does that sound un-conservative? Not to me. The concentration of power — political, corporate, media, cultural — should be anathema to conservatives. The diffusion of power through local control, thereby encouraging individual participation, is the essence of federalism and the greatest expression of democracy.

Why do we have more channels but fewer real choices today? Because the ownership of our means of communication is shrinking. Moguls glory in amalgamation, but more individuals than they realize resent the loss of local control and community identity.

We opponents of megamergers and cross-ownership are afflicted with what sociologists call "pluralistic ignorance." Libertarians pop off from what we assume to be the fringes of the left and right wings, but do not yet realize that we outnumber the exponents of the new collectivist efficiency.

That's why I march uncomfortably alongside CodePink Women for Peace and the National Rifle Association, between liberal Olympia Snowe and conservative Ted Stevens under the banner of "localism, competition and diversity of views." That's why, too, we resent the conflicted refusal of most networks, stations and their putative purchasers to report fully and in prime time on their owners' power grab scheduled for June 2.

Must broadcasters of news act only on behalf of the powerful broadcast lobby? Are they not obligated, in the long-forgotten "public interest," to call to the attention of viewers and readers the arrogance of a regulatory commission that will not hold extended public hearings on the most controversial decision in its history?

So much of our lives should not be in the hands of one swing-vote commissioner. Let's debate this out in the open, take polls, get the president on the record and turn up the heat.

From: Cato Institute <kbrand@cato.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/22/2003 8:10:34 AM
Subject: : REGISTER NOW: 5/27/03 Public Health and Private Rights policy forum

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Cato Institute <kbrand@cato.org> (Cato Institute <kbrand@cato.org> [UNKNOWN])
CREATION DATE/TIME:22-MAY-2003 12:10:34.00
SUBJECT:: REGISTER NOW: 5/27/03 Public Health and Private Rights policy forum
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Cato Institute
invites you to a Policy Forum

Public Health and Private Rights: Communicable Diseases, Panic Attacks,
and the Constitution

featuring

Jonathan Turley
George Washington University
Law School

George J. Annas
Boston University
School of Public Health

Lawrence O. Gostin
Georgetown University Law Center and
Johns Hopkins University

The global spread of SARS, the possible return of smallpox as a bioterror weapon, and the post-9/11 anthrax attacks have renewed debate over the limits of state police power in protecting public health. Do we need to rethink and revise traditional public health law and government responsibilities in an age of terrorism, globalization, and rapid communication? Will constitutional safeguards set effective limits on sweeping
state action in the name of public health, protect individual liberties, and preserve our open society? Our panel will explore whether we need to apply new powers or old principles in response to the latest risks to our health and well-being.

Tuesday, May 27, 2003
12:00 noon
(Luncheon to follow)

Cato Policy Forums and luncheons are free of charge.
To register, visit www.cato.org, e-mail Krystal Brand at kbrand@cato.org, fax (202) 371-0841, or call (202) 789-5229 by 12:00 noon, Friday, May 23.

News media inquiries only (no registrations), please call (202) 789-5200.

If you can't make it to the Cato Institute, watch this forum live online at www.cato.org.

The Cato Institute is located at 1000 Massachusetts Ave. N.W., Washington, D.C. 20001.

To unsubscribe, send an email to: unsubscribe-16564@uptilt.com with the

address: brett_m._kavanaugh@who.eop.gov in the subject line.

From:	Nelson, Carolyn
To:	<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Ullyot, Theodore W.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Leitch, David G.>;<Francisco, Noel J.>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Brosnahan, Jennifer R.>
Sent:	5/22/2003 9:18:39 AM
Subject:	Judge's Schedule

The Judge will deliver the commencement address at Rutgers Law School tomorrow afternoon, and at South Texas College of Law on Saturday morning. If you have any issues that need to be addressed prior to his departure this evening, please let me know.

Also, a reminder that staff meeting has been cancelled for the Memorial Day holiday.

Thanks!

From: Joel Pardue <jpardue@fed-soc.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/22/2003 5:43:07 AM
Subject: : Meeting Reminder

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joel Pardue <jpardue@fed-soc.org> ( Joel Pardue <jpardue@fed-soc.org> [ UNKNOWN ] )
CREATION DATE/TIME:22-MAY-2003 09:43:07.00
SUBJECT:: Meeting Reminder
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

This is a reminder about the meeting today at Jones Day (located off of 51
Louisiana Ave, NW) from 12:00 - 3:00. Please remind David about this
meeting as well. Thanks.


Joel Pardue
Associate Director, Lawyers Division
```

From: Schlapp, Matthew A.
To: <Kavanaugh, Brett M.>
CC: <Goeglein, Tim>;<Smith, Matthew E.>;<Snee, Ashley>;<Grubbs, Wendy J.>
Sent: 5/22/2003 10:28:25 AM
Subject: Re: President's 5/21/03 remarks on judges at President's Dinner

largest applause of the speech

Brett M. Kavanaugh

05/21/2003 08:30:37 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: President's 5/21/03 remarks on judges at President's Dinner

I appreciate the hard work of Orrin Hatch and Bill Frist to make sure that our judiciary functions properly. I have submitted superb nominations to our federal courts. The confirmation process in the United States Senate should be about justice, not about empty politics. (Applause.)

Message Sent To:

Tim Goeglein/WHO/EOP@EOP

Matthew E. Smith/WHO/EOP@EOP

Matthew A. Schlapp/WHO/EOP@EOP

Ashley Snee/WHO/EOP@Exchange@EOP

Wendy J. Grubbs/WHO/EOP@Exchange@EOP

From: CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Nanette Everson/WHO /EOP@EOP [WHO] <Nanette Everson>
Sent: 5/22/2003 11:36:33 AM
Subject: : RE: Meeting to Discuss Carpet Car Use

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Listi Arnold (CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:22-MAY-2003 15:36:33.00
SUBJECT:: RE: Meeting to Discuss Carpet Car Use
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Nanette,
This meeting will not be tomorrow. Since this email we changed it to 9:00am on Wednesday, but now that does not work either. I am still trying to find a good time for everyone. Please let me know who I should be in contact with, either you or Brett.
Thank you,
Listi

-----Original Message-----
From: Everson, Nanette
Sent: Thursday, May 22, 2003 3:31 PM
To: Kavanaugh, Brett M.
Cc: Arnold, Listi
Subject: FW: Meeting to Discuss Carpet Car Use

Is this me or you or both? I can't do it tomorrow.
---------- Forwarded by Nanette Everson/WHO/EOP on 05/22/2003 03:30 PM ----------

From: Listi Arnold/WHO/EOP@Exchange on 05/21/2003 04:15:36 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: FW: Meeting to Discuss Carpet Car Use

Nanette,
I apologize; I mistakenly sent this to Jennifer originally. I hope that you will be able to join us.
Thank you,
Listi

-----Original Message-----
From: Newstead, Jennifer G.
Sent: Wednesday, May 21, 2003 2:37 PM
To: Arnold, Listi
Cc: Estes, Ashley; Boisvenue, Michael J.; Gambatesa, Linda M.; Litkenhaus, Colleen
Subject: Re: Meeting to Discuss Carpet Car Use

Nanette Everson would be the right person to handle this for the Counsel's Office. Thanks, JN

From: Listi Arnold/WHO/EOP@Exchange on 05/21/2003 02:34:05 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting to Discuss Carpet Car Use

M&A would like to set up a meeting to discuss the use of carpet cars.

Please confirm that 11:00am on Friday, May 23 will fit your schedule.

It will take place in the M&A office.

Thanks,

Listi

Message Sent
To:_____
Ashley Estes/WHO/EOP@Exchange
Michael J. Boisvenue/WHO/EOP@Exchange
Linda M. Gambatesa/WHO/EOP@Exchange
Colleen Litkenhaus/WHO/EOP@Exchange
Jennifer G. Newstead/WHO/EOP@EOP

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]

To: Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Charlotte L. Montiel/WHO /EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Edward McNally/WHO /EOP@EOP [WHO] <Edward McNally>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;John B. Bellinger/NSC /EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>

Sent: 5/22/2003 12:39:17 PM

Subject: : June July August Kennedy Center Schedule

Attachments: P_IXING003_WHO.TXT_1.doc

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:22-MAY-2003 16:39:17.00
SUBJECT:: June July August Kennedy Center Schedule
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Attached is the summer 2003 schedule for the Kennedy Center. Please let me
```

know which shows you'd like to attend, and how many seats you'd like for
each performance.
;
Thanks!
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IXING003_WHO.TXT_1>

KENNEDY CENTER June-August, 2003

Please contact Ann Gray 62605 for reservations or questions

June/July/August 2003 – Concert Hall

Sun 6/1	2:30 P COH WPAS: Yefim Bronfman, piano
Thu 6/5	7:00 P COH NSO: Slatkin/Bronfman
Fri 6/6	8:00 P COH NSO: Slatkin/Bronfman
Sat 6/7	8:00 P COH NSO: Slatkin/Bronfman
Sun 6/8	7:30 P COH The Cappies Gala 2003
Tue 6/10	8:00 P COH Washington Concert Opera: Stifelio
Sat 6/14	11:00 A COH National Awards Ceremony - The
	8:00 P COH Gay Men's Chorus of Washington
Mon 6/16	8:00 P COH Archbishop Carroll High School
Sun 6/22	8:30 P COH Salute to the Presidential Scholars 2003
Thu 6/26	7:00 P COH NSO: Composer Portrait - Tchaikovsky
Fri 6/27	7:00 P COH NSO: Composer Portrait - Tchaikovsky
Sat 6/28	7:00 P COH NSO: Composer Portrait - Tchaikovsky
Sat 7/12	8:00 P COH U.S. Marine Band 205th Anniversary Concert
Sun 7/20	7:00 P COH KC/NSO Summer Music Institute
Fri 7/25	7:00 P COH Jerry Seinfeld
	9:30 P COH Jerry Seinfeld
Sat 7/26	7:00 P COH Jerry Seinfeld
	9:30 P COH Jerry Seinfeld

June/July/August 2003 – Eisenhower Theater

Sun 6/1	1:00 P EIS Washington Ballet: Spring Program: Cinderella
	5:00 P EIS Washington Ballet: Spring Program: Cinderella
Thu 6/5	8:00 P EIS Barbara Cook 2003
Fri 6/6	8:00 P EIS Barbara Cook 2003
Sat 6/7	2:30 P EIS Barbara Cook 2003
	8:00 P EIS Barbara Cook 2003
Sun 6/8	5:00 P EIS Barbara Cook 2003
Thu 6/12	8:00 P EIS Barbara Cook 2003
Fri 6/13	8:00 P EIS Barbara Cook 2003
Sat 6/14	2:30 P EIS Barbara Cook 2003
	8:00 P EIS Barbara Cook 2003
Sun 6/15	5:00 P EIS Barbara Cook 2003
Thu 6/19	8:00 P EIS Barbara Cook 2003
Fri 6/20	8:00 P EIS Barbara Cook 2003
Sat 6/21	2:30 P EIS Barbara Cook 2003
	8:00 P EIS Barbara Cook 2003
Sun 6/22	5:00 P EIS Barbara Cook 2003
Thu 7/17	6:00 P EIS Postponed: PLUS: Spotlight on Theatre: Barbara Cook

From: CN=Abel Guerra/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>
Sent: 5/22/2003 10:51:01 AM
Subject: : Miguel

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-MAY-2003 14:51:01.00
SUBJECT:: Miguel
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Univision Battle Heats Up
By Brody Mullins
Roll Call Staff
May 22, 2003

House Democratic Caucus Chairman Bob Menendez (N.J.) alleged Wednesday that the nation,s largest Spanish-speaking television network, Univision Communications, is seeking to secure federal approval of its $2.4 billion merger with a Hispanic radio firm by airing an increasing amount of programming that supports President Bush,s nomination of Miguel Estrada to a key federal appeals court post.
ÿ

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>
Sent: 5/22/2003 11:07:15 AM
Subject: : Re: campaign contributions

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-MAY-2003 15:07:15.00
SUBJECT:: Re: campaign contributions
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer R. Brosnahan (CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We will have something.

.

----- Original Message -----
From:Jennifer R. Brosnahan/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 05/22/2003 03:05:22 PM
Subject: campaign contributions

Brett -

The (still-Acting) Solicitor of Labor asked me whether the WH will be distributing any guidance on rules governing campaign contributions by federal employees. Do you happen to know? He is fielding questions on this from people in his agency, and they recall that previous Administrations did distribute such guidance. Any idea? Is the Hatch Act all they need to know?

Thanks,
Jenny

From: CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Nanette Everson/WHO /EOP@EOP [WHO] <Nanette Everson>
Sent: 5/22/2003 11:36:25 AM
Subject: : RE: Meeting to Discuss Carpet Car Use

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Listi Arnold (CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:22-MAY-2003 15:36:25.00
SUBJECT:: RE: Meeting to Discuss Carpet Car Use
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Nanette,

This meeting will not be tomorrow.; Since this email we changed it to 9:00am on Wednesday, but now that does not work either.; I am still trying to find a good time for everyone.; Please let me know who I should be in contact with, either you or Brett.

Thank you,

Listi

-----Original Message-----
From: Everson, Nanette
Sent: Thursday, May 22, 2003 3:31 PM
To: Kavanaugh, Brett M.
Cc: Arnold, Listi
Subject: FW: Meeting to Discuss Carpet Car Use

Is this me or you or both?; I can't do it tomorrow.

---------- Forwarded by Nanette Everson/WHO/EOP on 05/22/2003 03:30 PM ----------

From:;; Listi Arnold/WHO/EOP@Exchange on 05/21/2003 04:15:36 PM

Record Type:;;; Record

To:;;;; Nanette Everson/WHO/EOP@EOP

cc:;;;;

Subject:;;;;;;; FW: Meeting to Discuss Carpet Car Use

Nanette,

I apologize; I mistakenly sent this to Jennifer originally.; I hope that you will be able to join us.

Thank you,

Listi

-----Original Message-----

From: Newstead, Jennifer G.

Sent: Wednesday, May 21, 2003 2:37 PM

To: Arnold, Listi

Cc: Estes, Ashley; Boisvenue, Michael J.; Gambatesa, Linda M.; Litkenhaus, Colleen

Subject: Re: Meeting to Discuss Carpet Car Use

Nanette Everson would be the right person to handle this for the Counsel's Office.; Thanks, JN

From:;; Listi Arnold/WHO/EOP@Exchange on 05/21/2003 02:34:05 PM

Record Type:;;; Record

To:;;;; See the distribution list at the bottom of this message

cc:;;;;

Subject:;;;;;;; Meeting to Discuss Carpet Car Use

M&A would like to set up a meeting to discuss the use of carpet cars.;

Please confirm that 11:00am on Friday, May 23 will fit your schedule.

It will take place in the M&A office.

Thanks,

Listi

Message Sent
To:_____;;

Ashley Estes/WHO/EOP@Exchange

Michael J. Boisvenue/WHO/EOP@Exchange

Linda M. Gambatesa/WHO/EOP@Exchange

Colleen Litkenhaus/WHO/EOP@Exchange

Jennifer G. Newstead/WHO/EOP@EOP

From: Arnold, Listi
To: <Everson, Nanette>;<Kavanaugh, Brett M.>
Sent: 5/22/2003 3:37:10 PM
Subject: RE: Meeting to Discuss Carpet Car Use

Nanette,

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Thank you,

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-----Original Message-----
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Sent: Thursday, May 22, 2003 3:31 PM
To: Kavanaugh, Brett M.
Cc: Arnold, Listi
Subject: FW: Meeting to Discuss Carpet Car Use

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---------- Forwarded by Nanette Everson/WHO/EOP on 05/22/2003 03:30 PM ----------

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Record Type: Record

To: Nanette Everson/WHO/EOP@EOP

cc:

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Cc: Estes, Ashley; Boisvenue, Michael J.; Gambatesa, Linda M.; Litkenhaus, Colleen

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Record Type: Record

To: See the distribution list at the bottom of this message

cc:

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Message Sent To:

Ashley Estes/WHO/EOP@Exchange

Michael J. Boisvenue/WHO/EOP@Exchange

Linda M. Gambatesa/WHO/EOP@Exchange

Colleen Litkenhaus/WHO/EOP@Exchange

Jennifer G. Newstead/WHO/EOP@EOP

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]

To: Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Charlotte L. Montiel/WHO /EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Edward McNally/WHO /EOP@EOP [WHO] <Edward McNally>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;John B. Bellinger/NSC /EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>

Sent: 5/22/2003 12:39:19 PM

Subject: : June July August Kennedy Center Schedule

Attachments: F_OXING003_NSC.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:22-MAY-2003 16:39:19.00
SUBJECT:: June July August Kennedy Center Schedule
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
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each performance.
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Thanks!
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_OXING003_NSC.TXT_1>

KENNEDY CENTER June-August, 2003

Please contact Ann Gray 62605 for reservations or questions

June/July/August 2003 – Concert Hall

Sun 6/1	2:30 P COH WPAS: Yefim Bronfman, piano
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From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]

To: Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Charlotte L. Montiel/WHO /EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Edward McNally/WHO /EOP@EOP [WHO] <Edward McNally>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;John B. Bellinger/NSC /EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>

Sent: 5/22/2003 12:39:24 PM

Subject: : June July August Kennedy Center Schedule

Attachments: P_2YING003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:22-MAY-2003 16:39:24.00
SUBJECT:: June July August Kennedy Center Schedule
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
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TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
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File attachment <P_2YING003_WHO.TXT_1>

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Sent: 5/22/2003 12:39:15 PM

Subject: : June July August Kennedy Center Schedule

Attachments: F_DXING003_NSC.TXT_1.doc

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RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:22-MAY-2003 16:39:15.00
SUBJECT:: June July August Kennedy Center Schedule
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
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Thu 7/17	6:00 P EIS Postponed: PLUS: Spotlight on Theatre: Barbara Cook

From:	Nelson, Carolyn
To:	<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Ullyot, Theodore W.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Leitch, David G.>;<Francisco, Noel J.>;<Jucas, Tracy>;<Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Brosnahan, Jennifer R.>
Sent:	5/22/2003 4:39:57 PM
Subject:	June July August Kennedy Center Schedule
Attachments:	June2003AUgust2003.staff.doc

Attached is the summer 2003 schedule for the Kennedy Center. Please let me know which shows you'd like to attend, and how many seats you'd like for each performance.

Thanks!

KENNEDY CENTER June-August, 2003

Please contact Ann Gray 62605 for reservations or questions

June/July/August 2003 – Concert Hall

Sun 6/1	2:30 P COH WPAS: Yefim Bronfman, piano
Thu 6/5	7:00 P COH NSO: Slatkin/Bronfman
Fri 6/6	8:00 P COH NSO: Slatkin/Bronfman
Sat 6/7	8:00 P COH NSO: Slatkin/Bronfman
Sun 6/8	7:30 P COH The Cappies Gala 2003
Tue 6/10	8:00 P COH Washington Concert Opera: Stifelio
Sat 6/14	11:00 A COH National Awards Ceremony - The
	8:00 P COH Gay Men's Chorus of Washington
Mon 6/16	8:00 P COH Archbishop Carroll High School
Sun 6/22	8:30 P COH Salute to the Presidential Scholars 2003
Thu 6/26	7:00 P COH NSO: Composer Portrait - Tchaikovsky
Fri 6/27	7:00 P COH NSO: Composer Portrait - Tchaikovsky
Sat 6/28	7:00 P COH NSO: Composer Portrait - Tchaikovsky
Sat 7/12	8:00 P COH U.S. Marine Band 205th Anniversary Concert
Sun 7/20	7:00 P COH KC/NSO Summer Music Institute
Fri 7/25	7:00 P COH Jerry Seinfeld
	9:30 P COH Jerry Seinfeld
Sat 7/26	7:00 P COH Jerry Seinfeld
	9:30 P COH Jerry Seinfeld

June/July/August 2003 – Eisenhower Theater

Sun 6/1	1:00 P EIS Washington Ballet: Spring Program: Cinderella
	5:00 P EIS Washington Ballet: Spring Program: Cinderella
Thu 6/5	8:00 P EIS Barbara Cook 2003
Fri 6/6	8:00 P EIS Barbara Cook 2003
Sat 6/7	2:30 P EIS Barbara Cook 2003
	8:00 P EIS Barbara Cook 2003
Sun 6/8	5:00 P EIS Barbara Cook 2003
Thu 6/12	8:00 P EIS Barbara Cook 2003
Fri 6/13	8:00 P EIS Barbara Cook 2003
Sat 6/14	2:30 P EIS Barbara Cook 2003
	8:00 P EIS Barbara Cook 2003
Sun 6/15	5:00 P EIS Barbara Cook 2003
Thu 6/19	8:00 P EIS Barbara Cook 2003
Fri 6/20	8:00 P EIS Barbara Cook 2003
Sat 6/21	2:30 P EIS Barbara Cook 2003
	8:00 P EIS Barbara Cook 2003
Sun 6/22	5:00 P EIS Barbara Cook 2003
Thu 7/17	6:00 P EIS Postponed: PLUS: Spotlight on Theatre: Barbara Cook

From: CN=Jonathan F. Ganter/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/22/2003 1:48:00 PM
Subject: : Binders

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jonathan F. Ganter (CN=Jonathan F. Ganter/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-MAY-2003 17:48:00.00
SUBJECT:: Binders
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,
We have covers and spines in all the binders. The materials to be inserted have been printed and are here in our office. All we are lacking is a table of contents.

Jon

From: Sampson, Kyle
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>;<Ullyot, Theodore W.>;<Newstead, Jennifer G.>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Brosnahan, Jennifer R.>
Sent: 5/22/2003 6:09:47 PM
Subject: Callahan vote

to take place after the vote that is going on right now.

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>;<Nelson, Carolyn>
CC: <Leitch, David G.>
Sent: 5/22/2003 8:09:45 PM
Subject: staffing over here

Can we have ganter, liz, and one (or, even better, two) new persons all hold equivalent positions (and pay) of some kind over here? We may really need the help in June-August and 3-4 eager beavers would be good.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kevin Warsh/OPD/EOP@EOP [OPD] <Kevin Warsh>
Sent: 5/22/2003 4:19:02 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-MAY-2003 20:19:02.00
SUBJECT:: Re:
TO:Kevin Warsh (CN=Kevin Warsh/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

excellent

Kevin Warsh
05/22/2003 08:15:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re:

yup we are ok -- all offsets include this one were ditched -- not included
in final bill. thanks for help however

From: Delrahim, Makan \(Judiciary\) <Makan_Delrahim@Judiciary.senate.gov>
To: Hatch Nominations <HatchNominations@routing.senate.gov>;Vogel, Alex \(Frist\) <Alex_Vogel@frist.senate.gov>;Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>;Rawls, Lee \(Frist\) <Lee_Rawls@frist.senate.gov>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;Jamie.E.Brown@usdoj.gov <Kavanaugh, Brett M.>;Dan.Bryant@usdoj.gov <Dan.Bryant@usdoj.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;viet.dinh@usdoj.gov <Grubbs, Wendy J.>;viet.dinh@usdoj.gov <Sampson, Kyle>;Barbara.Comstock@usdoj.gov <Barbara.Comstock@usdoj.gov>
Sent: 5/22/2003 9:49:38 PM
Subject: FW: Breaking news: Urgent Supreme Court update

Have you all seen this?

They're probably quoting your cuz.

>From: "Terry McAuliffe"
>Reply-To: dnc-002Kd04AKj@mailer.democrats.org
>To: "Jerome Sisul"
>Subject: Breaking news: Urgent Supreme Court update
>Date: Wed, 21 May 2003 12:35:07 -0500
>
>"WE'RE GEARING UP FOR THE UGLIEST FIGHT THIS COUNTRY HAS EVER SEEN."
>
>-- Unnamed Republican staffer, Senate Judiciary Committee [Wall Street Journal, 5/19/03]
>
> http://mailer.democrats.org/rdr/002Kd04AKj0001D?s=NETR503-
>
>Dear Jerome Sisul,
>
>This Monday, Newsday reported that the Bush White House is preparing for two -- possibly three -- Supreme Court retirements as early as June.
>
>We don't have any time to lose. American values, for decades to come, are at risk if Bush succeeds in putting right-wing justices on the Supreme Court. This battle will begin in the next few weeks.
>
>Join our fight right now by making a contribution to the Emergency Fund for American Values.
>
> http://mailer.democrats.org/rdr/002Kd04AKj0001E?s=NETR503-
>
>If you have not renewed your financial commitment to the Democratic Party in 2003, today is the day. Your renewal donation today will help fund an aggressive campaign to protect our values: targeted TV and radio ads and more Internet organizing.
>
>We can't match the GOP's special-interest money machine, but with your help we can continue to build a massive grassroots groundswell to fight Bush's nominees. We need your help to do it.
>
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>In the past three weeks, nearly 100,000 Democratic activists from all over the nation have signed our online petition saying they won't stand for President Bush nominating right-wing extremists to the Supreme Court.
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>The right wing is already preparing for what one GOP Senate staffer called "the ugliest fight this country has ever seen."

>
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>
>They've held secret fundraisers -- one hosted by Former President George Bush -- to help pay for a massive disinformation campaign that will try to hide the record of Bush's nominees. [Time, 4/26/03]
>
>They've started "gearing up," watching videos of old confirmation hearings like an NFL team preparing for the Super Bowl. [Wall Street Journal, 5/19/03]
>
>Bush's tactics are always the same: use massive financial support from special-interest donors to bully through his ultra-conservative special-interest agenda. No debate, just deception.
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>We're fighting for the Constitution. We're fighting for women and workers and clean air and water. We're fighting for our children and our grandchildren. Their freedom and their rights will depend on a strong, independent, and fair-minded Supreme Court. We won't let anyone take that away from them.
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>Sincerely,
>Terry McAuliffe
>Chairman
>
>**********
>
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>http://www.democrats.org/newaccount/newaccount.html
>
>**********
>
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>**********
>
>Contributions or gifts to the Democratic National Committee are not deductible as charitable contributions for federal income tax purposes.
>
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From: Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Rawls, Lee (Frist) <Lee_Rawls@frist.senate.gov>;Vogel, Alex (Frist) <Alex_Vogel@frist.senate.gov>;Barbara.Comstock@usdoj.gov [UNKNOWN] <Barbara.Comstock@usdoj.gov>;Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Dan.Bryant@usdoj.gov [UNKNOWN] <Dan.Bryant@usdoj.gov>;Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>;Jamie.E.Brown@usdoj.gov [UNKNOWN] <Jamie.E.Brown@usdoj.gov>;Hatch Nominations <HatchNominations@routing.senate.gov>
Sent: 5/22/2003 5:50:58 PM
Subject: : FW: Breaking news: Urgent Supreme Court update
Attachments: P_1XRNG003_WHO.TXT_1.html

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> ( "Delrahim,
Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:22-MAY-2003 21:50:58.00
SUBJECT:: FW: Breaking news: Urgent Supreme Court update
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:viet.dinh@usdoj.gov ( viet.dinh@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Rawls, Lee (Frist)" <Lee_Rawls@frist.senate.gov> ( "Rawls, Lee (Frist)"
<Lee_Rawls@frist.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Vogel, Alex (Frist)" <Alex_Vogel@frist.senate.gov> ( "Vogel, Alex (Frist)"
<Alex_Vogel@frist.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Barbara.Comstock@usdoj.gov ( Barbara.Comstock@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Dan.Bryant@usdoj.gov ( Dan.Bryant@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:"Ledeen, Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov> ( "Ledeen, Barbara
(Republican-Conf)" <Barbara_Ledeen@src.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Hatch Nominations <HatchNominations@routing.senate.gov> ( Hatch Nominations
<HatchNominations@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

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>Reply-To: dnc-002Kd04AKj@mailer.democrats.org
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> http://mailer.democrats.org/rdr/002Kd04AKj0001D?s=NETR503-
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>Chairman
>
>*****

>
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deductible as charitable contributions for federal income tax purposes.
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>To unsubscribe from this mailing list, please reply to this message
with "unsubscribe" in the subject line.
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1XRNG003_WHO.TXT_1>

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>From: "Terry McAuliffe"
>Reply-To: dnc-002Kd04AKj@mailer.democrats.org
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>**********
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>Contributions or gifts to the Democratic National Committee are not deductible as charitable contributions for federal income tax purposes.
>
>To unsubscribe from this mailing list, please reply to this message with "unsubscribe" in the subject line.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John_Abegg@mcconnell.senate.gov @ inet [UNKNOWN] <John_Abegg@mcconnell.senate.gov @ inet>
Sent: 5/23/2003 5:06:00 AM
Subject: : D. Nev.

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-MAY-2003 09:06:00.00
SUBJECT:: D. Nev.
TO:John_Abegg@mcconnell.senate.gov @ inet (John_Abegg@mcconnell.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

FEDERAL JUDGESHIP: Jurist Jones possible nominee
White House declines to confirm whether Nevadan is Bush's choice for post
By JANE ANN MORRISON
REVIEW-JOURNAL

The White House, after working with U.S. Sen. John Ensign, is poised to nominate U.S. Bankruptcy Judge Robert Clive Jones to a federal District Court judgeship.
Ensign, a Republican, originally proposed the son of Democratic U.S. Sen. Harry Reid, as well as others, but the Bush administration sought to expand that list.
Republicans had criticized Ensign for proposing Leif Reid, a 35-year-old Democrat with seven years of experience.
Jones is 56, has been on the bankruptcy court for 20 years and has experience both as a certified public accountant and an attorney prior to that.
Jones' name had not been made public until Thursday, when Ensign's spokesman Jack Finn said, "We can confirm he is the White House selection. The senator is very proud of not only Judge Jones, but of all the people we submitted to the White House. They are carefully reviewed and we think the world of all of the others in terms of experience, integrity and abilities."
Finn declined to say how many Nevadans had been considered by the White House, but legal sources said at least seven were submitted.
Along with Leif Reid, the other contenders included former U.S. Attorney Rick Pocker, District Judge Ron Parraguirre, U.S. Magistrate Robert McQuaid of Reno, Las Vegas attorney Sandy Smagac and at least one other person.
"Senator Ensign is extremely pleased and extremely proud of this choice," Finn said. "Judge Jones will absolutely uphold the integrity of the federal judiciary."
Each state's senior senator of the party in power at the White House recommends judicial candidates to the president. After background investigations are complete, the administration nominates its choice. The U.S. Senate must confirm the administration's choice.
White House spokesman Ken Lisaius declined to confirm whether Jones is President Bush's choice. "We don't speculate on personnel. The White House makes announcements when we have announcements to make."
Jones has a good reputation within the Las Vegas legal community.
Defense attorney Richard Wright said Jones was a good choice because of his "maturity, experience and seasoning in federal litigation. He's a gentleman, courteous and polite."
Jones is one of those judges who is enjoyable to practice before, Wright said. "He's had wide-ranging litigation on the federal bench in bankruptcy court. He's well-respected and well-qualified."
In the 1980s, he decided the buyer of the bankrupt Aladdin. He was in the same position earlier this year, choosing Planet Hollywood as the best offer for the rebuilt Las Vegas Strip property.
Jones was born and raised in Las Vegas and graduated from Brigham Young

University in 1971 with a degree in accounting and English. He obtained his law degree from UCLA in 1975, graduating in the top 10 percent of his class.

After working as a certified public accountant, he started practicing law in 1976. His practice focused on taxation, real estate, commercial law and bankruptcy. In February 1983, he was appointed the the bankruptcy court, where he now serves. He was appointed to the 14-year-term after Lloyd George was elevated from the bankruptcy court to U.S. District Court, a lifetime position.

A registered Republican, he served in the California Air National Guard and the Nevada Army Guard.

He is a former board member of Opportunity Village of Clark County and the Las Vegas Chapter of the American Cancer Society.

The judgeship is becoming available because U.S. District Judge David Hagen is taking senior status.

From: CN=Scott Stanzel/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/23/2003 5:48:31 AM
Subject: : Milwaukee Jouranal Sentinel - US appeals judge cutting back, parties clashing over seat

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-MAY-2003 09:48:31.00
SUBJECT:: Milwaukee Jouranal Sentinel - US appeals judge cutting back, parties clashing over seat
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

How do you feel about this story? It looks like the senators will raise a stink. Any guidance going forward?

---------- Forwarded by Scott Stanzel/WHO/EOP on 05/23/2003 09:45 AM ----------

Scott Stanzel

05/23/2003 07:47:38 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Benjamin A. Powell/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange@EOP
cc: Jeanie S. Mamo/WHO/EOP@EOP
Subject: Milwaukee Jouranal Sentinel - US appeals judge cutting back, parties clashing over seat

Original URL: http://www.jsonline.com/news/state/may03/142787.asp

U.S. appeals judge cutting back; parties clashing over seat
By CRAIG GILBERT
cgilbert@journalsentinel.com
Last Updated: May 22, 2003
Washington - Federal appeals court Judge John L. Coffey, 81, said Thursday he plans to assume a reduced workload under senior status, creating an important and highly sensitive judicial vacancy on the Chicago-based 7th Circuit.
It will be up to the White House to nominate a new judge at a time when fierce battles in the U.S. Senate are being waged over the appellate courts, the judicial rung just below the U.S. Supreme Court.
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From:	Stanzel, Scott
To:	<Kavanaugh, Brett M.>;<Powell, Benjamin A.>;<Snee, Ashley>
CC:	<Mamo, Jeanie S.>
Sent:	5/23/2003 7:43:17 AM
Subject:	Milwaukee Jouranal Sentinel - US appeals judge cutting back, parties clashing over seat
Attachments:	~~DLNK0.URL; ~~DLNK1.URL

Original URL: http://www.jsonline.com/news/state/may03/142787.asp <>

U.S. appeals judge cutting back; parties clashing over seat

By CRAIG GILBERT

cgilbert@journalsentinel.com <>

Last Updated: May 22, 2003

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[InternetShortcut]
URL=http://www.jsonline.com/news/state/may03/142787.asp

[InternetShortcut]
URL=mailto:cgilbert@journalsentinel.com

From: CN=Scott Stanzel/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>
BCC: Scott Stanzel (Scott Stanzel/WHO/EOP [WHO])
Sent: 5/23/2003 3:48:22 AM
Subject: : Milwaukee Jouranal Sentinel - US appeals judge cutting back, parties clashing over seat

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-MAY-2003 07:48:22.00
SUBJECT:: Milwaukee Jouranal Sentinel - US appeals judge cutting back, parties clashing over seat
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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From: Montiel, Charlotte L.
To: <Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Ullyot, Theodore W.>;<Carroll, James W.>;<Everson, Nanette>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>; <Brosnahan, Jennifer R.>
Sent: 5/23/2003 8:34:19 AM
Subject: David's hours today

David will be leaving today around 2:30 pm so if you need to meet with him, please call me so we can set up a time before he leaves.

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 5/23/2003 8:40:47 AM
Subject: FW: Summer interns

-----Original Message-----
From: Leitch, David G.
Sent: Tuesday, May 20, 2003 6:02 PM
To: Bartolomucci, H. Christopher; Brosnahan, Jennifer R.; Carroll, James W.; Everson, Nanette; Francisco, Noel J.; Kavanaugh, Brett M.; Newstead, Jennifer G.; Powell, Benjamin A.; Sampson, Kyle; Ullyot, Theodore W.
Cc: Gonzales, Alberto R.; Addington, David S.; Bellinger, John B.; McNally, Edward; Farrell, J. Elizabeth; Ganter, Jonathan F.; Montiel, Charlotte L.; Nelson, Carolyn; Bumatay, Patrick J.
Subject: Summer interns

This summer we will have three law studens working as interns in our office. Please make an effort to welcome them to the office and to identify interesting and substantive projects for them to work on.

Mara Zimmerman will begin May 27th and will be in our office for the first half of the summer. Mara is currently a second year at Vanderbilt University Law School, where she is a member of the Vanderbilt Journal of Transnational Law. She will be a summer associate at Vincent & Elkins for the second half of the summer. She earned her bachelors degree from Rhodes College, where she majored in Russian and International Studies.

Starting June 4th and staying with us for the whole summer will be Lee Rudolfsky. Lee is a first year at Harvard Law School. He earned a bachelor of science in Industrial and Labor Relations and a masters in Public Affairs from Cornell University. He is editor of the Harvard Journal of Law and Public Policy and is a member of the Harvard Law Republicans.

Alexandra Smith will start on July 1st and stay for latter half of the summer. Alexandra is a second year at Brigham Young University. She is very active in BYU Moot Court and won both the Best Oral Advocate and the Best Brief Writer awards last year. She was also an undergraduate at BYU, where she majored in International Development.

Also, beginning June 16th, Tim Flanigan, Jr. will be joining the office as an intern for the remainder of the summer. Tim is a recent graduate of BYU and is applying to law school. During college, Tim was a research assistant in the BYU Political Science Department and the BYU Office of the General Counsel. I hear he comes from good stock.

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/23/2003 4:41:41 AM
Subject: : FW: Summer interns

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:23-MAY-2003 08:41:41.00
SUBJECT:: FW: Summer interns
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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;
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Sent: Tuesday, May 20, 2003 6:02 PM
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From: Kavanaugh, Brett M.
To: <Kaplan, Joel>
Sent: 5/23/2003 9:06:52 AM
Subject:

McNally said this morning that the Administration opposed the Safety Act. That is inaccurate as far as I recall. Answer?

From:	Bartolomucci, H. Christopher
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
Sent:	5/23/2003 10:35:53 AM
Subject:	Article on Judge Coffey's Retirement
Attachments:	~~DLNK0.URL; ~~DLNK1.URL

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Photo/File

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Gina Barton of the Journal Sentinel staff contributed to the story from Milwaukee.

From the May 23, 2003 editions of the Milwaukee Journal Sentinel

[InternetShortcut]
URL=mailto:cgilbert@journalsentinel.com

[InternetShortcut]
URL=http://graphics.jsonline.com/graphics/news/img/may03/coffey052203-125.jpg

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/23/2003 6:38:13 AM
Subject: : Article on Judge Coffey's Retirement

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CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-MAY-2003 10:38:13.00
SUBJECT:: Article on Judge Coffey's Retirement
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

U.S. appeals judge cutting back; parties clashing over seat
By CRAIG GILBERT
cgilbert@journalsentinel.com
Last Updated: May 22, 2003
Washington - Federal appeals court Judge John L. Coffey, 81, said Thursday he plans to assume a reduced workload under senior status, creating an important and highly sensitive judicial vacancy on the Chicago-based 7th Circuit.

Reduced Workload

Photo/File
Federal appeals court Judge John L. Coffey's plans to assume a reduced workload under senior status will create an important and highly sensitive judicial vacancy on the Chicago-based 7th Circuit.

It will be up to the White House to nominate a new judge at a time when fierce battles in the U.S. Senate are being waged over the appellate

courts, the judicial rung just below the U.S. Supreme Court.
Complicating the choice is that President Bush and Wisconsin's two U.S. senators are from different parties, setting up a possible collision over the seat. Both senators, Democrats Herb Kohl and Russ Feingold, serve on the judiciary committee, which approves nominations to the federal bench.
The other key figure in the process is the state's senior Republican congressman, F. James Sensenbrenner Jr. of Menomonee Falls, chairman of the House judiciary committee.
Until now, Sensenbrenner, Kohl and Feingold have used a bipartisan commission to produce a list of finalists for the White House to consider as federal judges and prosecutors.
But Sensenbrenner and a White House aide both confirmed Thursday that Bush would not support that procedure this time because a critical appellate seat is at stake.
"It's not up to Kohl or Feingold or Sensenbrenner," the congressman said of the vacancy. "It's the president that will make the appointment. What advice the president wants is up to the White House."
White House spokesman Scott Stanzel confirmed that, saying the president will consult with lawmakers and bar leaders about their recommendations, but would not rely on a list of finalists produced by a commission.
"The president makes the decision about who to select," Stanzel said.
Stakes are high
The stakes for an appellate seat are also higher for Democrats, and Kohl and Feingold have fought to preservethe commissions, which give them a role in the winnowing of potential nominees, even Republicans. The two will also have a key role in the confirmation process, since senators on the judiciary committee have often exercised an informal veto power over nominees from their home state.
Kohl said in an interview Thursday that "particularly during this time of extreme contentiousness in the Senate, one could easily argue that the best way to avoid that here in Wisconsin is to use a commission approach, which is most likely to produce a nominee both sides can live with."
Kohl was interviewed before the White House made its comments about the process.
The senior senator said a judicial selection commission ensures that both sides have input, and it has worked "fairly well." The members of the commission are nominated by the State Bar of Wisconsin and officeholders in both parties. Such commissions have been used in the state for a couple of decades. But the political backdrop changed in 2001, when for the first time both Wisconsin senators and the president belonged to opposing parties.
"Why would we want to take it at this point and turn it upside down," Kohl said of the system, "unless the president wants to choose whoever the president wants to choose?"
The Milwaukee Democrat added:
"What I'm hopeful for is that here in Wisconsin, it won't be necessary to get into an extreme partisan battle with this judges issue, that we can continue to come up with judges that are acceptable to the center, to the reasonable right and the reasonable left. I don't know if that's what the president is looking for, but that's what we're looking for."
In a statement, Feingold said "There is no reason to abandon this process, which is good for the judiciary and for Wisconsin."
However, under Bush, Wisconsin Republicans have complained about the ability of Kohl and Feingold to strike some GOP finalists from the list that goes to the president.
State GOP chair Rick Graber, who served on the last commission, said Bush should have a freer hand for an appellate seat because it's more important.
"I view the court of appeals as an entirely different situation. I believe the president should be entirely free to make this pick in whatever way he decides," said Graber, who accused Kohl and Feingold of taking a partisan approach to some of the nominees before the Senate Judiciary Committee.
Appellate judges have been the most hotly contested.
"The reason there's more controversy over appellate seats is because appeals courts make most of the judge-made law in this country," Sensenbrenner said.
Several names were offered as potential nominees for this new vacancy by court observers in Wisconsin on Thursday: U.S. District Judge Rudolph T.

Randa, chief of the Eastern District; U.S. District Judge J.P. Stadtmueller, also of Milwaukee; and state Supreme Court Justices Patrick Crooks and Diane Sykes. One negative for Republicans on the last two is that Gov. Jim Doyle, a Democrat, would pick a successor.

In an interview, Coffey said he would wait to assume senior status until a new judge is appointed.

"But I'm going to continue to work even after that on a senior status basis," Coffey said.

"I just thought it was time to do it. I've been on this court for 22 years," Coffey said.

The Whitefish Bay jurist was appointed to his seat by President Reagan in 1982.

The 7th Circuit covers Wisconsin, Illinois and Indiana. It is only by tradition that Coffey's seat would go to a Wisconsin judge. But it's one the president is expected to follow. The state's other judge on the 7th Circuit, Terence Evans, has served since 1995.

Gina Barton of the Journal Sentinel staff contributed to the story from Milwaukee.

From the May 23, 2003 editions of the Milwaukee Journal Sentinel

From: Kavanaugh, Brett M.
To: <McNally, Edward>;<Leitch, David G.>
Sent: 5/23/2003 11:01:54 AM
Subject: fyi

I re-checked on this and my understanding is that we supported Safety Act. I personally was involved in discussions last fall with House staff where we were supportive.

From: CN=Kevin Warsh/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/23/2003 7:25:09 AM
Subject: : Re: CEO certification

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kevin Warsh ( CN=Kevin Warsh/OU=OPD/O=EOP [ OPD ] )
CREATION DATE/TIME:23-MAY-2003 11:25:09.00
SUBJECT:: Re: CEO certification
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

zell wants to make news with it next week with administration support --
will find vehicle later.
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Taylor S. Gross/WHO/EOP@EOP [WHO] <Taylor S. Gross>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/23/2003 7:51:58 AM
Subject: : need asap

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-MAY-2003 11:51:58.00
SUBJECT:: need asap
TO:Taylor S. Gross ( CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

a video tape of May 9 speech. who has. where can I get?
```

From: CN=Jonathan F. Ganter/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/23/2003 12:38:33 PM
Subject: : The tape with the remarks on judicial independece from 5/9/2003 is in the middle drawer of my desk

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:23-MAY-2003 16:38:33.00
SUBJECT:: The tape with the remarks on judicial independece from 5/9/2003 is in the middle
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TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

From: Delrahim, Makan \(Judiciary\) <Makan_Delrahim@Judiciary.senate.gov>
To: <Leitch, David G.>;<Kavanaugh, Brett M.>;<Sampson, Kyle>;<Grubbs, Wendy J.>;<Ojakli, Ziad>
Sent: 5/23/2003 1:19:23 PM
Subject: FW: Whip Alert 05/23/03

FYI

The judgeships bill, the Sentencing Commissioners, and the Coogler nomination were all passed in wrap-up last night. Hurrah!

-----Original Message-----
From: Swonger, Amy (McConnell)
Sent: Thursday, May 22, 2003 11:34 PM
To: Ware, Mike (E-mail); Calderwood, Jane (E-mail); Hershey, Mike (Santorum); Lackman, Carey (E-mail); Salter, Mark (E-mail); Stiefel, Justin (Murkowski); Yost, Chip (Bennett); Abbott, Steve (Collins); Bell, Steve (Domenici); Bensing, Scott (Ensign); Bernhardt, Bret (Nickles); Brooke, Will (Burns); Calderwood, Jane; Carey Lackman; Christopoulos, Vasiliki (Gregg); Collins, Paul (Sununu); Conway, Sean (Allard); Cottrell, Jackie (Roberts); Cunningham, Ken (Grassley); Cymber, Ruth (Hutchison); Dammann, Julie (Bond); Davis, Meredith (Frist); DeKeyser, Armand (Sessions); Deuser, Jon (Bunning); Easton, John (Gordon Smith); Fischer, Peter (Crapo); Glazewski, Tim (Kyl); Gottshall, William (Lott); Griswold, David (Chafee); Gross, Greg (Fitzgerald); Hill, Frank (Dole); Holladay, Krister (Chambliss); Hollingsworth, Ted (Voinovich); Ingram, Tom (Alexander); Jahn, Chris (Thomas); Keenum, Mark (Cochran); Kensinger, David (Brownback); Knight, Patricia (Hatch); Kontnik, Ginnie (Campbell); Linehan, Louann (Hagel); Magill, Susan (Warner); Mason, Tom (Coleman); McConnaughey, Flip (Enzi); Morris, Marty (Lugar); Olson, Peter (Cornyn); Perry, Richard (L. Graham); Piper, Billy (McConnell); Powell, Glenn (Inhofe); Pressler, Laurel (DeWine); Rivers, Phil (Shelby); Russell, David; Strand, Mark (TALENT); Thomas, Mike (Allen); Timmons, Jay
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Vote at 9:30 a.m.

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787 – Santorum Amendment as modified on non-thermal imaging systems

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737 – Nelson (FL) Amendment on travel and transportation expenses for Armed Forces dependents

812 – McCain Amendment on Phone Home initiative

813 – Hutchison Amendment on air fare for Armed Forces

814 – Chambliss Amendment on short range air defense radar program

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820 – Sessions Amendment on military death gratuity

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S. Res. 92, regarding Constitution Day (Cal. #109)
S. Res. 145, regarding National Safety Month (Cal. #111)

Executive Nominations: #s 90, 91, 178 – 198

From: Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;David G. Leitch/WHO /EOP@EOP [WHO] <David G. Leitch>
Sent: 5/23/2003 9:20:55 AM
Subject: : FW: Whip Alert 05/23/03
Attachments: P_N6DOG003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> ("Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:23-MAY-2003 13:20:55.00
SUBJECT:: FW: Whip Alert 05/23/03
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Sent: Thursday, May 22, 2003 11:34 PM
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- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_N6DOG003_WHO.TXT_1>

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737 – Nelson (FL) Amendment on travel and transportation expenses for Armed Forces dependents

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From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 5/23/2003 1:23:32 PM
Subject: Fw: weekly report request

Help
.

-----Original Message-----
From: Pelletier, Eric C.
To: Grubbs, Wendy J. : Ingols, Adam B. : Jones, Alison

Sent: Fri May 23 13:11:23 2003
Subject: weekly report request

How many judges have been confirmed this Congress? We had 24 before the Easter recess. need an update.

From: Kavanaugh, Brett M.
To: <Douglass, Kimberly A.>;<Litkenhaus, Colleen>
Sent: 5/23/2003 1:29:42 PM
Subject: Do you have problems with this paragraph in a political campaign guidance memo

With respect to use of equipment, for those uses of equipment that can incur additional costs (resulting primarily from paper and any long-distance costs), your Office will be contacted by the Office of Management and Administration regarding appropriate reimbursement by the relevant political entity. Also, as necessary and appropriate, separate equipment may be installed in certain offices.

From: Arnold, Listi
To: <Everson, Nanette>;<Kavanaugh, Brett M.>
Sent: 5/23/2003 1:33:47 PM
Subject: RE: Meeting to Discuss Carpet Car Use

This meeting is confirmed for 9:00am Wednesday, May 28th. Will one of you be able to attend?

Thank you,

Listi

-----Original Message-----
From: Everson, Nanette
Sent: Thursday, May 22, 2003 3:31 PM
To: Kavanaugh, Brett M.
Cc: Arnold, Listi
Subject: FW: Meeting to Discuss Carpet Car Use

Is this me or you or both? I can't do it tomorrow.

---------- Forwarded by Nanette Everson/WHO/EOP on 05/22/2003 03:30 PM ----------

From: Listi Arnold/WHO/EOP@Exchange on 05/21/2003 04:15:36 PM

Record Type: Record

To: Nanette Everson/WHO/EOP@EOP

cc:

Subject: FW: Meeting to Discuss Carpet Car Use

Nanette,

I apologize; I mistakenly sent this to Jennifer originally. I hope that you will be able to join us.

Thank you,

Listi

-----Original Message-----

From: Newstead, Jennifer G.

Sent: Wednesday, May 21, 2003 2:37 PM

To: Arnold, Listi

Cc: Estes, Ashley; Boisvenue, Michael J.; Gambatesa, Linda M.; Litkenhaus, Colleen

Subject: Re: Meeting to Discuss Carpet Car Use

Nanette Everson would be the right person to handle this for the Counsel's Office. Thanks, JN

From: Listi Arnold/WHO/EOP@Exchange on 05/21/2003 02:34:05 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Meeting to Discuss Carpet Car Use

M&A would like to set up a meeting to discuss the use of carpet cars.

Please confirm that 11:00am on Friday, May 23 will fit your schedule.

It will take place in the M&A office.

Thanks,

Listi

Message Sent To:

Ashley Estes/WHO/EOP@Exchange

Michael J. Boisvenue/WHO/EOP@Exchange

Linda M. Gambatesa/WHO/EOP@Exchange

Colleen Litkenhaus/WHO/EOP@Exchange

Jennifer G. Newstead/WHO/EOP@EOP

From: CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Nanette Everson/WHO /EOP@EOP [WHO] <Nanette Everson>
Sent: 5/23/2003 9:35:21 AM
Subject: : RE: Meeting to Discuss Carpet Car Use

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Listi Arnold (CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:23-MAY-2003 13:35:21.00
SUBJECT:: RE: Meeting to Discuss Carpet Car Use
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This meeting is confirmed for 9:00am Wednesday, May 28th.; Will one of you be able to attend?

Thank you,

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-----Original Message-----
From: Everson, Nanette
Sent: Thursday, May 22, 2003 3:31 PM
To: Kavanaugh, Brett M.
Cc: Arnold, Listi
Subject: FW: Meeting to Discuss Carpet Car Use

Is this me or you or both?; I can't do it tomorrow.

---------- Forwarded by Nanette Everson/WHO/EOP on 05/22/2003 03:30 PM ----------

From:;; Listi Arnold/WHO/EOP@Exchange on 05/21/2003 04:15:36 PM

Record Type:;;; Record

To:;;;; Nanette Everson/WHO/EOP@EOP

cc:;;;;

Subject:;;;;;;; FW: Meeting to Discuss Carpet Car Use

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Michael J. Boisvenue/WHO/EOP@Exchange

Linda M. Gambatesa/WHO/EOP@Exchange

Colleen Litkenhaus/WHO/EOP@Exchange

Jennifer G. Newstead/WHO/EOP@EOP

From: CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Nanette Everson/WHO /EOP@EOP [WHO] <Nanette Everson>
Sent: 5/23/2003 9:35:14 AM
Subject: : RE: Meeting to Discuss Carpet Car Use

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Listi Arnold (CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:23-MAY-2003 13:35:14.00
SUBJECT:: RE: Meeting to Discuss Carpet Car Use
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
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Michael J. Boisvenue/WHO/EOP@Exchange
Linda M. Gambatesa/WHO/EOP@Exchange
Colleen Litkenhaus/WHO/EOP@Exchange
Jennifer G. Newstead/WHO/EOP@EOP

From: Kavanaugh, Brett M.
To: <Arnold, Listi>
CC: <Everson, Nanette>
Sent: 5/23/2003 1:35:30 PM
Subject: RE: Meeting to Discuss Carpet Car Use

What is topic?

From: Listi Arnold/WHO/EOP@Exchange on 05/23/2003 01:33:47 PM

Record Type: Record

To: Nanette Everson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: Meeting to Discuss Carpet Car Use

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Michael J. Boisvenue/WHO/EOP@Exchange

Linda M. Gambatesa/WHO/EOP@Exchange

Colleen Litkenhaus/WHO/EOP@Exchange

Jennifer G. Newstead/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Listi Arnold/WHO/EOP@Exchange [WHO] <Listi Arnold>
CC: nanette everson/who/eop@eop [WHO] <nanette everson>
Sent: 5/23/2003 9:36:10 AM
Subject: : RE: Meeting to Discuss Carpet Car Use

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-MAY-2003 13:36:10.00
SUBJECT:: RE: Meeting to Discuss Carpet Car Use
TO:Listi Arnold (CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:nanette everson (CN=nanette everson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

What is topic?

From: Listi Arnold/WHO/EOP@Exchange on 05/23/2003 01:33:47 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Meeting to Discuss Carpet Car Use

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Michael J. Boisvenue/WHO/EOP@Exchange

Linda M. Gambatesa/WHO/EOP@Exchange

Colleen Litkenhaus/WHO/EOP@Exchange

Jennifer G. Newstead/WHO/EOP@EOP

From: Arnold, Listi
To: <Kavanaugh, Brett M.>;<Everson, Nanette>
Sent: 5/23/2003 1:41:19 PM
Subject: RE: Meeting to Discuss Carpet Car Use

The rules of carpet car use, specifically for guests of the President and request of the Usher's office.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 23, 2003 1:36 PM
To: Arnold, Listi
Cc: Everson, Nanette
Subject: RE: Meeting to Discuss Carpet Car Use

What is topic?

From: Listi Arnold/WHO/EOP@Exchange on 05/23/2003 01:33:47 PM

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Jennifer G. Newstead/WHO/EOP@EOP

From: CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO]
To: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/23/2003 9:42:15 AM
Subject: : RE: Meeting to Discuss Carpet Car Use

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Listi Arnold (CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:23-MAY-2003 13:42:15.00
SUBJECT:: RE: Meeting to Discuss Carpet Car Use
TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The rules of carpet car use, specifically for guests of the President and request of the Usher,s office.

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From: Kavanaugh, Brett M.
Sent: Friday, May 23, 2003 1:36 PM
To: Arnold, Listi
Cc: Everson, Nanette
Subject: RE: Meeting to Discuss Carpet Car Use

What is topic?

From: Listi Arnold/WHO/EOP@Exchange on 05/23/2003 01:33:47 PM
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Jennifer G. Newstead/WHO/EOP@EOP

From: Kavanaugh, Brett M.
To: <Arnold, Listi>
CC: <Everson, Nanette>
Sent: 5/23/2003 1:42:55 PM
Subject: RE: Meeting to Discuss Carpet Car Use

This is Nanette's bailiwick, I believe.

From: Listi Arnold/WHO/EOP@Exchange on 05/23/2003 01:41:19 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Nanette Everson/WHO/EOP@EOP

cc:

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To: Listi Arnold/WHO/EOP@Exchange [WHO] <Listi Arnold>
CC: nanette everson/who/eop@eop [WHO] <nanette everson>
Sent: 5/23/2003 9:43:40 AM
Subject: : RE: Meeting to Discuss Carpet Car Use

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-MAY-2003 13:43:40.00
SUBJECT:: RE: Meeting to Discuss Carpet Car Use
TO:Listi Arnold (CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO])
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Linda M. Gambatesa/WHO/EOP@Exchange

Colleen Litkenhaus/WHO/EOP@Exchange

Jennifer G. Newstead/WHO/EOP@EOP

From: Kavanaugh, Brett M.
To: <Leitch, David G.>;<Addington, David S.>
Sent: 5/23/2003 1:43:18 PM
Subject:

We may want to add this para. to guidance memo. Thoughts?

Use of equipment: For those uses of equipment that can incur additional costs (resulting primarily from paper and any long-distance costs), your Office will be contacted by the Office of Management and Administration regarding appropriate reimbursement by the relevant political entity. Also, as necessary and appropriate, separate equipment may be installed in certain offices.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Addington, David S.>
Sent: 5/23/2003 1:47:51 PM
Subject: RE:

I would omit the second sentence.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 23, 2003 1:43 PM
To: Leitch, David G.; Addington, David S.
Subject:

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From: Douglass, Kimberly A.
To: <Kavanaugh, Brett M.>
Sent: 5/23/2003 2:08:58 PM
Subject: RE: Do you have problems with this paragraph in a political campaign guidance memo

Sounds reasonable to me but I will wait for guidance from Colleen. This will likely create an enforcement and tracking issue for Room One (since paper, equipment, phones, etc. are handled by various people down here) and I imagine that we will need to get input from Mike Boisvenue. Unless, of course, it's just me that will now be responsible for billing people for paper....

Can I stop up to get a blue sheet signed? It's a bit of an emergency. Thanks.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 23, 2003 1:30 PM
To: Douglass, Kimberly A.; Litkenhaus, Colleen
Subject: Do you have problems with this paragraph in a political campaign guidance memo

With respect to use of equipment, for those uses of equipment that can incur additional costs (resulting primarily from paper and any long-distance costs), your Office will be contacted by the Office of Management and Administration regarding appropriate reimbursement by the relevant political entity. Also, as necessary and appropriate, separate equipment may be installed in certain offices.

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>;<Douglass, Kimberly A.>
Sent: 5/23/2003 2:37:29 PM
Subject: RE: Do you have problems with this paragraph in a political campaign guidance memo

Ok with me

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 23, 2003 1:30 PM
To: Douglass, Kimberly A.; Litkenhaus, Colleen
Subject: Do you have problems with this paragraph in a political campaign guidance memo

With respect to use of equipment, for those uses of equipment that can incur additional costs (resulting primarily from paper and any long-distance costs), your Office will be contacted by the Office of Management and Administration regarding appropriate reimbursement by the relevant political entity. Also, as necessary and appropriate, separate equipment may be installed in certain offices.

From: CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>
Sent: 5/23/2003 10:53:55 AM
Subject: : RE: Meeting to Discuss Carpet Car Use

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Listi Arnold (CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:23-MAY-2003 14:53:55.00
SUBJECT:: RE: Meeting to Discuss Carpet Car Use
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks Brett.

Nanette,

I,ve got a confirmation from all players: Andi Ball, Linda Gambatesa, Ashley Estes, Colleen Litkenhaus, and Mike Boisvenue, I hope you can make it.;

Listi;

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 23, 2003 1:43 PM
To: Arnold, Listi
Cc: Everson, Nanette
Subject: RE: Meeting to Discuss Carpet Car Use

This is Nanette's bailiwick, I believe.

From:;; Listi Arnold/WHO/EOP@Exchange on 05/23/2003 01:41:19 PM

Record Type:;;; Record

To:;;;; Brett M. Kavanaugh/WHO/EOP@EOP, Nanette Everson/WHO/EOP@EOP

cc:;;;;

Subject:;;;;;;; RE: Meeting to Discuss Carpet Car Use

The rules of carpet car use, specifically for guests of the President and request of the Usher,s office.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, May 23, 2003 1:36 PM

To: Arnold, Listi

Cc: Everson, Nanette

Subject: RE: Meeting to Discuss Carpet Car Use

What is topic?

;

From:;; Listi Arnold/WHO/EOP@Exchange on 05/23/2003 01:33:47 PM

Record Type:;;; Record

To:;;;; Nanette Everson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:;;;;

Subject:;;;;;;; RE: Meeting to Discuss Carpet Car Use

This meeting is confirmed for 9:00am Wednesday, May 28th.; Will one of you be able to attend?

Thank you,

Listi

;;;;;;; -----Original Message-----

From: Everson, Nanette

Sent: Thursday, May 22, 2003 3:31 PM

To: Kavanaugh, Brett M.

Cc: Arnold, Listi

Subject: FW: Meeting to Discuss Carpet Car Use

;;;;;;; Is this me or you or both?; I can't do it tomorrow.

;;;;;;; ---------- Forwarded by Nanette Everson/WHO/EOP on 05/22/2003 03:30 PM ----------

;;;;;;; From:;; Listi Arnold/WHO/EOP@Exchange on 05/21/2003 04:15:36 PM

;;;;;;; Record Type:;;; Record

;;;;;;; To:;;;; Nanette Everson/WHO/EOP@EOP

;;;;;;; cc:;;;;

;;;;;;; Subject:;;;;;;; FW: Meeting to Discuss Carpet Car Use

;;;;;;; Nanette,

;;;;;;; I apologize; I mistakenly sent this to Jennifer originally.; I hope that you will be able to join us.

;;;;;;; Thank you,

;;;;;;; Listi

;;;;;;; -----Original Message-----

;;;;;;; From: Newstead, Jennifer G.

;;;;;;; Sent: Wednesday, May 21, 2003 2:37 PM

;;;;;;; To: Arnold, Listi

;;;;;;; Cc: Estes, Ashley; Boisvenue, Michael J.; Gambatesa, Linda M.; Litkenhaus, Colleen

;;;;;;; Subject: Re: Meeting to Discuss Carpet Car Use

;;;;;;; Nanette Everson would be the right person to handle this for the Counsel's Office.; Thanks, JN

;;;;;;; From:;; Listi Arnold/WHO/EOP@Exchange on 05/21/2003 02:34:05 PM

;;;;;;; Record Type:;;; Record

;;;;;;; To:;;;; See the distribution list at the bottom of this message

;;;;;;; cc:;;;;

;;;;;;; Subject:;;;;;;; Meeting to Discuss Carpet Car Use

;;;;;;; M&A would like to set up a meeting to discuss the use of carpet cars.;

;;;;;;; Please confirm that 11:00am on Friday, May 23 will fit your schedule.

;;;;;;; It will take place in the M&A office.

;;;;;;; Thanks,

;;;;;;; Listi

;;;;;;; Message Sent
To:_____;;

;;;;;;; Ashley Estes/WHO/EOP@Exchange

;;;;;;; Michael J. Boisvenue/WHO/EOP@Exchange

;;;;;;; Linda M. Gambatesa/WHO/EOP@Exchange

;;;;;;; Colleen Litkenhaus/WHO/EOP@Exchange

;;;;;;; Jennifer G. Newstead/WHO/EOP@EOP

From: CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>
Sent: 5/23/2003 10:53:51 AM
Subject: : RE: Meeting to Discuss Carpet Car Use

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Listi Arnold (CN=Listi Arnold/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:23-MAY-2003 14:53:51.00
SUBJECT:: RE: Meeting to Discuss Carpet Car Use
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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Cc: Everson, Nanette
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Record Type: Record

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Record Type: Record

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cc:

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cc:

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Michael J. Boisvenue/WHO/EOP@Exchange

Linda M. Gambatesa/WHO/EOP@Exchange

Colleen Litkenhaus/WHO/EOP@Exchange

Jennifer G. Newstead/WHO/EOP@EOP

From: Arnold, Listi
To: <Kavanaugh, Brett M.>
CC: <Everson, Nanette>
Sent: 5/23/2003 2:53:00 PM
Subject: RE: Meeting to Discuss Carpet Car Use

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Record Type: Record

To: See the distribution list at the bottom of this message

cc:

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To:

Ashley Estes/WHO/EOP@Exchange

Michael J. Boisvenue/WHO/EOP@Exchange

Linda M. Gambatesa/WHO/EOP@Exchange

Colleen Litkenhaus/WHO/EOP@Exchange

Jennifer G. Newstead/WHO/EOP@EOP

From: Viet.Dinh@usdoj.gov
To: Adam.Ciongoli@usdoj.gov <Adam.Ciongoli@usdoj.gov>;David.T.Ayres@usdoj.gov <David.T.Ayres@usdoj.gov>;David.T.Ayres@usdoj.gov <Kavanaugh, Brett M.>;David.T.Ayres@usdoj.gov <Schlapp, Matthew A.>;David.T.Ayres@usdoj.gov <Leitch, David G.>
Sent: 5/23/2003 2:56:48 PM
Subject: FW: article

-----Original Message-----
From: Charnes, Adam
Sent: Friday, May 23, 2003 1:17 PM
To: Dinh, Viet; Clement, Paul D
Subject: article

In case you hadn't see this: http://www.jsonline.com/news/state/may03/142787.asp

From: Kavanaugh, Brett M.
To: <Douglass, Kimberly A.>;<Kavanaugh, Brett M.>
Sent: 5/23/2003 3:00:22 PM
Subject: Re: Do you have problems with this paragraph in a political campaign guidance memo

I am on a plane headed away for weekend.

.

----- Original Message -----

From:Kimberly A. Douglass/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 05/23/2003 02:08:58 PM

Subject: RE: Do you have problems with this paragraph in a political campaign guidance memo

Sounds reasonable to me but I will wait for guidance from Colleen. This will likely create an enforcement and tracking issue for Room One (since paper, equipment, phones, etc. are handled by various people down here) and I imagine that we will need to get input from Mike Boisvenue. Unless, of course, it's just me that will now be responsible for billing people for paper....

Can I stop up to get a blue sheet signed? It's a bit of an emergency. Thanks.

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From: Kavanaugh, Brett M.

Sent: Friday, May 23, 2003 1:30 PM

To: Douglass, Kimberly A.; Litkenhaus, Colleen

Subject: Do you have problems with this paragraph in a political campaign guidance memo

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From: Abiaad, Vanessa H.M. <VAbiaad@mayerbrownrowe.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/23/2003 11:07:26 AM
Subject: : Lunch with John Schmitz
Attachments: P_QAIOG003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Abiaad, Vanessa H.M." <VAbiaad@mayerbrownrowe.com> ("Abiaad, Vanessa H.M." <VAbiaad@mayerbrownrowe.com> [UNKNOWN])
CREATION DATE/TIME:23-MAY-2003 15:07:26.00
SUBJECT:: Lunch with John Schmitz
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

John would prefer to meet you on Thursday. Will that work? If so, WH Mess? Please advise best time & confirm location. If the Mess is not available, perhaps you can meet him at the Metropolitan Club? (BTW -- About the "enjoy your new baby" message -- I confused you w/Alex Azar, who's wife is due to give birth any day now. I'm sure you said, "HUH?"...We are all too busy.)

With kind regards,

Vanessa Abiaad
Assistant to John P. Schmitz, Esq.
Mayer, Brown, Rowe & Maw
1909 K Street, N.W.
Washington, D.C. 20006
Tel: (202) 263-3141
Fax: (202) 263-3300
e-mail: vabiaad@mayerbrownrowe.com

_____
NOTICE: This e-mail message and all attachments transmitted with it are intended solely for the use of the addressee and may contain legally privileged and confidential information. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying to this message and please delete it from your computer.

_____
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- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QAIOG003_WHO.TXT_1>

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Vanessa Abiaad
Assistant to John P. Schmitz, Esq.
Mayer, Brown, Rowe & amp; Maw
1909 K Street, N.W.< /FONT>
Washington, D.C.&nbs p; 20006
Tel: &nbs p; (202) 263-3141
Fax: &nbs p; (202) 263-3300
e-mail: vabiaad@maye rbrownrowe.com
---------- ----------

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From: Douglass, Kimberly A.
To: <Kavanaugh, Brett M.>
Sent: 5/23/2003 3:11:30 PM
Subject: RE: Do you have problems with this paragraph in a political campaign guidance memo

Hmmm, in that case, this is an emergency that can wait. Have a great weekend!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 23, 2003 3:00 PM
To: Douglass, Kimberly A.; Kavanaugh, Brett M.
Subject: Re: Do you have problems with this paragraph in a political campaign guidance memo

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----- Original Message -----
From:Kimberly A. Douglass/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 05/23/2003 02:08:58 PM
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Sounds reasonable to me but I will wait for guidance from Colleen. This will likely create an enforcement and tracking issue for Room One (since paper, equipment, phones, etc. are handled by various people down here) and I imagine that we will need to get input from Mike Boisvenue. Unless, of course, it's just me that will now be responsible for billing people for paper....

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From: Kavanaugh, Brett M.
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To: Douglass, Kimberly A.; Litkenhaus, Colleen
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From: CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/23/2003 11:12:26 AM
Subject: : RE: Do you have problems with this paragraph in a political campaign guidance memo

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:23-MAY-2003 15:12:26.00
SUBJECT:: RE: Do you have problems with this paragraph in a political campaign guidance memo
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;VAbiaad@mayerbrownrowe.com [UNKNOWN] <VAbiaad@mayerbrownrowe.com>
Sent: 5/23/2003 12:49:15 PM
Subject: : Re: Lunch with John Schmitz

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-MAY-2003 16:49:15.00
SUBJECT:: Re: Lunch with John Schmitz
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:VAbiaad@mayerbrownrowe.com (VAbiaad@mayerbrownrowe.com [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Perfect.

.

----- Original Message -----
From:<VAbiaad@mayerbrownrowe.com>
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 05/23/2003 03:05:35 PM
Subject: Lunch with John Schmitz

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- att1.htm

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Rod.Rosenstein@usdoj.gov [UNKNOWN] <Rod.Rosenstein@usdoj.gov>
Sent: 5/23/2003 2:41:46 PM
Subject: : Re: Jan Miller (USA, CD IL)

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-MAY-2003 18:41:46.00
SUBJECT:: Re: Jan Miller (USA, CD IL)
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rod.Rosenstein@usdoj.gov (Rod.Rosenstein@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Good. Thanks. I am out of town this weekend but available on bberry.

.

----- Original Message -----
From:<Rod.Rosenstein@usdoj.gov>
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 05/23/2003 05:39:50 PM
Subject: Jan Miller (USA, CD IL)

Jan called me today to let me know that he is planning to send a letter to Finney. Jan received ethics advice that it is OK for him to write but not to make a phone call, which seems dubious. Evidently there is an DOJ regulation that authorizes reference letters concerning federal employment but no affirmative rule about telephone calls.

I suggested that Jan check with you before sending the letter.

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/23/2003 2:54:25 PM
Subject: : Re: DOJ-HUD issue in Columbus: your guidance?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-MAY-2003 18:54:25.00
SUBJECT:: Re: DOJ-HUD issue in Columbus: your guidance?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks man -
c

Brett M. Kavanaugh
05/23/2003 06:52:09 PM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP
cc: Matthew A. Schlapp/WHO/EOP@EOP, Kevin B. Graney/WHO/EOP@EOP,
David B. Rachelson/WHO/EOP@EOP
Subject: Re: DOJ-HUD issue in Columbus: your guidance?

I will look into it and report back as appropriate.

.

----- Original Message -----
From:Collister W. Johnson/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:Matthew A. Schlapp/WHO/EOP@EOP,
Kevin B. Graney/WHO/EOP@EOP,
David B. Rachelson/WHO/EOP@EOP
Date: 05/23/2003 06:47:10 PM
Subject: DOJ-HUD issue in Columbus: your guidance?

Brett -

There is a housing issue in Columbus involving HUD oversight which may, pending a decision from DOJ, result in about 180 senior citizens losing their housing. It will be a serious blackeye for both HUD and the Administration. Because the issue now involves a ruling from DOJ, I wanted to seek your guidance.

While I understand that DOJ's decision process is wholly separate from any political considerations, I wanted to point out the impression from our Ohio leadership that DOJ (Dan Bryant) left them with the distinct impression in a recent meeting that DOJ did not consider this a "high priority issue" and may drag their feet in coming to a resolution one way or the other. This is not the case, no matter what their decision, DOJ should probably consider this case quickly so that the various parties involved can know the ruling and begin the process of dealing with it.

Your thoughts?

c

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Status:
The Department of Justice's Civil Division is currently reviewing a proposed
agreement between the residents of Poindexter Tower in Columbus, the developer of Poindexter Tower, HUD and local elected officials. HUD has indicated to the residents and local/federal officials that they will sign this agreement upon approval from DOJ. The residents of the Tower, low-income seniors, have been told they must vacate the facility by June 30th.

Recent Background:
In March of 2002 a meeting was held in Senator DeWine's office which included Senators DeWine and Voinovich, Congressman Tiberi, legal representatives of the Poindexter Tower residents, and Michael Liu from HUD.
The purpose of the meeting was to urge HUD to work with the residents of the
Tower and local leaders to quickly find a solution to their continuing problems with the Towers developer.

The Senators and the Congressman emphasized to HUD the extremely critical needs of the residents. HUD indicated in this meeting that it would be unlikely that legal action against the developer would be successful and promised to work with the residents to achieve an acceptable solution to the
situation.

Lacking direction from HUD since March, the residents have reached an agreement with the developer that says, in essence, that the developer would
relinquish remaining escrow funds in the property in exchange for a release
from future liability regarding the property. Removal of the developer from
the situation will allow other local government entities to support improvements to the property and enable them to provide critical assistance
to residents. This agreement has the support of various local, state and federal elected officials.

In the last two weeks HUD has indicated to the Congressional offices listed
above that they will sign the agreement following approval from the Department of Justice. Since residents have been informed that they must vacate the building by the end of June, it is critical that an acceptable solution to this situation is achieved immediately.

Chris Zeigler
Chief of Staff
Congressman Patrick J. Tiberi
113 Cannon House Office Building
Washington, DC 20515
202-225-5355

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communications through this medium, please so advise the sender immediately.

- att1.htm

From: Kavanaugh, Brett M.
To: <Kaplan, Joel>
Sent: 5/25/2003 7:37:56 PM
Subject: Got your message re newman. Seemed like good guy.

.

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/26/2003 9:18:59 AM
Subject: : White House Global Messenger 5/27/03
Attachments: P_4N5PG003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:26-MAY-2003 13:18:59.00
SUBJECT:: White House Global Messenger 5/27/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 5-27-03 FINAL.doc)

THE GLOBAL MESSENGER
Tuesday, May 27, 2003

******KEY POINTS******
from Deputy Secretary of Defense Wolfowitz's Prepared Testimony for the Senate
Foreign Relations Committee

-We are committed to helping Iraqis build what could be a model for the Middle
East: a government that protects the rights of its citizens, that represents all
ethnic and religious groups, and that will help bring Iraq into the international community of peace-seeking nations.

-Success in Iraq will continue to demoralize those who preach doctrines of hatred, oppression and subjugation. It will encourage those who dream the ancient dream of freedom.

-Most delays in restoring services in Iraq are not primarily a result of the
war, but rather of decades of tyrannical neglect. Iraq's wealth was poured into
building palaces and tanks and procuring weapons of mass destruction - instead
of caring for the Iraqi people.

-Our most urgent task in the post-Saddam era is to establish secure and stable
conditions throughout the country that will provide the basics of normal life
and services. Beyond that, it is important to create a climate in which people
can express their political views free of fear and intimidation.

-Perhaps, the single most important factor in achieving a more secure environment is the active engagement and support of the people of Iraq.

-We continue to work towards the establishment of an Iraqi Interim Administration. It will assume increasingly greater responsibility for the administration of Iraq. The IIA will draw from all of Iraq's religious and ethnic groups and will provide a way for Iraqis to begin immediately to

direct
their country's economic and political reconstruction.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change.
2:15 pm President Bush signs H.R. 1298, the U.S. Leadership Against HIV/AIDS,
Tuberculosis and Malaria Act of 2003, State Department

******MEMORIAL DAY STATEMENT******
"Every Memorial Day, we pray for peace throughout the world, remembering what
was gained and what was lost during times of war... During this year's observance, we particularly recognize the courageous spirit of the men and women
in our Nation's Armed Forces who are working with our coalition partners to restore civil order, provide critical humanitarian aid, and renew Afghanistan
and Iraq."
--President Bush, 5/23/03

******The President's Emergency Plan for AIDS Relief******
Congress has authorized a five-year $15 billion plan which will help the most
afflicted countries in Africa and the Caribbean: Botswana, Cote d'Ivoire, Ethiopia, Guyana, Haiti, Kenya, Mozambique, Namibia, Nigeria, Rwanda, South Africa, Tanzania, Uganda, and Zambia.

-Prevent 7 million new infections, or 60 percent of the projected 12 million new
infections in the target countries.

-Provide antiretroviral drugs for 2 million HIV-infected people, whereas only
50,000 are receiving these drugs in Africa today.

-Provide medical care for 10 million HIV-infected individuals and AIDS orphans.

-The $15 billion for this initiative includes $10 billion in new funds and nearly triples the U.S. commitment to international AIDS assistance.

THE WHITE HOUSE
Office of Global Communications
For more information log on to
http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining
news and information from the White House.

The White House Office of Global Communications
distributes information about the President's
messages to the world. This office distributes
updates on major international topics such
as the global war on terror, the case for regime
change in Iraq, and more broadly, the ways in
which we can all better communicate the aspirations
and interests that Americans share with freedom-loving
people everywhere.

- GM 5-27-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_4N5PG003_WHO.TXT_1>

THE GLOBAL MESSENGER

Tuesday, May 27, 2003

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THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>;<Terrell, Eric W.>
Sent: 5/26/2003 11:49:51 AM
Subject: RE: travel office issue I asked you about last week....

Is this issue closed?

-----Original Message-----
From: Litkenhaus, Colleen
Sent: Friday, May 02, 2003 2:43 PM
To: Kavanaugh, Brett M.
Subject: RE: travel office issue I asked you about last week....

Thanks!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 02, 2003 2:41 PM
To: Litkenhaus, Colleen
Subject: Re: travel office issue I asked you about last week....

I think we affirmatively decided not to contact the IRS. Let me loop back to Adam and Eric.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 05/02/2003 02:38:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: travel office issue I asked you about last week....

Note from Eric Terrell, Director, WH Travel Office:

2. I would only consider the fet issue resolved when the IRS is fully aware that w.h. is no longer paying fet, but that our broker air partner is. Brett & Adam may be up to speed and all agree on how it should work (i.e. the way it is now) but I don't believe anyone's contacted the IRS.

Does someone need to contact the IRS? If yes, who would be the appropriate person?

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 5/26/2003 12:06:30 PM
Subject: Jacksonville (FL) Times Union (5/26/03) re: Judiciary: Opportunity Knocks

Monday, May 26, 2003

Last modified at 7:07 p.m. on Sunday, May 25, 2003

JUDICIARY: Opportunity knocks

Jacksonville (FL) Times-Union

If Chief Justice William Rehnquist retires from the U.S. Supreme Court soon, as is rumored, he will be missed.

At age 78, however, Rehnquist isn't getting any younger. Sandra Day O'Connor also is rumored to be ready to retire -- and a vacancy or two would give President Bush an opportunity to leave a legacy.

The front-runners reportedly are White House counsel Alberto Gonzales and federal appellate Judge Emilio Garza. The conventional wisdom is that Bush will bump Justice Antonin Scalia up to chief justice and fill his spot with the new appointee. Scalia, however, is 67. A younger man could have a more-lasting impact on the court -- and if that's what the president wants, he should consider promoting Justice Clarence Thomas.

Thomas is only 54 and already has been on the court nearly 12 years. He is thoughtful, studious and consistent in favoring the passage of laws by elected representatives of the people rather than lifetime appointees to the bench.

Critics initially tried to portray Thomas as a Scalia clone, but that hasn't been the case. Thomas studies documents such as *The Federalist Papers* for clues about the founders' original intent. Scalia is inclined to consider tradition, and judicial activists interpret the Constitution to mean whatever serves their political agendas.

Thomas would be an ideal chief justice. Liberals, being aghast at the thought of a conservative in a position to become a role model, would throw a collective temper tantrum -- but such is politics. They have already roasted Thomas once -- and now they're giving the same treatment to lower court nominee Miguel Estrada, a judicial scholar whom Democrats oppose because he is a conservative Hispanic.

Let the Democrats worry about racial stereotypes. The president should base his decisions on qualifications. Gerald Tjoflat, a 73-year-old appellate judge from Jacksonville, for example, is immanently qualified, but his age could preclude him from serious consideration. Or is that dis- crimination?

Assuming Rehnquist steps down, Bush could make history twice, with the first Hispanic associate justice and the first African- American chief justice in Supreme Court history.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/26/2003 8:08:12 AM
Subject: : Jacksonville (FL) Times Union (5/26/03) re: Judiciary: Opportunity Knocks

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:26-MAY-2003 12:08:12.00
SUBJECT:: Jacksonville (FL) Times Union (5/26/03) re: Judiciary: Opportunity Knocks
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Monday, May 26, 2003

Last modified at 7:07 p.m. on Sunday, May 25, 2003
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Jacksonville (FL)Times-Union
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Let the Democrats worry about racial stereotypes. The president should base his decisions on qualifications. Gerald Tjoflat, a 73-year-old appellate judge from Jacksonville, for example, is immanently qualified, but his age could preclude him from serious consideration. Or is that discrimination?
Assuming Rehnquist steps down, Bush could make history twice, with the first Hispanic associate justice and the first African- American chief justice in Supreme Court history.

From: Bennett, Melissa S.
To: <Kavanaugh, Brett M.>
Sent: 5/26/2003 12:31:01 PM
Subject: FW: US Capitol Historicaql Invitation to Staff director dinner on Jul y 17th
Attachments: card invite.doc

Can you please sign off on this invite??? The event is not a fundraiser.

Here is the description of the group:

The United States Capitol Historical Society, founded in 1962, is chartered by Congress to educate the public on the history and heritage of the US Capitol buildings, its institutions and people who have served therein. The Society is a nonpartisan, private, nonprofit, tax exempt, education 501(c)3 organization.

Thanks. MB

Invite copy:

The US Capitol Historical Society

Cordially invites you and your guest to a dinner
Honoring Majority and Minority Staff Directors of the Full Committees of the
US House of Representatives

July 17, 2003
345 Cannon Caucus Room
Cannon House Office Building

The Honorable Andrew H. Card, Jr., Chief of Staff to the President,
Keynote Speaker

Reception at 6:30
Dinner at 7:15

RSVP by July 10, 2003
202-543-8919 x23
Khenderson@uschs.org

-----Original Message-----
From: Marilyn Green [mailto:MGreen@uschs.org]
Sent: Friday, May 23, 2003 4:49 PM
To: Bennett, Melissa S.
Subject: US Capitol Historicaql Invitation to Staff director dinner on Jul y 17th
Importance: High

Hi Melissa,

Attached is the invite. Let me know ASAP if there are any changes.
Have a good weekend,

Marilyn

The US Capitol Historical Society

Cordially invites you and your guest to a dinner
Honoring Majority and Minority Staff Directors of the Full Committees of the
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July 17, 2003
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Keynote Speaker

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RSVP by July 10, 2003
202-543-8919 x23
Khenderson@uschs.org

From: Kaplan, Joel
To: <Kavanaugh, Brett M.>
Sent: 5/26/2003 1:28:05 PM
Subject: RE: Got your message re newman. Seemed like good guy.

When are you back?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Sunday, May 25, 2003 7:38 PM

To: Kaplan, Joel

Subject: Got your message re newman. Seemed like good guy.

.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: lleo@fed-soc.org @ inet [UNKNOWN] <lleo@fed-soc.org @ inet>
CC: lisab@fed-soc.org @ inet [UNKNOWN] <lisab@fed-soc.org @ inet>
Sent: 5/27/2003 5:30:23 AM
Subject: : This weekend

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:27-MAY-2003 09:30:23.00
SUBJECT:: This weekend
TO:lleo@fed-soc.org @ inet ( lleo@fed-soc.org @ inet [ UNKNOWN ] )
READ:UNKNOWN
CC:lisab@fed-soc.org @ inet ( lisab@fed-soc.org @ inet [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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At the moment, it looks possible that I will have to be here this weekend for a related project. I do not want to leave you and the group twisting. Although not ideal from my perspective or yours, is there a way -- if necessary -- that I could call into the group meeting, give a 10- or 15-minute rundown and answer questions? I realize this is less than ideal, but I may need to be flexible. Thanks in advance for your patience.

From: Robert McConnell <RMcConnell@hyi-usa.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David W. Hobbs/WHO /EOP@EOP [WHO] <David W. Hobbs>
Sent: 5/27/2003 6:39:20 AM
Subject: : FW: The Men Who Won the War;
Attachments: P_KTMPG003_WHO.TXT_1.htm

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert McConnell <RMcConnell@hyi-usa.com> ( Robert McConnell <RMcConnell@hyi-
usa.com> [ UNKNOWN ] )
CREATION DATE/TIME:27-MAY-2003 10:39:20.00
SUBJECT:: FW: The Men Who Won the War;
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

>
> The Men Who Won The War
>
> By Jim Lacey (Jim Lacey was one of the imbedded reporters with the
> 101st Airborne Division, Fort Campbell, KY .)
>
> Since returning from Iraq a short time ago I have been answering a
> lot of questions about the war from friends, family, and strangers.
> When they ask me how it was over there I find myself glossing over
> the fighting, the heat, the sandstorms, and the flies (these last
> could have taught the Iraqi army a thing or two about staying
> power). Instead, I talk about the soldiers I met, and how they
> reflected the best of America. A lot of people are going to tell
> the story of how this war was fought; I would rather say something
> about the men who won the war.
>
> War came early for the 1st Brigade of the 101st Airborne when an
> otherwise quiet night in the Kuwaiti desert was shattered by
> thunderous close-quarters grenade blasts. Sgt. Hasan Akbar, a U.S.
> soldier, had thrown grenades into an officers' tent, killing two and
> wounding a dozen others. Adding to the immediate confusion was the
> piercing scream of SCUD alarms, which kicked in the second Akbar's
> grenade exploded. For a moment, it was a scene of near panic and
> total chaos.
>
> Just minutes after the explosions, a perimeter was established
> around the area of the attack, medics were treating the wounded, and
> calls for evacuation vehicles and helicopters were already being
> sent out. Remarkably, the very people who should have been
> organizing all of this were the ones lying on the stretchers,
> seriously wounded. It fell to junior officers and untested
> sergeants to take charge and lead. Without hesitation everyone
> stepped up and unfalteringly did just that. I stood in amazement as
> two captains (Townlee Hendrick and Tony Jones) directed the
> evacuation of the wounded, established a hasty defense, and helped
> to organize a search for the culprit. They did all this despite
> bleeding heavily from their wounds. For over six hours, these two
> men ran things while refusing to be evacuated until they were sure
> all of the men in their command were safe.
>
> Two days later Capt. Jones left the hospital and hitchhiked back to
> the unit: He had heard a rumor that it was about to move into Iraq
> and he wanted to be there. As Jones -- dressed only in boots, a
> hospital gown, and a flak vest -- limped toward headquarters, Col.
> Hodges, the 1st Brigade's commander, announced, "I see that Captain
> Jones has returned to us in full martial splendor." The colonel
```

> later said that he was tempted to send Jones to the unit surgeon for
> further evaluation, but that he didn't feel he had the right to tell
> another man not to fight: Hodges himself had elected to leave two
> grenade fragments in his arm so that he could return to his command
> as quickly as possible.
>
> The war had not even begun and already I was aware that I had fallen
> in with a special breed of men. Over the next four weeks, nothing I
> saw would alter this impression. A military historian once told me
> that soldiers could forgive their officers any fault save cowardice.
> After the grenade attack I knew these men were not cowards, but I
> had yet to learn that the brigade's leaders had made a cult of
> bravery. A few examples will suffice.
>
> While out on what he called "battlefield circulation," Col. Hodges
> was surveying suspected enemy positions with one of his battalion
> commanders (Lt. Col. Chris Hughes) when a soldier yelled "Incoming"
> to alert everyone that mortar shells were headed our way. A few
> soldiers moved closer to a wall, but Hodges and Hughes never budged
> and only briefly glanced up when the rounds hit a few hundred yards
> away. As Hodges completed his review and prepared to leave, another
> young soldier asked him when they would get to kill whoever was
> firing the mortar. Hodges smiled and said, "Don't be in a hurry to
> kill him. They might replace that guy with someone who can shoot."
>
> The next day, a convoy Col. Hodges was traveling in was ambushed by
> several Iraqi paramilitary soldiers. A ferocious firefight ensued,
> but Hodges never left the side of his vehicle. Puffing on a cigar
> as he directed the action, Hodges remained constantly exposed to
> fire. When two Kiowa helicopters swooped in to pulverize the enemy
> strongpoint with rocket fire, he turned to some journalists watching
> the action and quipped, "That's your tax dollars at work."
>
> Bravery inspires men, but brains and quick thinking win wars. In
> one particularly tense moment, a company of U.S. soldiers was
> preparing to guard the Mosque of Ali -- one of the most sacred
> Muslim sites -- when agitators in what had been a friendly crowd
> started shouting that they were going to storm the mosque. In an
> instant, the Iraqis began to chant and a riot seemed imminent. A
> couple of nervous soldiers slid their weapons into fire mode, and I
> thought we were only moments away from a slaughter. These soldiers
> had just fought an all-night battle. They were exhausted, tense,
> and prepared to crush any riot with violence of their own. But they
> were also professionals, and so, when their battalion commander,
> Chris Hughes, ordered them to take a knee, point their weapons to
> the ground, and start smiling, that is exactly what they did. Calm
> returned. By placing his men in the most non-threatening posture
> possible, Hughes had sapped the crowd of its aggression. Quick
> thinking and iron discipline had reversed an ugly situation and
> averted disaster.
>
> Since then, I have often wondered how we created an army of men who
> could fight with ruthless savagery all night and then respond so
> easily to an order to "smile" while under impending threat.
> Historian Stephen Ambrose said of the American soldier: "When
> soldiers from any other army, even our allies, entered a town, the
> people hid in the cellars. When Americans came in, even into German
> towns, it meant smiles, chocolate bars and C-rations." Ours has
> always been an army like no other, because our soldiers reflect a
> society unlike any other. They are pitiless when confronted by
> armed enemy fighters and yet full of compassion for civilians and
> even defeated enemies.
>
> American soldiers immediately began saving Iraqi lives at the
> conclusion of any fight. Medics later said that the Iraqi wounded
> they treated were
> astounded by our compassion. They expected they would be left to
> suffer or die. I witnessed Iraqi paramilitary troops using women

> and children as human shields, turning grade schools into
> fortresses, and defiling their own holy sites. Time and again, I
> saw Americans taking unnecessary risks to clear buildings without
> firing or using grenades, because it might injure civilians. I
> stood in awe as 19-year-olds refused to return enemy fire because it
> was coming from a mosque.
>
> It was American soldiers who handed over food to hungry Iraqis, who
> gave their own medical supplies to Iraqi doctors, and who brought
> water to the thirsty. It was American soldiers who went
> door-to-door in a slum because a girl was rumored to have been
> injured in the fighting; when they found her, they called in a
> helicopter to take her to an Army hospital. It was American
> soldiers who wept when a three-year-old was carried out of the
> rubble where she had been killed by Iraqi mortar fire. It was
> American soldiers who cleaned up houses they had been fighting over
> and later occupied -- they wanted the places to look at least
> somewhat tidy when the residents returned.
>
> It was these same soldiers who stormed to Baghdad in only a couple
> of weeks, accepted the surrender of three Iraqi Army divisions,
> massacred any Republican Guard unit that stood and fought, and
> disposed of a dictator and a regime with ruthless efficiency. There
> is no other army -- and there are no other soldiers - - in the world
> capable of such merciless fighting and possessed of such compassion
> for their fellow man. No society except America could have produced
> them.
>
> Before I end this I want to point out one other quality of the
> American soldier: his sense of justice. After a grueling fight, a
> company of infantrymen was resting and opening their first mail
> delivery of the war. One of the young soldiers had received a care
> package and was sharing the home-baked cookies with his friends. A
> photographer with a heavy French accent asked if he could have one.
> The soldier looked him over and said there would be no cookies for
> Frenchmen. The photographer then protested that he was half
> Italian. Without missing a beat, the soldier broke a cookie in half
> and gave it to him. It was a perfect moment and a perfect
> reflection of the American soldier.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_KTMPG003_WHO.TXT_1>

>
> The Men Who Won The War
>
> By Jim Lacey (Ji m Lacey was one of the imbedded reporters with the
> 101st Airborne Division, Fort Campbell, KY .)
>
> Since returning from Ira q a short time ago I have been answering a
> lot of questions about the wa r from friends, family, and strangers.
> When they ask me how it was over there I find myself glossing over
> the fighting, the heat, the sandstorms, and the flies (these last
> could have taught the Iraqi army a thing or two about staying
> power). Instead, I talk about the soldiers I met, and how they
> reflected the best of America. **A lot of people are going to tell**
> the story of how this war was fought; I would rather say something
> about the men who won the war.
>
> War came early for the 1st Brigade of the 101st Airborne when an
> otherwise quiet night in the Kuwaiti desert was shattered by
> thunderous close-quarters grenade blasts. Sgt. **Hasan Akbar**, a U.S.
> soldier, had thrown grenades into an officers' tent, killing two and
> wounding a dozen others. Adding to the immediate confusion was the
> piercing scream of SCUD alarms, which kicked in the second Akbar's
> grenade exploded. For a moment, it was a scene of near panic and
> total chaos.
>
> Just minutes after the explosions, a perimeter was established
> around the area of the attack, medics were treating the wounded, and
> calls for evacuation vehicles and helicopter s were already being
> sent out. Remarkably, the very people who should have been
> organizing all of this were the ones lying on the stretchers,
> seriously wounded. It fell to junior officers and untested
> sergeants to take charge and lead. Without hesitation everyone
> stepped up and unfalteringly did just that. I stood in amazement as
> two captains (Townlee Hendrick and Tony Jones) directed the
> evacuation of the wounded, established a hasty defense, and helped
> to organize a search for the culprit. They did all this despite
> bleeding heavily from their wounds. For over six hours, these tw o
> men ran things while refusing to be evacuated until they were sure
> all of the men in their command were safe.
>
> Two days later Capt. Jones left the hospital and hitchhiked back to
> the unit: H e had heard a rumor that it was about to move into Iraq
> and he wanted to be there. As Jones -- dressed only in boots, a
> hospital gown, an d a flak vest -- limped toward headquarters, Col.
> Hodges, the 1st Brigade's commander, announced, "I see that Captain
> Jones has returned to us in full martial splendor." The colonel
> later said that he was tempted to send Jones to the unit surgeon for
> further evaluation, but that he didn't feel he had the right to tell
> another man not to fight: Hodges himself had elected to leave two
> grenade fragments in hi s arm so that he could return to his command
> as quickly as possible.
>
> The war had not even begun and already I was aware that I had fallen
> in with a special breed of men. Over the next four weeks, nothing I
> saw would alter this impression. A military historian once told me
> that soldiers could forgive their officers any fault save cowardice.
> After the grenade attack I knew these men were not cowards, but I

> had yet to learn that the brigade's leaders had made a cult of
> bravery. A few examples will suffice.
>
> While out on what he called "battlefield circulation," Col. Hodges
> was surveying suspected enemy positions with one of his battalion
> commanders (Lt. Col. Chris Hughes) when a soldier yelled "Incoming"
> to alert everyone that mortar shells were headed our way. A few
> soldiers moved closer to a wall, but Hodges and Hughes never budged
> an d only briefly glanced up when the rounds hit a few hundred yards
> away. As Hodges completed his review and prepared to leave, another
> young soldier asked him when they would get to kill whoever was
> firing the mortar. Hodges smiled and said, "Don't be in a hurry to
> kill him. They might replace that guy with someone who can shoot."
>
> The next day, a convoy Col. Hodges was traveling in was ambushed by
> several Iraqi paramilitary soldiers. A ferocious firefight ensued,
> but Hodges never left the side of his vehicle. Puffing on a cigar
> as he directed the action, Hodges remained constantly exposed to
> fire. When two Kiowa helicopters swooped i n to pulverize the enemy
> strongpoint with rocket fire, he turned to some journalists watching
> the action and quipped, "That's your tax dollars at work."
>
> Bravery inspires men, but brains and quick thinking win wars. In
> one particularly tense moment, a company of U.S. soldiers was
> preparing to guard the Mosque of Ali -- one of the most sacred
> Muslim sites -- when agitators in what had been a friendly crow d
> started shouting that they were going to storm the mosque. In an
> instant, the Iraqis began to chant and a riot seemed imminent. A
> couple of nervous soldiers slid their weapons into fire mode, and I
> thought we were only moments away from a slaughter. These soldiers
> had just fought an all-night battle. They were exhausted, tense,
> and prepared to crush any riot with violence of thei r own. But they
> were also professionals, and so, when their battalion commander,
> **Chris Hughes, ordered them to take a knee, point their weapons to**
> **the ground, and start smiling, that is exactly what they did.** Calm
> returned. By placing his men in th e most non-threatening posture
> possible, Hughes had sapped the crowd of its aggression. Quick
> thinking and iron discipline had reversed an ugly situation and
> averted disaster.
>
> **Since then, I have often wondered how we created an army of men who**
> **could fight with ruthless savagery all night and then respond so**
> **easily to a n order to "smile" while under impending threat.**
> **Historian Stephen Ambrose said of the American soldier: "When**
> **soldiers from any other army, even our allies, entered a town, the**
> **people hid in the cellars. When Americans came in, even into German**
> **towns, it mean t smiles, chocolate bars and C-rations." Ours has**
> **always been an army like no other, because our soldiers reflect a**
> **society unlike any other. They are pitiless when confronted by**
> **armed enemy fighters and yet full of compassion for civilians and**
> **even defeated enemies.**
>
> American soldiers immediately began saving Iraqi lives at the
> conclusion of any fight. Medics later said that the Iraqi wounded
> they treated were
> astounded by our compassion. They expected they would be left to
> suffer or die. I witnessed Iraqi paramilitary troops using women
> and children as human shields, turning grade schools into
> fortresses, and defiling their own holy sites. **Time and again, I**

> saw Americans taking unnecessary risks to clear buildings without
> firing or using grenades, because it might injure civilians. I
> stood in awe as 19-year-olds refused t o return enemy fire because it
> was coming from a mosque.
>
> It was American soldiers who handed over food to hungry Iraqis, wh o
> gave their own medical supplies to Iraqi doctors, and who brought
> water to the thirsty. It was American soldiers who went
> door-to-door in a slum because a girl was rumored to have been
> injured in the fighting; when they found her, they called in a
> helicopter to take her to an Army hospital. It was American
> soldiers who wept when a three-year-old was carried out of the
> rubble where she had been killed by Iraqi mortar fire. It was
> American soldiers who cleane d up houses they had been fighting over
> and later occupied -- they wante d the places to look at least
> somewhat tidy when the residents returned.
>
> It was these same soldiers who stormed to Baghdad in only a couple
> of weeks, accepted the surrender of three Iraqi Army divisions,
> massacred any Republican Guard unit that stood and fought, and
>; disposed of a dictator and a regime with ruthless efficiency. There
> is no other army -- and there are no other soldiers - - in the world
> capable of such merciless fighting and possessed of such compassion
> for their fellow man. No society except America could have produced
> them.
>
> Before I end this I want to point out one other quality of the
> American soldier: his sense of justice. After a grueling fight, a
> company of infantrymen was resting and opening their first mail
> delivery of the war. One of the young soldiers had received a care
> package and was sharing the home-baked cookies with his friends. A
> photographer with a heavy French accent asked if he could have one.
> The soldier looked him over and said there would be no cookies for
> Frenchmen. The photographer then protested that he was half
> Italian. Without missing a beat, the soldier broke a cookie in half
> and gave it to him. It was a perfect moment and a perfect
> reflection of the American soldier.

From: CN=Edward Ingle/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/27/2003 7:34:14 AM
Subject: : Working Group Meeting Today

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-MAY-2003 11:34:14.00
SUBJECT:: Working Group Meeting Today
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi. are you guys in counsel's office in the loop on this?

---------- Forwarded by Edward Ingle/WHO/EOP on 05/27/2003 11:33 AM ----------

From: Henry C Hager/WHO/EOP@Exchange on 05/27/2003 10:47:31 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Working Group Meeting Today

There will be a working group meeting;at 3:00pm;TODAY in Room 180 to discuss;the upcoming
Bush-Cheney;campaign;event;scheduled for Tuesday, June 17 in DC.;;
;
If you can't make the meeting please make sure that someone from you department is in attendance.
;
Thank you

Message Sent
To:_____
Stephanie E. Linder/WHO/EOP@EOP
Lindsay J. Bourns/WHO/EOP@EOP
Todd W. Beyer/WHO/EOP@EOP
Kelley Gannon/WHO/EOP@EOP
Margaret A. Reid/WHO/EOP@EOP
Ashley D. Drummond/WHO/EOP@EOP
OPA - Political Affairs@EOP
OPL - Public Liaison@EOP
OSI - Strategic Initiatives@EOP
IGA Intergovernmental Affairs@EOP
Jane M. Cook Media Affairs/WHO/EOP@EOP
Edmund A. Walsh/WHO/EOP@EOP
Reed Dickens/WHO/EOP@Exchange
Blake Gottesman/WHO/EOP@Exchange
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Gretchen P. Steen/WHO/EOP@EOP
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Kevin Warsh/OPD/EOP@EOP
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Christal R. West/WHO/EOP@Exchange
Ashley Holbrook/WHO/EOP@Exchange
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Anne E. Campbell/WHO/EOP@Exchange
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Jennifer A. Wray/WHO/EOP@EOP
Brian Reardon/OPD/EOP@EOP
Brian R. Besanceney/WHO/EOP@EOP
Ruth E. Elliott/NSC/EOP@EOP
Kimberly A. Douglass/WHO/EOP@Exchange
Georgia D. Godfrey/WHO/EOP@Exchange
Kori N. Schake/NSC/EOP@EOP
Terra Gray/WHO/EOP@Exchange
Shannon Burkhart/WHO/EOP@EOP
Erin E. Healy/WHO/EOP@EOP
Stephen M. Lineberry/WHO/EOP@EOP
Kara G. Figg/WHO/EOP@Exchange
Jared B. Weinstein/WHO/EOP@Exchange

From:	Bumatay, Patrick J.
To:	<Leitch, David G.>;<Nelson, Carolyn>;<Montiel, Charlotte L.>;<Ganter, Jonathan F.>;<Farrell, J. Elizabeth>;<Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent:	5/27/2003 8:16:37 AM
Subject:	ARG with his hair down

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The Houston Chronicle

May 26, 2003, Monday 2 STAR EDITION

SECTION: HOUSTON; Pg. 01

LENGTH: 715 words

HEADLINE: Counsel shows his party side

SOURCE: Staff

BYLINE: SHELBY HODGE

BODY:

WHITE House counsel **Alberto Gonzales** slipped out of his official demeanor Saturday night to let his hair down among longtime Houston compadres. Well, it wasn't as if the low-key **Gonzales (Al** to friends) was dancing on the tables. But he was relaxed and talkative among the 70 guests who gathered in his honor in the Memorial-area home of Karen and Roland Garcia.

That was until Gonzales' oft-discussed prospects for a Supreme Court nomination arose. "I'm not commenting on this at all. I have a great job, and I'm sticking with it," he said with poker-face intensity.

Roland Garcia, a partner with Locke Liddell & Sapp who had worked with Gonzales at Vinson & Elkins, countered, "We're all hopeful. It's unanimous here."

Republicans and Democrats **alike** saluted **Gonzales** over a feast of guacamole, fajitas and refried beans from Doneraki. Among them - Dorothy Caram, Art Contreras, Judge Eva Guzman, Judge David Medina, Lolita Guerrero, Lupe Fraga, Doniel Aviles and Lynne Liberato, president of the Texas Bar Association.

Guzman, a Court of Appeals justice originally appointed to the bench by then-Gov. Bush, was among those singing Gonzales' praises. "He's someone people can trust," she said, "both intellectually and philosophically speaking."

The **White House** counsel was in his home town for the Memorial Day weekend with his wife, Becky. Saturday afternoon, he gave the commencement address at South Texas College of Law.

From: Edward Kavanaugh <kavanaughe@ctfa.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/27/2003 4:43:44 AM
Subject: : National Journal

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward Kavanaugh <kavanaughe@ctfa.org> ( Edward Kavanaugh <kavanaughe@ctfa.org> [
UNKNOWN ] )
CREATION DATE/TIME:27-MAY-2003 08:43:44.00
SUBJECT:: National Journal
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

See Stuart Taylor's article re judiciary in May 24 National Journal
```

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 5/27/2003 8:46:11 AM
Subject: FW: Radar Update for Week of May 26
Attachments: Radar Update 5-26.doc

-----Original Message-----

From: Vargas, Veronica

Sent: Tuesday, May 27, 2003 8:45 AM

To: Graham, John; Noe, Paul R.; Anderson, David R.; Besanceney, Brian R.; Bumatay, Patrick J.; Burgeson, Christine M.; Clark, Alicia P.; Conda, Cesar; Cooney, Phil; Daniels, Mitchell; DeFrancis, Suzy; Dove, Stephen W.; Duffy, Trent D.; Goldman, Adam B.; Hennessey, Keith; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Kupfer, Jeffrey F.; Lawlor, Laura S.; Luczynski, Kimberley S.; Lundberg, Stephanie J.; MacHida, Ado A.; Murphy, Daniel J.; Oxford, John; Parell, Christie; Pelletier, Eric C.; Perry, Philip J.; Rossman, Elizabeth L.; Schlapp, Matthew A.; Stolpe, Elizabeth A.; Swagel, Phillip L.; Toth, Michael C.; Troy, Tevi; Waters, James A.; Wood, John F.; Weaver, Bessie M.

Cc: Arbuckle, Donald R.; Allen, Bryon P.

Subject: Radar Update for Week of May 26

<>

Rules Likely to be Cleared, Withdrawn or Returned during the Week of May 26

*USDA-FS	NOTICE. National Environmental Policy Act Documentation Needed for Fire Management Activities; Categorical Exclusions
USDA-APHIS	FINAL RULE. Importation of Unmanufactured Wood Articles From Mexico
USDA-FNS	PROPOSED RULE. Vehicle and Maximum Exces Shelter Expense Deduction Provisions of the Agriculture, Rural Development, Food & Drug Administration and Related Agencies Appropriations Act of 2001
USDA-FS	INTERIM FINAL RULE. Forest Land Enhancement Program
USDA-RBS	PROPOSED RULE. Value-Added Producer Grants and Agriculture Innovation Centers
USDA-RHS	PROPOSED RULE. Guaranteed Rural Rental Housing Program; Secondary Mortgage Market Participation
*DOC-NOAA	PROPOSED RULE. Joint Counterpart Endangered Species Act Section 7 Consultation Regulations
*HHS-CMS	FINAL RULE. Change in Methodology for Determining Payment for Extraordinarily High-Cost Cases (Outliers)
HHS-CMS	FINAL RULE. Prospective Payment System for Long-Term Care Hospitals
HUD-HUDSEC	INTERIM FINAL RULE. HOME Investment Partnerships Program; American Dream Down Payment Initiative
HUD-PIH	INTERIM FINAL RULE. Project-Based Voucher Program
DOI-NPS	FINAL RULE. Special Regulations, Areas of the National Park System Assateague Island, Personal Watercraft Use
VA	FINAL RULE. Accelerated Payments Under the Montgomery GI Bill—Active Duty Program

* Probable Media Interest

VA	FINAL RULE. Increase in Rates Payable Under the Montgomery GI Bill—Active Duty and Survivor's and Dependents Education Assistance Program
VA	FINAL RULE. Veterans Education: Additional Opportunity to Participate in the Montgomery GI Bill and Other Miscellaneous Issues
*EPA-WATER	NOTICE. 6-Year Review of Existing National Primary Drinking Water Regulations Standards
SBA	FINAL RULE. Small Business Size Standards: Forest Fire Suppression and Fuels Management Services
SBA	FINAL RULE. Small Business Size Standards; Testing Laboratories
SBA	OTHER. Small Business Technology Transfer Program Policy Directive
SBA	PROPOSED RULE. Small Business Size Regulations; Small Business Innovation Research Program

From: Bumatay, Patrick J.
To: <Francisco, Noel J.>;<Kavanaugh, Brett M.>
Sent: 5/27/2003 8:47:36 AM
Subject: Friday night red tags

You both got red tags after I left on Friday. Did either you get a change to review them?

Brett - Major League Soccer
Noel - American Red Cross National Convention

Thanks.

From: Kavanaugh, Brett M.
To: <Bennett, Melissa S.>
Sent: 5/27/2003 8:51:27 AM
Subject: Re: FW: US Capitol Historicaql Invitation to Staff director dinner on Jul y 17th
Attachments: card invite.doc

This is fine. Thanks.

From: Melissa S. Bennett/WHO/EOP@Exchange on 05/26/2003 12:31:01 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: US Capitol Historicaql Invitation to Staff director dinner on Jul y 17th

Can you please sign off on this invite??? The event is not a fundraiser.

Here is the description of the group:

The United States Capitol Historical Society, founded in 1962, is chartered by Congress to educate the public on the history and heritage of the US Capitol buildings, its institutions and people who have served therein. The Society is a nonpartisan, private, nonprofit, tax exempt, education 501(c)3 organization.

Thanks. MB

Invite copy:

The US Capitol Historical Society

Cordially invites you and your guest to a dinner

Honoring Majority and Minority Staff Directors of the Full Committees of the

US House of Representatives

July 17, 2003

345 Cannon Caucus Room

Cannon House Office Building

The Honorable Andrew H. Card, Jr., Chief of Staff to the President,

Keynote Speaker

Reception at 6:30

Dinner at 7:15

RSVP by July 10, 2003

202-543-8919 x23

Khenderson@uschs.org

-----Original Message-----

From: Marilyn Green [mailto:MGreen@uschs.org]

Sent: Friday, May 23, 2003 4:49 PM

To: Bennett, Melissa S.

Subject: US Capitol Historicaql Invitation to Staff director dinner on Jul y 17th

Importance: High

Hi Melissa,

Attached is the invite. Let me know ASAP if there are any changes.

Have a good weekend,

Marilyn <>

The US Capitol Historical Society

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Honoring Majority and Minority Staff Directors of the Full Committees of the
US House of Representatives

July 17, 2003
345 Cannon Caucus Room
Cannon House Office Building

The Honorable Andrew H. Card, Jr., Chief of Staff to the President,
Keynote Speaker

Reception at 6:30
Dinner at 7:15

RSVP by July 10, 2003
202-543-8919 x23
Khenderson@uschs.org

From: Bennett, Melissa S.
To: <Kavanaugh, Brett M.>
Sent: 5/27/2003 8:56:38 AM
Subject: RE: FW: US Capitol Historicaql Invitation to Staff director dinner on Jul y 17th

Thank you.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, May 27, 2003 8:51 AM
To: Bennett, Melissa S.
Subject: Re: FW: US Capitol Historicaql Invitation to Staff director dinner on Jul y 17th

This is fine. Thanks.

From: Melissa S. Bennett/WHO/EOP@Exchange on 05/26/2003 12:31:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: US Capitol Historicaql Invitation to Staff director dinner on Jul y 17th

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Keynote Speaker

Reception at 6:30

Dinner at 7:15

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202-543-8919 x23

Khenderson@uschs.org

-----Original Message-----
From: Marilyn Green [mailto:MGreen@uschs.org]
Sent: Friday, May 23, 2003 4:49 PM
To: Bennett, Melissa S.
Subject: US Capitol Historicaql Invitation to Staff director dinner on Jul y 17th
Importance: High

Hi Melissa,

Attached is the invite. Let me know ASAP if there are any changes.
Have a good weekend,

Marilyn << File: card invite.doc >>

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 5/27/2003 10:58:18 AM
Subject: Can you come by now to talk about the court with Judge?

From: Estrada, Miguel A. <MEstrada@gibsondunn.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;John P. Elwood (E-mail) <John.Elwood@usdoj.gov>;Kelly M. Klaus Esq. (E-mail) <KlausKM@mto.com>
Sent: 5/27/2003 7:02:54 AM
Subject: : Smiling a lot
Attachments: P_MDOPG003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ( "Estrada, Miguel A."
<MEstrada@gibsondunn.com> [ UNKNOWN ] )
CREATION DATE/TIME:27-MAY-2003 11:02:54.00
SUBJECT:: Smiling a lot
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"John P. Elwood (E-mail)" <John.Elwood@usdoj.gov> ( "John P. Elwood (E-mail)"
<John.Elwood@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Kelly M. Klaus Esq. (E-mail)" <KlausKM@mto.com> ( "Kelly M. Klaus Esq. (E-mail)"
<KlausKM@mto.com> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

<<The Washington Times United Press International.htm>>


================================================================================
===

This message may contain confidential and privileged information. If it
has been sent to you in error, please reply to advise the sender of the
error and then immediately delete this message.
================================================================================
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- The Washington Times United Press International.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_MDOPG003_WHO.TXT_1>
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On Law: To reach the heights

By Michael Kirkland
UPI Legal Affairs Corresondent

WASHINGTON, May 23 (UPI) -- If President George W. Bush gets the chance this s ummer to fill vacancies at the Supreme Court, where will he turn?

The White House is keeping its usual well-disciplined silence, but a short lis t of potential "papabile" is generating the required amount of buzz.

The Supreme Court to some extent resembles the Vatican curia. Though the justi ces wear black instead of red, they sit like a clutch of cardinals up in their marble nest on Capitol Hill. No one elected them. No can vote them out unless t he Senate decides to impeach them for lack of "good behavior."

They can serve for life, and in many cases try to fine-tune the conduct of gov ernment and the public alike.

Once approved and confirmed by the Senate, a justice can regard the president and other politicians as mere participants in the passing parade.

Elected officials come and go. Supreme Court justices stay for decades, growin g powerful and secretive behind the great bench with antique ceramic spittoons at their feet.

When the nine justices rise from their bench to recess in late June or early J uly -- assuming there's no special summer session for hearing the appeal of a l ower-court ruling that struck down the core provisions of the ban on unregulate d "soft" money in federal elections -- Bush will be facing one of three situati ons.

First, all nine of the justices just might stay on. That scenario is entirely possible. In Washington, speculation by one journalist is taken up by others, t hen repeated in a widening circle until the speculation hardens into a certaint y.

Insight Magazine
The World & I
~~National Weekly~~
Middle East Times
Tiempos del Mundo
Segye Ilbo
Segye Times USA
Chongyohak Shinmun
Sekai Nippo
Wash. Golf Monthly

However, my gut and 10 years of reporting from the court tell me that the odds of no one leaving at the end of this term are less than even money.

Second, at least one of the justices will have announced his or her retirement . The betting on Capitol Hill is that it would be Justice Sandra Day O'Connor, 74.

Third, and most intriguing, is that Chief Justice William Rehnquist, 78, also will step down at roughly the same time as O'Connor. If so, they may make their announcements in separate weeks to avoid stepping on each other's toes.

The third situation would give Bush an almost unprecedented opportunity to sha pe the high court in his own image, though Supreme Court justices are notorious for biting the hand that nominated them.

Assuming O'Connor and Rehnquist step down, and Bush is re-elected, and looking at the ages of those who remain on the court, the president might get a chance to name about four justices over the course of his two terms.

That would mean the chance to pick more high court nominees than any chief exe cutive since President Franklin D. Roosevelt, who named eight justices.

But enough speculation on Bush's influence. Let's speculate instead on the sho rt list.

A name that pops up constantly as a possible nominee is U.S. Circuit Judge J. Michael Luttig.

Luttig was appointed to a newly created seat on the U.S. Court of Appeals for the 4th U.S. Circuit by Bush's father in 1991. The 4th Circuit appellate court, headquartered in Richmond, Va., is considered one of the most conservative of the federal appeals courts in the United States.

The judge is known to support state restrictions on abortion, and Virginia off icials have sought him out to restore one of those restrictions when it was str uck down by a federal judge.

Moreover, the 4th Circuit court was the judicial body that decided Congress ha d the right to overrule Miranda vs. Arizona, the 1966 Supreme Court decision th at recognized a prisoner's right to remain silent and the right to have a lawye r present during police questioning (the Supreme Court overruled the appeals co urt by a vote of 7-2, with the conservative Rehnquist writing the majority opin ion).

Luttig also has a special connection to victims of crime. His father was murde red in the driveway of his Tyler, Texas, home in 1994 by a group of carjackers that tried, but failed, to also kill his mother. The main perpetrator, Napoleon Beazley, was 17 at the time of the crime, but was executed last spring when th e Supreme Court refused to grant him a stay.

If named by Bush, Luttig would be expected to rule along the lines of Justices Antonin Scalia and Clarence Thomas, enlarging the strength of the court's hard conservative bloc.

Another name that keeps cropping up is that of White House counsel Al Gonzales .

After serving as Bush's general counsel when the president was Texas governor, and as Texas secretary of state, Gonzales was appointed by Bush to the Texas S upreme Court. He left the state court to serve Bush in Washington.

Gonzales has several very important factors in his favor.

He is the right age -- 48 -- to have a lasting impact on the Supreme Court of the United States. He is a personal friend of the president's, and enjoys Bush' s trust. He comes from an impoverished background and pretty much pulled himsel f up by his own bootstraps. Most importantly, he would be the first Hispanic in U.S. history to be appointed to the Supreme Court -- an important first for Bu sh or any president courting the Hispanic vote.

There are also several factors working against him.

As a Texas justice, Gonzales supported a minor trying to get judicial approval for an abortion without telling her parents. Gonzales found himself bumping he ads with fellow state Justice Priscilla Owen, who insisted the girl was not mat ure enough to win judicial approval. Owen since has been nominated by Bush to a federal appeals court, but Democrats in the Senate are filibustering the nomin ation.

Gonzales also helped modify a Justice Department brief in the University of Mi chigan affirmative action case, supporting racial diversity while rejecting rac ial quotas. The Supreme Court is expected to rule in the case, deciding whether affirmative action is an unconstitutional government use of race, sometime ove r the next month and a half.

His intervention in the case deeply angered this town's hard-shell conservativ es, who are not known for letting a grudge die an easy death.

His nomination to the Supreme Court would be a signal that Bush is seeking a m oderate course and some kind of detente with Senate Democrats, who though in th e minority have the power to filibuster his choice into infinity.

Keep an eye also on U.S. Circuit Judge Emilio M. Garza, who serves on the U.S. Court of Appeals for the 5th Circuit.

Headquartered in New Orleans, the 5th Circuit appeals court is almost as conse rvative as the 4th Circuit's.

Garza is from Texas, is Hispanic and at 55 still well within the range of the "younger" Supreme Court choices.

He was appointed to the U.S. District Court in Texas by President Ronald Reaga n; President George H.W. Bush raised him to the appeals court.

A Notre Dame graduate and Vietnam-era Marine Corps captain, Garza would make a n appealing nominee before the Senate Judiciary Committee.

However, there might be nagging questions over his nomination from the deeply conservative core of the Republican Party.

Garza has attacked the expert testimony of prosecution psychiatrists who deter mine the "future dangerousness" of a capital defendant before a jury sentences the defendant to death.

The judge calls such testimony unreliable, and he has criticized the 1983 Supr eme Court ruling in Barefoot vs. Estelle which supports expert psychiatric test imony.

Returning to Richmond and the 4th Circuit, the name of Chief Circuit Judge Jam es Harvie Wilkinson cannot be ignored.

Some in the Washington legal community consider him a dark horse who can never theless surge to the head of the pack.

What if Rehnquist leaves and Bush decides to replace him from someone already on the Supreme Court?

What about the conservatives' darling, Scalia? Not much of a chance. He's got the liveliest intellect on the high court, but Scalia's judicial philosophy is truly retro. He deeply believes that legislatures have the right to legislate m orality for the public good. He would fight to the last breath to reverse Miran da and Roe vs. Wade.

I sincerely doubt that Bush is looking for that kind of trouble.

Which leaves us with my current favorite -- Justice Anthony Kennedy.

Kennedy supports Roe vs. Wade, and its progeny, including 1992's Planned Paren thood vs. Casey. But he redeemed himself in conservative eyes by voting with th e minority in 2000's Stenberg vs. Carhart, when a 5-4 Supreme Court majority st ruck down Nebraska's ban on "partial-birth abortion."

Critics called the ban a thinly disguised attempt to end all abortions, but Ke nnedy specifically rejected that argument.

Kennedy, 67, would be tricky for the conservatives to support for chief justic e. He has shown consistent sympathy for the rights of gays and lesbians, and ca n be blistering in his defense of what he believes are core constitutional valu es.

But he votes with the conservative bloc more often than not, and quite often i s in the majority, including the 5-4 majority in Bush vs. Gore.

Finally, Kennedy plainly wants the job.

And he's been smiling a lot lately.

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From: Kavanaugh, Brett M.
To: <Hager, Henry C>
Sent: 5/27/2003 12:46:09 PM
Subject:

I was told there was a working group mtg today for June 17 Presidential event and just wanted to confirm the nature of the meeting. Thanks.

From: Hager, Henry C
To: <Kavanaugh, Brett M.>
Sent: 5/27/2003 1:22:12 PM
Subject: RE:

Yes sir. I will forward you the email and make sure to include you on future email distributions.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, May 27, 2003 12:46 PM
To: Hager, Henry C
Subject:

I was told there was a working group mtg today for June 17 Presidential event and just wanted to confirm the nature of the meeting. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Henry C Hager/WHO/EOP@Exchange [UNKNOWN] <Henry C Hager>
Sent: 5/27/2003 9:33:48 AM
Subject: : Re: FW: Working Group Meeting Today

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-MAY-2003 13:33:48.00
SUBJECT:: Re: FW: Working Group Meeting Today
TO:Henry C Hager (CN=Henry C Hager/OU=WHO/O=EOP@Exchange [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

what is general agenda? Is this an advance type meeting?

From: Henry C Hager/WHO/EOP@Exchange on 05/27/2003 01:22:26 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Working Group Meeting Today

;
-----Original Message-----
From: Hager, Henry C
Sent: Tuesday, May 27, 2003 10:48 AM
To: Linder, Stephanie E.; Bourns, Lindsay J.; Beyer, Todd W.; Gannon, Kelley; Reid, Margaret A.; Drummond, Ashley D.; Opa - Political Affairs; Opl - Public Liaison; Osi - Strategic Initiatives; Iga Intergovernmental Affairs; Cook Media Affairs, Jane M.; Walsh, Edmund A.; Dickens, Reed; Gottesman, Blake; Sforza, Scott N.; Jenkins, Gregory J.; Steen, Gretchen P.; Office Of Media Affairs; Litkenhaus, Colleen; Kozberg, Lindsey C.; Otto, Eric H.; Hernandez, Israel; Young, Tracy; Viana, Mercedes M.; Gonzalez, Emilio T.; Dayspring, Bradford D.; Oca - Office Of Cabinet Affairs; Deckard, Josh ; Thomas, Julieanne H.; Estes, John D.; Medina, Sonya E.; Jones, Brian C.; Snee, Ashley; White, Jeremy L.; Kuo, David; Atkiss, Steven A.; Warsh, Kevin; Mynster, Kathleen; Mallea, Jose; Pipes, Kasey S.; Riepenhoff, Allison L.; Parell, Christie; Fullerton, Laura F.; West, Christal R.; Holbrook, Ashley ; Ingols, Adam B.; Campbell, Anne E.; Vargo, Erin A.; Wray, Jennifer A.; Reardon, Brian; Besanceney, Brian R.; Elliott, Ruth E.; Douglass, Kimberly A.; Godfrey, Georgia D.; Schake, Kori N.; Gray, Terra ; Burkhart, Shannon; Healy, Erin E.; Lineberry, Stephen M.; Figg, Kara G.; Weinstein, Jared B.
Subject: Working Group Meeting Today
Importance: High

There will be a working group meeting;at 3:00pm;TODAY in Room 180 to discuss;the upcoming
Bush-Cheney;campaign;event;scheduled for Tuesday, June 17 in DC.;;
;
If you can't make the meeting please make sure that someone from you department is in attendance.
;
Thank you

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 5/27/2003 1:46:18 PM
Subject: Crime victim's rights

How about giving up victim's rights? Reg said he had an interest in that.

The reason I am asking you is because you seem to be the busiest Associate Counsel and things could get worst this summer. So thought you might want to unload some.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 5/27/2003 2:34:25 PM
Subject:

I have a full list from 1789 on employment at time of appointment.

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 5/27/2003 2:43:59 PM
Subject:

NLJ Top 50 women litigators:

http://www.nlj.com/special/1217women-forty.shtml

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 5/27/2003 2:52:37 PM
Subject:

Senator Norm Coleman was elected to the United States Senate in November, 2002. Coleman serves on four committees including the Committee on Foreign Relations, the Agriculture, Nutrition, and Forestry Committee, and the Committee on Small Business and Entrepreneurship. In addition, Coleman is Chairman of the Permanent Subcommittee on Investigations.

Before he was elected Senator, Norm Coleman was Mayor of Saint Paul for 8 years. As Mayor, Coleman led Minnesota's capitol city through a remarkable renaissance. Since 1993 there have been more than 18,000 new jobs created with more than $3.0 billion of new development. As Mayor he kept his commitment to a zero percent increase in the property tax levy for eight years in a row, and Saint Paul received its first 'AAA' bond rating...unprecedented in the city's history. The value of taxable property in the core downtown has more than doubled, and every neighborhood has seen an increase in property value.

In 1997, Coleman secured a National Hockey League franchise for the Capital City. The Minnesota Wild dropped the puck in September 2000 at a new state-of-the-art $175 million arena. He helped create a new $90 million Science Museum of Minnesota which overlooks the majestic Mississippi River Valley and brought Lawson Software, Minnesota's largest software company with over 1,000 jobs, to downtown Saint Paul. New and expanded businesses are emerging both in the downtown core and in neighborhoods throughout the city.

In addition to economic development, Coleman made public safety a priority while serving as mayor. By adding 40 police officers and working with neighborhoods, the City expanded community-based policing. The result has been a drop in the violent crime rate since 1993 and more confidence in the community about the safety of its neighborhoods.

Education had remained a cornerstone of his administration. Coleman used his position to bring more accountability, additional resources and needed change in our public schools. By working closely with Superintendent Patricia Harvey, they forged exemplary models of choice and parental involvement through traditional public school programs, as well as innovative charter schools. As home to the nation's first charter school, Coleman has championed education reform, leading an initiative to bring 20 new charter schools to Saint Paul.

Coleman also helped in the planting of over 35,000 trees and shrubs along the urban corridor of Mississippi River. He was instrumental in recapturing brownfields and creating new uses for once-discarded land. His Upper Landing housing development serves as a national model of urban renewal on a once blighted land. The Upper Landing project, in partnership with the Centex Corporation, will bring nearly 800 new units of housing, with 20% of those deemed affordable, to a former scrap yard along the shores of the Mississippi River.

Coleman has created a national model for building public/private partnerships. He brought together the top 20 CEO's of the region to create the Capital City Partnership, which is committed to promoting, marketing and developing Saint Paul. In January 2001, Mayor Coleman received the United States Conference of Mayor's Award of Excellence in Public/Private Partnerships. In addition, Coleman has been recognized by the Woodrow Wilson International Center for Scholars with their Award for Public Service.

Coleman served as Chair of the George W. Bush campaign in Minnesota. He served on the Board of Directors of the United States Conference of Mayors and was a charter member of CEO's for Cities, an alliance of Mayors, corporate CEO's, and nonprofit executives focused on market-based approaches to revitalizing urban centers.

In 1993, he was elected Mayor of Saint Paul, as a conservative Democrat. In 1996, he joined the Republican Party and was reelected in 1997 as the first Republican Mayor in Saint Paul in over 25 years, receiving nearly 60% of the vote. He carried the Republican banner for Governor in 1998, narrowly losing to Jesse Ventura by 2% .

Coleman was born in Brooklyn, New York. He received his B.A. from Hofstra University and his J.D. (with high honors) from the University of Iowa. He served 17 years with the Minnesota Attorney General, holding the positions of Chief Prosecutor and Solicitor General of the State of Minnesota.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>
Sent: 5/27/2003 10:54:36 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-MAY-2003 14:54:36.00
SUBJECT::
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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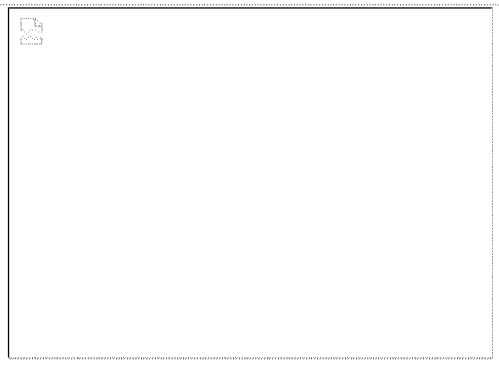
From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
CC: <Rove, Karl C.>
Sent: 5/27/2003 6:09:15 PM
Subject:
Attachments: 0527a1judgescolor.jpg; 0527judges_a.jpg; 0527judges_b.jpg; 0527judges_c.jpg; 0527judges_d.jpg; 0527judges_ejpg.jpg; 0527judges_fjpg.jpg; space.gif

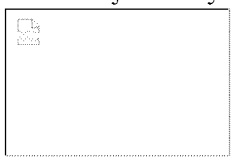
Interesting piece from Buffalo newspaper, including the quote from Schumer:

"I am the leader (of the filibuster movement), and, you know, I'm proud of it," said the freshman senator from Brooklyn.

FOCUS: POLITICS
Schumer v. Bush: battle for the courts
By DOUGLAS TURNER
News Washington Bureau Chief
5/27/2003



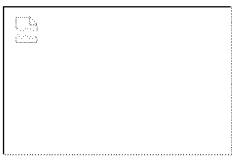
Jay Malin/Picture Desk International
Sen. Charles Schumer, second from the right, and Sen. Orrin Hatch, R-Utah, right, greet federal judicial nominee Miguel Estrada and his mother, Clara Castaneda, during a break in judiciary Committee hearings.



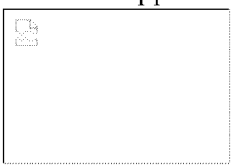
James Leon Holmes
Nominated to U.S. District Court in Little Rock, Ark.



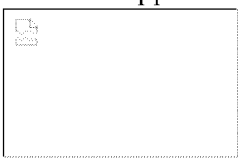
Carolyn Kuhl
Nominated to the 9th U.S. Circuit Court of Appeals in San Francisco.



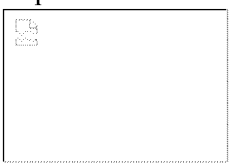
Priscilla R. Owen
Nominated to the 5th U.S. Circuit Court of Appeals in New Orleans.



Charles W. Pickering Sr.
Nominated to the 5th U.S. Circuit Court of Appeals in New Orleans.



Miguel Estrada
Nominated to the U.S. Court of Appeals for the District of Columbia Circuit, considered the second most important federal court.



Jeffrey Sutton
Confirmed, by a single vote, to the 6th U.S. Circuit Court of Appeals in Cincinnati.

WASHINGTON - When President Bush, in his 2000 campaign, called the two most conservative members of the Supreme Court models for his nominees to the federal bench, Sen. Charles E. Schumer thought he saw an opening.

In the opinion of the New York Democrat, Bush was setting up an ideological test for federal judges just by saying he liked Justices Antonin Scalia and Clarence Thomas.

Soon afterwards, Schumer began a campaign to reshape the way the Senate deals with judicial nominees - including members of the U.S. Supreme Court.

Senate Democrats, Schumer decided, would put ideology on the front burner in the confirmation process.

Schumer's deployment of the filibuster to smoke out the ideologies of Bush nominees is working, for now.

"I am the leader (of the filibuster movement), and, you know, I'm proud of it," said the freshman senator from Brooklyn.

But this has brought Schumer into almost weekly confrontations with the president.

And now the White House said it is working with Senate Republican leaders to disable the filibuster rule, which permits a senator to engage in unlimited debate, thus preventing action on a piece of legislation or nomination. It takes 60 of the Senate's 100 votes to end a filibuster.

Schumer has used the rule to block confirmation of two appellate court nominees who Bush says have been rated "well qualified" by their fellow lawyers.

Just days ago, Schumer added two more names to the list of Bush nominees he wants to block.

The president called the Schumer-led filibusters "partisan obstructionist tactics, unacceptable and inconsistent with the Senate's constitutional responsibility."

Schumer said he is up for the confrontation.

"I think the president is awash in a deal with the devil: Let the far right pick the federal bench and they will leave me (the president) alone," he said in an interview.

The Bush administration is also ready.

"What is really going on here is a divide between those who know and work with these nominees and opponents from special-interest groups here in Washington who have distorted their records," said one White House official, who spoke on condition of anonymity.

Schumer claims all four nominees he is trying to block are from the "fringe" of the far right, nominees who would overturn Roe v. Wade if they make it all the way to the Supreme Court.

Range of change

In addition to the future of Roe v. Wade, which legalized abortion, Schumer said the stakes in the fight over judges involve a whole range of women's rights, the fabric of federal regulations and the shape of tomorrow's Supreme Court.

"They want to get rid of unions," he said. "They want to decimate the Family and Medical Leave Act, the Clean Air Act, the Clean Water Act. They want to get rid of any kind of regulation.

"They want to cut back on the civil rights laws."

His critics claim Schumer, a minority member of the Judiciary Committee, is trying to rewrite the Constitution, which empowers the president to nominate jurists.

"Schumer wants to impose a liberal litmus test now on all nominees," said John Nowacki, legal policy director of the Free Congress Foundation, a conservative group.

"He wants to make the Senate co-equal with the president on the selection of judges, something that will rewrite 200 years of constitutional history," Nowacki said.

Schumer is drawing heavy pressure for his efforts. He is regularly denounced on the editorial pages of the Wall Street Journal and the more liberal Washington Post.

Attorney General John Ashcroft and White House counsel Alberto Gonzales have urged him to relent.

Bush has called him to try to talk him out of his stand, calling Schumer by his nickname and middle name, "Ellis."

In recent weeks, Schumer's allies have defeated the Republican majority in five votes to force cloture - a vote to end filibuster - on Miguel Estrada, a former high-ranking attorney in the Justice Department.

Bush wants to put Estrada, an immigrant from Honduras, on the federal appellate court in the District of Columbia.

The Schumer forces also have blocked a confirmation vote on Priscilla R. Owen, a Texas State Supreme Court justice, for the federal appellate court serving Texas and the South. Women's abortion rights organizations claim she has undermined those rights in her rulings in Texas.

Schumer announced he will lead filibusters against Carolyn Kuhl, whom Bush named to the appellate court on the West Coast, and against Charles W. Pickering Sr., for the appeals court in the South. Pickering's nomination was defeated by the Senate when the Democrats controlled it last year, but Bush renominated him.

Some observers speculate these unprecedented clashes are mere warm-ups for the battle Bush could face if he tries to make Scalia or Thomas chief justice of the United States if William H. Rehnquist retires.

More fights

His critics anticipate more judicial appointment fights.

"Schumer argues for the liberal wing of the Democrat Party," said Nowacki. "Schumer seems perfectly happy to label anyone who disagrees with his views as "extremist.'"

Schumer spokesman Phil Singer said the senator does not have a litmus test on any one issue. For instance, Singer said, Schumer does not know whether Richard C. Wesley of Livingston County is pro-life or pro-choice. Bush has nominated Wesley, a state Court of Appeals judge, to the federal appellate court in New York City.

Wesley, who is also supported by Sen. Hillary Rodham Clinton, D-N.Y., had his confirmation hearing Thursday.

"Sen. Schumer looks at the entire package," Singer said.

Countering the Republicans' "obstructionist" charge, Schumer noted that, of 126 nominees Bush sent to the Judiciary Committee, the Senate approved 124.

"I voted for 119 of them," Schumer said. "When they ask me about that in Buffalo, I point out that I backed 98.4 percent of his nominees. Then they said, "Oh,' we didn't know that.' "

High standards

Schumer said his standards for nominees are "excellence, moderation - not too far left or too far right - and diversity - the bench should not be comprised of all white males."

Bush, he said, has done "a pretty good job" on excellence and diversity but said the White House has too often served up too many nominees that "are way beyond the mainstream."

One reason, Schumer said, is that a conservative organization, the Federalist Society, feeds prospective nominees to the White House. The society, 25,000 strong, has members on many law school faculties and is led by former Justice Department officials of the Reagan administration and Senate Judiciary Chairman Orrin Hatch, R-Utah.

The society's president, Eugene B. Meyers, said the organization does not propose candidates for the bench but does encourage its members to "take an active interest" in the bench and other public affairs.

Solicitor General Ted Olson, the attorney who argued the case for Bush that settled the 2000 election, is a member.

Jeffrey L, Mazzella, a top official with the conservative Center for Individual Freedom, said Schumer's stand against Estrada and Owen is "pretty hypocritical."

"Not long ago, Schumer and Sen. (Patrick J.) Leahy (D-Vt.) called endorsement by the American Bar Association "the gold standard,' " Mazzella said.

"Here we have both Estrada and Owen judged "well qualified' unanimously by the ABA," Mazzella said.

Schumer claimed Estrada failed to answer any questions about his judicial philosophy put to him

in his confirmation hearings.

"He actually answered 125 questions in an eight-hour hearing, questions that other judges were not asked," Mazzella said.

Schumer also said Estrada even declined at his hearing to name three judges he admired. True.

However, in later written answers to the committee, Estrada named Supreme Court Justices Lewis Powell and Anthony Kennedy as well as Amalya Kearse, a federal appellate judge in New York City.

Estrada also has been endorsed by former Democratic Solicitor Generals Seth Waxman and Drew Days III, each of whom Estrada served under.

Schumer's claim that Estrada declined to speculate on his judicial philosophy grates against a standard that Schumer, in June 2001, wanted to put on the table.

Schumer said then it was not forthright for judicial nominees to decline to discuss their ideology at their confirmation hearings.

"If the president uses ideology in deciding whom to nominate to the bench, the Senate, as part of its responsibility to advise and consent, should do the same, in deciding whom to confirm," Schumer said in a letter to the New York Times.

"Pretending that ideology doesn't matter - or, worse, doesn't even exist - is exactly what the Senate should do," he wrote.

Rewriting the rules

By the end of June, Senate Majority Leader Bill Frist, R-Tenn., will try to rewrite the rules on filibusters in order to force votes on all of Bush's judges. Schumer predicted Frist won't win any vote diluting the filibuster rule.

Even so, the White House said Thursday that Senate Rules Chairman Trend Lott, R-Miss., a strong backer of Pickering, will hold hearings on how to dilute the power of the filibuster next month.

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
CC: Karl C. Rove/WHO/EOP@Exchange [WHO] <Karl C. Rove>
Sent: 5/27/2003 2:10:15 PM
Subject: :
Attachments: P_HGDQG003_WHO.TXT_1.gif; P_HGDQG003_WHO.TXT_2.jpg; P_HGDQG003_WHO.TXT_3.jpeg; P_HGDQG003_WHO.TXT_4.jpeg; P_HGDQG003_WHO.TXT_5.jpeg; P_HGDQG003_WHO.TXT_6.jpeg; P_HGDQG003_WHO.TXT_7.jpeg; P_HGDQG003_WHO.TXT_8.jpeg

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:27-MAY-2003 18:10:15.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Interesting piece from Buffalo newspaper, including the quote from Schumer:;

"I am the leader (of the filibuster movement), and, you know, I'm proud of it," said the freshman senator from Brooklyn.

;
FOCUS: POLITICS
Schumer v. Bush: battle for the courts
By DOUGLAS TURNER
News Washington Bureau Chief
5/27/2003

Jay Malin/Picture Desk International
Sen. Charles Schumer, second from the right, and Sen. Orrin Hatch, R-Utah, right, greet federal judicial nominee Miguel Estrada and his mother, Clara Castaneda, during a break in judiciary Committee hearings.

James Leon Holmes
Nominated to U.S. District Court in Little Rock, Ark.

Carolyn Kuhl
Nominated to the 9th U.S. Circuit Court of Appeals in San Francisco.

Priscilla R. Owen
Nominated to the 5th U.S. Circuit Court of Appeals in New Orleans.

Charles W. Pickering Sr.
Nominated to the 5th U.S. Circuit Court of Appeals in New Orleans.

Miguel Estrada
Nominated to the U.S. Court of Appeals for the District of Columbia Circuit, considered the second most important federal court.

Jeffrey Sutton
Confirmed, by a single vote, to the 6th U.S. Circuit Court of Appeals in Cincinnati.

WASHINGTON - When President Bush, in his 2000 campaign, called the two most conservative members of the Supreme Court models for his nominees to the federal bench, Sen. Charles E. Schumer thought he saw an opening.

In the opinion of the New York Democrat, Bush was setting up an ideological test for federal judges just by saying he liked Justices Antonin Scalia and Clarence Thomas.

Soon afterwards, Schumer began a campaign to reshape the way the Senate deals with judicial nominees - including members of the U.S. Supreme Court.

Senate Democrats, Schumer decided, would put ideology on the front burner in the confirmation process.

Schumer's deployment of the filibuster to smoke out the ideologies of Bush nominees is working, for now.

"I am the leader (of the filibuster movement), and, you know, I'm proud of it," said the freshman senator from Brooklyn.

But this has brought Schumer into almost weekly confrontations with the president.

And now the White House said it is working with Senate Republican leaders to disable the filibuster rule, which permits a senator to engage in unlimited debate, thus preventing action on a piece of legislation or nomination. It takes 60 of the Senate's 100 votes to end a filibuster.

Schumer has used the rule to block confirmation of two appellate court nominees who Bush says have been rated "well qualified" by their fellow lawyers.

Just days ago, Schumer added two more names to the list of Bush nominees he wants to block.

The president called the Schumer-led filibusters "partisan obstructionist tactics, unacceptable and inconsistent with the Senate's constitutional responsibility."

Schumer said he is up for the confrontation.

"I think the president is awash in a deal with the devil: Let the far right pick the federal bench and they will leave me (the president) alone," he said in an interview.

The Bush administration is also ready.

"What is really going on here is a divide between those who know and work with these nominees and opponents from special-interest groups here in Washington who have distorted their records," said one White House official, who spoke on condition of anonymity.

Schumer claims all four nominees he is trying to block are from the "fringe" of the far right, nominees who would overturn Roe v. Wade if they make it all the way to the Supreme Court.

Range of change

In addition to the future of Roe v. Wade, which legalized abortion, Schumer said the stakes in the fight over judges involve a whole range of women's rights, the fabric of federal regulations and the shape of tomorrow's Supreme Court.

"They want to get rid of unions," he said. "They want to decimate the Family and Medical Leave Act, the Clean Air Act, the Clean Water Act. They want to get rid of any kind of regulation.

"They want to cut back on the civil rights laws."

His critics claim Schumer, a minority member of the Judiciary Committee, is trying to rewrite the Constitution, which empowers the president to nominate jurists.

"Schumer wants to impose a liberal litmus test now on all nominees," said John Nowacki, legal policy director of the Free Congress Foundation, a conservative group.

"He wants to make the Senate co-equal with the president on the selection of judges, something that will rewrite 200 years of constitutional history," Nowacki said.

Schumer is drawing heavy pressure for his efforts. He is regularly denounced on the editorial pages of the Wall Street Journal and the more liberal Washington Post.

Attorney General John Ashcroft and White House counsel Alberto Gonzales have urged him to relent.

Bush has called him to try to talk him out of his stand, calling Schumer by his nickname and middle name, "Ellis."

In recent weeks, Schumer's allies have defeated the Republican majority in five votes to force cloture - a vote to end filibuster - on Miguel Estrada, a former high-ranking attorney in the Justice Department.

Bush wants to put Estrada, an immigrant from Honduras, on the federal appellate court in the District of Columbia.

The Schumer forces also have blocked a confirmation vote on Priscilla R. Owen, a Texas State Supreme Court justice, for the federal appellate court serving Texas and the South. Women's abortion rights organizations claim she has undermined those rights in her rulings in Texas.

Schumer announced he will lead filibusters against Carolyn Kuhl, whom Bush named to the appellate court on the West Coast, and against Charles W. Pickering Sr., for the appeals court in the South. Pickering's nomination was defeated by the Senate when the Democrats controlled it last year, but Bush renominated him.

Some observers speculate these unprecedented clashes are mere warm-ups for the battle Bush could face if he tries to make Scalia or Thomas chief justice of the United States if William H. Rehnquist retires.

More fights

His critics anticipate more judicial appointment fights.

"Schumer argues for the liberal wing of the Democrat Party," said Nowacki. "Schumer seems perfectly happy to label anyone who disagrees with his views as "extremist.'"

Schumer spokesman Phil Singer said the senator does not have a litmus test on any one issue. For instance, Singer said, Schumer does not know whether Richard C. Wesley of Livingston County is pro-life or pro-choice. Bush has nominated Wesley, a state Court of Appeals judge, to the federal appellate court in New York City.

Wesley, who is also supported by Sen. Hillary Rodham Clinton, D-N.Y., had his confirmation hearing Thursday.

"Sen. Schumer looks at the entire package," Singer said.

Countering the Republicans' "obstructionist" charge, Schumer noted that, of 126 nominees Bush sent to the Judiciary Committee, the Senate approved 124.

"I voted for 119 of them," Schumer said. "When they ask me about that in Buffalo, I point out that I backed 98.4 percent of his nominees. Then they said, "Oh,' we didn't know that.' "

High standards

Schumer said his standards for nominees are "excellence, moderation - not too far left or too far right - and diversity - the bench should not be comprised of all white males."

Bush, he said, has done "a pretty good job" on excellence and diversity but said the White House has too often served up too many nominees that "are way beyond the mainstream."

One reason, Schumer said, is that a conservative organization, the Federalist Society, feeds prospective nominees to the White House. The society, 25,000 strong, has members on many law school faculties and is led by former Justice Department officials of the Reagan administration and Senate Judiciary Chairman Orrin Hatch, R-Utah.

The society's president, Eugene B. Meyers, said the organization does not propose candidates for the bench but does encourage its members to "take an active interest" in the bench and other public affairs.

Solicitor General Ted Olson, the attorney who argued the case for Bush that settled the 2000 election, is a member.

Jeffrey L, Mazzella, a top official with the conservative Center for Individual Freedom, said Schumer's stand against Estrada and Owen is "pretty hypocritical."

"Not long ago, Schumer and Sen. (Patrick J.) Leahy (D-Vt.) called endorsement by the American Bar Association "the gold standard,' " Mazzella said.

"Here we have both Estrada and Owen judged "well qualified' unanimously by the ABA," Mazzella said.

Schumer claimed Estrada failed to answer any questions about his judicial philosophy put to him in his confirmation hearings.

"He actually answered 125 questions in an eight-hour hearing, questions that other judges were not asked," Mazzella said.

Schumer also said Estrada even declined at his hearing to name three judges he admired. True.

However, in later written answers to the committee, Estrada named Supreme Court Justices Lewis Powell and Anthony Kennedy as well as Amalya Kearse, a federal appellate judge in New York City.

Estrada also has been endorsed by former Democratic Solicitor Generals Seth Waxman and Drew Days III, each of whom Estrada served under.

Schumer's claim that Estrada declined to speculate on his judicial philosophy grates against a standard that Schumer, in June 2001, wanted to put on the table.

Schumer said then it was not forthright for judicial nominees to decline to discuss their ideology at their confirmation hearings.

"If the president uses ideology in deciding whom to nominate to the bench,

the Senate, as part of its responsibility to advise and consent, should do the same, in deciding whom to confirm," Schumer said in a letter to the New York Times.

"Pretending that ideology doesn't matter - or, worse, doesn't even exist - is exactly what the Senate should do," he wrote.

Rewriting the rules

By the end of June, Senate Majority Leader Bill Frist, R-Tenn., will try to rewrite the rules on filibusters in order to force votes on all of Bush's judges. Schumer predicted Frist won't win any vote diluting the filibuster rule.

Even so, the White House said Thursday that Senate Rules Chairman Trend Lott, R-Miss., a strong backer of Pickering, will hold hearings on how to dilute the power of the filibuster next month.

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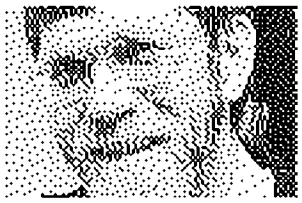

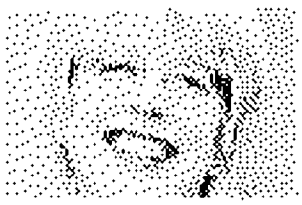

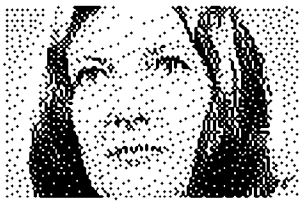

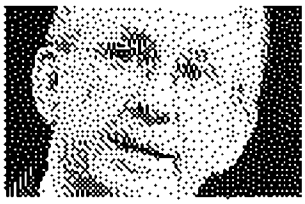

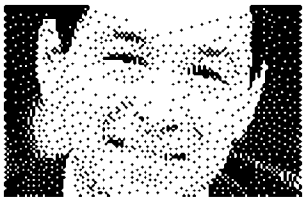

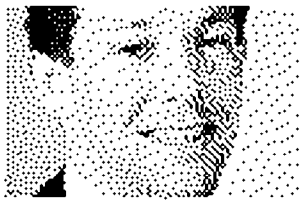

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 5/28/2003 8:54:12 AM
Subject: schlapp

call me re schlapp/judge

From: Kavanaugh, Brett M.
To: Duffield, Steven \(RPC\) <Steven_Duffield@rpc.senate.gov>
CC: miranda, manuel \(frist\) <manuel_miranda@frist.senate.gov>;<Grubbs, Wendy J.>
Sent: 5/28/2003 9:20:54 AM
Subject: quick q: when is my briefing(s) on Kuhl?

From: Kavanaugh, Brett M.
To: <Orr, Christopher J.>;<Snee, Ashley>
Sent: 5/28/2003 9:23:11 AM
Subject: on new WH Web email under "legal/judicial," there should be a category for "judges" along with the many other listed legal issues

From: Terrell, Eric W.
To: <Kavanaugh, Brett M.>
CC: <Litkenhaus, Colleen>
Sent: 5/28/2003 9:57:17 AM
Subject:

would like to run this by you

---------- Forwarded by Eric W. Terrell/WHO/EOP on 05/28/2003 09:57 AM ----------

mtoner@fec.gov

05/28/2003 09:47:29 AM

Record Type: Record

To: Eric W. Terrell/WHO/EOP@EOP

cc:

Subject:

Eric:

Thank you again for the copy of the WH Travel policies handbook; it has been very helpful. The FEC is holding a public hearing on June 6th where travel issues and the Commission's current regulations in this area may be discussed. Do you have any problem with the Commission using the handbook at the hearing?

Michael

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 5/28/2003 10:12:24 AM
Subject: call me

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange@EOP [WHO] <Carolyn Nelson>
CC: joschal@dcigroup.com @ inet [UNKNOWN] <joschal@dcigroup.com @ inet>
Sent: 5/28/2003 11:17:11 AM
Subject: : RE: Bush Photo
Attachments: P_AXCRG003_WHO.TXT_1.htm

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-MAY-2003 15:17:11.00
SUBJECT:: RE: Bush Photo
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
CC:joschal@dcigroup.com @ inet (joschal@dcigroup.com @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Can we track down photos with President from 7/16/2002 with Texas gang re Owen?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/28/2003 03:15 PM ----------

05/28/2003 02:54:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Bush Photo

i know you have better things to work on than this - but i've been asked again if we'll be able to track it down. is there someone in your office who can help me find the photos? thanks. happy memorial day.

-----Original Message-----
From: joschal@dcigroup.com [mailto:joschal@dcigroup.com]
Sent: Tuesday, May 20, 2003 8:43 AM
To: Brett Kavanaugh (Brett_M._Kavanaugh@who.eop.gov)
Subject: FW: Bush Photo

i wasn't aware that the group of Texans who came LAST YEAR had photos taken.
is it still possible to get copies? i'll get addresses for everyone if so.
thanks.

-----Original Message-----
From: Todd Olsen [mailto:to@olsen-delisi.com]
Sent: Monday, May 19, 2003 10:50 PM
To: Jennifer Oshcal
Subject: Fw: Bush Photo

can you help me with the request below?

----- Original Message -----
From: "Richard Pena" <richard@rpena73.com>
To: "Todd Olsen" <TO@od-s.com>
Sent: Sunday, May 11, 2003 4:29 PM
Subject: Bush Photo

> Hello Todd:
>
> You may remember I was part of the Texas group that went to Wash. D.C. to
> lobby on behalf of Justice Pricilla Owen. It was a great experience. We
> met the President on July 16, 2002, and did what we could.
>
> The President took a photo with each of us. I know it takes some time
> to receive these. I have not received mine yet, and was wondering if an
> inquiry could be made to see if things are on track for such receipt. I
> hate to bother you with such a minor thing, but I'm redoing my office and
> sure would be proud to have it hanging.
>
> Thanks...Richard
>
> Law Offices of Richard Pena, P.C.
> 2028 E. Ben White, Suite 220
> Austin, Texas 78741
> (512) 327-6884 (phone)
> (512) 327-8354 (fax)
> richard@rpena73.com
>
>

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AXCRG003_WHO.TXT_1>

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> 2028 E. Ben White, Suite 220
> Austin, Texas 78741
> (512) 327-6884 (phone)
> (512) 327-8354 (fax)
> richard@rpena73.com
>
>

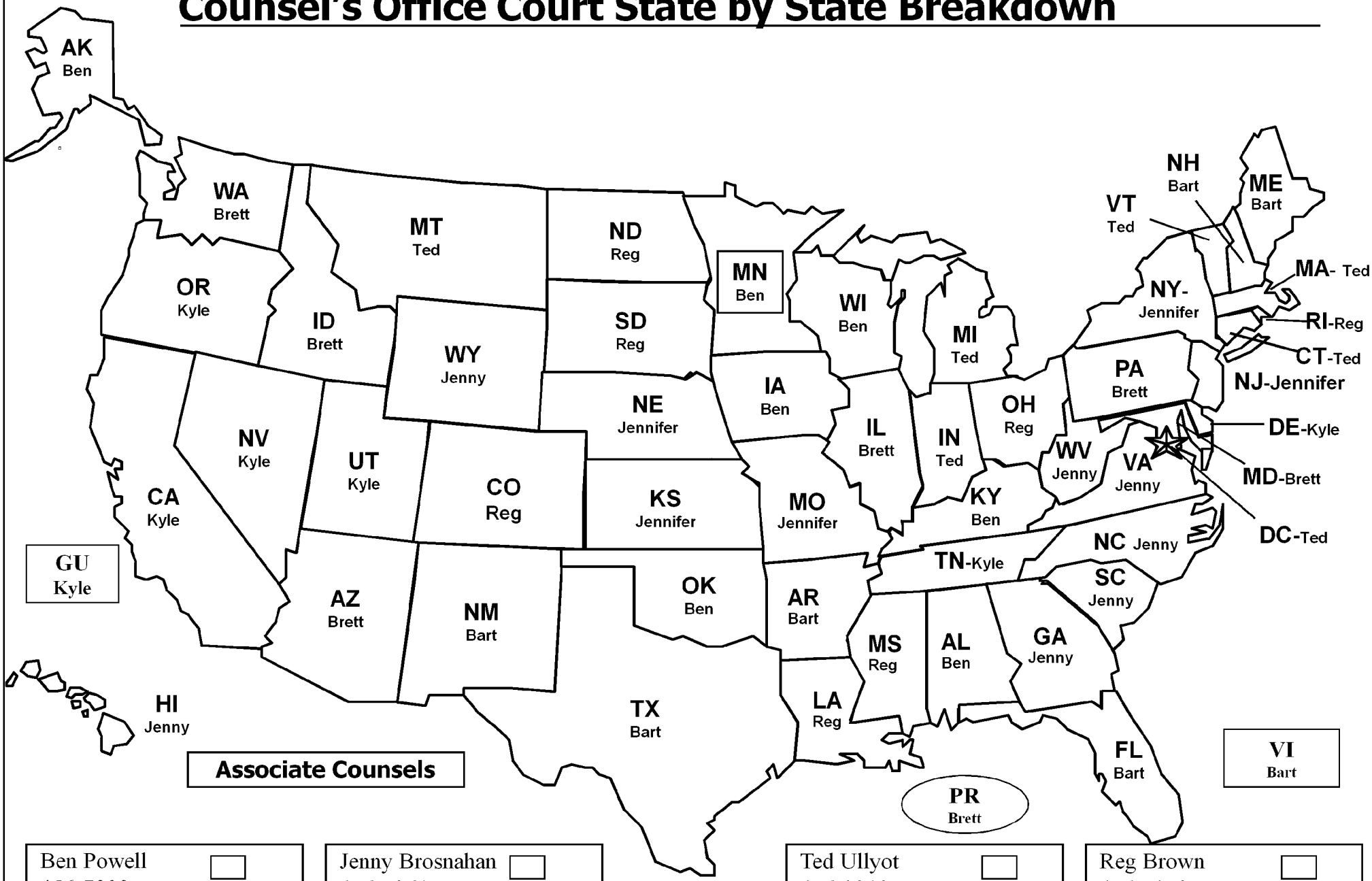
From:	Bumatay, Patrick J.
To:	<Leitch, David G.>;<Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Francisco, Noel J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent:	5/28/2003 2:23:53 PM
Subject:	portfolios final
Attachments:	Counsel Assigments - May 2003.xls; State Assignments.ppt

Here are the final portfolios and state assignments. I think this is a very fair distribution. Everyone now has at least 2 cabinet departments. I will print up new state assignment maps shortly.

Thanks,
Patrick

Document Produced Natively

Counsel's Office Court State by State Breakdown



Ben Powell 456-7909	Jenny Brosnahan 456-7361	Ted Ullyot 456-2318	Reg Brown 456-5073
Chris Bartolomucci 456-7963 *Also has Court of International Trade	Brett Kavanaugh 456-7984	Jennifer Newstead 456-1984	Kyle Sampson 456-5257 *Also has Court of Appeals Armed Forces Court of Appeals Federal Circuit Court of Appeals Veterans Claims US Tax Court

REV_00120031

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>
Sent: 5/28/2003 10:25:03 AM
Subject: : portfolios final
Attachments: P_QI9RG003_WHO.TXT_1.xlw; P_QI9RG003_WHO.TXT_2.ppt

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CREATION DATE/TIME:28-MAY-2003 14:25:03.00
SUBJECT:: portfolios final
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

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;
Thanks,
Patrick
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File attachment <P_QI9RG003_WHO.TXT_2>
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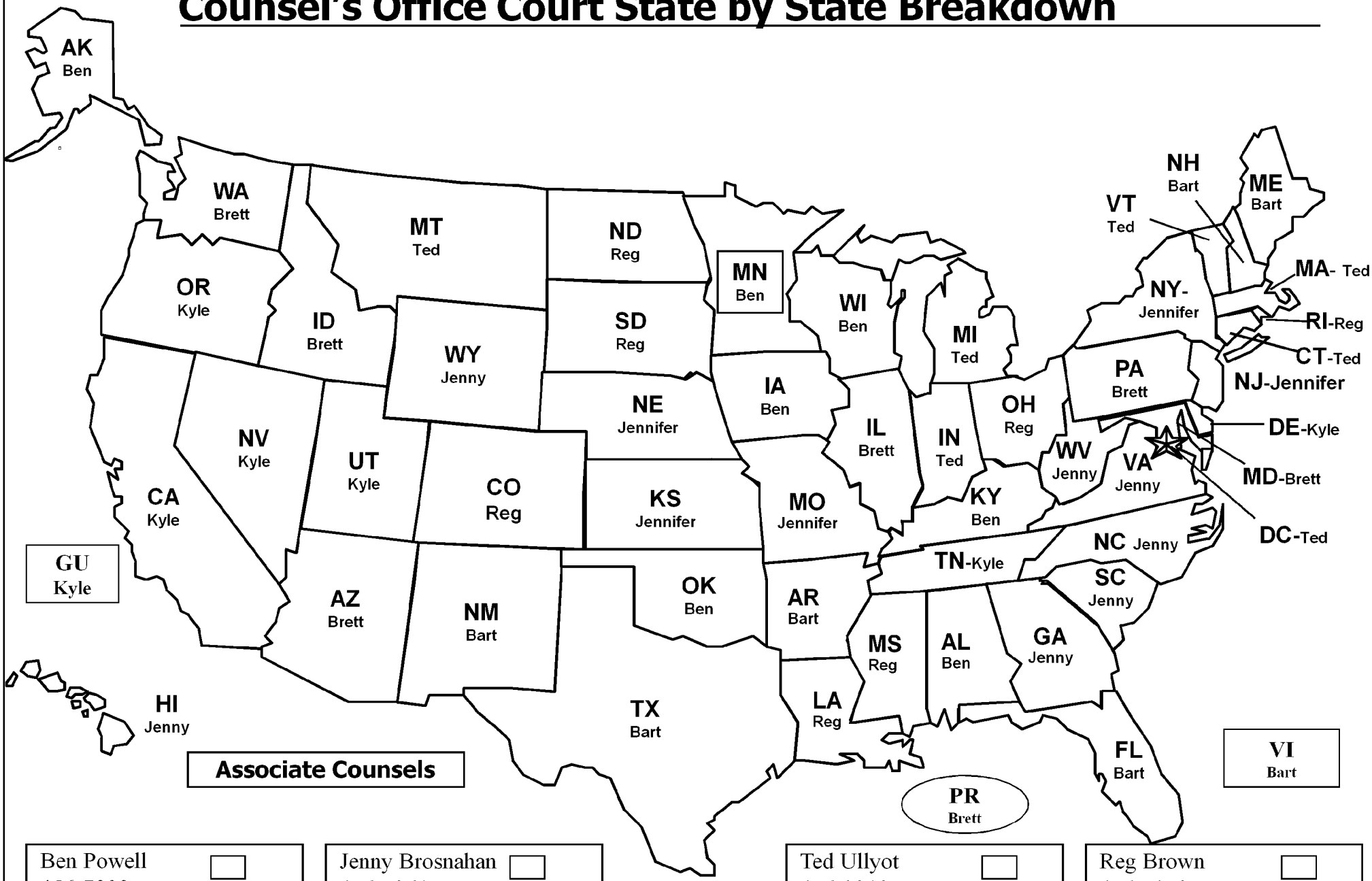
Document Produced Natively

Counsel's Office Court State by State Breakdown



Ben Powell 456-7909	Jenny Brosnahan 456-7361	Ted Ullyot 456-2318	Reg Brown 456-5073
Chris Bartolomucci 456-7963 *Also has Court of International Trade	Brett Kavanaugh 456-7984	Jennifer Newstead 456-1984	Kyle Sampson 456-5257 *Also has Court of Appeals Armed Forces Court of Appeals Federal Circuit Court of Appeals Veterans Claims US Tax Court

REV_00120034

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 5/28/2003 2:46:24 PM
Subject: FW: Questions for Congressional Record

-----Original Message-----
From: Litkenhaus, Colleen
Sent: Wednesday, May 28, 2003 2:42 PM
To: Gill, Faisal M.; Ullyot, Theodore W.
Subject: FW: Questions for Congressional Record

Can you help me word this response?

Question 158: Why did this administration reinstate the payments of bonuses to political appointees? **(POC – WHO M&A)**

The CFR allows for all Federal Employees to receive bonus. This administration continued the practice of issuing bonus which has been historically done.

From:	Leitch, David G.
To:	<Kavanaugh, Brett M.>;<Gonzales, Alberto R.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>;<Addington, David S.>
Sent:	5/28/2003 3:17:46 PM
Subject:	Feinstein

washingtonpost.com

Feinstein Is Key Vote for Judge Nominees

By DAVID ESPO
The Associated Press
Wednesday, May 28, 2003; 2:24 PM

WASHINGTON - Moments after voting against committee approval of Los Angeles judge Carolyn Kuhl for a federal appeals court, Sen. Dianne Feinstein signaled that that didn't mean she would automatically support an effort to talk the nomination to death in the Republican-controlled Senate.

"We have two filibusters going," the California Democrat said, referring to attempts to block votes of Miguel Estrada and Priscilla Owen to appellate court vacancies. "Maybe that's enough."

With Feinstein on the fence, party leaders have yet to announce whether they will filibuster Kuhl's nomination, underscoring the pivotal role the 69-year-old lawmaker plays in a political struggle over President Bush's efforts to place conservatives on the courts.

Along the way, she has frustrated other Democratic senators, who voice their irritation on condition they not be identified by name. Officials in some of the abortion rights, civil rights and other interest groups that have pushed the party to block Bush's judicial nominees have prodded her - but only gently in public.

Ralph Neas, head of People for the American Way, praised Feinstein for votes against some of Bush's nominees. But, he added, "We hope she'll take more of a leadership role in the fight to defeat extremist nominees."

Not surprisingly, the White House view is different. One senior official, speaking on condition of anonymity, said Bush's top lawyer, Alberto Gonzales, and Texas GOP Sen. Kay Bailey Hutchinson are the president's channel to the Californian on judgeships. The White House considers her the critical swing vote on judicial filibusters, this official said, and a rare Democrat willing to judge Bush's nominations on a case-by-case basis.

In an interview, Feinstein said, "I make up my own mind at my own pace and try to give these controversial nominations a good deal of thought. I don't kind of knee-jerk along with whatever the popular demand of the moment is and I think that's what people want me to do."

In a decade in the Senate, Feinstein has developed a reputation as an independent-minded Democrat. She's a strong supporter of abortion rights and gun control, yet on other issues, displays independence from party orthodoxy.

Most recently, she suggested a compromise for limits on awards in medical malpractice cases, then withdrew her proposal when trial lawyers, who are aligned with Democrats, rejected it, as did doctors.

On judges, Feinstein sought to cut through the nomination-by-nomination political warfare with a proposal to remake the system. It called for concessions by the administration as well as Senate Democrats, and the White House swiftly rejected it.

Feinstein is a swing vote on judgeships not because her decision can tip a majority one way or the other. Rather, because of her seat on the Senate Judiciary Committee, and her record of independence, party aides and activists say her votes influence the party's position in the Senate as a whole.

When most fellow Democrats wanted to filibuster Owen's nomination this spring, Feinstein remained uncommitted. Several sources, speaking on condition of anonymity, said she was prodded inside a closed-door party caucus and lobbied by other Democratic women senators to join the effort to block confirmation.

Feinstein ultimately agreed to back the filibuster, and Owen joined appeals court nominee Miguel Estrada in Senate limbo. Republicans presumably could muster 50 votes to confirm each of the contested nominees, but can't win the 60 needed to overcome filibusters.

On the other hand, Feinstein was the only Democrat to vote in the Judiciary Committee for confirmation of Jeff Sutton, a former Ohio solicitor general, to a seat on the 6th U.S. Circuit Court of Appeals. That effectively made it impossible for Democrats to filibuster the nomination, despite the strong opposition by many Democrats and a campaign led by disabled activists who claimed Sutton would weaken their protections under federal law.

Sutton was confirmed on a vote of 52-41.
"Each individual is looked at as an individual case" as Democrats decide whether to filibuster, said Ranit Schmelzer, a spokeswoman for the party's leader, Sen. Tom Daschle of South Dakota. "The one thing that makes it more difficult is if a nominee has Democratic votes in committee."

Feinstein's role is particularly important in the case of Kuhl, according to Democratic aides, because the Los Angeles County Superior Court judge would sit on a circuit that includes California. The state's other Democratic senator, Barbara Boxer, has been a strong opponent of Kuhl, and is facing re-election next year.

When Feinstein declined to say how she would vote in committee, Kuhl's opponents in California arranged public events and phone calls to build pressure. At one, Azucena Sanchez-Scott, a breast cancer survivor, recounted how Kuhl in 1999 dismissed her invasion of privacy suit. She said she filed the case after a doctor allowed a pharmaceutical salesman to observe her breast examination without her consent.

Kuhl's ruling was reversed by a state appeals court and the case was later settled out of court.
Feinstein announced her opposition to Kuhl on the day before the committee voted 10-9, strictly along party lines, to send the nomination to the floor. That preserved the option of a filibuster, and party officials, eager to pressure Feinstein, say they have the 41 votes needed, with or without her support.

So far, though, she remains uncommitted, and the party has yet to announce its plans.

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From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 5/28/2003 3:55:22 PM
Subject: RE: Bush Photo

I'll take care of it.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, May 28, 2003 3:16 PM
To: Nelson, Carolyn
Cc: joschal@dcigroup.com
Subject: RE: Bush Photo

Can we track down photos with President from 7/16/2002 with Texas gang re Owen?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/28/2003 03:15 PM ----------



05/28/2003 02:54:10 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Bush Photo



i know you have better things to work on than this - but i've been asked again if we'll be able to track it down. is there someone in your office who can help me find the photos? thanks. happy memorial day.

-----Original Message-----
From: joschal@dcigroup.com [mailto:joschal@dcigroup.com]
Sent: Tuesday, May 20, 2003 8:43 AM
To: Brett Kavanaugh (Brett_M._Kavanaugh@who.eop.gov)
Subject: FW: Bush Photo

i wasn't aware that the group of Texans who came LAST YEAR had photos taken. is it still possible to get copies? i'll get addresses for everyone if so. thanks.

-----Original Message-----

From: Todd Olsen [mailto:to@olsen-delisi.com]
Sent: Monday, May 19, 2003 10:50 PM
To: Jennifer Oshcal
Subject: Fw: Bush Photo

can you help me with the request below?

----- Original Message -----
From: "Richard Pena"
To: "Todd Olsen"
Sent: Sunday, May 11, 2003 4:29 PM
Subject: Bush Photo

> Hello Todd:
>
> You may remember I was part of the Texas group that went to Wash. D.C. to
> lobby on behalf of Justice Pricilla Owen. It was a great experience. We
> met the President on July 16, 2002, and did what we could.
>
> The President took a photo with each of us. I know it takes some time
> to receive these. I have not received mine yet, and was wondering if an
> inquiry could be made to see if things are on track for such receipt. I
> hate to bother you with such a minor thing, but I'm redoing my office and
> sure would be proud to have it hanging.
>
> Thanks...Richard
>
> Law Offices of Richard Pena, P.C.
> 2028 E. Ben White, Suite 220
> Austin, Texas 78741
> (512) 327-6884 (phone)
> (512) 327-8354 (fax)
> richard@rpena73.com
>
>

 - att1.htm << File: att1.htm >>

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/28/2003 4:13:14 PM
Subject: : Jacksonville (FL) Times Union EDITORIAL re: Congress: Minority Woes (Estrada)

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:28-MAY-2003 20:13:14.00
SUBJECT:: Jacksonville (FL) Times Union EDITORIAL re: Congress: Minority Woes (Estrada)
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Wednesday, May 28, 2003

Last modified at 8:06 p.m. on Tuesday, May 27, 2003

CONGRESS: Minority woes

House Minority Leader Nancy Pelosi, D-Calif., delivered a fiery speech blasting Republicans for passing a tax relief bill without first specifically rejecting an alternative plan submitted by Democrats.

The GOP, she thundered, "will not even allow us to bring up our plan on the floor of the House ... for an up or down vote. That is outrageous."

U.S. Rep. Eliot Engel, D-N.Y., quickly agreed. "We can have democracy in Iraq but not here on the House floor," he fumed.

On the same day, in another part of the Capitol, Senate Minority Leader Tom Daschle vigorously was defending his decision to continue a filibuster preventing an up-and-down vote on judicial nominee Miguel Estrada.

Actually, both Pelosi and Daschle were wrong.

If not for the filibuster, Estrada would be confirmed easily. Daschle, lacking the votes to prevail, is thwarting democracy.

On the House side, however, it would have made no difference if there had been a specific vote on the Democrat plan. There simply were not enough votes to pass it. If there had been, the GOP plan would have failed.

Democracy is obstructed when a vote is denied to keep a bill from passing or a nominee from being confirmed, not when a vote is denied because the legislation has no chance of passing. Pelosi needs to audit a course in Civics 101.

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 5/28/2003 5:11:10 PM
Subject: Tim Campen is asking the Hill for another extension - middle of next week

Not sure what the response from the hill will be - but fyi

From: Kavanaugh, Brett M.
To: <McNally, Edward>
CC: <Dilworth, Monique L.>;<Ehrhardt, Paul A.>;<Greenstone, Adam F.>;<Powell, Benjamin A.>;<Gill, Faisal M.>;<Newstead, Jennifer G.>;<Kavanaugh, Brett M.>;<Bumatay, Patrick J.>;<Stout, Timothy C.>
Sent: 5/28/2003 6:35:10 PM
Subject: Re: QFR request for copies of HSC MOUs

agree

From: Edward McNally on 05/28/2003 05:53:22 PM

Record Type: Record

To: Monique L. Dilworth/OA/EOP@EOP, Paul A. Ehrhardt/OA/EOP@EOP, Adam F. Greenstone/OA/EOP@Exchange@EOP, Benjamin A. Powell/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

Subject: QFR request for copies of HSC MOUs 

Following up on Jen's note, I am told that although they requested the OSTP/OHS MOU last year we did not provide a copy. For the reasons that've been referenced, and unless Brett is aware of a different practice used for similar requests for MOUs from other EOP offices, I concur that neither of the 2 HSC MOUs shld be provided as part of the EOP response.

Benjamin A. Powell

05/28/2003 04:46:34 PM

Record Type: Record

To: Edward McNally/WHO/EOP@EOP

cc: Faisal M. Gill/WHO/EOP@EOP, Jennifer G. Newstead/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Patrick J. Bumatay/WHO/EOP@Exchange@EOP

bcc:

Subject: Re: Cong questions 

A few points:

-Answer to Q 19 states gives details of a signed MOU b/w OHS and OSTP and provides a copy of the MOU

(and the next Q discusses a HSC/NSC MOU). You should check with Brett on whether it is appropriate to disclose such internal agreements. I also seem to recall other MOU type questions in other places in the list of questions.

-Typo in first sentence in Q 21 answer.

-Q 98 states that OA counsel (Greenstone) is going to suggest an answer to the question of whether Gen. Gordon supports the $2 mill "cut" in resources.

I would think this is a HSC/WHCO item to answer. ***IF*** it is answered (a question for Jennifer as it essentially asks for testimony from someone who we would not normally have testify/answer written questions), at most I would think the answer would simply not address the views of Gen. Gordon and state something like "The EOP budget proposal provides the necessary resources for HSC to advise and assist the President. The $2 mill "cut" reference is incorrect because . . . . ($2 mill reflects appropriate adjustments as a result of . . . . . creation of DHS, etc. -- whatever the case is.)"

From: Edward McNally on 05/28/2003 04:21:20 PM

Record Type: Record

To: Benjamin A. Powell/WHO/EOP@EOP

cc:

Subject: Cong questions

---------- Forwarded by Edward McNally/WHO/EOP on 05/28/2003 04:21 PM ----------

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Cong questions

Here are the revised comments for questions:

9-28, 91-99.

This is a clean version and includes comments from Ben Powell. If you would like a track changes version, I can provide that as well.

Faisal

Message Copied To:

faisal m. gill/who/eop@eop

jennifer g. newstead/who/eop@eop

brett m. kavanaugh/who/eop@eop

patrick j. bumatay/who/eop@exchange@eop

Timothy C. Stout/WHO/EOP@EOP

From: Mamo, Jeanie S.
To: <Kavanaugh, Brett M.>;<Snee, Ashley>
Sent: 5/28/2003 8:11:50 PM
Subject: Jacksonville (FL) Times Union EDITORIAL re: Congress: Minority Woes (Estrada)

Wednesday, May 28, 2003

Last modified at 8:06 p.m. on Tuesday, May 27, 2003

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From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/28/2003 4:11:56 PM
Subject: : White House Global Messenger -- 5/29/03
Attachments: P_3FRRG003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:28-MAY-2003 20:11:56.00
SUBJECT:: White House Global Messenger -- 5/29/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 5-29-03 FINAL.doc)

THE GLOBAL MESSENGER
Thursday, May 29, 2003

******KEY POINTS: MIDEAST ROADMAP******
-The roadmap will help guide the parties forward toward realization of the vision presented by the President on June 24, 2002, of two states living side by
side in peace and security.

-President Bush said we would welcome Israeli and Palestinian comments about the
roadmap. Israel has significant concerns about the roadmap. We recognize that
these concerns are real. As we move forward and implement the roadmap, Israel's
concerns will be addressed fully and seriously.

-The Israelis accept the vision of the two state solution as set out in the President's June 24 speech and are prepared to accept the steps laid out in the
roadmap.

-Nobody wants the roadmap to become a roadblock. It is a guide forward, a call
to concrete action.

-We must act. As we move forward to implement the roadmap, we will address all
parties' concerns.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change.
12:15 pm White House Briefing
12:30 pm State Department Briefing

******KEY QUOTE******
"There can be no peace for either side in the Middle East unless there is freedom for both. Reaching that destination will not be easy, but we can see the
way forward. Now the parties must take that way, step by step, and America will

be the active partner of every party that seeks true peace."
--President Bush, 3/14/03

******FACTS: MIDEAST TRIP******
President Bush plans to visit Egypt, Jordan and Qatar from June 2-5, following
his stops in Poland, Russia and France.

-June 3: The President will travel to Sharm el-Sheik, Egypt for a meeting with
Arab leaders. This meeting underscores the importance that President Bush places
on the role of regional partners in building a lasting peace. Many Arab nations
want to play a constructive role, and have been playing a constructive role. The
President hopes to build on those helpful signs.

-June 4: President Bush will meet with King Abdullah in Aqaba, Jordan and,
conditions permitting, with Israeli Prime Minister Sharon and Palestinian Prime
Minister Abbas. The meetings will follow up on this hopeful moment in the Middle
East by bringing the parties together.

-June 5: The President will go to Doha, Qatar to visit with members of the
coalition's Armed Forces.

******MORE FACTS: HIV/AIDS INITIATIVE******
-Because of the AIDS pandemic, a child born today in sub-Saharan Africa has a
life expectancy of 47 years. In the absence of AIDS, it would be 62.

-Nearly 60 percent of those infected in sub-Saharan Africa are women.

-Three million African children under 15 have the virus, and the disease has
left 11 million.

-In the U.S., we have increased spending for domestic HIV prevention, care and
treatment by seven percent in next year's budget.

For more information, please go to www.aids.gov.

THE WHITE HOUSE
Office of Global Communications
For more information log on to
http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining
news and information from the White House.

The White House Office of Global Communications
distributes information about the President's
messages to the world. This office distributes
updates on major international topics such
as the global war on terror, the case for regime
change in Iraq, and more broadly, the ways in
which we can all better communicate the aspirations
and interests that Americans share with freedom-loving
people everywhere.
- GM 5-29-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_3FRRG003_WHO.TXT_1>

THE GLOBAL MESSENGER

Thursday, May 29, 2003

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All Times Eastern Daylight. Subject to Change

12:15 pm White House Briefing

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KEY QUOTE

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THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 5/29/2003 8:23:44 AM
Subject: FW: QFR Extension

-----Original Message-----
From: Gambatesa, Linda M.
Sent: Thursday, May 29, 2003 8:04 AM
To: Litkenhaus, Colleen
Subject: FW: QFR Extension

fyi
-----Original Message-----
From: Campen, Tim
Sent: Thursday, May 29, 2003 7:55 AM
To: Gambatesa, Linda M.
Subject: QFR Extension

Rich Efford, our staff POC at Treasury and Postal, is out of town until sometime Friday. So we'll send him an email and leave him a voice mail asking for an extension until 4 June.

From: Riepenhoff, Allison L.
To: <Schlapp, Matthew A.>;<Litkenhaus, Colleen>;<Gambatesa, Linda M.>;<Kavanaugh, Brett M.>
CC: <Jucas, Tracy>
Sent: 5/29/2003 8:31:31 AM
Subject: Meeting with Joe Hagin

Joe has requested a meeting today re: campaign.

This will take place in the Ward Room at 5:00 pm. Due to the Europe trip tomorrow, this is the only time we can fit this in, I apologize for any inconvenience it may cause.

Thanks!

From: Kavanaugh, Brett M.
To: <Riepenhoff, Allison L.>
Sent: 5/29/2003 8:51:01 AM
Subject: Re: Meeting with Joe Hagin

I will be there

From: Allison L. Riepenhoff/WHO/EOP@Exchange on 05/29/2003 08:31:31 AM

Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP, Colleen Litkenhaus/WHO/EOP@Exchange, Linda M. Gambatesa/WHO /EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc: Tracy Jucas/WHO/EOP@EOP

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From: Riepenhoff, Allison L.
To: <Kavanaugh, Brett M.>;<Litkenhaus, Colleen>;<Gambatesa, Linda M.>;<Schlapp, Matthew A.>
CC: <Jucas, Tracy>
Sent: 5/29/2003 8:55:15 AM
Subject: RE: Meeting with Joe Hagin- please cancel

Sorry for the confusion. We will reschedule soon.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/29/2003 8:56:07 AM
Subject: : Article re 4th Circuit/Luttig & Wilkinson as S. Ct. Candidates

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-MAY-2003 12:56:07.00
SUBJECT:: Article re 4th Circuit/Luttig & Wilkinson as S. Ct. Candidates
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
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TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Jennifer R. Brosnahan (CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [WHO])
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TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

from the May 29, 2003 edition -
http://www.csmonitor.com/2003/0529/p01s01-usju.html
A court of civility and controversial conservatism
The Fourth Circuit's rulings cast a wide influence
By Seth Stern | Staff writer of The Christian Science Monitor
RICHMOND, VA. - The federal court that sits on a gentle slope down here from the former capitol of the Confederacy is nothing if not genteel. The judges who sit on the court are so rooted in civility, in fact, that they step down from the bench after every oral argument and shake hands with attorneys.
It's an atmosphere where southern manners are as common as lengthy legal briefs.
Yet the friendliness in the courtroom perhaps belies the gravity of its decisions: The Fourth Circuit Court of Appeals is at once one of the most influential - and controversial - courts in the country.
For a decade, nominations to this court have spurred some of the most bitter Senate confirmation battles - and are doing so again. The Fourth Circuit rulings, and the conservative law clerks who help write them, often wind up at the Supreme Court, shaping the most sensitive legal issues of the day.

Perhaps most important, should, as expected, a vacancy open with the retirement of a Supreme Court justice at the end of the court's term next month, one of the 4th Circuit's judges might end up making the journey north to Washington.

Two of its 12 sitting judges - J. Michael Luttig and J. Harvie Wilkinson - may be on Bush's short list of Supreme Court nominees.

Messrs. Luttig and Wilkinson are just two of the judicial heavyweights on this conservative-dominated court that hears federal trial court appeals from a five-state region extending from Maryland to South Carolina.

"While you know you are dealing with judges with a conservative ideology, you also know you're dealing with judges who are extremely conscientious and open to quality arguments," says Rod Smolla, dean of the University of Richmond's law school.

That conservatism is evident in rulings scaling back everything from employment-discrimination claims to criminal procedural protections such as the Miranda warning. Death-row inmates here have one of the lowest success rates in getting their appeals heard of any of the 12 federal circuits.

Such novel positions often invite Supreme Court review, says Dave Douglas, a law professor at William & Mary law school in Williamsburg, Va. They also make the court a favorite for conservative lawyers. Observers say the court's stances on law and order help explain why the Justice Department chose to hold prominent post-Sept. 11 terrorist suspects within the Fourth Circuit's territory.

Both alleged 20th hijacker Zacarias Moussaoui and American Taliban John Walker Lindh were indicted in a federal court in eastern Virginia, while Yaser Esam Hamdi and alleged dirty bomber Jose Padilla are both in military brigs within its jurisdiction. Any appeals about the detentions land in the Fourth Circuit's dockets, which has so far shown little sympathy to legal challenges on the issue.

"That court has shown a unique willingness to be very activist," says a law professor who once clerked for a Fourth Circuit judge.

President Bush may now turn to the Fourth circuit for Supreme Court nominees. Professor Smolla suggests he may consider either Luttig, a conservative in the tradition of Clarence Thomas and Antonin Scalia, or Wilkinson, a more moderate jurist.

Yet a study of judicial decisions by potential Bush Supreme Court nominees published by the American Judicature Society found Wilkinson exhibited a record of "exceptional conservatism," particularly in the areas of criminal justice and economics.

In a phone interview, Wilkinson rejected such labels. "I've never asked if something is conservative or liberal," he says. "I think the judge's perspective on the bench is focused very precisely on the individual parties and the individual questions in a single case."

Even if Luttig is not tapped for the Supreme Court, his influence on the court is extensive. His clerks, who help judges write draft opinions after graduating from law school, often end up later clerking for Supreme Court justices. Luttig himself clerked for Justice Scalia before ushering Clarence Thomas' nomination through the Senate as a Justice Department attorney.

The Fourth Circuit's current posture somewhat belies its past. In the 1960s and '70s, the tribunal earned a reputation as a leader in civil rights. But many judges of that era ended up retiring during the Reagan years, allowing the former president to restock the court with more conservative jurists.

President Bush, for his part, has already shown a desire to continue the Fourth Circuit's tilt to the right but also to increase the number of minorities on the bench.

The court's jurisdiction has the highest minority population of any in the country.

Yet it didn't get its first African-American until 2001, when Mr. Bush nominated Roger Gregory. Judge Gregory was something of an anomalous appointment for Bush: He was tapped for the bench by President Clinton,

during a Senate recess, after strong opposition from Republicans. Bush later reaffirmed the appointment, which was temporary.

The court's three current vacancies have been the subject of far more acrimony, again going back to the Clinton era. Republican senators led by Jesse Helms of North Carolina blocked the nomination of four Clinton nominees to the court. Senate Democrats have since returned the favor, blocking the nomination of Terrence Boyle, a former aide to Sen. Helms.

President Bush's two most recent nominations - two conservative African-Americans, including Allyson Duncan, who would be the court's first black woman - stand a better chance of getting confirmed.

Still, lawyers who argue before the court say a conservative majority doesn't mean its decisions are a forgone conclusion.

Similarly, members of the court's Democratic minority say they feel comfortable serving here. "There's a long tradition of judges on the court getting along well with one another and having respect for each other on a personal level," says Judge M. Blane Michael of West Virginia, a Clinton appointee.

Unlike other circuits, all the Fourth Circuit's judges meet during the same week each month. The handshakes also help maintain a cordial atmosphere."It's really important to treat litigants with respect," says Wilkinson. "I'd rather go down from the bench than simply disappear behind a curtain."

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 5/29/2003 9:42:55 AM
Subject:

Bush Camp Seeks To Mobilize Evangelical Base For 2004. Howard Fineman writes on the Newsweek web site (5/28), "The Bush Crowd loathes talking to the press, but they don't hide their aims. Their straightforward goal for '04 is to boost turnout of 'The Base' -- defined, in the modern Republican Party, as voters who practice traditional religions in traditional ways. That means evangelical Christians, of course, but also, and increasingly, socially conservative (if economically liberal) Roman Catholics, adherents of various strains of Eastern Orthodoxy and non-Reform Jews. Here's one of the most salient facts of politics today: There is a close and growing correlation between dutiful church attendance and identification with the GOP. The president's visit to Krakow-the start of a trip that will include stops in Russia, France and the Middle East-is perfectly timed. He'll be there on Saturday, so that news of his visit to the hometown of the Polish Pope will be in every Sunday paper. You think they'll notice that in, say, Pittsburgh or Chicago? I asked Karl Rove more than a year ago what his goal was for '04. His straightforward, unblinking answer: to increase evangelical turnout." Fineman continues, "You don't tend to think of the Department of the Interior as a hotbed of religiosity or, for that matter, the Federal Emergency Management Agency. Sure enough, though, FEMA recently decided to allow religious groups to be paid for taking part in storm and earthquake relief efforts. And the Department of Housing and Urban Development is funneling money into construction of religious centers, as long as the dominant purpose of the structure is 'social service.'" **Fineman also notes, "There's only one high-profile matter that is truly risky: the choice of a nominee for the Supreme Court. To make this strategy work, the president has to pick a religious traditionalist of some kind, which means one who openly-proudly-opposes abortion and favors a Human Life Amendment to the constitution. That kind of nominee would generate the kind of fight the White House doesn't really want to see, for it could mobilize the other side. Better to fly below radar. Which is why, inside the White House, they might want to invent their own kind of religious practice: praying for the health of the members of the High Court."**

From: Farrell, J. Elizabeth
To: <Bumatay, Patrick J.>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Ganter, Jonathan F.>;<Francisco, Noel J.>;<Bartolomucci, H. Christopher>;<Carroll, James W.>;<Everson, Nanette>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>;<Zimmerman, Mara>;<Brosnahan, Jennifer R.>
Sent: 5/29/2003 11:07:09 AM
Subject: ALL West Wing Tours Are Cancelled Tonight...

including tours before 8pm, due to the Yale Reunion.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 5/29/2003 2:03:24 PM
Subject: Estrada column in NR

Masters of Obstruction

The Estrada roadblock continues.

By Mario H. Lopez

Senate Democrats' opposition to a first-rate Hispanic's judicial nomination should come as no surprise given the Democratic party's long history of obstruction on issues of race and equal opportunity. This statement may seem bold — the Democrats are constantly advertising themselves as the party of minorities — but the facts surrounding Miguel Estrada's nomination leave room for no other conclusion.

For two years, Democrats have played political games, offered racial insults, and finally resorted to the favorite parliamentary tool of past equal-opportunity obstructionists — the filibuster.

Miguel Estrada, nominee to the U.S. Court of Appeals for the District of Columbia, is a proud example of the American dream. He came here as a high-school student speaking little English. Before ascending to his current position at a leading Washington law firm, he graduated magna cum laude from Harvard Law School, clerked for both a Supreme Court justice and a Court of Appeals justice, argued 15 cases before the Supreme Court, and served as assistant to the solicitor general under presidents Bill Clinton and George H. W. Bush.

Estrada's impressive resume includes more experience than those of many past nominees. Indeed, five of the eight judges currently on the D.C. Circuit had had no prior judicial experience. And the American Bar Association, which routinely rates judicial picks, gave Estrada their highest rating.

Now, despite having enough votes to be confirmed, Estrada is blocked — because Senate Democrats absolutely refuse to allow his nomination a vote, as the Constitution requires. Estrada has the support of 55 of senators, but 60 votes are required to break the filibuster. This month, Democrats succeeded for the sixth time in blocking a cloture motion — which would stop debate and allow a vote — and so continued the first filibuster of an Appeals court nominee.

Democrats claim that Estrada has no support in the Hispanic community — even though not one membership-based Hispanic organization opposes Estrada. The racial attack peaked when Rep. Bob Menendez sneered that Estrada *isn't Hispanic enough*.

"Being Hispanic means for us much more than having a surname," Menendez said — although he failed to list the official requirements for Hispanic-ness. If Menendez has such a list, perhaps he should send it to the Honduran-born Estrada.

For the Left's racial demagogues and self-appointed thought police, all minorities *must* think alike. Of course, the

only views considered acceptable are those backing policies that keep minorities firmly under the thumb of government programs the Left controls.

Currently, the "substantive" anti-Estrada argument rests on two assertions: first, that he hasn't answered enough questions, and second, that the administration will not release memos he wrote while serving as assistant to the Solicitor General.

Because the Solicitor General represents the government, the memoranda in question fall under attorney-client privilege. Every living SG agrees that releasing them would do long-term harm to the Justice Department (of the seven SGs, four are Democrats, and three are Republicans). Tellingly, producing such documents has not been required of past nominees.

Clinton SG Seth Waxman, one of Estrada's former bosses, wrote that he has "great respect both for Mr. Estrada's intellect and for his integrity" and that Estrada is "a model of professionalism and competence."

The lack of credible opposition to Estrada and the flimsy arguments, thinly-veiled racial epithets, and political tricks are all just a continuation of Democratic party opposition to equal opportunity.

In the 1930s, Democrats filibustered to death a federal anti-lynching bill that passed the House several times. Civil-rights litigation was repeatedly derailed in the 1950s by Democratic filibusters or threats thereof. Democrats filibustered the 1964 Civil Rights Act for 74 days, and in 1963, Democratic governor George Wallace physically blocked the schoolhouse door to prevent two black students from entering the University of Alabama.

Today, Senate Democratic leader Tom Daschle is blocking the courthouse door, refusing to give a vote to a nominee who would be the first Hispanic on the D.C. Circuit Court.

If the Democrats were forced to filibuster the old-fashioned way — by being required to speak continuously — perhaps they would take their place alongside brethren like ex-Sen. Strom Thurmond. As an opponent of desegregation — and a Democrat — Thurmond spoke for 24 hours and 18 minutes in opposition to the 1957 Civil Rights Act.

Could Thurmond's record be broken? Given the contempt fueling opposition to a fair vote for Miguel Estrada, it is possible. At any rate, past Democrats would certainly have been proud of the party's obstructionist success so far.

— Mario H. Lopez is a writer and communications consultant in Arlington, Va.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/29/2003 10:17:09 AM
Subject: : Estrada column in NR

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-MAY-2003 14:17:09.00
SUBJECT:: Estrada column in NR
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
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TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
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TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
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From:	Mamo, Jeanie S.
To:	<Johnson, Collister W.>;<Rachelson, David B.>;<Kavanaugh, Brett M.>;<Sampson, Kyle>; <Snee, Ashley>
Sent:	5/29/2003 2:22:08 PM
Subject:	Charlotte Observer (5/29/03) re: Shappert closes in on chief prosecutor's job

Posted on Thu, May. 29, 2003

Shappert closes in on chief prosecutor's job

Edwards signals support for Charlotte lawyer nominated by Bush

GARY L. WRIGHT

Staff Writer

Veteran Charlotte prosecutor Gretchen Shappert received good news Wednesday in her bid to become chief federal prosecutor for the Western District of North Carolina.

U.S. Sen. John Edwards, D-N.C., returned a blue slip to the Senate Judiciary Committee giving the go-ahead to hold a confirmation hearing on whether Shappert should be named U.S. Attorney for Charlotte and the state's western district.

"I'm gratified by this expression of support and grateful that the process has moved along promptly," Shappert, 47, said.

U.S. Sen. Elizabeth Dole, R-N.C., had already returned a blue slip for Shappert.

But Shappert must overcome yet another hurdle.

She won't likely get her confirmation hearing until her boss, U.S. Attorney Bob Conrad, gets a federal judgeship.

President Bush in April nominated Conrad to one of two newly created federal judgeships for the Western District of North Carolina.

Three days later, the president nominated Shappert to replace Conrad as U.S. attorney.

Dole has returned the blue slip to the Senate Judiciary Committee for Conrad.

Edwards, who sits on the committee, has not.

Michael Briggs, Edwards' press secretary, said last week the senator is trying to learn more about Conrad.

On Wednesday, Briggs said: "The senator continues to review the nomination of Mr. Conrad for a district court judgeship."

Senators from home states of judicial nominees can hold up confirmation hearings indefinitely by not sending back blue slips to the judiciary committee.

The return of the slips often signals that the senators have no serious reservations about the nominees' qualifications.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;David B. Rachelson/WHO /EOP@EOP [WHO] <David B. Rachelson>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>
Sent: 5/29/2003 10:35:16 AM
Subject: : Charlotte Observer (5/29/03) re: Shappert closes in on chief prosecutor's job

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-MAY-2003 14:35:16.00
SUBJECT:: Charlotte Observer (5/29/03) re: Shappert closes in on chief prosecutor's job
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David B. Rachelson (CN=David B. Rachelson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Posted on Thu, May. 29, 2003

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From: Thomas, Ginni <ginni.thomas@heritage.org>
To: Government Relations <GovernmentRelations@heritage.org>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/29/2003 11:20:16 AM
Subject: : Heritage Update - Recent Publications and Upcoming Events - May 29, 2003
Attachments: P_VVNSG003_WHO.TXT_1.htm

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CREATOR:"Thomas, Ginni" <ginni.thomas@heritage.org> ( "Thomas, Ginni"
<ginni.thomas@heritage.org> [ UNKNOWN ] )
CREATION DATE/TIME:29-MAY-2003 15:20:16.00
SUBJECT:: Heritage Update - Recent Publications and Upcoming Events - May 29, 2003
TO:Government Relations <GovernmentRelations@heritage.org> ( Government Relations
<GovernmentRelations@heritage.org> [ UNKNOWN ] )
READ:UNKNOWN
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

New efforts are underway here on regulations - if you have ideas, please
call me. Ginni

<http://www.heritage.org/emails/hidden/heritage_update.gif>
<http://www.heritage.org/> <http://www.heritage.org/research/>
<http://www.heritage.org/press/dailybriefing/>
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May 29, 2003

Bottom
<http://www.heritage.org/customcf/rsvp/index.cfm?EventID=ev060203a&EventDat
e=2003-06-02&EventTitle=GRMedicareReform> Line on Medicare Reform:
Pitfalls and Possibilities:
<http://www.heritage.org/customcf/rsvp/index.cfm?EventID=ev060203a&EventDat
e=2003-06-02&EventTitle=GRMedicareReform> Representatives from three of
Washington's leading market-oriented research institutions will provide an
overview of the challenges facing Congress in adding a prescription drug
benefit to Medicare while improving the financially-troubled program. They
will offer guidance to policymakers to help them avoid the pitfalls in
Medicare reform. Monday,
June 2nd 12:00 noon B-339 Rayburn Building

Foreign and Defense Policy:

<http://www.heritage.org/Press/Commentary/ed052903a.cfm> Sending a Strong
Message to Iran by Peter Brookes

<http://www.heritage.org/Press/Commentary/ed052203a.cfm> Ending
Appeasement in the Kingdom by Peter Brookes

<http://www.heritage.org/Press/Commentary/ed052703a.cfm> Energy Security
at Risk by Ariel Cohen

<http://www.heritage.org/Press/Commentary/ed052703c.cfm> America:
Defenders of Islam by Joseph Loconte

<http://www.heritage.org/Press/Commentary/ed052803a.cfm> Putting China on
Notice by John Tkacik

<http://www.heritage.org/Research/AsiaandthePacific/wm280.cfm> The
Bush-Koizumi Summit: Forging Cooperation in Crawford by Balbina Hwang

<http://www.heritage.org/Research/LatinAmerica/EM881.cfm> Restructure Aid
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to Colombia by Stephen Johnson

Domestic Policy:

<http://www.heritage.org/Press/Commentary/ed052903b.cfm> A World of Difference by Dr. Edwin Feulner

Economic <http://www.heritage.org/Research/Taxes/wm281.cfm> Impact Analysis of the Jobs and Tax Relief Reconciliation Act of 2003 by William Beach, Alfredo Goyburu, and Rea Hederman

<http://www.heritage.org/Research/Budget/wm283.cfm> What Unfunded Mandates? CBO Study Reveals Washington not at Fault for State Budget Crises by Brian Riedl

<http://www.heritage.org/Research/HealthCare/wm279.cfm> Building A Better Medicare Program: The Senate Aging Committee's Focus on Patient Choice and Market Competition by Derek Hunter

<http://www.heritage.org/Research/HealthCare/bg1655.cfm> Government Controls on Access to Drugs: What Seniors Can Learn from Medicaid Drug Policies
by Derek Hunter

<http://www.heritage.org/Research/HealthCare/wm282.cfm> Why Maine Rx Is the Wrong Model For Improving Access to Prescription Drugs by Nina Owcharenko

<http://www.heritage.org/Research/SocialSecurity/EM883.cfm> Social Security Reform Must Protect the Benefits of the Disabled by David John

<http://www.heritage.org/Research/SmartGrowth/EM882.cfm> New Highway Proposal Fights Congestion with Fee-Based Express Lanes by Ron Utt

<http://www.heritage.org/Press/Commentary/ed052703b.cfm> Sex and abstinence: Wait loss by Rebecca Hagelin

<http://www.heritage.org/Press/Commentary/ed052303.cfm> Now it Can Be Said by Rebecca Hagelin

<http://www.heritage.org/press/events/>

<http://www.heritage.org/press/events/ev053003b.cfm> Communism to Democracy: Lessons from Mongolia on the Eve
Fri., May 30, 10:00 am

<http://www.heritage.org/press/events/ev053003a.cfm> A Critique of Sound Science at the EPA
Fri., May 30, 12:00 noon

The Bottom Line on Medicare Reform: Pitfalls and Possibilities
Mon., June 2, 12:00 Noon

Room B-339
Rayburn House Office Building

<http://www.heritage.org/customcf/rsvp/index.cfm?EventID=ev060203a&EventDat
e=2003-06-02&EventTitle=GRMedicareReform> Click here to RSVP

<http://www.heritage.org/press/events/ev060403a.cfm> Innovative
Alternatives to the Gas Tax for Funding Transportation Programs
Wed., June 4, 12:00 noon

<http://www.heritage.org/Press/Events/ev060503a.cfm> The United States,
the United Nations and the Future of the Nation State
Thurs., June 5, 12:00 noon
<http://www.heritage.org/Press/Events/ev061103a.cfm> Iraq Economic
Reform: Lessons Learned from Central Europe and Eurasia
Wed., June 11, 12:00 noon
Heritage Book Event
<http://www.heritage.org/Press/Events/ev061703a.cfm> Faith Beyond Belief:
A Journey to Freedom
Tues., June 17, 12:00 noon
<http://www.heritage.org/Press/Events/> Full event schedule |
<http://www.heritage.org/Press/Events/archive.cfm> Video archive
<http://www.heritage.org/emails/hidden/must_reads.gif>
<http://www.heritage.org/Research/NationalSecurity/wm273.cfm> Reclaiming
America's Voice Overseas
by Stephen Johnson and Helle Dale
<http://www.heritage.org/Research/HealthCare/WM208.cfm> Getting The
Details Right: The Key Do's And Don'ts Of Medicare Reform
by Robert E. Moffit, Ph.D.
<http://www.heritage.org/Research/Taxes/wm281.cfm> Economic Impact
Analysis of the Jobs and Tax Relief Reconciliation Act of 2003
by William W. Beach, Alfredo Goyburu, and Rea S. Hederman
Government Relations
<http://www.heritage.org/about/staff/michaelfranc.cfm> Michael Franc
Vice President, Government Relations
Contact: 202-608-6064
Executive Branch Relations
<http://www.heritage.org/about/staff/virginiathomas.cfm> Virginia Thomas
Director, Executive Branch Relations
Contact: 202-608-6240
Meredith Karre (<mailto:%20meredith.karre@heritage.org> email)
Deputy Executive Branch Liaison
Contact: 202-608-6058
<http://www.heritage.org/emails/hidden/GR_heritageResources.gif>
<http://www.heritage.org/about/community/insider/> The Insider
<http://www.policyexperts.org/> Policy Experts
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Society Database
<http://www.heritage.org/About/Staff/experts.cfm> Heritage Experts
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Virginia (Ginni) Thomas, Director
Executive Branch Relations
The Heritage Foundation
214 Mass. Ave., NE
Washington, D.C. 20002
(202) 608-6240 and (202) 608-6068 (fax)
ginni.thomas@heritage.org
www.heritage.org

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_VVNSG003_WHO.TXT_1>

New efforts are underway here on regulations - if you have ideas, please call me. Ginni



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The Heritage Foundation
21 4 Mass. Ave., NE
Washington, D.C. 20002
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ginni.thomas@heritage.org
www.heritage.org

May 29 , 2003 </TR>

Bottom Line on **Medicare Reform: Pitfalls and Possibilities:** & nbsp;Representative s from three of Washington's leading market-oriented research institutions will provide an overview of the challenges facing Congress in adding a prescription drug benefit to Medicare while improving the financially-troubled program. They will offer guidanc e to policymakers to help them avoid the pitfalls in Medicare reform.
& nbsp; &n bsp; Monday, **June 2nd** 12:00 noon **B-339 Rayburn Building**
& nbsp; &n bsp; &nb sp; &nbs p;

Foreig n and Defense Policy:

Sending a Strong Message to Iran by Peter Brookes

Ending Appeasement in the Kingdom by Peter Brookes

Energy Security at Risk by Ariel Cohen

America: Defenders of Islam by Joseph Loconte

Putting China on Notice by John Tkacik

The Bush-Koizumi Summit: Forging Cooperatio n in Crawford by Balbina Hwang
& nbsp; &n bsp; &nb sp; &nbs p; Restructure Aid to Colombia by Stephen Johnson

Domestic Policy:

A World of Difference by Dr. Edwin Feulner

Econo mic Impact Analysis of the Jobs and Tax Relief Reconciliation Act of 2003
by William Beach, Alfredo Goyburu, and Rea Hederman

What Unfunded Mandates? CBO Study Reveals Washington not at Fault for State Budget Crises
by Brian Riedl

Building A Better Medicare Program: The Senate Aging Committee's Focus on Patient Choice and Market Competition by Derek Hunter

Government Controls on Access to Drugs: What Seniors Can Learn from Medicaid Drug Policies
by Derek Hunter
&nbs p;
Why Maine Rx Is the Wrong Model For Improving Access to Prescription Drugs by Nin a Owcharenko

Social Security Reform Must Protect the Benefits of the Disabled by David John

New Highway Proposal Fights Congestion with Fee-Based Express Lanes by Ron Utt

Sex and abstinence: Wait loss by Rebecca Hagelin

Now it Can Be Said by Rebecc a Hagelin
< /DIV>

< /DIV>

< /DIV>

Communism to Democracy: Lessons from Mongolia on the Eve
Fri., May 30, 10:00 am

A Critique of Sound Science at the EPA
Fri., May 30, 12:0 0 noon

The Bottom Line on Medicare Reform: Pitfalls and Possibilities
Mon., June 2, 12:00 Noon
Room B-339
Rayburn House Office Building
Click here to RSVP

Innovative Alternatives to the Gas Tax for Funding Transportation Programs
Wed., June 4, 12:00 noon

The United States, the United Nations and the Future of the Nation State
Thurs., June 5, 12:00 noon

Iraq Economic Reform: Lessons Learned from Central Europe and Eurasia
Wed., Jun e 11, 12:00 noon

Heritage Book Event
Faith Beyond Belief: A Journey to Freedom
Tues., June 17, 12:00 noon

Full event schedule | Video archive

Reclaiming America's Voice Overseas
by Stephen Johnson and Hell e Dale

Getting The Details Right: The Key Do's An d Don'ts Of Medicare Reform
by Robert E. Moffit, Ph.D.

Economic Impact Analysis of the Jobs and Tax Relief Reconciliation Act of 2003
by William W. Beach, Alfredo Goyburu, and Rea S. Hederman

Government Relations

Michael Franc
Vice President, Government Relations
Contact: 202-608-6064

Executive Branch Relations

Virginia Thomas
Director, Executive Branch
Relations
Contact: 202-608-6240

Meredith Karre (email)
Deputy Executive Branch Liaison
Contact: 202-608-6058



The Insider

Policy Experts

Family and Society Database

Heritage Experts

Press Room

Heritage Live Events

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Sampson, Kyle>
Sent: 5/29/2003 5:09:13 PM
Subject: Baltimore Sun (traditionally very liberal) editorial on CA4

4th Circuit balance

Originally published May 27, 2003

THE BUSH administration should withdraw the nomination of Claude A. Allen to the 4th U.S. Circuit Court of Appeals for many reasons, principally his lack of experience. But an equally important consideration is preserving a semblance of balance on a court that observers say is already the most conservative in the nation.

The nomination of Mr. Allen further aggravates the imbalance. His nomination is also an affront to the legacy of Francis D. Murnaghan Jr., whose seat on the bench Mr. Allen would fill. Judge Murnaghan, who died in 2000, was a liberal thinker, a progressive and a distinguished advocate of civil rights. That point of view deserves to be heard on any court, this one in particular.

Courts are in the business of dispensing justice or, in the case of an appeals court, deciding whether justice was served in lower-court decisions. To achieve that result, a court such as the 4th Circuit should have a variety of viewpoints. Right now, the court falls to the right of the U.S. Supreme Court, which recently overturned a 4th Circuit decision that would have nullified the Miranda ruling that mandates advising an accused of his or her rights.

There is no requirement that this court have a Maryland seat - or a "Murnaghan seat," as some in the Maryland bar think of it. But by tradition the seat has been filled by a Marylander. Now, as a direct result of judicial politics, the seat has been given to Virginia. The first nominee for this seat, Peter D. Keisler of Bethesda, was rejected by Maryland's Democratic senators, Paul S. Sarbanes and Barbara A. Mikulski, because he was not a member of the Maryland bar. Surely a judge filling a Maryland seat should have that threshold qualification.

Now Mr. Bush has kept the Maryland senators out of the fray by choosing someone from another state. Other senators, worried about attempts to thwart their will, may wish to join the Marylanders in an effort to head off the Allen nomination. A better solution would be withdrawing Mr. Allen in favor of a Marylander. No doubt the Republican Party of Maryland would want to see that occur given the importance of judgeships in the world of judicial politics and patronage.

Gov. Robert L. Ehrlich Jr., a Republican, should exercise whatever clout he has in the White House to put a Marylander in the Maryland seat.

It's one of those moments when partisanship has some virtue.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/29/2003 1:11:22 PM
Subject: : Baltimore Sun (traditionally very liberal) editorial on CA4

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-MAY-2003 17:11:22.00
SUBJECT:: Baltimore Sun (traditionally very liberal) editorial on CA4
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
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From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/29/2003 4:57:17 PM
Subject: : White House Global Messenger -- 5/30/03
Attachments: P_DD2TG003_WHO.TXT_1.doc

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CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:29-MAY-2003 20:57:17.00
SUBJECT:: White House Global Messenger -- 5/30/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 5-30-03 FINAL 1.doc)

THE GLOBAL MESSENGER
Friday, May 30, 2003

******KEY POINTS: THE LATEST ON WMD******
"You have to believe that Saddam Hussein was willing to live under sanctions for
12 years, for no good reason, if you really believe that he was not hiding a
weapons of mass destruction program. I just don't think that argument is credible."
--National Security Advisor Rice, 5/28/03

-President Bush has made identifying and eliminating Iraq's weapons of mass destruction a top priority.

-We've had a major development in finding biological weapons labs, which correspond to the sketches that Secretary Powell showed at the UN.

-We are interviewing scientists and recovering documents.

-The process of identifying and verifying WMD is complicated and lengthy because
the Iraqi regime designed these programs to deceive. The U.S. government has
always expected the disarmament of Iraq to be a difficult and lengthy process.

-The Coalition is taking a comprehensive approach by:
-Obtaining the cooperation of key Iraqi personnel
-Accessing and assessing possible sites
-Obtaining and examining key documents and computers

-The Iraqi regime devised many concealment and deception tools.
-Iraq's "just-in-time inventory" allowed them to put together weapons at the
last moment.
-Many facilities were inspections-proof. The Iraqis embedded as much as they
could in the "dual-use infrastructure," allowing them - for example - to make as
much as 50 percent more chlorine than needed.
-The making of chlorine looks perfectly innocent, but it is a precursor

for some
chemical weapons.

******TODAY'S SCHEDULE******
President Bush travels to Poland, Russia, France, Egypt, Jordan and Qatar
State Department Briefing to be announced

******MIDDLE EAST ROADMAP******
"I'm committed to working toward peace in the Middle East... I understand
it's
going to be difficult to achieve peace, but I believe it can happen."
--President Bush, 5/23/03

The President believes that there is a new opportunity for peace. Also,
now that
Iraq has been liberated a new Palestinian leadership is emerging and an
obstacle
to peace has been removed.

-The Israeli government has accepted the steps in the Roadmap.
-The parties have indicated they are ready to make real progress toward
peace
and security.
-We are committed to helping the parties move forward with concrete steps
toward
peace.

******AIDS IN AFRICA******
President Bush's five-year $15 billion Emergency Plan for AIDS will help
the
most afflicted countries in Africa and the Caribbean: Botswana, Cote
d'Ivoire,
Ethiopia, Guyana, Haiti, Kenya, Mozambique, Namibia, Nigeria, Rwanda, South
Africa, Tanzania, Uganda, and Zambia.

The initiative includes $10 billion in new funds - nearly tripling the U.S.
commitment to international AIDS assistance.

THE WHITE HOUSE
Office of Global Communications
For more information log on to
http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining
news and information from the White House.

The White House Office of Global Communications
distributes information about the President's
messages to the world. This office distributes
updates on major international topics such
as the global war on terror, the case for regime
change in Iraq, and more broadly, the ways in
which we can all better communicate the aspirations
and interests that Americans share with freedom-loving
people everywhere.
- GM 5-30-03 FINAL 1.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_DD2TG003_WHO.TXT_1>

THE GLOBAL MESSENGER

Friday, May 30, 2003

TODAY'S SCHEDULE

All Times Eastern Daylight. Subject to Change

President Bush travels to Poland, Russia, France, Egypt, Jordan and Qatar

State Department Briefing to be announced

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  - The making of chlorine looks perfectly innocent, but it is a precursor for some chemical weapons.

THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: Jones, Brian <Brian.Jones@ed.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/29/2003 7:25:46 PM
Subject: : Use of private aircraft
Attachments: P_7E3TG003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Jones, Brian" <Brian.Jones@ed.gov> ( "Jones, Brian" <Brian.Jones@ed.gov> [ UNKNOWN
] )
CREATION DATE/TIME:29-MAY-2003 23:25:46.00
SUBJECT:: Use of private aircraft
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Hey, Brett. Quick question, what's the current administration view on the
use of private aircraft? Our Deputy Under Secretary for Safe and Drug Free
Schools is going to be in CA next week and for his return to DC has been
offered a seat on Arnold Schwartzenegger's private plane. AS is flying back
to DC for the Secretary's summit on after school programs, at which the
Deputy US will also be a participant. I recall from our ethics briefing
with
you that you folks were working on a policy on the use of private aircraft
so want to check in with you before I get back to our folks.

Thanks much.

B
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Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7E3TG003_WHO.TXT_1>
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B

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 5/30/2003 7:33:25 AM
Subject: FW: Colin Newman

FYI
-----Original Message-----
From: Bolten, Joshua B.
Sent: Thursday, May 29, 2003 9:27 PM
To: Leitch, David G.
Subject: Colin Newman

Colin, who is applying for a paralegal position, was a volunteer/intern on my campaign policy staff. Good guy, strong GWB supporter, hard worker. Let me know if you'd like more. thx jb

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jones, Brian <Brian.Jones@ed.gov>
Sent: 5/30/2003 3:35:46 AM
Subject: : Re: Use of private aircraft
Attachments: P_5I6TG003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-MAY-2003 07:35:46.00
SUBJECT:: Re: Use of private aircraft
TO:"Jones, Brian" <Brian.Jones@ed.gov> ("Jones, Brian" <Brian.Jones@ed.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

This is an official trip, correct? If so, then apply the standard regs on use of corporate aircraft for official trips. If a political trip, give me a call.

"Jones, Brian" <Brian.Jones@ed.gov>
05/29/2003 11:24:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Use of private aircraft

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B

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: Kavanaugh, Brett M.
To: <Kaplan, Joel>
Sent: 5/30/2003 7:40:54 AM
Subject:

Donation To GOP From Tribe Seeking Meeting With Norton Draws Attention. The AP (5/30, Yost) reports, "Just months after President Bush took office, the Republican Party accepted a $100,000 check from an Indian tribe seeking help in getting a meeting with Interior Secretary Gale Norton, according to internal GOP records. After the check was sent, the lobbyist for the Agua Caliente Indian band sent a thank-you letter to the GOP suggesting Norton's office was considering its meeting request. The leader of the tribe eventually got to air its concerns to the interior secretary during a congressional tour near the tribe's home in Palm Springs, Calif." Republican Party "officials say tribal officials were never promised anything in return for their six-figure check in 2001. 'We may pass along a request, but that's the extent of it,' said Jim Dyke, a spokesman for the Republican National Committee." Agua Caliente tribal chairman Richard Milanovich "said Thursday there was no connection between the tribe's check and the request for a meeting with Norton, adding, 'It wasn't to look for any particular favors from anyone.'"

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/30/2003 7:47:03 AM
Subject: Re: Mtg re: Leon Holmes

Is this on?

From: Carolyn Nelson/WHO/EOP@Exchange on 05/28/2003 06:11:08 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP

cc:

Subject: Mtg re: Leon Holmes

Chris/Brett-

Can you make a 9 am on Friday re: Holmes? Meeting will be in the Judge's Office.

From: Thomas, David M.

To: <Opa - Political Affairs>;<Osi - Strategic Initiatives>;<Opl - Public Liaison>;<Office Of Media Affairs>;<Loper, Ginger G.>;<Marsh, Robert>;<Iga Intergovernmental Affairs>;<Kavanaugh, Brett M.>;<Loy Cabinet Affairs, Carrie B.>;<Kozberg, Lindsey C.>;<Kuo, David>;<Kaplan, Joel>;<Bennett, Melissa S.>;<Litkenhaus, Colleen>;<Estes, Ashley>;<Gottesman, Blake>;<Miers, Harriet>;<McConnell, John P.>;<Jenkins, Gregory J.>;<Beyer, Todd W.>;<Heath, Michael>;<Montgomery, Brian D.>;<Hill, David H.>;<Hogan, Elizabeth>;<Powell, Dina>;<Blakeman, Bradley A.>;<Gray, Adrian G.>;<Figg, Kara G.>;<Ralston, Susan B.>;<Hernandez, Israel>;<Hager, Henry C>;<Rove, Karl C.>;kr@georgewbush.com <kr@georgewbush.com>;kmehlman@georgewbush.com <kmehlman@georgewbush.com>;kmehlman@georgewbush.com <Martin, Catherine J.>;kmehlman@georgewbush.com <Millerwise, Jennifer>;kmehlman@georgewbush.com <Wilmot, Daniel K.>;kmehlman@georgewbush.com <Fuentes, Jose A.>;kmehlman@georgewbush.com <McCormack, Brian V.>;kmehlman@georgewbush.com <Kleppe, Elizabeth W.>;kmehlman@georgewbush.com <Hughes, A. Merrill>

Sent: 5/30/2003 7:52:49 AM

Subject: Thank you

As many of you know today is my last day at the White House. I wanted to take this opportunity to express my gratitude to all of you for all that you have done to make this extraordinary experience so enjoyable. Working with all of you and serving the President has been the most incredible and rewarding professional experience of my life. Every day I have worked here, I have been reminded of what a rare and special privilege it is to serve in this place and to assist the President and his staff in carrying out their awesome responsibility to the Nation.

Best wishes to all of you in your continued service to President Bush, and for all the challenges that lie ahead.

Sincerely yours,

DT

My new contact information is as follows:

David Thomas

Chief of Staff

Congressman Tom Davis, VA-11

2348 RHOB

Washington, DC 20515

202-225-1492

dthomas@mail.house.gov

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 5/30/2003 9:19:11 AM
Subject: read this

http://tedstrong.com/estradaclash.shtml

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 5/30/2003 11:30:56 AM
Subject: St. Pete (FL)Times (5/30/03) EDITORIAL re: A terrible court choice

A terrible court choice

A Times Editorial

© St. Petersburg Times

published May 30, 2003

While high-profile battles rage in the Senate over some of President Bush's more controversial nominees to the federal appellate bench, less attention is being paid to his district court picks. One, James Leon Holmes, an attorney in private practice in Arkansas, is particularly worrisome. The choice of Holmes is further evidence that Bush is trying to pack the courts with conservative ideologues.

Holmes, a former president of Arkansas Right to Life, is a man whose view of the world is so dated and backward that he shouldn't be put in charge of a classroom, much less a federal district courtroom. He questions the basic premise of gender equality. In a 1997 article he co-wrote with his wife, Holmes states that the Bible dictates a subordinate role for wives, saying "the woman is to place herself under the authority of the man." He writes that choosing any other way is "distorting the relationship between male and female" and "is as sacrilegious as profaning any of the other sacraments."

The article excoriates modern feminism, charging that it has brought society "artificial contraception and abortion on demand with recognition of homosexual liaisons soon to follow."

"No matter how often we condemn abortion," Holmes writes, "to the extent we adopt the feminist principle that the distinction between the sexes is of no consequence and should be disregarded in the organization of society . . . we are contributing to the culture of death."

In other writings Holmes has equated abortion rights supporters with Nazis, and he dismissed concerns over the impact of a total ban on abortion on rape victims with the inaccurate and compassionless assertion that "conceptions from rape occur with approximately the same frequency as snowfall in Miami." He has said since he regrets that comment.

This is the man Bush has plucked from obscurity to elevate to the federal bench. Senate Democrats may not have handled every judicial nomination fairly, but in some cases Bush has gone out of his way to find some of the most narrow-minded, extreme thinkers on the political right to place in judicial lifetime appointments.

Holmes' twisted notions of women's equality are out of step with constitutional law and modern thinking. He shouldn't be given a chance to impose his rigid moralism for the rest of his life from the bench.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 5/30/2003 7:32:18 AM
Subject: : St. Pete (FL)Times (5/30/03) EDITORIAL re: A terrible court choice

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-MAY-2003 11:32:18.00
SUBJECT:: St. Pete (FL)Times (5/30/03) EDITORIAL re: A terrible court choice
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

A terrible court choice
A Times Editorial
St. Petersburg Times
published May 30, 2003

While high-profile battles rage in the Senate over some of President Bush's more controversial nominees to the federal appellate bench, less attention is being paid to his district court picks. One, James Leon Holmes, an attorney in private practice in Arkansas, is particularly worrisome. The choice of Holmes is further evidence that Bush is trying to pack the courts with conservative ideologues.

Holmes, a former president of Arkansas Right to Life, is a man whose view of the world is so dated and backward that he shouldn't be put in charge of a classroom, much less a federal district courtroom. He questions the basic premise of gender equality. In a 1997 article he co-wrote with his wife, Holmes states that the Bible dictates a subordinate role for wives, saying "the woman is to place herself under the authority of the man." He writes that choosing any other way is "distorting the relationship between male and female" and "is as sacrilegious as profaning any of the other sacraments."

The article excoriates modern feminism, charging that it has brought society "artificial contraception and abortion on demand with recognition of homosexual liaisons soon to follow."

"No matter how often we condemn abortion," Holmes writes, "to the extent we adopt the feminist principle that the distinction between the sexes is of no consequence and should be disregarded in the organization of society . . . we are contributing to the culture of death."

In other writings Holmes has equated abortion rights supporters with Nazis, and he dismissed concerns over the impact of a total ban on abortion on rape victims with the inaccurate and compassionless assertion that "conceptions from rape occur with approximately the same frequency as snowfall in Miami." He has said since he regrets that comment.

This is the man Bush has plucked from obscurity to elevate to the federal bench. Senate Democrats may not have handled every judicial nomination fairly, but in some cases Bush has gone out of his way to find some of the most narrow-minded, extreme thinkers on the political right to place in judicial lifetime appointments.

Holmes' twisted notions of women's equality are out of step with constitutional law and modern thinking. He shouldn't be given a chance to impose his rigid moralism for the rest of his life from the bench.

From: Ingle, Edward
To: <Kavanaugh, Brett M.>
CC: <Schlapp, Matthew A.>;<Bearson, Darren W.>;<Montgomery, Brian D.>;<Troy, Tevi>
Sent: 5/30/2003 12:01:27 PM
Subject: Re: ADMINISTRATIVE ALERT: Political Activity

good idea. brett, do you guys have any sort of conference call mechanism that you use with agency general counsels? we have a twice weekly conf call with chiefs of staff (mondays and thursdays at 9:20) which we could expand to include GCs and white house liaisons, and could get you and matt on that call to go over the fine points and make the push as you suggest.

Brett M. Kavanaugh

05/30/2003 11:34:27 AM

Record Type: Record

To: Edward Ingle/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP, Darren W. Bearson/WHO/EOP@EOP

cc:

Subject: ADMINISTRATIVE ALERT: Political Activity

I think we should convene a conference call with Cabinet general counsels and WH liaisons next week to push them to put out appropriate political guidance for their departments.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/30/2003 10:46 AM ----------

PostMaster

05/30/2003 10:17:30 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: ADMINISTRATIVE ALERT: Political Activity

May 30, 2003

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES

COUNSEL TO THE PRESIDENT

SUBJECT: POLITICAL ACTIVITY

This memorandum summarizes rules and policies with respect to political activity for a candidate, campaign, political group, or political party. We will renew and supplement this guidance as appropriate before the 2004 elections. At all times, you should contact the Counsel's Office if you have any questions about appropriate political activity. You also should keep in mind, as always, that appearance and propriety issues can occasionally arise even with respect to perfectly lawful activity. Finally, the Chief of Staff has asked me to remind you that the decision whether to engage in political activity or make contributions to political entities or campaigns, including with respect to the re-election campaign of the President, is a personal matter for each employee and that no one is under any obligation to engage in such activity.

Basic Rules and Policies

The basic rules and policies you should follow with respect to your political activity are straightforward. You are permitted to engage in a variety of political activity, as detailed more fully below, subject to certain important restrictions:

- First, you may not use your official authority for the purpose of interfering with or affecting the result of an election. That means, for example, that you may not knowingly permit your official title to be used on invitations to political fundraisers. (If your title is used by others inadvertently and without your knowledge, you should contact the Counsel's Office promptly about appropriate steps to take.) You also may not use your official authority to coerce any person to engage in or refrain from political activity.

- Second, you may not personally solicit, receive, or accept political contributions. Also, you may not host or sponsor political fundraisers. However, you *may* speak at, attend, and be the featured guest at political fundraisers so long as you do not personally solicit contributions. But you should always clear such activity with the Office of Political Affairs and the Counsel's Office *before* accepting an invitation to be a guest speaker at a fundraiser.

On-Duty and On-Site Activity

All employees are responsible at all times for performing their official duties and responsibilities. White House employees whose duties can continue after normal duty hours and away from the normal duty post also are permitted by law to engage while on duty and in the office in otherwise permitted political activity, such as meetings and telephone calls related to elections, campaigns, or political parties. (Note that political fundraising and fundraisers may *never* occur on official government property.) However, any such political activity should be limited so that it is not inconsistent with official duties or otherwise inappropriate. In addition, any non-incidental costs that the government would not have incurred but for any political activity should be paid or reimbursed by a political entity. Finally, detailees are not permitted to engage in political activity while on duty and in their offices, but may do so off duty and off site.

It is important to note that certain White House employees may be required in the performance of their official duties to assist or accompany the President, the Vice President, the First Lady, Mrs. Cheney, or others with respect to political activity. This may entail, for example, duties related to security, scheduling, advance, or communications, among other duties. Such assistance is permissible and appropriate.

Travel and Costs

When a government officer or employee engages in political activity, the government should not pay (or must be reimbursed) for non-incidental costs that it would not have incurred but for the political activity.

The issue arises primarily with respect to travel costs. The appropriate political entity ordinarily pays the relevant travel costs associated with political activity (or the costs for the political portion of mixed official-political travel). The government is not reimbursed, however, for: (i) the costs that result from security needs; or (ii) the compensation or expenses of persons required to accompany or assist the official engaging in political activity. Also, White House cars ordinarily should not be used for transportation to political events except as necessary for security purposes or to accompany the President, Vice President, First Lady, or Mrs. Cheney.

With respect to office equipment, your Office will be contacted by the Office of Management and Administration regarding appropriate reimbursement by the relevant political entity for those uses of equipment that can incur non-incidental additional charges (primarily from paper and long-distance costs). As appropriate, separate equipment may be installed in certain offices by the Office of Management and Administration.

Select List of Permitted Political Activities

Subject to applicable prohibitions, including the prohibitions on improper use of official title and solicitation of contributions discussed above, you *may* engage in the following political activities:

- participation in political organizations, which includes:
- being a member of a political party;
- serving as an officer of a political party;
- attending and participating in nominating caucuses;
- participating in a political convention or rally; and
- serving as a delegate to a political convention.

- participation in political campaigns, which includes:

- canvassing for votes;

    - endorsing or opposing a candidate in an advertisement, broadcast, campaign literature, or similar material;

    - addressing a convention, caucus, rally, or similar gathering of a political party or political group; and

    - actively managing the political campaign of a partisan political candidate or candidate for political party office.

- participation in elections, including:

    - voting; and

    - driving voters to polling places.

- attendance and speaking at fundraising events:

    You may not solicit, receive, or accept political contributions, and you may not host or sponsor fundraisers. However, you *may*:

    - make lawful political contributions;

- attend political fundraisers;

    - manage or organize political fundraisers hosted and sponsored by others (you may not host or sponsor fundraisers or otherwise personally solicit contributions);

    - speak as a featured guest at political fundraisers so long as you do not solicit contributions and so long as the event otherwise complies with the legal requirements of the Bipartisan Campaign Reform Act;

    - be listed as a guest speaker on the invitation for a fundraiser so long as the invitation does not list your official title; and

    - solicit, accept, or receive uncompensated volunteer services for a campaign from any individual (however, a superior may not ask his or her subordinate employee to provide such services, nor may he or she target a company or entity with official matters pending before the agency for provision of such services).

Employees of the Vice President

Employees of the Vice President (and especially those whose salary is disbursed by the Secretary of the Senate) should consult the Counsel to the Vice President regarding political activity or contributions.

Conclusion

Above all, please remember that we are all employees of the President or Vice President and that our performance reflects upon them. All of us must comply with applicable laws and regulations, and must also comply with the high ethical standards they have set for us.

#00295

Message Sent To:

All WHO Users

All OVP Users

All OPD Users

All OHS-1800G Users

All OHS-EEOB Users

All OHS-NAC Users

From: McNally, Edward
To: <Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Kavanaugh, Brett M.>;<Ullyot, Theodore W.>
CC: <Gill, Faisal M.>;<Stiles, Ryan P.>;<Anderson, Catherine S.>;<Allen, Michael>;<Bumatay, Patrick J.>
Sent: 5/30/2003 12:09:31 PM
Subject: specific HSC/WHO staff name & travel info shld not be included in public OA QFR responses

Thanks Jen. I think you're focused on exactly the two right issues. We (HSC) discussed this last night and this morning, including Faisal Gill (who has the HSC lead on reviewing the HSC/OHS-related questions), Michael Allen (WH leg affairs) and Kate Anderson (who's reviewed a number of these types of responses in her 5+ years at OA counsel's office prior to coming to HSC).

Kate agrees that this level of staff name and travel information has not been provided before. The primary concern is that, since these responses have routinely become incorporated in public documents by the committee, in the post-9/11 world there are obvious issues associated with making staff and travel identification (some of which appears to relate to travel to undisclosed locations) so widely, anonymously (in contrast to agency FOIA requests) and readily available e.g. to hostile internet surfers in distant caves. I would say that the consensus HSC view is that the detailed info as to specific NAMES and TRAVEL of HSC/EOP staff shld NOT be incorporated in the 166 page doc & charts slated to go to the committee on Monday. That information shld be formatted to provide info that is responsive but much more general and limited. If the committee follows up with a request for specific names and more travel details, e.g., then we can attempt to reach an accommodation such as by permitting them to inspect such lists, or providing it in a separate, confidential, non-public form.

I'm happy to discuss this further, but am about to depart for New Haven so wld have to do so via cell. In the alternative, w/ me on the road you are welcome to coordinate w/ Kate and Faisal here (or Michael Allen as to leg affairs). You also have my proxy Jen to consider our views and advise OA as to what you conclude is the best course here.

Thanks -- E.

Jennifer G. Newstead

05/30/2003 11:40:51 AM

Record Type: Record

To: Benjamin A. Powell/WHO/EOP@EOP, Edward McNally/WHO/EOP@EOP

cc:

Subject: OA questions

I defer to the two of you on whether it is appropriate to include in the OA responses the detailed salary information with the name of the individual earning the salary; as well as the detailed travel breakdown by position and trip. From my review of old testimony it appears that detailed travel information has been provided in the past for President & First Lady -- but not previously requested for specific agencies within the EOP. Perhaps we should have a quick call among the three of us to discuss?

JN

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 5/30/2003 12:24:44 PM
Subject: Re: FW: Colin Newman

I vote for hiring both him and Bingold if we can get that cleared. Anyone who picked up and went to Austin early on -- as Newman did -- deserves credit, and he obviously performed well once down there.

From: David G. Leitch/WHO/EOP@Exchange on 05/30/2003 07:33:25 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Colin Newman

FYI

-----Original Message-----

From: Bolten, Joshua B.

Sent: Thursday, May 29, 2003 9:27 PM

To: Leitch, David G.

Subject: Colin Newman

Colin, who is applying for a paralegal position, was a volunteer/intern on my campaign policy staff. Good guy, strong GWB supporter, hard worker. Let me know if you'd like more. thx jb

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>
Sent: 5/30/2003 8:25:22 AM
Subject: : Re: FW: Colin Newman

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-MAY-2003 12:25:22.00
SUBJECT:: Re: FW: Colin Newman
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

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From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 5/30/2003 1:01:30 PM
Subject: can you call oschal and update her on pictures from texas event

From:	Kavanaugh, Brett M.
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Francisco, Noel J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent:	5/30/2003 2:46:12 PM
Subject:	AP on Pickering; see end part

Pickering says his father's fight for post bigger than one person

By Matt Volz

The Associated Press

U.S. Rep. Chip Pickering says his father, Judge Charles W. Pickering, is feeling the strain of his controversial judicial nomination, but that the principle of winning the battle outweighs personal considerations.

"In many ways, it's larger than him," Pickering said on Thursday. "It is about standing up to those groups who would make false charges, false allegations, that would misuse race to divide us."

Charles Pickering, a federal district judge in Hattiesburg, was voted down for the 5th U.S. Circuit Court of Appeals last year in a U.S. Senate committee after strong opposition by groups who criticized his civil rights record, including a 1994 case in which he sought leniency for a cross burner. President Bush re-nominated him in January.

Since then, Democrats have filibustered two of Bush's judicial nominees — Texas Judge Priscilla Owen and Hispanic lawyer Miguel Estrada — and have promised more if divisive nominees come to the Senate floor.

Chip Pickering said the Senate could take up his father's nomination as early as June. He said allies in the Senate have been approaching senators in efforts to form a filibuster-busting coalition if the same tactic is used for his father.

"To give in to those who would use such destructive methods and tactics would encourage more of it, which could hurt not only his confirmation, but others'," he said.

Charles Pickering, who turned 65 on Thursday, said he could not comment on the confirmation process.

Chip Pickering was in Jackson on Thursday to present employee of the year awards at Mississippi Industries for the Blind. Afterward, he responded to reports that to gain support of Mississippi's black leaders, he said his father's replacement in Hattiesburg would be state Judge Johnny Williams, who is black.

Pickering said he has discussed his father's replacement with Sens. Thad Cochran and Trent Lott, R-Miss., and with White House officials. He said Williams' name has been mentioned along with others who are white, black and Hispanic.

He declined to name others he recommended for the post, but said he would be in favor of a minority.

"One of the concerns raised by some was lack of diversity on the 5th Circuit," Pickering said.

Pickering said he is still courting black leaders to endorse his father.

State Rep. David Green, D-Gloster, a member of the Mississippi Legislative Black Caucus, said Thursday he endorsed Charles Pickering in a video to be played to the U.S. Senate.

Green said his endorsement was made with no consideration of who would replace Pickering, although he said he would like to see a black judge in Hattiesburg.

"The only message that I gave was simply that Judge Pickering should be given an opportunity to serve on the Fifth Circuit," Green said Thursday.

The majority of the 45-member Mississippi Legislative Black Caucus is opposed to Charles Pickering's nomination. Philip West, D-Natchez, the chairman of the caucus, has also endorsed Pickering.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 5/30/2003 10:47:59 AM
Subject: : AP on Pickering; see end part

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-MAY-2003 14:47:59.00
SUBJECT:: AP on Pickering; see end part
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
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TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Pickering says his father's fight for post bigger than one person
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Since then, Democrats have filibustered two of Bush's judicial nominees * Texas Judge Priscilla Owen and Hispanic lawyer Miguel Estrada * and have promised more if divisive nominees come to the Senate floor.
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Green said his endorsement was made with no consideration of who would replace Pickering, although he said he would like to see a black judge in Hattiesburg.
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From: CN=David M. Thomas/OU=WHO/O=EOP [WHO]

To: Ruben S. Barrales/WHO/EOP [WHO] <Ruben S. Barrales>;Keith R. Brancato/WHO/EOP [WHO] <Keith R. Brancato>;Kathryn E. Rust/WHO/EOP [WHO] <Kathryn E. Rust>;John G. Burke/WHO/EOP [WHO] <John G. Burke>;Jennifer M. Farley/WHO/EOP [WHO] <Jennifer M. Farley>;James M. Kelly/WHO/EOP [WHO] <James M. Kelly>;Eric J. Ciliberti/WHO/EOP [WHO] <Eric J. Ciliberti>;Sara M. Steele/WHO/EOP [WHO] <Sara M. Steele>;Allen K. Abney/WHO/EOP [WHO] <Allen K. Abney>;Megan S. Mollmann/WHO/EOP [WHO] <Megan S. Mollmann>;Kenneth A. Lisaius/WHO/EOP [WHO] <Kenneth A. Lisaius>;Jeanie S. Mamo/WHO/EOP [WHO] <Jeanie S. Mamo>;Taylor S. Gross/WHO/EOP [WHO] <Taylor S. Gross>;Scott Stanzel/WHO/EOP [WHO] <Scott Stanzel>;Mercedes M. Viana/WHO/EOP [WHO] <Mercedes M. Viana>;Christopher J. Orr/WHO/EOP [WHO] <Christopher J. Orr>;Nicolle Devenish/WHO/EOP [WHO] <Nicolle Devenish>;Michael E. Meece/WHO/EOP [WHO] <Michael E. Meece>;Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>;Tiffany A. Watkins/WHO/EOP [WHO] <Tiffany A. Watkins>;Meredith A. Terpeluk/WHO/EOP [WHO] <Meredith A. Terpeluk>;Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>;Lezlee J. Westine/WHO/EOP [WHO] <Lezlee J. Westine>;Kathryn J. Hayes/WHO/EOP [WHO] <Kathryn J. Hayes>;Julieanne H. Thomas/WHO/EOP [WHO] <Julieanne H. Thomas>;John D. Estes/WHO/EOP [WHO] <John D. Estes>;Jenica Baldwin/WHO/EOP [WHO] <Jenica Baldwin>;Israel Hernandez/WHO/EOP@Exchange [WHO] <Israel Hernandez>;Cynthia F. Williams/WHO/EOP [WHO] <Cynthia F. Williams>;Ali H. Tulbah/WHO/EOP [WHO] <Ali H. Tulbah>;Adam B. Goldman/WHO/EOP [WHO] <Adam B. Goldman>;Abel Guerra/WHO/EOP [WHO] <Abel Guerra>;Rebekah McDonald/WHO/EOP [WHO] <Rebekah McDonald>;Susan B. Ralston/WHO/EOP@Exchange [WHO] <Susan B. Ralston>;Peter H. Wehner/WHO/EOP [WHO] <Peter H. Wehner>;Lauren L. Willson/WHO/EOP [WHO] <Lauren L. Willson>;Henry C. Hager/WHO/EOP@Exchange [WHO] <Henry C. Hager>;William Greene/WHO/EOP [WHO] <William Greene>;Kimberly Ellison/WHO/EOP [WHO] <Kimberly Ellison>;Barry S. Jackson/WHO/EOP [WHO] <Barry S. Jackson>;Neil H. Zimmerman/WHO/EOP [WHO] <Neil H. Zimmerman>;Kasey S. Pipes/WHO/EOP [WHO] <Kasey S. Pipes>;Alicia P. Clark/WHO/EOP [WHO] <Alicia P. Clark>;Tracy Jucas/WHO/EOP [WHO] <Tracy Jucas>;Sara M. Taylor/WHO/EOP [WHO] <Sara M. Taylor>;Paul B. Dyck/WHO/EOP [WHO] <Paul B. Dyck>;Michael J. Napolitano/WHO/EOP [WHO] <Michael J. Napolitano>;Matthew A. Schlapp/WHO/EOP [WHO] <Matthew A. Schlapp>;Leonard B. Rodriguez/WHO/EOP [WHO] <Leonard B. Rodriguez>;Kenneth B. Mehlman/WHO/EOP [UNKNOWN] <Kenneth B. Mehlman>;Douglas L. Hoelscher/WHO/EOP [WHO] <Douglas L. Hoelscher>;David McMaster/WHO/EOP [WHO] <David McMaster>;David M. Thomas/WHO/EOP [WHO] <David M. Thomas>;Darren W. Bearson/WHO/EOP [WHO] <Darren W. Bearson>;Collister W. Johnson/WHO/EOP [WHO] <Collister W. Johnson>;Alicia W. Davis/WHO/EOP [WHO] <Alicia W. Davis>;Adrian G. Gray/WHO/EOP [WHO] <Adrian G. Gray>;A. Merrill Hughes/OVP /EOP@EOP [OVP] <A. Merrill Hughes>;Brian V. McCormack/OVP/EOP@Exchange@EOP [OVP] <Brian V. McCormack>;Daniel K. Wilmot/OVP/EOP@Exchange@EOP [OVP] <Daniel K. Wilmot>;Catherine J. Martin/OVP/EOP@EOP [OVP] <Catherine J. Martin>;kr@georgewbush.com @ inet [UNKNOWN] <kr@georgewbush.com @ inet>;Henry C. Hager/WHO/EOP@Exchange@EOP [WHO] <Henry C. Hager>;Susan B. Ralston/WHO /EOP@Exchange@EOP [WHO] <Susan B. Ralston>;Dina Powell/WHO/EOP@Exchange@EOP [WHO] <Dina Powell>;David H. Hill/WHO/EOP@EOP [WHO] <David H. Hill>;Michael Heath/WHO/EOP@EOP [WHO] <Michael Heath>;Gregory J. Jenkins/WHO/EOP@EOP [WHO] <Gregory J. Jenkins>;Harriet Miers/WHO/EOP@Exchange@EOP [WHO] <Harriet Miers>;Ashley Estes/WHO/EOP@Exchange@EOP [WHO] <Ashley Estes>;Melissa S. Bennett/WHO/EOP@Exchange@EOP [WHO] <Melissa S. Bennett>;David Kuo/WHO /EOP@EOP [WHO] <David Kuo>;Carrie B. Loy Cabinet Affairs/WHO/EOP@EOP [WHO] <Carrie B. Loy Cabinet Affairs>;Robert Marsh/WHO/EOP@Exchange@EOP [WHO] <Robert Marsh>;Elizabeth W. Kleppe/OVP/EOP@EOP [OVP] <Elizabeth W. Kleppe>;Jose A. Fuentes/OVP/EOP@Exchange@EOP [OVP] <Jose A. Fuentes>;Jennifer Millerwise/OVP /EOP@EOP [OVP] <Jennifer Millerwise>;kmehlman@georgewbush.com @ inet [WHO] <kmehlman@georgewbush.com @ inet>;Karl C. Rove/WHO/EOP@Exchange@EOP [WHO] <Karl C. Rove>;Israel Hernandez/WHO/EOP@Exchange@EOP [WHO] <Israel Hernandez>;Kara G. Figg/WHO/EOP@Exchange@EOP [WHO] <Kara G. Figg>;Bradley A. Blakeman/WHO/EOP@Exchange@EOP [WHO] <Bradley A. Blakeman>;Elizabeth Hogan/WHO /EOP@EOP [WHO] <Elizabeth Hogan>;Brian D. Montgomery/WHO/EOP@Exchange@EOP [WHO] <Brian D. Montgomery>;Todd W. Beyer/WHO/EOP@EOP [WHO] <Todd W. Beyer>;John P. McConnell/WHO/EOP@EOP [WHO] <John P. McConnell>;Blake

Gottesman/WHO/EOP@Exchange@EOP [WHO] <Blake Gottesman>;Colleen Litkenhaus/WHO /EOP@Exchange@EOP [WHO] <Colleen Litkenhaus>;Joel D. Kaplan/WHO /EOP@Exchange@EOP [WHO] <Joel D. Kaplan>;Lindsey C. Kozberg/WHO/EOP@EOP [WHO] <Lindsey C. Kozberg>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ginger G. Loper/WHO/EOP@Exchange@EOP [WHO] <Ginger G. Loper>

Sent: 5/30/2003 1:13:53 PM

Subject: : Thank you

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CREATION DATE/TIME:30-MAY-2003 17:13:53.00
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READ:UNKNOWN
TO:Keith R. Brancato (CN=Keith R. Brancato/OU=WHO/O=EOP [WHO])
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As many of you know today is my last day at the White House. I wanted to
take this opportunity to express my gratitude to all of you for all that

you have done to make this extraordinary experience so enjoyable. Working with all of you and serving the President has been the most incredible and rewarding professional experience of my life. Every day I have worked here, I have been reminded of what a rare and special privilege it is to serve in this place and to assist the President and his staff in carrying out their awesome responsibility to the Nation.

Best wishes to all of you in your continued service to President Bush, and for all the challenges that lie ahead.

Sincerely yours,

DT

My new contact information is as follows:

David Thomas
Chief of Staff
Congressman Tom Davis, VA-11
2348 RHOB
Washington, DC 20515
202-225-1492
dthomas@mail.house.gov

From: Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/1/2003 8:42:37 AM
Subject: : S Ct OT 2002: final days
Attachments: P_AYGUG003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> ("Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME: 1-JUN-2003 12:42:37.00
SUBJECT:: S Ct OT 2002: final days
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

According to the Supreme Court's public calendar, the last currently announced session day is Monday, June 23. The last conference scheduled is Thursday, June 26. (See http://www.supremecourtus.gov/oral_arguments/courtcalendar.pdf.)

Do you have any sense of whether the Court is likely to add more session days after June 23 or June 26? Any chance that the real last day will be, for example, Monday, June 30?

I'm asking because I am trying to schedule some things for the office, but want to be cognizant of possible chaos due to a last-day-of-the-Term retirement announcement.

James C. Ho

Chief Counsel

U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights

U.S. Senator John Cornyn, Chairman

Dirksen Senate Office Building Room 139

(202) 224-7840 (office)

(202) 228-2281 (fax)

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AYGUG003_WHO.TXT_1>

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U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights
U.S. Senator John Cornyn, Chairman
Dirksen Senate Office Building Room 139
(202) 224-7840 (office)
(202) 228-2281 (fax)

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David B. Rachelson/WHO/EOP@EOP [WHO] <David B. Rachelson>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>
Sent: 6/1/2003 4:44:37 PM
Subject: : Raleigh News & Observer (5/30/03) re: Edwards weighs in on FCC

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 1-JUN-2003 20:44:37.00
SUBJECT:: Raleigh News & Observer (5/30/03) re: Edwards weighs in on FCC
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Collister W. Johnson ( CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [ WHO ] )
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UNDER THE DOME Edwards weighs in on FCC
Raleigh News & Observer
May 30, 2003

U.S. Sen. John Edwards has added his voice to the chorus of those seeking to stop the Federal Communications Commission from relaxing rules on media ownership.

The FCC is expected to vote Monday on a package of rule changes, including one that would raise the cap on the number of local TV stations that can be owned by large media companies.

"Diversity in the media is enormously important to our democracy," Edwards said in a letter to FCC Chairman Michael Powell and the four other panel members. "Americans should have choices in the music they can hear and the television programs they can watch."

Edwards, who has emphasized his rural roots in his White House run, argued that increased network ownership could jeopardize local programming.

U.S. Rep. Richard Burr, a Winston-Salem Republican, and U.S. Rep. David Price, a Chapel Hill Democrat, are pushing legislation to overturn the expected FCC decision. Elizabeth Dole is a co-sponsor of a similar bill in the Senate.

Jones assails ruling

U.S. Rep. Walter Jones, a Farmville Republican, is trying to protect pre-supper prayer in the nation's military schools.

In a letter this week to President Bush, Jones says he was "disappointed and outraged" upon learning of a court ruling last month that saying grace at the Virginia Military Institute violated First Amendment protections.

Jones is urging Bush to sign an executive order to allow nondenominational activity to continue.

"By virtue of educations rooted in the principles of our Founding Fathers and steeped in the traditions of our great military services, our future officers gained respect for God and country," Jones wrote. "Now one of those traditions, the act of community prayer before meals ... , is under serious attack from groups like the ACLU."

Dole, Duncan lunch

U.S. Sen. Elizabeth Dole had lunch Thursday in Raleigh with Allyson Duncan, a lawyer with Kilpatrick Stockton and one of President Bush's two North Carolina nominees to the U.S. 4th Circuit Court of Appeals.

Duncan's nomination, made last month, has become intertwined with that of U.S. District Court Judge Terrence Boyle, whom Bush first nominated in May 2001 but whose fortunes have stalled because Edwards has not yet returned the "blue slip" that home senators must sign before hearings will proceed. Edwards has urged the nomination of Duncan to move ahead, which could lead

to her appointment sooner than Boyle's.
Dole spokeswoman Mary Brown Brewer said Thursday that the senator's lunch with Duncan on Thursday was in no way a sign that Dole wants Duncan appointed first. Dole supports both nominees, Brewer said.
Still, Dole and Duncan have something in common, Brewer said: Dole was the first woman elected to the Senate from North Carolina, and Duncan would be the first black woman appointed to the 4th Circuit.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>
Sent: 6/1/2003 5:37:02 PM
Subject: : Re: S Ct OT 2002: final days
Attachments: P_1VIUG003_WHO.TXT_1.html

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TO:"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> ("Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> [UNKNOWN])
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No good sense of that at this point.

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06/01/2003 12:41:16 PM
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To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: S Ct OT 2002: final days

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- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1VIUG003_WHO.TXT_1>

According to the Supreme Court's public calendar, the last currently announced session day is Monday, June 23. The last conference scheduled is Thursday, June 26. (See http://www.supremecourtus.gov/oral_arguments/courtcalendar.pdf.)< /p>

Do you have any sense of whether the Court is likely to add more session days after June 23 or June 26? Any chance that the real last day will be, for example, Monday, June 30?

I'm asking because I am trying to schedule some things for the office, but want to be cognizant of possible chaos due to a last-day-of-the-Term retirement announcement.

James C. Ho
Chief Counsel
U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights
U.S. Senator John Cornyn, Chairman
Dirksen Senate Office Building Room 139
(202) 224-7840 (office)
(202) 228-2281 (fax)

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/2/2003 3:20:54 AM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 2-JUN-2003 07:20:54.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Bashman gets the hook for Judge's column:;
;
;White House Counsel Alberto R. Gonzales
<http://www.whitehouse.gov/government/gonzales-bio.html> has an op-ed
<http://www.washingtonpost.com/wp-dyn/articles/A1314-2003Jun1.html>
entitled "Double Standard Filibuster." The op-ed begins, "Today John
Roberts will take the oath of office to become a judge on the U.S. Court
of Appeals for the D.C. Circuit."
```

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/2/2003 3:55:30 AM
Subject: : White House Global Messenger -- 6/2/03
Attachments: P_GLNUG003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> ( Office of
Global Communications <Global.Messenger@WhiteHouse.Gov> [ UNKNOWN ] )
CREATION DATE/TIME: 2-JUN-2003 07:55:30.00
SUBJECT:: White House Global Messenger -- 6/2/03
TO:Andrew Liggett Office of Global Communications ( CN=Andrew Liggett Office of Global
Communications/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
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(See attached file: GM 6-02-03 FINAL1.doc)

THE GLOBAL MESSENGER
Monday, June 2, 2003

******KEY POINTS******
From the President's Weekend Remarks

-Today we are striving for a world in which men and women can live in
freedom
and peace, instead of in fear and
chaos - and every civilized nation has a stake in the outcome.

-NATO must show resolve and foresight to act beyond Europe, and it has
begun to
do so. NATO has agreed to lead security forces in Afghanistan, and to
support
our Polish allies in Iraq.

-Armed force is always a last resort, and Americans know that terrorism is
not
defeated by military power alone. The ultimate answer to hatred is hope.

-In Africa and elsewhere, America is committed to a $15 billion effort to
prevent and treat AIDS. The President urges our partners in Europe to make
a
similar commitment.

-The President has proposed an emergency famine fund. Europe can help in
this
effort, with emergency policies that discourage African farmers from using
safe
biotechnology.

-The President has also proposed a 50 percent increase in America's core
development assistance. This aid will not go to corrupt elites, but to
nations
that respect the rule of law, invest in health and education, and encourage
economic freedom. If European governments will adopt these standards, we
can
help transform entire societies.

-In the Middle East, the President will meet with the Palestinian and
Israeli
```

Prime Ministers and other leaders in the region. For peace to prevail, terrorism must end. All concerned must shake off the old arguments, and the old ways, and act in the cause of peace. The President will do all that he can to help the parties reach an agreement and to see that agreement is enforced.

-This is America's agenda in the world, from the defeat of terror, to the alleviation of disease and hunger, to the spread of human liberty. We welcome, and we need, the help, advice, and wisdom of friends and allies.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change.
President Bush attends G-8 Meeting, Evian-les-Bains, France
President Bush travels to Sharm el Sheikh, Egypt

******WMD: IRAQ SURVEY GROUP******
-We are now deploying the Iraq Survey Group to lead the investigation of Iraqi WMD programs.

-The survey group will search sites, review documents and interview Iraqi officials. It will replace, through a planned rotation, the smaller units that provided our initial capability.

-We have always said that information about Iraqi weapons of mass destruction was going to come from the people involved. That is why, for instance, we pressed during the inspections process for UNMOVIC and IAEA to interview scientists outside of Iraq. Now that Saddam's regime is gone, people in Iraq are free to talk.

-The Iraq Survey Group will pursue this effort. It will be a tough task, given the limitations imposed by the security situation on the ground and the systematic destruction at some of the sites suspected of WMD involvement.

******KEY QUOTE******
"I have absolutely no doubt it exists, because Saddam's history in relation to weapons of mass destruction is not some invention of the British security services, it has been well documented over 12 years of lies and deception from Saddam."
--Prime Minister Tony Blair, 5/30/03

THE WHITE HOUSE
Office of Global Communications
For more information log on to
http://www.whitehouse.gov/ogc

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You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such

as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.
- GM 6-02-03 FINAL1.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GLNUG003_WHO.TXT_1>

THE GLOBAL MESSENGER

Monday, June 2, 2003

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All Times Eastern Daylight. Subject to Change

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KEY POINTS

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- In Africa and elsewhere, America is committed to a $15 billion effort to prevent and treat AIDS. The President urges our partners in Europe to make a similar commitment.
- The President has proposed an emergency famine fund. Europe can help in this effort, with emergency policies that discourage African farmers from using safe biotechnology.
- The President has also proposed a 50 percent increase in America's core development assistance. This aid will not go to corrupt elites, but to nations that respect the rule of law, invest in health and education, and encourage economic freedom. If European governments will adopt these standards, we can help transform entire societies.
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THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 6/2/2003 7:11:11 AM
Subject:

Bashman gets the hook for Judge's column:

White House Counsel **Alberto R. Gonzales** has **an op-ed** entitled "Double Standard Filibuster." The op-ed begins, "Today John Roberts will take the oath of office to become a judge on the U.S. Court of Appeals for the D.C. Circuit."

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 6/2/2003 8:03:53 AM
Subject: Schumer/Hatch debate Estrada on Fox News Sunday

Schumer Says Estrada Has Stonewalled Senators' Questions. Sen. Chuck Schumer was asked on "Fox News Sunday" (6/1) which questions, specifically, he had asked of judicial nominee Miguel Estrada that have not been answered. Schumer said, "I've asked him, for instance, his views on the First Amendment, his views on the commerce clause, his views on the right to privacy. He, more than any judge I have ever seen in my 20-odd years on the judiciary committees in the House and Senate, refused. Now, what he said is, he couldn't answer any questions on these broad bases because he would violate canon five of the ethics, which says you can't talk about a specific case. If that is true, then 99 percent of the judges we have nominated and put on the bench, including those on the Supreme Court, would have violated that canon. He stone-walled."

Hatch Calls Schumer's Claim "Pure Bunk." Sen. Orrin Hatch said on "Fox News Sunday" (6/1), "That's pure bunk. First of all, he had one of the longest hearings for a circuit court of appeals judge in history. Secondly, he's answered questions time and time again. Only two senators sent him written questions. So we made him available to answer written questions afterwards, to meet with them in their offices. He's answered questions. The problem is, they want him to get into actual cases that may possibly come up before the court when he's on it."

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 6/2/2003 4:04:55 AM
Subject: : Schumer/Hatch debate Estrada on Fox News Sunday

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 2-JUN-2003 08:04:55.00
SUBJECT:: Schumer/Hatch debate Estrada on Fox News Sunday
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Schumer Says Estrada Has Stonewalled Senators' Questions.; Sen. Chuck
Schumer was asked on "Fox News Sunday" (6/1) which questions,
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Supreme Court, would have violated that canon.; He stone-walled."
; ; ; ;Hatch Calls Schumer's Claim "Pure Bunk."; Sen. Orrin Hatch said on
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Secondly, he's answered questions time and time again.; Only two senators
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questions afterwards, to meet with them in their offices.; He's answered
questions.; The problem is, they want him to get into actual cases that
may possibly come up before the court when he's on it."
```

From: Kavanaugh, Brett M.
To: Taylor, Stuart <staylor@nationaljournal.com>
CC: <Snee, Ashley>
Sent: 6/2/2003 9:23:50 AM
Subject: Re: Questions re possible Supreme Court retirement(s)

Stuart: I would ask that you follow up with Ashley Snee in the WH press office. Thanks.

"Taylor, Stuart"

06/01/2003 05:31:23 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Questions re possible Supreme Court retirement(s)

Dear Brett,

Thus is to supplement the two telephone messages I have left you today and last Tuesday.

I hope that you can provide me with guidance--off the record, if you prefer--for a piece that I am writing on the possibility of one or more Supreme Court retirements.

The most important of my questions are whether you can confirm, deny, comment on, or provide off-the-record guidance with respect to (1) accounts I have heard of a recent meeting at Jones, Day at which you and other White House officials consulted with veterans of past Supreme Court nomination battles, and (2) the following passage, which I have drafted for inclusion in my piece:

It seems fairly probable that none of the justices will retire this year.

The main reason is that the two on whom retirement rumors have focused--Chief Justice William H. Rehnquist and Justice Sandra Day O'Connor--must be well aware that the White House would prefer that they stay on until after the 2004 election.

President Bush must focus his political capital in the coming months on the Middle East peace talks, Iraq, and other pressing international affairs. A confirmation battle now would be an unwelcome distraction. In addition, White House officials are said by knowledgable sources to believe--as do independent political analysts including my colleague Charlie Cook--that any confirmation battle would create unnecessary risks for the President's reelection prospects.

Rehnquist and O'Connor could have learned of the President's desire that they stay on through their social networks, which include many Republicans well-connected with the White House. Some insiders also suggest that Bush and Rehnquist may have discussed the matter directly, perhaps when they met at Rehnquist's initiative last December 20 to discuss judicial salaries.

The main basis for media speculation about retirements has been past indications by Rehnquist and O'Connor that they would prefer to be replaced by a Republican president. If the Republican president wants them to stay, why would they go?

Neither is known to have debilitating health problems, to be weary of the power and glory, or to be hard-pressed handling the Court's caseload, which is about half what it was before Rehnquist was elevated to Chief Justice in 1986.

Sincerely, Stuart

From: Sampson, Kyle
To: <Nelson, Carolyn>
CC: <Ullyot, Theodore W.>;<Kavanaugh, Brett M.>
Sent: 6/2/2003 9:25:36 AM
Subject: RE: Meeting with Judge re CA6 -- propose 10:30 am

works for me too

From: Carolyn Nelson/WHO/EOP@Exchange on 06/02/2003 08:48:27 AM

Record Type: Record

To: Theodore W. Ullyot/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Kyle Sampson/WHO /EOP@EOP

cc:

Subject: RE: Meeting with Judge re CA6 -- propose 10:30 am

Works for the Judge and David.

-----Original Message-----

From: Ullyot, Theodore W.

Sent: Monday, June 02, 2003 8:46 AM

To: Kavanaugh, Brett M.; Sampson, Kyle

Cc: Nelson, Carolyn

Subject: Meeting with Judge re CA6 -- propose 10:30 am

Can you guys make it at 10:30 this morning? If so, let's do 10:30 (Carrie can you confirm whether Leitch can make it at 10:30).

From: Kavanaugh, Brett M.
To: <Goeglein, Tim>;<Smith, Matthew E.>;<Guerra, Abel>;<Rodriguez, Leonard B.>;<Snee, Ashley>;<Mamo, Jeanie S.>;<Viana, Mercedes M.>;<Grubbs, Wendy J.>
Sent: 6/2/2003 9:29:04 AM
Subject: Washington Post op-ed today

Double Standard Filibuster

By Alberto R. Gonzales

Monday, June 2, 2003; Page A17

Today John Roberts will take the oath of office to become a judge on the U.S. Court of Appeals for the D.C. Circuit. He is an excellent example of the kind of person President Bush has nominated to the federal appeals courts. Roberts has been a well-respected lawyer in Washington, principal deputy solicitor general of the United States, associate counsel to President Reagan and law clerk to then-Justice William Rehnquist. He has argued 39 cases before the Supreme Court and is widely recognized as one of the best appellate lawyers in America. He is a person of great integrity with wide bipartisan support, and the American Bar Association unanimously rated him well qualified. Roberts will be a distinguished judge on the D.C. Circuit.

The Senate voted unanimously on May 8 to confirm Roberts to the D.C. Circuit. That vote is noteworthy for two reasons, however, both of which demonstrate the serious breakdown in the Senate confirmation process for federal appeals court nominees.

First, the long road from Roberts's nomination to his confirmation vote is impossible to defend. Roberts was first nominated to the D.C. Circuit more than 11 years ago, in January 1992, but did not receive a hearing before the end of President George H.W. Bush's term. President George W. Bush then nominated Roberts on May 9, 2001, shortly after taking office. But the Senate Judiciary Committee did not hold a hearing on the nomination during the last Congress, even though no serious objections were lodged against Roberts. President Bush then re-nominated him on Jan. 7, 2003. Finally, after two hearings this year, Roberts received his Senate vote, on May 8.It was unanimous, which makes the many years of delay all the more difficult to explain and justify.

The Senate's delays and denials of votes on appeals court nominees -- which have been far too common in recent administrations -- flout the intention of the Constitution and the tradition of the Senate. No judicial nominee should ever have to wait years for a vote in the Senate. These delays leave judicial vacancies unfilled and thus prevent the federal courts from doing their jobs for the American people. The delays and uncertainty also threaten to deter the best and brightest from seeking judicial service. The Senate should fulfill its constitutional responsibility and ensure that every judicial nominee receives an up-or-down vote within a reasonable time after nomination.

Second, the confirmation of John Roberts also dramatically exposes the double standard being applied by Senate Democrats to the president's other D.C. Circuit nominee, Miguel Estrada. The career records of Roberts and Estrada are strikingly similar. Both were unanimously rated well-qualified by the American Bar Association. Both have argued numerous cases before the Supreme Court, including as attorneys in the solicitor general's office. Both have devoted large portions of their legal careers to public service and also been partners at major Washington law firms. Both have clerked for Supreme Court justices. Both have the strong support of prominent Democratic attorneys who served in high-ranking positions in the Clinton administration. Neither has served previously as a judge or a professor, and therefore neither has written widely about his personal views on legal issues. Both have served instead as superb, well-respected and fair-minded lawyers for public and private clients

throughout their careers.

Despite the great similarities between Roberts and Estrada, 45 Senate Democrats have treated them very differently. Senate Democrats never requested confidential case memoranda written by Roberts from his time in the solicitor general's office. Yet they are insisting on reviewing memoranda written by Estrada in the solicitor general's office, as a condition of ending a four-month filibuster of his nomination. Consistent with judicial independence and the traditional practice of judicial nominees, Senate Democrats also did not demand that Roberts answer questions about his personal views on legal and policy issues before they voted on him. Yet these senators are apparently demanding that Estrada answer such questions as a condition of ending the filibuster.

The 45 Senate Democrats who are filibustering Estrada's nomination are applying a double standard. There is no rational or legitimate justification for the disparate treatment of Roberts and Estrada -- particularly for the use of an extreme and unprecedented filibuster against Estrada, who would be the first Hispanic to serve on the D.C. Circuit and has the clear support of a majority of senators. The president has asked that the Senate Democrats halt the filibuster, stop the delays and allow an up-or-down vote on Estrada. As the president has said, let each senator vote as he or she thinks best, but end the double standard and give the man a vote.

The writer is counsel to the president.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@Exchange@EOP [WHO] <Wendy J. Grubbs>;Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 6/2/2003 5:30:58 AM
Subject: : Washington Post op-ed today

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 2-JUN-2003 09:30:58.00
SUBJECT:: Washington Post op-ed today
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Leonard B. Rodriguez ( CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Mercedes M. Viana ( CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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The writer is counsel to the president.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 6/2/2003 9:33:44 AM
Subject: FW: Western Riverside Council of Governments

Did you receive this packet via inter-office?
-----Original Message-----
From: Weinstein, Jared B.
Sent: Wednesday, May 28, 2003 12:22 PM
To: Nelson, Carolyn
Cc: Figg, Kara G.
Subject: Western Riverside Council of Governments

Carrie,

I have interofficed you a packet regarding the information below:

Recently, IGA received a request for Reuben Barrales to be the keynote speaker at the Western Riverside (California) Council of Governments event on July 17, 2003, noting in their invitation that they believed the President would participate via satellite. Our office has no records of this invitation nor of this group.

When IGA asked the group why they were under the impression the President would participate, the group faxed in a fake acceptance letter (we don't know whether it was created by this group or by someone else). As you will see, this letter has the Presidential Seal and claims to be the President's stationery. The letter came from a Gregory Hamilton, which our office has no record of. It was cc'd to Noelia Rodriguez in Mrs. Bush's Press Office, however, she has never seen the letter nor heard of the group.

Brad asked that we send it to your office to handle. We have not received an official invitation so we won't be responding to the group, and IGA has already regretted for Reuben.

Thanks for your help. Let me know if you have any questions after receiving the packet.

Jared
6-0388

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/2/2003 5:34:55 AM
Subject: : FW: Western Riverside Council of Governments

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 2-JUN-2003 09:34:55.00
SUBJECT:: FW: Western Riverside Council of Governments
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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Sent: Wednesday, May 28, 2003 12:22 PM
To: Nelson, Carolyn
Cc: Figg, Kara G.
Subject: Western Riverside Council of Governments

Carrie,
;
I have interofficed you a packet regarding the information below:
;
Recently, IGA received a request for Reuben Barrales to be the keynote speaker at the Western Riverside (California) Council of Governments event on July 17, 2003, noting in their invitation that they believed the President would participate via satellite.; Our office has no records of this invitation nor of this group.
;
When IGA asked the group why they were under the impression the President would participate, the group faxed in a fake acceptance letter (we don't know whether it was created by this group or by someone else).; As you will see, this letter has the Presidential Seal and claims to be the President's stationery.; The letter came from a Gregory Hamilton, which our office has no record of.; It was cc'd to Noelia Rodriguez in Mrs. Bush's Press Office, however, she has never seen the letter nor heard of the group.
;
Brad asked that we send it to your office to handle.; We have not received an official invitation so we won't be responding to the group, and IGA has already regretted for Reuben.
;
Thanks for your help.; Let me know if you have any questions after receiving the packet.
;
Jared
6-0388

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 6/2/2003 9:44:32 AM
Subject: interview today

Judge's 11:00 interview with ABC radio is re: current state of Judicial crisis. Do you have talking points or think there is anything in particular he should address?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 6/2/2003 7:34:05 AM
Subject: : Boston Globe story on filibusters and Supreme Court

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 2-JUN-2003 11:34:05.00
SUBJECT:: Boston Globe story on filibusters and Supreme Court
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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HIGH COURT NOMINATIONS MAY HINGE ON FILIBUSTER DEBATE
SENATE IS DIVIDED ON CONSTITUTIONALITY

BYLINE: By Lyle Denniston, Globe Correspondent

BODY:
WASHINGTON - Talk of a possible vacancy on the Supreme Court is rising with the arrival of June and the last month of the current term. If there is an opening, however, a nominee's fate may depend on what happens to the filibuster rule in the Senate, now under siege.

A filibuster, one of the Senate's most cherished eccentricities, is a debate that can go on and on - a blocking maneuver that works simply because it is so hard to stop in a closely divided Senate. This year, its use against lower court nominations has run on for months.

The continuing slowdown on two conservative nominees is widely regarded as a rehearsal for coming battles if a Supreme Court justice retires and President Bush picks a controversial replacement.

Aware of that prospect, and frustrated by the current filibuster, President Bush last month complained that "we are facing a crisis in the Senate, and therefore a crisis in our judiciary."

But the Democratic leader in the Senate, Tom Daschle of South Dakota, has said there is no crisis and there is nothing wrong with the filibuster rule. "If it ain't broke, don't fix it," he said in May.

The precedent for filibustering judicial nominations was set in 1968 when Republican senators thwarted the Democratic nomination of Justice Abe Fortas to become chief justice. The technique was not renewed on judgeships until this year, when Democrats brought it back to try to head off two of Bush's nominees to federal appeals courts - Miguel Estrada and Priscilla Owen.

As the Supreme Court's future is pondered, the filibuster looms large in the background.

The filibuster is now under fierce challenge in all three branches of government. The most drastic form of a challenge would involve a ruling from the Senate chair, occupied for the occasion by Vice President Dick Cheney, that filibusters no longer can be used against judicial nominees - a simple, unmistakable display of power that could leave the Democratic minority with no option but to stall virtually all Senate business.

"It is not called the nuclear option for nothing," said Elliot M. Mincberg, legal director of People for the American Way, a liberal group that supports the current filibustering.

This is not something that either Republican or Democratic senators are actively talking about in public, because it looks drastic in the gentle-mannered Senate. But lobbyists seem preoccupied with it these days.

Supporters of the option, like conservative legal advocate Jay Alan Sekulow of the American Center for Law and Justice, prefer to call it "the constitutional option." They argue that filibusters aimed at judicial nominations are unconstitutional, and their option would simply restore majority rule on those nominations.

Short of that option, there are other challenges building. The president, reaching deep into the Senate's own affairs, has suggested that the chamber speed up its process on judgeships. The Senate's own Republican leadership is seeking to weaken the filibuster rule.

The rule is also under assault from a number of conservative activist groups. And among academics, there is a continuing debate whether the filibuster is unconstitutional. The Senate will begin formal study of all of the options on Thursday, when its Rules Committee holds an afternoon hearing.

One conservative group, Judicial Watch - a legal advocacy organization that in nine years of existence has brought suit more than 100 times, mainly against the government - has filed a lawsuit claiming that the filibuster of judgeship nominees is unconstitutional.

Judicial Watch asked the US District Court to strike down the filibuster rule and order the Senate and its officers to let the two pending appeals court nominations come to a final vote - one that would ensure the nominees' confirmation.

In a rare display of agreement on the emotionally charged subject of filibusters, the Senate last month voted unanimously and without debate to defend itself against that lawsuit.

At this point, however, it is unclear what the Senate's defense will be. Some freshman Senate Republicans have talked publicly about pursuing the constitutional claim in court themselves, so there may be some resistance to mounting a legal argument that the issue is none of the courts' business. The Senate Legal Counsel will begin framing a defense shortly.

Each of the several options has its critics, but there is no consensus yet that all of them ultimately will fail.

The new rumbling over the filibuster can be traced to simple numbers: the 100-member Senate is divided 51-49, with Republicans holding control. The

filibuster this year has taken that control away from them on at least two court nominations.

Senate Rule 22, the filibuster rule, requires 60 votes, not a majority of 51, to stop a filibuster and let the Senate proceed to a final vote. That means that if 41 senators want to keep a filibuster going, it can't be stopped because 59 opposing votes would not be enough.

Although changing the Senate rules ordinarily would require only a simple majority of 51 votes, a proposed change can itself be filibustered, and another Senate rule says it takes 67 votes (not 60) to end a filibuster against a rule change. That means 34 senators can block a rule change even if 66 want it.

Senate rules would have to be changed to adopt President Bush's suggestion for a more rapid timetable of Senate review of judicial nominees or to approve a Senate GOP leaders' proposal to reduce in steps the votes required to shut off a filibuster, from 60 to 51. Both ideas, if they make it to the Senate floor, would be subject to filibuster.

Thus, two out of three options now being discussed may be in for a seemingly endless struggle. Advocates on opposite sides of the filibuster controversy, like Mincberg and Sekulow, agreed that the two options suggested by Bush and Senate GOP leaders could be doomed.

That is what has brought on talk of the third option. It would work this way: Republicans would raise a parliamentary point that Rule 22 does not apply at all to judicial nominations, and so a majority of 51 prevails.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange [WHO] <Ashley Snee>
Sent: 6/2/2003 12:17:30 PM
Subject: : RE: Milbank

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JUN-2003 16:17:30.00
SUBJECT:: RE: Milbank
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

not yet

From: Ashley Snee/WHO/EOP@Exchange on 06/02/2003 04:11:48 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Milbank

Hey - any word?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 02, 2003 3:28 PM
To: McClellan, Scott
Cc: Snee, Ashley
Subject: RE: Milbank

Just double-checking with DOJ since we would be referencing their opinions.

From: Scott McClellan/WHO/EOP@Exchange on 06/02/2003 02:55:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange
cc:
Subject: RE: Milbank

Brett -- based on your suggested language, how does this look? Like you, I prefer to use "public outreach" or "building public support" as instead of "lobbying."

I think the American people recognize one of the most important responsibilities of a President has always been to reach out to the American people to build public support for his agenda and priorities.

The Department of Justice under President's of both parties has consistently interpreted that such riders and prohibitions do not apply to efforts by President's and presidential aides to build public support for his congressional agenda.

The Justice Department concluded in an April 14, 1995, legal memorandum, for example, that restrictions on Executive Branch public outreach

activity do not apply to activities "personally undertaken by the President, his aides and assistants within the Executive Office of the President, the Vice President, cabinet members within their areas of responsibility, and other Senate-confirmed officials appointed by the President within their areas of responsibility."

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 02, 2003 1:51 PM
To: Snee, Ashley; McClellan, Scott
Subject: Milbank

It is traditional and appropriate for Presidents and their aides to explain the President's agenda and proposals to members of the public and to seek support for that agenda in Congress. The Department of Justice under Presidents of both parties has consistently interpreted so-called "anti-lobbying" riders and prohibitions not to apply to efforts by Presidents and their close aides to explain the President's agenda to the Congress and the public and to seek the public's support with Congress. The Department concluded in an April 14, 1995, legal memorandum, for example, that restrictions on Executive Branch lobbying activity do not apply to activities "personally undertaken by the President, his aides and assistants within the Executive Office of the President, the Vice President, cabinet members within their areas of responsibility, and other Senate-confirmed officials appointed by the President within their areas of responsibility."

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
CC: <McClellan, Scott>
Sent: 6/2/2003 1:33:06 PM
Subject: FW: section 623

Brett - Could you call me about this. If you are not the GC person for this issue, just point me in their direction. Thanks

-----Original Message-----
From: Dana T Milbank [mailto:milbankd@washpost.com]
Sent: Monday, June 02, 2003 1:19 PM
To: Snee, Ashley
Subject: section 623

Ashley--

For tomorrow's notebook, am looking at the following passage from Knight Ridder on May 13. Dems say it violates Sec. 623 of treasury-postal approps

(printed below). I assume you folks have ways to avoid this (separate phones, faxes etc) and would like to know what those are. Thanks much.

DM 334 7570.

It was the latest in a recent spate of Air Force One visits to states where senators are resisting Bush's program. But the president's personal interventions came only after persistent coordination between the White House and top employers in those states aimed at bending key senators to their wills, according to senators, congressional aides and business lobbyists.

"We've done ads, we've done mailings," said John J. Castellani, president of The Business Roundtable, an influential group of top executives, many of them major employers in crucial states. "We've had visits in the states. We've had meetings, written op-eds. The only thing we haven't done is a prayer breakfast."

Working through its political office and its office of business liaison, the White House has contacted local business leaders either directly or through national business groups to get them to lobby their senators on behalf of Bush's tax cuts. Among senators who said they'd been lobbied this way are Nelson, Max Baucus, D-Mont., Olympia Snowe, R-Maine, and George Voinovich, R-Ohio. Other targets include Sens. Mary Landrieu, D-La., and Blanche Lincoln, D-Ark.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending

before the Congress, except in presentation to the Congress itself.

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
CC: <McClellan, Scott>
Sent: 6/2/2003 1:35:38 PM
Subject: Re: FW: section 623

That's me. Will call you.

From: Ashley Snee/WHO/EOP@Exchange on 06/02/2003 01:33:06 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Scott McClellan/WHO/EOP@Exchange

Subject: FW: section 623

Brett - Could you call me about this. If you are not the GC person for this issue, just point me in their direction. Thanks

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From: Dana T Milbank [mailto:milbankd@washpost.com]

Sent: Monday, June 02, 2003 1:19 PM

To: Snee, Ashley

Subject: section 623

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From: Cato Institute <kbrand@cato.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/2/2003 11:02:51 AM
Subject: : REGISTER NOW: 6/13/03 Canning Spam Hill Briefing

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Cato Institute <kbrand@cato.org> (Cato Institute <kbrand@cato.org> [UNKNOWN])
CREATION DATE/TIME: 2-JUN-2003 15:02:51.00
SUBJECT:: REGISTER NOW: 6/13/03 Canning Spam Hill Briefing
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Cato Institute invites you to a Hill Briefing

Canning Spam: Can We Shift the Cost of Unsolicited E-mail Back to Spammers?

featuring

Orson Swindle
Commissioner
Federal Trade Commission

Clyde Wayne Crews Jr.
Director of Technology Policy
Cato Institute

Dave Baker
Vice President for Law and Public Policy
Earthlink

It?s cheap to send e-mail, and spammers are taking advantage. To protect our Internet inboxes from choking on record levels of unsolicited e-mail, the
Federal Trade Commission is targeting fraudulent and deceptive spam. Meanwhile, members of Congress are proposing new legislative fixes, ranging from
fines to labeling requirements for commercial e-mail. Our speakers will discuss the impact of these approaches and some possible unintended consequences. They will also explore some emerging private sector solutions.

Friday, June 13, 2003
B-369 Rayburn House Office Building
12:00 noon
(Luncheon included)

Cato Hill Briefings and luncheons are free of charge.
To register, visit www.cato.org, e-mail Krystal Brand at kbrand@cato.org, fax (202) 371-0841, or call (202) 789-5229 by 12:00 noon, Thursday, June 12.
News media inquiries only (no registrations), please call (202) 789-5200.

To unsubscribe, send an email to: unsubscribe-16917@uptilt.com with the address: brett_m._kavanaugh@who.eop.gov in the subject line.

From: Hughes, A. Merrill
To: <Kavanaugh, Brett M.>;<Addington, David S.>
Sent: 6/2/2003 3:08:10 PM
Subject: Barbour program

Since I've been out for a few days, wanted to check the status of the wording/disclaimer that you thought we should include on the program for the Barbour event on the 9th. If Paul has already asked about this today, forgive me for doubling up...

Many thanks,
Merrill

From: Kavanaugh, Brett M.
To: <Hughes, A. Merrill>
CC: <Addington, David S.>
Sent: 6/2/2003 3:21:35 PM
Subject: Re: Barbour program

I should have an answer for you shortly that I first will discuss with David and then with you and Paul Dyck. Thanks.

From: A. Merrill Hughes/OVP/EOP@Exchange on 06/02/2003 03:08:10 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP

cc:

Subject: Barbour program

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Many thanks,

Merrill

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>
CC: <Leitch, David G.>
Sent: 6/2/2003 4:09:11 PM
Subject: draft disclaimer for events for state and local candidates where limits are above federal limits

"Nothing said by the President [Vice President] at this event should be understood as a solicitation beyond federally permissible limits -- namely, up to $2000 per election from an individual's own funds and no funds from a corporation, labor organization, or minor."

From: Hernandez, Israel
To: <Kavanaugh, Brett M.>
Sent: 6/2/2003 4:09:14 PM
Subject: FW: First Lady Philly invite for June 25
Attachments: PhillyJune25.pdf

Same as Chattanooga, TN invite. Please let know if you have any legal concerns.

Will give them clearance once you get in touch with me.

Thanks

Iz

-----Original Message-----
From: Israel Hernandez [mailto:ihernandez@georgewbush.com]
Sent: Monday, June 02, 2003 4:16 PM
To: Hernandez, Israel
Subject: Fw: First Lady Philly invite for June 25

----- Original Message -----
From: Amy Shuster - Political
To: Israel Hernandez
Sent: Sunday, June 01, 2003 8:34 PM
Subject: First Lady Philly invite for June 25

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PLEASE JOIN THE PHILADELPHIA HOST COMMITTEE
AT A LUNCHEON HONORING

LAURA BUSH

WEDNESDAY, JUNE 25TH, 2003

DOORS OPEN AT 11:00AM ~ PLEASE ALLOW SUFFICIENT TIME FOR SECURITY
11:30AM HOST COMMITTEE RECEPTION
12:00 NOON LUNCHEON

THE RITTENHOUSE HOTEL
GRAND BALLROOM
210 WEST RITTENHOUSE SQUARE
PHILADELPHIA, PA

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT. ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH.

REPLY CARD ENCLOSED
PLEASE RSVP BY SATURDAY, JUNE 21, 2003
FOR MORE INFORMATION
CONTACT (717) 232-5450

$1,000 PER PERSON
BUSINESS ATTIRE

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JUNE 25, 2003 – PHILADELPHIA, PA
$1,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____ IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY '04, INC.

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1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

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Please make check payable to Bush-Cheney '04, Inc.

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Home Phone	Office Phone
Fax Phone	Email
Employer	Occupation
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*

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Signature of Spouse *(If joint contribution)*
(must be signed by both spouses)

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Amount of Donation: $ _____

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Cardholder Name

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Signature

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BUSH-CHENEY '04, INC.
PO BOX 769
HARRISBURG, PA 17108-0769

From: CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/2/2003 12:10:17 PM
Subject: : FW: First Lady Philly invite for June 25
Attachments: P_HYEVG003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 2-JUN-2003 16:10:17.00
SUBJECT:: FW: First Lady Philly invite for June 25
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Same as Chattanooga, TN invite.; Please let know if you have any legal concerns.
;
Will give them clearance once you get in touch with me.
;
Thanks
;
Iz
;
;
-----Original Message-----
From: Israel Hernandez [mailto:ihernandez@georgewbush.com]
Sent: Monday, June 02, 2003 4:16 PM
To: Hernandez, Israel
Subject: Fw: First Lady Philly invite for June 25

;
----- Original Message -----
From: Amy Shuster - Political <mailto:AShuster@rnchq.org>
To: Israel Hernandez <mailto:ihernandez@georgewbush.com>
Sent: Sunday, June 01, 2003 8:34 PM
Subject: First Lady Philly invite for June 25

;
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HYEVG003_WHO.TXT_1>

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EXECUTIVE COMMITTEE

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THE HON. ELINOR Z. TAYLOR
THE HON. BOB THOMPSON
THE HON. CAROLYN WELSH
ROBERT WOOTEN

*COMMITTEE IN FORMATION

PLEASE JOIN THE PHILADELPHIA HOST COMMITTEE
AT A LUNCHEON HONORING

LAURA BUSH

WEDNESDAY, JUNE 25TH, 2003

DOORS OPEN AT 11:00AM ~ PLEASE ALLOW SUFFICIENT TIME FOR SECURITY
11:30AM HOST COMMITTEE RECEPTION
12:00 NOON LUNCHEON

THE RITTENHOUSE HOTEL
GRAND BALLROOM
210 WEST RITTENHOUSE SQUARE
PHILADELPHIA, PA

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT. ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH.

REPLY CARD ENCLOSED
PLEASE RSVP BY SATURDAY, JUNE 21, 2003
FOR MORE INFORMATION
CONTACT (717) 232-5450

$1,000 PER PERSON
BUSINESS ATTIRE

THIS INVITATION IS NON-TRANSFERABLE

Paid for by Bush-Cheney '04, Inc.

REV_00120403

LUNCHEON HONORING LAURA BUSH

JUNE 25, 2003 – PHILADELPHIA, PA
$1,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____ IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY '04, INC.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: EPAL01 Solicitor Tracking No.:_____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name	Salutation
Spouse Name	
Address	
City / State / Zip	
Home Phone	Office Phone
Fax Phone	Email
Employer	Occupation
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is $2,000 ($4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on **check #** _____ **account named as**

_____

represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____

Signature of Original Contributor

_____

Signature of Spouse *(If joint contribution)*
(must be signed by both spouses)

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

Amount of Donation: $ _____

_____ _____
Card Number Expiration Date

_____
Cardholder Name

_____
Signature

REV_00120405

BUSH-CHENEY '04, INC.
PO BOX 769
HARRISBURG, PA 17108-0769

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 6/2/2003 4:11:48 PM
Subject: RE: Milbank

Hey - any word?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 02, 2003 3:28 PM
To: McClellan, Scott
Cc: Snee, Ashley
Subject: RE: Milbank

Just double-checking with DOJ since we would be referencing their opinions.

From: Scott McClellan/WHO/EOP@Exchange on 06/02/2003 02:55:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Ashley Snee/WHO/EOP@Exchange
cc:
Subject: RE: Milbank

Brett -- based on your suggested language, how does this look? Like you, I prefer to use "public outreach" or "building public support" as instead of "lobbying."

I think the American people recognize one of the most important responsibilities of a President has always been to reach out to the American people to build public support for his agenda and priorities.

The Department of Justice under President's of both parties has consistently interpreted that such riders and prohibitions do not apply to efforts by President's and presidential aides to build public support for his congressional agenda.

The Justice Department concluded in an April 14, 1995, legal memorandum, for example, that restrictions on Executive Branch public outreach activity do not apply to activities "personally undertaken by the President, his aides and assistants within the Executive Office of the President, the Vice President, cabinet members within their areas of responsibility, and other Senate-confirmed officials appointed by the President within their areas of responsibility."

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 02, 2003 1:51 PM
To: Snee, Ashley; McClellan, Scott
Subject: Milbank

It is traditional and appropriate for Presidents and their aides to explain the President's agenda and proposals to members of the public and to seek support for that agenda in Congress. The Department

of Justice under Presidents of both parties has consistently interpreted so-called "anti-lobbying" riders and prohibitions not to apply to efforts by Presidents and their close aides to explain the President's agenda to the Congress and the public and to seek the public's support with Congress. The Department concluded in an April 14, 1995, legal memorandum, for example, that restrictions on Executive Branch lobbying activity do not apply to activities "personally undertaken by the President, his aides and assistants within the Executive Office of the President, the Vice President, cabinet members within their areas of responsibility, and other Senate-confirmed officials appointed by the President within their areas of responsibility."

From: Gonzales, Alberto R.
To: <Kavanaugh, Brett M.>
Sent: 6/2/2003 4:16:52 PM
Subject: RE: draft disclaimer for events for state and local candidates where limits are above federal limits

Clear it by Addington as well.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 02, 2003 4:09 PM
To: Gonzales, Alberto R.
Cc: Leitch, David G.
Subject: draft disclaimer for events for state and local candidates where limits are above federal limits

"Nothing said by the President [Vice President] at this event should be understood as a solicitation beyond federally permissible limits -- namely, up to $2000 per election from an individual's own funds and no funds from a corporation, labor organization, or minor."

From: Whisler, Robert L.
To: <Riley, Renee C.>;<Kavanaugh, Brett M.>
Sent: 6/2/2003 4:32:47 PM
Subject: Please reboot your PC

Anti-virus updates were recently pushed to your PC, but it needs to be rebooted in order for them to take effect. Would you mind doing this at your earliest convenience? Thank you.

Robert Whisler
Information Technology Specialist
Office of Administration / Information Assurance
Executive Offices of the President
202-456-2738

From: Kavanaugh, Brett M.
To: <Hernandez, Israel>
Sent: 6/2/2003 4:54:31 PM
Subject: Re: FW: First Lady Philly invite for June 25
Attachments: PhillyJune25.pdf

This is ok from our perspective. Please be sure Josefiak has cleared.

From: Israel Hernandez/WHO/EOP@Exchange on 06/02/2003 04:09:14 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: First Lady Philly invite for June 25

Same as Chattanooga, TN invite. Please let know if you have any legal concerns.

Will give them clearance once you get in touch with me.

Thanks

Iz

-----Original Message-----

From: Israel Hernandez [mailto:ihernandez@georgewbush.com]

Sent: Monday, June 02, 2003 4:16 PM

To: Hernandez, Israel

Subject: Fw: First Lady Philly invite for June 25

----- Original Message -----

From: Amy Shuster - Political <mailto:AShuster@rnchq.org>

To: Israel Hernandez <mailto:ihernandez@georgewbush.com>

Sent: Sunday, June 01, 2003 8:34 PM

Subject: First Lady Philly invite for June 25

<>

STATE FINANCE CHAIRMAN

DAVID F. GIRARD-DICARLO

EXECUTIVE COMMITTEE

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THE HON. CAROLYN WELSH
ROBERT WOOTEN

*COMMITTEE IN FORMATION

PLEASE JOIN THE PHILADELPHIA HOST COMMITTEE
AT A LUNCHEON HONORING

LAURA BUSH

WEDNESDAY, JUNE 25TH, 2003

DOORS OPEN AT 11:00AM ~ PLEASE ALLOW SUFFICIENT TIME FOR SECURITY
11:30AM HOST COMMITTEE RECEPTION
12:00 NOON LUNCHEON

THE RITTENHOUSE HOTEL
GRAND BALLROOM
210 WEST RITTENHOUSE SQUARE
PHILADELPHIA, PA

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT. ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH.

REPLY CARD ENCLOSED
PLEASE RSVP BY SATURDAY, JUNE 21, 2003
FOR MORE INFORMATION
CONTACT (717) 232-5450

$1,000 PER PERSON
BUSINESS ATTIRE

THIS INVITATION IS NON-TRANSFERABLE

Paid for by Bush-Cheney '04, Inc.

REV_00120427

LUNCHEON HONORING LAURA BUSH

JUNE 25, 2003 – PHILADELPHIA, PA
$1,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____ IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY '04, INC.

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1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: EPAL01 Solicitor Tracking No.:_____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name	Salutation
Spouse Name	
Address	
City / State / Zip	
Home Phone	Office Phone
Fax Phone	Email
Employer	Occupation
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is $2,000 ($4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on **check #** _____ **account named as**

_____

represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____

Signature of Original Contributor

_____

Signature of Spouse *(If joint contribution)*
(must be signed by both spouses)

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

Amount of Donation: $ _____

_____ _____
Card Number Expiration Date

_____
Cardholder Name

_____
Signature

REV_00120429

BUSH-CHENEY '04, INC.
PO BOX 769
HARRISBURG, PA 17108-0769

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Israel Hernandez/WHO/EOP@Exchange [WHO] <Israel Hernandez>
Sent: 6/2/2003 12:55:24 PM
Subject: : Re: FW: First Lady Philly invite for June 25
Attachments: P_FDIVG003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JUN-2003 16:55:24.00
SUBJECT:: Re: FW: First Lady Philly invite for June 25
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

This is ok from our perspective. Please be sure Josefiak has cleared.

From: Israel Hernandez/WHO/EOP@Exchange on 06/02/2003 04:09:14 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: First Lady Philly invite for June 25

Same as Chattanooga, TN invite.; Please let know if you have any legal concerns.
;
Will give them clearance once you get in touch with me.
;
Thanks
;
Iz
;
;
-----Original Message-----
From: Israel Hernandez [mailto:ihernandez@georgewbush.com]
Sent: Monday, June 02, 2003 4:16 PM
To: Hernandez, Israel
Subject: Fw: First Lady Philly invite for June 25

;
----- Original Message -----
From: Amy Shuster - Political <mailto:AShuster@rnchq.org>
To: Israel Hernandez <mailto:ihernandez@georgewbush.com>
Sent: Sunday, June 01, 2003 8:34 PM
Subject: First Lady Philly invite for June 25

;

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FDIVG003_WHO.TXT_1>

STATE FINANCE CHAIRMAN

DAVID F. GIRARD-DICARLO

EXECUTIVE COMMITTEE

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STEVEN L. FRIEDMAN
THE HON. JAMES W. GERLACH
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*COMMITTEE IN FORMATION

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LAURA BUSH

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12:00 NOON LUNCHEON

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GRAND BALLROOM
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REPLY CARD ENCLOSED
PLEASE RSVP BY SATURDAY, JUNE 21, 2003
FOR MORE INFORMATION
CONTACT (717) 232-5450

$1,000 PER PERSON
BUSINESS ATTIRE

THIS INVITATION IS NON-TRANSFERABLE

Paid for by Bush-Cheney '04, Inc.

REV_00120432

LUNCHEON HONORING LAURA BUSH

JUNE 25, 2003 – PHILADELPHIA, PA
$1,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____ IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY '04, INC.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: EPAL01 Solicitor Tracking No.:_____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name	Salutation
Spouse Name	
Address	
City / State / Zip	
Home Phone	Office Phone
Fax Phone	Email
Employer	Occupation
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is $2,000 ($4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on
check # _____ **account named as**

_____

represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

_____
Signature of Spouse *(If joint contribution)*
(must be signed by both spouses)

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

Amount of Donation: $ _____

_____ _____
Card Number Expiration Date

_____
Cardholder Name

_____
Signature

REV_00120434

BUSH-CHENEY '04, INC.
PO BOX 769
HARRISBURG, PA 17108-0769

From: Addington, David S.
To: <Kavanaugh, Brett M.>
Sent: 6/2/2003 5:10:56 PM
Subject: Re: draft disclaimer for program at events for state and local candidates where limits are above federal limits

Brett:

I wonder whether this clear and conspicuous notice would be a legally acceptable (FEC Adv. Op. 2003-3), but politically friendlier, and useable with respect to all Federal candidates without any need to change text, alternative:

"**Any solicitation by a Federal officeholder at this event seeks only federally permissible funds, that is, up to $2000 per candidate per election from an individual's own funds, and no funds from a corporation, labor organization or minor.**"

Also, is it our view that this disclaimer on the invitation-and-reply-device is satisfactory under FEC Adv. Op. 2003-3 -- or is it necessary to have this disclaimer on a display-board-and-easel at the event -- given that FEC Adv. Op. 2003-3 speaks of a written notice "displayed" at a state candidate fundraising event.

From: Bumatay, Patrick J.
To: <Ganter, Jonathan F.>;<Farrell, J. Elizabeth>;<Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 6/2/2003 5:39:05 PM
Subject: Berenson

is on CNN now.

Channel 42.

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 6/2/2003 5:57:53 PM
Subject: Raleigh N&O (6/2/03) re: Dole and judges

Raleigh News & Observer

UNDER THE DOME

June 2, 2003

Dole and judges

If this sounds familiar, stop me. North Carolina's junior senator is complaining that North Carolina's senior is blocking federal judgeships from being approved.

That was the common complaint made by Democrat John Edwards against Republican Sen. Jesse Helms, who he noted was using his powers as a home-state senator to block Democratic judges in the Clinton administration.

Now Sen. Elizabeth Dole is making the same complaint about Edwards.

"The senior senator from North Carolina is blocking Terry Boyle from even getting a hearing," Dole told the state GOP convention over the weekend. "We are sick and tired of obstructionism."

President Bush has nominated Boyle, a federal judge from Elizabeth City, to a seat on the 4th U.S. Circuit Court of Appeals.

"Please send me a fellow Republican," Dole said. "We need Richard Burr." She was referring to the Winston-Salem congressman who is expected to run for Edwards' seat next year.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Ashley Snee/WHO /EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 6/2/2003 1:59:26 PM
Subject: : Raleigh N&O (6/2/03) re: Dole and judges

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JUN-2003 17:59:26.00
SUBJECT:: Raleigh N&O (6/2/03) re: Dole and judges
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Raleigh News & Observer
UNDER THE DOME
June 2, 2003

Dole and judges
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She was referring to the Winston-Salem congressman who is expected to run for Edwards' seat next year.

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/2/2003 2:55:07 PM
Subject: : White House Global Messenger -- 6/03/03 -- RESEND
Attachments: P_USOVG003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME: 2-JUN-2003 18:55:07.00
SUBJECT:: White House Global Messenger -- 6/03/03 -- RESEND
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 6-03-03 FINAL.doc)

THE GLOBAL MESSENGER
Tuesday, June 03, 2003

KEY POINTS: FROM THE G-8 SUMMIT

President Bush went to the G-8 Summit in Evian, France to encourage cooperation on key global priorities: spurring economic growth; combating terrorism; preventing the proliferation of weapons of mass destruction; and promoting prosperity in the developing world.

*Combating HIV/AIDS
? President Bush's new initiative for 5-year, $15 billion Emergency Plan for AIDS Relief triples U.S. spending on combating HIV/AIDS. The President urged other G-8 leaders to make similar commitments.

*MCA - The President discussed his pledge of $1.3 billion in 2004 to assist countries with sound development policies. This new plan for linking development assistance to policies is known as the Millennium Challenge Account initiative, and U.S. funding levels will increase to $5 billion annually by 2006.

*Famine Relief - President Bush called for urgent action to address famine, in particular to assist the 38 million people at risk of starving in Sub-Saharan Africa. America is the world's leading donor to the UN World Food Program. The President urged his European partners to reconsider policies that discourage African farmers from using safe biotechnology to increase agricultural productivity.

*Increasing Trade - The President called on all countries to contribute to the goal of opening global markets and increasing prosperity through free trade, pointing out how the U.S. increased its share of Sub-Saharan exports from 1996 to 2001.

******TODAY'S SCHEDULE******
President Bush meets with leaders from the region, Sharm el Sheikh, Egypt

MASS GRAVES

Many mass grave sites have been identified in Iraq, providing further evidence of Saddam Hussein's atrocities against the

Iraqi people. The Coalition is working to help grieving families search for lost relatives and preserve evidence for future prosecutions by the new Iraqi government against the perpetrators. Some activities include:

*A team of U.S. forensic experts has arrived to assess the sites and determine security needs. They will work with other Coalition assessment teams.

*To strike the delicate balance between the interests of families searching for loved ones and broader justice issues, ORHA is working with local leaders where digging has already begun to coordinate the process; providing security at sites where digging has not begun; and sending forensic teams to conduct exhumations of grave sites.

*ORHA will work with existing Iraqi organizations to establish an Iraqi Committee on Missing Persons (ICMP). It will collect the records of Iraqis who have disappeared and compile a national database to integrate the information with findings of the forensic investigative teams.

*Prosecution of crimes against humanity committed by the former regime will be conducted through an Iraqi-led process assisted and supported by the international community as needed.

*To ensure that prosecutors have access to evidence, ORHA will form an evidence coordination team. The team will create centralized and systematic warehouses for the storage, documentation and preservation of evidence.

KEY QUOTE

"America and Europe are called to advance the cause of freedom and peace, and these two commitments are inseparable. It is human rights and private property, the rule of law and free trade and political openness that undermine the appeal of extremism and create the stable environment that peace requires. We are determined to demonstrate the power of these ideals in the reconstruction of Afghanistan and Iraq. And these ideals will provide the foundation for a reformed and peaceful and independent Palestinian state."
--President Bush, 5/31/03THE WHITE HOUSE
Office of Global Communications
For more information log on to
http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere. - GM 6-03-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_USOVG003_WHO.TXT_1>

THE GLOBAL MESSENGER

Tuesday, June 3, 2003

TODAY'S SCHEDULE

All Times Eastern Daylight. Subject to Change

President Bush meets with leaders from the region, Sharm el Sheikh, Egypt

MASS GRAVES

Many mass grave sites have been identified in Iraq, providing further evidence of Saddam Hussein's atrocities against the Iraqi people. The Coalition is working to help grieving families search for lost relatives and preserve evidence for future prosecutions by the new Iraqi government against the perpetrators. Some activities include:

- A team of U.S. forensic experts has arrived to assess the sites and determine security needs. They will work with other Coalition assessment teams.
- To strike the delicate balance between the interests of families searching for loved ones and broader justice issues, ORHA is working with local leaders where digging has already begun to coordinate the process; providing security at sites where digging has not begun; and sending forensic teams to conduct exhumations of grave sites.
- ORHA will work with existing Iraqi organizations to establish an Iraqi Committee on Missing Persons (ICMP). It will collect the records of Iraqis who have disappeared and compile a national database to integrate the information with findings of the forensic investigative teams.
- Prosecution of crimes against humanity committed by the former regime will be conducted through an Iraqi-led process assisted and supported by the international community as needed.
- To ensure that prosecutors have access to evidence, ORHA will form an evidence coordination team. The team will create centralized and systematic warehouses for the storage, documentation and preservation of evidence.

KEY POINTS: FROM THE G-8 SUMMIT

President Bush went to the G-8 Summit in Evian, France to encourage cooperation on key global priorities: spurring economic growth; combating terrorism; preventing the proliferation of weapons of mass destruction; and promoting prosperity in the developing world.

- **Combating HIV/AIDS** – President Bush's new initiative for 5-year, $15 billion Emergency Plan for AIDS Relief triples U.S. spending on combating HIV/AIDS. The President urged other G-8 leaders to make similar commitments.
- **MCA** – The President discussed his pledge of $1.3 billion in 2004 to assist countries with sound development policies. This new plan for linking development assistance to policies is known as the Millennium Challenge Account initiative, and U.S. funding levels will increase to $5 billion annually by 2006.
- **Famine Relief** – President Bush called for urgent action to address famine, in particular to assist the 38 million people at risk of starving in Sub-Saharan Africa. America is the world's leading donor to the UN World Food Program. The President urged his European partners to reconsider policies that discourage African farmers from using safe biotechnology to increase agricultural productivity.
- **Increasing Trade** – The President called on all countries to contribute to the goal of opening global markets and increasing prosperity through free trade, pointing out how the U.S. increased its share of Sub-Saharan exports from 1996 to 2001.

KEY QUOTE

"America and Europe are called to advance the cause of freedom and peace, and these two commitments are inseparable. It is human rights and private property, the rule of law and free trade and political openness that undermine the appeal of extremism and create the stable environment that peace requires. We are determined to demonstrate the power of these ideals in the reconstruction of Afghanistan and Iraq. And these ideals will provide the foundation for a reformed and peaceful and independent Palestinian state."
--President Bush, 5/31/03

THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: Elwood, Courtney S.
To: <Addington, David S.>;<Kavanaugh, Brett M.>
Sent: 6/3/2003 8:17:08 AM
Subject: RE: draft disclaimer for program at events for state and local candidates where limits are above federal limits

I had envisioned the disclaimer to be printed on the event's program, rather than on the invitation and reply card. That way, it would be "at" the event. Brett, did you have a different thought? If it were on the program, I think it would satisfy the standard articulated in the FEC Adv. Op., particularly since the printed disclaimer is intended to serve as a safety precaution, since it is my understanding that neither the President nor the Vice President makes a practice of soliciting donations at these events. But I'd like to hear Brett's view and also whether Charlie Spies concurs.

-----Original Message-----

From: Addington, David S.

Sent: Monday, June 02, 2003 5:11 PM

To: Kavanaugh, Brett M.

Subject: Re: draft disclaimer for program at events for state and local candidates where limits are above federal limits

Brett:

I wonder whether this clear and conspicuous notice would be a legally acceptable (FEC Adv. Op. 2003-3), but politically friendlier, and useable with respect to all Federal candidates without any need to change text, alternative:

"**Any solicitation by a Federal officeholder at this event seeks only federally permissible funds, that is, up to $2000 per candidate per election from an individual's own funds, and no funds from a corporation, labor organization or minor.**"

Also, is it our view that this disclaimer on the invitation-and-reply-device is satisfactory under FEC Adv. Op. 2003-3 -- or is it necessary to have this disclaimer on a display-board-and-easel at the event -- given that FEC Adv. Op. 2003-3 speaks of a written notice "displayed" at a state candidate fundraising event.

From: Kavanaugh, Brett M.
To: <Elwood, Courtney S.>
CC: <Addington, David S.>
Sent: 6/3/2003 8:32:45 AM
Subject: RE: draft disclaimer for program at events for state and local candidates where limits are above federal limits

Right, the disclaimer would be in the program.

From: Courtney S. Elwood/OVP/EOP@Exchange on 06/03/2003 08:17:08 AM

Record Type: Record

To: David S. Addington/OVP/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: draft disclaimer for program at events for state and local candidates where limits are above federal limits

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From: Elwood, Courtney S.
To: <Kavanaugh, Brett M.>
CC: <Addington, David S.>
Sent: 6/3/2003 8:34:46 AM
Subject: RE: draft disclaimer for program at events for state and local candidates where limits are above federal limits

And should I assume that you think that, if in the program, the disclaimer would satisfy the legal requirement?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 03, 2003 8:33 AM
To: Elwood, Courtney S.
Cc: Addington, David S.
Subject: RE: draft disclaimer for program at events for state and local candidates where limits are above federal limits

Right, the disclaimer would be in the program.

From: Courtney S. Elwood/OVP/EOP@Exchange on 06/03/2003 08:17:08 AM
Record Type: Record

To: David S. Addington/OVP/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: draft disclaimer for program at events for state and local candidates where limits are above federal limits

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Sent: Monday, June 02, 2003 5:11 PM
To: Kavanaugh, Brett M.
Subject: Re: draft disclaimer for program at events for state and local candidates where limits are above federal limits

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From: Bumatay, Patrick J.
To: <Nelson, Carolyn>;<Montiel, Charlotte L.>;<Ganter, Jonathan F.>;<Farrell, J. Elizabeth>;<Leitch, David G.>;<Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 6/3/2003 8:50:33 AM
Subject: Berenson transcripts

CNN
SHOW: CNN WOLF BLITZER REPORTS 17:00
June 2, 2003 Monday
Transcript # 060200CN.V67

SECTION: News; International

LENGTH: 7401 words

HEADLINE: Rudolph Refuses to Enter Plea; Bush Arrives in Egypt

GUESTS: Brad Berenson, Anthony Romero

BYLINE: Wolf Blitzer, Brian Cabell, Gary Tuchman, Art Harris, Dana Bash, Jeffrey Toobin, Jamie McIntyre, Kelli Arena, Bob Franken, Richard Quest

HIGHLIGHT:
Bombing suspect Eric Rudolph refuseed to enter a plea today in court. Also, the president arrived in Egypt to begin his peace summit.

BLITZER: Joining us to talk more about this inspector general report from the Justice Department, Brad Berenson. He is a former White House counsel in the Bush administration. And the executive director of the ACLU Anthony Romero. Thanks to both of you very much.

First to you, Brad, this is pretty embarrassing stuff for the Bush administration that you guys, your former official in the White House have to now defend this behavior right after 9/11.

BRAD BERENSON, FORMER ASSOCIATE WHITE HOUSE COUNSEL: Well, I actually don't agree that this is a significant embarrassment for the administration. None of the conduct in this report was illegal. The report in fact confirms that the office of Legal Counsel and the Justice Department blessed all the things that were matters of policy. As for the physical and verbal abuse, that was not a matter of policy. That was a few isolated instances of misconduct by individual corrections officers. Now no one would excuse that. On the other hand, given that they are up there in New York the immediate aftermath of 9/11, it's not difficult to understand why feelings may have run high.

BLITZER: All right, Anthony, do you have the same assessment?

ANTHONY ROMERO, EXEC. DIR. ACLU: No, not at all. In fact, the inspector general goes quite far to say that not with standing the difficulty and hectic events that happened after 9/11, the Justice Department went too far too fast. It talked about the haphazard and indiscriminate way it which it prosecuted the war on terrorism. And how it quickly turned into a war on immigrants. They raised serious concerns about our civil liberties, and how the justice department, even itself, was at odds and had the base for the Justice Department about how best

to prosecute the war on terror.

BLITZER: And on that specific point, Brad, you heard Kelli Arena say at the end of a report that some top officials of the Justice Department are now being encouraged to go hire private attorneys in case they are sued by some of these immigrants who were picked up.

BERENSON: Yes. I don't know the truth of that report, but I don't see anything in the report that would give them grounds for personal legal liability or especially to require the retention of private counsel. I don't see why counsel for the government, why Justice Department couldn't -- Justice Department lawyers could not represent these officials. All of these actions were taken in good faith. All of them appear to comply with the law, and we have to remember that every single person that we're talking about here was a law breaker, was a person who violated federal law, in most cases immigration laws, civil or criminal.

BLITZER: Lets Anthony respond to that go ahead.

ROMERO: What's remarkable is the fact the Justice Department has encouraged the individuals to secure individual legal counsel. We saw that in press reports and we've heard that elsewhere throughout the weekend. If the Justice Department really thought there was nothing wrong or illegal or unconstitutional about its actions. We find it curious they'd be encouraging government officials to hiring lawyers. Then you read the actual, 198 page document, and you see that the Justice Department goes quite far in terms of abuse and treatment of some detainees in the treatment centers. Remarkably, Wolf, that in one detention center, that the tapes -- videotapes that could have documented the conditions of confinement or abuse of prisoners were destroyed. It talks about official policies set by the Justice Department.

BLITZER: Well, let me have Brad weigh in on that.

Do you have any evidence to suggest or confirm that documents were destroyed?

BERENSON: I have no evidence either way on that. I haven't any idea whether that's true.

BLITZER: Because that's a serious allegation, right, Anthony?

What specifically are you referred to?

ROMERO: Towards the end of the report, I think around page 170, they talk about videotapes that had been taken at MAC, the Metropolitan Detention Center, that had been destroyed and taped over. These were taped that were being used to be able to corroborate or to track the abuse or treatment of the conditions of confinement in prison.

BLITZER: Brad, you've had a chance, Brad, to look at this inspector general's report. Looking back with hindsight, of course, remembering the mood right after 9/11, what if anything do you think the administration should have done perhaps differently?

BERENSON: Well, there are things the administration could have done differently. I mean, no one is going to argue absolutely everything was done perfectly. But under the circumstances, I think the standard of perfection is probably a little too much to expect. My overall reaction reading the report was that given what had happened to this country on 9/11 this country did about as well as any country in the world probably would have under the circumstances, and the record, while not perfect, was still pretty darn good.

BLITZER: And Anthony, you have to give the administration, the Justice Department credit for coming out with this inspector general's report, not covering up perhaps some mistakes in this policy.

ROMERO: It's the inspector general who draws entirely the contrary conclusion to the one Brad just drew. And what for us is breath taking and remarkable is the level and extent of the scathing criticism you find within the

Justice Department's own report. The fact that they fully documented the abuse issues, and fully addressed for us the concerns around immigrants rights in the aftermath of 9/11, gives us reason to believe this is just the beginning of the debate, not the end of it.

BLITZER: The debate will continue. Unfortunately not here because we're all out of time. Brad Berenson, thanks very much. Anthony Romero, thanks to you as well.

-----Original Message-----
From: Sampson, Kyle
Sent: Tuesday, June 03, 2003 8:04 AM
To: Bumatay, Patrick J.
Subject: Re: Berenson

can you get a transcript of this?

From: Patrick J. Bumatay/WHO/EOP@Exchange on 06/02/2003 05:39:05 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Berenson

is on CNN now.

Channel 42.

Message Sent To:

Jonathan F. Ganter/WHO/EOP@EOP
J. Elizabeth Farrell/WHO/EOP@EOP
Theodore W. Ullyot/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Jennifer R. Brosnahan/WHO/EOP@EOP
Reginald J. Brown/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>;<Nelson, Carolyn>
Sent: 6/3/2003 9:17:48 AM
Subject: Kuhl to see Judge

I would like to get Kuhl to stop by and see Judge Gonzales here at WH when she has a spare moment tomorrow after Judge meets with Feinstein. Is that doable?

From: CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO]
To: Andrea G. Ball/WHO/EOP@Exchange [WHO] <Andrea G. Ball>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/3/2003 9:20:14 AM
Subject: : FW: Need approval: Mrs. Bush Cincinnati Invite
Attachments: P_J1EWG003_WHO.TXT_1.pdf

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Israel Hernandez ( CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 3-JUN-2003 13:20:14.00
SUBJECT:: FW: Need approval: Mrs. Bush Cincinnati Invite
TO:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Josefiak will approve at the Campaign. Sending this to you to make sure
there are no problems from Counsel and Mrs. Bush's office.

Please respond. Regrettably, this is time sensitive so a quick response
would be greatly appreciated.

Thanks

Iz
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_J1EWG003_WHO.TXT_1>
```

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Tina and Dudley Taft
Bebe and Phil Vollmer
Lynne and Steve Vollmer
Ginger and David Warner
Peggy and Jack Wyant
Linda and Jeff Wyler

Please Join Event Chairs Kathy and Bill DeWitt,
Joyce and Dick Farmer, Edyth and Carl Lindner
and the Host Committee for a Reception Honoring

Laura Bush

Wednesday, June 25, 2003

5:30 p.m Host Committee Reception
6:00 p.m Main Reception

The Home of Gaby and Mercer Reynolds
4900 Taft Place
Cincinnati, Ohio

Reply Card Enclosed
Please RSVP by Friday, June 20, 2003
For more information contact
Dorinda Moss at 202-863-8552

$1,000 per person
Business Attire

This Invitation is Non-Transferable

Paid for by Bush-Cheney '04, Inc.

REV_00120507

RECEPTION HONORING LAURA BUSH

JUNE 25, 2003
$1,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____ IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $1,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY '04, INC.

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1. _____

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2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

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Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

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Address	
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Home Phone	Office Phone
Fax Phone	Email
Employer	Occupation
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*

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The contribution to Bush-Cheney '04, Inc. drawn on **check #** _____ **account named as**

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represents our personal funds and is not drawn on an account maintained by an incorporated entity.

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Signature of Original Contributor

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Signature of Spouse *(If joint contribution)*
(must be signed by both spouses)

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

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Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

Amount of Donation: $ _____

_____ _____
Card Number Expiration Date

_____
Cardholder Name

_____
Signature

REV_00120509

BUSH-CHENEY '04, INC.
P.O. BOX 205
CINCINNATI, OH 45201

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Berenson, Bradford <bberenson@sidley.com>
Sent: 6/3/2003 5:22:07 AM
Subject: : RE: "Serious" Poker Game
Attachments: P_24ZVG003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JUN-2003 09:22:07.00
SUBJECT:: RE: "Serious" Poker Game
TO:"Berenson, Bradford" <bberenson@sidley.com> ("Berenson, Bradford"
<bberenson@sidley.com> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Oh, yes, we have those as well. Used to be in Tim's office. Thanks.
Good job on CNN yesterday.

"Berenson, Bradford" <bberenson@sidley.com>
06/03/2003 09:18:06 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: "Serious" Poker Game

No -- it's a set of bound volumes called "The Supreme Court of the United States Nominations,1916-1994" edited by Roy Mersky, et al. There are about two volumes per nomination. It contains a short history of each nomination,
the full text of the nominees' questionnaires, confirmation hearings, floor debates, and member statements, all of the nominees' writings that were at issue during the hearings, all related executive branch and presidential statements, correspondence with the committee, and a compendium of editorial
comment and other significant media material. In short, absolute one-stop shopping for any question relating to the precedents governing confirmations, including how nominees answered questions in the past, how disputes were resolved over what materials the executive branch would disgorge etc. Also great for giving an nominee the feel of the back and forth to be expected during hearings. If the OEOB Library doesn't have this, they should get it.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, June 03, 2003 8:56 AM
To: Berenson, Bradford
Subject: RE: "Serious" Poker Game

In for poker. Is the resource the "Supreme Court Compendium"?

"<mail.sidley.com>" made the following
annotations on 06/03/2003 08:18:12 AM

This e-mail is sent by a law firm and may contain information that is
privileged or confidential. If you are not the intended recipient, please
delete the e-mail and any attachments and notify us immediately.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_24ZVG003_WHO.TXT_1>

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From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, June 03, 2003 8:56 AM
To: Berenson, Bradford
Subject: RE: "Serious" Poker Game

In for poker. Is the resource the "Supreme Court Com pendium"?

"<mail.sidley.com>" made the following
annotations on 06/03/2003 08:18:12 AM
----------< br> ---------- ----------

This e-mail is sent by a law firm and may contain information that is privilege d or confidential. If you are not the intended recipient, please delete the e-m ail and any attachments and notify us immediately.

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 6/3/2003 9:24:34 AM
Subject: FW: Feinstein letter

Do you have a copy of the Feinstein letter to us?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/03/2003 09:24 AM ----------

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/03/2003 09:23:16 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Feinstein letter

Do you have this?

-----Original Message-----

From: Comisac, RenaJohnson (Judiciary) [mailto:Rena_Johnson_Comisac@Judiciary.senate.gov]

Sent: Monday, June 02, 2003 9:41 PM

To: Grubbs, Wendy J.

Cc: Green, Tanya (Judiciary)

Subject: Feinstein letter

I have a copy of the 5/6 letter Judge Gonzales sent Feinstein, but I do not have a copy of the 5/5 letter Feinstein sent President Bush that prompted the response from Gonzales. Can you please fax me a copy at 228-1698? Thanks.

CONFIDENTIALITY NOTE: The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Wendy J. Grubbs/WHO /EOP@Exchange [WHO] <Wendy J. Grubbs>
Sent: 6/3/2003 5:28:47 AM
Subject: : RE: Kuhl to see Judge

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 3-JUN-2003 09:28:47.00
SUBJECT:: RE: Kuhl to see Judge
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI, Judge's meeting with Feinstein will be at 9:15 tomorrow morning.

-----Original Message-----
From: Grubbs, Wendy J.
Sent: Tuesday, June 03, 2003 9:21 AM
To: Kavanaugh, Brett M.; Nelson, Carolyn
Subject: RE: Kuhl to see Judge

What time? Right now, all she has is 2:30 with Collins tomorrow. Snowe is meeting with staff this am, and then will decide whether she needs to see her. All others seem ok.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 03, 2003 9:18 AM
To: Grubbs, Wendy J.; Nelson, Carolyn
Subject: Kuhl to see Judge

I would like to get Kuhl to stop by and see Judge Gonzales here at WH when she has a spare moment tomorrow after Judge meets with Feinstein. Is that doable?

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/3/2003 5:29:42 AM
Subject: : RE: Feinstein letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 3-JUN-2003 09:29:42.00
SUBJECT:: RE: Feinstein letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tracking down now.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 03, 2003 9:25 AM
To: Bumatay, Patrick J.
Subject: FW: Feinstein letter

Do you have a copy of the Feinstein letter to us?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/03/2003 09:24 AM ----------

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/03/2003 09:23:16 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Feinstein letter

Do you have this?
-----Original Message-----
From: Comisac, RenaJohnson (Judiciary) [
mailto:Rena_Johnson_Comisac@Judiciary.senate.gov
<mailto:Rena_Johnson_Comisac@Judiciary.senate.gov>]
Sent: Monday, June 02, 2003 9:41 PM
To: Grubbs, Wendy J.
Cc: Green, Tanya (Judiciary)
Subject: Feinstein letter

I have a copy of the 5/6 letter Judge Gonzales sent Feinstein, but I do not have a copy of the 5/5 letter Feinstein sent President Bush that prompted the response from Gonzales. Can you please fax me a copy at 228-1698? Thanks.

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forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/3/2003 5:54:27 AM
Subject: : RE: Feinstein letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 3-JUN-2003 09:54:27.00
SUBJECT:: RE: Feinstein letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Pls. call me about this. I think I have it, but it is unsigned and not on letterhead.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 03, 2003 9:25 AM
To: Bumatay, Patrick J.
Subject: FW: Feinstein letter

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---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/03/2003 09:24 AM ----------

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/03/2003 09:23:16 AM
Record Type: Record

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cc:
Subject: FW: Feinstein letter

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-----Original Message-----
From: Comisac, RenaJohnson (Judiciary) [
mailto:Rena_Johnson_Comisac@Judiciary.senate.gov
<mailto:Rena_Johnson_Comisac@Judiciary.senate.gov>]
Sent: Monday, June 02, 2003 9:41 PM
To: Grubbs, Wendy J.
Cc: Green, Tanya (Judiciary)
Subject: Feinstein letter

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From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 6/3/2003 10:13:04 AM
Subject: RE: Feinstein letter

you can stand down on this. thx.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 06/03/2003 09:53:26 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: Feinstein letter

Pls. call me about this. I think I have it, but it is unsigned and not on letterhead.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, June 03, 2003 9:25 AM

To: Bumatay, Patrick J.

Subject: FW: Feinstein letter

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---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/03/2003 09:24 AM ----------

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/03/2003 09:23:16 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Feinstein letter

Do you have this?

-----Original Message-----

From: Comisac, RenaJohnson (Judiciary) [mailto:Rena_Johnson_Comisac@Judiciary.senate.gov <mailto:Rena_Johnson_Comisac@Judiciary.senate.gov>]

Sent: Monday, June 02, 2003 9:41 PM

To: Grubbs, Wendy J.

Cc: Green, Tanya (Judiciary)

Subject: Feinstein letter

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>
Sent: 6/3/2003 6:17:27 AM
Subject: : RE: Feinstein letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JUN-2003 10:17:27.00
SUBJECT:: RE: Feinstein letter
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

you can stand down on this. thx.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 06/03/2003 09:53:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Feinstein letter

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To: Bumatay, Patrick J.
Subject: FW: Feinstein letter

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mailto:Rena_Johnson_Comisac@Judiciary.senate.gov <
mailto:Rena_Johnson_Comisac@Judiciary.senate.gov>]
Sent: Monday, June 02, 2003 9:41 PM
To: Grubbs, Wendy J.
Cc: Green, Tanya (Judiciary)
Subject: Feinstein letter

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From:	Ganter, Jonathan F.
To:	<Brown, Reginald J.>;<Brosnahan, Jennifer R.>;<Bartolomucci, H. Christopher>;<Kavanaugh, Brett M.>;<Sampson, Kyle>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>;<Ullyot, Theodore W.>;<Everson, Nanette>;<Carroll, James W.>
CC:	<Farrell, J. Elizabeth>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Bumatay, Patrick J.>;<Vallecillo, Maria F.>;<Plunkett, Wade>;<Phillips, Garry L.>;<Anderson, Peder>;<Stroot, Andrew>
Sent:	6/3/2003 11:17:07 AM
Subject:	17th Street is open

The 17th Street entrance to the EEOB is now available for use by passholders only. Appointments must still use the Pennsylvania Avenue entrance.

From: Kavanaugh, Brett M.
To: <Dyck, Paul B.>;<Hughes, A. Merrill>
CC: <Addington, David S.>;<Elwood, Courtney S.>
Sent: 6/3/2003 12:52:20 PM
Subject: Language for inclusion in program for 6/9 event

Please have them insert the following language into the printed program. Thanks.

"Any solicitation by a Federal officeholder at this event seeks only federally permissible funds, that is, up to $2000 per candidate per election from an individual's own funds, and no funds from a corporation, labor organization or minor."

From: Hernandez, Israel
To: <Kavanaugh, Brett M.>;<Ball, Andrea G.>
Sent: 6/3/2003 1:19:16 PM
Subject: FW: Need approval: Mrs. Bush Cincinnati Invite
Attachments: EOHL01.pdf

Josefiak will approve at the Campaign. Sending this to you to make sure there are no problems from Counsel and Mrs. Bush's office.

Please respond. Regrettably, this is time sensitive so a quick response would be greatly appreciated.

Thanks

Iz

HOST COMMITTEE

Mike Allen
Sydney and Bob Anning
Janet and Stan Aronoff
Kathy and Bill Bahl
Carol and Jay Beech
Gina and Mark Berry
Sara and Chris Carey
Shannon and Lee Carter
Susie and Bob Castellini
Pam and Paul Cheney
Debbie and Rodger Davis
Nancy and Steve Donovan
James Evans
Arna and Bobby Fisher
Joan and Jim Gardner
Susie and Vere Gaynor
Charles H. Gerhardt, III
Pam and Jim Gertie
Hannah and Joe Hagin
Tracy and Greg Hartmann
Louise and Joe Head
Chris and Trey Heekin
Sandy and Bob Heimann
Francie and Tom Hiltz
Sharon and Bob Hoverson
Joyce and Roger Howe
Nan and Keith Jensen
Marcia and Ron Joseph
James C. Kennedy
Katie and Jay Kern
Marianne and Don Klekamp
Linda and Bob Kohlhepp
Lynn and Don Larson
Betty and Bob Lindner, Sr.
Courtney and Keith Lindner
Frances and Craig Lindner
Martha and Carl Lindner, III
Richard E. Lindner, Sr.
Marion and Doug Marcian
Ellen and Rodger Miller
Pam and Tom Mischell
Julie and Phil Myers
H.C. Buck Niehoff
Joe Pedoto
Karen and David O'Maley
Michael R. Oestreicher
Jane and Rob Portman
Marty and Nick Ragland
Chuck Reynolds
Marilyn and Bob Rhein
Anne and Vince Rinaldi
M.A. and Jim Rogers
Sandy and Fred Runk
Betty and George Schaeffer
Val and Bill Sena
Holly and Stuart Seltman
Nancy and Tom Shepherd
Patty and Jim Sumner
Caroline and Rick Sutphin
Tina and Dudley Taft
Bebe and Phil Vollmer
Lynne and Steve Vollmer
Ginger and David Warner
Peggy and Jack Wyant
Linda and Jeff Wyler

Please Join Event Chairs Kathy and Bill DeWitt,
Joyce and Dick Farmer, Edyth and Carl Lindner
and the Host Committee for a Reception Honoring

Laura Bush

Wednesday, June 25, 2003

5:30 p.m Host Committee Reception
6:00 p.m Main Reception

The Home of Gaby and Mercer Reynolds
4900 Taft Place
Cincinnati, Ohio

Reply Card Enclosed
Please RSVP by Friday, June 20, 2003
For more information contact
Dorinda Moss at 202-863-8552

$1,000 per person
Business Attire

This Invitation is Non-Transferable

Paid for by Bush-Cheney '04, Inc.

REV_00120551

RECEPTION HONORING LAURA BUSH

JUNE 25, 2003
$1,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____ IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $1,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY '04, INC.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: EOHL01 Solicitor Tracking No.:_____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name	Salutation
Spouse Name	
Address	
City / State / Zip	
Home Phone	Office Phone
Fax Phone	Email
Employer	Occupation
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is $2,000 ($4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on **check #** _____ **account named as**

_____

represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____

Signature of Original Contributor

_____

Signature of Spouse *(If joint contribution)*
(must be signed by both spouses)

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

Amount of Donation: $ _____

_____ _____
Card Number Expiration Date

_____
Cardholder Name

_____
Signature

REV_00120553

BUSH-CHENEY '04, INC.
P.O. BOX 205
CINCINNATI, OH 45201

From: Apperson, Jay <Jay.Apperson@mail.house.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/3/2003 9:30:02 AM
Subject: : RE: INL position

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Apperson, Jay" <Jay.Apperson@mail.house.gov> ( "Apperson, Jay"
<Jay.Apperson@mail.house.gov> [ UNKNOWN ] )
CREATION DATE/TIME: 3-JUN-2003 13:30:02.00
SUBJECT:: RE: INL position
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett-

Thanks for inquiry. Continuing black hole. No contact from anyone
at Presidential personnel or otherwise. Larry Thompson called Armitage
(dep.
Sec. State) on my behalf some time ago. I had hoped you had heard
something,
or could find out???

I note that the person who headed that office (Rand Beers)two years
into the Bush Admistration and then got promotion to National Security
Counsel not only resigned in protest of Bush anti-terrorism policy but
thereafter joined the Kerry for President campaign! That office now
continues to be headed by a career foreign service officer (acting Ast.
Sec)with no law enforcement background while we are loosing the heroin
eradication effort, both in Columbia and Afghanistan because of imept
policies and lack of understanding of how law enforcement works. As a
result heroin (which was only a few years ago, almost non-existent in US)
is
resurgant on the streets of America -- as we head into the President's
reelection campaign.

Jay Apperson, Chief Counsel
Subcommittee on Crime,
Terrorism, and Homeland Security
Committee on the Judiciary
U.S. House of Representatives
207 Cannon House Office Building
Washington, D.C. 20515
202-225-3926
FAX: 202-225-3737


-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, June 03, 2003 11:17 AM
To: Apperson, Jay
Subject: Re: INL position


What's latest?
```

From: Ball, Andrea G.
To: <Hernandez, Israel>;<Kavanaugh, Brett M.>
Sent: 6/3/2003 2:16:59 PM
Subject: RE: Need approval: Mrs. Bush Cincinnati Invite

Looks ok to me - I assume Brett you think ok?

-----Original Message-----
From: Hernandez, Israel
Sent: Tuesday, June 03, 2003 1:19 PM
To: Kavanaugh, Brett M.; Ball, Andrea G.
Subject: FW: Need approval: Mrs. Bush Cincinnati Invite

Josefiak will approve at the Campaign. Sending this to you to make sure there are no problems from Counsel and Mrs. Bush's office.

Please respond. Regrettably, this is time sensitive so a quick response would be greatly appreciated.

Thanks

Iz

From: Susan Ralston <sralston@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/3/2003 10:20:07 AM
Subject: : Corporate Planes
Attachments: P_THHWG003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Susan Ralston <sralston@georgewbush.com> (Susan Ralston <sralston@georgewbush.com>
[UNKNOWN])
CREATION DATE/TIME: 3-JUN-2003 14:20:07.00
SUBJECT:: Corporate Planes
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

What is your determination?

-----Original Message-----
From: Heather Larrison [mailto:HLarrison@georgewbush.com]
Sent: Tuesday, June 03, 2003 12:50 PM
To: Susan Ralston
Subject: RE: Karl Rove on June 25th

Any word from Ken on whether or not we can use corporate planes to fly KR?
We have some interested parties.

-----Original Message-----
From: Susan Ralston
Sent: Fri 5/30/2003 3:24 PM
To: Heather Larrison
Cc:
Subject: RE: Karl Rove on June 25th

Nothing scheduled or planned at this time. You can call me to discuss if
you like. (202) 456-2369

-----Original Message-----
From: Heather Larrison [mailto:HLarrison@georgewbush.com]
Sent: Friday, May 30, 2003 3:21 PM
To: Susan Ralston
Subject: FW: Karl Rove on June 25th

Susan-

I need to start making arrangements for Karl's trip to TX in a few weeks.
Can you please tell me what you have scheduled for his arrival and
departure
times so I can plan accordingly.

Thanks-

Heather Larrison

-----Original Message-----
From: Kate Walters
Sent: Wed 5/28/2003 12:30 PM
To: Heather Larrison
Cc:
Subject: Karl Rove on June 25th

We also need to discuss where we want to take Karl. thanks

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_THHWG003_WHO.TXT_1>

What is your determination?</p>

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Sent: Tuesday, June 03, 2003 12:50 PM
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Thanks-
Heather Larrison

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To: Heather Larrison
Cc:
Subject: Karl Rove on June 25th

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From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/3/2003 10:27:41 AM
Subject: : FW: Kuhl
Attachments: P_6XHWG003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ("Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> [UNKNOWN])
CREATION DATE/TIME: 3-JUN-2003 14:27:41.00
SUBJECT:: FW: Kuhl
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The following article by Professor Eastman is a must read re Judge Kuhl, pass it on.

_____
LOS ANGELES DAILY JOURNAL NEWSWIRE ARTICLE
http://www.dailyjournal.com
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June 03, 2003

UNFAIR TREATMENT?
Kuhl Epitomizes 'Mainstream' of Appropriate Conduct for Judiciary

Forum Column

By John C. Eastman

Stellar credentials and a "well-qualified" rating from the American Bar Association, its highest, following her nomination to the 9th U.S. Circuit Court of Appeals should have made the road to confirmation an easy one for Judge Carolyn Kuhl.

But the path since Kuhl's nomination June 22, 2001 - two years ago - has been anything but easy. Indeed, for 21 months, she was not even given the courtesy of a hearing by the Senate Judiciary Committee, and a month after she finally did receive a hearing April 1, 2003, her nomination was "reported out" to the Senate floor on only the barest, 10-9 vote, with not a single Democrat siding with what Sen. Patrick Leahy, D-Vt., once called the "gold standard" of the ABA's well-qualified rating.

Her credentials are impeccable. Bachelor's degree in chemistry from Princeton, graduated cum laude. Law degree from Duke, graduated with distinction, inducted into the prestigious Order of the Coif, served as an editor of the Duke Law Journal. Law clerk in California on the 9th Circuit with then judge, now Supreme Court justice, Anthony Kennedy. High-ranking official at the U.S. Department of Justice, served as deputy solicitor general, deputy assistant attorney general and special assistant to the attorney general. Partner in one of Los Angeles' most prestigious firms, Munger, Tolles & Olson. Eight years of service as a judge on the Los Angeles Superior Court, in both the criminal and civil divisions.

And she's a woman, which means she accomplished all this at a time when women were just beginning to break through the glass ceiling that had for far too long limited opportunities for women in the legal profession.

So why all the opposition? Some self-proclaimed "women's groups" have apparently decided that this impeccably well-qualified woman is ... anti-woman! She might even, they fear, have conservative leanings.

There are three key pieces of "evidence" in this frontal assault

on Kuhl. First, while a young, 29-year-old attorney at the Department of Justice with no policy-making authority, Kuhl helped urge the attorney general to reverse an Internal Revenue Service policy denying tax-exempt status to Bob Jones University.

She did so on two grounds, neither of which had anything to do with defending the university's racial policies. She believed that Congress, not an administrative agency like the IRS, ought to be making such determinations. She also was concerned lest the IRS use its power to define "public policy" to deprive tax-exempt status to all-girls schools (such as the high school Kuhl herself had attended) or all-women colleges.

Harvard Law professor Laurence Tribe, in a 1984 letter to Attorney General William French Smith, praised the quality of the brief submitted by the Department of Justice in the case.

Tribe noted that he "thought it was a powerful and, in most respects, entirely compelling legal document."

Second, while serving on the Los Angeles Superior Court, Kuhl dismissed one of several counts in a case brought by a woman alleging the tort of intrusion after her doctor, while conducting a breast exam, had invited into the examining room a pharmaceutical company representative who was observing the doctor's work as part of his participation in an oncology mentorship program designed to improve care for breast-cancer patients.

Kuhl ruled that the remaining counts could proceed to trial, and the case ultimately settled with the plaintiff receiving an undisclosed sum.

Her ruling dismissing the intrusion count was well-grounded in existing precedent of the state Supreme Court, which had held that the tort of intrusion encompassed only unconsented-to physical intrusion.

Although her decision dismissing the intrusion count was reversed on appeal, state Court of Appeal Justice Paul Turner, who wrote the appellate opinion in the case, has acknowledged that "a strong argument can be made that [Kuhl] correctly assessed the competing societal interests the California Supreme Court requires all jurists in this state to weigh in determining whether the tort of intrusion has occurred."

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Or that Sen. Barbara Boxer, D.-Calif., elected that same year with a similar campaign message, would not at least support a vote on this extremely well-qualified woman nominee.

Is this the same Boxer who just nine months before Kuhl was nominated held a press conference decrying the "shameful way that women nominees to the federal judiciary were being treated" by the Senate and who had vigorously contended for years that every judicial nominee should receive an up or down vote?

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John C. Eastman teaches constitutional law at Chapman University School of Law and is the director of the Claremont Institute Center for Constitutional Jurisprudence.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_6XHWG003_WHO.TXT_1>

The following article by Professor Eastman is a must read re Judge Kuhl, pass it on.

LOS ANGELES DAILY JOURNAL NEWSWIRE ARTICLE
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June 03, 2003

UNFAIR TREATMENT?
Kuhl Epitomizes 'Mainstream' of Appropriate Conduct for Judiciary

&nb sp;Forum Column

By John C. Eastman

Stellar credentials and a "well-qualified" rating from the American Bar Association, its highest, following her nomination to the 9th U.S. Circuit Court of Appeals should have made the road to confirmation an easy one for Judge Carolyn Kuhl.

But the path since Kuhl's nomin ation June 22, 2001 - two years ago - has been anything but easy. Indeed, for 21 months, she was not even given the courtesy of a hearing by the Senate Judiciary Committee, and a month after she finally did receive a hearing April 1, 2003, her nomination was "reported out" to the Senate floor on only the barest, 10-9 vote, with not a single Democrat siding with what Sen. Patrick Leahy, D-Vt., once called the "gold standard" of the ABA's well-qualified rating.

Her credentials are impeccable. Bachelor's degree in chemistry from Princeton, graduated cum laude. Law degree from Duke, graduated with distinction, inducted into the prestigious Order of the Coif, served as an editor of the Duke Law Journal. Law clerk in California on the 9th Circuit with then judge, now Supreme Court justice, Anthony Kennedy. High-ranking official at the U.S. Department of Justice, served as deputy solicitor general, deputy assistant attorney general and special assistant to the attorney general. Partner in one of Los Angeles' most prestigious firms, Munger, Tolles & Olson. Eight years of service as a judge on the Los Angeles Superior Court, in both the criminal and civil divisions.

And she's a woman, which means she accomplished all this at a time when women were just beginning to break through the glass ceiling that had for far too long limited opportunities for women in the legal profession.

So why all the opposition? Some self-proclaimed "women's groups" have apparently decided that this impeccably well-qualified woman is ... anti-woman! She might even, they fear, have conservative leanings.

There are three key pieces of "evidence" in this frontal assault on Kuhl. First, while a young, 29-year-old attorney at the Department of Justice with no policy-making authority, Kuhl helped urge the attorney general to reverse an Internal Revenue Service policy denying tax-exempt status to Bob Jones University.

She did so on two grounds, neither of which had anything to do with defending the university's racial policies. She believed that Congress, not an administrative agency like the IRS, ought to be making such determinations. She also was concerned lest the IRS use its power to define "public policy" to deprive tax-exempt status to all-girls schools (such as the high school Kuhl herself had attended) or all-women colleges.

Harvard Law professor Laurence Tribe, in a 1984 letter to Attorney General William French Smith, praised the quality of the brief submitted by the Department of Justice in the case.

Tribe noted that he "thought it was a powerful and, in most respects, entirely compelling legal document."

Second, while serving on the Los Angeles Superior Court, Kuhl dismissed one of several counts in a case brought by a woman alleging the tort of intrusion after her doctor, while conducting a breast exam, had invited into the examining room a pharmaceutical company representative who was observing the doctor's work as part of his participation in an oncology mentorship program designed to improve care for breast-cancer patients.

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&nb sp;

John C. Eastman teaches constitutional law at Chapman University School of Law and is the director of the Claremont Institute Center for Constitutional Jurisprudence.

From: Kavanaugh, Brett M.
To: <Hernandez, Israel>
Sent: 6/3/2003 2:36:40 PM
Subject: Re: FW: Need approval: Mrs. Bush Cincinnati Invite
Attachments: EOHL01.pdf

Mercer Reynolds does not now have a government job, correct?

From: Israel Hernandez/WHO/EOP@Exchange on 06/03/2003 01:19:16 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Andrea G. Ball/WHO/EOP@Exchange

cc:

Subject: FW: Need approval: Mrs. Bush Cincinnati Invite

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Thanks

Iz <>

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Joyce and Dick Farmer, Edyth and Carl Lindner
and the Host Committee for a Reception Honoring

Laura Bush

Wednesday, June 25, 2003

5:30 p.m Host Committee Reception
6:00 p.m Main Reception

The Home of Gaby and Mercer Reynolds
4900 Taft Place
Cincinnati, Ohio

Reply Card Enclosed
Please RSVP by Friday, June 20, 2003
For more information contact
Dorinda Moss at 202-863-8552

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Israel Hernandez/WHO/EOP@Exchange [WHO] <Israel Hernandez>
Sent: 6/3/2003 10:37:32 AM
Subject: : Re: FW: Need approval: Mrs. Bush Cincinnati Invite
Attachments: P_QIIWG003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JUN-2003 14:37:32.00
SUBJECT:: Re: FW: Need approval: Mrs. Bush Cincinnati Invite
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

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From: Israel Hernandez/WHO/EOP@Exchange on 06/03/2003 01:19:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Andrea G. Ball/WHO/EOP@Exchange
cc:
Subject: FW: Need approval: Mrs. Bush Cincinnati Invite

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File attachment <P_QIIWG003_WHO.TXT_1>

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
Sent: 6/3/2003 10:38:16 AM
Subject: : RE: INL position

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JUN-2003 14:38:16.00
SUBJECT:: RE: INL position
TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi
---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
06/03/2003 02:37 PM ----------

"Apperson, Jay" <Jay.Apperson@mail.house.gov>
06/03/2003 01:28:21 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: INL position

Brett-

Thanks for inquiry. Continuing black hole. No contact from anyone
at Presidential personnel or otherwise. Larry Thompson called Armitage
(dep.
Sec. State) on my behalf some time ago. I had hoped you had heard
something,
or could find out???

I note that the person who headed that office (Rand Beers)two years
into the Bush Admistration and then got promotion to National Security
Counsel not only resigned in protest of Bush anti-terrorism policy but
thereafter joined the Kerry for President campaign! That office now
continues to be headed by a career foreign service officer (acting Ast.
Sec)with no law enforcement background while we are loosing the heroin
eradication effort, both in Columbia and Afghanistan because of imept
policies and lack of understanding of how law enforcement works. As a
result heroin (which was only a few years ago, almost non-existent in US)
is
resurgant on the streets of America -- as we head into the President's
reelection campaign.

Jay Apperson, Chief Counsel
Subcommittee on Crime,
Terrorism, and Homeland Security
Committee on the Judiciary
U.S. House of Representatives
207 Cannon House Office Building
Washington, D.C. 20515
202-225-3926
FAX: 202-225-3737

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, June 03, 2003 11:17 AM
To: Apperson, Jay
Subject: Re: INL position

What's latest?

From: Hernandez, Israel
To: <Kavanaugh, Brett M.>
Sent: 6/3/2003 2:44:48 PM
Subject: RE: FW: Need approval: Mrs. Bush Cincinnati Invite

Correct. He is National Finance Chairman

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 03, 2003 2:37 PM
To: Hernandez, Israel
Subject: Re: FW: Need approval: Mrs. Bush Cincinnati Invite

Mercer Reynolds does not now have a government job, correct?

From: Israel Hernandez/WHO/EOP@Exchange on 06/03/2003 01:19:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Andrea G. Ball/WHO/EOP@Exchange
cc:
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Please respond. Regrettably, this is time sensitive so a quick response would be greatly appreciated.

Thanks

Iz << File: EOHL01.pdf >>

From: Kavanaugh, Brett M.
To: <Hernandez, Israel>
CC: <Ball, Andrea G.>
Sent: 6/3/2003 2:46:22 PM
Subject: Re: FW: Need approval: Mrs. Bush Cincinnati Invite
Attachments: EOHL01.pdf

This is ok by us.

From: Israel Hernandez/WHO/EOP@Exchange on 06/03/2003 01:19:16 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Andrea G. Ball/WHO/EOP@Exchange

cc:

Subject: FW: Need approval: Mrs. Bush Cincinnati Invite

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Tracy and Greg Hartmann
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Chris and Trey Heekin
Sandy and Bob Heimann
Francie and Tom Hiltz
Sharon and Bob Hoverson
Joyce and Roger Howe
Nan and Keith Jensen
Marcia and Ron Joseph
James C. Kennedy
Katie and Jay Kern
Marianne and Don Klekamp
Linda and Bob Kohlhepp
Lynn and Don Larson
Betty and Bob Lindner, Sr.
Courtney and Keith Lindner
Frances and Craig Lindner
Martha and Carl Lindner, III
Richard E. Lindner, Sr.
Marion and Doug Marcian
Ellen and Rodger Miller
Pam and Tom Mischell
Julie and Phil Myers
H.C. Buck Niehoff
Joe Pedoto
Karen and David O'Maley
Michael R. Oestreicher
Jane and Rob Portman
Marty and Nick Ragland
Chuck Reynolds
Marilyn and Bob Rhein
Anne and Vince Rinaldi
M.A. and Jim Rogers
Sandy and Fred Runk
Betty and George Schaeffer
Val and Bill Sena
Holly and Stuart Seltman
Nancy and Tom Shepherd
Patty and Jim Sumner
Caroline and Rick Sutphin
Tina and Dudley Taft
Bebe and Phil Vollmer
Lynne and Steve Vollmer
Ginger and David Warner
Peggy and Jack Wyant
Linda and Jeff Wyler

Please Join Event Chairs Kathy and Bill DeWitt,
Joyce and Dick Farmer, Edyth and Carl Lindner
and the Host Committee for a Reception Honoring

Laura Bush

Wednesday, June 25, 2003

5:30 p.m Host Committee Reception
6:00 p.m Main Reception

The Home of Gaby and Mercer Reynolds
4900 Taft Place
Cincinnati, Ohio

Reply Card Enclosed
Please RSVP by Friday, June 20, 2003
For more information contact
Dorinda Moss at 202-863-8552

$1,000 per person
Business Attire

This Invitation is Non-Transferable

Paid for by Bush-Cheney '04, Inc.

REV_00120587

RECEPTION HONORING LAURA BUSH

JUNE 25, 2003
$1,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____ IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $1,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY '04, INC.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: EOHL01 Solicitor Tracking No.:_____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name	Salutation
Spouse Name	
Address	
City / State / Zip	
Home Phone	Office Phone
Fax Phone	Email
Employer	Occupation
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is $2,000 ($4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on **check #** _____ **account named as**

_____

represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____

Signature of Original Contributor

_____

Signature of Spouse *(If joint contribution)*
(must be signed by both spouses)

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

Amount of Donation: $ _____

_____ _____
Card Number Expiration Date

_____
Cardholder Name

_____
Signature

REV_00120589

BUSH-CHENEY '04, INC.
P.O. BOX 205
CINCINNATI, OH 45201

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Israel Hernandez/WHO/EOP@Exchange [WHO] <Israel Hernandez>
CC: andrea g. ball/who/eop@exchange [WHO] <andrea g. ball>
Sent: 6/3/2003 10:47:15 AM
Subject: : Re: FW: Need approval: Mrs. Bush Cincinnati Invite
Attachments: P_Z4JWG003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JUN-2003 14:47:15.00
SUBJECT:: Re: FW: Need approval: Mrs. Bush Cincinnati Invite
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:andrea g. ball (CN=andrea g. ball/OU=who/O=eop@exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

This is ok by us.

From: Israel Hernandez/WHO/EOP@Exchange on 06/03/2003 01:19:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Andrea G. Ball/WHO/EOP@Exchange
cc:
Subject: FW: Need approval: Mrs. Bush Cincinnati Invite

Josefiak will approve at the Campaign. Sending this to you to make sure there are no problems from Counsel and Mrs. Bush's office.

Please respond. Regrettably, this is time sensitive so a quick response would be greatly appreciated.

Thanks

Iz

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Z4JWG003_WHO.TXT_1>

HOST COMMITTEE

Mike Allen
Sydney and Bob Anning
Janet and Stan Aronoff
Kathy and Bill Bahl
Carol and Jay Beech
Gina and Mark Berry
Sara and Chris Carey
Shannon and Lee Carter
Susie and Bob Castellini
Pam and Paul Cheney
Debbie and Rodger Davis
Nancy and Steve Donovan
James Evans
Arna and Bobby Fisher
Joan and Jim Gardner
Susie and Vere Gaynor
Charles H. Gerhardt, III
Pam and Jim Gertie
Hannah and Joe Hagin
Tracy and Greg Hartmann
Louise and Joe Head
Chris and Trey Heekin
Sandy and Bob Heimann
Francie and Tom Hiltz
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Reply Card Enclosed
Please RSVP by Friday, June 20, 2003
For more information contact
Dorinda Moss at 202-863-8552

$1,000 per person
Business Attire

This Invitation is Non-Transferable

Paid for by Bush-Cheney '04, Inc.

REV_00120592

RECEPTION HONORING LAURA BUSH

JUNE 25, 2003
$1,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____ IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $1,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY '04, INC.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: EOHL01 Solicitor Tracking No.:_____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name	Salutation
Spouse Name	
Address	
City / State / Zip	
Home Phone	Office Phone
Fax Phone	Email
Employer	Occupation
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is $2,000 ($4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on **check #** _____ **account named as**

_____

represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____

Signature of Original Contributor

_____

Signature of Spouse *(If joint contribution)*
(must be signed by both spouses)

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

Amount of Donation: $ _____

_____ _____
Card Number Expiration Date

_____
Cardholder Name

_____
Signature

REV_00120594

BUSH-CHENEY '04, INC.
P.O. BOX 205
CINCINNATI, OH 45201

From: Kavanaugh, Brett M.
To: <Dyck, Paul B.>;<Hughes, A. Merrill>
CC: <Addington, David S.>;<Elwood, Courtney S.>
Sent: 6/3/2003 2:48:06 PM
Subject: Re: Language for inclusion in program for 6/9 event

One additional point: It should be printed in the program in the same size font as the rest of the text. If they have a draft, we would like to see it before they go to final. Thanks.

Brett M. Kavanaugh

06/03/2003 12:56:40 PM

Record Type: Record

To: Paul B. Dyck/WHO/EOP@EOP, A. Merrill Hughes/OVP/EOP@Exchange@EOP

cc: David S. Addington/OVP/EOP@EOP, Courtney S. Elwood/OVP/EOP@Exchange@EOP

Subject: Language for inclusion in program for 6/9 event

Please have them insert the following language into the printed program. Thanks.

"Any solicitation by a Federal officeholder at this event seeks only federally

permissible funds, that is, up to $2000 per candidate per election from an

individual's own funds, and no funds from a corporation, labor organization or

minor."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>
Sent: 6/3/2003 11:00:55 AM
Subject: : OSD Access to NSC Files
Attachments: P_41KWG003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JUN-2003 15:00:55.00
SUBJECT:: OSD Access to NSC Files
TO:Jonathan F. Ganter (CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please print this on letterhead with today's date and I will sign.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_41KWG003_WHO.TXT_1>

May xx, 2003

Nancy Smith
Director, Presidential Materials Staff
National Archives and Records Administration
Washington, DC 20408

Dear Ms. Smith:

This letter approves access by historians from the Office of the Secretary of Defense to the National Security Council institutional files as requested by Alfred Goldberg, OSD Historian. These NSC files are maintained as presidential records by the National Archives and Records Administration. The OSD Historical Office has requested access for Dr. Richard Hunt, who is working on a history of OSD from 1969-73. Future requests will identify individual historians and provide their specific research subjects. The Historical Office also will verify the historians' clearances with the National Archives and Records Administration.

This letter does not pre-approve the disclosure of any records or information reviewed or obtained by the historians during their research. All rights, privileges and immunities pertaining to the reviewed records, and the information contained therein, are reserved pending subsequent review and decision. The review of all documents selected by the OSD Historical Office for potential declassification or publication will be coordinated by the NSC in accordance with applicable law, including Executive Order 13233.

Sincerely,

Brett M. Kavanaugh
Associate Counsel to the President

Cc: William Leary
Alfred Goldberg

From: McQuade, Vickie A.
To: <Kavanaugh, Brett M.>
Sent: 6/3/2003 4:15:08 PM
Subject: Can you come over this Friday and meet with Ari about disposition of his papers?

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/3/2003 2:58:17 PM
Subject: : White House Global Messenger - 6/4/03
Attachments: P_DBWWG003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME: 3-JUN-2003 18:58:17.00
SUBJECT:: White House Global Messenger - 6/4/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 6-04-03 FINAL2.doc)

THE GLOBAL MESSENGER
Wednesday, June 4, 2003

******KEY POINTS ON MIDDLE EAST PEACE******
From the President's comments at Sharm el-Sheikh, 6/3/03

-This is a moment of promise for the cause of peace in the Middle East, with the potential for unity against terror, the birth of a new and Palestinian state, and broader peace among the peoples of this region. Achieving these goals will require courage and moral vision on every side, from every leader.

-America is committed to helping all the parties reach the hard and heroic decisions that will lead to peace. To this end, President Bush has:
*Put forth a proposal for two states, Israel and Palestine, living side-by-side in peace
*Called on Israel to respect the rights of Palestinians, including the right to live in dignity in a free and peaceful Palestine
*Urged the Palestinian people to embrace new leaders who stand for reform, democracy and for fighting terror
*Said that progress toward peace would require the active commitment and support of neighboring states

-All progress towards peace requires the rejection of terror. King Abdullah of Jordan, Prince Abdullah of Saudi Arabia, President Mubarak of Egypt, King Hamad of Bahrain, and Prime Minister Abbas from the Palestinian Delegation declared their firm rejection of terror, regardless of its justifications or motives, and committed to practical actions to use all means to cut off assistance, including arms and financing to any terror group, and to aid the Palestinian Authority in its own fight against terror.

-President Bush will meet with Prime Minister Sharon and Prime Minister Abbas,
to discuss the responsibilities of the Israelis and the Palestinians. If all
sides fulfill their obligations, steady progress on the road toward Palestinian
statehood, a secure Israel, and a just and comprehensive peace can be made. We
seek true peace; not just a pause between more wars and intifadas, but a
permanent reconciliation among the peoples of the Middle East.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change.
President Bush meets with the King of Jordan, Prime Minister of Israel, and
Palestinian Prime Minister, Aqaba, Jordan

******KEY QUOTE******
"We welcome the roadmap rising from this vision, and adopted by the Quartet,
especially since it has been accepted by both the Israeli and Palestinian
governments. We particularly express our appreciation for President Bush's
strong personal commitment for its full implementation."
--President Mubarak of Egypt, in Sharm el-Sheikh, 6/3/03

******IRAQ UPDATE******
"America is fully committed to restoring security to Iraqi cities and helping
the Iraqi people rebuild their nation, after decades of cruel and corrupt
dictatorship. I welcome the support of all the nations represented here for
these important goals, and hope they will contribute to helping the good people
of Iraq."
--President Bush, 6/3/03

We are nearing the end of the first phase of the coalition's efforts towards the
reconstruction of Iraq. Here are some of the successes:
-In Baghdad, more than 1300 Megawatts of electricity are now being generated a
day, which is up from only 300 when the coalition arrived
-The oil fields are producing more and more - now nearly 700,000 barrels a day
-The food distribution system has been restarted in the last several days
-Banks are reopening - 25 in Baghdad alone
-The police and military patrols are getting a firmer grip on the security situation
-The Community Action Program will inject about $70 million into the local economies by hiring workers

THE WHITE HOUSE
Office of Global Communications
For more information log on to
http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining
news and information from the White House.

The White House Office of Global Communications
distributes information about the President's
messages to the world. This office distributes
updates on major international topics such
as the global war on terror, the case for regime

change in Iraq, and more broadly, the ways in
which we can all better communicate the aspirations
and interests that Americans share with freedom-loving
people everywhere.
- GM 6-04-03 FINAL2.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_DBWWG003_WHO.TXT_1>

THE GLOBAL MESSENGER

Wednesday, June 4, 2003

TODAY'S SCHEDULE

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THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Susan Ralston <sralston@georgewbush.com>
Sent: 6/3/2003 3:00:56 PM
Subject: : Re: Corporate Planes
Attachments: P_MEWWG003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JUN-2003 19:00:56.00
SUBJECT:: Re: Corporate Planes
TO:Susan Ralston <sralston@georgewbush.com> (Susan Ralston <sralston@georgewbush.com> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

left you message about this.

Susan Ralston <sralston@georgewbush.com>
06/03/2003 02:18:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Corporate Planes

What is your determination?

-----Original Message-----
From: Heather Larrison [mailto:HLarrison@georgewbush.com]
Sent: Tuesday, June 03, 2003 12:50 PM
To: Susan Ralston
Subject: RE: Karl Rove on June 25th

Any word from Ken on whether or not we can use corporate planes to fly KR?
We have some interested parties.

-----Original Message-----
From: Susan Ralston
Sent: Fri 5/30/2003 3:24 PM
To: Heather Larrison
Cc:
Subject: RE: Karl Rove on June 25th

Nothing scheduled or planned at this time. You can call me to discuss if you like. (202) 456-2369

-----Original Message-----
From: Heather Larrison [mailto:HLarrison@georgewbush.com]
Sent: Friday, May 30, 2003 3:21 PM
To: Susan Ralston
Subject: FW: Karl Rove on June 25th

Susan-

I need to start making arrangements for Karl's trip to TX in a few weeks. Can you please tell me what you have scheduled for his arrival and departure
times so I can plan accordingly.

Thanks-

Heather Larrison

-----Original Message-----
From: Kate Walters
Sent: Wed 5/28/2003 12:30 PM
To: Heather Larrison
Cc:
Subject: Karl Rove on June 25th

We also need to discuss where we want to take Karl. thanks

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_MEWWG003_WHO.TXT_1>

What is your determination?</p>

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Thanks-
Heather Larrison

-----Original Message-----
From: Kate Walters
Sent: Wed 5/28/2003 12:30 PM
To: Heather Larrison
Cc:
Subject: Karl Rove on June 25th

We also need to discuss where we want to take Karl. thanks

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 6/4/2003 8:48:26 AM
Subject: FW: Kuhl to see Judge

Can you take her to lunch?
-----Original Message-----
From: Grubbs, Wendy J.
Sent: Wednesday, June 04, 2003 8:45 AM
To: Nelson, Carolyn
Subject: Re: Kuhl to see Judge

Do u think someone could take her to lunch in the mess? I can then take her back to hill at 2pm. .

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 6/4/2003 9:25:50 AM
Subject:

also, call me re judgeship bill

From: CN=Adrian G. Gray/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/4/2003 6:20:45 AM
Subject: : Cabinet travel schedules

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JUN-2003 10:20:45.00
SUBJECT:: Cabinet travel schedules
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Am I allowed to email cabinet travel schedules over to the campaign?

For instance.....this is Secretary Evans upcoming schedule:

Secretary Evans
June 9 (Denver, CO) Conference of Mayors Speech, EDA Grant Presentation, Lunch speech for a friend
June 10 (San Francisco, CA) Partnership for Prosperity event.
June 11-13 (Paris, France)
June 14-15 (Texas) Personal Time
June 16 (Oklahoma City, OK) FR/M Events for Senator Nickles - Reed Center Dedication and Private Event
June 20-22 (Beaver Creek, CO) Personal travel
June 23-25 (WDC) Hosting the U.S.-E.U. Summit
June 29-July 3 (Alaska) events with Senator Stevens

From: Litkenhaus, Colleen
To: <Terrell, Eric W.>;<Kavanaugh, Brett M.>
Sent: 6/4/2003 11:13:16 AM
Subject: RE:

Is this resolved?

-----Original Message-----
From: Terrell, Eric W.
Sent: Wednesday, May 28, 2003 9:57 AM
To: Kavanaugh, Brett M.
Cc: Litkenhaus, Colleen
Subject:

would like to run this by you
---------- Forwarded by Eric W. Terrell/WHO/EOP on 05/28/2003 09:57 AM ----------



mtoner@fec.gov
05/28/2003 09:47:29 AM

Record Type: Record

To: Eric W. Terrell/WHO/EOP@EOP
cc:
Subject:

Eric:

Thank you again for the copy of the WH Travel policies handbook; it has been very helpful. The FEC is holding a public hearing on June 6th where travel issues and the Commission's current regulations in this area may be discussed. Do you have any problem with the Commission using the handbook at the hearing?

Michael

From: Paul.P.Colborn@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/4/2003 8:25:17 AM
Subject: : FW: Heads up on formal Grassley request for the CMS memo
Attachments: P_WTGXG003_WHO.TXT_1.wpd

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Paul.P.Colborn@usdoj.gov" <Paul.P.Colborn@usdoj.gov> ("Paul.P.Colborn@usdoj.gov" <Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 4-JUN-2003 12:25:17.00
SUBJECT:: FW: Heads up on formal Grassley request for the CMS memo
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett, I will be calling you about the attached. I'll also forward you the incoming from Grassley.

-----Original Message-----
From: Burton, Faith
Sent: Wednesday, June 04, 2003 12:20 PM
To: McCallum, Robert; Jordan, Bill; Klitenic, Jason; Murphy, Paul B; Keisler, Peter D
Cc: Branda, Joyce; Schiffer, Stuart; Hertz, Michael; Colborn, Paul P; Scottfinan, Nancy; Moschella, William
Subject: RE: Heads up on formal Grassley request for the CMS memo

Here is the revised letter which meshes the suggested changes. Joyce and Bill, could you please call me when you have a minute re coordinating with HHS/CMS, which is important before anything is communicated. Paul will coordinate with WHC. FB

- grassley.cms.settlement.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WTGXG003_WHO.TXT_1>

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

Draft June 4, 2003

The Honorable Charles E. Grassley
Chairman
Committee on Finance
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letter, dated June 3, 2003, which requested a copy of a letter from the Centers for Medicare and Medicaid Services (CMS), Department of Health and Human Services (HHS) to the Department of Justice (DOJ) regarding a proposed settlement of administrativeoverpayment overpayment and underpayment claims by and against HCA. This administrative settlement is one component of a global settlement with HCA, including False Claims Act claims, which has been announced by both parties as an agreement in principle although details and precise document language are still under negotiation.

The Department appreciates the Committee's oversight interest in the HCA administrative settlement, and we want to accommodate your need for information about the Department's decision to approve the settlement negotiated by CMS staff. Accordingly, we provided a comprehensive briefing on May 23rd. In response to Committee staff interests, the briefing focused primarily on our analysis of the administrative overpayment claims settlement. The Committee has thus received a full summary of the reasons for this Department's actions regarding the settlement. We also understand that your staff soon will be briefed by CMS representatives, which may provide the most helpful information about their reasons for proposing the administrative settlement.

Our concerns about providing the requested letter pertain primarily to the risk of chilling the candid exchange of views during our decisionmaking on litigation and other matters. The Department has substantial confidentiality interests in the analysis and recommendations of any client agency regarding a proposed settlement. We want to encourage agencies to be complete and forthright in setting forth their analyses of the strengths and weaknesses of a potential case, addressing the legal and evidentiary issues in a written format than can be effectively used within the Department. If client agencies expect that their contributions to the settlement decisionmaking process will be disclosed to and dissected by Congress, then the free and candid flow of views and recommendations from the agencies would certainly be jeopardized. The Supreme Court has recognized the legitimacy of this "chilling effect" concern: "Human experience teaches that those who expect public dissemination of their remarks may well temper

REV_00120671

candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process." *United States v. Nixon*, 418 U.S. 683, 705 (1974). The Court stressed that "the importance of this confidentiality is too plain to require further discussion." *Id.*

The "chilling effect" concern exists regardless of whether or not the matter that is the subject of a settlement recommendation letter is pending at the time the disclosure is requested, because the concern is with the inhibiting effect on people writing such letters in the future. However, there is an additional concern where, as here, disclosure is sought before the details of the settlement have been finalized, namely that disclosure could jeopardize the Government's successful resolution of the matter.

We are also concerned about the likely impact of disclosure of a settlement recommendation letter on pending and future litigation involving similar issues against other parties. For instance, the law may be uncertain, and assessments of litigation risk may depend on the forum in which the case may be litigated. Documents of this type discuss such litigation risk assessment and other negotiation or litigation strategy in the case under consideration for settlement, but those concerns and assessments, if disclosed, could be generally applicable to other pending or future cases. Thus, anddisclosure could thus compromise the Government's handling of both pending and future litigation.

Our briefing to Committee staff, which included information about our analysis of CMS's reasoning as well as the bases for our approval decision, avoided this chilling effect and focused on the particular facets of the settlement of most interest to your staff. Such an accommodation, which protects the confidentiality of the client agency's deliberative work product, will encourage agencies to continue their provision of candid views, which is critical to our evaluation of such settlements and our conduct of related litigation.

I hope that this information is helpful and that you will understand our position in this matter. Please do not hesitate to contact me if you would like additional information.

Sincerely,

William E. Moschella
Assistant Attorney General

cc: The Honorable Max Baucus
Ranking Minority Member

REV_00120672

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>;<O'Donnell, Claire M.>
CC: <Douglass, Kimberly A.>
Sent: 6/4/2003 1:32:40 PM
Subject: FW: political travel issues

Can the four of us get together?

I've available the rest of the day today, tomorrow from 11-2, tomorrow after 4pm, Friday any time after 12.

-----Original Message-----
From: Douglass, Kimberly A.
Sent: Wednesday, June 04, 2003 1:11 PM
To: Litkenhaus, Colleen
Subject: political travel issues

My list of issues is getting longer. Just wanted to check in and see when we might be thinking about having the political travel meeting. I feel like I am hurtling towards total chaos.

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
CC: <O'Donnell, Claire M.>;<Douglass, Kimberly A.>
Sent: 6/4/2003 1:48:14 PM
Subject: Re: FW: political travel issues

Good, how about 1:30 tomorrow?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/04/2003 01:32:40 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Claire M. O'Donnell/OVP/EOP@Exchange

cc: Kimberly A. Douglass/WHO/EOP@Exchange

Subject: FW: political travel issues

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Subject: political travel issues

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From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
CC: <O'Donnell, Claire M.>;<Douglass, Kimberly A.>;<Boisvenue, Michael J.>
Sent: 6/4/2003 1:50:13 PM
Subject: RE: FW: political travel issues

Great! Claire said that works as well. Kim? Mike? Does that work and can we do it in Room One?

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Sent: Wednesday, June 04, 2003 1:48 PM
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From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>;<Douglass, Kimberly A.>
Sent: 6/4/2003 1:53:05 PM
Subject: RE: FW: political travel issues

If you all have a list of questions/issues in advance of the meeting, that might be helpful.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/04/2003 01:50:13 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Claire M. O'Donnell/OVP/EOP@Exchange, Kimberly A. Douglass/WHO/EOP@Exchange, Michael J. Boisvenue/WHO/EOP@Exchange

Subject: RE: FW: political travel issues

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From: Kavanaugh, Brett M.

Sent: Wednesday, June 04, 2003 1:48 PM

To: Litkenhaus, Colleen

Cc: O'Donnell, Claire M.; Douglass, Kimberly A.

Subject: Re: FW: political travel issues

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From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/04/2003 01:32:40 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Claire M. O'Donnell/OVP/EOP@Exchange

cc: Kimberly A. Douglass/WHO/EOP@Exchange

Subject: FW: political travel issues

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From: Douglass, Kimberly A.

Sent: Wednesday, June 04, 2003 1:11 PM

To: Litkenhaus, Colleen

Subject: political travel issues

My list of issues is getting longer. Just wanted to check in and see when we might be thinking about having the political travel meeting. I feel like I am hurtling towards total chaos.

From: Douglass, Kimberly A.
To: <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>
CC: <O'Donnell, Claire M.>;<Boisvenue, Michael J.>
Sent: 6/4/2003 1:59:34 PM
Subject: RE: FW: political travel issues

That works for me.

-----Original Message-----
From: Litkenhaus, Colleen
Sent: Wednesday, June 04, 2003 1:50 PM
To: Kavanaugh, Brett M.
Cc: O'Donnell, Claire M.; Douglass, Kimberly A.; Boisvenue, Michael J.
Subject: RE: FW: political travel issues

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From: Kavanaugh, Brett M.
Sent: Wednesday, June 04, 2003 1:48 PM
To: Litkenhaus, Colleen
Cc: O'Donnell, Claire M.; Douglass, Kimberly A.
Subject: Re: FW: political travel issues

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Record Type: Record

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To: Litkenhaus, Colleen
Subject: political travel issues

My list of issues is getting longer. Just wanted to check in and see when we might be thinking about

having the political travel meeting. I feel like I am hurtling towards total chaos.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>
CC: <Leitch, David G.>
Sent: 6/4/2003 2:17:42 PM
Subject:

Roll Call 's Emily Pierce takes a look at Senator Dianne Feinstein as a possible running mate on the 2004 Democratic ticket.

"Senator Bob Graham (D-Fla.), who is running for president, suggested he would consider Feinstein for anything from running mate to a prominent spot in his administration."

"'Whatever Dianne wants to do, President Graham will assist her and look forward to serving her in any capacity,' Graham said in an interview."

"It was almost two decades ago, in 1984, that Feinstein was first seriously considered for her party's national ticket, when as a well-known mayor she was passed over for the vice presidential nomination in favor of former New York Rep. Geraldine Ferraro."

"'I was on what we called the bridesmaids list,' said Feinstein, who said she would look very carefully at any renewed offers from the Democratic presidential nominee in 2004 to be his or her running mate."

"But some political strategists downplay the idea of Feinstein rounding out the 2004 Democratic ticket, primarily because her popularity in California is not needed to improve the electoral outcome in a state that has been voting overwhelmingly Democratic in the past few presidential races."

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 6/4/2003 3:31:43 PM
Subject: RE: on their way

thanks

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 04, 2003 3:26 PM
To: Snee, Ashley
Subject: on their way

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/4/2003 1:34:02 PM
Subject: : FW: I don't like this one. (or do you want to go ahead and approve to send?)

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 4-JUN-2003 17:34:02.00
SUBJECT:: FW: I don't like this one. (or do you want to go ahead and approve to send?)
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

are you around?
-----Original Message-----
From: Litkenhaus, Colleen
Sent: Wednesday, June 04, 2003 5:28 PM
To: Newstead, Jennifer G.; Gambatesa, Linda M.
Subject: I don't like this one. (or do you want to go ahead and approve to send?)

Next year they are going to ask for the following:;; reporting entity, financial management structure, and info on our financial accounting system cross servicing provider

;

;

QUESTION 71:; Last year, you stated that you had identified best practices for documented policies and procedures based upon one federal agency which has been recognized as one of the best in the Federal government (p. 136).; Which agency are you using as a model, and what are some examples of the specific best practices you intend to use?

;

RESPONSE: We were referring to the Department of Education and we conducted a pilot of their approach for developing policies and procedures within the Office of the CFO.; While that pilot was helpful, we determined that three other tasks (identify reporting entity, develop financial management structure, and identifying our financial accounting system cross servicing provider) needed to be completed before our policies and procedures could be developed.; Since those are near completion, we anticipate again focusing on developing policies and procedures during the remainder of this fiscal year.

From: Sean Rushton <SRushton@CommitteeforJustice.org>
To: SRushton@CommitteeforJustice.org [UNKNOWN] <SRushton@CommitteeforJustice.org>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/4/2003 2:59:22 PM
Subject: : Kuhl.
Attachments: P_JU1YG003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sean Rushton <SRushton@CommitteeforJustice.org> (Sean Rushton <SRushton@CommitteeforJustice.org> [UNKNOWN])
CREATION DATE/TIME: 4-JUN-2003 18:59:22.00
SUBJECT:: Kuhl.
TO:SRushton@CommitteeforJustice.org (SRushton@CommitteeforJustice.org [UNKNOWN])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

LOS ANGELES DAILY JOURNAL

http://www.dailyjournal.com

June 03, 2003

UNFAIR TREATMENT?
Kuhl Epitomizes 'Mainstream' of Appropriate Conduct for Judiciary

By John C. Eastman

Stellar credentials and a "well-qualified" rating from the American Bar Association, its highest, following her nomination to the 9th U.S. Circuit Court of Appeals should have made the road to confirmation an easy one for Judge Carolyn Kuhl.

But the path since Kuhl's nomination June 22, 2001 - two years ago - has been anything but easy. Indeed, for 21 months, she was not even given the courtesy of a hearing by the Senate Judiciary Committee, and a month after she finally did receive a hearing April 1, 2003, her nomination was "reported out" to the Senate floor on only the barest, 10-9 vote, with not a single Democrat siding with what Sen. Patrick Leahy, D-Vt., once called the "gold standard" of the ABA's well-qualified rating.

Her credentials are impeccable. Bachelor's degree in chemistry from Princeton, graduated cum laude. Law degree from Duke, graduated with distinction, inducted into the prestigious Order of the Coif, served as an editor of the Duke Law Journal. Law clerk in California on the 9th Circuit with then judge, now Supreme Court justice, Anthony Kennedy. High-ranking official at the U.S. Department of Justice, served as deputy solicitor general, deputy assistant attorney general and special assistant to the attorney general. Partner in one of Los Angeles' most prestigious firms, Munger, Tolles & Olson. Eight years of service as a judge on the Los Angeles Superior Court, in both the criminal and civil divisions.

And she's a woman, which means she accomplished all this at a time when women were just beginning to break through the glass ceiling that had for far too long limited opportunities for women in the legal profession.

So why all the opposition? Some self-proclaimed "women's groups" have

apparently decided that this impeccably well-qualified woman is ... anti-woman! She might even, they fear, have conservative leanings.

There are three key pieces of "evidence" in this frontal assault on Kuhl. First, while a young, 29-year-old attorney at the Department of Justice with no policy-making authority, Kuhl helped urge the attorney general to reverse an Internal Revenue Service policy denying tax-exempt status to Bob Jones University.

She did so on two grounds, neither of which had anything to do with defending the university's racial policies. She believed that Congress, not an administrative agency like the IRS, ought to be making such determinations. She also was concerned lest the IRS use its power to define "public policy" to deprive tax-exempt status to all-girls schools (such as the high school Kuhl herself had attended) or all-women colleges.

Harvard Law professor Laurence Tribe, in a 1984 letter to Attorney General William French Smith, praised the quality of the brief submitted by the Department of Justice in the case. Tribe noted that he "thought it was a powerful and, in most respects, entirely compelling legal document."

Second, while serving on the Los Angeles Superior Court, Kuhl dismissed one of several counts in a case brought by a woman alleging the tort of intrusion after her doctor, while conducting a breast exam, had invited into the examining room a pharmaceutical company representative who was observing the doctor's work as part of his participation in an oncology mentorship program designed to improve care for breast-cancer patients.

Kuhl ruled that the remaining counts could proceed to trial, and the case ultimately settled with the plaintiff receiving an undisclosed sum.

Her ruling dismissing the intrusion count was well-grounded in existing precedent of the state Supreme Court, which had held that the tort of intrusion encompassed only unconsented-to physical intrusion.

Although her decision dismissing the intrusion count was reversed on appeal, state Court of Appeal Justice Paul Turner, who wrote the appellate opinion in the case, has acknowledged that "a strong argument can be made that [Kuhl] correctly assessed the competing societal interests the California Supreme Court requires all jurists in this state to weigh in determining whether the tort of intrusion has occurred."

Finally, Kuhl had a limited role in the drafting of the brief filed by acting Solicitor General Charles Fried in Thornburgh v. American College of Obstetricians and Gynecologists, 476 U.S. 747 (1986), in which Fried, acting on behalf of President Reagan, urged the Supreme Court to overturn Roe v. Wade. Her name appears third on the brief, though, so abortion rights groups have attributed the position to her.

Most troubling about this attack on Kuhl is the disparity of treatment it represents. Charles Fried, whose name appears first on the brief, has acknowledged that he wrote the "overrule-Roe part of the brief" himself. Yet Fried's nomination as solicitor general later that year was approved unanimously by the Senate Judiciary Committee. He was confirmed by the full Senate by a voice vote, without debate, by several of the same Democrats opposing Kuhl, including Sens. Joseph Biden, D-Del., Edward

Kennedy, D-Mass. and Leahy.

Moreover, the initial draft of the brief was written by John Rogers, whose name appears second on the brief, yet Rogers is sitting as judge on the 6th Circuit. Rogers was not even questioned about his role in the case during his confirmation hearing. He was approved by the Judiciary Committee and confirmed by the full Senate on a voice vote.

What are we to make of this opposition to Kuhl? For some reason, the confirmation bar seems higher for her than for other, equally qualified male nominees. Perhaps it is no surprise that a woman jurist who is not lock step in line with the abortion-on-demand policies of the National Abortion Rights Action League would not get its support - although Kuhl has vowed that she is "fully committed to following the precedent established by [Roe v. Wade] and would do so fairly and properly."

But it is somewhat surprising that Sen. Dianne Feinstein, D.-Calif., would go along - the same Feinstein who first was elected in the 1992 "year of the woman" with a campaign message of sending more women to the men's club of the U.S. Senate.

Or that Sen. Barbara Boxer, D.-Calif., elected that same year with a similar campaign message, would not at least support a vote on this extremely well-qualified woman nominee.

Is this the same Boxer who just nine months before Kuhl was nominated held a press conference decrying the "shameful way that women nominees to the federal judiciary were being treated" by the Senate and who had vigorously contended for years that every judicial nominee should receive an up or down vote?

"Whether the delays are on the Republican side or the Democrat side," she said in 1998, "let these names come up, let us have debate, let us vote."

Boxer finds Kuhl to be "outside the mainstream." Yet the overwhelming consensus among people who actually know her is just the opposite.

Two years ago, Vilma Martinez, former director of the Mexican American Legal Defense and Educational Fund and lifelong Democrat, wrote of Kuhl, "I consider her mainstream. ... She's careful and she's thoughtful. She's been an excellent Superior Court judge, and I think she will be an excellent 9th Circuit judge."

A year ago, a bipartisan group of 23 women judges who work with Kuhl at the Los Angeles Superior Court, in a letter to the Senate Judiciary Committee, wrote in support of her nomination: "As sitting judges, we more than anyone appreciate the importance of an independent, fair-minded and principled judiciary. We believe that Carolyn Kuhl represents the best values of such a judiciary."

Leo James Terrell, who has litigated before Kuhl, informed Boxer in May, 2001 that he "vigorously" recommended Kuhl's appointment to the 9th Circuit.

Terrell, an attorney for the National Association for the Advancement of Colored People, found that "Judge Kuhl was fair, impartial, competent

and at all times extremely professional."

With such impeccable credentials and widespread testament to a demonstrably stellar judicial temperament by litigators of every political persuasion, including leading environmental, trial and civil rights attorneys - traditional Democrat allies all - Kuhl epitomizes the "mainstream" of appropriate judicial conduct.

The real question for Boxer and Feinstein is whether they will listen to such longtime allies and permit a vote on this well-qualified nominee from their home state or whether they will heed the slanders being propounded by the National Abortion Rights Action League and erect a new glass ceiling against any woman nominee who does not fully support the most extreme of the group's positions.

John C. Eastman teaches constitutional law at Chapman University School of Law and is the director of the Claremont Institute Center for Constitutional Jurisprudence.

Sean Rushton

Executive Director

Committee for Justice

1275 Pennsylvania Avenue, NW

Tenth Floor

Washington, DC 20004

202-481-6850 phone

202-487-6439 mobile

www.committeeforjustice.org

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_JU1YG003_WHO.TXT_1>

LOS ANGELES DAILY JOURNAL
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June 03, 2003

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Or that Sen. Barbara Boxer, D.-Calif., elected that same year with a similar campaign message, would not at least support a vote on this extremely well-qualified woman nominee.

Is this the same Boxer who just nine months before Kuhl was nominated held a press conference decrying the "shameful way that women nominees to the federal judiciary were being treated" by the Senate and who had vigorously contended for years that every judicial nominee should receive an up or down vote?

"Whether the delays are on the Republican side or the Democrat side," she said in 1998, "let these names come up, let us have debate, let us vote."

Boxer finds Kuhl to be "outside the mainstream." Yet the overwhelming consensus among people who actually know her is just the opposite.

Two years ago, Vilma Martinez, former director of the Mexican American Legal Defense and Educational Fund and lifelong Democrat, wrote of Kuhl, "I consider her mainstream. ... She's careful and she's thoughtful. She's been an excellent Superior Court judge, and I think she will be an excellent 9th Circuit judge."

A year ago, a bipartisan group of 23 women judges who work with Kuhl at the Los Angeles Superior Court, in a letter to the Senate Judiciary Committee, wrote in support of her nomination: "As sitting judges, we more than anyone appreciate the importance of an independent, fair-minded and principled judiciary. We believe that Carolyn Kuhl represents the best values of such a judiciary."

Leo James Terrell, who has litigated before Kuhl, informed Boxer in May, 2001 that he "vigorously" recommended Kuhl's appointment to the 9th Circuit.

Terrell, an attorney for the National Association for the Advancement of Colored People, found that "Judge Kuhl was fair, impartial, competent and at all times extremely professional."

With such impeccable credentials and widespread testament to a demonstrably stellar judicial temperament by litigators of every political persuasion, including leading environmental, trial and civil rights attorneys - traditional Democrat allies all - Kuhl epitomizes the "mainstream" of appropriate judicial conduct.

The real question for Boxer and Feinstein is whether they will listen to such longtime allies and permit a vote on this well-qualified nominee from their home state or whether they will heed the slanders being propounded by the National Abortion Rights Action League and erect a new glass ceiling against any woman nominee who does not fully support the most extreme of the group's positions.

&n bsp;John C. Eastman teaches constitutional law at Chapman University School of Law and is the director of the Claremont Institute Center for Constitutional Jurisprudence.

Sean Rushton
Executive Director
Committee for Justice
1275 Pennsylvania Avenue, NW
Tenth Floor
Washington, DC< font size=2 face=Arial> 20004
202-481-6850 phone
202-487-6439 mobile
www.committeeforjustice.org

From: Kavanaugh, Brett M.
To: <Elwood, Courtney S.>
CC: <O'Donnell, Claire M.>
Sent: 6/4/2003 10:02:16 PM
Subject: travel reimbursement

When there is motorcade travel on behalf of the campaign, the campaign will reimburse the costs of equivalent large rental vehicles. This is a variation on a question you asked the other day, so I wanted to make sure this was clear. We are preparing the basic travel cost/allocation memo that will cover such travel-cost issues.

From: Robert McConnell <RMcConnell@hyi-usa.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/5/2003 2:19:28 AM
Subject: : FW: WHIP QUESTION: GOP CLASS ACTION BILL
Attachments: P_4J6YG003_WHO.TXT_1.htm; P_4J6YG003_WHO.TXT_2.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert McConnell <RMcConnell@hyi-usa.com> (Robert McConnell <RMcConnell@hyi-usa.com> [UNKNOWN])
CREATION DATE/TIME: 5-JUN-2003 06:19:28.00
SUBJECT:: FW: WHIP QUESTION: GOP CLASS ACTION BILL
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The House Democrats are whipping against H.R. 1115, the class action reform bill.

Note that in addition to other erroneous and misleading allegations the Democratic whip material continues to misstate that the legislation is opposed by the Judicial Conference and the ABA.

Next week, the House is expected to consider legislation to expand the jurisdiction of the federal courts over class action cases, H.R. 1115, the Class Action Fairness Act. This misguided legislation claims to address problems in current law but it only imposes additional burdens on the already over-tasked federal courts and needlessly changes current uniform rules of federal civil procedure. H.R. 1115 was reported out of the House Judiciary Committee on May 21 with a 20-14 vote (only one Democrat voted for the bill).

? H.R. 1115 weakens accountability of major companies involved in pending class actions including Enron, WorldCom, and Arthur Anderson for financial fraud and several pharmaceutical companies such as Eli Lilly, Aventis Pasteur and Abbott laboratories. Moreover, this is done on a retroactive basis and would apply to pending cases, unlike the bill considered in the last Congress.

? H.R. 1115 would delay judicial relief by giving defendants vast new opportunities for delaying cases for two years or more and staying discovery during that time period. Again, this would apply retroactively to pending cases.

? H.R. 1115 needlessly burdens federal courts by broadly defining "class actions" to include mass torts and state actions brought on behalf of the general public (an important consumer protection tool for California residents). Federal courts, which lack the resources to handle complex state law issues, would be forced to handle state class actions in addition to their already large caseload and judicial vacancy rate. There are currently 45 judicial vacancies in the federal judiciary and 471 civil cases pending per district court judge, on average, as of 2002.

? H.R. 1115 would hamper judicial relief for injured consumers and other class action plaintiffs. In cases where the federal court chooses not to certify the state class action, the bill prohibits the states from using class actions to resolve underlying state causes of action.

? H.R. 1115 eliminates current uniform rules of federal civil procedure regarding diversity jurisdiction, removal, dismissal, remand, appellate review, and discovery for class action cases only. These new procedural rules would benefit defendants at the plaintiff's expense and would additionally burden the federal judiciary.

? H.R. 1115 is opposed by federal and state judges including the Federal Judicial Conference, headed by Chief Justice William Rehnquist and the Conference of Chief Justices (which represents the state chief justices). Other opponents include the American Bar Association, the Association of Trial Lawyers of America, the Consumer Federation of America, the Consumer Union, and the National Organization for Women.

? H.R. 1115 fails to address problems with coupon settlements. This bill's solution to coupon-settlement abuses is judicial scrutiny of such settlements (something that both state and federal judges are already required to do). However, abusive coupon settlements could increase as the increase workload of the deferral judiciary makes judicial scrutiny of such settlements less likely.

Democrats are expected to offer a substitute to address some of the concerns over class action practices without interfering in the ability of classes of plaintiffs looking for remedies. The Democratic Class Action Improvement Act of 2003 would address settlement abuses, protections against losses, and discretion of appeals. Democrats protect class action members by:

? Basing attorneys' fees on the amount redeemed by class members rather than on the amount of the settlement, thus eliminating any incentive for a collusive agreement between plaintiffs' and defendants' counsel;

? Requiring the court to make a written finding that non-monetary benefits to the class members in a settlement outweigh the monetary loss;

? Requiring the court to determine that a settlement is fair, reasonable, and adequate to the class, and that is applies only to claims on which the class is authorized to represent members;

? Prohibiting court record and documents obtained during discovery in a class action from being sealed or the made the subject of a protective order unless the court finds it is necessary to protect a particular trade or business secret and is in the public interest; and

? Codifying Federal Rule of Civil Procedure 23(f), which provides courts of appeals discretion to permit an appeal from an order granting or denying class action certification and to use its discretion in deciding to stay proceedings pending outcome of the appeal.

Please evaluate the following questions and report your responses to your REGIONAL WHIP no later than 12:00 p.m., Friday, June 6, 2003.

Question 1: Will you support the Democratic Substitute?

Question 2: Will you oppose the GOP Class Action Bill?

- att1.htm - WHIP-QUESTION-GOP-CLASS-ACTION-BILL.pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4J6YG003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4J6YG003_WHO.TXT_2>

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Note that in addition to other erroneous and misleading allegations the Democratic whip material continues to misstate that the legislation is opposed by the Judicial Conference and the ABA.

Next week, the House is expected to consider legislation to expand the jurisdiction of the federal courts over clas s action cases, H.R. 1115, the Class Action Fairness Act. This misguided legislation claims to address problems in current law but it only imposes additional burdens on the already over-tasked federal courts and needlessly changes current uniform rules of federal civil procedure. H.R. 1115 was reported out of the House Judiciary Committee on May 21 with a 20-14 vote (only one Democra t voted for the bill).

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H.R. 1115 would hamper judicial relief for injured consumers and other class action plaintiffs. In cases where the federal court chooses not to certify the state class action, the bill prohibits the states from using class actions to resolve underlying state causes of action.

H.R. 1115 eliminates current uniform rules of federal civil procedure regarding diversity jurisdiction, removal, dismissal, remand, appellate review, and discovery for class action cases only. These new procedural rules would benefit defendants at the plaintiff's expense and would additionally burden the federal judiciary.

H.R. 1115 is opposed by federal and state judges including the Federal Judicial Conference, headed by Chief Justice William Rehnquist and the Conference of Chief Justices (which represents the state chief justices). Other opponents include the American Bar Association, the Association of Trial Lawyers of America, the Consumer Federation of America, the Consumer Union, and the National Organization for Women.

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Requiring the court to make a written finding that non-monetary benefits to the class members in a settlement outweigh the monetary loss;

Requiring the court to determine that a settlement is fair, reasonable, and adequate to the class, and that is applies only to claims on which the class is authorized to represent members;

Prohibiting court record and documents obtained during discovery in a class action from being sealed or the made the subject of a protective order unless the court finds it is necessary to protect a particular trade or business secret and is in the public interest; and

Codifying Federal Rule of Civil Procedure 23(f), which provides courts of appeals discretion to permit an appeal from an order granting o r denying class action certification and to use its discretion in deciding to stay proceedings pending outcome of the appeal.

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Question 2: Will you oppose the GOP Class Action Bill?

WHIP QUESTION

GOP Class Action Bill

Next week, the House is expected to consider legislation to expand the jurisdiction of the federal courts over class action cases, H.R. 1115, the Class Action Fairness Act. This misguided legislation claims to address problems in current law but it only imposes additional burdens on the already over-tasked federal courts and needlessly changes current uniform rules of federal civil procedure. H.R. 1115 was reported out of the House Judiciary Committee on May 21 with a 20-14 vote (only one Democrat voted for the bill).

- **H.R. 1115 weakens accountability of major companies involved in pending class actions** including Enron, WorldCom, and Arthur Anderson for financial fraud and several pharmaceutical companies such as Eli Lilly, Aventis Pasteur and Abbott laboratories. Moreover, this is done on a retroactive basis and would apply to pending cases, unlike the bill considered in the last Congress.
- **H.R. 1115 would delay judicial relief** by giving defendants vast new opportunities for delaying cases for two years or more and staying discovery during that time period. Again, this would apply retroactively to pending cases.
- **H.R. 1115 needlessly burdens federal courts** by broadly defining "class actions" to include mass torts and state actions brought on behalf of the general public (an important consumer protection tool for California residents). Federal courts, which lack the resources to handle complex state law issues, would be forced to handle state class actions in addition to their already large caseload and judicial vacancy rate. There are currently 45 judicial vacancies in the federal judiciary and 471 civil cases pending per district court judge, on average, as of 2002.
- **H.R. 1115 would hamper judicial relief for injured consumers and other class action plaintiffs.** In cases where the federal court chooses not to certify the state class action, the bill prohibits the states from using class actions to resolve underlying state causes of action.
- **H.R. 1115 eliminates current uniform rules of federal civil procedure** regarding diversity jurisdiction, removal, dismissal, remand, appellate review, and discovery for class action cases only. These new procedural rules would benefit defendants at the plaintiff's expense and would additionally burden the federal judiciary.
- **H.R. 1115 is opposed by federal and state judges** including the Federal Judicial Conference, headed by Chief Justice William Rehnquist and the Conference of Chief Justices (which represents the state chief justices). Other opponents include the American Bar Association, the Association of Trial Lawyers of America, the Consumer Federation of America, the Consumer Union, and the National Organization for Women.
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Steny Hoyer *Office of the Democratic Whip*

Visit democraticwhip.house.gov for more press, floor and member resources (202) 225-3130

REV_00120769

From: Joel Pardue <judicialumbrella@yahoo.com>
To: jpardue@fed-soc.org [UNKNOWN] <jpardue@fed-soc.org>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/5/2003 8:22:47 AM
Subject: : Committee Hearing Today
Attachments: P_ATNYG003_WHO.TXT_1.txt

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joel Pardue <judicialumbrella@yahoo.com> ( Joel Pardue <judicialumbrella@yahoo.com>
[ UNKNOWN ] )
CREATION DATE/TIME: 5-JUN-2003 12:22:47.00
SUBJECT:: Committee Hearing Today
TO:jpardue@fed-soc.org ( jpardue@fed-soc.org [ UNKNOWN ] )
READ:UNKNOWN
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
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COMMITTEE ON RULES AND ADMINISTRATION

UNITED STATES SENATE

Thursday, June 5, 2003, 2:00 p.m.
SR-301, Russell Senate Office Building

Hearing on Senate Rule XXII
And proposals to amend this rule

Witness List

Panel I

Dr. Bill Frist
Senate Majority Leader
United States Senate

Senator Ted Kennedy
United States Senate

Senator Zell Miller
United States Senate

Senator John Cornyn
United States Senate

Panel 2

Mr. Stanley Bach
Former Senior Specialist in Legislative Process
Congressional Research Service
Washington, DC

Professor John Eastman
Chapman University
Orange, CA

Professor Michael Gerhardt
William and Mary School of Law
Williamsburg, VA

Professor Douglas Kmiec
Catholic University School of Law
Washington, DC
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Do you Yahoo!?
The New Yahoo! Search - Faster. Easier. Bingo.
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COMMITTEE ON RULES AND ADMINISTRATION

UNITED STATES SENATE

T hursday, June 5, 2003, 2:00 p.m.
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Professor John Eastman
Chapman University
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Professor Michael Gerhardt
William and Mary School of Law
Williamsburg , VA

Professor Douglas Kmiec
Catholic University School of Law
Was hington, DC

Do you Yahoo!?
The Ne w Yahoo! Search - Faster. Easier. Bingo.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/5/2003 9:59:24 AM
Subject: : Rehnquist retirement?

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-JUN-2003 13:59:24.00
SUBJECT:: Rehnquist retirement?
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

In case you missed:

Courtside

Tony Mauro
Legal Times
06-02-2003


WHEN TO RETIRE?

Volcanologists gravitate toward Sicily when Mt. Etna starts to rumble.
Tornado chasers head to Kansas and Oklahoma during twister season.

For the same reason, it makes sense that Artemus Ward has positioned
himself in Washington these days. The phenomenon Ward awaits is a Supreme
Court retirement, and he is guessing there will be one soon: Chief Justice
William Rehnquist.

Ward's book Deciding to Leave: The Politics of Retirement from the United
States Supreme Court was published earlier this year. As the title
suggests, the book offers the most pervasively political * and cynical *
analysis yet for why Supreme Court justices retire.

Yes, health and the perennial desire to "spend time with the
grandchildren" can be factors, he acknowledges. But because of
increasingly generous retirement formulas, lightening workloads, and
longer life expectancy, Ward posits, modern-day justices have decades
within which to determine the precise time to retire. That wide window of
opportunity, Ward argues, has inexorably led justices to focus ever more
closely on the political question of which president will name their
replacement.

"The process now is entirely partisan," says Ward, currently working on
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Capitol Hill through an American Political Science Association fellowship. "It is much easier now for justices to think strategically, and they have a huge window of time to play the political game." Ward's fellowship is with Rep. John Conyers (D-Mich.), working on House Judiciary Committee matters. Ward, 32, has been teaching at California State University, Chico, and plans to move to Northern Illinois University after his stint in Washington. The book began as his doctoral dissertation at Syracuse University.

Ward's book is not the first on the subject. David Atkinson's Leaving the Bench in 1999 first catalogued the reasons for Court retirements, emphasizing health and aging.

But Ward looks at the phenomenon through a more political and institutional lens. This leads him to the view that 1954 was a pivotal date in the story of high court retirements. That was when Congress passed a law allowing federal judges to retire at full pay at age 70 with 10 years of judicial service or at 65 with 15 years of judicial service.

The so-called Rule of 80 means, for example, that Justice Stephen Breyer will be eligible to retire at full pay this August, when he turns 65, and John Paul Stevens could have retired as early as 1985. In fact, by year's end, all of the justices except David Souter and Clarence Thomas could retire without losing pay. Souter reaches that point in 2005, and Thomas in 2013.

Congress first enacted relatively generous retirement benefits in the mid-1800s to encourage justices to leave, rather than hang on beyond the point of infirmity for financial reasons. But now, as Ward sees it, the retirement benefits have the effect of allowing justices to prolong their tenure for political reasons. Since the 1954 retirement law passed, Ward says, all but two departing justices have retired at a time of their own choosing. Arthur Goldberg resigned to become United Nations ambassador, and Abe Fortas resigned under an ethical cloud. The last justice to die in office was Robert Jackson, in 1954.

As retirement terms sweetened, Ward notes, the workload of the high court has also lightened * in recent years, the justices have issued fewer than 100 rulings per term, and they increasingly rely on law clerks to screen cases and write opinions. "Why retire to a comfortable life when you already have a comfortable life?" asks Ward. "As the caseload decreases, partisanship increases as a factor in retirement."

Ward thinks all the retirements of the past three decades have been timed for partisan reasons. He points to Lewis Powell Jr., whose former law clerk John Jeffries Jr. wrote him a memorandum in 1987 laying out the political as well as personal factors Powell should weigh. Powell announced his retirement a few days later, thereby avoiding the 1988 presidential political season.

Viewed this way, Ward thinks it is an easy call to predict that the conservative Rehnquist will announce his retirement in the next month, faced with the likelihood that the next opportune moment might not come for two more years, when the occupant of the White House could conceivably be a Democrat.

And why won't there be a second retirement at the same time, such as that of Sandra Day O'Connor? Ward invokes another unwritten rule * the Rule of Eight * under which justices seek to avoid more than one departure in the same term, so that the number of sitting justices never dips below eight. The last exception to the rule came in 1971, when John Harlan II and Hugo Black retired within a week of each other, mainly for health reasons.

The Rule of Eight presupposes that justices check with each other on their retirement plans, an assumption some Court-watchers doubt. But Ward asserts that Rehnquist and O'Connor, who have known each other since Stanford Law School days, are likely to be aware of each other's plans. Especially with the bitterly political confirmation process currently in

place, should Rehnquist leave, Ward thinks, it is unlikely O'Connor will gamble that her replacement could also be confirmed by the beginning of the fall term.

"Justices read the papers. They know about this stuff," insists Ward. "Judges are political actors."

Ward offers fairly draconian remedies for the politicization of high court retirements. He urges Congress to revise the Rule of 80 upward to 100 * meaning that justices could retire at full pay only after their age plus years of judicial service total 100. That would significantly reduce the window in which the justices could time their retirements for partisan reasons.

Alternatively, Ward thinks a mandatory retirement age of 75 should be considered. That would take politics out of the equation altogether and, in a sense, enhance judicial independence, in Ward's view. Those who oppose mandatory retirement point to the later-life contributions of justices like Oliver Wendell Holmes, who served on the Court until age 90. Ward has a ready and controversial answer.

"Holmes was one thing. The Court would have lost a great legal mind if he had left at 74," says Ward. "But now, would we be losing great legal minds, when justices now are really technocrats and they don't write their own opinions? I don't think so."

From: Davis, Alicia W.
To: <Kavanaugh, Brett M.>
CC: <Bennett, Melissa S.>
Sent: 6/5/2003 10:51:23 AM
Subject: New Hampshire Invitation

Can you please review?

---------- Forwarded by Alicia W. Davis/WHO/EOP on 06/05/2003 10:51 AM ----------

Daniel O'Driscoll

06/05/2003 10:48:10 AM

Record Type: Record

To: adavis@georgewbush.com @ inet, Alicia W. Davis/WHO/EOP@EOP

cc:

Subject: New Hampshire Invitation

The following text is from an invitation paid for by the New Hampshire State Party:

Dear Republican Elected Official:

We are honored to have White House Chief of Staff Andrew Card visiting New Hampshire on Tuesday, June 17th. We hope you can join us in this special oppurtunity to meet Secretary Card and discuss local and national issues facing New Hampshire and the Nation. As a former Massachusetts State Representative himself, we wanted to ensure that you received a special invitation to meet Secretary Card.

We plan to hold this Grassroots Connection Series with Republican elected officials and activists from 5-6 PM on Tuesday, June 17th, in Concord at the LOCATION.

Together the Republican Party has regained control of the Governor's office after six long years and made historic gains in the State House of Representatives and State Senate. We hope that you can join us in welcoming Secretary Card back to the Granite State.

Please RSVP by calling State Committee headquarters at 225-9341 or by e-mail to Jen@nhgop.org.

Thank you for your consideration. I hope to see you there.

Sincerely,

Jayne Millerick

Chairman

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 6/5/2003 10:51:28 AM
Subject: RE: FW: I don't like this either

Thanks!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 05, 2003 9:05 AM
To: Litkenhaus, Colleen
Subject: Re: FW: I don't like this either

faxed you some suggested cuts

From: CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB]
To: Kevin Warsh/OPD/EOP@EOP [OPD] <Kevin Warsh>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>
Sent: 6/5/2003 6:53:29 AM
Subject: : FYI - possible 6/12 asbestos markup

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 5-JUN-2003 10:53:29.00
SUBJECT:: FYI - possible 6/12 asbestos markup
TO:Kevin Warsh (CN=Kevin Warsh/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Lisa J. Macecevic/OMB/EOP on 06/05/2003 10:50 AM ----------

From: James J. Jukes on 06/04/2003 03:25:04 PM
Record Type: Record

To: Richard E. Green/OMB/EOP@EOP, Lisa J. Macecevic/OMB/EOP@EOP
cc:
Subject: Cong Daily on possible 6/12 asbestos markup

Hatch Considers Changing Asbestos Bill To Build Support
ÿÿÿÿÿ Senate Judiciary Chairman Hatch said today he is considering changes to asbestos litigation reform legislation in order to build support for the controversial bill, including doing away with language that would reduce compensation to victims of asbestos-related diseases based on payments from other sources. But the list of issues that Hatch indicated he might address was far shorter than a list of concerns that Judiciary ranking member Patrick Leahy, D-Vt., outlined during his opening statement in a hearing on the asbestos bill.
ÿÿÿÿÿHatch is trying to win the support of key Democrats to pass the plan for reforming the litigation system for victims of asbestos-related illnesses. Both parties as well as insurers, defendant companies, victims' groups, unions and others say reform is badly needed to ensure that companies are not driven into bankruptcy and to ensure that the sickest victims are compensated. However, Democrats have yet to coalesce around Hatch's plan, and key private sector stakeholders, including labor unions and trial lawyers, are balking. The legislation calls for a $108 billion trust fund made up of money from defendant companies and insurers. It would establish a separate court system for asbestos cases and sets medical criteria and compensation amounts.
ÿÿÿÿÿHatch called a handful of proposed changes to the legislation "laudable and well-intentioned." Those included a proposal by Sen. Patty Murray, D-Wash., that would ban the future use of asbestos. Hatch also said he was working with Sen. Max Baucus, D-Mont., to compensate victims in the mining town of Libby, Mont., where asbestos exposure and related diseases are widespread among miners and their families. Under the bill as written, the family members of miners would not be compensated because their illnesses were not the result of job-related exposure, but rather resulted from "second-hand" exposure to asbestos fibers. Additionally,

Hatch said he would examine concerns that asbestos victims' compensation would be unfairly reduced by payments from Medicare, Medicaid, insurance and other "collateral" sources.
ÿÿÿÿÿBut Leahy expressed concern about a few fundamental aspects of the bill, including the separate court structure that would decide asbestos claims. "Such a court appears to be inconsistent with a 'no-fault' system and may prove unworkable," Leahy said. Ensuring solvency of the trust fund is one of Leahy's and other Democrats' biggest concerns. "The bill guarantees businesses a lifetime of absolute legal and financial certainty, but it leaves asbestos victims completely out of luck if the trust fund runs out of money any time in the next 50 years," Leahy said.
Hatch urged interested parties to submit suggestions for changes by the end of the week and said he hopes to hold a markup session next Thursday.
"This bipartisan bill is not without flaws, and this hearing is intended to provide expert advice on how to improve it," Hatch said. -- by Emily Heil

From: Elwood, Courtney S.
To: <Kavanaugh, Brett M.>
Sent: 6/5/2003 12:04:06 PM
Subject: Re:

Great. We'll look forward to seeing you both.

From: McQuade, Vickie A.
To: <Kavanaugh, Brett M.>
Sent: 6/5/2003 12:29:13 PM
Subject: can we set up a time for Ari to talk to you about his papers?

From: McQuade, Vickie A.
To: <Kavanaugh, Brett M.>
Sent: 6/5/2003 12:40:52 PM
Subject: RE: can we set up a time for Ari to talk to you about his papers?

Yes, that's great.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 05, 2003 12:36 PM
To: McQuade, Vickie A.
Subject: Re: can we set up a time for Ari to talk to you about his papers?

yes, how about tomorrow at 11:00?

From: Vickie A. McQuade/WHO/EOP@Exchange on 06/05/2003 12:29:13 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: can we set up a time for Ari to talk to you about his papers?

From:	Nelson, Carolyn
To:	<Bartolomucci, H. Christopher>;<Ullyot, Theodore W.>;<Carroll, James W.>;<Brown, Reginald J.>;<Everson, Nanette>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Brosnahan, Jennifer R.>
CC:	<Montiel, Charlotte L.>;<Bumatay, Patrick J.>;<Ganter, Jonathan F.>;<Farrell, J. Elizabeth>
Sent:	6/5/2003 12:41:33 PM
Subject:	Judge's Schedule

The Judge will be out of the office tomorrow. Please let me know if you have any issues to discuss with him prior to his departure this evening.

Thanks!

From: Bennett, Melissa S.
To: <Kavanaugh, Brett M.>;<Davis, Alicia W.>
Sent: 6/5/2003 12:57:39 PM
Subject: RE: New Hampshire Invitation

Great, thanks BK!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 05, 2003 12:48 PM
To: Davis, Alicia W.
Cc: Bennett, Melissa S.
Subject: Re: New Hampshire Invitation

ok with change made in bold.

The following text is from an invitation paid for by the New Hampshire State Party:

Dear Republican Elected Official:

We are honored to have **The Honorable** Andrew Card visiting New Hampshire on Tuesday, June 17th. We hope you can join us in this special opportunity to meet Secretary Card and discuss local and national issues facing New Hampshire and the Nation. As a former Massachusetts State Representative himself, we wanted to ensure that you received a special invitation to meet Secretary Card.

We plan to hold this Grassroots Connection Series with Republican elected officials and activists from 5-6 PM on Tuesday, June 17th, in Concord at the LOCATION.

Together the Republican Party has regained control of the Governor's office after six long years and made historic gains in the State House of Representatives and State Senate. We hope that you can join us in welcoming Secretary Card back to the Granite State.

Please RSVP by calling State Committee headquarters at 225-9341 or by e-mail to Jen@nhgop.org.

Thank you for your consideration. I hope to see you there.

Sincerely,

Jayne Millerick
Chairman



Alicia W. Davis
06/05/2003 10:51:56 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Melissa S. Bennett/WHO/EOP@Exchange
Subject: New Hampshire Invitation

Can you please review?

---------- Forwarded by Alicia W. Davis/WHO/EOP on 06/05/2003 10:51 AM ----------



Daniel O'Driscoll
06/05/2003 10:48:10 AM
Record Type: Record

To: adavis@georgewbush.com @ inet, Alicia W. Davis/WHO/EOP@EOP
cc:
Subject: New Hampshire Invitation

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 6/5/2003 2:41:28 PM
Subject: Re: political travel issues

i was in room 1; sorry

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/05/2003 01:35:08 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: political travel issues

Are you coming???

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 6/5/2003 10:53:31 AM
Subject: : Re: Rules Committee hearing on channel 66

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2003 14:53:31.00
SUBJECT:: Re: Rules Committee hearing on channel 66
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

on mine. punch in 66 rather than hitting the up or down arrow.

Theodore W. Ullyot
06/05/2003 02:51:59 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Rules Committee hearing on channel 66

Is it 66? MY TV says that channel not available.

Brett M. Kavanaugh
06/05/2003 02:46:17 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Rules Committee hearing on channel 66

Message Sent
To:_____
Alberto R. Gonzales/WHO/EOP@Exchange@EOP
David G. Leitch/WHO/EOP@Exchange@EOP
Jennifer R. Brosnahan/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Reginald J. Brown/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Theodore W. Ullyot/WHO/EOP@EOP

From: McQuade, Vickie A.
To: <Kavanaugh, Brett M.>
Sent: 6/5/2003 3:39:49 PM
Subject: As it turns out 11:00 won't work tomorrow. How about 10:00 or 2:00?

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 6/5/2003 4:12:34 PM
Subject: did you talk to oschal

From: Lisaius, Kenneth A.
To: <Kavanaugh, Brett M.>;<Snee, Ashley>
Sent: 6/5/2003 4:42:01 PM
Subject: FW: People For Edit Memo
Attachments: 06-04 edit memo Armageddon Sup Ct updt.doc

Someone just forwarded this to me - not sure if you had seen it - or wanted to see it.....

-----Original Message-----

From: jchar@pfaw.org [mailto:jchar@pfaw.org]

Sent: Thursday, June 05, 2003 4:23 PM

Subject: People For Edit Memo

Please find attached an edit memo about a possible Supreme Court Vacancy.

If you need more information, or you cannot open the document, please

contact me.

Jenn Char

Legislative Representative

People For the American Way

2000 M St, NW Suite 400

Washington, D.C. 20036

(202) 467-4999 phone

(202) 293-2672 fax

- 06-04 edit memo Armageddon Sup Ct updt.doc <<06-04 edit memo Armageddon Sup Ct updt.doc>>

PEOPLE FOR THE AMERICAN WAY FOUNDATION

Date: June 4, 2003

To: Journalists

Fr: Ralph G. Neas

Re: Public Airing of Stakes in Upcoming Supreme Court Vacancy Must Begin Now

Coming Supreme Court Debate Must Focus on Substance, Not Politics

It has been almost nine years since the last U.S. Supreme Court vacancy, the longest interval between nominations in 180 years. Indeed, over the past half century, there has been on the average one Supreme Court nomination every two years. It is considered likely that at least one member of the U.S. Supreme Court will resign when the current term ends this month, and it is quite possible that the vacancy or vacancies this summer will be the first of three or four openings on the Court over the next several years. At stake in the appointment of new Supreme Court justices is the law of the land for the next generation – or longer. At risk are many of the great social justice achievements of the 20th Century.

The Bush administration, Republican Senate leaders, and right-wing pundits and activists are already gearing up to turn the focus of a Supreme Court battle away from the substance of a nominee's legal and judicial philosophy – and the devastating impact of a right-wing dominated Supreme Court – and toward the so-called "obstructionism" of Senate Democrats and the legitimacy of a potential Senate filibuster against an extremist Supreme Court nominee.

It is urgent that public debate over Supreme Court nominees focus on crucial constitutional questions over which the current Court is closely divided, including the existence of a constitutional right to privacy, the authority of the federal government to enact and enforce civil rights and environmental protections, the separation of church and state, and more. Dozens of rights and legal protections Americans count on are just one or two Supreme Court justices away from being dismantled in pursuit of right-wing legal theorists' goal of reinstating a 19th Century approach to the U.S. Constitution.

A 19th Century Constitution for a 21st Century America

Two far-right justices, Antonin Scalia and Clarence Thomas, have led the destructive revival of a once-discredited "states' rights" approach to the Constitution. A series of 5-4 decisions have embraced new theories advanced by right-wing legal advocates affiliated with the Federalist Society, weakening federal civil rights protections and declaring other urgent issues off limits to action by the U.S. Congress. But even more important, Scalia and Thomas have staked out in their written dissents and concurring opinions a burning desire to have the Court move much more aggressively to overturn decades of Supreme Court precedent than even the current conservative majority has been willing to do.

2000 M Street, NW ♦ Suite 400 ♦ Washington, DC 20036
Telephone 202.467.4999 ♦ Fax 202.293.2672 ♦ E-mail pfaw@pfaw.org ♦ Web site http://www.pfaw.org

With President Bush having campaigned on a pledge to use Scalia and Thomas as his models for Supreme Court nominees, it is crucial that senators, the media, and the American public examine the impact on American law and society of a Supreme Court dominated by justices who are committed to radically restricting the authority of the federal government to protect individual rights and act in pursuit of the common good.

Scalia and Thomas, like many Bush administration officials and judicial nominees, are affiliated with the Federalist Society, which has held seminars on returning the nation's constitutional framework to a pre-New Deal era. (For more information on the philosophy and extraordinary influence of the Federalist Society on the Bush administration and its judicial selection process, see *The Federalist Society: From Obscurity to Power*, published by People For the American Way Foundation and available at www.pfaw.org/go/federalist_society.)

People For the American Way Foundation's *Courting Disaster*, published in 2000, examined the dissenting and concurring opinions written by Scalia and Thomas since they joined the Court. *Courting Disaster* documented that a Supreme Court with a Scalia-Thomas majority could overturn more than 100 precedents and turn back the clock decades on civil and voting rights, privacy and reproductive choice, religious liberty, environmental protection, consumer and worker safety, and more. Because most cases before the Supreme Court that raise fundamental constitutional questions are now decided by slim majorities, it would take just one or two more appointments to give Scalia and Thomas the power to reshape the Constitution according to their radically reactionary vision.

The result would be a dramatic rollback in legal and social justice gains, and a return to a constitutional framework in which states' rights and property rights were predominant. A Supreme Court committed to advancing the Scalia-Thomas agenda would not only bring about the reversal of more than half a century of legal and social justice accomplishments, but also a return to a situation America faced in the first third of the 20th Century, when progressive legislation adopted by Congress and signed by the President was repeatedly rejected on constitutional grounds by the Supreme Court. A Court dominated by the states' rights judicial philosophy could prevent the federal government from taking action on a range of national issues, regardless of who is elected to the White House or Congress.

Courting Disaster and updates on the 2001 and 2002 Supreme Court terms are available at www.pfaw.org/go/courting_disaster. A comprehensive update of the report will be available shortly after the close of the current term.

The Attack on the Senate's Advise and Consent Role

In our constitutional system of checks and balances, the Senate has a co-equal role with the President in appointing federal judges, since it must provide its "advice and consent" before any nominee becomes a judge. Judicial nominees – who are confirmed for lifetime appointments – must be subject to the highest standard of scrutiny. Federal judges' decisions – especially the rulings of Supreme Court justices – last long after the presidents who appointed them are no longer in office.

Given the power that rests with the Supreme Court, no president's nominee is presumptively entitled to confirmation. Instead, a nominee bears the burden of demonstrating that he or she meets the appropriate qualifications, which must include a demonstrated commitment to civil rights and individual liberties, and a clear respect for Congress' proper constitutional role in protecting constitutional and civil rights and the health and safety of all Americans.

Since President Bush has signaled both in word and in deed that he intends to nominate Supreme Court justices who do not share these commitments, senators have an urgent responsibility to take their constitutional obligation seriously and oppose with every appropriate means at their disposal the confirmation of Supreme Court justices who would wreak havoc on Americans' lives and liberties.

Going Nuclear

The White House, its right-wing allies, and some Senate Republicans are waging a pre-emptive war designed to eliminate one important tool at the disposal of senators concerned about extremist Supreme Court nominees – the Senate filibuster.

Ignoring the overwhelming confirmation rate of Bush administration judicial nominees, the administration and its backers have whipped up a dishonest and hypocritical campaign to discredit Senate Democrats' treatment of Bush nominees. This campaign has employed crude racial politics and outrageous smears, for example accusing opponents of appeals court nominee Miguel Estrada's confirmation of anti-Hispanic bigotry.

GOP leaders have now put the next step in motion, calling into question the constitutionality of the filibuster, even though both parties have repeatedly used filibusters for decades. The Senate Rules Committee will conduct a hearing this week on one proposal to change Senate rules to effectively eliminate this important procedural protection against the abuse of power by a bare majority acting on an issue of major importance. Sen. Trent Lott has joined the far-right chorus urging GOP leaders to go even further, adopting a "nuclear" strategy and carrying out a naked power play that would ignore Senate rules and lay waste to two hundred years of Senate tradition.

For a more detailed examination of the historical use and defense of the filibuster by GOP leaders including Lott, Senate Majority Leader Bill Frist and Senate Judiciary Committee Chairman Orrin Hatch, see *GOP Leaders Try to Create Constitutional Cover for Illegitimate Power Play,* at www.pfaw.org/independent_judiciary.

Appeals Court Nominees Give Clear Signal of Trouble to Come

As a presidential candidate, George W. Bush secured the enthusiastic support of Religious Right political leaders by telling them that he would appoint Supreme Court justices in the mold of Antonin Scalia and Clarence Thomas. As noted previously, if President Bush makes good on that pledge, far-right political groups will have succeeded in their ultimate quest. A Supreme Court with a Scalia-Thomas majority would likely give right-wing leaders long-term

victories on a wide range of issues, including dismantling women's constitutional right to privacy and reproductive choice and further undermining the separation of church and state.

There is no evidence that President Bush intends to abandon his goal of using the federal courts to turn back the clock. Indeed, there is powerful evidence to the contrary. A number of his appeals court nominees are among the nation's most aggressive proponents of the neo-states' rights judicial philosophy, and have advocated for an end to reproductive choice, overturning federal laws protecting the rights of people with disabilities, dismantling key protections of the federal voting rights act, and more.

Among the administration's appeals court nominees:

- Carolyn Kuhl, a Federalist Society member and currently a California state trial court judge, has been nominated to the U.S. Court of Appeals for the Ninth Circuit. While in the Justice Department under the Reagan Administration, Kuhl urged the Supreme Court to overturn *Roe v. Wade* as "flawed." She also played a key role in convincing then-Attorney General William French Smith to reverse prior policy and support the granting of tax-exempt status to Bob Jones University despite its racially discriminatory practices. (Her position was rejected by an 8-1 ruling of the Supreme Court.) Kuhl has been widely criticized for a ruling in which she dismissed the right to privacy claims of a breast cancer patient whose doctor permitted a drug company salesman to watch her breast and abdominal exam. Her ruling was unanimously reversed on appeal. Kuhl's nomination has been approved on a party-line vote by the Judiciary Committee; she is awaiting floor action in spite of opposition from both California Senators Dianne Feinstein and Barbara Boxer.

- Priscilla Owen, a Federalist Society member and currently a justice on the Texas Supreme Court, was nominated to the U.S. Court of Appeals for the Fifth Circuit. Owen is at the far right wing of the conservative Texas court, further to the right than President Bush's own appointees to that court when he was governor. In one case in which Owen dissented, then-Texas Supreme Court Justice Alberto Gonzales - who is now chief White House counsel - warned that adopting the dissenters' view would be an "unconscionable act of judicial activism." (This was only one of 11 cases in which Gonzales criticized or joined other justices' criticism of positions taken by Owen during the short time they served on the court together.) In another dissent, Owen effectively sought to rewrite an important state civil rights law to make it much harder for employees to prove that their rights were violated. Owen's confirmation was rejected by the Senate Judiciary Committee on September 5, 2002; in an unprecedented move, she was renominated by President Bush this year. Her confirmation is being blocked by a Senate filibuster.

- Jeffrey Sutton, an officer in the Federalist Society's Separation of Powers and Federalism practice group, was narrowly confirmed by the Senate to a seat on the U.S. Court of Appeals for the Sixth Circuit. Sutton has been one of the nation's most aggressive advocates for severely limiting federal protections against discrimination and injury based on disability, race, age, sex, and religion. More than 70 national organizations and over 375 regional, state, and local groups opposed his confirmation. Sutton was confirmed by a vote of 52 to 41 on April 29, 2003.

- Terrence Boyle, a former staffer to Senator Jesse Helms and a district court judge in North Carolina, has been nominated to the U.S. Court of Appeals for the Fourth Circuit. Civil rights groups have criticized Boyle for his right-wing judicial activism in civil rights cases. Boyle twice ruled that congressional redistricting in North Carolina was unconstitutional because it favored minority voters, but was reversed both times by the Supreme Court, once in a unanimous ruling. In another case, Boyle refused to accept a settlement of a Justice Department sex discrimination claim against a North Carolina agency, even though the state had agreed to the settlement. He later allowed the state to withdraw from the settlement, a ruling reversed by the court of appeals.

- Miguel Estrada, a Federalist Society member and D.C. lawyer, was nominated to the D.C. Circuit Court of Appeals. His confirmation has been opposed by the Congressional Hispanic Caucus and a large group of Latino legal and civil rights organizations and community leaders. Estrada has been criticized for extensive efforts to defend so-called anti-loitering laws, which have been shown to have a disproportionately negative effect on African-Americans and Latinos; in one case, he argued that the NAACP did not even have standing to challenge such an ordinance. A former supervisor in the Solicitor General's office concluded that Estrada "lacks the judgement" and is "too much of an ideologue to be an appeals court judge." Estrada and the Bush administration have refused to fully answer a number of important questions asked by senators or provide relevant memos from his tenure at the Justice Department. Estrada's confirmation is currently being blocked by a Senate filibuster.

- Alabama Attorney General Bill Pryor is not only one of the nation's most aggressive advocates for a states' rights approach to the Constitution, but he has also used his office in an effort to push the law far to the right. As state Attorney General and as a leader in the Federalist Society, Pryor successfully urged the Supreme Court to roll back the clock on federal protections against age discrimination and discrimination against people with disabilities. Pryor has urged restrictions on federal authority even more extreme than those adopted by the narrow Supreme Court states' rights majority. For example, Pryor had urged the Court to rule that states could not be sued for money damages for violating the Family and Medical Leave Act, which would have left millions of state employees with no real recourse for violations of that law. In a recent 6-3 ruling, the Court rejected Pryor's argument. Pryor has urged Congress to consider repealing Section 5 of the Voting Rights Act, calling it "an affront to federalism and an expensive burden that has outlived its usefulness." Pryor believes that it is acceptable to imprison gay men and lesbians for having consensual sex in the privacy of their own homes, and has filed an amicus brief urging the Supreme Court to uphold Texas' "Homosexual Conduct Law." In his brief, he has equated private consensual sex between same-sex couples with "activities like prostitution, adultery, necrophilia, bestiality, possession of child pornography, and even incest and pedophilia." Pryor is a staunch opponent of a woman's right to reproductive choice and has stated that *Roe v. Wade* is "the worst abomination of constitutional law in our history." Pryor opposes genuine church-state separation and among other things has supported a state judge's official sponsorship of sectarian prayers before jury assemblies.

Senate Handling of President Bush's Nominees under Democratic Control

President Bush and Republican Senate leaders have falsely claimed that the administration's judicial nominees were not treated fairly during the time that Democrats held a majority in the Senate, and that Democrats are now engaged in partisan obstructionism as a minority party. In fact, Bush's judicial nominees have been confirmed at a rapid pace under both Democratic and Republican majorities in the Senate, and have been given far better treatment than President Clinton's nominees received at the hands of the Republican Senate majority.

The Senate under Democratic control confirmed 100 of President Bush's judicial nominees in 17 months. The 100 confirmations represent significantly more than the 71 judges confirmed during the first two years of the first Bush administration and the 75 confirmed during the first two years of Republican Senate control during the Clinton administration. The 100 confirmations are more than the number confirmed during any of the Republican controlled Congresses under President Clinton, when there was an average of only 38 confirmations per year. Indeed, Senate Republicans blocked one-third of Clinton's circuit court nominees from 1995 to 2000.

Since the beginning of this year, with the Senate in Republican hands, an additional 26 judges have been confirmed, cutting the number of vacancies in half since the beginning of the administration. In that time, Democrats have used the filibuster to block only two controversial appeals court nominees, while a number of other nominees have been permitted a full floor vote in spite of intense opposition. Amidst the talk of crisis and a broken system, one important fact is being overlooked: there are currently only 45 vacancies in the federal judiciary, less than half of the 111 vacancies that existed when the Democrats took control of the Senate in July 2001. Sen. Patrick Leahy has noted that the vacancy rate on the federal judiciary is at its lowest level in 13 years and is now lower than the national unemployment rate.

Conclusion

The next Supreme Court justices could prove decisive on fundamental questions as well as shape for decades how America works and how Americans live: Will the Supreme Court undermine the federal government's ability to safeguard the air we breathe and the water we drink? Will the courts abandon their role in preserving Americans' right to privacy and strip women of the constitutional right to make their own family planning and reproductive choices? Will Congress lose the power to protect Americans' civil rights from abuses by state governments and others? Will the Voting Rights Act be applied so narrowly that it fails to protect citizens' most fundamental rights?

This is a defining moment for the meaning of the Constitution and the direction of the nation for the first half of the 21st Century. That fact is clearly understood by right-wing leaders and their allies in the White House and Congress. That is why they have focused so intently on judicial nominations, and it is why they are prepared to go to extreme measures – including changing the very nature and role of the Senate in our constitutional system – in order to try to guarantee Senate approval for even the most extreme right-wing nominees.

It is urgent that the American people be given the opportunity to understand how much is at stake before the next Supreme Court vacancy appears and the debate becomes focused on politics and process surrounding a particular nominee. The time for a broad public discussion about the future of the Court and the Constitution is now.

For extensive information on the federal judiciary, visit www.pfaw.org/independent_judiciary.

From: CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/5/2003 12:43:43 PM
Subject: : FW: People For Edit Memo
Attachments: P_Y44ZG003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2003 16:43:43.00
SUBJECT:: FW: People For Edit Memo
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Someone just forwarded this to me - not sure if you had seen it - or wanted to see it.....

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From: jchar@pfaw.org [mailto:jchar@pfaw.org]
Sent: Thursday, June 05, 2003 4:23 PM
Subject: People For Edit Memo

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Jenn Char
Legislative Representative
People For the American Way
2000 M St, NW Suite 400
Washington, D.C. 20036

(202) 467-4999 phone
(202) 293-2672 fax

- 06-04 edit memo Armageddon Sup Ct updt.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Y44ZG003_WHO.TXT_1>

PEOPLE FOR THE AMERICAN WAY FOUNDATION

Date: June 4, 2003

To: Journalists

Fr: Ralph G. Neas

Re: Public Airing of Stakes in Upcoming Supreme Court Vacancy Must Begin Now

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With President Bush having campaigned on a pledge to use Scalia and Thomas as his models for Supreme Court nominees, it is crucial that senators, the media, and the American public examine the impact on American law and society of a Supreme Court dominated by justices who are committed to radically restricting the authority of the federal government to protect individual rights and act in pursuit of the common good.

Scalia and Thomas, like many Bush administration officials and judicial nominees, are affiliated with the Federalist Society, which has held seminars on returning the nation's constitutional framework to a pre-New Deal era. (For more information on the philosophy and extraordinary influence of the Federalist Society on the Bush administration and its judicial selection process, see *The Federalist Society: From Obscurity to Power*, published by People For the American Way Foundation and available at www.pfaw.org/go/federalist_society.)

People For the American Way Foundation's *Courting Disaster*, published in 2000, examined the dissenting and concurring opinions written by Scalia and Thomas since they joined the Court. *Courting Disaster* documented that a Supreme Court with a Scalia-Thomas majority could overturn more than 100 precedents and turn back the clock decades on civil and voting rights, privacy and reproductive choice, religious liberty, environmental protection, consumer and worker safety, and more. Because most cases before the Supreme Court that raise fundamental constitutional questions are now decided by slim majorities, it would take just one or two more appointments to give Scalia and Thomas the power to reshape the Constitution according to their radically reactionary vision.

The result would be a dramatic rollback in legal and social justice gains, and a return to a constitutional framework in which states' rights and property rights were predominant. A Supreme Court committed to advancing the Scalia-Thomas agenda would not only bring about the reversal of more than half a century of legal and social justice accomplishments, but also a return to a situation America faced in the first third of the 20th Century, when progressive legislation adopted by Congress and signed by the President was repeatedly rejected on constitutional grounds by the Supreme Court. A Court dominated by the states' rights judicial philosophy could prevent the federal government from taking action on a range of national issues, regardless of who is elected to the White House or Congress.

Courting Disaster and updates on the 2001 and 2002 Supreme Court terms are available at www.pfaw.org/go/courting_disaster. A comprehensive update of the report will be available shortly after the close of the current term.

The Attack on the Senate's Advise and Consent Role

In our constitutional system of checks and balances, the Senate has a co-equal role with the President in appointing federal judges, since it must provide its "advice and consent" before any nominee becomes a judge. Judicial nominees – who are confirmed for lifetime appointments – must be subject to the highest standard of scrutiny. Federal judges' decisions – especially the rulings of Supreme Court justices – last long after the presidents who appointed them are no longer in office.

Given the power that rests with the Supreme Court, no president's nominee is presumptively entitled to confirmation. Instead, a nominee bears the burden of demonstrating that he or she meets the appropriate qualifications, which must include a demonstrated commitment to civil rights and individual liberties, and a clear respect for Congress' proper constitutional role in protecting constitutional and civil rights and the health and safety of all Americans.

Since President Bush has signaled both in word and in deed that he intends to nominate Supreme Court justices who do not share these commitments, senators have an urgent responsibility to take their constitutional obligation seriously and oppose with every appropriate means at their disposal the confirmation of Supreme Court justices who would wreak havoc on Americans' lives and liberties.

Going Nuclear

The White House, its right-wing allies, and some Senate Republicans are waging a pre-emptive war designed to eliminate one important tool at the disposal of senators concerned about extremist Supreme Court nominees – the Senate filibuster.

Ignoring the overwhelming confirmation rate of Bush administration judicial nominees, the administration and its backers have whipped up a dishonest and hypocritical campaign to discredit Senate Democrats' treatment of Bush nominees. This campaign has employed crude racial politics and outrageous smears, for example accusing opponents of appeals court nominee Miguel Estrada's confirmation of anti-Hispanic bigotry.

GOP leaders have now put the next step in motion, calling into question the constitutionality of the filibuster, even though both parties have repeatedly used filibusters for decades. The Senate Rules Committee will conduct a hearing this week on one proposal to change Senate rules to effectively eliminate this important procedural protection against the abuse of power by a bare majority acting on an issue of major importance. Sen. Trent Lott has joined the far-right chorus urging GOP leaders to go even further, adopting a "nuclear" strategy and carrying out a naked power play that would ignore Senate rules and lay waste to two hundred years of Senate tradition.

For a more detailed examination of the historical use and defense of the filibuster by GOP leaders including Lott, Senate Majority Leader Bill Frist and Senate Judiciary Committee Chairman Orrin Hatch, see *GOP Leaders Try to Create Constitutional Cover for Illegitimate Power Play,* at www.pfaw.org/independent_judiciary.

Appeals Court Nominees Give Clear Signal of Trouble to Come

As a presidential candidate, George W. Bush secured the enthusiastic support of Religious Right political leaders by telling them that he would appoint Supreme Court justices in the mold of Antonin Scalia and Clarence Thomas. As noted previously, if President Bush makes good on that pledge, far-right political groups will have succeeded in their ultimate quest. A Supreme Court with a Scalia-Thomas majority would likely give right-wing leaders long-term

victories on a wide range of issues, including dismantling women's constitutional right to privacy and reproductive choice and further undermining the separation of church and state.

There is no evidence that President Bush intends to abandon his goal of using the federal courts to turn back the clock. Indeed, there is powerful evidence to the contrary. A number of his appeals court nominees are among the nation's most aggressive proponents of the neo-states' rights judicial philosophy, and have advocated for an end to reproductive choice, overturning federal laws protecting the rights of people with disabilities, dismantling key protections of the federal voting rights act, and more.

Among the administration's appeals court nominees:

- Carolyn Kuhl, a Federalist Society member and currently a California state trial court judge, has been nominated to the U.S. Court of Appeals for the Ninth Circuit. While in the Justice Department under the Reagan Administration, Kuhl urged the Supreme Court to overturn *Roe v. Wade* as "flawed." She also played a key role in convincing then-Attorney General William French Smith to reverse prior policy and support the granting of tax-exempt status to Bob Jones University despite its racially discriminatory practices. (Her position was rejected by an 8-1 ruling of the Supreme Court.) Kuhl has been widely criticized for a ruling in which she dismissed the right to privacy claims of a breast cancer patient whose doctor permitted a drug company salesman to watch her breast and abdominal exam. Her ruling was unanimously reversed on appeal. Kuhl's nomination has been approved on a party-line vote by the Judiciary Committee; she is awaiting floor action in spite of opposition from both California Senators Dianne Feinstein and Barbara Boxer.

- Priscilla Owen, a Federalist Society member and currently a justice on the Texas Supreme Court, was nominated to the U.S. Court of Appeals for the Fifth Circuit. Owen is at the far right wing of the conservative Texas court, further to the right than President Bush's own appointees to that court when he was governor. In one case in which Owen dissented, then-Texas Supreme Court Justice Alberto Gonzales - who is now chief White House counsel - warned that adopting the dissenters' view would be an "unconscionable act of judicial activism." (This was only one of 11 cases in which Gonzales criticized or joined other justices' criticism of positions taken by Owen during the short time they served on the court together.) In another dissent, Owen effectively sought to rewrite an important state civil rights law to make it much harder for employees to prove that their rights were violated. Owen's confirmation was rejected by the Senate Judiciary Committee on September 5, 2002; in an unprecedented move, she was renominated by President Bush this year. Her confirmation is being blocked by a Senate filibuster.

- Jeffrey Sutton, an officer in the Federalist Society's Separation of Powers and Federalism practice group, was narrowly confirmed by the Senate to a seat on the U.S. Court of Appeals for the Sixth Circuit. Sutton has been one of the nation's most aggressive advocates for severely limiting federal protections against discrimination and injury based on disability, race, age, sex, and religion. More than 70 national organizations and over 375 regional, state, and local groups opposed his confirmation. Sutton was confirmed by a vote of 52 to 41 on April 29, 2003.

- Terrence Boyle, a former staffer to Senator Jesse Helms and a district court judge in North Carolina, has been nominated to the U.S. Court of Appeals for the Fourth Circuit. Civil rights groups have criticized Boyle for his right-wing judicial activism in civil rights cases. Boyle twice ruled that congressional redistricting in North Carolina was unconstitutional because it favored minority voters, but was reversed both times by the Supreme Court, once in a unanimous ruling. In another case, Boyle refused to accept a settlement of a Justice Department sex discrimination claim against a North Carolina agency, even though the state had agreed to the settlement. He later allowed the state to withdraw from the settlement, a ruling reversed by the court of appeals.

- Miguel Estrada, a Federalist Society member and D.C. lawyer, was nominated to the D.C. Circuit Court of Appeals. His confirmation has been opposed by the Congressional Hispanic Caucus and a large group of Latino legal and civil rights organizations and community leaders. Estrada has been criticized for extensive efforts to defend so-called anti-loitering laws, which have been shown to have a disproportionately negative effect on African-Americans and Latinos; in one case, he argued that the NAACP did not even have standing to challenge such an ordinance. A former supervisor in the Solicitor General's office concluded that Estrada "lacks the judgement" and is "too much of an ideologue to be an appeals court judge." Estrada and the Bush administration have refused to fully answer a number of important questions asked by senators or provide relevant memos from his tenure at the Justice Department. Estrada's confirmation is currently being blocked by a Senate filibuster.

- Alabama Attorney General Bill Pryor is not only one of the nation's most aggressive advocates for a states' rights approach to the Constitution, but he has also used his office in an effort to push the law far to the right. As state Attorney General and as a leader in the Federalist Society, Pryor successfully urged the Supreme Court to roll back the clock on federal protections against age discrimination and discrimination against people with disabilities. Pryor has urged restrictions on federal authority even more extreme than those adopted by the narrow Supreme Court states' rights majority. For example, Pryor had urged the Court to rule that states could not be sued for money damages for violating the Family and Medical Leave Act, which would have left millions of state employees with no real recourse for violations of that law. In a recent 6-3 ruling, the Court rejected Pryor's argument. Pryor has urged Congress to consider repealing Section 5 of the Voting Rights Act, calling it "an affront to federalism and an expensive burden that has outlived its usefulness." Pryor believes that it is acceptable to imprison gay men and lesbians for having consensual sex in the privacy of their own homes, and has filed an amicus brief urging the Supreme Court to uphold Texas' "Homosexual Conduct Law." In his brief, he has equated private consensual sex between same-sex couples with "activities like prostitution, adultery, necrophilia, bestiality, possession of child pornography, and even incest and pedophilia." Pryor is a staunch opponent of a woman's right to reproductive choice and has stated that *Roe v. Wade* is "the worst abomination of constitutional law in our history." Pryor opposes genuine church-state separation and among other things has supported a state judge's official sponsorship of sectarian prayers before jury assemblies.

Senate Handling of President Bush's Nominees under Democratic Control

President Bush and Republican Senate leaders have falsely claimed that the administration's judicial nominees were not treated fairly during the time that Democrats held a majority in the Senate, and that Democrats are now engaged in partisan obstructionism as a minority party. In fact, Bush's judicial nominees have been confirmed at a rapid pace under both Democratic and Republican majorities in the Senate, and have been given far better treatment than President Clinton's nominees received at the hands of the Republican Senate majority.

The Senate under Democratic control confirmed 100 of President Bush's judicial nominees in 17 months. The 100 confirmations represent significantly more than the 71 judges confirmed during the first two years of the first Bush administration and the 75 confirmed during the first two years of Republican Senate control during the Clinton administration. The 100 confirmations are more than the number confirmed during any of the Republican controlled Congresses under President Clinton, when there was an average of only 38 confirmations per year. Indeed, Senate Republicans blocked one-third of Clinton's circuit court nominees from 1995 to 2000.

Since the beginning of this year, with the Senate in Republican hands, an additional 26 judges have been confirmed, cutting the number of vacancies in half since the beginning of the administration. In that time, Democrats have used the filibuster to block only two controversial appeals court nominees, while a number of other nominees have been permitted a full floor vote in spite of intense opposition. Amidst the talk of crisis and a broken system, one important fact is being overlooked: there are currently only 45 vacancies in the federal judiciary, less than half of the 111 vacancies that existed when the Democrats took control of the Senate in July 2001. Sen. Patrick Leahy has noted that the vacancy rate on the federal judiciary is at its lowest level in 13 years and is now lower than the national unemployment rate.

Conclusion

The next Supreme Court justices could prove decisive on fundamental questions as well as shape for decades how America works and how Americans live: Will the Supreme Court undermine the federal government's ability to safeguard the air we breathe and the water we drink? Will the courts abandon their role in preserving Americans' right to privacy and strip women of the constitutional right to make their own family planning and reproductive choices? Will Congress lose the power to protect Americans' civil rights from abuses by state governments and others? Will the Voting Rights Act be applied so narrowly that it fails to protect citizens' most fundamental rights?

This is a defining moment for the meaning of the Constitution and the direction of the nation for the first half of the 21st Century. That fact is clearly understood by right-wing leaders and their allies in the White House and Congress. That is why they have focused so intently on judicial nominations, and it is why they are prepared to go to extreme measures – including changing the very nature and role of the Senate in our constitutional system – in order to try to guarantee Senate approval for even the most extreme right-wing nominees.

It is urgent that the American people be given the opportunity to understand how much is at stake before the next Supreme Court vacancy appears and the debate becomes focused on politics and process surrounding a particular nominee. The time for a broad public discussion about the future of the Court and the Constitution is now.

For extensive information on the federal judiciary, visit www.pfaw.org/independent_judiciary.

From:	Powell, Benjamin A.
To:	william_smith@judiciary.senate.gov <william_smith@judiciary.senate.gov>;brian.a.benczkowski@usdoj.gov <brian.a.benczkowski@usdoj.gov>;william.hall2@usdoj.gov <william.hall2@usdoj.gov>;william.hall2@usdoj.gov <Snee, Ashley>;ehaden@balch.com <ehaden@balch.com>;ehaden@balch.com <Smith, Matthew E.>;ehaden@balch.com <Mamo, Jeanie S.>;ehaden@balch.com <Kavanaugh, Brett M.>;Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>
CC:	<Bumatay, Patrick J.>
Sent:	6/5/2003 4:53:28 PM
Subject:	Pryor Working Group Contact List

Please send to me and cc: pbumatay@who.eop.gov the following information:

Your title/position

work phone

cell phone

home phone

blackberry yes or no?

I will make a contact list to distribute. Also,if someone could send me information for Jay, Leonard, other groups/persons (and other numbers we should have on the list) that are going to be involved, that would be helpful.

William -- please add other folks from the Senator's office (your press shop, others who are helping) who people can contact as you will be very busy.

Thanks.

From: Alice Starr <ASTARR@west-group.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/5/2003 12:55:38 PM
Subject: : Fwd: need a speaker for June 30
Attachments: P_7S4ZG003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alice Starr <ASTARR@west-group.com> (Alice Starr <ASTARR@west-group.com> [UNKNOWN])
CREATION DATE/TIME: 5-JUN-2003 16:55:38.00
SUBJECT:: Fwd: need a speaker for June 30
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

Great news about Karen.

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Regards, Alice

Alice M. Starr
Vice President, WEST*GROUP
1600 Anderson Road McLean, VA 22102
(703) 714-2127 (703) 790-5605 Fax
astarr@west-group.com
www.west-group.com
Date: Thu, 05 Jun 2003 16:04:41 -0400
From: "Alice Starr" <ASTARR@west-group.com>
Subject: need a speaker for June 30
To: "Carolyn Nelson" <Carolyn_Nelson@who.eop.gov>
MIME-version: 1.0
Content-type: multipart/mixed;
boundary="Boundary_(ID_kD5vY/hXfWdAM3zsM+GxQw)"
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On Monday, June 30 from 6:00 - 8:00 p.m., we are helping to host a reception at the home of George Shafran, a generous Republican with a beautiful home at 1310 Ballantrae Farm Drive in McLean, across the street from Colin Powell. We would like to have a prominent special guest attend the reception who will be a draw for the event. We would especially like to request if Judge Gonzales, Karl Rove, Andy Card, Larry Thompson or Ken Mehlman would be available? Unfortunately the invitations are scheduled to go out tomorrow so it would be helpful to know by then.

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Many thanks for your assistance. - Alice

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Vice President, WEST*GROUP
1600 Anderson Road McLean, VA 22102
(703) 714-2127 (703) 790-5605 Fax
astarr@west-group.com
www.west-group.com

- rust invite.pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7S4ZG003_WHO.TXT_1>

DIRECTIONS TO

1310 BALLANTRAE FARM DRIVE

MCLEAN, VIRGINIA

FROM THE G.W. PARKWAY,
TAKE MCLEAN EXIT, TOWARDS MCLEAN.
GO APPROX 1.5 MILES TO BALLANTRAE FARM DRIVE*
WHICH WILL BE ON YOUR LEFT HAND SIDE.
TURN LEFT AND PROCEED TO
1310 BALLANTRAE FARM DRIVE.

VALET PARKING WILL BE PROVIDED

*BE SURE TO TAKE BALLANTRAE FARM DRIVE,
NOT BALLANTRAE LANE.

HOSTS

BERNARD & CHERYL CLINEBURG
SPEAKER BILL HOWELL, DOMINION LEADERSHIP TRUST
MILTON V. & CAROLYN PETERSON
GEO. P. & ANGELA SHAFRAN
STEPHEN F. THOMAS

TOGETHER WITH

BENEFACTORS

GEORGE BARLOW • BUDDY & CHARLOTTE BECK
MR. & MRS. WILLIAM G. BUCK
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AND **FRIENDS**

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GWENDOLYN F. CODY • ROY GOGGIN
ALAN & PHYLLIS GREENFIELD • ROBERT LOFTUS
JOAN NEWCOME • TERENCE P. QUINN

OF

JACK RUST

FOR DELEGATE

REV_00120852

CORDIALLY INVITE YOU

TO A SUMMER RECEPTION

IN HONOR OF

JACK RUST

MONDAY, JUNE 30, 2003

6:00 TO 8:00 P.M.

AT THE HOME OF

GEO. P. & ANGELA SHAFRAN

1310 BALLANTRAE FARM DRIVE

MCLEAN, VIRGINIA

KINDLY REPLY

VALET PARKING

REV_00120853

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 6/5/2003 4:57:16 PM
Subject: Fwd: need a speaker for June 30
Attachments: rust invite.pdf

This should be forwarded to Political Affairs.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/05/2003 04:57 PM ----------

Alice Starr

06/05/2003 04:12:05 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Fwd: need a speaker for June 30

Brett,

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Regards, Alice

Alice M. Starr

Vice President, WEST*GROUP

1600 Anderson Road McLean, VA 22102

(703) 714-2127 (703) 790-5605 Fax

astarr@west-group.com

www.west-group.com

Date: Thu, 05 Jun 2003 16:04:41 -0400

From: "Alice Starr"

Subject: need a speaker for June 30

To: "Carolyn Nelson"

MIME-version: 1.0

Content-type: multipart/mixed; boundary="Boundary_(ID_kD5vY/hXfWdAM3zsM+GxQw)"

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- rust invite.pdf <>

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OF

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FOR DELEGATE

REV_00120856

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MCLEAN, VIRGINIA

KINDLY REPLY

VALET PARKING

REV_00120857

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange@EOP [WHO] <Carolyn Nelson>
Sent: 6/5/2003 12:58:36 PM
Subject: : Fwd: need a speaker for June 30
Attachments: P_QZ4ZG003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2003 16:58:36.00
SUBJECT:: Fwd: need a speaker for June 30
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This should be forwarded to Political Affairs.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/05/2003 04:57 PM ----------

Alice Starr <ASTARR@west-group.com>
06/05/2003 04:12:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fwd: need a speaker for June 30

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Content-type: multipart/mixed;
boundary="Boundary_(ID_kD5vY/hXfWdAM3zsM+GxQw)"

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- rust invite.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QZ4ZG003_WHO.TXT_1>

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KEN & ALICE STARR • WEST*GROUP

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DAN & ROBERTA BENJAMIN • MARY & WILLIAM BYRNE
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ALAN & PHYLLIS GREENFIELD • ROBERT LOFTUS
JOAN NEWCOME • TERENCE P. QUINN

OF

JACK RUST

FOR DELEGATE

REV_00120860

CORDIALLY INVITE YOU

TO A SUMMER RECEPTION

IN HONOR OF

JACK RUST

MONDAY, JUNE 30, 2003

6:00 TO 8:00 P.M.

AT THE HOME OF

GEO. P. & ANGELA SHAFRAN

1310 BALLANTRAE FARM DRIVE

MCLEAN, VIRGINIA

KINDLY REPLY

VALET PARKING

REV_00120861

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alice Starr <ASTARR@west-group.com>
Sent: 6/5/2003 1:01:26 PM
Subject: : Re: Fwd: need a speaker for June 30
Attachments: P_E75ZG003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2003 17:01:26.00
SUBJECT:: Re: Fwd: need a speaker for June 30
TO:Alice Starr <ASTARR@west-group.com> (Alice Starr <ASTARR@west-group.com> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Thanks much. We will forward this to the Office of Political Affairs.

Alice Starr <ASTARR@west-group.com>
06/05/2003 04:12:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fwd: need a speaker for June 30

Brett,

Great news about Karen.

Attached is a copy of an email I sent to Helgi Walker and Carolyn Nelson.
Anything you can do to help would be great as we are in a time crunch.
Ken is not listed on the invitation because he is sending out something
this week about Campaign Finance Reform and does not want to be listed on
two fundraising letters in the same week.

Regards, Alice

Alice M. Starr
Vice President, WEST*GROUP
1600 Anderson Road McLean, VA 22102
(703) 714-2127 (703) 790-5605 Fax
astarr@west-group.com
www.west-group.com

Date: Thu, 05 Jun 2003 16:04:41 -0400
From: "Alice Starr" <ASTARR@west-group.com>
Subject: need a speaker for June 30
To: "Carolyn Nelson" <Carolyn_Nelson@who.eop.gov>
MIME-version: 1.0
Content-type: multipart/mixed;
boundary="Boundary_(ID_kD5vY/hXfWdAM3zsM+GxQw)"

Carolyn,

Helgi Walker was kind enough to contact you about getting a speaker from

the Bush administration for a political event on June 30.

My husband, Ken Starr, and I are helping with a fundraiser for Jack Rust, a candidate for the Virginia House of Delegates. Jack, an attorney in Fairfax, Virginia, formerly served in the General Assembly, but he was defeated in the last election by a hair. So we very much want him to get his seat back because he was the most effective Republican in the Virginia legislature.

On Monday, June 30 from 6:00 - 8:00 p.m., we are helping to host a reception at the home of George Shafran, a generous Republican with a beautiful home at 1310 Ballantrae Farm Drive in McLean, across the street from Colin Powell. We would like to have a prominent special guest attend the reception who will be a draw for the event. We would especially like to request if Judge Gonzales, Karl Rove, Andy Card, Larry Thompson or Ken Mehlman would be available? Unfortunately the invitations are scheduled to go out tomorrow so it would be helpful to know by then.

I have attached the invitation. If Judge Gonzales or someone from the administration can attend, we will place an insert in the invitation.

Many thanks for your assistance. - Alice

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Vice President, WEST*GROUP
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astarr@west-group.com
www.west-group.com

- rust invite.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_E75ZG003_WHO.TXT_1>

DIRECTIONS TO

1310 BALLANTRAE FARM DRIVE

MCLEAN, VIRGINIA

FROM THE G.W. PARKWAY,
TAKE MCLEAN EXIT, TOWARDS MCLEAN.
GO APPROX 1.5 MILES TO BALLANTRAE FARM DRIVE*
WHICH WILL BE ON YOUR LEFT HAND SIDE.
TURN LEFT AND PROCEED TO
1310 BALLANTRAE FARM DRIVE.

VALET PARKING WILL BE PROVIDED

*BE SURE TO TAKE BALLANTRAE FARM DRIVE,
NOT BALLANTRAE LANE.

HOSTS

BERNARD & CHERYL CLINEBURG
SPEAKER BILL HOWELL, DOMINION LEADERSHIP TRUST
MILTON V. & CAROLYN PETERSON
GEO. P. & ANGELA SHAFRAN
STEPHEN F. THOMAS

TOGETHER WITH

BENEFACTORS

GEORGE BARLOW • BUDDY & CHARLOTTE BECK
MR. & MRS. WILLIAM G. BUCK
MARJORIE & ERNIE CASTRO • SID DEWBERRY

PATRONS

DAN & GLORIA BOHAN • MIKE DANIELS
JACK & ANN FISHER • BOB FITTON • CRAIG HAVENNER
WILLIAM A. HAZEL • ANNE PATTESON • JAMES RUSSO
KEN & ALICE STARR • WEST*GROUP

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OF

JACK RUST

FOR DELEGATE

REV_00120864

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TO A SUMMER RECEPTION

IN HONOR OF

JACK RUST

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6:00 TO 8:00 P.M.

AT THE HOME OF

GEO. P. & ANGELA SHAFRAN

1310 BALLANTRAE FARM DRIVE

MCLEAN, VIRGINIA

KINDLY REPLY

VALET PARKING

REV_00120865

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 6/5/2003 5:05:43 PM
Subject: RE: need a speaker for June 30

Already done- Mrs. Starr sent an email to me earlier this afternoon.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 05, 2003 4:57 PM
To: Nelson, Carolyn
Subject: Fwd: need a speaker for June 30

This should be forwarded to Political Affairs.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/05/2003 04:57 PM ----------

Alice Starr
06/05/2003 04:12:05 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fwd: need a speaker for June 30

Brett,

Great news about Karen.

Attached is a copy of an email I sent to Helgi Walker and Carolyn Nelson. Anything you can do to help would be great as we are in a time crunch. Ken is not listed on the invitation because he is sending out something this week about Campaign Finance Reform and does not want to be listed on two fundraising letters in the same week.

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Vice President, WEST*GROUP
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astarr@west-group.com
www.west-group.com

Date: Thu, 05 Jun 2003 16:04:41 -0400
From: "Alice Starr"
Subject: need a speaker for June 30
To: "Carolyn Nelson"

MIME-version: 1.0
Content-type: multipart/mixed; boundary="Boundary_(ID_kD5vY/hXfWdAM3zsM+GxQw)"

Carolyn,

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My husband, Ken Starr, and I are helping with a fundraiser for Jack Rust, a candidate for the Virginia House of Delegates. Jack, an attorney in Fairfax, Virginia, formerly served in the General Assembly, but he was defeated in the last election by a hair. So we very much want him to get his seat back because he was the most effective Republican in the Virginia legislature.

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with a beautiful home at 1310 Ballantrae Farm Drive in McLean, across the street from Colin Powell. We would like to have a prominent special guest attend the reception who will be a draw for the event. We would especially like to request if Judge Gonzales, Karl Rove, Andy Card, Larry Thompson or Ken Mehlman would be available? Unfortunately the invitations are scheduled to go out tomorrow so it would be helpful to know by then.

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astarr@west-group.com
www.west-group.com

- rust invite.pdf << File: rust invite.pdf >>

From: Rod.Rosenstein@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/5/2003 1:13:08 PM
Subject: : Today's Maryland Daily Record
Attachments: P_KW5ZG003_WHO.TXT_1.pdf

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Rod.Rosenstein@usdoj.gov" <Rod.Rosenstein@usdoj.gov> ( "Rod.Rosenstein@usdoj.gov"
<Rod.Rosenstein@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME: 5-JUN-2003 17:13:08.00
SUBJECT:: Today's Maryland Daily Record
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I rarely get to be at the top of an alphabetical list.
- Rod.pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_KW5ZG003_WHO.TXT_1>
```

THE JUDICIARY

Short-listed

BY PETER GEIER
Daily Record Legal Affairs Writer

Two federal judicial profiles are soon to be unveiled in Maryland — one, the official appointment of U.S. District Judge Marvin J. Garbis, slated to take senior status on his 67th birthday next week.

The other will be the lawyer the White House evidently has picked from its short list of six names to take Garbis' place. The new appointee will be assigned to the district's southern division in Greenbelt, according to sources.

The following candidates — listed in alphabetical order — have been identified:

• Rod J. Rosenstein, 33, principal deputy assistant attorney general at the Department of Justice Tax Divison, who has served as deputy assistant attorney general for criminal matters since September 2001.

Rosenstein served as an Associate Independent Counsel from 1995 to 1997 and as an Assistant United States Attorney in Maryland from 1997 to 2001. He prosecuted a broad range of federal criminal cases, including tax offenses. He also briefed and argued appeals in the 4th U.S. Circuit Court of Appeals.

• Ronald B. Rubin, 47, a name partner in a four-lawyer Rockville law firm whose practices areas include civil, tax, criminal and securities litigation. (Rubin was also a finalist for the so-called Maryland seat on the 4th U.S. Circuit Court of Appeals.)

[illegible] from Catholic University [illegible] was a law clerk to U.S. District Judge [illegible] C. Miller Jr., U.S. District Court, District of Maryland, 1980-1982.

• Harry C. Storm, [illegible]

See Storm, page 12B

List

Continued from page 1B

five-lawyer Bethesda law whose practice includes civil and petroleum franchise litigation and contracts. Storm is a University of Maryland law school graduate and president of the Montgomery County Bar Association, 2002-2003.

• Roger W. Titus, 61, a partner in the Rockville office of Venable, Baetjer and Howard, whose practice areas include litigation and appellate practice, as well as municipal, education, zoning planning and land use law.

Like Rubin, Titus had been considered previously for appointment to the 4th U.S. Circuit Court of Appeals.

A Georgetown University Law Center graduate, as well as adjunct professor, Titus' accomplishments include serving as trial counsel, for the Montgomery County Board of Education since 1979 and a member of the Trial Courts Judicial Nominating Commission for Montgomery County, 1979-1991.

A member of the state Appellate Judicial Nominating Commission from 1991-1999, Titus has also been a member of the Court of Appeals' standing committee on rules of practice and procedure since 1989.

• John H. "Butch" West III, 60, a Towson-based practitioner whose areas of practice include civil and commercial litigation, as well as securities, admiralty and personal injury law. West received his law degree from Washington and Lee University and was a law clerk to the U.S. District Judge Walter E. Hoffman (Eastern District of Virginia, 1970-1971).

West also has been an arbitrator for the National Association of Securities Dealers since 1996 and a member of the 4th Circuit's Judicial Conference since 1974.

• Pamela J. White, a partner in the Baltimore law firm Ober, Kaler Grimes and Shriver. White, who served as president of the Maryland State Bar Association in 2001-2002, is a 1977 graduate of Washington & Lee University's law school.

REV_00120869

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 6/5/2003 5:42:02 PM
Subject: can we meet tomorrow

From:	Leitch, David G.
To:	<Kavanaugh, Brett M.>;<Gonzales, Alberto R.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Brown, Reginald J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent:	6/5/2003 5:50:07 PM
Subject:	BCRA Schedule

washingtonpost.com

Court to Hear Campaign Finance Challenge

By ANNE GEARAN
The Associated Press
Thursday, June 5, 2003; 5:14 PM

WASHINGTON - The Supreme Court said Thursday it will hold a special session in September to hear arguments on the constitutionality of a law meant to govern how candidates raise money in the 2004 presidential and congressional elections.

The court will meet Sept. 8, a month ahead of the start of its regular term. In apparent acknowledgment of the complexity of the case, the court will hear four hours of argument instead of the usual one hour.

The 2002 law bans corporate, union and unlimited contributions - known as soft money - to national party committees. It also bars a range of interest groups, including those financed with corporate or union money and those that do not disclose their donors, from airing ads mentioning federal candidates in their districts in the month before a primary and two months before a general election.

A complex lower court ruling upheld parts of the law and struck down others. That ruling spawned 12 separate appeals to the Supreme Court, covering some 80 groups or individuals and nearly two dozen legal questions.

Out of that tangle, the high court organized the parties into two sides and set out when each must file its legal papers.

The high court will have the last word on the new rules, which are already in effect.

On the Net:
Supreme Court: http://www.supremecourtus.gov/
Campaign finance background: http://www.fec.gov/pages/bcra/major-resources-bcra.htm

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From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 6/5/2003 5:50:37 PM
Subject: phone message

James Meek
w/Daily News
202-467-6670

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>;<Ralston, Susan B.>
Sent: 6/5/2003 9:34:07 PM
Subject: equipment

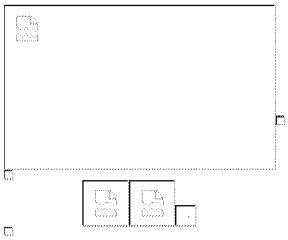
Let me know when you would like to get together to discuss which offices need what campaign equipment.

Thanks.

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
Sent: 6/6/2003 8:45:36 AM
Subject: Invite

I faxed you a draft invitation for your approval. Can you look at it today?

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 6/6/2003 8:56:36 AM
Subject: ny daily news
Attachments: awmmenupath.gif; body-pic3.jpg; boroughs.gif; boroughs_on.gif; business.gif; business_on.gif; carribeat_0403_banner.gif; city_life.gif; city_life_on.gif; click_here.gif; dot.gif; emailstory.gif; entertainment.gif; entertainment_on.gif; gallerydogear.gif; home_on1.gif; home1.gif; indent_left.gif; jkidd-callout-final.gif; mastclassifieds.gif; Masthead_newsviews.gif; mastheadlines.gif; masthelp.gif; mastregister.gif; mastseparator.gif; movieear.gif; news_views.gif; news_views_on.gif; nya_logo.gif; odot.gif; printstory.gif; qfc-468x60.gif; realcities_logo.gif; search_in.gif; searchfor.gif; services.gif; services_on.gif; shim.gif; sports.gif; sports_on.gif; stingers_logo1.gif; wcs_logo.gif





between 05/30/03 and 06/06/03Akron/Clevelar
OH
Austin, TX
Boise, ID
Charlotte, NC
Cincinnati, OH
Dallas, TX
Denver, CO
Detroit, MI
Fort Worth, TX
Indianapolis, IN
Kansas City, MO
Knoxville, TN
Lexington, KY
Louisville, KY
Memphis, TN
Miami, FL
Milwaukee, WI
Minneapolis/St. Paul, M
New Orleans, LA
New York, NY
Norfolk, VA
Philadelphia, PA
Phoenix, AZ
Pittsburgh, PA
Portland, OR
Providence, RI
Richmond, VA
Riverside, CA
San Francisco Bay Are
Seattle, WA
St. Louis, MO
Spokane, WA
Tampa/St. Petersburg,
Tucson, AZ
Winston-Salem, NC
More...



From: Ralston, Susan B.
To: <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>
Sent: 6/6/2003 8:59:02 AM
Subject: RE: equipment

I'm available today betw 10:15 AM - 3 PM. Or, flexible next week - except for early mornings.
-----Original Message-----
From: Litkenhaus, Colleen
Sent: Thursday, June 05, 2003 9:34 PM
To: Kavanaugh, Brett M.; Ralston, Susan B.
Subject: equipment

Let me know when you would like to get together to discuss which offices need what campaign equipment.

Thanks.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO /EOP@EOP [WHO] <Jennifer G. Newstead>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 6/6/2003 5:30:47 AM
Subject: : Nice piece on the President's appointment of Judge Altonaga

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-JUN-2003 09:30:47.00
SUBJECT:: Nice piece on the President's appointment of Judge Altonaga
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Miami New Times (Florida) May 15, 2003 Thursday

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Miami New Times (Florida)

May 15, 2003 Thursday

SECTION: Bestof/City Life

LENGTH: 131 words

HEADLINE: BEST LOCAL GIRL MADE GOOD
Cecilia Altonaga

BODY:
On May 6, 2003, by a unanimous vote of the U.S. Senate, Altonaga became the nation's first female Cuban-American federal judge. President George W. Bush personally nominated her, sidestepping a list of South Florida candidates forwarded by the state's two senators, Bill Nelson and Bob Graham. The move provoked cries of foul. It's clear Bush wanted a Cuban female in the position, and in Altonaga he found a winner. The Yale-educated Coral Gables resident was a career prosecutor with the Miami-Dade State Attorney's Office until she became a county court judge in 1996 and then circuit court judge three years later. Even Nelson and Graham, two Democrats, conceded the point of her qualifications and ended up backing the president's pick.

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/6/2003 9:49:43 AM
Subject: going to hill?

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/6/2003 9:51:37 AM
Subject: RE: going to hill?

Yes. Are we meeting 1:30?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 06, 2003 9:51 AM
To: Grubbs, Wendy J.
Subject: Re: going to hill?

can you go?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:49:43 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: going to hill?

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 6/6/2003 9:54:05 AM
Subject: RE: going to hill?

can we do 4:00?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:51:37 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: going to hill?

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From: Kavanaugh, Brett M.

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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: going to hill?

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 6/6/2003 9:54:22 AM
Subject: RE: going to hill?

also, i cannot go to hill at 10:30

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:51:37 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: going to hill?

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Subject: Re: going to hill?

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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: going to hill?

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/6/2003 9:59:32 AM
Subject: RE: going to hill?

Ugh...I do some volunteer work with a capitol hill school and I am on from 4 to 6 today...I hate to miss that. Monday am?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 06, 2003 9:54 AM
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Subject: RE: going to hill?

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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: going to hill?

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/6/2003 9:59:43 AM
Subject: RE: going to hill?

Caught that

-----Original Message-----
From: Kavanaugh, Brett M.
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Subject: RE: going to hill?

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Record Type: Record

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cc:
Subject: RE: going to hill?

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From: Kavanaugh, Brett M.
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To: Grubbs, Wendy J.
Subject: Re: going to hill?

can you go?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:49:43 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: going to hill?

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 6/6/2003 11:27:52 AM
Subject: RE: going to hill?

call me re results of today's Hill meeting

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 6/6/2003 11:27:37 AM
Subject: RE: going to hill?

ok. Monday a.m.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:59:32 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: going to hill?

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Sent: Friday, June 06, 2003 9:54 AM

To: Grubbs, Wendy J.

Subject: RE: going to hill?

can we do 4:00?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:51:37 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: going to hill?

Yes. Are we meeting 1:30?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, June 06, 2003 9:51 AM

To: Grubbs, Wendy J.

Subject: Re: going to hill?

can you go?

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/06/2003 09:49:43 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: going to hill?

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 6/6/2003 11:48:38 AM
Subject: ok on Passkeys letter

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Brown, Reginald J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 6/6/2003 12:00:09 PM
Subject: Senate

Charlie Cook's National Journal column begins: "Unless the economy collapses, next year's Senate races will be either a wash for the two major parties or a disaster for the Democrats."

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 6/6/2003 12:48:20 PM
Subject: RE: question

President's schedule from June 23 to 30

monday 6/23 - here most of the day - then to NY for a BC04 f/r - then he stays at Camp that night

tues - camp david with pres of pakistan - returning to dc in the afternoon

wed - dc all day

thurs - dc all day

fri - san francisco, ca and los angeles, ca - then to Ranch that night

sat, sun - Ranch

mon - tampa, fl and miami, fl - returning to dc that night

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 6/6/2003 1:33:30 PM
Subject: OMB Rules

`

Rules Likely to be Cleared, Withdrawn, or Returned during the Week of June 9

USDA-APHIS	PROPOSED RULE. Cost-Sharing for Animal and Plant Health Emergency Programs
USDA-FAS	FINAL RULE. McGovern-Dole International Food for Education and Child Nutrition Program
*HHS-FDA	FINAL RULE. Applications for FDA Approval to Market a New Drug Patent listing requirements and Application of 30-Month Stays on Approval of Abbreviated New Drug Applications
HHS-CMS	FINAL RULE. Mental Health Parity
HHS-CMS	NOTICE. State Children's Health Insurance Program; Final Allotments to States, the District of Columbia, and US. Commonwealths for Fiscal Year 2004
*HUD-PIH	INTERIM FINAL RULE. Up-Front Income Verification for the Public Housing and Housing Choice Voucher Program.
HUD-OH	PROPSOED RULE. Disposition of HUD-Owned, Single-Family Assets in Asset Control Areas
HUD-OH	PROPOSED RULE. Up-Front Mortgage Insurance Premiums for Loans Insured Under Sections 203(k) and 134 of the National Housing Act
HUD-OSEC	INTERIM FINAL RULE. HOME Investment partnerships Program; American Dream Downpayment Initiative
DOJ-DEA	PROPOSED RULE. Electronic Orders for Controlled Substances
DOL-MSHA	FINAL RULE. Alternate locking devices for Plug and Receptacle-Type Connectors on Mobile Battery-Powered Machines
DOL-MSHA	FINAL RULE. Improving and Eliminating Regulations, Phase 5, Miscellaneous technology Improvements
DOT-MARAD	PROPOSED RULE. Regulations to be Followed by All Departments, Agencies and Shippers Having Responsibility to Provide a Preference for U.S. Flag Vessels in the Shipments

* Probable Media Interest

EEOC	PROPOSED RULE. Coordination of Retiree Health Benefits with Medicare and State Health Benefits

*EPA/WATER	NOTICE. 6-Year Review of Existing National Primary Drinking Water Regulations Standards
*OPM	INTERIM FINAL RULE. Retirement; Federal Employees Retirement System, Basic Annuity
*OPM	INTERIM FINAL RULE. Organization of the Government for Personnel Management, Overseas Employment, Temporary and Term Employment
SBA	FINAL RULE. Small Business Size Regulations; Government Contracting Programs; HUBZone Program

From:	Vestewig, Lauren J.
To:	<Gilbert, Alan>;<Ellison, Kimberly>;<Ingols, Adam B.>;<Kavanaugh, Brett M.>;<Grubbs, Wendy J.>;<Jensen, Amy>
CC:	<Skelly, Layton>
Sent:	6/6/2003 2:03:50 PM
Subject:	FW: Meeting re. medical liability

This meeting has been rescheduled for 10:15 on Tues morning. I'm sorry for any inconvenience. Thanks.
-----Original Message-----
From: Vestewig, Lauren J.
Sent: Friday, June 06, 2003 10:27 AM
To:
Cc: Skelly, Layton
Subject: Meeting re. medical liability

There will be a meeting re. medical liability and the upcoming Senate debate on Monday at 10:30 in Jay's office. Please let me know who will attend. Thanks.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 6/6/2003 4:35:16 PM
Subject:

Wisdom I'm accumulating: Sen. Sessions -- "If it's a good rating I think we ought to tout it."

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 6/6/2003 4:38:02 PM
Subject: RE:

Ben has proposed having the good Senator prep you for your hearing.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 06, 2003 4:37 PM
To: Leitch, David G.
Subject: Re:

welcome to my world . . .

From: David G. Leitch/WHO/EOP@Exchange on 06/06/2003 04:35:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Wisdom I'm accumulating: Sen. Sessions -- "If it's a good rating I think we ought to tout it."

From: Charles Spies - Legal <CSpies@rnchq.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/6/2003 1:43:04 PM
Subject: : FW:
Attachments: P_JYA4H003_WHO.TXT_1.htm; P_JYA4H003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charles Spies - Legal <CSpies@rnchq.org> (Charles Spies - Legal <CSpies@rnchq.org>
[UNKNOWN])
CREATION DATE/TIME: 6-JUN-2003 17:43:04.00
SUBJECT:: FW:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This is the sample disclaimer page I give to people. I'll call you to
explain.

- Charlie

-----Original Message-----
From: Katherine Piper - Legal
Sent: Friday, June 06, 2003 5:39 PM
To: Charles Spies - Legal
Subject:

Here you go

Katie Piper
RNC Counsel's Office
310 First Street, SE
Washington, DC 20003
202.863.8638 (phone)
202.863.8654 (fax)
www.rnc.org

- att1.htm - 2003 Fundraising Reply Card.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_JYA4H003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_JYA4H003_WHO.TXT_2>

This is the sample disclaimer page I give to people. I'll call you to explain.

- Charlie

-----Original Message-----
From: Katherine Piper - Legal
Sent: Friday, June 06, 2003 5:39 PM
To: Charles Spies - Legal
Subject:

Here you go

Katie Piper
RNC Counsel's Office
310 First Street, SE
Washington, DC 20003
202.863.8638 (phone)
202.863.8654 (fax)
www.rnc.org

SAMPLE RNC REPLY CARD (with disclaimers)

I am pleased to send a special contribution of:

XX XX XX (___) Other

Please make check payable to: RNC

Contributions to the Republican National Committee are not deductible as charitable contributions for federal income tax purposes.

Funds received in response to this solicitation will be subject to federal contribution limits. Federal election law requires us to report the following information: *

Occupation: *_____
Employer: *_____
❒ Please check if self-employed. *
Telephone number: (___)_____
E-mail address: (home)_____
E-mail address: (business)_____

Contributions from corporations and foreign nationals are prohibited.

You may make your 2003 contribution to the RNC by credit card if you choose by completing the information below: (Note: Credit card MUST be personal -- not corporate.)

Type of Credit Card:
❒ Visa ❒ MasterCard
❒ American Express ❒ Discover

Credit Card Number: _____
Expiration Date: _____
Name as it Appears on Card: _____
Signature: _____
Amount of Gift: $_____

You may also contribute to the Republican National Committee while online at www.GOP.com.

Paid for by the Republican National Committee.
310 First Street S.E. Washington, D.C. 20003
Not authorized by any candidate or candidate committee.

From: Kavanaugh, Brett M.
To: <Fleischer, Lawrence A.>
Sent: 6/6/2003 7:16:04 PM
Subject: follow-up

We need to discuss the general check-out advice I gave you today in light of the specific document request you (and everyone) will receive from the 9/11 commission Monday. I will get in touch Monday.

From:	Newstead, Jennifer G.
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>
CC:	<Bellinger, John B.>;<Addington, David S.>;<Cunningham, H. Bryan>
Sent:	6/6/2003 7:18:42 PM
Subject:	Draft memo to staff re: document request
Attachments:	memo to officers re doc request 2.doc

<>

Attached for your review/comment is a draft memo which we propose to send to the listed staff on Monday morning to implement the second document request from the Commission.

thanks

Jen

June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF
OFFICE OF POLICY DEVELOPMENT STAFF
NATIONAL SECURITY COUNCIL STAFF
OFFICE OF ADMINISTRATION STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP DOCUMENT REQUEST NO. 2"

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.

2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,
and submit to the Office of the Counsel to the President by June 16, 2003)

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

_____ _____

Signature of Individual Making Certification Date

Printed Name: _____

Telephone No.: _____

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>;<Powell, Benjamin>
Sent: 6/7/2003 1:11:53 PM
Subject: Mobile (AL) Register (6/7/03) re: Bill Pryor Senate Confirmation Hearing set for Wednesday

Bill Pryor Senate Confirmation Hearing

Alabama attorney general's Judiciary Committee hearing set to begin Wednesday

06/07/03

By SEAN REILLY

Washington Bureau

WASHINGTON -- The same day the Senate Judiciary Committee holds a hearing on Alabama Attor ney General Bill Pryor's candidacy for a federal judgeship, it will also consider a nominee to head the federal office created by a 1994 law intended to combat domestic violence and sexual assaults against women.

Considering that Pryor, a Republican and Mobile native, backed a move that killed a key provision in that same statute, it's a coincidence that some find ironic. And Pryor's position in that case is one of a number of subjects that will be brought up at Wednesday's hearing, according to staffers for senior Democratic senators.

"That will certainly be an issue that the committee will examine," said David Carle, a spokesman for Sen. Patrick Leahy of Vermont, the panel's top Democrat.

Carle said the committee will also look at Pryor's role in "stripping" away congressional and fed eral authority to enforce constitutionally guaranteed protections.

Because Pryor's record is still being reviewed, Carle declined to go into detail.

But as attorney general, Pryor has mounted legal challenges including one involving a Mobile woman who wanted to overturn the state's English-only driver's license test. Several of those cases resulted in U.S. Supreme Court rulings putting new limits on citizens' ability to bring lawsuits against states based on federal discrimination laws.

In those instances, Pryor, an ardent advocate of states' rights, successfully argued that those laws impermissibly stretched federal authority.

At the office of another top Democrat on the committee, Sen. Edward Kennedy of Massachusetts, spokeswoman Stephanie Cutter indicated that the senator had questions for Pryor on his record on civil rights, abortion rights and his position as attorney general on treatment of prisoners when he unsuccessfully fought a lawsuit targeting the state's practice of handcuffing inmates to a hitching post as a means of disciplining them.

Spokesmen for other Democrats on the committee either did not return phone calls or declined to comment Friday. While not a surprise, the responses from Leahy's and Kennedy's offices offer the first specific indication of the kind of intensive questioning Pryor may face.

On Friday, a Pryor spokeswoman declined to discuss any preparations the attorney general is making for the hearing, saying only that he "looks forward to the confirmation process."

President Bush nominated Pryor, 41, two months ago for the lifetime appointment to the Atlanta-based U.S. 11th Circuit Court of Appeals, one step below the U.S. Supreme Court. A number of advocacy groups are already arguing that Pryor won't be able to keep his personal views out of the courtroom. Supporters call him a superb legal scholar who will uphold the law.

The only other nomination on the panel's agenda Wednesday is that of Diane M. Stuart to head the Justice Department's Office on Violence Against Women.

That office was created by the 1994 Violence Against Women Act. Several years ago, Pryor was the only attorney general in the country to file a friend of court brief siding with those seeking to overturn the portion of the law that allowed rape victims to sue their attackers in federal courts. Although three-dozen attorneys general lined up on the other side, the U.S. Supreme Court struck down the provision in 2000 by a 5-4 majority.

In an article that he circulated to the media, Pryor defended his position. He did not dispute the goal of preventing sexual assaults, but said the provision was "unconstitutional and misguided" because it sought to justify federal intervention by the effect that abuse has on interstate commerce.

Federal appeals court judges earn $164,000 a year.

From: Kaplan, Joel
To: <Kavanaugh, Brett M.>
Sent: 6/7/2003 2:54:24 PM
Subject: Re: Legal Times story per our discussion -- see second half and Nan Aron quote re Gonzales

I guess that means they wouldn't lay down for j harvie.
.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/7/2003 1:15:28 PM
Subject: : NY Times (6/8/03) re: Lobbying starts as Groups forsee Supreme Court Vacancy

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JUN-2003 17:15:28.00
SUBJECT:: NY Times (6/8/03) re: Lobbying starts as Groups forsee Supreme Court Vacancy
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi...
June 8, 2003
Lobbying Starts as Groups Foresee Supreme Court Vacancy
By ROBIN TONER and NEIL A. LEWIS
NY Times

ASHINGTON, June 7 * Interest groups on the left and the right are beginning full-scale political campaigns * including fund-raising, advertising and major research * to prepare for what many expect to be a Supreme Court vacancy in the next several weeks.

While none of the justices have said they plan to retire, any decision would traditionally be announced at the end of the court's term in late June.

Both conservatives and liberals say the time is right for a change in at least one and perhaps two seats, given the age of several justices and the general recognition that this is President Bush's last chance to name a justice before the presidential campaign begins in earnest.

Neither side wants to be caught off guard in what is expected to be a fast-moving battle for public opinion, set off by the naming of a nominee.

The Naral Pro-Choice America Foundation is making a pre-emptive strike with a television campaign beginning on Sunday that highlights the importance of the court to abortion rights. The commercial shows a woman gasping as she reads the newspaper headline "Abortion Outlawed * Court Overturns Right to Choose."

Republicans have been raising money and planning strategy under the guidance of the former White House counsel C. Boyden Gray, who was a principal strategist in the bitter struggle over Justice Clarence Thomas's nomination in 1991.

Two weeks ago, White House and Justice Department officials met in a Washington law office with several Republican veterans of confirmation battles, including Mr. Gray, to discuss how to deal with liberal attacks on a Bush nominee.

The meeting opened with the veterans recalling the failed effort to put Robert H. Bork on the Supreme Court in 1987 and the successful campaign to confirm Mr. Thomas in 1991, after he was confronted with reports that he had sexually harassed Anita Hill, his former employee.

"The purpose was to see what lessons we had learned from those two battles," said a lawyer at the meeting, which included Leonard Leo, a top official of the Federalist Society, a conservative lawyers' group.

On the other side, a coalition of liberal and progressive groups * including Naral, People for the American Way, the Leadership Conference on Civil Rights and the Alliance for Justice * has been meeting weekly, usually on Fridays, to discuss judicial strategy for nominations to lower federal courts and the Supreme Court.

"If history is any guide, it is quite likely, given the president's stated preference for justices like Thomas and Scalia, that the next Supreme Court nominee is likely to be an ideological extremist," Wade Henderson,

executive director of the leadership conference, said. "In that case, we would hope to generate a debate in the Senate and the country at large over what it means to appoint another justice in that mold."

The groups are compiling research on potential nominees. Nan Aron, director of the Alliance for Justice, a Washington liberal group that scrutinizes judicial nominees, said she had added several staff members for the expected confirmation battle and had compiled dossiers on about eight people she said she thought could be named.

Liberals acknowledge, though, that the White House has the advantage of surprise. Kate Michelman, president of Naral Pro-Choice America, said her group planned a rapid-response research operation.

On Capitol Hill, the parties are already engaged in legislative trench warfare over several lower court nominations that are considered dress rehearsals for a Supreme Court battle. While Republicans control the Senate with 51 seats compared with 48 Democrats and one independent, Democrats have staged filibusters to block votes on two of Mr. Bush's nominees they say are right-wing ideologues.

As a result, Republicans are trying to change the rules on filibusters, asserting that Democrats are thwarting the will of the president and have unfairly created the need for a 60-vote majority (enough to break a filibuster) to confirm judges.

Mr. Gray's group, the Committee for Justice, has bought television commercials in some states, supporting those appeals court nominees who have been blocked by Democratic filibusters. "If it becomes accepted lore that you now have to have 60 votes, then we've got a real problem," Mr. Gray said.

Liberals counter that Mr. Bush is engaged in ideological court-packing. Senator Charles E. Schumer, the New York Democrat who has led the effort to oppose several appeals court nominees, met last week with Alberto R. Gonzales, the White House counsel, and urged him to ensure that any Supreme Court selections were moderate enough to win substantial Democratic support.

Mr. Schumer said he told Mr. Gonzales that he should try to "find someone who 100 of us can support," not just the 51 Republicans.

Each party is stoking emotions among its core supporters. A fund-raising appeal from the Democratic Senatorial Campaign Committee declares: "The Bush administration would like nothing more than to pack the courts with right-wing ideologues like Antonin Scalia. Now that they control all branches of the federal government, they are trying to push their choices through the Senate with no debate, no questions asked."

The expectation of change on the court is based, in part, on its record-breaking stability in recent years; no one has stepped down since President Bill Clinton appointed Stephen G. Breyer in 1994, providing for the longest period without a turnover since the 1820's.

The three oldest judges are Republicans, and White House officials say that two of them * Chief Justice William H. Rehnquist, who is 78, and Justice Sandra Day O'Connor, who is 73 * would be the most likely to retire, given the knowledge that a Republican president would pick their replacements. More than one vacancy this summer would add even more urgency to the campaigns, and Justice O'Connor's frequent position as a swing vote could intensify a battle over her successor.

Abortion rights advocates have been particularly energized, asserting that Roe v. Wade, the 1973 decision recognizing a constitutional right to abortion, could be overturned by a substantially refashioned court.

Ms. Michelman has already called on senators who support abortion rights to filibuster any nominee who does not commit to Roe. "The nominee must commit to upholding Roe," she said in an interview. "We have every right, given what's at stake for American women, to expect the nominee to answer the question."

The issue of how nominees respond to such questions has always produced a rich debate. Republican nominees have generally brushed aside those inquiries by saying it would be inappropriate to say how they would rule on specific cases.

However, Ruth Bader Ginsburg, named to the court by President Clinton in 1993, said flatly that she supported Roe.

James Bopp Jr., general counsel for the National Right to Life Committee, countered: "Pro-choice groups want to change the rules of the game. They want to politicize the judiciary by seeking to require pledges by nominees

that they would vote a certain way. This is not just politicizing the judiciary, it's the destruction of an independent judiciary."

Administration officials say that the White House has compiled dossiers on dozens of potential nominees, but that the list of genuine candidates is far smaller, fewer than 10. So far, the discussions have focused on providing possible nominees for different circumstances, depending on who resigns.

In almost all the possibilities, officials said, Mr. Gonzales, the White House counsel and a longtime legal adviser to Mr. Bush, would be a candidate. Mr. Gonzales would be the first Hispanic member of the Supreme Court. Mr. Bush's top aides, notably Karl Rove, his chief political adviser, are described as well aware that this would provide a political advantage for both him and the Republican Party, which has been aggressively courting Hispanic voters.

But social conservatives, an important component of Mr. Bush's political coalition, have expressed increasing wariness about Mr. Gonzales. Many say he reminds them of Justice David J. Souter, who was named to the court by President Bush's father, and who they say had been sold to them as a solid conservative vote but turned out otherwise.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
CC: <Kavanaugh, Brett M.>
Sent: 6/8/2003 1:34:16 PM
Subject: Re: items of interest

David: I might have to leave for baltimore for a dct investiture by about 145 so we may want to move mtg up a few minutes. Also, I think it would be better to have mtg at white house for multiple reasons apart from that.

.

From: CN=PostMaster/O=EOP [OA]

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Sent: 6/8/2003 10:06:56 PM

Subject: : ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office Attached

Attachments: P_IMB00007_WHO.TXT_1.doc; P_IMB00007_WHO.TXT_2.pdf

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CREATOR:PostMaster ( CN=PostMaster/O=EOP [ OA ] )
CREATION DATE/TIME: 9-JUN-2003 02:06:56.00
SUBJECT:: ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office
Attached
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BCC:Lauren K. Allgood ( CN=Lauren K. Allgood/OU=OPD/O=EOP@Exchange [ OPD ] )
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BCC:Charles P. Blahous ( CN=Charles P. Blahous/OU=OPD/O=EOP [ OPD ] )
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BCC:Caroline Boeckel ( CN=Caroline Boeckel/OU=OPD/O=EOP [ OPD ] )
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BCC:Ronald I. Christie ( CN=Ronald I. Christie/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
BCC:Charles Conner ( CN=Charles Conner/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
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BCC:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Tara F. Erath (CN=Tara F. Erath/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Douglas M. Erdahl (CN=Douglas M. Erdahl/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Hilda V. Esquivel (CN=Hilda V. Esquivel/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Katherine J. Fertakis (CN=Katherine J. Fertakis/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John W. Ficklin (CN=John W. Ficklin/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Orlando Figueredo (CN=Orlando Figueredo/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Christopher M. Fiorenza (CN=Christopher M. Fiorenza/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:William M. Frej (CN=William M. Frej/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Trent L. Gadd (CN=Trent L. Gadd/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Jenna R. Galyean (CN=Jenna R. Galyean/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Christopher L. George (CN=Christopher L. George/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Emilio T. Gonzalez (CN=Emilio T. Gonzalez/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Matthew P. Goodman (CN=Matthew P. Goodman/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Lisa Gordon-Hagerty (CN=Lisa Gordon-Hagerty/OU=NSC/O=EOP [NSC])
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BCC:John A. Gordon (CN=John A. Gordon/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Thomas E. Graham (CN=Thomas E. Graham/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Thomas C. Greenwood (CN=Thomas C. Greenwood/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Andrew W. Green (CN=Andrew W. Green/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Michael J. Green (CN=Michael J. Green/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Albert J. Guarnieri (CN=Albert J. Guarnieri/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Anne C. Guilsher (CN=Anne C. Guilsher/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Nilmini I. Gunaratne (CN=Nilmini I. Gunaratne/OU=NSC/O=EOP [NSC])
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BCC:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP [NSC])
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BCC:Mary A. Haines (CN=Mary A. Haines/OU=NSC/O=EOP [NSC])
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BCC:Josephine A. Hamilton (CN=Josephine A. Hamilton/OU=NSC/O=EOP [NSC])
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BCC:Rebecca R. Hanson (CN=Rebecca R. Hanson/OU=NSC/O=EOP [NSC])
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BCC:Robert C. Hargis (CN=Robert C. Hargis/OU=NSC/O=EOP [NSC])
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BCC:Barbara E. Harris (CN=Barbara E. Harris/OU=NSC/O=EOP [NSC])
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BCC:Clifford A. Hart (CN=Clifford A. Hart/OU=NSC/O=EOP [NSC])
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BCC:Julie L. Hay (CN=Julie L. Hay/OU=NSC/O=EOP [NSC])
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BCC:Elizabeth A. Hearn (CN=Elizabeth A. Hearn/OU=NSC/O=EOP [NSC])
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BCC:Jane C. Heishman (CN=Jane C. Heishman/OU=NSC/O=EOP [NSC])
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BCC:David M. Hess (CN=David M. Hess/OU=NSC/O=EOP [NSC])
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BCC:Scott C. Heyer (CN=Scott C. Heyer/OU=NSC/O=EOP [NSC])
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BCC:Jeffrey P. Houle (CN=Jeffrey P. Houle/OU=NSC/O=EOP [NSC])
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BCC:Barbara E. Howerton (CN=Barbara E. Howerton/OU=NSC/O=EOP [NSC])
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BCC:Dave Howe (CN=Dave Howe/OU=NSC/O=EOP [NSC])
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BCC:Jason C. Hubbard (CN=Jason C. Hubbard/OU=NSC/O=EOP [NSC])
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BCC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC])
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BCC:Theresa M. Hunter (CN=Theresa M. Hunter/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Adam R. Isles (CN=Adam R. Isles/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Tracey A. Jacobson (CN=Tracey A. Jacobson/OU=NSC/O=EOP [NSC])
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BCC:Sheyda Jahanbani (CN=Sheyda Jahanbani/OU=NSC/O=EOP [NSC])
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BCC:Clarence C. Johnson (CN=Clarence C. Johnson/OU=NSC/O=EOP [NSC])
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BCC:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP [NSC])
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BCC:M. Kay Joshi (CN=M. Kay Joshi/OU=NSC/O=EOP [NSC])
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BCC:Gay L. Joshlyn (CN=Gay L. Joshlyn/OU=NSC/O=EOP [NSC])
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BCC:Alexander S. Joves (CN=Alexander S. Joves/OU=NSC/O=EOP [NSC])
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BCC:James R. Keith (CN=James R. Keith/OU=NSC/O=EOP [NSC])
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BCC:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [NSC])
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BCC:Adnan Kifayat (CN=Adnan Kifayat/OU=NSC/O=EOP [NSC])
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BCC:Brenda J. Kinser-Kidane (CN=Brenda J. Kinser-Kidane/OU=NSC/O=EOP [NSC])
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BCC:Gil I. Klinger (CN=Gil I. Klinger/OU=NSC/O=EOP [NSC])
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BCC:Frank G. Klotz (CN=Frank G. Klotz/OU=NSC/O=EOP [NSC])
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BCC:Jennie M. Koch (CN=Jennie M. Koch/OU=NSC/O=EOP [NSC])
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BCC:Paul B. Kurtz (CN=Paul B. Kurtz/OU=NSC/O=EOP [NSC])
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BCC:Vinca S. LaFleur (CN=Vinca S. LaFleur/OU=NSC/O=EOP [NSC])
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BCC:William H. Leary (CN=William H. Leary/OU=NSC/O=EOP [NSC])
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BCC:David L. Lee (CN=David L. Lee/OU=NSC/O=EOP [NSC])
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BCC:Sang W. Lee (CN=Sang W. Lee/OU=NSC/O=EOP [NSC])
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BCC:Christopher S. Legrand (CN=Christopher S. Legrand/OU=NSC/O=EOP [NSC])
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BCC:Bernadette M. Lemare (CN=Bernadette M. Lemare/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Lenti (CN=Sarah M. Lenti/OU=NSC/O=EOP [NSC])
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BCC:Jawuana L. Lindsey (CN=Jawuana L. Lindsey/OU=NSC/O=EOP [NSC])
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BCC:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP [NSC])
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BCC:Deborah A. Litteken (CN=Deborah A. Litteken/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Hugo Llorens (CN=Hugo Llorens/OU=NSC/O=EOP [NSC])
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BCC:Dwayne L. Locke (CN=Dwayne L. Locke/OU=NSC/O=EOP [NSC])
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BCC:Deborah A. Loewer (CN=Deborah A. Loewer/OU=NSC/O=EOP [NSC])
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BCC:Michael T. Manning (CN=Michael T. Manning/OU=NSC/O=EOP [NSC])
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BCC:Thomas S. Marsh (CN=Thomas S. Marsh/OU=NSC/O=EOP [NSC])
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BCC:Regis W. Matlak (CN=Regis W. Matlak/OU=NSC/O=EOP [NSC])
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BCC:Sonyia Matthews (CN=Sonyia Matthews/OU=NSC/O=EOP [NSC])
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BCC:Peter A. McCauley (CN=Peter A. McCauley/OU=NSC/O=EOP [NSC])
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BCC:Christina McClellan (CN=Christina McClellan/OU=NSC/O=EOP [NSC])
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BCC:William H. McRaven (CN=William H. McRaven/OU=NSC/O=EOP [NSC])
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BCC:Pamela S. Melear (CN=Pamela S. Melear/OU=NSC/O=EOP [NSC])
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BCC:Brendan G. Melley (CN=Brendan G. Melley/OU=NSC/O=EOP [NSC])
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BCC:Brian T. Merchant (CN=Brian T. Merchant/OU=NSC/O=EOP [NSC])
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BCC:Elisabeth I. Millard (CN=Elisabeth I. Millard/OU=NSC/O=EOP [NSC])
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BCC:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP [NSC])
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BCC:Jonathan E. Miller (CN=Jonathan E. Miller/OU=NSC/O=EOP [NSC])
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BCC:Elaine M. Mitsler (CN=Elaine M. Mitsler/OU=NSC/O=EOP [NSC])
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BCC:James F. Moriarty (CN=James F. Moriarty/OU=NSC/O=EOP [NSC])
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BCC:George D. Mulligan (CN=George D. Mulligan/OU=NSC/O=EOP [NSC])
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BCC:Stacey D. Mulligan (CN=Stacey D. Mulligan/OU=NSC/O=EOP [NSC])
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BCC:Joseph M. Myers (CN=Joseph M. Myers/OU=NSC/O=EOP [NSC])
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BCC:Steven Myers (CN=Steven Myers/OU=NSC/O=EOP [NSC])
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BCC:Lee B. Mynatt (CN=Lee B. Mynatt/OU=NSC/O=EOP [NSC])
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BCC:Courtney R. Nemroff (CN=Courtney R. Nemroff/OU=NSC/O=EOP [NSC])
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BCC:Robert D. Orlosky (CN=Robert D. Orlosky/OU=NSC/O=EOP [NSC])
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BCC:Vayl S. Oxford (CN=Vayl S. Oxford/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Edward J. Padinske (CN=Edward J. Padinske/OU=NSC/O=EOP [NSC])
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BCC:Brian G. Parr (CN=Brian G. Parr/OU=NSC/O=EOP [NSC])
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BCC:Raymond H. Payne (CN=Raymond H. Payne/OU=NSC/O=EOP [NSC])
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BCC:Cheryl D. Peace (CN=Cheryl D. Peace/OU=NSC/O=EOP [NSC])
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BCC:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP [NSC])
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BCC:Augustine Peterson-Becker (CN=Augustine Peterson-Becker/OU=NSC/O=EOP [NSC])
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BCC:Gary J. Peters (CN=Gary J. Peters/OU=NSC/O=EOP [NSC])
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BCC:Susan D. Phillips (CN=Susan D. Phillips/OU=NSC/O=EOP [NSC])
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BCC:Allan E. Pickering (CN=Allan E. Pickering/OU=NSC/O=EOP [NSC])
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BCC:Kenneth R. Piernick (CN=Kenneth R. Piernick/OU=NSC/O=EOP [NSC])
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BCC:Shawn A. Piers (CN=Shawn A. Piers/OU=NSC/O=EOP [NSC])
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BCC:Bobby J. Pittman (CN=Bobby J. Pittman/OU=NSC/O=EOP [NSC])
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BCC:Debora A. Plunkett (CN=Debora A. Plunkett/OU=NSC/O=EOP [NSC])
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BCC:Patrick C. Porterfield (CN=Patrick C. Porterfield/OU=NSC/O=EOP [NSC])
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BCC:John Prendergast (CN=John Prendergast/OU=NSC/O=EOP [NSC])
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BCC:Pamela G. Quanrud (CN=Pamela G. Quanrud/OU=NSC/O=EOP [NSC])
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BCC:John J. Quattrocki (CN=John J. Quattrocki/OU=NSC/O=EOP [NSC])
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BCC:Mary E. Quinn (CN=Mary E. Quinn/OU=NSC/O=EOP [NSC])
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BCC:Nicholas J. Rasmussen (CN=Nicholas J. Rasmussen/OU=NSC/O=EOP [NSC])
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BCC:Gregory J. Rattray (CN=Gregory J. Rattray/OU=NSC/O=EOP [NSC])
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BCC:Myrtle Reddrick (CN=Myrtle Reddrick/OU=NSC/O=EOP [NSC])
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BCC:Matthew R. Rees (CN=Matthew R. Rees/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Otto Reich (CN=Otto Reich/OU=NSC/O=EOP [NSC])
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BCC:Philip N. Remler (CN=Philip N. Remler/OU=NSC/O=EOP [NSC])
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BCC:David Reyes (CN=David Reyes/OU=NSC/O=EOP [NSC])
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BCC:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP [NSC])
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BCC:Mark Robinson (CN=Mark Robinson/OU=NSC/O=EOP [NSC])
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BCC:Maurice C. Robinson (CN=Maurice C. Robinson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John C. Rood (CN=John C. Rood/OU=NSC/O=EOP [NSC])
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BCC:Donna G. Rowland-Gough (CN=Donna G. Rowland-Gough/OU=NSC/O=EOP [NSC])
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BCC:Judith P. Russ (CN=Judith P. Russ/OU=NSC/O=EOP [NSC])
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BCC:Marcus H. Sachs (CN=Marcus H. Sachs/OU=NSC/O=EOP [NSC])
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BCC:John F. Sammis (CN=John F. Sammis/OU=NSC/O=EOP [NSC])
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BCC:Kori N. Schake (CN=Kori N. Schake/OU=NSC/O=EOP [NSC])
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BCC:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])
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BCC:Howard A. Schmidt (CN=Howard A. Schmidt/OU=NSC/O=EOP [NSC])
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BCC:Robert E. Schubert (CN=Robert E. Schubert/OU=NSC/O=EOP [NSC])
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BCC:David S. Sedney (CN=David S. Sedney/OU=NSC/O=EOP [NSC])
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BCC:Deborah Severn (CN=Deborah Severn/OU=NSC/O=EOP [NSC])
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BCC:Thomas A. Shannon Jr. (CN=Thomas A. Shannon Jr./OU=NSC/O=EOP [NSC])
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BCC:David R. Shedd (CN=David R. Shedd/OU=NSC/O=EOP [NSC])
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BCC:Faryar Shirzad (CN=Faryar Shirzad/OU=NSC/O=EOP [NSC])
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BCC:Ralph H. Sigler (CN=Ralph H. Sigler/OU=NSC/O=EOP [NSC])
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BCC:Jason K. Singer (CN=Jason K. Singer/OU=NSC/O=EOP [NSC])
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BCC:Nicholas A. Sleder (CN=Nicholas A. Sleder/OU=NSC/O=EOP [NSC])
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BCC:Michael P. Smith (CN=Michael P. Smith/OU=NSC/O=EOP [NSC])
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BCC:Julie A. Snyder (CN=Julie A. Snyder/OU=NSC/O=EOP [NSC])
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BCC:Ferris E. Stovel (CN=Ferris E. Stovel/OU=NSC/O=EOP [NSC])
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BCC:Jack A. Sulser (CN=Jack A. Sulser/OU=NSC/O=EOP [NSC])
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BCC:Shirin R. Tahir-Kheli (CN=Shirin R. Tahir-Kheli/OU=NSC/O=EOP [NSC])
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BCC:Michael W. Tedford (CN=Michael W. Tedford/OU=NSC/O=EOP [NSC])
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BCC:Lisa L. Tepper (CN=Lisa L. Tepper/OU=NSC/O=EOP [NSC])
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BCC:Peter C. Theroux (CN=Peter C. Theroux/OU=NSC/O=EOP [NSC])
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BCC:William H. Tobey (CN=William H. Tobey/OU=NSC/O=EOP [NSC])
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BCC:Kathryn Tolin (CN=Kathryn Tolin/OU=NSC/O=EOP [NSC])
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BCC:David L. Travers (CN=David L. Travers/OU=NSC/O=EOP [NSC])
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BCC:Diana A. Trevino (CN=Diana A. Trevino/OU=NSC/O=EOP [NSC])
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BCC:Maureen E. Tucker (CN=Maureen E. Tucker/OU=NSC/O=EOP [NSC])
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BCC:Terrill G. Tucker (CN=Terrill G. Tucker/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Urquidez (CN=Sarah M. Urquidez/OU=NSC/O=EOP [NSC])
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BCC:Douglas J. Venlet (CN=Douglas J. Venlet/OU=NSC/O=EOP [NSC])
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BCC:Kurt D. Volker (CN=Kurt D. Volker/OU=NSC/O=EOP [NSC])
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BCC:Elaine P. Wasserman (CN=Elaine P. Wasserman/OU=NSC/O=EOP [NSC])
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BCC:Nikkya G. Williams (CN=Nikkya G. Williams/OU=NSC/O=EOP [NSC])
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BCC:Alexian T. Wines (CN=Alexian T. Wines/OU=NSC/O=EOP [NSC])
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BCC:Gina M. Wolford (CN=Gina M. Wolford/OU=NSC/O=EOP [NSC])
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June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF
OFFICE OF POLICY DEVELOPMENT STAFF
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP DOCUMENT REQUEST NO. 2"

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.

2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,
and submit to the Office of the Counsel to the President by June 16, 2003)

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

_____ _____

Signature of Individual Making Certification Date

Printed Name: _____

Telephone No.: _____

Thomas H. Kean
CHAIR

Lee H. Hamilton
VICE CHAIR

Richard Ben-Veniste

Max Cleland

Fred F. Fielding

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Slade Gorton

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Timothy J. Roemer

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Philip D. Zelikow
EXECUTIVE DIRECTOR

EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

   (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;

   (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or

   (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

   Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060
FAX (202) 296-5545
www.9-11commission.gov

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

Daniel Marcus
General Counsel

From: CN=PostMaster/O=EOP [OA]

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Sent: 6/8/2003 10:06:56 PM

Subject: : ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office Attached

Attachments: P_BNB00007_WHO.TXT_1.doc; P_BNB00007_WHO.TXT_2.pdf

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CREATOR:PostMaster ( CN=PostMaster/O=EOP [ OA ] )
CREATION DATE/TIME: 9-JUN-2003 02:06:56.00
SUBJECT:: ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office
Attached
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BCC:Charles Conner ( CN=Charles Conner/OU=OPD/O=EOP [ OPD ] )
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BCC:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Tara F. Erath (CN=Tara F. Erath/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Douglas M. Erdahl (CN=Douglas M. Erdahl/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Hilda V. Esquivel (CN=Hilda V. Esquivel/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Katherine J. Fertakis (CN=Katherine J. Fertakis/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John W. Ficklin (CN=John W. Ficklin/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Orlando Figueredo (CN=Orlando Figueredo/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Christopher M. Fiorenza (CN=Christopher M. Fiorenza/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:William M. Frej (CN=William M. Frej/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Trent L. Gadd (CN=Trent L. Gadd/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Jenna R. Galyean (CN=Jenna R. Galyean/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Christopher L. George (CN=Christopher L. George/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Emilio T. Gonzalez (CN=Emilio T. Gonzalez/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Matthew P. Goodman (CN=Matthew P. Goodman/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Lisa Gordon-Hagerty (CN=Lisa Gordon-Hagerty/OU=NSC/O=EOP [NSC])
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BCC:John A. Gordon (CN=John A. Gordon/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Thomas E. Graham (CN=Thomas E. Graham/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Thomas C. Greenwood (CN=Thomas C. Greenwood/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Andrew W. Green (CN=Andrew W. Green/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Michael J. Green (CN=Michael J. Green/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Albert J. Guarnieri (CN=Albert J. Guarnieri/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Anne C. Guilsher (CN=Anne C. Guilsher/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Nilmini I. Gunaratne (CN=Nilmini I. Gunaratne/OU=NSC/O=EOP [NSC])
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BCC:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP [NSC])
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BCC:Mary A. Haines (CN=Mary A. Haines/OU=NSC/O=EOP [NSC])
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BCC:Josephine A. Hamilton (CN=Josephine A. Hamilton/OU=NSC/O=EOP [NSC])
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BCC:Rebecca R. Hanson (CN=Rebecca R. Hanson/OU=NSC/O=EOP [NSC])
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BCC:Robert C. Hargis (CN=Robert C. Hargis/OU=NSC/O=EOP [NSC])
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BCC:Barbara E. Harris (CN=Barbara E. Harris/OU=NSC/O=EOP [NSC])
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BCC:Clifford A. Hart (CN=Clifford A. Hart/OU=NSC/O=EOP [NSC])
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BCC:Julie L. Hay (CN=Julie L. Hay/OU=NSC/O=EOP [NSC])
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BCC:Elizabeth A. Hearn (CN=Elizabeth A. Hearn/OU=NSC/O=EOP [NSC])
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BCC:Jane C. Heishman (CN=Jane C. Heishman/OU=NSC/O=EOP [NSC])
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BCC:David M. Hess (CN=David M. Hess/OU=NSC/O=EOP [NSC])
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BCC:Scott C. Heyer (CN=Scott C. Heyer/OU=NSC/O=EOP [NSC])
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BCC:Jeffrey P. Houle (CN=Jeffrey P. Houle/OU=NSC/O=EOP [NSC])
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BCC:Barbara E. Howerton (CN=Barbara E. Howerton/OU=NSC/O=EOP [NSC])
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BCC:Dave Howe (CN=Dave Howe/OU=NSC/O=EOP [NSC])
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BCC:Jason C. Hubbard (CN=Jason C. Hubbard/OU=NSC/O=EOP [NSC])
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BCC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC])
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BCC:Theresa M. Hunter (CN=Theresa M. Hunter/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Adam R. Isles (CN=Adam R. Isles/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Tracey A. Jacobson (CN=Tracey A. Jacobson/OU=NSC/O=EOP [NSC])
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BCC:Sheyda Jahanbani (CN=Sheyda Jahanbani/OU=NSC/O=EOP [NSC])
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BCC:Clarence C. Johnson (CN=Clarence C. Johnson/OU=NSC/O=EOP [NSC])
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BCC:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP [NSC])
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BCC:M. Kay Joshi (CN=M. Kay Joshi/OU=NSC/O=EOP [NSC])
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BCC:Gay L. Joshlyn (CN=Gay L. Joshlyn/OU=NSC/O=EOP [NSC])
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BCC:Alexander S. Joves (CN=Alexander S. Joves/OU=NSC/O=EOP [NSC])
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BCC:James R. Keith (CN=James R. Keith/OU=NSC/O=EOP [NSC])
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BCC:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [NSC])
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BCC:Adnan Kifayat (CN=Adnan Kifayat/OU=NSC/O=EOP [NSC])
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BCC:Brenda J. Kinser-Kidane (CN=Brenda J. Kinser-Kidane/OU=NSC/O=EOP [NSC])
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BCC:Gil I. Klinger (CN=Gil I. Klinger/OU=NSC/O=EOP [NSC])
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BCC:Frank G. Klotz (CN=Frank G. Klotz/OU=NSC/O=EOP [NSC])
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BCC:Jennie M. Koch (CN=Jennie M. Koch/OU=NSC/O=EOP [NSC])
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BCC:Paul B. Kurtz (CN=Paul B. Kurtz/OU=NSC/O=EOP [NSC])
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BCC:Vinca S. LaFleur (CN=Vinca S. LaFleur/OU=NSC/O=EOP [NSC])
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BCC:William H. Leary (CN=William H. Leary/OU=NSC/O=EOP [NSC])
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BCC:David L. Lee (CN=David L. Lee/OU=NSC/O=EOP [NSC])
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BCC:Sang W. Lee (CN=Sang W. Lee/OU=NSC/O=EOP [NSC])
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BCC:Christopher S. Legrand (CN=Christopher S. Legrand/OU=NSC/O=EOP [NSC])
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BCC:Bernadette M. Lemare (CN=Bernadette M. Lemare/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Lenti (CN=Sarah M. Lenti/OU=NSC/O=EOP [NSC])
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BCC:Jawuana L. Lindsey (CN=Jawuana L. Lindsey/OU=NSC/O=EOP [NSC])
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BCC:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP [NSC])
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BCC:Deborah A. Litteken (CN=Deborah A. Litteken/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Hugo Llorens (CN=Hugo Llorens/OU=NSC/O=EOP [NSC])
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BCC:Dwayne L. Locke (CN=Dwayne L. Locke/OU=NSC/O=EOP [NSC])
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BCC:Deborah A. Loewer (CN=Deborah A. Loewer/OU=NSC/O=EOP [NSC])
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BCC:Michael T. Manning (CN=Michael T. Manning/OU=NSC/O=EOP [NSC])
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BCC:Thomas S. Marsh (CN=Thomas S. Marsh/OU=NSC/O=EOP [NSC])
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BCC:Regis W. Matlak (CN=Regis W. Matlak/OU=NSC/O=EOP [NSC])
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BCC:Sonyia Matthews (CN=Sonyia Matthews/OU=NSC/O=EOP [NSC])
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BCC:Peter A. McCauley (CN=Peter A. McCauley/OU=NSC/O=EOP [NSC])
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BCC:Christina McClellan (CN=Christina McClellan/OU=NSC/O=EOP [NSC])
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BCC:William H. McRaven (CN=William H. McRaven/OU=NSC/O=EOP [NSC])
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BCC:Pamela S. Melear (CN=Pamela S. Melear/OU=NSC/O=EOP [NSC])
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BCC:Brendan G. Melley (CN=Brendan G. Melley/OU=NSC/O=EOP [NSC])
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BCC:Brian T. Merchant (CN=Brian T. Merchant/OU=NSC/O=EOP [NSC])
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BCC:Elisabeth I. Millard (CN=Elisabeth I. Millard/OU=NSC/O=EOP [NSC])
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BCC:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP [NSC])
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BCC:Jonathan E. Miller (CN=Jonathan E. Miller/OU=NSC/O=EOP [NSC])
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BCC:Elaine M. Mitsler (CN=Elaine M. Mitsler/OU=NSC/O=EOP [NSC])
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BCC:James F. Moriarty (CN=James F. Moriarty/OU=NSC/O=EOP [NSC])
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BCC:George D. Mulligan (CN=George D. Mulligan/OU=NSC/O=EOP [NSC])
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BCC:Stacey D. Mulligan (CN=Stacey D. Mulligan/OU=NSC/O=EOP [NSC])
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BCC:Joseph M. Myers (CN=Joseph M. Myers/OU=NSC/O=EOP [NSC])
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BCC:Steven Myers (CN=Steven Myers/OU=NSC/O=EOP [NSC])
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BCC:Lee B. Mynatt (CN=Lee B. Mynatt/OU=NSC/O=EOP [NSC])
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BCC:Courtney R. Nemroff (CN=Courtney R. Nemroff/OU=NSC/O=EOP [NSC])
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BCC:Robert D. Orlosky (CN=Robert D. Orlosky/OU=NSC/O=EOP [NSC])
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BCC:Vayl S. Oxford (CN=Vayl S. Oxford/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Edward J. Padinske (CN=Edward J. Padinske/OU=NSC/O=EOP [NSC])
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BCC:Brian G. Parr (CN=Brian G. Parr/OU=NSC/O=EOP [NSC])
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BCC:Raymond H. Payne (CN=Raymond H. Payne/OU=NSC/O=EOP [NSC])
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BCC:Cheryl D. Peace (CN=Cheryl D. Peace/OU=NSC/O=EOP [NSC])
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BCC:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP [NSC])
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BCC:Augustine Peterson-Becker (CN=Augustine Peterson-Becker/OU=NSC/O=EOP [NSC])
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BCC:Gary J. Peters (CN=Gary J. Peters/OU=NSC/O=EOP [NSC])
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BCC:Susan D. Phillips (CN=Susan D. Phillips/OU=NSC/O=EOP [NSC])
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BCC:Allan E. Pickering (CN=Allan E. Pickering/OU=NSC/O=EOP [NSC])
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BCC:Kenneth R. Piernick (CN=Kenneth R. Piernick/OU=NSC/O=EOP [NSC])
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BCC:Shawn A. Piers (CN=Shawn A. Piers/OU=NSC/O=EOP [NSC])
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BCC:Bobby J. Pittman (CN=Bobby J. Pittman/OU=NSC/O=EOP [NSC])
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BCC:Debora A. Plunkett (CN=Debora A. Plunkett/OU=NSC/O=EOP [NSC])
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BCC:Patrick C. Porterfield (CN=Patrick C. Porterfield/OU=NSC/O=EOP [NSC])
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BCC:John Prendergast (CN=John Prendergast/OU=NSC/O=EOP [NSC])
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BCC:Pamela G. Quanrud (CN=Pamela G. Quanrud/OU=NSC/O=EOP [NSC])
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BCC:John J. Quattrocki (CN=John J. Quattrocki/OU=NSC/O=EOP [NSC])
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BCC:Mary E. Quinn (CN=Mary E. Quinn/OU=NSC/O=EOP [NSC])
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BCC:Nicholas J. Rasmussen (CN=Nicholas J. Rasmussen/OU=NSC/O=EOP [NSC])
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BCC:Gregory J. Rattray (CN=Gregory J. Rattray/OU=NSC/O=EOP [NSC])
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BCC:Myrtle Reddrick (CN=Myrtle Reddrick/OU=NSC/O=EOP [NSC])
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BCC:Matthew R. Rees (CN=Matthew R. Rees/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Otto Reich (CN=Otto Reich/OU=NSC/O=EOP [NSC])
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BCC:Philip N. Remler (CN=Philip N. Remler/OU=NSC/O=EOP [NSC])
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BCC:David Reyes (CN=David Reyes/OU=NSC/O=EOP [NSC])
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BCC:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP [NSC])
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BCC:Mark Robinson (CN=Mark Robinson/OU=NSC/O=EOP [NSC])
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BCC:Maurice C. Robinson (CN=Maurice C. Robinson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John C. Rood (CN=John C. Rood/OU=NSC/O=EOP [NSC])
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BCC:Donna G. Rowland-Gough (CN=Donna G. Rowland-Gough/OU=NSC/O=EOP [NSC])
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BCC:Judith P. Russ (CN=Judith P. Russ/OU=NSC/O=EOP [NSC])
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BCC:Marcus H. Sachs (CN=Marcus H. Sachs/OU=NSC/O=EOP [NSC])
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BCC:John F. Sammis (CN=John F. Sammis/OU=NSC/O=EOP [NSC])
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BCC:Kori N. Schake (CN=Kori N. Schake/OU=NSC/O=EOP [NSC])
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BCC:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])
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BCC:Howard A. Schmidt (CN=Howard A. Schmidt/OU=NSC/O=EOP [NSC])
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BCC:Robert E. Schubert (CN=Robert E. Schubert/OU=NSC/O=EOP [NSC])
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BCC:David S. Sedney (CN=David S. Sedney/OU=NSC/O=EOP [NSC])
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BCC:Deborah Severn (CN=Deborah Severn/OU=NSC/O=EOP [NSC])
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BCC:Thomas A. Shannon Jr. (CN=Thomas A. Shannon Jr./OU=NSC/O=EOP [NSC])
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BCC:David R. Shedd (CN=David R. Shedd/OU=NSC/O=EOP [NSC])
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BCC:Faryar Shirzad (CN=Faryar Shirzad/OU=NSC/O=EOP [NSC])
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BCC:Ralph H. Sigler (CN=Ralph H. Sigler/OU=NSC/O=EOP [NSC])
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BCC:Jason K. Singer (CN=Jason K. Singer/OU=NSC/O=EOP [NSC])
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BCC:Nicholas A. Sleder (CN=Nicholas A. Sleder/OU=NSC/O=EOP [NSC])
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BCC:Michael P. Smith (CN=Michael P. Smith/OU=NSC/O=EOP [NSC])
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BCC:Julie A. Snyder (CN=Julie A. Snyder/OU=NSC/O=EOP [NSC])
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BCC:Ferris E. Stovel (CN=Ferris E. Stovel/OU=NSC/O=EOP [NSC])
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BCC:Jack A. Sulser (CN=Jack A. Sulser/OU=NSC/O=EOP [NSC])
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BCC:Shirin R. Tahir-Kheli (CN=Shirin R. Tahir-Kheli/OU=NSC/O=EOP [NSC])
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BCC:Michael W. Tedford (CN=Michael W. Tedford/OU=NSC/O=EOP [NSC])
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BCC:Lisa L. Tepper (CN=Lisa L. Tepper/OU=NSC/O=EOP [NSC])
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BCC:Peter C. Theroux (CN=Peter C. Theroux/OU=NSC/O=EOP [NSC])
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BCC:William H. Tobey (CN=William H. Tobey/OU=NSC/O=EOP [NSC])
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BCC:Kathryn Tolin (CN=Kathryn Tolin/OU=NSC/O=EOP [NSC])
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BCC:David L. Travers (CN=David L. Travers/OU=NSC/O=EOP [NSC])
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BCC:Diana A. Trevino (CN=Diana A. Trevino/OU=NSC/O=EOP [NSC])
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BCC:Maureen E. Tucker (CN=Maureen E. Tucker/OU=NSC/O=EOP [NSC])
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BCC:Terrill G. Tucker (CN=Terrill G. Tucker/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Urquidez (CN=Sarah M. Urquidez/OU=NSC/O=EOP [NSC])
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BCC:Douglas J. Venlet (CN=Douglas J. Venlet/OU=NSC/O=EOP [NSC])
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BCC:Kurt D. Volker (CN=Kurt D. Volker/OU=NSC/O=EOP [NSC])
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BCC:Elaine P. Wasserman (CN=Elaine P. Wasserman/OU=NSC/O=EOP [NSC])
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BCC:Nikkya G. Williams (CN=Nikkya G. Williams/OU=NSC/O=EOP [NSC])
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BCC:Alexian T. Wines (CN=Alexian T. Wines/OU=NSC/O=EOP [NSC])
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BCC:Gina M. Wolford (CN=Gina M. Wolford/OU=NSC/O=EOP [NSC])
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June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF
OFFICE OF POLICY DEVELOPMENT STAFF
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP DOCUMENT REQUEST NO. 2"

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.

2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,
and submit to the Office of the Counsel to the President by June 16, 2003)

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

_____ _____

Signature of Individual Making Certification Date

Printed Name: _____

Telephone No.: _____

Thomas H. Kean
CHAIR

Lee H. Hamilton
VICE CHAIR

Richard Ben-Veniste

Max Cleland

Fred F. Fielding

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Slade Gorton

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Timothy J. Roemer

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Philip D. Zelikow
EXECUTIVE DIRECTOR

EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

   (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;

   (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or

   (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

   Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060
FAX (202) 296-5545
www.9-11commission.gov

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

Daniel Marcus
General Counsel

From: CN=PostMaster/O=EOP [OA]

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Sent: 6/8/2003 10:06:37 PM

Subject: : ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office Attached

Attachments: F_9YA00007_OA.TXT_1.doc; F_9YA00007_OA.TXT_2.pdf

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CREATION DATE/TIME: 9-JUN-2003 02:06:37.00
SUBJECT:: ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office
Attached
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BCC:Charles Conner ( CN=Charles Conner/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
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BCC:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Tara F. Erath (CN=Tara F. Erath/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Douglas M. Erdahl (CN=Douglas M. Erdahl/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Hilda V. Esquivel (CN=Hilda V. Esquivel/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Katherine J. Fertakis (CN=Katherine J. Fertakis/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John W. Ficklin (CN=John W. Ficklin/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Orlando Figueredo (CN=Orlando Figueredo/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Christopher M. Fiorenza (CN=Christopher M. Fiorenza/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:William M. Frej (CN=William M. Frej/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Trent L. Gadd (CN=Trent L. Gadd/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Jenna R. Galyean (CN=Jenna R. Galyean/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Christopher L. George (CN=Christopher L. George/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Emilio T. Gonzalez (CN=Emilio T. Gonzalez/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Matthew P. Goodman (CN=Matthew P. Goodman/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Lisa Gordon-Hagerty (CN=Lisa Gordon-Hagerty/OU=NSC/O=EOP [NSC])
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BCC:John A. Gordon (CN=John A. Gordon/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Thomas E. Graham (CN=Thomas E. Graham/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Thomas C. Greenwood (CN=Thomas C. Greenwood/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Andrew W. Green (CN=Andrew W. Green/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Michael J. Green (CN=Michael J. Green/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Albert J. Guarnieri (CN=Albert J. Guarnieri/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Anne C. Guilsher (CN=Anne C. Guilsher/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Nilmini I. Gunaratne (CN=Nilmini I. Gunaratne/OU=NSC/O=EOP [NSC])
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BCC:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP [NSC])
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BCC:Mary A. Haines (CN=Mary A. Haines/OU=NSC/O=EOP [NSC])
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BCC:Josephine A. Hamilton (CN=Josephine A. Hamilton/OU=NSC/O=EOP [NSC])
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BCC:Rebecca R. Hanson (CN=Rebecca R. Hanson/OU=NSC/O=EOP [NSC])
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BCC:Robert C. Hargis (CN=Robert C. Hargis/OU=NSC/O=EOP [NSC])
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BCC:Barbara E. Harris (CN=Barbara E. Harris/OU=NSC/O=EOP [NSC])
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BCC:Clifford A. Hart (CN=Clifford A. Hart/OU=NSC/O=EOP [NSC])
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BCC:Julie L. Hay (CN=Julie L. Hay/OU=NSC/O=EOP [NSC])
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BCC:Elizabeth A. Hearn (CN=Elizabeth A. Hearn/OU=NSC/O=EOP [NSC])
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BCC:Jane C. Heishman (CN=Jane C. Heishman/OU=NSC/O=EOP [NSC])
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BCC:David M. Hess (CN=David M. Hess/OU=NSC/O=EOP [NSC])
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BCC:Scott C. Heyer (CN=Scott C. Heyer/OU=NSC/O=EOP [NSC])
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BCC:Jeffrey P. Houle (CN=Jeffrey P. Houle/OU=NSC/O=EOP [NSC])
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BCC:Barbara E. Howerton (CN=Barbara E. Howerton/OU=NSC/O=EOP [NSC])
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BCC:Dave Howe (CN=Dave Howe/OU=NSC/O=EOP [NSC])
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BCC:Jason C. Hubbard (CN=Jason C. Hubbard/OU=NSC/O=EOP [NSC])
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BCC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC])
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BCC:Theresa M. Hunter (CN=Theresa M. Hunter/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Adam R. Isles (CN=Adam R. Isles/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Tracey A. Jacobson (CN=Tracey A. Jacobson/OU=NSC/O=EOP [NSC])
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BCC:Sheyda Jahanbani (CN=Sheyda Jahanbani/OU=NSC/O=EOP [NSC])
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BCC:Clarence C. Johnson (CN=Clarence C. Johnson/OU=NSC/O=EOP [NSC])
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BCC:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP [NSC])
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BCC:M. Kay Joshi (CN=M. Kay Joshi/OU=NSC/O=EOP [NSC])
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BCC:Gay L. Joshlyn (CN=Gay L. Joshlyn/OU=NSC/O=EOP [NSC])
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BCC:Alexander S. Joves (CN=Alexander S. Joves/OU=NSC/O=EOP [NSC])
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BCC:James R. Keith (CN=James R. Keith/OU=NSC/O=EOP [NSC])
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BCC:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [NSC])
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BCC:Adnan Kifayat (CN=Adnan Kifayat/OU=NSC/O=EOP [NSC])
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BCC:Brenda J. Kinser-Kidane (CN=Brenda J. Kinser-Kidane/OU=NSC/O=EOP [NSC])
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BCC:Gil I. Klinger (CN=Gil I. Klinger/OU=NSC/O=EOP [NSC])
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BCC:Frank G. Klotz (CN=Frank G. Klotz/OU=NSC/O=EOP [NSC])
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BCC:Jennie M. Koch (CN=Jennie M. Koch/OU=NSC/O=EOP [NSC])
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BCC:Paul B. Kurtz (CN=Paul B. Kurtz/OU=NSC/O=EOP [NSC])
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BCC:Vinca S. LaFleur (CN=Vinca S. LaFleur/OU=NSC/O=EOP [NSC])
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BCC:William H. Leary (CN=William H. Leary/OU=NSC/O=EOP [NSC])
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BCC:David L. Lee (CN=David L. Lee/OU=NSC/O=EOP [NSC])
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BCC:Sang W. Lee (CN=Sang W. Lee/OU=NSC/O=EOP [NSC])
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BCC:Christopher S. Legrand (CN=Christopher S. Legrand/OU=NSC/O=EOP [NSC])
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BCC:Bernadette M. Lemare (CN=Bernadette M. Lemare/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Lenti (CN=Sarah M. Lenti/OU=NSC/O=EOP [NSC])
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BCC:Jawuana L. Lindsey (CN=Jawuana L. Lindsey/OU=NSC/O=EOP [NSC])
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BCC:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP [NSC])
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BCC:Deborah A. Litteken (CN=Deborah A. Litteken/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Hugo Llorens (CN=Hugo Llorens/OU=NSC/O=EOP [NSC])
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BCC:Dwayne L. Locke (CN=Dwayne L. Locke/OU=NSC/O=EOP [NSC])
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BCC:Deborah A. Loewer (CN=Deborah A. Loewer/OU=NSC/O=EOP [NSC])
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BCC:Michael T. Manning (CN=Michael T. Manning/OU=NSC/O=EOP [NSC])
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BCC:Thomas S. Marsh (CN=Thomas S. Marsh/OU=NSC/O=EOP [NSC])
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BCC:Regis W. Matlak (CN=Regis W. Matlak/OU=NSC/O=EOP [NSC])
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BCC:Sonyia Matthews (CN=Sonyia Matthews/OU=NSC/O=EOP [NSC])
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BCC:Peter A. McCauley (CN=Peter A. McCauley/OU=NSC/O=EOP [NSC])
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BCC:Christina McClellan (CN=Christina McClellan/OU=NSC/O=EOP [NSC])
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BCC:William H. McRaven (CN=William H. McRaven/OU=NSC/O=EOP [NSC])
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BCC:Pamela S. Melear (CN=Pamela S. Melear/OU=NSC/O=EOP [NSC])
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BCC:Brendan G. Melley (CN=Brendan G. Melley/OU=NSC/O=EOP [NSC])
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BCC:Brian T. Merchant (CN=Brian T. Merchant/OU=NSC/O=EOP [NSC])
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BCC:Elisabeth I. Millard (CN=Elisabeth I. Millard/OU=NSC/O=EOP [NSC])
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BCC:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP [NSC])
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BCC:Jonathan E. Miller (CN=Jonathan E. Miller/OU=NSC/O=EOP [NSC])
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BCC:Elaine M. Mitsler (CN=Elaine M. Mitsler/OU=NSC/O=EOP [NSC])
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BCC:James F. Moriarty (CN=James F. Moriarty/OU=NSC/O=EOP [NSC])
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BCC:George D. Mulligan (CN=George D. Mulligan/OU=NSC/O=EOP [NSC])
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BCC:Stacey D. Mulligan (CN=Stacey D. Mulligan/OU=NSC/O=EOP [NSC])
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BCC:Joseph M. Myers (CN=Joseph M. Myers/OU=NSC/O=EOP [NSC])
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BCC:Steven Myers (CN=Steven Myers/OU=NSC/O=EOP [NSC])
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BCC:Lee B. Mynatt (CN=Lee B. Mynatt/OU=NSC/O=EOP [NSC])
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BCC:Courtney R. Nemroff (CN=Courtney R. Nemroff/OU=NSC/O=EOP [NSC])
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BCC:Robert D. Orlosky (CN=Robert D. Orlosky/OU=NSC/O=EOP [NSC])
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BCC:Vayl S. Oxford (CN=Vayl S. Oxford/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Edward J. Padinske (CN=Edward J. Padinske/OU=NSC/O=EOP [NSC])
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BCC:Brian G. Parr (CN=Brian G. Parr/OU=NSC/O=EOP [NSC])
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BCC:Raymond H. Payne (CN=Raymond H. Payne/OU=NSC/O=EOP [NSC])
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BCC:Cheryl D. Peace (CN=Cheryl D. Peace/OU=NSC/O=EOP [NSC])
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BCC:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP [NSC])
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BCC:Augustine Peterson-Becker (CN=Augustine Peterson-Becker/OU=NSC/O=EOP [NSC])
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BCC:Gary J. Peters (CN=Gary J. Peters/OU=NSC/O=EOP [NSC])
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BCC:Susan D. Phillips (CN=Susan D. Phillips/OU=NSC/O=EOP [NSC])
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BCC:Allan E. Pickering (CN=Allan E. Pickering/OU=NSC/O=EOP [NSC])
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BCC:Kenneth R. Piernick (CN=Kenneth R. Piernick/OU=NSC/O=EOP [NSC])
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BCC:Shawn A. Piers (CN=Shawn A. Piers/OU=NSC/O=EOP [NSC])
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BCC:Bobby J. Pittman (CN=Bobby J. Pittman/OU=NSC/O=EOP [NSC])
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BCC:Debora A. Plunkett (CN=Debora A. Plunkett/OU=NSC/O=EOP [NSC])
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BCC:Patrick C. Porterfield (CN=Patrick C. Porterfield/OU=NSC/O=EOP [NSC])
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BCC:John Prendergast (CN=John Prendergast/OU=NSC/O=EOP [NSC])
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BCC:Pamela G. Quanrud (CN=Pamela G. Quanrud/OU=NSC/O=EOP [NSC])
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BCC:John J. Quattrocki (CN=John J. Quattrocki/OU=NSC/O=EOP [NSC])
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BCC:Mary E. Quinn (CN=Mary E. Quinn/OU=NSC/O=EOP [NSC])
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BCC:Nicholas J. Rasmussen (CN=Nicholas J. Rasmussen/OU=NSC/O=EOP [NSC])
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BCC:Gregory J. Rattray (CN=Gregory J. Rattray/OU=NSC/O=EOP [NSC])
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BCC:Myrtle Reddrick (CN=Myrtle Reddrick/OU=NSC/O=EOP [NSC])
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BCC:Matthew R. Rees (CN=Matthew R. Rees/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Otto Reich (CN=Otto Reich/OU=NSC/O=EOP [NSC])
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BCC:Philip N. Remler (CN=Philip N. Remler/OU=NSC/O=EOP [NSC])
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BCC:David Reyes (CN=David Reyes/OU=NSC/O=EOP [NSC])
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BCC:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP [NSC])
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BCC:Mark Robinson (CN=Mark Robinson/OU=NSC/O=EOP [NSC])
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BCC:Maurice C. Robinson (CN=Maurice C. Robinson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John C. Rood (CN=John C. Rood/OU=NSC/O=EOP [NSC])
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BCC:Donna G. Rowland-Gough (CN=Donna G. Rowland-Gough/OU=NSC/O=EOP [NSC])
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BCC:Judith P. Russ (CN=Judith P. Russ/OU=NSC/O=EOP [NSC])
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BCC:Marcus H. Sachs (CN=Marcus H. Sachs/OU=NSC/O=EOP [NSC])
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BCC:John F. Sammis (CN=John F. Sammis/OU=NSC/O=EOP [NSC])
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BCC:Kori N. Schake (CN=Kori N. Schake/OU=NSC/O=EOP [NSC])
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BCC:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])
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BCC:Howard A. Schmidt (CN=Howard A. Schmidt/OU=NSC/O=EOP [NSC])
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BCC:Robert E. Schubert (CN=Robert E. Schubert/OU=NSC/O=EOP [NSC])
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BCC:David S. Sedney (CN=David S. Sedney/OU=NSC/O=EOP [NSC])
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BCC:Deborah Severn (CN=Deborah Severn/OU=NSC/O=EOP [NSC])
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BCC:Thomas A. Shannon Jr. (CN=Thomas A. Shannon Jr./OU=NSC/O=EOP [NSC])
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BCC:David R. Shedd (CN=David R. Shedd/OU=NSC/O=EOP [NSC])
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BCC:Faryar Shirzad (CN=Faryar Shirzad/OU=NSC/O=EOP [NSC])
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BCC:Ralph H. Sigler (CN=Ralph H. Sigler/OU=NSC/O=EOP [NSC])
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BCC:Jason K. Singer (CN=Jason K. Singer/OU=NSC/O=EOP [NSC])
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BCC:Nicholas A. Sleder (CN=Nicholas A. Sleder/OU=NSC/O=EOP [NSC])
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BCC:Michael P. Smith (CN=Michael P. Smith/OU=NSC/O=EOP [NSC])
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BCC:Julie A. Snyder (CN=Julie A. Snyder/OU=NSC/O=EOP [NSC])
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BCC:Ferris E. Stovel (CN=Ferris E. Stovel/OU=NSC/O=EOP [NSC])
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BCC:Jack A. Sulser (CN=Jack A. Sulser/OU=NSC/O=EOP [NSC])
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BCC:Shirin R. Tahir-Kheli (CN=Shirin R. Tahir-Kheli/OU=NSC/O=EOP [NSC])
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BCC:Michael W. Tedford (CN=Michael W. Tedford/OU=NSC/O=EOP [NSC])
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BCC:Lisa L. Tepper (CN=Lisa L. Tepper/OU=NSC/O=EOP [NSC])
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BCC:Peter C. Theroux (CN=Peter C. Theroux/OU=NSC/O=EOP [NSC])
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BCC:William H. Tobey (CN=William H. Tobey/OU=NSC/O=EOP [NSC])
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BCC:Kathryn Tolin (CN=Kathryn Tolin/OU=NSC/O=EOP [NSC])
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BCC:David L. Travers (CN=David L. Travers/OU=NSC/O=EOP [NSC])
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BCC:Diana A. Trevino (CN=Diana A. Trevino/OU=NSC/O=EOP [NSC])
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BCC:Maureen E. Tucker (CN=Maureen E. Tucker/OU=NSC/O=EOP [NSC])
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BCC:Terrill G. Tucker (CN=Terrill G. Tucker/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Urquidez (CN=Sarah M. Urquidez/OU=NSC/O=EOP [NSC])
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BCC:Douglas J. Venlet (CN=Douglas J. Venlet/OU=NSC/O=EOP [NSC])
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BCC:Kurt D. Volker (CN=Kurt D. Volker/OU=NSC/O=EOP [NSC])
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BCC:Elaine P. Wasserman (CN=Elaine P. Wasserman/OU=NSC/O=EOP [NSC])
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BCC:Nikkya G. Williams (CN=Nikkya G. Williams/OU=NSC/O=EOP [NSC])
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BCC:Alexian T. Wines (CN=Alexian T. Wines/OU=NSC/O=EOP [NSC])
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BCC:Gina M. Wolford (CN=Gina M. Wolford/OU=NSC/O=EOP [NSC])
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June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF
OFFICE OF POLICY DEVELOPMENT STAFF
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP DOCUMENT REQUEST NO. 2"

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.

2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,
and submit to the Office of the Counsel to the President by June 16, 2003)

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

_____ _____

Signature of Individual Making Certification Date

Printed Name: _____

Telephone No.: _____

Thomas H. Kean
CHAIR

Lee H. Hamilton
VICE CHAIR

Richard Ben-Veniste

Max Cleland

Fred F. Fielding

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Slade Gorton

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Timothy J. Roemer

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Philip D. Zelikow
EXECUTIVE DIRECTOR

EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

   (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;

   (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or

   (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

   Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060
FAX (202) 296-5545
www.9-11commission.gov

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

Daniel Marcus
General Counsel

From: CN=PostMaster/O=EOP [OA]

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Sent: 6/8/2003 10:07:07 PM

Subject: : ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office Attached

Attachments: P_K0C00007_OPD.TXT_1.doc; P_K0C00007_OPD.TXT_2.pdf

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###### Begin Original ARMS Header ######
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CREATOR:PostMaster ( CN=PostMaster/O=EOP [ OA ] )
CREATION DATE/TIME: 9-JUN-2003 02:07:07.00
SUBJECT:: ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office
Attached
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BCC:Lauren K. Allgood ( CN=Lauren K. Allgood/OU=OPD/O=EOP@Exchange [ OPD ] )
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BCC:Ronald I. Christie ( CN=Ronald I. Christie/OU=OPD/O=EOP [ OPD ] )
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BCC:Charles Conner ( CN=Charles Conner/OU=OPD/O=EOP [ OPD ] )
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BCC:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Tara F. Erath (CN=Tara F. Erath/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Douglas M. Erdahl (CN=Douglas M. Erdahl/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Hilda V. Esquivel (CN=Hilda V. Esquivel/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Katherine J. Fertakis (CN=Katherine J. Fertakis/OU=NSC/O=EOP [NSC])
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BCC:John W. Ficklin (CN=John W. Ficklin/OU=NSC/O=EOP [NSC])
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BCC:Orlando Figueredo (CN=Orlando Figueredo/OU=NSC/O=EOP [NSC])
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BCC:Christopher M. Fiorenza (CN=Christopher M. Fiorenza/OU=NSC/O=EOP [NSC])
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BCC:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:William M. Frej (CN=William M. Frej/OU=NSC/O=EOP [NSC])
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BCC:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP [NSC])
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BCC:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP [NSC])
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BCC:Trent L. Gadd (CN=Trent L. Gadd/OU=NSC/O=EOP [NSC])
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BCC:Jenna R. Galyean (CN=Jenna R. Galyean/OU=NSC/O=EOP [NSC])
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BCC:Christopher L. George (CN=Christopher L. George/OU=NSC/O=EOP [NSC])
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BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP [NSC])
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BCC:Nilmini I. Gunaratne (CN=Nilmini I. Gunaratne/OU=NSC/O=EOP [NSC])
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BCC:Theresa M. Hunter (CN=Theresa M. Hunter/OU=NSC/O=EOP [NSC])
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BCC:Tracey A. Jacobson (CN=Tracey A. Jacobson/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Lenti (CN=Sarah M. Lenti/OU=NSC/O=EOP [NSC])
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BCC:Jawuana L. Lindsey (CN=Jawuana L. Lindsey/OU=NSC/O=EOP [NSC])
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BCC:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP [NSC])
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BCC:Deborah A. Litteken (CN=Deborah A. Litteken/OU=NSC/O=EOP [NSC])
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BCC:Hugo Llorens (CN=Hugo Llorens/OU=NSC/O=EOP [NSC])
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BCC:Brian T. Merchant (CN=Brian T. Merchant/OU=NSC/O=EOP [NSC])
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BCC:Steven Myers (CN=Steven Myers/OU=NSC/O=EOP [NSC])
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BCC:Courtney R. Nemroff (CN=Courtney R. Nemroff/OU=NSC/O=EOP [NSC])
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BCC:Robert D. Orlosky (CN=Robert D. Orlosky/OU=NSC/O=EOP [NSC])
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BCC:Vayl S. Oxford (CN=Vayl S. Oxford/OU=NSC/O=EOP [NSC])
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BCC:Edward J. Padinske (CN=Edward J. Padinske/OU=NSC/O=EOP [NSC])
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BCC:John Prendergast (CN=John Prendergast/OU=NSC/O=EOP [NSC])
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BCC:Otto Reich (CN=Otto Reich/OU=NSC/O=EOP [NSC])
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BCC:Deborah Severn (CN=Deborah Severn/OU=NSC/O=EOP [NSC])
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BCC:Thomas A. Shannon Jr. (CN=Thomas A. Shannon Jr./OU=NSC/O=EOP [NSC])
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BCC:Alexian T. Wines (CN=Alexian T. Wines/OU=NSC/O=EOP [NSC])
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June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF
OFFICE OF POLICY DEVELOPMENT STAFF
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP DOCUMENT REQUEST NO. 2"

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.

2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,
and submit to the Office of the Counsel to the President by June 16, 2003)

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

_____ _____

Signature of Individual Making Certification Date

Printed Name: _____

Telephone No.: _____

Thomas H. Kean
CHAIR

Lee H. Hamilton
VICE CHAIR

Richard Ben-Veniste

Max Cleland

Fred F. Fielding

Jamie S. Gorelick

Slade Gorton

John Lehman

Timothy J. Roemer

James R. Thompson

Philip D. Zelikow
EXECUTIVE DIRECTOR

EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

   (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;

   (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or

   (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

   Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060
FAX (202) 296-5545
www.9-11commission.gov

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

Daniel Marcus
General Counsel

From: Leitch, David G.
To: <Newstead, Jennifer G.>;<Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
CC: <Bellinger, John B.>;<Addington, David S.>;<Cunningham, H. Bryan>
Sent: 6/9/2003 7:04:53 AM
Subject: RE: Draft memo to staff re: document request

Looks good to me. I think we should get it out ASAP this morning.

-----Original Message-----

From: Newstead, Jennifer G.

Sent: Friday, June 06, 2003 7:19 PM

To: Gonzales, Alberto R.; Leitch, David G.; Kavanaugh, Brett M.

Cc: Bellinger, John B.; Addington, David S.; Cunningham, H. Bryan

Subject: Draft memo to staff re: document request

<< File: memo to officers re doc request 2.doc >>

Attached for your review/comment is a draft memo which we propose to send to the listed staff on Monday morning to implement the second document request from the Commission.

thanks

Jen

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/9/2003 8:58:37 AM
Subject: Re: I have to move back the 9:15 until sometime after 10; let me know when available

11?
.

From: Skelly, Layton

To: tcordaro@osophs.dhhs.gov <Gilbert, Alan>;tcordaro@osophs.dhhs.gov <Hall, Philo D.>;paula.stannard@hhs.gov <paula.stannard@hhs.gov>;peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;alex.azar@hhs.gov <alex.azar@hhs.gov>;john.hoff@hhs.gov <john.hoff@hhs.gov>;jennifer.young@hhs.gov <jennifer.young@hhs.gov>;jennifer.young@hhs.gov <Schacht, Diana L.>;jennifer.young@hhs.gov <Jensen, Amy>;jennifer.young@hhs.gov <Loper, Ginger G.>;jennifer.young@hhs.gov <Lefkowitz, Jay P.>;jennifer.young@hhs.gov <Perry, Philip J.>;jennifer.young@hhs.gov <Deleire, Thomas C.>;jennifer.young@hhs.gov <Kavanaugh, Brett M.>;zurawski-paul@dol.gov <zurawski-paul@dol.gov>;zurawski-paul@dol.gov <Young, Tracy>;zurawski-paul@dol.gov <Besanceney, Brian R.>;marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>;marc.kesselman@usdoj.gov <Ackerly, Dana>;marc.kesselman@usdoj.gov <Cowdry, Rex>;hazucker@osophs.dhhs.gov <hazucker@osophs.dhhs.gov>;jafar.karim@hhs.gov <jafar.karim@hhs.gov>;jafar.karim@hhs.gov <Kupfer, Jeffrey F.>;jafar.karim@hhs.gov <Lineberry, Stephen M.>;jafar.karim@hhs.gov <Grubbs, Wendy J.>

CC: pamela.roller@hhs.gov <pamela.roller@hhs.gov>;joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>;marie.belt@hhs.gov <marie.belt@hhs.gov>;marie.belt@hhs.gov <Winland, Emily>;marie.belt@hhs.gov <Vestewig, Lauren J.>;dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>;india.luckett@hhs.gov <india.luckett@hhs.gov>;scriver-langford-lat@dol.gov <scriver-langford-lat@dol.gov>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;stephanie.wilson@hhs.gov <stephanie.wilson@hhs.gov>;stephanie.wilson@hhs.gov <Stone, Carla B.>;hrobowski-rosita@dol.gov <hrobowski-rosita@dol.gov>;tcordaro@osophs.dhhs.gov <tcordaro@osophs.dhhs.gov>;tcordaro@osophs.dhhs.gov <Skelly, Layton>

Sent: 6/9/2003 9:40:43 AM

Subject: Re: Medical Liability Working Group

The weekly medical liability call will be on **wednesday** at **11:00** instead of tomorrow at 10:00. If you are a regular participant, please let me know ASAP if you will not be able to join. Thank you.

Call in: 395-6392

CODE: 660713

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>;<Ralston, Susan B.>
Sent: 6/9/2003 10:25:07 AM
Subject: Re: equipment

Can we meet Tuesday afternoon. I am free after 4:30. Thanks.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/05/2003 09:34:07 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Susan B. Ralston/WHO/EOP@Exchange

cc:

Subject: equipment

Let me know when you would like to get together to discuss which offices need what campaign equipment.

Thanks.

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 6/9/2003 10:37:08 AM
Subject: Re: I have to move back the 9:15 until sometime after 10; let me know when available

11:30

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/09/2003 08:58:37 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: I have to move back the 9:15 until sometime after 10; let me know when available

11?

.

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/9/2003 10:46:27 AM
Subject: RE: I have to move back the 9:15 until sometime after 10; let me know when available

Ok, but I have to leave at 12:30. That should be enuf bonding time.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 09, 2003 10:37 AM
To: Grubbs, Wendy J.
Subject: Re: I have to move back the 9:15 until sometime after 10; let me know when available

11:30

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/09/2003 08:58:37 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: I have to move back the 9:15 until sometime after 10; let me know when available

11?
.

From: Gambatesa, Linda M.
To: <Kavanaugh, Brett M.>
Sent: 6/9/2003 12:19:42 PM
Subject: Smithsonian/Bullhorn

I know you have a million things on your plate, but have you had a chance to review the Smithsonian's request for the bullhorn to go on tour around the country through January 2006? Just want to keep on your radar screen.

At a minimum, I think we would need some document of agreement listing the actual cities when they have been determined, get it back first to build an appropriate display case so it cannot be tampered with, and include a provision allowing us to retrieve it if necessary prior to the scheduled end date.

Would appreciate your input when you have a chance.

From: Grubbs, Wendy J.
To: Manuel_Miranda@frist.senate.gov <Manuel_Miranda@frist.senate.gov>;Manuel_Miranda@frist.senate.gov <Kavanaugh, Brett M.>
Sent: 6/9/2003 12:23:05 PM
Subject: Does 1:30 on weds

Work to meet with lee and makan?
.

From: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>
To: <Grubbs, Wendy J.>;<Kavanaugh, Brett M.>
Sent: 6/9/2003 12:55:44 PM
Subject: Re: Does 1:30 on weds

Weds at 1:30 works. He wants to meet just with you guys for now.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: Grubbs, Wendy J.
To: Manuel_Miranda@frist.senate.gov <Manuel_Miranda@frist.senate.gov>;Manuel_Miranda@frist.senate.gov <Kavanaugh, Brett M.>;Manuel_Miranda@frist.senate.gov <Ojakli, Ziad>;Manuel_Miranda@frist.senate.gov <Jones, Alison>
Sent: 6/9/2003 12:58:02 PM
Subject: Re: Does 1:30 on weds

Got it.
.

-----Original Message-----
From: Miranda, Manuel (Frist)
To: Grubbs, Wendy J. ; Kavanaugh, Brett M.
Sent: Mon Jun 09 12:55:44 2003
Subject: Re: Does 1:30 on weds

Weds at 1:30 works. He wants to meet just with you guys for now.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/9/2003 10:20:26 AM
Subject: : IN CASE YOU MISSED THEM: Excerpts from Two Op-eds on Iraq's WMD

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME: 9-JUN-2003 14:20:26.00
SUBJECT:: IN CASE YOU MISSED THEM: Excerpts from Two Op-eds on Iraq's WMD
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Below please find excerpts from "Be Patient, Keep Looking" by Gary Schmitt from the Los Angeles Times and "A Plot To Deceive?" by Robert Kagan from Sunday's Washington Post. Please click on the following links for full text of these pieces.

http://www.latimes.com/news/printedition/opinion/la-op-schmitt8jun08,1,708631.story
http://www.washingtonpost.com/wp-dyn/articles/A26671-2003Jun6.html

Excerpts from "Be Patient, Keep Looking" by Gary Schmitt, Los Angeles Times (6/8/03):

"In making the case to the American people and the world for going to war with Iraq, the Bush administration argued in part that it was justified because Saddam Hussein had defied the U.N. Security Council for 10 years and that he headed one of the world's bloodiest and most ruthless regimes.

"But the core reason was that he possessed weapons of mass destruction and, when combined with his hatred of the United States, his history of aggression and his ties to terrorists, that made him too dangerous to leave in place after 9/11.
But, to date, no weapons have been found, and the question is: Did the administration deceive Congress, the American people and allies in order to justify a war it wanted to wage for totally different reasons?

"If it was a campaign of deception, it was one in which virtually the whole world was complicit... Clinton administration officials, congressional Democrats and Republicans, French officials, British officials, U.N. officials and virtually anyone with a serious intelligence capability -- all had said that Hussein possessed weapons of mass destruction. And with good reason. Not only did Hussein use chemical weapons against Iran and his own people, but U.N. inspectors also documented his efforts to build nuclear weapons, weaponize biological agents and develop various means to deliver them. It was the United

Nations, not the U.S., that first concluded that Iraq had produced thousands of liters of chemical and biological agents and never documented their destruction."

"So, if there was near-universal agreement about the existence of Iraq's weapons programs, why can't the coalition teams find stocks of weapons today? Probably because Hussein destroyed them either before the U.N. inspectors returned to Iraq last December or, as one Iraqi scientist told occupation authorities, just before the war began."

"Even the French said that if Hussein used such weapons, they would support the coalition effort. From a tactical point of view, the Iraqi leader might have calculated that using chemical or biological weapons would not have stopped American forces from advancing and, in turn, would have undermined a strategy of drawing out the conflict in the hope that world opinion, led by Paris, Berlin and Moscow, would eventually force an end to the war."

"[P]atience is required. Hussein's regime had more than two decades of experience in hiding these programs from inspectors and the world's intelligence agencies.

"...[C]hemical and biological weapons programs are easily concealed because they require no huge infrastructure and can be intertwined with wholly legitimate commercial and scientific processes. This means that much of what we uncover will first require Iraqi scientists, engineers and former senior officials to come forward with information on the whereabouts of the various parts of the programs."

"Unfortunately, patience has been the first thing to go in the current controversy... It is certainly possible that intelligence assessments were politicized, but it is very unlikely. Does anyone really think that Secretary of State Colin L. Powell, CIA Director George J. Tenet or, for that matter, almost any experienced Washington hand would not know that any serious attempt to rig intelligence conclusions would come back to bite them?"

"Intelligence products are not gospel, and they should not be treated as such. For most questions, intelligence assessments are a combination of some secret material and a whole lot of ordinary analysis. To make sense of the data, an analyst will have to pick and order the information using assumptions and methodologies any thoughtful policy analyst would normally use. This is not some arcane exercise. And there are good reasons to believe that any number of experienced policymakers will be as good at this as the intelligence official ? or better.

"There is something else going on. Opponents of the war ? most of whom probably never had a good word to say about the CIA ? are rushing to defend "the sanctity" of the intelligence process in an effort to undermine the legitimacy of the war and call into question a president's judgment that, in the years ahead, "the community of nations may see more and more of the very kind of threat Iraq poses now ? a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists." But since this was the assessment of President Clinton in a February 1998 speech at the Pentagon, Bush critics have a larger task in front of them than just going after the current administration.

"... But like the conduct of the early days of the war itself, the fact that things have not turned out precisely as some might have predicted doesn't mean failure, incompetence or, worse, duplicity. It simply means we have been engaged in a struggle with a clever and deceptive enemy."

****

Excerpts from "A Plot to Deceive?" by Robert Kagan, The Washington Post (6/8/03):

"There is something surreal about the charges flying that President Bush lied when he claimed Saddam Hussein had weapons of mass destruction...

"Why? Not because the Bush administration may have -- repeat, may have --exaggerated the extent of knowledge about what Hussein had in his WMD arsenal. No, the critics' real aim is to prove that, as a New York Times reporter recently put it, 'the failure so far to find weapons of mass destruction in Iraq may mean that there never were any in the first place.'

"The absurdity of this charge is mind-boggling. Yes, neither the CIA nor the U.N. inspectors have ever known exactly how many weapons Hussein had or how many he was building. But that Iraq possessed weapons of mass destruction and the ability to produce more? That has never been in doubt.

"Start with this: The Iraqi government in the 1990s admitted to U.N. weapons inspectors that it had produced 8,500 liters of anthrax and a few tons of VX. Where are they?"

"Go back and take a look at the report Hans Blix delivered to the U.N. Security Council on Jan. 27. On the question of Iraq's stocks of anthrax, Blix reported 'no convincing evidence' that they were ever destroyed. But there was 'strong evidence' that Iraq produced more anthrax than it had admitted 'and that at least some of this was retained'...

"On the question of VX, Blix reported that his inspections team had information that conflicted with Iraqi accounts. The Iraqis claimed that they had

produced
VX only as part of a pilot program but that the quality was poor and the agent
was never 'weaponized.' But according to Blix, the inspections team discovered
Iraqi documents that showed the quality of the VX to be better than declared.
The team also uncovered 'indications that the agent' had been 'weaponized'...

"Today, of course, they and many other known weapons are still unaccounted for.
Does it follow, therefore, that they never existed? Or does it make more sense
to conclude that the weapons were there and that either we'll find them or we'll
find out what happened to them?

"The answer depends on how broad and pervasive you like your conspiracies to be.
Because if Bush and British Prime Minister Tony Blair are lying, they're not
alone. They're part of a vast conspiratorial network of liars that includes U.N.
weapons inspectors and reputable arms control experts both inside and outside
government, both Republicans and Democrats.
"Maybe former CIA director John Deutch was lying when he testified before the
Senate Intelligence Committee on Sept. 19, 1996, that 'we believe that [Hussein]
retains an undetermined quantity of chemical and biological agents that he would
certainly have the ability to deliver against adversaries by aircraft or
artillery or by Scud missile systems.'
"Maybe former defense secretary William Cohen was lying in April when he said,
'I am absolutely convinced that there are weapons.... I saw evidence back in
1998 when we would see the inspectors being barred from gaining entry into a
warehouse for three hours with trucks rolling up and then moving those trucks
out.'
"Maybe the German intelligence service was lying when it reported in 2001 that
Hussein might be three years away from being able to build three nuclear weapons
and that by 2005 Iraq would have a missile with sufficient range to reach
Europe.
"Maybe French President Jacques Chirac was lying when he declared in February
that there were probably weapons of mass destruction in Iraq and that 'we have
to find and destroy them.'
"Maybe Al Gore was lying when he declared last September, based on what he
learned as vice president, that Hussein had 'stored secret supplies of
biological and chemical weapons throughout his country.'

"Finally, there's former president Bill Clinton. In a February 1998 speech, ...
Clinton accurately reported the view of U.N. weapons inspectors 'that Iraq still
has stockpiles of chemical and biological munitions, a small force of Scud-type
missiles, and the capacity to restart quickly its production program and build
many, many more weapons.' That was as unequivocal and unqualified a

statement as
any made by George W. Bush."

"So if you like a good conspiracy, this one's a doozy. And the best thing about
it is that if all these people are lying, there's only one person who ever told
the truth: Saddam Hussein. And now we can't find him either."

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
Sent: 6/9/2003 3:33:23 PM
Subject: FW: Travel

-----Original Message-----
From: Henry Hager [mailto:hhager@georgewbush.com]
Sent: Monday, June 09, 2003 3:34 PM
To: Susan_B._Ralston@oa.eop.gov
Subject: RE: Travel

Tom J. said he is also waiting on a memo from Counsel on exactly how they would like for us to suggest possible planes.

-----Original Message-----
From: Susan_B._Ralston@oa.eop.gov [mailto:Susan_B._Ralston@oa.eop.gov]
Sent: Monday, June 09, 2003 3:31 PM
To: Henry Hager; Israel_Hernandez@oa.eop.gov
Cc: Colleen_Litkenhaus@oa.eop.gov; Kimberly_A._Douglass@oa.eop.gov
Subject: RE: Travel

Not to my knowledge, but we will discuss at our next mtg.

-----Original Message-----
From: Henry Hager @EOP
Sent: Monday, June 09, 2003 3:29 PM
To: Hernandez, Israel; Ralston, Susan B.
Subject: Travel

(Embedded image moved to file: pic02867.pcx)
Ken mentioned in our meeting that there is a form that will be required
for WH personnel traveling on corporate/private jet.
Is WH Counsel preparing this?

(Embedded image moved to file: pic04800.pcx) - att1.htm << File: att1.htm >>
(Embedded image moved to file: pic31998.pcx) - att2.eml << File: att2.eml >>

From: Estes, Ashley
To: <Kavanaugh, Brett M.>
Sent: 6/9/2003 5:29:19 PM
Subject: FW: system

fyi these are the main ones. hopefully it will not be out of control. did you say 7:45pm?
-----Original Message-----
From: Gambatesa, Linda M.
Sent: Monday, June 09, 2003 1:40 PM
To: Estes, Ashley; Gottesman, Blake
Subject: RE: system

Great idea .... I'll type up a list of discussion points (a mini agenda) .... Blake do you have any to add to Ashley's points?
-----Original Message-----
From: Estes, Ashley
Sent: Monday, June 09, 2003 1:38 PM
To: Gottesman, Blake; Gambatesa, Linda M.
Subject: FW: system

just thinking - in the interest of making the mtg. go faster and not running into endless conversations of what ifs - i think it would be good if we did our best to come to the mtg. with specific questions in mind. i'm just worried that it will never stop and have no point and we'll all be stuck here forever. for example some of the things i was hoping to cover were:

what is the precedent for our office as to how involved or not involved they've been in the past?
equipment needs for our specific office? what is allowed phone? fax? email?
process questions - like notes? approval? actually mailing out? etc.
role of israel? role of susan? are they different?

From: CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/9/2003 1:30:26 PM
Subject: : FW: system

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 9-JUN-2003 17:30:26.00
SUBJECT:: FW: system
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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-----Original Message-----
From: Gambatesa, Linda M.
Sent: Monday, June 09, 2003 1:40 PM
To: Estes, Ashley; Gottesman, Blake
Subject: RE: system

Great idea .... I'll type up a list of discussion points (a mini agenda) .... Blake do you have any to add to Ashley's points?

-----Original Message-----
From: Estes, Ashley
Sent: Monday, June 09, 2003 1:38 PM
To: Gottesman, Blake; Gambatesa, Linda M.
Subject: FW: system

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;
what is the precedent for our office as to how involved or not involved they've been in the past?
equipment needs for our specific office?; what is allowed phone? fax? email?
process questions - like notes? approval? actually mailing out? etc.
role of israel? role of susan? are they different?
;

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/9/2003 5:43:31 PM
Subject: We can use dirksen 201

For hill warroom. Thanks.
Ps. Will you resend the memo to me.
.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 6/9/2003 6:10:33 PM
Subject: your appts book

Is at Carpet headquarters... they're having it brought back to the WH by tomorrow morning.

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/9/2003 3:02:47 PM
Subject: : White House Global Messenger 6/10/03
Attachments: P_GH71H003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME: 9-JUN-2003 19:02:47.00
SUBJECT:: White House Global Messenger 6/10/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 6-10-03 FINAL.doc)

THE GLOBAL MESSENGER
Tuesday, June 10, 2003

******KEY POINTS******
From the President's comments on June 9, 2003

-President Bush is optimistic about bringing a peaceful, free Palestinian state into existence, side by side with a secure Israel. But there is a lot of work to do.

-Prime Minister Sharon is a courageous leader, dedicated to the security of the Israeli people, as are we - and he recognizes that life can be better for the Palestinians.

-Prime Minister Abbas of the Palestinian Authority speaks eloquently and clearly about the need for the free world to fight off terror in order for a Palestinian state to emerge.

-The average Palestinian should know that their lives will improve with the vision of Prime Minister Abbas. The Arab neighborhood knows that violence will lead to nothing except misery and lack of hope. Responsible leaders now understand that we must work to fight off the terror attacks so that a peaceful Palestinian state can emerge.

-Ambassador Wolf and his team will be on the ground soon, holding people to account and working to strengthen Prime Minister Abbas, so that the Prime Minister can deliver on his promise to work as hard as he can to fight off those territories that want to use violence to destroy any hope for peace, and, therefore, to destroy the hopes of the Palestinian people.

******TODAY'S SCHEDULE******

All Times Eastern Daylight. Subject to Change.

10:00 am President Bush meets with the Prime Minister of Thailand
12:30 pm White House briefing
2:10 pm President Bush delivers remarks on the No Child Left Behind Act, Rose
Garden
3:20 pm President Bush meets with the President of Uganda
TBA State Department briefing

******KEY QUOTE******
"There is no doubt that the Palestinian leadership, the new Palestinian leadership has a difficult road ahead. That was very clear. The Israelis understand that. The United States understands that. The Arabs understand that.
But this is the best chance that the Palestinian people have had for statehood
and for an enduring peace for a very long time."
NSA Rice, Meet the Press, 6/8/03

******UPDATES******
The Coalition for Reconstruction
-The Czech government donated 30 water filtration units, which will greatly assist the effort to integrate Kuwait government-donated reverse osmosis water
units into the water supply system. This will enable constant supplies of good
quality potable water for priority users, particularly hospitals.

-Poland will run peacekeeping stabilization program for the south-central zone
of Iraq. NATO has promised Poland technical assistance in the zone, where Poland is to send more than 2,000 troops. Ukraine plans to contribute 1,800 troops, Bulgaria and Slovakia will send smaller units and officers will come
from Norway and Denmark.

-Taiwan has provided more than $4 million in humanitarian and reconstruction
assistance to Iraq.

Liberation of Iraq
"We are all very happy and comfortable. This is the freedom we want."
Yizmak Askander Abu, a teacher in Rassalin, The Times (London), 06/05/03

"The satirical Baghdad newspaper [Hebazbouz] is one of dozens launched in recent
weeks as Iraqis, among the best educated people in the Middle East, revel in the
new freedom to say what they think and read what they want."
Agence France Presse, 06/04/03

THE WHITE HOUSE
Office of Global Communications
For more information log on to
http://www.whitehouse.gov/ogc
****

You have previously expressed interest in obtaining
news and information from the White House.

The White House Office of Global Communications
distributes information about the President's
messages to the world. This office distributes

updates on major international topics such
as the global war on terror, the case for regime
change in Iraq, and more broadly, the ways in
which we can all better communicate the aspirations
and interests that Americans share with freedom-loving
people everywhere.

- GM 6-10-03 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GH71H003_WHO.TXT_1>

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THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 6/9/2003 7:34:56 PM
Subject: Re: your appts book

thanks much; do you know by what time?

From: Carolyn Nelson/WHO/EOP@Exchange on 06/09/2003 06:10:33 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: your appts book

Is at Carpet headquarters... they're having it brought back to the WH by tomorrow morning.

From: Kaplan, Joel
To: <Kavanaugh, Brett M.>
Sent: 6/10/2003 7:12:55 AM
Subject: Re:

Of course. Why?

.

From: Sampson, Kyle
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>;<Addington, David S.>
Sent: 6/10/2003 8:34:04 AM
Subject: Jones nomination

Tuesday, June 10, 2003

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Bankruptcy judge picked for seat on federal bench

Jurist not included on initial Ensign list of possible nominees

By STEVE TETREAULT

STEPHENS WASHINGTON BUREAU

WASHINGTON -- President Bush on Monday formally nominated U.S. Bankruptcy Judge Robert Clive Jones to become a federal District Court judge in Nevada.

Jones, a bankruptcy judge in Nevada for the past 20 years, would replace U.S. District Judge David Hagen, who is retiring later this year.

Jones was at a conference but issued a statement that he was pleased to have been named by Bush and it will be an honor for him to serve on the bench.

The nomination now goes before the U.S. Senate. Officials at the Senate Judiciary Committee could not be reached for comment Monday evening.

Jack Finn, a spokesman for Sen. John Ensign, R-Nev., said "it is impossible to pin down" a time frame for Jones to be considered.

"We anticipate no problems," Finn said.

The White House decided on Jones for the post after returning an initial list of possible nominees that Ensign submitted. That list included Leif Reid, the son of Sen. Harry Reid, D-Nev.

Finn said Jones emerged out of subsequent discussions between Ensign and the White House. Ensign has the power to propose judicial nominees as the senior senator of the president's party.

"I truly appreciate Senator Ensign's confidence in submitting my name on the extended list of judicial candidates for White House consideration," Jones said in his statement, adding he understood Ensign obtained Reid's concurrence.

"I've known Senator Reid for many years and appreciate his confidence as well," Jones said.

There are seven federal district judges in Nevada, plus two, Edward Reed and Lloyd George, who are on senior status.

Jones, who turns 56 on July 21, was born and raised in Las Vegas. He obtained a law degree from UCLA Law School in 1975, graduating in the top 10 percent of his class. He earned an undergraduate degree in English and accounting at Brigham Young University in 1971.

After working as a certified public accountant, Jones began practicing law in 1976. He was appointed federal bankruptcy judge in 1983, and was re-appointed to another 14-year term in 2000. He is a registered Republican.

From 1971 and 1977, Jones served in the Nevada Army Guard and the California Air National Guard.

Jones was bishop in the Canyon Gate Ward of the Church of Jesus Christ of Latter-day Saints from 1998 until earlier this year. He also has served as a scoutmaster in the Boy Scouts of America.

In 1992-93, Jones helped justice officials in Slovakia to draft new bankruptcy statutes.

Review-Journal writer Jane Ann Morrison contributed to this report.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;David G. Leitch/WHO /EOP@Exchange@EOP [WHO] <David G. Leitch>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 6/10/2003 4:36:26 AM
Subject: : Jones nomination

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JUN-2003 08:36:26.00
SUBJECT:: Jones nomination
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tuesday, June 10, 2003
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Review-Journal writer Jane Ann Morrison contributed to this report.

From: Nelson, Carolyn
To: <Everson, Nanette>;<Kavanaugh, Brett M.>
Sent: 6/10/2003 9:42:41 AM
Subject:

Can a 16 year old assist the Advance office with Presidential Events in a volunteer capacity?

From: Kaplan, Joel
To: <Kavanaugh, Brett M.>
Sent: 6/10/2003 9:57:25 AM
Subject: call me

From: Vestewig, Lauren J.
To: <Kavanaugh, Brett M.>;<Schacht, Diana L.>
CC: <Winland, Emily>
Sent: 6/10/2003 10:59:13 AM
Subject: Mtg with John Schmitz re. asbestos

John Schmitz and Jeff Kindler (Pfizer) would like to come in to talk about asbestos. Are you all available some time on Friday?

From: Kavanaugh, Brett M.
To: <Kaplan, Joel>
Sent: 6/10/2003 11:11:03 AM
Subject: left you messages

From: Ralston, Susan B.
To: <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>
Sent: 6/10/2003 1:21:08 PM
Subject: RE: equipment

Yes

-----Original Message-----
From: Litkenhaus, Colleen
Sent: Tuesday, June 10, 2003 1:15 PM
To: Kavanaugh, Brett M.; Ralston, Susan B.
Subject: RE: equipment

I can do it today at 4:30, if that still works for the two of you.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 09, 2003 10:25 AM
To: Litkenhaus, Colleen; Ralston, Susan B.
Subject: Re: equipment

Can we meet Tuesday afternoon. I am free after 4:30. Thanks.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/05/2003 09:34:07 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Susan B. Ralston/WHO/EOP@Exchange
cc:
Subject: equipment

Let me know when you would like to get together to discuss which offices need what campaign equipment.

Thanks.

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>
CC: <Litkenhaus, Colleen>
Sent: 6/10/2003 2:01:31 PM
Subject: RE: equipment

I now have to go the Viet Dinh celebration over at DOJ at 4. I am free today after about 6:30 or tomorrow afternoon. I think we should do this by then if we can.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/10/2003 01:21:08 PM

Record Type: Record

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cc:

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From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
CC: <Litkenhaus, Colleen>
Sent: 6/10/2003 2:05:07 PM
Subject: RE: equipment

Either works, but I have to leave at 7 PM for a dinner.

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From: Kavanaugh, Brett M.
Sent: Tuesday, June 10, 2003 2:02 PM
To: Ralston, Susan B.
Cc: Litkenhaus, Colleen
Subject: RE: equipment

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From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 6/10/2003 3:44:46 PM
Subject: campaign

a meeting was scheduled today at 5pm in the Ward Room with Joe, Jenkins, Ken, me, Izzy and Kelley. I know you have a celebration to attend, but wanted you to know about this meeting as well. It's not a meeting that you HAVE to be at, but I'm sure you would have a lot to contribute if you could be there. Just fyi.

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 6/10/2003 3:48:44 PM
Subject: Re: campaign

I will be there.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/10/2003 03:44:46 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

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From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 6/10/2003 3:58:31 PM
Subject: RE: campaign

Sorry. Thanks.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 10, 2003 3:49 PM
To: Litkenhaus, Colleen
Subject: Re: campaign

I will be there.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/10/2003 03:44:46 PM
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To: Brett M. Kavanaugh/WHO/EOP@EOP
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From: Ralston, Susan B.
To: <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>
Sent: 6/10/2003 4:00:24 PM
Subject: RE: equipment

See you then.

-----Original Message-----
From: Litkenhaus, Colleen
Sent: Tuesday, June 10, 2003 4:00 PM
To: Ralston, Susan B.; Kavanaugh, Brett M.
Subject: RE: equipment

6:30 works for me.

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From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 6/10/2003 11:48:48 PM
Subject: Did you get to talk to fbi re titus?

.

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 6/11/2003 7:17:50 AM
Subject:

The Washington Times
www.washingtontimes.com

Supreme Court vacancy looks less likely this year

By Frank J. Murray

Published June 11, 2003

Any prospects for a partisan fight this summer over confirming President Bush's first Supreme Court nominee appeared to dim recently after justices agreed to hear a contentious case in September, signaling that the bench will remain unchanged at least until then.

Despite the court's decision Thursday to consider campaign-finance reform, the Senate Judiciary Committee is forging ahead with contingency plans based on what a Senate Republican leadership staff member called "the 100-percent expectation a vacancy will occur."

The Senate's preparation and much of the speculation over which of the three eldest Supreme Court justices might retire this month are driven by groups such as People for the American Way, which have opposed Mr. Bush's judicial nominations.

Since before the 2000 election, groups such as PFAW have raised money by annually predicting doom for the Constitution if Mr. Bush were allowed to install judges on the Supreme Court. PFAW President Ralph Neas declared last week that at least one justice will resign, creating "the first of three or four openings" in coming years.

Such activists have sounded the alarms even though several factors indicate that the most stable nine-justice high court in history will remain unchanged for two more years.

Most analysts expecting a retirement consider Chief Justice William H. Rehnquist, 78, or Justice Sandra Day O'Connor, 73, the most likely to depart, even though each plays a key role in the most sharply split cases and both still write books and pursue activities outside the court.

The true dark horse is Justice John Paul Stevens, who at 83 is an avid tennis player said to abhor letting a conservative Republican choose his replacement.

Sources who have contacts with Chief Justice Rehnquist said they doubt he plans to quit, and he bandies words with those brash enough to raise the question. After the chief justice visited Mr. Bush at the White House in December, both parties let it be known his mission was a hunt for allies to raise judicial salaries.

Skeptics of that account consider the visit a pretext for a nominating-strategy session.

Mr. Bush announced May 9 that Justice O'Connor would lead a team of judges to Bahrain in September to help improve Middle East court systems, but a White House spokesman couldn't confirm yesterday whether the president and Justice O'Connor had spoken.

Justice O'Connor's only public comment about her position on the court was to dampen speculation she might be elevated to chief justice. When asked, she replied, "I'm too old," the Christian Science Monitor reported.

"It's very possible that they won't retire," said Artemus Ward, author of "Deciding to Leave: The Politics of Retirement From the United States Supreme Court."

"Why retire when you're at the top of your game?" he said.

He considers the chief justice the most likely candidate — ending his 32-year tenure on the court — although Mr. Rehnquist often mentions future projects and recently extended for a fourth year the appointment of administrative assistant Sally M. Rider.

Washington lawyer James C. Duff, her predecessor in that post, remains involved with the chief justice's efforts to win pay raises for federal judges but refused to discuss departures and scoffed at reports that imply inside knowledge.

"When I took the job in 1996, I remember reading an article which said that the winner of the Clinton-Dole presidential election would have four nominees to the court. Of course there have been none since then," Mr. Duff said.

During a presidential debate in 2000, Mr. Gore said, "The next president is going to appoint three, maybe even four justices of the Supreme Court."

Because no one expects a vacancy during next year's presidential campaign year — absent death or disability — the next two weeks would be the last real chance for an appointment until June 2005.

Mr. Ward questioned reports that more than one justice could retire now.

"That's never happened in the history of the court," he said. The closest exception were retirements of Justices Hugo Black and John Harlan a week apart in September 1971, shortly before both died.

Mr. Ward estimated that the life expectancy for today's Supreme Court justices is 87, about 15 years longer than the average for white men in America.

"To remain a Supreme Court justice keeps you alive, to some extent," Mr. Ward said.

Justices traditionally guard retirement plans until announced from the bench at term's end.

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"The justices are concerned with minimizing the politicization of the succession process to protect the institution," he said.

Because the Supreme Court put the Bipartisan Campaign Reform Act case on a fast track, justices must review the mountain of legal briefs filed through the summer. They have slated an extraordinary four-hour hearing for Sept. 8, a month before the next term begins.

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Between June 19, 1811, and March 18, 1823, the seven-member court remained intact. The current cast has not changed since Aug. 3, 1994, the longest period without a vacancy since Congress created the eighth and ninth seats in 1837.

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From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 6/11/2003 3:18:51 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:11-JUN-2003 07:18:51.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

The Washington Times
www.washingtontimes.com <http://www.washingtontimes.com/>

_____

Supreme Court vacancy looks less likely this year

By Frank J. Murray
Published June 11, 2003

_____

;;;;Any prospects for a partisan fight this summer over confirming President Bush's first Supreme Court nominee appeared to dim recently after justices agreed to hear a contentious case in September, signaling that the bench will remain unchanged at least until then.
;;;;Despite the court's decision Thursday to consider campaign-finance reform, the Senate Judiciary Committee is forging ahead with contingency plans based on what a Senate Republican leadership staff member called "the 100-percent expectation a vacancy will occur."
;;;;The Senate's preparation and much of the speculation over which of the three eldest Supreme Court justices might retire this month are driven by groups such as People for the American Way, which have opposed Mr. Bush's judicial nominations.
;;;;Since before the 2000 election, groups such as PFAW have raised money by annually predicting doom for the Constitution if Mr. Bush were allowed to install judges on the Supreme Court. PFAW President Ralph Neas declared last week that at least one justice will resign, creating "the first of three or four openings" in coming years.
;;;;Such activists have sounded the alarms even though several factors indicate that the most stable nine-justice high court in history will remain unchanged for two more years.
;;;;Most analysts expecting a retirement consider Chief Justice William H. Rehnquist, 78, or Justice Sandra Day O'Connor, 73, the most likely to depart, even though each plays a key role in the most sharply split cases and both still write books and pursue activities outside the court.
;;;;The true dark horse is Justice John Paul Stevens, who at 83 is an avid tennis player said to abhor letting a conservative Republican choose his replacement.
;;;;Sources who have contacts with Chief Justice Rehnquist said they doubt he plans to quit, and he bandies words with those brash enough to raise the question. After the chief justice visited Mr. Bush at the White House in December, both parties let it be known his mission was a hunt for allies to raise judicial salaries.
;;;;Skeptics of that account consider the visit a pretext for a nominating-strategy session.

;;;;Mr. Bush announced May 9 that Justice O'Connor would lead a team of judges to Bahrain in September to help improve Middle East court systems, but a White House spokesman couldn't confirm yesterday whether the president and Justice O'Connor had spoken.
;;;;Justice O'Connor's only public comment about her position on the court was to dampen speculation she might be elevated to chief justice. When asked, she replied, "I'm too old," the Christian Science Monitor reported.
;;;;"It's very possible that they won't retire," said Artemus Ward, author of "Deciding to Leave: The Politics of Retirement From the United States Supreme Court."
;;;;"Why retire when you're at the top of your game?" he said.
;;;;He considers the chief justice the most likely candidate * ending his 32-year tenure on the court * although Mr. Rehnquist often mentions future projects and recently extended for a fourth year the appointment of administrative assistant Sally M. Rider.
;;;;Washington lawyer James C. Duff, her predecessor in that post, remains involved with the chief justice's efforts to win pay raises for federal judges but refused to discuss departures and scoffed at reports that imply inside knowledge.
;;;;"When I took the job in 1996, I remember reading an article which said that the winner of the Clinton-Dole presidential election would have four nominees to the court. Of course there have been none since then," Mr. Duff said.
;;;;During a presidential debate in 2000, Mr. Gore said, "The next president is going to appoint three, maybe even four justices of the Supreme Court."
;;;;Because no one expects a vacancy during next year's presidential campaign year * absent death or disability * the next two weeks would be the last real chance for an appointment until June 2005.
;;;;Mr. Ward questioned reports that more than one justice could retire now.
;;;;"That's never happened in the history of the court," he said. The closest exception were retirements of Justices Hugo Black and John Harlan a week apart in September 1971, shortly before both died.
;;;;Mr. Ward estimated that the life expectancy for today's Supreme Court justices is 87, about 15 years longer than the average for white men in America.
;;;;"To remain a Supreme Court justice keeps you alive, to some extent," Mr. Ward said.
;;;;Justices traditionally guard retirement plans until announced from the bench at term's end.
;;;;"Even other members of the court are sort of the last to know. It is kept very secret," said Mr. Ward, who is on leave from Northern Illinois University for a one-year American Political Science Association fellowship at the House Judiciary Committee.
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;;;;

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<http://www.washingtontimes.com/national/20030611-120117-1009r.htm>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 6/11/2003 4:59:24 AM
Subject: : Re: Fw: from beth goodman

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-JUN-2003 08:59:24.00
SUBJECT:: Re: Fw: from beth goodman
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

In terms of comparison stats, we frame those this way.

1. In both the Bush 41 and Clinton Administration, too many appeals court nominees were held up at the end of the Administrations. In the Bush 41 Administration, only 19 of 29 appeals court nominees in the last two years were confirmed; in Clinton, it was 15 of 29. Neither was acceptable -- as this President Bush has explained.

2. In this Administration, the difference is that the Senate delays and obstruction started at the beginning of the Administration. In particular, only 53% of President Bush's appeals court nominees in his first 2 years (17 of 32) were confirmed compared to more than 90% (60 of 65 total) in the Clinton, Bush 41, and Reagan Presidencies combined during the first two years of those Presidencies. And now we are seeing unprecedented filibusters of multiple nominees.

Matthew A. Schlapp
06/11/2003 06:38:46 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fw: from beth goodman

Can I get help on this?
---------- Forwarded by Matthew A. Schlapp/WHO/EOP on 06/11/2003 06:38 AM ----------

Jim Dyke - Communications <JDyke@rnchq.org>
06/10/2003 08:00:36 PM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP
cc:
Subject: Fw: from beth goodman

You have these?

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----
From: Goodman, Beth <Beth.Goodman@turner.com>
To: Jim Dyke - Communications <JDyke@rnchq.org>
Sent: Tue Jun 10 19:58:27 2003
Subject: from beth goodman

Dear Jim,
I am sorry to have bothered you with this at night.
I'm hoping you can get a number for me tomorrow morning.
Thanks again.
Beth
212-714-5553
1. When Clinton was President and Republicans controlled the Senate, they bottled up (TK) of Clinton's nominations in committee? (i've been told by Sen Leahy's office that the answer is over 50.)

2. When Democrats ran the Senate last year, they did the same to [tk #] of Bush's nominees?
do you have a figure for this?
Thanks Jim

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 6/11/2003 9:08:27 AM
Subject: we are ok on changed approach for Advance staff TEFOS forms

From: Elwood, Courtney S.
To: <Kavanaugh, Brett M.>
Sent: 6/11/2003 9:17:32 AM
Subject: B-C '04 invitations

Have you reviewed and approved invitations for events in Michigan and Ohio?

From: Besanceney, Brian R.
To: <Kavanaugh, Brett M.>;<Jones, Brian C.>;<Neusner, Noam M.>;<Kuo, David>;<Bartlett, Daniel J.>;<Rees, Matthew R.>;<Lefkowitz, Jay P.>;<McClellan, Scott>;<Reardon, Brian>;<Warsh, Kevin>;<Draper, Eric>;<Sampson, Kyle>;<Stanzel, Scott>
Sent: 6/11/2003 9:23:51 AM
Subject: Son of Pick & Roll - Starting Next Monday

Thanks to the good work of David Kuo, we officially have the FBI gym available on Mondays at 6:30 starting next week.

More details to follow. In the meantime, let me know if you might be in for next Monday.

From: Kavanaugh, Brett M.
To: <Elwood, Courtney S.>
Sent: 6/11/2003 9:29:46 AM
Subject: Invitations

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/11/2003 09:29 AM ----------

Brett M. Kavanaugh

06/11/2003 09:21:27 AM

Record Type: Record

To: Susan B. Ralston/WHO/EOP@Exchange@EOP, Israel Hernandez/WHO/EOP@Exchange@EOP

cc:

Subject: Invitations

Can you all make sure I see and approve invites for all BC 04 events at which the President, Vice President, Mrs. Bush, Mrs. Cheney, or an Administration official is appearing? Thanks. Also, in particular, do you have invites for Michigan and Ohio events?

From: Hernandez, Israel
To: <Kavanaugh, Brett M.>;<Ralston, Susan B.>
Sent: 6/11/2003 9:43:47 AM
Subject: RE: Invitations

I have not seen one for Michigan

Ohio: Do you mean Mrs. Bush?

Iz

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 11, 2003 9:20 AM
To: Ralston, Susan B.; Hernandez, Israel
Subject: Invitations

Can you all make sure I see and approve invites for all BC 04 events at which the President, Vice President, Mrs. Bush, Mrs. Cheney, or an Administration official is appearing? Thanks. Also, in particular, do you have invites for Michigan and Ohio events?

From: Kavanaugh, Brett M.
To: <Hernandez, Israel>
CC: <Ralston, Susan B.>
Sent: 6/11/2003 9:46:24 AM
Subject: RE: Invitations

Vice President, I believe?

From: Israel Hernandez/WHO/EOP@Exchange on 06/11/2003 09:43:47 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Susan B. Ralston/WHO/EOP@Exchange

cc:

Subject: RE: Invitations

I have not seen one for Michigan

Ohio: Do you mean Mrs. Bush?

Iz

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From: Kavanaugh, Brett M.

Sent: Wednesday, June 11, 2003 9:20 AM

To: Ralston, Susan B.; Hernandez, Israel

Subject: Invitations

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From: Gilbert, Alan

To: <Hall, Philo D.>;paula.stannard@hhs.gov <paula.stannard@hhs.gov>;peter.urbanowicz@hhs.gov <peter.urbanowicz@hhs.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;alex.azar@hhs.gov <alex.azar@hhs.gov>;john.hoff@hhs.gov <john.hoff@hhs.gov>;jennifer.young@hhs.gov <jennifer.young@hhs.gov>;jennifer.young@hhs.gov <Schacht, Diana L.>;jennifer.young@hhs.gov <Jensen, Amy>;jennifer.young@hhs.gov <Loper, Ginger G.>;jennifer.young@hhs.gov <Lefkowitz, Jay P.>;jennifer.young@hhs.gov <Perry, Philip J.>;jennifer.young@hhs.gov <Deleire, Thomas C.>;jennifer.young@hhs.gov <Kavanaugh, Brett M.>;zurawski-paul@dol.gov <zurawski-paul@dol.gov>;zurawski-paul@dol.gov <Young, Tracy>;zurawski-paul@dol.gov <Besanceney, Brian R.>;marc.kesselman@usdoj.gov <marc.kesselman@usdoj.gov>;marc.kesselman@usdoj.gov <Ackerly, Dana>;marc.kesselman@usdoj.gov <Cowdry, Rex>;hazucker@osophs.dhhs.gov <hazucker@osophs.dhhs.gov>;jafar.karim@hhs.gov <jafar.karim@hhs.gov>;jafar.karim@hhs.gov <Kupfer, Jeffrey F.>;jafar.karim@hhs.gov <Lineberry, Stephen M.>;jafar.karim@hhs.gov <Grubbs, Wendy J.>;pamela.roller@hhs.gov <pamela.roller@hhs.gov>;joyce.b-moore@hhs.gov <joyce.b-moore@hhs.gov>;marie.belt@hhs.gov <marie.belt@hhs.gov>;marie.belt@hhs.gov <Winland, Emily>;marie.belt@hhs.gov <Vestewig, Lauren J.>;dana.ceasar@hhs.gov <dana.ceasar@hhs.gov>;india.luckett@hhs.gov <india.luckett@hhs.gov>;scriver-langford-lat@dol.gov <scriver-langford-lat@dol.gov>;heather.mcnaught@usdoj.gov <heather.mcnaught@usdoj.gov>;stephanie.wilson@hhs.gov <stephanie.wilson@hhs.gov>;stephanie.wilson@hhs.gov <Stone, Carla B.>;hrobowski-rosita@dol.gov <hrobowski-rosita@dol.gov>;tcordaro@osophs.dhhs.gov <tcordaro@osophs.dhhs.gov>;tcordaro@osophs.dhhs.gov <Skelly, Layton>;tcordaro@osophs.dhhs.gov <Skelly, Layton>

Sent: 6/11/2003 10:51:47 AM

Subject: Re: Medical Liability Working Group

sorry, but i have to postpone this conference call. I apologize for the last minute notice, and layton will contact you to reschedule. Again, i apologize for the last minute notice. thanks

From: Leitch, David G.
To: <Gonzales, Alberto R.>
CC: <Kavanaugh, Brett M.>
Sent: 6/11/2003 11:03:58 AM
Subject:

Cornyn currently is making your point (at the Pryor hearing) about the inconsistency of saying that President is packing the courts with right wing ideologues while touting the number of confirmations.

From: CN=Tracy Jucas/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/11/2003 7:14:39 AM
Subject: : FW: need a speaker for June 30
Attachments: P_BD03H003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tracy Jucas (CN=Tracy Jucas/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-JUN-2003 11:14:39.00
SUBJECT:: FW: need a speaker for June 30
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Matt wanted to get your advice. I think he is looking for an opinion on the candidate and a suggestion for a surrogate (Judge will not be able to attend).

Thanks,
Tracy
---------- Forwarded by Tracy Jucas/WHO/EOP on 06/11/2003 11:09 AM ----------

From: Carolyn Nelson/WHO/EOP@Exchange on 06/11/2003 08:53:18 AM
Record Type: Record

To: Tracy Jucas/WHO/EOP@EOP
cc:
Subject: FW: need a speaker for June 30

Tracy,

The Judge will not be able to attend this fundraiser. I'm passing back to you all to choose a surrogate or handle as you deem appropriate. Will you please let me know how this is resolved?

Thanks!!
Carrie
-----Original Message-----
From: Alice Starr [mailto:ASTARR@west-group.com]
Sent: Thursday, June 05, 2003 4:05 PM
To: Nelson, Carolyn
Subject: need a speaker for June 30

Carolyn,

Helgi Walker was kind enough to contact you about getting a speaker from the Bush administration for a political event on June 30.

My husband, Ken Starr, and I are helping with a fundraiser for Jack Rust, a candidate for the Virginia House of Delegates. Jack, an attorney in Fairfax, Virginia, formerly served in the General Assembly, but he was defeated in the last election by a hair. So we very much want him to get his seat back because he was the most effective Republican in the Virginia legislature.

On Monday, June 30 from 6:00 - 8:00 p.m., we are helping to host a reception at the home of George Shafran, a generous Republican with a beautiful home at 1310 Ballantrae Farm Drive in McLean, across the street from Colin Powell. We would like to have a prominent special guest attend the reception who will be a draw for the event. We would especially like to request if Judge Gonzales, Karl Rove, Andy Card, Larry

Thompson or Ken Mehlman would be available? Unfortunately the invitations are scheduled to go out tomorrow so it would be helpful to know by then.

I have attached the invitation. If Judge Gonzales or someone from the administration can attend, we will place an insert in the invitation.

Many thanks for your assistance. - Alice

Alice M. Starr
Vice President, WEST*GROUP
1600 Anderson Road McLean, VA 22102
(703) 714-2127 (703) 790-5605 Fax
astarr@west-group.com
www.west-group.com

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_BD03H003_WHO.TXT_1>

DIRECTIONS TO

1310 BALLANTRAE FARM DRIVE

MCLEAN, VIRGINIA

FROM THE G.W. PARKWAY,
TAKE MCLEAN EXIT, TOWARDS MCLEAN.
GO APPROX 1.5 MILES TO BALLANTRAE FARM DRIVE*
WHICH WILL BE ON YOUR LEFT HAND SIDE.
TURN LEFT AND PROCEED TO
1310 BALLANTRAE FARM DRIVE.

VALET PARKING WILL BE PROVIDED

*BE SURE TO TAKE BALLANTRAE FARM DRIVE,
NOT BALLANTRAE LANE.

HOSTS

BERNARD & CHERYL CLINEBURG
SPEAKER BILL HOWELL, DOMINION LEADERSHIP TRUST
MILTON V. & CAROLYN PETERSON
GEO. P. & ANGELA SHAFRAN
STEPHEN F. THOMAS

TOGETHER WITH

BENEFACTORS

GEORGE BARLOW • BUDDY & CHARLOTTE BECK
MR. & MRS. WILLIAM G. BUCK
MARJORIE & ERNIE CASTRO • SID DEWBERRY

PATRONS

DAN & GLORIA BOHAN • MIKE DANIELS
JACK & ANN FISHER • BOB FITTON • CRAIG HAVENNER
WILLIAM A. HAZEL • ANNE PATTESON • JAMES RUSSO
KEN & ALICE STARR • WEST*GROUP

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ALAN & PHYLLIS GREENFIELD • ROBERT LOFTUS
JOAN NEWCOME • TERENCE P. QUINN

OF

JACK RUST

FOR DELEGATE

REV_00121512

CORDIALLY INVITE YOU

TO A SUMMER RECEPTION

IN HONOR OF

JACK RUST

MONDAY, JUNE 30, 2003

6:00 TO 8:00 P.M.

AT THE HOME OF

GEO. P. & ANGELA SHAFRAN

1310 BALLANTRAE FARM DRIVE

MCLEAN, VIRGINIA

KINDLY REPLY

VALET PARKING

REV_00121513

From: Kho, Irene
To: <Kavanaugh, Brett M.>
CC: <Bumatay, Patrick J.>;<Green, Richard E.>
Sent: 6/11/2003 11:43:56 AM
Subject: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A
Attachments: victims06.doc.wpd; victims06.let.wpd

Brett,

Attached are Justice Qs and As following an April 8th hearing before the Senate Judiciary Committee on S.J.Res 1. These Qs and As are addressed to Viet Dinh. Justice would like to have their Qs and As cleared by tomorrow so they could submit them for tomorrow's markup that is scheduled before the Senate Judiciary Committee's Constitution, Civil Rights and Property Rights Subcommittee. These Qs and As are 15 pages long.

I have not circulated them yet for clearance. Could you let me know if you could review these by tomorrow afternoon or if you would need more than just a day to review them. Thank you.

- victims06.doc.wpd <>

- victims06.let.wpd <>

FOLLOW-UP QUESTIONS FOR
HEARING ON S.J. RES. 1, A PROPOSED CONSTITUTIONAL AMENDMENT TO PROTECT CRIME VICTIMS
APRIL 8, 2003

Questions by Senator Leahy for Viet Dinh

1. James Madison wrote in the Federalist Papers that constitutional amendments should be reserved for "certain great and extraordinary occasions."

(A) Do you agree with this standard?

Yes.

(B) Is there anything in our current Constitution that inhibits the enactment of State or Federal laws that protect crime victims?

Nothing in the Constitution specifically inhibits the enactment of statutes to protect crime victims. However, although there have been legislative efforts to grant victims many of the rights contained in this amendment, in my view legislative guarantees are not always sufficient when viewed in light of an accused person's rights under the U.S. Constitution. Unfortunately, this is often the case even where a victim's statutory rights are capable of protection without infringing upon the defendant's constitutional rights. Furthermore, statutes would not address two critical issues that necessitate a constitutional amendment, i.e., uniform implementation of rights, and establishing standing for victims to assert these rights in court.

(C) Please identify any appellate decisions of which you are aware that were not eventually reversed in which a State of Federal victims' rights law was not given effect because of a defendant's right in the U.S. Constitution.

Two specific examples where State victims' constitutional rights were not given effect because of a defendant's rights under the U.S. Constitution are:

State ex rel. Romley v. Superior Court, 836 P.2d 445, 453, (Ariz. Ct. App. 1992), in which the Arizona Court of Appeals ruled that a victim's State constitutional right must yield to a defendant's Federal and State constitutional right to due process. This case involved a State constitutional right that precludes the trial court from compelling disclosure of the victim's medical records. The defendant argued that the statute violated her due process rights because without the information, she could not mount an adequate defense or conduct adequate cross-examination of witnesses. The Arizona Court of Appeals ruled that the defendant's Federal and State due process right trumped the victim's State constitutional right.

Martinez v. State of Florida, 664 So.2d 1034 (Fla. Dist. Ct. App. 1996), where the defendant was convicted of attempted manslaughter with a firearm and appealed on several grounds, including that the court erred in giving priority to the constitutional right of a victim to

REV_00121515

be present in the courtroom over the defendant's constitutional right to a fair trial by having the witnesses sequestered. Despite the Florida State victims' rights amendment, the court, citing *Gore v. State of Florida*, agreed with the defendant and stated that the victims should not have been permitted in the courtroom during opening statements. However, the court affirmed the defendant's conviction, concluding that the error in this particular case was harmless.

2. If Congress enacted spending power-based legislation to get every state to implement a uniform national standard of victims rights, what would remain to be done that only a constitutional amendment could accomplish?

Although such legislation would do away with one of the main concerns with statutory remedies, the need for uniformity, it would not accomplish the same goals as a constitutional amendment. As stated previously, in my view legislative guarantees are not always sufficient when viewed in light of an accused person's rights under the U.S. Constitution. Unfortunately, this is often the case even where a victim's statutory rights are capable of protection without infringing upon the defendant's rights because courts often will not reach the threshold question of whether the two sets of rights are truly in conflict. This was best illustrated in a study conducted by the National Institute of Justice in 1998 entitled *The Rights of Crime Victims – Does Legal Protection Make a Difference?*, which after surveying more than 1,300 crime victims, concluded that although "[s]trong victims' rights law make a difference, . . . even where there is strong legal protection, victims' needs are not fully met."

3. Section 1 of the proposed amendment states: "The rights of victims of violent crime, being capable of protection without denying the constitutional rights of those accused of victimizing them, are hereby established and shall not be denied." If a judge concludes that there is indeed a conflict between a victim's rights and the constitutional rights of the accused, would section 1 require the judge to discard that legal conclusion and uphold the right of the accused?

As Assistant Attorney General Dinh stated during the hearing, it would be very difficult for me to speculate how this amendment will be interpreted and how judges will decide cases in particular instances. However, we do believe that the amendment allows sufficient flexibility to afford a judge the ability to protect the interests and rights of criminal defendants. For example, by allowing for restrictions when there is a substantial interest in public safety or the administration of criminal justice, or by compelling necessity, the amendment would allow the courts either to articulate boundaries defining the application of competing rights or to balance the competing rights in a particular case.

4. Four of the current amendments to the Constitution – the 14th, 15th, 24th, and 26th – recognize a distinction between the complete "denial" or rights and the "abridgement" of them. Similarly, section 1 of the proposed amendment refers to rights being both "denied" and "restricted." Does the assurance that the constitutional rights of the accused will not be "denied" mean that a judge is free to "restrict" those rights in ways that the Constitution might not otherwise allow if

REV_00121516

doing so will make it easier to accommodate the rights of victims?

As stated in response to Question 3, we believe that the amendment allows sufficient flexibility to afford a judge in a particular case the ability to protect the interests and rights of a criminal defendant. In cases where there is a tension between the rights of victims and the rights of defendants, courts will rule in favor of the party with the more compelling legal argument.

5. **I think we would both agree that in a mass-victim case, the court should not be required to allow each of the potentially thousands of victims to speak at a bail or sentencing hearing – meaning that there are some cases when it might be entirely reasonable to deny some victims the right to be heard. But given that the rights conferred by proposed amendment belong to each individual victim, and that the text of the amendment allows a victim's participatory rights to be "restricted" in limited circumstances but never "denied," how would it be possible for courts to allow the kind of flexibility we need without completely ignoring the obvious difference between a "restriction" and a "denial?"**

It is my understanding that the amendment as drafted does not grant a victim the absolute right to speak at a bail or sentencing hearing. The amendment instead grants victims the right "reasonably to be heard" at specified public proceedings. The "reasonably to be heard" guarantee can be accomplished by allowing a victim to communicate his or her views to the court either orally or in writing. Such a decision would be at the court's discretion. In addition, we disagree that the language of the amendment does not allow for exceptions to the right "reasonably to be heard." Indeed, the text of the amendment itself explicitly allows for such exceptions. In other contexts, it has been left up to the courts to determine the boundaries of certain rights, for example when the press' First Amendment rights are pitted against a defendant's right to a fair trial. However, the last clause of section 2, which reads "These rights shall not be restricted except when and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity," clearly allows for exceptions by employing a two-tiered approach – the lower standard of substantial interest is used when the matter concerns public safety or the administration of criminal justice, while a higher standard of compelling necessity is used for other possible justifications.

6. **Under section 2 of the proposed amendment, a crime victim has "the right to reasonable and timely notice of any public proceeding involving the crime." Please explain how this provision would apply in multi-victim cases. For example, suppose that one victim of a multi-victim offense files a civil tort action against the offender for damages resulting from the criminal conduct. That action would be "a public proceeding involving the crime," even though the prosecutor may have no knowledge of it. Who would have the constitutional obligation to provide "reasonable and timely notice" to the other victims?**

I do not believe that the amendment as written grants victims the right to be informed of civil actions and therefore there is no attendant constitutional obligation to provide reasonable and timely notice in such cases.

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7. **Section 3 of the proposed amendment states that "[o]nly the victim or the victim's lawful representative may assert the rights established by this article." If a defendant raises an objection to having an indigent victim speak at a proceeding, who would handle the litigation on behalf of the victim? I assume the prosecutor would gladly do so for a victim who could not afford to hire counsel, but under section 3, would that be permissible? Would the prosecutor have the right or the duty to make what she believed to be a better argument on behalf of a represented victim?**

Although presumably Congress and/or state legislatures could enact legislation that establishes a framework by which indigent victims can receive representation, we do not think that section 3 precludes a prosecutor from asserting the rights of victims. The relevant clause in section 3 to which we believe you refer reads "Only the victim or the victim's lawful representative may assert the rights established by this article...." This clause confers standing to assert the rights, something that mere legislation has been unable to do. However, although it is the victim or his or her representative who has standing, presumably any attorney could go before the court on his or her behalf.

8. **Section 3 of the proposed amendment forbids granting a new trial as a remedy for the violation of a victim's rights, but does not forbid re-opening the sentencing proceeding. (A) If a prosecutor fails to notify a victim of the sentencing hearing, can the victim obtain a new sentencing hearing after sentence has been imposed? (B) If the victim persuades the judge at such a hearing to impose a longer prison term or order greater restitution, would that constitute a denial of the accused's Fifth Amendment right to be protected against Double Jeopardy?**

I do not believe that S.J. Res. 1 provides grounds for invalidating a sentence nor would it allow a new sentencing hearing. The Department supports the need to protect the finality of judgments and believes that judgments should not be disturbed by the passage of this amendment. Remedies for violation of rights specified in the proposed amendment should be separate from the outcome of the case or any proceeding thereof.

9. **At the sentencing phase of a capital case, there are normally two parties – the government and the defendant – that call witnesses in an effort to provide as factual matters aggravating and mitigating factors that support either a death sentence or a lesser punishment. As a matter of due process, none of those witnesses is allowed to make an argument as to what the sentence should be; such arguments are reserved for counsel at the end of the phase. Would the proposed amendment give qualifying victims the right to offer their opinion as to whether the defendant should be sentenced to life or death?**

Although we are not entirely sure that due process necessarily disallows witnesses from arguing in favor of a proper sentence, we do believe that a court could decide that under the proposed amendment a victim has the right to offer his or her opinion as to whether the

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defendant should be sentenced to life or death. In *Payne v. Tennessee,* 501 U.S. 808 (1991), the Supreme Court ruled that the Eighth Amendment does not erect a per se bar to the admission of victim impact evidence in capital cases. In so doing, the Court overruled two of its prior precedents, *Booth v. Maryland*, 482 U.S. 496 (1987), in which the Court ruled that victim impact evidence relating to the personal characteristics of the victim and the emotional impact of the crimes on the victim's family were barred, and *South Carolina v. Gathers*, 490 U.S. 805 (1989), which ruled that a prosecutor could not argue to the jury the human cost of the crime during the sentencing phase of a capital case. However, the Supreme Court has not ruled on whether victim impact statements can include a sentencing recommendation and it is unclear, based on the Court's prior rulings, that it would decide that such recommendations are per se unconstitutional. In Oklahoma, victims are allowed to give opinions of a recommended sentence. *See* OKLA. STAT. ANN. § 984. In ruling on a due process challenge to victim impact testimony that included a recommendation for the death penalty in a capital case, the Oklahoma Court of Criminal Appeals ruled that such opinion testimony is permissible and articulated the proper standard of review: "evidence by victim impact witnesses that the defendant deserves death is admissible but will be viewed by this Court with a heightened degree of scrutiny." *Conover v. State of Oklahoma*, 933 P.2d 904, 921 (Okla. Crim. App. 1997). Although the court found the particular opinion testimony given in this case to have been more prejudicial than probative, it ruled that "there was nothing improper in the opinions given by the three witnesses in this case that the death penalty was the appropriate sentence . . . . However, this type of evidence should be limited to a simple statement of the recommended sentence without amplification." *Id.* at 921.

Ultimately, it will be up to the courts to decide whether or not the amendment grants victims the right to offer their opinion as to whether the defendant should be sentenced to life or death, but we do believe that it is entirely consistent with the right "reasonably to be heard" to allow victims the right to give a sentencing recommendation. As in other contexts, the courts will have to examine this right in light of a defendant's constitutional rights and define the application of the competing rights or balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

10. Given that earlier versions of S.J. Res. 1 contained explicit language prohibiting a court from staying or continuing a trial once it is underway, language that has been discarded in the current bill, what would prevent an appellate court from doing just that to prevent further potential violations of a victim's participatory rights while an interlocutory appeal was pending?

I do not believe that S.J. Res. 1 could be construed to provide grounds to stay trials, reopen proceedings, or invalidate rulings. Although it remains to be seen how courts will interpret the amendment and make determinations given specific fact patterns, the Department believes that the proposed amendment should not be used as a tool to delay criminal proceedings (such as the use of injunctive relief to delay a proceeding). Remedies for violation of rights specified in the proposed amendment should be separate from the outcome of the case.

11. To what extent are the rights described in the proposed amendment self-executing?

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Please identify any specific rights that (A) would not require implementing legislation, or (B) would be immune from limiting legislation.

(A) Although the Department welcomes any appropriate implementing legislation, we believe that the entire amendment is self-executing, and therefore the rights are enforceable even in the absence of specific legislation. It is the Department's hope that Congress, when considering any implementing legislation, will strive to clearly define those situations where the amendment will apply in order to minimize the difficulties that could arise if federal, state and local prosecutors were unable to determine their proper response in certain situations.

(B) The second sentence in section 4, which reads "Nothing in this article shall affect the President's authority to grant reprieves or pardons," prevents Congress from enacting legislation that would affect the President's power to grant reprieves and pardons . The Department believes that the President's reprieve and pardon power under Article II of the Constitution is plenary and is in no way affected by the proposed amendment.

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Follow-Up Questions for Assistance Attorney General Viet Dinh
Regarding a proposed constitutional amendment to protect crime victims (S.J. Res. 1)

Senator Richard J. Durbin
April 29, 2003

Question 1

Section 1 of S.J. Res. 1 states: "The rights of victims of violent crimes, being capable of protection without denying the constitutional rights of those accused of victimizing them are hereby established and shall not be denied by any State or the United States and may be restricted only as provided in this article."

a.) Do you believe this presumption is true? In other words, would S.J. Res. 1 deny any rights of the accused as guaranteed under the Constitution? If so, which rights and how would they be denied?

I do believe that this presumption is true. The rights granted by the proposed amendment are not intended to operate in conflict with those rights granted to defendants under the Constitution and as enunciated by the Supreme Court, but rather are intended to operate in parallel with those rights. We do not support the proposition that the amendment, as drafted, denies any rights of the accused.

b.) Do you believe S.J. Res 1 diminishes any rights of the accused as guaranteed under the Constitution? If so, which rights and how would they be diminished?

No, we do not believe that S.J. Res. 1 as drafted diminishes any rights of the accused. If a conflict were to arise, it would ultimately be up to the Courts to delineate the boundaries of the rights and to accommodate both to the greatest extent possible.

If not, can you explain why S.J. Res. 1 would not deny or diminish the right to an impartial jury, specifically in cases where the victim is a witness in a case? In such cases, do you believe the victim would be excluded from the proceedings under the exception created by a "substantial interest in public safety or the administration of criminal justice" or do you believe the victim would be allowed to attend the proceedings?

Allowing a victim to be present during a trial, simply because he or she is an intended witness, would not necessarily deny or diminish the right to an impartial jury. Ultimately, based on the facts of the case, it would be up to the court to determine if indeed a defendant's right to an impartial jury would be implicated by granting a victim a right not to be excluded from the proceedings. Indeed, courts make similar determinations in many contexts and are able to harmonize rights that some may argue are in conflict. For example, courts are often called upon to accommodate the right of the press and the public to attend trials and to reconcile these rights

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with the rights of a defendant to a fair trial.

Question 2

In the 105th Congress, when the Senate Judiciary Committee considered another version of this amendment, I offered an amendment that said "Nothing in this article shall be construed to deny or diminish the rights of the accused as guaranteed by this Constitution."

Would you object to the adoption of similar language to S.J. Res. 1? Why or why not?

I believe that the language you suggested would be detrimental to the intended purpose of the amendment. The inclusion of such language would make the amendment similar to a legislative grant of victims' rights, where a court would not need to consider the relationship between the rights of victims and the rights of the accused, but rather would protect the latter to the detriment of the former.

Do you believe this language is consistent with your conclusions in responding to Question 1?

While we do believe that this language is consistent with my conclusion in Question 1, we do not necessarily believe that it would be consistent with the intent of the amendment – to require courts to give consideration to the rights of victims in the criminal justice system. Because its inclusion would make the amendment similar to a legislative grant of rights, courts would not be required to reach the threshold question of whether a victim's right truly conflicts with a right of the defendant.

Question 3

Section 3 states: "Only the victim or the victim's lawful representative may assert the rights established by this article." However, this amendment does not define "victim." I understand your position that Congress will likely be responsible for defining this term. Please provide guidance for Congress in addressing the following hypothetical possibilities:

a.) Someone is murdered. Is the deceased the only victim of the crime? What about the spouse? Significant others? Domestic partner? Parents? Children?

b.) A child is kidnaped and recovered. Is the child the victim? Or the parents?

c.) A battered wife, who has been the victim of domestic violence for a long period of time and finally strikes back and assaults the spouse who has battered her, is brought in on criminal charges of assault and battery, and the abusing spouse becomes a victim, too. Who is the victim with Constitutional rights?

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If the amendment is adopted, the courts presumably will develop a body of jurisprudence that will more precisely define the term "victim," and the corresponding reach of Congressional authority to refine that definition. However, we believe that in the case of a murdered person, it would be appropriate to allow the victim's rights to be exercised by a surviving family member or other appropriate representative, and am confident that courts will agree with this conclusion. In the case of a minor victim, such as in the kidnaping context, it should again be an appropriate representative that will exercise the victim's rights. As for situations involving domestic violence, it may very well be that the accused batterer technically meets any developed definition of a victim. However, the amendment currently contains exception language which reads: "These rights shall not be restricted except when and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity." In domestic violence cases, where the true victim of the abusive relationship may actually be the defendant in a particular case and the abuser may be the victim, a judge may well decide that a substantial interest in public safety, or one of the other grounds for an exception, exists so as to preclude the abusive "victim" from exercising the given rights.

Question 4

S.J. Res. 1 also does not define "the victim's lawful representative" or explain how such a person should be chosen. In the hypothetical situation involving a murder victim, what would happen if both the spouse and the father of the deceased wanted to be the "lawful representative?" Who do you propose should make that determination? A judge? The prosecutor? What if the party who was not selected wants to appeal this decision?

It would be up to the courts to determine, on a case-by-case basis, who the victim's lawful representative should be.

Question 5

In your statement, you wrote, "By focusing on victims of violent crime, however, the proposed amendment recognizes the more detrimental effects that violent crime has on the most vulnerable of victims."

This assumes that violent crime has more detrimental effects on its victims. What about the victim of a misdemeanor assault? Is that person more worthy of Constitutional rights than an elderly widow has been swindled out of her life savings?

I do not believe that it would be correct to state that one type of victim is more or less worthy of Constitutional rights. However, those affected by violent crime often have not only a pecuniary loss as a result of the crime, but also suffer physically and psychologically.

In addition, it is important to note that the proposed amendment respects the role of state and local governments because it does not bar state and local governments from providing additional or broader rights to victims. It provides a floor and not a ceiling of the rights to be

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afforded to victims of crime. Some states have already extended statutory victims' rights to victims of other types of crime and the amendment in no way restricts such rights. Furthermore, the states and the federal government are free to broaden statutory protections for these other types of crime and it is my belief that by passing S.J. Res. 1, more attention will be focused on the plight of all victims, and perhaps other protections will be examined and possibly broadened.

Should the court examine the detrimental effects of each crime before determining whether the victim has Constitutional rights?

When dealing with a constitutional amendment, there are always going to be situations where it will be impossible to determine just what the courts will do when interpreting the boundaries of the amendment. Other amendments to the Constitution have undergone many of years of review and interpretation and we therefore have developed a jurisprudence that better equips us to determine what the most likely, and proper outcome will be. Although recognizing that one-hundred percent certainty is an impossibility, we do believe that the sponsors of this amendment have strived to reduce the situations where uncertainty could exist. By requiring courts to examine the detrimental effect of each crime before determining whether the victim has constitutional rights, we believe that it would invite even more uncertainty which would increase the difficulties that could arise if federal, state, and local prosecutors were unable to predict what their proper response should be in certain circumstances.

Question 6

In your statement, you wrote, "Our major concern with a constitutional amendment protecting the rights of victims is that our prosecutorial and law enforcement responsibilities are not unnecessarily burdened so as to impair our ability to prosecute criminals." In California, relatives of a homicide victim complained to a judge that a plea bargain between the prosecution and the defense was too lenient. They got what they wanted – withdrawal of the plea and prosecution of the man on murder charges. However, at the close of the trial, the defendant was acquitted and went free.

Do you believe that the rights of victims in this case burdened the prosecutor's ability to prosecute the case?

Although we would not feel comfortable stating unequivocally that the victims' rights did or did not burden the prosecutor's ability to prosecute the case without knowing the particular circumstances and having all of the facts before me, we do believe that the facts that you have cited led to an unfortunate result in this particular case. However, we think that even the opponents of the victims' rights amendment concede that overall prosecutorial efforts are more, not less, effective when victims are regularly consulted during the course of a case.

How would the language of S.J. Res. 1 avert a similar outcome in other criminal prosecutions?

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The proposed language of S.J. Res. 1 allows victims the right reasonably to be heard and to decisions that duly consider the victim's safety. However, it does not allow a victim the right to preclude plea bargains. Judges will be called upon to consider the rights of the defendant, the rights of the victim, and the pursuit of justice, and they will make determinations on a case-by-case basis.

Question 7

In your statement, you wrote, "The Department fully supports Section 5's limitation on the ratification period to seven years from the time Congress submits the amendment to the States. The limitation is necessary to ensure that the ratification period does not remain open in perpetuity, possibly outliving the intent and circumstances of its original passage by Congress." I believe we should not amend the Constitution – which has served us well for over 200 years – casually.

If you think the "intent and circumstances" leading us to amend the Constitution may change in as few as seven years, is this not an argument for a statutory and not a constitutional approach to protecting victims?

I do not believe that it is. A number of amendments to the Constitution contain such a clause – the 18th, 20th, 21st, and the 22nd Amendments. The purpose of such a clause is to preclude the type of situation like that encountered with the ratification of the 27th Amendment, which was originally proposed in 1789 but not ratified by the requisite number of state legislatures until 1992. We believe that the experience of the 27th Amendment, which remained in constitutional limbo for over 200 years, has led the Congress to include such a clause in a substantial number of proposed constitutional amendments over the last two decades. For example, amendments proposed in the last few years which have contained such a time limitation include those to ban flag burning and to limit campaign expenditures introduced recently in the 108th Congress; to repeal the 22nd Amendment and to provide for a balanced budget introduced in the 107th Congress; and an amendment to provide for Congressional term limits and your amendment to abolish the electoral college introduced in the 106th Congress.

Question 8

In Ms. Earlene Eason's testimony, she wrote of her frustration that the DA would not ask for a continuance on her behalf so she could attend the sentencing of the person who pled guilty to murdering her son. Do you believe S.J. Res. 1 would allow a victim to seek a continuance? If so, under what circumstances? How would this be reconciled with the Constitutional right to a speedy trial?

I do not believe that the amendment as drafted allows a victim an absolute right to a continuance. The amendment grants a victim the right not to be excluded from a public proceeding and the right reasonably to be heard at a public sentencing hearing. First, the right not to be excluded is not tantamount to a right to be present, i.e., the court does not need to accommodate the victim's right to be there, it simply cannot exclude him or her from the

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proceeding. Second, the right reasonably to be heard does not necessarily have to entail the victim's presence, a victim could be afforded the right to be heard in writing rather than orally. However, courts may well decide, on a case-by-case basis, that a continuance would not adversely affect the proceedings and therefore order a continuance so that the victim's right under the amendment can be fully realized.

There are numerous scenarios where the defendant's right to a speedy trial would in no way be implicated by a continuance issued so as to allow the victim to be present. This would be the case when the continuance sought was a mere matter of days, or even longer. The Supreme Court has stated that the right to a speedy trial does not preclude delays and has identified four factors that should be considered when making determinations in this context: the length of the delay, the reason for the delay, the defendant's assertion of his right, and prejudice to the defendant. *Barker v. Wingo*, 407 U.S. 514 (1972). In addition, the Court stated that "until there is some delay which is presumptively prejudicial, there is no necessity for inquiry into the other factors that go into the balance." *Id.* at 530. Under this analysis, depending on the length of the delay a continuance may cause, it is entirely possible that the defendant's right to a speedy trial will in no way be implicated.

Question 9

In Mr. Duane Lynn's testimony, he expressed his frustration that he could not comment on how his wife's murdered should be sentenced. Do you believe S.J. Res. 1 would allow a victim to make a sentencing recommendation (such as the death penalty instead of life in prison or vice versa) in his or her impact statement?

I do believe that a court could decide that under the proposed amendment a victim has the right to offer his or her opinion as to whether the defendant should be sentenced to life or death. Indeed, it is unclear that current law precludes such victim testimony. In *Payne v. Tennessee,* 501 U.S. 808 (1991), the Supreme Court ruled that the Eighth Amendment does not erect a per se bar to the admission of victim impact evidence in capital cases. In so doing, the Court overruled two of its prior precedents, *Booth v. Maryland*, 482 U.S. 496 (1987), in which the Court ruled that victim impact evidence relating to the personal characteristics of the victim and the emotional impact of the crimes on the victim's family were barred, and *South Carolina v. Gathers*, 490 U.S. 805 (1989), which ruled that a prosecutor could not argue to the jury the human cost of the crime during the sentencing phase of a capital case. However, the Supreme Court has not ruled on whether victim impact statements can include a sentencing recommendation and it is unclear, based on the Court's prior rulings, that it would decide that such recommendations are per se unconstitutional. In Oklahoma, victims are allowed to give opinions of a recommended sentence. *See* OKLA. STAT. ANN. § 984. In ruling on a due process challenge to victim impact testimony that included a recommendation for the death penalty in a capital case, the Oklahoma Court of Criminal Appeals ruled that such opinion testimony is permissible and articulated the proper standard of review: "evidence by victim impact witnesses that the defendant deserves death is admissible but will be viewed by this Court with a heightened degree of scrutiny." *Conover v. State of Oklahoma*, 933 P.2d 904, 921 (Okla. Crim. App. 1997). Although the court found the particular opinion testimony given in this case to have

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been more prejudicial than probative, it ruled that "there was nothing improper in the opinions given by the three witnesses in this case that the death penalty was the appropriate sentence . . . . However, this type of evidence should be limited to a simple statement of the recommended sentence without amplification." *Id.* at 921.

Ultimately, it will be up to the courts to decide whether or not the amendment grants victims the right to offer their opinion as to whether the defendant should be sentenced to life or death, but we do believe that it is entirely consistent with the right "reasonably to be heard" to allow victims the right to give a sentencing recommendation. As in other contexts, the courts will have to examine this right in light of a defendant's constitutional rights and define the application of the competing rights or balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

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Senator Dianne Feinstein

Senate Judiciary Committee Hearing on S.J. Res. 1,
the Victims' Rights Amendment
Written Question for Assistant Attorney General Viet Dinh

1. At the hearing, there was some discussion about what would happen if S. J. Res. 1 was adopted and a victim's constitutional right came into conflict with a criminal defendant's constitutional right. First, I want to clarify that nothing in the amendment would take away defendants' rights. Section 1 of the amendment makes clear that victims' rights are capable of protection without denying defendants' constitutional rights. Second, in many instances, the basic procedural rights conferred by the amendment would have little, if any, impact on defendants' rights. For example, is hard to see how a defendant could plausibly object to providing notice to victims about the date and location of public proceedings involving the crime. Third, the amendment qualifies many of the victims' rights to ensure that courts limit them appropriately. For instance, under the amendment, victims would have no constitutional right to be heard at trial and, at other public proceedings involving the crime, victims would have only a right "reasonably" to be heard. Fourth, the amendment provides three specific exceptions to restrict victims' rights: 1) a substantial interest in public safety; 2) a substantial interest in the administration of criminal justice; and 3) compelling necessity.

I would like to clarify one point about the administration of criminal justice exception. In responses to me and to Senator Durbin at the hearing, you suggested that the administration of criminal justice exception would allow courts faced with a conflict between a defendant's constitutional right and a victim's constitutional right to balance these rights and decide in favor of the person with the more compelling argument.

I agree with that response. However, to avoid any misunderstanding, I want to make clear that defendants' rights could come under any one (or more) of the three exceptions in Section 2 of the amendment, not just the administration of criminal justice exception. Let me offer some examples of how that could happen. If a victim sat in the courtroom and tried to disrupt the proceeding by yelling at the defendant, this would adversely affect the administration of criminal justice. To ensure that the defendant received his

REV_00121528

or her constitutional right to a fair trial, the judge could have the victim removed (and even pursue other actions against the victim, such as holding the victim in contempt). If the same victim threatened bodily harm to the defendant or judge, that would also implicate public safety as well as violate the defendant's constitutional right to a fair trial. The judge could, at a minimum, force the victim to leave under the public safety exception. If the victim was horribly maimed by the crime and insisted on sitting immediately in front of the jury, the judge could determine that compelling necessity dictated that the victim not be allowed to be present during the trial.

Obviously, I do not intend these examples to be exhaustive. However, I do think that they illustrate some of the variety of ways in which the amendment would ensure the protection of defendants' constitutional rights consistent with the existence of victims' constitutional rights. These ways would always depend heavily on the underlying context in which the rights came into conflict and the weight of the defendant's and victim's respective interests. Similar balancing is done in other situations where constitutional rights conflict–for example, where the media's First Amendment right to cover a trial conflicts with a defendant's constitutional right to a fair trial.

a) Do you agree that criminal defendants' rights could come under any one (or more) of the three exceptions in Section 2 of the amendment, not just the administration of criminal justice exception?

Yes.

b) Assuming that you answer yes to question 1(a), do you agree that, if a victim's constitutional right conflicted with a defendant's constitutional right, the judge would then–applying applicable precedent–balance (or otherwise reconcile) these rights and then decide in favor of the person with the more compelling argument?

Yes. We believe that by allowing for restrictions when there is a substantial interest in public safety or the administration of criminal justice, or by compelling necessity, the amendment would allow the courts either to articulate boundaries to define the application of competing rights or to balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed please find responses to follow-up questions for the record of the Committee's hearing on April 8, 2003, on S.J.Res. 1, "[p]roposing an amendment to the Constitution of the United States to protect the rights of crime victims."

We hope that you will find the information helpful and that you will not hesitate to call upon us if we may be of additional assistance in connection with this or any other matter. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

William E. Moschella
Assistant Attorney General

Enclosure

cc: The Honorable Patrick J. Leahy
Ranking Minority Member

The Honorable Richard J. Durbin

The Honorable Dianne Feinstein

From: CN=Irene Kho/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>;Patrick J. Bumatay/WHO /EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>
Sent: 6/11/2003 8:01:11 AM
Subject: : SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A
Attachments: P_7943H003_WHO.TXT_1.wpd; P_7943H003_WHO.TXT_2.wpd

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CREATOR:Irene Kho ( CN=Irene Kho/OU=OMB/O=EOP [ OMB ] )
CREATION DATE/TIME:11-JUN-2003 12:01:11.00
SUBJECT:: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Richard E. Green ( CN=Richard E. Green/OU=OMB/O=EOP@EOP [ OMB ] )
READ:UNKNOWN
CC:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett,
Attached are Justice Qs and As following an April 8th hearing before the
Senate Judiciary Committee on S.J.Res 1. These Qs and As are addressed to
Viet Dinh. Justice would like to have their Qs and As cleared by
tomorrow so they could submit them for tomorrow's markup that is scheduled
before the Senate Judiciary Committee's Constitution, Civil Rights and
Property Rights Subcommittee. These Qs and As are 15 pages long.
I have not circulated them yet for clearance. Could you let me know if
you could review these by tomorrow afternoon or if you would need more
than just a day to review them. Thank you.



- victims06.doc.wpd
- victims06.let.wpd



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File attachment <P_7943H003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7943H003_WHO.TXT_2>
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FOLLOW-UP QUESTIONS FOR
HEARING ON S.J. RES. 1, A PROPOSED CONSTITUTIONAL AMENDMENT TO PROTECT CRIME VICTIMS
APRIL 8, 2003

Questions by Senator Leahy for Viet Dinh

1. James Madison wrote in the Federalist Papers that constitutional amendments should be reserved for "certain great and extraordinary occasions."

(A) Do you agree with this standard?

Yes.

(B) Is there anything in our current Constitution that inhibits the enactment of State or Federal laws that protect crime victims?

Nothing in the Constitution specifically inhibits the enactment of statutes to protect crime victims. However, although there have been legislative efforts to grant victims many of the rights contained in this amendment, in my view legislative guarantees are not always sufficient when viewed in light of an accused person's rights under the U.S. Constitution. Unfortunately, this is often the case even where a victim's statutory rights are capable of protection without infringing upon the defendant's constitutional rights. Furthermore, statutes would not address two critical issues that necessitate a constitutional amendment, i.e., uniform implementation of rights, and establishing standing for victims to assert these rights in court.

(C) Please identify any appellate decisions of which you are aware that were not eventually reversed in which a State of Federal victims' rights law was not given effect because of a defendant's right in the U.S. Constitution.

Two specific examples where State victims' constitutional rights were not given effect because of a defendant's rights under the U.S. Constitution are:

State ex rel. Romley v. Superior Court, 836 P.2d 445, 453, (Ariz. Ct. App. 1992), in which the Arizona Court of Appeals ruled that a victim's State constitutional right must yield to a defendant's Federal and State constitutional right to due process. This case involved a State constitutional right that precludes the trial court from compelling disclosure of the victim's medical records. The defendant argued that the statute violated her due process rights because without the information, she could not mount an adequate defense or conduct adequate cross-examination of witnesses. The Arizona Court of Appeals ruled that the defendant's Federal and State due process right trumped the victim's State constitutional right.

Martinez v. State of Florida, 664 So.2d 1034 (Fla. Dist. Ct. App. 1996), where the defendant was convicted of attempted manslaughter with a firearm and appealed on several grounds, including that the court erred in giving priority to the constitutional right of a victim to

REV_00121532

be present in the courtroom over the defendant's constitutional right to a fair trial by having the witnesses sequestered. Despite the Florida State victims' rights amendment, the court, citing *Gore v. State of Florida*, agreed with the defendant and stated that the victims should not have been permitted in the courtroom during opening statements. However, the court affirmed the defendant's conviction, concluding that the error in this particular case was harmless.

2. If Congress enacted spending power-based legislation to get every state to implement a uniform national standard of victims rights, what would remain to be done that only a constitutional amendment could accomplish?

Although such legislation would do away with one of the main concerns with statutory remedies, the need for uniformity, it would not accomplish the same goals as a constitutional amendment. As stated previously, in my view legislative guarantees are not always sufficient when viewed in light of an accused person's rights under the U.S. Constitution. Unfortunately, this is often the case even where a victim's statutory rights are capable of protection without infringing upon the defendant's rights because courts often will not reach the threshold question of whether the two sets of rights are truly in conflict. This was best illustrated in a study conducted by the National Institute of Justice in 1998 entitled *The Rights of Crime Victims – Does Legal Protection Make a Difference?*, which after surveying more than 1,300 crime victims, concluded that although "[s]trong victims' rights law make a difference, . . . even where there is strong legal protection, victims' needs are not fully met."

3. Section 1 of the proposed amendment states: "The rights of victims of violent crime, being capable of protection without denying the constitutional rights of those accused of victimizing them, are hereby established and shall not be denied." If a judge concludes that there is indeed a conflict between a victim's rights and the constitutional rights of the accused, would section 1 require the judge to discard that legal conclusion and uphold the right of the accused?

As Assistant Attorney General Dinh stated during the hearing, it would be very difficult for me to speculate how this amendment will be interpreted and how judges will decide cases in particular instances. However, we do believe that the amendment allows sufficient flexibility to afford a judge the ability to protect the interests and rights of criminal defendants. For example, by allowing for restrictions when there is a substantial interest in public safety or the administration of criminal justice, or by compelling necessity, the amendment would allow the courts either to articulate boundaries defining the application of competing rights or to balance the competing rights in a particular case.

4. Four of the current amendments to the Constitution – the 14th, 15th, 24th, and 26th – recognize a distinction between the complete "denial" or rights and the "abridgement" of them. Similarly, section 1 of the proposed amendment refers to rights being both "denied" and "restricted." Does the assurance that the constitutional rights of the accused will not be "denied" mean that a judge is free to "restrict" those rights in ways that the Constitution might not otherwise allow if

REV_00121533

doing so will make it easier to accommodate the rights of victims?

As stated in response to Question 3, we believe that the amendment allows sufficient flexibility to afford a judge in a particular case the ability to protect the interests and rights of a criminal defendant. In cases where there is a tension between the rights of victims and the rights of defendants, courts will rule in favor of the party with the more compelling legal argument.

5. **I think we would both agree that in a mass-victim case, the court should not be required to allow each of the potentially thousands of victims to speak at a bail or sentencing hearing – meaning that there are some cases when it might be entirely reasonable to deny some victims the right to be heard. But given that the rights conferred by proposed amendment belong to each individual victim, and that the text of the amendment allows a victim's participatory rights to be "restricted" in limited circumstances but never "denied," how would it be possible for courts to allow the kind of flexibility we need without completely ignoring the obvious difference between a "restriction" and a "denial?"**

It is my understanding that the amendment as drafted does not grant a victim the absolute right to speak at a bail or sentencing hearing. The amendment instead grants victims the right "reasonably to be heard" at specified public proceedings. The "reasonably to be heard" guarantee can be accomplished by allowing a victim to communicate his or her views to the court either orally or in writing. Such a decision would be at the court's discretion. In addition, we disagree that the language of the amendment does not allow for exceptions to the right "reasonably to be heard." Indeed, the text of the amendment itself explicitly allows for such exceptions. In other contexts, it has been left up to the courts to determine the boundaries of certain rights, for example when the press' First Amendment rights are pitted against a defendant's right to a fair trial. However, the last clause of section 2, which reads "These rights shall not be restricted except when and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity," clearly allows for exceptions by employing a two-tiered approach – the lower standard of substantial interest is used when the matter concerns public safety or the administration of criminal justice, while a higher standard of compelling necessity is used for other possible justifications.

6. **Under section 2 of the proposed amendment, a crime victim has "the right to reasonable and timely notice of any public proceeding involving the crime." Please explain how this provision would apply in multi-victim cases. For example, suppose that one victim of a multi-victim offense files a civil tort action against the offender for damages resulting from the criminal conduct. That action would be "a public proceeding involving the crime," even though the prosecutor may have no knowledge of it. Who would have the constitutional obligation to provide "reasonable and timely notice" to the other victims?**

I do not believe that the amendment as written grants victims the right to be informed of civil actions and therefore there is no attendant constitutional obligation to provide reasonable and timely notice in such cases.

REV_00121534

7. **Section 3 of the proposed amendment states that "[o]nly the victim or the victim's lawful representative may assert the rights established by this article." If a defendant raises an objection to having an indigent victim speak at a proceeding, who would handle the litigation on behalf of the victim? I assume the prosecutor would gladly do so for a victim who could not afford to hire counsel, but under section 3, would that be permissible? Would the prosecutor have the right or the duty to make what she believed to be a better argument on behalf of a represented victim?**

Although presumably Congress and/or state legislatures could enact legislation that establishes a framework by which indigent victims can receive representation, we do not think that section 3 precludes a prosecutor from asserting the rights of victims. The relevant clause in section 3 to which we believe you refer reads "Only the victim or the victim's lawful representative may assert the rights established by this article...." This clause confers standing to assert the rights, something that mere legislation has been unable to do. However, although it is the victim or his or her representative who has standing, presumably any attorney could go before the court on his or her behalf.

8. **Section 3 of the proposed amendment forbids granting a new trial as a remedy for the violation of a victim's rights, but does not forbid re-opening the sentencing proceeding. (A) If a prosecutor fails to notify a victim of the sentencing hearing, can the victim obtain a new sentencing hearing after sentence has been imposed? (B) If the victim persuades the judge at such a hearing to impose a longer prison term or order greater restitution, would that constitute a denial of the accused's Fifth Amendment right to be protected against Double Jeopardy?**

I do not believe that S.J. Res. 1 provides grounds for invalidating a sentence nor would it allow a new sentencing hearing. The Department supports the need to protect the finality of judgments and believes that judgments should not be disturbed by the passage of this amendment. Remedies for violation of rights specified in the proposed amendment should be separate from the outcome of the case or any proceeding thereof.

9. **At the sentencing phase of a capital case, there are normally two parties – the government and the defendant – that call witnesses in an effort to provide as factual matters aggravating and mitigating factors that support either a death sentence or a lesser punishment. As a matter of due process, none of those witnesses is allowed to make an argument as to what the sentence should be; such arguments are reserved for counsel at the end of the phase. Would the proposed amendment give qualifying victims the right to offer their opinion as to whether the defendant should be sentenced to life or death?**

Although we are not entirely sure that due process necessarily disallows witnesses from arguing in favor of a proper sentence, we do believe that a court could decide that under the proposed amendment a victim has the right to offer his or her opinion as to whether the

REV_00121535

defendant should be sentenced to life or death. In *Payne v. Tennessee,* 501 U.S. 808 (1991), the Supreme Court ruled that the Eighth Amendment does not erect a per se bar to the admission of victim impact evidence in capital cases. In so doing, the Court overruled two of its prior precedents, *Booth v. Maryland*, 482 U.S. 496 (1987), in which the Court ruled that victim impact evidence relating to the personal characteristics of the victim and the emotional impact of the crimes on the victim's family were barred, and *South Carolina v. Gathers*, 490 U.S. 805 (1989), which ruled that a prosecutor could not argue to the jury the human cost of the crime during the sentencing phase of a capital case. However, the Supreme Court has not ruled on whether victim impact statements can include a sentencing recommendation and it is unclear, based on the Court's prior rulings, that it would decide that such recommendations are per se unconstitutional. In Oklahoma, victims are allowed to give opinions of a recommended sentence. *See* OKLA. STAT. ANN. § 984. In ruling on a due process challenge to victim impact testimony that included a recommendation for the death penalty in a capital case, the Oklahoma Court of Criminal Appeals ruled that such opinion testimony is permissible and articulated the proper standard of review: "evidence by victim impact witnesses that the defendant deserves death is admissible but will be viewed by this Court with a heightened degree of scrutiny." *Conover v. State of Oklahoma*, 933 P.2d 904, 921 (Okla. Crim. App. 1997). Although the court found the particular opinion testimony given in this case to have been more prejudicial than probative, it ruled that "there was nothing improper in the opinions given by the three witnesses in this case that the death penalty was the appropriate sentence . . . . However, this type of evidence should be limited to a simple statement of the recommended sentence without amplification." *Id.* at 921.

Ultimately, it will be up to the courts to decide whether or not the amendment grants victims the right to offer their opinion as to whether the defendant should be sentenced to life or death, but we do believe that it is entirely consistent with the right "reasonably to be heard" to allow victims the right to give a sentencing recommendation. As in other contexts, the courts will have to examine this right in light of a defendant's constitutional rights and define the application of the competing rights or balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

10. Given that earlier versions of S.J. Res. 1 contained explicit language prohibiting a court from staying or continuing a trial once it is underway, language that has been discarded in the current bill, what would prevent an appellate court from doing just that to prevent further potential violations of a victim's participatory rights while an interlocutory appeal was pending?

I do not believe that S.J. Res. 1 could be construed to provide grounds to stay trials, reopen proceedings, or invalidate rulings. Although it remains to be seen how courts will interpret the amendment and make determinations given specific fact patterns, the Department believes that the proposed amendment should not be used as a tool to delay criminal proceedings (such as the use of injunctive relief to delay a proceeding). Remedies for violation of rights specified in the proposed amendment should be separate from the outcome of the case.

11. To what extent are the rights described in the proposed amendment self-executing?

REV_00121536

Please identify any specific rights that (A) would not require implementing legislation, or (B) would be immune from limiting legislation.

(A) Although the Department welcomes any appropriate implementing legislation, we believe that the entire amendment is self-executing, and therefore the rights are enforceable even in the absence of specific legislation. It is the Department's hope that Congress, when considering any implementing legislation, will strive to clearly define those situations where the amendment will apply in order to minimize the difficulties that could arise if federal, state and local prosecutors were unable to determine their proper response in certain situations.

(B) The second sentence in section 4, which reads "Nothing in this article shall affect the President's authority to grant reprieves or pardons," prevents Congress from enacting legislation that would affect the President's power to grant reprieves and pardons . The Department believes that the President's reprieve and pardon power under Article II of the Constitution is plenary and is in no way affected by the proposed amendment.

REV_00121537

Follow-Up Questions for Assistance Attorney General Viet Dinh
Regarding a proposed constitutional amendment to protect crime victims (S.J. Res. 1)

Senator Richard J. Durbin
April 29, 2003

Question 1

Section 1 of S.J. Res. 1 states: "The rights of victims of violent crimes, being capable of protection without denying the constitutional rights of those accused of victimizing them are hereby established and shall not be denied by any State or the United States and may be restricted only as provided in this article."

a.) Do you believe this presumption is true? In other words, would S.J. Res. 1 deny any rights of the accused as guaranteed under the Constitution? If so, which rights and how would they be denied?

I do believe that this presumption is true. The rights granted by the proposed amendment are not intended to operate in conflict with those rights granted to defendants under the Constitution and as enunciated by the Supreme Court, but rather are intended to operate in parallel with those rights. We do not support the proposition that the amendment, as drafted, denies any rights of the accused.

b.) Do you believe S.J. Res 1 diminishes any rights of the accused as guaranteed under the Constitution? If so, which rights and how would they be diminished?

No, we do not believe that S.J. Res. 1 as drafted diminishes any rights of the accused. If a conflict were to arise, it would ultimately be up to the Courts to delineate the boundaries of the rights and to accommodate both to the greatest extent possible.

If not, can you explain why S.J. Res. 1 would not deny or diminish the right to an impartial jury, specifically in cases where the victim is a witness in a case? In such cases, do you believe the victim would be excluded from the proceedings under the exception created by a "substantial interest in public safety or the administration of criminal justice" or do you believe the victim would be allowed to attend the proceedings?

Allowing a victim to be present during a trial, simply because he or she is an intended witness, would not necessarily deny or diminish the right to an impartial jury. Ultimately, based on the facts of the case, it would be up to the court to determine if indeed a defendant's right to an impartial jury would be implicated by granting a victim a right not to be excluded from the proceedings. Indeed, courts make similar determinations in many contexts and are able to harmonize rights that some may argue are in conflict. For example, courts are often called upon to accommodate the right of the press and the public to attend trials and to reconcile these rights

REV_00121538

with the rights of a defendant to a fair trial.

Question 2

In the 105th Congress, when the Senate Judiciary Committee considered another version of this amendment, I offered an amendment that said "Nothing in this article shall be construed to deny or diminish the rights of the accused as guaranteed by this Constitution."

Would you object to the adoption of similar language to S.J. Res. 1? Why or why not?

I believe that the language you suggested would be detrimental to the intended purpose of the amendment. The inclusion of such language would make the amendment similar to a legislative grant of victims' rights, where a court would not need to consider the relationship between the rights of victims and the rights of the accused, but rather would protect the latter to the detriment of the former.

Do you believe this language is consistent with your conclusions in responding to Question 1?

While we do believe that this language is consistent with my conclusion in Question 1, we do not necessarily believe that it would be consistent with the intent of the amendment – to require courts to give consideration to the rights of victims in the criminal justice system. Because its inclusion would make the amendment similar to a legislative grant of rights, courts would not be required to reach the threshold question of whether a victim's right truly conflicts with a right of the defendant.

Question 3

Section 3 states: "Only the victim or the victim's lawful representative may assert the rights established by this article." However, this amendment does not define "victim." I understand your position that Congress will likely be responsible for defining this term. Please provide guidance for Congress in addressing the following hypothetical possibilities:

a.) Someone is murdered. Is the deceased the only victim of the crime? What about the spouse? Significant others? Domestic partner? Parents? Children?

b.) A child is kidnaped and recovered. Is the child the victim? Or the parents?

c.) A battered wife, who has been the victim of domestic violence for a long period of time and finally strikes back and assaults the spouse who has battered her, is brought in on criminal charges of assault and battery, and the abusing spouse becomes a victim, too. Who is the victim with Constitutional rights?

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If the amendment is adopted, the courts presumably will develop a body of jurisprudence that will more precisely define the term "victim," and the corresponding reach of Congressional authority to refine that definition. However, we believe that in the case of a murdered person, it would be appropriate to allow the victim's rights to be exercised by a surviving family member or other appropriate representative, and am confident that courts will agree with this conclusion. In the case of a minor victim, such as in the kidnaping context, it should again be an appropriate representative that will exercise the victim's rights. As for situations involving domestic violence, it may very well be that the accused batterer technically meets any developed definition of a victim. However, the amendment currently contains exception language which reads: "These rights shall not be restricted except when and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity." In domestic violence cases, where the true victim of the abusive relationship may actually be the defendant in a particular case and the abuser may be the victim, a judge may well decide that a substantial interest in public safety, or one of the other grounds for an exception, exists so as to preclude the abusive "victim" from exercising the given rights.

Question 4

S.J. Res. 1 also does not define "the victim's lawful representative" or explain how such a person should be chosen. In the hypothetical situation involving a murder victim, what would happen if both the spouse and the father of the deceased wanted to be the "lawful representative?" Who do you propose should make that determination? A judge? The prosecutor? What if the party who was not selected wants to appeal this decision?

It would be up to the courts to determine, on a case-by-case basis, who the victim's lawful representative should be.

Question 5

In your statement, you wrote, "By focusing on victims of violent crime, however, the proposed amendment recognizes the more detrimental effects that violent crime has on the most vulnerable of victims."

This assumes that violent crime has more detrimental effects on its victims. What about the victim of a misdemeanor assault? Is that person more worthy of Constitutional rights than an elderly widow has been swindled out of her life savings?

I do not believe that it would be correct to state that one type of victim is more or less worthy of Constitutional rights. However, those affected by violent crime often have not only a pecuniary loss as a result of the crime, but also suffer physically and psychologically.

In addition, it is important to note that the proposed amendment respects the role of state and local governments because it does not bar state and local governments from providing additional or broader rights to victims. It provides a floor and not a ceiling of the rights to be

REV_00121540

afforded to victims of crime. Some states have already extended statutory victims' rights to victims of other types of crime and the amendment in no way restricts such rights. Furthermore, the states and the federal government are free to broaden statutory protections for these other types of crime and it is my belief that by passing S.J. Res. 1, more attention will be focused on the plight of all victims, and perhaps other protections will be examined and possibly broadened.

Should the court examine the detrimental effects of each crime before determining whether the victim has Constitutional rights?

When dealing with a constitutional amendment, there are always going to be situations where it will be impossible to determine just what the courts will do when interpreting the boundaries of the amendment. Other amendments to the Constitution have undergone many of years of review and interpretation and we therefore have developed a jurisprudence that better equips us to determine what the most likely, and proper outcome will be. Although recognizing that one-hundred percent certainty is an impossibility, we do believe that the sponsors of this amendment have strived to reduce the situations where uncertainty could exist. By requiring courts to examine the detrimental effect of each crime before determining whether the victim has constitutional rights, we believe that it would invite even more uncertainty which would increase the difficulties that could arise if federal, state, and local prosecutors were unable to predict what their proper response should be in certain circumstances.

Question 6

In your statement, you wrote, "Our major concern with a constitutional amendment protecting the rights of victims is that our prosecutorial and law enforcement responsibilities are not unnecessarily burdened so as to impair our ability to prosecute criminals." In California, relatives of a homicide victim complained to a judge that a plea bargain between the prosecution and the defense was too lenient. They got what they wanted – withdrawal of the plea and prosecution of the man on murder charges. However, at the close of the trial, the defendant was acquitted and went free.

Do you believe that the rights of victims in this case burdened the prosecutor's ability to prosecute the case?

Although we would not feel comfortable stating unequivocally that the victims' rights did or did not burden the prosecutor's ability to prosecute the case without knowing the particular circumstances and having all of the facts before me, we do believe that the facts that you have cited led to an unfortunate result in this particular case. However, we think that even the opponents of the victims' rights amendment concede that overall prosecutorial efforts are more, not less, effective when victims are regularly consulted during the course of a case.

How would the language of S.J. Res. 1 avert a similar outcome in other criminal prosecutions?

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The proposed language of S.J. Res. 1 allows victims the right reasonably to be heard and to decisions that duly consider the victim's safety. However, it does not allow a victim the right to preclude plea bargains. Judges will be called upon to consider the rights of the defendant, the rights of the victim, and the pursuit of justice, and they will make determinations on a case-by-case basis.

Question 7

In your statement, you wrote, "The Department fully supports Section 5's limitation on the ratification period to seven years from the time Congress submits the amendment to the States. The limitation is necessary to ensure that the ratification period does not remain open in perpetuity, possibly outliving the intent and circumstances of its original passage by Congress." I believe we should not amend the Constitution – which has served us well for over 200 years – casually.

If you think the "intent and circumstances" leading us to amend the Constitution may change in as few as seven years, is this not an argument for a statutory and not a constitutional approach to protecting victims?

I do not believe that it is. A number of amendments to the Constitution contain such a clause – the 18th, 20th, 21st, and the 22nd Amendments. The purpose of such a clause is to preclude the type of situation like that encountered with the ratification of the 27th Amendment, which was originally proposed in 1789 but not ratified by the requisite number of state legislatures until 1992. We believe that the experience of the 27th Amendment, which remained in constitutional limbo for over 200 years, has led the Congress to include such a clause in a substantial number of proposed constitutional amendments over the last two decades. For example, amendments proposed in the last few years which have contained such a time limitation include those to ban flag burning and to limit campaign expenditures introduced recently in the 108th Congress; to repeal the 22nd Amendment and to provide for a balanced budget introduced in the 107th Congress; and an amendment to provide for Congressional term limits and your amendment to abolish the electoral college introduced in the 106th Congress.

Question 8

In Ms. Earlene Eason's testimony, she wrote of her frustration that the DA would not ask for a continuance on her behalf so she could attend the sentencing of the person who pled guilty to murdering her son. Do you believe S.J. Res. 1 would allow a victim to seek a continuance? If so, under what circumstances? How would this be reconciled with the Constitutional right to a speedy trial?

I do not believe that the amendment as drafted allows a victim an absolute right to a continuance. The amendment grants a victim the right not to be excluded from a public proceeding and the right reasonably to be heard at a public sentencing hearing. First, the right not to be excluded is not tantamount to a right to be present, i.e., the court does not need to accommodate the victim's right to be there, it simply cannot exclude him or her from the

REV_00121542

proceeding. Second, the right reasonably to be heard does not necessarily have to entail the victim's presence, a victim could be afforded the right to be heard in writing rather than orally. However, courts may well decide, on a case-by-case basis, that a continuance would not adversely affect the proceedings and therefore order a continuance so that the victim's right under the amendment can be fully realized.

There are numerous scenarios where the defendant's right to a speedy trial would in no way be implicated by a continuance issued so as to allow the victim to be present. This would be the case when the continuance sought was a mere matter of days, or even longer. The Supreme Court has stated that the right to a speedy trial does not preclude delays and has identified four factors that should be considered when making determinations in this context: the length of the delay, the reason for the delay, the defendant's assertion of his right, and prejudice to the defendant. *Barker v. Wingo*, 407 U.S. 514 (1972). In addition, the Court stated that "until there is some delay which is presumptively prejudicial, there is no necessity for inquiry into the other factors that go into the balance." *Id.* at 530. Under this analysis, depending on the length of the delay a continuance may cause, it is entirely possible that the defendant's right to a speedy trial will in no way be implicated.

Question 9

In Mr. Duane Lynn's testimony, he expressed his frustration that he could not comment on how his wife's murdered should be sentenced. Do you believe S.J. Res. 1 would allow a victim to make a sentencing recommendation (such as the death penalty instead of life in prison or vice versa) in his or her impact statement?

I do believe that a court could decide that under the proposed amendment a victim has the right to offer his or her opinion as to whether the defendant should be sentenced to life or death. Indeed, it is unclear that current law precludes such victim testimony. In *Payne v. Tennessee,* 501 U.S. 808 (1991), the Supreme Court ruled that the Eighth Amendment does not erect a per se bar to the admission of victim impact evidence in capital cases. In so doing, the Court overruled two of its prior precedents, *Booth v. Maryland*, 482 U.S. 496 (1987), in which the Court ruled that victim impact evidence relating to the personal characteristics of the victim and the emotional impact of the crimes on the victim's family were barred, and *South Carolina v. Gathers*, 490 U.S. 805 (1989), which ruled that a prosecutor could not argue to the jury the human cost of the crime during the sentencing phase of a capital case. However, the Supreme Court has not ruled on whether victim impact statements can include a sentencing recommendation and it is unclear, based on the Court's prior rulings, that it would decide that such recommendations are per se unconstitutional. In Oklahoma, victims are allowed to give opinions of a recommended sentence. *See* OKLA. STAT. ANN. § 984. In ruling on a due process challenge to victim impact testimony that included a recommendation for the death penalty in a capital case, the Oklahoma Court of Criminal Appeals ruled that such opinion testimony is permissible and articulated the proper standard of review: "evidence by victim impact witnesses that the defendant deserves death is admissible but will be viewed by this Court with a heightened degree of scrutiny." *Conover v. State of Oklahoma*, 933 P.2d 904, 921 (Okla. Crim. App. 1997). Although the court found the particular opinion testimony given in this case to have

REV_00121543

been more prejudicial than probative, it ruled that "there was nothing improper in the opinions given by the three witnesses in this case that the death penalty was the appropriate sentence . . . . However, this type of evidence should be limited to a simple statement of the recommended sentence without amplification." *Id.* at 921.

Ultimately, it will be up to the courts to decide whether or not the amendment grants victims the right to offer their opinion as to whether the defendant should be sentenced to life or death, but we do believe that it is entirely consistent with the right "reasonably to be heard" to allow victims the right to give a sentencing recommendation. As in other contexts, the courts will have to examine this right in light of a defendant's constitutional rights and define the application of the competing rights or balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

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Senator Dianne Feinstein

Senate Judiciary Committee Hearing on S.J. Res. 1,
the Victims' Rights Amendment
Written Question for Assistant Attorney General Viet Dinh

1. At the hearing, there was some discussion about what would happen if S. J. Res. 1 was adopted and a victim's constitutional right came into conflict with a criminal defendant's constitutional right. First, I want to clarify that nothing in the amendment would take away defendants' rights. Section 1 of the amendment makes clear that victims' rights are capable of protection without denying defendants' constitutional rights. Second, in many instances, the basic procedural rights conferred by the amendment would have little, if any, impact on defendants' rights. For example, is hard to see how a defendant could plausibly object to providing notice to victims about the date and location of public proceedings involving the crime. Third, the amendment qualifies many of the victims' rights to ensure that courts limit them appropriately. For instance, under the amendment, victims would have no constitutional right to be heard at trial and, at other public proceedings involving the crime, victims would have only a right "reasonably" to be heard. Fourth, the amendment provides three specific exceptions to restrict victims' rights: 1) a substantial interest in public safety; 2) a substantial interest in the administration of criminal justice; and 3) compelling necessity.

I would like to clarify one point about the administration of criminal justice exception. In responses to me and to Senator Durbin at the hearing, you suggested that the administration of criminal justice exception would allow courts faced with a conflict between a defendant's constitutional right and a victim's constitutional right to balance these rights and decide in favor of the person with the more compelling argument.

I agree with that response. However, to avoid any misunderstanding, I want to make clear that defendants' rights could come under any one (or more) of the three exceptions in Section 2 of the amendment, not just the administration of criminal justice exception. Let me offer some examples of how that could happen. If a victim sat in the courtroom and tried to disrupt the proceeding by yelling at the defendant, this would adversely affect the administration of criminal justice. To ensure that the defendant received his

REV_00121545

or her constitutional right to a fair trial, the judge could have the victim removed (and even pursue other actions against the victim, such as holding the victim in contempt). If the same victim threatened bodily harm to the defendant or judge, that would also implicate public safety as well as violate the defendant's constitutional right to a fair trial. The judge could, at a minimum, force the victim to leave under the public safety exception. If the victim was horribly maimed by the crime and insisted on sitting immediately in front of the jury, the judge could determine that compelling necessity dictated that the victim not be allowed to be present during the trial.

Obviously, I do not intend these examples to be exhaustive. However, I do think that they illustrate some of the variety of ways in which the amendment would ensure the protection of defendants' constitutional rights consistent with the existence of victims' constitutional rights. These ways would always depend heavily on the underlying context in which the rights came into conflict and the weight of the defendant's and victim's respective interests. Similar balancing is done in other situations where constitutional rights conflict–for example, where the media's First Amendment right to cover a trial conflicts with a defendant's constitutional right to a fair trial.

a) Do you agree that criminal defendants' rights could come under any one (or more) of the three exceptions in Section 2 of the amendment, not just the administration of criminal justice exception?

Yes.

b) Assuming that you answer yes to question 1(a), do you agree that, if a victim's constitutional right conflicted with a defendant's constitutional right, the judge would then–applying applicable precedent–balance (or otherwise reconcile) these rights and then decide in favor of the person with the more compelling argument?

Yes. We believe that by allowing for restrictions when there is a substantial interest in public safety or the administration of criminal justice, or by compelling necessity, the amendment would allow the courts either to articulate boundaries to define the application of competing rights or to balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

REV_00121546

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed please find responses to follow-up questions for the record of the Committee's hearing on April 8, 2003, on S.J.Res. 1, "[p]roposing an amendment to the Constitution of the United States to protect the rights of crime victims."

We hope that you will find the information helpful and that you will not hesitate to call upon us if we may be of additional assistance in connection with this or any other matter. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

William E. Moschella
Assistant Attorney General

Enclosure

cc: The Honorable Patrick J. Leahy
Ranking Minority Member

The Honorable Richard J. Durbin

The Honorable Dianne Feinstein

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
Sent: 6/11/2003 1:04:07 PM
Subject: RE: Invitations

absolutely

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 11, 2003 9:20 AM
To: Ralston, Susan B.; Hernandez, Israel
Subject: Invitations

Can you all make sure I see and approve invites for all BC 04 events at which the President, Vice President, Mrs. Bush, Mrs. Cheney, or an Administration official is appearing? Thanks. Also, in particular, do you have invites for Michigan and Ohio events?

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/11/2003 1:27:04 PM
Subject: FW: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A
Attachments: victims06.doc.wpd; victims06.let.wpd

Irene just needs to know how long it will take you to clear this 15 page document. Should I just tell her 2 days?

-----Original Message-----

From: Kho, Irene

Sent: Wednesday, June 11, 2003 11:44 AM

To: Kavanaugh, Brett M.

Cc: Bumatay, Patrick J.; Green, Richard E.

Subject: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A

Brett,
Attached are Justice Qs and As following an April 8th hearing before the Senate Judiciary Committee on S.J.Res 1. These Qs and As are addressed to Viet Dinh. Justice would like to have their Qs and As cleared by tomorrow so they could submit them for tomorrow's markup that is scheduled before the Senate Judiciary Committee's Constitution, Civil Rights and Property Rights Subcommittee. These Qs and As are 15 pages long.

I have not circulated them yet for clearance. Could you let me know if you could review these by tomorrow afternoon or if you would need more than just a day to review them. Thank you.

 - victims06.doc.wpd <>
 - victims06.let.wpd <>

FOLLOW-UP QUESTIONS FOR
HEARING ON S.J. RES. 1, A PROPOSED CONSTITUTIONAL AMENDMENT TO PROTECT CRIME VICTIMS
APRIL 8, 2003

Questions by Senator Leahy for Viet Dinh

1. James Madison wrote in the Federalist Papers that constitutional amendments should be reserved for "certain great and extraordinary occasions."

(A) Do you agree with this standard?

Yes.

(B) Is there anything in our current Constitution that inhibits the enactment of State or Federal laws that protect crime victims?

Nothing in the Constitution specifically inhibits the enactment of statutes to protect crime victims. However, although there have been legislative efforts to grant victims many of the rights contained in this amendment, in my view legislative guarantees are not always sufficient when viewed in light of an accused person's rights under the U.S. Constitution. Unfortunately, this is often the case even where a victim's statutory rights are capable of protection without infringing upon the defendant's constitutional rights. Furthermore, statutes would not address two critical issues that necessitate a constitutional amendment, i.e., uniform implementation of rights, and establishing standing for victims to assert these rights in court.

(C) Please identify any appellate decisions of which you are aware that were not eventually reversed in which a State of Federal victims' rights law was not given effect because of a defendant's right in the U.S. Constitution.

Two specific examples where State victims' constitutional rights were not given effect because of a defendant's rights under the U.S. Constitution are:

State ex rel. Romley v. Superior Court, 836 P.2d 445, 453, (Ariz. Ct. App. 1992), in which the Arizona Court of Appeals ruled that a victim's State constitutional right must yield to a defendant's Federal and State constitutional right to due process. This case involved a State constitutional right that precludes the trial court from compelling disclosure of the victim's medical records. The defendant argued that the statute violated her due process rights because without the information, she could not mount an adequate defense or conduct adequate cross-examination of witnesses. The Arizona Court of Appeals ruled that the defendant's Federal and State due process right trumped the victim's State constitutional right.

Martinez v. State of Florida, 664 So.2d 1034 (Fla. Dist. Ct. App. 1996), where the defendant was convicted of attempted manslaughter with a firearm and appealed on several grounds, including that the court erred in giving priority to the constitutional right of a victim to

REV_00121560

be present in the courtroom over the defendant's constitutional right to a fair trial by having the witnesses sequestered. Despite the Florida State victims' rights amendment, the court, citing *Gore v. State of Florida*, agreed with the defendant and stated that the victims should not have been permitted in the courtroom during opening statements. However, the court affirmed the defendant's conviction, concluding that the error in this particular case was harmless.

2. If Congress enacted spending power-based legislation to get every state to implement a uniform national standard of victims rights, what would remain to be done that only a constitutional amendment could accomplish?

Although such legislation would do away with one of the main concerns with statutory remedies, the need for uniformity, it would not accomplish the same goals as a constitutional amendment. As stated previously, in my view legislative guarantees are not always sufficient when viewed in light of an accused person's rights under the U.S. Constitution. Unfortunately, this is often the case even where a victim's statutory rights are capable of protection without infringing upon the defendant's rights because courts often will not reach the threshold question of whether the two sets of rights are truly in conflict. This was best illustrated in a study conducted by the National Institute of Justice in 1998 entitled *The Rights of Crime Victims – Does Legal Protection Make a Difference?*, which after surveying more than 1,300 crime victims, concluded that although "[s]trong victims' rights law make a difference, . . . even where there is strong legal protection, victims' needs are not fully met."

3. Section 1 of the proposed amendment states: "The rights of victims of violent crime, being capable of protection without denying the constitutional rights of those accused of victimizing them, are hereby established and shall not be denied." If a judge concludes that there is indeed a conflict between a victim's rights and the constitutional rights of the accused, would section 1 require the judge to discard that legal conclusion and uphold the right of the accused?

As Assistant Attorney General Dinh stated during the hearing, it would be very difficult for me to speculate how this amendment will be interpreted and how judges will decide cases in particular instances. However, we do believe that the amendment allows sufficient flexibility to afford a judge the ability to protect the interests and rights of criminal defendants. For example, by allowing for restrictions when there is a substantial interest in public safety or the administration of criminal justice, or by compelling necessity, the amendment would allow the courts either to articulate boundaries defining the application of competing rights or to balance the competing rights in a particular case.

4. Four of the current amendments to the Constitution – the 14th, 15th, 24th, and 26th – recognize a distinction between the complete "denial" or rights and the "abridgement" of them. Similarly, section 1 of the proposed amendment refers to rights being both "denied" and "restricted." Does the assurance that the constitutional rights of the accused will not be "denied" mean that a judge is free to "restrict" those rights in ways that the Constitution might not otherwise allow if

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doing so will make it easier to accommodate the rights of victims?

As stated in response to Question 3, we believe that the amendment allows sufficient flexibility to afford a judge in a particular case the ability to protect the interests and rights of a criminal defendant. In cases where there is a tension between the rights of victims and the rights of defendants, courts will rule in favor of the party with the more compelling legal argument.

5. **I think we would both agree that in a mass-victim case, the court should not be required to allow each of the potentially thousands of victims to speak at a bail or sentencing hearing – meaning that there are some cases when it might be entirely reasonable to deny some victims the right to be heard. But given that the rights conferred by proposed amendment belong to each individual victim, and that the text of the amendment allows a victim's participatory rights to be "restricted" in limited circumstances but never "denied," how would it be possible for courts to allow the kind of flexibility we need without completely ignoring the obvious difference between a "restriction" and a "denial?"**

It is my understanding that the amendment as drafted does not grant a victim the absolute right to speak at a bail or sentencing hearing. The amendment instead grants victims the right "reasonably to be heard" at specified public proceedings. The "reasonably to be heard" guarantee can be accomplished by allowing a victim to communicate his or her views to the court either orally or in writing. Such a decision would be at the court's discretion. In addition, we disagree that the language of the amendment does not allow for exceptions to the right "reasonably to be heard." Indeed, the text of the amendment itself explicitly allows for such exceptions. In other contexts, it has been left up to the courts to determine the boundaries of certain rights, for example when the press' First Amendment rights are pitted against a defendant's right to a fair trial. However, the last clause of section 2, which reads "These rights shall not be restricted except when and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity," clearly allows for exceptions by employing a two-tiered approach – the lower standard of substantial interest is used when the matter concerns public safety or the administration of criminal justice, while a higher standard of compelling necessity is used for other possible justifications.

6. **Under section 2 of the proposed amendment, a crime victim has "the right to reasonable and timely notice of any public proceeding involving the crime." Please explain how this provision would apply in multi-victim cases. For example, suppose that one victim of a multi-victim offense files a civil tort action against the offender for damages resulting from the criminal conduct. That action would be "a public proceeding involving the crime," even though the prosecutor may have no knowledge of it. Who would have the constitutional obligation to provide "reasonable and timely notice" to the other victims?**

I do not believe that the amendment as written grants victims the right to be informed of civil actions and therefore there is no attendant constitutional obligation to provide reasonable and timely notice in such cases.

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7. **Section 3 of the proposed amendment states that "[o]nly the victim or the victim's lawful representative may assert the rights established by this article." If a defendant raises an objection to having an indigent victim speak at a proceeding, who would handle the litigation on behalf of the victim? I assume the prosecutor would gladly do so for a victim who could not afford to hire counsel, but under section 3, would that be permissible? Would the prosecutor have the right or the duty to make what she believed to be a better argument on behalf of a represented victim?**

Although presumably Congress and/or state legislatures could enact legislation that establishes a framework by which indigent victims can receive representation, we do not think that section 3 precludes a prosecutor from asserting the rights of victims. The relevant clause in section 3 to which we believe you refer reads "Only the victim or the victim's lawful representative may assert the rights established by this article...." This clause confers standing to assert the rights, something that mere legislation has been unable to do. However, although it is the victim or his or her representative who has standing, presumably any attorney could go before the court on his or her behalf.

8. **Section 3 of the proposed amendment forbids granting a new trial as a remedy for the violation of a victim's rights, but does not forbid re-opening the sentencing proceeding. (A) If a prosecutor fails to notify a victim of the sentencing hearing, can the victim obtain a new sentencing hearing after sentence has been imposed? (B) If the victim persuades the judge at such a hearing to impose a longer prison term or order greater restitution, would that constitute a denial of the accused's Fifth Amendment right to be protected against Double Jeopardy?**

I do not believe that S.J. Res. 1 provides grounds for invalidating a sentence nor would it allow a new sentencing hearing. The Department supports the need to protect the finality of judgments and believes that judgments should not be disturbed by the passage of this amendment. Remedies for violation of rights specified in the proposed amendment should be separate from the outcome of the case or any proceeding thereof.

9. **At the sentencing phase of a capital case, there are normally two parties – the government and the defendant – that call witnesses in an effort to provide as factual matters aggravating and mitigating factors that support either a death sentence or a lesser punishment. As a matter of due process, none of those witnesses is allowed to make an argument as to what the sentence should be; such arguments are reserved for counsel at the end of the phase. Would the proposed amendment give qualifying victims the right to offer their opinion as to whether the defendant should be sentenced to life or death?**

Although we are not entirely sure that due process necessarily disallows witnesses from arguing in favor of a proper sentence, we do believe that a court could decide that under the proposed amendment a victim has the right to offer his or her opinion as to whether the

REV_00121563

defendant should be sentenced to life or death. In *Payne v. Tennessee,* 501 U.S. 808 (1991), the Supreme Court ruled that the Eighth Amendment does not erect a per se bar to the admission of victim impact evidence in capital cases. In so doing, the Court overruled two of its prior precedents, *Booth v. Maryland*, 482 U.S. 496 (1987), in which the Court ruled that victim impact evidence relating to the personal characteristics of the victim and the emotional impact of the crimes on the victim's family were barred, and *South Carolina v. Gathers*, 490 U.S. 805 (1989), which ruled that a prosecutor could not argue to the jury the human cost of the crime during the sentencing phase of a capital case. However, the Supreme Court has not ruled on whether victim impact statements can include a sentencing recommendation and it is unclear, based on the Court's prior rulings, that it would decide that such recommendations are per se unconstitutional. In Oklahoma, victims are allowed to give opinions of a recommended sentence. *See* OKLA. STAT. ANN. § 984. In ruling on a due process challenge to victim impact testimony that included a recommendation for the death penalty in a capital case, the Oklahoma Court of Criminal Appeals ruled that such opinion testimony is permissible and articulated the proper standard of review: "evidence by victim impact witnesses that the defendant deserves death is admissible but will be viewed by this Court with a heightened degree of scrutiny." *Conover v. State of Oklahoma*, 933 P.2d 904, 921 (Okla. Crim. App. 1997). Although the court found the particular opinion testimony given in this case to have been more prejudicial than probative, it ruled that "there was nothing improper in the opinions given by the three witnesses in this case that the death penalty was the appropriate sentence . . . . However, this type of evidence should be limited to a simple statement of the recommended sentence without amplification." *Id.* at 921.

Ultimately, it will be up to the courts to decide whether or not the amendment grants victims the right to offer their opinion as to whether the defendant should be sentenced to life or death, but we do believe that it is entirely consistent with the right "reasonably to be heard" to allow victims the right to give a sentencing recommendation. As in other contexts, the courts will have to examine this right in light of a defendant's constitutional rights and define the application of the competing rights or balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

10. Given that earlier versions of S.J. Res. 1 contained explicit language prohibiting a court from staying or continuing a trial once it is underway, language that has been discarded in the current bill, what would prevent an appellate court from doing just that to prevent further potential violations of a victim's participatory rights while an interlocutory appeal was pending?

I do not believe that S.J. Res. 1 could be construed to provide grounds to stay trials, reopen proceedings, or invalidate rulings. Although it remains to be seen how courts will interpret the amendment and make determinations given specific fact patterns, the Department believes that the proposed amendment should not be used as a tool to delay criminal proceedings (such as the use of injunctive relief to delay a proceeding). Remedies for violation of rights specified in the proposed amendment should be separate from the outcome of the case.

11. To what extent are the rights described in the proposed amendment self-executing?

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Please identify any specific rights that (A) would not require implementing legislation, or (B) would be immune from limiting legislation.

(A) Although the Department welcomes any appropriate implementing legislation, we believe that the entire amendment is self-executing, and therefore the rights are enforceable even in the absence of specific legislation. It is the Department's hope that Congress, when considering any implementing legislation, will strive to clearly define those situations where the amendment will apply in order to minimize the difficulties that could arise if federal, state and local prosecutors were unable to determine their proper response in certain situations.

(B) The second sentence in section 4, which reads "Nothing in this article shall affect the President's authority to grant reprieves or pardons," prevents Congress from enacting legislation that would affect the President's power to grant reprieves and pardons . The Department believes that the President's reprieve and pardon power under Article II of the Constitution is plenary and is in no way affected by the proposed amendment.

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Follow-Up Questions for Assistance Attorney General Viet Dinh
Regarding a proposed constitutional amendment to protect crime victims (S.J. Res. 1)

Senator Richard J. Durbin
April 29, 2003

Question 1

Section 1 of S.J. Res. 1 states: "The rights of victims of violent crimes, being capable of protection without denying the constitutional rights of those accused of victimizing them are hereby established and shall not be denied by any State or the United States and may be restricted only as provided in this article."

a.) Do you believe this presumption is true? In other words, would S.J. Res. 1 deny any rights of the accused as guaranteed under the Constitution? If so, which rights and how would they be denied?

I do believe that this presumption is true. The rights granted by the proposed amendment are not intended to operate in conflict with those rights granted to defendants under the Constitution and as enunciated by the Supreme Court, but rather are intended to operate in parallel with those rights. We do not support the proposition that the amendment, as drafted, denies any rights of the accused.

b.) Do you believe S.J. Res 1 diminishes any rights of the accused as guaranteed under the Constitution? If so, which rights and how would they be diminished?

No, we do not believe that S.J. Res. 1 as drafted diminishes any rights of the accused. If a conflict were to arise, it would ultimately be up to the Courts to delineate the boundaries of the rights and to accommodate both to the greatest extent possible.

If not, can you explain why S.J. Res. 1 would not deny or diminish the right to an impartial jury, specifically in cases where the victim is a witness in a case? In such cases, do you believe the victim would be excluded from the proceedings under the exception created by a "substantial interest in public safety or the administration of criminal justice" or do you believe the victim would be allowed to attend the proceedings?

Allowing a victim to be present during a trial, simply because he or she is an intended witness, would not necessarily deny or diminish the right to an impartial jury. Ultimately, based on the facts of the case, it would be up to the court to determine if indeed a defendant's right to an impartial jury would be implicated by granting a victim a right not to be excluded from the proceedings. Indeed, courts make similar determinations in many contexts and are able to harmonize rights that some may argue are in conflict. For example, courts are often called upon to accommodate the right of the press and the public to attend trials and to reconcile these rights

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with the rights of a defendant to a fair trial.

Question 2

In the 105th Congress, when the Senate Judiciary Committee considered another version of this amendment, I offered an amendment that said "Nothing in this article shall be construed to deny or diminish the rights of the accused as guaranteed by this Constitution."

Would you object to the adoption of similar language to S.J. Res. 1? Why or why not?

I believe that the language you suggested would be detrimental to the intended purpose of the amendment. The inclusion of such language would make the amendment similar to a legislative grant of victims' rights, where a court would not need to consider the relationship between the rights of victims and the rights of the accused, but rather would protect the latter to the detriment of the former.

Do you believe this language is consistent with your conclusions in responding to Question 1?

While we do believe that this language is consistent with my conclusion in Question 1, we do not necessarily believe that it would be consistent with the intent of the amendment – to require courts to give consideration to the rights of victims in the criminal justice system. Because its inclusion would make the amendment similar to a legislative grant of rights, courts would not be required to reach the threshold question of whether a victim's right truly conflicts with a right of the defendant.

Question 3

Section 3 states: "Only the victim or the victim's lawful representative may assert the rights established by this article." However, this amendment does not define "victim." I understand your position that Congress will likely be responsible for defining this term. Please provide guidance for Congress in addressing the following hypothetical possibilities:

a.) Someone is murdered. Is the deceased the only victim of the crime? What about the spouse? Significant others? Domestic partner? Parents? Children?

b.) A child is kidnaped and recovered. Is the child the victim? Or the parents?

c.) A battered wife, who has been the victim of domestic violence for a long period of time and finally strikes back and assaults the spouse who has battered her, is brought in on criminal charges of assault and battery, and the abusing spouse becomes a victim, too. Who is the victim with Constitutional rights?

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If the amendment is adopted, the courts presumably will develop a body of jurisprudence that will more precisely define the term "victim," and the corresponding reach of Congressional authority to refine that definition. However, we believe that in the case of a murdered person, it would be appropriate to allow the victim's rights to be exercised by a surviving family member or other appropriate representative, and am confident that courts will agree with this conclusion. In the case of a minor victim, such as in the kidnaping context, it should again be an appropriate representative that will exercise the victim's rights. As for situations involving domestic violence, it may very well be that the accused batterer technically meets any developed definition of a victim. However, the amendment currently contains exception language which reads: "These rights shall not be restricted except when and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity." In domestic violence cases, where the true victim of the abusive relationship may actually be the defendant in a particular case and the abuser may be the victim, a judge may well decide that a substantial interest in public safety, or one of the other grounds for an exception, exists so as to preclude the abusive "victim" from exercising the given rights.

Question 4

S.J. Res. 1 also does not define "the victim's lawful representative" or explain how such a person should be chosen. In the hypothetical situation involving a murder victim, what would happen if both the spouse and the father of the deceased wanted to be the "lawful representative?" Who do you propose should make that determination? A judge? The prosecutor? What if the party who was not selected wants to appeal this decision?

It would be up to the courts to determine, on a case-by-case basis, who the victim's lawful representative should be.

Question 5

In your statement, you wrote, "By focusing on victims of violent crime, however, the proposed amendment recognizes the more detrimental effects that violent crime has on the most vulnerable of victims."

This assumes that violent crime has more detrimental effects on its victims. What about the victim of a misdemeanor assault? Is that person more worthy of Constitutional rights than an elderly widow has been swindled out of her life savings?

I do not believe that it would be correct to state that one type of victim is more or less worthy of Constitutional rights. However, those affected by violent crime often have not only a pecuniary loss as a result of the crime, but also suffer physically and psychologically.

In addition, it is important to note that the proposed amendment respects the role of state and local governments because it does not bar state and local governments from providing additional or broader rights to victims. It provides a floor and not a ceiling of the rights to be

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afforded to victims of crime. Some states have already extended statutory victims' rights to victims of other types of crime and the amendment in no way restricts such rights. Furthermore, the states and the federal government are free to broaden statutory protections for these other types of crime and it is my belief that by passing S.J. Res. 1, more attention will be focused on the plight of all victims, and perhaps other protections will be examined and possibly broadened.

Should the court examine the detrimental effects of each crime before determining whether the victim has Constitutional rights?

When dealing with a constitutional amendment, there are always going to be situations where it will be impossible to determine just what the courts will do when interpreting the boundaries of the amendment. Other amendments to the Constitution have undergone many of years of review and interpretation and we therefore have developed a jurisprudence that better equips us to determine what the most likely, and proper outcome will be. Although recognizing that one-hundred percent certainty is an impossibility, we do believe that the sponsors of this amendment have strived to reduce the situations where uncertainty could exist. By requiring courts to examine the detrimental effect of each crime before determining whether the victim has constitutional rights, we believe that it would invite even more uncertainty which would increase the difficulties that could arise if federal, state, and local prosecutors were unable to predict what their proper response should be in certain circumstances.

Question 6

In your statement, you wrote, "Our major concern with a constitutional amendment protecting the rights of victims is that our prosecutorial and law enforcement responsibilities are not unnecessarily burdened so as to impair our ability to prosecute criminals." In California, relatives of a homicide victim complained to a judge that a plea bargain between the prosecution and the defense was too lenient. They got what they wanted – withdrawal of the plea and prosecution of the man on murder charges. However, at the close of the trial, the defendant was acquitted and went free.

Do you believe that the rights of victims in this case burdened the prosecutor's ability to prosecute the case?

Although we would not feel comfortable stating unequivocally that the victims' rights did or did not burden the prosecutor's ability to prosecute the case without knowing the particular circumstances and having all of the facts before me, we do believe that the facts that you have cited led to an unfortunate result in this particular case. However, we think that even the opponents of the victims' rights amendment concede that overall prosecutorial efforts are more, not less, effective when victims are regularly consulted during the course of a case.

How would the language of S.J. Res. 1 avert a similar outcome in other criminal prosecutions?

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The proposed language of S.J. Res. 1 allows victims the right reasonably to be heard and to decisions that duly consider the victim's safety. However, it does not allow a victim the right to preclude plea bargains. Judges will be called upon to consider the rights of the defendant, the rights of the victim, and the pursuit of justice, and they will make determinations on a case-by-case basis.

Question 7

In your statement, you wrote, "The Department fully supports Section 5's limitation on the ratification period to seven years from the time Congress submits the amendment to the States. The limitation is necessary to ensure that the ratification period does not remain open in perpetuity, possibly outliving the intent and circumstances of its original passage by Congress." I believe we should not amend the Constitution – which has served us well for over 200 years – casually.

If you think the "intent and circumstances" leading us to amend the Constitution may change in as few as seven years, is this not an argument for a statutory and not a constitutional approach to protecting victims?

I do not believe that it is. A number of amendments to the Constitution contain such a clause – the 18th, 20th, 21st, and the 22nd Amendments. The purpose of such a clause is to preclude the type of situation like that encountered with the ratification of the 27th Amendment, which was originally proposed in 1789 but not ratified by the requisite number of state legislatures until 1992. We believe that the experience of the 27th Amendment, which remained in constitutional limbo for over 200 years, has led the Congress to include such a clause in a substantial number of proposed constitutional amendments over the last two decades. For example, amendments proposed in the last few years which have contained such a time limitation include those to ban flag burning and to limit campaign expenditures introduced recently in the 108th Congress; to repeal the 22nd Amendment and to provide for a balanced budget introduced in the 107th Congress; and an amendment to provide for Congressional term limits and your amendment to abolish the electoral college introduced in the 106th Congress.

Question 8

In Ms. Earlene Eason's testimony, she wrote of her frustration that the DA would not ask for a continuance on her behalf so she could attend the sentencing of the person who pled guilty to murdering her son. Do you believe S.J. Res. 1 would allow a victim to seek a continuance? If so, under what circumstances? How would this be reconciled with the Constitutional right to a speedy trial?

I do not believe that the amendment as drafted allows a victim an absolute right to a continuance. The amendment grants a victim the right not to be excluded from a public proceeding and the right reasonably to be heard at a public sentencing hearing. First, the right not to be excluded is not tantamount to a right to be present, i.e., the court does not need to accommodate the victim's right to be there, it simply cannot exclude him or her from the

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proceeding. Second, the right reasonably to be heard does not necessarily have to entail the victim's presence, a victim could be afforded the right to be heard in writing rather than orally. However, courts may well decide, on a case-by-case basis, that a continuance would not adversely affect the proceedings and therefore order a continuance so that the victim's right under the amendment can be fully realized.

There are numerous scenarios where the defendant's right to a speedy trial would in no way be implicated by a continuance issued so as to allow the victim to be present. This would be the case when the continuance sought was a mere matter of days, or even longer. The Supreme Court has stated that the right to a speedy trial does not preclude delays and has identified four factors that should be considered when making determinations in this context: the length of the delay, the reason for the delay, the defendant's assertion of his right, and prejudice to the defendant. *Barker v. Wingo*, 407 U.S. 514 (1972). In addition, the Court stated that "until there is some delay which is presumptively prejudicial, there is no necessity for inquiry into the other factors that go into the balance." *Id.* at 530. Under this analysis, depending on the length of the delay a continuance may cause, it is entirely possible that the defendant's right to a speedy trial will in no way be implicated.

Question 9

In Mr. Duane Lynn's testimony, he expressed his frustration that he could not comment on how his wife's murdered should be sentenced. Do you believe S.J. Res. 1 would allow a victim to make a sentencing recommendation (such as the death penalty instead of life in prison or vice versa) in his or her impact statement?

I do believe that a court could decide that under the proposed amendment a victim has the right to offer his or her opinion as to whether the defendant should be sentenced to life or death. Indeed, it is unclear that current law precludes such victim testimony. In *Payne v. Tennessee,* 501 U.S. 808 (1991), the Supreme Court ruled that the Eighth Amendment does not erect a per se bar to the admission of victim impact evidence in capital cases. In so doing, the Court overruled two of its prior precedents, *Booth v. Maryland*, 482 U.S. 496 (1987), in which the Court ruled that victim impact evidence relating to the personal characteristics of the victim and the emotional impact of the crimes on the victim's family were barred, and *South Carolina v. Gathers*, 490 U.S. 805 (1989), which ruled that a prosecutor could not argue to the jury the human cost of the crime during the sentencing phase of a capital case. However, the Supreme Court has not ruled on whether victim impact statements can include a sentencing recommendation and it is unclear, based on the Court's prior rulings, that it would decide that such recommendations are per se unconstitutional. In Oklahoma, victims are allowed to give opinions of a recommended sentence. *See* OKLA. STAT. ANN. § 984. In ruling on a due process challenge to victim impact testimony that included a recommendation for the death penalty in a capital case, the Oklahoma Court of Criminal Appeals ruled that such opinion testimony is permissible and articulated the proper standard of review: "evidence by victim impact witnesses that the defendant deserves death is admissible but will be viewed by this Court with a heightened degree of scrutiny." *Conover v. State of Oklahoma*, 933 P.2d 904, 921 (Okla. Crim. App. 1997). Although the court found the particular opinion testimony given in this case to have

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been more prejudicial than probative, it ruled that "there was nothing improper in the opinions given by the three witnesses in this case that the death penalty was the appropriate sentence . . . . However, this type of evidence should be limited to a simple statement of the recommended sentence without amplification." *Id.* at 921.

Ultimately, it will be up to the courts to decide whether or not the amendment grants victims the right to offer their opinion as to whether the defendant should be sentenced to life or death, but we do believe that it is entirely consistent with the right "reasonably to be heard" to allow victims the right to give a sentencing recommendation. As in other contexts, the courts will have to examine this right in light of a defendant's constitutional rights and define the application of the competing rights or balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

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Senator Dianne Feinstein

Senate Judiciary Committee Hearing on S.J. Res. 1,
the Victims' Rights Amendment
Written Question for Assistant Attorney General Viet Dinh

1. At the hearing, there was some discussion about what would happen if S. J. Res. 1 was adopted and a victim's constitutional right came into conflict with a criminal defendant's constitutional right. First, I want to clarify that nothing in the amendment would take away defendants' rights. Section 1 of the amendment makes clear that victims' rights are capable of protection without denying defendants' constitutional rights. Second, in many instances, the basic procedural rights conferred by the amendment would have little, if any, impact on defendants' rights. For example, is hard to see how a defendant could plausibly object to providing notice to victims about the date and location of public proceedings involving the crime. Third, the amendment qualifies many of the victims' rights to ensure that courts limit them appropriately. For instance, under the amendment, victims would have no constitutional right to be heard at trial and, at other public proceedings involving the crime, victims would have only a right "reasonably" to be heard. Fourth, the amendment provides three specific exceptions to restrict victims' rights: 1) a substantial interest in public safety; 2) a substantial interest in the administration of criminal justice; and 3) compelling necessity.

I would like to clarify one point about the administration of criminal justice exception. In responses to me and to Senator Durbin at the hearing, you suggested that the administration of criminal justice exception would allow courts faced with a conflict between a defendant's constitutional right and a victim's constitutional right to balance these rights and decide in favor of the person with the more compelling argument.

I agree with that response. However, to avoid any misunderstanding, I want to make clear that defendants' rights could come under any one (or more) of the three exceptions in Section 2 of the amendment, not just the administration of criminal justice exception. Let me offer some examples of how that could happen. If a victim sat in the courtroom and tried to disrupt the proceeding by yelling at the defendant, this would adversely affect the administration of criminal justice. To ensure that the defendant received his

REV_00121573

or her constitutional right to a fair trial, the judge could have the victim removed (and even pursue other actions against the victim, such as holding the victim in contempt). If the same victim threatened bodily harm to the defendant or judge, that would also implicate public safety as well as violate the defendant's constitutional right to a fair trial. The judge could, at a minimum, force the victim to leave under the public safety exception. If the victim was horribly maimed by the crime and insisted on sitting immediately in front of the jury, the judge could determine that compelling necessity dictated that the victim not be allowed to be present during the trial.

Obviously, I do not intend these examples to be exhaustive. However, I do think that they illustrate some of the variety of ways in which the amendment would ensure the protection of defendants' constitutional rights consistent with the existence of victims' constitutional rights. These ways would always depend heavily on the underlying context in which the rights came into conflict and the weight of the defendant's and victim's respective interests. Similar balancing is done in other situations where constitutional rights conflict–for example, where the media's First Amendment right to cover a trial conflicts with a defendant's constitutional right to a fair trial.

a) Do you agree that criminal defendants' rights could come under any one (or more) of the three exceptions in Section 2 of the amendment, not just the administration of criminal justice exception?

Yes.

b) Assuming that you answer yes to question 1(a), do you agree that, if a victim's constitutional right conflicted with a defendant's constitutional right, the judge would then–applying applicable precedent–balance (or otherwise reconcile) these rights and then decide in favor of the person with the more compelling argument?

Yes. We believe that by allowing for restrictions when there is a substantial interest in public safety or the administration of criminal justice, or by compelling necessity, the amendment would allow the courts either to articulate boundaries to define the application of competing rights or to balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

REV_00121574

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed please find responses to follow-up questions for the record of the Committee's hearing on April 8, 2003, on S.J.Res. 1, "[p]roposing an amendment to the Constitution of the United States to protect the rights of crime victims."

We hope that you will find the information helpful and that you will not hesitate to call upon us if we may be of additional assistance in connection with this or any other matter. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

William E. Moschella
Assistant Attorney General

Enclosure

cc: The Honorable Patrick J. Leahy
Ranking Minority Member

The Honorable Richard J. Durbin

The Honorable Dianne Feinstein

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>;<Kavanaugh, Brett M.>
Sent: 6/11/2003 1:30:31 PM
Subject: Re: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A

Tonight

.

----- Original Message -----

From:Patrick J. Bumatay/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 06/11/2003 01:27:04 PM

Subject: FW: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A

Irene just needs to know how long it will take you to clear this 15 page document. Should I just tell her 2 days?

-----Original Message-----

From: Kho, Irene

Sent: Wednesday, June 11, 2003 11:44 AM

To: Kavanaugh, Brett M.

Cc: Bumatay, Patrick J.; Green, Richard E.

Subject: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A

Brett,

Attached are Justice Qs and As following an April 8th hearing before the Senate Judiciary Committee on S.J.Res 1. These Qs and As are addressed to Viet Dinh. Justice would like to have their Qs and As cleared by tomorrow so they could submit them for tomorrow's markup that is scheduled before the Senate Judiciary Committee's Constitution, Civil Rights and Property Rights Subcommittee. These Qs and As are 15 pages long.

I have not circulated them yet for clearance. Could you let me know if you could review these by tomorrow afternoon or if you would need more than just a day to review them. Thank you.

- victims06.doc.wpd

- victims06.let.wpd

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
Sent: 6/11/2003 1:56:29 PM
Subject: KR's travel tomorrow

I have a rush political TA for Karl Rove. Sorry for the delay but I just got the info this morning. Do you want me to send it to Ben or to you?

Rough outline:

Dates of Travel - Thurs, 6/12 - Sat, 6/14
All BC'04 events to be paid for by the campaign

Commercial travel cost on United to and from California - $2409.
Charter plane cost from San Francisco to Los Angeles to San Diego to Santa Monica - $3,010.
Charter helicopter cost from Santa Monica to Westlake - $1,400.
Total cost: $6,819

Let me know where to send asap. Thanks.

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>;<Kavanaugh, Brett M.>
Sent: 6/11/2003 2:22:07 PM
Subject: Re: KR's travel tomorrow

Send to me. This is approved.

.

----- Original Message -----

From:Susan B. Ralston/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 06/11/2003 01:56:29 PM

Subject: KR's travel tomorrow

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Total cost: $6,819

Let me know where to send asap. Thanks.

From: Susan Ralston <sralston@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;'Karl Rove' <kr@rove.com>;'Adrian Gray' <agray@georgewbush.com>;'Ken Mehlman' <kmehlman@georgewbush.com>
Sent: 6/11/2003 10:48:31 AM
Subject: : Cabinet
Attachments: P_KFE3H003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Susan Ralston <sralston@georgewbush.com> (Susan Ralston <sralston@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:11-JUN-2003 14:48:31.00
SUBJECT:: Cabinet
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:'Karl Rove' <kr@rove.com> ('Karl Rove' <kr@rove.com> [UNKNOWN])
READ:UNKNOWN
TO:'Adrian Gray' <agray@georgewbush.com> ('Adrian Gray' <agray@georgewbush.com> [UNKNOWN])
READ:UNKNOWN
TO:'Ken Mehlman' <kmehlman@georgewbush.com> ('Ken Mehlman' <kmehlman@georgewbush.com> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

KR said OK

-----Original Message-----
From: Ken Mehlman [mailto:kmehlman@georgewbush.com]
Sent: Wednesday, June 11, 2003 1:32 PM
To: Karl Rove; Susan Ralston; Adrian Gray; Brett_M._Kavanaugh@who.eop.gov
Subject: FW:

What say you? I think a better approach is for Adrian Gray to call the relevant political people (who they do travel with already) and low key invite them. Invites would be to the cabinet members who do political travel. Mercer agrees with this approach. Brett: OK? Karl: OK?

-----Original Message-----
From: Jack Oliver
Sent: Wednesday, June 11, 2003 11:31 AM
To: Ken Mehlman
Subject:

Mercer would like to call the cabinet secretaries to ask them to attend the 17th in dc? process

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_KFE3H003_WHO.TXT_1>

KR said OK

-----Original Message-----
From: Ken Mehlman [mailto:kmehlman@georgewbush.com]
Sent: Wednesday, June 11, 2003 1:32 PM
To: Karl Rove; Susan Ralston; Adrian Gray; Brett_M._Kavanaugh@who.eop.gov
Subject: FW:

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From: Jack Oliver
Sent: Wednesday, June 11, 2003 11:31 AM
To: Ken Mehlman
Subject:

Mercer would like to call the cabinet secretaries to ask them to attend the 17th in dc? proc ess

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 6/11/2003 2:53:56 PM
Subject: Where is sen kyls office

.

From:	MacEcevic, Lisa J.
To:	<Kavanaugh, Brett M.>;<Warsh, Kevin>;<Schacht, Diana L.>;<Kupfer, Jeffrey F.>;<Bloomquist, Lauren E.>;<Boden, James>;<Schwartz, Kenneth L.>;<Green, Richard E.>;<Jukes, James J.>;<Benton, Melissa N.>
Sent:	6/11/2003 3:44:45 PM
Subject:	FYI - CongressDaily: AFL-CIO letter opposing S. 1125 (asbestos)

Labor Circulates Letter Opposing Hatch's Asbestos Bill

Hope for bipartisan support of a proposed asbestos compensation bill took a heavy hit today as the AFL-CIO circulated to senators a strongly worded letter of opposition to the measure. The legislation, sponsored by **Senate Judiciary Chairman Hatch**, calls for the establishment of a $108 billion trust fund -- financed by insurers and defendant companies -- to pay for claims submitted to a special new court by persons suffering from certain asbestos diseases. In its strong plea to senators not to sign on to the Hatch bill, the AFL-CIO leveled a sharp attack against the legislation, charging that it "fails to provide fair, timely and certain compensation to victims -- while relieving manufacturers, employers and insurers of all liability." Bill Samuel, labor's legislative director, in the letter said the Hatch bill also set such restrictive eligibility standards that thousands of stricken victims could not quality for compensation. Moreover, Samuel maintained the bill's trust fund would not provide sufficient money to cover anticipated claims.

Hatch earlier today called labor's letter "all tactics" aimed at softening support for his bill. But Hatch left the door open for further talks with labor and other affected parties to hash out a compromise acceptable to each side. "If we don't sit down and get this down," Hatch said, "it's going to be over -- a dead bill. They know it and I know it. So I think we're going to get something done." Judiciary ranking member **Patrick Leahy**, D-Vt., also expressed hope that an accord could be reached. "We can get a bill," Leahy said. "But we're going to have to negotiate these serious points of contention. You can't just put a bill out there and say, 'take it or leave it.' It can't be a one-sided bill. We've got to get the two sides together and work out our differences." -- *by David Hess*

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Ullyot, Theodore W.>
Sent: 6/11/2003 4:08:23 PM
Subject:

Word on the street is that Chiongoli is going to be the new Ullyot, i.e., GC of AOL TW Europe.

From: Taylor, Sara M.
To: <Nelson, Carolyn>;<Kavanaugh, Brett M.>;<Sampson, Kyle>;<Ullyot, Theodore W.>;<Bumatay, Patrick J.>;<Hester, Bradley E.>;<Jucas, Tracy>;<Jenkins, Gregory J.>;<Gannon, Kelley>; <Atkiss, Steven A.>;<Beyer, Todd W.>;<Steen, Gretchen P.>;<Linder, Stephanie E.>;<Galen, Reed H.>;<Heath, Michael>;<Riepenhoff, Allison L.>;<Montgomery, Brian D.>;<Koch, Matthew>; <Tulbah, Ali H.>;<Troy, Tevi>;<Ritacco, Krista L.>;<Sforza, Scott N.>;<Healy, Erin E.>;<Young, Tracy>;<Purcell, Kristopher N.>;<Campbell, Anne E.>;<McConnell, John P.>;<Neusner, Noam M.>;<Vargo, Erin A.>;<Jones, Alison>;<Stanzel, Scott>;<Walsh, Edmund A.>;<Lisaius, Kenneth A.>;<Mamo, Jeanie S.>;<Viana, Mercedes M.>;<Gross, Taylor S.>;<Orr, Christopher J.>;<Eskew, Tucker A.>;<Nipper, Wendy L.>;<Grubb, Darren D.>;<Foley, Jennifer>;<Estes, Ashley>;<Gottesman, Blake>;<Bennett, Melissa S.>;<Kaplan, Joel>;<Litkenhaus, Colleen>; <Mallea, Jose>
Sent: 6/11/2003 6:34:33 PM
Subject:

Dear Friends:

I will be moving to the President's re-election campaign and I wanted to drop you a quick note to thank for your friendship and the wonderful experience working with each of you has been.

As you know, there will be a lot of changes in the Political Affairs Office. As of next Monday, I will no longer be checking this email address or my WH phone. For questions related to Michigan, Wisconsin and Minnesota, please contact Darren Bearson at 6-5275 or Darren_Bearson@who.eop.gov. He is the new Associate Director for that part of the country.

For the other states I've worked in (Montana, North Dakota, Iowa, Nebraska, and South Dakota), please contact Matt Schlapp until he announces a new regional director. Thanks again and I look forward to crossing paths with you again in the future!

Sara Taylor

My contact info at Bush-Cheney 2004 will be:

703-647-2770 (office)

staylor@georgewbush.com

From: Powell, Benjamin A.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Ullyot, Theodore W.>;<Newstead, Jennifer G.>;<Sampson, Kyle>;<Bartolomucci, H. Christopher>;<Kavanaugh, Brett M.>;<Brown, Reginald J.>;<Brosnahan, Jennifer R.>
CC: <Montiel, Charlotte L.>;<Bumatay, Patrick J.>;<Nelson, Carolyn>;<Snee, Ashley>;<Mamo, Jeanie S.>
Sent: 6/11/2003 6:49:52 PM
Subject: Editorial Cartoon on Pryor and Filibuster
Attachments: 061103_stantis.jpg

<<061103_stantis.jpg>>


HOP ON IN, BILL AND DON'T WORRY, WE GOT TEDDY DRIVING...
DEMS
PRIOR

From:	CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To:	Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO /EOP@Exchange@EOP [WHO] <David G. Leitch>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
CC:	Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Patrick J. Bumatay/WHO /EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>;Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>;Carolyn Nelson/WHO/EOP@Exchange@EOP [WHO] <Carolyn Nelson>;Charlotte L. Montiel/WHO/EOP@Exchange@EOP [WHO] <Charlotte L. Montiel>
Sent:	6/11/2003 2:53:30 PM
Subject:	: Editorial Cartoon on Pryor and Filibuster
Attachments:	P_N3S3H003_WHO.TXT_1.jpeg

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SUBJECT:: Editorial Cartoon on Pryor and Filibuster
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
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File attachment <P_N3S3H003_WHO.TXT_1>
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HOP ON IN, BILL AND DON'T WORRY, WE GOT TEDDY DRIVING...
DEMS
PRIOR

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/11/2003 3:38:05 PM
Subject: : White House Global Messenger 6/12/03
Attachments: P_MAT3H003_WHO.TXT_1.doc

Begin Original ARMS Header
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CREATION DATE/TIME:11-JUN-2003 19:38:05.00
SUBJECT:: White House Global Messenger 6/12/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
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(See attached file: GM 6-12 FINAL.doc)

THE GLOBAL MESSENGER
Thursday, June 12, 2003

******KEY POINTS: MIDDLE EAST******
From the President's remarks in Chicago, 6/11/03

President Bush condemned Wednesday's bus bombing in Jerusalem. The militant Islamic group Hamas claimed responsibility for the attack, which killed at least
16 people and injured more than 30.

-It is clear there are people in the Middle East who hate peace; who want to
kill to make sure peace doesn't happen.

-It is clear that there are people who kill to make sure the desires of the Prime Minister of the Palestinian Authority and others of a peaceful state, living side-by-side with Israel, do not happen.

-President Bush urges nations that want to see peace in the Middle East to fight
terror, cut off money from organizations like Hamas and to isolate those who are
willing to kill to stop peace from happening.

-President Bush is calling upon all of the free world and peace-loving nations
to not only condemn the killings, but to use their power to prevent them in the
future.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change.
12:30 pm State Department briefing
12:40 pm President Bush delivers remarks to seniors on strengthening Medicare,
New Britain, Ct

******TALES OF BRUTALITY IN SADDAM'S IRAQ******
"Now, 12 years later, Mr. Shaati cannot remember if the women and children

beside him screamed as the bullets hit, or whether the men in the hole moaned as
they died. He only recalls a moment of hollow silence when the soldiers stopped
shooting. Then came the throaty rumble of a backhoe and the thud of wet earth
dropping on bodies. He survived but saw hundreds of other innocents buried in
another of Saddam Hussein's anonymous mass graves."
--The New York Times, 6/2/03

To learn more about the Iraqi regime's brutality, please visit:
http://www.whitehouse.gov/news/releases/2003/06/iraq/20030603-7.html

******REBUILDING AFGHANISTAN******
From remarks on 6/9/03 by Grant Aldonas, U.S. Department of Commerce Under Secretary for International Trade, in Chicago

-The people of Afghanistan, subjected by despots to more than two decades of
war, tyranny, repression, malice and murder, must and will rise again, and we
pledge to help them.

-The United States is not only committed to rebuilding Afghanistan - we are also
committed to rebuilding Afghanistan in a way that encourages peace and
stability, commerce and opportunity, and freedom and democracy.

-We will do this by building infrastructure for systems such as health care,
education, energy and transportation.

-President Bush's designation of Afghanistan as a beneficiary of the Generalized
System of Preferences will permit some 5,700 products manufactured and
originated in Afghanistan to enter the U.S. duty free.

-The President believes that remarkable changes will come from implementing a
government that divides the economic interest of the people from those of the
government, encourages economic freedom, and eliminates barriers to trade. This
will sow the seeds of free markets.

-It is important that we set the Afghan people free - allowing them to create an
economic destiny where they can live and succeed, and their ideas, innovation,
and efforts will be rewarded.

THE WHITE HOUSE
Office of Global Communications
For more information log on to
http://www.whitehouse.gov/ogc

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You have previously expressed interest in obtaining
news and information from the White House.

The White House Office of Global Communications
distributes information about the President's
messages to the world. This office distributes
updates on major international topics such
as the global war on terror, the case for regime

change in Iraq, and more broadly, the ways in
which we can all better communicate the aspirations
and interests that Americans share with freedom-loving
people everywhere.
- GM 6-12 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_MAT3H003_WHO.TXT_1>

THE GLOBAL MESSENGER

Thursday, June 12, 2003

TODAY'S SCHEDULE

All Times Eastern Daylight. Subject to Change.

12:30 pm	State Department briefing
12:40 pm	President Bush delivers remarks to seniors on strengthening Medicare, New Britain, Ct

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KEY POINTS: MIDDLE EAST

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- President Bush is calling upon all of the free world and peace-loving nations to not only condemn the killings, but to use their power to prevent them in the future.

TALES OF BRUTALITY IN SADDAM'S IRAQ

❖

"Now, 12 years later, Mr. Shaati cannot remember if the women and children beside him screamed as the bullets hit, or whether the men in the hole moaned as they died. He only recalls a moment of hollow silence when the soldiers stopped shooting. Then came the throaty rumble of a backhoe and the thud of wet earth dropping on bodies. He survived but saw hundreds of other innocents buried in another of Saddam Hussein's anonymous mass graves."

--The New York Times, 6/2/03

❖

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THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

REV_00121616

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
CC: <Douglass, Kimberly A.>
Sent: 6/11/2003 7:55:16 PM
Subject: RE: we are ok on changed approach for Advance staff TEFOS forms

Yipeeeee!!!!!!!

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Wednesday, June 11, 2003 9:08 AM

To: Litkenhaus, Colleen

Subject: we are ok on changed approach for Advance staff TEFOS forms

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Irene Kho/OMB/EOP@EOP [OMB] <Irene Kho>
CC: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>
Sent: 6/12/2003 5:34:32 AM
Subject: : Re: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A
Attachments: P_HN34H003_WHO.TXT_1.wpd; P_HN34H003_WHO.TXT_2.wpd

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CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-JUN-2003 09:34:32.00
SUBJECT:: Re: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A
TO:Irene Kho (CN=Irene Kho/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
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Comments: Answer to Leahy question 9 is too weak. Answer to Durbin question 1 and 2 needs to be more persuasive and appear less contradictory.

Irene Kho
06/11/2003 12:00:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Patrick J. Bumatay/WHO/EOP@Exchange@EOP, Richard E. Green/OMB/EOP@EOP
Subject: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A

Brett,
Attached are Justice Qs and As following an April 8th hearing before the Senate Judiciary Committee on S.J.Res 1. These Qs and As are addressed to Viet Dinh. Justice would like to have their Qs and As cleared by tomorrow so they could submit them for tomorrow's markup that is scheduled before the Senate Judiciary Committee's Constitution, Civil Rights and Property Rights Subcommittee. These Qs and As are 15 pages long.
I have not circulated them yet for clearance. Could you let me know if you could review these by tomorrow afternoon or if you would need more than just a day to review them. Thank you.

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File attachment <P_HN34H003_WHO.TXT_2>

FOLLOW-UP QUESTIONS FOR
HEARING ON S.J. RES. 1, A PROPOSED CONSTITUTIONAL AMENDMENT TO PROTECT CRIME VICTIMS
APRIL 8, 2003

Questions by Senator Leahy for Viet Dinh

1. James Madison wrote in the Federalist Papers that constitutional amendments should be reserved for "certain great and extraordinary occasions."

(A) Do you agree with this standard?

Yes.

(B) Is there anything in our current Constitution that inhibits the enactment of State or Federal laws that protect crime victims?

Nothing in the Constitution specifically inhibits the enactment of statutes to protect crime victims. However, although there have been legislative efforts to grant victims many of the rights contained in this amendment, in my view legislative guarantees are not always sufficient when viewed in light of an accused person's rights under the U.S. Constitution. Unfortunately, this is often the case even where a victim's statutory rights are capable of protection without infringing upon the defendant's constitutional rights. Furthermore, statutes would not address two critical issues that necessitate a constitutional amendment, i.e., uniform implementation of rights, and establishing standing for victims to assert these rights in court.

(C) Please identify any appellate decisions of which you are aware that were not eventually reversed in which a State of Federal victims' rights law was not given effect because of a defendant's right in the U.S. Constitution.

Two specific examples where State victims' constitutional rights were not given effect because of a defendant's rights under the U.S. Constitution are:

State ex rel. Romley v. Superior Court, 836 P.2d 445, 453, (Ariz. Ct. App. 1992), in which the Arizona Court of Appeals ruled that a victim's State constitutional right must yield to a defendant's Federal and State constitutional right to due process. This case involved a State constitutional right that precludes the trial court from compelling disclosure of the victim's medical records. The defendant argued that the statute violated her due process rights because without the information, she could not mount an adequate defense or conduct adequate cross-examination of witnesses. The Arizona Court of Appeals ruled that the defendant's Federal and State due process right trumped the victim's State constitutional right.

Martinez v. State of Florida, 664 So.2d 1034 (Fla. Dist. Ct. App. 1996), where the defendant was convicted of attempted manslaughter with a firearm and appealed on several grounds, including that the court erred in giving priority to the constitutional right of a victim to

REV_00121627

be present in the courtroom over the defendant's constitutional right to a fair trial by having the witnesses sequestered. Despite the Florida State victims' rights amendment, the court, citing *Gore v. State of Florida*, agreed with the defendant and stated that the victims should not have been permitted in the courtroom during opening statements. However, the court affirmed the defendant's conviction, concluding that the error in this particular case was harmless.

2. If Congress enacted spending power-based legislation to get every state to implement a uniform national standard of victims rights, what would remain to be done that only a constitutional amendment could accomplish?

Although such legislation would do away with one of the main concerns with statutory remedies, the need for uniformity, it would not accomplish the same goals as a constitutional amendment. As stated previously, in my view legislative guarantees are not always sufficient when viewed in light of an accused person's rights under the U.S. Constitution. Unfortunately, this is often the case even where a victim's statutory rights are capable of protection without infringing upon the defendant's rights because courts often will not reach the threshold question of whether the two sets of rights are truly in conflict. This was best illustrated in a study conducted by the National Institute of Justice in 1998 entitled *The Rights of Crime Victims – Does Legal Protection Make a Difference?*, which after surveying more than 1,300 crime victims, concluded that although "[s]trong victims' rights law make a difference, . . . even where there is strong legal protection, victims' needs are not fully met."

3. Section 1 of the proposed amendment states: "The rights of victims of violent crime, being capable of protection without denying the constitutional rights of those accused of victimizing them, are hereby established and shall not be denied." If a judge concludes that there is indeed a conflict between a victim's rights and the constitutional rights of the accused, would section 1 require the judge to discard that legal conclusion and uphold the right of the accused?

As Assistant Attorney General Dinh stated during the hearing, it would be very difficult for me to speculate how this amendment will be interpreted and how judges will decide cases in particular instances. However, we do believe that the amendment allows sufficient flexibility to afford a judge the ability to protect the interests and rights of criminal defendants. For example, by allowing for restrictions when there is a substantial interest in public safety or the administration of criminal justice, or by compelling necessity, the amendment would allow the courts either to articulate boundaries defining the application of competing rights or to balance the competing rights in a particular case.

4. Four of the current amendments to the Constitution – the 14th, 15th, 24th, and 26th – recognize a distinction between the complete "denial" or rights and the "abridgement" of them. Similarly, section 1 of the proposed amendment refers to rights being both "denied" and "restricted." Does the assurance that the constitutional rights of the accused will not be "denied" mean that a judge is free to "restrict" those rights in ways that the Constitution might not otherwise allow if

REV_00121628

doing so will make it easier to accommodate the rights of victims?

As stated in response to Question 3, we believe that the amendment allows sufficient flexibility to afford a judge in a particular case the ability to protect the interests and rights of a criminal defendant. In cases where there is a tension between the rights of victims and the rights of defendants, courts will rule in favor of the party with the more compelling legal argument.

5. **I think we would both agree that in a mass-victim case, the court should not be required to allow each of the potentially thousands of victims to speak at a bail or sentencing hearing – meaning that there are some cases when it might be entirely reasonable to deny some victims the right to be heard. But given that the rights conferred by proposed amendment belong to each individual victim, and that the text of the amendment allows a victim's participatory rights to be "restricted" in limited circumstances but never "denied," how would it be possible for courts to allow the kind of flexibility we need without completely ignoring the obvious difference between a "restriction" and a "denial?"**

It is my understanding that the amendment as drafted does not grant a victim the absolute right to speak at a bail or sentencing hearing. The amendment instead grants victims the right "reasonably to be heard" at specified public proceedings. The "reasonably to be heard" guarantee can be accomplished by allowing a victim to communicate his or her views to the court either orally or in writing. Such a decision would be at the court's discretion. In addition, we disagree that the language of the amendment does not allow for exceptions to the right "reasonably to be heard." Indeed, the text of the amendment itself explicitly allows for such exceptions. In other contexts, it has been left up to the courts to determine the boundaries of certain rights, for example when the press' First Amendment rights are pitted against a defendant's right to a fair trial. However, the last clause of section 2, which reads "These rights shall not be restricted except when and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity," clearly allows for exceptions by employing a two-tiered approach – the lower standard of substantial interest is used when the matter concerns public safety or the administration of criminal justice, while a higher standard of compelling necessity is used for other possible justifications.

6. **Under section 2 of the proposed amendment, a crime victim has "the right to reasonable and timely notice of any public proceeding involving the crime." Please explain how this provision would apply in multi-victim cases. For example, suppose that one victim of a multi-victim offense files a civil tort action against the offender for damages resulting from the criminal conduct. That action would be "a public proceeding involving the crime," even though the prosecutor may have no knowledge of it. Who would have the constitutional obligation to provide "reasonable and timely notice" to the other victims?**

I do not believe that the amendment as written grants victims the right to be informed of civil actions and therefore there is no attendant constitutional obligation to provide reasonable and timely notice in such cases.

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7. **Section 3 of the proposed amendment states that "[o]nly the victim or the victim's lawful representative may assert the rights established by this article." If a defendant raises an objection to having an indigent victim speak at a proceeding, who would handle the litigation on behalf of the victim? I assume the prosecutor would gladly do so for a victim who could not afford to hire counsel, but under section 3, would that be permissible? Would the prosecutor have the right or the duty to make what she believed to be a better argument on behalf of a represented victim?**

Although presumably Congress and/or state legislatures could enact legislation that establishes a framework by which indigent victims can receive representation, we do not think that section 3 precludes a prosecutor from asserting the rights of victims. The relevant clause in section 3 to which we believe you refer reads "Only the victim or the victim's lawful representative may assert the rights established by this article...." This clause confers standing to assert the rights, something that mere legislation has been unable to do. However, although it is the victim or his or her representative who has standing, presumably any attorney could go before the court on his or her behalf.

8. **Section 3 of the proposed amendment forbids granting a new trial as a remedy for the violation of a victim's rights, but does not forbid re-opening the sentencing proceeding. (A) If a prosecutor fails to notify a victim of the sentencing hearing, can the victim obtain a new sentencing hearing after sentence has been imposed? (B) If the victim persuades the judge at such a hearing to impose a longer prison term or order greater restitution, would that constitute a denial of the accused's Fifth Amendment right to be protected against Double Jeopardy?**

I do not believe that S.J. Res. 1 provides grounds for invalidating a sentence nor would it allow a new sentencing hearing. The Department supports the need to protect the finality of judgments and believes that judgments should not be disturbed by the passage of this amendment. Remedies for violation of rights specified in the proposed amendment should be separate from the outcome of the case or any proceeding thereof.

9. **At the sentencing phase of a capital case, there are normally two parties – the government and the defendant – that call witnesses in an effort to provide as factual matters aggravating and mitigating factors that support either a death sentence or a lesser punishment. As a matter of due process, none of those witnesses is allowed to make an argument as to what the sentence should be; such arguments are reserved for counsel at the end of the phase. Would the proposed amendment give qualifying victims the right to offer their opinion as to whether the defendant should be sentenced to life or death?**

Although we are not entirely sure that due process necessarily disallows witnesses from arguing in favor of a proper sentence, we do believe that a court could decide that under the proposed amendment a victim has the right to offer his or her opinion as to whether the

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defendant should be sentenced to life or death. In *Payne v. Tennessee,* 501 U.S. 808 (1991), the Supreme Court ruled that the Eighth Amendment does not erect a per se bar to the admission of victim impact evidence in capital cases. In so doing, the Court overruled two of its prior precedents, *Booth v. Maryland*, 482 U.S. 496 (1987), in which the Court ruled that victim impact evidence relating to the personal characteristics of the victim and the emotional impact of the crimes on the victim's family were barred, and *South Carolina v. Gathers*, 490 U.S. 805 (1989), which ruled that a prosecutor could not argue to the jury the human cost of the crime during the sentencing phase of a capital case. However, the Supreme Court has not ruled on whether victim impact statements can include a sentencing recommendation and it is unclear, based on the Court's prior rulings, that it would decide that such recommendations are per se unconstitutional. In Oklahoma, victims are allowed to give opinions of a recommended sentence. *See* OKLA. STAT. ANN. § 984. In ruling on a due process challenge to victim impact testimony that included a recommendation for the death penalty in a capital case, the Oklahoma Court of Criminal Appeals ruled that such opinion testimony is permissible and articulated the proper standard of review: "evidence by victim impact witnesses that the defendant deserves death is admissible but will be viewed by this Court with a heightened degree of scrutiny." *Conover v. State of Oklahoma*, 933 P.2d 904, 921 (Okla. Crim. App. 1997). Although the court found the particular opinion testimony given in this case to have been more prejudicial than probative, it ruled that "there was nothing improper in the opinions given by the three witnesses in this case that the death penalty was the appropriate sentence . . . . However, this type of evidence should be limited to a simple statement of the recommended sentence without amplification." *Id.* at 921.

Ultimately, it will be up to the courts to decide whether or not the amendment grants victims the right to offer their opinion as to whether the defendant should be sentenced to life or death, but we do believe that it is entirely consistent with the right "reasonably to be heard" to allow victims the right to give a sentencing recommendation. As in other contexts, the courts will have to examine this right in light of a defendant's constitutional rights and define the application of the competing rights or balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

10. Given that earlier versions of S.J. Res. 1 contained explicit language prohibiting a court from staying or continuing a trial once it is underway, language that has been discarded in the current bill, what would prevent an appellate court from doing just that to prevent further potential violations of a victim's participatory rights while an interlocutory appeal was pending?

I do not believe that S.J. Res. 1 could be construed to provide grounds to stay trials, reopen proceedings, or invalidate rulings. Although it remains to be seen how courts will interpret the amendment and make determinations given specific fact patterns, the Department believes that the proposed amendment should not be used as a tool to delay criminal proceedings (such as the use of injunctive relief to delay a proceeding). Remedies for violation of rights specified in the proposed amendment should be separate from the outcome of the case.

11. To what extent are the rights described in the proposed amendment self-executing?

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Please identify any specific rights that (A) would not require implementing legislation, or (B) would be immune from limiting legislation.

(A) Although the Department welcomes any appropriate implementing legislation, we believe that the entire amendment is self-executing, and therefore the rights are enforceable even in the absence of specific legislation. It is the Department's hope that Congress, when considering any implementing legislation, will strive to clearly define those situations where the amendment will apply in order to minimize the difficulties that could arise if federal, state and local prosecutors were unable to determine their proper response in certain situations.

(B) The second sentence in section 4, which reads "Nothing in this article shall affect the President's authority to grant reprieves or pardons," prevents Congress from enacting legislation that would affect the President's power to grant reprieves and pardons . The Department believes that the President's reprieve and pardon power under Article II of the Constitution is plenary and is in no way affected by the proposed amendment.

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Follow-Up Questions for Assistance Attorney General Viet Dinh
Regarding a proposed constitutional amendment to protect crime victims (S.J. Res. 1)

Senator Richard J. Durbin
April 29, 2003

Question 1

Section 1 of S.J. Res. 1 states: "The rights of victims of violent crimes, being capable of protection without denying the constitutional rights of those accused of victimizing them are hereby established and shall not be denied by any State or the United States and may be restricted only as provided in this article."

a.) Do you believe this presumption is true? In other words, would S.J. Res. 1 deny any rights of the accused as guaranteed under the Constitution? If so, which rights and how would they be denied?

I do believe that this presumption is true. The rights granted by the proposed amendment are not intended to operate in conflict with those rights granted to defendants under the Constitution and as enunciated by the Supreme Court, but rather are intended to operate in parallel with those rights. We do not support the proposition that the amendment, as drafted, denies any rights of the accused.

b.) Do you believe S.J. Res 1 diminishes any rights of the accused as guaranteed under the Constitution? If so, which rights and how would they be diminished?

No, we do not believe that S.J. Res. 1 as drafted diminishes any rights of the accused. If a conflict were to arise, it would ultimately be up to the Courts to delineate the boundaries of the rights and to accommodate both to the greatest extent possible.

If not, can you explain why S.J. Res. 1 would not deny or diminish the right to an impartial jury, specifically in cases where the victim is a witness in a case? In such cases, do you believe the victim would be excluded from the proceedings under the exception created by a "substantial interest in public safety or the administration of criminal justice" or do you believe the victim would be allowed to attend the proceedings?

Allowing a victim to be present during a trial, simply because he or she is an intended witness, would not necessarily deny or diminish the right to an impartial jury. Ultimately, based on the facts of the case, it would be up to the court to determine if indeed a defendant's right to an impartial jury would be implicated by granting a victim a right not to be excluded from the proceedings. Indeed, courts make similar determinations in many contexts and are able to harmonize rights that some may argue are in conflict. For example, courts are often called upon to accommodate the right of the press and the public to attend trials and to reconcile these rights

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with the rights of a defendant to a fair trial.

Question 2

In the 105th Congress, when the Senate Judiciary Committee considered another version of this amendment, I offered an amendment that said "Nothing in this article shall be construed to deny or diminish the rights of the accused as guaranteed by this Constitution."

Would you object to the adoption of similar language to S.J. Res. 1? Why or why not?

I believe that the language you suggested would be detrimental to the intended purpose of the amendment. The inclusion of such language would make the amendment similar to a legislative grant of victims' rights, where a court would not need to consider the relationship between the rights of victims and the rights of the accused, but rather would protect the latter to the detriment of the former.

Do you believe this language is consistent with your conclusions in responding to Question 1?

While we do believe that this language is consistent with my conclusion in Question 1, we do not necessarily believe that it would be consistent with the intent of the amendment – to require courts to give consideration to the rights of victims in the criminal justice system. Because its inclusion would make the amendment similar to a legislative grant of rights, courts would not be required to reach the threshold question of whether a victim's right truly conflicts with a right of the defendant.

Question 3

Section 3 states: "Only the victim or the victim's lawful representative may assert the rights established by this article." However, this amendment does not define "victim." I understand your position that Congress will likely be responsible for defining this term. Please provide guidance for Congress in addressing the following hypothetical possibilities:

a.) Someone is murdered. Is the deceased the only victim of the crime? What about the spouse? Significant others? Domestic partner? Parents? Children?

b.) A child is kidnaped and recovered. Is the child the victim? Or the parents?

c.) A battered wife, who has been the victim of domestic violence for a long period of time and finally strikes back and assaults the spouse who has battered her, is brought in on criminal charges of assault and battery, and the abusing spouse becomes a victim, too. Who is the victim with Constitutional rights?

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If the amendment is adopted, the courts presumably will develop a body of jurisprudence that will more precisely define the term "victim," and the corresponding reach of Congressional authority to refine that definition. However, we believe that in the case of a murdered person, it would be appropriate to allow the victim's rights to be exercised by a surviving family member or other appropriate representative, and am confident that courts will agree with this conclusion. In the case of a minor victim, such as in the kidnaping context, it should again be an appropriate representative that will exercise the victim's rights. As for situations involving domestic violence, it may very well be that the accused batterer technically meets any developed definition of a victim. However, the amendment currently contains exception language which reads: "These rights shall not be restricted except when and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity." In domestic violence cases, where the true victim of the abusive relationship may actually be the defendant in a particular case and the abuser may be the victim, a judge may well decide that a substantial interest in public safety, or one of the other grounds for an exception, exists so as to preclude the abusive "victim" from exercising the given rights.

Question 4

S.J. Res. 1 also does not define "the victim's lawful representative" or explain how such a person should be chosen. In the hypothetical situation involving a murder victim, what would happen if both the spouse and the father of the deceased wanted to be the "lawful representative?" Who do you propose should make that determination? A judge? The prosecutor? What if the party who was not selected wants to appeal this decision?

It would be up to the courts to determine, on a case-by-case basis, who the victim's lawful representative should be.

Question 5

In your statement, you wrote, "By focusing on victims of violent crime, however, the proposed amendment recognizes the more detrimental effects that violent crime has on the most vulnerable of victims."

This assumes that violent crime has more detrimental effects on its victims. What about the victim of a misdemeanor assault? Is that person more worthy of Constitutional rights than an elderly widow has been swindled out of her life savings?

I do not believe that it would be correct to state that one type of victim is more or less worthy of Constitutional rights. However, those affected by violent crime often have not only a pecuniary loss as a result of the crime, but also suffer physically and psychologically.

In addition, it is important to note that the proposed amendment respects the role of state and local governments because it does not bar state and local governments from providing additional or broader rights to victims. It provides a floor and not a ceiling of the rights to be

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afforded to victims of crime. Some states have already extended statutory victims' rights to victims of other types of crime and the amendment in no way restricts such rights. Furthermore, the states and the federal government are free to broaden statutory protections for these other types of crime and it is my belief that by passing S.J. Res. 1, more attention will be focused on the plight of all victims, and perhaps other protections will be examined and possibly broadened.

Should the court examine the detrimental effects of each crime before determining whether the victim has Constitutional rights?

When dealing with a constitutional amendment, there are always going to be situations where it will be impossible to determine just what the courts will do when interpreting the boundaries of the amendment. Other amendments to the Constitution have undergone many of years of review and interpretation and we therefore have developed a jurisprudence that better equips us to determine what the most likely, and proper outcome will be. Although recognizing that one-hundred percent certainty is an impossibility, we do believe that the sponsors of this amendment have strived to reduce the situations where uncertainty could exist. By requiring courts to examine the detrimental effect of each crime before determining whether the victim has constitutional rights, we believe that it would invite even more uncertainty which would increase the difficulties that could arise if federal, state, and local prosecutors were unable to predict what their proper response should be in certain circumstances.

Question 6

In your statement, you wrote, "Our major concern with a constitutional amendment protecting the rights of victims is that our prosecutorial and law enforcement responsibilities are not unnecessarily burdened so as to impair our ability to prosecute criminals." In California, relatives of a homicide victim complained to a judge that a plea bargain between the prosecution and the defense was too lenient. They got what they wanted – withdrawal of the plea and prosecution of the man on murder charges. However, at the close of the trial, the defendant was acquitted and went free.

Do you believe that the rights of victims in this case burdened the prosecutor's ability to prosecute the case?

Although we would not feel comfortable stating unequivocally that the victims' rights did or did not burden the prosecutor's ability to prosecute the case without knowing the particular circumstances and having all of the facts before me, we do believe that the facts that you have cited led to an unfortunate result in this particular case. However, we think that even the opponents of the victims' rights amendment concede that overall prosecutorial efforts are more, not less, effective when victims are regularly consulted during the course of a case.

How would the language of S.J. Res. 1 avert a similar outcome in other criminal prosecutions?

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The proposed language of S.J. Res. 1 allows victims the right reasonably to be heard and to decisions that duly consider the victim's safety. However, it does not allow a victim the right to preclude plea bargains. Judges will be called upon to consider the rights of the defendant, the rights of the victim, and the pursuit of justice, and they will make determinations on a case-by-case basis.

Question 7

In your statement, you wrote, "The Department fully supports Section 5's limitation on the ratification period to seven years from the time Congress submits the amendment to the States. The limitation is necessary to ensure that the ratification period does not remain open in perpetuity, possibly outliving the intent and circumstances of its original passage by Congress." I believe we should not amend the Constitution – which has served us well for over 200 years – casually.

If you think the "intent and circumstances" leading us to amend the Constitution may change in as few as seven years, is this not an argument for a statutory and not a constitutional approach to protecting victims?

I do not believe that it is. A number of amendments to the Constitution contain such a clause – the 18th, 20th, 21st, and the 22nd Amendments. The purpose of such a clause is to preclude the type of situation like that encountered with the ratification of the 27th Amendment, which was originally proposed in 1789 but not ratified by the requisite number of state legislatures until 1992. We believe that the experience of the 27th Amendment, which remained in constitutional limbo for over 200 years, has led the Congress to include such a clause in a substantial number of proposed constitutional amendments over the last two decades. For example, amendments proposed in the last few years which have contained such a time limitation include those to ban flag burning and to limit campaign expenditures introduced recently in the 108th Congress; to repeal the 22nd Amendment and to provide for a balanced budget introduced in the 107th Congress; and an amendment to provide for Congressional term limits and your amendment to abolish the electoral college introduced in the 106th Congress.

Question 8

In Ms. Earlene Eason's testimony, she wrote of her frustration that the DA would not ask for a continuance on her behalf so she could attend the sentencing of the person who pled guilty to murdering her son. Do you believe S.J. Res. 1 would allow a victim to seek a continuance? If so, under what circumstances? How would this be reconciled with the Constitutional right to a speedy trial?

I do not believe that the amendment as drafted allows a victim an absolute right to a continuance. The amendment grants a victim the right not to be excluded from a public proceeding and the right reasonably to be heard at a public sentencing hearing. First, the right not to be excluded is not tantamount to a right to be present, i.e., the court does not need to accommodate the victim's right to be there, it simply cannot exclude him or her from the

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proceeding. Second, the right reasonably to be heard does not necessarily have to entail the victim's presence, a victim could be afforded the right to be heard in writing rather than orally. However, courts may well decide, on a case-by-case basis, that a continuance would not adversely affect the proceedings and therefore order a continuance so that the victim's right under the amendment can be fully realized.

There are numerous scenarios where the defendant's right to a speedy trial would in no way be implicated by a continuance issued so as to allow the victim to be present. This would be the case when the continuance sought was a mere matter of days, or even longer. The Supreme Court has stated that the right to a speedy trial does not preclude delays and has identified four factors that should be considered when making determinations in this context: the length of the delay, the reason for the delay, the defendant's assertion of his right, and prejudice to the defendant. *Barker v. Wingo*, 407 U.S. 514 (1972). In addition, the Court stated that "until there is some delay which is presumptively prejudicial, there is no necessity for inquiry into the other factors that go into the balance." *Id.* at 530. Under this analysis, depending on the length of the delay a continuance may cause, it is entirely possible that the defendant's right to a speedy trial will in no way be implicated.

Question 9

In Mr. Duane Lynn's testimony, he expressed his frustration that he could not comment on how his wife's murdered should be sentenced. Do you believe S.J. Res. 1 would allow a victim to make a sentencing recommendation (such as the death penalty instead of life in prison or vice versa) in his or her impact statement?

I do believe that a court could decide that under the proposed amendment a victim has the right to offer his or her opinion as to whether the defendant should be sentenced to life or death. Indeed, it is unclear that current law precludes such victim testimony. In *Payne v. Tennessee,* 501 U.S. 808 (1991), the Supreme Court ruled that the Eighth Amendment does not erect a per se bar to the admission of victim impact evidence in capital cases. In so doing, the Court overruled two of its prior precedents, *Booth v. Maryland*, 482 U.S. 496 (1987), in which the Court ruled that victim impact evidence relating to the personal characteristics of the victim and the emotional impact of the crimes on the victim's family were barred, and *South Carolina v. Gathers*, 490 U.S. 805 (1989), which ruled that a prosecutor could not argue to the jury the human cost of the crime during the sentencing phase of a capital case. However, the Supreme Court has not ruled on whether victim impact statements can include a sentencing recommendation and it is unclear, based on the Court's prior rulings, that it would decide that such recommendations are per se unconstitutional. In Oklahoma, victims are allowed to give opinions of a recommended sentence. *See* OKLA. STAT. ANN. § 984. In ruling on a due process challenge to victim impact testimony that included a recommendation for the death penalty in a capital case, the Oklahoma Court of Criminal Appeals ruled that such opinion testimony is permissible and articulated the proper standard of review: "evidence by victim impact witnesses that the defendant deserves death is admissible but will be viewed by this Court with a heightened degree of scrutiny." *Conover v. State of Oklahoma*, 933 P.2d 904, 921 (Okla. Crim. App. 1997). Although the court found the particular opinion testimony given in this case to have

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been more prejudicial than probative, it ruled that "there was nothing improper in the opinions given by the three witnesses in this case that the death penalty was the appropriate sentence . . . . However, this type of evidence should be limited to a simple statement of the recommended sentence without amplification." *Id.* at 921.

Ultimately, it will be up to the courts to decide whether or not the amendment grants victims the right to offer their opinion as to whether the defendant should be sentenced to life or death, but we do believe that it is entirely consistent with the right "reasonably to be heard" to allow victims the right to give a sentencing recommendation. As in other contexts, the courts will have to examine this right in light of a defendant's constitutional rights and define the application of the competing rights or balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

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Senator Dianne Feinstein

Senate Judiciary Committee Hearing on S.J. Res. 1,
the Victims' Rights Amendment
Written Question for Assistant Attorney General Viet Dinh

1. At the hearing, there was some discussion about what would happen if S. J. Res. 1 was adopted and a victim's constitutional right came into conflict with a criminal defendant's constitutional right. First, I want to clarify that nothing in the amendment would take away defendants' rights. Section 1 of the amendment makes clear that victims' rights are capable of protection without denying defendants' constitutional rights. Second, in many instances, the basic procedural rights conferred by the amendment would have little, if any, impact on defendants' rights. For example, is hard to see how a defendant could plausibly object to providing notice to victims about the date and location of public proceedings involving the crime. Third, the amendment qualifies many of the victims' rights to ensure that courts limit them appropriately. For instance, under the amendment, victims would have no constitutional right to be heard at trial and, at other public proceedings involving the crime, victims would have only a right "reasonably" to be heard. Fourth, the amendment provides three specific exceptions to restrict victims' rights: 1) a substantial interest in public safety; 2) a substantial interest in the administration of criminal justice; and 3) compelling necessity.

I would like to clarify one point about the administration of criminal justice exception. In responses to me and to Senator Durbin at the hearing, you suggested that the administration of criminal justice exception would allow courts faced with a conflict between a defendant's constitutional right and a victim's constitutional right to balance these rights and decide in favor of the person with the more compelling argument.

I agree with that response. However, to avoid any misunderstanding, I want to make clear that defendants' rights could come under any one (or more) of the three exceptions in Section 2 of the amendment, not just the administration of criminal justice exception. Let me offer some examples of how that could happen. If a victim sat in the courtroom and tried to disrupt the proceeding by yelling at the defendant, this would adversely affect the administration of criminal justice. To ensure that the defendant received his

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or her constitutional right to a fair trial, the judge could have the victim removed (and even pursue other actions against the victim, such as holding the victim in contempt). If the same victim threatened bodily harm to the defendant or judge, that would also implicate public safety as well as violate the defendant's constitutional right to a fair trial. The judge could, at a minimum, force the victim to leave under the public safety exception. If the victim was horribly maimed by the crime and insisted on sitting immediately in front of the jury, the judge could determine that compelling necessity dictated that the victim not be allowed to be present during the trial.

Obviously, I do not intend these examples to be exhaustive. However, I do think that they illustrate some of the variety of ways in which the amendment would ensure the protection of defendants' constitutional rights consistent with the existence of victims' constitutional rights. These ways would always depend heavily on the underlying context in which the rights came into conflict and the weight of the defendant's and victim's respective interests. Similar balancing is done in other situations where constitutional rights conflict–for example, where the media's First Amendment right to cover a trial conflicts with a defendant's constitutional right to a fair trial.

a) Do you agree that criminal defendants' rights could come under any one (or more) of the three exceptions in Section 2 of the amendment, not just the administration of criminal justice exception?

Yes.

b) Assuming that you answer yes to question 1(a), do you agree that, if a victim's constitutional right conflicted with a defendant's constitutional right, the judge would then–applying applicable precedent–balance (or otherwise reconcile) these rights and then decide in favor of the person with the more compelling argument?

Yes. We believe that by allowing for restrictions when there is a substantial interest in public safety or the administration of criminal justice, or by compelling necessity, the amendment would allow the courts either to articulate boundaries to define the application of competing rights or to balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

REV_00121641

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed please find responses to follow-up questions for the record of the Committee's hearing on April 8, 2003, on S.J.Res. 1, "[p]roposing an amendment to the Constitution of the United States to protect the rights of crime victims."

We hope that you will find the information helpful and that you will not hesitate to call upon us if we may be of additional assistance in connection with this or any other matter. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

William E. Moschella
Assistant Attorney General

Enclosure

cc: The Honorable Patrick J. Leahy
Ranking Minority Member

The Honorable Richard J. Durbin

The Honorable Dianne Feinstein

REV_00121642

From: Ralston, Susan B.
To: <Douglass, Kimberly A.>;<Litkenhaus, Colleen>;<Kavanaugh, Brett M.>;<Elwood, Courtney S.>
Sent: 6/12/2003 6:42:32 AM
Subject: Use of Corporate Planes

The campaign would like to know how we should handle the corporate plane approval process. Do we want a new form created to give the information for vetting, or do you want to handle on a case-by-case basis via email?

Once a person or entity has been approved, can we use them on a going forward basis w/o going through approval again? For example, Brett gave approval to use Warren Tichenor's corporate plane for TX travel for upcoming BC'04 events. Can we consider Warren's plane pre-approved for future WH staff, or do you want to go through the approval process again using forms or email?

Let me know your thoughts.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 6/12/2003 7:01:49 AM
Subject: Re: reminder to email Kristen Silverberg about her request/Goldsmith

Talked to Jack, who will contact Kristen.

.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Leitch, David G.
Sent: Wed Jun 11 18:57:09 2003
Subject: reminder to email Kristen Silverberg about her request/Goldsmith

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>
Sent: 6/12/2003 7:25:53 AM
Subject: Reminder to mention corp plane issue to andy

.

From: Gonzales, Alberto R.
To: <Kavanaugh, Brett M.>
Sent: 6/12/2003 7:27:58 AM
Subject: RE: Reminder to mention corp plane issue to andy

Please send me both revised memos, I suspect he will want to read them.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 12, 2003 7:26 AM
To: Gonzales, Alberto R.
Subject: Reminder to mention corp plane issue to andy

.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>;<Powell, Benjamin A.>
Sent: 6/12/2003 8:32:52 AM
Subject: Specter

FYI, Judge is meeting with Specter at 4:30 today.

From:	MacEcevic, Lisa J.
To:	<Kavanaugh, Brett M.>;<Warsh, Kevin>;<Schacht, Diana L.>;<Bloomquist, Lauren E.>;<Boden, James>;<Schwartz, Kenneth L.>;<Green, Richard E.>;<Jukes, James J.>;<Kupfer, Jeffrey F.>;<Lobrano, Lauren C.>;<Dove, Stephen W.>;<Marsh, Robert>
Sent:	6/12/2003 8:44:01 AM
Subject:	6/12 CongressDaily AM on Sensenbrenner and other amendments to class action bill (HR1115) to be voted on today in House & outlook in Senate

On Class Action, House Borrows From Senate

House Judiciary Chairman Sensenbrenner will introduce a compromise amendment to the House class action bill that supporters hope will awaken Democratic support when the legislation goes to the floor for a vote today.

Sensenbrenner's amendment borrows language from a compromise amendment by Sen. **Dianne Feinstein**, D-Calif., to the Senate class action bill that was approved during an April markup.

The Feinstein amendment was instrumental in drawing Democratic support for the Senate bill, and supporters in the House hope it has the same effect there, while resolving differences in legislation before both chambers.

Sensenbrenner's amendment is cosponsored by Reps. **Bob Goodlatte**, R-Va., **Rick Boucher** and **James Moran**, both D-Va., **Calvin Dooley**, D-Calif., **Charles Stenholm**, D-Texas, and **Lee Terry**, R-Neb.

The amendment would increase the number of class action cases that remain in state courts in two ways. First, it would raise the amount of damages needed for federal court jurisdiction from $2 million to $5 million. Second, if less than one-third of the plaintiffs are from the same state, the case is automatically eligible for federal jurisdiction. If more than two-thirds of the plaintiffs are from the same state, its stays in the state. When the number of plaintiffs falls between the two, federal judges must weigh five factors to consider whether or not to return the case to the states.

Other amendments approved by the House Rules Committee Wednesday include a substitute amendment by House Judiciary ranking member **John Conyers**, D-Mich., and Rep. **Max Sandlin** , D-Texas. It includes new language for so-called coupon settlements, court approval of settlements, sealing of class action documents and interlocutory appeals.

The Conyers-Sandlin amendment also would enact widely publicized United States Judicial Conference recommendations and create a "state court multidistrict litigation panel" to consolidate interstate class actions. The National Center for State Courts would develop rules for the panel to transfer cases to federal court.

An amendment by Rep. **Sheila Jackson Lee**, D-Texas, would block U.S. companies from escaping class action liability by merging with foreign companies. An amendment by California Democratic Reps. **Zoe Lofgren** and **Linda Sanchez** would protect their state's "17-200" consumer protection laws.

Other amendments strike "interlocutory appeal" provisions and "retroactivity" provisions and require a unanimous jury verdict for awarding punitive damages.

The bill has been the subject of intense lobbying by both the business and the public interest communities. Based on disclosure records, Public Citizen, an opponent of the legislation, reports today that more than 100 companies and trade groups have retained 475 lobbyists since 2000 in support of reforming class action laws.

Meanwhile, vote-counting has begun on the Senate bill by **Judiciary Chairman Hatch** . Supporters are seeking 60 votes to head off a likely filibuster by Democrats. According to sources, the bill will come up for a vote after the July Fourth recess, but before the August recess.

Supporters now claim 57 votes in favor, including 50 Republican votes. According to sources, Sen. **Richard Shelby** , R-Ala., will not join colleagues to vote in support of the bill or cloture. Shelby's spokeswoman said he has not taken a position, but sources said that, based on his past voting record, sponsors "aren't counting on him."

Six Senate Democrats have publicly committed their support. Among them are the bill's original cosponsors, Sens. **Herb Kohl** of Wisconsin, **Thomas Carper** of Delaware and **Zell Miller** of Georgia. Feinstein backed the bill in April with her compromise amendment, and Sens. **Blanche Lincoln** of Arkansas and **Mary Landrieu** of Louisiana have followed.

Another "mystery" Democrat has privately pledged support, but will not go public until the vote. In addition, supporters maintain they are "confident" of votes from two or three additional Democrats. One such Democrat is Sen. **Ben Nelson** of Nebraska.

"The senator will likely support the bill if he's convinced legitimate lawsuits will be protected," a Carper spokesman told *CongressDaily* . "He supports most of the bill, and is pleased with the consumer protection provisions. But he wants to make sure it protects the rights of plaintiffs with legitimate concerns." *By Ted Leventhal*

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>
CC: <Douglass, Kimberly A.>;<Litkenhaus, Colleen>;<Elwood, Courtney S.>
Sent: 6/12/2003 8:50:10 AM
Subject: Re: Use of Corporate Planes

We should create a form e-mail for this. And I should approve each individual trip where the campaign has secured a private plane and intends to provide transportation to a government official on that plane. Thanks.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/12/2003 06:42:32 AM

Record Type: Record

To: Kimberly A. Douglass/WHO/EOP@Exchange, Colleen Litkenhaus/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/OVP/EOP@Exchange

cc:

Subject: Use of Corporate Planes

The campaign would like to know how we should handle the corporate plane approval process. Do we want a new form created to give the information for vetting, or do you want to handle on a case-by-case basis via email?

Once a person or entity has been approved, can we use them on a going forward basis w/o going through approval again? For example, Brett gave approval to use Warren Tichenor's corporate plane for TX travel for upcoming BC'04 events. Can we consider Warren's plane pre-approved for future WH staff, or do you want to go through the approval process again using forms or email?

Let me know your thoughts.

From: Kavanaugh, Brett M.
To: <Ganter, Jonathan F.>;<Bumatay, Patrick J.>
Sent: 6/12/2003 8:54:25 AM
Subject:

can you track down work number of Priscilla Owen?

From: Kavanaugh, Brett M.
To: <Kho, Irene>
CC: <Bumatay, Patrick J.>
Sent: 6/12/2003 9:33:34 AM
Subject: Re: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A
Attachments: victims06.doc.wpd; victims06.let.wpd

Comments: Answer to Leahy question 9 is too weak. Answer to Durbin question 1 and 2 needs to be more persuasive and appear less contradictory.

Irene Kho

06/11/2003 12:00:15 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Patrick J. Bumatay/WHO/EOP@Exchange@EOP, Richard E. Green/OMB/EOP@EOP

Subject: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A

Brett,

Attached are Justice Qs and As following an April 8th hearing before the Senate Judiciary Committee on S.J.Res 1. These Qs and As are addressed to Viet Dinh. Justice would like to have their Qs and As cleared by tomorrow so they could submit them for tomorrow's markup that is scheduled before the Senate Judiciary Committee's Constitution, Civil Rights and Property Rights Subcommittee. These Qs and As are 15 pages long.

I have not circulated them yet for clearance. Could you let me know if you could review these by tomorrow afternoon or if you would need more than just a day to review them. Thank you.

- victims06.doc.wpd <>

- victims06.let.wpd <>

FOLLOW-UP QUESTIONS FOR
HEARING ON S.J. RES. 1, A PROPOSED CONSTITUTIONAL AMENDMENT TO PROTECT CRIME VICTIMS
APRIL 8, 2003

Questions by Senator Leahy for Viet Dinh

1. James Madison wrote in the Federalist Papers that constitutional amendments should be reserved for "certain great and extraordinary occasions."

(A) Do you agree with this standard?

Yes.

(B) Is there anything in our current Constitution that inhibits the enactment of State or Federal laws that protect crime victims?

Nothing in the Constitution specifically inhibits the enactment of statutes to protect crime victims. However, although there have been legislative efforts to grant victims many of the rights contained in this amendment, in my view legislative guarantees are not always sufficient when viewed in light of an accused person's rights under the U.S. Constitution. Unfortunately, this is often the case even where a victim's statutory rights are capable of protection without infringing upon the defendant's constitutional rights. Furthermore, statutes would not address two critical issues that necessitate a constitutional amendment, i.e., uniform implementation of rights, and establishing standing for victims to assert these rights in court.

(C) Please identify any appellate decisions of which you are aware that were not eventually reversed in which a State of Federal victims' rights law was not given effect because of a defendant's right in the U.S. Constitution.

Two specific examples where State victims' constitutional rights were not given effect because of a defendant's rights under the U.S. Constitution are:

State ex rel. Romley v. Superior Court, 836 P.2d 445, 453, (Ariz. Ct. App. 1992), in which the Arizona Court of Appeals ruled that a victim's State constitutional right must yield to a defendant's Federal and State constitutional right to due process. This case involved a State constitutional right that precludes the trial court from compelling disclosure of the victim's medical records. The defendant argued that the statute violated her due process rights because without the information, she could not mount an adequate defense or conduct adequate cross-examination of witnesses. The Arizona Court of Appeals ruled that the defendant's Federal and State due process right trumped the victim's State constitutional right.

Martinez v. State of Florida, 664 So.2d 1034 (Fla. Dist. Ct. App. 1996), where the defendant was convicted of attempted manslaughter with a firearm and appealed on several grounds, including that the court erred in giving priority to the constitutional right of a victim to

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be present in the courtroom over the defendant's constitutional right to a fair trial by having the witnesses sequestered. Despite the Florida State victims' rights amendment, the court, citing *Gore v. State of Florida*, agreed with the defendant and stated that the victims should not have been permitted in the courtroom during opening statements. However, the court affirmed the defendant's conviction, concluding that the error in this particular case was harmless.

2. If Congress enacted spending power-based legislation to get every state to implement a uniform national standard of victims rights, what would remain to be done that only a constitutional amendment could accomplish?

Although such legislation would do away with one of the main concerns with statutory remedies, the need for uniformity, it would not accomplish the same goals as a constitutional amendment. As stated previously, in my view legislative guarantees are not always sufficient when viewed in light of an accused person's rights under the U.S. Constitution. Unfortunately, this is often the case even where a victim's statutory rights are capable of protection without infringing upon the defendant's rights because courts often will not reach the threshold question of whether the two sets of rights are truly in conflict. This was best illustrated in a study conducted by the National Institute of Justice in 1998 entitled *The Rights of Crime Victims – Does Legal Protection Make a Difference?*, which after surveying more than 1,300 crime victims, concluded that although "[s]trong victims' rights law make a difference, . . . even where there is strong legal protection, victims' needs are not fully met."

3. Section 1 of the proposed amendment states: "The rights of victims of violent crime, being capable of protection without denying the constitutional rights of those accused of victimizing them, are hereby established and shall not be denied." If a judge concludes that there is indeed a conflict between a victim's rights and the constitutional rights of the accused, would section 1 require the judge to discard that legal conclusion and uphold the right of the accused?

As Assistant Attorney General Dinh stated during the hearing, it would be very difficult for me to speculate how this amendment will be interpreted and how judges will decide cases in particular instances. However, we do believe that the amendment allows sufficient flexibility to afford a judge the ability to protect the interests and rights of criminal defendants. For example, by allowing for restrictions when there is a substantial interest in public safety or the administration of criminal justice, or by compelling necessity, the amendment would allow the courts either to articulate boundaries defining the application of competing rights or to balance the competing rights in a particular case.

4. Four of the current amendments to the Constitution – the 14th, 15th, 24th, and 26th – recognize a distinction between the complete "denial" or rights and the "abridgement" of them. Similarly, section 1 of the proposed amendment refers to rights being both "denied" and "restricted." Does the assurance that the constitutional rights of the accused will not be "denied" mean that a judge is free to "restrict" those rights in ways that the Constitution might not otherwise allow if

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doing so will make it easier to accommodate the rights of victims?

As stated in response to Question 3, we believe that the amendment allows sufficient flexibility to afford a judge in a particular case the ability to protect the interests and rights of a criminal defendant. In cases where there is a tension between the rights of victims and the rights of defendants, courts will rule in favor of the party with the more compelling legal argument.

5. **I think we would both agree that in a mass-victim case, the court should not be required to allow each of the potentially thousands of victims to speak at a bail or sentencing hearing – meaning that there are some cases when it might be entirely reasonable to deny some victims the right to be heard. But given that the rights conferred by proposed amendment belong to each individual victim, and that the text of the amendment allows a victim's participatory rights to be "restricted" in limited circumstances but never "denied," how would it be possible for courts to allow the kind of flexibility we need without completely ignoring the obvious difference between a "restriction" and a "denial?"**

It is my understanding that the amendment as drafted does not grant a victim the absolute right to speak at a bail or sentencing hearing. The amendment instead grants victims the right "reasonably to be heard" at specified public proceedings. The "reasonably to be heard" guarantee can be accomplished by allowing a victim to communicate his or her views to the court either orally or in writing. Such a decision would be at the court's discretion. In addition, we disagree that the language of the amendment does not allow for exceptions to the right "reasonably to be heard." Indeed, the text of the amendment itself explicitly allows for such exceptions. In other contexts, it has been left up to the courts to determine the boundaries of certain rights, for example when the press' First Amendment rights are pitted against a defendant's right to a fair trial. However, the last clause of section 2, which reads "These rights shall not be restricted except when and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity," clearly allows for exceptions by employing a two-tiered approach – the lower standard of substantial interest is used when the matter concerns public safety or the administration of criminal justice, while a higher standard of compelling necessity is used for other possible justifications.

6. **Under section 2 of the proposed amendment, a crime victim has "the right to reasonable and timely notice of any public proceeding involving the crime." Please explain how this provision would apply in multi-victim cases. For example, suppose that one victim of a multi-victim offense files a civil tort action against the offender for damages resulting from the criminal conduct. That action would be "a public proceeding involving the crime," even though the prosecutor may have no knowledge of it. Who would have the constitutional obligation to provide "reasonable and timely notice" to the other victims?**

I do not believe that the amendment as written grants victims the right to be informed of civil actions and therefore there is no attendant constitutional obligation to provide reasonable and timely notice in such cases.

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7. **Section 3 of the proposed amendment states that "[o]nly the victim or the victim's lawful representative may assert the rights established by this article." If a defendant raises an objection to having an indigent victim speak at a proceeding, who would handle the litigation on behalf of the victim? I assume the prosecutor would gladly do so for a victim who could not afford to hire counsel, but under section 3, would that be permissible? Would the prosecutor have the right or the duty to make what she believed to be a better argument on behalf of a represented victim?**

Although presumably Congress and/or state legislatures could enact legislation that establishes a framework by which indigent victims can receive representation, we do not think that section 3 precludes a prosecutor from asserting the rights of victims. The relevant clause in section 3 to which we believe you refer reads "Only the victim or the victim's lawful representative may assert the rights established by this article...." This clause confers standing to assert the rights, something that mere legislation has been unable to do. However, although it is the victim or his or her representative who has standing, presumably any attorney could go before the court on his or her behalf.

8. **Section 3 of the proposed amendment forbids granting a new trial as a remedy for the violation of a victim's rights, but does not forbid re-opening the sentencing proceeding. (A) If a prosecutor fails to notify a victim of the sentencing hearing, can the victim obtain a new sentencing hearing after sentence has been imposed? (B) If the victim persuades the judge at such a hearing to impose a longer prison term or order greater restitution, would that constitute a denial of the accused's Fifth Amendment right to be protected against Double Jeopardy?**

I do not believe that S.J. Res. 1 provides grounds for invalidating a sentence nor would it allow a new sentencing hearing. The Department supports the need to protect the finality of judgments and believes that judgments should not be disturbed by the passage of this amendment. Remedies for violation of rights specified in the proposed amendment should be separate from the outcome of the case or any proceeding thereof.

9. **At the sentencing phase of a capital case, there are normally two parties – the government and the defendant – that call witnesses in an effort to provide as factual matters aggravating and mitigating factors that support either a death sentence or a lesser punishment. As a matter of due process, none of those witnesses is allowed to make an argument as to what the sentence should be; such arguments are reserved for counsel at the end of the phase. Would the proposed amendment give qualifying victims the right to offer their opinion as to whether the defendant should be sentenced to life or death?**

Although we are not entirely sure that due process necessarily disallows witnesses from arguing in favor of a proper sentence, we do believe that a court could decide that under the proposed amendment a victim has the right to offer his or her opinion as to whether the

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defendant should be sentenced to life or death. In *Payne v. Tennessee,* 501 U.S. 808 (1991), the Supreme Court ruled that the Eighth Amendment does not erect a per se bar to the admission of victim impact evidence in capital cases. In so doing, the Court overruled two of its prior precedents, *Booth v. Maryland*, 482 U.S. 496 (1987), in which the Court ruled that victim impact evidence relating to the personal characteristics of the victim and the emotional impact of the crimes on the victim's family were barred, and *South Carolina v. Gathers*, 490 U.S. 805 (1989), which ruled that a prosecutor could not argue to the jury the human cost of the crime during the sentencing phase of a capital case. However, the Supreme Court has not ruled on whether victim impact statements can include a sentencing recommendation and it is unclear, based on the Court's prior rulings, that it would decide that such recommendations are per se unconstitutional. In Oklahoma, victims are allowed to give opinions of a recommended sentence. *See* OKLA. STAT. ANN. § 984. In ruling on a due process challenge to victim impact testimony that included a recommendation for the death penalty in a capital case, the Oklahoma Court of Criminal Appeals ruled that such opinion testimony is permissible and articulated the proper standard of review: "evidence by victim impact witnesses that the defendant deserves death is admissible but will be viewed by this Court with a heightened degree of scrutiny." *Conover v. State of Oklahoma*, 933 P.2d 904, 921 (Okla. Crim. App. 1997). Although the court found the particular opinion testimony given in this case to have been more prejudicial than probative, it ruled that "there was nothing improper in the opinions given by the three witnesses in this case that the death penalty was the appropriate sentence . . . . However, this type of evidence should be limited to a simple statement of the recommended sentence without amplification." *Id.* at 921.

Ultimately, it will be up to the courts to decide whether or not the amendment grants victims the right to offer their opinion as to whether the defendant should be sentenced to life or death, but we do believe that it is entirely consistent with the right "reasonably to be heard" to allow victims the right to give a sentencing recommendation. As in other contexts, the courts will have to examine this right in light of a defendant's constitutional rights and define the application of the competing rights or balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

10. Given that earlier versions of S.J. Res. 1 contained explicit language prohibiting a court from staying or continuing a trial once it is underway, language that has been discarded in the current bill, what would prevent an appellate court from doing just that to prevent further potential violations of a victim's participatory rights while an interlocutory appeal was pending?

I do not believe that S.J. Res. 1 could be construed to provide grounds to stay trials, reopen proceedings, or invalidate rulings. Although it remains to be seen how courts will interpret the amendment and make determinations given specific fact patterns, the Department believes that the proposed amendment should not be used as a tool to delay criminal proceedings (such as the use of injunctive relief to delay a proceeding). Remedies for violation of rights specified in the proposed amendment should be separate from the outcome of the case.

11. To what extent are the rights described in the proposed amendment self-executing?

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Please identify any specific rights that (A) would not require implementing legislation, or (B) would be immune from limiting legislation.

(A) Although the Department welcomes any appropriate implementing legislation, we believe that the entire amendment is self-executing, and therefore the rights are enforceable even in the absence of specific legislation. It is the Department's hope that Congress, when considering any implementing legislation, will strive to clearly define those situations where the amendment will apply in order to minimize the difficulties that could arise if federal, state and local prosecutors were unable to determine their proper response in certain situations.

(B) The second sentence in section 4, which reads "Nothing in this article shall affect the President's authority to grant reprieves or pardons," prevents Congress from enacting legislation that would affect the President's power to grant reprieves and pardons . The Department believes that the President's reprieve and pardon power under Article II of the Constitution is plenary and is in no way affected by the proposed amendment.

REV_00121671

Follow-Up Questions for Assistance Attorney General Viet Dinh
Regarding a proposed constitutional amendment to protect crime victims (S.J. Res. 1)

Senator Richard J. Durbin
April 29, 2003

Question 1

Section 1 of S.J. Res. 1 states: "The rights of victims of violent crimes, being capable of protection without denying the constitutional rights of those accused of victimizing them are hereby established and shall not be denied by any State or the United States and may be restricted only as provided in this article."

a.) Do you believe this presumption is true? In other words, would S.J. Res. 1 deny any rights of the accused as guaranteed under the Constitution? If so, which rights and how would they be denied?

I do believe that this presumption is true. The rights granted by the proposed amendment are not intended to operate in conflict with those rights granted to defendants under the Constitution and as enunciated by the Supreme Court, but rather are intended to operate in parallel with those rights. We do not support the proposition that the amendment, as drafted, denies any rights of the accused.

b.) Do you believe S.J. Res 1 diminishes any rights of the accused as guaranteed under the Constitution? If so, which rights and how would they be diminished?

No, we do not believe that S.J. Res. 1 as drafted diminishes any rights of the accused. If a conflict were to arise, it would ultimately be up to the Courts to delineate the boundaries of the rights and to accommodate both to the greatest extent possible.

If not, can you explain why S.J. Res. 1 would not deny or diminish the right to an impartial jury, specifically in cases where the victim is a witness in a case? In such cases, do you believe the victim would be excluded from the proceedings under the exception created by a "substantial interest in public safety or the administration of criminal justice" or do you believe the victim would be allowed to attend the proceedings?

Allowing a victim to be present during a trial, simply because he or she is an intended witness, would not necessarily deny or diminish the right to an impartial jury. Ultimately, based on the facts of the case, it would be up to the court to determine if indeed a defendant's right to an impartial jury would be implicated by granting a victim a right not to be excluded from the proceedings. Indeed, courts make similar determinations in many contexts and are able to harmonize rights that some may argue are in conflict. For example, courts are often called upon to accommodate the right of the press and the public to attend trials and to reconcile these rights

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with the rights of a defendant to a fair trial.

Question 2

In the 105th Congress, when the Senate Judiciary Committee considered another version of this amendment, I offered an amendment that said "Nothing in this article shall be construed to deny or diminish the rights of the accused as guaranteed by this Constitution."

Would you object to the adoption of similar language to S.J. Res. 1? Why or why not?

I believe that the language you suggested would be detrimental to the intended purpose of the amendment. The inclusion of such language would make the amendment similar to a legislative grant of victims' rights, where a court would not need to consider the relationship between the rights of victims and the rights of the accused, but rather would protect the latter to the detriment of the former.

Do you believe this language is consistent with your conclusions in responding to Question 1?

While we do believe that this language is consistent with my conclusion in Question 1, we do not necessarily believe that it would be consistent with the intent of the amendment – to require courts to give consideration to the rights of victims in the criminal justice system. Because its inclusion would make the amendment similar to a legislative grant of rights, courts would not be required to reach the threshold question of whether a victim's right truly conflicts with a right of the defendant.

Question 3

Section 3 states: "Only the victim or the victim's lawful representative may assert the rights established by this article." However, this amendment does not define "victim." I understand your position that Congress will likely be responsible for defining this term. Please provide guidance for Congress in addressing the following hypothetical possibilities:

a.) Someone is murdered. Is the deceased the only victim of the crime? What about the spouse? Significant others? Domestic partner? Parents? Children?

b.) A child is kidnaped and recovered. Is the child the victim? Or the parents?

c.) A battered wife, who has been the victim of domestic violence for a long period of time and finally strikes back and assaults the spouse who has battered her, is brought in on criminal charges of assault and battery, and the abusing spouse becomes a victim, too. Who is the victim with Constitutional rights?

REV_00121673

If the amendment is adopted, the courts presumably will develop a body of jurisprudence that will more precisely define the term "victim," and the corresponding reach of Congressional authority to refine that definition. However, we believe that in the case of a murdered person, it would be appropriate to allow the victim's rights to be exercised by a surviving family member or other appropriate representative, and am confident that courts will agree with this conclusion. In the case of a minor victim, such as in the kidnaping context, it should again be an appropriate representative that will exercise the victim's rights. As for situations involving domestic violence, it may very well be that the accused batterer technically meets any developed definition of a victim. However, the amendment currently contains exception language which reads: "These rights shall not be restricted except when and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity." In domestic violence cases, where the true victim of the abusive relationship may actually be the defendant in a particular case and the abuser may be the victim, a judge may well decide that a substantial interest in public safety, or one of the other grounds for an exception, exists so as to preclude the abusive "victim" from exercising the given rights.

Question 4

S.J. Res. 1 also does not define "the victim's lawful representative" or explain how such a person should be chosen. In the hypothetical situation involving a murder victim, what would happen if both the spouse and the father of the deceased wanted to be the "lawful representative?" Who do you propose should make that determination? A judge? The prosecutor? What if the party who was not selected wants to appeal this decision?

It would be up to the courts to determine, on a case-by-case basis, who the victim's lawful representative should be.

Question 5

In your statement, you wrote, "By focusing on victims of violent crime, however, the proposed amendment recognizes the more detrimental effects that violent crime has on the most vulnerable of victims."

This assumes that violent crime has more detrimental effects on its victims. What about the victim of a misdemeanor assault? Is that person more worthy of Constitutional rights than an elderly widow has been swindled out of her life savings?

I do not believe that it would be correct to state that one type of victim is more or less worthy of Constitutional rights. However, those affected by violent crime often have not only a pecuniary loss as a result of the crime, but also suffer physically and psychologically.

In addition, it is important to note that the proposed amendment respects the role of state and local governments because it does not bar state and local governments from providing additional or broader rights to victims. It provides a floor and not a ceiling of the rights to be

REV_00121674

afforded to victims of crime. Some states have already extended statutory victims' rights to victims of other types of crime and the amendment in no way restricts such rights. Furthermore, the states and the federal government are free to broaden statutory protections for these other types of crime and it is my belief that by passing S.J. Res. 1, more attention will be focused on the plight of all victims, and perhaps other protections will be examined and possibly broadened.

Should the court examine the detrimental effects of each crime before determining whether the victim has Constitutional rights?

When dealing with a constitutional amendment, there are always going to be situations where it will be impossible to determine just what the courts will do when interpreting the boundaries of the amendment. Other amendments to the Constitution have undergone many of years of review and interpretation and we therefore have developed a jurisprudence that better equips us to determine what the most likely, and proper outcome will be. Although recognizing that one-hundred percent certainty is an impossibility, we do believe that the sponsors of this amendment have strived to reduce the situations where uncertainty could exist. By requiring courts to examine the detrimental effect of each crime before determining whether the victim has constitutional rights, we believe that it would invite even more uncertainty which would increase the difficulties that could arise if federal, state, and local prosecutors were unable to predict what their proper response should be in certain circumstances.

Question 6

In your statement, you wrote, "Our major concern with a constitutional amendment protecting the rights of victims is that our prosecutorial and law enforcement responsibilities are not unnecessarily burdened so as to impair our ability to prosecute criminals." In California, relatives of a homicide victim complained to a judge that a plea bargain between the prosecution and the defense was too lenient. They got what they wanted – withdrawal of the plea and prosecution of the man on murder charges. However, at the close of the trial, the defendant was acquitted and went free.

Do you believe that the rights of victims in this case burdened the prosecutor's ability to prosecute the case?

Although we would not feel comfortable stating unequivocally that the victims' rights did or did not burden the prosecutor's ability to prosecute the case without knowing the particular circumstances and having all of the facts before me, we do believe that the facts that you have cited led to an unfortunate result in this particular case. However, we think that even the opponents of the victims' rights amendment concede that overall prosecutorial efforts are more, not less, effective when victims are regularly consulted during the course of a case.

How would the language of S.J. Res. 1 avert a similar outcome in other criminal prosecutions?

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The proposed language of S.J. Res. 1 allows victims the right reasonably to be heard and to decisions that duly consider the victim's safety. However, it does not allow a victim the right to preclude plea bargains. Judges will be called upon to consider the rights of the defendant, the rights of the victim, and the pursuit of justice, and they will make determinations on a case-by-case basis.

Question 7

In your statement, you wrote, "The Department fully supports Section 5's limitation on the ratification period to seven years from the time Congress submits the amendment to the States. The limitation is necessary to ensure that the ratification period does not remain open in perpetuity, possibly outliving the intent and circumstances of its original passage by Congress." I believe we should not amend the Constitution – which has served us well for over 200 years – casually.

If you think the "intent and circumstances" leading us to amend the Constitution may change in as few as seven years, is this not an argument for a statutory and not a constitutional approach to protecting victims?

I do not believe that it is. A number of amendments to the Constitution contain such a clause – the 18th, 20th, 21st, and the 22nd Amendments. The purpose of such a clause is to preclude the type of situation like that encountered with the ratification of the 27th Amendment, which was originally proposed in 1789 but not ratified by the requisite number of state legislatures until 1992. We believe that the experience of the 27th Amendment, which remained in constitutional limbo for over 200 years, has led the Congress to include such a clause in a substantial number of proposed constitutional amendments over the last two decades. For example, amendments proposed in the last few years which have contained such a time limitation include those to ban flag burning and to limit campaign expenditures introduced recently in the 108th Congress; to repeal the 22nd Amendment and to provide for a balanced budget introduced in the 107th Congress; and an amendment to provide for Congressional term limits and your amendment to abolish the electoral college introduced in the 106th Congress.

Question 8

In Ms. Earlene Eason's testimony, she wrote of her frustration that the DA would not ask for a continuance on her behalf so she could attend the sentencing of the person who pled guilty to murdering her son. Do you believe S.J. Res. 1 would allow a victim to seek a continuance? If so, under what circumstances? How would this be reconciled with the Constitutional right to a speedy trial?

I do not believe that the amendment as drafted allows a victim an absolute right to a continuance. The amendment grants a victim the right not to be excluded from a public proceeding and the right reasonably to be heard at a public sentencing hearing. First, the right not to be excluded is not tantamount to a right to be present, i.e., the court does not need to accommodate the victim's right to be there, it simply cannot exclude him or her from the

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proceeding. Second, the right reasonably to be heard does not necessarily have to entail the victim's presence, a victim could be afforded the right to be heard in writing rather than orally. However, courts may well decide, on a case-by-case basis, that a continuance would not adversely affect the proceedings and therefore order a continuance so that the victim's right under the amendment can be fully realized.

There are numerous scenarios where the defendant's right to a speedy trial would in no way be implicated by a continuance issued so as to allow the victim to be present. This would be the case when the continuance sought was a mere matter of days, or even longer. The Supreme Court has stated that the right to a speedy trial does not preclude delays and has identified four factors that should be considered when making determinations in this context: the length of the delay, the reason for the delay, the defendant's assertion of his right, and prejudice to the defendant. *Barker v. Wingo*, 407 U.S. 514 (1972). In addition, the Court stated that "until there is some delay which is presumptively prejudicial, there is no necessity for inquiry into the other factors that go into the balance." *Id.* at 530. Under this analysis, depending on the length of the delay a continuance may cause, it is entirely possible that the defendant's right to a speedy trial will in no way be implicated.

Question 9

In Mr. Duane Lynn's testimony, he expressed his frustration that he could not comment on how his wife's murdered should be sentenced. Do you believe S.J. Res. 1 would allow a victim to make a sentencing recommendation (such as the death penalty instead of life in prison or vice versa) in his or her impact statement?

I do believe that a court could decide that under the proposed amendment a victim has the right to offer his or her opinion as to whether the defendant should be sentenced to life or death. Indeed, it is unclear that current law precludes such victim testimony. In *Payne v. Tennessee,* 501 U.S. 808 (1991), the Supreme Court ruled that the Eighth Amendment does not erect a per se bar to the admission of victim impact evidence in capital cases. In so doing, the Court overruled two of its prior precedents, *Booth v. Maryland*, 482 U.S. 496 (1987), in which the Court ruled that victim impact evidence relating to the personal characteristics of the victim and the emotional impact of the crimes on the victim's family were barred, and *South Carolina v. Gathers*, 490 U.S. 805 (1989), which ruled that a prosecutor could not argue to the jury the human cost of the crime during the sentencing phase of a capital case. However, the Supreme Court has not ruled on whether victim impact statements can include a sentencing recommendation and it is unclear, based on the Court's prior rulings, that it would decide that such recommendations are per se unconstitutional. In Oklahoma, victims are allowed to give opinions of a recommended sentence. *See* OKLA. STAT. ANN. § 984. In ruling on a due process challenge to victim impact testimony that included a recommendation for the death penalty in a capital case, the Oklahoma Court of Criminal Appeals ruled that such opinion testimony is permissible and articulated the proper standard of review: "evidence by victim impact witnesses that the defendant deserves death is admissible but will be viewed by this Court with a heightened degree of scrutiny." *Conover v. State of Oklahoma*, 933 P.2d 904, 921 (Okla. Crim. App. 1997). Although the court found the particular opinion testimony given in this case to have

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been more prejudicial than probative, it ruled that "there was nothing improper in the opinions given by the three witnesses in this case that the death penalty was the appropriate sentence . . . . However, this type of evidence should be limited to a simple statement of the recommended sentence without amplification." *Id.* at 921.

Ultimately, it will be up to the courts to decide whether or not the amendment grants victims the right to offer their opinion as to whether the defendant should be sentenced to life or death, but we do believe that it is entirely consistent with the right "reasonably to be heard" to allow victims the right to give a sentencing recommendation. As in other contexts, the courts will have to examine this right in light of a defendant's constitutional rights and define the application of the competing rights or balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

REV_00121678

Senator Dianne Feinstein

Senate Judiciary Committee Hearing on S.J. Res. 1,
the Victims' Rights Amendment
Written Question for Assistant Attorney General Viet Dinh

1. At the hearing, there was some discussion about what would happen if S. J. Res. 1 was adopted and a victim's constitutional right came into conflict with a criminal defendant's constitutional right. First, I want to clarify that nothing in the amendment would take away defendants' rights. Section 1 of the amendment makes clear that victims' rights are capable of protection without denying defendants' constitutional rights. Second, in many instances, the basic procedural rights conferred by the amendment would have little, if any, impact on defendants' rights. For example, is hard to see how a defendant could plausibly object to providing notice to victims about the date and location of public proceedings involving the crime. Third, the amendment qualifies many of the victims' rights to ensure that courts limit them appropriately. For instance, under the amendment, victims would have no constitutional right to be heard at trial and, at other public proceedings involving the crime, victims would have only a right "reasonably" to be heard. Fourth, the amendment provides three specific exceptions to restrict victims' rights: 1) a substantial interest in public safety; 2) a substantial interest in the administration of criminal justice; and 3) compelling necessity.

I would like to clarify one point about the administration of criminal justice exception. In responses to me and to Senator Durbin at the hearing, you suggested that the administration of criminal justice exception would allow courts faced with a conflict between a defendant's constitutional right and a victim's constitutional right to balance these rights and decide in favor of the person with the more compelling argument.

I agree with that response. However, to avoid any misunderstanding, I want to make clear that defendants' rights could come under any one (or more) of the three exceptions in Section 2 of the amendment, not just the administration of criminal justice exception. Let me offer some examples of how that could happen. If a victim sat in the courtroom and tried to disrupt the proceeding by yelling at the defendant, this would adversely affect the administration of criminal justice. To ensure that the defendant received his

REV_00121679

or her constitutional right to a fair trial, the judge could have the victim removed (and even pursue other actions against the victim, such as holding the victim in contempt). If the same victim threatened bodily harm to the defendant or judge, that would also implicate public safety as well as violate the defendant's constitutional right to a fair trial. The judge could, at a minimum, force the victim to leave under the public safety exception. If the victim was horribly maimed by the crime and insisted on sitting immediately in front of the jury, the judge could determine that compelling necessity dictated that the victim not be allowed to be present during the trial.

Obviously, I do not intend these examples to be exhaustive. However, I do think that they illustrate some of the variety of ways in which the amendment would ensure the protection of defendants' constitutional rights consistent with the existence of victims' constitutional rights. These ways would always depend heavily on the underlying context in which the rights came into conflict and the weight of the defendant's and victim's respective interests. Similar balancing is done in other situations where constitutional rights conflict–for example, where the media's First Amendment right to cover a trial conflicts with a defendant's constitutional right to a fair trial.

a) Do you agree that criminal defendants' rights could come under any one (or more) of the three exceptions in Section 2 of the amendment, not just the administration of criminal justice exception?

Yes.

b) Assuming that you answer yes to question 1(a), do you agree that, if a victim's constitutional right conflicted with a defendant's constitutional right, the judge would then–applying applicable precedent–balance (or otherwise reconcile) these rights and then decide in favor of the person with the more compelling argument?

Yes. We believe that by allowing for restrictions when there is a substantial interest in public safety or the administration of criminal justice, or by compelling necessity, the amendment would allow the courts either to articulate boundaries to define the application of competing rights or to balance the competing rights in a particular case and rule in favor of the party with the more compelling argument.

REV_00121680

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed please find responses to follow-up questions for the record of the Committee's hearing on April 8, 2003, on S.J.Res. 1, "[p]roposing an amendment to the Constitution of the United States to protect the rights of crime victims."

We hope that you will find the information helpful and that you will not hesitate to call upon us if we may be of additional assistance in connection with this or any other matter. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

William E. Moschella
Assistant Attorney General

Enclosure

cc: The Honorable Patrick J. Leahy
Ranking Minority Member

The Honorable Richard J. Durbin

The Honorable Dianne Feinstein

From: Elwood, Courtney S.
To: <Kavanaugh, Brett M.>;<Ralston, Susan B.>
CC: <Douglass, Kimberly A.>;<Litkenhaus, Colleen>;<O'Donnell, Claire M.>
Sent: 6/12/2003 10:03:51 AM
Subject: Re: Use of Corporate Planes

Mrs. Cheney is the only OVP-related person whom I foresee needing the use of corporate aircraft on a regular basis. In those instances, please include David or me in the review/approval process. Thanks.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Ralston, Susan B.
CC: Douglass, Kimberly A. ; Litkenhaus, Colleen ; Elwood, Courtney S.

Sent: Thu Jun 12 08:50:10 2003
Subject: Re: Use of Corporate Planes

We should create a form e-mail for this. And I should approve each individual trip where the campaign has secured a private plane and intends to provide transportation to a government official on that plane. Thanks.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/12/2003 06:42:32 AM
Record Type: Record

To: Kimberly A. Douglass/WHO/EOP@Exchange, Colleen Litkenhaus/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO /EOP@EOP, Courtney S. Elwood/OVP/EOP@Exchange

cc:
Subject: Use of Corporate Planes

The campaign would like to know how we should handle the corporate plane approval process. Do we want a new form created to give the information for vetting, or do you want to handle on a case-by-case basis via email?

Once a person or entity has been approved, can we use them on a going forward basis w/o going through approval again? For example, Brett gave approval to use Warren Tichenor's corporate plane for TX travel for upcoming BC'04 events. Can we consider Warren's plane pre-approved for future WH staff, or do you want to go through the approval process again using forms or email?

Let me know your thoughts.

From: Caramanica, Jessica \(Judiciary\) <Jessica_Caramanica@Judiciary.senate.gov>
To: Caramanica, Jessica \(Judiciary\) <Jessica_Caramanica@Judiciary.senate.gov>;Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>;viet.dinh@usdoj.gov <viet.dinh@usdoj.gov>;brian.a.benczkowski@usdoj.gov <brian.a.benczkowski@usdoj.gov>;brian.a.benczkowski@usdoj.gov <Grubbs, Wendy J.>;adam.charnes@usdoj.gov <adam.charnes@usdoj.gov>;adam.charnes@usdoj.gov <Kavanaugh, Brett M.>;adam.charnes@usdoj.gov <Snee, Ashley>;Monica.goodling@usdoj.gov <Monica.goodling@usdoj.gov>;Galyean, James \(L. Graham\) <James_Galyean@lgraham.senate.gov>;Vogel, Alex \(Frist\) <Alex_Vogel@frist.senate.gov>;Abegg, John \(McConnell\) <John_Abegg@mcconnell.senate.gov>;Smith, William \(Judiciary\) <William_Smith@Judiciary.senate.gov>;Ho, James \(Judiciary\) <James_Ho@Judiciary.senate.gov>;Duffield, Steven \(RPC\) <Steven_Duffield@rpc.senate.gov>;Gumerson, Katie \(RPC\) <Katie_Gumerson@rpc.senate.gov>;Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Delrahim, Makan \(Judiciary\) <Makan_Delrahim@Judiciary.senate.gov>;Dahl, Alex \(Judiciary\) <Alex_Dahl@Judiciary.senate.gov>
Sent: 6/12/2003 11:21:14 AM
Subject:

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From: Caramanica, Jessica (Judiciary) <Jessica_Caramanica@Judiciary.senate.gov>
To: Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>;Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>;Gumerson, Katie (RPC) <Katie_Gumerson@rpc.senate.gov>;Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>;Abegg, John (McConnell) <John_Abegg@mcconnell.senate.gov>;Galyean, James (L. Graham) <James_Galyean@lgraham.senate.gov>;ashley_m._snee@who.eop.gov [UNKNOWN] <ashley_m._snee@who.eop.gov>;adam.charnes@usdoj.gov [UNKNOWN] <adam.charnes@usdoj.gov>;brian.a.benczkowski@usdoj.gov [UNKNOWN] <brian.a.benczkowski@usdoj.gov>;Jamie.E.Brown@usdoj.gov [UNKNOWN] <Jamie.E.Brown@usdoj.gov>;Dahl, Alex (Judiciary) <Alex_Dahl@Judiciary.senate.gov>;Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>;Duffield, Steven (RPC) <Steven_Duffield@rpc.senate.gov>;Smith, William (Judiciary) <William_Smith@Judiciary.senate.gov>;Vogel, Alex (Frist) <Alex_Vogel@frist.senate.gov>;Monica.goodling@usdoj.gov [UNKNOWN] <Monica.goodling@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>;viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>;Caramanica, Jessica (Judiciary) <Jessica_Caramanica@Judiciary.senate.gov>
Sent: 6/12/2003 7:22:37 AM
Subject: :
Attachments: P_YKH4H003_WHO.TXT_1.html

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TO:"Abegg, John (McConnell)" <John_Abegg@mcconnell.senate.gov> ( "Abegg, John (McConnell)"
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Graham)" <James_Galyean@lgraham.senate.gov> [ UNKNOWN ] )
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<Alex_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )
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TO:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [ UNKNOWN ]
)
READ:UNKNOWN
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TO:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ("Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> [UNKNOWN])
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TO:"Duffield, Steven (RPC)" <Steven_Duffield@rpc.senate.gov> ("Duffield, Steven (RPC)" <Steven_Duffield@rpc.senate.gov> [UNKNOWN])
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TO:"Smith, William (Judiciary)" <William_Smith@Judiciary.senate.gov> ("Smith, William (Judiciary)" <William_Smith@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Vogel, Alex (Frist)" <Alex_Vogel@frist.senate.gov> ("Vogel, Alex (Frist)" <Alex_Vogel@frist.senate.gov> [UNKNOWN])
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TO:Monica.goodling@usdoj.gov (Monica.goodling@usdoj.gov [UNKNOWN])
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READ:UNKNOWN
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
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TO:"Caramanica, Jessica (Judiciary)" <Jessica_Caramanica@Judiciary.senate.gov> ("Caramanica, Jessica (Judiciary)" <Jessica_Caramanica@Judiciary.senate.gov> [UNKNOWN])
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File attachment <P_YKH4H003_WHO.TXT_1>

FYI: There will not be a 10:30am meeting tomorrow.

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From: Greenstone, Adam F.
To: <Kavanaugh, Brett M.>
Sent: 6/12/2003 1:07:05 PM
Subject: Cutler Memo

We received the boxes we called back from the Archives and, unfortunately, could not locate the memo you were looking for. Hope you have found it through other means.

From: Troy, Tevi
To: <Kavanaugh, Brett M.>;<Lefkowitz, Jay P.>;<Perry, Philip J.>
Sent: 6/12/2003 1:10:51 PM
Subject: Piece in the Hill

This mention of you was in an article in yesterday's Hill. I smell Horowitz behind it.

Tevi

Although smaller and less prominent, the Hudson Institute has carved out a niche for itself, not only by placing its scholars in the administration but also by driving a few issues important to the administration and even in some cases helping write and pass bills over its objections.

Hudson's ideas to reform tort law have made their way into bills that reached the floor of the Senate, and White House officials **Brett Kavanaugh, Jay Lefkowitz and Phil Perry** have all shown interest in the ideas.

Bush also drew on Hudson's work on the persecution of evangelical Christians around the world and sexual slavery in Eastern Europe to devise a part of his foreign policy — both over the objections of the Clinton administration.

But over objections of some in the White House and Justice Department, Senate aides said, Hudson's Horowitz played a crucial role in drafting legislation and assembling a bipartisan coalition that makes passage of a prison-rape bill likely.

From: "Think tanks survey policy landscape in post-Iraq, pre-election environment
From AEI to PPI, policy wonks jockey for influence in the Bush administration"
By Jonathan Kaplan

http://www.hillnews.com/news/061103/thinktanks.aspx

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/12/2003 3:03:33 PM
Subject: : White House Global Messenger 6/13/03
Attachments: P_0P75H003_WHO.TXT_1.doc

Begin Original ARMS Header
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CREATION DATE/TIME:12-JUN-2003 19:03:33.00
SUBJECT:: White House Global Messenger 6/13/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
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(See attached file: GM 6-13 FINAL.doc)

THE GLOBAL MESSENGER
Friday, June 13, 2003

******KEY POINTS: MIDDLE EAST******
From the President's remarks in Chicago, 6/11/03

President Bush condemned Wednesday's bus bombing in Jerusalem. The militant Islamic group Hamas claimed responsibility for the attack, which killed at least 16 people and injured more than 30.

-It is clear there are people in the Middle East who hate peace; who want to kill to make sure peace doesn't happen.

-It is clear that there are people who kill to make sure the desires of the Prime Minister of the Palestinian Authority and others of a peaceful state, living side-by-side with Israel, do not happen.

-President Bush urges nations that want to see peace in the Middle East to fight terror, cut off money from organizations like Hamas and to isolate those who are willing to kill to stop peace from happening.

-President Bush is calling upon all of the free world and peace-loving nations to not only condemn the killings, but to use their power to prevent them in the future.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change.

12:30 PM State Department briefing

THE PRESIDENT ON MIDDLE EAST PEACE

"America is committed, and I am personally committed, to implementing our road map toward peace. Our efforts are guided by clear principles: We believe that all people in the Middle East - Arab and Israeli alike - deserve to live in dignity, under free and honest governments. We believe

that people who live in freedom are more likely to reject
bitterness, blind hatred and terror; and are far more likely
to turn their energy toward reconciliation, reform
and development.
"There can be no peace for either side in the Middle East
unless there is freedom for both. Reaching that destination
will not be easy, but we can see the way forward. Now the
parties must take that way, step by step, and America will
be the active partner of every party that seeks true peace."
-- President Bush, 3/14/03

KEY QUOTES
"President Bush has made the global effort to eradicate
AIDS one of his highest foreign policy priorities."

"I can envision a day in this century when every man is free
of tyranny and poverty. This is a century of great potential
promise, yet these promising trends that the United States
and other democratic nations have supported can be
reversed if AIDS is left to rage across the globe."
--Secretary of State Powell, 6/11/03

AIDS
The President's emergency plan for AIDS relief, or The
United States Leadership Against HIV/AIDS, Tuberculosis,
and Malaria Act of 2003, commits $15 billion to fight AIDS abroad.

The initiative is intended to:
*Prevent 7 million new infections
*Treat 2 million HIV-infected people
*Care for 10 million HIV-infected individuals and AIDS orphans

The plan's implementation will:
*Involve a layered network of medical centers that support satellite
centers and mobile units, with varying levels of medical
expertise as treatment moves from urban to rural communities.
*Employ uniform prevention, care, and treatment protocols and
prepared medication packs for ease of drug administration.
*Build directly on clinics, sites, and programs established through
the U.S. Agency for International Development, the Department of
Health and Human Services, non-governmental organizations,
faith-based groups, and willing host governments.

THE WHITE HOUSE
Office of Global Communications
For more information log on to
http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining
news and information from the White House.

The White House Office of Global Communications
distributes information about the President's
messages to the world. This office distributes
updates on major international topics such
as the global war on terror, the case for regime
change in Iraq, and more broadly, the ways in
which we can all better communicate the aspirations
and interests that Americans share with freedom-loving
people everywhere.
- GM 6-13 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_0P75H003_WHO.TXT_1>

THE GLOBAL MESSENGER

Friday, June 13, 2003

TODAY'S SCHEDULE

All Times Eastern Daylight. Subject to Change.

12:30 pm State Department briefing

KEY QUOTES

"President Bush has made the global effort to eradicate AIDS one of his highest foreign policy priorities."

"I can envision a day in this century when every man is free of tyranny and poverty. This is a century of great potential promise, yet these promising trends that the United States and other democratic nations have supported can be reversed if AIDS is left to rage across the globe."
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For more information, please visit:
http://www.whitehouse.gov/infocus/hivaids

KEY POINTS: MIDDLE EAST

From the President's remarks in Chicago, 6/11/03

- It is clear there are people in the Middle East who hate peace; who want to kill to make sure peace doesn't happen.
- It is clear that there are people who kill to make sure the desires of the Prime Minister of the Palestinian Authority and others of a peaceful state, living side-by-side with Israel, do not happen.
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From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 6/12/2003 4:30:41 PM
Subject: FW: weird
Attachments: d.gif; spacer.gif

Ever hear of this one?

-----Original Message-----
From: Bumatay, Patrick J.
Sent: Thursday, June 12, 2003 12:35 PM
To: Nelson, Carolyn; Leitch, David G.; Montiel, Charlotte L.; Ganter, Jonathan F.; Farrell, J. Elizabeth; Zimmerman, Mara
Subject: FW: weird

Setting the Record Straight

An open letter to Hillary Clinton.

By Dick Morris

ear Hillary,

In your new book, *Living History*, you correctly note that when you asked me to help you and Bill avert defeat in the congressional election of 1994 I was reluctant to do so. But then you assert, incorrectly, that my reluctance stemmed from difficulties in working with your staff. You even misquote me as telling you: "I don't like the way I was treated, Hillary. People were so mean to me."

As you know, I never said anything of the sort. I had, in fact, no experience in dealing with either your staff or the President's at that point, and had not yet met Leon Panetta or George Stephanopoulos. My prior dealing with Harold Ickes had been twenty five years earlier.

The real reason I was reluctant was that Bill Clinton had tried to beat me up in May of 1990 as he, you, Gloria Cabe, and I were together in the Arkansas governor's mansion. At the time, Bill was worried that he was falling behind his democratic primary opponent and verbally assaulted me for not giving his campaign the time he felt it deserved. Offended by his harsh tone, I turned and stalked out of the room.

Bill ran after me, tackled me, threw me to the floor of the kitchen in the mansion and cocked his fist back to punch me. You grabbed his arm and, yelling at him to stop and get control of himself, pulled him off me. Then you walked me around the grounds of the mansion in the minutes after, with your arm around me, saying, "He only does that to people he loves."

I continued to work for Bill since I felt a responsibility to do so until Election Day in 1990. But our relationship was never close and never the same. After the 1990 campaign we parted ways as a direct result of the altercation.

When the story threatened to surface during the 1992 campaign, you told me to "say it never happened."

That, and not the invented conversation in your memoir, was the reason that I was reluctant to work for Bill again.

Yours,
Dick Morris

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>
Sent: 6/12/2003 12:35:41 PM
Subject: : Re: FW: weird
Attachments: P_AK05H003_WHO.TXT_1.gif; P_AK05H003_WHO.TXT_2.gif

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-JUN-2003 16:35:41.00
SUBJECT:: Re: FW: weird
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

yes indeed . . .

From: David G. Leitch/WHO/EOP@Exchange on 06/12/2003 04:30:41 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: weird

Ever hear of this one?
;
-----Original Message-----
From: Bumatay, Patrick J.
Sent: Thursday, June 12, 2003 12:35 PM
To: Nelson, Carolyn; Leitch, David G.; Montiel, Charlotte L.; Ganter, Jonathan F.; Farrell, J. Elizabeth; Zimmerman, Mara
Subject: FW: weird

;
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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AK05H003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AK05H003_WHO.TXT_2>

D

From: Robert McConnell <RMcConnell@hyi-usa.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/12/2003 1:31:33 PM
Subject: : FW: New Democrats Vote for Class Action Reform
Attachments: P_WW47H003_WHO.TXT_1.txt

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert McConnell <RMcConnell@hyi-usa.com> ( Robert McConnell <RMcConnell@hyi-
usa.com> [ UNKNOWN ] )
CREATION DATE/TIME:12-JUN-2003 17:31:33.00
SUBJECT:: FW: New Democrats Vote for Class Action Reform
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

FYI

<http://www.newdem.org/images/email/ndn-header.jpg>

Today, class action reform passed the House of Representatives with the votes of 32 Democrats, a doubling of Democratic support from past years. We are proud to say that 22 of those Democratic votes came from members of the New Democrat Coalition, including Reps. Ed Case (HI), Jim Cooper (TN), Bud Cramer (AL), Cal Dooley (CA), Rahm Emanuel (IL), Harold Ford (TN), Jane Harman (CA), Baron Hill (IN), Chris John (LA), Rick Larsen (WA), John Larson (CT), Ken Lucas (KY), Denise Majette (GA), Jim Matheson (UT), Karen McCarthy (NY), Michael Michaud (ME), Dennis Moore (KS), Jim Moran (VA), David Scott (GA), Charles Stenholm (TX), John Tanner (MS), and Jim Turner (TX).

A special word of congratulations must go to Reps. Boucher, Dooley, and Moran who have been working hard on this issue for so long.

Congratulations all!

New Democrat Network - New Leaders for a New Time
www.newdem.org <http://www.newdem.org/>

777 North Capitol Street, NE Suite 410
Washington, D.C. 20002
Ph: 202-544-9200
Fax: 202-547-2929

Contributions to the New Democrat Network are not tax-deductible.

Paid for by the New Democrat Network.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WW47H003_WHO.TXT_1>

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Contributions to the New Democrat Network are not tax-deductible.
Paid for by the New Democrat Network.

From: Gray, Terra
To: <Kavanaugh, Brett M.>
CC: <Ball, Andrea G.>
Sent: 6/12/2003 5:44:43 PM
Subject: Another Question

I know you are getting slammed with questions right now, I promise we will get this after the first trip, but.....

Noelia Rodriguez, our Press Secretary, will be traveling on both of our first stops.

Trip #1: In Chattanooga, she will be with the First Lady the entire trip.

Trip #2: She will fly to PA with the First Lady and attend all events, fly to Cincinnati and attend only the official event, and fly home commercially. I noticed that the President's Press Secretary (on a memo from you) is considered an "official" traveler. Is Noelia considered an "official traveler regardless of the nature of the trip"? If no, what will her flight home from OH be classified as?

Thank you for all of your help and guidance.

Terra

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 6/12/2003 5:47:29 PM
Subject: FW: Addition

?

Also, I want to speak with you about the Staff Room and the Countdown Room. I'm thinking both these rooms can be paid for out of the WHO budget verses the campaign. Also, what about the downtime suite for the President?

-----Original Message-----

From: Becker, Kathy J.

Sent: Thursday, June 12, 2003 3:22 PM

To: Litkenhaus, Colleen

Cc: Jesmer, Kendall

Subject: Addition

We have added a downtime suite for the President in New York. The cost is $500.00. When he has downtime, we always get a Precor eliptical trainer in the room for his work out. Can't that be paid by the WH instead of the campaign?

kjb

From: Kavanaugh, Brett M.
To: <Gray, Terra>
CC: <Ball, Andrea G.>;<Douglass, Kimberly A.>
Sent: 6/12/2003 7:28:38 PM
Subject: Re: Another Question

No problem. Although this makes it a little more difficult, we will assess the Press Secretary to the First Lady on a case-by-case basis based on the Press Secretary's role on the trip and the nature of the trip. On the trips described below, she should be treated as an official traveler.

From: Terra Gray/WHO/EOP@Exchange on 06/12/2003 05:44:43 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Andrea G. Ball/WHO/EOP@Exchange

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Thank you for all of your help and guidance.

Terra

From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>;<Powell, Benjamin A.>
Sent: 6/12/2003 7:32:40 PM
Subject: Birmingham News (6/12/03) re: Pryor says his beliefs won't interfere with law

News

Pryor says his beliefs won't interfere with law

06/12/03

MARY ORNDORFF

News Washington correspondent

WASHINGTON Alabama Attorney General Bill Pryor told senators Wednesday that he could discard his history of strong personal opinions and political agendas to become a fair and objective judge, a statement Republicans cheered and Democrats doubted.

"My record as attorney general shows that I am able to put aside my beliefs and follow the law," Pryor said. "It is my duty."

They were his first public comments since President Bush nominated him in April to a lifetime slot on the 11th U.S. Circuit Court of Appeals, a post that requires the blessing of the U.S. Senate.

Pryor's four-plus hours before the Senate Judiciary Committee were less contentious than his supporters had expected. But Democrats, while they applauded Pryor's candor, grilled him about everything from his stated position that abortion is murder to his distaste for federal government reaching into state issues.

"I believe a judge can be pro-life yet be fair, balanced, and uphold a woman's right to choose," said Sen. Charles Schumer, D-NY. "But based on the comments Attorney General Pryor has made on this subject, I've got some real concerns that he cannot, because he feels these views so deeply and passionately."

The hearing's tempo swung like a pendulum. Republicans heaped praise on Pryor as he leaned back in his chair and sipped water. But the more interrogating Democrats took turns sending him to the edge of his seat to defend himself, sometimes at higher volume, against their pointed questions.

Sen. Russ Feingold, D-Wisconsin, debated Pryor on his record of raising campaign cash from corporations through a political group he created for Republican state attorneys general. Pryor said the contributions would not create a conflict of interest for prosecutors who might have to investigate those companies.

Feingold also asked Pryor why he decided to reschedule a family vacation to Disney World to avoid a planned gathering of homosexuals. Pryor said he and his wife, when their daughters were ages 6 and 4, "made a value judgment" and went another time.

Sen. Edward Kennedy, D-Mass., accused Pryor of "ducking" a question about a case involving the death penalty's application to the mentally retarded.

Pryor testified that he regretted only one of his published remarks, when he said Alabama's method of execution should not be a decision for the "octogenarians" on the Supreme Court.

Pryor's biggest defenders were the committee chairman, Sen. Orrin Hatch, R-Utah, and Sen. Jeff Sessions, R-Ala.

Sessions, whose own nomination to the bench was killed several years ago by the same committee, beamed like a proud father. He hired Pryor into the state prosecutor's office in 1995.

"Bill is one of the good guys," Sessions said. "There is no extremism here."

Hatch was incredulous that opponents blasted Pryor's legal positions in cases ultimately won before the U.S. Supreme Court. "The ones outside the mainstream are these critics," Hatch said.

Pryor returned time and again to a set of examples of his defying his personal beliefs or bucking his supporters to make a legal argument in a case. He ordered local prosecutors in Alabama to enforce a ban on a late-term abortion method critics call partial-birth abortion only to the extent that would be upheld by the courts, and no further; he took the side of blacks and Democrats in a challenge to legislative district lines; and he disagreed with former Gov. Fob James and argued in support of student-led, but not school-led, prayer.

"Whatever my political philosophies might be ... I strive to follow the law," Pryor said.

Race and religion were undercurrents. There were multiple references to the 16th Street Baptist Church bombings and how Pryor aided the prosecution of the final two suspects. Sessions and other Republicans spoke frequently and highly of state Rep. Alvin Holmes, D-Montgomery, who endorsed Pryor's nomination. Hatch called Holmes "a great black leader."

There were no signs that the seven Democrats at Wednesday's hearing were swayed to vote for Pryor. One Republican, Sen. Arlen Specter of Pennsylvania, asked Pryor for assurances that he would follow the precedents of the Supreme Court, especially Roe v. Wade. Pryor under earlier questioning had said he would follow the law on abortion. Specter, who is pro-choice, did not disclose whether he would support Pryor's nomination.

If the committee votes along party lines, in a meeting that is probably more than a week away, Pryor would be approved 10-9. Pryor's opponents are lobbying Democrats to filibuster Pryor's nomination on the Senate floor, a tactic employed against two other nominees.

In the end, Sessions declared Pryor had won the day. Democrats, who were limited to 10-minute sessions per senator, did not return for a second round of questions after a lunch break.

From: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>
To: <Grubbs, Wendy J.>;<Kavanaugh, Brett M.>;Monica.Goodling@usdoj.gov <Monica.Goodling@usdoj.gov>;Monica.Goodling@usdoj.gov <Snee, Ashley>;Mark.Corallo@usdoj.gov <Mark.Corallo@usdoj.gov>;Jamie.E.Brown@usdoj.gov <Jamie.E.Brown@usdoj.gov>
Sent: 6/12/2003 7:40:24 PM
Subject: Communications on Judges

Just FYI if you have time. I have seen all three presentations and they are quite useful.

-----Original Message-----
From: Miranda, Manuel (Frist)
Sent: Thursday, June 12, 2003 3:45 PM
Subject: IMPORTANT Staff Meeting Tomorrow
Importance: High

Tomorrow from 2 to 3 pm, in the Mansfield Room (S 207), we have arranged to host a powerful presentation to benefit all staffs on judicial issues this summer, both in speechwriting, correspondence and press. The information you will receive will not only benefit your work but should also be communicated to your senator. We will begin promptly.

At 2 pm, we will begin with a presentation of the Hispanic polling released just yesterday by **pollster Raul Damas**, especially useful to Senators in cycle.
At 2:15, **pollster Frank Luntz** will describe the results of his recent focus group on what works in communicating on judicial nominations.
At: 2:45, **pollster Dave Winston**, the official pollster of the Senate GOP, will present the latest polling on how the Senate GOP is doing with the American people.

The Luntz presentation features video of several GOP Senators and shows the immediate focus group results.

This is a rare and unprecedented opportunity for the staff. Your judiciary issues counsel, LA's/LC's, and communications team should attend.

Thanks,
Manuel Miranda

From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
To: Jamie.E.Brown@usdoj.gov [UNKNOWN] <Jamie.E.Brown@usdoj.gov>;Ashley Snee/WHO /EOP@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Mark.Corallo@usdoj.gov [UNKNOWN] <Mark.Corallo@usdoj.gov>;Monica.Goodling@usdoj.gov [UNKNOWN] <Monica.Goodling@usdoj.gov>;Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>
Sent: 6/12/2003 3:41:38 PM
Subject: : Communications on Judges
Attachments: P_XTV7H003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ( "Miranda, Manuel
(Frist)" <Manuel_Miranda@frist.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:12-JUN-2003 19:41:38.00
SUBJECT:: Communications on Judges
TO:Jamie.E.Brown@usdoj.gov ( Jamie.E.Brown@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Mark.Corallo@usdoj.gov ( Mark.Corallo@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Monica.Goodling@usdoj.gov ( Monica.Goodling@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XTV7H003_WHO.TXT_1>

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-

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Manuel Miranda

-
-
-
-
–

From: Kavanaugh, Brett M.
To: <Douglass, Kimberly A.>
Sent: 6/12/2003 7:42:59 PM
Subject:

reminder to email me draft trip summary

From: Hernandez, Israel
To: <Kavanaugh, Brett M.>
Sent: 6/13/2003 8:13:16 AM
Subject: FW: For WH Approval: miami invite
Attachments: EFLB01.pdf

Here you go. Sorry but they are tyring to go to print asap.

I left at 5:30pm for an appointent and I am not sure if Susan sent this to you.

Let me know.

Tampa soon to follow

-----Original Message-----
From: Henry Hager [mailto:hhager@georgewbush.com]
Sent: Thursday, June 12, 2003 6:51 PM
To: Hernandez, Israel
Cc: Ralston, Susan B.
Subject: For WH Approval: miami invite

-----Original Message-----
From: Rhodes Miller
Sent: Thursday, June 12, 2003 6:49 PM
To: Henry Hager
Subject: miami invite

how long do you think these will take? any chance we can send them to print tonight?

HONORARY FLORIDA FINANCE CHAIRMAN

AL HOFFMAN, JR.

FLORIDA FINANCE CO-CHAIRMEN

THOMAS F. PETWAY III

ZACHARIAH P. ZACHARIAH, M.D.

LUNCHEON CO-CHAIRS

CHARLES E. COBB
EDWARD W. EASTON
JOSE "PEPE" FANJUL
MARK GUZZETTA
AL MALOOF
MANUEL D. MEDINA
SERGIO PINO
NED SIEGEL

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ROBERT E. COKER
JOHN H. DASBURG
HERMAN ECHEVARRIA
CHARLES & ALLISON GARCIA
JORGE LUIS LOPEZ
STANLEY G. TATE
DR. GEORGE ZOLEY

LUNCHEON HOST COMMITTEE

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ERIC BUERMANN
BECKETT G. CANTLEY
HARVEY & WAYNE CHAPLIN
PAT & O'ANN CHRISTIANSEN
CARLOS M. DE CESPEDES
LARRY DEGEORGE
AL DOUGHERTY
PAUL DRUMMOND
LINDA GILL
ARMANDO GOENAGA
DR. RAJ GUPTA
CHRIS HANLON
ROBERT A. HANNA
PETER J. HENN
JOE MARLIN HILLIARD
PHILLIP M. HUDSON III
JAY HURLEY, ESQ.
MANNY KADRE
JOSEPH P. KLOCK, JR.
RONALD C. LAFACE
ROBERT MINTZ
J. LUIS RODRIGUEZ
RAUL ROMERO
JUSTIN J. SAYFIE
DARRYL K. SHARPTON
ROXANE SHRIVER
ENRIQUE TOMEU
JASON UNGER
MANNY A. VARAS
DON YAEGER
DRS. M.P. & MOLLY ZACHARIAH

*PARTIAL LISTING AT TIME OF PRINTING

PLEASE JOIN US FOR A LUNCHEON HONORING

PRESIDENT GEORGE W. BUSH & GOVERNOR JEB BUSH

MONDAY, JUNE 30, 2003

LUNCHEON BEGINS AT 11:30 A.M.
PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

THE MIAMI AIRPORT HILTON & TOWERS
INTERNATIONAL BALLROOM
5101 BLUE LAGOON DRIVE
MIAMI, FLORIDA

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT
ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH

REPLY CARD ENCLOSED
PLEASE RSVP BY THURSDAY, JUNE 26, 2003
FOR MORE INFORMATION CONTACT
GIGI BOLT AT (305) 670-5255

$2,000 PER PERSON
BUSINESS ATTIRE
PARKING AVAILABLE

THIS INVITATION IS NON-TRANSFERABLE

Paid for by Bush-Cheney '04, Inc.

LUNCHEON HONORING PRESIDENT GEORGE W. BUSH

JUNE 30, 2003 – MIAMI, FLORIDA
$2,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY 2004.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: EFLB01 Solicitor Tracking No.: _____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is $2,000 ($4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name		Salutation
Spouse Name		
Address		
City	State	Zip
Home Phone	Office Phone	
Fax Phone	Email	
Employer	Occupation	
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*	

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on
check # _____ **account named as**

_____
represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

Joint Contributions

If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.

_____
Signature of Spouse

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

_____
Cardholder Name

Amount of Donation: $ _____

_____
Signature

_____ _____
Card Number Expiration Date

REV_00121802

From: CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/13/2003 4:14:28 AM
Subject: : FW: For WH Approval: miami invite
Attachments: P_RNE5H003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:13-JUN-2003 08:14:28.00
SUBJECT:: FW: For WH Approval: miami invite
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here you go.; Sorry but they are tyring to go to print asap.
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I left at 5:30pm;for an appointent and I am not sure if Susan sent this to
you.
;
Let me know.
;
Tampa soon to follow
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-----Original Message-----
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Sent: Thursday, June 12, 2003 6:51 PM
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Subject: For WH Approval: miami invite

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To: Henry Hager
Subject: miami invite
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print tonight?
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RNE5H003_WHO.TXT_1>

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AL HOFFMAN, JR.

FLORIDA FINANCE CO-CHAIRMEN

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ROXANE SHRIVER
ENRIQUE TOMEU
JASON UNGER
MANNY A. VARAS
DON YAEGER
DRS. M.P. & MOLLY ZACHARIAH

*PARTIAL LISTING AT TIME OF PRINTING

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GIGI BOLT AT (305) 670-5255

$2,000 PER PERSON
BUSINESS ATTIRE
PARKING AVAILABLE

THIS INVITATION IS NON-TRANSFERABLE

Paid for by Bush-Cheney '04, Inc.

LUNCHEON HONORING PRESIDENT GEORGE W. BUSH

JUNE 30, 2003 – MIAMI, FLORIDA
$2,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY 2004.

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1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

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Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

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Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name		Salutation
Spouse Name		
Address		
City	State	Zip
Home Phone	Office Phone	
Fax Phone	Email	
Employer	Occupation	
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*	

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on
check # _____ **account named as**

_____
represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

Joint Contributions

If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.

_____
Signature of Spouse

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

_____
Cardholder Name

Amount of Donation: $ _____

_____
Signature

_____ _____
Card Number Expiration Date

REV_00121806

From: Douglass, Kimberly A.
To: <Kavanaugh, Brett M.>
Sent: 6/13/2003 8:40:29 AM
Subject: RE:
Attachments: 0107 Chicago, IL (OFFICIAL).doc; 1017 Georgia-Florida (MIXED).doc; 1022 Pennsylvania-Maine (POLITICAL).doc

Of course, I remembered at about 10:30 last night that I was supposed to send you these summaries. This is not a good sign. My short-term memory has already failed and we haven't even gotten to the first political trip yet...

<<1017 Georgia-Florida (MIXED).doc>> <<1022 Pennsylvania-Maine (POLITICAL).doc>> <<0107 Chicago, IL (OFFICIAL).doc>>

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 12, 2003 7:43 PM
To: Douglass, Kimberly A.
Subject:

reminder to email me draft trip summary

THE WHITE HOUSE

WASHINGTON

October 30, 2002

MEMORANDUM FOR THE FILE

FROM: CATHY ALIX
SPECIAL ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: THE PRESIDENT'S October 17, 2002 TRIP TO ATLANTA, GA / DAYTONA BEACH, FL

The following is a summary of the President's trip to Atlanta, GA / Daytona Beach, FL by the White House Management Office according to the President's schedule.

A) ***Trip Summary***

On the morning of Thursday, October 14, 2002, the President departed the White House via Marine One en route Andrews Air Force Base where he boarded Air Force One and departed en route Atlanta, GA. Upon arrival, the President proceeded via motorcade to Atlanta Marriott Marquis Hotel where he participated in a **Photo Opportunity** and gave **Remarks at Georgia 2002 Unity Luncheon.** Upon conclusion, the President departed via motorcade en route Hartsfield International Airport where he returned to Air Force One. He then departed en route Daytona Beach, FL. The President then proceeded via motorcade to Read-Pattillo Elementary School where he participated in a **Roundtable on Education,** gave **Remarks on Education,** and gave **Remarks Via Satellite to the United States Hispanic Chamber of Commerce National Convention.** The President then departed via motorcade en route Kennedy Residence where he participated in a **Photo Opportunity** and made **Remarks at Republican Party of Florida Reception.** At the conclusion of the events, the President returned to Air Force One and departed en route Andrews Air Force Base. Upon arrival, the President then boarded Marine One en route The White House where he remained for the evening.

B) Cost Summary

Since this trip involved both official and political activity, the "hard time" formula will be used to divide the mixed costs (AF1, military aircraft, per diem, car rentals, and miscellaneous support) between the White House and the Republican National Committee. Attached are trip record sheets for each city with percentages determined by the "hard time". There is also a trip record sheet, which shows the overall percentages determined by the event "hard time" for the President's total activities during his travel. The overall percentage will be applied to the cost of AF1 and traveling party per diem.

Any costs, which are determined to be solely "official" or "political" in nature, will be paid accordingly.

C) Hard Time Breakout

	OFFICIAL	*POLITICAL*
Overall Trip Percentage	**42%**	**58%**
Atlanta, GA	0%	100%
Daytona Beach, FL	59%	41%

D) Schedule

Attached is the President's summary schedule.

White House Approval

Advance Office __ _____

Counsel's Office _____

WHITE HOUSE TRIP RECORD

Principal: President
Trip Date: October 17, 2002
Itinerary: WDC to Atlanta, GA to Daytona Beach, FL to WDC

Overall:

Official Events	**Time (min)**	**Political Events**	**Time (min)**
Roundtable on Education	45	Photo Opportunity (Atlanta, GA)	25
Remarks on Education	40	Remarks at Georgia 2002 Unity Luncheon	40
Remarks Via Satellite to US Hispanic Chamber of Commerce National Convention	10	Photo Opportunity (Daytona Beach, FL)	25
		Remarks at Republican Party of Florida Reception	40
Total Official Time	95	**Total Political Time**	130

Official/Political Percentages

225 minutes = 100% Principal Event Time

95 Minutes of Total Official Time = 42% Official
225 Minutes of Total Principal Event Time

130 Minutes of Total Political Time = 58% Political
225 Minutes of Total Principal Event Time

WHITE HOUSE TRIP RECORD

Principal: President
Trip Date: October 17, 2002
Itinerary: WDC to Atlanta, GA to Daytona Beach, FL to WDC

Atlanta, GA:

Official Events	**Time (min)**	**Political Events**	**Time (min)**
		Photo Opportunity	25
		Remarks at Georgia 2002 Unity Luncheon	40
Total Official Time	0	**Total Political Time**	65

Official/Political Percentages

65 minutes = 100% Principal Event Time

65 Minutes of Total Political Time = 100% Political
65 Minutes of Total Principal Event Time

WHITE HOUSE TRIP RECORD

Principal: President
Trip Date: October 17, 2002
Itinerary: WDC to Atlanta, GA to Daytona Beach, FL to WDC

Daytona Beach, FL:

Official Events	**Time (min)**	**Political Events**	**Time (min)**
Roundtable on Education	45	Photo Opportunity (Daytona Beach, FL)	25
Remarks on Education	40	Remarks at Republican Party of Florida Reception	40
Remarks Via Satellite to US Hispanic Chamber of Commerce National Convention	10		
Total Official Time	95	**Total Political Time**	65

Official/Political Percentages

160 minutes = 100% Principal Event Time

95 Minutes of Total Official Time = 59% Official
160 Minutes of Total Principal Event Time

65 Minutes of Total Political Time = 41% Political
160 Minutes of Total Principal Event Time

THE WHITE HOUSE

WASHINGTON

October 30, 2002

MEMORANDUM FOR THE FILE

FROM: CATHY ALIX
SPECIAL ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: THE PRESIDENT'S October 22, 2002 TRIP TO DOWNINGTOWN, PA / BANGOR, ME

The following is a summary of the President's trip to Downingtown, PA / Bangor, ME by the White House Management Office according to the President's schedule.

A) ***Trip Summary***

On the morning of Tuesday, October 22, 2002, the President departed the White House via Marine One en route Andrews Air Force Base where he boarded Air Force One and departed en route Philadelphia, PA. Upon arrival, the President proceeded via Marine One en route United Sports Training Center (Downingtown, PA) where he gave remarks at a **Pennsylvania Welcome Event.** The President then departed via Marine One en route Philadelphia, PA where he boarded Air Force One and departed en route Bangor, ME where he made remarks at a **Maine Welcome Event.** Upon conclusion, the President returned to Air Force One and departed en route Andrews Air Force Base. Upon arrival, the President then boarded Marine One en route The White House where he remained for the evening.

B) ***Cost Summary***

Since this trip involved 100% political activity, all costs associated with this trip will be paid by the Republican National Committee.

C) ***Schedule***

Attached is the President's summary schedule.

White House Approval

Advance Office _____

Counsel's Office _____

THE WHITE HOUSE

WASHINGTON

January 13, 2003

MEMORANDUM FOR THE FILE

FROM: CATHY ALIX
SPECIAL ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: THE PRESIDENT'S January 7, 2003 TRIP TO CHICAGO, IL

The following is a summary of the President's trip to Chicago, IL by the White House Management Office according to the President's schedule.

A) ***Trip Summary***

On the afternoon of Tuesday, January 7, 2003, the President departed the White House via Marine One en route Andrews Air Force Base where he boarded Air Force One and departed en route Chicago, IL. Upon arrival, the President boarded Marine One en route Meigs Field Landing Zone and then proceeded via motorcade to Sheraton Chicago Hotel and Towers. There he made **Remarks to the Economic Club of Chicago.** Upon conclusion, the President proceeded via motorcade en route Meigs Field Landing Zone where he boarded Marine One en route Chicago O'Hare International Airport. The President then returned to Air Force One and departed en route Andrews Air Force Base. Upon arrival, the President returned via motorcade to The White House where he remained for the evening.

B) ***Cost Summary***

Since this trip involved 100% official activity, all cost associated with this trip will be paid by appropriated funds.

C) ***Schedule***

Attached is the President's summary schedule.

White House Approval

Advance Office _____

Counsel's Office _____

From: CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/13/2003 4:41:38 AM
Subject: : RE:
Attachments: P_LPF5H003_WHO.TXT_1.doc; P_LPF5H003_WHO.TXT_2.doc; P_LPF5H003_WHO.TXT_3.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:13-JUN-2003 08:41:38.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Of course, I remembered at about 10:30 last night that I was supposed to send you these summaries. This is not a good sign. My short-term memory has already failed and we haven,t even gotten to the first political trip yet(

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 12, 2003 7:43 PM
To: Douglass, Kimberly A.
Subject:

reminder to email me draft trip summary
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LPF5H003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LPF5H003_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LPF5H003_WHO.TXT_3>

THE WHITE HOUSE

WASHINGTON

October 30, 2002

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SUBJECT: THE PRESIDENT'S October 17, 2002 TRIP TO ATLANTA, GA / DAYTONA BEACH, FL

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	OFFICIAL	*POLITICAL*
Overall Trip Percentage	**42%**	**58%**
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D) Schedule

Attached is the President's summary schedule.

White House Approval

Advance Office __ _____

Counsel's Office _____

WHITE HOUSE TRIP RECORD

Principal: President
Trip Date: October 17, 2002
Itinerary: WDC to Atlanta, GA to Daytona Beach, FL to WDC

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Official Events	**Time (min)**	**Political Events**	**Time (min)**
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WHITE HOUSE TRIP RECORD

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Trip Date: October 17, 2002
Itinerary: WDC to Atlanta, GA to Daytona Beach, FL to WDC

Atlanta, GA:

Official Events	**Time (min)**	**Political Events**	**Time (min)**
		Photo Opportunity	25
		Remarks at Georgia 2002 Unity Luncheon	40
Total Official Time	0	**Total Political Time**	65

Official/Political Percentages

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65 Minutes of Total Political Time = 100% Political
65 Minutes of Total Principal Event Time

WHITE HOUSE TRIP RECORD

Principal: President
Trip Date: October 17, 2002
Itinerary: WDC to Atlanta, GA to Daytona Beach, FL to WDC

Daytona Beach, FL:

Official Events	**Time (min)**	**Political Events**	**Time (min)**
Roundtable on Education	45	Photo Opportunity (Daytona Beach, FL)	25
Remarks on Education	40	Remarks at Republican Party of Florida Reception	40
Remarks Via Satellite to US Hispanic Chamber of Commerce National Convention	10		
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160 Minutes of Total Principal Event Time

THE WHITE HOUSE

WASHINGTON

October 30, 2002

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B) ***Cost Summary***

Since this trip involved 100% political activity, all costs associated with this trip will be paid by the Republican National Committee.

C) ***Schedule***

Attached is the President's summary schedule.

White House Approval

Advance Office _____

Counsel's Office _____

THE WHITE HOUSE

WASHINGTON

January 13, 2003

MEMORANDUM FOR THE FILE

FROM: CATHY ALIX
SPECIAL ASSISTANT TO THE PRESIDENT FOR
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SUBJECT: THE PRESIDENT'S January 7, 2003 TRIP TO CHICAGO, IL

The following is a summary of the President's trip to Chicago, IL by the White House Management Office according to the President's schedule.

A) ***Trip Summary***

On the afternoon of Tuesday, January 7, 2003, the President departed the White House via Marine One en route Andrews Air Force Base where he boarded Air Force One and departed en route Chicago, IL. Upon arrival, the President boarded Marine One en route Meigs Field Landing Zone and then proceeded via motorcade to Sheraton Chicago Hotel and Towers. There he made **Remarks to the Economic Club of Chicago.** Upon conclusion, the President proceeded via motorcade en route Meigs Field Landing Zone where he boarded Marine One en route Chicago O'Hare International Airport. The President then returned to Air Force One and departed en route Andrews Air Force Base. Upon arrival, the President returned via motorcade to The White House where he remained for the evening.

B) ***Cost Summary***

Since this trip involved 100% official activity, all cost associated with this trip will be paid by appropriated funds.

C) ***Schedule***

Attached is the President's summary schedule.

White House Approval

Advance Office _____

Counsel's Office _____

From: Kavanaugh, Brett M.
To: <Douglass, Kimberly A.>
Sent: 6/13/2003 8:47:46 AM
Subject: RE:
Attachments: 0107 Chicago, IL (OFFICIAL).doc; 1017 Georgia-Florida (MIXED).doc; 1022 Pennsylvania-Maine (POLITICAL).doc

by the way, I have almost finished a little chart outlining how the various kinds of mixed trips should be handled. That should help as well.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/13/2003 08:40:29 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE:

Of course, I remembered at about 10:30 last night that I was supposed to send you these summaries. This is not a good sign. My short-term memory has already failed and we haven't even gotten to the first political trip yet...

<<1017 Georgia-Florida (MIXED).doc>> <<1022 Pennsylvania-Maine (POLITICAL).doc>> <<0107 Chicago, IL (OFFICIAL).doc>>

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Thursday, June 12, 2003 7:43 PM

To: Douglass, Kimberly A.

Subject:

reminder to email me draft trip summary

THE WHITE HOUSE

WASHINGTON

October 30, 2002

MEMORANDUM FOR THE FILE

FROM: CATHY ALIX
SPECIAL ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: THE PRESIDENT'S October 17, 2002 TRIP TO ATLANTA, GA / DAYTONA BEACH, FL

The following is a summary of the President's trip to Atlanta, GA / Daytona Beach, FL by the White House Management Office according to the President's schedule.

A) ***Trip Summary***

On the morning of Thursday, October 14, 2002, the President departed the White House via Marine One en route Andrews Air Force Base where he boarded Air Force One and departed en route Atlanta, GA. Upon arrival, the President proceeded via motorcade to Atlanta Marriott Marquis Hotel where he participated in a **Photo Opportunity** and gave **Remarks at Georgia 2002 Unity Luncheon.** Upon conclusion, the President departed via motorcade en route Hartsfield International Airport where he returned to Air Force One. He then departed en route Daytona Beach, FL. The President then proceeded via motorcade to Read-Pattillo Elementary School where he participated in a **Roundtable on Education,** gave **Remarks on Education,** and gave **Remarks Via Satellite to the United States Hispanic Chamber of Commerce National Convention.** The President then departed via motorcade en route Kennedy Residence where he participated in a **Photo Opportunity** and made **Remarks at Republican Party of Florida Reception.** At the conclusion of the events, the President returned to Air Force One and departed en route Andrews Air Force Base. Upon arrival, the President then boarded Marine One en route The White House where he remained for the evening.

B) Cost Summary

Since this trip involved both official and political activity, the "hard time" formula will be used to divide the mixed costs (AF1, military aircraft, per diem, car rentals, and miscellaneous support) between the White House and the Republican National Committee. Attached are trip record sheets for each city with percentages determined by the "hard time". There is also a trip record sheet, which shows the overall percentages determined by the event "hard time" for the President's total activities during his travel. The overall percentage will be applied to the cost of AF1 and traveling party per diem.

Any costs, which are determined to be solely "official" or "political" in nature, will be paid accordingly.

C) Hard Time Breakout

	OFFICIAL	*POLITICAL*
Overall Trip Percentage	**42%**	**58%**
Atlanta, GA	0%	100%
Daytona Beach, FL	59%	41%

D) Schedule

Attached is the President's summary schedule.

White House Approval

Advance Office __ _____

Counsel's Office _____

WHITE HOUSE TRIP RECORD

Principal: President
Trip Date: October 17, 2002
Itinerary: WDC to Atlanta, GA to Daytona Beach, FL to WDC

Overall:

Official Events	**Time (min)**	**Political Events**	**Time (min)**
Roundtable on Education	45	Photo Opportunity (Atlanta, GA)	25
Remarks on Education	40	Remarks at Georgia 2002 Unity Luncheon	40
Remarks Via Satellite to US Hispanic Chamber of Commerce National Convention	10	Photo Opportunity (Daytona Beach, FL)	25
		Remarks at Republican Party of Florida Reception	40
Total Official Time	95	**Total Political Time**	130

Official/Political Percentages

225 minutes = 100% Principal Event Time

95 Minutes of Total Official Time = 42% Official
225 Minutes of Total Principal Event Time

130 Minutes of Total Political Time = 58% Political
225 Minutes of Total Principal Event Time

WHITE HOUSE TRIP RECORD

Principal: President
Trip Date: October 17, 2002
Itinerary: WDC to Atlanta, GA to Daytona Beach, FL to WDC

Atlanta, GA:

Official Events	**Time (min)**	**Political Events**	**Time (min)**
		Photo Opportunity	25
		Remarks at Georgia 2002 Unity Luncheon	40
Total Official Time	0	**Total Political Time**	65

Official/Political Percentages

65 minutes = 100% Principal Event Time

65 Minutes of Total Political Time = 100% Political
65 Minutes of Total Principal Event Time

WHITE HOUSE TRIP RECORD

Principal: President
Trip Date: October 17, 2002
Itinerary: WDC to Atlanta, GA to Daytona Beach, FL to WDC

Daytona Beach, FL:

Official Events	**Time (min)**	**Political Events**	**Time (min)**
Roundtable on Education	45	Photo Opportunity (Daytona Beach, FL)	25
Remarks on Education	40	Remarks at Republican Party of Florida Reception	40
Remarks Via Satellite to US Hispanic Chamber of Commerce National Convention	10		
Total Official Time	95	**Total Political Time**	65

Official/Political Percentages

160 minutes = 100% Principal Event Time

95 Minutes of Total Official Time = 59% Official
160 Minutes of Total Principal Event Time

65 Minutes of Total Political Time = 41% Political
160 Minutes of Total Principal Event Time

THE WHITE HOUSE

WASHINGTON

October 30, 2002

MEMORANDUM FOR THE FILE

FROM: CATHY ALIX
SPECIAL ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: THE PRESIDENT'S October 22, 2002 TRIP TO DOWNINGTOWN, PA / BANGOR, ME

The following is a summary of the President's trip to Downingtown, PA / Bangor, ME by the White House Management Office according to the President's schedule.

A) ***Trip Summary***

On the morning of Tuesday, October 22, 2002, the President departed the White House via Marine One en route Andrews Air Force Base where he boarded Air Force One and departed en route Philadelphia, PA. Upon arrival, the President proceeded via Marine One en route United Sports Training Center (Downingtown, PA) where he gave remarks at a **Pennsylvania Welcome Event.** The President then departed via Marine One en route Philadelphia, PA where he boarded Air Force One and departed en route Bangor, ME where he made remarks at a **Maine Welcome Event.** Upon conclusion, the President returned to Air Force One and departed en route Andrews Air Force Base. Upon arrival, the President then boarded Marine One en route The White House where he remained for the evening.

B) ***Cost Summary***

Since this trip involved 100% political activity, all costs associated with this trip will be paid by the Republican National Committee.

C) ***Schedule***

Attached is the President's summary schedule.

White House Approval

Advance Office _____

Counsel's Office _____

THE WHITE HOUSE

WASHINGTON

January 13, 2003

MEMORANDUM FOR THE FILE

FROM: CATHY ALIX
SPECIAL ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: THE PRESIDENT'S January 7, 2003 TRIP TO CHICAGO, IL

The following is a summary of the President's trip to Chicago, IL by the White House Management Office according to the President's schedule.

A) ***Trip Summary***

On the afternoon of Tuesday, January 7, 2003, the President departed the White House via Marine One en route Andrews Air Force Base where he boarded Air Force One and departed en route Chicago, IL. Upon arrival, the President boarded Marine One en route Meigs Field Landing Zone and then proceeded via motorcade to Sheraton Chicago Hotel and Towers. There he made **Remarks to the Economic Club of Chicago.** Upon conclusion, the President proceeded via motorcade en route Meigs Field Landing Zone where he boarded Marine One en route Chicago O'Hare International Airport. The President then returned to Air Force One and departed en route Andrews Air Force Base. Upon arrival, the President returned via motorcade to The White House where he remained for the evening.

B) ***Cost Summary***

Since this trip involved 100% official activity, all cost associated with this trip will be paid by appropriated funds.

C) ***Schedule***

Attached is the President's summary schedule.

White House Approval

Advance Office _____

Counsel's Office _____

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly A. Douglass/WHO/EOP@Exchange [WHO] <Kimberly A. Douglass>
Sent: 6/13/2003 4:48:45 AM
Subject: : RE:
Attachments: P_Z1G5H003_WHO.TXT_1.doc; P_Z1G5H003_WHO.TXT_2.doc; P_Z1G5H003_WHO.TXT_3.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JUN-2003 08:48:45.00
SUBJECT:: RE:
TO:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

by the way, I have almost finished a little chart outlining how the
various kinds of mixed trips should be handled. That should help as well.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/13/2003 08:40:29
AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Of course, I remembered at about 10:30 last night that I was supposed to
send you these summaries. This is not a good sign. My short-term memory
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yet(

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 12, 2003 7:43 PM
To: Douglass, Kimberly A.
Subject:

reminder to email me draft trip summary

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Z1G5H003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Z1G5H003_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Z1G5H003_WHO.TXT_3>

THE WHITE HOUSE

WASHINGTON

October 30, 2002

MEMORANDUM FOR THE FILE

FROM: CATHY ALIX
SPECIAL ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: THE PRESIDENT'S October 17, 2002 TRIP TO ATLANTA, GA / DAYTONA BEACH, FL

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WHITE HOUSE TRIP RECORD

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Daytona Beach, FL:

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THE WHITE HOUSE

WASHINGTON

October 30, 2002

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White House Approval

Advance Office _____

Counsel's Office _____

THE WHITE HOUSE

WASHINGTON

January 13, 2003

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Attached is the President's summary schedule.

White House Approval

Advance Office _____

Counsel's Office _____

From: Kavanaugh, Brett M.
To: <Hernandez, Israel>
Sent: 6/13/2003 8:49:02 AM
Subject: Re: FW: For WH Approval: miami invite
Attachments: EFLB01.pdf

Approved.

From: Israel Hernandez/WHO/EOP@Exchange on 06/13/2003 08:13:16 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: For WH Approval: miami invite

Here you go. Sorry but they are tyring to go to print asap.

I left at 5:30pm for an appointent and I am not sure if Susan sent this to you.

Let me know.

Tampa soon to follow

-----Original Message-----

From: Henry Hager [mailto:hhager@georgewbush.com]

Sent: Thursday, June 12, 2003 6:51 PM

To: Hernandez, Israel

Cc: Ralston, Susan B.

Subject: For WH Approval: miami invite

-----Original Message-----

From: Rhodes Miller

Sent: Thursday, June 12, 2003 6:49 PM

To: Henry Hager

Subject: miami invite

how long do you think these will take? any chance we can send them to print tonight? <>

HONORARY FLORIDA FINANCE CHAIRMAN

AL HOFFMAN, JR.

FLORIDA FINANCE CO-CHAIRMEN

THOMAS F. PETWAY III

ZACHARIAH P. ZACHARIAH, M.D.

LUNCHEON CO-CHAIRS

CHARLES E. COBB
EDWARD W. EASTON
JOSE "PEPE" FANJUL
MARK GUZZETTA
AL MALOOF
MANUEL D. MEDINA
SERGIO PINO
NED SIEGEL

LUNCHEON VICE-CHAIRS

AL CARDENAS
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JOHN H. DASBURG
HERMAN ECHEVARRIA
CHARLES & ALLISON GARCIA
JORGE LUIS LOPEZ
STANLEY G. TATE
DR. GEORGE ZOLEY

LUNCHEON HOST COMMITTEE

GEORGE BARBAR
ERIC BUERMANN
BECKETT G. CANTLEY
HARVEY & WAYNE CHAPLIN
PAT & O'ANN CHRISTIANSEN
CARLOS M. DE CESPEDES
LARRY DEGEORGE
AL DOUGHERTY
PAUL DRUMMOND
LINDA GILL
ARMANDO GOENAGA
DR. RAJ GUPTA
CHRIS HANLON
ROBERT A. HANNA
PETER J. HENN
JOE MARLIN HILLIARD
PHILLIP M. HUDSON III
JAY HURLEY, ESQ.
MANNY KADRE
JOSEPH P. KLOCK, JR.
RONALD C. LAFACE
ROBERT MINTZ
J. LUIS RODRIGUEZ
RAUL ROMERO
JUSTIN J. SAYFIE
DARRYL K. SHARPTON
ROXANE SHRIVER
ENRIQUE TOMEU
JASON UNGER
MANNY A. VARAS
DON YAEGER
DRS. M.P. & MOLLY ZACHARIAH

*PARTIAL LISTING AT TIME OF PRINTING

PLEASE JOIN US FOR A LUNCHEON HONORING

PRESIDENT GEORGE W. BUSH & GOVERNOR JEB BUSH

MONDAY, JUNE 30, 2003

LUNCHEON BEGINS AT 11:30 A.M.
PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

THE MIAMI AIRPORT HILTON & TOWERS
INTERNATIONAL BALLROOM
5101 BLUE LAGOON DRIVE
MIAMI, FLORIDA

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT
ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH

REPLY CARD ENCLOSED
PLEASE RSVP BY THURSDAY, JUNE 26, 2003
FOR MORE INFORMATION CONTACT
GIGI BOLT AT (305) 670-5255

$2,000 PER PERSON
BUSINESS ATTIRE
PARKING AVAILABLE

THIS INVITATION IS NON-TRANSFERABLE

Paid for by Bush-Cheney '04, Inc.

LUNCHEON HONORING PRESIDENT GEORGE W. BUSH

JUNE 30, 2003 – MIAMI, FLORIDA
$2,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY 2004.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: EFLB01 Solicitor Tracking No.: _____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is $2,000 ($4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name		Salutation
Spouse Name		
Address		
City	State	Zip
Home Phone	Office Phone	
Fax Phone	Email	
Employer	Occupation	
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*	

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on
check # _____ **account named as**

_____
represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

Joint Contributions

If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.

_____
Signature of Spouse

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

_____
Cardholder Name

Amount of Donation: $ _____

_____
Signature

_____ _____
Card Number Expiration Date

REV_00121859

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Israel Hernandez/WHO/EOP@Exchange [WHO] <Israel Hernandez>
Sent: 6/13/2003 4:50:00 AM
Subject: : Re: FW: For WH Approval: miami invite
Attachments: P_V3G5H003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JUN-2003 08:50:00.00
SUBJECT:: Re: FW: For WH Approval: miami invite
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Approved.

From: Israel Hernandez/WHO/EOP@Exchange on 06/13/2003 08:13:16 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: For WH Approval: miami invite

Here you go.; Sorry but they are tyring to go to print asap.
;
I left at 5:30pm;for an appointent and I am not sure if Susan sent this to
you.
;
Let me know.
;
Tampa soon to follow
;
-----Original Message-----
From: Henry Hager [mailto:hhager@georgewbush.com]
Sent: Thursday, June 12, 2003 6:51 PM
To: Hernandez, Israel
Cc: Ralston, Susan B.
Subject: For WH Approval: miami invite

;
;
-----Original Message-----
From: Rhodes Miller
Sent: Thursday, June 12, 2003 6:49 PM
To: Henry Hager
Subject: miami invite
;
how long do you think these will take? any chance we can send them to
print tonight?

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_V3G5H003_WHO.TXT_1>

HONORARY FLORIDA FINANCE CHAIRMAN

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LARRY DEGEORGE
AL DOUGHERTY
PAUL DRUMMOND
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DON YAEGER
DRS. M.P. & MOLLY ZACHARIAH

*PARTIAL LISTING AT TIME OF PRINTING

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INTERNATIONAL BALLROOM
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PLEASE RSVP BY THURSDAY, JUNE 26, 2003
FOR MORE INFORMATION CONTACT
GIGI BOLT AT (305) 670-5255

$2,000 PER PERSON
BUSINESS ATTIRE
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Paid for by Bush-Cheney '04, Inc.

LUNCHEON HONORING PRESIDENT GEORGE W. BUSH

JUNE 30, 2003 – MIAMI, FLORIDA
$2,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY 2004.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: EFLB01 Solicitor Tracking No.: _____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is $2,000 ($4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name		Salutation
Spouse Name		
Address		
City	State	Zip
Home Phone	Office Phone	
Fax Phone	Email	
Employer	Occupation	
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*	

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on
check # _____ **account named as**

_____
represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

Joint Contributions

If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.

_____
Signature of Spouse

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

_____
Cardholder Name

Amount of Donation: $ _____

_____
Signature

_____ _____
Card Number Expiration Date

REV_00121863

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Israel Hernandez/WHO/EOP@Exchange [WHO] <Israel Hernandez>
Sent: 6/13/2003 4:50:06 AM
Subject: : Re: FW: For WH Approval: tampa invite
Attachments: P_Z3G5H003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JUN-2003 08:50:06.00
SUBJECT:: Re: FW: For WH Approval: tampa invite
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Approved.

From: Israel Hernandez/WHO/EOP@Exchange on 06/13/2003 08:13:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: For WH Approval: tampa invite

;
-----Original Message-----
From: Henry Hager [mailto:hhager@georgewbush.com]
Sent: Thursday, June 12, 2003 6:27 PM
To: Hernandez, Israel
Cc: Ralston, Susan B.
Subject: For WH Approval: tampa invite
Importance: High

;
;
-----Original Message-----
From: Rhodes Miller
Sent: Thursday, June 12, 2003 6:24 PM
To: Henry Hager
Subject: tampa invite
;
;

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Z3G5H003_WHO.TXT_1>

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AL HOFFMAN, JR.

FLORIDA FINANCE CO-CHAIRMEN

THOMAS F. PETWAY III

ZACHARIAH P. ZACHARIAH, M.D.

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DICK & LEA BEARD
COTTON & GLORIA FLETCHER

GOVERNOR BOB &
MARY JANE MARTINEZ

JOHN & JAMIE ROOD
R. VIJAYANAGAR, M.D.

RECEPTION VICE-CHAIRS

CARLOS & DOROTHY ALFONSO
PETE & MARILYN CARPENTER

AKSHAY DESAI, MD
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BRENT SEMBLER
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BOB BLANCHARD, JR.
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DUANE OTTENSTROER
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PLEASE JOIN US FOR A RECEPTION HONORING

PRESIDENT GEORGE W. BUSH & GOVERNOR JEB BUSH

MONDAY, JUNE 30, 2003

GENERAL RECEPTION 5:00 P.M.
PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

GRAND HYATT – TAMPA BAY
AUDUBON BALLROOM
6200 COURTNEY CAMPBELL CAUSEWAY
TAMPA, FLORIDA

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT
ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH

REPLY CARD ENCLOSED
PLEASE RSVP BY THURSDAY, JUNE 26, 2003
FOR MORE INFORMATION CONTACT
JACKIE KURTI AT (305) 670-5255

$2,000 PER PERSON
BUSINESS ATTIRE
PARKING AVAILABLE

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Paid for by Bush-Cheney '04, Inc.

REV_00121865

RECEPTION HONORING PRESIDENT GEORGE W. BUSH

JUNE 30, 2003 – TAMPA, FLORIDA
$2,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY 2004.

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Event Tracking No.: EFLB02 Solicitor Tracking No.: _____

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Please see reverse.

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Full Name		Salutation
Spouse Name		
Address		
City	State	Zip
Home Phone	Office Phone	
Fax Phone	Email	
Employer	Occupation	
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*	

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on
check # _____ **account named as**

_____
represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

Joint Contributions

If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.

_____
Signature of Spouse

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

_____
Cardholder Name

Amount of Donation: $ _____

_____
Signature

_____ _____
Card Number Expiration Date

REV_00121867

From: Kavanaugh, Brett M.
To: <Elwood, Courtney S.>;<Newstead, Jennifer G.>
Sent: 6/13/2003 9:55:39 AM
Subject:

do either of you have the DOJ vet report on Reena Raggi?

From: Elwood, Courtney S.
To: <Kavanaugh, Brett M.>;<Newstead, Jennifer G.>
Sent: 6/13/2003 9:59:13 AM
Subject: Re:

If I ever saw a copy, it would be in the Raggi file that I left in Jen's office.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/13/2003 6:13:13 AM
Subject: : FW: 3:00 p.m. conference call today to discuss comments on Treasury's proposed executive order entitled "Blocking Property of Certain Officials of the Former Iraqi Regime and all those who supported it" and a related Message to Congress

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:13-JUN-2003 10:13:13.00
SUBJECT:: FW: 3:00 p.m. conference call today to discuss comments on Treasury's proposed executive order entitled "Blocking Property of Certain Officials of the Former Iraqi Regime and all those who supported it" and a related Message to Congress
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett, you may want to participate.
-----Original Message-----
From: Reed, McGavock D.
Sent: Friday, June 13, 2003 9:47 AM
To: rosemary.hart@usdoj.gov; Dash@ms.state.gov; Wiegmann, John B.; Robert.Werner@do.treas.gov; Saunders, G. Timo; Burks, Jonathan W.; Bent, Rodney G.; Joseffer, Daryl L.; Bumatay, Patrick J.; Leventhal, Joseph S.
Cc: Aitken, Steven D.
Subject: 3:00 p.m. conference call today to discuss comments on Treasury's proposed executive order entitled "Blocking Property of Certain Officials of the Former Iraqi Regime and all those who supported it" and a related Message to Congress

Fyi,

You, or someone on your staff, are cordially invited to participate in a conference call at 3:00 p.m. today to discuss the above referenced executive order and the agency comments thereto.

To access the call, please call (202) 395-6392 and then follow the automatic prompt and punch in 901444#.

I will be forwarding the e-mail comments/traffic on the order to you, just in case you were not copied earlier.

Please confirm whether you or someone on your staff can participate.

Thank you, Mac

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 6/13/2003 10:21:43 AM
Subject: phone bills

neither the desk phones or the cell phone bills come itemized. Let me know if you need any other information.

From: Kelley McCullough <kmccullough@georgewbush.com>
To: <Kavanaugh, Brett M.>;<Litkenhaus, Colleen>
Sent: 6/13/2003 10:22:15 AM
Subject: Fw: Phone Calls

Could you two please let me know your thoughts on this question from Mary? I assume we could set some sort of billing procedure set up with WHCA. It also raises another question: if a snack or meal is served on board either plane when we have political travellers, will there be a Bush-Cheney '04 account that is billed or how should we handle?

Thanks,
Kelley

----- Original Message -----
From: Mary Cheney
To: Kelley McCullough
Sent: Friday, June 13, 2003 10:09 AM
Subject: Phone Calls

Kelley –

What are the rules regarding campaign staff using the phones on AF1 or 2? I assume that if we can use them, we need some sort of billing card, but are we allowed to use them at all?

Mary

From: Kelley McCullough <kmccullough@georgewbush.com>
To: Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/13/2003 6:23:26 AM
Subject: : Fw: Phone Calls
Attachments: P_G9M5H003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kelley McCullough <kmccullough@georgewbush.com> (Kelley McCullough <kmccullough@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:13-JUN-2003 10:23:26.00
SUBJECT:: Fw: Phone Calls
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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Mary

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_G9M5H003_WHO.TXT_1>

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Thanks,
Kelley

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Mary

From: Vestewig, Lauren J.
To: <Kavanaugh, Brett M.>;<McClellan, Scott>
Sent: 6/13/2003 3:34:27 PM
Subject: Meeting re. Affirmative action

When are you all available on Monday for an affirmative action meeting?

From: Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;brian. a. benczkowski@usdoj. gov (E-mail) <brian.a.benczkowski@usdoj.gov>
Sent: 6/13/2003 12:35:27 PM
Subject: : FW: Kuhl
Attachments: P_PL96H003_WHO.TXT_1.htm

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Ledeen, Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov> ("Ledeen, Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov> [UNKNOWN])
CREATION DATE/TIME:13-JUN-2003 16:35:27.00
SUBJECT:: FW: Kuhl
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"brian. a. benczkowski@usdoj. gov (E-mail)" <brian.a.benczkowski@usdoj.gov> ("brian. a. benczkowski@usdoj. gov (E-mail)" <brian.a.benczkowski@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

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---------- June 13, 2003

'SANCHEZ-SCOTT' DECISION IS HARDLY LAPSE IN JUDGMENT

Forum Column

By Lawrence C. Waddington

Against the recommendations of Sens. Dianne Feinstein and Barbara Boxer, the Senate Judiciary Committee approved the nomination of Los Angeles County Superior Court Judge Carolyn Kuhl to the 9th U.S. Circuit Court of Appeals. The battle now moves to the full Senate.
Feinstein stated she received 21,367 letters in opposition to Kuhl's nomination and only 114 letters in support. The precision of this mathematical count is remarkable. The numbers presumably are attributable, in part, to Kuhl's decision in Sanchez-Scott v. Alza Pharmaceuticals, a case reversed by the Court of Appeal. See Sanchez-Scott v. Alza Pharms., 86 Cal.App.4th 365 (2001).
Most of Kuhl's critics, uninformed of the facts or law and agitated by special interest groups, cite this single case for their hostility. Undoubtedly, only a small percentage of Kuhl's opponents are lawyers or have read the decision. Other complaints against Kuhl relate to her advocacy as a lawyer.
Sen. Arlen Specter, R-Pa., attributed to Kuhl a "lapse of judgment that gives me great pause." If Specter did read the appellate opinion allegedly causing this moral anxiety, we should doubt his own judgment. Feinstein found the opinion "startling." Boxer manifested her knowledge of the case by filing a "blue slip" disapproving of the nominee.
The Sanchez-Scott case consists only of allegations in a complaint. According to Azucena Sanchez-Scott, during her breast examination, conducted by a doctor to determine the possibly of cancer, a man later identified as a drug company representative remained in the room. At no time did the man touch Sanchez-Scott, participate in the examination, solicit unwelcome advances, offer salacious or offensive comments or discuss the examination publicly.
According to her allegations, Sanchez-Scott became embarrassed at the presence of the third party, unidentified by the doctor. Although the doctor subsequently apologized, Sanchez-Scott elected to file suit and, in

the absence of settlement, eventually would have asked a jury for monetary compensation for her embarrassment. These are the sum total of facts agitating the minds of U.S. Senators.

What Feinstein, Specter and those who oppose Kuhl's nomination apparently do not understand is that allegations are not proof. No trial had been held; the doctor and sales representative had not answered the complaint formally, except to object to its legal sufficiency on demurrer. In their responsive papers, the defendants also denied the allegations (unnecessary in a demurrer) and contended that the doctor informed Sanchez-Scott of the identity of the representative and that she voiced no objection. To resolve this credibility conflict, assuming a defense of consent, a jury eventually would determine who is telling the truth.

Kuhl concluded only that the facts stated by Sanchez-Scott, even if true, were legally insufficient under California law.

Sanchez-Scott had alleged two legal theories: invasion of her right to privacy under the California Constitution and violation of a common-law right of privacy. On appeal, she abandoned her constitutional right-of-privacy claim. The Court of Appeal dismissed it, in effect, confirming Kuhl on this allegation.

The appellate court then embarked on an extensive analysis of the common-law right of privacy. The right, by the court's own admission, is amorphous and contingent on numerous factors. Unlike an assault evidenced by personal injury, violation of the common-law right of privacy involves no personal injury and consists of subjective perception of emotional harm. The court spends innumerable pages trying to explain the contours of "privacy" and concedes the difficulty in fashioning a bright line. Privacy is quintessentially fact-specific. Precise definition rarely is achieved. Apparently, this single case, decided by Kuhl as a judge, disqualifies her as a federal judge.

If appellate reversals are the test, then the senators should look to the 9th Circuit itself as an example. The U.S. Supreme Court has reversed the 9th Circuit repeatedly. The high court's current docket calendars more 9th Circuit cases for review than any other Circuit Court. Only a few weeks ago, the Supreme Court reversed four of its cases in one day.

Professor Karl Manheim of Loyola Law School cannot resist adding his opinion. "'Sanchez-Scott' Decision by Kuhl Proves Her Unfitness," Forum, May 14.

Manheim finds Kuhl's decision to evidence "an appalling ignorance of the existing law on privacy or a disturbing willingness to ignore that law." This is Manheim's hyperbolic characterization of a ruling on demurrer. Presumably, Sanchez-Scott's run-of-the-mill tort claim for damages, alleging no physical injury or economic loss, exceeds the embarrassing reversal record of the 9th Circuit.

Although the Court of Appeal dismissed Sanchez-Scott's claim alleging violation of her constitutional right of privacy, Manheim announces that the law on common-law invasion of privacy is "clear." Here are his three "clear" cases:

* Shulman v. Group W. Prods. Inc., 18 Cal.4th 2000 (1998). A television news crew rode in an ambulance with a seriously injured woman, recorded her statements and aired them on television. In a 112-page split opinion, the state Supreme Court held that this conduct constituted an invasion of privacy.
* Wilkins v. NBC, 71 Cal.App.4th 1066 (1999). Television reporters disguised their true identity and interviewed advertisers suspecting of engaging in fraud.
* DeMay v. Roberts, 46 Mich. 160 (1881). In this out-of-state case, the defendant assaulted the plaintiff during childbirth.

These three cases not only lack clarity but also are irrelevant as precedent or, as courts tactfully phrase this kind of analysis by an advocate, factually distinguishable.

Is Sanchez-Scott the case (face) that will launch a thousand filibusters (ships) - a trial court ruling, sustaining a demurrer without leave to amend, involving a single count of common-law invasion of privacy, no tangible damages, no economic loss, no publicity and monetary damages for hurt feelings?

Is this the case that senators and a law school professor find to

be startling and a lapse of judgment?

Lawrence C. Waddington is a retired Superior Court judge, a mediator and arbitrator for JAMS and an adjunct professor at Pepperdine University School of Law. The views expressed are his own.

1353304421
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_PL96H003_WHO.TXT_1>

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1353304421

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/13/2003 12:53:08 PM
Subject: : White House Global Messenger -- 6/16/03
Attachments: P_7QA6H003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:13-JUN-2003 16:53:08.00
SUBJECT:: White House Global Messenger -- 6/16/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 6-16 FINAL.doc)

THE GLOBAL MESSENGER
Monday, June 16, 2003

KEY POINTS: Economic Reconstruction of Iraq

*The Coalition has begun the process of putting a country together that has been ravaged for 30 years by political tyranny and economic under-investment.
*Before the war, unemployment was about 50 percent, and it is likely substantially higher now. There is no higher priority than creating jobs, getting productive activity going again, and starting to reverse chronic underinvestment in infrastructure.
*The Coalition has already started to partner with Iraqi businessmen and women and with officials to find ways to carry out the best economic policy. The IMF, World Bank, and UNDP are also engaged in this partnership.
*One new initiative is a $100 million emergency program to help restart the construction industry.
*The Coalition is also trying to encourage trade and help Iraq to re-enter the world economy. The most obvious example of that is the sale of oil, and in the next few days, Iraq will reenter the world petroleum market.
*These activities are just the beginning. There are many challenges to restarting the economy. The Coalition is forging ahead with Iraqi partners to restructure Iraq's economy.

KEY QUOTES ON THE ROADMAP

"The road map is intact. The road map remains the way forward to a peace deal between the Palestinians and Israelis. It lays out the steps both sides have to take. Even in the presence of the violence that we have seen over the last couple of days, both leaders -- Prime Minister Sharon and Prime Minister Abbas -- remain committed to moving forward."
--Secretary of State Powell, 6/12/03

"The key...is not what Israelis can do to Hamas, but it's enhancing Palestinian capacities so Palestinians can take on Hamas."
--Ambassador Haass, 6/12/03

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change.

11:25 am President Bush speaks to the New Jersey
Business Community

PARTNERSHIP WITH IRAQ

"The scars in this country run very deep. The thugs
and the torture chambers may be gone, but every day
we find new evidence of how bad the regime was that
we threw out. And repairing the damage of the last
regime, material, human and psychological, is a huge
task, and it's a task that is only going to succeed
if we have a real partnership with the Iraqi people.
I am deeply committed to that kind of a partnership."
--Ambassador Bremer, 6/12/03

RECENT SUCCESSES IN IRAQ
From the U.S. Department of Treasury

*Last week, $358 million was shipped to Iraq, bringing
the total of $558 million shipped to Iraq from recovered
assets set aside for the benefit of the Iraqi people.

*Next week an additional $100 million will be shipped
to Iraq to finance a Construction Fund for Iraq, to create
jobs rebuilding ministries, hospitals and other essential
infrastructure.

*The Central Bank of Iraq is open with identified resources
and is beginning to serve its appropriate role as the monetary
authority in Iraq.

*An agreement among G7 partners determines Iraq will not be
required to make debt service payments at least until the year
2005.

*Instead of collapsing as many had feared, the Iraqi currency
has recovered from its low levels at the start of the war.
Hyperinflation has been avoided.

*Over 1.5 million workers and pensioners have received salaries
and emergency payments.

*Since March 20, $1.7 billion of Saddam's assets have been vested;
$1.2 billion have been frozen; and $0.9 billion in cash has been
found in Iraq. These funds are or will be used for humanitarian
and reconstruction efforts to benefit the Iraqi people.

THE WHITE HOUSE
Office of Global Communications
For more information log on to
http://www.whitehouse.gov/ogc

****

You have previously expressed interest in obtaining
news and information from the White House.

The White House Office of Global Communications
distributes information about the President's
messages to the world. This office distributes

updates on major international topics such
as the global war on terror, the case for regime
change in Iraq, and more broadly, the ways in
which we can all better communicate the aspirations
and interests that Americans share with freedom-loving
people everywhere.
- GM 6-16 FINAL.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7QA6H003_WHO.TXT_1>

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Monday, June 16, 2003

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--Ambassador Haass, 6/12/03

From: Vestewig, Lauren J.
To: <Kavanaugh, Brett M.>;<McClellan, Scott>;<Dunn, David>
Sent: 6/13/2003 5:57:28 PM
Subject: Meeting re. Affirmative Action

There will be a meeting re. Affirmative Action on Monday at 9:30. Please let me know if you can attend. Thanks.

From: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/13/2003 3:17:33 PM
Subject: : interesting insurance surcharge
Attachments: P_O5F6H003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ("Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:13-JUN-2003 19:17:33.00
SUBJECT:: interesting insurance surcharge
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Seems to be gaining support from both industry and insurers. Didn't think that would happen.

CONFIDENTIALITY NOTE:

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- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_O5F6H003_WHO.TXT_1>

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From: Kavanaugh, Brett M.
To: <Vestewig, Lauren J.>;<Kavanaugh, Brett M.>;<McClellan, Scott>;<Dunn, David>
Sent: 6/13/2003 7:40:51 PM
Subject: Re: Meeting re. Affirmative Action

Can we do 915? Thanks.

.

----- Original Message -----

From:Lauren J. Vestewig/OPD/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP,

Scott McClellan/WHO/EOP@Exchange,

David Dunn/OPD/EOP@EOP

Cc:

Date: 06/13/2003 05:57:28 PM

Subject: Meeting re. Affirmative Action

There will be a meeting re. Affirmative Action on Monday at 9:30. Please let me know if you can attend. Thanks.

From: Kavanaugh, Brett M.
To: kmccullough@georgewbush.com <kmccullough@georgewbush.com>;kmccullough@georgewbush.com <Kavanaugh, Brett M.>;kmccullough@georgewbush.com <Litkenhaus, Colleen>
Sent: 6/13/2003 8:24:09 PM
Subject: Re: Phone Calls

CL: How are those calls billed now?

.

----- Original Message -----

From:kmccullough@georgewbush.com

To:Brett M. Kavanaugh/WHO/EOP@EOP,

Colleen Litkenhaus/WHO/EOP@EOP

Cc:

Date: 06/13/2003 10:22:15 AM

Subject: Fw: Phone Calls

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Thanks,

Kelley

----- Original Message -----

From: Mary Cheney

To: Kelley McCullough

Sent: Friday, June 13, 2003 10:09 AM

Subject: Phone Calls

Kelley -

What are the rules regarding campaign staff using the phones on AF1 or 2? I assume that if we can use them, we need some sort of billing card, but are we allowed to use them at all?

Mary

- att1.htm

From: Kavanaugh, Brett M.
To: <Greenstone, Adam F.>;<Kavanaugh, Brett M.>
CC: <Terrell, Eric W.>
Sent: 6/13/2003 8:24:20 PM
Subject: Re: Federal Excise Tax

How about monday afternoon?

.

----- Original Message -----

From:Adam F. Greenstone/OA/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:Eric W. Terrell/WHO/EOP@EOP

Date: 06/12/2003 01:06:01 PM

Subject: Federal Excise Tax

Brett--I'd like to meet briefly to fill you in on what we have been doing with regard for the handling of the Federal Excise Tax that applies to Press Charters. This was something that was impacted by the recent changes to the handling of Press charters, such as Air Partner and the new billing using Amex accounts. We've reached a stage where I would like to speak to offices in the IRS which we have spoken to and corresponded with in the past regarding the FET to confirm our resolution of this situation. Previously, we were required to collect and pay the tax directly to the IRS, now we believe it is appropriate for Air Partner to do this (as we no longer handle the funds), and our contact would of course be limited to confirming that resolution. Also, in working this issue and reviewing the charter agreement Eric uses with Air Partner, there are some changes I would like to suggest. I know that we have discussed this briefly before, but my inclination was that this was at a stage where it would be

a good idea to fill you in.

It would be great if you can indicate some times and we can accommodate to you. Adam

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 6/14/2003 10:14:16 PM
Subject: CJR

No news from reunion. No surprise there.
.

From: Vestewig, Lauren J.
To: <Kavanaugh, Brett M.>
Sent: 6/16/2003 8:01:50 AM
Subject: RE: Meeting re. Affirmative Action

Yes. See you then.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 13, 2003 7:41 PM
To: Vestewig, Lauren J.; Kavanaugh, Brett M.; McClellan, Scott ; Dunn, David
Subject: Re: Meeting re. Affirmative Action

Can we do 915? Thanks.

.

----- Original Message -----
From:Lauren J. Vestewig/OPD/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP,
Scott McClellan/WHO/EOP@Exchange,
David Dunn/OPD/EOP@EOP
Cc:
Date: 06/13/2003 05:57:28 PM
Subject: Meeting re. Affirmative Action

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From: Noel.Francisco@usdoj.gov
To: <Leitch, David G.>;<Powell, Benjamin A.>;<Addington, David S.>;<Kavanaugh, Brett M.>;cbartolo@who.eop.gov <cbartolo@who.eop.gov>
Sent: 6/16/2003 8:17:59 AM
Subject: NSC Staffer Joins Kerry Campaign

washingtonpost.com

Former Aide Takes Aim at War on Terror

By Laura Blumenfeld
Washington Post Staff Writer
Monday, June 16, 2003; Page A01

Five days before the war began in Iraq, as President Bush prepared to raise the terrorism threat level to orange, a top White House counterterrorism adviser unlocked the steel door to his office, an intelligence vault secured by an electronic keypad, a combination lock and an alarm. He sat down and turned to his inbox.

"Things were dicey," said Rand Beers, recalling the stack of classified reports about plots to shoot, bomb, burn and poison Americans. He stared at the color-coded threats for five minutes. Then he called his wife: I'm quitting.

Beers's resignation surprised Washington, but what he did next was even more astounding. Eight weeks after leaving the Bush White House, he volunteered as national security adviser for Sen. John F. Kerry (Mass.), a Democratic candidate for president, in a campaign to oust his former boss. All of which points to a question: What does this intelligence insider know?

"The administration wasn't matching its deeds to its words in the war on terrorism. They're making us less secure, not more secure," said Beers, who until now has remained largely silent about leaving his National Security Council job as special assistant to the president for combating terrorism. "As an insider, I saw the things that weren't being done. And the longer I sat and watched, the more concerned I became, until I got up and walked out."

No single issue has defined the Bush presidency more than fighting terrorism. And no issue has both animated and intimidated Democrats. Into this tricky intersection of terrorism, policy and politics steps Beers, a lifelong bureaucrat, unassuming and tight-lipped until now. He is an unlikely insurgent. He served on the NSC under Presidents Ronald Reagan, George H.W. Bush, Bill Clinton and the current Bush. The oath of office hangs on the wall by his bed; he tears up when he watches "The West Wing." Yet Beers decided that he wanted out, and he is offering a rare glimpse in.

"Counterterrorism is like a team sport. The game is deadly. There has to be offense and defense," Beers said. "The Bush administration is primarily offense, and not into teamwork."

In a series of interviews, Beers, 60, critiqued Bush's war on terrorism. He is a man in transition, alternately reluctant about and empowered by his criticism of the government. After 35 years of issuing measured statements from inside intelligence circles, he speaks more like a public servant than a public figure. Much of what he knows is classified and cannot be discussed. Nevertheless, Beers will say that the administration is "underestimating the enemy." It has failed to address the root causes of terror, he said. "The difficult, long-term issues both at home and abroad have been avoided, neglected or shortchanged and generally underfunded."

The focus on Iraq has robbed domestic security of manpower, brainpower and money, he said. The Iraq war created fissures in the United States' counterterrorism alliances, he said, and could breed a new generation of al Qaeda recruits. Many of his government colleagues, he said, thought Iraq was an "ill-conceived and poorly executed strategy."

"I continue to be puzzled by it," said Beers, who did not oppose the war but thought it should have been fought with a broader coalition. "Why was it such a policy priority?" The official rationale was the search for weapons of mass destruction, he said, "although the evidence was pretty qualified, if you listened carefully."

He thinks the war in Afghanistan was a job begun, then abandoned. Rather than destroying al Qaeda terrorists, the fighting only dispersed them. The flow of aid has been slow and the U.S. military presence is too small, he said. "Terrorists move around the country with ease. We don't even know what's going on. Osama bin Laden could be almost anywhere in Afghanistan," he said.

As for the Saudis, he said, the administration has not pushed them hard enough to address their own problem with terrorism. Even last September, he said, "attacks in Saudi Arabia sounded like they were going to happen imminently."

Within U.S. borders, homeland security is suffering from "policy constipation. Nothing gets done," Beers said. "Fixing an agency management problem doesn't make headlines or produce voter support. So if you're looking at things from a political perspective, it's easier to go to war."

The Immigration and Naturalization Service, he said, needs further reorganization. The Homeland Security Department is underfunded. There has been little, if any, follow-through on cybersecurity, port security, infrastructure protection and immigration management. Authorities don't know where the sleeper cells are, he said. Vulnerable segments of the economy, such as the chemical industry, "cry out for protection."

"We are asking our firemen, policemen, Customs and Coast Guard to do far more with far less than we ever ask of our military," he said. Abroad, the CIA has done a good job in targeting the al Qaeda leadership. But domestically, the antiterrorism effort is one of talk, not action: "a rhetorical policy. What else can you say -- 'We don't care about 3,000 people dying in New York City and Washington?' "

When asked about Beers, Sean McCormack, an NSC spokesman, said, "At the time he submitted his resignation, he said he had decided to leave government. We thanked him for his three decades of government service." McCormack declined to comment further.

However it was viewed inside the administration, onlookers saw it as a rare Washington event. "I can't think of a single example in the last 30 years of a person who has done something so extreme," said Paul C. Light, a scholar with the Brookings Institution. "He's not just declaring that he's a Democrat. He's declaring that he's a Kerry Democrat, and the way he wants to make a difference in the world is to get his former boss out of office."

Although Beers has worked in three Republican administrations, he is a registered Democrat. He wanted to leave the NSC quietly, so when he resigned, he said it was for "personal reasons." His friends called, worried: "Are you sick?"

When Beers joined the White House counterterrorism team last August, the unit had suffered several abrupt departures. People had warned him the job was impossible, but Beers was upbeat. On Reagan's NSC staff, he had replaced Oliver North as director for counterterrorism and counternarcotics, known as the "office of drugs and thugs."

"Randy's your model government worker," said Wendy Chamberlin, a U.S. Agency for International Development administrator for Iraq, who worked with Beers on counterterrorism on the NSC of the first Bush administration. "He works for the common good of the American people. He's fair, balanced, honest. No one ever gets hurt feelings hearing the truth from Randy."

The first thing Beers noticed when he walked into his new office was the pile of intelligence reports. The "threat stuff," as Beers calls it, was 10 times thicker than it had been before the 1998 U.S. embassy bombings.

He was in a job that would grind down anyone. Every day, 500 to 1,000 pieces of threat information crossed his desk. The typical mix included suspicious surveillance at a U.S. embassy; surveillance of a nuclear power plant or a bridge; a person caught by airport security with a weapon, or an airplane flying too close to the CIA; a tanker truck, which might contain a bomb, crossing the border and heading for a city; an intercepted phone call between suspected terrorists. Most of the top-secret reports -- pumped into his office from the White House Situation Room -- didn't pan out. Often they came from a disgruntled employee or a spouse.

When the chemical agent ricin surfaced in the London subway, "we were worried it might manifest here," he said. The challenge was: "Who do we alert? How do you tell them to organize?"

Every time the government raises an alarm, it costs time and money. "There's less filtering now because people don't want to make the mistake of not warning," he said. Before Sept. 11, 2001, the office met three times a week to discuss intelligence. Now, twice a day, at 7 a.m. and 3 p.m., it holds "threat matrix meetings," tracking the threats on CIA spreadsheets.

It was Beers's task to evaluate the warnings and to act on them. "It's a monstrous responsibility," said William Wechsler, director for transnational threats on Clinton's NSC staff. "You sit around every day, thinking about how people want to kill thousands of Americans."

Steven Simon, director for counterterrorism in the Clinton White House, said, "When we read a piece of intelligence, we'd apply the old how-straight-does-your-hair-stand-up-on-your-head test."

The government's first counterterrorism czar, Richard Clarke, who left his White House job in February after more than 10 years, said officials judged the human intelligence based on two factors: Would the source have access to the information? How reliable was his previous reporting? They scored access to information, 12345; previous reporting, abcd. "A score of D5, you don't believe. A1 -- you do," Clarke said. "It's like a jolt of espresso, and you feel like -- whoop -- it pumps you up, and wakes you up."

It's easier to raise the threat level -- from code yellow to code orange, for example -- than to lower it, Beers said: "It's easier to see the increase in intelligence suggesting something's going to happen. What do you say when we're coming back down? Does nothing happening mean it's not going to happen? It's still out there."

After spending all day wrestling with global jihad, Beers would go home to his Adams Morgan townhouse. "You knew not to get the phone in the middle of the night, because it was for Dad," said his son Benjamin, 28. When the Situation Room called, Beers would switch to a

black, secure phone that scrambled the signal, after fishing the key out of his sock drawer. There were times he would throw on sweats over his pajamas and drive downtown.

"The first day, I came in fresh and eager," he said. "On the last day, I came home tired and burned out. And it only took seven months."

Part of that stemmed from his frustration with the culture of the White House. He was loath to discuss it. His wife, Bonnie, a school administrator, was not: "It's a very closed, small, controlled group. This is an administration that determines what it thinks and then sets about to prove it. There's almost a religious kind of certainty. There's no curiosity about opposing points of view. It's very scary. There's kind of a ghost agenda."

In the end, Beers was arriving at work each day with knots in his stomach. He did not want to abandon his colleagues at such a critical, dangerous time. When he finally decided to quit, he drove to a friend's house in Arlington. Clarke, his old counterterrorism pal, took one look at the haggard man on his stoop and opened a bottle of Russian River Pinot Noir. Then he opened another bottle. Clarke toasted Beers, saying: You can still fight the fight.

Shortly after that, Beers joined the Kerry campaign. He had briefly considered a think tank or an academic job but realized that he "never felt so strongly about something in my life" than he did about changing current U.S. policies. Of the Democratic candidates, Kerry offered the greatest expertise in foreign affairs and security issues, he decided. Like Beers, Kerry had served in Vietnam. As a civil servant, Beers liked Kerry's emphasis on national service.

On a recent hot night, at 10 o'clock, Beers sat by an open bedroom window, wearing a T-shirt, his bare feet propped on a table.

Beers was on a three-hour conference call, the weekly Monday night foreign policy briefing for the campaign. The black, secure phone by his bedside was gone. Instead, there was a red, white and blue bumper sticker: "John Kerry -- President." The buzz of helicopters blew through the window. Since Sept. 11, 2001, it seemed, there were more helicopters circling the city.

"And we need to return to that kind of diplomatic effort . . . ," Beers was saying, over the droning sound. His war goes on.

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<http://stats.surfaid.ihost.com/crc/images/uc.GIF?1.13&wpost&wpost&noscript>

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>;kmccullough@georgewbush.com <kmccullough@georgewbush.com>
Sent: 6/16/2003 9:04:53 AM
Subject: RE: Phone Calls

Air Force One phone calls are all considered official and not billed back to the caller. Wouldn't we rather make a policy that you can't make political calls from the plane?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 13, 2003 8:24 PM
To: kmccullough@georgewbush.com; Kavanaugh, Brett M.; Litkenhaus, Colleen
Subject: Re: Phone Calls

CL: How are those calls billed now?

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----- Original Message -----
From:kmccullough@georgewbush.com
To:Brett M. Kavanaugh/WHO/EOP@EOP,
Colleen Litkenhaus/WHO/EOP@EOP
Cc:
Date: 06/13/2003 10:22:15 AM
Subject: Fw: Phone Calls

Could you two please let me know your thoughts on this question from Mary? I assume we could set some sort of billing procedure set up with WHCA. It also raises another question: if a snack or meal is served on board either plane when we have political travellers, will there be a Bush-Cheney '04 account that is billed or how should we handle?

Thanks,
Kelley

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To: Kelley McCullough
Sent: Friday, June 13, 2003 10:09 AM
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Kelley -

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Mary

- att1.htm

From: Kelley McCullough <kmccullough@georgewbush.com>
To: <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>
Sent: 6/16/2003 9:11:38 AM
Subject: Re: Phone Calls

won't politicalcalls be extremely difficult to avoid -- particularly when we're hitting 2 cities/day?

----- Original Message -----
From: Litkenhaus, Colleen
To: Kavanaugh, Brett M. ; Kelley McCullough
Sent: Monday, June 16, 2003 9:04 AM
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To: Kelley McCullough <kmccullough@georgewbush.com>;<Kavanaugh, Brett M.>
Sent: 6/16/2003 9:17:54 AM
Subject: RE: Phone Calls

Brett- how do you define "political calls?"

I have a call out to the agency that pays for these calls to find if we can reimburse for "political calls." Seems like maybe we can have guidelines to avoid making calls that require reimbursements. For example, you can talk about this kind of stuff, but not that kind of stuff.

I'm sure it is very expensive. I'm not sure that the campaign will want to pay for political calls from the plane due to expense.

-----Original Message-----
From: Kelley McCullough [mailto:kmccullough@georgewbush.com]
Sent: Monday, June 16, 2003 9:12 AM
To: Litkenhaus, Colleen; Kavanaugh, Brett M.
Subject: Re: Phone Calls

won't politicalcalls be extremely difficult to avoid -- particularly when we're hitting 2 cities/day?

----- Original Message -----
From: Litkenhaus, Colleen
To: Kavanaugh, Brett M. ; Kelley McCullough
Sent: Monday, June 16, 2003 9:04 AM
Subject: RE: Phone Calls

Air Force One phone calls are all considered official and not billed back to the caller. Wouldn't we rather make a policy that you can't make political calls from the plane?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, June 13, 2003 8:24 PM

To: kmccullough@georgewbush.com; Kavanaugh, Brett M.; Litkenhaus, Colleen

Subject: Re: Phone Calls

CL: How are those calls billed now?

.

----- Original Message -----
From:kmccullough@georgewbush.com
To:Brett M. Kavanaugh/WHO/EOP@EOP,
Colleen Litkenhaus/WHO/EOP@EOP
Cc:
Date: 06/13/2003 10:22:15 AM
Subject: Fw: Phone Calls

Could you two please let me know your thoughts on this question from Mary? I assume we could set some sort of billing procedure set up with WHCA. It also raises another question: if a snack or meal is served on board either plane when we have political travellers, will there be a Bush-Cheney '04 account that is billed or how should we handle?

Thanks,
Kelley

----- Original Message -----
From: Mary Cheney
To: Kelley McCullough
Sent: Friday, June 13, 2003 10:09 AM
Subject: Phone Calls

Kelley -

What are the rules regarding campaign staff using the phones on AF1 or 2? I assume that if we can use them, we need some sort of billing card, but are we allowed to use them at all?

Mary

- att1.htm

From: Greenstone, Adam F.
To: <Kavanaugh, Brett M.>
CC: <Terrell, Eric W.>
Sent: 6/16/2003 9:23:20 AM
Subject: RE: Federal Excise Tax

Sure--your office.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Sunday, June 15, 2003 6:14 PM
To: Greenstone, Adam F.
Cc: Terrell, Eric W.
Subject: Re: Federal Excise Tax

Can we do 1:00?

From: Adam F. Greenstone/OA/EOP@Exchange on 06/13/2003 10:36:54 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Eric W. Terrell/WHO/EOP@EOP
Subject: Re: Federal Excise Tax

Right now anytime Monday afternoon would work for me. How about 3?

-----Original Message-----
From: Kavanaugh, Brett M.
To: Greenstone, Adam F. ; Kavanaugh, Brett M.
CC: Terrell, Eric W.
Sent: Fri Jun 13 20:24:20 2003
Subject: Re: Federal Excise Tax

How about monday afternoon?

.

----- Original Message -----
From:Adam F. Greenstone/OA/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:Eric W. Terrell/WHO/EOP@EOP
Date: 06/12/2003 01:06:01 PM
Subject: Federal Excise Tax

Brett--I'd like to meet briefly to fill you in on what we have been doing with regard for the handling of the Federal Excise Tax that applies to Press Charters. This was something that was impacted by the recent changes to the handling of Press charters, such as Air Partner and the new billing using Amex accounts. We've reached a stage where I would like to speak to offices in the IRS which we have spoken to and corresponded with in the past regarding the FET to confirm our resolution of this situation. Previously, we were required to collect and pay the tax directly to the IRS, now we believe it is appropriate for Air Partner to do this (as we no longer handle the funds), and our contact would of course be limited to confirming that resolution. Also, in working this issue and reviewing the charter agreement Eric uses with Air Partner, there are some

changes I would like to suggest. I know that we have discussed this briefly before, but my inclination was that this was at a stage where it would be

a good idea to fill you in.

It would be great if you can indicate some times and we can accommodate to you. Adam

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 6/16/2003 9:32:42 AM
Subject: Re: NY Times Leahy article

can you fax me copies of the Schumer and first Leahy letters? thx

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;David S. Addington/OVP /EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Reginald J. Brown/WHO /EOP@EOP [WHO] <Reginald J. Brown>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Charlotte L. Montiel/WHO /EOP@Exchange [WHO] <Charlotte L. Montiel>;Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>

Sent: 6/16/2003 10:12:48 AM

Subject: : ABA Rating - Frank Montalvo

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 14:12:48.00
SUBJECT:: ABA Rating - Frank Montalvo
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Frank Montalvo, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Reginald J. Brown/WHO /EOP@EOP [WHO] <Reginald J. Brown>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 6/16/2003 10:12:54 AM
Subject: : FW: Weekly Reg Radar Update 6-16-2003
Attachments: P_VOH00007_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:16-JUN-2003 14:12:54.00
SUBJECT:: FW: Weekly Reg Radar Update 6-16-2003
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer R. Brosnahan (CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Reginald J. Brown (CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Rules Likely to be Cleared, Withdrawn or Returned during the Week of June 16

USDA-APHIS PROPOSED RULE. Cost-Sharing for Animal and Plant Health Emergency Programs

HHS-CMS FINAL RULE. Mental Health Parity

HHS-CMS NOTICE. Medicare Program; Update of the prospective Payment System for Home Health Agencies for FY 2004

HHS-CMS NOTICE. State Children,s Health Insurance Program; Final Allotments to States, the District of Columbia, and U.S. Commonwealths for Fiscal Year 2004

HHS-CMS PROPOSED RULE. Medicare Program; Extending Medicare Coverage when Disability Benefit Entitlement Ends Because of Substantial Gainful Activity

HHS-CMS PROPOSED RULE. Medicare Program; Interest Rate and Calculation

*DHS-BCIS FINAL RULE. Certificates for Certain Health Care Workers

*DHS-USCG INTERIM FINAL RULE. Area Maritime Security

*DHS-USCG INTERIM FINAL RULE. Automatic Identification System, Vessel Carriage Requirement

*DHS-USCG INTERIM FINAL RULE. Facility Security

*DHS-USCG INTERIM FINAL RULE. Implementation of National maritime Security Initiatives

*DHS-USCG INTERIM FINAL RULE. Outer Continental Shelf Facility Security

*DHS-USCG INTERIM FINAL RULE. Vessel Security

HUD-OH PROPOSED RULE. Disposition of HUD-Owned, Single Family Assets in Asset Control Areas

HUD-OH PROPOSED RULE. Up-Front Mortgage Insurance Premiums for Loans Insured Under Sections 203(k) and 234 of the National Housing Act

DOL-ASVET INTERIM FINAL RULE. Funding Formula for grants to States Established Under Public Law 107-288, The Jobs for Veterans Act

DOL-MSHA FINAL RULE. Improving and Elimination Regulations, Phase 5, Miscellaneous Technology Improvements (Methane Testing)

*DOT-MARAD PROPOSED RULE. Regulations to be Followed by All Departments, Agencies, and Shippers Having Responsibility to Provide a Preference for U.C. Flag Vessels in the Shipment of Cargoes on Ocean Vessels

*EPA-WATER PROPOSED RULE. National primary Drinking Water Regulations: Stage 2 Disinfectants and Disinfection byproducts Rule

* Likely Media Attention

-----Original Message-----
From: Allen, Bryon P.
Sent: Monday, June 16, 2003 12:54 PM
To: Graham, John; Noe, Paul R.; Anderson, David R.; Besanceney, Brian R.; Bolten, Joshua B.; Bumatay, Patrick J.; Burgeson, Christine M.; Clark, Alicia P.; Conda, Cesar ; Cooney, Phil; Daniels, Mitchell; DeFrancis, Suzy; Dove, Stephen W.; Duffy, Trent D.; Hennessey, Keith; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Kupfer, Jeffrey F.; Lawlor, Laura S.; Luczynski, Kimberley S.; Lundberg, Stephanie J.; Machida, Ado A.; Meece, Michael E.; Murphy, Daniel J.; Oxford, John; Parell, Christie; Pelletier, Eric C.; Perry, Philip J.; Rossman, Elizabeth L.; Schlapp, Matthew A.; Smythe, Augustine T.; Stolpe, Elizabeth A.; Swagel, Phillip L.; Toth, Michael C.; Troy, Tevi; Wood, John F.; Weaver, Bessie M.
Subject: Weekly Reg Radar Update 6-16-2003

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_VOH00007_WHO.TXT_1>

Rules Likely to be Cleared, Withdrawn or Returned during the Week of June 16

USDA-APHIS	PROPOSED RULE. Cost-Sharing for Animal and Plant Health Emergency Programs
HHS-CMS	FINAL RULE. Mental Health Parity
HHS-CMS	NOTICE. Medicare Program; Update of the prospective Payment System for Home Health Agencies for FY 2004
HHS-CMS	NOTICE. State Children's Health Insurance Program; Final Allotments to States, the District of Columbia, and U.S. Commonwealths for Fiscal Year 2004
HHS-CMS	PROPOSED RULE. Medicare Program; Extending Medicare Coverage when Disability Benefit Entitlement Ends Because of Substantial Gainful Activity
HHS-CMS	PROPOSED RULE. Medicare Program; Interest Rate and Calculation
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*DHS-USCG	INTERIM FINAL RULE. Automatic Identification System, Vessel Carriage Requirement
*DHS-USCG	INTERIM FINAL RULE. Facility Security
*DHS-USCG	INTERIM FINAL RULE. Implementation of National maritime Security Initiatives
*DHS-USCG	INTERIM FINAL RULE. Outer Continental Shelf Facility Security
*DHS-USCG	INTERIM FINAL RULE. Vessel Security
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HUD-OH	PROPOSED RULE. Up-Front Mortgage Insurance Premiums for Loans Insured Under Sections 203(k) and 234 of the National Housing Act

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DOL-MSHA	FINAL RULE. Improving and Elimination Regulations, Phase 5, Miscellaneous Technology Improvements (Methane Testing)
*DOT-MARAD	PROPOSED RULE. Regulations to be Followed by All Departments, Agencies, and Shippers Having Responsibility to Provide a Preference for U.C. Flag Vessels in the Shipment of Cargoes on Ocean Vessels
*EPA-WATER	PROPOSED RULE. National primary Drinking Water Regulations: Stage 2 Disinfectants and Disinfection byproducts Rule

* Likely Media Attention

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 6/16/2003 10:39:22 AM
Subject: RE:

Confirmed. Court in recess until next Monday.
-----Original Message-----
From: Leitch, David G.
Sent: Monday, June 16, 2003 10:35 AM
To: Gonzales, Alberto R.; Kavanaugh, Brett M.
Subject:

Goldstein blog reporting 4 opinions today and "No more opinions until next Monday." I haven't been able to access the order list yet to confirm, but I would think this makes it unlikely that next Monday will be their last day for the Term.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/16/2003 10:51:35 AM
Subject: FW: RNC letterhead

Do you want to weigh in on this?
-----Original Message-----
From: Torgerson, Karin B.
Sent: Monday, June 16, 2003 10:50 AM
To: Bumatay, Patrick J.; Ralston, Susan B.; Burks, Jonathan W.; Miers, Harriet; Jucas, Tracy; Schlapp, Matthew A.
Subject: RNC letterhead

I need to get clarification on the use of the RNC letterhead (versus the Bush-Cheney '04 letterhead). Last week, I confirmed with counsel that we should not be using the RNC letterhead. Today, OPA brought me letters on the RNC letterhead and said that Karl said it was ok to use this.

I just need to make sure we are all on the same page. Is it ok to use the RNC letterhead or not? If not, it is my understanding that OPA does not have the Bush-Cheney letterhead yet. Can we get that to them?

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/16/2003 11:03:41 AM
Subject: FW: RNC letterhead

Is this correct?
-----Original Message-----
From: Ralston, Susan B.
Sent: Monday, June 16, 2003 11:01 AM
To: Torgerson, Karin B.; Bumatay, Patrick J.; Burks, Jonathan W.; Miers, Harriet; Jucas, Tracy; Schlapp, Matthew A.
Subject: RE: RNC letterhead

It depends on what the letters are for. There will be some instances that RNC letterhead is OK for political events not specifically related to the campaign. Karl did recently approve use of RNC letterhead for something, though can't specifically recall the item. Remember - OPA will still coordinate political efforts between the RNC, NRSC, and NRCC. This is not related to BC'04.
-----Original Message-----
From: Torgerson, Karin B.
Sent: Monday, June 16, 2003 10:50 AM
To: Bumatay, Patrick J.; Ralston, Susan B.; Burks, Jonathan W.; Miers, Harriet; Jucas, Tracy; Schlapp, Matthew A.
Subject: RNC letterhead

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I just need to make sure we are all on the same page. Is it ok to use the RNC letterhead or not? If not, it is my understanding that OPA does not have the Bush-Cheney letterhead yet. Can we get that to them?

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 6/16/2003 11:28:02 AM
Subject: Need car at 1130

.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/16/2003 11:28:19 AM
Subject: FW: RNC letterhead

-----Original Message-----
From: Torgerson, Karin B.
Sent: Monday, June 16, 2003 11:27 AM
To: Ralston, Susan B.; Bumatay, Patrick J.; Burks, Jonathan W.; Miers, Harriet; Jucas, Tracy; Schlapp, Matthew A.
Subject: RE: RNC letterhead

That makes sense. Patrick, will you check with Brett to make sure that this is his understanding as well? What I have here are 3 party-switching letters. That would appear to be ok to be on RNC paper per Susan's guidance.
-----Original Message-----
From: Ralston, Susan B.
Sent: Monday, June 16, 2003 11:01 AM
To: Torgerson, Karin B.; Bumatay, Patrick J.; Burks, Jonathan W.; Miers, Harriet; Jucas, Tracy; Schlapp, Matthew A.
Subject: RE: RNC letterhead

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-----Original Message-----
From: Torgerson, Karin B.
Sent: Monday, June 16, 2003 10:50 AM
To: Bumatay, Patrick J.; Ralston, Susan B.; Burks, Jonathan W.; Miers, Harriet; Jucas, Tracy; Schlapp, Matthew A.
Subject: RNC letterhead

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From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 6/16/2003 11:35:55 AM
Subject: RE: Need car at 1130

Sheesh, give me a little credit.... car is en route.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 16, 2003 11:34 AM
To: Nelson, Carolyn; Kavanaugh, Brett M.
Subject: Re: Need car at 1130

At 1050 connecticut?

.

----- Original Message -----
From:Carolyn Nelson/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 06/16/2003 11:32:16 AM
Subject: RE: Need car at 1130

done

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 16, 2003 11:28 AM
To: Nelson, Carolyn
Subject: Need car at 1130

.

From: Vestewig, Lauren J.
To: <Kavanaugh, Brett M.>;<McClellan, Scott>;<Dunn, David>
Sent: 6/16/2003 11:50:02 AM
Subject: Affirmative action

Jay now has to be on a conference call starting at 5:15, so could we make this meeting 5:45? thanks.

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>;<Torgerson, Karin B.>
Sent: 6/16/2003 12:28:21 PM
Subject: Re: FW: RNC letterhead

Susan's guidance is correct.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 06/16/2003 11:28:19 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: RNC letterhead

-----Original Message-----

From: Torgerson, Karin B.

Sent: Monday, June 16, 2003 11:27 AM

To: Ralston, Susan B.; Bumatay, Patrick J.; Burks, Jonathan W.; Miers, Harriet; Jucas, Tracy; Schlapp, Matthew A.

Subject: RE: RNC letterhead

That makes sense. Patrick, will you check with Brett to make sure that this is his understanding as well? What I have here are 3 party-switching letters. That would appear to be ok to be on RNC paper per Susan's guidance.

-----Original Message-----

From: Ralston, Susan B.

Sent: Monday, June 16, 2003 11:01 AM

To: Torgerson, Karin B.; Bumatay, Patrick J.; Burks, Jonathan W.; Miers, Harriet; Jucas, Tracy; Schlapp, Matthew A.

Subject: RE: RNC letterhead

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-----Original Message-----

From: Torgerson, Karin B.

Sent: Monday, June 16, 2003 10:50 AM

To: Bumatay, Patrick J.; Ralston, Susan B.; Burks, Jonathan W.; Miers, Harriet; Jucas, Tracy; Schlapp, Matthew A.

Subject: RNC letterhead

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From:	Bumatay, Patrick J.
To:	<Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent:	6/16/2003 12:56:55 PM
Subject:	FW: Weekly Reg Radar Update 6-16-2003
Attachments:	weekly reg radar update 6-16-2003.doc

Rules Likely to be Cleared, Withdrawn or Returned during the Week of June 16

USDA-APHIS PROPOSED RULE. Cost-Sharing for Animal and Plant Health Emergency Programs

HHS-CMS FINAL RULE. Mental Health Parity

HHS-CMS NOTICE. Medicare Program; Update of the prospective Payment System for Home Health Agencies for FY 2004

HHS-CMS NOTICE. State Children's Health Insurance Program; Final Allotments to States, the District of Columbia, and U.S. Commonwealths for Fiscal Year 2004

HHS-CMS PROPOSED RULE. Medicare Program; Extending Medicare Coverage when Disability Benefit Entitlement Ends Because of Substantial Gainful Activity

HHS-CMS PROPOSED RULE. Medicare Program; Interest Rate and Calculation

*DHS-BCIS FINAL RULE. Certificates for Certain Health Care Workers

*DHS-USCG INTERIM FINAL RULE. Area Maritime Security

*DHS-USCG INTERIM FINAL RULE. Automatic Identification System, Vessel Carriage Requirement

*DHS-USCG INTERIM FINAL RULE. Facility Security

*DHS-USCG INTERIM FINAL RULE. Implementation of National maritime Security Initiatives

*DHS-USCG INTERIM FINAL RULE. Outer Continental Shelf Facility Security

*DHS-USCG INTERIM FINAL RULE. Vessel Security

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Having Responsibility to Provide a Preference for U.C. Flag Vessels in the Shipment of Cargoes on Ocean Vessels

*EPA-WATER PROPOSED RULE. National primary Drinking Water Regulations: Stage 2 Disinfectants and Disinfection byproducts Rule

* Likely Media Attention

-----Original Message-----

From: Allen, Bryon P.

Sent: Monday, June 16, 2003 12:54 PM

To: Graham, John; Noe, Paul R.; Anderson, David R.; Besanceney, Brian R.; Bolten, Joshua B.; Bumatay, Patrick J.; Burgeson, Christine M.; Clark, Alicia P.; Conda, Cesar ; Cooney, Phil; Daniels, Mitchell; DeFrancis, Suzy; Dove, Stephen W.; Duffy, Trent D.; Hennessey, Keith; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Kupfer, Jeffrey F.; Lawlor, Laura S.; Luczynski, Kimberley S.; Lundberg, Stephanie J.; Machida, Ado A.; Meece, Michael E.; Murphy, Daniel J.; Oxford, John; Parell, Christie; Pelletier, Eric C.; Perry, Philip J.; Rossman, Elizabeth L.; Schlapp, Matthew A.; Smythe, Augustine T.; Stolpe, Elizabeth A.; Swagel, Phillip L.; Toth, Michael C.; Troy, Tevi; Wood, John F.; Weaver, Bessie M.

Subject: Weekly Reg Radar Update 6-16-2003

<>

Rules Likely to be Cleared, Withdrawn or Returned during the Week of June 16

USDA-APHIS	PROPOSED RULE. Cost-Sharing for Animal and Plant Health Emergency Programs
HHS-CMS	FINAL RULE. Mental Health Parity
HHS-CMS	NOTICE. Medicare Program; Update of the prospective Payment System for Home Health Agencies for FY 2004
HHS-CMS	NOTICE. State Children's Health Insurance Program; Final Allotments to States, the District of Columbia, and U.S. Commonwealths for Fiscal Year 2004
HHS-CMS	PROPOSED RULE. Medicare Program; Extending Medicare Coverage when Disability Benefit Entitlement Ends Because of Substantial Gainful Activity
HHS-CMS	PROPOSED RULE. Medicare Program; Interest Rate and Calculation
*DHS-BCIS	FINAL RULE. Certificates for Certain Health Care Workers
*DHS-USCG	INTERIM FINAL RULE. Area Maritime Security
*DHS-USCG	INTERIM FINAL RULE. Automatic Identification System, Vessel Carriage Requirement
*DHS-USCG	INTERIM FINAL RULE. Facility Security
*DHS-USCG	INTERIM FINAL RULE. Implementation of National maritime Security Initiatives
*DHS-USCG	INTERIM FINAL RULE. Outer Continental Shelf Facility Security
*DHS-USCG	INTERIM FINAL RULE. Vessel Security
HUD-OH	PROPOSED RULE. Disposition of HUD-Owned, Single Family Assets in Asset Control Areas
HUD-OH	PROPOSED RULE. Up-Front Mortgage Insurance Premiums for Loans Insured Under Sections 203(k) and 234 of the National Housing Act

DOL-ASVET	INTERIM FINAL RULE. Funding Formula for grants to States Established Under Public Law 107-288, The Jobs for Veterans Act
DOL-MSHA	FINAL RULE. Improving and Elimination Regulations, Phase 5, Miscellaneous Technology Improvements (Methane Testing)
*DOT-MARAD	PROPOSED RULE. Regulations to be Followed by All Departments, Agencies, and Shippers Having Responsibility to Provide a Preference for U.C. Flag Vessels in the Shipment of Cargoes on Ocean Vessels
*EPA-WATER	PROPOSED RULE. National primary Drinking Water Regulations: Stage 2 Disinfectants and Disinfection byproducts Rule

* Likely Media Attention

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 6/16/2003 1:05:41 PM
Subject: FW: Campaign question
Attachments: 07-11-02 Minneapolis - Medicare - Tight.jpg; 07-11-02 Minneapolis - Medicare - Wide.jpg; 07-11-02 Minneapolis Cuts.jpg

Kris wanted to see if he would be able to send this. What is your legal opinion?

-----Original Message-----

From: Purcell, Kristopher N.

Sent: Monday, June 16, 2003 12:53 PM

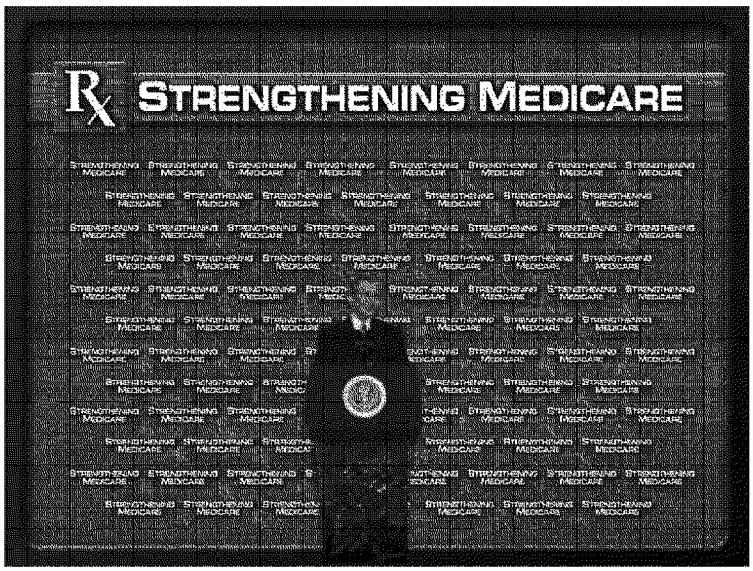
To: Montiel, Charlotte L.

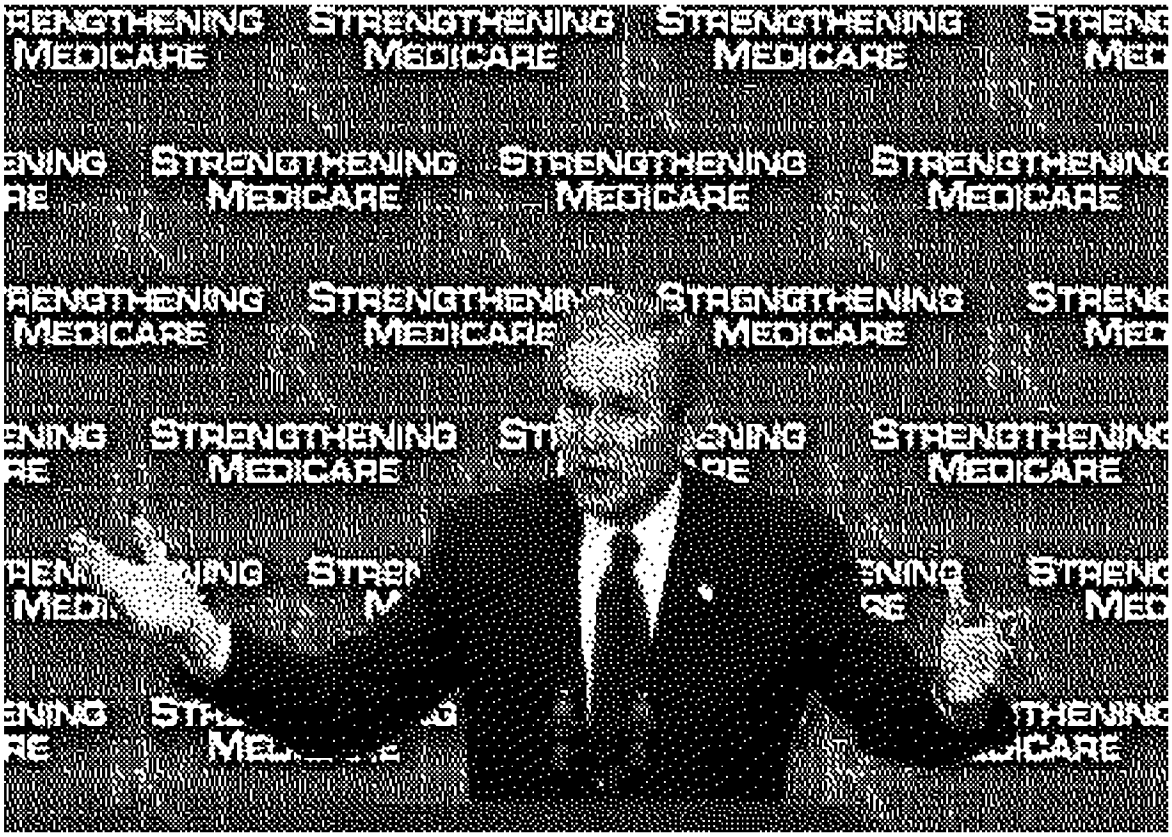
Subject: Campaign question

Craig Ray, who was Special Assistant to the President and Deputy Director of Advance until March, is working with Haley Barbour's campaign for Governor of Mississippi. He asked if I would email him a copy of a backdrop we used for an Official Presidential Event. It would be for reference only -- to visually see how we design the banners. He would not and (with what I'm sending) could not re-produce them. Please call with any questions.

<<07-11-02 Minneapolis - Medicare - Wide.jpg>> <<07-11-02 Minneapolis - Medicare - Tight.jpg>> <<07-11-02 Minneapolis Cuts.jpg>>

Kris
x67292


Rx
STRENGTHENING MEDICARE


STRENGTHENING
MEDICARE


Rx
STRENGTHENING
MEDICARE

From:	Ralston, Susan B.
To:	<Kavanaugh, Brett M.>
CC:	<Hernandez, Israel>
Sent:	6/16/2003 1:53:34 PM
Subject:	FW: Rove Pre-sell in TX
Attachments:	Draft Rove Fact Sheet.doc

Brett - do you want to approve Fact Sheets like this that have the same information as the invite which you've already seen?

-----Original Message-----
From: Henry Hager [mailto:hhager@georgewbush.com]
Sent: Monday, June 16, 2003 1:53 PM
To: Hernandez, Israel; Ralston, Susan B.
Subject: FW: Rove Pre-sell in TX
Importance: High

For your approval

-----Original Message-----
From: Kate Walters
Sent: Monday, June 16, 2003 1:12 PM
To: Henry Hager
Subject: Rove Pre-sell in TX
Importance: High

Henry- Can you get approved ASAP to send out this afternoon? Thanks.

TEXAS FINANCE COMMITTEE LEADERSHIP BRIEFINGS WITH KARL ROVE

DALLAS, TX

DATE: TUESDAY, JUNE 24, 2003
TIME: 6:00 PM TO 7:00 PM
LOCATION: PARK CITIES HILTON
5924 LUTHER LANE
CONTACT: JENNIFER PICKENS, O: 214-220-4504, FAX: 214-220-4509
JPICKENS@GEORGEWBUSH.COM

FORT WORTH, TX

DATE: WEDNESDAY, JUNE 25, 2003
TIME: 8:30 AM TO 9:30 AM
LOCATION: FORT WORTH CLUB
306 WEST 7TH STREET
CONTACT: LEANNE IVEY, O: 817-613-8200, FAX: 817-613-2558
LEANNE@ROGERWILLIAMS.COM

SAN ANTONIO, TX

DATE: WEDNESDAY, JUNE 25, 2003
TIME: 11:45 AM TO 12:45 PM
LOCATION: HOME OF TOM AND NANCY LOEFFLER
150 THELMA DRIVE
CONTACT: KATHERINE SMELKO, O: 210-244-8825, FAX: 210-244-8872
KSMELKO@LJTLAW.COM

HOUSTON, TX

DATE: WEDNESDAY, JUNE 25, 2003
TIME: 3:00 PM TO 4:00 PM
LOCATION: DOUBLETREE DOWNTOWN
400 DALLAS
CONTACT: KATE WALTERS, O: 703-647-2939, FAX: 703-647-2992
KATE@GEORGEWBUSH.COM OR SUSIE PEAKE, O: 713-290-1030

PLEASE RESPOND VIA FAX OR E-MAIL:

_____YES, I WILL BE ATTENDING THE EVENT IN _____ (CITY).
_____ NO, I CAN'T ATTEND, BUT I WANT TO SERVE ON THE FINANCE COMMITTEE FOR TEXAS.

NAME: _____
ADDRESS: _____
PHONE: _____ **FAX:** _____
EMAIL: _____ **CELL:** _____

TICKET PRICE: RAISE $10,000 FOR THE BUSH-CHENEY '04, INC. DALLAS EVENT ON JULY 18TH OR THE HOUSTON EVENT ON JULY 19TH

ADDITIONAL CONTACTS:

BETH STURGEON
O) 512-894-3539
bethsturgeon@austin.rr.com

JULIE ADDINGTON
O) 512-346-9693
JAdding@rnchq.org

CONTRIBUTIONS TO BUSH-CHENEY '04, INC. ARE NOT TAX DEDUCTIBLE FOR FEDERAL INCOME PURPOSES.

Paid for by Bush-Cheney '04, Inc.

REV_00122041

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>;<Kavanaugh, Brett M.>
Sent: 6/16/2003 2:00:33 PM
Subject: Re: Rove Pre-sell in TX

Who is fact sheet given to?

.

----- Original Message -----

From:Susan B. Ralston/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:Israel Hernandez/WHO/EOP@Exchange

Date: 06/16/2003 01:53:34 PM

Subject: FW: Rove Pre-sell in TX

Brett - do you want to approve Fact Sheets like this that have the same information as the invite which you've already seen?

-----Original Message-----

From: Henry Hager [mailto:hhager@georgewbush.com]

Sent: Monday, June 16, 2003 1:53 PM

To: Hernandez, Israel; Ralston, Susan B.

Subject: FW: Rove Pre-sell in TX

Importance: High

For your approval

-----Original Message-----

From: Kate Walters

Sent: Monday, June 16, 2003 1:12 PM

To: Henry Hager

Subject: Rove Pre-sell in TX

Importance: High

Henry- Can you get approved ASAP to send out this afternoon? Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;David S. Addington/OVP /EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Reginald J. Brown/WHO /EOP@EOP [WHO] <Reginald J. Brown>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Charlotte L. Montiel/WHO /EOP@Exchange [WHO] <Charlotte L. Montiel>;Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 6/16/2003 10:12:48 AM
Subject: : ABA Rating - Frank Montalvo

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SUBJECT:: ABA Rating - Frank Montalvo
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
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###### End Original ARMS Header ######
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Frank Montalvo, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;David S. Addington/OVP /EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Reginald J. Brown/WHO /EOP@EOP [WHO] <Reginald J. Brown>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>

Sent: 6/16/2003 10:12:54 AM

Subject: : ABA Rating - Allyson K. Duncan

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 14:12:54.00
SUBJECT:: ABA Rating - Allyson K. Duncan
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
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End Original ARMS Header

Allyson Kay Duncan, USCA, 4th Circuit, is unanimously rated "Well Qualified" by the ABA.
;
Thanks
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;David S. Addington/OVP /EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Reginald J. Brown/WHO /EOP@EOP [WHO] <Reginald J. Brown>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>

Sent: 6/16/2003 10:12:54 AM

Subject: : ABA Rating - James Cohn

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 14:12:54.00
SUBJECT:: ABA Rating - James Cohn
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
End Original ARMS Header

James Ivan Cohn, USDC, Southern District of Florida, is rated "Well Qualified" by a substantial majority of the ABA and "Qualified" by a minority.
;
Thanks

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;David S. Addington/OVP /EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Reginald J. Brown/WHO /EOP@EOP [WHO] <Reginald J. Brown>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>

Sent: 6/16/2003 10:12:54 AM

Subject: : ABA Rating - James Cohn

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 14:12:54.00
SUBJECT:: ABA Rating - James Cohn
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
End Original ARMS Header

James Ivan Cohn, USDC, Southern District of Florida, is rated "Well Qualified" by a substantial majority of the ABA and "Qualified" by a minority.
;
Thanks

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;Theodore W. Ullyot/WHO /EOP@EOP [WHO] <Theodore W. Ullyot>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Tracy Jucas/WHO /EOP@EOP [WHO] <Tracy Jucas>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 6/16/2003 10:12:48 AM
Subject: : ABA Rating -Robert C. Brack

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Robert C. Brack, USDC, District of New Mexico is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;Theodore W. Ullyot/WHO /EOP@EOP [WHO] <Theodore W. Ullyot>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Tracy Jucas/WHO /EOP@EOP [WHO] <Tracy Jucas>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
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End Original ARMS Header

Robert C. Brack, USDC, District of New Mexico is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/16/2003 2:16:19 PM
Subject: San Jose Mercury News
Attachments: spacer.gif

Posted on Mon, Jun. 16, 2003

State judge ride high court track
OPPOSITION GEARING UP FOR FIGHT IF SHE'S NOMINATED FOR POSSIBLE VACANCIES
By Howard Mintz
Mercury News

Just seven years ago, an influential state judicial screening group didn't consider Janice Rogers Brown qualified to be on the California Supreme Court. Now, there is a real possibility Brown could vault from the highest court in the state to become the first black woman ever to serve on the highest court in the land.

As the U.S. Supreme Court winds down its latest term this month amid rampant speculation that at least one justice is preparing to retire, Brown, a 54-year-old conservative and daughter of an Alabama sharecropper, is one of a small number of potential Supreme Court nominees who have already been vetted by the White House.

Brown would fit the template of a judge that President Bush has favored in stocking the nation's federal bench. A staunch conservative on everything from affirmative action to the death penalty, she is an ideological match with the Bush administration and a political plus as a black woman who has risen from a childhood in the segregated South to the pinnacle of her profession.

``I think she is well-qualified for appointment to the U.S. Supreme Court,'' said State Supreme Court Justice Marvin Baxter, who is usually aligned with Brown's conservative positions.

But Brown, whose prickly prose has touched on hot-button issues ranging from abortion to affirmative action, already has attracted close scrutiny from civil rights groups and others girding for a confirmation fight. In fact, she's just one of six possible Supreme Court nominees whose records have been scoured by Alliance for Justice, the group that ordinarily leads political opposition to Bush's judicial picks.

Critics such as San Francisco's Eva Paterson, one of the nation's leading civil rights lawyers, have labeled Brown ``another Clarence Thomas,'' in large part because of the way she came down in an affirmative action case out of San Jose three years ago.

``If she's the president's choice, it's going to be a huge battle,'' observes Erwin Chemerinsky, a professor at the University of Southern California law school.

The attention on Brown has ramped up in recent months because of the strong belief in legal circles that the Supreme Court is about to end its longest stretch without turnover in 180 years. Chief Justice William Rehnquist, 78, and Justice Sandra Day O'Connor, 73, are viewed as likely to retire to give a Republican president a chance to replace them well before the next election.

How many retiring?

If Rehnquist retires, most predict, the White House might name the first Latino in the court's history, with the leading candidate being White House Counsel Alberto Gonzales. But most legal experts and leading Republicans agree that Brown leaps to the front of the list if both Rehnquist and O'Connor step down.

``It would be incredibly difficult for Democrats to go against a woman like Janice Brown,'' said a top California Republican close to the judicial selection process. ``She has a very compelling personal story.''

Consideration for the U.S. Supreme Court is a remarkable climb for Brown, who was rated not qualified for the California Supreme Court by a state bar group when former Gov. Pete Wilson nominated her in 1996. The bar group, which touched off a controversy over its rating, concluded that Brown, as an appeals court justice, too often injected her personal views into court cases.

Legal experts no longer question Brown's qualifications for the job, although the bar's complaint that she used her legal opinions as a personal bully pulpit remains one of the chief criticisms against her as a Supreme Court justice.

Brown declined to be interviewed for this story, but her background has been well documented. She grew up in rural Alabama in the 1950s, and eventually her family moved to California, where she attended law school at UCLA. A liberal in college, she became a conservative as a lawyer, working in the California Attorney General's Office and later rising to become Wilson's legal affairs secretary.

Wilson named Brown to a Sacramento state appeals court in 1994 and elevated her to the state Supreme Court two years later. She quickly found herself embroiled in the state's most controversial court case at the time, a 1997 ruling in which the justices, by a 4-3 vote, struck down California's law requiring minors to obtain parental consent to get an abortion.

In dissent, Brown chastised her colleagues: ``This case is an excellent example of the folly of courts in their role of philosopher kings.''

Since that decision, Brown, who is reserved in person and typically the lowest-key justice in questioning lawyers, has cranked up the volume in her writing. Perhaps her signature case -- and one that may attract the most attention if she is nominated -- came in 2000, when she wrote the majority opinion invalidating San Jose's minority contracting program.

The ruling was the first to apply Proposition 209's anti-affirmative action provisions in the state. And while the court's conclusion in the case came as no surprise, Brown's writings did. She filled her decision with a scathing denunciation of past affirmative action decisions and their place in history, prompting an unusual rebuke from Chief Justice Ronald George, who called it ``unnecessary and inappropriate.''

``On the U.S. Supreme Court, they call them nine scorpions in a bottle,'' said Gerald Uelmen, a Santa Clara University law professor and Supreme Court expert. ``She'd fit right in the scorpion mode.''

Criticism called unfair

Brown's supporters say her decisions and position in the Proposition 209 case have been unfairly criticized. Ward Connerly, who knows Brown well and was the chief sponsor of Proposition 209, said she was criticized for the ruling because she is a ``quote, unquote, black conservative.''

``She knows who she is,'' Connerly said. ``She has a very clear compass and she follows it.''

Brown, who still lives in Sacramento and often limits her trips to the Supreme Court's headquarters in San Francisco to once or twice a week, is regarded as a lone wolf on the court.

According to knowledgeable state Supreme Court insiders, Brown's approach even rankles some of her colleagues, notably George, the chief justice, who has traded barbs with her in numerous court opinions.

``There is no doubt about her intelligence and gift with the pen,'' said one Supreme Court official. ``It's just a question of whether it is used in an appropriate way.''

Praise for scholarship

But despite the fiery rhetoric, Brown has earned plaudits for her legal scholarship and a libertarian streak that can flash when she believes government is going too far.

And her friends say that she is well-equipped to weather a bruising Senate confirmation battle.

``She's tough -- she wouldn't go home crying to Mommy,'' said Sacramento appeals court justice Vance Raye, a longtime friend.

To Doug Kmiec, a Brown friend, leading conservative scholar and dean of Catholic University's law school, Brown looks like somebody the White House would like.

In a commencement speech a few weeks ago at Catholic University, for Kmiec's law school, Brown showed signs of developing her public persona. Unlike some of her colleagues, Brown seldom speaks in public, but agreed to address Catholic University. There, she stressed the importance of law in a speech laced with religious references and patriotism.

Invoking Sept. 11, Brown warned the lawyers-to-be that in today's climate, ``nothing less than Western civilization and the rule of law are at stake.''

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
CC: <Hernandez, Israel>
Sent: 6/16/2003 2:22:23 PM
Subject: RE: Rove Pre-sell in TX

Blasted all over TX to any and all possible donors

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 16, 2003 2:01 PM
To: Ralston, Susan B.; Kavanaugh, Brett M.
Subject: Re: Rove Pre-sell in TX
Importance: High

Who is fact sheet given to?

.

----- Original Message -----
From:Susan B. Ralston/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:Israel Hernandez/WHO/EOP@Exchange
Date: 06/16/2003 01:53:34 PM
Subject: FW: Rove Pre-sell in TX

Brett - do you want to approve Fact Sheets like this that have the same information as the invite which you've already seen?

-----Original Message-----
From: Henry Hager [mailto:hhager@georgewbush.com]
Sent: Monday, June 16, 2003 1:53 PM
To: Hernandez, Israel; Ralston, Susan B.
Subject: FW: Rove Pre-sell in TX
Importance: High

For your approval

-----Original Message-----
From: Kate Walters
Sent: Monday, June 16, 2003 1:12 PM
To: Henry Hager
Subject: Rove Pre-sell in TX
Importance: High

Henry- Can you get approved ASAP to send out this afternoon? Thanks.

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>;<Kavanaugh, Brett M.>
CC: <Hernandez, Israel>
Sent: 6/16/2003 2:26:25 PM
Subject: Re: Rove Pre-sell in TX

Yes, I should review. I will be back in office at 330 and will do so.

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----- Original Message -----

From:Susan B. Ralston/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:Israel Hernandez/WHO/EOP@Exchange

Date: 06/16/2003 02:22:23 PM

Subject: RE: Rove Pre-sell in TX

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-----Original Message-----

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Sent: Monday, June 16, 2003 2:01 PM

To: Ralston, Susan B.; Kavanaugh, Brett M.

Subject: Re: Rove Pre-sell in TX

Importance: High

Who is fact sheet given to?

.

----- Original Message -----

From:Susan B. Ralston/WHO/EOP@Exchange

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To: Hernandez, Israel; Ralston, Susan B.

Subject: FW: Rove Pre-sell in TX

Importance: High

For your approval

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From: Kate Walters

Sent: Monday, June 16, 2003 1:12 PM

To: Henry Hager

Subject: Rove Pre-sell in TX

Importance: High

Henry- Can you get approved ASAP to send out this afternoon? Thanks.

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 6/16/2003 2:27:24 PM
Subject: RE: please call

Thank you!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 16, 2003 2:27 PM
To: Montiel, Charlotte L.; Kavanaugh, Brett M.
Subject: Re: please call

Yes m'aam.

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----- Original Message -----
From:Charlotte L. Montiel/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 06/16/2003 02:19:13 PM
Subject: please call

Jonathan Javitts 301-980-9703

He is on the board of PITAC, the Pres'l Information and Technology Advisory Commission. He serves on this commission with out pay. He is also co-chair of MD for Bush/Cheney. There is a fundraiser tomorrow night and he wants to see if he can go or if his position on the board would prohibit him from raising money. Please get back to him with this information.

Charlotte

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO /EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>
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End Original ARMS Header

Robert C. Brack, USDC, District of New Mexico is unanimously rated "Well Qualified" by the ABA.
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Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/16/2003 2:38:58 PM

Subject: : ABA Rating - Frank Montalvo

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:38:58.00
SUBJECT:: ABA Rating - Frank Montalvo
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Frank Montalvo, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/16/2003 2:39:16 PM

Subject: : ABA Rating - Frank Montalvo

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CREATION DATE/TIME:16-JUN-2003 18:39:16.00
SUBJECT:: ABA Rating - Frank Montalvo
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Frank Montalvo, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.
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Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/16/2003 2:41:54 PM

Subject: : ABA Rating - Frank Montalvo

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:41:54.00
SUBJECT:: ABA Rating - Frank Montalvo
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READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Frank Montalvo, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/16/2003 2:42:01 PM
Subject: : Leahy/Schumer letters
Attachments: P_5WU8H003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)"
<James_Ho@Judiciary.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:16-JUN-2003 18:42:01.00
SUBJECT:: Leahy/Schumer letters
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett:



FYI - I'll call you shortly.



* The Schumer/Leahy letters demand a role in the
selection of Supreme Court nominees, claiming that the Constitution
obliges the Senate to play such a role.



* The Constitution imposes no obligation upon the
Senate to suggest nominees or upon the President to consult with the
Senate prior to a nomination.



* The Constitution says that only the President shall
nominate. As numerous constitutional law professors have recognized,
the Senate's advice and consent role applies only to the appointment of
judges, and not to the nomination of judges. Article II explicitly
states that "[t]he President . . . shall nominate, and by and with the
Advice and Consent of the Senate, shall appoint . . . Judges."



* The Senate's "advice and consent" role simply makes
clear that the Senate's approval is necessary but not sufficient for the
President to appoint an individual or to ratify a treaty. If the Senate
advises that a nominee be appointed or a treaty be ratified, it still
remains up to the President to decide whether or not to appoint that
individual or ratify that treaty.



* Law professors who have advised Democrats on the
judicial selection process agree.



o Cass Sunstein: "the Constitution contemplates no formal
prenomination advisory role for the Senate but reserves the act of
nomination exclusively to the President."
```

o Michael Gerhardt: "the Constitution does not . . . impose any obligation on the president to consult with the Senate prior to nominating people to confirmable posts"

* Throughout history and from the very beginning of this nation's founding, it has been understood that the President alone shall nominate, and that the Senate has no constitutional role in consulting or advising on nominations.

o Renowned constitutional scholar and historian David Currie has explained that, although President George Washington sought close consultation with the Senate on the negotiation of future treaties, "[i]t is noteworthy that no comparable practice emerged with regard to appointments; from the outset the President simply submitted the names and the Senate voted yes or no. . . . Madison, Jefferson, and Jay all advised Washington not to consult the Senate before making nominations."

o Federalist No. 76: "one man of discernment is better fitted to analyze and estimate the peculiar qualities adopted to particular offices than a body of men . . . In the act of nomination, [the President's] judgment alone would be exercised"

* Should individual Senators decide to make recommendations on possible nominees, that is of course their right of expression. But no one should be confused into thinking that the President is in any way bound as a legal or political matter to follow those recommendations.

o It is impossible to see how the President could obey the wishes of 100 Senators, each of whom might have their own recommended nominees.

o Unlike the Senate's role in the confirmation of judges, the Constitution expressly states that the President may "recommend" legislation to Congress. Yet no one would dispute that Congress is fully entitled to ignore those recommendations and pass contrary legislation.

* Of course, good faith consultation and cooperation between the branches can sometimes be helpful. But bipartisan consultation and cooperation must be a two-way street.

o The President has established an exceptionally successful system of selecting the finest legal minds in the country, from diverse walks of life, to serve on the federal bench.

o But a partisan minority of Senators has poisoned the atmosphere by conducting unprecedented and dangerous filibusters of judicial nominees - even though those nominees are supported by a bipartisan majority of Senators.

o That partisan minority further poisons relations between the branches when it falsely claims that the judicial nominees they are filibustering fall outside the mainstream of American jurisprudence - when Miguel Estrada has the support of Democrats and Republicans across the country, including 87% of Hispanics according to a recent poll by Opiniones Latinas, and when 84% of Texans have expressed their support of Justice Priscilla Owen.

o It wasn't always this bad. For example, President Clinton nominated former ACLU general counsel Ruth Bader Ginsburg to the Supreme Court, even though she had previously argued that there is a constitutional right to prostitution - hardly a mainstream legal position. Yet the Senate confirmed her by an overwhelming 96-3 vote.

* Conclusion: Should there be a Supreme Court vacancy, Senators should be confident that the President will select an outstanding individual of exceptional legal caliber to the Supreme Court - just as he has done with respect to the numerous vacancies and judicial emergencies in the lower courts. The President is of course fully authorized to consider suggestions made by Senators or indeed by any American, but the only role contemplated by the Constitution in the nomination of judges is the President and the President alone.

James C. Ho

Chief Counsel

U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights

U.S. Senator John Cornyn, Chairman

Dirksen Senate Office Building Room 139

(202) 224-7840 (office)

(202) 228-2281 (fax)

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5WU8H003_WHO.TXT_1>

Brett:

FYI – I'll call you shortly.

-   &n bsp; The Schumer/Leahy letters demand a role in the selection of Supreme Court nominees, claiming that the Constitution obliges the Senate to play such a role.

-   &n bsp; The Constitution imposes no obligation upon the Senate to suggest nominees or upon the President to consult with the Senate prior to a nomination.

-   &n bsp; The Constitution says that only the President shall nominate. As numerous constitutional law professors have recognized, the Senate's advice and consent role applies only to the *appointment* of judges, and not to the <*span style='font-style:italic'*>*nomination* of judges. Article II explicitly states that "[t]he President . . . shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges."

-   &n bsp; The Senate's "advice and consent" role simply makes clear that the Senate's approval is necessary but not sufficient for the President to appoint an individual or to ratify a treaty.&nb sp; If the Senate advises that a nominee be appointed or a treaty be ratified, it still remains up to the President to decide whether or not to appoint that individual or ratify that treaty.

-   &n bsp; Law professors who have advised Democrats on the judicial selection process agree.

    - Cass Sunstein: "the Constitution contemplates no formal prenomination advisory role for the Senate but reserves the act of nomination exclusively to the President."

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• & nbsp; &n bsp; Conclusion: Should there be a Supreme Court vacancy, Senators should be confident that the President will select an outstanding individual of exceptional legal caliber to the Supreme Court – just as he has done with respect to the numerous vacancies and judicial emergencies in the lower courts. The President is of course fully authori zed to consider suggestions made by Senators or indeed by any American, but the only role contemplated by the Constitution in the nomination of judges is the President and the President alone.

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U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights
U.S. Senator John Cornyn, Chairman
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Sent: 6/16/2003 2:51:47 PM

Subject: : ABA Rating -Robert C. Brack

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CREATION DATE/TIME:16-JUN-2003 18:51:47.00
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TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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READ:UNKNOWN
TO:Elizabeth Bingold (CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Robert C. Brack, USDC, District of New Mexico is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: John Parker <jparker@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/16/2003 3:46:45 PM
Subject: : FW:
Attachments: P_RYX8H003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:John Parker <jparker@georgewbush.com> (John Parker <jparker@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:16-JUN-2003 19:46:45.00
SUBJECT:: FW:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

Attached is a copy of the travel form that Tom asked be forwarded on to you. Let me know if you have any problems with it.

John

-----Original Message-----
From: Tom Josefiak
Sent: Monday, June 16, 2003 7:42 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Cc: John Parker
Subject: RE:

Brett, I agree. On another matter, I am going to ask John Parker to send you a copy of a draft Corporate travel request form for your thoughts.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, June 16, 2003 7:29 PM
To: Ken Mehlman
Cc: Tom Josefiak; Matt Schlapp; Susan Ralston
Subject: Re:

From our perspective, this would be no different from other corporate
officers or directors serving in such a capacity. Fannie Mae may have internal
rules particular to it, which I am sure she will check.

(Embedded
image moved Ken Mehlman <kmehlman@georgewbush.com>
to file: 06/16/2003 07:28:56 AM
pic23185.pcx)

Record Type: Record

To: Tom Josefiak <tomj@georgewbush.com>, Brett M.

Kavanaugh/WHO/EOP@EOP

cc: Matt Schlapp <mschlapp@georgewbush.com>, Susan Ralston
<sralston@georgewbush.com>
Subject:

We are in the process of identifying possible regional chairs for the campaign. These folks will represent the campaign at key events in their regions, assist Regional Political Directors in solving problems, etc. One regional chair will be Molly Bordonaro, who serves on the Fannie Mae board. Is this a problem?

- Corporate Travel Request Form.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RYX8H003_WHO.TXT_1>

BUSH CHENEY '04

www.GeorgeWBush.com

Corporate Travel Request Form

Corporation Name_____

Contact_____ Phone_____

Traveler's Name (s)_____ Division_____

Number of BC'04 Travelers _____

Purpose of trip_____

_____

Date Departing_____ Date Returning_____

Departing From_____

	Location		**Dates**	
Destination #1	_____	Arriving	_____	Departing_____
Destination #2	_____	Arriving	_____	Departing_____
Destination #3	_____	Arriving	_____	Departing_____

Please attach any additional destinations

Total Airfare

Total First Class fare (if commercial service between cities) $_____
(*includes First Class Fare for each BC'04 Traveler*)

Charter Rate (if no commercial service) $_____

Date of Reimbursement to Corporation _____
(*Attach copy of check or wire transfer-**must be made in advance of travel***)

Travel Agency by _____ for First Class Ticketed Price/Charter Rate
(*Attach documentation from agency*)

Online quote by _____ for First Class Ticketed Price/Charter Rate
(*Attach printout of web page*)

Approval

Division_____ Legal _____ White House_____

REV_00122263

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Brilliant, Hana F.>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Ganter, Jonathan F.>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 6/16/2003 4:33:07 PM
Subject: ABA Rating - Allyson K. Duncan

Allyson Kay Duncan, USCA, 4th Circuit, is unanimously rated "Well Qualified" by the ABA.

Thanks
Patrick

From:	Bartolomucci, H. Christopher
To:	<Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Everson, Nanette>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>;<Addington, David S.>
Sent:	6/16/2003 5:37:51 PM
Subject:	Beers is now the lead story on the Wash. Post web site
Attachments:	~~DLNK0.URL; ~~DLNK1.URL; ~~DLNK2.URL

Monday, June 16, 2003 | Updated 5:36 p.m. ET

<>

<>

Beers, a former Bush counterterrorism adviser, says vital issues are being "avoided, neglected or shortchanged." (Jahi Chikwendiu/Post)

Ex-Aide Is Unlikely Insurgent <>

Former White House terrorism adviser resigns, joins John Kerry's campaign. **– Laura Blumenfeld**

[InternetShortcut]
URL=http://www.washingtonpost.com/wp-dyn/articles/A62941-2003Jun15.html

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URL=http://www.washingtonpost.com/wp-dyn/articles/A62941-2003Jun15.html

[InternetShortcut]
URL=http://www.washingtonpost.com/wp-dyn/articles/A62941-2003Jun15.html?nav=hptop_tb

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Bingold, Elizabeth>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Ganter, Jonathan F.>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 6/16/2003 5:37:49 PM
Subject: ABA Rating - Frank Montalvo

Frank Montalvo, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.

Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO /EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>

Sent: 6/16/2003 2:39:17 PM

Subject: : ABA Rating -Robert C. Brack

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RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:39:17.00
SUBJECT:: ABA Rating -Robert C. Brack
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
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READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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READ:UNKNOWN
TO:Elizabeth Bingold (CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Robert C. Brack, USDC, District of New Mexico is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>
To: <Grubbs, Wendy J.>;<Kavanaugh, Brett M.>;Rodgers, Mark \(Republican-Conf\) <Mark_Rodgers@src.senate.gov>;Delrahim, Makan \(Judiciary\) <Makan_Delrahim@Judiciary.senate.gov>;Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Dahl, Alex \(Judiciary\) <Alex_Dahl@Judiciary.senate.gov>;Ledeen, Barbara \(Republican-Conf\) <Barbara_Ledeen@src.senate.gov>;Willcox, Lawrence \(RPC\) <Lawrence_Willcox@RPC.Senate.Gov>;Gumerson, Katie \(RPC\) <Katie_Gumerson@RPC.Senate.Gov>;Stevenson, Bob \(Frist\) <Bob_Stevenson@frist.senate.gov>;Duffield, Steven \(RPC\) <Steven_Duffield@RPC.Senate.Gov>
Sent: 6/16/2003 6:39:45 PM
Subject: Meeting/Thursday
Attachments: ATTACH000.eml

When: Thursday, June 19, 2003 3:30 PM-4:30 PM (GMT-05:00) Eastern Time (US & Canada).
Where: Lee's Office

~~*~*~*~*~*~*~*~*~*

Wendy and Brett:

Lee would like to reconvene on Thursday at 3:30 with a few key people to continue to discuss judicial issues going forward. We leave it to you who else from the WH should be invited, and please let us know if we should invite DOJ colleagues.

Manny

From:	Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
To:	Grubbs, Wendy J. <Grubbs, Wendy J.>; Kavanaugh, Brett M. <Kavanaugh, Brett M.>; Rodgers, Mark (Republican-Conf) <Mark_Rodgers@src.senate.gov>; Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>; Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>; Dahl, Alex (Judiciary) <Alex_Dahl@Judiciary.senate.gov>; Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>; Willcox, Lawrence (RPC) <Lawrence_Willcox@RPC.Senate.Gov>; Gumerson, Katie (RPC) <Katie_Gumerson@RPC.Senate.Gov>; Stevenson, Bob (Frist) <Bob_Stevenson@frist.senate.gov>; Duffield, Steven (RPC) <Steven_Duffield@rpc.senate.gov>; Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
Subject:	Meeting/Thursday
Start:	6/19/2003 3:30:00 PM
End:	6/19/2003 4:30:00 PM
Show Time As:	Free
Recurrence:	(none)
Required Attendees:	Grubbs, Wendy J.; Kavanaugh, Brett M.; Rodgers, Mark (Republican-Conf); Delrahim, Makan (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Ledeen, Barbara (Republican-Conf); Willcox, Lawrence (RPC); Gumerson, Katie (RPC); Stevenson, Bob (Frist); Duffield, Steven (RPC); Miranda, Manuel (Frist)

Wendy and Brett:

Lee would like to reconvene on Thursday at 3:30 with a few key people to continue to discuss judicial issues going forward. We leave it to you who else from the WH should be invited, and please let us know if we should invite DOJ colleagues.

Manny

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO /EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>

Sent: 6/16/2003 2:41:55 PM

Subject: : ABA Rating -Robert C. Brack

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
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CREATION DATE/TIME:16-JUN-2003 18:41:55.00
SUBJECT:: ABA Rating -Robert C. Brack
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READ:UNKNOWN
TO:Elizabeth Bingold (CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Robert C. Brack, USDC, District of New Mexico is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO /EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>

Sent: 6/16/2003 2:47:52 PM

Subject: : ABA Rating -Robert C. Brack

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:47:52.00
SUBJECT:: ABA Rating -Robert C. Brack
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
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TO:Jennifer R. Brosnahan (CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [WHO])
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End Original ARMS Header

Robert C. Brack, USDC, District of New Mexico is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 6/16/2003 2:47:50 PM
Subject: : ABA Rating - Frank Montalvo

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:47:50.00
SUBJECT:: ABA Rating - Frank Montalvo
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Frank Montalvo, USDC, Western District of Texas, is unanimously rated
"Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 6/16/2003 2:51:46 PM
Subject: : ABA Rating - Frank Montalvo

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:51:46.00
SUBJECT:: ABA Rating - Frank Montalvo
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
```

READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Frank Montalvo, USDC, Western District of Texas, is unanimously rated
"Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO /EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>

Sent: 6/16/2003 2:53:25 PM

Subject: : ABA Rating -Robert C. Brack

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:53:25.00
SUBJECT:: ABA Rating -Robert C. Brack
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
```

READ:UNKNOWN
TO:Elizabeth Bingold (CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Robert C. Brack, USDC, District of New Mexico is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/16/2003 2:54:07 PM

Subject: : ABA Rating - Frank Montalvo

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:54:07.00
SUBJECT:: ABA Rating - Frank Montalvo
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Frank Montalvo, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO /EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>

Sent: 6/16/2003 2:54:08 PM

Subject: : ABA Rating -Robert C. Brack

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:54:08.00
SUBJECT:: ABA Rating -Robert C. Brack
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
```

READ:UNKNOWN
TO:Elizabeth Bingold (CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Robert C. Brack, USDC, District of New Mexico is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/16/2003 2:55:22 PM

Subject: : ABA Rating - Frank Montalvo

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:55:22.00
SUBJECT:: ABA Rating - Frank Montalvo
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Frank Montalvo, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/16/2003 2:55:22 PM

Subject: : ABA Rating - Frank Montalvo

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:55:22.00
SUBJECT:: ABA Rating - Frank Montalvo
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Frank Montalvo, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO /EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>

Sent: 6/16/2003 2:55:26 PM

Subject: : ABA Rating -Robert C. Brack

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:55:26.00
SUBJECT:: ABA Rating -Robert C. Brack
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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READ:UNKNOWN
TO:Elizabeth Bingold (CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Robert C. Brack, USDC, District of New Mexico is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO /EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>

Sent: 6/16/2003 2:57:54 PM

Subject: : ABA Rating -Robert C. Brack

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:57:54.00
SUBJECT:: ABA Rating -Robert C. Brack
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
```

READ:UNKNOWN
TO:Elizabeth Bingold (CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Robert C. Brack, USDC, District of New Mexico is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jonathan F. Ganter/WHO /EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>

Sent: 6/16/2003 2:57:54 PM

Subject: : ABA Rating -Robert C. Brack

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:57:54.00
SUBJECT:: ABA Rating -Robert C. Brack
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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READ:UNKNOWN
TO:Elizabeth Bingold (CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Robert C. Brack, USDC, District of New Mexico is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/16/2003 2:57:53 PM

Subject: : ABA Rating - Frank Montalvo

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 18:57:53.00
SUBJECT:: ABA Rating - Frank Montalvo
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Frank Montalvo, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.
;
Patrick

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>
Sent: 6/16/2003 7:15:21 PM
Subject: RE: Rove Pre-sell in TX

Please have them add "featured guest" before Karl's name and add the disclaimer about foreign national and corporate contributions that BC '04 puts on the other invites.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/16/2003 02:22:23 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Israel Hernandez/WHO/EOP@Exchange

Subject: RE: Rove Pre-sell in TX

Blasted all over TX to any and all possible donors

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Monday, June 16, 2003 2:01 PM

To: Ralston, Susan B.; Kavanaugh, Brett M.

Subject: Re: Rove Pre-sell in TX

Importance: High

Who is fact sheet given to?

.

----- Original Message -----

From:Susan B. Ralston/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:Israel Hernandez/WHO/EOP@Exchange

Date: 06/16/2003 01:53:34 PM

Subject: FW: Rove Pre-sell in TX

Brett - do you want to approve Fact Sheets like this that have the same information as the invite which you've already seen?

-----Original Message-----

From: Henry Hager [mailto:hhager@georgewbush.com <mailto:hhager@georgewbush.com>]

Sent: Monday, June 16, 2003 1:53 PM

To: Hernandez, Israel; Ralston, Susan B.

Subject: FW: Rove Pre-sell in TX

Importance: High

For your approval

-----Original Message-----

From: Kate Walters

Sent: Monday, June 16, 2003 1:12 PM

To: Henry Hager

Subject: Rove Pre-sell in TX

Importance: High

Henry- Can you get approved ASAP to send out this afternoon? Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@Exchange [WHO] <Susan B. Ralston>
Sent: 6/16/2003 3:16:15 PM
Subject: : RE: Rove Pre-sell in TX

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-JUN-2003 19:16:15.00
SUBJECT:: RE: Rove Pre-sell in TX
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Please have them add "featured guest" before Karl's name and add
the disclaimer about foreign national and corporate contributions that BC
'04 puts on the other invites.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/16/2003 02:22:23 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Israel Hernandez/WHO/EOP@Exchange
Subject: RE: Rove Pre-sell in TX

Blasted all over TX to any and all possible donors

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 16, 2003 2:01 PM
To: Ralston, Susan B.; Kavanaugh, Brett M.
Subject: Re: Rove Pre-sell in TX
Importance: High

Who is fact sheet given to?

.

----- Original Message -----
From:Susan B. Ralston/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:Israel Hernandez/WHO/EOP@Exchange
Date: 06/16/2003 01:53:34 PM
Subject: FW: Rove Pre-sell in TX

Brett - do you want to approve Fact Sheets like this that have the same
information as the invite which you've already seen?

-----Original Message-----
From: Henry Hager [mailto:hhager@georgewbush.com <
mailto:hhager@georgewbush.com>]
Sent: Monday, June 16, 2003 1:53 PM
To: Hernandez, Israel; Ralston, Susan B.
Subject: FW: Rove Pre-sell in TX
Importance: High

For your approval

-----Original Message-----
From: Kate Walters

Sent: Monday, June 16, 2003 1:12 PM
To: Henry Hager
Subject: Rove Pre-sell in TX
Importance: High

Henry- Can you get approved ASAP to send out this afternoon? Thanks.

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>
Sent: 6/16/2003 7:16:01 PM
Subject: Re: TX fact sheet

Yes, I sent. Does Josefiak look at all invites?

From: Susan B. Ralston/WHO/EOP@Exchange on 06/16/2003 07:11:21 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: TX fact sheet

Did you get a chance to look at the fact sheet?

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
Sent: 6/16/2003 7:17:11 PM
Subject: Re: TX fact sheet

Yes

-----Original Message-----
From: Kavanaugh, Brett M.
To: Ralston, Susan B.
Sent: Mon Jun 16 19:16:01 2003
Subject: Re: TX fact sheet

Yes, I sent. Does Josefiak look at all invites?

From: Susan B. Ralston/WHO/EOP@Exchange on 06/16/2003 07:11:21 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: TX fact sheet

Did you get a chance to look at the fact sheet?

From: CN=Jonathan F. Ganter/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/16/2003 4:09:26 PM
Subject: : Gray Memo
Attachments: P_88Y8H003_WHO.TXT_1.doc

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 20:09:26.00
SUBJECT:: Gray Memo
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_88Y8H003_WHO.TXT_1>
```

EXAMPLE TRIPS

I. MIXED OFFICIAL AND CAMPAIGN-RELATED TRIP

Day 1: The campaign committee departs Andrews Air Force Base en route to Houston, Texas. Upon arrival in Houston, the President proceeds to his family home for private time and accompanying staff proceed to hotels.

Day 2: The President participates in 1 hour fundraising event for the campaign committee held at Houston Hotel.

The President returns to family home for personal time.

Day 3: The President departs Houston for Dallas, Texas. The President makes a 20 minute speech to the National Home Builders Association on foreign policy and the domestic economic situation.

The President departs Dallas and returns to Washington, D.C.

A. Allocation of Costs for Air Force I

The President's campaign committee would be billed the costs of a first-class airfare ticket for a round trip from Washington, D.C. to Houston, Texas for each person traveling on Air Force I who is not an official traveler (Dallas is not included because all activities there were "official").

B. Allocation of Other Costs

The President's campaign committee must pay all hotel costs for each individual traveling to Houston and who is not designated as an official traveler.

The President's campaign committee must pay all event costs related to the fundraising event.

All costs solely associated with the Dallas appearance may be paid from official funds.

The President's campaign committee must pay all transportation, hotel and per diem expenses for advance staff working in Houston. Travel, lodging and per diem

expenses for all advance staff working only in Dallas may be paid from official funds.

The President's campaign committee must pay the Government the equivalent rate of a rented large car to compensate for the use of a Government vehicle in transporting the President from his family home in Houston to the fundraising event and back. If any other Government vehicles are used in the motorcade for reasons unrelated to the security of the President, the President's campaign committee must pay the Government rental value for such vehicles.

Per diems for traveling staff must be paid by the campaign committee for Days 1 and 2.

II. MIXED OFFICIAL AND POLITICAL NON-CAMPAIGN RELATED TRIP

Rule: Apply the hard-time formula for allocation of travel expenses. Allow the host party committee to pay for all political event costs. If an advance man works solely on the party committee event (other than coordination with the official party) his travel, hotel and per diem expenses may be paid by the host party committee.[1]

Note: Political travel in 1992 will be presumed to be campaign-related under FEC regulations.

III. POLITICAL TRIP: CAMPAIGN-RELATED ACTIVITIES ONLY

Day 1: President departs Andrews Air Force Base en route to Des Moines, Iowa.

Upon arrival in Des Moines, the President enters motorcade to Des Moines Hyatt for a fundraising dinner.

President overnights in Des Moines.

Day 2: President departs Des Moines en route to Detroit, Michigan. Upon arrival in Detroit, President enters motorcade to Renaissance Center for a campaign fundraising breakfast.

Following breakfast, President meets with campaign officials.

---

[1]An example of the application of the "hard-time formula" appears in my February 12, 1990 memorandum to Senior Administration Officials.

Following meeting, President departs Detroit en route to Andrews Air Force Base.
Upon arrival at Andrews, President enters motorcade for return to office.

A. Allocation of Air Force I Costs

The campaign committee must pay first-class airfare for travel from Washington, D.C. to Des Moines to Detroit and return for each person on the plane who is not designated as an official traveler.

B. Allocation of Other Costs

The campaign committee must pay all other travel and event costs associated with this trip, including hotel and motorcade costs. For the motorcades, the campaign would reimburse the Government rental costs for one large car for the President's use in the motorcades and rental costs for any other motorcade cars not solely related to the President's security.

The campaign committee must pay all travel, hotel and per diem costs for advance staff working on this trip.

IV. MIXED POLITICAL TRAVEL: CAMPAIGN AND POLITICAL NON-CAMPAIGN RELATED STOPS IN 1991

Day 1: The President departs Andrews Air Force Base en route to Cincinnati, Ohio. Upon arrival in Cincinnati, the President enters a motorcade to Downtown Hyatt hotel to speak at Ohio Republican Party Dinner.

The President overnights in Cincinnati at the Downtown Hyatt.

Day 2: The President attends a campaign fundraising breakfast at the Downtown Hyatt.

The President departs Cincinnati for Cleveland.

Upon arrival in Cleveland, the President speaks at a Cleveland Republican party luncheon.

Following the luncheon, the President departs Cleveland en route to Washington, D.C.

A. Allocation of Air Force I Costs

The campaign committee must pay first-class airfare for round trip tickets from Washington to Cincinnati and back for each person on the plane who is not an official traveler.

The Cleveland party committee must pay the coach airfare for each person on the plane who is not an official traveler from Cincinnati to Cleveland.

B. Allocation of Other Costs

The campaign committee must pay the hotel expenses for all persons who are not designated as official travelers and who stay overnight in Cincinnati.

The Ohio Republican Party may pay the hotel expenses and airfare of one advance man designated as responsible for its dinner. The campaign committee must pay the travel, lodging and appropriate per diem expenses for all the advance personnel in Cincinnati. The expenses of advance personnel in Cleveland (transportation, hotel, per diem) may be paid by the Cleveland party committee.

The campaign committee must pay the per diems for all individuals traveling with the President from Washington through Cincinnati. Any per diem costs for the quarters of the day from which the President left Cincinnati, traveled to Cleveland, and returned to Washington may be paid by the Cleveland party committee.

The campaign committee must pay appropriate motorcade costs for motorcade within Cincinnati. The campaign committee must pay all costs solely related to the Cincinnati fundraising breakfast. All other event costs in Cleveland may be paid for by the Cleveland party committee.

IVa. MIXED POLITICAL TRAVEL: CAMPAIGN AND POLITICAL NON-CAMPAIGN RELATED STOPS IN 1992

REMEMBER: In 1992, all political travel is presumed to be campaign-related by the FEC. As a result, unless the FEC presumption can be overcome, all political events will be treated as campaign-related and the hypothetical trip rule will apply.

The President takes the same trip as in the preceding example, except that the trip takes place in 1992 instead of 1991.

A. Allocation of Air Force I Costs

The campaign committee must pay first-class airfare for round trip tickets from Washington to Cincinnati to Cleveland and back for each person on the plane who is not an official traveler.

B. Allocation of Other Costs

The campaign committee must pay the hotel expenses for all persons who are not designated as official travelers and who stay overnight in Cincinnati or Cleveland.

The campaign committee must pay the travel, lodging and appropriate per diem expenses for all the advance personnel in Cincinnati and Cleveland.

The campaign committee must pay the per diems for all individuals traveling with the President from Washington through Cleveland and back to Washington.

The campaign committee must pay appropriate motorcade costs for motorcade within Cincinnati and Cleveland. The campaign committee must pay all costs solely related to the Cincinnati fundraising breakfast. All other event costs in Cleveland and Cincinnati may be paid for by the respective party committees.

V. MIXED POLITICAL TRAVEL: OFFICIAL, CAMPAIGN-RELATED AND POLITICAL NON-CAMPAIGN RELATED STOPS IN 1992

Day 1: The President departs Andrews Air Force Base en route to Boise, Idaho. Upon arrival in Boise, the President enters a motorcade to deliver the commencement address to the University of Idaho.

The President attends a campaign fundraising dinner at the Downtown Hyatt.

The President overnights in Boise at the Downtown Hyatt.

Day 2: The President departs Boise for Helena, Montana.

Upon arrival in Helena, the President speaks at a fundraising luncheon for a Senate candidate, the Republican Senatorial candidate up for re-election in Montana.

Following the luncheon, the President departs Helena en route to Washington, D.C.

REMEMBER: In 1992, all political travel is presumed to be campaign-related by the FEC. As a result, unless the FEC presumption can be overcome, all political events will be treated as campaign-related and the hypothetical trip rule will apply.

A. Allocation of Air Force I Costs

The campaign committee must pay first-class airfare for round trip tickets from Washington to Boise to Helena and back for each person on the plane who is not an official traveler.

B. Allocation of Other Costs

The campaign committee must pay the hotel expenses for all persons who are not designated as official travelers and who stay overnight in Boise or Helena.

The campaign committee must pay the travel, lodging and appropriate per diem expenses for all the advance personnel in Boise and Helena, except for those advance personnel who work only on the advance of the President's commencement address.

The campaign committee must pay the per diems for all individuals traveling with the President from Washington through Helena and back to Washington.

The campaign committee must pay appropriate motorcade costs for motorcade within Boise and Helena. The campaign committee must pay all costs solely related to the Boise fundraising dinner. The event costs solely related to the commencement address must be paid for from official funds. The events costs solely related to the fundraising luncheon in Helena may be paid for by the candidate's re-election campaign committee.

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
Sent: 6/17/2003 6:23:42 AM
Subject: Re: Use of Corporate Planes

Corporate owned

-----Original Message-----
From: Kavanaugh, Brett M.
To: Ralston, Susan B.
Sent: Mon Jun 16 21:42:27 2003
Subject: Re: Use of Corporate Planes

can you confirm that the Tichenor plane is corporate owned and not individually owned? Thanks.

From:	Winland, Emily
To:	<Boyd, Allison>;<Gilbert, Alan>;<Warsh, Kevin>;<Swagel, Phillip L.>;<Hennessey, Keith>; <Kavanaugh, Brett M.>;<Kupfer, Jeffrey F.>;<Machida, Ado A.>;<Elwood, Courtney S.>;<Schlapp, Matthew A.>;<Marsh, Robert>;<Grubbs, Wendy J.>;<Perry, Philip J.>;<Meece, Michael E.>;<Jackson, Barry S.>;<Jensen, Amy>
CC:	<Schacht, Diana L.>;<Vestewig, Lauren J.>;<Skelly, Layton>;<Allgood, Lauren K.>;<Cooper, Jean>;<Smith, Marty P.>;<Ellison, Kimberly>;<Stone, Carla B.>;<Daigle, Sandra F.>
Sent:	6/17/2003 8:51:32 AM
Subject:	Meeting on Tort Reform

There will be a meeting to discuss Tort Reform on Thursday 6/19 at 5:15pm, in room 472 EEOB. This is an internal WH meeting to discuss the Administration's Tort Reform portfolio. It will be an opportunity to regroup and strategize about events, speeches, etc., in upcoming months. Please let me know if you can attend.

thanks,

Emily

456-6534

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
CC: <Nelson, Carolyn>
Sent: 6/17/2003 9:23:59 AM
Subject: draft letter to Schumer

June 17, 2003

Dear Senator Schumer:

Thank you for your letter of June 10 to the President. If a Supreme Court vacancy arises during his Presidency, President Bush will nominate an individual of the highest integrity, intellect, and experience. The Senate will have a full opportunity to assess the nominee's record and exercise its constitutional responsibility to vote up or down on the President's nominee, as the Senate has done with respect to Supreme Court nominees since the Founding. We appreciate your thoughts about the process and will consider your suggestions if and when a vacancy arises.

Thank you for your letter, and please do not hesitate to contact me at any time about this or other issues.

Sincerely,

Alberto R. Gonzales

Counsel to the President

The Honorable Charles Schumer

United States Senate

Copy: The Honorable Bill Frist

The Honorable Thomas Daschle

The Honorable Orrin Hatch

The Honorable Patrick Leahy

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
CC: Carolyn Nelson/WHO/EOP@Exchange@EOP [WHO] <Carolyn Nelson>
Sent: 6/17/2003 5:29:12 AM
Subject: : draft letter to Schumer

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JUN-2003 09:29:12.00
SUBJECT:: draft letter to Schumer
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
CC:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

June 17, 2003

Dear Senator Schumer:

Thank you for your letter of June 10 to the President. If a Supreme Court vacancy arises during his Presidency, President Bush will nominate an individual of the highest integrity, intellect, and experience. The Senate will have a full opportunity to assess the nominee, s record and exercise its constitutional responsibility to vote up or down on the President's nominee, as the Senate has done with respect to Supreme Court nominees since the Founding. We appreciate your thoughts about the process and will consider your suggestions if and when a vacancy arises.

Thank you for your letter, and please do not hesitate to contact me at any time about this or other issues.

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable Charles Schumer
United States Senate

Copy: The Honorable Bill Frist
The Honorable Thomas Daschle
The Honorable Orrin Hatch
The Honorable Patrick Leahy

From: Cato Institute <kbrand@cato.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/17/2003 7:02:59 AM
Subject: : REGISTER NOW: 06/19/03 Tax Limitation Policy Forum

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Cato Institute <kbrand@cato.org> (Cato Institute <kbrand@cato.org> [UNKNOWN])
CREATION DATE/TIME:17-JUN-2003 11:02:59.00
SUBJECT:: REGISTER NOW: 06/19/03 Tax Limitation Policy Forum
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Cato Institute invites you to a Policy Forum

Tax Limitation 25 Years after California's Proposition 13

featuring

Rep. Doug Ose
(R-Calif.)

William A. Niskanen
Chairman
Cato Institute

Jon Coupal
President
Howard Jarvis Taxpayers Association

Lewis Uhler
President
National Tax Limitation Committee

Michael New
Adjunct Scholar
Cato Institute

Twenty-five years ago this month, California?s Proposition 13 launched a nationwide tax revolt, with reverberations still being felt today. In June 1978, 65 percent of Californians voted for a state constitutional amendment that limited property taxes. Within a few years, a dozen other states had imposed various forms of tax and expenditure limitations. Proposition 13 also helped pave the way for Ronald Reagan's ambitious federal tax cut plan in 1981 and inspired numerous attempts to impose added budget restraints on the federal government.

Have Proposition 13 and other tax and spending limitation measures been successful? Which types of budget limitations work best, and which should be pursued at the state and federal level? Please join our panel of experts? including some who helped launch the tax limitation movement?for a discussion of the lessons learned and future options for tax limitation.

Thursday, June 19, 2003
12:00 noon
(Luncheon to follow)

Cato Policy Forums and luncheons are free of charge.
To register, visit www.cato.org, e-mail Krystal Brand at kbrand@cato.org, fax (202) 371-0841, or call (202) 789-5229 by 5:00 PM, Wednesday, June 18.

News media inquiries only (no registrations), please call (202) 789-5200.

If you can't make it to the Cato Institute, watch this forum live online at www.cato.org.

The Cato Institute is located at 1000 Massachusetts Avenue NW, Washington, D.C. 20001

To unsubscribe, send an email to: unsubscribe-17514@uptilt.com with the address: brett_m._kavanaugh@who.eop.gov in the subject line.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 6/17/2003 11:10:57 AM
Subject: final letter to Schumer

June 17, 2003

Dear Senator Schumer:

Thank you for your letter of June 10 to the President. If a Supreme Court vacancy arises during his Presidency, President Bush will nominate an individual of the highest integrity, intellect, and experience. The Senate will have an opportunity to assess the President's nominee and exercise its constitutional responsibility to vote up or down on the nominee.

We would be pleased to visit with you about the process, and we will consider suggestions you may have should a vacancy arise.

Sincerely,

Alberto R. Gonzales

Counsel to the President

The Honorable Charles Schumer

United States Senate

Copy: The Honorable Bill Frist

The Honorable Thomas Daschle

The Honorable Orrin Hatch

The Honorable Patrick Leahy

From: Ullyot, Theodore W.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Addington, David S.>;<Kavanaugh, Brett M.>
Sent: 6/17/2003 11:11:58 AM
Subject: CNSS opinion
Attachments: 02-5254a.pdf

Attached is the opinion released today in the detainees/FOIA CADC litigation. The majority opinion (Sentelle) finds that the govt properly invoked FOIA exception 7(A) (ongoing law enforcement activities), according appropriate deference to the govt's assessment of the risks that would be created by disclosure of information regarding the detainees. The CADC also rejects the plaintiffs' non-FOIA arguments, which were based on First Amendment and a common-law right of access to govt information. Tatel filed a lengthy dissent.

---------- Forwarded by Theodore W. Ullyot/WHO/EOP on 06/17/2003 11:12 AM ----------

"Peter.D.Keisler@usdoj.gov"

06/17/2003 10:33:02 AM

Record Type: Record

To: Theodore W. Ullyot/WHO/EOP@EOP, John B. Wiegmann/NSC/EOP@EOP

cc:

Subject: CNSS opinion

Ted/Brad: Attached is the favorable decision received today from the DC Circuit in CNSS, upholding our invocation of FOIA exemption 7(A) (law enforcement) to withhold information identifying the names, etc. of detainees. Peter

-----Original Message-----

From: Loeb, Robert

Sent: Tuesday, June 17, 2003 10:10 AM

To: Coffin, Shannen; Fbi (E-mail); Federighi, Carol; Flippin, Laura; Fuller, Christopher; Green, Joe; Huff, Richard L; Jordan, Bill; Katsas, Gregory; Keisler, Peter D; Kneedler, Edwin S; Kopp, Robert; Krigsman, Cherie; Letter, Douglas; Levey, Stuart; Levine, Larry; Lindemann, Michael; Loeb, Robert; Mathias, Susan M; Metcalfe, Daniel J; Miller, Eric; Millett, Patricia A; Nielson, Howard; Olson, Lisa; Pustay, Melanie A; Reynolds, James S.; Rosen, Scott; Schaitman, Leonard; Stern, Mark

Subject: CNSS opinion

- 02-5254a.pdf <<02-5254a.pdf>>

Notice: This opinion is subject to formal revision before publication in the Federal Reporter or U.S.App.D.C. Reports. Users are requested to notify the Clerk of any formal errors in order that corrections may be made before the bound volumes go to press.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued November 18, 2002 Decided June 17, 2003

No. 02-5254
& No. 02–5300

CENTER FOR NATIONAL SECURITY STUDIES, ET AL.,
APPELLANTS/CROSS-APPELLEES

v.

U.S. DEPARTMENT OF JUSTICE,
APPELLEES/CROSS-APPELLANTS

Appeals from the United States District Court
for the District of Columbia
(No. 01cv02500)

Gregory G. Katsas, Deputy Assistant Attorney General, argued the cause for appellants/cross-appellees. With him on the briefs were *Roscoe C. Howard, Jr.*, U.S. Attorney, *Mark B. Stern*, *Robert M. Loeb*, and *Eric D. Miller*, Attorneys, U.S. Department of Justice.

Bills of costs must be filed within 14 days after entry of judgment. The court looks with disfavor upon motions to file bills of costs out of time.

REV_00122345

Daniel J. Popeo and *Paul D. Kamenar* were on the brief for *amici curiae* Washington Legal Foundation and the Jewish Institute for National Security Affairs in support of appellant urging partial reversal.

Kate A. Martin argued the cause for appellees/cross-appellants. With her on the briefs were *David L. Sobel, Elliot M. Mincberg, Arthur B. Spitzer, Steven R. Shapiro,* and *Lucas Guttentag.*

Laura R. Handman, Eric N. Lieberman, Henry S. Hoberman, Nathan E. Siegel, Richard M. Schmidt, Jr., Slade R. Metcalf, David E. McCraw, Rene Milam, Bruce W. Sanford and *Robert D. Lystad* were on the brief for *amici curiae* The Washington Post Company, et al., in support of appellees/cross-appellants.

Before: SENTELLE, HENDERSON and TATEL, *Circuit Judges.*

Opinion for the Court filed by *Circuit Judge* SENTELLE.

Dissenting opinion filed by *Circuit Judge* TATEL.

SENTELLE, *Circuit Judge*: Various "public interest" groups (plaintiffs) brought this Freedom of Information Act (FOIA) action against the Department of Justice (DOJ or government) seeking release of information concerning persons detained in the wake of the September 11 terrorist attacks, including: their names, their attorneys, dates of arrest and release, locations of arrest and detention, and reasons for detention. The government objected to release, and asserted numerous exceptions to FOIA requirements in order to justify withholding the information. The parties filed cross-motions for summary judgment. The district court ordered release of the names of the detainees and their attorneys, but held that the government could withhold all other detention information pursuant to FOIA Exemption 7(A), which exempts "records or information compiled for law enforcement purposes . . . to the extent that the production" of them "could reasonably be expected to interfere with enforcement proceedings." 5 U.S.C. § 552(b)(7)(A) (2000). Attorneys filed cross-appeals. Upon *de novo* review, we agree with the

REV_00122346

district court that the detention information is properly covered by Exemption 7(A); but we further hold that Exemption 7(A) justifies withholding the names of the detainees and their attorneys. We also reject plaintiffs' alternate theories that the First Amendment and the common law mandate disclosure of the contested information. We therefore affirm in part, reverse in part, and remand the case to the district court for the entry of a judgment of dismissal.

I. Background

A. The Investigation

Consistent with the mutual decision of the parties to seek resolution to this controversy on summary judgment, the facts are not in serious dispute. In response to the terrorist attacks of September 11, 2001, President George W. Bush ordered a worldwide investigation into those attacks and into "threats, conspiracies, and attempts to perpetrate terrorist acts against United States citizens and interests." The Department of Justice, defendant in this action, has been conducting the investigation in conjunction with other federal, state and local agencies. The investigation continues today.

In the course of the post-September 11 investigation, the government interviewed over one thousand individuals about whom concern had arisen. The concerns related to some of these individuals were resolved by the interviews, and no further action was taken with respect to them. Other interviews resulted in the interviewees being detained. As relevant here, these detainees fall into three general categories.

The first category of detainees consists of individuals who were questioned in the course of the investigation and detained by the INS for violation of the immigration laws (INS detainees). INS detainees were initially questioned because there were "indications that they might have connections with, or possess information pertaining to, terrorist activity against the United States including particularly the September 11 attacks and/or the individuals or organizations who perpetrated them." Based on the initial questioning, each INS detainee was determined to have violated immigration

REV_00122347

law; some of the INS detainees were also determined to "have links to other facets of the investigation." Over 700 individuals were detained on INS charges. As of June 13, 2002, only seventy-four remained in custody. Many have been deported. INS detainees have had access to counsel, and the INS has provided detainees with lists of attorneys willing to represent them, as required by 8 U.S.C. § 1229(b)(2) (2000). INS detainees have had access to the courts to file *habeas corpus* petitions. They have also been free to disclose their names to the public.

The second category of detainees consists of individuals held on federal criminal charges (criminal detainees). The government asserts that none of these detainees can be eliminated as a source of probative information until after the investigation is completed. According to the most recent information released by the Department of Justice, 134 individuals have been detained on federal criminal charges in the post-September 11 investigation; 99 of these have been found guilty either through pleas or trials. While many of the crimes bear no direct connection to terrorism, several criminal detainees have been charged with terrorism-related crimes, and many others have been charged with visa or passport forgery, perjury, identification fraud, and illegal possession of weapons. Zacarias Moussaoui, presently on trial for participating in the September 11 attacks, is among those who were detained on criminal charges.

The third category consists of persons detained after a judge issued a material witness warrant to secure their testimony before a grand jury, pursuant to the material witness statute, 18 U.S.C. § 3144 (2000) (material witness detainees). Each material witness detainee was believed to have information material to the events of September 11. The district courts before which these material witnesses have appeared have issued sealing orders that prohibit the government from releasing any information about the proceedings. The government has not revealed how many individuals were detained on material witness warrants. At least two individuals initially held as material witnesses are now being held for alleged terrorist activity.

REV_00122348

The criminal detainees and material witness detainees are free to retain counsel and have been provided court-appointed counsel if they cannot afford representation, as required by the Sixth Amendment to the Constitution. In sum, each of the detainees has had access to counsel, access to the courts, and freedom to contact the press or the public at large.

B. The Litigation

On October 29, 2001, plaintiffs submitted a FOIA request to the Department of Justice seeking the following information about each detainee: 1) name and citizenship status; 2) location of arrest and place of detention; 3) date of detention/arrest, date any charges were filed, and the date of release; 4) nature of charges or basis for detention, and the disposition of such charges or basis; 5) names and addresses of lawyers representing any detainees; 6) identities of any courts which have been requested to enter orders sealing any proceedings in connection with any detainees, copies of any such orders, and the legal authorities relied upon by the government in seeking the sealing orders; 7) all policy directives or guidance issued to officials about making public statements or disclosures about these individuals or about the sealing of judicial or immigration proceedings. To support its FOIA request, plaintiffs cited press reports about mistreatment of the detainees, which plaintiffs claimed raised serious questions about "deprivations of fundamental due process, including imprisonment without probable cause, interference with the right to counsel, and threats of serious bodily injury."

In response to plaintiffs' FOIA request, the government released some information, but withheld much of the information requested. As to INS detainees, the government withheld the detainees' names, locations of arrest and detention, the dates of release, and the names of lawyers. As to criminal detainees, the government withheld the dates and locations of arrest and detention, the dates of release, and the citizenship status of each detainee. The government withheld all requested information with respect to material witnesses. Although the government has refused to disclose a compre-

REV_00122349

hensive list of detainees' names and other detention information sought by plaintiffs, the government has from time to time publicly revealed names and information of the type sought by plaintiffs regarding a few individual detainees, particularly those found to have some connection to terrorism.

On December 5, 2001, plaintiffs filed this action in district court seeking to compel release of the withheld information pursuant to the Freedom of Information Act, 5 U.S.C. § 552. Plaintiffs also argued that the First Amendment, as interpreted in *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980) and its progeny, and the common law doctrine of access to public records require the government to disclose the names and detention information of the detainees.

The parties filed cross-motions for summary judgment. In its motion, the government contended that FOIA Exemptions 7(A), 7(C), and 7(F), 5 U.S.C. § 552(b)(7)(A), (C) & (F), allow the government to withhold the requested documents as to all three categories of detainees. These exemptions permit withholding information "compiled for law enforcement purposes" whenever disclosure:

> (A) could reasonably be expected to interfere with enforcement proceedings, ... (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, ... or (F) could reasonably be expected to endanger the life or physical safety of any individual.

5 U.S.C. § 552(b)(7)(A), (C), (F). As to the material witness detainees, the government also invoked Exemption 3, 5 U.S.C. § 552(b)(3), which exempts from FOIA requirements matters that are "specifically exempted from disclosure by [other statutes] ...," contending that Federal Rule of Criminal Procedure 6(e), which limits the disclosure of grand jury matters, bars the release of information concerning material witnesses.

In support of its motion, the government submitted affidavits from James Reynolds, Director of the Terrorism and Violent Crime Section of the Department of Justice, and Dale

REV_00122350

Watson, FBI Executive Assistant Director for Counterterrorism—officials with central responsibility for the ongoing terrorist investigation. *See* Reynolds Decl., Reynolds Supp. Decl., Reynolds Second Supp. Decl., and Watson Decl.

As to Exemption 7(A), the declarations state that release of the requested information could hamper the ongoing investigation by leading to the identification of detainees by terrorist groups, resulting in terrorists either intimidating or cutting off communication with the detainees; by revealing the progress and direction of the ongoing investigation, thus allowing terrorists to impede or evade the investigation; and by enabling terrorists to create false or misleading evidence. As to Exemption 7(C), the declarations assert that the detainees have a substantial privacy interest in their names and detention information because release of this information would associate detainees with the September 11 attacks, thus injuring detainees' reputations and possibly endangering detainees' personal safety. Finally, as to Exemption 7(F), the government's declarations contend that release of the information could endanger the public safety by making terrorist attacks more likely and could endanger the safety of individual detainees by making them more vulnerable to attack from terrorist organizations. For these same reasons, the counterterrorism officials state that the names of the detainees' lawyers should also be withheld.

C. The Judgment

On August 2, 2002, the district court rendered its decision, ruling in part for the plaintiffs and in part for the government. *Ctr. for Nat'l Sec. Studies v. United States Dep't of Justice*, 215 F. Supp. 2d 94 (D.D.C. 2002) (*CNSS*). Briefly put, the court ordered the government to disclose the names of the detainees and detainees' lawyers, but held that the government was entitled to withhold all other detention information under Exemptions 7(A) and 7(F). *Id.* at 113.

Addressing the names of the detainees, the court held that disclosure could not reasonably be expected to interfere with ongoing enforcement proceedings, and thus the names were not exempt under 7(A). The court rejected the government's

REV_00122351

argument that disclosure of detainees' names would deter them from cooperating with the government because terrorist groups likely already know which of their cell members have been detained. *Id.* at 101. Moreover, the court reasoned that the government's voluntary disclosure of the names of several detainees undermined the force of its argument about the harms resulting from disclosure. *Id.* at 101–02. The court further held that "the government has not met its burden of establishing a 'rational link' between the harms alleged and disclosure" because its declarations provided no evidence that the detainees actually have any connection to, or knowledge of, terrorist activity. *Id.* at 102 (quoting *Crooker v. Bureau of Alcohol, Tobacco and Firearms*, 789 F.2d 64, 67 (D.C. Cir. 1986)).

The court next rejected the government's 7(A) argument that disclosure of names would allow terrorist groups to map the course of, and thus impede, its investigation. *Id.* at 103. The government had advanced a "mosaic" argument, contending that the court should consider the aggregate release of the names under 7(A) rather than the release of each in isolation, on the reasoning that the release of the names *in toto* could assist terrorists in piecing together the course, direction and focus of the investigation. *Id.* at 103. The district court rejected this argument, holding, *inter alia*, as a matter of law that FOIA Exemption 7(A) requires an individualized assessment of disclosure, and that the government's mosaic theory could not justify a blanket exclusion of information under Exemption 7(A). *Id.* at 103–04. In the district court's view, the mosaic theory is only cognizable under Exemption 1, which protects information authorized by Executive Order to be kept secret in the interest of national defense or foreign policy. *Id.* The court further rejected the government's final 7(A) argument, concluding that there was insufficient evidence that disclosure would enable terrorist groups to create false and misleading evidence. *Id.* at 104–05.

Turning to Exemptions 7(C) and 7(F), the court rejected the government's claims, holding that the admittedly substantial privacy and safety interests of the detainees do not

REV_00122352

outweigh the vital public interest in ensuring that the government is not abusing its power. *Id.* at 105–06. The court noted that plaintiffs have raised "grave concerns" about the mistreatment of detainees and have provided evidence of alleged mistreatment in the form of media reports, and first-hand accounts given to Congress and human rights groups. *Id.* at 105 & n.17. While rejecting the government's attempt to withhold detainees' names, the court ruled that it would permit detainees to opt out of disclosure by submitting a signed declaration within fifteen days. *Id.* at 106. The court did not address the government's argument that disclosure could harm public safety.

Having rejected the government's Exemption 7 claims, the court further held that Exemption 3 does not bar the release of the names of material witnesses. *Id.* at 106–07. Specifically, the court held that Exemption 3 does not apply, reasoning Federal Rule of Criminal Procedure 6(e) does not bar the disclosure of the identities of persons detained as material witnesses, but only bars "disclosure of a matter occurring before a grand jury." Fed. R. Crim. P. 6(e)(6). The government's evidence did not establish that any of the detainees were actual grand jury witnesses or were scheduled to testify before a grand jury. Further, the government's disclosure of the identities of twenty-six material witness detainees undercut its argument that disclosure is barred by statute. 215 F. Supp. 2d at 106–07. As to the government's contention that court sealing orders prevent the government from releasing the names of material witnesses, the court ordered the government to submit such orders for *in camera* review or to submit a "supplemental affidavit explaining the nature and legal basis for these sealing orders." *Id.* at 108.

For reasons not unlike its rejection of the government's attempt to withhold the names of detainees, the court also held that the government must reveal the names of the detainees' lawyers.[1] The court determined that the names of

[1] The government has withheld the names of the attorneys for both INS detainees and material witness detainees; it has revealed the names of the attorneys for the criminally charged detainees.

REV_00122353

the attorneys were not covered by Exemptions 7(A), 7(C), or 7(F) for the same reason it had rejected the government's attempt to withhold the names of detainees; because attorneys have no expectation of anonymity; and because any concerns about physical danger were purely speculative. *Id.* at 109.

Turning to the other information sought by plaintiffs—the dates and locations of arrest, detention, and release—the court granted summary judgment for the government on its claim that such detention information was covered under 7(A) and 7(F). *Id.* at 108. The court credited the counterterrorism officials' judgment that the detention information "would be particularly valuable to anyone attempting to discern patterns in the Government's investigation and strategy," and that disclosure would make detention facilities "vulnerable to retaliatory attacks." *Id.* Finally, the court rejected plaintiffs' claim that the First Amendment and common law entitle them to the dates and locations of arrest, detention, and release. *Id.* at 111–12.

The court ordered the government to release the names of detainees and their lawyers in fifteen days, subject to the right of detainees to opt out of disclosure. *Id.* at 113–14. On August 15, 2002, the district court stayed its order pending appeal. The government timely appealed. Plaintiffs cross-appealed the district court's ruling that the detention information was properly withheld and the district court's ruling that detainees could opt out of disclosure. The appeals were consolidated.

II. The FOIA Claims

We review *de novo* the district court's grant of summary judgment, *Johnson v. Executive Office for United States Attorneys*, 310 F.3d 771, 774 (D.C. Cir. 2002), and therefore consider anew each of the claims and defenses advanced before the district court. We turn first to the government's claims of exemption from disclosure under FOIA of the names of the detainees and their lawyers.

REV_00122354

A. Names of Detainees

"Public access to government documents" is the "fundamental principle" that animates FOIA. *John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 151 (1989). "Congress recognized, however, that public disclosure is not always in the public interest." *CIA v. Sims*, 471 U.S. 159, 166–67 (1985). Accordingly, FOIA represents a balance struck by Congress between the public's right to know and the government's legitimate interest in keeping certain information confidential. *John Doe Agency*, 493 U.S. at 152. To that end, FOIA mandates disclosure of government records unless the requested information falls within one of nine enumerated exemptions, *see* 5 U.S.C. § 552(b). While these exemptions are to be "narrowly construed," *FBI v. Abramson*, 456 U.S. 615, 630 (1982), courts must not fail to give them "a meaningful reach and application," *John Doe Agency*, 493 U.S. at 152. The government bears the burden of proving that the withheld information falls within the exemptions it invokes. 5 U.S.C. § 552(a)(4)(b).

The government invokes four exemptions—7(A), 7(C), 7(F), and 3—to shield the names of detainees from disclosure. Upon review, we hold that Exemption 7(A) was properly invoked to withhold the names of the detainees and their lawyers. Finding the names protected under 7(A), we need not address the other exemptions invoked by the government and reserve judgment on whether they too would support withholding the names.

Exemption 7(A) allows an agency to withhold "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings." 5 U.S.C. § 552(b)(7)(A). In enacting this exemption, "Congress recognized that law enforcement agencies had legitimate needs to keep certain records confidential, lest the agencies be hindered in their investigations." *NRLB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 232 (1978). Exemption 7(A) does not require a presently pending "enforcement proceeding."

REV_00122355

Rather, as the district court correctly noted, it is sufficient that the government's ongoing September 11 terrorism investigation is likely to lead to such proceedings. *See CNSS*, 215 F. Supp. 2d at 101 n.9 (citing *Bevis v. Dep't of State*, 801 F.2d 1386 (D.C. Cir. 1986)).

The threshold question here is whether the names of detainees were "compiled for law enforcement purposes." 5 U.S.C. § 552(b)(7). Because the DOJ is an agency "specializ[ing] in law enforcement," its claim of a law enforcement purpose is entitled to deference. *Campbell v. Dep't of Justice*, 164 F.3d 20, 32 (D.C. Cir. 1998); *Quinon v. FBI*, 86 F.3d 1222, 1228 (D.C. Cir. 1996); *Pratt v. Webster*, 673 F.2d 408, 419 (D.C. Cir. 1982). To establish a law enforcement purpose, DOJ's declarations must establish (1) "a rational nexus between the investigation and one of the agency's law enforcement duties;" and (2) "a connection between an individual or incident and a possible security risk or violation of federal law." *Campbell*, 164 F.3d at 32 (citations and quotations omitted); *see also Quinon*, 86 F.3d at 1228. The government's proffer easily meets this standard. The terrorism investigation is one of DOJ's chief "law enforcement duties" at this time, *see* Reynolds Decl. ¶ 2, and the investigation concerns a heinous violation of federal law as well as a breach of this nation's security. Moreover, the names of the detainees and their connection to the investigation came to the government's attention as a result of that law enforcement investigation. Reynolds Decl. ¶ ¶ 2–5.

Nonetheless, plaintiffs contend that detainees' names fall outside Exemption 7 because the names are contained in arrest warrants, INS charging documents, and jail records. Since these documents have traditionally been public, plaintiffs contend, Exemption 7 should not be construed to allow withholding of the names. We disagree. Plaintiffs are seeking a comprehensive listing of individuals detained during the post-September 11 investigation. The names have been compiled for the "law enforcement purpose" of successfully prosecuting the terrorism investigation. As compiled, they constitute a comprehensive diagram of the law enforcement

REV_00122356

investigation after September 11. Clearly this is information compiled for law enforcement purposes.

Next, plaintiffs urge that Exemption 7(A) does not apply because disclosure is not "reasonably likely to interfere with enforcement proceedings." 5 U.S.C. § 552(b)(7)(A). We disagree. Under Exemption 7(A), the government has the burden of demonstrating a reasonable likelihood of interference with the terrorism investigation. The government's declarations, viewed in light of the appropriate deference to the executive on issues of national security, satisfy this burden.

It is well-established that a court may rely on government affidavits to support the withholding of documents under FOIA exemptions, *King v. United States Dep't of Justice*, 830 F.2d 210, 217 (D.C. Cir. 1987), and that we review the government's justifications therein *de novo*, 5 U.S.C. § 552(a)(4)(B); *Summers v. Dep't of Justice*, 140 F.3d 1077, 1080 (D.C. Cir. 1998). It is equally well-established that the judiciary owes some measure of deference to the executive in cases implicating national security, a uniquely executive purview. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 696 (2001) (noting that "terrorism or other special circumstances" might warrant "heightened deference to the judgments of the political branches"); *Dep't of the Navy v. Egan*, 484 U.S. 518, 530 (1988) ("courts traditionally have been reluctant to intrude upon the authority of the executive in military and national security affairs"). Indeed, both the Supreme Court and this Court have expressly recognized the propriety of deference to the executive in the context of FOIA claims which implicate national security.

In *CIA v. Sims*, 471 U.S. 159 (1985), the Supreme Court examined the CIA's claims that the names and institutional affiliations of certain researchers in a government-sponsored behavior modification program were exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3). *Id.* at 163–64. The agency claimed that the information was protected from disclosure by a statute charging the CIA to prevent unauthorized disclosure of "intelligence sources and meth-

REV_00122357

ods," 50 U.S.C. § 403(d)(3). In accepting the CIA Director's judgment that disclosure would reveal intelligence sources and methods, the Court explained that "[t]he decisions of the Director, who must of course be familiar with 'the whole picture,' as judges are not, are worthy of great deference given the magnitude of the national security interests and potential risks at stake." *Sims*, 471 U.S. at 179. The Court further held that "it is the responsibility of the Director of Central Intelligence, not that of the judiciary, to weigh the variety of subtle and complex factors in determining whether disclosure of information may lead to an unacceptable risk of compromising the Agency's intelligence-gathering process." *Id.* at 180.

The same is true of the Justice Department officials in charge of the present investigation. We have consistently reiterated the principle of deference to the executive in the FOIA context when national security concerns are implicated. In *McGehee v. Casey*, we examined the standard of review for FOIA requests of classified documents. 718 F.2d 1137, 1148 (D.C. Cir. 1983). We observed:

> [C]ourts are to "accord substantial weight to an agency's affidavit concerning the details of the classified status of the disputed record" because "the Executive departments responsible for national defense and foreign policy matters have unique insights into what adverse affects [sic] might occur as a result of a particular classified record."

Id. (quoting S. Rep. No. 1200, 93d Cong., 2d Sess. 12, U.S.C.C.A.N. 1974, p. 6267 (1974) (Conference Report on the FOIA Amendments)). Moreover, in the FOIA context, we have consistently deferred to executive affidavits predicting harm to the national security, and have found it unwise to undertake searching judicial review. *See, e.g., King*, 830 F.2d at 217 ("the court owes substantial weight to detailed agency explanations in the national security context"); *Gardels v. CIA*, 689 F.2d 1100, 1104 (D.C. Cir. 1982) ("Once satisfied that proper procedures have been followed and that the information logically falls into the exemption claimed, the

REV_00122358

courts need not go further to test the expertise of the agency, or to question its veracity when nothing appears to raise the issue of good faith."); *Halperin v. CIA*, 629 F.2d 144, 148 (D.C. Cir. 1980); *Weissman v. CIA*, 565 F.2d 692, 697–98 (D.C. Cir. 1977).

Given this weight of authority counseling deference in national security matters, we owe deference to the government's judgments contained in its affidavits. Just as we have deferred to the executive when it invokes FOIA Exemptions 1 and 3, we owe the same deference under Exemption 7(A) in appropriate cases, such as this one. *Id.* Plaintiffs provide no valid reason why the general principle of deference to the executive on national security issues should apply under FOIA Exemption 3, as in *Sims* and *Halperin*, and Exemption 1, as in our earlier cases, but not under Exemption 7(A). Nor can we can conceive of any reason to limit deference to the executive in its area of expertise to certain FOIA exemptions so long as the government's declarations raise legitimate concerns that disclosure would impair national security.

The need for deference in this case is just as strong as in earlier cases. America faces an enemy just as real as its former Cold War foes, with capabilities beyond the capacity of the judiciary to explore. Exemption 7(A) explicitly requires a predictive judgment of the harm that will result from disclosure of information, permitting withholding when it "could reasonably be expected" that the harm will result. 5 U.S.C. § 552(b)(7)(A). It is abundantly clear that the government's top counterterrorism officials are well-suited to make this predictive judgment. Conversely, the judiciary is in an extremely poor position to second-guess the executive's judgment in this area of national security. *Cf. Krikorian v. Dep't of State*, 984 F.2d 461, 464 (D.C. Cir. 1993) (quoting *Halperin*, 629 F.2d at 148) ("Judges . . . lack the expertise necessary to second-guess such agency opinions in the typical national security FOIA case."). We therefore reject any attempt to artificially limit the long-recognized deference to the executive on national security issues. Judicial deference depends on the substance of the danger posed by disclosure—that is,

REV_00122359

harm to the national security—not the FOIA exemption invoked.

In light of the deference mandated by the separation of powers and Supreme Court precedent, we hold that the government's expectation that disclosure of the detainees' names would enable al Qaeda or other terrorist groups to map the course of the investigation and thus develop the means to impede it is reasonable. A complete list of names informing terrorists of every suspect detained by the government at any point during the September 11 investigation would give terrorist organizations a composite picture of the government investigation, and since these organizations would generally know the activities and locations of its members on or about September 11, disclosure would inform terrorists of both the substantive and geographic focus of the investigation. Moreover, disclosure would inform terrorists which of their members were compromised by the investigation, and which were not. This information could allow terrorists to better evade the ongoing investigation and more easily formulate or revise counter-efforts. In short, the "records could reveal much about the focus and scope of the [agency's] investigation, and are thus precisely the sort of information exemption 7(A) allows an agency to keep secret." *Swan v. SEC*, 96 F.3d 498, 500 (D.C. Cir. 1996).

As the district court noted, courts have relied on similar mosaic arguments in the context of national security. *CNSS*, 215 F. Supp. 2d at 103 & n.13. In *Sims*, for example, the Supreme Court cautioned that "bits and pieces" of data "'may aid in piecing together bits of other information even when the individual piece is not of obvious importance in itself.'" 471 U.S. at 178 (quoting *Halperin*, 629 F.2d at 150). Thus, "[w]hat may seem trivial to the uninformed, may appear of great moment to one who has a broad view of the scene and may put the questioned item of information in its proper context." *Id.* (quotations omitted). Such a danger is present here. While the name of any individual detainee may appear innocuous or trivial, it could be of great use to al Qaeda in plotting future terrorist attacks or intimidating witnesses in the present investigation. *Cf. United States v.*

REV_00122360

Yunis, 867 F.2d 617, 623 (D.C. Cir. 1989) ("[t]hings that did not make sense to the District Judge would make all too much sense to a foreign counter-intelligence specialist who could learn much about this nation's intelligence-gathering capabilities from what these documents revealed about sources and methods."). Importantly, plaintiffs here do not request "bits and pieces" of information, but rather seek the names of every single individual detained in the course of the government's terrorism investigation. It is more than reasonable to expect that disclosing the name of every individual detained in the post-September 11 terrorism investigation would interfere with that investigation.

Similarly, the government's judgment that disclosure would deter or hinder cooperation by detainees is reasonable. The government reasonably predicts that if terrorists learn one of their members has been detained, they would attempt to deter any further cooperation by that member through intimidation, physical coercion, or by cutting off all contact with the detainee. A terrorist organization may even seek to hunt down detainees (or their families) who are not members of the organization, but who the terrorists know may have valuable information about the organization.

On numerous occasions, both the Supreme Court and this Court have found government declarations expressing the likelihood of witness intimidation and evidence tampering sufficient to justify withholding of witnesses' names under Exemption 7(A). *See NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 239–42 (1978) (allowing withholding pursuant to Exemption 7(A) based on the risk of witness intimidation that would attend releasing witness statements prior to NLRB proceedings); *Alyeska Pipeline Serv. Co. v. EPA*, 856 F.2d 309, 312–13 (D.C. Cir. 1988) (upholding 7(A) claim based on government declaration that disclosure would enable corporation under investigation to intimidate or coerce informing employees); *accord Mapother v. Dep't of Justice*, 3 F.3d 1533, 1542–43 (D.C. Cir. 1993) (recognizing that government affidavits predicting witness intimidation and evidence fabrication "have achieved recognition in Exemption 7 caselaw"); *Manna v. Dep't of Justice*, 51 F.3d 1158, 1165 (3d Cir. 1995) (allowing

REV_00122361

withholding of names of all "interviewees, informants, [and] witnesses" in criminal investigation based on fears of retaliation from organized crime). Most recently, we addressed in *Swan* a FOIA request that would have resulted in the disclosure of, *inter alia*, the identities of witnesses in an SEC investigation. 96 F.3d at 499. The SEC's declaration alleged that disclosure would risk allowing the subjects of the investigation to "intimidate witnesses, manufacture favorable evidence, and conceal damaging evidence." *Id.* We accepted the SEC's declaration and allowed the documents to be withheld. *Id.* at 499, 500. The risks of witness intimidation and evidence tampering alleged here are at least as great as those in *Swan* and our other precedents. We see no reason to assume that terrorists are less likely to intimidate the detainees here than were the subjects of the SEC investigation in *Swan*. Consequently, we hold that disclosure of detainees' names could "reasonably be expected to interfere" with the ongoing terrorism investigation.

For several reasons, plaintiffs contend that we should reject the government's predictive judgments of the harms that would result from disclosure. First, they argue that terrorist organizations likely already know which of their members have been detained. We have no way of assessing that likelihood. Moreover, even if terrorist organizations know about some of their members who were detained, a complete list of detainees could still have great value in confirming the status of their members. *Cf. Gardels*, 689 F.2d at 1105 (rejecting a similar argument in the FOIA national security context and stating that "[o]fficial acknowledgment ends all doubt and gives the foreign organization a firmer basis for its own strategic or tactical response."). For example, an organization may be unaware of a member who was detained briefly and then released, but remains subject to continuing government surveillance. Reynolds Supp. Decl. ¶ ¶ 3, 5. After disclosure, this detainee could be irreparably compromised as a source of information.

More importantly, some detainees may not be members of terrorist organizations, but may nonetheless have been detained on INS or material witness warrants as having infor-

REV_00122362

mation about terrorists. Terrorist organizations are less likely to be aware of such individuals' status as detainees. Such detainees could be acquaintances of the September 11 terrorists, or members of the same community groups or mosques. *See* Rachel L. Swarns, *Oregon Muslims Protest Monthlong Detention Without a Charge*, N.Y. TIMES, April 20, 2003, at A16 (describing material witness detainee who attended same mosque as indicted terrorism suspects). These detainees, fearing retribution or stigma, would be less likely to cooperate with the investigation if their names are disclosed. Moreover, tracking down the background and location of these detainees could give terrorists insights into the investigation they would otherwise be unlikely to have. After disclosure, terrorist organizations could attempt to intimidate these detainees or their families, or feed the detainees false or misleading information. It is important to remember that many of these detainees have been released at this time and are thus especially vulnerable to intimidation or coercion. While the detainees have been free to disclose their names to the press or public, it is telling that so few have come forward, perhaps for fear of this very intimidation.

We further note the impact disclosure could have on the government's investigation going forward. A potential witness or informant may be much less likely to come forward and cooperate with the investigation if he believes his name will be made public. *Cf. Sims*, 471 U.S. at 172 (noting Congress's concern that intelligence sources will "close up like a clam" unless the government maintains complete confidentiality); *Manna*, 51 F.3d at 1165 ("disclosure ... could result in a chilling effect upon potential cooperators and witnesses").

Plaintiffs next argue that the government's predictive judgment is undermined by the government's disclosure of some of the detainees' names. The Supreme Court confronted a similar argument in *Sims*, in which respondents contended that "because the Agency has already revealed the names of many of the institutions at which [behavior modification] research was performed, the Agency is somehow estopped from withholding the names of others." 471 U.S. at 180. In

REV_00122363

rejecting the argument, the Court stated that "[t]his suggestion overlooks the political realities of intelligence operations in which, among other things, our Government may choose to release information deliberately to 'send a message' to allies or adversaries." *Id.* We likewise reject the plaintiffs' version of this discredited argument. The disclosure of a few pieces of information in no way lessens the government's argument that complete disclosure would provide a composite picture of its investigation and have negative effects on the investigation. Furthermore, as the *Sims* Court recognized, strategic disclosures can be important weapons in the government's arsenal during a law enforcement investigation. *Id.* ("The national interest sometimes makes it advisable, or even imperative, to disclose information that may lead to the identity of intelligence sources."). The court should not second-guess the executive's judgment in this area. "[I]t is the responsibility of the [executive] not that of the judiciary" to determine when to disclose information that may compromise intelligence sources and methods. *Id.*

Contrary to plaintiffs' claims, the government's submissions easily establish an adequate connection between both the material witness and the INS detainees and terrorism to warrant full application of the deference principle. First, all material witness detainees have been held on warrants issued by a federal judge pursuant to 18 U.S.C. § 3144. Reynolds Decl. ¶ 4. Under this statute, a federal judge may issue a material witness warrant based on an affidavit stating that the witness has information relevant to an ongoing criminal investigation. Consequently, material witness detainees have been found by a federal judge to have relevant knowledge about the terrorism investigation. It is therefore reasonable to assume that disclosure of their names could impede the government's use of these potentially valuable witnesses.

As to the INS detainees, the government states that they were

> originally questioned because there were indications that they might have connections with, or possess information pertaining to, terrorist activity against the United States

REV_00122364

> including particularly the September 11 attacks and/or the individuals and organizations who perpetrated them. For example, they may have been questioned because they were identified as having interacted with the hijackers, or were believed to have information relating to other aspects of the investigation.

Reynolds Decl. ¶ 10. "Other INS detainees may have been questioned because of their association with an organization believed to be involved in providing material support to terrorist organizations." Watson Decl. ¶ 8. Moreover, "[i]n the course of questioning them, law enforcement agents determined, often from the subjects themselves, that they were in violation of federal immigration laws, and, in some instances also determined that they had links to other facets of the investigation." Reynolds Decl. ¶ 10; Watson Decl. ¶ 8. Furthermore, the Watson Declaration speaks of the INS detainees being subject to "public hearings involving evidence about terrorist links," ¶ 16, and states that "concerns remain" about links to terrorism, ¶ 19. The clear import of the declarations is that many of the detainees have links to terrorism. This comes as no surprise given that the detainees were apprehended during the course of a terrorism investigation, and given that several detainees have been charged with federal terrorism crimes or held as enemy combatants. Accordingly, we conclude that the evidence presented in the declarations is sufficient to show a rational link between disclosure and the harms alleged.

In support of this conclusion, we note that the Third Circuit confronted a similar issue involving the INS detainees when it considered the constitutionality of closed deportation hearings in *North Jersey Media Group, Inc. v. Ashcroft*, 308 F.3d 198 (3d Cir. 2002), *cert. denied*, No. 02–1289 (May 27, 2003). The court was faced with the same Watson Declaration in evidence here and the same government prediction that harm would result from the disclosure of information about the INS detainees. *See id.* at 218. That court acknowledged that the "representations of the Watson Declaration are to some degree speculative." *Id.* at 219. But the court did not search for specific evidence that each of the INS detainees was

REV_00122365

involved in terrorism, nor did it embark on a probing analysis of whether the government's concerns were well-founded. *Id.* Rather, it was "quite hesitant to conduct a judicial inquiry into the credibility of these security concerns, as national security is an area where courts have traditionally extended great deference to Executive expertise." *Id.* The court concluded: "To the extent that the Attorney General's national security concerns seem credible, we will not lightly second-guess them." *Id.* We think the Third Circuit's approach was correct and we follow it here. Inasmuch as the concerns expressed in the government's declarations seem credible—and inasmuch as the declarations were made by counterterrorism experts with far greater knowledge than this Court—we hold that the disclosure of the names of the detainees could reasonably be expected to interfere with the ongoing investigation.

In upholding the government's invocation of Exemption 7(A), we observe that we are in accord with several federal courts that have wisely respected the executive's judgment in prosecuting the national response to terrorism. *See Hamdi v. Rumsfeld*, 316 F.3d 450 (4th Cir. 2003) (dismissing the *habeas corpus* petition of a United States citizen captured in Afghanistan challenging his military detention and designation as an enemy combatant); *Global Relief Found. v. O'Neill*, 315 F.3d 748 (7th Cir. 2002) (upholding against constitutional challenge a portion of the USA PATRIOT Act, 50 U.S.C. § 1702(c), which authorizes the *ex parte* use of classified evidence in proceedings to freeze the assets of terrorist organizations); *North Jersey Media Group*, 308 F.3d 198 (holding that closure of "special interest" deportation hearings involving INS detainees with alleged connections to terrorism does not violate the First Amendment); *Hamdi v. Rumsfeld*, 296 F.3d 278 (4th Cir. 2002) (reversing district court's order that allowed alleged enemy combatant unmonitored access to counsel). We realize that not all courts are in agreement. In *Detroit Free Press v. Ashcroft*, 303 F.3d 681 (6th Cir. 2002), the Sixth Circuit acknowledged the necessity of deferring to the executive on terrorism issues but held that the First Amendment prohibits a blanket closure of "special interest deportation hearings." We do not

REV_00122366

find the Sixth Circuit's reasoning compelling, but join the Third, Fourth, and Seventh Circuits in holding that the courts must defer to the executive on decisions of national security. In so deferring, we do not abdicate the role of the judiciary. Rather, in undertaking a deferential review we simply recognize the different roles underlying the constitutional separation of powers. It is within the role of the executive to acquire and exercise the expertise of protecting national security. It is not within the role of the courts to second-guess executive judgments made in furtherance of that branch's proper role. The judgment of the district court ordering the government to disclose the names of the detainees is reversed.

B. Identity of Counsel

We next address whether the government properly withheld the names of the attorneys for INS and material witness detainees under Exemptions 7(A), 7(C), and 7(F). As with the identities of the detainees, we hold that their attorneys' names are also protected from disclosure by Exemption 7(A).

The government contends that a list of attorneys for the detainees would facilitate the easy compilation of a list of all detainees, and all of the dangers flowing therefrom. It is more than reasonable to assume that plaintiffs and *amici* press organizations would attempt to contact detainees' attorneys and compile a list of all detainees. As discussed above, if such a list fell into the hands of al Qaeda, the consequences could be disastrous. Having accepted the government's predictive judgments about the dangers of disclosing a comprehensive list of detainees, we also defer to its prediction that disclosure of attorneys' names involves the same danger. *Cf. Sims*, 471 U.S. at 179–80 (upholding under FOIA Exemption 3 the government's withholding of the institutional affiliations of researchers in a secret government program; deferring to government's judgment that disclosure would lead to identification of the researchers themselves and the consequent loss of confidential intelligence sources).

C. Other Detention Information

Having held that the government properly withheld the names of the detainees pursuant to Exemption 7(A), we easily

REV_00122367

affirm the portion of the district court's ruling that allowed withholding, under Exemption 7(A), of the more comprehensive detention information sought by plaintiffs.

As outlined above, *supra* at 5, plaintiffs sought the dates and locations of arrest, detention, and release for each of the detainees. Even more than disclosure of the identities of detainees, the information requested here would provide a complete roadmap of the government's investigation. Knowing when and where each individual was arrested would provide a chronological and geographical picture of the government investigation. Terrorists could learn from this information not only where the government focused its investigation but how that investigation progressed step by step. Armed with that knowledge, they could then reach such conclusions as, for example, which cells had been compromised, and which individuals had been cooperative with the United States. They might well be able to derive conclusions as to how more adequately secure their clandestine operations in future terrorist undertakings. Similarly, knowing where each individual is presently held could facilitate communication between terrorist organizations and detainees and the attendant intimidation of witnesses and fabrication of evidence. As explained in detail above, these impediments to an ongoing law enforcement investigation are precisely what Exemption 7(A) was enacted to preclude. Accordingly, we affirm the district court and hold that the government properly withheld information about the dates and locations of arrest, detention, and release for each detainee.

III. Alternative Grounds

We turn now to plaintiffs' alternative grounds for seeking disclosure of the detainees' names and detention information. Although FOIA does not mandate disclosure, plaintiffs contend that disclosure is independently required by both the First Amendment and the common law right of access to government information. We address these contentions in turn, and conclude that neither is meritorious.

REV_00122368

A. The First Amendment

As outlined above, the government voluntarily released the names of all criminally charged detainees. Therefore, as in its FOIA request, plaintiffs seek the names of INS and material witness detainees, and the dates and location of arrest, detention, and release for all detainees. Plaintiffs characterize the information they seek as "arrest records," and contend that the public has a right of access to arrest records under the First Amendment, as interpreted in *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980). We disagree. Plaintiffs seek not individual arrest records, but a comprehensive listing of the individuals detained in connection with a specified law enforcement investigation as well as investigatory information about where and when each individual was arrested, held, and released. The narrow First Amendment right of access to information recognized in *Richmond Newspapers* does not extend to non-judicial documents that are not part of a criminal trial, such as the investigatory documents at issue here.

The First Amendment states that "Congress shall make no law ... abridging the freedom of speech, or of the press." U.S. CONST. amend. I. In accord with its plain language, the First Amendment broadly protects the freedom of individuals and the press to speak or publish. It does not expressly address the right of the public to receive information. Indeed, in contrast to FOIA's statutory presumption of disclosure, the First Amendment does not "mandate[ ] a right of access to government information or sources of information within the government's control." *Houchins v. KQED*, 438 U.S. 1, 15 (1978) (plurality opinion); *id.* at 16 (Stewart, J., concurring in the judgment) (the First Amendment "do[es] not guarantee the public a right of access to information generated or controlled by the government"). Thus, as the Court explained in *Houchins*: "[t]he public's interest in knowing about its government is protected by the guarantee of a Free Press, but the protection is indirect. The Constitution itself is neither a Freedom of Information Act nor an Official Secrets Act." *Id.* at 14 (quoting Potter Stewart, *Or of the Press*, 26 HASTINGS L.J. 631, 636 (1975)). Rather, disclo-

REV_00122369

sure of government information generally is left to the "political forces" that govern a democratic republic. *Id.* at 14–15.

Two years after *Houchins*, the Court recognized a limited First Amendment right of access to a criminal trial. *See Richmond Newspapers*, 448 U.S. 555. In *Richmond Newspapers*, the Court explained that the First Amendment "was enacted against the backdrop of the long history of trials being historically open" and thus incorporated the notion of public access to criminal trials. *Id.* at 576–77. The Court expanded this limited right somewhat in the years after *Richmond Newspapers*. *See Press–Enterprise Co. v. Superior Court*, 464 U.S. 501 (1984) (*Press–Enterprise I*) (holding that the public has a First Amendment right to attend *voir dire* examinations during criminal trial); *Press–Enterprise Co. v. Superior Court*, 478 U.S. 1 (1986) (*Press–Enterprise II*) (holding that the public has a First Amendment right to access transcripts of adversarial preliminary hearings that occur prior to a criminal trial). In *Press–Enterprise II*, the Supreme Court first articulated what has come to be known as the *Richmond Newspapers* "experience and logic" test, by which the Court determines whether the public has a right of access to "criminal proceedings":

> First, because a tradition of accessibility implies the favorable judgment of experience, we have considered whether the place and process have historically been open to the press and general public . . . . Second, in this setting the Court has traditionally considered whether public access plays a significant positive role in the functioning of the particular process in question.

Id. at 8 (citations omitted).

Neither the Supreme Court nor this Court has applied the *Richmond Newspapers* test outside the context of criminal judicial proceedings or the transcripts of such proceedings. When the "experience and logic" test has been applied beyond the trial itself, as in *Press–Enterprise II*, it has been limited to judicial proceedings that are part of the criminal trial process. *See also Washington Post v. Robinson*, 935 F.2d 282, 290 (D.C. Cir. 1991) (holding that First Amendment

REV_00122370

protects public access to plea agreement on which judgment has been entered); *but see United States v. El-Sayegh*, 131 F.3d 158, 160–61 (D.C. Cir. 1997) (applying "experience and logic test" but finding no First Amendment right of access to withdrawn plea agreement). Moreover, neither this Court nor the Supreme Court has ever *indicated* that it would apply the *Richmond Newspapers* test to anything other than criminal judicial proceedings. Indeed, there are no federal court precedents requiring, under the First Amendment, disclosure of information compiled during an Executive Branch investigation, such as the information sought in this case.

Indeed, to the extent the Supreme Court has addressed the constitutional right of access to information outside the criminal trial context, the Court has applied the general rule of *Houchins*, not *Richmond Newspapers*. *See LAPD v. United Reporting Publ'g Corp.*, 528 U.S. 32, 40 (1999) (holding that there is no First Amendment right to receive addresses of arrestees); *Houchins*, 438 U.S. at 13–15 (holding that press has no First Amendment right of access to prisons). In *Houchins*, the Court observed that the press had ample means for obtaining information about prison conditions, "albeit not as conveniently as they prefer." *Id.* at 15. For example, the Court noted that members of the press could receive letters from inmates and interview inmates' attorneys, prison visitors, or former inmates. *Id.* The same is true here. According to the government's declarations, detainees are free to contact family members as well as members of the press. Detainees' attorneys are presumably free to do the same. In *LAPD*, the Court rejected a facial challenge to a state law restricting access to the addresses of arrestees. 528 U.S. at 40. The Court explained that "this is not a case in which the government is prohibiting a speaker from conveying information that the speaker already possesses." *Id.* Rather, "what we have before us is nothing more than a governmental denial of access to information in its possession. California could decide not to give out arrestee information at all without violating the First Amendment." *Id.* (citing *Houchins*, 438 U.S. at 14). Similarly here, the First Amendment is not implicated by the executive's refusal to disclose

REV_00122371

the identities of the detainees and information concerning their detention.

We will not convert the First Amendment right of access to criminal judicial proceedings into a requirement that the government disclose information compiled during the exercise of a quintessential executive power—the investigation and prevention of terrorism. The dangers which we have catalogued above of making such release in this case provide ample evidence of the need to follow this course. *Cf. Global Relief Found.*, 315 F.3d at 754 ("The Constitution would indeed be a suicide pact ... if the only way to curtail enemies' access to assets were to reveal information that might cost lives.") (citation omitted). To be sure, the Sixth Circuit recently held that the public has a constitutional right of access to INS deportation hearings involving the same INS detainees at issue in this case. *See Detroit Free Press*, 303 F.3d 681; *but see North Jersey Media Group*, 308 F.3d 198 (finding no right of access). However, the Sixth Circuit applied *Richmond Newspapers* only after extensively examining the similarity between deportation proceedings and criminal trials, *Detroit Free Press*, 303 F.3d at 696–99, and noting the crucial distinction between "*investigatory* information" and "access to information relating to a governmental *adjudicative* process," *id.* at 699. Inasmuch as plaintiffs here request investigatory—not adjudicative—information, we find *Detroit Free Press* distinguishable. We therefore will not expand the First Amendment right of public access to require disclosure of information compiled during the government's investigation of terrorist acts.

Accordingly, we conclude that the information sought by plaintiffs falls within the general principle announced in *Houchins* and affirmed in *LAPD*, rather than the *Richmond Newspapers* exception to that rule. Plaintiffs have no First Amendment right to receive the identities of INS and material witness detainees, nor are they entitled to receive information about the dates and locations of arrest, detention, and release for each detainee.

REV_00122372

B. The Common Law

We also reject plaintiffs' final claim that disclosure is required by the common law right of access to public records. The Supreme Court held in *Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978), that "the courts of this country recognize a general right to inspect and copy public records and documents, including judicial documents." *Id.* at 597. Plaintiffs, citing several state court cases finding a common law right of access to arrest records, urge us to recognize a federal common law right to receive the information they seek. In response, the government claims that the common law right of access is limited to judicial records. Even if the common law right applies to executive records, the government contends, FOIA has displaced the common law right. While we question the government's first contention, we accept its second.

This Court has held that the common law right of access extends beyond judicial records to the "public records" of all three branches of government, *Washington Legal Found. v. United States Sentencing Commission*, 89 F.3d 897, 903–04 (D.C. Cir. 1996), and we are bound by our precedent. We need not decide, however, whether the information sought by plaintiffs is a public record. Even if it is, the common law right of access is preempted by FOIA.

In *Nixon*, the Supreme Court assumed *arguendo* that the common law right of access covered the tapes sought by the media. 435 U.S. at 599. Nonetheless, the Court denied disclosure because the Presidential Recordings Act provided a statutory scheme for seeking access to the tapes. *Id.* at 603–06. The Court held that the presence of this "alternative means for public access tip[ped] the scales in favor of denying release." *Id.* at 606. In *El-Sayegh*, this Court applied *Nixon*'s principle that a statutory disclosure scheme preempts the common law right. *See* 131 F.3d at 163. The Court found no common law right of access to a withdrawn plea agreement because "[t]he appropriate device" for access to the records "is a Freedom of Information Act request

REV_00122373

addressed to the relevant agency." *Id.* (citing *Nixon*, 435 U.S. at 605–06).

The principles of *Nixon* and *El–Sayegh* apply with full force here. FOIA provides an extensive statutory regime for plaintiffs to request the information they seek. Not only is it uncontested that the requested information meets the general category of information for which FOIA mandates disclosure, but for the reasons set forth above, we have concluded that it falls within an express statutory exemption as well. It would make no sense for Congress to have enacted the balanced scheme of disclosure and exemption, and for the court to carefully apply that statutory scheme, and then to turn and determine that the statute had no effect on a preexisting common law right of access. Congress has provided a carefully calibrated statutory scheme, balancing the benefits and harms of disclosure. That scheme preempts any preexisting common law right.

In accordance with *Nixon* and *El–Sayegh*, we cannot craft federal common law when Congress has spoken directly to the issue at hand. *Milwaukee v. Illinois*, 451 U.S. 304, 314 (1981) ("when Congress addresses a question previously governed by a decision rested on federal common law the need for such an unusual exercise of lawmaking by federal court disappears"). Consequently, we reject plaintiffs' claim that the common law right of access requires disclosure of the requested information.

IV. Conclusion

For the reasons set forth above, we conclude that the government was entitled to withhold under FOIA Exemption 7(A) the names of INS detainees and those detained as material witnesses in the course of the post-September 11 terrorism investigation; the dates and locations of arrest, detention, and release of all detainees, including those charged with federal crimes; and the names of counsel for detainees. Finally, neither the First Amendment nor federal

REV_00122374

common law requires the government to disclose the information sought by plaintiffs.

Affirmed in part, reversed in part and remanded.

REV_00122375

TATEL, *Circuit Judge, dissenting*: Disregarding settled principles governing the release of government records under the Freedom of Information Act, 5 U.S.C. § 552 *et seq.*, this court holds that the government may keep secret the names of hundreds of persons whom it has detained in connection with its investigation of the September 11, 2001 terrorist attacks without distinguishing between information that can, in FOIA's words, "reasonably be expected to interfere" with the investigation and information that cannot. 5 U.S.C. § 552(b)(7)(A). While the government's reasons for withholding *some* of the information may well be legitimate, the court's uncritical deference to the government's vague, poorly explained arguments for withholding broad categories of information about the detainees, as well as its willingness to fill in the factual and logical gaps in the government's case, eviscerates both FOIA itself and the principles of openness in government that FOIA embodies.

I.

I begin with some preliminary observations about the principles that govern this case. First, no one can doubt that uniquely compelling governmental interests are at stake: the government's need to respond to the September 11 attacks—unquestionably the worst ever acts of terrorism on American soil—and its ability to defend the nation against future acts of terrorism. But although this court overlooks it, there is another compelling interest at stake in this case: the public's interest in knowing whether the government, in responding to the attacks, is violating the constitutional rights of the hundreds of persons whom it has detained in connection with its terrorism investigation—by, as the plaintiffs allege, detaining them mainly because of their religion or ethnicity, holding them in custody for extended periods without charge, or preventing them from seeking or communicating with legal counsel. The government claims that the detainees have access to counsel and freedom to contact whomever they wish, *see* Op. at 5, but the public has a fundamental interest in being able to examine the veracity of such claims. Just as the government has a compelling interest in ensuring citizens' safety, so do citizens have a compelling interest in ensuring

REV_00122376

that their government does not, in discharging its duties, abuse one of its most awesome powers, the power to arrest and jail.

Second, while the governmental interests in this case may be uniquely compelling, the legal principles that govern its resolution are not at all unique. The court's opinion emphasizes the national-security implications of the September 11 investigation, but as the government conceded at oral argument, this case is not just about September 11. The law that governs this case is the same law that applies whenever the government's need for confidentiality in a law enforcement investigation runs up against the public's right to know "what [its] government is up to." *United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989) (internal quotation marks omitted). In all such situations, FOIA fully accommodates the government's concerns about the harms that might arise from the release of information pertaining to its investigations. To be sure, the statute strongly favors openness, since Congress recognized that an informed citizenry is "vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed." *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978). But Congress also recognized that "legitimate governmental and private interests could be harmed by release of certain types of information." *John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 152 (1989) (internal quotation marks omitted). It therefore "provided . . . specific exemptions under which disclosure could be refused," *id.*, including the four exemptions relevant to this case: Exemption 7(A), for information that "could reasonably be expected to" interfere with ongoing law enforcement efforts, 5 U.S.C. § 552(b)(7)(A); Exemptions 7(C) and 7(F), for information that "could reasonably be expected to" unjustifiably compromise an individual's privacy or physical safety, *id.* § 552(b)(7)(C), (b)(7)(F); and Exemption 3, for information that other statutes exempt from disclosure, *id.* § 552(b)(3). But " 'these limited exemptions do not obscure the basic policy that disclosure, not secrecy, is the dominant objective of the Act.' " *John Doe Agency*, 493 U.S. at 152

REV_00122377

(quoting *Dep't of Air Force v. Rose*, 425 U.S. 352, 361 (1976)). Accordingly, courts must "narrowly construe[ ]" the exemptions, and "the burden is on the agency to sustain its action." *Id.* (internal quotation marks and citations omitted). The government may in some situations withhold entire categories of records from disclosure, as it seeks to do here by withholding names and other information pertaining to all terrorism-investigation detainees. In order to sustain its burden, however, the government must demonstrate that "the range of circumstances included in the category 'characteristically support[s] an inference' that the statutory requirements for exemption are satisfied." *Nation Magazine v. United States Customs Serv.*, 71 F.3d 885, 893 (D.C. Cir. 1995) (citing *United States v. Landano*, 508 U.S. 165, 176–80 (1993)).

The third principle relates to the level of deference we owe the government. Invoking the "heightened deference to the judgments of the political branches with respect to matters of national security," *Zadvydas v. Davis*, 533 U.S. 678, 696 (2001), the government refuses to identify the specific categories of information that would actually interfere with its investigation, but rather asks us simply to trust its judgment. This court obeys, declaring that "the judiciary is in an extremely poor position to second-guess the executive's judgment in this area of national security." Op. at 15. But requiring agencies to make the detailed showing FOIA requires is not second-guessing their judgment about matters within their expertise. And in any event, this court is also in an extremely poor position to second-guess the legislature's judgment that the judiciary must play a meaningful role in reviewing FOIA exemption requests. Neither FOIA itself nor this circuit's interpretation of the statute authorizes the court to invoke the phrase "national security" to relieve the government of its burden of justifying its refusal to release information under FOIA.

To begin with, I think it not at all obvious that we owe heightened deference to the government in this case. Citing the legislative history of the 1974 amendments to FOIA's Exemption 1, 5 U.S.C. § 552(b)(1), the exemption for nation-

REV_00122378

al-security matters, we have held that in evaluating Exemption 1 claims, " 'substantial weight' is to be accorded to detailed agency affidavits setting forth the basis for exemption." *Weissman v. CIA*, 565 F.2d 692, 697 n.10 (D.C. Cir. 1977); *see also* S. REP. No. 93–1200, at 12 (1974) (" '[T]he conferees recognize that the Executive departments responsible for national defense and foreign policy matters have unique insights into what adverse effects might occur as a result of public disclosure of a particular classified record. Accordingly, the conferees expect that the federal courts, in making *de novo* determinations in section 552 (b)(1) cases under the Freedom of Information law, will accord substantial weight to an agency's affidavit concerning the details of the classified status of the disputed record.' "). We have also extended this heightened deference to cases involving Exemption 3 as it incorporates the National Security Act of 1947, which requires the CIA Director to protect "intelligence sources and methods" from unauthorized disclosure, 50 U.S.C § 403–3(c)(7). *E.g.*, *Halperin v. CIA*, 629 F.2d 144 (D.C. Cir. 1980) (National Security Act); *Weissman*, 565 F.2d 692 (Exemption 1 and National Security Act). The government, however, relies on neither Exemption 1 nor the National Security Act in this case, and contrary to the court's suggestion, *see* Op. at 15, we have never held that such heightened deference is also appropriate in Exemption 7 cases. Indeed, in *Weissman*, which the court cites for the proposition that "we owe the same deference under Exemption 7(A) in appropriate cases," we found Exemption 7 inapplicable in the case of the CIA's investigation into the FOIA requester's background "except under special collateral circumstances," for instance, to protect the identities of FBI personnel named in requested materials. We instead focused on the deference owed the agency under Exemption 1, as well as Exemption 3 as it incorporates the National Security Act. 565 F.2d at 694–96, 698 & n.15.

In any event, the government's case fails even under the heightened deference we have applied in Exemption 1 and National Security Act cases. No matter the level of deference, our review is not "vacuous." *Pratt v. Webster*, 673 F.2d

REV_00122379

408, 421 (D.C. Cir. 1982). Even when reviewing Exemption 1's applicability to materials classified in the interest of national security, we have made clear that no amount of deference can make up for agency allegations that display, for example, a "lack of detail and specificity, bad faith, [or] failure to account for contrary record evidence," since "deference is not equivalent to acquiescence." *Campbell v. U.S. Dep't of Justice*, 164 F.3d 20, 30 (D.C. Cir. 1998). By accepting the government's vague, poorly explained allegations, and by filling in the gaps in the government's case with its own assumptions about facts absent from the record, this court has converted deference into acquiescence.

With these principles in mind, I examine each of the government's arguments for withholding the detainee information. Part II explains why Exemption 7(A), which forms the basis of the court's holding, cannot justify the government's refusal to disclose the bulk of the requested information about the detainees. Part III shows why the government's alternative arguments under Exemptions 7(C), 7(F), and 3 as it incorporates Federal Rule of Criminal Procedure 6(e) likewise fail. Finally, Part IV demonstrates why, on the basis of the record before us, the government has no basis under any exemption for withholding the names of the detainees' attorneys.

II.

Although FOIA permits agencies to craft rules exempting certain categories of records from disclosure under Exemption 7(A) instead of making a record-by-record showing, *see Robbins Tire*, 437 U.S. at 236, an agency's ability to rely on categorical rules has limits. Specifically, the government must divide information it seeks to withhold into "categories ... [that are] sufficiently distinct to allow a court to grasp 'how each ... category of documents, if disclosed, would interfere with the investigation.'" *Crooker v. Bureau of Alcohol, Tobacco & Firearms*, 789 F.2d 64, 67 (D.C. Cir. 1986) (quoting *Campbell v. Dep't of Health & Human Servs.*, 682 F.2d 256, 265 (D.C. Cir. 1982)). An acceptable category is

REV_00122380

"functional," that is, it "allows the court to trace a rational link between the nature of the document and the alleged likely interference." *Id.*; *see also Nation Magazine*, 71 F.3d at 893 ("There are limits . . . to when categorical rules may be employed. Only when the range of circumstances included in the category 'characteristically support[s] an inference' that the statutory requirements for exemption are satisfied is such a rule appropriate.").

Although I have no doubt that some of the requested information is exempt from FOIA's mandatory disclosure requirement, the court treats disclosure as an all-or-nothing proposition, repeatedly emphasizing the breadth of the plaintiffs' request—the fact that they seek the names and other information pertaining to "every single individual detained in the course of the government's terrorism investigation," Op. at 17—as a justification for accepting the government's own very broad, categorical refusal to release the bulk of the requested information. This all-or-nothing approach runs directly counter to well-established principles governing FOIA requests. Nothing in the statute requires requesters to seek only information not exempt from disclosure. To the contrary, the government bears the burden of reviewing the plaintiffs' request, identifying functional categories of information that are exempt from disclosure, and disclosing any reasonably segregable, non-exempt portion of the requested materials. 5 U.S.C. § 552(b). The government fails to satisfy that burden in this case, for the range of circumstances included in the government's exemption request do not "characteristically support" an inference that the information would interfere with its terrorism investigation.

In support of its exemption request, the government offers declarations from two senior officials with responsibility for the terrorism investigation. One of those declarations, by Dale L. Watson, a Federal Bureau of Investigation official charged with supervising the investigation, was prepared not for this case, but for cases involving the closure of deportation hearings. *See N. Jersey Media Group, Inc. v. Ashcroft*, 308 F.3d 198 (3d Cir. 2002), *cert. denied*, 2003 WL 1191395 (May 27, 2003); *Detroit Free Press v. Ashcroft*, 303 F.3d 681 (6th Cir. 2002). Watson's declaration thus speaks not to the harm

REV_00122381

that would flow from disclosing detainees' names or other information, but instead to the harm that would flow from publicly airing evidence about particular detainees at such a hearing—i.e., "what evidence led to the detention of each individual," "[i]nformation about how any given individual entered the country," and "what evidence the United States has against members of a particular cell." Watson Decl. ¶ ¶ 12–13. Plaintiffs in this case request no such information. The court nevertheless relies on the Watson declaration, as well as *North Jersey Media Group*, *see* Op. at 22–23, despite the fact that neither has anything to do with the release of detainee names.

The other declaration, by Department of Justice Terrorism and Violent Crime Section chief James S. Reynolds, does in fact outline the harms that might result from release of some detainee names. But it does not support the government's request for a 7(A) exemption, since that request treats all detainees the same, even though Reynolds tells us that the only common thread among the detainees is that they were "originally questioned because there were indications that they might have connections with, or possess information pertaining to, terrorist activity against the United States." Reynolds Decl. ¶ 10; *see also id.* ¶ ¶ 27, 36. As Reynolds himself acknowledges, this group includes some detainees who have turned out to be innocent of any involvement with terrorist activity and have "no information useful to the investigation." *Id.* ¶ 36.

Ignoring this important concession, the court declares that "[t]he clear import of the declarations is that many of the detainees have links to terrorism"—which the court considers "no surprise given that the detainees were apprehended during the course of a terrorism investigation, and given that several detainees have been charged with federal terrorism crimes or held as enemy combatants." Op. at 21. The court's approach is unconvincing for two reasons.

To begin with, it rests on what seems to be a faulty assumption about facts not in evidence. As of November 5, 2001, the last time the government released a tally, there

REV_00122382

were 1,182 detainees. *See* Dan Eggen & Susan Schmidt, *Count of Released Detainees Is Hard to Pin Down*, WASH. POST, Nov. 6, 2001, at A10 (quoting Justice Department spokeswoman Mindy Tucker). Nothing in the record tells us how many of those 1,182 detainees have been charged with federal terrorism crimes or held as enemy combatants. What little information the record does contain, however, suggests that the number may be relatively small. A list of federally charged detainees attached to the government's motion for summary judgment reports that as of the time this suit was filed, only one detainee had been criminally charged in the September 11 attacks and only 108 detainees had been charged with any federal crime—primarily violations of anti-fraud statutes. Reynolds Decl. ¶ 27; Def. Mot. for Summary Judgment, Ex. 8.

In any event, the court concedes the point—even if "many" of those "apprehended during the course of a terrorism investigation" have links to terrorism, not *all* of them do. As the court itself notes, the declarations establish that many of the INS detainees were held because law enforcement agents determined in the course of questioning them that they were in violation of federal laws; only " 'in some instances' " did agents "also determine[ ] that they had links to other facets of the investigation." Op. at 21 (quoting Reynolds Decl. ¶ 10). Furthermore, although the court assumes that all those detained on material witness warrants "have relevant knowledge about the terrorism investigation" because a federal judge issues such warrants "based on an affidavit stating that the witness has information relevant to an ongoing criminal investigation," Op. at 20, that assumption seems unwarranted given the government's concession that "it may turn out that these individuals have no information useful to the investigation," Reynolds Decl. ¶ 36.

The government gives us no reason to think that releasing the names of these innocent detainees could interfere with its investigation. Indeed, the government never really asks us to believe that disclosure of the names of innocent persons having no knowledge of terrorist activity would in any way

REV_00122383

impede its ability to gather information from those who do have such knowledge. Instead, it asserts that "a detainee who knows his name will be made public may be deterred from cooperating now or in the future for fear of retaliation by terrorist organizations against him or his family and associates." Reynolds Decl. ¶ 15. Although the court accepts this argument, Op. at 19, it is ultimately not an argument for withholding detainees' names, but rather for withholding the names of people who have information that might be helpful to law enforcement officials. These are two different categories of people, for as Reynolds acknowledges, many detainees have no information to provide. Reynolds Decl. ¶ 36. These two groups thus merit different treatment. In fact, several statutory provisions address precisely the problem the government identifies, but all of them are aimed at protecting the identities of those people who provide information, not people the government questions because it thinks they *might* have information but who turn out not to. FOIA Exemption 7(A) protects the identities of witnesses where disclosure might pose a risk of interference in the form of witness intimidation or coercion, *Robbins Tire*, 437 U.S. at 239–40; FOIA Exemption 7(D) protects the identities of sources who choose to provide information to law enforcement agents on a confidential basis, 5 U.S.C. § 552(b)(7)(D); and the National Security Act protects the identity of intelligence sources in order to prevent those sources from "clos[ing] up like a clam," *CIA v. Sims*, 471 U.S. 159, 172 (1985) (internal quotation marks omitted). The government can and should rely on these provisions to protect the names of detainees who provide information to law enforcement agents or whom the government believes will be able to provide such information in the future. The government may not, however, preemptively withhold the identities of innocent detainees who do not now, and may never, have any information of use to the terrorism investigation.

The only argument that could conceivably support withholding innocent detainees' names is the assertion that disclosure of the names "*may* reveal details about the focus and

REV_00122384

scope of the investigation and thereby allow terrorists to counteract it." Reynolds Decl. ¶ 16 (emphasis added). That Reynolds believes these harms *may* result from disclosure is hardly surprising—anything is possible. But before accepting the government's argument, this court must insist on knowing whether these harms "*could reasonably be expected to*" result from disclosure—the standard Congress prescribed for exemption under 7(A). Nothing in Reynolds's declaration suggests that these harms are in fact reasonably likely to occur.

To begin with, Reynolds never explains how a list of names of persons unknown to terrorist organizations would tell the terrorists anything at all about the investigation, much less allow them to "map [its] progress." *Id.* For example, if the government tells us that it detained men named Mohammed Mubeen, Osama Elfar, Ghassan Dahduli, Fathi Mustafa, Nacer Fathi Mustafa, and Hady Omar, Jr., none of whom has any connection to terrorist organizations, *see* Amy Goldstein, *A Deliberate Strategy of Disruption: Massive, Secretive Detention Effort Aimed Mainly at Preventing More Terror*, WASH. POST, Nov. 4, 2001, at A1, what could that information possibly tell terrorists about the government's investigation? Though Reynolds's declaration provides no answer, the court speculates that the names of these innocent detainees could be valuable to terrorist organizations because "[s]uch detainees could be acquaintances of the September 11 terrorists, or members of the same community groups or mosques." Op. at 19. That may well be true in some cases, but if it is, Reynolds should tell us so under oath, thus providing a record basis for the government to claim an exemption for those detainees who pose such concerns. But the court's speculation, supported only by a newspaper article describing a single detainee who attended a mosque that two terrorism suspects also attended, *see id.* (citing Rachel L. Swarns, *Muslims Protest Monthlong Detention Without a Charge*, N.Y. TIMES, April 20, 2003, at A16), falls far short of satisfying the government's burden under FOIA.

The government's failure to provide an adequate explanation is all the more glaring given that the detainees represent

REV_00122385

only a subset—and quite possibly a very small subset—of persons questioned in connection with this investigation. Reynolds Supp. Decl. ¶ 2. As a result, even if releasing detainee names were to provide some insight into the terrorism investigation, that insight would be limited. Releasing the names of the detainees, but not the names of those questioned in connection with the investigation, can paint only a partial—and possibly misleading—picture of the government's investigative strategy. For example, if the government detains two people in Detroit but questions a thousand in Chicago, wouldn't release of the detainee information wrongly lead terrorist organizations to believe that the government was focusing on Detroit, not Chicago?

The second failing in both the government's request and the court's analysis is that they treat all detainee information the same, despite the fact that each item of information that plaintiffs seek about the detainees—names, attorneys' names, dates and locations of arrest, places of detention, and dates of release—is clearly of very different value to terrorists attempting to discern the scope and direction of the government's investigation. Although the Reynolds declaration tells us that "releasing the names of the detainees who may be associated with terrorism and their place and date of arrest would reveal the direction and progress of the investigations," Reynolds Decl. ¶ 16, it does not tell us, for example, whether releasing the detainees' names and dates of arrest, but not their places of arrest—or even releasing the dates of arrest alone—would involve the same danger. The Reynolds declaration, moreover, contains no justification at all for withholding dates of release. Indeed, the government has already disclosed the release dates of detainees who had been held on federal criminal charges. *Id.* ¶ 8. This information may seem unimportant, but from the FOIA requesters' point of view, it could be highly relevant to the question of how the government is treating the persons it has detained. Taken together, arrest and release dates can tell the public how long persons have been detained, raising concerns about possible constitutional violations. *See* Appellees' Br. at 27.

REV_00122386

The government's allegations of harm are also undercut by the fact that it has itself provided several other means by which this information can become public. Not only do detainees remain free to inform whomever they choose of their detention, Reynolds Decl. ¶ 23, but on numerous occasions since September 11, the government itself has disclosed precisely the kind of information it now refuses to provide under FOIA. For example, on April 17, 2002, the government announced the arrest of Issaya Nombo, whom government officials said they suspected of connections to terrorism, although he was arrested on immigration charges. Officials revealed Nombo's name and the date and place of his arrest. Philip Shenon, *African Held After Name Is Left in Cave*, N.Y. TIMES, Apr. 18, 2002, at A15. At a June 10, 2002 press conference, the Attorney General announced the arrest of one Abdulla Al Muhajir, born José Padilla, for suspected terrorism involvement, revealing not only Al Muhajir's two names, but also the date and place of his arrest, and the events leading to his capture. Attorney General Ashcroft News Conference, June 10, 2002, *available at* http:/www.usdoj.gov/ag/speeches/2002/061002agtranscripts.htm. And on July 26, 2002, government officials announced they were holding Mohammad Mansur Jabarah on a material witness warrant after his arrest in connection with a terrorist plot in Singapore. William K. Rashbaum, *Captured Qaeda Member Gives Details on Group's Operations*, N.Y. TIMES, July 27, 2002, at A8.

Nothing in the record explains why the government's concerns about interference with the investigation do not apply with respect to detainees such as Abdulla Al Muhajir, Issaya Nombo, and Mohammad Mansur Jabarah, but do nevertheless apply with respect to the other detainees. In its reply brief, the government explains that it may have strategic reasons for disclosing certain information, since its disclosures to date "have identified specific individuals in a manner unlikely, in the view of the law enforcement experts, to impede the progress of the investigation." Appellant's Reply Br. at 18. While this may well be so, it is an argument of counsel, and though the court accepts it, FOIA requires that

REV_00122387

the agency—not counsel—explain such judgments under oath. The reason for this requirement is clear: We owe deference to agency expertise, not to lawyers defending the agency in litigation. *See, e.g., Church of Scientology v. IRS*, 792 F.2d 153, 165–166 (D.C. Cir. 1986) (citing *SEC v. Chenery Corp.*, 318 U.S. 80 (1943)). If there are legitimate investigative reasons for releasing the names of some detainees, but not others, then Mr. Reynolds or others responsible for the terrorism investigation should explain those reasons under oath—in an in camera affidavit, if necessary to protect the information—and that explanation would probably warrant judicial deference.

It is true, as the court points out, that the Supreme Court in *CIA v. Sims* acknowledged "the political realities of intelligence operations in which, among other things, our Government may choose to release information deliberately to 'send a message' to allies or adversaries" when it upheld the CIA's right to withhold intelligence information even if the CIA has already released some part of it. 471 U.S. at 180. Unlike this court, however, the Supreme Court did not simply assume it understood the government's strategy; it reached its conclusion on the basis of the CIA Director's affidavit explaining that strategy. *Id.* at 180 & n.24. The record in this case contains no similar explanation. Moreover, counsel's argument suggests that the government itself differentiates among detainees on a case-by-case basis for purposes of assessing how disclosure might harm its investigation. If the government itself makes such distinctions in deciding what information to release, then why, particularly in light of FOIA's exacting standards, doesn't it make those distinctions in its exemption request before this court?

By asking these questions, the court would not, as it warns, be "second-guessing" the government's judgments about matters of national security. Op. at 15. It would, rather, be doing the job Congress assigned the judiciary by insisting that the government do the job Congress assigned to it: provide a rational explanation of its reasons for claiming exemption from FOIA's disclosure requirements.

REV_00122388

III.

Because the court concludes that Exemption 7(A) applies to the government's entire request, it never addresses the government's alternative arguments under Exemptions 7(C), 7(F), and 3. In my view, none of these provisions supports the government's refusal to disclose the detainee information either.

Exemption 7(C)

Exemption 7(C) permits the government to withhold law enforcement records where their release "could reasonably be expected to constitute an unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(7)(C). Like Exemption 7(A), the application of Exemption 7(C) is subject to a set of well-established standards. Because the statute refers not to invasions of privacy generally, but to "unwarranted" invasions of privacy, courts evaluating claims for 7(C) exemption must do more than simply identify a privacy interest that will be compromised by disclosure of information. Instead, they must "balance the public interest in disclosure against the interest Congress intended the Exemption to protect." *Reporters Committee*, 489 U.S. at 776.

Relying on our decision in *Nation Magazine*, the government argues that the detainees have " 'an obvious privacy interest cognizable under Exemption 7(C) in keeping secret the fact that they were subjects of a law enforcement investigation,' " and that these privacy concerns are "particularly acute given the nature and magnitude of the September 11 attacks." Appellant's Br. at 39–40 (quoting *Nation Magazine*, 71 F.3d at 894). This argument is unconvincing. For one thing, if the government is so concerned with the detainees' privacy, why has it released so much information about them? What about Abdulla Al Muhajir's privacy, or Issaya Nombo's, or Mohammad Mansur Jabarah's? Nothing in the Reynolds declaration explains how the government's press conferences releasing the names of these detainees demonstrate any respect for their privacy.

REV_00122389

In any event, we have never held that individuals who have been not only investigated, but also arrested and jailed, have a similar privacy interest in avoiding "unwarranted association with criminal activity or reputational harm." *Nation Magazine*, 71 F.3d at 894. Even though being arrested subjects a person suspected of criminal activity to embarrassment and potentially more serious reputational harm, the law is nevertheless clear that no right of privacy "is violated by the disclosure of 'an official act such as an arrest.'" *Am. Fed'n of Gov't Employees, AFL-CIO v. Dep't of Housing & Urban Dev.*, 118 F.3d 786, 794 (D.C. Cir. 1997) (quoting *Paul v. Davis*, 424 U.S. 693, 713 (1976)).

To be sure, detainees may have a unique interest in avoiding association with the crimes of September 11. Even so, that interest is clearly outweighed by the public interest in knowing whether the government, in investigating those heinous crimes, is violating the rights of persons it has detained. And while FOIA asks only whether the public interest in disclosure outweighs the private interest in secrecy, it bears noting that the private interests in this case weigh on both sides of the balance: Plaintiffs' request for disclosure of the detainees' names seeks to vindicate not only the public's right to know what its government is up to, but also the detainees' own rights, including the right to counsel and to speedy trial.

Nothing in *SafeCard Services, Inc. v. SEC*, 926 F.2d 1197 (D.C. Cir. 1991), requires a different result. *SafeCard* establishes that names appearing in law enforcement files will often fall within the scope of Exemption 7(C), since records containing such information are generally far less probative of an agency's behavior or performance than of the behavior of the persons whose names appear in the records. *Id.* at 1205; *see also Nation Magazine*, 71 F.3d at 895 ("In some, perhaps many, instances where a third party asks if an agency has information regarding a named individual in law enforcement files, the cognizable public interest in that information will be negligible; the requester will be seeking records about a private citizen, not agency conduct."). The *SafeCard* court therefore formulated a categorical rule exempting disclosure of such information unless the requester can show (1) compel-

REV_00122390

ling evidence that the agency is engaged in illegal activity, and (2) that the information is necessary to confirm or refute that evidence. *SafeCard*, 926 F.2d at 1205–06. Plaintiffs' FOIA request satisfies both elements of this rule.

To begin with, this case does not implicate *SafeCard*'s concern that disclosure of names in law enforcement files will generally shed less light on the government's behavior than it does on the behavior of private citizens. In *SafeCard*, the FOIA requester sought information relating to organizations and individuals whom the SEC had suspected of manipulating the requester's stock and who might be witnesses or litigants in the SEC's investigations. 926 F.2d at 1200, 1205. Similarly, in many other Exemption 7(C) cases, FOIA requesters seek names in law enforcement files primarily in order to attack their convictions or otherwise exculpate themselves—a "personal stake" in disclosure that "does not count in the calculation of the public interest." *Oguaju v. United States*, 288 F.3d 448, 450 (D.C. Cir. 2002); *see also Billington v. United States Dep't of Justice*, 233 F.3d 581, 582 (D.C. Cir. 2000). Here, in contrast, plaintiffs have little if any personal stake in their FOIA request, which aims solely to glean information relating to the government's conduct of its terrorism investigation and its treatment of the detainees. Designed to "shed[ ] light on an agency's performance of its statutory duties," this request implicates precisely the kind of public interest lying at the heart of Exemption 7(C)'s balancing test. *Reporters Committee*, 489 U.S. at 773.

Moreover, plaintiffs offer ample evidence of agency wrongdoing. The record includes hundreds of pages of newspaper articles, human rights reports, and congressional testimony reporting alleged governmental abuses such as holding detainees for long periods without allowing them to seek or communicate with counsel and without charging them. *See, e.g.*, Alison Leigh Cowen, *Detainees' Lawyers Complain of Unfair Treatment*, N.Y. TIMES, Oct. 21, 2001, at B1; Richard A. Serrano, *Many Held in Terror Probe Report Rights Being Abused*, L.A. TIMES, Oct. 15, 2001, at A1; Amnesty International, *Amnesty International's Concerns Regarding Post September 11 Detentions in the USA*, *available at*

REV_00122391

http://web.amnesty.org/aidoc/aidoc_pdf.nsf; Human Rights Watch, *Presumption of Guilt: Human Rights Abuses of Post–September 11 Detainees*, *available at* http://www.hrw.org/reports/2002/us911/USA0802.pdf; *Department of Justice Oversight: Preserving Our Freedoms While Defending Against Terrorism: Hearing Before the Senate Judiciary Comm.*, 107th Cong. (2001) (statement of Gerald H. Goldstein, Attorney, National Ass'n of Criminal Defense Lawyers), *available at* http://judiciary.senate.gov/hearing.cfm?=28; *id.* (statement of Michael Boyle, Attorney, American Immigration Lawyers Ass'n). To be sure, none of this evidence has been tested and proved in a court of law. But *SafeCard* requires only "compelling" evidence—not tested evidence, and not even evidence that would be admissible at trial. If hundreds of pages of first-hand reports of governmental abuses do not qualify as "compelling" evidence sufficient to justify an investigation into the government's conduct, then I cannot imagine what would. After all, FOIA's purpose, as *SafeCard* recognizes, is to allow the public access to records necessary to ascertain whether the government has acted illegally. If requesters already had tried and tested proof of such illegal activity, then resort to FOIA would be unnecessary. History, moreover, is full of examples of situations in which just these sorts of allegations led to the discovery of serious government wrongdoing—from Teapot Dome in the 1920s to the FBI's COINTELPRO counterintelligence program in the 1960s to Watergate in the 1970s.

In short, by interpreting *SafeCard* to require anything more than compelling "allegations of illegal agency activity," *Nation Magazine*, 71 F.3d at 896, the government would transform the *SafeCard* test into a categorical ban on the disclosure of names contained in law enforcement records. That result finds justification in neither FOIA nor our cases interpreting Exemption 7(C). *See Nation Magazine*, 71 F.3d at 896 (holding that a blanket exemption for all names in law enforcement records "would be contrary to FOIA's overall purpose of disclosure, and thus is not a permissible reading of Exemption 7(C)"); *Stern v. FBI*, 737 F.2d 84 (D.C. Cir. 1984) (ordering the disclosure of the name of a high-ranking FBI

REV_00122392

official in internal reports concerning the agency's investigation of a cover-up).

Finally, plaintiffs need the information they request to confirm or refute the compelling evidence of agency wrongdoing—the *SafeCard* test's second requirement. While it is true that a list of names alone would shed no light on whether the government has respected detainees' constitutional rights, plaintiffs need the names in order to gather information about the government's treatment of the detainees. Appellees' Br. at 30. In this respect, plaintiffs' request differs from the vast majority of FOIA requests for information concerning named individuals in law enforcement files, where the only plausible public interest is knowing to what extent an agency believed the named individuals were involved in illegal activity. *Cf. Rosenfeld v. United States Dep't of Justice*, 57 F.3d 803, 812 (9th Cir. 1995) (holding that Exemption 7(C) does not justify withholding the identities of persons investigated for subversive activities in FBI files, where the names would make it possible to determine whether the FBI had investigated student activists for participating in political protests by comparing the FBI's investigations to a roster of a student activist group's leadership).

Amici Washington Legal Foundation and the Jewish Institute for National Security Affairs contend that release of the information is not necessary to evaluate whether the government is operating within the bounds of the law in detaining persons in connection with its terrorism investigation, since the public has other means of obtaining the information: Individual detainees can bring individual lawsuits, the Department's Inspector General has investigated allegations of misconduct, and media reports and congressional investigations all tell the public what its "government is up to." Washington Legal Found. Br. in Support of Appellant at 17. But *Amici*'s argument has no basis in FOIA. If Congress had intended for individual lawsuits, internal investigations, or newspaper reports to relieve the government of its obligations under FOIA, then it would have expressed that intent in the law.

REV_00122393

Exemption 7(F)

The government next invokes Exemption 7(F), which permits withholding law enforcement records where their release "could reasonably be expected to endanger the life or physical safety of any individual." 5 U.S.C. § 552(b)(7)(F). Here again, the government's evidence fails to establish that the entire range of records encompassed in the plaintiffs' FOIA request "could reasonably be expected" to endanger the detainees.

The government's declarations tell us only that (1) "[d]etainees who are, in fact[,] affiliated with a terrorist group may be perceived by such groups as informants for the United States and be killed to preclude their future cooperation," Reynolds Decl. ¶ 37, and (2) "[i]f prisoners learn that an individual who was detained as a result of the investigation emanating from the September 11 attacks is in their own prison facility, some may try to retaliate against this individual," *id.* ¶ 29. The government tells us nothing about what threat, if any, disclosure would pose to detainees who are neither affiliated with a terrorist group nor currently imprisoned. And the government's own disclosures again undermine its assertions about detainees' safety. Plaintiffs point out that the Justice Department Inspector General himself named two of the detention centers used to house the terrorism investigation detainees, a fact that the government neither denies nor explains. Appellees' Br. at 27. Again, the government may have had reasons for disclosing the names of only these two detention centers, but nothing in the Reynolds declaration tells us what those reasons might be.

Exemption 3

Finally, the government invokes Exemption 3, which exempts from disclosure matters that are "specifically exempted from disclosure by statute . . ., provided that such statute . . . requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue." 5 U.S.C. § 552(b)(3). According to the government, Exemption 3, which encompasses Federal Rule of Criminal Procedure 6(e)'s

REV_00122394

prohibition on the disclosure of "matters occurring before the grand jury," *see Fund for Constitutional Gov't v. Nat'l Archives & Records Serv.*, 656 F.2d 856, 867–68 (D.C. Cir. 1981), excuses it from disclosing the names of detainees held on material witness warrants, since "each of these warrants was issued to procure a witness's testimony before a grand jury," Reynolds Second Supp. Decl. ¶ 4. As such, the government contends that Exemption 3 provides a ground for nondisclosure independent of Exemption 7.

Rule 6(e) forbids disclosure of "not only what has occurred and what is occurring, but also what is likely to occur" before a grand jury, including disclosure of witnesses' identities. *In re Motions of Dow Jones & Co.*, 142 F.3d 496, 500 (D.C. Cir. 1998). Therefore, the names of persons detained on material witness warrants who have actually testified before grand juries are unquestionably exempt from disclosure. The government, however, insists that Exemption 3 also covers the names of material witness detainees who have neither testified before grand juries nor are scheduled to do so, as well as the names of detainees who were released without ever having testified, because all of these detainees were originally detained in order to "procure [their] testimony before a grand jury." Reynolds Second Supp. Decl. ¶ 4.

Saying that the material witness detainees were held in order to secure their testimony is quite different from saying that their testimony is "likely to occur" before a grand jury. Indeed, the record indicates that at least seven material witnesses have been released without testifying before a grand jury, so in their cases, it seems more accurate to say that their testimony is quite *unlikely* to occur before a grand jury. *See Indiana Men Ordered to Testify to Return to Evansville*, Assoc. Press, Oct. 25, 2001. Furthermore, although current detainees may be, on the whole, somewhat more likely to testify before grand juries, their testimony is not necessarily "likely to occur" for purposes of Rule 6(e). We have said that the "likely to occur" language must be read sensibly: It does not authorize the government to draw "a veil of secrecy . . . over all matters occurring in the world

REV_00122395

that happen to be investigated by a grand jury." *In re Sealed Case*, 192 F.3d 995, 1001–02 (D.C. Cir. 1999) (internal quotation marks and citation omitted). Accordingly, we have made clear that Rule 6(e) covers "testimony *about to be* presented to a grand jury" (emphasis added)—hence the "likely to occur" language—but does not cover government investigations that merely parallel grand jury investigations. *Id.* at 1002–03. Because the government fails to show that all material witness detainees are likely to testify before grand juries, it may not, on this record, withhold their names under Rule 6(e). To hold otherwise would convert this circuit's carefully crafted standard into an absolute rule that would permit the government to keep secret the name of any witness whom it ever thought might testify at a grand jury proceeding, or who might testify at some indefinite point in the future. Neither Rule 6(e) nor the law of this circuit justifies that result.

IV.

No part of the government's exemption request better illustrates its infirmities than its refusal to disclose the names of the detainees' attorneys. Essentially rehashing its arguments for withholding the names of the attorneys' clients, the government argues—and the court agrees, *see* Op. at 23—that releasing attorneys' names would interfere with the terrorism investigation and would compromise the detainees' privacy interests, since releasing a list of attorneys "may facilitate the identification of the detainees themselves." Reynolds Decl. ¶ 18. The government also claims to be withholding the attorneys' names for their own good, warning that attorneys identified as representing individuals detained in connection with the terrorism investigation "run the risk that they will be subjected to harassment or retaliation in their personal as well as professional lives." Reynolds Decl. ¶ 26.

Both parts of this argument are not only profoundly wrong, but also reflect a complete misunderstanding of the nature of this country's legal profession. In the first place, attorneys'

REV_00122396

names are quite clearly not a proxy for the names of their clients. Indeed, recognizing that knowledge of the lawyer's identity does not inexorably lead to identifying the client, ethical rules forbid lawyers from identifying their clients without their consent, except in extraordinary circumstances. Rule 1.6 of the *Model Rules of Professional Conduct* provides that absent extraordinary circumstances, "[a] lawyer shall not reveal information relating to the representation of a client unless the client gives consent after consultation"—a prohibition that generally includes disclosure of a client's identity. *See* CTR. FOR PROF'L RESPONSIBILITY, AM. BAR ASS'N, ANNOTATED MODEL RULES OF PROFESSIONAL CONDUCT 83 (4th ed. 1999). Because the decision ultimately belongs to the detainees and not their lawyers, providing a list of the lawyers' names would do little more to facilitate identification of the detainees than the government's current policy of allowing the detainees to identify themselves to the media and to whomever else they choose.

Even assuming that releasing attorneys' names will somehow facilitate identification of the detainees, the court's all-or-nothing approach again impermissibly shifts the burden of identifying exempt information from the government to plaintiffs. The government's Exemption 7(A) argument for withholding lawyers' names thus fails for the same reason as its 7(A) argument for withholding the names of all detainees. How would releasing the names of attorneys representing innocent clients with no connection to terrorist activities interfere with the government's terrorism investigation? Neither the court nor the government provides an explanation.

The government's second argument fares no better. The notion that the government must withhold the attorneys' names for their own good is flatly inconsistent with lawyers' roles as advocates and officers of the court in our fundamentally open legal system. Having voluntarily assumed this public role, lawyers have little expectation of anonymity. I, for one, know of no lawyer who has ever asked for the kind of protection the government now asserts on behalf of the detainees' lawyers. Moreover, I have no doubt that lawyers

REV_00122397

will represent individuals associated with the terrorism investigation even without the protection the government urges. As Judge Kessler noted in her opinion in this case, the history of our profession is full of examples of brave men and women who have taken on unpopular causes in the interest of justice. *Center for Nat'l Sec. Studies v. Dep't of Justice*, 215 F. Supp. 2d 94, 109 (D.D.C. 2002). Not only do lawyers regularly represent persons accused of terrible and highly publicized crimes against individuals, but many of this country's most prominent and well-respected lawyers have defended persons accused of heinous crimes against the state, from Aaron Burr to Nazi saboteurs to Soviet spies, as well as persons merely suspected of a propensity to commit such crimes, such as Japanese internees in World War II.

In addition, the government completely fails to substantiate its concerns about releasing attorneys' names. The government insists that "[i]n light of the brutality of the acts committed against the United States, even the mere possibility of retaliation against these lawyers justifies withholding their identities." Reynolds Decl. ¶ 38. FOIA, of course, does not allow the government to withhold information based on "mere possibilities." And the Reynolds declaration fails to establish that retaliation is reasonably likely. Indeed, if the government is so worried about retaliation against lawyers, why did it release a comprehensive list of attorneys representing federally charged detainees? *See* Def. Mot. for Summary Judgment, Ex. 8. Reynolds provides no answer. And if the risk of retaliation has materialized in the case of these attorneys, Reynolds certainly does not tell us so.

If the government has legitimate concerns about the safety of one or more of the lawyers, FOIA requires it to describe those concerns with reasonable specificity—again in an in camera affidavit, if necessary—and explain why it believes the harms it fears "could reasonably be expected" to occur. Giving appropriate deference to law enforcement expertise, the district court would then be in a position to evaluate the government's concerns and determine whether withholding the attorneys' names under Exemption 7(F)—or some other, less extraordinary measures—are needed to protect the de-

REV_00122398

tainees' attorneys. Absent such evidence, however, the government has no basis for its flat refusal to release lawyers' names.

V.

Although I think it unreasonable to infer that all of the information plaintiffs seek in their FOIA request qualifies for exemption, the government may be able to point to more narrowly defined categories of information that might justify the inference. For example, while nothing in the record supports the government's contention that releasing the names of innocent detainees would harm the investigation, perhaps the government could justify withholding the places of arrest on the ground that such information might provide terrorist organizations with some insight into the government's investigative methods and strategy. I would therefore remand to allow the government to describe, for each detainee or reasonably defined category of detainees, on what basis it may withhold their names and other information.

This "more particularized approach" comports with both "Congress' intent to provide workable rules of FOIA disclosure," *United States v. Landano*, 508 U.S. 165, 180 (1993) (internal quotation marks and citations omitted), and FOIA's ultimate aim: to give the public "access to information about how Government is exercising its trust," at a time when "Government is becoming involved in more and more aspects of every citizen's personal and business life." 112 Cong. Rec. 13654 (1966) (statement of Rep. Rumsfeld). It would also ensure that this court treat FOIA as "a disclosure statute and not as an excuse to withhold information from the public." *Id.*

Rather than hold the government to clearly established standards governing FOIA exemptions, the court sustains the government's vague, ill-explained decision to withhold information, invoking principles of deference and engaging in its own speculation to fill in the gaps in the government's showing. In my view, the court's approach drastically diminishes,

REV_00122399

if not eliminates, the judiciary's role in FOIA cases that implicate national-security interests. Congress certainly could have written FOIA that way, but chose instead to require meaningful judicial review of all government exemption claims. If the government thinks that a new, broader FOIA exemption is needed for terrorism cases, it should ask Congress to create one, just as in the wake of September 11 it asked Congress to authorize roving wiretaps of suspected terrorists and to permit detention of non-U.S. citizens suspected of terrorism without specific charges. *See* USA PATRIOT Act, Pub. L. No. 107–56, 115 Stat. 272 (2001). But this court may not change the law in Congress's stead. For all its concern about the separation-of-powers principles at issue in this case, the court violates those principles by essentially abdicating its responsibility to apply the law as Congress wrote it. I dissent.

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>
Sent: 6/17/2003 7:13:20 AM
Subject: : Re: FW: letter
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TO:"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> ("Ho, James (Judiciary)"
<James_Ho@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
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Excellent. Not sure about comparison to recommendations clause; that seems double-edged example given veto possibility. I thought the last sentence sounded a tad preachy. Thx.

"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov>
06/17/2003 07:44:48 AM
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To: Brett M. Kavanaugh/WHO/EOP@EOP
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Subject: FW: letter

FYI, and just in case you have any thoughts, pls see attached.

- Letter on advance Senate consultation on S Ct nominations.doc

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June 17, 2003

The Honorable George W. Bush
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

The Constitution vests the Senate with the important responsibility of confirming or rejecting individuals selected by the President to serve on the United States Supreme Court and on the lower federal courts. In recent weeks, however, in the apparent anticipation that one or more justices of the Supreme Court may soon announce an intention to retire, some Senators have expressed a desire to control not only the *confirmation* process, but also the *selection* process for appointing Supreme Court justices. Specifically, in a series of letters dated May 14, June 10, and June 11, Senators Patrick Leahy and Charles Schumer have asked you to give each of them a special role in selecting nominees to the Supreme Court, even though the Constitution vests that authority exclusively in the President.

With all respect to my distinguished colleagues, I disagree. As President of the United States, you of course enjoy full discretion and authority to consider suggestions made by any member of the United States Senate, or indeed by any American. To the extent, however, that Senators Leahy and Schumer intimate that either the Constitution or Senate tradition support a special role for United States Senators in the process of selecting Supreme Court justices, they are mistaken.

In his June 11 letter, Senator Leahy suggests that "consultation with the Senate in advance of nomination" has traditionally helped Presidents to select Supreme Court nominees. He even asserts that such consultation might be necessary to "reassure the Senate and the American people that the process of selecting a Supreme Court justice has not become politicized." Senator Schumer goes even further. First, he claims in his June 10 letter that the Constitution "*mandate[s]* that the Senate advise the President on judicial nominations" (emphasis added). Moreover, to carry out his "constitutional obligation" to "advise [you] on whom to nominate," Senator Schumer boldly recommends five individuals for you to nominate to the Supreme Court.

These letters concern me a great deal. Although I am new to the United States Senate, I have long been a champion of an independent judiciary as a vital institution and as the very foundation of our system of government. Few things concern me more than the threat of politics interfering with our courts and our system of justice, including our system of selecting judges to serve on the federal bench. And few things would politicize our judiciary more than to hand over control of the process for selecting Supreme Court justices to the 100 elected members of the United States Senate.

Although you may decide to entertain any suggestions made by Senators Leahy or Schumer or any other member of the United States Senate for filling vacancies on the Supreme Court, I would urge you against giving their recommendations special weight simply by virtue of their status as Senators. Neither the Constitution nor Senate tradition establishes the wisdom of such a course. Neither the Constitution nor tradition confers any responsibility upon the Senate to recommend nominees to the Supreme Court, or imposes any obligation upon the President to seek advice from Senators prior to announcing such a nomination.

The Constitution nowhere "dictates that federal judges be nominated by the President with the advice and consent of the Senate," as Senator Schumer erroneously claims. Instead, the Constitution says that only the President shall nominate. As legal academics and Senate historians alike have long recognized and understood, the Senate's "advice and consent" role is limited to the *appointment*, and not the *nomination*, of judges: the Constitution explicitly states that "[t]he President . . . shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges."

There is another reason why the Senate's limited "advice and consent" role reinforces the view that it is the President, and not the Senate, who shall take the lead on selecting nominees to the Supreme Court. The Advice and Consent Clause of the Constitution simply establishes that the Senate's approval is necessary, but not sufficient, for the President to appoint an individual – just as the Senate's approval is necessary, but not sufficient, for the President to ratify a treaty. Should the Senate advise that a nominee be appointed or a treaty be ratified, the Constitution leaves it to the President to decide whether or not to appoint that individual or ratify that treaty. The Senate must advise and consent, but it is the President who must, both initially and ultimately, decide.

The text of the Constitution therefore contemplates no role for Senators to advise on selecting justices of the Supreme Court. Indeed, law professors frequently consulted by Senate Democrats have stated as much. Professor Cass Sunstein, for example, has agreed that "the Constitution contemplates no formal prenomination advisory role for the Senate but reserves the act of nomination exclusively to the President." Professor Michael Gerhardt has similarly explained that "the Constitution does not . . . impose any obligation on the president to consult with the Senate prior to nominating people to confirmable posts."

From the time of this nation's founding, it has been understood that the President alone shall nominate justices of the Supreme Court, and that the Senate has no constitutional role in consulting or advising on such nominations. As renowned constitutional scholar and historian David Currie has pointed out, President George Washington consulted with the Senate on the

REV_00122403

negotiation of future treaties, yet "no comparable practice emerged with regard to appointments; from the outset the President simply submitted the names and the Senate voted yes or no. . . . Madison, Jefferson, and Jay all advised Washington not to consult the Senate before making nominations." Alexander Hamilton similarly wrote in *Federalist* No. 76 that "one man of discernment is better fitted to analyze and estimate the peculiar qualities adopted to particular offices than a body of men . . . . In the act of nomination, [the President's] judgment alone would be exercised."

Of course, should individual Senators decide to send you recommendations of possible nominees to the Supreme Court, that is their right of expression. But no one should be confused into thinking that the President is in any way bound, as a legal, political, or traditional matter, to follow any of those recommendations. Indeed, it is impossible to comprehend how the President would obey the wishes of all 100 Senators, each of whom might submit their own recommended nominees. Moreover, unlike the absence of any clear constitutional role for the Senate in the selection of judges, the Constitution expressly states that the President may "recommend" legislation to Congress – yet no one would dispute that Congress is nevertheless fully entitled to ignore those recommendations and enact legislation contrary to the President's views.

Good faith cooperation between the branches, and between both political parties, can of course be desirable and helpful to the effective operation of the government and of the federal judiciary. On numerous occasions, you have stated your vision of changing the tone in Washington, and I wholeheartedly endorse that vision. But such cooperation must be a two-way street. You have done your part by establishing an exceptionally successful system for selecting the finest legal minds in the country, from diverse walks of life, to serve on the federal bench. Yet a partisan minority of Senators has poisoned the atmosphere by conducting unprecedented and dangerous filibusters of judicial nominees – even though those nominees are supported by a bipartisan majority of Senators. Moreover, this partisan minority of Senators further poisons relations between the branches when it falsely accuses certain judicial nominees of falling outside the mainstream of American jurisprudence. The truth is, Miguel Estrada has the support of Democrats and Republicans across the country, including 87% of Hispanics according to a recent poll by Opiniones Latinas. Leading Democrats from the state bar and the state supreme court, along with 84% of Texas voters, have expressed their support for Justice Priscilla Owen. Yet a minority of Senators will not allow a bipartisan majority of Senators to vote to confirm these fine individuals. Until they end the poisonous atmosphere created by these unprecedented filibusters of judicial nominees, it is difficult for me to imagine how you could reasonably conduct good faith consultation with the culprits on any matter as important as a Supreme Court vacancy.

[**ON SECOND THOUGHT, I THINK THAT WE SHOULD AVOID NAMING SITTING JUSTICES, EVEN THOUGH THE OTHER SIDE DOES IT:** It doesn't have to be this way, and it wasn't always this way. President Clinton nominated former ACLU general counsel Ruth Bader Ginsburg to the Supreme Court, even though she had previously argued that there is a constitutional right to prostitution – hardly a mainstream legal position. Yet the Senate confirmed her by an overwhelming 96-3 vote.]

As President, you have demonstrated a serious commitment to selecting the nation's finest legal minds to serve on the lower federal courts. You have insisted upon individuals who understand

REV_00122404

that the role of a judge is to interpret, and not to make, law. Members of the United States Senate certainly expect you to do nothing less in the event that one or more Supreme Court justices announces their retirement during your tenure as President. In the course of choosing a Supreme Court nominee, you of course have the discretion to consider suggestions made by any American, including any member of the United States Senate. But the only role expressly contemplated by the Constitution, and recommended by tradition, in the nomination of Supreme Court justices is the President's and the President's alone. The preferences of a single Senator should not distract you from your constitutional responsibility to select individuals who are committed to faithfully interpreting the law on behalf of the American people.

Sincerely,

JOHN CORNYN
United States Senator

cc: Members of the United States Senate

REV_00122405

From:	Ganter, Jonathan F.
To:	<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bartolomucci, H. Christopher>;<Kavanaugh, Brett M.>;<Everson, Nanette>;<Carroll, James W.>;<Bingold, Elizabeth>;<Sampson, Kyle>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>;<Ullyot, Theodore W.>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Bumatay, Patrick J.>;<Rounds, Emory>
Sent:	6/17/2003 11:14:15 AM
Subject:	Admin Issues

Parking

Effective immediately, anyone looking to park in any of the White House lots (includes the Ellipse, State Place, and West Exec.), must have a placard with them- **No Exceptions**. This has been ordered by the White House Management Office and not the Secret Service, so there is nothing that the guards posted at the gates can do if you forget your placard. Anyone without a parking placard will be turned away.

4th of July

Invitations for the 4th of July fireworks celebration on the South Lawn are set to be distributed over the course of the next several days. EOP staff members are allowed one guest or their immediate family (defined here as a spouse and any children currently living at home- this does not include parents, siblings, etc.). Due to the size of the guest list (invitations will be distributed to OA, OMB, USTR, and all Political Appointees currently working within the Administration), expect the Visitors Office to be strict in their enforcement of the established attendance guidelines. Other details regarding the event will be included on the invitation.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange@EOP [WHO] <Carolyn Nelson>
Sent: 6/17/2003 7:17:25 AM
Subject: : final letter to Schumer

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JUN-2003 11:17:25.00
SUBJECT:: final letter to Schumer
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

June 17, 2003

Dear Senator Schumer:

Thank you for your letter of June 10 to the President. If a Supreme Court vacancy arises during his Presidency, President Bush will nominate an individual of the highest integrity, intellect, and experience. The Senate will have an opportunity to assess the President's nominee and exercise its constitutional responsibility to vote up or down on the nominee.

We would be pleased to visit with you about the process, and we will consider suggestions you may have should a vacancy arise.

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable Charles Schumer
United States Senate

Copy: The Honorable Bill Frist
The Honorable Thomas Daschle
The Honorable Orrin Hatch
The Honorable Patrick Leahy

From: Wichterman, Bill (Frist) <Bill_Wichterman@frist.senate.gov>
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>;Duffield, Steven (RPC) <Steven_Duffield@rpc.senate.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Vogel, Alex (Frist) <Alex_Vogel@frist.senate.gov>;Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
Sent: 6/17/2003 8:09:49 AM
Subject: : DNC Flash Movie: Bush's Perfect Supreme Court Justice
Attachments: P_5AA8H003_WHO.TXT_1.htm

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wichterman, Bill (Frist)" <Bill_Wichterman@frist.senate.gov> ( "Wichterman, Bill
(Frist)" <Bill_Wichterman@frist.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:17-JUN-2003 12:09:49.00
SUBJECT:: DNC Flash Movie: Bush's Perfect Supreme Court Justice
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan
(Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Duffield, Steven (RPC)" <Steven_Duffield@rpc.senate.gov> ( "Duffield, Steven (RPC)"
<Steven_Duffield@rpc.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Vogel, Alex (Frist)" <Alex_Vogel@frist.senate.gov> ( "Vogel, Alex (Frist)"
<Alex_Vogel@frist.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)"
<Manuel_Miranda@frist.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

fyi -- to brighten your day...

-----Original Message-----
From: Democratic Party [mailto:dnc-002Kz02qqQ@mailer.democrats.org]
Sent: Tuesday, June 17, 2003 9:42 AM
To: Peter Roff
Subject: Flash Movie: Bush's Perfect Supreme Court Justice



<http://mailer.democrats.org/rdr/002Kz02qqQ0004R> Democratic News



<http://mailer.democrats.org/rdr/002Kz02qqQ0004S> Click here to view the
Democrats.org Flash movie: Bushenstein!

New Flash Movie from Democrats.org!


<http://mailer.democrats.org/rdr/002Kz02qqQ0004T> Click here to view
Bushenstein, the new Flash movie from Democrats.org that shows just how
dangerous a Bush-stacked Supreme Court is to American values.

Note: The movie will take several minutes to download for dial-up users.


_____


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<http://mailer.democrats.org/rdr/HO-002Kz02qqQ>
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5AA8H003_WHO.TXT_1>

fyi -- to brighten your day...

-----Original Message-----
From: Democratic Party [mailto:dnc-002Kz02qqQ@mailer.democrats.org]
Sent: Tuesday, June 17, 2003 9:42 AM
To: Peter Roff
Subject: Flas h Movie: Bush's Perfect Supreme Court Justice





New Flash Movie from Democrats.org!

Click here to view Bushenstein, the new Flash movie from Democrats.org that shows just how dangerous a Bush-stacked Supreme Court is to American values.

Note: The movie will take several minutes to download for dial-up users.

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From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
Sent: 6/17/2003 12:56:37 PM
Subject: FW: For approval: Texas Invites
Attachments: ETXB01.pdf; ETXB02.pdf

-----Original Message-----
From: Henry Hager [mailto:hhager@georgewbush.com]
Sent: Tuesday, June 17, 2003 11:02 AM
To: Hernandez, Israel; Ralston, Susan B.
Subject: For approval: Texas Invites
Importance: High

-----Original Message-----
From: Kate Walters
Sent: Tuesday, June 17, 2003 11:00 AM
To: Henry Hager
Subject: Texas Invites

For approval-

-----Original Message-----
From: Patrick Dempsey [mailto:pj@rsdadvertising.com]
Sent: Monday, June 16, 2003 5:16 PM
To: Kate Walters
Subject: Fwd: Re(2): RE: Fwd: RE: Houston- ETXB02

Kate-

Revised invite packages with reply cards fixed. When do you think we'll get these to TG? Also, where are we on the AZ letter? Thanks.

TEXAS FINANCE CHAIRMAN

FRED MEYER

TEXAS VICE CHAIRMAN

JEANNE JOHNSON PHILLIPS

NORTH TEXAS CHAIR

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PRESIDENT GEORGE W. BUSH

FRIDAY, JULY 18TH, 2003

DOORS OPEN AT 4:30 PM
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5:30 PM MAIN RECEPTION
PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

THE WYNDHAM ANATOLE
2201 STEMMONS FREEWAY
DALLAS, TEXAS

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT.
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FOR MORE INFORMATION CALL THE
TEXAS FINANCE OFFICE AT (214) 220-4504

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Reception Honoring President George W. Bush

July 18, 2003 – Dallas, Texas
$2,000 per person

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☐ Yes, I/We will be attending. I/We have already made our $2,000 per person contribution to Bush-Cheney '04, Inc.

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2._____

Social Security Number:_____ Date of Birth:_____

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Event Tracking No.: ETXB01 Solicitor Tracking No.:_____

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Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

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Spouse Name		
Address		
City	State	Zip
Home Phone	Office Phone	
Fax Phone	Email	
Employer	Occupation	
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*	

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The contribution to Bush-Cheney '04, Inc. drawn on
check # _____ **account named as**

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represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

Joint Contributions

If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.

_____
Signature of Spouse

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

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Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

_____
Cardholder Name

Amount of Donation: $ _____

_____
Signature

_____ _____
Card Number Expiration Date

REV_00122422

BUSH-CHENEY '04
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SUITE 800, LB-5
DALLAS, TX 75201

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DRAYTON MCLANE

PAT OLES

RAUL ROMERO

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PRESIDENT GEORGE W. BUSH

SATURDAY, JULY 19TH, 2003

DOORS OPEN AT 4:00 P.M.
4:00 P.M. HOST COMMITTEE RECEPTION
5:30 P.M. MAIN RECEPTION
PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

THE WESTIN GALLERIA
5060 W. ALABAMA
HOUSTON, TEXAS

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT.
ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH.

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FOR MORE INFORMATION CALL
SUSIE PEAKE AT (713) 290-1030

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BUSINESS ATTIRE

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REV_00122424

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JULY 19, 2003 – HOUSTON, TX
$2,000 PER PERSON

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☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY '04, INC.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

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Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name		Salutation
Spouse Name		
Address		
City	State	Zip
Home Phone	Office Phone	
Fax Phone	Email	
Employer	Occupation	
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*	

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Check Contributions

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check # _____ **account named as**

_____
represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

Joint Contributions

If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.

_____
Signature of Spouse

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

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Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

_____
Cardholder Name

Amount of Donation: $ _____

_____
Signature

_____ _____
Card Number Expiration Date

REV_00122426

SUSIE PEAKE
10000 MEMORIAL DRIVE
SUITE 920
HOUSTON, TEXAS 77024

From: CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/17/2003 8:57:45 AM
Subject: : FW: For approval: Texas Invites
Attachments: P_TBD8H003_WHO.TXT_1.pdf; P_TBD8H003_WHO.TXT_2.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:17-JUN-2003 12:57:45.00
SUBJECT:: FW: For approval: Texas Invites
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Henry Hager [mailto:hhager@georgewbush.com]
Sent: Tuesday, June 17, 2003 11:02 AM
To: Hernandez, Israel; Ralston, Susan B.
Subject: For approval: Texas Invites
Importance: High

-----Original Message-----
From: Kate Walters
Sent: Tuesday, June 17, 2003 11:00 AM
To: Henry Hager
Subject: Texas Invites

For approval-

-----Original Message-----
From: Patrick Dempsey [mailto:pj@rsdadvertising.com]
Sent: Monday, June 16, 2003 5:16 PM
To: Kate Walters
Subject: Fwd: Re(2): RE: Fwd: RE: Houston- ETXB02

Kate-

Revised invite packages with reply cards fixed. When do you think we'll
get these to TG? Also, where are we on the AZ letter? Thanks.
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TBD8H003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TBD8H003_WHO.TXT_2>

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GAYLORD T. HUGHEY, JR.

ADAIR MARGO

JAN AND JOE O'NEILL

A.W. "DUB" RITER, JR.

WINDY SITTON

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PRESIDENT GEORGE W. BUSH

FRIDAY, JULY 18TH, 2003

DOORS OPEN AT 4:30 PM
4:30 PM HOST COMMITTEE RECEPTION
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PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

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$2,000 per person

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☐ Yes, I/We will be attending. I/We have already made our $2,000 per person contribution to Bush-Cheney '04, Inc.

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1._____

Social Security Number:_____ Date of Birth:_____

2._____

Social Security Number:_____ Date of Birth:_____

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Event Tracking No.: ETXB01 Solicitor Tracking No.:_____

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Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name		Salutation
Spouse Name		
Address		
City	State	Zip
Home Phone	Office Phone	
Fax Phone	Email	
Employer	Occupation	
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*	

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on
check # _____ **account named as**

_____
represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

Joint Contributions

If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.

_____
Signature of Spouse

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

_____
Cardholder Name

Amount of Donation: $ _____

_____
Signature

_____ _____
Card Number Expiration Date

REV_00122431

BUSH-CHENEY '04
2121 SAN JACINTO STREET
SUITE 800, LB-5
DALLAS, TX 75201

TEXAS FINANCE CHAIRMAN

FRED MEYER

TEXAS VICE CHAIRMAN

JEANNE JOHNSON PHILLIPS

SOUTH TEXAS CHAIR

NANCY G. KINDER

TEXAS REGIONAL CHAIRS

JAN BULLOCK

MICHAEL DELL

RICH KINDER

JOHN W. JOHNSON

TOM AND NANCY LOEFFLER

DRAYTON MCLANE

PAT OLES

RAUL ROMERO

NICHOLAS SERAFY, JR.

ALLAN "BUD" SHIVERS, JR.

PLEASE JOIN US FOR A RECEPTION HONORING

PRESIDENT GEORGE W. BUSH

SATURDAY, JULY 19TH, 2003

DOORS OPEN AT 4:00 P.M.
4:00 P.M. HOST COMMITTEE RECEPTION
5:30 P.M. MAIN RECEPTION
PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

THE WESTIN GALLERIA
5060 W. ALABAMA
HOUSTON, TEXAS

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT.
ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH.

REPLY CARD ENCLOSED
FOR MORE INFORMATION CALL
SUSIE PEAKE AT (713) 290-1030

$2,000 PER PERSON
BUSINESS ATTIRE

THIS INVITATION IS NON-TRANSFERABLE

Paid for by Bush-Cheney '04, Inc.

Reception Honoring President George W. Bush

July 19, 2003 – Houston, TX
$2,000 per person

☐ Yes, I/We will be attending. A contribution of $_____ is enclosed.

☐ Yes, I/We will be attending. I/We have already made our $2,000 per person contribution to Bush-Cheney '04, Inc.

Attendees are as follows (First and Last Names for nametags; SSN and DOB for security):

1._____

Social Security Number:_____ Date of Birth:_____

2._____

Social Security Number:_____ Date of Birth:_____

☐ NO, I am not able to attend but have enclosed a contribution of $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: ETXB02 Solicitor Tracking No.:_____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is $2,000 ($4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name		Salutation
Spouse Name		
Address		
City	State	Zip
Home Phone	Office Phone	
Fax Phone	Email	
Employer	Occupation	
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*	

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on
check # _____ **account named as**

_____
represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

Joint Contributions

If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.

_____
Signature of Spouse

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

_____
Cardholder Name

Amount of Donation: $ _____

_____
Signature

_____ _____
Card Number Expiration Date

REV_00122435

SUSIE PEAKE
10000 MEMORIAL DRIVE
SUITE 920
HOUSTON, TEXAS 77024

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>
Sent: 6/17/2003 1:07:16 PM
Subject: Re: FW: For approval: Texas Invites
Attachments: ETXB01.pdf; ETXB02.pdf

Approved from here.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/17/2003 12:56:37 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: For approval: Texas Invites

-----Original Message-----

From: Henry Hager [mailto:hhager@georgewbush.com]

Sent: Tuesday, June 17, 2003 11:02 AM

To: Hernandez, Israel; Ralston, Susan B.

Subject: For approval: Texas Invites

Importance: High

-----Original Message-----

From: Kate Walters

Sent: Tuesday, June 17, 2003 11:00 AM

To: Henry Hager

Subject: Texas Invites

For approval-

-----Original Message-----

From: Patrick Dempsey [mailto:pj@rsdadvertising.com]

Sent: Monday, June 16, 2003 5:16 PM

To: Kate Walters

Subject: Fwd: Re(2): RE: Fwd: RE: Houston- ETXB02

Kate-

Revised invite packages with reply cards fixed. When do you think we'll get these to TG? Also, where are we on the AZ letter? Thanks.

<> <>

TEXAS FINANCE CHAIRMAN

FRED MEYER

TEXAS VICE CHAIRMAN

JEANNE JOHNSON PHILLIPS

NORTH TEXAS CHAIR

J. ROGER WILLIAMS

TEXAS REGIONAL CHAIRS

RAMONA BASS

LOUIS A. BEECHERL, JR.

TEEL BIVINS

BILL CEVERHA

ROGER COX

JAMES B. FRANCIS, JR.

BILL HARTLEY

GAYLORD T. HUGHEY, JR.

ADAIR MARGO

JAN AND JOE O'NEILL

A.W. "DUB" RITER, JR.

WINDY SITTON

PLEASE JOIN US FOR A RECEPTION HONORING

PRESIDENT GEORGE W. BUSH

FRIDAY, JULY 18TH, 2003

DOORS OPEN AT 4:30 PM
4:30 PM HOST COMMITTEE RECEPTION
5:30 PM MAIN RECEPTION
PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

THE WYNDHAM ANATOLE
2201 STEMMONS FREEWAY
DALLAS, TEXAS

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT.
ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH.

REPLY CARD ENCLOSED
FOR MORE INFORMATION CALL THE
TEXAS FINANCE OFFICE AT (214) 220-4504

$2,000 PER PERSON
BUSINESS ATTIRE

THIS INVITATION IS NON-TRANSFERABLE

Paid for by Bush-Cheney '04, Inc.

RECEPTION HONORING PRESIDENT GEORGE W. BUSH

JULY 18, 2003 – DALLAS, TEXAS
$2,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____ IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY '04, INC.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: ETXB01 Solicitor Tracking No.:_____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is $2,000 ($4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name		Salutation
Spouse Name		
Address		
City	State	Zip
Home Phone	Office Phone	
Fax Phone	Email	
Employer	Occupation	
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*	

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on
check # _____ **account named as**

_____
represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

Joint Contributions

If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.

_____
Signature of Spouse

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

_____
Cardholder Name

Amount of Donation: $ _____

_____
Signature

_____ _____
Card Number Expiration Date

REV_00122441

BUSH-CHENEY '04
2121 SAN JACINTO STREET
SUITE 800, LB-5
DALLAS, TX 75201

TEXAS FINANCE CHAIRMAN

FRED MEYER

TEXAS VICE CHAIRMAN

JEANNE JOHNSON PHILLIPS

SOUTH TEXAS CHAIR

NANCY G. KINDER

TEXAS REGIONAL CHAIRS

JAN BULLOCK

MICHAEL DELL

RICH KINDER

JOHN W. JOHNSON

TOM AND NANCY LOEFFLER

DRAYTON MCLANE

PAT OLES

RAUL ROMERO

NICHOLAS SERAFY, JR.

ALLAN "BUD" SHIVERS, JR.

PLEASE JOIN US FOR A RECEPTION HONORING

PRESIDENT GEORGE W. BUSH

SATURDAY, JULY 19TH, 2003

DOORS OPEN AT 4:00 P.M.
4:00 P.M. HOST COMMITTEE RECEPTION
5:30 P.M. MAIN RECEPTION
PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

THE WESTIN GALLERIA
5060 W. ALABAMA
HOUSTON, TEXAS

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT.
ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH.

REPLY CARD ENCLOSED
FOR MORE INFORMATION CALL
SUSIE PEAKE AT (713) 290-1030

$2,000 PER PERSON
BUSINESS ATTIRE

THIS INVITATION IS NON-TRANSFERABLE

Paid for by Bush-Cheney '04, Inc.

Reception Honoring President George W. Bush

July 19, 2003 – Houston, TX
$2,000 per person

☐ Yes, I/We will be attending. A contribution of $_____ is enclosed.

☐ Yes, I/We will be attending. I/We have already made our $2,000 per person contribution to Bush-Cheney '04, Inc.

Attendees are as follows (First and Last Names for nametags; SSN and DOB for security):

1._____

Social Security Number:_____ Date of Birth:_____

2._____

Social Security Number:_____ Date of Birth:_____

☐ NO, I am not able to attend but have enclosed a contribution of $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: ETXB02 Solicitor Tracking No.:_____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is $2,000 ($4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name		Salutation
Spouse Name		
Address		
City	State	Zip
Home Phone	Office Phone	
Fax Phone	Email	
Employer	Occupation	
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*	

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on
check # _____ **account named as**

_____
represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

Joint Contributions

If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.

_____
Signature of Spouse

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

_____
Cardholder Name

Amount of Donation: $ _____

_____
Signature

_____ _____
Card Number Expiration Date

REV_00122445

SUSIE PEAKE
10000 MEMORIAL DRIVE
SUITE 920
HOUSTON, TEXAS 77024

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@Exchange [WHO] <Susan B. Ralston>
Sent: 6/17/2003 9:08:17 AM
Subject: : Re: FW: For approval: Texas Invites
Attachments: P_9WD8H003_WHO.TXT_1.pdf; P_9WD8H003_WHO.TXT_2.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JUN-2003 13:08:17.00
SUBJECT:: Re: FW: For approval: Texas Invites
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Approved from here.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/17/2003 12:56:37 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: For approval: Texas Invites

-----Original Message-----
From: Henry Hager [mailto:hhager@georgewbush.com]
Sent: Tuesday, June 17, 2003 11:02 AM
To: Hernandez, Israel; Ralston, Susan B.
Subject: For approval: Texas Invites
Importance: High

-----Original Message-----
From: Kate Walters
Sent: Tuesday, June 17, 2003 11:00 AM
To: Henry Hager
Subject: Texas Invites

For approval-

-----Original Message-----
From: Patrick Dempsey [mailto:pj@rsdadvertising.com]
Sent: Monday, June 16, 2003 5:16 PM
To: Kate Walters
Subject: Fwd: Re(2): RE: Fwd: RE: Houston- ETXB02

Kate-

Revised invite packages with reply cards fixed. When do you think we'll get these to TG? Also, where are we on the AZ letter? Thanks.

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_9WD8H003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9WD8H003_WHO.TXT_2>

TEXAS FINANCE CHAIRMAN

FRED MEYER

TEXAS VICE CHAIRMAN

JEANNE JOHNSON PHILLIPS

NORTH TEXAS CHAIR

J. ROGER WILLIAMS

TEXAS REGIONAL CHAIRS

RAMONA BASS

LOUIS A. BEECHERL, JR.

TEEL BIVINS

BILL CEVERHA

ROGER COX

JAMES B. FRANCIS, JR.

BILL HARTLEY

GAYLORD T. HUGHEY, JR.

ADAIR MARGO

JAN AND JOE O'NEILL

A.W. "DUB" RITER, JR.

WINDY SITTON

PLEASE JOIN US FOR A RECEPTION HONORING

PRESIDENT GEORGE W. BUSH

FRIDAY, JULY 18TH, 2003

DOORS OPEN AT 4:30 PM
4:30 PM HOST COMMITTEE RECEPTION
5:30 PM MAIN RECEPTION
PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

THE WYNDHAM ANATOLE
2201 STEMMONS FREEWAY
DALLAS, TEXAS

ALL GUESTS MUST HAVE PHOTO ID TO ENTER THE EVENT.
ALL BAGS, BRIEFCASES AND PURSES ARE SUBJECT TO SEARCH.

REPLY CARD ENCLOSED
FOR MORE INFORMATION CALL THE
TEXAS FINANCE OFFICE AT (214) 220-4504

$2,000 PER PERSON
BUSINESS ATTIRE

THIS INVITATION IS NON-TRANSFERABLE

Paid for by Bush-Cheney '04, Inc.

Reception Honoring President George W. Bush

July 18, 2003 – Dallas, Texas
$2,000 per person

☐ Yes, I/We will be attending. A contribution of $_____ is enclosed.

☐ Yes, I/We will be attending. I/We have already made our $2,000 per person contribution to Bush-Cheney '04, Inc.

Attendees are as follows (First and Last Names for nametags; SSN and DOB for security):

1._____

Social Security Number:_____ Date of Birth:_____

2._____

Social Security Number:_____ Date of Birth:_____

☐ NO, I am not able to attend but have enclosed a contribution of $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: ETXB01 Solicitor Tracking No.:_____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

Contributions are not tax deductible for federal income tax purposes. The maximum an individual may contribute is $2,000 ($4,000 per couple). Corporate and foreign national contributions are not permitted under federal law.

Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name		Salutation
Spouse Name		
Address		
City	State	Zip
Home Phone	Office Phone	
Fax Phone	Email	
Employer	Occupation	
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*	

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on
check # _____ **account named as**

_____
represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

Joint Contributions

If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.

_____
Signature of Spouse

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

_____
Cardholder Name

Amount of Donation: $ _____

_____
Signature

_____ _____
Card Number Expiration Date

REV_00122451

BUSH-CHENEY '04
2121 SAN JACINTO STREET
SUITE 800, LB-5
DALLAS, TX 75201

TEXAS FINANCE CHAIRMAN

FRED MEYER

TEXAS VICE CHAIRMAN

JEANNE JOHNSON PHILLIPS

SOUTH TEXAS CHAIR

NANCY G. KINDER

TEXAS REGIONAL CHAIRS

JAN BULLOCK

MICHAEL DELL

RICH KINDER

JOHN W. JOHNSON

TOM AND NANCY LOEFFLER

DRAYTON MCLANE

PAT OLES

RAUL ROMERO

NICHOLAS SERAFY, JR.

ALLAN "BUD" SHIVERS, JR.

PLEASE JOIN US FOR A RECEPTION HONORING

PRESIDENT GEORGE W. BUSH

SATURDAY, JULY 19TH, 2003

DOORS OPEN AT 4:00 P.M.
4:00 P.M. HOST COMMITTEE RECEPTION
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PLEASE ALLOW SUFFICIENT TIME FOR SECURITY

THE WESTIN GALLERIA
5060 W. ALABAMA
HOUSTON, TEXAS

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REPLY CARD ENCLOSED
FOR MORE INFORMATION CALL
SUSIE PEAKE AT (713) 290-1030

$2,000 PER PERSON
BUSINESS ATTIRE

THIS INVITATION IS NON-TRANSFERABLE

Paid for by Bush-Cheney '04, Inc.

RECEPTION HONORING PRESIDENT GEORGE W. BUSH

JULY 19, 2003 – HOUSTON, TX
$2,000 PER PERSON

☐ YES, I/WE WILL BE ATTENDING. A CONTRIBUTION OF $_____ IS ENCLOSED.

☐ YES, I/WE WILL BE ATTENDING. I/WE HAVE ALREADY MADE OUR $2,000 PER PERSON CONTRIBUTION TO BUSH-CHENEY '04, INC.

ATTENDEES ARE AS FOLLOWS (FIRST AND LAST NAMES FOR NAMETAGS; SSN AND DOB FOR SECURITY):

1. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

2. _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

☐ NO, I AM NOT ABLE TO ATTEND BUT HAVE ENCLOSED A CONTRIBUTION OF $_____.

THIS INFORMATION WILL HELP US WITH OUR RECORD KEEPING PROCESS. PLEASE COMPLETE.

Event Tracking No.: ETXB02 Solicitor Tracking No.:_____

Contributions to Bush-Cheney '04, Inc. are not deductible as charitable contributions for federal income tax purposes.

Please make check payable to Bush-Cheney '04, Inc.

Please see reverse.

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Federal law requires us to obtain and report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in an election cycle.

Full Name		Salutation
Spouse Name		
Address		
City	State	Zip
Home Phone	Office Phone	
Fax Phone	Email	
Employer	Occupation	
Spouse's Employer *(If joint contribution)*	Spouse's Occupation *(If joint contribution)*	

Paid for by Bush-Cheney '04, Inc.

Check Contributions

The contribution to Bush-Cheney '04, Inc. drawn on
check # _____ **account named as**

_____
represents our personal funds and is not drawn on an account maintained by an incorporated entity.

_____
Signature of Original Contributor

Joint Contributions

If this contribution is intended to be a contribution from husband and wife, signature of spouse must be provided.

_____
Signature of Spouse

Credit Card Contributions

☐ This contribution to Bush-Cheney '04, Inc. is drawn on my personal credit card, represents my personal funds, and is not drawn on an account maintained by an incorporated entity.

_____
Credit Card: *(Visa, Mastercard , Amex & Discover accepted)*

_____
Cardholder Name

Amount of Donation: $ _____

_____
Signature

_____ _____
Card Number Expiration Date

REV_00122455

SUSIE PEAKE
10000 MEMORIAL DRIVE
SUITE 920
HOUSTON, TEXAS 77024

From: Nelson, Carolyn
To: <Ullyot, Theodore W.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Ganter, Jonathan F.>;<Kavanaugh, Brett M.>;<Leitch, David G.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 6/17/2003 1:13:48 PM
Subject: Transportation to tonight's Marine Corps Reception and Parade

A 15 passenger van will depart West Basement en route Henderson Hall (reception site) at 4:50 pm. A shuttle will provided by the Marine Corps for transportation from Henderson Hall to the Memorial, and a Carpet van will be available for transportation back to the White House following the parade. Please see the abbreviated schedule below.

On another note, the Judge wants me to let you all know that he doesn't expect you to attend. We're all very busy, so don't feel bad if you have other obligations.

4:50 pm Depart White House en route Henderson Hall Theatre Terrace (via Carpet)
5:15 pm VIP Reception at Henderson Hall Theatre Terrace (in gymnasium if it's raining)- Judge Gonzales gives brief remarks
6:00 pm Reception concludes
6:10 pm Board Marine Corps shuttle for transportation to Iwo Jima Memorial for Parade
7:00 pm Parade Begins
8:10 pm Parade Ends
8:15 pm Board shuttle for transportation back to Henderson Hall Terrace OR board Carpet van for transportation to White House

Feel free to give me a call you have any questions.

-Carrie
65081

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>;<Gonzales, Alberto R.>
Sent: 6/17/2003 2:34:18 PM
Subject: first of three political memos to be finalized today
Attachments: political activity aircraft memo 6 17 01 #1.doc

<>

DRAFT

June 17, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: RULES REGARDING CORPORATE AND GOVERNMENTAL AIRCRAFT ON POLITICAL TRIPS

This memorandum summarizes rules and policies with respect to use of corporate or governmental aircraft for political trips. (Note that this memorandum does not cover travel on a charter aircraft paid for by a political entity, which is treated the same as ordinary travel on a commercial aircraft where the cost is paid by a political entity.)

I. Corporate Aircraft

A political campaign or party may pay for air transportation of individuals to a political event, including of individuals who may be employed in the Executive Branch. *See* 5 C.F.R. 2635.204(f). In addition, federal law authorizes political campaigns and parties to secure a corporate aircraft to provide air transportation, so long as the campaign or party reimburses the owner of the aircraft under relevant federal statutes and regulations. *See* 11 C.F.R. 114.9.

As a matter of policy, however, the following steps must occur when an Executive Branch employee travels on a corporate aircraft secured by a political campaign or party for the employee's travel to a political event:

1. The employee should not travel on a corporate aircraft for political travel unless commercial service would not be practically available under the circumstances, taking into account the employee's official schedule and the location and timing of the event.

2. The employee should not travel on an aircraft owned by an entity or individual that is regulated by or doing business with the employee's department or agency, or in circumstances that otherwise would be inappropriate.

3. The relevant political campaign or party must pay the owner of the aircraft *in advance* by paying the relevant first class airfare (or, in the case of travel to a city not served by a regularly scheduled commercial service, the usual charter rate).

4. For White House employees, advance approval of any use of a corporate aircraft for a political trip must be obtained from the Counsel to the President. For other Administration employees, advance approval of any use of corporate aircraft for a political trip must be obtained from the relevant department or agency General Counsel and the Counsel to the President.

5. When the trip is a mixed official-political trip involving campaign-related activity for Bush/Cheney '04, the re-election campaign will reimburse first-class airfare from the point of origin to each stop in which campaign-related activity is conducted and back to the point of origin. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7. When the trip is a mixed official-political trip involving political activity other than campaign-related activity for Bush/Cheney '04, the political entity will reimburse first-class airfare based on the hard-time formula. On all mixed trips, use of a corporate aircraft must also meet the standards for approval under 41 C.F.R. Part 304.

II. Governmental Aircraft

1. White House employees and other Administration employees should not use governmental aircrafts for travel on political trips or mixed official-political trips unless the employee is required for security reasons to use governmental aircraft, or the employee is accompanying another official who requires use of a governmental aircraft for security reasons.

2. Advance approval of any use of a governmental aircraft for such a trip must be obtained from the Chief of Staff to the President and Counsel to the President. Appropriate first-class reimbursement for political travelers must be made by the campaign or relevant political entity. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7(b)(5).

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

REV_00122460

From: Kavanaugh, Brett M.
To: <Campbell, Anne E.>
Sent: 6/17/2003 2:46:15 PM
Subject:

Can you send me final of tonight's political speech. Thanks.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>;<Gonzales, Alberto R.>
Sent: 6/17/2003 2:50:07 PM
Subject: memo #2
Attachments: political activity cabinet memo 6 17 03 #1.doc

general guidance memo only to cabinet

<>

DRAFT

June 17, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: RULES ON POLITICAL ACTIVITY

This memorandum summarizes general rules with respect to political activity for a candidate, campaign, political group, or political party under the Hatch Act Reform Amendments of 1993. Please note that this memorandum is simply a summary of the relevant laws and regulations, which are set out or referenced in 5 U.S.C. 7321-7326 and 5 C.F.R. Part 734. We will renew and supplement this guidance as appropriate before the 2004 elections.

We ask that the General Counsels of the Executive departments and agencies issue guidance -- tailored as appropriate to your department or agency -- to ensure that all employees of the departments and agencies are aware of and comply with the laws with respect to political activity, including those contained at 5 U.S.C. 7321-7326 and 5 C.F.R. Part 734. (We have provided similar guidance to White House staff.) At all times, you should instruct employees to contact your General Counsel's office if they have any questions about appropriate political activity.

In addition, please note that certain agencies listed in 5 C.F.R. 734.401 -- primarily those with law enforcement or national security responsibilities -- have more stringent rules with respect to political activity. Several agencies traditionally have followed more stringent specific rules and practices as a matter of policy as well. This memorandum does not purport to summarize the rules applicable to employees in those particular agencies.

Finally, please be aware that today we are issuing two separate memoranda to you regarding specific political travel issues that frequently arise.

Select List of Permitted Political Activities

The range of permissible activities for Executive Branch employees is described in 5 C.F.R. Part 734. To summarize, an employee (other than one employed in an agency described in 5 C.F.R. 734.401) *may* engage in the following political activities:

- participation in political organizations, which includes:
    - being a member of a political party;
    - serving as an officer of a political party;

- attending and participating in nominating caucuses;
- participating in a political convention or rally; and
- serving as a delegate to a political convention.

- participation in political campaigns, which includes:

  - canvassing for votes;
  - endorsing or opposing a candidate in an advertisement, broadcast, campaign literature, or similar material;
  - addressing a convention, caucus, rally, or similar gathering of a political party or political group; and
  - actively managing the political campaign of a partisan political candidate or candidate for political party office.

- participation in elections, including:

  - voting; and
  - driving voters to polling places.

- attendance and speaking at fundraising events:

  An employee may not solicit, receive, or accept political contributions, and may not host or sponsor fundraisers. However, an employee *may*:

  - make lawful political contributions;
  - attend political fundraisers;
  - manage or organize political fundraisers hosted and sponsored by others (you may not host or sponsor fundraisers or otherwise personally solicit contributions);
  - speak as a featured guest at political fundraisers so long as the employee does not solicit contributions and so long as the event otherwise complies with the legal requirements of the Bipartisan Campaign Reform Act;
  - be listed as a guest speaker on the invitation for a fundraiser so long as the invitation does not list the official title; and
  - solicit, accept, or receive uncompensated volunteer services for a campaign from any individual (however, a superior may not ask his or her subordinate employee to provide such services, nor may he or she target a company or entity with official matters pending before the agency for provision of such services).

Basic Prohibitions

The basic prohibitions on political activity are summarized at 5 C.F.R. 734 Subpart C.

1. An employee may not personally solicit, receive, or accept political contributions. Also, an employee may not host or sponsor political fundraisers. (However, an employee *may*

REV_00122467

speak at, attend, and be the featured guest at political fundraisers so long as the employee does not personally solicit contributions.)

2. An employee may not use his or her official authority for the purpose of interfering with or affecting the result of an election. That means, for example, that an employee's official title may not be used on invitations to political fundraisers. If a title is used by others inadvertently and without the employee's knowledge, the employee should contact the relevant General Counsel's office promptly about appropriate steps to take.

3. An employee may not use his or her official authority to coerce any person to engage in or refrain from political activity.

On-Duty Activity Rules

Most Executive Branch employees are prohibited from engaging in political activity while on duty and in their offices. There is an exception to this prohibition for those who are (i) Senate-confirmed officials or are employed in the Executive Office of the President *and* (ii) whose duties continue after normal duty hours and away from the normal duty post. Such employees are permitted by law to engage in otherwise permitted political activity while on duty and in the office – for example, meetings and telephone calls related to elections, campaigns, or political parties. However, any non-incidental costs incurred as a result of such activity shall be reimbursed. In addition, employees who are not Senate-confirmed or covered EOP employees may engage in official duties that involve assisting a Senate-confirmed or covered EOP official -- for example, with respect to scheduling or typing.

When a government officer or employee engages in political activity, the government should not pay (or must be reimbursed) for non-incidental costs that it would not have incurred but for the political activity.

Please note that political fundraising and fundraisers may *never* occur on official government property.

Travel Rules

As fully detailed in a separate memorandum being issued to you today regarding travel costs, the appropriate political entity ordinarily pays the relevant costs associated with political travel (or the costs for the political portion of mixed official-political travel). The government is not reimbursed, however, for: (i) the costs that result from security needs; or (ii) the compensation or expenses of persons required to accompany or assist the official engaging in political activity.

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If department or agency

REV_00122468

employees have questions about these rules, they should be instructed to contact their department or agency general counsel.

REV_00122469

From: Kavanaugh, Brett M.
To: Alice Starr <ASTARR@west-group.com>
CC: <Nelson, Carolyn>
Sent: 6/17/2003 4:20:31 PM
Subject: Re: June 30

Would not be a good idea to have me, I do not think. But I think Political Affairs may have some thoughts, and Carrie is checking with them.

Alice Starr

06/17/2003 03:42:59 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@EOP

cc:

Subject: June 30

Any luck rounding up anyone at the WH for a McLean event for Delegate Jack Rust on June 30th. How about you Brett? Are you allowed to attend these sorts of occasions? Any interest?

Perhaps the First Lady or her Chief of Staff is available.

We are open to suggestions. - Alice

From: CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To: Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO /EOP@Exchange@EOP [WHO] <David G. Leitch>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
CC: Charlotte L. Montiel/WHO/EOP@Exchange@EOP [WHO] <Charlotte L. Montiel>
Sent: 6/17/2003 12:24:37 PM
Subject: : Some of todays Pryor articles

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-JUN-2003 16:24:37.00
SUBJECT:: Some of todays Pryor articles
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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June 17, 2003, 2:15 p.m.
A Refreshing Exchange
William Pryor goes to Washington.

he attorney general of Alabama is the most refreshing thing to happen to Washington since William Faulkner said the reason he wouldn't be going to President Kennedy's Nobel prize-winner party at the White House was that Washington was a long way to go for dinner. Listen to William Pryor being grilled by Senator Feingold. The senator was fishing about trying to add to Mr. Pryor's list of disqualifications to serve as judge. Wasn't Mr.

Pryor associated with the Republican Attorneys General Association (RAGA), which made contributions to Republican contenders for election as attorneys general?
FEINGOLD. Will you provide to the committee a comprehensive list of RAGA's contributors and the amounts and dates of their contribution?
PRYOR. I don't have such a list, Senator.
FEINGOLD. Who does?
PRYOR. The Republican National Committee.
FEINGOLD. Will you urge them to provide that list?
PRYOR. If you need that kind of list, then you really need to seek it from them.
FEINGOLD. You oppose a disclosure of this information?
PRYOR. I'm not saying that I oppose it or I favor it.
FEINGOLD. I'm taking this as a refusal to urge the release of this information.
[In street talk, this would read: You want that? Well, stir ass and get. Don't use me as your research assistant.]
Attorney General Pryor has run into the high risk of sassing critically situated senators. Not that there was ever any possibility that Sen. Feingold would vote to confirm the nomination of Pryor to the court of appeals. The 41-year-old Pryor had given the committee an answer to the big question. He said it with a straight face. Said it as matter-of-factly as if he had been asked by the short-order cook did he say he wanted his steak well done. The great question: Mr. Pryor, you once said that you thought the Supreme Court's decision in Roe v. Wade was "the worst abomination of constitutional law in our history." Do you still think that?
Oh yes, said Pryor.
When asked whether he thought that that decision had had moral consequences, he said, oh yes. He explained: "It has led to the slaughter of millions of innocent unborn children." Does the attorney general of Alabama know nothing about governing protocols in dealing with proud liberal senators? You never say "unborn children" when referring merely to * fetuses. What you do is you tilt the language around a bit and talk about the rights of the mother. But Pryor * who almost certainly will not be confirmed * hadn't come to Washington to disguise his personal views on child pornography, homosexual practices, gun laws, or prayer in school. What he said was that he respected the right of the state legislatures to promulgate laws governing these matters, provided they did not violate constitutional postulates, for instance, the right to pray or to exhibit the Ten Commandments in a judge's chambers.
What is admirable about Mr. Pryor's personal deportment is his refusal to cavil. He came to conclusions about Roe v. Wade no different from those taken by Supreme Court justices who voted against the majority opinion in 1973. If a lawyer isn't free to believe that Roe was wrong as constitutional exegesis, and mischievous as political sociology, he isn't free to think, except as spokesperson for People for the American Way. The only proper concern for the Senate Committee, passing on a nomination by the president, who is given that authority by the Constitution, is whether the potential judge would enforce the law. And Pryor would do so, even laws based on opinions he thought wrong. He has more than once argued, as attorney general, to enforce the law based on judicial rulings with which he did not sympathize.
But people who are in favor of abortion don't want anybody around courthouses who thinks abortions immoral, let alone illegal. Because of course if they are, then those in favor of abortion are supporting immoral activity. Politicians don't want that kind of invidious language. That's why they talk about women's rights (which include the right to be immoral). Get this: One senator wanted to know whether Mr. Pryor had canceled a visit to Disney World with his children, which visit would have fallen on Gay Day at Disney World.
"We made a value judgment and changed our plan and went another weekend."
To spare the kids from embarrassment?
Hardly. The two girls were 4 and 6. No. Mr. Pryor was saying to Disney, Look, if you want to celebrate Gay Day, count me out as participant in the celebration. I'll come another day. Fair enough.
Pryor has a superb record, as lawyer and attorney general, but of course the Democrats won't vote for him, and they'll seek an Arlen Specter or two

to dissent from Mr. Bush's nomination. The thought police are busy, and they're looking for a couple of Republican senators to help make the point that some thoughts are unthinkable.
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June 17, 2003, 9:45 a.m.
The Disney Smear
A goofy tactic used against a Bush judicial nominee.

Senate Democrats are bent on keeping as many of President Bush's conservative nominees to federal courts off their intended benches as they can get away with, and are using whatever they can to demonize each one of them. Judge Charles Pickering of Mississippi is a racist, according to the script. Texas Supreme Court Justice Priscilla Owen is an anti-choice extremist. Miguel Estrada is not Hispanic enough. Their latest target is Alabama attorney general William Pryor, who is nominated for a seat on the 11th U.S. Circuit Court of Appeals.

It was no-holds-barred at Pryor's Senate Judiciary Committee hearing last Thursday. Senate Democrats questioned him on his religion and past remarks on abortion. New York Democratic senator Charles Schumer proclaimed: "[Pryor's] beliefs are so deeply held that it's very difficult to believe those views won't influence how he follows the law. A person's views matter."

Also at the hearing, Senator Russell Feingold (D., Wis.) made an issue out of the fact that Pryor and his wife changed their Walt Disney World vacation plans when they learned their visit was coinciding with the annual Gay Day there (the first Saturday in June).

Here's how it went:

SEN. FEINGOLD: In a recent brief to the Supreme Court, you equated private, consensual sexual activity between homosexuals to prostitution, adultery, necrophilia, bestiality, incest and pedophilia. In addition, your office defended a statute that denied funding to a gay-lesbian-bisexual alliance, a student organization. The 11th Circuit unanimously declared the statute unconstitutional. Furthermore, as deputy attorney general, you joined an amicus brief in Romer v. Evans arguing that local governments in Colorado were prohibited from enacting laws to protect gays and lesbians from discrimination. The Supreme Court later rejected your view, but you called the decision undemocratic.

News accounts also report that you even went so far as to reschedule a family vacation at Disney World in order to avoid Gay Day. In light of this record, can you understand why a gay plaintiff or defendant would feel uncomfortable coming before you as a judge? And I'd like to give you this opportunity to explain why these concerns may or may not be justified.

ATTY GEN. PRYOR: I think my record as attorney general shows that I will uphold and enforce the law. In the Lawrence case, the first that you mentioned, I was upholding and urging the Supreme Court to reaffirm its decision of 1986 in Bowers versus Hardwick, which is the law of the land. And the argument to which you referred, the slippery slope argument, was taken from Justice White's majority opinion for the Supreme Court of the

United States.
In the second instance that you mentioned, the 11th Circuit case involving university facilities and funds for homosexual groups in Alabama, that argument was presented by then attorney general Jeff Sessions, not by me. And, in fact, after the decision came down, by the time the decision came down I was attorney general. But I did not file any papers to quarrel with the decision because, in fact, I agreed with it. When we worked together in the attorney general's office, I declined to participate in that case for General Sessions because I had agreed with the District Court ruling, and I agreed then with the 11th Circuit ruling.
In the case of Romer versus Evans, General Sessions again was the attorney general at the time. I was his deputy attorney general, but he was the one who made the final decision. I have criticized the Romer decision.
As far as my family vacation is concerned, my wife and I had two daughters who at the time of that vacation were six and four, and we made a value judgment. And that was our personal decision. But my record as attorney general is that I will uphold and enforce the law, particularly, as I mentioned in my first example, in the Lawrence case, the brief that we filed defending Alabama law, which prohibits sodomy between unmarried persons, follows the Supreme Court's precedent.
SEN. FEINGOLD: Well, I certainly respect going to Disney World with two daughters. I've done the same thing. But are you saying that you actually made that decision on purpose to be away at the time of that *
ATTY GEN. PRYOR: We made a value judgment and changed our plan and went another weekend.
SEN. FEINGOLD: Well, I * I appreciate your candor on that.
Mr. Chairman * Mr. Pryor, you've criticized those *
SEN. HATCH: Senator, your time is up.
Throughout the hearing on Thursday, Pryor was unapologetic before the committee for being who he is: a pro-life, legally conservative, Catholic public servant (surely none of these disqualifies one for seating on a federal bench); he handled the Disney question no differently. Despite his honesty, however, the Democrats' work had already been done: Simply by raising the question, they had demonized him.
But that any of his critics would use his family's Disney vacation planning against him is, well, goofy. A family choosing not to go to Disney World during "Gay Day" says nothing about their positions on or feelings about gay marriage, homosexuality, or gay people in general. It would probably not be a stretch to guess that if there were a "Live-in Boyfriend and Girlfriend's Day," the emphasis on visitors being publicly identified by their sexual orientation (at least for that day), Pryor and his wife would probably skip that, too.
Whatever your position on gay marriage or homosexuality, a private decision to not take your children to Disney World during "Gay Day," would be considered by many parents to be a perfectly sensible decision * and that is certainly not proof that those parents are haters. (Click here, here, here or here for some visuals from both on Disney grounds and at associated events.) It does not follow that you are an anti-gay bigot if you decide Gay Day (which has included an event for gay and lesbian youth at the Magic Kingdom and a Queer as Folk reception) is not the most appropriate time to travel to Disney World with your four- and six-year-old daughters.
What the Pryor hearing was really about was stonewalling, yet again. It's our way, or empty benches, is the message the Democrats repeatedly send the White House. And to law-upholding, conservative, pro-life, religious nominees: Unless you have the stomach to fight back, or apologize, in the face of intense demagoguery, stay far away from Capitol Hill, and, subsequently, any federal bench.

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From: Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/17/2003 2:02:32 PM
Subject: : RE: Daschle apparently has a letter out today, too...
Attachments: P_ACD9H003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> ("Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:17-JUN-2003 18:02:32.00
SUBJECT:: RE: Daschle apparently has a letter out today, too...
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I can fax it to you if you don't have it already

James C. Ho

Chief Counsel

U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights

U.S. Senator John Cornyn, Chairman

Dirksen Senate Office Building Room 139

(202) 224-7840 (office)

(202) 228-2281 (fax)

-----Original Message-----
From: Ho, James (Judiciary)
Sent: Tuesday, June 17, 2003 2:23 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Subject: Daschle apparently has a letter out today, too...

Haven't seen it yet... it is apparently not very long but simply reinforces Schumer/Leahy...

Cornyn's letter likely will go out soon...

James C. Ho

Chief Counsel

U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights

U.S. Senator John Cornyn, Chairman

Dirksen Senate Office Building Room 139

(202) 224-7840 (office)

(202) 228-2281 (fax)

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ACD9H003_WHO.TXT_1>

I can fax it to you if you don't have it already

James C. Ho
Chief Counsel
U.S. Senate Subcommittee on the Constitutio n, Civil Rights & Property Rights
U.S. Senator John Cornyn, Chairman
Dirksen Senate Office Building Room 139
(202) 224-7840 (office)
(202) 228-2281 (fax)

-----Original Message-----
From: Ho, James (Judiciary)
Sent: Tuesday, June 17, 2003 2:23 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Subject: Daschle apparently has a letter out today, too...

Haven't seen it yet... it is apparently not very long but simply reinforces Schumer/Leahy...

Cornyn's letter likely will go out soon...

James C. Ho
Chief Counsel
U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights
U.S. Senator John Cornyn, Chairman
Dirksen Senate Office Building Room 139</p>
(202) 224-7840 (office)
(202) 228-2281 (fax)

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 6/17/2003 6:07:40 PM
Subject:

Talk to millerwise who received a call. Question is whether we should cooperate with alexis. If so, we would be better putting her off a week. Call me.

.

From: CN=Tracy Jucas/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/17/2003 3:01:56 PM
Subject: : Approval
Attachments: P_XNF9H003_WHO.TXT_1.doc

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-JUN-2003 19:01:56.00
SUBJECT:: Approval
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Hey Brett,

Matt wants your guidance re: language in a letter. This letter was sent
to Karl, and Karl asked Matt to respond. Matt just wants to make sure he
isn't going out on a limb too far.

Thanks,
Tracy
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XNF9H003_WHO.TXT_1>
```

June 17, 2003

Dear Joseph,

Thank you so much for the May 22 letter outlining your thoughts for the upcoming election. Everyone involved with the Bush/Cheney 2004 campaign is looking forward to the upcoming challenges and opportunities.

As you know, New York is the site of the Republican National Convention in 2004. New York is an amazing representative of America and thus an appropriate city for such an event.

I sincerely appreciate you taking the time to write me with your thoughts and offering to help in New York. There will be many opportunities for you to volunteer your time and services locally, and I encourage you to participate.

Again, thank you for the insightful letter, and thank you also for your strong support of President Bush.

Sincerely,

Matt Schlapp
Deputy Assistant to the President
Director of Political Affairs

Joseph Santora, Esq.
400 East 56th Street
New York, New York 10022

From: Miers, Harriet
To: <Kavanaugh, Brett M.>
Sent: 6/17/2003 7:11:54 PM
Subject: Supplies

Brett, Israel just brought me speech cards to be used by the President for "his political speeches." They are his normal speech cards but apparently paid for differently. Is that necessary? We did not do this at mid-term. Should we have then?

From: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/17/2003 4:29:50 PM
Subject: : FW: class action
Attachments: P_01H9H003_WHO.TXT_1.html; P_01H9H003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> ("Seidel, Rebecca (Judiciary)" <Rebecca_Seidel@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:17-JUN-2003 20:29:50.00
SUBJECT:: FW: class action
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This is unbelievable - the latest iteration that we think it will take to get Specter on board. This has not yet been sent to Specter staff (so don't share around) - but it is in response to what was discussed today. As I mentioned before, Specter doesn't want any mass actions going to MDL, and this may be the best we can get. Am I nuts to be concerned about this language? Can't the President appoint Specter to be Ambassador to Antarctica or something? Ugh.

CONFIDENTIALITY NOTE:

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-----Original Message-----
From: Reed, Matt (Judiciary)
Sent: Tuesday, June 17, 2003 3:21 PM
To: Kim, Harold (Judiciary); Seidel, Rebecca (Judiciary); 'Beisner, John'; Lari, Rita (Judiciary)
Subject:

Here's the language. let us know how this works for your boss. Thx, m

- att1.htm - specter amendment june 17 03.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_01H9H003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_01H9H003_WHO.TXT_2>

This is unbelievable – the latest iteration that we think it will take to get Specter on board. This has not yet been sent to Specter staff (so don't share around) – but it is in response to what was discussed today. As I mentioned before, Specter doesn't want any mass actions going to MDL, and this may be the best we can get. Am I nuts to be concerned about this language? Can 't the President appoint Specter to be Ambassador to Antarctica or something? Ugh.

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-----Original Message-----
From: Reed, Matt (Judiciary)
Sent: Tuesday, June 17, 2003 3:21 PM
To: Kim, Harold (Judiciary); Seidel, Rebecca (Judiciary); 'Beisner, John'; Lari, Rita (Judiciary)
Subject:

Here's the language. let us know how this works for your boss. Thx, m

"(9)(A) For purposes of this section and section 1453 of this title, a mass action shall be deemed to be a class action.

"(B) As used in subparagraph (A), the term "mass action" shall mean any civil action(s) (except a civil action within the scope of section 1711(2) of this title) in which monetary relief claims of 100 or more persons are proposed to be tried jointly in any respect on the ground that the claims involve common questions of law or fact. This subparagraph shall not apply to any civil action in which (i) all of the claims in the action arise from a single sudden accident that occurred in the State in which the action was filed, and that allegedly resulted in injuries in that State or in States contiguous thereto, or (ii) the claims are joined upon motion of a defendant.

"(C) Any action(s) removed to federal court pursuant to this subsection shall not thereafter be transferred to any other court pursuant to 28 U.S.C. § 1407 or the rules promulgated thereunder, unless a majority of the plaintiffs in the action request transfer pursuant to 28 U.S.C. § 1407 or plaintiffs propose that the action proceed as a class action pursuant to rule 23 of the Federal Rules of Civil Procedure.

"(D) The limitations periods on any claims asserted in a mass action that is removed to federal court pursuant to this subparagraph shall be deemed tolled during the period that the action is pending in federal court.

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/17/2003 4:44:49 PM
Subject: : FW: June 30

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JUN-2003 20:44:49.00
SUBJECT:: FW: June 30
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

B

please ask me about this.

tsg

---------- Forwarded by Tim Goeglein/WHO/EOP on 06/17/2003 08:43 PM ----------

From: Carolyn Nelson/WHO/EOP@Exchange on 06/17/2003 03:57:22 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
Subject: FW: June 30

Tim, can you go to this event? The Judge can't make it. Tracy Jucas (Schlapp's Assistant) said Matt suggested that you might be a good White House rep.
-----Original Message-----
From: Alice Starr [mailto:ASTARR@west-group.com]
Sent: Tuesday, June 17, 2003 3:43 PM
To: Kavanaugh, Brett M.; Nelson, Carolyn
Subject: June 30

Any luck rounding up anyone at the WH for a McLean event for Delegate Jack Rust on June 30th. How about you Brett? Are you allowed to attend these sorts of occasions? Any interest?

Perhaps the First Lady or her Chief of Staff is available.

We are open to suggestions. - Alice

From: Elwood, Courtney S.
To: <Kavanaugh, Brett M.>
Sent: 6/18/2003 8:13:41 AM
Subject: FW: Advance Staff

You can disregard my voice-mail message from last night. See below (info Mary got from the campaign).
-----Original Message-----
From: Mary Cheney [mailto:mcheney@georgewbush.com]
Sent: Wednesday, June 18, 2003 7:52 AM
To: O'Donnell, Claire M.; Wilmot, Daniel K.; Elwood, Courtney S.
Subject: Advance Staff

Bush-Cheney paid campaign advance staff will not be used to do advance for the President or VP when the events are for Congressional candidates. Two reasons (1) cost. It doesn't make sense for the B-C campaign to pay for advance staff to do events that are not B-C events. (2) Legally (this is what I've been told, but I'm not a lawyer, so check it out) agency employees (schedule C's) can be used to do advance work for Congressional events.

Hope that clears it up.

Mary

From: Elwood, Courtney S.
To: <Kavanaugh, Brett M.>
Sent: 6/18/2003 8:17:03 AM
Subject: BC-04 lawyer

Could you send me the name and phone number for the BC-04 counsel? I don't have a reason, at the moment, to contact him (or her); but I assume that I someday might.

From: Elwood, Courtney S.
To: <Kavanaugh, Brett M.>
Sent: 6/18/2003 8:20:27 AM
Subject: RE: Advance Staff

Thanks for that clarification; I was wondering about that.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 18, 2003 8:19 AM
To: Elwood, Courtney S.; Kavanaugh, Brett M.
Subject: Re: Advance Staff

Second part is wrong unless they take leave.

.

----- Original Message -----
From:Courtney S. Elwood/OVP/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 06/18/2003 08:13:41 AM
Subject: FW: Advance Staff

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Mary

From: Kavanaugh, Brett M.
To: <Elwood, Courtney S.>
Sent: 6/18/2003 8:55:58 AM
Subject: Re: BC-04 lawyer

Tom Josefiak. BC '04 office 703 647 2941

From: Courtney S. Elwood/OVP/EOP@Exchange on 06/18/2003 08:17:03 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: BC-04 lawyer

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From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 6/18/2003 9:02:59 AM
Subject: correction needed

Can we have Washington Post, Bloomberg, and AP correct their miquote of Judge's letter. They use the word "access" where the letter said "assess." There is a difference in meaning, so important to have them correct.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>;<Addington, David S.>
Sent: 6/18/2003 9:05:37 AM
Subject: correction needed

as discussed

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/18/2003 09:05 AM ----------

Brett M. Kavanaugh

06/18/2003 09:05:25 AM

Record Type: Record

To: Ashley Snee/WHO/EOP@Exchange@EOP

cc:

Subject: correction needed

Can we have Washington Post, Bloomberg, and AP correct their miquote of Judge's letter. They use the word "access" where the letter said "assess." There is a difference in meaning, so important to have them correct.

From: Kavanaugh, Brett M.
To: <Miers, Harriet>
Sent: 6/18/2003 9:08:44 AM
Subject: Re: Supplies

Harriet: This is not necessary, but it also is fine if they want to do it that way.

From: Harriet Miers/WHO/EOP@Exchange on 06/17/2003 07:11:54 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Supplies

Brett, Israel just brought me speech cards to be used by the President for "his political speeches." They are his normal speech cards but apparently paid for differently. Is that necessary? We did not do this at mid-term. Should we have then?

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 6/18/2003 10:30:29 AM
Subject: test

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>
Sent: 6/18/2003 10:34:53 AM
Subject: Re: test

working

From: Charlotte L. Montiel/WHO/EOP@Exchange on 06/18/2003 10:30:29 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: test

From: Snee, Ashley
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>;<Nelson, Carolyn>
Sent: 6/18/2003 10:48:41 AM
Subject: FW: fleischer daily press gaggle, 6/18/03

From this morning on the Sup Court question:

Q Ari, is the White House pointblank rejecting the suggestion from Senator Daschle to consult on any Supreme Court nominations the President might make? Is that just not going to work?

MR. FLEISCHER: Well, Judge Gonzales wrote back to Senator Daschle and others who have come up with a novel new approach to how the Constitution guides the appointment process. And I've said he's always happy to meet and talk with these individual Senators, and of course, he will if they want to do that. But the Constitution is clear; the Constitution will be followed; we will always welcome thoughts that, certainly, no one wants to suggest that the Constitution be altered.

Q But, Ari, the Constitution doesn't say that the President needs to consult on Medicare, it just says that he should sign a bill. I mean, why is it important to consult on issues like that and not other issues that could be credibly divisive, to avoid that?

MR. FLEISCHER: As I indicated, the Judge has written a letter and says he's always happy to meet and always happy to talk. But there's a difference between the naming of an individual and a piece of legislation that has a hundred moving parts to it.

Q What if Gonzales is the nominee?

MR. FLEISCHER: I'm just not -- nice try, very clever, good direct front door effort to speculate on a position that's not even open. (Laughter.)

Q Ari, let me pursue this for just a minute, Ari. Is --

MR. FLEISCHER: Judge Gonzales?

Q Yes, you said -- you said that Judge Gonzales would meet with the senators. Will the President meet with the senators? The President, as Donna points out, frequently will meet on, as you say, complex issues and simple ones. He has an interest here, doesn't he?

MR. FLEISCHER: No, the Judge's letter speaks for itself, and there's not even a vacancy.

Q Can we get a copy of that?

MR. FLEISCHER: Yes.

-----Original Message-----

From: Eckert, Ellen E.

Sent: Wednesday, June 18, 2003 10:38 AM

Subject: fleischer daily press gaggle, 6/18/03

THE WHITE HOUSE

Office of the Press Secretary

Internal

Transcript June 18, 2003

PRESS GAGGLE

BY

ARI FLEISCHER

The James S. Brady Briefing Room

9:35 A.M. EDT

MR. FLEISCHER: Good morning. I suppose you're wondering why I've asked you here. I have a report for you on the President's day. The President had his breakfast meeting with the Speaker of the House, Majority Leader of the Senate and the Minority Leader of the House and Senate, along with Leader DeLay.

He went from there immediately to an intelligence briefing, then an FBI briefing, and then an NSC meeting. I have not had an opportunity to talk to the President yet about the congressional breakfast, so I don't have anything for you on it -- I anticipate I will in time for the briefing.

The President at 10:40 a.m. this morning in the Roosevelt Room, with stills at the top, will have a roundtable on prison fellowship ministries. At this meeting, the President will talk about the effectiveness of faith-based programs in reducing recidivism through in-prison and after-care mentoring programs. That will be stills at the top.

At noon, the President will have lunch with the Vice President, his weekly lunch. And at 2:20 p.m. in the Cabinet Room with the pool at the top, the President will welcome to the White House a bipartisan group of senators to talk about the importance of finishing the job and getting prescription drugs to America's seniors as part of the modernized, strengthened Medicare plan.

And then this evening, weather permitting, there will be the congressional picnic out on the South Lawn.

Q When will the call be made?

MR. FLEISCHER: Do you know when the call will be made, Reed? Yes, I think we're trying to work on that now. I don't know what the alternative plan is in case it's -- tomorrow night?

MR. DICKENS: Tomorrow night, same time.

MR. FLEISCHER: Okay. Same time tomorrow.

Q Can we get a little more volume on the -- thank you.

MR. FLEISCHER: And, let's see if I have anything else for you today. I realize it's relatively quiet right now. And that's all I have for the day.

Q In Iraq, another American soldier was killed today, American soldiers killed two Iraqis separately. Obviously, violence continuing. I think the figure is some 50 American soldiers have died since the President declared the war over. Did he say too soon that major fighting was done? The situation seems --

MR. FLEISCHER: No, I was asked this yesterday, and the answer is the same that the President said major combat is over. Major combat is over. But the President said that danger remains. There continue to be elements that support Saddam Hussein, there continue to be loyalists to the Baath Party who want to engage in violence. These are violent people. They governed Iraq with violence. They governed Iraq with torture. They're continuing what they used to do. And the purpose of America's presence there is to help bring stability to Iraq as it's reconstructed.

Q Is there some need to perhaps add some troops again and kind of bulk up what we're doing there to prevent this kind of --

MR. FLEISCHER: I think the Defense Department always reviews the numbers, the adequacy of operation. But I think it's safe to say whether the number is "X" or the number is "Y," there are still elements who will shoot at America's military. And that's why the military is there with the amount of force they've deemed appropriate to help bring more stability to the country.

Q Is there a review going on to add back to the numbers?

MR. FLEISCHER: Nothing that I'm aware of that's any different from what you've been told before, no.

Q What is the President's --

Q Ari, I was just going to ask about North Korea. Secretary Powell is going to the ASEAN nations at the moment, talking to them. Is he talking to them about setting up an interdiction line around North Korea to stop the weapons flow? And, also, do you have any reaction to the North Korean statement that any such blockade or interdiction effort would lead to an outbreak of hostilities?

MR. FLEISCHER: On the first question, if you recall, the President in his speech in Krakow announced an interdiction effort to join internationally with nations to help enforce anti-proliferation measures so that the world can, indeed, join in fighting proliferators like North Korea.

There was a very successful meeting in Spain last week with a number of nations -- a large number of nations, including France -- to focus on how this interdiction effort can be set up to fight proliferation. And Secretary Powell is continuing to build on that momentum. It's an important initiative, a serious endeavor. And it shows, indeed, that the world does want to come together to take meaningful actions to fight proliferation. Obviously, the existing regimes need strengthening because of threats from nations like North Korea. And this is part of that.

Q Would it be accurate to say that he wants the ASEAN nations now to join the 11 that agreed in Madrid?

MR. FLEISCHER: Certainly, there's no question that the Secretary of State is going to -- per the President's instructions -- reach out to more nations. The broader the group, the more the number of nations with capabilities, the better.

Q Is North Korea's interpretation that this is a blockade accurate? And do you have any reaction to their other hostile comments?

MR. FLEISCHER: No. This is seen for what it is, an effort to enforce proliferation rules so that the world can be safe from the threat of proliferation. The world -- one of the great lessons of what has taken place in Iraq is to make certain that the world joins together to fight proliferation of weapons of mass destruction. And this is something the President cares very deeply about. It's an important part of providing for the security of America's future, as well as the future of other nations.

And it's heartening to see the number of nations that have come together. Even nations that disagreed with us about Iraq are joining in this initiative. It's a good sign.

Q Is North Korea the main target of this --

MR. FLEISCHER: Certainly, North Korea's activities suggest that it's been -- suggest they indicate directly that they've been involved in proliferation. And it's important to fight proliferation.

Q But what about North Korea's remark that this --

MR. FLEISCHER: North Korea has a history of making inflammatory statements. And this fits in with their history of -- recognizes uniquely rhetorical flourishes that North Korea engages in on a very regular basis.

Q Ari, the Medicare bill appears headed for overwhelming passage in the Senate on a relatively brisk pace. Why does the President feel the need for a meeting today?

MR. FLEISCHER: This is part of how the President leads. The President very often on major issues will welcome bipartisan groups to the White House to talk to them about the legislation. And no one should take for granted that this is a done deal, that seniors are going to get prescription drugs and that Medicare will pass. It requires ongoing work from the President, from the White House to work with the Congress in a bipartisan way. And the President is committed to doing that.

If this happens, this will be a remarkable and significant accomplishment of a bipartisan nature to provide a modernized benefit to senior citizens as part of the Medicare program, and a modern Medicare program. And the history of our country is major initiatives like this require a constant dialogue between the White House and the Congress.

Q Is he going to seek any changes at all? I mean, what are they going to talk about?

MR. FLEISCHER: There are umpteen moving pieces in the Medicare bill, a bill of this size. They get into formulas. They get into all kinds of different complicated reimbursement rates, figures for adjustables, co-pays, deductibles -- I said "adjustables" -- deductibles, co-pays, a host of the intricate parts that make up the Medicare program. And both the Senate and the House have differing versions. The President has stayed very close on top of this. He's regularly briefed on what the substance of the legislation is as it moved through committee, as it approaches the floor, et cetera.

Q But is he going to suggest changes today? I mean, is he going to suggest some of his own ideas today?

MR. FLEISCHER: What the President is going to urge on members of Congress is that they provide a prescription drugs to seniors as part of a modernized Medicare that has as much market influence to help shape competition and innovation as possible. The President wants to make certain that the system is modernized in a way that provides choices and options for seniors.

Q Ari, is the White House pointblank rejecting the suggestion from Senator Daschle to consult on any Supreme Court nominations the President might make? Is that just not going to work?

MR. FLEISCHER: Well, Judge Gonzales wrote back to Senator Daschle and others who have come up with a novel new approach to how the Constitution guides the appointment process. And I've said he's always happy to meet and talk with these individual Senators, and of course, he will if they want to do that. But the Constitution is clear; the Constitution will be followed; we will always welcome thoughts that, certainly, no one wants to suggest that the Constitution be altered.

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MR. FLEISCHER: As I indicated, the Judge has written a letter and says he's always happy to meet and always happy to talk. But there's a difference between the naming of an individual and a piece of legislation that has a hundred moving parts to it.

Q What if Gonzales is the nominee?

MR. FLEISCHER: I'm just not -- nice try, very clever, good direct front door effort to speculate on a position that's not even open. (Laughter.)

Q Ari, let me pursue this for just a minute, Ari. Is --

MR. FLEISCHER: Judge Gonzales?

Q Yes, you said -- you said that Judge Gonzales would meet with the senators. Will the President meet with the senators? The President, as Donna points out, frequently will meet on, as you say, complex issues and simple ones. He has an interest here, doesn't he?

MR. FLEISCHER: No, the Judge's letter speaks for itself, and there's not even a vacancy.

Q Can we get a copy of that?

MR. FLEISCHER: Yes.

Q Here's the core of the question, doesn't the President have an interest if a vacancy ever opens up at any point in the future, in putting together a nominee that would not result in a divisive --

MR. FLEISCHER: I think that unless and until there is a vacancy, this is idle chit-chat, and I'd just leave it at chit-chat.

Q What is still unclear is -- I'd like to see Gonzales' letter, obviously, but you're characterizing it -- is he rejecting what Daschle suggested, or is he saying, fine, we're happy to do that?

MR. FLEISCHER: Described just as I said, that the Chief Counsel is always happy to meet with a senator or talk about any of the senator's thoughts or ideas.

Q But his letter says the President is not willing to meet to discuss that --

MR. FLEISCHER: No, the Chief Counsel is.

Q Recognizing that you aren't yet ready to give us a readout on the meeting with congressional leaders today -- I understand a lot of it dealt with the President's assessment of the situation in the Middle East -- can you give us a sense of what he feels that is now, and when he expects the Israelis and Palestinians to begin implementing the promises they made in Aqaba?

MR. FLEISCHER: I think the way the President views where matters stand now, the President remains, long-term, hopeful and optimistic; and short-term, he remains determined to keep the parties working together -- principally, the Israelis and the Palestinian Authority -- focused on the steps they need to take to implement the road map. He remains determined to help the Palestinian Authority to fight terror, to work with Arab nations in the region so they can help the Palestinian Authority to fight terror. And that's where much of his effort is focused now, and much of the administration's efforts, Secretary Powell and Dr. Rice are focused now.

The President, when he looks at what's happening in the Middle East, the first place he looks is at terror, because terror remains the biggest threat to implementation of the road map.

Q Ari, going back to the question about the continued shooting in Iraq, who does the administration think is directing these forces that are still killing Americans? And what, if any, are the concerns about foreign influence? There have been a number of reports that people are still streaming into Iraq from Syria and from Jordan to join up with the people who are shooting at the Americans.

MR. FLEISCHER: Well, the assessment of the Department of Defense is that it appears to be a loose-knit group of loyalists, of Baath Party loyalists, people who are still dedicated to Saddam Hussein, who have spent their lives killing, who haven't changed their stripes. They have seen no evidence that there is any one organizational point for these disparate groups, other than the fact they all emerged out of the same horrendous, dictatorial, murderous structure that they continue to abide by today.

Q And foreign involvement?

MR. FLEISCHER: Foreign involvement, we continue to have concerns about Iran and their influence in Iraq. I cannot say -- that's a broad statement, Peter. I cannot say that there is a link between anything that you've seen involved in the shootings and Iran, or not. It is a broad statement about Iran still seeking to influence inside Iraq; influence that we do believe ultimately will not be successful because of the Iraqi people's determination, particularly Shia Iraqis, to determine their own future, and the long hostility between Iranian Shias and Iraqi Shias.

Q And what about the angle of people coming in from Jordan and Syria?

MR. FLEISCHER: I don't have anything new on that.

Q Ari, during the war you occasionally gave us a characterization of how the President was conducting himself, given the huge responsibilities of launching a war. And then we saw him on the Abraham Lincoln and he clearly looked pretty pumped up on the deck of the Abraham Lincoln. I wonder now whether you could tell us a little about how the President is feeling as he sees this steady stream of American casualties, the reports of lawlessness on the ground in Iraq.

MR. FLEISCHER: Well, keep in mind, it's a good occasion to go back to his speech on the Abraham Lincoln, because this is something that the President did warn the American people was an ongoing risk, because we have America's military still in harm's way. And the President is determined to see this through so that Iraq can be rebuilt with a future that focuses on opportunity and freedom for the Iraqi people, and to do so in a way that the American military will stay as long as is necessary and not a day longer. That's what

the President said then. That's still is his focus today.

Terry, last one.

Q Is the President satisfied with the pace of reconstruction, for provision of services, the establishment of administrative responsibility? Is he satisfied with what's happening --

MR. FLEISCHER: He is. As you know, the President met with Ambassador Bremer when he was there, and the President is very pleased with Ambassador Bremer's actions and leadership in a very difficult position. And the President also keeps in mind that it wasn't so long ago that this was a active, major armed conflict, and it will, indeed, take time. And this President is determined to see that through because that's what he promised the American people.

And so his timetable is a timetable of whatever time is going to be required to do this well and to do it right, so a free Iraq can emerge, cognizant of the fact that there remain people who are loyal to Saddam Hussein, who learned how to kill under Saddam Hussein, and that's why they shoot now at Americans. And that's -- these are the same people who had tortured the Iraqis and their Baath loyalists. And they are a problem.

Q Will see Jay Garner now that Garner is back in town?

MR. FLEISCHER: I would not rule that out. Helen, do you have one?

Q How do you like the fact that Bremer is called, I think it's The New York Times, the "viceroy"? And can you conceive that some Iraqis might be fighting against occupation, per se, and not just, you know, Saddam Hussein? They may love their country to fight for it's --

MR. FLEISCHER: One, on his title. Who in The New York Times called him "viceroy"? Was it one of those editorial writers, because I know the reporters wouldn't do that.

Q We use "emperor" for things like that. (Laughter.)

Q Maybe it's in The Post.

MR. FLEISCHER: No, The Post used "Grand Poobah." (Laughter.)

Q Bremer was called a "viceroy."

MR. FLEISCHER: The President calls him "Ambassador." I'll see you at the briefing.

END 9:53 A.M. EDT

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>;David G. Leitch/WHO /EOP@Exchange [WHO] <David G. Leitch>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 6/18/2003 6:49:51 AM
Subject: : FW: fleischer daily press gaggle, 6/18/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:18-JUN-2003 10:49:51.00
SUBJECT:: FW: fleischer daily press gaggle, 6/18/03
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

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-----Original Message-----
From: Eckert, Ellen E.
Sent: Wednesday, June 18, 2003 10:38 AM
Subject: fleischer daily press gaggle, 6/18/03

THE WHITE HOUSE

Office of the Press Secretary

Internal
Transcript June 18, 2003

PRESS GAGGLE
BY
ARI FLEISCHER

The James S. Brady Briefing Room

9:35 A.M. EDT

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He went from there immediately to an intelligence briefing, then an FBI briefing, and then an NSC meeting. I have not had an opportunity to talk to the President yet about the congressional breakfast, so I don't have anything for you on it -- I anticipate I will in time for the briefing.

The President at 10:40 a.m. this morning in the Roosevelt Room, with stills at the top, will have a roundtable on prison fellowship ministries. At this meeting, the President will talk about the effectiveness of faith-based programs in reducing recidivism through in-prison and after-care mentoring programs. That will be stills at the top.

At noon, the President will have lunch with the Vice President, his weekly lunch. And at 2:20 p.m. in the Cabinet Room with the pool at the top, the President will welcome to the White House a bipartisan group of senators to talk about the importance of finishing the job and getting prescription drugs to America's seniors as part of the modernized, strengthened Medicare plan.

And then this evening, weather permitting, there will be the congressional picnic out on the South Lawn.

Q When will the call be made?

MR. FLEISCHER: Do you know when the call will be made, Reed? Yes, I think we're trying to work on that now. I don't know what the alternative plan is in case it's -- tomorrow night?

MR. DICKENS: Tomorrow night, same time.

MR. FLEISCHER: Okay. Same time tomorrow.

Q Can we get a little more volume on the -- thank you.

MR. FLEISCHER: And, let's see if I have anything else for you today. I realize it's relatively quiet right now. And that's all I have for the day.

Q In Iraq, another American soldier was killed today, American soldiers killed two Iraqis separately. Obviously, violence continuing. I think the figure is some 50 American soldiers have died since the President declared the war over. Did he say too soon that major fighting was done? The situation seems --

MR. FLEISCHER: No, I was asked this yesterday, and the answer is the same that the President said major combat is over. Major combat is over. But the President said that danger remains. There continue to be elements that support Saddam Hussein, there continue to be loyalists to the Baath Party who want to engage in violence. These are violent people. They governed Iraq with violence. They governed Iraq with torture. They're continuing what they used to do. And the purpose of America's presence there is to help bring stability to Iraq as it's reconstructed.

Q Is there some need to perhaps add some troops again and kind of bulk up what we're doing there to prevent this kind of --

MR. FLEISCHER: I think the Defense Department always reviews the numbers, the adequacy of operation. But I think it's safe to say whether the number is "X" or the number is "Y," there are still elements who will shoot at America's military. And that's why the military is there with the amount of force they've deemed appropriate to help bring more stability to the country.

Q Is there a review going on to add back to the numbers?

MR. FLEISCHER: Nothing that I'm aware of that's any different from what you've been told before, no.

Q What is the President's --

Q Ari, I was just going to ask about North Korea. Secretary Powell is going to the ASEAN nations at the moment, talking to them. Is he talking to them about setting up an interdiction line around North Korea to stop the weapons flow? And, also, do you have any reaction to the North Korean statement that any such blockade or interdiction effort would lead to an outbreak of hostilities?

MR. FLEISCHER: On the first question, if you recall, the President in his speech in Krakow announced an interdiction effort to join internationally with nations to help enforce anti-proliferation measures so that the world can, indeed, join in fighting proliferators like North Korea.

There was a very successful meeting in Spain last week with a number of nations -- a large number of nations, including France -- to focus on how this interdiction effort can be set up to fight proliferation. And Secretary Powell is continuing to build on that momentum. It's an important initiative, a serious endeavor. And it shows, indeed, that the world does want to come together to take meaningful actions to fight proliferation. Obviously, the existing regimes need strengthening because of threats from nations like North Korea. And this is part of that.

Q Would it be accurate to say that he wants the ASEAN nations now to join the 11 that agreed in Madrid?

MR. FLEISCHER: Certainly, there's no question that the Secretary

of State is going to -- per the President's instructions -- reach out to more nations. The broader the group, the more the number of nations with capabilities, the better.

Q Is North Korea's interpretation that this is a blockade accurate? And do you have any reaction to their other hostile comments?

MR. FLEISCHER: No. This is seen for what it is, an effort to enforce proliferation rules so that the world can be safe from the threat of proliferation. The world -- one of the great lessons of what has taken place in Iraq is to make certain that the world joins together to fight proliferation of weapons of mass destruction. And this is something the President cares very deeply about. It's an important part of providing for the security of America's future, as well as the future of other nations.

And it's heartening to see the number of nations that have come together. Even nations that disagreed with us about Iraq are joining in this initiative. It's a good sign.

Q Is North Korea the main target of this --

MR. FLEISCHER: Certainly, North Korea's activities suggest that it's been -- suggest they indicate directly that they've been involved in proliferation. And it's important to fight proliferation.

Q But what about North Korea's remark that this --

MR. FLEISCHER: North Korea has a history of making inflammatory statements. And this fits in with their history of -- recognizes uniquely rhetorical flourishes that North Korea engages in on a very regular basis.

Q Ari, the Medicare bill appears headed for overwhelming passage in the Senate on a relatively brisk pace. Why does the President feel the need for a meeting today?

MR. FLEISCHER: This is part of how the President leads. The President very often on major issues will welcome bipartisan groups to the White House to talk to them about the legislation. And no one should take for granted that this is a done deal, that seniors are going to get prescription drugs and that Medicare will pass. It requires ongoing work from the President, from the White House to work with the Congress in a bipartisan way. And the President is committed to doing that.

If this happens, this will be a remarkable and significant accomplishment of a bipartisan nature to provide a modernized benefit to senior citizens as part of the Medicare program, and a modern Medicare program. And the history of our country is major initiatives like this require a constant dialogue between the White House and the Congress.

Q Is he going to seek any changes at all? I mean, what are they going to talk about?

MR. FLEISCHER: There are umpteen moving pieces in the Medicare bill, a bill of this size. They get into formulas. They get into all kinds of different complicated reimbursement rates, figures for adjustables, co-pays, deductibles -- I said "adjustables" -- deductibles, co-pays, a host of the intricate parts that make up the Medicare program. And both the Senate and the House have differing versions. The President has stayed very close on top of this. He's regularly briefed on what the substance of the legislation is as it moved through committee, as it approaches the floor, et cetera.

Q But is he going to suggest changes today? I mean, is he going to suggest some of his own ideas today?

MR. FLEISCHER: What the President is going to urge on members of Congress is that they provide a prescription drugs to seniors as part of a

modernized Medicare that has as much market influence to help shape competition and innovation as possible. The President wants to make certain that the system is modernized in a way that provides choices and options for seniors.

Q Ari, is the White House pointblank rejecting the suggestion from Senator Daschle to consult on any Supreme Court nominations the President might make? Is that just not going to work?

MR. FLEISCHER: Well, Judge Gonzales wrote back to Senator Daschle and others who have come up with a novel new approach to how the Constitution guides the appointment process. And I've said he's always happy to meet and talk with these individual Senators, and of course, he will if they want to do that. But the Constitution is clear; the Constitution will be followed; we will always welcome thoughts that, certainly, no one wants to suggest that the Constitution be altered.

Q But, Ari, the Constitution doesn't say that the President needs to consult on Medicare, it just says that he should sign a bill. I mean, why is it important to consult on issues like that and not other issues that could be credibly divisive, to avoid that?

MR. FLEISCHER: As I indicated, the Judge has written a letter and says he's always happy to meet and always happy to talk. But there's a difference between the naming of an individual and a piece of legislation that has a hundred moving parts to it.

Q What if Gonzales is the nominee?

MR. FLEISCHER: I'm just not -- nice try, very clever, good direct front door effort to speculate on a position that's not even open. (Laughter.)

Q Ari, let me pursue this for just a minute, Ari. Is --

MR. FLEISCHER: Judge Gonzales?

Q Yes, you said -- you said that Judge Gonzales would meet with the senators. Will the President meet with the senators? The President, as Donna points out, frequently will meet on, as you say, complex issues and simple ones. He has an interest here, doesn't he?

MR. FLEISCHER: No, the Judge's letter speaks for itself, and there's not even a vacancy.

Q Can we get a copy of that?

MR. FLEISCHER: Yes.

Q Here's the core of the question, doesn't the President have an interest if a vacancy ever opens up at any point in the future, in putting together a nominee that would not result in a divisive --

MR. FLEISCHER: I think that unless and until there is a vacancy, this is idle chit-chat, and I'd just leave it at chit-chat.

Q What is still unclear is -- I'd like to see Gonzales' letter, obviously, but you're characterizing it -- is he rejecting what Daschle suggested, or is he saying, fine, we're happy to do that?

MR. FLEISCHER: Described just as I said, that the Chief Counsel is always happy to meet with a senator or talk about any of the senator's thoughts or ideas.

Q But his letter says the President is not willing to meet to discuss that --

MR. FLEISCHER: No, the Chief Counsel is.

Q Recognizing that you aren't yet ready to give us a readout on the meeting with congressional leaders today -- I understand a lot of it dealt with the President's assessment of the situation in the Middle East -- can you give us a sense of what he feels that is now, and when he expects the Israelis and Palestinians to begin implementing the promises they made in Aqaba?

MR. FLEISCHER: I think the way the President views where matters stand now, the President remains, long-term, hopeful and optimistic; and short-term, he remains determined to keep the parties working together -- principally, the Israelis and the Palestinian Authority -- focused on the steps they need to take to implement the road map. He remains determined to help the Palestinian Authority to fight terror, to work with Arab nations in the region so they can help the Palestinian Authority to fight terror. And that's where much of his effort is focused now, and much of the administration's efforts, Secretary Powell and Dr. Rice are focused now.

The President, when he looks at what's happening in the Middle East, the first place he looks is at terror, because terror remains the biggest threat to implementation of the road map.

Q Ari, going back to the question about the continued shooting in Iraq, who does the administration think is directing these forces that are still killing Americans? And what, if any, are the concerns about foreign influence? There have been a number of reports that people are still streaming into Iraq from Syria and from Jordan to join up with the people who are shooting at the Americans.

MR. FLEISCHER: Well, the assessment of the Department of Defense is that it appears to be a loose-knit group of loyalists, of Baath Party loyalists, people who are still dedicated to Saddam Hussein, who have spent their lives killing, who haven't changed their stripes. They have seen no evidence that there is any one organizational point for these disparate groups, other than the fact they all emerged out of the same horrendous, dictatorial, murderous structure that they continue to abide by today.

Q And foreign involvement?

MR. FLEISCHER: Foreign involvement, we continue to have concerns about Iran and their influence in Iraq. I cannot say -- that's a broad statement, Peter. I cannot say that there is a link between anything that you've seen involved in the shootings and Iran, or not. It is a broad statement about Iran still seeking to influence inside Iraq; influence that we do believe ultimately will not be successful because of the Iraqi people's determination, particularly Shia Iraqis, to determine their own future, and the long hostility between Iranian Shias and Iraqi Shias.

Q And what about the angle of people coming in from Jordan and Syria?

MR. FLEISCHER: I don't have anything new on that.

Q Ari, during the war you occasionally gave us a characterization of how the President was conducting himself, given the huge responsibilities of launching a war. And then we saw him on the Abraham Lincoln and he clearly looked pretty pumped up on the deck of the Abraham Lincoln. I wonder now whether you could tell us a little about how the President is feeling as he sees this steady stream of American casualties, the reports of lawlessness on the ground in Iraq.

MR. FLEISCHER: Well, keep in mind, it's a good occasion to go back to his speech on the Abraham Lincoln, because this is something that the President did warn the American people was an ongoing risk, because we have America's military still in harm's way. And the President is

determined to see this through so that Iraq can be rebuilt with a future that focuses on opportunity and freedom for the Iraqi people, and to do so in a way that the American military will stay as long as is necessary and not a day longer. That's what the President said then. That's still is his focus today.

Terry, last one.

Q Is the President satisfied with the pace of reconstruction, for provision of services, the establishment of administrative responsibility? Is he satisfied with what's happening --

MR. FLEISCHER: He is. As you know, the President met with Ambassador Bremer when he was there, and the President is very pleased with Ambassador Bremer's actions and leadership in a very difficult position. And the President also keeps in mind that it wasn't so long ago that this was a active, major armed conflict, and it will, indeed, take time. And this President is determined to see that through because that's what he promised the American people.

And so his timetable is a timetable of whatever time is going to be required to do this well and to do it right, so a free Iraq can emerge, cognizant of the fact that there remain people who are loyal to Saddam Hussein, who learned how to kill under Saddam Hussein, and that's why they shoot now at Americans. And that's -- these are the same people who had tortured the Iraqis and their Baath loyalists. And they are a problem.

Q Will see Jay Garner now that Garner is back in town?

MR. FLEISCHER: I would not rule that out. Helen, do you have one?

Q How do you like the fact that Bremer is called, I think it's The New York Times, the "viceroy"? And can you conceive that some Iraqis might be fighting against occupation, per se, and not just, you know, Saddam Hussein? They may love their country to fight for it's --

MR. FLEISCHER: One, on his title. Who in The New York Times called him "viceroy"? Was it one of those editorial writers, because I know the reporters wouldn't do that.

Q We use "emperor" for things like that. (Laughter.)

Q Maybe it's in The Post.

MR. FLEISCHER: No, The Post used "Grand Poobah." (Laughter.)

Q Bremer was called a "viceroy."

MR. FLEISCHER: The President calls him "Ambassador." I'll see you at the briefing.

END 9:53 A.M. EDT

From: Nelson, Carolyn
To: <Ullyot, Theodore W.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Ganter, Jonathan F.>;<Kavanaugh, Brett M.>;<Leitch, David G.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 6/18/2003 11:15:49 AM
Subject: Marine Corps parade, continued...

Anyone who missed last night's parade has been invited by the Counsel to the Commandant of the Marine Corps to attend the parade next Tuesday night OR the ceremony at the Marine Barracks on Friday evening. Let me know if you are interested. (families/significant others will also be invited).

-Carrie

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/18/2003 1:20:18 PM

Subject: : ABA Rating - James O. Browning

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-JUN-2003 17:20:18.00
SUBJECT:: ABA Rating - James O. Browning
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
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READ:UNKNOWN
###### End Original ARMS Header ######
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James O. Browning, USDC, District of New Mexico, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 6/18/2003 1:20:07 PM
Subject: : ABA Rating - James O. Browning

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-JUN-2003 17:20:07.00
SUBJECT:: ABA Rating - James O. Browning
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
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End Original ARMS Header

James O. Browning, USDC, District of New Mexico, is unanimously rated
"Well Qualified" by the ABA.

From: CN=Peter H. Wehner/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/18/2003 10:09:47 AM
Subject: : any progress on a short summary?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JUN-2003 14:09:47.00
SUBJECT:: any progress on a short summary?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

See below. If I should go to someone else, please let me know. Thanks.

---------- Forwarded by Peter H. Wehner/WHO/EOP on 06/18/2003 01:56 PM ----------

Peter H. Wehner
06/11/2003 08:38:45 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: short summary

Brett:

You did a very good and useful ethics summary yesterday at Strategery. Thanks.

On the other matter we discussed, re: a (very) short summary of our accomplishments in the area of the judiciary, here's the context: I'm looking to put together highlights of what the President has achieved in both foreign/defense and domestic policy. I'm not doing a "soup to nuts" accomplishment list; rather, I want to highlight the things that are most remarkable. I think it would be a useful thing to have. With that in mind, I'm wondering if you could send along to me a sentence or two that captures the President's main judiciary achievements.

The key here is brevity and being concise. Here's the kind of thing I'm looking for. In foreign/defense policy we can say that in the past 20 months the US waged and won two of the most successful and human wars in the history of man -- and more than 50 million Muslims have been liberated from two of the most brutal regimes ever seen. Almost half of the leadership of al-Qaeda has been captured or killed -- and last year terror attacks worldwide were at their lowest level in thirty years. In March 2002 the President called for a new compact for global development and announced the Millennium Challenge Account, which proposed a 50 percent increase in America's core development assistance over three years. The President signed legislation launching an emergency effort that will provide $15 billion over the next five years to fight AIDS abroad -- the largest single up-front commitment in history for an international public health initiative involved a specific disease. In domestic policy, the President created a new Dept. of Homeland Security, the most massive reorganization of the federal government since Truman signed the National Security Act. The President signed the most far-reaching reform of American business practices since the time of FDR (The Sarbanes-Oxley Act of 2002); this law gives the federal government an array of tools to aggressively pursue corporate corruption and crime. The No Child Left Behind Act is one of the most far-reaching domestic reforms in modern

times. The President's key insight -- combining national standards, testing, and accountability with local control and a significant new commitment of resources -- is w/o precedent. And so forth and so on.

Can you give me the one-two sentence equivalent for the judiciary (using a crisp sentence from one of the President's speeches would be ideal)? Can we say the President is reshaping the judiciary? If so, in what ways? If you can send along something to me, I'd be grateful.

Thanks so much.

Pete

From: Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/18/2003 10:25:46 AM
Subject: : Fw: Info

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> ("Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> [UNKNOWN])
CREATION DATE/TIME:18-JUN-2003 14:25:46.00
SUBJECT:: Fw: Info
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I think I put a hold on this in time but could you please review and let me know whether you have any concerns with this going to our uniformed personnel. Obviously its statements are applicable to any uniformed service so I want to be sure my daeo is very careful here.

-----Original Message-----
From: Swindell, Edgar (HHS/OS) <Edgar.Swindell@hhs.gov>
To: Lawrence, Arthur J (HHS/OS) <ALawrence@OSOPHS.DHHS.GOV>
CC: Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>
Sent: Wed Jun 18 13:55:09 2003
Subject: RE: Info

Art,

Here is a statement of the law that can be disseminated to the commissioned corps.

A criminal statute, 18 U.S.C. 603, prohibits any officer or employee of the United States from giving a political contribution to that individual's "employer or employing authority." The Criminal Division and the Office of Legal Counsel at the Department of Justice have interpreted section 603 as prohibiting executive branch officers and employees from contributing to the reelection campaign of an incumbent President. Although the Hatch Act Reform Amendments of 1993 made this prohibition inapplicable to most executive branch civil servants (unless the conduct is prohibited specifically by the Hatch Act), the exception does not apply to a "member of the uniformed services." 18 U.S.C. 603(c); 5 U.S.C. 7322(1). Accordingly, members of the Public Health Service Commissioned Corps cannot make a political contribution to the authorized reelection committee of an incumbent President. (This prohibition does not extend, however, to campaign contributions made to national party organizations.) Commissioned Corps officers are also subject to strict limitations on their political activity that parallel the provisions of the Hatch Act as they existed prior to the 1993 amendments. See 45 C.F.R. Part 73, Subpart F. Commissioned Corps officers may not take an active part in political management or political campaigns. Lists of permitted and prohibited activities are contained respectively in 45 CFR 73.735-602 and 73.735-603.

Let me know if I can further assist.

Ed
-----Original Message-----
From: Lawrence, Arthur J (HHS/OS)
Sent: Tuesday, June 17, 2003 7:04 PM
To: Swindell, Edgar (HHS/OS)
Subject: Info

Ed -- thanks for taking the time to advise me. Two things: (1) please be sure to send me the citations for the rules applying to corps officers and (2) I wonder if it would be wise given the circumstances to send something to every officer in the corps? I consider myself a little more sophisticated than the average officer, and even at that I could have made an error.

Thanks again for the guidance,

Art

From: Snee, Ashley
To: <Kavanaugh, Brett M.>;<Nelson, Carolyn>
Sent: 6/18/2003 2:28:18 PM
Subject: FW: web editor says good point

-----Original Message-----
From: Mike Allen [mailto:allenm@washpost.com]
Sent: Wednesday, June 18, 2003 2:26 PM
To: Snee, Ashley
Subject: web editor says good point

they say they're fixing it

From: bfrederi@doc.gov [UNKNOWN]
To: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>
CC: aWarren1@doc.gov [UNKNOWN] <aWarren1@doc.gov>;TKassinger@doc.gov [UNKNOWN] <TKassinger@doc.gov>;dMaggi@doc.gov [UNKNOWN] <dMaggi@doc.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/18/2003 10:49:10 AM
Subject: : Guidance on Political Activities
Attachments: P_KRWAH003_WHO.TXT_1.txt

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:bfrederi@doc.gov ( bfrederi@doc.gov [ UNKNOWN ] )
CREATION DATE/TIME:18-JUN-2003 14:49:10.00
SUBJECT:: Guidance on Political Activities
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:aWarren1@doc.gov ( aWarren1@doc.gov [ UNKNOWN ] )
READ:UNKNOWN
CC:TKassinger@doc.gov ( TKassinger@doc.gov [ UNKNOWN ] )
READ:UNKNOWN
CC:dMaggi@doc.gov ( dMaggi@doc.gov [ UNKNOWN ] )
READ:UNKNOWN
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Nanette, as I mentioned to you last week it would be helpful to get
further guidance on a number of issues relating to employees engaging in
political activities, as identified below. We have had to face most of
these issues during the past few years and any advice regarding them would
be appreciated. Specifically, we would appreciate answers or guidance
regarding the following questions.

-- What formula should be used when assessing costs for a
Presidential campaign trip? It is our understanding that although a
"hypothetical trip" formula is usually used to calculate costs owed to the
Government when an event on a mixed official/political trip is for a
Presidential campaign, this formula is not used when the campaign is not
accepting Federal matching funds. In such cases, the "hard line" formula
is used. It would be helpful to receive guidance with regard to trips
involving events relating to the President's re-election campaign and what
events are to be considered Presidential campaign trips.
-- When does a short "drop-by" by a Presidential appointee at an
event sufficient participation to trigger political activity rules
regarding travel reimbursement requirements and other rules applicable to
engaging in political activities? -- Are there any restrictions
or guidance on the grant of leave without pay (LWOP) to employees
(particularly noncareer employees) when the time will be used to
participate in political events?
-- Will there be any rules regarding charging a campaign for travel
costs for official events taking place in states holding a primary during
the campaign season (or in key electoral states during the Presidential
election campaign season)?
-- Is the White House establishing a general policy against the use
of official vehicles for political events, even if paid for in advance?
The White House memorandum specifically allows for the use of cars for
political events only by the President and Vice President. Commerce
policy allows the use of Government cars for political events by the
Secretary (but not others). Should the White House policy be read as
discouraging vehicle use even by the Secretary (except, of course, when
use of an official vehicle for personal purposes is otherwise authorized,
such as for security reasons)?
-- Are employees (particularly Presidential appointees) still
required to obtain clearance from the White House before agreeing to
participate in a political fund-raiser? If so, how and to whom do you
```

want these clearance requests submitted? It seems to us that this should not be through a legal office but directly from the PAS (or the PAS's staff) to the White House office that is coordinating such events. We also question whether it would be appropriate to require clearance from anyone other than Presidential appointees, since such procedures might create an appearance of helping to coordinate political activities and might infringe on employees' individual rights.
-- Are Presidential appointees still barred from accepting offers of travel on corporate (and union) aircraft, even for political trips? Any guidance the White House could provide on privately-owned aircraft would be helpful.

Barbara
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_KRWAH003_WHO.TXT_1>

Nanette, as I mentioned to you last
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Barbara

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: bfrederi@doc.gov [UNKNOWN] <bfrederi@doc.gov>
CC: awarren1@doc.gov [UNKNOWN] <awarren1@doc.gov>;tkassinger@doc.gov [UNKNOWN] <tkassinger@doc.gov>;dmaggi@doc.gov [UNKNOWN] <dmaggi@doc.gov>;nanette everson/who/eop@eop [WHO] <nanette everson>
Sent: 6/18/2003 10:57:21 AM
Subject: : Re: Guidance on Political Activities
Attachments: P_O7XAH003_WHO.TXT_1.txt

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JUN-2003 14:57:21.00
SUBJECT:: Re: Guidance on Political Activities
TO:bfrederi@doc.gov (bfrederi@doc.gov [UNKNOWN])
READ:UNKNOWN
CC:awarren1@doc.gov (awarren1@doc.gov [UNKNOWN])
READ:UNKNOWN
CC:tkassinger@doc.gov (tkassinger@doc.gov [UNKNOWN])
READ:UNKNOWN
CC:dmaggi@doc.gov (dmaggi@doc.gov [UNKNOWN])
READ:UNKNOWN
CC:nanette everson (CN=nanette everson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Three memos from Judge Gonzales are going to heads of departments and agencies tomorrow -- one on general rules, one on travel cost allocations, and one on corporate planes. They do not answer all of these questions, but I will turn to them as well. Thanks.

bfrederi@doc.gov
06/18/2003 02:47:02 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, TKassinger@doc.gov, dMaggi@doc.gov, aWarren1@doc.gov
Subject: Guidance on Political Activities

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Barbara

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_O7XAH003_WHO.TXT_1>

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Barbara

From:	Bumatay, Patrick J.
To:	<Ullyot, Theodore W.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Bingold, Elizabeth>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Ganter, Jonathan F.>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent:	6/18/2003 3:00:45 PM
Subject:	ABA Rating - Kathleen Cardone

Kathleen Cardone, USDC, Western District of Texas, is rated "Well Qualified" by a substantial majority and "Qualified" by a minority of the ABA.

Patrick

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>
Sent: 6/18/2003 11:12:37 AM
Subject: : Re: Fw: Info

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JUN-2003 15:12:37.00
SUBJECT:: Re: Fw: Info
TO:"Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> ("Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

These folks are employees within the meaning of 5 USC 7322, right? If so, I believe they are free to contribute unless your own internal policy prohibits. This analysis seems wrong. Note that 3 Gonzales memos on political are going around tomorrow.

"Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>
06/18/2003 02:24:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fw: Info

I think I put a hold on this in time but could you please review and let me know whether you have any concerns with this going to our uniformed personnel. Obviously its statements are applicable to any uniformed service so I want to be sure my daeo is very careful here.

-----Original Message-----
From: Swindell, Edgar (HHS/OS) <Edgar.Swindell@hhs.gov>
To: Lawrence, Arthur J (HHS/OS) <ALawrence@OSOPHS.DHHS.GOV>
CC: Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>
Sent: Wed Jun 18 13:55:09 2003
Subject: RE: Info

Art,

Here is a statement of the law that can be disseminated to the commissioned corps.

A criminal statute, 18 U.S.C. 603, prohibits any officer or employee of the United States from giving a political contribution to that individual's "employer or employing authority." The Criminal Division and the Office of Legal Counsel at the Department of Justice have interpreted section 603 as prohibiting executive branch officers and employees from contributing to the reelection campaign of an incumbent President. Although the Hatch Act Reform Amendments of 1993 made this prohibition inapplicable to most executive branch civil servants (unless the conduct is prohibited specifically by the Hatch Act), the exception does not apply to a "member of the uniformed services." 18 U.S.C. 603(c); 5 U.S.C. 7322(1). Accordingly,

members of the Public Health Service Commissioned Corps cannot make a political contribution to the authorized reelection committee of an incumbent President. (This prohibition does not extend, however, to campaign contributions made to national party organizations.) Commissioned Corps officers are also subject to strict limitations on their political activity that parallel the provisions of the Hatch Act as they existed prior
to the 1993 amendments. See 45 C.F.R. Part 73, Subpart F. Commissioned Corps officers may not take an active part in political management or political campaigns. Lists of permitted and prohibited activities are contained respectively in 45 CFR 73.735-602 and 73.735-603.

Let me know if I can further assist.

Ed
-----Original Message-----
From: Lawrence, Arthur J (HHS/OS)
Sent: Tuesday, June 17, 2003 7:04 PM
To: Swindell, Edgar (HHS/OS)
Subject: Info

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Thanks again for the guidance,

Art

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 6/18/2003 3:32:08 PM
Subject: FW: from web editor

-----Original Message-----
From: Mike Allen [mailto:allenm@washpost.com]
Sent: Wednesday, June 18, 2003 3:29 PM
To: Snee, Ashley
Subject: from web editor

they are still wrestling with this head and blurb. It's better than it was, but I think they will add something shortly to suggest that the issue is direct talks between Bush and senators.

From:	Ralston, Susan B.
To:	kmccullough@georgewbush.com <kmccullough@georgewbush.com>;sal@georgewbush.com <sal@georgewbush.com>;sal@georgewbush.com <Hernandez, Israel>;ihernandez@georgewbush.com <ihernandez@georgewbush.com>;ihernandez@georgewbush.com <Litkenhaus, Colleen>;ihernandez@georgewbush.com <Atkiss, Steven A.>;ihernandez@georgewbush.com <Prendergast, Katherine M.>;ihernandez@georgewbush.com <Becker, Kathy J.>;ihernandez@georgewbush.com <Douglass, Kimberly A.>;ihernandez@georgewbush.com <Elwood, Courtney S.>;ihernandez@georgewbush.com <Kavanaugh, Brett M.>;ihernandez@georgewbush.com <Linder, Stephanie E.>;ihernandez@georgewbush.com <Armstead, Elisabeth>;ihernandez@georgewbush.com <Jenkins, Gregory J.>;ihernandez@georgewbush.com <Hagin, Joseph W>;mcheney@georgewbush.com <mcheney@georgewbush.com>;mcheney@georgewbush.com <Gray, Terra>;mcheney@georgewbush.com <Ball, Andrea G.>;mcheney@georgewbush.com <Beyer, Todd W.>;mcheney@georgewbush.com <Martin, Catherine J.>
CC:	kmehlman@georgewbush.com <kmehlman@georgewbush.com>;kmehlman@georgewbush.com <Riepenhoff, Allison L.>
Sent:	6/18/2003 3:57:29 PM
Subject:	Campaign Travel for WH Staff and Advance

You are invited to attend a meeting to discuss the procedures for campaign travel related to BC'04 events tomorrow, Thurs, 6/19 at 4:00 PM in 211 EEOB. Please confirm your attendance. If you cannot attend, please send a surrogate. Also, if I missed anyone on the invite list, please forward the invitation. Thank you.

Susan x 6-2323

From: Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/18/2003 11:59:50 AM
Subject: : Fw: PHS Commissioned Corps

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> ("Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> [UNKNOWN])
CREATION DATE/TIME:18-JUN-2003 15:59:50.00
SUBJECT:: Fw: PHS Commissioned Corps
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Swindell, Edgar (HHS/OS) <Edgar.Swindell@hhs.gov>
To: Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>
Sent: Wed Jun 18 15:55:12 2003
Subject: PHS Commissioned Corps

To further make the citation linkage, 5 USC 2101(3) defines "uniformed services" to mean the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration." As noted earlier, 18 USC 603(c) relieves only those employees defined in 5 USC 7322(1) from the substantive prohibition in 18 USC 603(a). In turn, 5 USC 7322(1) specifically says that members of the uniformed services are not employees for purposes of that section. This circumstance leaves commissioned corps officers fully subject to the existing prohibitions of 18 USC 603(a), which have been interpreted by DOJ to bar political contributions to the reelection campaign of an incumbent President. See Federal Prosecution of Election Offenses, U.S. Department of Justice, Criminal Division, Public Integrity Section (6th ed. 1995).

NOTICE
THIS E-MAIL MESSAGE FROM THE OFFICE OF THE GENERAL COUNSEL (OGC), ETHICS DIVISION, IS INTENDED FOR THE EXCLUSIVE USE OF THE RECIPIENT(S) NAMED ABOVE AND MAY CONTAIN PROTECTED, PRIVILEGED, OR CONFIDENTIAL INFORMATION THAT SHOULD NOT BE TRANSMITTED TO UNAUTHORIZED ADDRESSEES. IF YOU ARE NOT THE INTENDED RECIPIENT, ANY DISSEMINATION, DISTRIBUTION, OR COPYING IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY AT THE ABOVE ADDRESS. EMPLOYEE RECIPIENTS ARE HEREBY NOTIFIED THAT DISCIPLINARY ACTION FOR VIOLATING FEDERAL ETHICS REGULATIONS MAY NOT BE TAKEN AGAINST ANY EMPLOYEE WHO HAS ENGAGED IN CONDUCT IN GOOD FAITH RELIANCE UPON THE PRIOR ADVICE OF AN AGENCY ETHICS OFFICIAL, PROVIDED THAT THE EMPLOYEE HAS MADE FULL DISCLOSURE OF ALL RELEVANT CIRCUMSTANCES. IF EMPLOYEE CONDUCT IS SUBJECT TO CRIMINAL SANCTIONS, RELIANCE ON THE ADVICE OF AN AGENCY ETHICS OFFICIAL IS A FACTOR THAT MAY BE TAKEN INTO ACCOUNT BY THE DEPARTMENT OF JUSTICE. EMPLOYEES ARE CAUTIONED THAT DISCLOSURES TO AN OGC ETHICS ATTORNEY ARE NOT PROTECTED BY ATTORNEY-CLIENT PRIVILEGE. ALL EMPLOYEES, INCLUDING AGENCY ATTORNEYS, ARE REQUIRED TO REPORT CRIMINAL VIOLATIONS TO THE OFFICE OF THE INSPECTOR GENERAL.

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>
Sent: 6/18/2003 4:05:12 PM
Subject: Re: Campaign Travel for WH Staff and Advance

Can we make it 500? Realize there are lots of people.

.

----- Original Message -----

From:Susan B. Ralston/WHO/EOP@Exchange

To:kmccullough@georgewbush.com@SMTP@Exchange,

sal@georgewbush.com@SMTP@Exchange,

Israel Hernandez/WHO/EOP@Exchange,

ihernandez@georgewbush.com@SMTP@Exchange,

Colleen Litkenhaus/WHO/EOP@Exchange,

Steven A. Atkiss/WHO/EOP@EOP,

Katherine M. Prendergast/WHO/EOP@Exchange,

Kathy J. Becker/WHO/EOP@EOP,

Kimberly A. Douglass/WHO/EOP@Exchange,

Courtney S. Elwood/OVP/EOP@Exchange,

Brett M. Kavanaugh/WHO/EOP@EOP,

Stephanie E. Linder/WHO/EOP@EOP,

Elisabeth Armstead/WHO/EOP@EOP,

Gregory J. Jenkins/WHO/EOP@EOP,

Joseph W Hagin/WHO/EOP@Exchange,

mcheney@georgewbush.com@SMTP@Exchange,

Terra Gray/WHO/EOP@Exchange,

Andrea G. Ball/WHO/EOP@Exchange,

Todd W. Beyer/WHO/EOP@EOP,

Catherine J. Martin/OVP/EOP@Exchange

Cc:kmehlman@georgewbush.com@SMTP@Exchange,

Allison L. Riepenhoff/WHO/EOP@Exchange

Date: 06/18/2003 03:57:29 PM

Subject: Campaign Travel for WH Staff and Advance

You are invited to attend a meeting to discuss the procedures for campaign travel related to BC'04 events tomorrow, Thurs, 6/19 at 4:00 PM in 211 EEOB. Please confirm your attendance. If you cannot attend, please send a surrogate. Also, if I missed anyone on the invite list, please forward the invitation. Thank you.

Susan x 6-2323

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
Sent: 6/18/2003 4:18:21 PM
Subject: RE: Campaign Travel for WH Staff and Advance

Can you make it at 4:30 PM? I'll survey everyone if that works. There's a 6 PM event I need to go to.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 18, 2003 4:05 PM
To: Ralston, Susan B.
Subject: Re: Campaign Travel for WH Staff and Advance

Can we make it 500? Realize there are lots of people.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 6/18/2003 4:21:28 PM
Subject: RE: Can you pdf me schumer and leahy letters?

Your email is down.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Wednesday, June 18, 2003 4:11 PM

To: Nelson, Carolyn

Subject: Can you pdf me schumer and leahy letters?

.

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>
Sent: 6/18/2003 5:06:33 PM
Subject: RE: Campaign Travel for WH Staff and Advance

yes

From: Susan B. Ralston/WHO/EOP@Exchange on 06/18/2003 04:18:21 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: Campaign Travel for WH Staff and Advance

Can you make it at 4:30 PM? I'll survey everyone if that works. There's a 6 PM event I need to go to.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Wednesday, June 18, 2003 4:05 PM

To: Ralston, Susan B.

Subject: Re: Campaign Travel for WH Staff and Advance

Can we make it 500? Realize there are lots of people.

From:	Ralston, Susan B.
To:	kmccullough@georgewbush.com <kmccullough@georgewbush.com>;sal@georgewbush.com <sal@georgewbush.com>;sal@georgewbush.com <Hernandez, Israel>;ihernandez@georgewbush.com <ihernandez@georgewbush.com>;ihernandez@georgewbush.com <Litkenhaus, Colleen>;ihernandez@georgewbush.com <Atkiss, Steven A.>;ihernandez@georgewbush.com <Prendergast, Katherine M.>;ihernandez@georgewbush.com <Becker, Kathy J.>;ihernandez@georgewbush.com <Douglass, Kimberly A.>;ihernandez@georgewbush.com <Elwood, Courtney S.>;ihernandez@georgewbush.com <Kavanaugh, Brett M.>;ihernandez@georgewbush.com <Linder, Stephanie E.>;ihernandez@georgewbush.com <Armstead, Elisabeth>;ihernandez@georgewbush.com <Jenkins, Gregory J.>;ihernandez@georgewbush.com <Hagin, Joseph W>;mcheney@georgewbush.com <mcheney@georgewbush.com>;mcheney@georgewbush.com <Gray, Terra>;mcheney@georgewbush.com <Ball, Andrea G.>;mcheney@georgewbush.com <Beyer, Todd W.>;mcheney@georgewbush.com <Martin, Catherine J.>
CC:	kmehlman@georgewbush.com <kmehlman@georgewbush.com>;kmehlman@georgewbush.com <Riepenhoff, Allison L.>
Sent:	6/18/2003 5:15:31 PM
Subject:	RE: Campaign Travel for WH Staff and Advance

Due to a conflict on some schedules, we need to move this meeting to 4:30 PM tomorrow. Same room. Thank you.
-----Original Message-----
From: Ralston, Susan B.
Sent: Wednesday, June 18, 2003 3:57 PM
To: 'kmccullough@georgewbush.com'; 'sal@georgewbush.com'; Hernandez, Israel; 'ihernandez@georgewbush.com'; Litkenhaus, Colleen; Atkiss, Steven A.; Prendergast, Katherine M.; Becker, Kathy J.; Douglass, Kimberly A.; Elwood, Courtney S.; Kavanaugh, Brett M.; Linder, Stephanie E.; Armstead, Elisabeth; Jenkins, Gregory J.; Hagin, Joseph W; 'mcheney@georgewbush.com'; Gray, Terra ; Ball, Andrea G.; Beyer, Todd W.; Martin, Catherine J.
Cc: 'kmehlman@georgewbush.com'; Riepenhoff, Allison L.
Subject: Campaign Travel for WH Staff and Advance

You are invited to attend a meeting to discuss the procedures for campaign travel related to BC'04 events tomorrow, Thurs, 6/19 at 4:00 PM in 211 EEOB. Please confirm your attendance. If you cannot attend, please send a surrogate. Also, if I missed anyone on the invite list, please forward the invitation. Thank you.

Susan x 6-2323

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/18/2003 1:20:20 PM

Subject: : ABA Rating - James O. Browning

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
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SUBJECT:: ABA Rating - James O. Browning
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TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
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James O. Browning, USDC, District of New Mexico, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/18/2003 1:20:16 PM

Subject: : ABA Rating - James O. Browning

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James O. Browning, USDC, District of New Mexico, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/18/2003 1:20:42 PM

Subject: : ABA Rating - James O. Browning

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###### Begin Original ARMS Header ######
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CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
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###### End Original ARMS Header ######
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James O. Browning, USDC, District of New Mexico, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/18/2003 1:20:05 PM

Subject: : ABA Rating - James O. Browning

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
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From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

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Sent: 6/18/2003 1:20:04 PM

Subject: : ABA Rating - James O. Browning

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CREATION DATE/TIME:18-JUN-2003 17:20:04.00
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READ:UNKNOWN
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James O. Browning, USDC, District of New Mexico, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/18/2003 1:20:23 PM

Subject: : ABA Rating - James O. Browning

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-JUN-2003 17:20:23.00
SUBJECT:: ABA Rating - James O. Browning
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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James O. Browning, USDC, District of New Mexico, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/18/2003 1:20:27 PM

Subject: : ABA Rating - James O. Browning

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-JUN-2003 17:20:27.00
SUBJECT:: ABA Rating - James O. Browning
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

James O. Browning, USDC, District of New Mexico, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/18/2003 1:20:15 PM

Subject: : ABA Rating - James O. Browning

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-JUN-2003 17:20:15.00
SUBJECT:: ABA Rating - James O. Browning
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

James O. Browning, USDC, District of New Mexico, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/18/2003 1:20:13 PM

Subject: : ABA Rating - James O. Browning

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-JUN-2003 17:20:13.00
SUBJECT:: ABA Rating - James O. Browning
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

James O. Browning, USDC, District of New Mexico, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/18/2003 1:20:14 PM

Subject: : ABA Rating - James O. Browning

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-JUN-2003 17:20:14.00
SUBJECT:: ABA Rating - James O. Browning
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

James O. Browning, USDC, District of New Mexico, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 6/18/2003 1:20:05 PM
Subject: : ABA Rating - James O. Browning

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-JUN-2003 17:20:05.00
SUBJECT:: ABA Rating - James O. Browning
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

James O. Browning, USDC, District of New Mexico, is unanimously rated
"Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/18/2003 1:20:11 PM

Subject: : ABA Rating - James O. Browning

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RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-JUN-2003 17:20:11.00
SUBJECT:: ABA Rating - James O. Browning
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READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
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###### End Original ARMS Header ######
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James O. Browning, USDC, District of New Mexico, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/18/2003 1:20:09 PM

Subject: : ABA Rating - James O. Browning

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CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-JUN-2003 17:20:09.00
SUBJECT:: ABA Rating - James O. Browning
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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James O. Browning, USDC, District of New Mexico, is unanimously rated "Well Qualified" by the ABA.

From: Nelson, Carolyn
To: <Ganter, Jonathan F.>;<Kavanaugh, Brett M.>
Sent: 6/18/2003 5:22:59 PM
Subject: RE: Letters

Thank you mini-me.

-----Original Message-----
From: Ganter, Jonathan F.
Sent: Wednesday, June 18, 2003 5:20 PM
To: Kavanaugh, Brett M.; Nelson, Carolyn
Subject: Letters

Brett-
I saved the two letters Carrie is trying to get you on the G Drive, Interns 2 Folder, Letters for Brett folder. I'll come over if you have any trouble

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 6/18/2003 6:24:42 PM
Subject: CALL ME!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@Exchange@EOP [WHO] <Joel D. Kaplan>
Sent: 6/18/2003 7:40:00 PM
Subject: : Web blogs are already going crazy

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JUN-2003 23:40:00.00
SUBJECT:: Web blogs are already going crazy
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here are two entries, one from HowAppealing and one from Southern Appeal:

"Bush to Choose Ex-Starr Aide; Kavanaugh to Be Nominee For Appeals Court Post": Tomorrow's edition of The Washington Post will contain this report concerning another D.C. Circuit nominee in the works, and this news is sure to get people talking. (Thanks to the author of "Southern Appeal" for the heads-up via email.) posted at 11:22 PM by Howard Bashman

President Bush will nominate Brett Kavanaugh to the D.C. Circuit: And the hits just keep on coming from President Bush's White House Counsel's Office. The Washington Post revealed tonight that Bush "plans to nominate White House lawyer Brett M. Kavanaugh, an author of independent counsel Kenneth W. Starr's report on President Bill Clinton, for a seat on the U.S. Court of Appeals for the D.C. Circuit." I've had the pleasure of speaking with Brett on a few occasions, and I can tell you without reservation that he is off the charts brilliant. He will make a fine judge.

From: Mike Allen <allenm@washpost.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/18/2003 4:19:01 PM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Mike Allen <allenm@washpost.com> (Mike Allen <allenm@washpost.com> [UNKNOWN])
CREATION DATE/TIME:18-JUN-2003 20:19:01.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

By Mike Allen
Washington Post Staff Writer
President Bush plans to nominate White House lawyer Brett M. Kavanaugh, an author of independent counsel Kenneth W. Starr???s report on President Bill Clinton, for a seat on the U.S. Court of Appeals for the D.C. Circuit, Republican sources said yesterday.
The disclosure came as Bush issued a curt rejection to Democratic senators who had offered to alleviate a fight over a future Supreme Court vacancy by working with him to find a nominee both sides could accept. Kavanaugh???s nomination would suggest Bush is spoiling for a fight with Senate Democrats while the administration???s selection of judges is already a raw issue between the parties. The D.C. Circuit court is considered the second most powerful in the land. Kavanaugh, 38, was involved in many of the Clinton administration???s legal controversies, and he has played a key role in choosing Bush???s judicial nominees.
Kavanaugh is undergoing an FBI background check in preparation for his nomination, which will not be announced immediately. He was an appellate expert in Starr???s office from 1994 to 1998, and worked on the investigation of Monica S. Lewinsky. He represented Starr in efforts to obtain notes from Hillary Rodham Clinton, now a senator, relating to the suicide of deputy White House counsel Vincent Foster. Kavanaugh???s contribution to the Starr report was the section that outlined possible legal grounds for impeachment.
Kavanaugh was a partner with Kirkland & Ellis before becoming an associate White House counsel in January 2001. He has undergraduate and law degrees from Yale, and was a clerk for Justice Anthony M. Kennedy.
The D.C. Circuit court has openings on its 11th and 12th seats, and Republicans blocked Clinton from filling at least one of them by arguing that additional judges were not needed.
Bush???s rebuff of the overture by Senate Democrats, a departure from his frequent contention that he is eager to work with Congress, is part of intense positioning by both parties for the possibility that a Supreme Court justice will retire at the end of this term. Senate Minority Leader Thomas A. Daschle (D-S.D.) wrote to Bush on Tuesday to recommend that the president convene a meeting of Senate leaders ???to begin a bipartisan process of consultation.???
White House press secretary Ari Fleischer called the idea ???a novel new approach to how the Constitution guides the appointment process,??? and said Bush plans no such meeting. The Constitution gives the president sole power to nominate justices, and then the Senate decides whether to confirm them. ???The Constitution is clear, the Constitution will be followed,??? Fleischer said. ???We always welcome thoughts, but certainly no one wants to suggest that the Constitution be altered.???
Fleischer said White House Counsel Alberto R. Gonzales ???is always

happy
to meet and talk with these individual senators.??? A twist is that
Gonzales,
a former justice of the Texas Supreme Court, is one of Bush???s most
obvious
potential nominees.
Gonzales wrote to Daschle yesterday that in case of a vacancy, the
Senate ???will have an opportunity to assess the president???s nominee and
exercise its constitutional responsibility.??? He has sent similar letters
to
other Senate Democrats.
The selection of judges, from federal district courts to the Supreme
Court, is always a bitterly contested issue for the most ideologically
committed wings of both parties. It is even more so now because of the
GOP???s narrow hold on the Senate, and because of rumors about the possible
retirement of Chief Justice William H. Rehnquist, 78, or Justice Sandra Day
O???Connor, 73???or even both.
A group called Faith2Action is linking with some of the nation???s
best-known conservative organizations for Project Rosebud, which plans to
deliver thousands of roses to the White House next week in support of an
antiabortion nominee for any Supreme Court vacancy.
Sen. Charles E. Schumer (D-N.Y.), a Judiciary Committee member, wrote
Bush last week to suggest potential consensus nominees. Schumer suggested
five moderate Republicans, including Sen. Arlen Specter (Pa.).
Sen. Patrick J. Leahy (Vt.), ranking Democrat on the Judiciary
Committee, had first suggested the bipartisan summit in a separate letter
to Bush last week. Leahy said that Democrats were ???ready to work with you
to help select a nominee or nominees to the Supreme Court behind which all
Americans, and all senators, can unite.???
Bradford A. Berenson, a former associate White House counsel for Bush,
called the letters a political stunt to help Democrats ???blame the
president
for the ugly confirmation fight it appears they already have planned.???
Democrats, who contend they are not proposing anything radical, are
circulating pages from a book by Senate Judiciary Committee Chairman Orrin
G. Hatch (R-Utah) in which he takes credit for suggesting to Clinton the
nomination of two sitting justices, Ruth Bader Ginsburg and Stephen G.
Breyer.
Hatch wrote last year in his memoir, ???Square Peg,??? that he had
asked
Clinton whether he had considered Breyer or Ginsburg. ???President Clinton
indicated he had heard Breyer???s name but had not thought about Judge
Ginsburg,??? Hatch recounted.
Hatch said Tuesday on C-SPAN that Democrats were trying to preempt a
conservative nominee. ???Even though President Clinton did consult with me
as
chairman of the committee, he made the final decisions,??? Hatch said.
Sen. Edward M. Kennedy (Mass.) said the best way for Bush to avoid a
major fight would be to consult with the Senate and send up nominees
???without ideological chips on their shoulders.??? ???But if this president wants a
battle,??? Kennedy said, ???he???ll
get it.???

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>
Sent: 6/18/2003 5:15:27 PM
Subject: : Re: Fw: PHS Commissioned Corps

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JUN-2003 21:15:27.00
SUBJECT:: Re: Fw: PHS Commissioned Corps
TO:"Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> ("Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

thanks, confusion arises because regs use a different definition than statute.

"Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>
06/18/2003 03:58:17 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fw: PHS Commissioned Corps

-----Original Message-----
From: Swindell, Edgar (HHS/OS) <Edgar.Swindell@hhs.gov>
To: Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>
Sent: Wed Jun 18 15:55:12 2003
Subject: PHS Commissioned Corps

To further make the citation linkage, 5 USC 2101(3) defines "uniformed services" to mean the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration." As noted earlier, 18 USC 603(c) relieves only those employees defined in 5 USC 7322(1) from the substantive prohibition in 18 USC 603(a). In turn, 5 USC 7322(1) specifically says that members of the uniformed services are not employees for purposes of that section. This circumstance leaves commissioned corps officers fully subject to the existing prohibitions of 18 USC 603(a), which have been interpreted by DOJ to bar political contributions to the reelection campaign of an incumbent President. See Federal Prosecution of Election Offenses, U.S. Department of Justice, Criminal Division, Public Integrity Section (6th ed. 1995).

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OF AN AGENCY ETHICS OFFICIAL IS A FACTOR THAT MAY BE TAKEN INTO ACCOUNT BY THE DEPARTMENT OF JUSTICE. EMPLOYEES ARE CAUTIONED THAT DISCLOSURES TO AN OGC ETHICS ATTORNEY ARE NOT PROTECTED BY ATTORNEY-CLIENT PRIVILEGE. ALL EMPLOYEES, INCLUDING AGENCY ATTORNEYS, ARE REQUIRED TO REPORT CRIMINAL VIOLATIONS TO THE OFFICE OF THE INSPECTOR GENERAL.

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>;<Bumatay, Patrick J.>
Sent: 6/18/2003 9:20:42 PM
Subject:

can you circulate pdf's of letters to Schumer, Leahy, and Daschle to all the lawyers. thx.

From: Kavanaugh, Brett M.
To: <Lefkowitz, Jay P.>
Sent: 6/18/2003 9:27:59 PM
Subject:

For tomorrow's tort reform meeting, I think Leg Affairs should come prepared to tell us exactly where we stand on class action, asbestos, and medical liability. You may want to alert them so they show up ready to go. Because first item on agenda I assume is to see how we can help in closing 1 or more of those 3.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Jim Towey/WHO/EOP@EOP [WHO] <Jim Towey>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>
Sent: 6/18/2003 5:41:58 PM
Subject: : Charleston (SC) Post & Courier (6/18/03)EDITORIAL re: Federal aid for historic church

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JUN-2003 21:41:58.00
SUBJECT:: Charleston (SC) Post & Courier (6/18/03)EDITORIAL re: Federal aid for historic church
TO:Jim Towey (CN=Jim Towey/OU=WHO/O=EOP@EOP [WHO])
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Story last updated at 7:39 a.m. Wednesday, June 18, 2003

Federal aid for historic church
Editorial
Charleston (SC) Post & Courier

The Interior Department's decision to help restore the Old North Church in Boston recognizes that national landmarks that need government assistance aren't always secular. The 280-year-old church is one of the best-known historic sites of the Revolutionary War era. Lanterns were hung in its belfry one night in April 1775 to warn Patriots that the British were coming, thereby sending Paul Revere on his famous midnight ride.

The $317,000 grant represents a shift in policy for Interior, which hasn't contributed in recent years to restorations of churches with active congregations. That policy changed under the current administration, and the shift has been decried by a Washington-based group known as Americans United for Separation of Church and State. But the grant isn't being used to help establish a government religion, it's being used to help preserve a national architectural and historical treasure.

The grant will be used to restore and repair windows in the church, which not only is an active Episcopal church but a major tourist site on Boston's Freedom Trail. Federal funds are being provided the church's foundation through Interior's Save America's Treasures Historic Preservation Program.

Interior's policy change is timely considering that six churches are listed among the nation's most endangered historic buildings, recently cited by the National Trust for Historic Preservation. The list includes Mount Bethel Baptist Church in Washington, D.C., described by The Associated Press as a staging point for the 1963 March on Washington; Acts of the Apostles Church in Philadelphia; Beth Hamedrash Hagodol Synagogue on New York City's Lower East Side; St. Joseph's Roman Catholic Church in Denver; Quinn Chapel African Methodist Episcopal Church in Chicago; and First United Methodist Church in Seattle.

Many urban churches are in trouble because dwindling urban populations have resulted in smaller congregations and fewer contributions, according to the AP report. The Old North Church, for example, has a congregation of 150. The half million annual visitors to the church make donations that help pay for operating expenses and maintenance, the Rev. Stephen T. Ayres, church vicar, tells us.

The shift in Interior policy, enunciated in the Old North Church grant, could mean another source of aid for other historic churches in need of restoration.

Federal preservation funds are scarce, and should be used for important buildings with a demonstrable financial need. But churches that are open to all and have played a major role in America's history shouldn't be

excluded from consideration. The use of federal funds is particularly appropriate for a national landmark as significant as the Old North Church.

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 6/18/2003 9:45:02 PM
Subject: corvette message

ok

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 6/18/2003 11:54:51 PM
Subject:

I think campaign should pay for elliptical in room on purely political trips.

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 6/19/2003 12:16:28 AM
Subject: Re:

Ok. What about the room itself on political trips?

-----Original Message-----
From: Kavanaugh, Brett M.
To: Litkenhaus, Colleen
Sent: Wed Jun 18 23:54:51 2003
Subject:

I think campaign should pay for elliptical in room on purely political trips.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/19/2003 4:31:49 AM

Subject: : ABA Rating - Xavier Rodriguez

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###### Begin Original ARMS Header ######
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CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:19-JUN-2003 08:31:49.00
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Xavier Rodriguez, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.

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Sent: 6/19/2003 4:32:13 AM

Subject: : ABA Rating - Xavier Rodriguez

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Sent: 6/19/2003 4:32:05 AM

Subject: : ABA Rating - Xavier Rodriguez

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Sent: 6/19/2003 4:32:01 AM

Subject: : ABA Rating - Xavier Rodriguez

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Xavier Rodriguez, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.

From: Gonzales, Alberto R.
To: <Kavanaugh, Brett M.>
Sent: 6/19/2003 6:46:03 AM
Subject: RE: 2 things

no

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 18, 2003 9:25 PM
To: Gonzales, Alberto R.; Leitch, David G.
Subject: 2 things

1. Wash Post is apparently running story tomorrow about me in context of general back and forth on judges, etc. Berenson gave me the heads up late this afternoon, and Snee then notified me as well.

2. Did we hear from Sec. Card about the 3 political memos?

From:	Leitch, David G.
To:	<Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent:	6/19/2003 7:11:05 AM
Subject:	
Attachments:	37214513000.jpg; archives_title.gif; spacer.gif; topstory_fromthe_txt.gif

Article on Janice Brown. See particularly the bold portions:

Posted on Mon, Jun. 16, 2003 story:PUB_DESC

State judge ride high court track

OPPOSITION GEARING UP FOR FIGHT IF SHE'S NOMINATED FOR POSSIBLE VACANCIES

By Howard Mintz
Mercury News

Just seven years ago, an influential state judicial screening group didn't consider Janice Rogers Brown qualified to be on the California Supreme Court. Now, there is a real possibility Brown could vault from the highest court in the state to become the first black woman ever to serve on the highest court in the land.

As the U.S. Supreme Court winds down its latest term this month amid rampant speculation that at least one justice is preparing to retire, Brown, a 54-year-old conservative and daughter of an Alabama sharecropper, is one of a small number of potential Supreme Court nominees who have already been vetted by the White House.

The seven justices of the California Supreme Court, from left, Carlos Moreno, Kathryn Werdegar, Marvin Baxter, Joyce Kennard, Chief Justice Ronald George, Janice Brown and Mong Chin.

AP Photo/Nick Ut

The seven justices of the California Supreme Court, from left, Carlos Moreno, Kathryn Werdegar, Marvin Baxter, Joyce Kennard, Chief Justice Ronald George, Janice Brown and Mong Chin.

Brown would fit the template of a judge that President Bush has favored in stocking the nation's federal bench. A staunch conservative on everything from affirmative action to the death penalty, she is an ideological match with the Bush administration and a political plus as a black woman who has risen from a childhood in the segregated South to the pinnacle of her profession.

``I think she is well-qualified for appointment to the U.S. Supreme Court,'' said State Supreme Court Justice Marvin Baxter, who is usually aligned with Brown's conservative positions.

But Brown, whose prickly prose has touched on hot-button issues ranging from abortion to affirmative action, already has attracted close scrutiny from civil rights groups and others girding for a confirmation fight. In fact, she's just one of six possible Supreme Court nominees whose records have been scoured by Alliance for Justice, the group that ordinarily leads political opposition to Bush's judicial picks.

Critics such as San Francisco's Eva Paterson, one of the nation's leading civil rights lawyers, have labeled Brown ``another Clarence Thomas,'' in large part because of the way she came down in an affirmative action case out of San Jose three years ago.

``If she's the president's choice, it's going to be a huge battle,'' observes Erwin Chemerinsky, a professor at the University of Southern California law school.

The attention on Brown has ramped up in recent months because of the strong belief in legal circles that the Supreme Court is about to end its longest stretch without turnover in 180 years. Chief Justice William Rehnquist, 78, and Justice Sandra Day O'Connor, 73, are viewed as likely to retire to give a Republican president a chance to replace them well before the next election.

How many retiring?

If Rehnquist retires, most predict, the White House might name the first Latino in the court's history, with the leading candidate being White House Counsel Alberto Gonzales. But most legal experts and leading Republicans agree that Brown leaps to the front of the list if both Rehnquist and O'Connor step down.

``It would be incredibly difficult for Democrats to go against a woman like Janice Brown,'' said a top California Republican close to the judicial selection process. ``She has a very compelling personal story.''

Consideration for the U.S. Supreme Court is a remarkable climb for Brown, who was rated not qualified for the California Supreme Court by a state bar group when former Gov. Pete Wilson nominated her in 1996. **The bar group, which touched off a controversy over its rating, concluded that Brown, as an appeals court justice, too often injected her personal views into court cases.**

Legal experts no longer question Brown's qualifications for the job, although **the bar's complaint that she used her legal opinions as a personal bully pulpit remains one of the chief criticisms against her as a Supreme Court justice**.

Brown declined to be interviewed for this story, but her background has been well documented. She grew up in rural Alabama in the 1950s, and eventually her family moved to California, where she attended law school at UCLA. A liberal in college, she became a conservative as a lawyer, working in the California Attorney General's Office and later rising to become Wilson's legal affairs secretary.

Wilson named Brown to a Sacramento state appeals court in 1994 and elevated her to the state Supreme Court two years later. She quickly found herself embroiled in the state's most controversial court case at the time, a 1997 ruling in which the justices, by a 4-3 vote, struck down California's law requiring minors to obtain parental consent to get an abortion.

In dissent, Brown chastised her colleagues: ``This case is an excellent example of the folly of courts in their role of philosopher kings.''

Since that decision, Brown, who is reserved in person and typically the lowest-key justice in questioning lawyers, has cranked up the volume in her writing. Perhaps her signature case -- and one that may attract the most attention if she is nominated -- came in 2000, when she wrote the majority opinion invalidating San Jose's minority contracting program.

The ruling was the first to apply Proposition 209's anti-affirmative action provisions in the state. And while the court's conclusion in the case came as no surprise, Brown's writings did. She filled her decision with a scathing denunciation of past affirmative action decisions and their place in history, prompting an unusual rebuke from Chief Justice Ronald George, who called it ``unnecessary and inappropriate.''

``On the U.S. Supreme Court, they call them nine scorpions in a bottle,'' said Gerald Uelmen, a Santa Clara University law professor and Supreme Court expert. ``She'd fit right in the scorpion mode.''

Criticism called unfair

Brown's supporters say her decisions and position in the Proposition 209 case have been unfairly criticized. Ward Connerly, who knows Brown well and was the chief sponsor of Proposition 209, said she was criticized for the ruling because she is a ``quote, unquote, black conservative.''

``She knows who she is,'' Connerly said. ``She has a very clear compass and she follows it.''

Brown, who still lives in Sacramento and often limits her trips to the Supreme Court's headquarters in San Francisco to once or twice a week, **is regarded as a lone wolf on the court**.

According to knowledgeable state Supreme Court insiders, **Brown's approach even rankles some of her**

colleagues, notably George, the chief justice, who has traded barbs with her in numerous court opinions.

``There is no doubt about her intelligence and gift with the pen,'' said one Supreme Court official. ``It's just a question of whether it is used in an appropriate way.''

Praise for scholarship

But despite the fiery rhetoric, Brown has earned plaudits for her legal scholarship and a libertarian streak that can flash when she believes government is going too far.

And her friends say that she is well-equipped to weather a bruising Senate confirmation battle.

``She's tough -- she wouldn't go home crying to Mommy,'' said Sacramento appeals court justice Vance Raye, a longtime friend.

To Doug Kmiec, a Brown friend, leading conservative scholar and dean of Catholic University's law school, Brown looks like somebody the White House would like.

In a commencement speech a few weeks ago at Catholic University, for Kmiec's law school, Brown showed signs of developing her public persona. Unlike some of her colleagues, Brown seldom speaks in public, but agreed to address Catholic University. There, she stressed the importance of law in a speech laced with religious references and patriotism.

Invoking Sept. 11, Brown warned the lawyers-to-be that in today's climate, ``nothing less than Western civilization and the rule of law are at stake.''

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
CC: Carolyn Nelson/WHO/EOP@Exchange@EOP [WHO] <Carolyn Nelson>
Sent: 6/19/2003 7:58:53 AM
Subject: : draft letter to Leahy

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DRAFT

June 19, 2003

Dear Senator Leahy:

Thank you for meeting with me yesterday and also for your letter of today. Your letter raises concerns about certain media reports yesterday, and I wanted to respond promptly.

First, there is no current vacancy on the Supreme Court, of course, and we are not aware of plans by any Justice to retire. Therefore, it would be quite premature for the President to engage Senators to discuss particular nominees at this point. Contrary to news reports, moreover, Ari Fleischer never said who, as a matter of process, President Bush would consult or receive advice from with respect to any Supreme Court vacancy, other than that he would follow the Constitution.

Second, in response to letters written by you and two of your colleagues, I have indicated my willingness to meet with Senators to discuss the possibility of a Supreme Court vacancy in order to obtain your thoughts. I did so with you yesterday and I remain willing to do so with other Senators, as I indicated to Senator Daschle and Senator Schumer.

In short, I think any fair evaluation of the White House,s approach shows our genuine willingness to meet and listen to hear your thoughts and concerns, as well as those of your colleagues. I fully appreciate your interest in the Supreme Court process, and I share your desire for a fair and orderly Senate confirmation process and vote in the event of a Supreme Court vacancy during this Presidency.

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable Patrick Leahy
United States Senate

Copy: The Honorable Bill Frist
The Honorable Thomas Daschle
The Honorable Orrin

Hatch

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/19/2003 4:31:51 AM

Subject: : ABA Rating - Xavier Rodriguez

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:19-JUN-2003 08:31:51.00
SUBJECT:: ABA Rating - Xavier Rodriguez
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Xavier Rodriguez, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 6/19/2003 4:31:54 AM
Subject: : ABA Rating - Xavier Rodriguez

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:19-JUN-2003 08:31:54.00
SUBJECT:: ABA Rating - Xavier Rodriguez
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Xavier Rodriguez, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/19/2003 4:31:47 AM

Subject: : ABA Rating - Xavier Rodriguez

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:19-JUN-2003 08:31:47.00
SUBJECT:: ABA Rating - Xavier Rodriguez
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Xavier Rodriguez, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/19/2003 4:31:45 AM

Subject: : ABA Rating - Xavier Rodriguez

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:19-JUN-2003 08:31:45.00
SUBJECT:: ABA Rating - Xavier Rodriguez
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Xavier Rodriguez, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/19/2003 4:31:58 AM

Subject: : ABA Rating - Xavier Rodriguez

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:19-JUN-2003 08:31:58.00
SUBJECT:: ABA Rating - Xavier Rodriguez
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Xavier Rodriguez, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/19/2003 4:31:56 AM

Subject: : ABA Rating - Xavier Rodriguez

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:19-JUN-2003 08:31:56.00
SUBJECT:: ABA Rating - Xavier Rodriguez
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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###### End Original ARMS Header ######
```

Xavier Rodriguez, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/19/2003 4:32:08 AM

Subject: : ABA Rating - Xavier Rodriguez

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CREATION DATE/TIME:19-JUN-2003 08:32:08.00
SUBJECT:: ABA Rating - Xavier Rodriguez
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###### End Original ARMS Header ######
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To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/19/2003 4:32:03 AM

Subject: : ABA Rating - Xavier Rodriguez

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:19-JUN-2003 08:32:03.00
SUBJECT:: ABA Rating - Xavier Rodriguez
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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Sent: 6/19/2003 4:32:08 AM
Subject: : ABA Rating - Xavier Rodriguez

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:19-JUN-2003 08:32:08.00
SUBJECT:: ABA Rating - Xavier Rodriguez
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Xavier Rodriguez, USDC, Western District of Texas, is unanimously rated "Well Qualified" by the ABA.

From: Troy, Tevi
To: <Kavanaugh, Brett M.>
Sent: 6/19/2003 8:33:37 AM
Subject: 9:20 Call in 160

Brett,

We're all set for the call at 9:20. I told Brian you would be speaking 3 - 5 minutes. Is that about right?

Is there any paper you will want us to distribute either before or after you speak on the call?

Thanks,

Tevi

From:	Hagin, Joseph W
To:	kmehlman@georgewbush.com <Ralston, Susan B.>;kmccullough@georgewbush.com <kmccullough@georgewbush.com>;sal@georgewbush.com <sal@georgewbush.com>;sal@georgewbush.com <Hernandez, Israel>;ihernandez@georgewbush.com <ihernandez@georgewbush.com>;ihernandez@georgewbush.com <Litkenhaus, Colleen>;ihernandez@georgewbush.com <Atkiss, Steven A.>;ihernandez@georgewbush.com <Prendergast, Katherine M.>;ihernandez@georgewbush.com <Becker, Kathy J.>;ihernandez@georgewbush.com <Douglass, Kimberly A.>;ihernandez@georgewbush.com <Elwood, Courtney S.>;ihernandez@georgewbush.com <Kavanaugh, Brett M.>;ihernandez@georgewbush.com <Linder, Stephanie E.>;ihernandez@georgewbush.com <Armstead, Elisabeth>;ihernandez@georgewbush.com <Jenkins, Gregory J.>;mcheney@georgewbush.com <mcheney@georgewbush.com>;mcheney@georgewbush.com <Gray, Terra>;mcheney@georgewbush.com <Ball, Andrea G.>;mcheney@georgewbush.com <Beyer, Todd W.>;mcheney@georgewbush.com <Martin, Catherine J.>
CC:	kmehlman@georgewbush.com <kmehlman@georgewbush.com>;kmehlman@georgewbush.com <Riepenhoff, Allison L.>
Sent:	6/19/2003 9:07:25 AM
Subject:	RE: Campaign Travel for WH Staff and Advance

Reference the meeting today regarding campaign travel, the White House participants will be Linda Gambatesa, Colleen Litkenhaus, Brett Kavanaugh, Steve Atkiss, Susan Ralston and Israel Hernandez. All other staff and contractors should disregard. Joe

-----Original Message-----
From: Ralston, Susan B.
Sent: Wednesday, June 18, 2003 5:16 PM
To: 'kmccullough@georgewbush.com'; 'sal@georgewbush.com'; Hernandez, Israel; 'ihernandez@georgewbush.com'; Litkenhaus, Colleen; Atkiss, Steven A.; Prendergast, Katherine M.; Becker, Kathy J.; Douglass, Kimberly A.; Elwood, Courtney S.; Kavanaugh, Brett M.; Linder, Stephanie E.; Armstead, Elisabeth; Jenkins, Gregory J.; Hagin, Joseph W; 'mcheney@georgewbush.com'; Gray, Terra ; Ball, Andrea G.; Beyer, Todd W.; Martin, Catherine J.
Cc: 'kmehlman@georgewbush.com'; Riepenhoff, Allison L.
Subject: RE: Campaign Travel for WH Staff and Advance

Due to a conflict on some schedules, we need to move this meeting to 4:30 PM tomorrow. Same room. Thank you.

-----Original Message-----
From: Ralston, Susan B.
Sent: Wednesday, June 18, 2003 3:57 PM
To: 'kmccullough@georgewbush.com'; 'sal@georgewbush.com'; Hernandez, Israel; 'ihernandez@georgewbush.com'; Litkenhaus, Colleen; Atkiss, Steven A.; Prendergast, Katherine M.; Becker, Kathy J.; Douglass, Kimberly A.; Elwood, Courtney S.; Kavanaugh, Brett M.; Linder, Stephanie E.; Armstead, Elisabeth; Jenkins, Gregory J.; Hagin, Joseph W; 'mcheney@georgewbush.com'; Gray, Terra ; Ball, Andrea G.; Beyer, Todd W.; Martin, Catherine J.
Cc: 'kmehlman@georgewbush.com'; Riepenhoff, Allison L.
Subject: Campaign Travel for WH Staff and Advance

You are invited to attend a meeting to discuss the procedures for campaign travel related to BC'04 events tomorrow, Thurs, 6/19 at 4:00 PM in 211 EEOB. Please confirm your attendance. If you cannot attend, please send a surrogate. Also, if I missed anyone on the invite list, please forward the invitation. Thank you.

Susan x 6-2323

From: CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 6/19/2003 6:02:25 AM
Subject: : Pryor article re: Catholics and Judiciary

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-JUN-2003 10:02:25.00
SUBJECT:: Pryor article re: Catholics and Judiciary
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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The Federal Judiciary: Devout Catholics Need Not Apply
By John Nowacki
CNSNews.com Commentary
June 19, 2003

No religious Test shall ever be required as a Qualification to any Office or public Trust under the United States. (Article VI of the U.S. Constitution)

Ever wondered what a religious test would look like in 21st century America? It's not that difficult to imagine.

Suppose an attorney holding statewide political office is nominated for a federal appeals court judgeship. He'll have taken positions on various policy issues -- something unavoidable for someone in his position - but will have earned a reputation in his state as someone who fairly and objectively applies the law, whether he agrees with it or not.

Suppose that on the all-important issue of abortion, he had actually instructed his subordinates to follow Supreme Court precedent when enforcing his state's ban on partial-birth abortion, even though he is unabashedly pro-life. And let's say that he is unabashedly pro-life because he is a devout Roman Catholic.

Oh, yes. Let's also say that his critics in the Senate -- for whom abortion is an issue of paramount interest -- say that nothing disqualifies him from service on the bench more than his "deeply held personal views." As one of them would put it, his beliefs are so well known, so deeply held, that we simply can't believe he'll be objective -- even when he says he knows a judge's responsibility is to follow the law and binding precedent.

In other words, because he personally believes in Catholicism's teachings on abortion, he cannot be trusted.

As amazing as it is, that's precisely what is being insinuated about Alabama Attorney General Bill Pryor, nominated to the U.S. Court of Appeals for the Eleventh Circuit. And that is the point that Democrat after Democrat on the Judiciary Committee argued at his nomination hearing.

Charles Schumer announced that Pryor feels so deeply, so passionately about Roe v. Wade that we can't believe he'll be objective.

Dianne Feinstein told Pryor that while people can stop being advocates when they become judges, he does have very strong views after all.

Ted Kennedy acknowledged that while a number of nominees who take positions he opposes have been confirmed, many of Pryor's positions reflect deeply held views -- on the abortion issue in particular -- that make him just too extreme. One of those other nominees, outspoken and avowedly pro-life legal scholar Michael McConnell, was confirmed by unanimous consent in November.

Patrick Leahy reminded Pryor he'd been criticized because of his personal beliefs and after having heard him point to his record again and again, once more demanded to know how anyone could believe he'd really be fair and impartial.

The Senate does have a responsibility to examine whether a nominee will set his or her personal views aside as a judge. In Pryor's case, the answer is that he clearly will. Many of his colleagues in the state government -- Democrat and Republican, liberal and conservative, black and white - agree that he's a man who will follow the law without favoring any side. And his record as a popular and respected state Attorney General backs him up 100 percent, on abortion or any other issue raised in the context of his nomination.

As if that weren't enough, his sworn testimony before the committee was that he will strive to be a fair, objective judge who follows the law and binding precedent. Even while affirming his personal pro-life beliefs inspired by his Catholic faith, he reminded the committee that he has a moral obligation based on his faith to uphold his oath of office.

None of that, however, was enough for those Senators who think that anyone who sincerely believes as Pryor does is not fit for this particular office or public trust under the United States. Senator Russ Feingold even went out of his way to fault Mr. and Mrs. Pryor just for deciding to postpone a trip to Disney World with their six and four year-old daughters until after Gay Day, responding incredulously when Pryor said the family had made a personal value judgment.

Whether following Supreme Court precedent on abortion and First Amendment cases, protecting Alabama from huge monetary judgments, fulfilling his oath of office by defending state laws, or promoting racial equality, Pryor has demonstrated his commitment to follow the law and seek the fair administration of justice. That willingness to judge each case according to the law and facts is precisely what most Americans expect from those who serve on the federal bench.

He deserves fair consideration and an up-or-down vote in the Senate, and his personal pro-life views that come from his Catholic faith are no excuse to treat his nomination differently. Those Senators on the Judiciary Committee must remember that we are supposed to have left religious tests behind long ago, and that no American courthouse bears a sign stating that devout Catholics need not apply.

(John Nowacki is Director of Legal Policy at the Free Congress Foundation.)

From:	Ralston, Susan B.
To:	kmccullough@georgewbush.com <kmccullough@georgewbush.com>;sal@georgewbush.com <sal@georgewbush.com>;sal@georgewbush.com <Hernandez, Israel>;ihernandez@georgewbush.com <ihernandez@georgewbush.com>;ihernandez@georgewbush.com <Litkenhaus, Colleen>;ihernandez@georgewbush.com <Atkiss, Steven A.>;ihernandez@georgewbush.com <Prendergast, Katherine M.>;ihernandez@georgewbush.com <Becker, Kathy J.>;ihernandez@georgewbush.com <Douglass, Kimberly A.>;ihernandez@georgewbush.com <Elwood, Courtney S.>;ihernandez@georgewbush.com <Kavanaugh, Brett M.>;ihernandez@georgewbush.com <Linder, Stephanie E.>;ihernandez@georgewbush.com <Armstead, Elisabeth>;ihernandez@georgewbush.com <Jenkins, Gregory J.>;ihernandez@georgewbush.com <Hagin, Joseph W>;mcheney@georgewbush.com <mcheney@georgewbush.com>;mcheney@georgewbush.com <Gray, Terra>;mcheney@georgewbush.com <Ball, Andrea G.>;mcheney@georgewbush.com <Beyer, Todd W.>;mcheney@georgewbush.com <Martin, Catherine J.>
CC:	kmehlman@georgewbush.com <kmehlman@georgewbush.com>;kmehlman@georgewbush.com <Riepenhoff, Allison L.>
Sent:	6/19/2003 10:30:28 AM
Subject:	RE: Campaign Travel for WH Staff and Advance

Thanks for being flexible with your schedules. We need to postpone our get together so today's is cancelled and will be rescheduled at a later date. Thanks again!
-----Original Message-----
From: Ralston, Susan B.
Sent: Wednesday, June 18, 2003 5:16 PM
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Susan x 6-2323

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
CC: <Nelson, Carolyn>
Sent: 6/19/2003 11:56:54 AM
Subject: draft letter to Leahy

DRAFT

June 19, 2003

Dear Senator Leahy:

Thank you for meeting with me yesterday and also for your letter of today. Your letter raises concerns about certain media reports yesterday, and I wanted to respond promptly.

First, there is no current vacancy on the Supreme Court, of course, and we are not aware of plans by any Justice to retire. Therefore, it would be quite premature for the President to engage Senators to discuss particular nominees at this point. Contrary to news reports, moreover, Ari Fleischer never said who, as a matter of process, President Bush would consult or receive advice from with respect to any Supreme Court vacancy, other than that he would follow the Constitution.

Second, in response to letters written by you and two of your colleagues, I have indicated my willingness to meet with Senators to discuss the possibility of a Supreme Court vacancy in order to obtain your thoughts. I did so with you yesterday and I remain willing to do so with other Senators, as I indicated to Senator Daschle and Senator Schumer.

In short, I think any fair evaluation of the White House's approach shows our genuine willingness to meet and listen to hear your thoughts and concerns, as well as those of your colleagues. I fully appreciate your interest in the Supreme Court process, and I share your desire for a fair and orderly Senate confirmation process and vote in the event of a Supreme Court vacancy during this Presidency.

Sincerely,

Alberto R. Gonzales

Counsel to the President

The Honorable Patrick Leahy

United States Senate

Copy: The Honorable Bill Frist

The Honorable Thomas Daschle

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>;kmccullough@georgewbush.com <kmccullough@georgewbush.com>;kmccullough@georgewbush.com <Ralston, Susan B.>
Sent: 6/19/2003 12:05:47 PM
Subject: RE: Phone Calls

Phone calls from the plane

Here is a potential solution. We can have two air phones put on the plane that have a label that says "political phone." Staff can use those phones for any political calls. These phones do not go to the air force one operator. In fact, political staff can call up to these phones directly as well. The calls are about 3.99 per minute - with a minimum of 2-3 minutes. It's just like a phone on a commercial plane.

Then the bill will come to WHCA for these phones only. WHCA will get me the bills and I will give them to Susan. You get the bill monthly, after the fact. The bill would come in itemized, but wouldn't have the callers name identified. You could put a little card next to the phone that gave some sort of policy direction for usage. For example, "please note this is a political phone that costs 3.99 per minute. That's a lot of bumper stickers. Please use sparingly." Or, "this phone may only be used by....."

Please let me know if you would like me to make this happen and put this process in place.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, June 13, 2003 8:24 PM

To: kmccullough@georgewbush.com; Kavanaugh, Brett M.; Litkenhaus, Colleen

Subject: Re: Phone Calls

CL: How are those calls billed now?

.

----- Original Message -----
From:kmccullough@georgewbush.com
To:Brett M. Kavanaugh/WHO/EOP@EOP,
Colleen Litkenhaus/WHO/EOP@EOP
Cc:
Date: 06/13/2003 10:22:15 AM
Subject: Fw: Phone Calls

Could you two please let me know your thoughts on this question from Mary? I assume we could set some sort of billing procedure set up with WHCA. It also raises another question: if a snack or meal is served on board either plane when we have political travellers, will there be a Bush-Cheney '04 account that is billed or how should we handle?

Thanks,
Kelley

----- Original Message -----
From: Mary Cheney
To: Kelley McCullough
Sent: Friday, June 13, 2003 10:09 AM
Subject: Phone Calls

Kelley -

What are the rules regarding campaign staff using the phones on AF1 or 2? I assume that if we can use them, we need some sort of billing card, but are we allowed to use them at all?

Mary

- att1.htm

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 6/19/2003 12:15:56 PM
Subject: 1
Attachments: political activity cabinet memo 6 19 03 #1.doc

<>

DRAFT

June 19, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: RULES ON POLITICAL ACTIVITY

This memorandum summarizes general rules with respect to political activity for a candidate, campaign, political group, or political party under the Hatch Act Reform Amendments of 1993. Please note that this memorandum is simply a summary of the relevant laws and regulations, which are set out or referenced in 5 U.S.C. 7321-7326 and 5 C.F.R. Part 734. We will renew and supplement this guidance as appropriate before the 2004 elections.

Please ask the General Counsels of your department or agency to issue guidance -- tailored as appropriate to your department or agency -- to ensure that employees of the department or agency are aware of and comply with the laws with respect to political activity, including those contained at 5 U.S.C. 7321-7326 and 5 C.F.R. Part 734. (We have provided similar guidance to White House staff.) Employees should be instructed to contact your General Counsel's office if they have any questions about appropriate political activity.

In addition, please note that certain agencies listed in 5 C.F.R. 734.401 -- primarily those with law enforcement or national security responsibilities -- have more stringent rules with respect to political activity. Several agencies traditionally have followed more stringent specific rules and practices as a matter of policy as well. This memorandum does not attempt to summarize the particular rules applicable to employees in those agencies.

Finally, please be aware that today we are issuing two separate memoranda to you regarding specific political travel issues that frequently arise.

Select List of Permitted Political Activities

The range of permissible political activities for Executive Branch employees is described in 5 C.F.R. Part 734. To summarize, an employee (other than one employed in an agency described in 5 C.F.R. 734.401) *may* engage in the following activities:

- participation in political organizations, which includes:
    - being a member of a political party;
    - serving as an officer of a political party;
    - attending and participating in nominating caucuses;

- participating in a political convention or rally; and
- serving as a delegate to a political convention.

- participation in political campaigns, which includes:

  - canvassing for votes;
  - endorsing or opposing a candidate in an advertisement, broadcast, campaign literature, or similar material;
  - addressing a convention, caucus, rally, or similar gathering of a political party or political group; and
  - actively managing the political campaign of a partisan political candidate or candidate for political party office.

- participation in elections, which includes:

  - voting; and
  - driving voters to polling places.

- attendance and speaking at fundraising events:

  An employee may not solicit, receive, or accept political contributions, and may not host or sponsor fundraisers. However, an employee *may*:

  - make lawful political contributions;
  - attend political fundraisers;
  - manage or organize political fundraisers hosted and sponsored by others (but you may not host or sponsor fundraisers or otherwise personally solicit contributions);
  - speak as a featured guest at political fundraisers so long as the employee does not solicit contributions and so long as the event otherwise complies with all legal requirements including the Bipartisan Campaign Reform Act;
  - be listed as a guest speaker on the invitation for a fundraiser so long as the invitation does not list the official title; and
  - solicit, accept, or receive uncompensated volunteer services for a campaign from any individual (however, a superior may not solicit or receive such services from a subordinate employee, nor may he or she target a company or entity with official matters pending before the agency for provision of such services).

Basic Prohibitions

The basic prohibitions on political activity are summarized at 5 C.F.R. 734 Subpart C.

1. An employee may not personally solicit, receive, or accept political contributions. Also, an employee may not host or sponsor political fundraisers. (However, an employee *may* speak at, attend, and be the featured guest at political fundraisers so long as the employee does not personally solicit contributions.)

2. An employee may not use his or her official authority for the purpose of interfering with or affecting the result of an election. That means, for example, that an employee's official title may not be used on invitations to political fundraisers. If a title is used by others inadvertently and without the employee's knowledge, the employee should contact the relevant General Counsel's office promptly about appropriate steps to take.

3. An employee may not use his or her official authority to coerce any person to engage in or refrain from political activity.

On-Duty Activity Rules

Most Executive Branch employees are prohibited from engaging in political activity while on duty or in any government office building. There is an exception to this prohibition for those who are (i) Senate-confirmed officials or paid from an appropriation for the Executive Office of the President *and* (ii) whose duties continue after normal duty hours and away from the normal duty post. Such employees are permitted by law to engage in otherwise permitted political activity while on duty and in the office -- for example, meetings and telephone calls related to elections, campaigns, or political parties. However, any non-incidental costs incurred as a result of such activity shall be reimbursed. In addition, employees who are not Senate-confirmed or covered EOP employees may engage in official duties that involve assisting a Senate-confirmed or covered EOP official -- for example, with respect to scheduling or typing.

When a government officer or employee engages in political activity, the government should not pay (or must be reimbursed) for non-incidental costs that it would not have incurred but for the political activity.

Please note that political fundraising and fundraisers may *never* occur on official government property.

Travel Rules

As fully detailed in a separate memorandum being issued to you today regarding travel costs, the appropriate political entity ordinarily pays the relevant costs associated with political travel (or the costs for the political portion of mixed official-political travel). The government is not reimbursed, however, for: (i) the costs that result from security needs; or (ii) the compensation or expenses of persons required to accompany or assist the official engaging in political activity.

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

REV_00123623

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 6/19/2003 12:46:10 PM
Subject: Asap

Call me asap re ny times story for tomorrow re judge gonzales.

.

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 6/19/2003 12:51:23 PM
Subject: RE: Asap

Hey - just called you back. I'm at my desk.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 19, 2003 12:46 PM
To: Snee, Ashley
Subject: Asap

Call me asap re ny times story for tomorrow re judge gonzales.

.

From: CN=Jonathan F. Ganter/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/19/2003 8:55:12 AM
Subject: :
Attachments: P_RI1CH003_WHO.TXT_1.doc

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CREATION DATE/TIME:19-JUN-2003 12:55:12.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RI1CH003_WHO.TXT_1>
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October 17, 1995, Tuesday

SECTION: CAPITOL HILL HEARING TESTIMONY

LENGTH: 3355 words

HEADLINE: TESTIMONY October 17, 1995 JOHN SCHMIDT ASSOCIATE ATTORNEY GENERAL DEPARTMENT OF JUSTICE SENATE JUDICIARY ADMINISTRATIVE OVERSIGHT AND COURTS CONSERVING JUDICIAL RESOURCES

BODY:
STATEMENT

OF

JOHN SCHMIDT

ASSOCIATE ATTORNEY GENERAL

BEFORE

THE

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT

AND THE COURTS

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

CONCERNING

CONSERVING JUDICIAL RESOURCES

PRESENTED ON

OCTOBER 17, 1995

Mr. Chairman and Members of the Subcommittee:

I am John Schmidt, Associate Attorney General of the United States. I appreciate the opportunity to appear before you today to present the views of the Department of Justice on the issue now before the Subcommittee: whether to reduce the **size** of the U.S. Court of Appeals for the D.C. Circuit from twelve to eleven judges.

Mr. Chairman, I understand the commitment you, Senator Heflin and the other members of this Subcommittee have made to the efficient, sound operation of the federal judiciary. The Administration, in turn, is committed to working with you to address the very difficult issues that lie ahead.

It is the Department's strongly held view that the U.S. Court of Appeals for the D.C. Circuit must retain its full complement of twelve judges -- the number of judges authorized by law -- to ensure the proper administration of justice. As the legal representative of most agencies of the U.S. government, the Department of Justice is the most frequent litigant in the D.C. Circuit, and thus we have a keen institutional interest in the efficient operation of this court. In addition, litigants from throughout the nation -- both businesses and private individuals -- rely on the D.C. Circuit to resolve some of our nation's most difficult legal disputes.

The D.C. Circuit's caseload remains by far the most complex and difficult of all the federal **circuit courts.** Equally important, the Circuit's workload has grown since the time the Judiciary Committee determined -- over ten years ago -- that a twelfth D.C. Circuit judge was necessary. We believe that when Congress decides to adjust the **size** of the federal judiciary, it should do so comprehensively and prospectively. only in this way can Congress carry out its legitimate authority to determine the **size** of the judiciary without giving the appearance of altering court **size** for partisan or political reasons.

1. Complex Caseload

It is undisputed that the D.C. Circuit's docket is by far the most complex and difficult of any of the nation's federal **circuit courts.** Over the last three years, an average of 1718 cases were filed in the D.C. Circuit per year, 778 (45.3%) of which, on average, were administrative appeals. 1 These administrative appeals are more complicated, often involve multiple parties, lengthy briefs and voluminous records, and take significantly more time to review and decide, than other cases. During this same period, only 5.9% of the

appeals outside of the D.C. Circuit were administrative appeals; the figure for the Seventh Circuit was 4.7%, while the figure for the Eighth Circuit was 3.0%. 2 1 See Letter from Ralph Mecham to Senator Charles E. Grassley (October 12, 1995), Enclosure 1. Due to substantial caseload fluctuations from year to year, examining the average annual caseload over the past three years is more statistically significant than examining one year in isolation. The three years examined here are the twelve-month periods ending June 30, 1993-1995. During the most recent twelve-month period, 611 (38.5%) of the 1585 cases filed in the D.C. Circuit were administrative appeals. Ibid. 2 See Letter from Ralph Mecham to Senator Charles E. Grassley (October 12, 1995), Enclosure 1.

Two recent cases illustrate the type of administrative appeals typically and regularly handled by the D.C. Circuit:

* State of Ohio v. U.S. EPA, 997 F.2d 1520 (D.C. Cir. 1993). This case involved 24 consolidated petitions for review of EPA's National Oil and Hazardous Substance Pollution Contingency Plan under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). EPA filed a brief of about 170 pages, addressing an unusually large number of issues, while petitioners filed briefs totalling about 210 pages. The court allocated 3 hours for argument time, although the argument in fact went quite bit longer. The final opinion took up 31 pages in the Federal Reporter.

* MCI Telecommunications Corp. v. FCC, 59 F.3d 1407 (D.C. Cir. 1995). This case involved approximately 50 consolidated petitions for review of 21 separate FCC orders adjudicating damage actions filed by several interexchange carriers against local exchange carriers. The petitions were consolidated in the D.C. Circuit after being filed in four different circuits. The five parties filed over 250 pages of briefs, and the record on appeal filled-two drawers of a file cabinet. The court allocated one hour for argument time, although the argument in fact took two hours.

Given the unique contours of the D.C. Circuit's docket, raw caseload data -- including comparisons with the number of cases handled by other circuits -- do not accurately reflect the actual volume or difficulty of work performed by the D.C. Circuit. For example, during the twelve-month period ended September 30, 1994, only 157 (8.9%) of the 1770 cases filed in the D.C. Circuit were prisoner petitions. In Courts of Appeals outside the D.C. Circuit, 27.7% of the appeals were prisoner petitions; in particular, 1225 (38.4%) of the 3193 cases filed

in the Eighth Circuit, and 1010 (32.6%) of the 3096 cases filed in the Seventh Circuit were prisoner petitions. 3 These cases, unlike administrative appeals, generally involve simple legal issues and brief records, and most are relatively easy to dispose of. Yet these relatively straightforward cases serve to swell the numbers of cases handled by the other **circuit courts.**

Similarly, the D.C. Circuit handles a relatively low proportion of pro se appeals, direct criminal appeals and diversity appeals, as compared with the regional **circuit courts.** 4 These cases, like prisoner petitions, generally consume fewer judicial resources than other cases, yet they misleadingly make it appear that other courts have a larger proportional share of the nation's judicial workload than does the D.C. Circuit.

For all of these reasons, simple numerical comparisons do not do justice to the D.C. Circuit's caseload. A recent editorial in The Washington Times, 5 for example, noted that the D.C. Circuit disposes of fewer than the 285 cases per judge once recommended by the Judicial Conference as the optimal level of **circuit court** dispositions. But using this benchmark to judge the D.C. Circuit's workload is inappropriate -- and not just because the Judicial Conference itself no longer uses the benchmark. More importantly, this arbitrary figure wholly ignores the unique and complex nature of D.C. Circuit cases. As James Rill, Assistant Attorney General for Antitrust in the Bush Administration, recently stated: "Reliance on simple numerical case load comparisons among circuits is essentially unreliable as a policy guide to the number of appellate judges needed for the administration of justice in each court. A qualitative analysis of this caseload is imperative . . . T he appeals heard by the D.C. Circuit far surpass in complexity and in critical importance to government regulation of business and the national economy those heard by any other circuit. These cases are characteristically extraordinarily complicated and technologically difficult, often involving multiple parties; they can have immense far-reaching economic consequences. 6 3 Judicial Business of the United States Courts.: 1994 Report of the Director, Table B-1. 4 See Letter from Chief Judge Harry T. Edwards to Senator Charles E. Grassley, at 3-4 (Sept. 18, 1995). See also Judicial Business of the United States Courts: 1994 Report of the Director, Table B-1. 5 "Another Judge for the D.C. Circuit?", The Washington Times, at A-16 (Sept. 19, 1995).

The uniquely complex nature of the D.C. Circuit's caseload weighed heavily on Congress when it followed the Judicial Conference's

recommendation to create new D.C. Circuit judgeships in 1978 and 1984. The Senate Judiciary Committee Report to the 1984 judgeship legislation -- issued under the direction of then Chairman Thurmond -- was quite clear on this point in approving the creation of the D.C. Circuit's twelfth judgeship: " T he Court of Appeals for the District of Columbia inevitably receives a significant number of its caseload from federal administrative agencies headquartered in the area. Administrative appeals filed in this court numbered 504 in 1982 and represented 34.8 percent of the incoming caseload. . . . Due to the nature of the caseload which includes many unique cases involving complex legal, economic and social issues of national importance and a large backlog of pending appeals, the D.C. Circuit requires one additional judgeship." 7

The Judiciary Committee's conclusions are even more sound today, more than a decade later, when the annual number of administrative appeals filed in the D.C. Circuit has increased from 504 to 778, and from 34.8% of the Circuit's docket to 45.3%. 8 6 Letter from James F. Rill to The Washington Times, at 1 (Sept. 29, 1995) (emphasis supplied). 7 S. Rep. No. 98-55 (April 7, 1983), at 74. 8 See Letter from Ralph Mecham to Senator Charles E. Grassley (October 12, 1995), Enclosure 1 (statistics for the past three years); S. Rep. No. 98-55 (April 7, 1983), at 74 (D.C. Circuit caseload statistics available to the Judiciary Committee when it approved the twelfth judgeship). Taking into account only the most recent twelve- month period, the annual number of administrative appeals has increased from 504 to 611, and from 34.8% of the D.C. Circuit's docket to 38.5%.

In light of the unique nature of its docket, it should come as no surprise that the D.C. Circuit takes longer to dispose of cases on the merits than do all but two other regional circuits. The median amount of time required in the D.C. Circuit from the filing of the notice of appeal to final disposition is 12.0 months. This ranks the D.C. Circuit tenth out of the twelve regional circuits in this measure of productivity, ahead of only the Ninth Circuit (14.5 months) and the Eleventh Circuit (14.8 months). The nationwide average is 10.5 months; the figure for both the Second and Eighth Circuits is 8.1 months. 9

This lag time means that litigants in the D.C. Circuit are waiting longer for justice than other litigants. As Mr. Rill pointed out, the D.C. Circuit "faces a heavy commitment to appeals dealing with core issues involving the operation of the telecommunications, transportation, broadcasting, energy, and other vital industries. 10 These critical regulated companies often must wait at least a year to have their

disputes with the government resolved. Reducing the **size** of the Circuit would only exacerbate the problem. Because the D.C. Circuit is truly a national court, with a uniquely national administrative docket, this means that all Americans are potentially at risk of having justice delayed and hence denied.

II. Increased Workload

In Public Law 98-353, enacted in 1984, Congress increased the **size** of the D.C. Circuit from eleven to twelve judges. In reporting this legislation to the full Senate in April 1983, the Judiciary Committee concluded that the Circuit -- based upon its 1982 caseload -- needed a twelfth judgeship. 11 9 Judicial Business of the United States Courts: 1994 Report of the.Director, Table B-4. 10 Letter from James F. Rill to The Washington Times, at 2 (Sept. 29, 1995). 11 S. Rep. No. 98-55 (April 7, 1983), at 74. In supporting the 1984 legislation, Senator Robert Dole stated: "These new judicial positions were carefully considered and approved, after hearings before the Courts Subcommittee. Testimony was received from the chief judges of the **circuit courts** requesting the increases. The Administrative Office of the U.S. Courts submitted justification material based on workload and backload statistics of all Federal courts. on the basis of this record, the additional judgeships were approved." 130 Cong. Rec. S6093 (May 21, 1984).

This bit of history is extremely important, and sheds a great deal of light on the issue at hand. Presently, the D.C. Circuit faces a far heavier workload than it did when the Judiciary Committee decided to create the twelfth judgeship. Comparing the 1982 caseload to the average caseload from 1993-1995, there has been a 54.4% increase in administrative appeals and a 18.7% increase in total appeals. 12 In addition, when the Judiciary Committee approved the twelfth judgeship, the D.C. Circuit had three senior circuit judges to assist with its business. 13 Presently, there are no senior judges.

Thus, if a twelfth D.C. Circuit judgeship was deemed necessary when the Judiciary Committee reported the 1984 judgeship legislation, present circumstances make that judgeship even more essential today. In light of the Circuit's increased workload, one cannot reasonably conclude that the Circuit is "overstaffed" and has "excess capacity," or that its judges are not pulling their fair share of the judiciary's work.

As an aside, it is important to note that the 1985 caseload statistics cited by Judge Silberman in a letter to Senator Grassley 14 are

anomalous. The 2182 cases filed in 1985 far surpassed the number of cases filed in every other year during the past decade. 15 The relevant point of comparison, rather, is 1982. First, 1982 was a more representative year. Second, the 1982 caseload data was the basis for the Judiciary Committee's conclusion, arrived at after reasoned deliberation, that a twelfth D.C. Circuit judgeship was necessary. Any fair comparison with 1982 will lead to the conclusion that maintaining the D.C. Circuit's twelfth judgeship is more than justified. 12 Over the last three years, an average of 1718 cases were filed in the D.C. Circuit per year, 778 (45.3%) of which, on average, were administrative appeals. Letter from Ralph Mecham to Senator Charles E. Grassley (October 12, 1995), Enclosure 1. In its April 1983 Report, the Senate Judiciary Committee cited caseload statistics from 1982, during which litigants filed 1447 cases -- 504 of which were administrative appeals -- in the Circuit. S. Rep. No. 98-55 (April 7, 1983), at 74. Comparing the 1982 caseload with the caseload from the most recent twelvemonth period, there has been a 21.2% increase in administrative appeals and a 9.5% increase in total appeals. 13 S. Rep. No. 98-55 (April 7, 1983), at 74. 14 Letter from Judge Laurence H. Silberman to Senator Charles E. Grassley, at 1-2 (Sept. 26, 1995). 15 See Letter from Chief Judge Harry T. Edwards to Senator Charles E. Grassley, "New Case Filings" Table (Sept. 18, 1995).

III. Constitutional and Prudential Considerations

Mr. Chairman, under our constitutional system, Congress certainly is well within its prerogatives to raise questions about court **size** and, of course, has the final authority to create or abolish judgeships through enacted legislation. However, Congress traditionally has examined such questions in a methodical and comprehensive manner. These issues should be examined apart from consideration of specific vacancies, and informed by the deliberations of the Judicial Conference. Every effort should be made to ensure an objective result and to avoid inadvertently politicizing the process of determining the **size** of the judiciary.

As members of the Subcommittee well know, the Framers of the Constitution were particularly concerned about preserving the independence of the judiciary. For this reason, the Framers gave the executive and legislative branches roles in determining the judiciary's membership -- the President has the power to nominate and the Senate the power to confirm. Similarly, in determining the **size** of the judiciary, Congress authorizes judicial positions and the President has the power to sign or veto the authorization. It is a careful balance,

intended to protect the judiciary.

In the past, Congress has looked to the judges themselves -in the form of the Judicial Conference -- for assistance and guidance in determining the appropriate number of judicial positions. The process of addressing court **size** typically has proceeded as follows. The Judicial Conference periodically undertakes studies and surveys to assess its needs and to formulate recommendations to Congress. Congress then evaluates the Judicial Conference's recommendations. This process guarantees that serious and careful deliberation underlie decisions regarding the **size** of each district court and court of appeals and the federal courts as a whole.

In my view, leaving selected judicial vacancies open as they occur would introduce an element of randomness into what should be -- and what traditionally has been -- a deliberate, considered process. Vacancies can occur unexpectedly, as a result of death, resignation or retirement. Adjusting court **size** on such an ad hoc basis would make it difficult for chief judges at both the district and circuit level to predict what judicial resources would be available to them in the reasonably foreseeable future.

In addition, and notwithstanding the good faith of those who are raising the issue now, making judgeship decisions on such an ad hoc basis would create an appearance of partisanship that would weaken our society's respect for the non-partisan nature of the judiciary. Until now, Congress has never reduced the number of previously authorized judgeships at the **circuit court** level, let alone done so on an ad hoc basis when a particular vacancy arose. And, as just noted, Congress typically has increased the number only after careful consideration of Judicial Conference recommendations, on a nationwide basis.

Such an approach guarantees both the reality, and the appearance, of an objective, non-partisan allocation process. And it ensures that alterations in the judiciary's **size** are not viewed by the public either as attempts by Congress to deny appointments to a sitting President, or attempts by a sitting President and Congress to improperly exercise control over the Third Branch.

Indeed, the most well-known proposal to deviate from this considered approach was President Roosevelt's court-packing bill, aimed at increasing the **size** of the Supreme Court to ensure the Court's control by his nominees. However, as students of history will note, members of Congress from both parties strongly objected to his court-packing

plan. They felt that such an unorthodox action threatened the institution of the courts, as well as the public's respect for the independence of the judiciary as an institution.

The Senate ultimately rejected Roosevelt's court-packing plan in 1937. The Senate's action signalled an understanding that the integrity of the court system can best be maintained by addressing specific nominations on their own merits, and by addressing questions of court **size** separately and on their own merits. I submit that the nation would be best served if the Senate would continue to act on that decades-old understanding.

IV. Conclusion

To summarize, it is the Department's strongly held view that the D.C. Circuit should retain its current **size.** Efficient handling of the Circuit's uniquely complex caseload, with its heavy complement of administrative appeals, is essential to the nation's most important business. Due to differences in case mix and composition, simple caseload comparisons with the other circuits are bound to be misleading. Moreover, the D.C. Circuit's workload -- particularly its administrative appeals -has grown since the Judiciary Committee concluded over ten years ago that a twelfth judgeship was necessary. And finally, while Congress has the power to alter the **size** of the federal judiciary, it should do so in a comprehensive manner and in consultation with the Judicial Conference, and not on a vacancy-by-vacancy basis.

From: Hammel, Charles E.
To: <Kavanaugh, Brett M.>
Sent: 6/19/2003 12:55:26 PM
Subject: test from NOC2
Attachments: Path.doc

test

Chip

\\bdc-oeob1\Profiles\WHO\KIRBY_G.PDS

From: Kavanaugh, Brett M.
To: <Hammel, Charles E.>;<Kavanaugh, Brett M.>
Sent: 6/19/2003 12:59:10 PM
Subject: Re: test from NOC

Got it.

.

----- Original Message -----

From:Charles E. Hammel/OA/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 06/19/2003 12:54:10 PM

Subject: test from NOC

test

From: Kavanaugh, Brett M.
To: <Elwood, Courtney S.>
Sent: 6/19/2003 1:11:51 PM
Subject: thanks and one question

Assume she is talking solely about the room he is in and not the other rooms used for communications and staff back to WH?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange@EOP [WHO] <Carolyn Nelson>
Sent: 6/19/2003 9:22:58 AM
Subject: : memo 1
Attachments: P_GC3CH003_WHO.TXT_1.doc

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TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
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DRAFT

June 19, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: RULES ON POLITICAL ACTIVITY

This memorandum summarizes general rules with respect to political activity for a candidate, campaign, political group, or political party under the Hatch Act Reform Amendments of 1993. Please note that this memorandum is simply a summary of the relevant laws and regulations, which are set out or referenced in 5 U.S.C. 7321-7326 and 5 C.F.R. Part 734. We will renew and supplement this guidance as appropriate before the 2004 elections.

Please ask the General Counsels of your department or agency to issue guidance -- tailored as appropriate to your department or agency -- to ensure that employees of the department or agency are aware of and comply with the laws with respect to political activity, including those contained at 5 U.S.C. 7321-7326 and 5 C.F.R. Part 734. (We have provided similar guidance to White House staff.) Employees should be instructed to contact your General Counsel's office if they have any questions about appropriate political activity.

In addition, please note that certain agencies listed in 5 C.F.R. 734.401 -- primarily those with law enforcement or national security responsibilities -- have more stringent rules with respect to political activity. Several agencies traditionally have followed more stringent specific rules and practices as a matter of policy as well. This memorandum does not attempt to summarize the particular rules applicable to employees in those agencies.

Finally, please be aware that today we are issuing two separate memoranda to you regarding specific political travel issues that frequently arise.

Select List of Permitted Political Activities

The range of permissible political activities for Executive Branch employees is described in 5 C.F.R. Part 734. To summarize, an employee (other than one employed in an agency described in 5 C.F.R. 734.401) *may* engage in the following activities:

- participation in political organizations, which includes:
    - being a member of a political party;
    - serving as an officer of a political party;
    - attending and participating in nominating caucuses;

- participating in a political convention or rally; and
- serving as a delegate to a political convention.

- participation in political campaigns, which includes:

  - canvassing for votes;
  - endorsing or opposing a candidate in an advertisement, broadcast, campaign literature, or similar material;
  - addressing a convention, caucus, rally, or similar gathering of a political party or political group; and
  - actively managing the political campaign of a partisan political candidate or candidate for political party office.

- participation in elections, which includes:

  - voting; and
  - driving voters to polling places.

- attendance and speaking at fundraising events:

  An employee may not solicit, receive, or accept political contributions, and may not host or sponsor fundraisers. However, an employee *may*:

  - make lawful political contributions;
  - attend political fundraisers;
  - manage or organize political fundraisers hosted and sponsored by others (but you may not host or sponsor fundraisers or otherwise personally solicit contributions);
  - speak as a featured guest at political fundraisers so long as the employee does not solicit contributions and so long as the event otherwise complies with all legal requirements including the Bipartisan Campaign Reform Act;
  - be listed as a guest speaker on the invitation for a fundraiser so long as the invitation does not list the official title; and
  - solicit, accept, or receive uncompensated volunteer services for a campaign from any individual (however, a superior may not solicit or receive such services from a subordinate employee, nor may he or she target a company or entity with official matters pending before the agency for provision of such services).

Basic Prohibitions

The basic prohibitions on political activity are summarized at 5 C.F.R. 734 Subpart C.

1. An employee may not personally solicit, receive, or accept political contributions. Also, an employee may not host or sponsor political fundraisers. (However, an employee *may* speak at, attend, and be the featured guest at political fundraisers so long as the employee does not personally solicit contributions.)

REV_00123664

2. An employee may not use his or her official authority for the purpose of interfering with or affecting the result of an election. That means, for example, that an employee's official title may not be used on invitations to political fundraisers. If a title is used by others inadvertently and without the employee's knowledge, the employee should contact the relevant General Counsel's office promptly about appropriate steps to take.

3. An employee may not use his or her official authority to coerce any person to engage in or refrain from political activity.

On-Duty Activity Rules

Most Executive Branch employees are prohibited from engaging in political activity while on duty or in any government office building. There is an exception to this prohibition for those who are (i) Senate-confirmed officials or paid from an appropriation for the Executive Office of the President *and* (ii) whose duties continue after normal duty hours and away from the normal duty post. Such employees are permitted by law to engage in otherwise permitted political activity while on duty and in the office -- for example, meetings and telephone calls related to elections, campaigns, or political parties. However, any non-incidental costs incurred as a result of such activity shall be reimbursed. In addition, employees who are not Senate-confirmed or covered EOP employees may engage in official duties that involve assisting a Senate-confirmed or covered EOP official -- for example, with respect to scheduling or typing.

When a government officer or employee engages in political activity, the government should not pay (or must be reimbursed) for non-incidental costs that it would not have incurred but for the political activity.

Please note that political fundraising and fundraisers may *never* occur on official government property.

Travel Rules

As fully detailed in a separate memorandum being issued to you today regarding travel costs, the appropriate political entity ordinarily pays the relevant costs associated with political travel (or the costs for the political portion of mixed official-political travel). The government is not reimbursed, however, for: (i) the costs that result from security needs; or (ii) the compensation or expenses of persons required to accompany or assist the official engaging in political activity.

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

REV_00123665

From: Elwood, Courtney S.
To: <Kavanaugh, Brett M.>
Sent: 6/19/2003 1:29:16 PM
Subject: Re: thanks and one question

I'll double check and let you know.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Elwood, Courtney S.
Sent: Thu Jun 19 13:11:51 2003
Subject: thanks and one question

Assume she is talking solely about the room he is in and not the other rooms used for communications and staff back to WH?

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 6/19/2003 2:01:31 PM
Subject: FW:

this can't be good...
-----Original Message-----
From: Montgomery, Brian D.
Sent: Thursday, June 19, 2003 1:52 PM
To: Nelson, Carolyn
Subject:

What's your extension? I have a quick question for you.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Colleen Litkenhaus/WHO/EOP@Exchange [WHO] <Colleen Litkenhaus>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Daniel D. Faoro/OA /EOP@Exchange [OA] <Daniel D. Faoro>
Sent: 6/19/2003 3:49:36 PM
Subject: : Political Memos
Attachments: P_NKZCH003_WHO.TXT_1.pdf; P_NKZCH003_WHO.TXT_2.pdf

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:19-JUN-2003 19:49:36.00
SUBJECT:: Political Memos
TO:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Daniel D. Faoro ( CN=Daniel D. Faoro/OU=OA/O=EOP@Exchange [ OA ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Colleen- here are the two memos we discussed earlier. If you've gone home,
we can send them in the morning.
;
Subject line;for the admin alert: IMPORTANT: Memos on Political Travel
from Counsel's Office
;
Sent to: WHO, DPC, NEC
;
Did we send the first memo to OVP, or only the three listed above?
;
Thanks!
Carrie
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NKZCH003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NKZCH003_WHO.TXT_2>
```

THE WHITE HOUSE

WASHINGTON

June 19, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: RULES REGARDING CORPORATE AND GOVERNMENT AIRCRAFT ON POLITICAL TRIPS

This memorandum summarizes rules and policies with respect to use of corporate or government aircraft for political trips. (Note that this memorandum does not cover travel on a charter aircraft paid for by a political entity, which is treated the same as ordinary travel on a commercial aircraft where the cost is paid by a political entity.)

I. Corporate Aircraft

A political campaign or party may pay for air transportation of individuals to a political event, including of individuals employed in the Executive Branch who are otherwise allowed to attend the event. *See* 5 C.F.R. 2635.204(f). In addition, federal law authorizes political campaigns and parties to secure a corporate aircraft to provide air transportation, so long as the campaign or party reimburses the owner of the aircraft under relevant federal statutes and regulations. *See* 11 C.F.R. 114.9.

As a matter of policy, however, the following steps must occur when an Executive Branch employee travels on a corporate aircraft secured by a political campaign or party for the employee's travel to a political event:

1. The employee should not travel on a corporate aircraft for political travel unless commercial service would not be practically available under the circumstances, taking into account the employee's official schedule and the location and timing of the event.

2. The employee should not travel on an aircraft owned by an entity or individual that is regulated by or doing business with the employee's department or agency, or in circumstances that otherwise would be inappropriate.

3. The relevant political campaign or party must pay the owner of the aircraft *in advance* by paying the relevant first class airfare (or, in the case of travel to a city not served by a regularly scheduled commercial service, the usual charter rate).

4. For White House employees, advance approval of any use of a corporate aircraft for a political trip must be obtained from the Counsel to the President. For other Administration employees, advance approval of any use of corporate aircraft for a political trip must be obtained from the relevant department or agency General Counsel and the Counsel to the President.

5. When the trip is a mixed official-political trip involving campaign-related activity for Bush/Cheney '04, the re-election campaign will reimburse first-class airfare from the point of origin to each stop in which campaign-related activity is conducted and back to the point of origin. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7. When the trip is a mixed official-political trip involving political activity other than campaign-related activity for Bush/Cheney '04, the political entity will reimburse first-class airfare based on the hard-time formula, which means that the reimbursable costs of the trip are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503. On all mixed trips, use of a corporate aircraft must also meet the standards for approval under 41 C.F.R. Part 304.

II. Government Aircraft

1. White House employees and other Administration employees should not use government aircraft for travel on political trips or mixed official-political trips unless the employee is required for security reasons to use government aircraft, or the employee is accompanying another official who requires use of a government aircraft for security reasons.

2. Advance approval of any use of a government aircraft for such a trip must be obtained from the Chief of Staff to the President and Counsel to the President. Appropriate first-class reimbursement for political travelers must be made by the campaign or relevant political entity. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7(b)(5).

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

REV_00123696

THE WHITE HOUSE

WASHINGTON

June 19, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: PAYMENT OF EXPENSES ASSOCIATED WITH POLITICAL TRAVEL DURING THE PRESIDENTIAL CAMPAIGN

This memorandum addresses the allocation of costs for travel on behalf of the President's authorized campaign committee.

The memorandum will be of primary assistance to those who calculate the costs for political and mixed travel. For reference, the rules of allocation and payment are summarized on pages 3-4 of this memorandum.

General Legal Principles

When considering the payment of travel expenses incurred on behalf of the President's authorized campaign committee (Bush/Cheney '04), three principles govern. First, appropriated funds may be spent only for the purposes for which they have been appropriated. *See* 31 U.S.C. 1301. Accordingly, funds appropriated for the official functions of the departments and agencies may be used for travel expenses only if the travel is reasonably related to an official purpose.

The second basic principle is that, in general, official activities should be paid only from funds appropriated for such purposes, unless Congress has authorized the support of those activities by other means. This principle prevents unauthorized augmentation of appropriations.

The third principle involves the requirements of the Federal election laws. Now that the President is a candidate for re-election, travel on behalf of the President's authorized campaign committee must be paid for by Bush/Cheney '04. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7.

Political and Official Travel

Before an allocation of expenses for travel can be made, a determination must first be made as to whether an appearance is official or political; and, if it is political, whether it is on

behalf of Bush/Cheney '04 or another political candidate or committee. For purposes of allocating travel costs during the Presidential campaign, there are three categories of events: 1) official events; 2) Bush/Cheney '04 political events, *e.g.*, a Bush/Cheney '04 fundraiser; and 3) other political events, *e.g.*, a fundraising event for a non-Presidential candidate.

In determining whether an activity is political or official, all relevant factors should be considered, including, but not limited to, the identity of the sponsor of the event, the group or organization being addressed, other participants, and the nature of the speech being delivered. There is considerable room for discretion in determining whether an event giving rise to an expense is political or official. Ultimately, the question is a factual one that can only be answered by those most familiar with the facts of a given event, trip or situation; accordingly, this determination must be made on a case-by-case basis. White House employees should consult the Counsel's Office, and department and agency employees should consult their General Counsel about these matters.

Generally speaking, appearing at party functions, fundraising, and campaigning for specific candidates should be considered political. In addition, any event that involves solicitation of campaign funds or express advocacy for a candidate or candidates for office will be political. Travel for inspections, meetings to discuss government business, official addresses, and the like ordinarily should be considered official travel, even though the event may have partisan consequences or concern matters on which opinion is politically divided. For a broader discussion of these issues, *see* 6 Op. O.L.C. 214, 216-217 (1982).

When allocating costs between political and official activities, an additional point should be kept in mind. There are some persons whose official duties may require them to be with the Administration official, whether or not that official is on government business. This group may include, among others, personal aides responsible for assisting in the conduct of official business while an official is traveling and the security detail responsible for an official's protection. Expenses incurred during travel by this group of individuals are official regardless of the character of the event that may be involved.

Bush/Cheney '04 Campaign Travel

The Bush/Cheney '04 campaign will carefully follow rules set forth in Federal Election Commission campaign travel allocation regulations. *See* 11 C.F.R. 106.3, 9034.7, 9035.1. The travel expenses for campaign-related travelers that are incurred for a stop in which an individual engages in campaign activity on behalf of the President are paid by Bush/Cheney '04. Please note that if any campaign activity for a Presidential candidate, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related. *Id.* 9034.7(b)(2).

Campaign committees for non-Presidential candidates may not pay for the costs of campaign travel on behalf of the President. For example, if a Senatorial candidate schedules a fundraiser back-to-back with a Bush/Cheney '04 fundraiser, the President's campaign committee must pay the travel expenses for the entire stop. *See* 11 C.F.R. 106 and 9034.7. Also, when there is a question about the nature of a political event, particularly those involving the President

REV_00123698

and Vice President, the event will presumptively be considered campaign-related, and Bush/Cheney '04 will pay the appropriate travel costs.

Event costs associated with the individual events at a stop involving both Bush/Cheney '04 and official activity -- as opposed to the travel-related costs -- may be divided and allocated. Similarly, event costs associated with a trip involving both Bush/Cheney '04 and other political events likewise may be divided and allocated.

In instances where the same travel costs are incurred in conjunction with official and Bush/Cheney '04 activity, the portion of the trip allocable to the President's campaign committee is determined by using the hypothetical trip formula: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin. *Cf.* 11 C.F.R. 9034.7(b)(2). Where travel includes political, but not Bush/Cheney '04, activity and official activity, the portion of the trip allocable to the political entities is determined by using the hard-time formula, under which relevant costs are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503.

Rules of Allocation and Payment

The rules of allocation and payment are summarized below:

1. The President's campaign committee pays Presidential campaign-related travel costs. This includes transportation, hotel, and per diem costs for campaign-related travelers. For mixed trips, the hypothetical trip formula should be used for all campaign-related travelers: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin.

2. Costs associated with political activity that occurs on a mixed trip that does not involve any Bush/Cheney '04 activity are allocated according to the hard-time formula, under which relevant costs are divided based on the time spent on official and political activity. If any Bush/Cheney '04 campaign-related activities occur on a trip, the costs of the Bush/Cheney '04 campaign stops must be allocated according to the hypothetical trip formula.

3. If government aircraft (in accordance with applicable rules) is used for Bush/Cheney '04 travel, the campaign committee must pay the appropriate government entity the first-class commercial airfare for each traveler (except official travelers) in the case of travel to a city served by regularly scheduled *first-class* commercial service. In the case of travel to a city that is not served by regularly scheduled *first-class* commercial airline service, the campaign must reimburse the appropriate government entity the commercial coach airfare for each traveler (except official travelers). The campaign committee must pay the commercial charter rate in the case of travel to a city not served by regularly scheduled commercial service. (For political travel that is not Bush/Cheney '04 travel, the reimbursement is at commercial coach rate.)

REV_00123699

4. If an Administration official travels to the political event by commercial airline, the campaign is obliged to pay the actual cost of the commercial airfare. The campaign may not take advantage of government rates.

5. If government cars (in accordance with applicable rules) are used for Bush/Cheney '04 campaign-related travelers on campaign-related trips, the government shall be reimbursed the commercial rental cost of comparable vehicles for the campaign-related travelers.

6. If a meeting room is rented for the purpose of campaign-related activity, the campaign should pay the costs of the room. The campaign may not take advantage of government rates.

7. The campaign must pay for the hotel rooms of campaign-related travelers. The campaign may not take advantage of government rates.

8. To document adequately these travel allocations and payments, all agencies should: (i) prepare, or otherwise have available, an itinerary for each trip involving Bush/Cheney '04 activity, and (ii) if government conveyance is used, prepare a list of all passengers, along with a designation as to which passengers are, or are not, campaign-related. A copy of the itinerary should be submitted to Bush/Cheney '04; the Bush/Cheney '04 campaign will maintain such information.

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. The regulations governing the payment of expenses for travel by federal officials on behalf of the President's campaign committee are in title 11, Code of Federal Regulations. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

REV_00123700

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 6/19/2003 4:03:43 PM
Subject: schedule c's

Can they do political advance if they take vacation time?

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>;<Snee, Ashley>
Sent: 6/19/2003 4:36:10 PM
Subject: 6-19 letter to leahy
Attachments: judges letter leahy 6 19 03.pdf

THE WHITE HOUSE

WASHINGTON

June 19, 2003

Dear Senator Leahy:

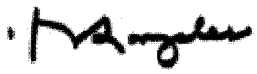
Thank you for meeting with me yesterday and also for your letter of today. Your letter raises concerns about certain media reports yesterday, and I wanted to respond promptly.

First, there is no current vacancy on the Supreme Court, and as I told you yesterday we are not aware of plans by any Justice to retire. Therefore, final decisions regarding appropriate consultations have not been made. Contrary to news reports, moreover, Ari Fleischer did not say who President Bush would consult with or receive advice from in the event of a Supreme Court vacancy and certainly did not foreclose the possibility that Senators might be consulted.

Second, in response to letters written by you and two of your colleagues, I have already indicated my willingness to meet with Senators to discuss the possibility of a Supreme Court vacancy. I did so in good faith with you yesterday and I remain willing to do so with other Senators who may be interested in discussing this issue, as I indicated to Senator Daschle and Senator Schumer.

In short, the White House is and remains willing to meet and listen to your thoughts and concerns, as well as those of your colleagues. I fully appreciate your interest, as well as your constitutional role, in the Supreme Court process, and I share your desire for a fair and orderly Senate confirmation process and prompt vote in the event of a Supreme Court vacancy during this Presidency.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Patrick Leahy
United States Senate
Washington, DC 20510

Cc: The Honorable Bill Frist
The Honorable Thomas Daschle
The Honorable Orrin Hatch

From: Litkenhaus, Colleen
To: <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>;kmccullough@georgewbush.com <kmccullough@georgewbush.com>;kmccullough@georgewbush.com <Ralston, Susan B.>
Sent: 6/19/2003 4:57:29 PM
Subject: RE: Phone Calls

Joe thinks this is a good idea. Also, since the question originally came from Mary Cheney, do we need to make the same accommodations on the VPs plane?

-----Original Message-----
From: Litkenhaus, Colleen
Sent: Thursday, June 19, 2003 12:06 PM
To: Kavanaugh, Brett M.; kmccullough@georgewbush.com; Ralston, Susan B.
Subject: RE: Phone Calls

Phone calls from the plane

Here is a potential solution. We can have two air phones put on the plane that have a label that says "political phone." Staff can use those phones for any political calls. These phones do not go to the air force one operator. In fact, political staff can call up to these phones directly as well. The calls are about 3.99 per minute - with a minimum of 2-3 minutes. It's just like a phone on a commercial plane.

Then the bill will come to WHCA for these phones only. WHCA will get me the bills and I will give them to Susan. You get the bill monthly, after the fact. The bill would come in itemized, but wouldn't have the callers name identified. You could put a little card next to the phone that gave some sort of policy direction for usage. For example, "please note this is a political phone that costs 3.99 per minute. That's a lot of bumper stickers. Please use sparingly." Or, "this phone may only be used by……"

Please let me know if you would like me to make this happen and put this process in place.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 13, 2003 8:24 PM
To: kmccullough@georgewbush.com; Kavanaugh, Brett M.; Litkenhaus, Colleen
Subject: Re: Phone Calls

CL: How are those calls billed now?

.

----- Original Message -----
From:kmccullough@georgewbush.com
To:Brett M. Kavanaugh/WHO/EOP@EOP,
Colleen Litkenhaus/WHO/EOP@EOP
Cc:
Date: 06/13/2003 10:22:15 AM
Subject: Fw: Phone Calls

Could you two please let me know your thoughts on this question from Mary? I assume we could set some sort of billing procedure set up with WHCA. It also raises another question: if a snack or meal is served on board either plane when we have political travellers, will there be a Bush-Cheney '04 account that is billed or how should we handle?

Thanks,
Kelley

----- Original Message -----
From: Mary Cheney
To: Kelley McCullough
Sent: Friday, June 13, 2003 10:09 AM
Subject: Phone Calls

Kelley -

What are the rules regarding campaign staff using the phones on AF1 or 2? I assume that if we can use them, we need some sort of billing card, but are we allowed to use them at all?

Mary

- att1.htm

From: Kelley McCullough <kmccullough@georgewbush.com>
To: <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>;<Ralston, Susan B.>;Mary Cheney <mcheney@georgewbush.com>;tomj@georgewbush.com <tomj@georgewbush.com>
Sent: 6/19/2003 5:07:55 PM
Subject: Re: Phone Calls

Yes. Thank you. I'll develop the policy language for useage and circulate for approval.

----- Original Message -----
From: Litkenhaus, Colleen
To: Litkenhaus, Colleen ; Kavanaugh, Brett M. ; Kelley McCullough ; Ralston, Susan B.
Sent: Thursday, June 19, 2003 4:57 PM
Subject: RE: Phone Calls

Joe thinks this is a good idea. Also, since the question originally came from Mary Cheney, do we need to make the same accommodations on the VPs plane?

-----Original Message-----
From: Litkenhaus, Colleen
Sent: Thursday, June 19, 2003 12:06 PM
To: Kavanaugh, Brett M.; kmccullough@georgewbush.com; Ralston, Susan B.
Subject: RE: Phone Calls

Phone calls from the plane

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-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 13, 2003 8:24 PM
To: kmccullough@georgewbush.com; Kavanaugh, Brett M.; Litkenhaus, Colleen
Subject: Re: Phone Calls

Q. How are those calls billed now?

.

----- Original Message -----
From: kmccullough@georgewbush.com
To: Brett M Kavanaugh/WHO/EOP@EOP,
Colleen Litkenhaus/WHO/EOP@EOP
Cc:
Date: 06/13/2003 10:22:15 AM
Subject: Fw: Phone Calls

Could youtwo please let me knowyour thoughts on this question from Mary? I assume we could set some sort of billing procedure set upwith WHCA. It also raises another question: if a snack or meal is served on board either plane when we have political travellers, will there be a Bush-Cheney '04 account that is billed or howshould we handle?

Thanks,
Kelley

----- Original Message -----
From: Mary Cheney
To: Kelley McClough
Sent: Friday, June 13, 2003 10:09 AM
Subject: Phone Calls

Kelley-

What are the rules regarding campaign staff using the phones on AF1 or 2? I assume that if we can use them, we need some sort of billing card, but are we allowed to use them at all?

Mary

- att1.htm

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>
Sent: 6/19/2003 5:18:49 PM
Subject: Re: your time

In tort mtg until 6.

.

----- Original Message -----

From:Colleen Litkenhaus/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 06/19/2003 05:10:11 PM

Subject: your time

I guess I would love to run something by you if you have a second - I would run over.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 6/19/2003 5:30:53 PM
Subject:

which groups are we sending the memo to? WHO only? I want to tell colleen so we can get the wheels in motion.

From: Elwood, Courtney S.
To: <Kavanaugh, Brett M.>
Sent: 6/19/2003 7:22:42 PM
Subject: Re: thanks and one question

Hope my v/m message made sense. Short answer: not necessarily; depends on who occupies the staff office.

P.S. If I didn't have a baby screaming in the background, I would have given you some grief about this morning's Post. :)

-----Original Message-----
From: Kavanaugh, Brett M.
To: Elwood, Courtney S.
Sent: Thu Jun 19 13:11:51 2003
Subject: thanks and one question

Assume she is talking solely about the room he is in and not the other rooms used for communications and staff back to WH?

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 6/19/2003 8:36:50 PM
Subject: WHERE ARE YOU?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen Litkenhaus/WHO/EOP@Exchange [WHO] <Colleen Litkenhaus>
CC: daniel d. faoro/oa/eop@exchange [OA] <daniel d. faoro>;carolyn nelson/who/eop@exchange [WHO] <carolyn nelson>
Sent: 6/20/2003 3:50:44 AM
Subject: : RE: Political Memos

Begin Original ARMS Header
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-JUN-2003 07:50:44.00
SUBJECT:: RE: Political Memos
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:daniel d. faoro (CN=daniel d. faoro/OU=oa/O=eop@exchange [OA])
READ:UNKNOWN
CC:carolyn nelson (CN=carolyn nelson/OU=who/O=eop@exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/19/2003 11:04:09 PM
Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange
cc: Daniel D. Faoro/OA/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP
Subject: RE: Political Memos

Yes.; We did send to OVP also.; Would you like us to include them again this time?

-----Original Message-----
From: Nelson, Carolyn
Sent: Thursday, June 19, 2003 7:48 PM
To: Litkenhaus, Colleen
Cc: Faoro, Daniel D.; Kavanaugh, Brett M.
Subject: Political Memos

Colleen- here are the two memos we discussed earlier. If you've gone home, we can send them in the morning.
;
Subject line;for the admin alert: IMPORTANT: Memos on Political Travel from Counsel's Office
;
Sent to: WHO, DPC, NEC
;
Did we send the first memo to OVP, or only the three listed above?
;
Thanks!
Carrie

From: The Federalist Society <lisab@fed-soc.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/20/2003 4:10:22 AM
Subject: : NEXT WEEK AT THE FEDERALIST SOCIETY

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:The Federalist Society <lisab@fed-soc.org> (The Federalist Society <lisab@fed-soc.org> [UNKNOWN])
CREATION DATE/TIME:20-JUN-2003 08:10:22.00
SUBJECT:: NEXT WEEK AT THE FEDERALIST SOCIETY
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Federalist Society
[IMAGE] The Federalist Society Update)

ÿ
June 20, 2003ÿ

[IMAGE]
Next Week / New on the Web Page
Miami Lawyers Chapter
Washington, DC Lawyers Chapter
New Orleans Lawyers Chapter
Engage
Separation of Powers CLE
Class Action Watch
Judicial Nominations
NGO Watch

Miami Lawyers Chapter

On Wednesday, June 25, the Miami Lawyers Chapter will sponsor a panel discussion on "Limitations of Damages for Medical Malpractice." Speakers will include: Dr. Yank Coble, President of the American Medical Association; Maria Rubio, Leesfield, Leighton, Rubio, Mahfood, & Boyers PA; Hon. Dan Gelber, Florida House of Representatives and Zuckerman Spaeder LLP; Professor Stephen Halpert, University of Miami School of Law and President, Miami Federalist Society; and Hon. Cecilia Altonaga, United States District Court, Southern District of Florida (Moderator). RSVP to 305-284-4442.

For more information

[IMAGE]
[IMAGE]
[IMAGE]

Washington, DC Lawyers Chapter

[IMAGE]

On Friday, June 27, the Washington, DC Lawyers Chapter hosts Senator John Cornyn, R-TX, who will speak on "Filibusters and Judicial Confirmations." The event will be held at Tony Cheng's Restaurant from noon to 1:30 p.m.

RSVP —

[IMAGE]
[IMAGE]
[IMAGE]

New Orleans Lawyers Chapter

[IMAGE]

On Friday, June 27, the New Orleans Lawyers Chapter will host Ralph F. Boyd, Jr., the Assistant Attorney General of the Civil Rights Division, U.S. Department of Justice. He will speak on "Grutter v. Bollinger."

For More Information —

[IMAGE]
[IMAGE]
[IMAGE]

Engage

[IMAGE]

The May 2003 issue of Engage is now available online. Engage is a collaborative effort involving each of the Federalist Society's fifteen Practice Groups and the latest issue is filled with original articles produced by Society members and friends. It includes articles on judicial confirmations, the SEC's rulemakings under Sarbanes-Oxley, U.S. Supreme Court decisions, and much more.

Read Engage Here —

[IMAGE]
[IMAGE]
[IMAGE]

Separation of Powers CLE

[IMAGE]

The Federalism & Separation of Powers Practice Group hosts its third Separation of Powers CLE course with Justice Antonin Scalia and LSU Professor John Baker on August 14-15 in Colorado. Registration is limited to current dues-paying members.

Register Here —

[IMAGE]
[IMAGE]
[IMAGE]

Class Action Watch

[IMAGE]

The Summer 2003 issue of Class Action Watch is now available online. Class Action Watch is committed to providing information concerning the changing nature of class action litigation and to report recent developments. This issue includes analysis of a Federalist Society survey regarding duplicative class action litigation and the new "Big Fat" class actions against fast food restaurants.

Read Class Action Watch Here —

[IMAGE]
[IMAGE]
[IMAGE]

Judicial Nominations

[IMAGE]

This week's New York Times and a number of other national papers, in the midst of speculation about Supreme Court vacancies, are covering the efforts of various groups to prepare for a fight over the Court. To provide some historical context, we have appended excerpts from a book titled People Rising, a work considered by many to be a blueprint to opposition to Court nominees by the Left. The book provides fascinating insights.

Read the Excerpts Here —

[IMAGE]
[IMAGE]
[IMAGE]

NGO Watch

[IMAGE]

The Federalist Society and the American Enterprise Institute have launched a new website called NGOWatch.org. The site features a listing of hundreds of non-governmental organizations, which will include information regarding each NGO's mission, areas of interest, and leadership. The site also includes a number of white papers on treaties and international organizations. The site has limited content at this point, but will be updated frequently.

NGO Watch ¯

Also New on the Web Page

[IMAGE]

Federalist Society Store
Job Opening
Financial Services Practice Group Web page - Updated

Renew Your Dues Using Paypal
Lawyers Division Calendar
Civil Rights Practice Group Web Page - Updated

ÿÿÿÿÿemail: fedsoc@radix.net
ÿÿÿÿÿvoice: 202-822-8138
ÿÿÿÿÿweb: http://www.fed-soc.org

[IMAGE] [IMAGE]

Forward email

SafeUnsubscribe(TM)
This email was sent to brett_kavanaugh@who.eop.gov, by The Federalist Society.
Update your profile |Instant removal with SafeUnsubscribev | Privacy Policy.
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From: CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/20/2003 4:33:54 AM
Subject: : Ambassador Bremer on "Today" -- NBC 06/20/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:20-JUN-2003 08:33:54.00
SUBJECT:: Ambassador Bremer on "Today" -- NBC 06/20/03
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

NBC "TODAY" INTERVIEW WITH: PAUL BREMER, PRESIDENTIAL ENVOY TO IRAQ

7:12 A.M. (EDT), FRIDAY, JUNE 20, 2003

;

CAMPBELL BROWN: About 50 Americans have died in Iraq due to hostile fire and accidents since major combat was declared over by President Bush on May 1st. One hundred fifty thousand American troops remain on the ground there.

;;;;;; Ambassador Paul Bremer is the highest-ranking American official in Baghdad and is responsible for overseeing Iraq's transition to democracy.

;;;;;; Ambassador Bremer, good morning.

;;;;;; AMB. BREMER: Good morning. Great to be with you from free Iraq.

;;;;;; MS. BROWN: Ambassador, let me begin by asking you about a story on the front page of the New York Times today. U.S. officials say they now believe that Saddam Hussein is probably alive and that this is coming on the heels of a major arrest, one of his closest aides this week. What information do you have that makes you think he may be alive?

;;;;;; AMB. BREMER: I think actually the intelligence community and the military is divided on the question of whether he's alive or dead. We frankly don't know. I wish we did know. I think it would be nice to have that particular chapter completely ended. He, of course, is not in charge here, and that's the main thing.

;;;;;; MS. BROWN: I don't want to put you too much on the spot here, because I know you're not directly in charge of security, but the fact is it's been almost two months since the president declared the war over, but almost 50 soldiers or about 50 soldiers have died during that time. Recently it's been one a day. Did the president declare this over too soon?

;;;;;; AMB. BREMER: No. First of all, two-thirds of those casualties are accidents. They're not combat-related. It doesn't make it any easier and it makes it no less regrettable when we have our young men and women dying here. We still have hostile action in this country. We still have Baathist regime remnants who are trying to kill our soldiers.

;;;;;; But the real target that they're after is the Iraqi people. They're basically trying to send a message that the coalition cannot provide the most basic function of any government, which is security. And they're not going to succeed. We will provide security.

;;;;;; MS. BROWN: I want to read you a quote that's in today's Washington Post. This is from an American soldier who is stationed in Iraq. And he says, quote, "The war is supposed to be over, but every day we hear of

another soldier getting killed. Is it worth it? Saddam isn't in power anymore. The locals want us to leave. Why are we still here?" How do you answer that soldier who's there putting his life on the line?

;;;;;; AMB. BREMER: Well, of course, I admire his and I'm proud of his service to his country. But the fact of the matter is, most Iraqis don't want us to leave because they know if we leave, we would leave behind a situation where it is possible that remnants of the regime might reconstitute themselves. That's what we're seeing in these fights and fire fights we've had north and west of Baghdad over the last couple of weeks.

;;;;;; The president has been very clear. We're going to stay here until the job is done. And the job is defined as putting in place a democratic government in Iraq, fully sovereign within its borders, and at peace with its neighbors. We will leave when that job is done, and we won't leave until it's done.

;;;;;; MS. BROWN: Well, let me ask you about that, because your job is bringing democracy to Iraq, and yet this week you canceled planned elections for mayor in Najaf that were planned by the Iraqis. You have thrown out the original idea of having the Iraqis elect an interim authority to run the country. Instead you're appointing your own council of advisers who will answer solely to you. How do you call that bringing democracy to Iraq?

;;;;;; AMB. BREMER: Well, in the first place, I canceled those elections two weeks ago. I guess it only got out to the press recently. The political council which I am consulting on will, in fact, be an agreed council, a consultative council that will be agreed upon in the discussions I'm having with a very broad range of Iraqis from all around the country -- Shias, Sunnis, Kurds, Arabs, men and women, Christians, Turkomans.

;;;;;; We'll have a council which will be broadly representative of the entire country. And I think most Iraqis now recognize that that is the quickest and most effective way to get responsible Iraqis in charge of their country.

;;;;;; MS. BROWN: I want to read you one more quote. Your critics have been saying that you don't have the resources; you're understaffed. This is from the Times of London this week, one of your own officials, who says, quote, "This is the single most chaotic organization I've ever worked for and suffers from an almost complete absence of strategic direction." Your reaction?

;;;;;; AMB. BREMER: Well, clearly this was somebody who didn't know what he was talking about. Our strategy is very clear. It's been very clear for months. We are going to install a representative government here. We're going to provide law and order for the Iraqi people.

;;;;;; And most importantly right now, our focus is on a fundamental transformation of a very devastated economy. That is what's getting most of our attention now and will over the next few days. I'm leading a delegation, including Iraqis, to the World Economic Forum in Jordan tomorrow and Sunday, where we're going to have talks with world leaders about our plans to reform this economy.

;;;;;; MS. BROWN: Finally, Ambassador, let me ask you about weapons of mass destruction, our reason that we gave the rest of the world for going to war. Where are they?

;;;;;; AMB. BREMER: Well, we have a team that has arrived here about a week ago, 1300 people under General Dayton. They are beginning the process now of a very intense, close review of documents and sites. There's no question that there were weapons of mass destruction here. All of the U.N. people agreed on that. President Clinton agreed on that. Two U.N. inspection teams agreed on that. The question is, where are they now? And we'll find them if they're here, I'm confident.

;;;;;; MS. BROWN: Ambassador Paul Bremer, we do wish you best of luck with a difficult job ahead. Thanks for being with us this morning.

;;;;;; AMB. BREMER: Nice to be with you.

END.

;

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 6/20/2003 8:48:22 AM
Subject: Makan meeting . . .

Is there one? I cannot attend.

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/20/2003 6:18:12 AM
Subject: : FW: ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office
Attachments: P_FJDDH003_WHO.TXT_1.pdf; P_FJDDH003_WHO.TXT_2.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:20-JUN-2003 10:18:12.00
SUBJECT:: FW: ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Are you OK with these being in PDF format? Do you have any concern that some people can' t open these?
-----Original Message-----
From: Postmaster
Sent: Friday, June 20, 2003 9:10 AM
To: All Who Users
Subject: ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office

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File attachment <P_FJDDH003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FJDDH003_WHO.TXT_2>

THE WHITE HOUSE

WASHINGTON

June 19, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: RULES REGARDING CORPORATE AND GOVERNMENT AIRCRAFT ON POLITICAL TRIPS

This memorandum summarizes rules and policies with respect to use of corporate or government aircraft for political trips. (Note that this memorandum does not cover travel on a charter aircraft paid for by a political entity, which is treated the same as ordinary travel on a commercial aircraft where the cost is paid by a political entity.)

I. Corporate Aircraft

A political campaign or party may pay for air transportation of individuals to a political event, including of individuals employed in the Executive Branch who are otherwise allowed to attend the event. *See* 5 C.F.R. 2635.204(f). In addition, federal law authorizes political campaigns and parties to secure a corporate aircraft to provide air transportation, so long as the campaign or party reimburses the owner of the aircraft under relevant federal statutes and regulations. *See* 11 C.F.R. 114.9.

As a matter of policy, however, the following steps must occur when an Executive Branch employee travels on a corporate aircraft secured by a political campaign or party for the employee's travel to a political event:

1. The employee should not travel on a corporate aircraft for political travel unless commercial service would not be practically available under the circumstances, taking into account the employee's official schedule and the location and timing of the event.

2. The employee should not travel on an aircraft owned by an entity or individual that is regulated by or doing business with the employee's department or agency, or in circumstances that otherwise would be inappropriate.

3. The relevant political campaign or party must pay the owner of the aircraft *in advance* by paying the relevant first class airfare (or, in the case of travel to a city not served by a regularly scheduled commercial service, the usual charter rate).

4. For White House employees, advance approval of any use of a corporate aircraft for a political trip must be obtained from the Counsel to the President. For other Administration employees, advance approval of any use of corporate aircraft for a political trip must be obtained from the relevant department or agency General Counsel and the Counsel to the President.

5. When the trip is a mixed official-political trip involving campaign-related activity for Bush/Cheney '04, the re-election campaign will reimburse first-class airfare from the point of origin to each stop in which campaign-related activity is conducted and back to the point of origin. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7. When the trip is a mixed official-political trip involving political activity other than campaign-related activity for Bush/Cheney '04, the political entity will reimburse first-class airfare based on the hard-time formula, which means that the reimbursable costs of the trip are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503. On all mixed trips, use of a corporate aircraft must also meet the standards for approval under 41 C.F.R. Part 304.

II. Government Aircraft

1. White House employees and other Administration employees should not use government aircraft for travel on political trips or mixed official-political trips unless the employee is required for security reasons to use government aircraft, or the employee is accompanying another official who requires use of a government aircraft for security reasons.

2. Advance approval of any use of a government aircraft for such a trip must be obtained from the Chief of Staff to the President and Counsel to the President. Appropriate first-class reimbursement for political travelers must be made by the campaign or relevant political entity. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7(b)(5).

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

REV_00123845

THE WHITE HOUSE

WASHINGTON

June 19, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: PAYMENT OF EXPENSES ASSOCIATED WITH POLITICAL TRAVEL DURING THE PRESIDENTIAL CAMPAIGN

This memorandum addresses the allocation of costs for travel on behalf of the President's authorized campaign committee.

The memorandum will be of primary assistance to those who calculate the costs for political and mixed travel. For reference, the rules of allocation and payment are summarized on pages 3-4 of this memorandum.

General Legal Principles

When considering the payment of travel expenses incurred on behalf of the President's authorized campaign committee (Bush/Cheney '04), three principles govern. First, appropriated funds may be spent only for the purposes for which they have been appropriated. *See* 31 U.S.C. 1301. Accordingly, funds appropriated for the official functions of the departments and agencies may be used for travel expenses only if the travel is reasonably related to an official purpose.

The second basic principle is that, in general, official activities should be paid only from funds appropriated for such purposes, unless Congress has authorized the support of those activities by other means. This principle prevents unauthorized augmentation of appropriations.

The third principle involves the requirements of the Federal election laws. Now that the President is a candidate for re-election, travel on behalf of the President's authorized campaign committee must be paid for by Bush/Cheney '04. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7.

Political and Official Travel

Before an allocation of expenses for travel can be made, a determination must first be made as to whether an appearance is official or political; and, if it is political, whether it is on

behalf of Bush/Cheney '04 or another political candidate or committee. For purposes of allocating travel costs during the Presidential campaign, there are three categories of events: 1) official events; 2) Bush/Cheney '04 political events, *e.g.*, a Bush/Cheney '04 fundraiser; and 3) other political events, *e.g.*, a fundraising event for a non-Presidential candidate.

In determining whether an activity is political or official, all relevant factors should be considered, including, but not limited to, the identity of the sponsor of the event, the group or organization being addressed, other participants, and the nature of the speech being delivered. There is considerable room for discretion in determining whether an event giving rise to an expense is political or official. Ultimately, the question is a factual one that can only be answered by those most familiar with the facts of a given event, trip or situation; accordingly, this determination must be made on a case-by-case basis. White House employees should consult the Counsel's Office, and department and agency employees should consult their General Counsel about these matters.

Generally speaking, appearing at party functions, fundraising, and campaigning for specific candidates should be considered political. In addition, any event that involves solicitation of campaign funds or express advocacy for a candidate or candidates for office will be political. Travel for inspections, meetings to discuss government business, official addresses, and the like ordinarily should be considered official travel, even though the event may have partisan consequences or concern matters on which opinion is politically divided. For a broader discussion of these issues, *see* 6 Op. O.L.C. 214, 216-217 (1982).

When allocating costs between political and official activities, an additional point should be kept in mind. There are some persons whose official duties may require them to be with the Administration official, whether or not that official is on government business. This group may include, among others, personal aides responsible for assisting in the conduct of official business while an official is traveling and the security detail responsible for an official's protection. Expenses incurred during travel by this group of individuals are official regardless of the character of the event that may be involved.

Bush/Cheney '04 Campaign Travel

The Bush/Cheney '04 campaign will carefully follow rules set forth in Federal Election Commission campaign travel allocation regulations. *See* 11 C.F.R. 106.3, 9034.7, 9035.1. The travel expenses for campaign-related travelers that are incurred for a stop in which an individual engages in campaign activity on behalf of the President are paid by Bush/Cheney '04. Please note that if any campaign activity for a Presidential candidate, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related. *Id.* 9034.7(b)(2).

Campaign committees for non-Presidential candidates may not pay for the costs of campaign travel on behalf of the President. For example, if a Senatorial candidate schedules a fundraiser back-to-back with a Bush/Cheney '04 fundraiser, the President's campaign committee must pay the travel expenses for the entire stop. *See* 11 C.F.R. 106 and 9034.7. Also, when there is a question about the nature of a political event, particularly those involving the President

REV_00123847

and Vice President, the event will presumptively be considered campaign-related, and Bush/Cheney '04 will pay the appropriate travel costs.

Event costs associated with the individual events at a stop involving both Bush/Cheney '04 and official activity -- as opposed to the travel-related costs -- may be divided and allocated. Similarly, event costs associated with a trip involving both Bush/Cheney '04 and other political events likewise may be divided and allocated.

In instances where the same travel costs are incurred in conjunction with official and Bush/Cheney '04 activity, the portion of the trip allocable to the President's campaign committee is determined by using the hypothetical trip formula: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin. *Cf.* 11 C.F.R. 9034.7(b)(2). Where travel includes political, but not Bush/Cheney '04, activity and official activity, the portion of the trip allocable to the political entities is determined by using the hard-time formula, under which relevant costs are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503.

Rules of Allocation and Payment

The rules of allocation and payment are summarized below:

1. The President's campaign committee pays Presidential campaign-related travel costs. This includes transportation, hotel, and per diem costs for campaign-related travelers. For mixed trips, the hypothetical trip formula should be used for all campaign-related travelers: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin.

2. Costs associated with political activity that occurs on a mixed trip that does not involve any Bush/Cheney '04 activity are allocated according to the hard-time formula, under which relevant costs are divided based on the time spent on official and political activity. If any Bush/Cheney '04 campaign-related activities occur on a trip, the costs of the Bush/Cheney '04 campaign stops must be allocated according to the hypothetical trip formula.

3. If government aircraft (in accordance with applicable rules) is used for Bush/Cheney '04 travel, the campaign committee must pay the appropriate government entity the first-class commercial airfare for each traveler (except official travelers) in the case of travel to a city served by regularly scheduled *first-class* commercial service. In the case of travel to a city that is not served by regularly scheduled *first-class* commercial airline service, the campaign must reimburse the appropriate government entity the commercial coach airfare for each traveler (except official travelers). The campaign committee must pay the commercial charter rate in the case of travel to a city not served by regularly scheduled commercial service. (For political travel that is not Bush/Cheney '04 travel, the reimbursement is at commercial coach rate.)

REV_00123848

4. If an Administration official travels to the political event by commercial airline, the campaign is obliged to pay the actual cost of the commercial airfare. The campaign may not take advantage of government rates.

5. If government cars (in accordance with applicable rules) are used for Bush/Cheney '04 campaign-related travelers on campaign-related trips, the government shall be reimbursed the commercial rental cost of comparable vehicles for the campaign-related travelers.

6. If a meeting room is rented for the purpose of campaign-related activity, the campaign should pay the costs of the room. The campaign may not take advantage of government rates.

7. The campaign must pay for the hotel rooms of campaign-related travelers. The campaign may not take advantage of government rates.

8. To document adequately these travel allocations and payments, all agencies should: (i) prepare, or otherwise have available, an itinerary for each trip involving Bush/Cheney '04 activity, and (ii) if government conveyance is used, prepare a list of all passengers, along with a designation as to which passengers are, or are not, campaign-related. A copy of the itinerary should be submitted to Bush/Cheney '04; the Bush/Cheney '04 campaign will maintain such information.

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. The regulations governing the payment of expenses for travel by federal officials on behalf of the President's campaign committee are in title 11, Code of Federal Regulations. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

REV_00123849

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
Sent: 6/20/2003 6:19:16 AM
Subject: : Re: FW: ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office
Attachments: P_4MDDH003_WHO.TXT_1.pdf; P_4MDDH003_WHO.TXT_2.pdf

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-JUN-2003 10:19:16.00
SUBJECT:: Re: FW: ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

They are also being distributed hard copy, right? And why can't people open them?

From: Carolyn Nelson/WHO/EOP@Exchange on 06/20/2003 10:16:56 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office

Are you OK with these being in PDF format? Do you have any concern that some people can' t open these?
-----Original Message-----
From: Postmaster
Sent: Friday, June 20, 2003 9:10 AM
To: All Who Users
Subject: ADMINISTRATIVE ALERT: IMPORTANT Memos on Political Travel from Counsel's Office

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File attachment <P_4MDDH003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4MDDH003_WHO.TXT_2>

THE WHITE HOUSE

WASHINGTON

June 19, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: RULES REGARDING CORPORATE AND GOVERNMENT AIRCRAFT ON POLITICAL TRIPS

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As a matter of policy, however, the following steps must occur when an Executive Branch employee travels on a corporate aircraft secured by a political campaign or party for the employee's travel to a political event:

1. The employee should not travel on a corporate aircraft for political travel unless commercial service would not be practically available under the circumstances, taking into account the employee's official schedule and the location and timing of the event.

2. The employee should not travel on an aircraft owned by an entity or individual that is regulated by or doing business with the employee's department or agency, or in circumstances that otherwise would be inappropriate.

3. The relevant political campaign or party must pay the owner of the aircraft *in advance* by paying the relevant first class airfare (or, in the case of travel to a city not served by a regularly scheduled commercial service, the usual charter rate).

4. For White House employees, advance approval of any use of a corporate aircraft for a political trip must be obtained from the Counsel to the President. For other Administration employees, advance approval of any use of corporate aircraft for a political trip must be obtained from the relevant department or agency General Counsel and the Counsel to the President.

5. When the trip is a mixed official-political trip involving campaign-related activity for Bush/Cheney '04, the re-election campaign will reimburse first-class airfare from the point of origin to each stop in which campaign-related activity is conducted and back to the point of origin. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7. When the trip is a mixed official-political trip involving political activity other than campaign-related activity for Bush/Cheney '04, the political entity will reimburse first-class airfare based on the hard-time formula, which means that the reimbursable costs of the trip are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503. On all mixed trips, use of a corporate aircraft must also meet the standards for approval under 41 C.F.R. Part 304.

II. Government Aircraft

1. White House employees and other Administration employees should not use government aircraft for travel on political trips or mixed official-political trips unless the employee is required for security reasons to use government aircraft, or the employee is accompanying another official who requires use of a government aircraft for security reasons.

2. Advance approval of any use of a government aircraft for such a trip must be obtained from the Chief of Staff to the President and Counsel to the President. Appropriate first-class reimbursement for political travelers must be made by the campaign or relevant political entity. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7(b)(5).

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

REV_00123852

THE WHITE HOUSE

WASHINGTON

June 19, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: PAYMENT OF EXPENSES ASSOCIATED WITH POLITICAL TRAVEL DURING THE PRESIDENTIAL CAMPAIGN

This memorandum addresses the allocation of costs for travel on behalf of the President's authorized campaign committee.

The memorandum will be of primary assistance to those who calculate the costs for political and mixed travel. For reference, the rules of allocation and payment are summarized on pages 3-4 of this memorandum.

General Legal Principles

When considering the payment of travel expenses incurred on behalf of the President's authorized campaign committee (Bush/Cheney '04), three principles govern. First, appropriated funds may be spent only for the purposes for which they have been appropriated. *See* 31 U.S.C. 1301. Accordingly, funds appropriated for the official functions of the departments and agencies may be used for travel expenses only if the travel is reasonably related to an official purpose.

The second basic principle is that, in general, official activities should be paid only from funds appropriated for such purposes, unless Congress has authorized the support of those activities by other means. This principle prevents unauthorized augmentation of appropriations.

The third principle involves the requirements of the Federal election laws. Now that the President is a candidate for re-election, travel on behalf of the President's authorized campaign committee must be paid for by Bush/Cheney '04. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7.

Political and Official Travel

Before an allocation of expenses for travel can be made, a determination must first be made as to whether an appearance is official or political; and, if it is political, whether it is on

behalf of Bush/Cheney '04 or another political candidate or committee. For purposes of allocating travel costs during the Presidential campaign, there are three categories of events: 1) official events; 2) Bush/Cheney '04 political events, *e.g.*, a Bush/Cheney '04 fundraiser; and 3) other political events, *e.g.*, a fundraising event for a non-Presidential candidate.

In determining whether an activity is political or official, all relevant factors should be considered, including, but not limited to, the identity of the sponsor of the event, the group or organization being addressed, other participants, and the nature of the speech being delivered. There is considerable room for discretion in determining whether an event giving rise to an expense is political or official. Ultimately, the question is a factual one that can only be answered by those most familiar with the facts of a given event, trip or situation; accordingly, this determination must be made on a case-by-case basis. White House employees should consult the Counsel's Office, and department and agency employees should consult their General Counsel about these matters.

Generally speaking, appearing at party functions, fundraising, and campaigning for specific candidates should be considered political. In addition, any event that involves solicitation of campaign funds or express advocacy for a candidate or candidates for office will be political. Travel for inspections, meetings to discuss government business, official addresses, and the like ordinarily should be considered official travel, even though the event may have partisan consequences or concern matters on which opinion is politically divided. For a broader discussion of these issues, *see* 6 Op. O.L.C. 214, 216-217 (1982).

When allocating costs between political and official activities, an additional point should be kept in mind. There are some persons whose official duties may require them to be with the Administration official, whether or not that official is on government business. This group may include, among others, personal aides responsible for assisting in the conduct of official business while an official is traveling and the security detail responsible for an official's protection. Expenses incurred during travel by this group of individuals are official regardless of the character of the event that may be involved.

Bush/Cheney '04 Campaign Travel

The Bush/Cheney '04 campaign will carefully follow rules set forth in Federal Election Commission campaign travel allocation regulations. *See* 11 C.F.R. 106.3, 9034.7, 9035.1. The travel expenses for campaign-related travelers that are incurred for a stop in which an individual engages in campaign activity on behalf of the President are paid by Bush/Cheney '04. Please note that if any campaign activity for a Presidential candidate, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related. *Id.* 9034.7(b)(2).

Campaign committees for non-Presidential candidates may not pay for the costs of campaign travel on behalf of the President. For example, if a Senatorial candidate schedules a fundraiser back-to-back with a Bush/Cheney '04 fundraiser, the President's campaign committee must pay the travel expenses for the entire stop. *See* 11 C.F.R. 106 and 9034.7. Also, when there is a question about the nature of a political event, particularly those involving the President

REV_00123854

and Vice President, the event will presumptively be considered campaign-related, and Bush/Cheney '04 will pay the appropriate travel costs.

Event costs associated with the individual events at a stop involving both Bush/Cheney '04 and official activity -- as opposed to the travel-related costs -- may be divided and allocated. Similarly, event costs associated with a trip involving both Bush/Cheney '04 and other political events likewise may be divided and allocated.

In instances where the same travel costs are incurred in conjunction with official and Bush/Cheney '04 activity, the portion of the trip allocable to the President's campaign committee is determined by using the hypothetical trip formula: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin. *Cf.* 11 C.F.R. 9034.7(b)(2). Where travel includes political, but not Bush/Cheney '04, activity and official activity, the portion of the trip allocable to the political entities is determined by using the hard-time formula, under which relevant costs are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503.

Rules of Allocation and Payment

The rules of allocation and payment are summarized below:

1. The President's campaign committee pays Presidential campaign-related travel costs. This includes transportation, hotel, and per diem costs for campaign-related travelers. For mixed trips, the hypothetical trip formula should be used for all campaign-related travelers: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin.

2. Costs associated with political activity that occurs on a mixed trip that does not involve any Bush/Cheney '04 activity are allocated according to the hard-time formula, under which relevant costs are divided based on the time spent on official and political activity. If any Bush/Cheney '04 campaign-related activities occur on a trip, the costs of the Bush/Cheney '04 campaign stops must be allocated according to the hypothetical trip formula.

3. If government aircraft (in accordance with applicable rules) is used for Bush/Cheney '04 travel, the campaign committee must pay the appropriate government entity the first-class commercial airfare for each traveler (except official travelers) in the case of travel to a city served by regularly scheduled *first-class* commercial service. In the case of travel to a city that is not served by regularly scheduled *first-class* commercial airline service, the campaign must reimburse the appropriate government entity the commercial coach airfare for each traveler (except official travelers). The campaign committee must pay the commercial charter rate in the case of travel to a city not served by regularly scheduled commercial service. (For political travel that is not Bush/Cheney '04 travel, the reimbursement is at commercial coach rate.)

REV_00123855

4. If an Administration official travels to the political event by commercial airline, the campaign is obliged to pay the actual cost of the commercial airfare. The campaign may not take advantage of government rates.

5. If government cars (in accordance with applicable rules) are used for Bush/Cheney '04 campaign-related travelers on campaign-related trips, the government shall be reimbursed the commercial rental cost of comparable vehicles for the campaign-related travelers.

6. If a meeting room is rented for the purpose of campaign-related activity, the campaign should pay the costs of the room. The campaign may not take advantage of government rates.

7. The campaign must pay for the hotel rooms of campaign-related travelers. The campaign may not take advantage of government rates.

8. To document adequately these travel allocations and payments, all agencies should: (i) prepare, or otherwise have available, an itinerary for each trip involving Bush/Cheney '04 activity, and (ii) if government conveyance is used, prepare a list of all passengers, along with a designation as to which passengers are, or are not, campaign-related. A copy of the itinerary should be submitted to Bush/Cheney '04; the Bush/Cheney '04 campaign will maintain such information.

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. The regulations governing the payment of expenses for travel by federal officials on behalf of the President's campaign committee are in title 11, Code of Federal Regulations. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

REV_00123856

From: Douglass, Kimberly A.
To: <Kavanaugh, Brett M.>
Sent: 6/20/2003 10:38:32 AM
Subject: FW: TA request for San Francisco CA

Hi, can I get approval for the travelers below? Thanks.

-----Original Message-----
From: Smith, Courtney
Sent: Thursday, June 19, 2003 6:23 PM
To: Douglass, Kimberly A.
Subject: TA request for San Francisco CA

Approval is needed to process the TA for the travel of one (5) advance representative, preparing for the visit of the President to San Francisco June 27, 2003 for a Bush/Cheney 2004 Fundraiser

1)**Mike Heath**
June 22, 2003-5:25pm
Alaska Airlines Flt#3, Dulles to Seattle

Alaska Airlines FLt#192 Seattle to San Francisco

June 27, 2003-7:59pm
Alaska AirlinesFlt#459, Oakland CA to Seattle

Alaska Airlines Flt#3, Seattle to Dulles

Air:$1127.91
Per Diem:
Lodging
Car Rental:$34.88/day- Hertz full-size

2)**Peter Watkins**
June 22, 2003-5:25pm
Alaska Airlines Flt#3, Dulles to Seattle

Alaska Airlines FLt#192 Seattle to San Francisco

June 27, 2003
Alaska AirlinesFlt#459, Oakland CA to Seattle

Alaska Airlines Flt#3, Seattle to Dulles

Air:$1127.91
Per Diem:
Lodging
Car Rental:$34.88/day- Hertz full-size

3) **Scott Shadian**
June 22,2003-9:42am
United Flt#148, San Diego CA to San Francisco CA

June 27, 2003-6:20pm
United Flt#1079, San Francisco to San Diego
Air:$383.41
Per Diem:
Lodging:
Car Rental:N/a

4)**Josh Gatlin**
June 21, 2003-9:08am
American West Flt#765, Austin to Phoenix

American West Flt#805, Phoenix to San Francisco

June 27, 2003-6:00pm
American WestFlt#812, San Francisco to Phoenix

American West FLt#6129, Phoenix to Austin
Air:$506.41
Per Diem:
Lodging
Car Rental:N/A

5) **Brent Sasaki**
June 22, 2003-N/a
Local Advance

June 27, 2003-N/a
Local Advance
Air:$0.00
Per Diem:
Lodging:
Car Rental:Using Personal Vehicle

From: Douglass, Kimberly A.
To: <Kavanaugh, Brett M.>
Sent: 6/20/2003 10:41:42 AM
Subject: RE: FW: TA request for San Francisco CA

thanks

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 20, 2003 10:41 AM
To: Douglass, Kimberly A.
Subject: Re: FW: TA request for San Francisco CA

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/20/2003 10:38:32 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: TA request for San Francisco CA

Hi, can I get approval for the travelers below? Thanks.

-----Original Message-----
From: Smith, Courtney
Sent: Thursday, June 19, 2003 6:23 PM
To: Douglass, Kimberly A.
Subject: TA request for San Francisco CA

Approval is needed to process the TA for the travel of one (5) advance representative, preparing for the visit of the President to San Francisco June 27, 2003 for a Bush/Cheney 2004 Fundraiser

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Air:$506.41
Per Diem:
Lodging
Car Rental:N/A

5) **Brent Sasaki**
June 22, 2003-N/a
Local Advance

June 27, 2003-N/a
Local Advance
Air:$0.00
Per Diem:
Lodging:
Car Rental:Using Personal Vehicle

From: Ullyot, Theodore W.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 6/20/2003 11:05:42 AM
Subject: Holy Land Foundation -- win in CADC

Peter Keisler called to report another win. CADC (affirming a ruling by DDC) today rejected a challenge by the the Hamas-linked Holy Land Foundation ("HLF") to Treasury's designation of HLF as a terrorist group ("Specially Designated Global Terrorist," or "SDGT"). This designation came under the IEEPA, and resulted in the blocking of all of HLF's assets.

This was another Sentelle opinion (joined by Ginsburg and Henderson).

CADC's opinion states, in relevant part: "Treasury's decision to designate HLF as an SDGT was based on ample evidence in a massive administrative record."

Here is a link to the decision: http://pacer.cadc.uscourts.gov/docs/common/opinions/200306/02-5307a.pdf

---------- Forwarded by Theodore W. Ullyot/WHO/EOP on 06/20/2003 11:05 AM ----------

"Peter.D.Keisler@usdoj.gov"

06/20/2003 11:04:11 AM

Record Type: Record

To: John B. Wiegmann/NSC/EOP@EOP, Theodore W. Ullyot/WHO/EOP@EOP

cc:

Subject: Holy Land Foundation

Ted/Brad: Here is the link to this morning's decision from the DC Circuit upholding the blocking of Holy Land Foundation's assets. As you know, Holy Land was closely linked to Hamas. Peter

http://pacer.cadc.uscourts.gov/docs/common/opinions/200306/02-5307a.pdf

From:	Bumatay, Patrick J.
To:	<Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent:	6/20/2003 11:11:01 AM
Subject:	Reg Radar Update for the Week of June 23

Rules Likely to be Cleared, Withdrawn or Returned during the Week of June 23

*USDA-APHIS	Methyl Bromide; Authorization as Official Quarantine Use
DOD-OASHA	INTERIM FINAL RULE. TRICARE: Special Supplemental Food Program for Women, Infants and Children Overseas
HHS-CMS	NOTICE. Medicare Program; Update of the Prospective Payment System for Home Health Agencies for FY 2004
HHS-CMS	PROPOSED RULE. Medicare Program; Extending Medicare Coverage when Disability Benefit Entitlement Ends Because of Substantial Gainful Activity
HHS-CMS	PROPOSED RULE. Medicare Program; Interest Rate and Calculation
DHS-BCIS	FINAL RULE. Certificates for Certain Health Care Workers
HUD-OH	PROPOSED RULE. Disposition of HUD-Owned, Single-Family Assets in Asset Control Areas
HUD-OH	PROPOSED RULE. Limitations on Nonprofit Participation in FHA Single-Family Mortgage Insurance
HUD-OH	PROPOSED RULE. Up-Front Mortgage Insurance Premiums for Loans Insured Under Sections 203(k) and 234 of the national Housing Act
HUD-PIH	INTERIM FINAL RULE. Up-Front Income Verification for the Public Housing and Housing Choice Voucher Program
DOL-MSHA	FINAL RULE. Improving and Eliminating Regulations, Phase 5, Miscellaneous Technology Improvements (Methane Testing)
DOL-OASAM	PROPOSED RULE. Revisions to the Department of labor Acquisition Regulations
*DOL-OSHA	FINAL RULE. Occupational Injury and Illness recording and Reporting Requirements
DOT-FMCSA	PROPOSED RULE. Safety Performance History of New Drivers
*TREAS-DO	FINAL RULE. Terrorism Risk Insurance Program
*TREA-DO	NOTICE. Customer Identification programs for Financial Institutions

* Likely to receive media attention

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/20/2003 11:53:02 AM
Subject: National Taxpayer Conference

Brett,

do have the chance to review the National Taxpayer Conference message due at 12 pm today?

From: Flanigan, Tim <TFlaniga@WHO.eop.gov>
To: <Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Powell, Benjamin A.>;<Kavanaugh, Brett M.>;<Ullyot, Theodore W.>;<Newstead, Jennifer G.>;<Sampson, Kyle>;<Bumatay, Patrick J.>
Sent: 6/20/2003 1:08:30 PM
Subject: Anyone need help?

Greetings all,

I am currently without a project, so if anyone has something they need done, give me a call at 67141 or send me an email. Thanks!

Tim

From: The Federalist Society <fedsoc@radix.net>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/20/2003 1:13:02 PM
Subject: : Program on the Alien Tort Claims Act

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:The Federalist Society <fedsoc@radix.net> (The Federalist Society <fedsoc@radix.net> [UNKNOWN])
CREATION DATE/TIME:20-JUN-2003 17:13:02.00
SUBJECT:: Program on the Alien Tort Claims Act
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Federalist Society

[IMAGE] ÿ [IMAGE]
ALIEN TORTS: THE RISKS OF ALLOWING FOREIGN CITIZENS TO SUE U.S. COMPANIES
[IMAGE] ÿ [IMAGE]

[IMAGE] [IMAGE] The International and National Security Law Practice Group and CEI Present A Panel Discussion On: [IMAGE] [IMAGE]

[IMAGE]
ÿ
[IMAGE]

SAVE-THE-DATES

2003 National Lawyers Convention
Thursday, November 13 - Saturday, November 15, 2003
[IMAGE]
ÿ
[IMAGE]

The Alien Tort Claims Act [IMAGE]

Featuring:
Judge Robert Bork, Senior Fellow, American Enterprise Institute
Christopher C. Horner, Attorney and Senior Fellow, CEI
Bill Reinsch, President, National Foreign Trade Council
Fred Smith, President, CEI (Moderator)

DATE: Wednesday, June 25, 2003

TIME: 10:00 a.m. - 12:00 noon

LOCATION: Hosted By
The National Chamber Litigation Center
and the U.S. Chamber of Commerce
1615 H Street NW
Washington, DC
Herman Lay Room

Please RSVP to Megan McLaughlin at CEI, 202.331.1010, or rsvp@cei.org

Please call the Federalist Society with any questions at
(202) 822-8138. [IMAGE] [IMAGE]

[IMAGE] [IMAGE]

The Federalist Society

email: fedsoc@radix.net
voice: 202-822-8138
web: http://www.fed-soc.org
[IMAGE] [IMAGE]

[IMAGE] [IMAGE] [IMAGE]

Forward email

SafeUnsubscribe(TM)
This email was sent to brett_kavanaugh@who.eop.gov, by The Federalist
Society.
Update your profile |Instant removal with SafeUnsubscribev | Privacy
Policy.
Powered by
Constant Contact

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 6/20/2003 2:04:13 PM
Subject: come back up here when you guys are finished.

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>;Wendy J. Grubbs/WHO /EOP@Exchange [WHO] <Wendy J. Grubbs>;David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>;Ziad Ojakli/WHO/EOP@Exchange [UNKNOWN] <Ziad Ojakli>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO /EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 6/20/2003 10:40:54 AM
Subject: : FW: AP - Kerry says he'll filibuster Supreme Court nominees who do not support abortion rights

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:20-JUN-2003 14:40:54.00
SUBJECT:: FW: AP - Kerry says he'll filibuster Supreme Court nominees who do not support
abortion rights
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Ziad Ojakli ( CN=Ziad Ojakli/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

;
-----Original Message-----
From: Bravo, Brian
Sent: Friday, June 20, 2003 2:06 PM
Subject: AP - Kerry says he'll filibuster Supreme Court nominees who do
not support abortion rights


Kerry says he'll filibuster Supreme Court nominees who do not support
abortion rights

NEDRA PICKLER, Associated Press Writer

;

Democratic presidential candidate John Kerry said Friday that he is
prepared to block any Supreme Court nominee who would not uphold the Roe
v. Wade decision that legalized abortion.

"I am prepared to filibuster, if necessary, any Supreme Court nominee who
would turn back the clock on a woman's right to choose or the
constitutional right to privacy, on civil rights and individual liberties
and on the laws protecting workers and the environment," Kerry said in
remarks prepared for delivery via satellite at a meeting of Democratic
party officials in St. Paul, Minn.

"The test is basic -- any person who thinks it's his or her job to push an
extreme political agenda rather than to interpret the law should not be a
Supreme Court justice."

Kerry, a Massachusetts senator and one of nine Democrats seeking the
party's presidential nomination, is staking out a position favorable to
liberal women. Kerry also has said if elected president he would only
appoint judges who support Roe v. Wade, while his opponents for the
nomination say they would not impose a litmus test on nominees.
```

All nine Democratic presidential candidates support abortion rights. President Bush has said he would fill any Supreme Court vacancies with judges such as Antonin Scalia or Clarence Thomas, two of the most conservative justices on the high court who are presumed to favor the abolition of Roe v. Wade.

None of the nine current Supreme Court justices has announced plans to retire, but Chief Justice William Rehnquist, 78, and Justice Sandra Day O'Connor, 73, are considered the most likely possibilities. Both would prefer that a Republican president pick their successors.

Republicans control the Senate by two votes; there are 51 Republicans, 48 Democrats and one independent. But Democrats can block any potential nominee through a filibuster if they can get 41 votes.

Senate Democrats have used a filibuster to block President Bush's nominations of two federal judges this year.

Several Senate Democrats recently sent letters to the White House asking Bush to meet with Senate leaders from both parties to talk about possible nominations and ways to avoid a bruising battle in the Senate. White House Counsel Alberto Gonzales indicated on Thursday that there was a possibility of consultations with senators, but said no final decision has been made.

;

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 6/20/2003 3:36:49 PM
Subject: statement on resignation of Marshall by President George H.W. Bush

Justice Marshall has rendered extraordinary and distinguished service to his country as a pioneering civil rights lawyer, a judge on the U.S. Court of Appeals for the Second Circuit, as Solicitor General, and in his tenure on the Supreme Court. His career is an inspiring example for all Americans. He grew up under segregation to achieve the highest office to which a lawyer can aspire. His accomplishments on the Bench will long be remembered. We wish him the best in his retirement. I intend to nominate a successor very soon.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 6/20/2003 3:36:25 PM
Subject: statement on resignation of Marshall

Justice Marshall has rendered extraordinary and distinguished service to his country as a pioneering civil rights lawyer, a judge on the U.S. Court of Appeals for the Second Circuit, as Solicitor General, and in his tenure on the Supreme Court. His career is an inspiring example for all Americans. He grew up under segregation to achieve the highest office to which a lawyer can aspire. His accomplishments on the Bench will long be remembered. We wish him the best in his retirement. I intend to nominate a successor very soon.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 6/20/2003 4:31:30 PM
Subject: RE: statement on resignation of Marshall

I guess we can just insert the Chief's name into this, right?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 20, 2003 3:36 PM
To: Leitch, David G.
Subject: statement on resignation of Marshall

Justice Marshall has rendered extraordinary and distinguished service to his country as a pioneering civil rights lawyer, a judge on the U.S. Court of Appeals for the Second Circuit, as Solicitor General, and in his tenure on the Supreme Court. His career is an inspiring example for all Americans. He grew up under segregation to achieve the highest office to which a lawyer can aspire. His accomplishments on the Bench will long be remembered. We wish him the best in his retirement. I intend to nominate a successor very soon.

From: The Federalist Society <fedsoc@radix.net>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/20/2003 1:18:32 PM
Subject: : University of Michigan Cases

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:The Federalist Society <fedsoc@radix.net> (The Federalist Society
<fedsoc@radix.net> [UNKNOWN])
CREATION DATE/TIME:20-JUN-2003 17:18:32.00
SUBJECT:: University of Michigan Cases
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Federalist Society
[IMAGE] ÿ ÿ
ÿ ÿUniversity of Michigan Cases ÿ
ÿ ÿ ÿ
[IMAGE]
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The Federalist Society has just released a white paper written by Brian T. Fitzpatrick entitled, "Diversity: The Truth Behind The Michigan Cases." Click HERE to access this paper and other materials regarding the Grutter and Gratz cases.

The Federalist Society

email: fedsoc@radix.net
voice: 202-822-8138
web: http://www.fed-soc.org/Chapters/neworleans.htm

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Forward email

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Constant Contact

From:	Douglass, Kimberly A.
To:	<Kavanaugh, Brett M.>
CC:	<Litkenhaus, Colleen>
Sent:	6/20/2003 5:34:50 PM
Subject:	Advance TA - Miami (Campaign)

Please approve

Mgmt approval is needed to process the TA's for the travel of five (5) advance representatives, preparing for the visit of the President to Miami, FL on Monday June 30, 2003.

2) Heather Florance
June 25, 2003- 5:55 pm
United Airlines flight # 2741, Baltimore, MD to Charlotte, NC
United Airlines flight # 2101, Charlotte, NC to Miami, FL

June 30, 2003- 5:05 pm
United Airlines flight # 8070, Miami, FL to Charlotte, NC
United Airlines flight # 1715, Charlotte, NC to Baltimore, MD
Airfare: $468.91
Per Diem:
Lodging:
Car Rental: Hertz full size, confirm. c2234784828 $185.00/ day

3) Patrick McArthur
June 24, 2003- 10:20 am
United Airlines flight # 2686, Baltimore, MD to Charlotte, NC
United Airlines flight # 2020, Charlotte, NC to Miami, FL

June 30, 2003- 5:05 pm
United Airlines flight # 2070, Miami, FL to Charlotte, NC
United Airlines flight #1715, Charlotte, NC to Baltimore, MD
Airfare: $468.91
Per Diem:
Lodging:
Car Rental:

4) Jose Mallea
June 24, 2003- 10:20 am
United Airlines flight # 2686, Baltimore, MD to Charlotte, NC
United Airlines flight # 2020, Charlotte, NC to Miami, FL

June 30, 2003- 5:05 pm
United Airlines flight # 2070, Miami, FL to Charlotte, NC
United Airlines flight #1715, Charlotte, NC to Baltimore, MD
Airfare: $468.91
Per Diem:
Lodging:
Car Rental:

5) Frank McCarthon
June 24, 2003- 2:47 pm

American Airlines flight # 1113, NYC Laguardia, NY to Miami, FL

June 30, 2003- 7:25 pm
American Airlines flight # 1538, Miami, FL to NYC Laguardia, NY
Airfare: $484.41
Per Diem:
Lodging:
Car Rental:

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 6/20/2003 6:22:41 PM
Subject: REMINDER: I NEED TO SEE ALL POLITICAL SPEECHES -- DID NOT SEE TONIGHT'S

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 6/20/2003 6:50:38 PM
Subject: RE:

What is your fax number? I'll send you her letter.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 20, 2003 6:49 PM
To: Snee, Ashley
Subject:

Do we have particular questions she wants to focus on.

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 6/20/2003 6:52:40 PM
Subject: ok on truck driving

From: Kavanaugh, Brett M.
To: <Kaplan, Joel>;<Kavanaugh, Brett M.>
Sent: 6/20/2003 11:06:55 PM
Subject: Re: JB questions

Will be there at 830. Sec card and judge gonzales did letters on this.

.

----- Original Message -----

From:Joel Kaplan/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 06/20/2003 08:50:45 PM

Subject: RE: JB questions

Thanks. Several of us will be in b/w 8 and 9.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, June 20, 2003 8:48 PM

To: Kaplan, Joel; Kavanaugh, Brett M.

Subject: Re: JB questions

Yes. I will come in early morning and figure it all out.

.

----- Original Message -----

From:Joel Kaplan/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 06/20/2003 08:26:10 PM

Subject: JB questions

Brett:

The committee QFR has a question on Enron, Josh's contacts with Sec. Evans, whether they discussed a bailout, etc. Josh thinks that he has provided, through counsel's office, answers on Enron previously, and would like help in retrieving any prior responses. Alternatively, if such is not available, we'll need guidance on how to respond to the question. Are you available at all tomorrow?

From: Kavanaugh, Brett M.
To: <Kaplan, Joel>
Sent: 6/21/2003 9:45:29 AM
Subject: I have the docs I think you need; call me

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 6/21/2003 9:50:56 AM
Subject: Larry Thompson blurb

LIKE FATHER, LIKE CLERK

Supreme Court Justice Clarence Thomas first met Deputy Attorney General Larry Thompson in 1974 as they studied for the Missouri Bar exam. Next year, Thompson's son Larry Thompson Jr. will work for Justice Thomas in his chambers as a law clerk.

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@Exchange@EOP [WHO] <Joel D. Kaplan>
Sent: 6/21/2003 5:51:55 AM
Subject: : did you know this

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-JUN-2003 09:51:55.00
SUBJECT:: did you know this
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 6/21/2003 5:52:21 AM
Subject: : Larry Thompson blurb

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-JUN-2003 09:52:21.00
SUBJECT:: Larry Thompson blurb
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Newstead, Jennifer G.>
Sent: 6/21/2003 9:54:45 AM
Subject: positive piece on Steve Limbaugh -- good quotes from Ronnie White about him

Supreme Court judge Limbaugh nears end as chief justice

JEFFERSON CITY, Mo. -- In addition to tackling the pressing legal issues of the day, the Missouri Supreme Court sits as a seven-member board of directors over the state's judicial branch.

As chief justice for the last two years, Stephen N. Limbaugh Jr. of Cape Girardeau has been the chairman of the board.

Though the job has been rewarding, Limbaugh said overseeing the judicial branch, which has 3,600 employees and a $160 million budget, has also meant a lot of extra work.

"I suppose I've spent two-thirds of my time on administrative matters rather than on the work of the court, though I have kept a full caseload," Limbaugh said.

While he will remain on the bench, his tenure as chief justice ends July 1. The post rotates among the court's members every two years, with the job going to the most senior judge who hasn't had a turn.

Judge Ronnie L. White of St. Louis will succeed Limbaugh to become the court's first black chief.

Given Missouri's role in the infamous Dred Scott case that helped precipitate the Civil War, Limbaugh said it's well past time for an African-American to serve in the position.

"That is an important symbolic event and something for Missourians to celebrate," Limbaugh said.

White, who was appointed in 1995 by Gov. Mel Carnahan, will also be the first Democratic appointee to hold the post since 1987.

Though he sometimes disagrees with Limbaugh on legal interpretations, White said Limbaugh is a valued friend who will be a tough to replace as the court's leader.

"I thought Steve was an outstanding chief justice," White said. "He had to take over at a time of

severe financial difficulties in the state and in particular the judiciary. No other chief justice in my time had to face that."

White, 56, deferred comment on his upcoming tenure until next week but said he is looking forward to the challenge.

"My only hesitation is if I can live up to the standard others have set," White said.

Swing to Democrats

Until last year, Republican-appointees had dominated the court since the mid-1980s. **Judges chosen by Democratic governors now hold a 4-3 majority.** White said the change has had little impact.

"I think everybody on the court still works together to come up with solutions everybody understands," White said.

Although the court split along partisan lines in a pair of death penalty cases handed down this week, such divisions are an exception.

Limbaugh, appointed to the court by Republican Gov. John Ashcroft in 1992, said the judges strive for unanimity when possible, though disagreements occur.

"We come from broadly diverse backgrounds, and each one of the judges contributes special strengths," Limbaugh said. "Diversity of opinion is a healthy thing."

One of the chief justice's roles is to lobby the Missouri Legislature for funding. Instead of painting a dire picture of the consequences of funding cuts like some agency heads, Limbaugh simply asked lawmakers to do their best.

"I was smart enough to know asking for money would be pointless and only irritate legislators," Limbaugh said, joking.

He regrets the fact that on his watch funding for various judicial initiatives was deeply slashed, which leaves the ongoing effort to automate state courts at a standstill.

The judge earned high marks from lawmakers for his low-key approach.

"He was never one to come over and use high-pressure influence," said state Rep. Rob Mayer, R-Dexter.

Mayer also praised Limbaugh for championing reform of the family court and foster care systems before a joint legislative session in January.

"The great thing was he had a first-hand knowledge of the system and was aware of its flaws and places where it was broken," Mayer said.

Limbaugh, who handled a number of child abuse cases as a Cape Girardeau County Circuit Court judge, established a special commission of members of all three branches of government to examine the problem. The panel's recommendations led to the passage of reform legislation last month.

The Supreme Court also took unilateral efforts to improve the judiciary's performance in such matters, such as mandating cross training of family court judges so they better understand the roles of foster care caseworkers and others in the system.

"We don't want it ever to be said a tragedy resulted from a failure to communicate between those various components of the system," Limbaugh said.

Barring an unforeseen opportunity, Limbaugh, 51, plans to seek another 12-year term when his current one expires in 2006. It's entirely possible, he said, that he could remain on the high court until he reaches the mandatory retirement age of 70.

From: CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/21/2003 5:57:39 AM
Subject: : RE: did you know this

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joel Kaplan (CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [UNKNOWN])
CREATION DATE/TIME:21-JUN-2003 09:57:39.00
SUBJECT:: RE: did you know this
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No. None of it.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Saturday, June 21, 2003 9:50 AM
To: Kaplan, Joel
Subject: did you know this

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From: Kaplan, Joel
To: <Kavanaugh, Brett M.>;<Kupfer, Jeffrey F.>
Sent: 6/21/2003 12:25:52 PM
Subject: Re: Revised draft answers

These look good to me. Jeff, you probably want to bring these to Josh, along with the questions and the leters referred to herein, ASAP for his review (so that brett can make any adjustments, or hopefully get out of there).

Thanks Brett.
.

From: Shea, Robert J.
To: <Kavanaugh, Brett M.>
CC: <Kupfer, Jeffrey F.>
Sent: 6/21/2003 2:57:07 PM
Subject: Bolten question

Josh Bolten is working on his prehearing questions for the Senate GOvernmental Affairs Committee, due tomorrow at 9:30 a.m., and asked me to have you review the following question and answer.

Thanks for your help.

Robert Shea

395-4568

OMB Access

1. Because of the critical nature of OMBs mission, the Congress has considerable interest in, and oversight responsibility for, OMBs implementation of its statutory responsibilities. Accordingly, having complete, accurate, and timely information about OMBs activities is paramount to Congress ability to carry out its responsibilities.

a. What are your views on providing Congress timely and accurate access to federal agency records and other information and to federal officials, if necessary, for Congress to fulfill its oversight responsibilities?

b. What are your views on providing congressional and GAO access to OMB records and other information and to key federal officials within OMB?

c. How would you propose establishing and maintaining constructive working relationships with the Congress, as well as resolving any potential disputes regarding access to information and officials?

d. GAO supports the Congress in fulfilling its constitutional duties, and Congress often relies on its work. The Committee has heard that GAO has experienced difficulties in its efforts to meet and talk with appropriate OMB staff and to obtain access to necessary information in a timely manneroften for work that is either a statutory mandate or a Committee request and hence required work for GAO. How would you propose to establish and maintain a working relationship with GAO and to resolve any difficulty over access to people and information?

Congress should have timely access to accurate information, consistent with its constitutional and statutory obligations to oversee the Executive Branch. In addition, the Executive Branch has legitimate constitutional interests in protecting the confidentiality of its deliberations, such as internal advice and recommendations. I will work to accommodate Congress interests while at the same time protecting the prerogatives of the Executive Branch. Finally, I respect GAOs need to collect information as part of GAOs response to statutory reporting requirements or congressional requests for a GAO review.

From: CN=Robert J. Shea/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Jeffrey F. Kupfer/WHO/EOP@Exchange@EOP [WHO] <Jeffrey F. Kupfer>
Sent: 6/21/2003 10:59:36 AM
Subject: : Bolten question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert J. Shea (CN=Robert J. Shea/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:21-JUN-2003 14:59:36.00
SUBJECT:: Bolten question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jeffrey F. Kupfer (CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert J. Shea/OMB/EOP@EOP [OMB] <Robert J. Shea>
Sent: 6/21/2003 11:28:48 AM
Subject: : Re: Bolten question

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-JUN-2003 15:28:48.00
SUBJECT:: Re: Bolten question
TO:Robert J. Shea (CN=Robert J. Shea/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

What would you think if we could shorten and rephrase as follows:

Congress should have timely access to accurate information consistent with the constitutional and statutory prerogatives and obligations of the Executive Branch. I will work to accommodate the interests of Congress and the GAO fully and appropriately, consistent with those constitutional and statutory prerogatives and obligations of the Executive Branch. Should I have any questions about a request for information, I would consult as appropriate with officials from OMB's General Counsel, the Counsel to the President, and the Department of Justice.

From: Robert J. Shea on 06/21/2003 02:58:33 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jeffrey F. Kupfer/WHO/EOP@Exchange@EOP
Subject: Bolten question

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From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 6/21/2003 4:16:19 PM
Subject: Jacksonville Times Union (6/21/03) EDITORIAL re: Congress: Strange objections

Saturday, June 21, 2003

Last modified at 3:45 a.m. on Saturday, June 21, 2003

EDITORIAL

Jacksonville (FL) Times Union

CONGRESS: Strange objections

Democratic senators clearly crossed the line in their zeal to find fault with President Bush's judicial nominees.

It was bad enough when qualified legal scholars were deemed unacceptable on the grounds that they were insufficiently supportive of abortion or guilty of being "conservative while Hispanic."

Sen. Russ Feingold took politically correct witch hunts to a new level, however, when he raised the issue of whether one nominee had done something wrong by not taking his daughters, ages 4 and 6, to Disney World during "gay days."

Alabama Attorney General Bill Pryor, under questioning from Feingold, repeatedly confirmed that he had rescheduled a trip to Disney to avoid the homosexual celebration.

Feingold may find that to be a terrible, homophobic thing to do. Most Americans, we are certain, would disagree.

There is nothing morally wrong or inherently evil about wanting to protect childhood innocence.

The fact that a man is a concerned father shouldn't be grounds to exclude him from the judiciary, but rather the reverse.

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/21/2003 7:08:37 PM
Subject: Re: Are you all aware of this?

How did u find out?
.

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 6/22/2003 2:42:05 PM
Subject: Re: do we have draft responses to Michigan decision?

I have a basic paragraph for each of the three most likely scenarios.

But we will obviously have to do an instant analysis and then refine it.

In the event it is handed down tomorrow, is there any reason to have someone at the court to get it, or will it be available in real time online for us to review and discuss.

.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Lefkowitz, Jay P.
Sent: Sun Jun 22 13:56:53 2003
Subject: do we have draft responses to Michigan decision?

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 6/23/2003 6:55:22 AM
Subject:

From US News & World Report.

Nation & World 6/23/03
By Michael Barone

Making new amigos

On April 11, at the Bethesda naval hospital, George W. and Laura Bush looked on as Master Gunnery Sgt. Guadalupe Donogean, a Mexican wounded in Iraq, was sworn in as a U.S. citizen. Some 37,000 noncitizens, most of them Hispanic, serve in the U.S. military; Congress is speeding through legislation to make it easier for them to become citizens, and two non- citizens killed in Iraq were granted citizenship posthumously. "It was a very profound moment," Bush said outside the hospital. "We were both honored to witness this." Many Democrats fear that the vision of Bush landing on the aircraft carrier USS Abraham Lincoln will win votes for him in 2004. But reverberations from that moment in Bethesda, or others like it, may be politically more potent.

That is because Hispanic immigrants are the fastest-growing and politically most fluid segment of the electorate. They were 7 percent of voters in 2000 and could be 9 percent in 2004, most of them in big states. Al Gore carried Hispanics 62 percent to 35 percent. But Bush has courted them assiduously, speaking Spanish, hailing the contributions of immigrants, proposing relaxation of immigration laws (though that's on the back burner now). Every department press office must have a Spanish-speaking spokesperson; Housing and Urban Development Secretary Mel Martinez appears often on the Univision and Telemundo television networks and talks not just about housing but also about foreign policy and defense.

All of this has paid off. Bush's favorable rating among Hispanics is high--63 percent in a recent Zogby poll, almost as high as his 69 percent among whites and much higher than his 50 percent among blacks. Interestingly, Bush is rated higher among immigrant and Spanish-dominant Hispanics than among the U.S.-born and English-dominant; many of the latter have gotten used to voting Democratic, while newcomers are more open to Bush's appeals. Other Republicans have won about half or more of Hispanic votes in 2001 or 2002--Mayor Michael Bloomberg and Gov. George Pataki in New York, Govs. Jeb Bush in Florida and Bill Owens in Colorado. These are voters up for grabs.

Court fight. Bush will have another issue working for him with Hispanics: the Democrats' blocking of the judicial nomination of Miguel Estrada. Democrats think this is a low-visibility issue and point out that the (all-Democratic) House Hispanic Caucus and the Mexican American Legal Defense and Education Fund oppose Estrada. But the two Hispanic organizations with the largest memberships don't: The League of United Latin American Citizens supports Estrada, and the National Council of La Raza is neutral. Martinez and other administration representatives appear frequently on Spanish-language TV and radio to attack Democrats for opposing Estrada, to the point that some Democrats have charged Univision with bias. The message may be getting through. A poll of Hispanics by the pro-Estrada Committee for Justice shows that a surprisingly high 33 percent are aware that Estrada has been nominated and not confirmed.

It is not hard to imagine the ad Bush could run on Spanish-language TV in 2004: President Bush has nominated a Hispanic who came to this country at 17 speaking little English, who graduated from Harvard Law School and argued numerous cases before the Supreme Court--but the Democrats are blocking him by holding him to a different standard from that of any other nominee. Which they are. They demanded to see memos he wrote while in the solicitor general's office, even though such memos have never been revealed before and though they did not make the same demand of another nominee who worked there. They subjected him to a filibuster--something never before done to a judicial nominee with the votes to be confirmed. This could be political dynamite--a narrative that shows Bush honoring an immigrant who has worked hard and achieved great things and the Democrats discriminating against him. Democrats, confident in 2002 that they would pay no political price for opposing Bush on homeland security at the behest of federal employees' unions, seem confident now that they will pay no political price for opposing him on Estrada at the behest of abortion-rights groups. But in 2002 Bush showed he can shine the spotlight on the hitherto obscure homeland security issue, just as he could shine the spotlight on marines becoming citizens in Bethesda. He could shine it on Estrada in 2004. Democrats think blocking Estrada is clever politics. But they risk alienating America's fastest-growing and most fluid voting bloc.

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 6/23/2003 2:56:34 AM
Subject: :

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:23-JUN-2003 06:56:34.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

From US News & World Report.
;
Nation & World 6/23/03
By Michael Barone
Making new amigos

On April 11, at the Bethesda naval hospital, George W. and Laura Bush looked on as Master;Gunnery Sgt. Guadalupe Donogean, a Mexican wounded in Iraq, was sworn in as a U.S. citizen. Some 37,000 noncitizens, most of them Hispanic, serve in the U.S. military; Congress is speeding through legislation to make it easier for them to become citizens, and two non-citizens killed in Iraq were granted citizenship posthumously. "It was a very profound moment," Bush said outside the hospital. "We were both honored to witness this." Many Democrats fear that the vision of Bush landing on the aircraft carrier USS Abraham Lincoln will win votes for him in 2004. But reverberations from that moment in Bethesda, or others like it, may be politically more potent.

<http://www.usnews.com/RealMedia/ads/click_lx.ads/www.usnews.com/usnews/issue/030623/opinion/23pol.htm/1319392719/Middle/ONDCP8_PAID_ISSUE_Emb/P_potfacts_PAID_300x2501.gif/6336383966313064336566366462663 0>
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From: Kavanaugh, Brett M.
To: <Douglass, Kimberly A.>
Sent: 6/23/2003 6:59:41 AM
Subject:

can you check on Alicia Davis' TA for her trip to Boston last week nd call me. Thanks.

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>;<Bartlett, Daniel J.>
Sent: 6/23/2003 7:05:45 AM
Subject:

Clegg essentially made this same point to me in a call several weeks ago (including the ominous -- some might say hysterical or worse -- warning that there may be violence if the decision comes out against affirmative action):

The Washington Times
www.washingtontimes.com

Michigan verdict forethought

By Roger Clegg
THE WASHINGTON TIMES
Published June 23, 2003

Politicians are always tempted to wait for an event to happen before thinking about how to react — why borrow trouble, after all. But the Bush administration will be making a big mistake if it doesn't get its ducks in a row now for the Supreme Court's affirmative-action decision, which will come down this week.

The central issue to be decided in the pair of University of Michigan admissions cases currently under review at the high court is whether achieving "diversity" in a college setting is so compellingly important that using racial and ethnic preferences in the admissions process to achieve that goal is justified. The case attracted a record number of friend-of-the-court briefs from interested parties, but the Big Kahuna brief was submitted by the Bush administration.

What's more, the day it was filed the president himself went before the nation in a live broadcast from the Roosevelt Room of the White House to explain why he was urging the court to rule that Michigan's policies are unlawful. His position in the case drew an immediate salvo from the leading Democrat presidential contenders, but those criticisms will look gentle compared to what you will hear if Michigan ultimately loses.

So, if the Supreme Court follows the administration's advice and strikes down the UM admissions policies, the White House better brace itself for an onslaught of hysterical paroxysms from the Democrats, their allies in the higher education bureaucracies, and, it goes without saying, the "civil rights" advocacy groups.

The reaction of the latter groups, in particular, isn't going to be pretty. In fact, if the past is prologue, the rhetoric of the hard-charging race-demagogues to a loss in the UM cases could be out-and-out dangerous.

Don't scoff. After all, it was only seven years ago that eight people gruesomely died in Freddy's Fashion Mart in Harlem after Al Sharpton demanded that the Jewish owner — a "white interloper," Rev. Al called him — be forced out. God willing, nothing remotely like this will take place. And surely it helps that universities are currently on summer break. But no one should dismiss out-of-hand the real possibility of angry marches and demonstrations that have the potential of turning violent.

The establishment press will chime in with stories and editorials about how the c ourt has "turned back the clock on civil rights" and turned our institutions of higher learning into lily-white enclaves. It is also quite possible that congressional Democrats will immediately

propose legislation attempting to gut any decision the justices offer that favors colorblind legal precepts in university admissions. (If a justice retires, this issue will be front and center at the new nominee's confirmation hearings.)

Sadly, judging from their squishiness over the last few years, it's a fair wager that Republicans, especially in the House and Senate, may head for the high grass rather than defend the principle of nondiscrimination. So the job of defending the decision of the high court will fall to the president.

The president should not shirk that opportunity — he should welcome it. While the Democrats, media and civil rights establishment are assailing Mr. Bush's positions in the UM cases, Mr. Bush can score his own points by contrasting his equal opportunity vision of civil rights with those of his pro-preference opponents.

This will take some forethought on his part because of the president's desire to expand the GOP's reach into minority communities, especially Hispanics, and so he needs to start honing that message now. For starters, the president's should remind the nation after the decision is handed own that eliminating racial preferences in college admissions means the nation is that much closer to ending what he has called the "soft bigotry of low expectations" that cast a shadow over all minority students.

If the administration unapologetically champions principled and colorblind public policies, that won't negate the GOP's efforts to broaden the party's appeal to minorities. Poll after poll shows that racial preferences are overwhelmingly unpopular with all Americans, of all ethnicities. But hesitation will be fatal, as will obfuscation, waffling, and pandering on racial preferences. The president's opponents will always be able to out-quota him.

Either the preference apologists will argue that the court's decision leaves the door open to uses of race that it does not (as, indeed, they have been doing during the 25 years since the court's last decision in this area), or — if the court shuts the door tightly enough against the use of race — they will assert that the decision "turns back the clock" on civil rights, and has no more legitimacy than a Jim Crow law.

Either way, those opposing preferences need to counter that spin immediately. No, the door does not remain open to discriminate, and, no, that is not a bad thing: The end of universities' systematic and institutionalized discrimination is, to the contrary, a welcome event for all Americans.

The White House must stand up and support the court's decision — which, after all, the administration asked for, and thus implicitly reassured the court that, if it stuck out its institutional neck by doing the right thing, it would not be left hanging. The Justice and Education Departments need to issue their own, authoritative interpretations of the court's ruling quickly and promise they will monitor and "work with" universities to ensure those decisions are followed.

Regardless of the scope of the final ruling against racial and ethnic preferences in university admissions, every left-leaning group in the country will demonize the president. He should stand up and immediately fight toe-to-toe with them. He'll win and so will the country.

Roger Clegg is general counsel at the Center for Equal Opportunity in Sterling, Va.

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From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Daniel J. Bartlett/WHO /EOP@Exchange [WHO] <Daniel J. Bartlett>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 6/23/2003 3:06:58 AM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:23-JUN-2003 07:06:58.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
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<http://www.washingtontimes.com/commentary/20030622-111553-1589r.htm>

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
Sent: 6/23/2003 7:09:33 AM
Subject: From today's New York Times

June 23, 2003
Beyond the Pale

Many of the Bush administration's judicial nominees have been evasive about their positions on abortion, but not William Pryor. Mr. Pryor, Alabama's attorney general, has declared that Roe v. Wade, the landmark ruling upholding abortion rights, "ripped the Constitution and ripped out the life of millions of unborn children." He has shown the same lack of subtlety — and fierce ideological agenda — on issues ranging from civil rights to states' rights and gay rights. His extremism and disdain for the legal rights of many Americans make him unsuited to be a federal judge.

Mr. Pryor, who has been nominated to the Atlanta-based United States Court of Appeals for the 11th Circuit, has a record of incendiary comments that show a lack of judicial temperament and a cynical view of the law. When he disagreed with the Supreme Court's decision to delay an execution in a capital punishment case, he dismissed the court as "nine octogenarian lawyers." On another occasion, he ended a speech with a prayer for "no more Souters," a blast at Supreme Court Justice David Souter, a moderate.

As Alabama attorney general, Mr. Pryor has turned his office into a taxpayer-financed right-wing law firm. He has testified to Congress in favor of dropping a key part of the Voting Rights Act. In a Supreme Court case challenging the Violence Against Women Act, 36 state attorneys general urged the court to uphold the law. Mr. Pryor was the only one to argue that the law was unconstitutional. This term, he submitted a brief in favor of a Texas law that makes gay sex illegal, comparing it to necrophilia, bestiality, incest and pedophilia.

Mr. Pryor has taken particularly outlandish positions on "federalism," a dangerous states' rights movement that seeks to take away federal rights. This term, he urged the Supreme Court to make nearly five million state employees ineligible to sue for damages under the Family and Medical Leave Act. Chief Justice William Rehnquist, a strong supporter of federalism, wrote the opinion rejecting Mr. Pryor's position as too extreme. In another states' rights case this term, involving statutes of limitations, the court rejected Mr. Pryor 9 to 0.

Judicial nominees are often accused of undergoing "confirmation conversions," backing away from controversial stands to win Senate support. But there is no great honor in the positions Mr. Pryor stuck to at his confirmation hearing: that Roe was "morally wrong" and responsible for "the slaughter of millions of unborn children," that part of the Voting Rights Act should be repealed and that when he rescheduled his family's vacation to Disney World to avoid a day when many gays attend, it was a legitimate "value judgment."

If a far-right legal group needs a lawyer to argue extreme positions against abortion, women's rights, gay rights and civil rights, Mr. Pryor may be a suitable candidate. But he does not belong on the federal bench.

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From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 6/23/2003 4:50:58 AM
Subject: : Potential first reaction if Michigan decision issued

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###### Begin Original ARMS Header ######
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CREATOR:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:23-JUN-2003 08:50:58.00
SUBJECT:: Potential first reaction if Michigan decision issued
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Drawn in large part from the January statement, and on the assumption that
the court strikes down the programs as not narrowly tailored.;

;

The Supreme Court's decision today striking down the;programs used by the
University of Michigan deserves our complete respect.; My administration
will study it carefully to ensure that we comply with the mandates of the
Constitution as we continue our work to achieve the ideal of equal
treatment under law for people of all races.; As I noted in January, at
the time our briefs in the Michigan cases were filed, I strongly support
diversity of all kinds, including racial diversity in higher education.;
Today's decision makes clear, however, that as we pursue diversity, we
must be ever mindful not to use means that create another wrong, and thus
perpetuate our divisions. My administration will continue to actively
promote diversity and opportunity in every way that the law permits.

;
```

From: Brian.A.Benczkowski@usdoj.gov
To: Kristi.L.Remington@usdoj.gov <Kristi.L.Remington@usdoj.gov>;William.Hall2@usdoj.gov <William.Hall2@usdoj.gov>;William.Hall2@usdoj.gov <William.Hall2@usdoj.gov>;Dan.Bryant@usdoj.gov <Dan.Bryant@usdoj.gov>;Adam.Charnes@usdoj.gov <Adam.Charnes@usdoj.gov>;Adam.Charnes@usdoj.gov <Powell, Benjamin A.>;Ashley_Snee@oa.eop.gov <Ashley_Snee@oa.eop.gov>;Ashley_Snee@oa.eop.gov <Mamo, Jeanie S.>;william_smith@judiciary.senate.gov <william_smith@judiciary.senate.gov>;ehaden@balch.com <ehaden@balch.com>;David_G._Leitch@oa.eop.gov <David_G._Leitch@oa.eop.gov>;David_G._Leitch@oa.eop.gov <Kavanaugh, Brett M.>
Sent: 6/23/2003 9:05:58 AM
Subject: NYT on Pryor

Happy Monday. Not surprising.

June 23, 2003

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From: Kavanaugh, Brett M.
To: <Kaplan, Joel>
Sent: 6/23/2003 9:33:54 AM
Subject: returned your call

From: Kaplan, Joel
To: <Kavanaugh, Brett M.>
Sent: 6/23/2003 10:19:56 AM
Subject: Fw: AP - Supreme Court upholds college affirmative action program

What's going on???
.

-----Original Message-----
From: Bravo, Brian
Sent: Mon Jun 23 10:17:36 2003
Subject: AP - Supreme Court upholds college affirmative action program

Supreme Court upholds college affirmative action program

WASHINGTON(AP) The Supreme Court on Monday upheld a university law school admissions policy that gives minorities an edge, ruling that race can be one of many factors that colleges consider when selecting their students.

From: Leitch, David G.
To: <Leitch, David G.>;<Gonzales, Alberto R.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
Sent: 6/23/2003 10:20:02 AM
Subject:

Michigan case -- law school program upheld 5-4 per SOC

From: CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/23/2003 6:21:53 AM
Subject: : Fw: AP - Supreme Court upholds college affirmative action program

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joel Kaplan (CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [UNKNOWN])
CREATION DATE/TIME:23-JUN-2003 10:21:53.00
SUBJECT:: Fw: AP - Supreme Court upholds college affirmative action program
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

What's going on???
.

-----Original Message-----
From: Bravo, Brian; <Brian_Bravo@who.eop.gov>
Sent: Mon Jun 23 10:17:36 2003
Subject: AP - Supreme Court upholds college affirmative action program

Supreme Court upholds college affirmative action program

WASHINGTON(AP) The Supreme Court on Monday upheld a university law school admissions policy that gives minorities an edge, ruling that race can be one of many factors that colleges consider when selecting their students.

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Bingold, Elizabeth>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Ganter, Jonathan F.>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Nelson, Carolyn>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 6/23/2003 10:24:40 AM
Subject: Supreme Court

Supreme Court strikes down the Undergraduate program.

From: CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/23/2003 6:31:55 AM
Subject: : Fw: Reuters - US top court allows university race preferences

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joel Kaplan (CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [UNKNOWN])
CREATION DATE/TIME:23-JUN-2003 10:31:55.00
SUBJECT:: Fw: Reuters - US top court allows university race preferences
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Oh my god. Tell me the press just doesn't understand it.
.

-----Original Message-----
From: Bravo, Brian; <Brian_Bravo@who.eop.gov>
Sent: Mon Jun 23 10:25:06 2003
Subject: Reuters - US top court allows university race preferences

US top court allows university race preferences

;;;;;;;;;;;;;;; WASHINGTON, June 23 (Reuters) - The U.S. Supreme Court upheld on Monday the University of Michigan's affirmative action policy that favors minorities who apply to its law school.

;;;;;;;;;;;;;;; It was the high court's first ruling on the important civil rights issue in 25 years.

;;;;;;;;;;;;;;; The U.S. Constitution ``does not prohibit the law school's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body,'' Justice Sandra Day O'Connor said for the court majority.

;;;;;;;;;;;

From:	Leitch, David G.
To:	<Gonzales, Alberto R.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>;<Ullyot, Theodore W.>
Sent:	6/23/2003 1:13:49 PM
Subject:	RE:

In case you were wondering, one take on the SOC opinion today:

Where, the reader might ask, did Justice O'Connor come up with the 25 year time limit for affirmative action programs? The easy answer is: "affirmative action programs" has 25 letters.

From: Kavanaugh, Brett M.
To: <Kaplan, Joel>
Sent: 6/23/2003 1:26:52 PM
Subject: Re: well there you have it then

that was line i was referring to

From: Joel Kaplan/WHO/EOP@Exchange on 06/23/2003 01:25:08 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: well there you have it then

"More important, for the reasons set out below, today we endorse Justice Powell's view that student body diversity is a compelling state interest that can justify the use of race in university admissions."

It doesn't really get much clearer than that.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 6/23/2003 3:37:21 PM
Subject: news story on conservative reaction

Conservatives Call Affirmative Action Rulings 'Disgusting' and 'Disappointing'

By Robert B. Bluey

CNSNews.com Staff Writer

June 23, 2003

(CNSNews.com) - The U.S. Supreme Court blew its chance to end discriminatory practices in college admissions, according to disappointed conservatives reacting to Monday's ruling that upholds the use of racial preferences.

In two split decisions Monday, the court ruled 5-4 that the University of Michigan could keep the affirmative action policy used at its law school, but a 6-3 majority said it must revamp the "point system" for undergraduate admissions.

Two Republican members of the U.S. Commission on Civil Rights expressed disappointment in the rulings and assailed the court for allowing race as a factor in admissions.

"The court should be ashamed of itself, and this nation should be ashamed of itself for celebrating," said Abigail Thernstrom, a commissioner and senior fellow at the conservative Manhattan Institute.

"We have just signed on to quotas for the foreseeable future for decades to come," she added. "We're going to have race-driven decision making from now on with the moral legitimacy of the court. It's disgusting."

Thernstrom said the court was "buffaloed by rotten social science," and her colleague on the commission, Cleveland labor lawyer Peter Kirsanow, said the court relied on so-called "expert studies" on race, many of which have been debunked.

In Kirsanow's view, the key issue came down the court's finding in the law school decision that student body diversity was a compelling government interest.

"The majority opinion is impressive in how it can contort the plain and unambiguous language of the 14th Amendment into a license to discriminate, albeit carefully," Kirsanow said.

As long as universities don't use overt point systems or numerical indices that emphasize race, they will still be able to consider racial preferences, he said. Many schools - and probably businesses as well - will now tailor their affirmative action policies to the law school's approach, Kirsanow said.

The White House released a statement partly praising the Supreme Court for recognizing the value of diversity, but also stressing the need to for a race-neutral society.

"The court has made clear that colleges and universities must engage in a serious, good faith consideration of workable race-neutral alternatives," President Bush said in the statement. "I agree that we must look first to these race-neutral approaches to make campuses more welcoming for all students."

Despite Bush's reaction, other conservatives, including Kirsanow and Thernstrom, were less optimistic.

"Every conservative I've spoken to - and those who aren't trying to spin - are sourly disappointed with this," Kirsanow said.

The much-anticipated rulings brought a positive response from the University of Michigan. President Mary Sue Coleman called them a victory for higher education since they uphold the use of affirmative action to achieve the goal of diversity. She said the ruling regarding undergraduates gives the school a "road map" for how to proceed.

Liberal interest groups also rallied behind the ruling.

"The Supreme Court's affirmation of the constitutionality of affirmative action represents a victory for America's march from our segregated, racist past," said Ralph G. Neas, president of People for the American Way Foundation. "Today, the Court gave us a signal that affirmative action can stay in order to promote diversity."

From: Kavanaugh, Brett M.
To: <Bartlett, Daniel J.>;<Lefkowitz, Jay P.>;<McClellan, Scott>
CC: <Leitch, David G.>;<Gonzales, Alberto R.>
Sent: 6/23/2003 6:32:25 PM
Subject: First page of WH web site

Sorry to bring a new issue up, but the current preview on page 1 of the White House web page says what is quoted below.

"President Bush **applauded Monday's Supreme Court decisions** for recognizing the value of diversity on our Nation's campuses and said these "decisions seek a careful balance between the goal of campus diversity and the fundamental principle of equal treatment under the law."

Again, the problem (technical but important) is that President did not applaud the decisions themselves in his actual statement.

From: Millerwise, Jennifer
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 6/23/2003 7:17:00 PM
Subject: Alexis

she called and said that you 2 met with her today...true? where is she headed? should we play?
some things she mentioned that she would like to know from us...

1) Because Naval Obs is a military facility does can the VP use for calls, etc.
2) Have we done anything seperate or different from they way your system is set-up.
3) How many campaign events will he have on the schedule, what is his pace.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:18 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:18.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:24 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:24.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/24/2003 5:23:19 AM
Subject: : FW: FLOTUS NC Invite
Attachments: P_4T7GH003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:24-JUN-2003 09:23:19.00
SUBJECT:: FW: FLOTUS NC Invite
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Sorry to bother you but this invite needs approval.
;
;
;
;
;
;
-----Original Message-----
From: Hernandez, Israel
Sent: Monday, June 23, 2003 4:55 PM
To: Kavanaugh, Brett M.
Subject: FLOTUS NC Invite

Brett,
;
Here is an invite we are doing for Mrs. Bush.; The invite will be faxed to
people rather than an invite.
;
Need approval.
;
Thanks
;
Israel
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4T7GH003_WHO.TXT_1>

Bush-Cheney '04, Inc.
Host Committee Information Sheet
Raleigh Fundraiser
Honoring Laura Bush

Friday, July 18, 2003

☐ Yes! You can count on me to be a Host Committee member for the Raleigh Bush Cheney '04, Inc. fundraiser on Friday, July 18, 2003. My contact information is as follows:

Name: _____

Address: _____

City/State: _____ Zip: _____

Work Phone:_____ Fax: _____

Cell Phone : _____ Email: _____

Assistant's name: _____

Date of Birth:_____Social Security Number:_____

Please list my/our name(s) on the invitation as follows (print or type):

_____

Please send me ____ invitations to distribute.
Please complete and return via fax to Amy Shuster at (703) 647-2992
by Wednesday, July 2, 2003.

For more information please contact Jessica Ennis (919) 789-8897.

Contributions to Bush-Cheney '04, Inc. are not tax deductible for federal income tax purposes.

Paid for by Bush-Cheney '04, Inc.

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Addington, David S.>;<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>;<Ullyot, Theodore W.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bellinger, John B.>;<Sampson, Kyle>
Sent: 6/24/2003 7:36:32 AM
Subject:

Interesting column in today's NYTimes.

June 24, 2003
Let Judges Do Their Jobs
By JOHN S. MARTIN Jr.

I have served as a federal judge for 13 years. Having reached retirement age, I now have the option of continuing to be a judge for the rest of my life, with a reduced workload, or returning to private practice. Although I find my work to be interesting and challenging, I have decided to join the growing number of federal judges who retire to join the private sector.

When I became a federal judge, I accepted the fact that I would be paid much less than I could earn in private practice; judges make less than second-year associates at many law firms, and substantially less than a senior Major League umpire. I believed I would be compensated by the satisfaction of serving the public good — the administration of justice. In recent years, however, this sense has been replaced by the distress I feel at being part of a sentencing system that is unnecessarily cruel and rigid.

For most of our history, our system of justice operated on the premise that justice in sentencing is best achieved by having a sentence imposed by a judge who, fully informed about the offense and the offender, has discretion to impose a sentence within the statutory limits. Although most judges and legal scholars recognize the need for discretion in sentencing, Congress has continually tried to limit it, initially through the adoption of mandatory-minimum sentencing laws.

Congress's distrust of judicial discretion led to the adoption in 1984 of the Sentencing Reform Act, which created the United States Sentencing Commission. The commission was created on the premise, not unreasonable, that uniformity in sentencing nationwide could be promoted if judges and other criminal law experts provided guidelines for federal judges to follow in imposing sentences. However, Congress has tried to micromanage the work of the commission and has undermined its efforts to provide judges with some discretion in sentencing or to ameliorate excessively harsh terms.

For example, when an extensive study demonstrated that there was no justification for treating crack cocaine as 100 times more dangerous than powdered cocaine, the ratio adopted by Congress in fixing mandatory minimum sentences, the commission proposed reducing the guideline ratios. However, the proposal was withdrawn when Congressional leaders made it clear that Congress would overrule it.

Congress's most recent assault on judicial independence is found in amendments that were tacked onto the Amber Alert bill, which President Bush signed into law on April 30. These amendments are an effort to intimidate judges to follow sentencing guidelines.

From the outset, the sentencing commission recognized the need to avoid too rigid an application of the guideline system and provided that judges would have the power to adjust sentences when circumstances in an individual case warranted. The recent amendments require the commission to amend the guidelines to reduce such adjustments and require that every one be reported to Congress. They also require that departures by district judges be reviewed by the appellate courts with little deference to the sentencing judge.

Congress's disdain for the judiciary is further manifested in a provision that changes the requirement that "at least three" of the seven members of the sentencing commission be federal judges to a restriction that "no more than" three judges may serve on it. Apparently Congress believes America's sentencing system will be jeopardized if more than three members of the commission have actual experience in imposing sentences.

Every sentence imposed affects a human life and, in most cases, the lives of several innocent family members who suffer as a result of a defendant's incarceration. For a judge to be deprived of the ability to consider all of the factors that go into formulating a just sentence is completely at odds with the sentencing philosophy that has been a hallmark of the American system of justice.

When I took my oath of office 13 years ago I never thought that I would leave the federal bench. While I might have stayed on despite the inadequate pay, I no longer want to be part of our unjust criminal justice system.

John S. Martin Jr. is a federal district judge in Manhattan.

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From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 6/24/2003 7:43:47 AM
Subject: See WSJ editorial last 4 paragraphs

Supreme Court Quotas

Justice O'Connor provides the fifth vote for racial preferences.

Tuesday, June 24, 2003 12:01 a.m. EDT

Anyone looking for legal, much less moral, clarity from yesterday's Supreme Court rulings on race-based admissions at the University of Michigan was surely disappointed. What we got instead was another look at Justice Sandra Day O'Connor's split-the-baby jurisprudence, and another generation of polarizing race-based public policy.

In *Gratz v. Bollinger*, the court struck down, 6-3, the crude point system used in undergraduate admissions at Michigan, whereby being black carried more weight than a perfect SAT score. But in *Grutter v. Bollinger*, the more significant companion ruling written by Justice O'Connor, by a 5-4 vote the court upheld racial discrimination in Michigan's law school recruitment.

In his *Grutter* dissent, Justice Scalia mocks this muddle. "Unlike a clear constitutional holding that racial preferences in state educational institutions are impermissible," he writes, "or even a clear anticonstitutional holding that racial preferences in state educational institutions are OK, today's *Grutter-Gratz* split double header seems perversely designed to prolong the controversy and the litigation."

A cynic might conclude that yesterday's decisions mean universities can still racially discriminate, as long as they're not too obvious about it. That cynicism is based on a quarter-century of racial preference shenanigans instigated by the late Justice Lewis Powell's 1978 *Bakke* opinion. In a part of his opinion that was joined by no other Justice, Powell argued that "diversity" is a compelling state interest. And ever since, college administrators have relied on his reasoning to justify racial bias in admissions.

Now Justice O'Connor, writing for the majority on the law-school case, has given that view the fifth vote it needed to become the law of the land. The Constitution, said Justice O'Connor, "does not prohibit the law school's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body."

Justice O'Connor has been on the fence for years on racial preferences, voting against them on such matters as government contracting. So in *Grutter* she strives to explain why education is special. Her reasons include nothing quantifiable, but come down to such things as "cross-racial understanding" and the desire to "cultivate a set of leaders with legitimacy in the eyes of the citizenry." And you probably thought the goal of Michigan Law School was a legal education. In his notable dissent, Justice Clarence Thomas cuts to shreds this insulting notion of a constitutional justification for universities using otherwise unqualified racial minorities to enrich the learning experience of whites.

Justice O'Connor was long ago identified as the swing vote on the Michigan cases. She has always been an intensely political judge who takes cues from the opinion polls, the political establishment and the press, in addition to the law. So her confusing split decision was probably guaranteed once the Bush Administration filed its own muddled brief in the Michigan cases.

If the White House was unwilling to assert unequivocally that racial discrimination is wrong, even when practiced in the service of the best intentions, there was very little chance that Justice O'Connor would wander out on that politically unpopular limb by herself.

A White House statement unpersuasively spun yesterday's decision as a victory. But in one sense it is the first Supreme Court decision issued by White House Counsel Alberto Gonzales, who is widely believed to be President Bush's choice for the High Court when the next Justice retires. Mr. Gonzales helped to overrule those at the Justice Department who understood how Justice O'Connor would interpret their brief's legal ambivalence.

The one silver lining in yesterday's *Grutter* opinion is Justice O'Connor's own lack of confidence in it. She admits that race-based policies are so constitutionally suspect that they must be "time-limited" and predicts that they will be gone at Michigan in 25 years. Alas, that is probably also what Justice Powell thought when he wrote *Bakke*, precisely 25 years ago.

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/24/2003 8:39:29 AM
Subject: Letters? Pest here.

.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:10 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:10.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:07 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:07.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:18 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:18.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:22 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:22.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:06 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:06.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
Sent: 6/24/2003 5:09:25 AM
Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:25.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
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TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:31 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:31.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:26 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:26.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:29 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:29.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:09 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:09.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
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READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
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TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:13 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:13.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:07 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:07.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
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TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
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Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:08 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:08.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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###### End Original ARMS Header ######
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Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
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Thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/24/2003 5:09:15 AM

Subject: : ABA Ratings - Gary L. Sharpe

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:24-JUN-2003 09:09:15.00
SUBJECT:: ABA Ratings - Gary L. Sharpe
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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###### End Original ARMS Header ######
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Gary L. Sharpe, USDC, Northern District of New York, is uanimously rated "Well Qualified" by the ABA.
;
Thanks.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 6/24/2003 9:13:21 AM
Subject: Draft statement for your review

Chief Justice Rehnquist has served with honor and distinction as a member of the Supreme Court for more than three decades. The Nation owes him a debt of deep gratitude for his extended public service on the Supreme Court as well as in World War II and at the Department of Justice. His record of accomplishments on the bench will long be studied and remembered for its consistency of vision and contribution to the Court's jurisprudence. During his 17 years as Chief Justice, he provided effective and disciplined leadership of the "Rehnquist Court" as it grappled with some of the most difficult and important issues facing our society, and federal judges from across the philosophical spectrum have welcomed the manner in which he has led the Court and the judiciary. With our hearfelt thanks for his service, we wish him the best in his retirement.

From: Hernandez, Israel
To: <Kavanaugh, Brett M.>
Sent: 6/24/2003 9:22:05 AM
Subject: FW: FLOTUS NC Invite
Attachments: RaleighLauraHostForm.doc

Sorry to bother you but this invite needs approval.

-----Original Message-----
From: Hernandez, Israel
Sent: Monday, June 23, 2003 4:55 PM
To: Kavanaugh, Brett M.
Subject: FLOTUS NC Invite

Brett,

Here is an invite we are doing for Mrs. Bush. The invite will be faxed to people rather than an invite.

Need approval.

Thanks

Israel

Bush-Cheney '04, Inc.
Host Committee Information Sheet
Raleigh Fundraiser
Honoring Laura Bush

Friday, July 18, 2003

☐ Yes! You can count on me to be a Host Committee member for the Raleigh Bush Cheney '04, Inc. fundraiser on Friday, July 18, 2003. My contact information is as follows:

Name: _____

Address: _____

City/State: _____ Zip: _____

Work Phone:_____ Fax: _____

Cell Phone : _____ Email: _____

Assistant's name: _____

Date of Birth:_____Social Security Number:_____

Please list my/our name(s) on the invitation as follows (print or type):

_____

Please send me ____ invitations to distribute.
Please complete and return via fax to Amy Shuster at (703) 647-2992
by Wednesday, July 2, 2003.

For more information please contact Jessica Ennis (919) 789-8897.

Contributions to Bush-Cheney '04, Inc. are not tax deductible for federal income tax purposes.

Paid for by Bush-Cheney '04, Inc.

From: Kavanaugh, Brett M.
To: <Hernandez, Israel>
Sent: 6/24/2003 9:55:36 AM
Subject: Re: FLOTUS NC Invite
Attachments: RaleighLauraHostForm.doc

OK here. Please make sure Josefiak has approved for BC 04. Thanks.

From: Israel Hernandez/WHO/EOP@Exchange on 06/23/2003 04:55:26 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FLOTUS NC Invite

Brett,

Here is an invite we are doing for Mrs. Bush. The invite will be faxed to people rather than an invite.

Need approval.

Thanks

Israel <>

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Host Committee Information Sheet
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Paid for by Bush-Cheney '04, Inc.

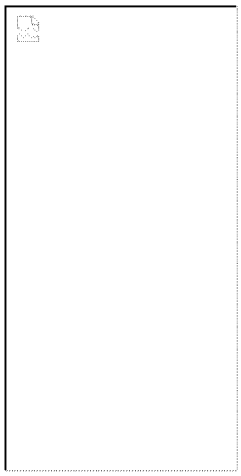
From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 6/24/2003 10:03:13 AM
Subject:

Did you do draft statements on the Justices? draft q and a?

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 6/24/2003 10:28:59 AM
Subject:
Attachments: e_news.gif; sendpage.gif

JUNE 24, 2003

Specter boosts Hatch for future court vacancy
By Geoff Earle and Sarita Chourey



As President Bush ponders how to fill a potential vacancy on the Supreme Court, Sen. Arlen Specter (R-Pa.) thinks he need look no further than the Senate.

Specter is touting Senate Judiciary Committee Chairman Orrin Hatch (R-Utah) as someone whose close personal ties with his colleagues might help him clear the chamber.

"I think Hatch is one of the few people that can be confirmed without a bitter fight," Specter said. "I think he's shown a lot of balance. He's pro-life, but he had the courage to stand up for stem cell research. He's got a good record on civil rights."

But the suggestion, while intriguing to some, also would carry a host of complications, not the least of which include Hatch's statements indicating coolness to the job.

As for Hatch, there is one obvious flaw to nominating him. At 69 years old, he cannot be expected to fill a lifetime appointment as long as someone a generation younger.

But Specter said Hatch's age could be an asset. "He's old enough so that he won't serve 40 years on the court like Clarence Thomas will. He lowers the tenure." That might give Democrats more comfort in voting for him.

And his nomination, if confirmed, would slim the GOP's narrow Senate majority until Utah's Republican governor could appoint a successor.

But Hatch brushed off the possibility on C-SPAN when a caller raised the suggestion. He said it would be an "honor" but said the president was considering a handful of people for the job.

Meanwhile, most other Senate Republicans are advising the White House to reject Democratic pleas to vet any Supreme Court nominees with the minority.

Senate Minority Leader Tom Daschle (D-S.D.), among others, wrote Bush last week urging him to consult with Democrats before making a nomination. There has been speculation that retirements on the court could create a vacancy as early as this summer.

"I am not aware that any president has formally consulted with the Senate for a nomination," said Senate Republican Conference Chairman Rick Santorum (Pa.). "I wouldn't start here, and I certainly wouldn't start with the people from the other side of the aisle."

"I don't think the president is going to consult with me on a Supreme Court nominee," said Sen. Trent Lott (R-Miss.). "Why should he consult with Daschle?"

"Consultation, to Democrats, means accepting their views," Hatch said. He said that if Democrats had cooperated with Bush "instead of smearing people" who were nominated for

lower court judgeships, they would have more bargaining power.

But Specter advised the president to take Daschle's request seriously. "I think the White House ought to respond in the affirmative," he said. "Daschle is right about some things … Even a stopped clock is right twice a day."

Specter referred to his background as a district attorney: "I never arrested a guy without calling him up and asking him to explain himself." Similarly, he said, the president might learn something valuable about a nominee that could either help or hurt the nomination by consulting with Democrats.

Sen. John McCain (R-Ariz.) said the White House should seek a consensus candidate, adding, "It's always a good thing to do … I think there should always be consultation."

A potential pitfall would be the caustic relations that Hatch has sometimes had with Democrats on the Judiciary Committee, particularly ranking member Sen. Patrick Leahy (D-Vt.), who has clashed with him over presidential nominations.

But Leahy, asked Hatch could get confirmed, responded, "Sure." Asked if he would vote for Hatch, Leahy replied, "Sure." Hatch also has a close relationship with Sen. Edward Kennedy (D-Mass.), with whom he has worked on Judiciary.

As the third most senior Republican on Judiciary (after Sen. Chuck Grassley [R-Iowa], Finance Committee chairman), Specter would take over the committee if Hatch left the Senate.

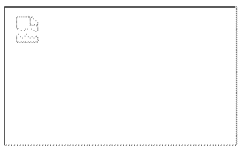
There already are signs that the administration is laying out the strategy for an upcoming floor fight. Rather than vetting its nominee with Daschle, the White House could ignore Democratic leaders while picking off the requisite number of centrist Democrats.

Sen. Ben Nelson (D-Neb.) said he has talked to White House staff about how a Supreme Court vacancy should be handled. "I've made my desires clear to them," he said. "I would hope that they would look for somebody that would not be controversial … I don't think we need to be tied up in knots."

Nelson, who said he appointed half the judges in Nebraska while serving as governor, said he spent 45 minutes with Circuit Court nominee Miguel Estrada before deciding that Estrada was qualified to serve. Democrats are filibustering the nomination.

Nelson did, however, caution that Estrada might encounter difficulty if he were nominated for a Supreme Court vacancy. "I think it's a little harder to support somebody that's not been a judge," he said. Estrada worked in the solicitor general's office.

Sen. Zell Miller (D-Ga.), who along with Nelson, backed the president's tax cut, said he doesn't think the White House needs to nominate a consensus candidate or even consult the Senate.



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733 Fifteenth Street, NW Suite 1140
Washington, DC 20005
202-628-8500 tel | 202-628-8503 fax

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David S. Addington/OVP /EOP@EOP [OVP] <David S. Addington>;Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>
CC: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>
Sent: 6/24/2003 8:32:09 AM
Subject: : Safety Act regs go to Fed Register today or tomorrow

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-JUN-2003 12:32:09.00
SUBJECT:: Safety Act regs go to Fed Register today or tomorrow
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You'd expressed interest in the status of the draft Safety Act regs at one point -- they're now thru the OIRA process and I believe will go back to DHS and then on to the Fed Register today or tomorrow for publication. I wld not expect any further staffing and assume you've all seen them, but if not OMB has the current electrons.

---------- Forwarded by Edward McNally/WHO/EOP on 06/24/2003 12:27 PM ----------

"Clark, Lucy" <Lucy.Clark@DHS.GOV>
06/24/2003 11:15:17 AM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP, John F. Wood/OMB/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: RE: HSC comments, questions and release of hold on OMB draft Safety Actregs

Thanks Ed. I have spoken to the Secretary this morning about the one concern General Gordon raised with him (30 instead of 60 day notice). That said, here's where we stand (John W. and I just spoke about this as well):

(1) 30 day notice and comment (Secy specifically approved)
(2) September 1 application due date
(3) Pre-certification provision stays in
(4) Discretionary Notice provision out

Obviously 3 & 4, as well as 2, can be changed after the notice and comment period, so please let us know if HSC has any lingering concerns on these points.

As of now, with these changes, the rule is complete. OMB will make these changes and pass the reg back to DHS today or tomorrow so DHS can send it to the Fed Reg.

-----Original Message-----
From: Edward_McNally@who.eop.gov [mailto:Edward_McNally@who.eop.gov]
Sent: Monday, June 23, 2003 7:28 PM

To: John_F._Wood@omb.eop.gov; Clark, Lucy
Cc: Whitley, Joe; Dave_Howe@nsc.eop.gov; Lewis_Podolske@who.eop.gov;
Catherine_S._Anderson@who.eop.gov; Timothy_C._Stout@who.eop.gov;
Eric_Leckey@who.eop.gov; Laura_F._Fullerton@who.eop.gov
Subject: HSC comments, questions and release of hold on OMB draft Safety
Actregs

John and Lucy -- Gen. Gordon has asked us to forward to OMB and the
Department
the following four HSC comments concerning this draft. Bottom line is
that,
following up on our communications on Thursday, Friday and earlier
today, and
as you've requested, the HSC hold re: the draft has been released. The
four
bullets below represent HSC's comments, questions and recommendations to
the
Secretary and to OMB. DHS has requested that HSC defer to the
Department re:
the fact questions that have been raised about timing and Department/S&T
resources, and HSC has agreed to do so. At core, as much as they are
comments,
the first two bullet points below represent questions to DHS, and if the
Secretary does not share the concerns described here HSC defers to DHS
as to the
Department's current and expected capacity and resources to address
these
matters on the highly expedited timetables proposed here. Thus,
assuming DHS is
satisfied with the answers to these questions, HSC is not
requesting/requiring
that these recommendations/comments be incorporated or reconciled prior
to the
issuance of the draft in question.

Comment Period: These important new regulations are of national
interest to virtually every industry and yet propose to provide
for just
a brisk 30 day comment period. Last month, DHS argued
persuasively to
HSC that -- because the USG was greatly limited in its ability
to make
informed choices without a full opportunity to access and review
the
considerable amount of worthwhile and material information that
was held
by businesses, scientists and other experts outside the USG --
the
comment period needed to be extended from 30 to 60 days. In
fact, the
period WAS extended to 60 days in a recent DHS draft. HSC was
and
remains persuaded that 60 days is a better comment period. The
President has equities in the success of these regs and this
Act, which
is why a balance should be struck between relative speed (30
days) and a
more deliberate pace (the 90 days that was once discussed).
Given the
wide interest that these regulations are likely to generate, HSC
recommends to the Secretary that the initial comment period
should be at
least 60 days. Does DHS have any similar concerns? Is a 45 day
period
the right compromise between the 30-day and 60-day views?
Date for Accepting Applications: HSC has been advised that the
SAFETY

Act application start date at page 2 of the regulation has been moved
back to August 15, 2003. HSC is concerned that this may be premature.
Question to DHS: Is S&T sufficiently staffed with the expertise,
manpower and other resources and infrastructure to competently and fully
address what is likely to be a flood of highly technical applications
less than two months from now? If not, we could be setting up S&T, the
Department and the Administration effort for a predictable and highly
visible failure. HSC recommends that the application period begin
AFTER the initial 60-day comment period has ended (see above), and
DHS/S&T have had adequate time to review and address the initial
comments. Based on a 60-day comment period, HSC recommends to the
Secretary that September 15 would be more appropriate than August 15.
Does DHS have any similar concerns? Is Sept. 1 the right compromise
between the August 15 and Sept. 15 views?
Pre-Application Consultations: Section 101.3(h) provides for
Pre-Application Consultations to provide feedback to manufacturers
regarding whether proposed or developing anti-terrorism technologies
might be worth pursuing. HSC is concerned about the additional workload
that this may generate. Given that such consultations are not required
by the SAFETY Act, and DHS has the inherent authority to do so anyway,
we recommend that this section be deleted. Since the advice DHS gives
in such consultations could in no way provide advance certification
decisions, advertising the availability of such consultations could
actually end up clouding the issue, especially if we gave thumbs-up
during the pre-application consultations and then rejected the formal
application. More importantly, does S&T have the staff to support this?
If not, why advertise what is not required?
Discretionary Notice of Recommendation: In Section 101.5(e) and Section
101.7(e), there is a provision for a Discretionary Notice of
Recommendation that permits the Assistant Secretary to provide notice to
the Seller of his or her recommendation to the Under Secretary and an
opportunity for the Seller to provide additional information in support
of their application. It then states that the A/S is in no event
required to provide such notice and opportunity. Since in both cases
one of the possible actions by the U/S is to notify the Seller in
writing of additional information needed before a decision could be
reached, it would seem both unnecessary and an opportunity to

open the
Department up to charges of favoritism/unfairness if it provides
some
applicants with an additional chance to improve their
applications but
doesn't do it for others. While this sounds like a good way to
be
responsive, HSC questions whether DHS really wants to open up
another
area where it may be taking on additional work and, at the same
time,
exposing the Department to criticism.

Message Copied
To:_____
"Whitley, Joe" <Joe.Whitley@DHS.GOV>
Dave Howe/NSC/EOP@EOP
Lewis Podolske/WHO/EOP@EOP
Catherine S. Anderson/WHO/EOP@EOP
Timothy C. Stout/WHO/EOP@EOP
Eric Leckey/WHO/EOP@EOP
Laura F. Fullerton/WHO/EOP@EOP
Richard Falkenrath/WHO/EOP@EOP
"Mitnick, John" <John.Mitnick@DHS.GOV>
Philip J. Perry/OMB/EOP@EOP

From: Lefkowitz, Jay P.
To: <Kavanaugh, Brett M.>
Sent: 6/24/2003 1:50:10 PM
Subject: tort issues and errata

I have asked Diana to call you about moving ahead with inventory of gov programs re: yesterday's decisions.

also, pls let both of us know status of inquiry on state tort law process question. Diana is dpc point on this and other tort issues.

Finally, are you at asbestos hearing today? Would love any feedback and sense of direction this is taking.

thanks

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 6/24/2003 2:19:49 PM
Subject: Meet the Press 11/21/1999

MR. RUSSERT: Which Supreme Court justice do you really respect?

GOV. BUSH: Well, that's--Anthony **Scalia** is one.

MR. RUSSERT: He is someone who wants to overturn Roe vs. Wade.

GOV. BUSH: Well, he's a--there's a lot of reasons why I like Judge **Scalia.** I tell you a guy who I...

MR. RUSSERT: So you'd want to know how a judge feels about abortion. You just wouldn't put him on the bench blindly.

GOV. BUSH: I want to know how a judge feels about a lot of issues. The most primary one is...

MR. RUSSERT: Including abortion?

GOV. BUSH: The most primary issue--the most primary issue is will they strictly interpret the Constitution of the United States?

MR. RUSSERT: Will your judges and judge appointments to the Supreme Court be similar to **Scalia** in their temperament and judicial outlook?

GOV. BUSH: Well, I don't think you're going to find many people to be actually similar to him. He's an unusual man. He's an intellect. The reason I like him so much is I got to know him here in Austin when he came down. He's witty, he's interesting, he's firm. There's a lot of reasons why I like Judge **Scalia.** And I like a lot of the other judges as well. I mean, it's kind of a harsh question to ask because it now pits me--some of whom are friends of mine. I mean, it's--and so, in all due respect, Judge **Thomas.**

MR. RUSSERT: Do you believe Clarence **Thomas** was the most qualified man in the country for the Supreme Court?

GOV. BUSH: I do. And I think he's proven my dad correct.

MR. RUSSERT: How about Dav...

GOV. BUSH: And I think he got a raw shake during the nomination process. And one of the reasons I'm running for president is to try to rid Washington of cynicism, and, you know, zero-sum politics. I believe, Tim--I asked this question before I asked my family to join the race. I believe an administration can change the tone in Washington. I do.

MR. RUSSERT: How about David Souter of New Hampshire to the Supreme Court?

GOV. BUSH: I'm not falling into that trap. Let me...

MR. RUSSERT: Notice you're not endorsing him, either.

GOV. BUSH: Well, he's a fine man. But let me--I want to follow up on this point real quick, because I think people need to know. If I didn't think an administration could change the zero-sum politics of Washington, an atmosphere that is so hostile sometimes, an atmosphere that just chewed a good man up like Clarence **Thomas,** I wouldn't be running. I believe--I do believe--I believe someone can not only bring honor and dignity to the office, I believe an administration can make Washington a place where hostility doesn't have to be the main characteristic of the attitudes of the people up there.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>
Sent: 6/24/2003 10:21:20 AM
Subject: : Meet the Press 11/21/1999

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-JUN-2003 14:21:20.00
SUBJECT:: Meet the Press 11/21/1999
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

MR. RUSSERT: Which Supreme Court justice do you really respect?

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From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
To: LJenness-Olmos@rnchq.org [UNKNOWN] <LJenness-Olmos@rnchq.org>;Keys, Elizabeth (Republican-Conf) <Elizabeth_Keys@src.senate.gov>;Tapia, Margarita (Judiciary) <Margarita_Tapia@Judiciary.senate.gov>;Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>;Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kauffman, Alex (Republican-Conf) <Alex_Kauffman@src.senate.gov>;Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>;Abegg, John (McConnell) <John_Abegg@mcconnell.senate.gov>;Dahl, Alex (Judiciary) <Alex_Dahl@Judiciary.senate.gov>;Kristi.L.Remington@usdoj.gov [UNKNOWN] <Kristi.L.Remington@usdoj.gov>;Brian.A.Benczkowski@usdoj.gov [UNKNOWN] <Brian.A.Benczkowski@usdoj.gov>
Sent: 6/24/2003 10:55:06 AM
Subject: : Free the Michigan 4 Letter
Attachments: P_Y3VGH003_WHO.TXT_1.pdf

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ( "Miranda, Manuel
(Frist)" <Manuel_Miranda@frist.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:24-JUN-2003 14:55:06.00
SUBJECT:: Free the Michigan 4 Letter
TO:LJenness-Olmos@rnchq.org ( LJenness-Olmos@rnchq.org [ UNKNOWN ] )
READ:UNKNOWN
TO:"Keys, Elizabeth (Republican-Conf)" <Elizabeth_Keys@src.senate.gov> ( "Keys, Elizabeth
(Republican-Conf)" <Elizabeth_Keys@src.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Tapia, Margarita (Judiciary)" <Margarita_Tapia@Judiciary.senate.gov> ( "Tapia,
Margarita (Judiciary)" <Margarita_Tapia@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> ( "Delrahim, Makan
(Judiciary)" <Makan_Delrahim@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [ UNKNOWN ]
)
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:"Kauffman, Alex (Republican-Conf)" <Alex_Kauffman@src.senate.gov> ( "Kauffman, Alex
(Republican-Conf)" <Alex_Kauffman@src.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Ledeen, Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov> ( "Ledeen, Barbara
(Republican-Conf)" <Barbara_Ledeen@src.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Abegg, John (McConnell)" <John_Abegg@mcconnell.senate.gov> ( "Abegg, John (McConnell)"
<John_Abegg@mcconnell.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Dahl, Alex (Judiciary)" <Alex_Dahl@Judiciary.senate.gov> ( "Dahl, Alex (Judiciary)"
<Alex_Dahl@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Kristi.L.Remington@usdoj.gov ( Kristi.L.Remington@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Brian.A.Benczkowski@usdoj.gov ( Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

- Judges2 Letter.pdf
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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Y3VGH003_WHO.TXT_1>

June 23, 2003

The Honorable William H. Frist
Majority Leader
United States Senate

Dear Majority Leader Frist:

We write to you concerning a grave injustice that is endangering the well being of countless Americans and putting our system of justice in jeopardy in a significant part of this country. We refer to the continued, intentional obstruction of the nominations of Henry W. Saad, Susan B. Neilson, David W. McKeague, and Richard A. Griffin to the U.S. Court of Appeals for the Sixth Circuit, as well as the nominations of Thomas L. Ludington and Daniel P. Ryan to the U.S. District Court for the Eastern District of Michigan. This obstruction is not only harming the lives and careers of good, qualified judicial nominees, it is prolonging a dire emergency in the administration of justice; an emergency that has brought home to numerous Americans the truth of the phrase "justice delayed is justice denied."

As you know, the two Michigan Senators continue to block Judiciary Committee hearings regarding these nominees. They refuse to allow the United States Senate to complete its constitutional duty of Advise and Consent, denying the nominees the opportunity to address any honest objections to their records or qualifications and their fellow Senators the right to air the relevant issues and vote according to their consciences. All of this taking place during an emergency in the Sixth Circuit Court of Appeals.

We join with the members of Michigan's Congressional delegation who wrote Chairman Hatch on February 26, 2003 to express their concern that "if the President's nominations are permitted to be held hostage, for reasons not personal to any nominee, then these judicial seats traditionally held by judges representing the citizens of Michigan may be filled with nominees from other states within the Sixth Circuit. This would be an injustice to the many citizens who support these judges and who have given much to their professions and government in Michigan."

Our interest, however, is not parochial. We are concerned about the Sixth Circuit as a whole, which continues to be tainted by scandal and burdened by high caseloads. The facts as to the Sixth Circuit are undisputed. The Sixth Circuit is under-staffed, with 4 of its 16 seats vacant. The workload is heavy in the Sixth Circuit and the judges are few. According to the Administrative Office of the United States Courts, the Sixth Circuit ranks next to last out of the 12 circuit courts in the time it takes to complete its cases. Since 1996 each active judge has had to increase his or her number of decisions by 46% -- more than three times the national average. But even this extraordinary effort has not been sufficient. In the recent past, the Sixth Circuit has taken as many as 15.3 months to reach a final disposition of an appeal. With the national average at only 10.9 months, this means the Sixth Circuit takes over 40% longer than the national average to process a case.

We urge you to put an end to this obstruction and bring these nominations forward so that honest debate may ensue, and so that we may address the severe shortage of judges in the Sixth Circuit.

The last time the Sixth Circuit was this understaffed former Chief Judge Gilbert S. Merritt said that it was handling "a caseload that is excessive by any standard." Judge Merritt also wrote that the court was "rapidly deteriorating, understaffed and unable to properly carry out their responsibilities." That is precisely the case today. And real Americans' lives are being affected as a result.

Senator, these are not just dry statistics. The crisis is real and it affects everyday Americans. Let us cite a few examples.

1. Ohio Attorney General Betty Montgomery has said that numerous death penalty appeals before the Sixth Circuit are experiencing prolonged delays. For example, the appeal of Michael Beuke has not been acted on in more than two years and Clarence Carter has had a motion pending before the Sixth Circuit for three years. [*The Cincinnati Post,* March 25, 2002.]

2. District Court Judge Robert Holmes Bell describes the Sixth Circuit as in a "crisis" because of the vacancies, and he added, "We're having to backfill with judges from other circuits, who are basically substitutes. You don't get the same sense of purpose and continuity you get with full-fledged court of appeal judges." [*The Grand Rapids Press*, February 21, 2002.]

3. Cincinnati Attorney Elizabeth McCord, as of the end of 2001, had been waiting fifteen months just to have oral arguments scheduled for her client's appeal in a job-discrimination suit, according to a December 26, 2001 article in *The Cincinnati Post*. In that interim, her client had died. The article describes delays like this as "commonplace" because vacancies have left the court at "at half-strength and have created a serious backlog of cases.

4. Mary Jane Trapp, president of the Ohio Bar Association, said, "Colleagues of mine who do a lot of federal work are continuing to complain (about the delays). When you don't have judges appointed to hear cases, you really are back to the adage of 'justice delayed is justice denied.'" [*The Cincinnati Post,* December 26, 2001.]

The Sixth Circuit has been forced to use district court judges and Sixth Circuit senior judges to keep pace with its caseload. This practice, in turn, affects the efficiency of the district courts. We understand that the Sixth Circuit currently hears some arguments via telephone. Each three-judge panel on the Sixth Circuit not only must hear more cases each year; it must spend less time on each case in order to maintain some control over the docket. Some cases may not be heard despite their merit. In the meantime, the administration of justice suffers.

Decisions from the Sixth Circuit are slower in coming, based on less careful deliberation and as a result are less likely to be just and predictable. The effects on our people, our society and our economy are far reaching. Uncertainty, transaction costs and even litigation are increased as people strive to continue doing business when the lines of swift justice and clear precedent are being blurred.

Senator, President Bush has done his part to alleviate this crisis. Over the past two years he has nominated eight qualified people to the Sixth Circuit Court of Appeals, with three of them designated to cure judicial emergencies. Four of these nominees continue to languish without hearings because of the obstruction of the two Michigan Senators.

We now ask that the Senate fulfill its role in the Constitutional nomination process by holding hearings and allowing a vote on the Michigan nominees.

Best regards,

Charles E. Rice
Professor Emeritus
University of Notre Dame Law School

Bernard Dobranski
Dean
Ave Maria School of Law

Douglas W. Kmiec
Dean and St. Thomas More Professor
The Catholic University of America School of Law

Mary Ann Glendon
Learned Hand Professor of Law
Harvard Law School

Gerard V. Bradley
Professor
University of Notre Dame Law School

Joseph L. Falvey, Jr.
Associate Dean of Academic Affairs
Ave Maria School of Law

Douglas Kahn
Paul G. Kahn Professor of Law
University of Michigan Law School

Mollie Murphy
Professor
Ave Maria School of Law

Stephen J. Safranek
Professor
Ave Maria School of Law

Steven J. Murphy
Immediate Past President
Federalist Society
Michigan Lawyers Chapter

C. Thomas Ludden, Member
Appellate Section
State Bar of Michigan

cc. Chairman Orrin G. Hatch, Senator Mitchell McConnell, Senator Michael DeWine, Senator George Voinovich, Senator James Bunning, Senator Lamar Alexander

From: Kavanaugh, Brett M.
To: <Elwood, Courtney S.>
Sent: 6/24/2003 3:33:29 PM
Subject: RE: issues

haven't talked to him yet. major tag.

From: Kavanaugh, Brett M.
To: <Kaplan, Joel>
Sent: 6/24/2003 4:41:39 PM
Subject: Re: to consider for Josh

yes

From: Joel Kaplan/WHO/EOP@Exchange on 06/24/2003 04:33:42 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: to consider for Josh

Did u ck back on nepd?

.

From: Douglass, Kimberly A.
To: <Kavanaugh, Brett M.>
Sent: 6/24/2003 5:24:15 PM
Subject: trip summaries

Will you be in tomorrow? Can I schedule about 10 minutes you to sign a stack of trip summaries?

I also have to do one for the first campaign trip (Georgia.) Did you have a chance to come up with some standard wording? Maybe we can discuss this tomorrow as well.

Just let me know when you will be around. Thanks!!!

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 6/24/2003 7:35:04 PM
Subject: RE: White House Global Messenger -- 6/25/03

Definitely, the deal is though, they have an entire office that does this. Maybe it is something the war room folks could help do. I like the concept.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 24, 2003 7:31 PM
To: Snee, Ashley
Subject: White House Global Messenger -- 6/25/03

wouldn't it be good to have emails like this each day if Supreme Court vacancy?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/24/2003 07:30 PM ----------



Office of Global Communications
06/24/2003 06:30:59 PM

Please respond to Office of Global Communications
Record Type: Record

To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP
cc:
Subject: White House Global Messenger -- 6/25/03

(See attached file: GM 6-25-03 FINAL.doc)

THE GLOBAL MESSENGER
Wednesday, June 25, 2003

******KEY POINTS ON PAKISTAN******
From the President's meeting with President Musharraf

*Pakistan and the United States are working together closely on common challenges.
Both countries are threatened by global terror and are determined to defeat it.
Pakistan's support was essential in the campaign against the Taliban in Afghanistan.
*As part of the Global War on Terrorism, Pakistan has apprehended more than 500 Al Qaeda and Taliban terrorists.
*The United States has cancelled $1 billion of debt owed by Pakistan.
*The Administration will work with Congress to provide $3 billion in development and security assistance to Pakistan over five years, in annual installments of $600 million.
*In addition, the Administration has requested $120 million in FY 2004 for Pakistan in development assistance, health, law enforcement, and other programs.
*A Trade and Investment Framework Agreement will be concluded to create a formal structure that will expand our bilateral economic partnership and promote investment.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change.

12:30 pm State Department Briefing
1:20 pm The President participates in a joint press availability with E.U. Summit Leaders, East Room

******KEY QUOTE ON PAKISTAN******

"Today, both our countries are working with the Afghan government to build a stable democratic Afghanistan with secure border regions that are free from terror and free from extremism. Pakistan and the United States also share a determination to bring the... benefits of security and freedom to the people of Iraq. And I look forward to working with President Musharraf on this critical goal. ...

"For more than 50 years, the United States and Pakistan have worked together for the security and prosperity of South Asia. Today, we reaffirm a friendship that has brought great benefits to our people."
-- President Bush, 6/24/03

******IRAQ HUMANITARIAN AND RECONSTRUCTION UPDATE******

*Demining activities are ongoing in 62 minefields in the northern directorates of Arbil, Dahuk, and As Sulaymaniyah. From June 1 to June 19, demining NGO's

marked 386,376 square meters of minefields in northern directorates.
*The United Nations launched a new humanitarian appeal for Iraq today, calling for an additional $259 million for relief operations.
*The four southern governorates of Al Basrah, Al Muthanna, Dhi Qar, and Maysan each received $5 million to purchase the local harvest.
*As of June 18, 902,045 metric tons of food has been distributed in Iraq.
*As of June 19, UNICEF has delivered 135 million liters of clean water to beneficiaries in southern Iraq.

SUPPORTING HUMAN RIGHTS AND DEMOCRACY: THE U.S. RECORD 2002-2003

For the first time in a systematic way, this report captures the work of the U.S. Government to promote democratic structures and respect for human rights. View this report at:
http://www.state.gov/g/drl/rls/shrd/

"U.S. policy to protect human rights springs from American ideals and our sense of national interest. But even more important than our high aspirations and purposes is the work and will that Americans have put into achieving them."
-- Secretary Powell, 6/24/03

THE WHITE HOUSE
Office of Global Communications
For more information log on to
http://www.whitehouse.gov/ogc

****
You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's messages to the world. This office distributes updates on major international topics such as the global war on terror, the case for regime change in Iraq, and more broadly, the ways in which we can all better communicate the aspirations and interests that Americans share with freedom-loving people everywhere.

- GM 6-25-03 FINAL.doc << File: GM 6-25-03 FINAL.doc >>

From: Douglass, Kimberly A.
To: <Kavanaugh, Brett M.>
Sent: 6/25/2003 9:15:11 AM
Subject: RE: trip summaries

11:30?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 24, 2003 7:33 PM
To: Douglass, Kimberly A.
Subject: Re: trip summaries

yup

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/24/2003 05:24:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: trip summaries

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From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/25/2003 10:43:35 AM

Subject: : ABA Ratings - R. David Proctor

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:25-JUN-2003 14:43:35.00
SUBJECT:: ABA Ratings - R. David Proctor
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
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READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
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Robert David Proctor, USDC, Northern District of Alabama, is unanimously rated "Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/25/2003 10:43:16 AM

Subject: : ABA Ratings - R. David Proctor

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:25-JUN-2003 14:43:16.00
SUBJECT:: ABA Ratings - R. David Proctor
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###### End Original ARMS Header ######
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From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

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Sent: 6/25/2003 10:44:13 AM

Subject: : ABA Ratings - R. David Proctor

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
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SUBJECT:: ABA Ratings - R. David Proctor
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READ:UNKNOWN
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Sent: 6/25/2003 10:44:31 AM
Subject: : ABA Ratings - R. David Proctor

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###### Begin Original ARMS Header ######
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CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:25-JUN-2003 14:44:31.00
SUBJECT:: ABA Ratings - R. David Proctor
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
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Robert David Proctor, USDC, Northern District of Alabama, is unanimously rated "Qualified" by the ABA.
;
Patrick

From:	Leitch, David G.
To:	<Gonzales, Alberto R.>;<Addington, David S.>;<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Ullyot, Theodore W.>;<Everson, Nanette>;<Bellinger, John B.>
Sent:	6/25/2003 10:58:56 AM
Subject:	Chicago Tribune interview with SOC
Attachments:	cb.gif; cb_88x31.gif; clear.gif; clear.gif; clear.gif; ctonlineptrfriendly.gif

Note that she's hedged a bit from the earlier "no current intention" to retire.

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http://www.chicagotribune.com/news/nationworld/chi-0306250199jun25,1,1380773.story?coll=chi-news-hed

O'Connor voices hope for day affirmative action not needed

In a rare interview the day after issuing a landmark University of Michigan ruling, a key justice reflects on racial preferences, her groundbreaking career and life on the high court

Advertisement

By Jan Crawford Greenburg
Washington Bureau

June 25, 2003

WASHINGTON -- A day after announcing the Supreme Court's most significant decision on race in a generation, Justice Sandra Day O'Connor said in a rare interview Tuesday that if America provided adequate educational opportunities for young people, it could someday achieve the goal of ending affirmative action in college admissions.

Looking 25 years into the future, O'Connor said: "I hope it looks as though we don't need artificial help to fill our classrooms with highly qualified students at the graduate level."

"And if we do our job on educating young people, we can reach that goal," she said, leaving no doubt that the secrecy-shrouded court is aware of the dramatic impact its rulings can have on American life. O'Connor made the comments in a wide-ranging, 40-minute interview with the Tribune to discuss her new book.

O'Connor, who wrote Monday's landmark affirmative action opinion for a 5-4 court, also acknowledged that the decision went beyond the court's previous statements on the use of racial preferences in education.

For the first time, a majority of the court said colleges and universities could consider the race of an applicant to get a diverse student body. It upheld an admissions policy at the University of Michigan Law School, where officials used race as a "plus factor" when evaluating applicants.

O'Connor's opinion borrowed heavily from the late Justice Lewis Powell's opinion in University of California vs. Bakke, the 1978 case that had been the court's latest statement on affirmative action in education. But she said Tuesday that she was unsure whether Powell, a moderate conservative whom she deeply admired and considered a friend, would have joined it.

"He'd probably say, `Well, you may have made too much about what I had to say,'" O'Connor said,

laughing at the thought. "I don't know. It was fairly consistent with the view he expressed in Bakke. If he had been here, whether he would've gone along with all of the nuances and declarations, it's hard to say."

careers

In the Bakke case, the court struck down the admissions policy of a California medical school that had set aside 16 of 100 places for minorities. But the court could not agree on why the program was unconstitutional. Powell wrote a separate opinion, which no other justice joined, that said the Constitution allowed admissions officials to consider race as a "plus factor" in evaluating prospective students in light of a university's compelling interest in getting a diverse student body.

The next step

The court's decision Monday endorsed Powell's view but then went the next step by embracing arguments by Michigan officials, business leaders and military officers that diversity in education has meaningful benefits to students and society.

Laurence Tribe, a Harvard Law School professor, said Tuesday that O'Connor's remarks "very much reflect a recognition on her part that the Powell opinion planted the seed, but the tree had to be grown."

"[Powell's opinion] set only a general outline that still needed to be fleshed out and filled in with a much more elaborate explanation of what diversity is all about and how it might be expected to achieve the goals of broadening the representation of racial minorities," Tribe said.

O'Connor, 73, the court's first female justice, has long expressed admiration and fondness for Powell and devotes a chapter to him in her new book, "The Majesty of the Law." She called Powell "a model of human kindness, decency, exemplary behavior and integrity" who was concerned in every case "about reaching a fair and just result."

Change of heart

Powell's views also could play a role in a case the court will announce Thursday on whether states can prosecute people for having consensual homosexual sex in the privacy of their homes. Powell joined a 1986 opinion upholding a similar Georgia anti-sodomy law, a vote he told Tribe and others he later came to regret.

Some observers have predicted that Powell's change of heart may resonate with O'Connor in that case.

O'Connor said Tuesday that Powell, as a legal thinker, probably cared "more about the ultimate fairness of the resolution" of a particular problem "than is typical in deciding these abstract principles of law."

"You're not dealing with Mary and Sam and little Johnny. You're dealing with abstract principles," O'Connor said of deciding a case. "He was a person who, although he did that, at the same time he cared about little Johnny and Mary as well."

Role of women

During the conversation in her chambers, adorned with Southwestern artifacts that reflect her upbringing on an Arizona cattle ranch, O'Connor talked about her life, as well as her views on the law and the role of women in shaping it.

She was relaxed and animated as she mentioned several pioneering women who helped pave the way for future female leaders, including herself. Her husband, John, sat on a nearby couch reading a newspaper while she talked about how, as a young woman, she balanced work and family, and succeeded in a legal world often hostile to women.

Her comments on the affirmative action decision were a brief part of Tuesday's interview. But they nonetheless were illuminating.

For instance, in her opinion for the court, O'Connor said she expected that racial preferences "will no longer be necessary" in 25 years.

But her remarks indicate she offered the time frame as an expression of hope--not a definitive endpoint, as dissenting justices and opponents of affirmative action had suggested.

She also said the justices, in cases like the affirmative action dispute, realize that how they resolve abstract legal issues can significantly affect individuals.

"We often recognize that issues, the abstract issues with which we deal, do have real life consequences and may matter deeply to people," she said. "That's why you try to do the best you can. But you can't decide it on the basis of, `Oh, gosh, a lot of people are going to be affected.'"

O'Connor spoke passionately about the tremendous obstacles women have overcome and the "sea change" in public attitudes about women's roles in society. It was just 51 years ago that she graduated near the top of her class at Stanford Law School, only to be offered a job as a legal secretary.

Many young women today who encounter no real barriers to getting a job find it "almost inconceivable" to imagine a time when that wasn't the case, O'Connor said.

O'Connor eventually formed a small law firm in Arizona, and then, with three small sons, quit when her baby-sitter moved to California. That decision was difficult, she said, because she was "fearful I'd never get another job in the legal profession."

She ran for public office after her children were in school, eventually winning election to the Arizona Senate and, later, to a state appellate court. When President Ronald Reagan in 1981 offered her a position on the U.S. Supreme Court--fulfilling a campaign wish to nominate the first woman--O'Connor said she felt additional pressure as a woman.

Hesitant to join court

"I've always said it's fine to be the first, but you don't want to be the last," she said. "I was acutely aware of the negative consequences if I arrived here and did a poor job. It made me hesitant to say yes when the president called."

In her 22 years on the bench, O'Connor has become, in the eyes of many, the court's most powerful justice. A moderate conservative, she often provides the key vote on high-profile cases in areas of race, religion, abortion and civil liberties.

At times, she tempers the positions of her more conservative colleagues, particularly in religion and voting-rights cases. And, as Monday's affirmative action case made clear, she also breaks ranks to join the more liberal side.

Because of her key role on such a closely divided court, an O'Connor retirement now would be momentous and would give the Bush administration an opportunity to change the balance of the court. **She declined Tuesday to say whether she had decided about her future.**

But several observers said her affirmative action opinion had the feel of a swan song and speculated on whether she was considering retirement.

Tribe said O'Connor clearly decided to write the decision broadly, endorsing Powell's view and providing a theoretical framework for why diversity mattered.

"You might speculate that if she were going to retire soon, leaving a landmark behind her instead of just another little point on a confusing spectrum would be a sensible way to take advantage of the experience and insight she has developed on all of this," Tribe said.

"If she were firmly intending to stay for several years, one could imagine she'd say, `We'll do this in three baby steps.'"

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From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/25/2003 12:26:28 PM
Subject: Fw: Supreme Court Letter
Attachments: Supreme Court Retirement Letter.doc

Fyi
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-----Original Message-----
From: Miranda, Manuel (Frist)
To: Grubbs, Wendy J.
Sent: Wed Jun 25 11:22:40 2003
Subject: Supreme Court Letter

He is going to do it we expect, but has not yet signed it. Lee made a couple more "small" changes I have not seen but attached is last night's draft.

June 24, 2003

Dear Colleagues,

In light of numerous letters of colleagues addressing the possibility of a Supreme Court nomination this summer recently made public, I write to outline my expectations of a fair and orderly process for Senate consideration of a Supreme Court nomination if any Justice retires at the end of this Supreme Court Term.

First, to perform our obligations to the Supreme Court and the American people, the Senate should act on any nominee within a reasonable time to ensure, if possible, that a new Justice can assume office before the Supreme Court resumes hearing cases this fall. In most instances in the past, the Senate has acted promptly to consider a President's nominee to the Supreme Court. Most recently, for example, both of President Clinton's nominees to the Supreme Court received Senate votes before the Senate's August recess, after receiving Judiciary Committee hearings in July. Consistent with that schedule, if there is a retirement at the end of the Supreme Court's Term and a nomination is submitted shortly thereafter, I anticipate the Judiciary Committee would hold hearings in July and the full Senate would vote on the nomination before the Senate recess in August.

Second, the Senate must vote on the President's nominee to either confirm or reject the nominee. The Constitution provides that the Senate shall advise and consent on a President's nominees to the Supreme Court. Since 1789, in accord with the Constitution and to fulfill its Constitutional responsibility, the Senate has consistently afforded Presidential nominees to the Supreme Court a vote of the Senate (except, of course, when the nominee withdrew before a vote). Any tactics to endlessly delay the process and prevent the Senate from performing its Constitutional responsibility to vote on a Supreme Court nomination would be inconsistent with the Constitution and contrary to the Senate's traditional practice for more than 200 years. As Majority Leader, I will work to ensure that a Supreme Court nominee by a President of either party receives a fair up or down vote in the Senate.

The Senate has few Constitutional responsibilities as important as exercising its advice and consent on a President's nominee to the Supreme Court. I look forward to working with each of you to ensure a fair and orderly Senate process in the event of a Supreme Court nomination this summer or in the future.

REV_00124418

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 6/25/2003 12:31:10 PM
Subject: draft Frist letter
Attachments: Supreme Court Retirement Letter.doc

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/25/2003 12:31 PM ----------

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/25/2003 12:26:28 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Fw: Supreme Court Letter

Fyi

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-----Original Message-----

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To: Grubbs, Wendy J.

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REV_00124423

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 6/25/2003 1:00:05 PM
Subject:

Do you have more information about the Steve Friedman event you mentioned to me the other day?

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Sampson, Kyle>
Sent: 6/25/2003 1:02:51 PM
Subject: in case you missed

This came out same day as the Post article last week:

Alliance for Justice Urges White House to Reconsider Kavanaugh Nomination to D.C. Circuit

Jun 19, 2003 -- The Alliance for Justice today called upon President Bush to reconsider his reported decision to nominate Assistant White House Counsel Brett Kavanaugh for a lifetime seat on the U.S. Court of Appeals for the D.C. Circuit. Kavanaugh is a protégé of former Independent Counsel Ken Starr. He has spent much of his legal career working for ultra-conservative legal causes such as the impeachment of President Clinton. And, as Assistant White House Counsel, he has championed President Bush's most controversial judicial nominees.

"Our courts need fair and independent judges who will follow the law rather than their political beliefs. We have grave concerns that Brett Kavanaugh does not pass this basic test. We ask the President to reconsider his decision to nominate Kavanaugh," said Alliance for Justice President Nan Aron.

Kavanaugh's claim to fame is his work on Ken Starr's investigations of the Clinton Administration. He worked on the investigation of Vince Foster's suicide and drafted sections of the report on the Monica Lewinsky matter. As a member of Starr's Office of Independent Counsel, he repeatedly argued that the White House must turn over documents to investigators. However, since joining the White House, Kavanaugh has reversed himself and written regulations to keep Presidential records secret. "Kavanaugh apparently prefers partisan loyalty to intellectual integrity," Aron said.

If he is officially nominated, Kavanaugh will join the growing list of extremist nominees such as Charles Pickering, Priscilla Owen, Miguel Estrada, Carolyn Kuhl, and William Pryor that he has helped pick.

"The D.C. Circuit is the country's second most powerful court and hears some of the most significant cases involving health, safety, civil rights and environmental regulations," explained Aron. "It needs judges who will render fair and impartial justice to all."

From: Kavanaugh, Brett M.
To: <Douglass, Kimberly A.>
CC: <Litkenhaus, Colleen>
Sent: 6/25/2003 1:46:48 PM
Subject: Re: FW: Updated TA request for San Francisco

Approved.

From: Kimberly A. Douglass/WHO/EOP@Exchange on 06/25/2003 01:35:16 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Colleen Litkenhaus/WHO/EOP@Exchange

Subject: FW: Updated TA request for San Francisco

Please approve.

-----Original Message-----

From: Smith, Courtney

Sent: Wednesday, June 25, 2003 1:32 PM

To: Douglass, Kimberly A.

Cc: Baumgardner, Healy E.; Linder, Stephanie E.

Subject: Updated TA request for San Francisco

Approval is needed to process the TA for the travel of one (1) advance representative, returning from the visit of the President to San Francisco, CA 2003 for a Bush/Cheney 2004 Fundraiser.

3)**Mike Heath**

June 27-11:10pm

United Flt#0190, Oakland to Dulles

Air:$286.50

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Brown, Reginald J.>
Sent: 6/25/2003 1:57:05 PM
Subject:

Andrew Sullivan's take (thanks to Bashman) on Maureen Dowd's unbelieveable column this morning:

THE 'INGRATITUDE' OF THOMAS: It would be hard to find a more appalling example of racial animus than in Maureen Dowd's column this morning. For some reason I guess I do understand, Clarence Thomas isn't just opposed by many on the Left; he is hated. He is hated because he is, in Dowd's extraordinary formulation, guilty of "a great historical ingratitude." The good negroes, in Dowd's liberal-racist world, are those grateful to their massas in the liberal hierarchy: they are grateful to Howell and Gerald and Arthur; and they know their place. For them to express the psychological torment of being advanced for racist reasons, to explain in graphic, brave and bold terms the complexity of emotions many African-Americans feel as 'beneficiaries' of racial preferences, is unacceptable. To describe such a person who has been courageous enough to put these feelings into a powerful dissent as "barking mad" is nothing short of disgusting. Yes, there are all sorts of psychological inconsistencies in Thomas' journey. But that, in part, is the point! If Dowd supports "diversity" as a good thing in elite institutions, why isn't it a good thing for one black Justice to contribute his own experience as part of a landmark judicial ruling? Of course I don't know whether Dowd supports diversity in this sense. That would require her to argue something - of which she is apparently incapable. And then Dowd, of all people, complains that Thomas is more interested in his own personal dramas than "bigger issues of morality and justice." When was the last time you read a Dowd column that grappled with "bigger issues of morality and justice"?

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/25/2003 9:58:20 AM
Subject: :

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CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:25-JUN-2003 13:58:20.00
SUBJECT::
TO:Reginald J. Brown (CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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THE 'INGRATITUDE' OF THOMAS: It would be hard to find a more appalling example of racial animus than in Maureen Dowd's column <http://www.nytimes.com/2003/06/25/opinion/25DOWD.html> this morning. For some reason I guess I do understand, Clarence Thomas isn't just opposed by many on the Left; he is hated. He is hated because he is, in Dowd's extraordinary formulation, guilty of "a great historical ingratitude." The good negroes, in Dowd's liberal-racist world, are those grateful to their massas in the liberal hierarchy: they are grateful to Howell and Gerald and Arthur; and they know their place. For them to express the psychological torment of being advanced for racist reasons, to explain in graphic, brave and bold terms the complexity of emotions many African-Americans feel as 'beneficiaries' of racial preferences, is unacceptable. To describe such a person who has been courageous enough to put these feelings into a powerful dissent as "barking mad" is nothing short of disgusting. Yes, there are all sorts of psychological inconsistencies in Thomas' journey. But that, in part, is the point! If Dowd supports "diversity" as a good thing in elite institutions, why isn't it a good thing for one black Justice to contribute his own experience as part of a landmark judicial ruling? Of course I don't know whether Dowd supports diversity in this sense. That would require her to argue something - of which she is apparently incapable. And then Dowd, of all people, complains that Thomas is more interested in his own personal dramas than "bigger issues of morality and justice." When was the last time you read a Dowd column that grappled with "bigger issues of morality and justice"?

From: Litkenhaus, Colleen
To: <Ralston, Susan B.>;<Douglass, Kimberly A.>;<Kavanaugh, Brett M.>;<Atkiss, Steven A.>
Sent: 6/25/2003 2:08:19 PM
Subject: event tracking spreadsheet
Attachments: A Template - Fin Tracking Rept.xls

<>

I think this will be a very useful tool for us to track expenses by event. We can use it to make sure we are keeping under budget and then share it as a report so that we can monitor expenses overall weekly.

Document Produced Natively

From: Litkenhaus, Colleen
To: <Atkiss, Steven A.>;<Douglass, Kimberly A.>;<Kavanaugh, Brett M.>;<Ralston, Susan B.>
Sent: 6/25/2003 2:12:10 PM
Subject: travel voucher
Attachments: Bush-Cheney'04 Expense Report Form.xls

Also, I think we should ask them tomorrow if this expense report can be filled out and emailed or faxed directly to the campaign - if there aren't reciepts attached. Steve - this is the version you were looking at that adds it all up.

Document Produced Natively

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/25/2003 10:43:25 AM

Subject: : ABA Ratings - R. David Proctor

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SUBJECT:: ABA Ratings - R. David Proctor
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Robert David Proctor, USDC, Northern District of Alabama, is unanimously rated "Qualified" by the ABA.
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Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/25/2003 10:43:30 AM

Subject: : ABA Ratings - R. David Proctor

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RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:25-JUN-2003 14:43:30.00
SUBJECT:: ABA Ratings - R. David Proctor
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
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TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Robert David Proctor, USDC, Northern District of Alabama, is unanimously rated "Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/25/2003 10:43:18 AM

Subject: : ABA Ratings - R. David Proctor

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:25-JUN-2003 14:43:18.00
SUBJECT:: ABA Ratings - R. David Proctor
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
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Robert David Proctor, USDC, Northern District of Alabama, is unanimously rated "Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/25/2003 10:43:23 AM

Subject: : ABA Ratings - R. David Proctor

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:25-JUN-2003 14:43:23.00
SUBJECT:: ABA Ratings - R. David Proctor
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Robert David Proctor, USDC, Northern District of Alabama, is unanimously rated "Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/25/2003 10:43:19 AM

Subject: : ABA Ratings - R. David Proctor

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:25-JUN-2003 14:43:19.00
SUBJECT:: ABA Ratings - R. David Proctor
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
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TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
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TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Robert David Proctor, USDC, Northern District of Alabama, is unanimously rated "Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/25/2003 10:44:18 AM

Subject: : ABA Ratings - R. David Proctor

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:25-JUN-2003 14:44:18.00
SUBJECT:: ABA Ratings - R. David Proctor
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
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###### End Original ARMS Header ######
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Robert David Proctor, USDC, Northern District of Alabama, is unanimously rated "Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/25/2003 10:44:11 AM

Subject: : ABA Ratings - R. David Proctor

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:25-JUN-2003 14:44:11.00
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READ:UNKNOWN
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Robert David Proctor, USDC, Northern District of Alabama, is unanimously rated "Qualified" by the ABA.
;
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/25/2003 10:44:00 AM

Subject: : ABA Ratings - R. David Proctor

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Robert David Proctor, USDC, Northern District of Alabama, is unanimously rated "Qualified" by the ABA.
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Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/25/2003 10:44:39 AM

Subject: : ABA Ratings - R. David Proctor

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###### End Original ARMS Header ######
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Robert David Proctor, USDC, Northern District of Alabama, is unanimously rated "Qualified" by the ABA.
;
Patrick

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 6/25/2003 3:52:34 PM
Subject: Feeding frenzy

Dan Bartlett just came by to say that John King of CNN called to confirm a report that SOC had informed the President of her retirement. Of course, nothing of the sort has occurred.

From: Douglass, Kimberly A.
To: <Kavanaugh, Brett M.>
Sent: 6/25/2003 4:38:44 PM
Subject: FW: TA Approval for Burch to Miami, FL - 06/30/03 Event

The Advance team was booked to the Campaign for this trip because there is an official event and a fundraiser. Therese is going down only to do quality control for the official event. Can we send her down as an official traveler?

-----Original Message-----

From: Kalambur, Guhan

Sent: Wednesday, June 25, 2003 4:28 PM

To: Douglass, Kimberly A.

Cc: Howard, Rothley; Williams, Rasheed D.

Subject: TA Approval for Burch to Miami, FL - 06/30/03 Event

Mgmt approval is needed to process the TA of traveler supporting the President's visit to Miami, FL on Monday - June 30, 2003. Therese Burch will be serving as the advance office's quality control person, since the lead advance (George Gigicos) on the ground is doing their first staff lead. Will this be a WH or Political cost?

1)**Therese Burch - T3B01307**
June 26-5:30pm
United Flt#915,Dulles to Miami FL

June 30, 2003
Not Available (possible return on AF-1)

Air:$224.41 (govt rate)
Per Diem:$207.00
Lodging:$125.00/night (gov't unknown at time of booking)
Rental Car:$41/day-Fullsize-Hertz

From: Gonzales, Alberto R.
To: <Kavanaugh, Brett M.>
Sent: 6/25/2003 4:46:12 PM
Subject: Re: reaction on Michigan/general

Thanks for your help on this, please pass along my appreciation to Tim.

From: Kupfer, Jeffrey F.
To: <Kavanaugh, Brett M.>
Sent: 6/25/2003 5:50:06 PM
Subject: I couldn't open your last email

got some weird beep and "this operation failed" ; could you send again? Thanks.

From: Bolten, Joshua B.
To: <Kavanaugh, Brett M.>
CC: <Kaplan, Joel>
Sent: 6/25/2003 11:09:56 PM
Subject: RE: Clement

I accept the wisdom; thx for checking. jb

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 25, 2003 10:13 PM
To: Bolten, Joshua B.; Kaplan, Joel
Subject: Clement

I re-confirmed with him. He said the issue of meetings with outsiders is central to the litigation and should not be discussed in this forum.

From: Mike Allen <allenm@washpost.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/25/2003 7:33:45 PM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Mike Allen <allenm@washpost.com> (Mike Allen <allenm@washpost.com> [UNKNOWN])
CREATION DATE/TIME:25-JUN-2003 23:33:45.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

BC-ROVE:DA * national, political (1080 words)
Rove calls on Bush allies to fill GOP coffers early
By Gromer Jeffers Jr.
The Dallas Morning News
FORT WORTH, Texas * Offering a sneak peek at President Bush,s re-election strategy, White House political adviser Karl Rove called on supporters Wednesday to help raise enough money to keep their rivals off balance and lock up states for Republicans early next year so the GOP can make inroads into Democratic territory.
&Our object is not to defend our own turf. Our goal is to get the other side to defend their turf,8 Rove said at a private meeting of more than 80 partisans at the downtown Fort Worth Club.
He exhorted the Bush backers, many of them longtime GOP donors and elected officials, to overwhelm Democrats when the president and his political foes report their latest fund-raising tallies at the end of this month.
&June 30 is the first battle,8 he said, a reference to predictions by other Republicans that the Bush camp wants to prove its financial mettle by raising at least $20 million by the end of the month * and as much as $200 million over the next year.
Molly Beth Malcolm, head of the Texas Democratic Party, blasted the GOP fund raising in Texas.
&After the Bush administration gave big tax cuts to millionaires, it,s no surprise that Karl Rove is down here collecting money from the same people who benefited,8 she said. &Instead of squeezing money out of millionaires in Texas, Rove should be back in Washington squeezing Republican congressmen like (House Majority Leader) Tom DeLay to give working families a tax cut, too.8
In his briefing, Rove acknowledged that he expects serious opposition from Democrats.
&We,re not going to catch them napping,8 he said. &We have to build a stronger ground organization. We,ve got to do what we did in Texas across the country.8
Republicans have talked in general about the outlines of the 2004 campaign, but Rove, an architect of the Bush victory last time, seldom provides specifics publicly. The Fort Worth session was closed to the press, but a reporter with The Dallas Morning News heard the remarks from the hallway close to the meeting room and near what appeared to be a kitchen storage area.
Later, as he was leaving, Rove told The Dallas Morning News he was not in Texas to lobby state legislators about congressional redistricting, the politically divisive issue that comes up Monday in a special session in Austin.
&It,s a Texas issue,8 he said.
For weeks, even before Bush formally filed for re-election on May 16, Rove and Ken Mehlman, the former White House political director who is now the campaign manager, have roamed the country, meeting with party activists to lay the groundwork for the president,s re-election and a coordinated effort to help other Republicans running for Congress, governor and state legislatures.
It is part of an effort not only to return Bush to the White House but

also to expand the GOP political base and to give him strong majorities in Congress.
&They want to drown out talk about Democratic money,8 Stuart Rothenberg, editor of the Washington-based Rothenberg Political Report, said of the Bush team. &They want to give a sense of inevitability about the re-election of George W. Bush and give Democrats a sense of pessimism.8
Bush plans to attend fund-raisers on July 18 in Dallas and July 19 in Houston.
Rove said the president is helped by a high approval rating among voters who admire his efforts combating terrorism and in the war with Iraq.
&He,s seen as a strong leader,8 he told the group. &He,s also seen as a person who cares about ordinary people.8
Responding to a question about terrorism, Rove said the war would be ongoing.
&There are al-Qaida cells in 68 countries,8 he said, adding that the public should not believe the enemy were men &wearing turbans in caves.8
Even with the president,s popularity, Rove said, the race will be tough. Early surveys indicate Bush getting support from less than 50 percent of the public in a matchup with a generic Democratic nominee.
For starters, Rove said, the Democratic nominee would become a media darling with The Washington Post, New York Times and political writers.
&He will be a hero on the evening newscasts,8 Rove said. &He will be at or ahead of us in the polls.8
Texas, being Bush,s home state, is not expected to be contested by Democrats in the November 2004 election, but it remains a frequent stop for both parties seeking campaign cash.
Malcolm,s office has been referring fund-raising appeals from Democratic presidential contenders to potential Texas donors. One of the most recent appeals came from Sen. John Kerry, D-Mass., who said in his e-mail message that Bush has mishandled the economy.
Anticipating a surge by Democrats, Rove said he hopes Republicans will sock away their stronghold states before Labor Day 2004.
That would allow the party to concentrate on establishing beachheads in states that are considered Democratic power bases.
He mentioned New Mexico, Iowa, Oregon and Wisconsin * traditional Democratic country * as prime targets.
&We,ve got to take states out before Labor Day,8 he said.
Rove used the Bush efforts in West Virginia as a model for waging an effective ground war.
He said that former Sen. Bob Dole, R-Kan., lost the state in his failed 1996 presidential bid against Bill Clinton.
But after the GOP worked to build up its base in the state, President Bush won West Virginia.
&Without those four electoral votes, we would have lost,8 he said.
(EDITORS: STORY CAN END HERE)
Rothenberg, the analyst, said Rove,s plan could work, but he warned about issues related to the sagging economy rising to the public forefront.
&If things continue the way they are, he can take his base for granted and move on the attack,8 Rothenberg said. &But a great deal depends on the economy. If that becomes an issue, there will be hand-to-hand combat in many states.8
Weatherford auto dealer J. Roger Williams hosted the meeting, which often took the tone of a pep rally. Rove attended a similar event later in San Antonio.
***
(Dallas Morning News correspondent G. Robert Hillman in Washington contributed to this report.)
***
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Benjamin A. Powell/WHO /EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO /EOP@EOP [WHO] <Theodore W. Ullyot>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 6/26/2003 4:34:52 AM
Subject: : Richard Cohen op-ed

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Confused O'Connor

By Richard Cohen
Thursday, June 26, 2003; Page A29

It is said of Justice Sandra Day O'Connor that she manages to mirror public opinion. She has done so on abortion and other matters, and in the Michigan affirmative action case, she has succeeded beyond all expectations. She is as confused as the public.

What she is not is either logical or clear. Her opinion, which a bare majority of the court joined, upheld the affirmative action program for the University of Michigan's law school. In a separate opinion, the court struck down the program for undergraduate admissions. The latter was a bit too obvious; the former a bit more subtle. That they both discriminated on the basis of race seemed not to matter to her.

To rationalize the irrational, O'Connor declared what amounts to a racial emergency. She has to do that to get around the Constitution's equal protection clause, which provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws." O'Connor takes the clause very seriously. She cites a previous Supreme Court decision (Adarand Constructors v. Pe¤a) that says, "Government may treat people differently because of their race only for the most compelling reasons." Fortunately for her, she has found one: minority underrepresentation.

In one form or another, O'Connor uses the term repeatedly. But she never defines it. Like pornography, she knows it when she sees it. Underrepresentation would not be, say, 14.5 percent of the law school

class -- the actual figure of minority students enrolled -- but it would be, say, 4 percent of the class, the predicated percentage if there were no affirmative action program. That calamity enables her to suspend the Constitution.

O'Connor recognizes what she has done. She cannot bring herself to expound some new legal principle, so in the manner of Lincoln and habeas corpus or FDR and the incarceration of Japanese, O'Connor declares an emergency that will end when underrepresentation is no more. "The court expects that 25 years from now, the use of racial preferences will no longer be necessary," she writes. Let us all pray.

But first let us think. Is 4 percent such an awful figure? O'Connor, buying the university's fatuous argument, says yes. Too few minority students would not constitute the "critical mass" necessary for minorities to really "contribute to the law school's character and to the legal profession." In other words, these black or Hispanic students are there not to just to learn, but to teach others -- to educate whites about blacks or Hispanics. Too few minorities would not do the trick. About 14.5 percent is just right.

This is total nonsense -- and insulting to blacks and Hispanics, who are not mere condiments recruited to add spice to an otherwise bland law school class. In his dissent, Justice Clarence Thomas referred to "a faddish slogan of the cognoscenti" -- the supposed, but unproved, virtues of diversity. But aside from that, the use of such numbers not only implies an impermissible quota but also suggests there really is such a thing as a correct figure.

Jews make up less than 2 percent of the population. Should they make up 2 percent of the law school class or, by frightening extension, 2 percent of op-ed page columnists? What about Asians, those inscrutable overachievers? In fact, what is meant by underrepresentation in the first place? Blacks make up about 12.5 percent of the population. Nationwide, they account for 12 percent of undergraduates and 9 percent of graduate students. This is hardly a racial emergency.

Yet O'Connor argues as if all law school students did their undergraduate work at Iceland U. Only in law school, she seems to think, will these naive young people meet that "critical mass" of minority students who will be able to dispel "racial stereotypes." As for the pernicious stereotype that minorities cannot cut the mustard, she is silent. Yet that is surely one lamentable consequence of affirmative action.

In some respects O'Connor has my sympathy, but not my respect. Her intention is to somehow find a constitutionally permissive way to compensate for generations of slavery followed by Jim Crow. In other words, she wants to do the right thing. But there is no getting around the fact that if blacks or Hispanics are favored on the basis of race or ethnicity, someone else is disfavored on the same basis. And this the Constitution -- not to mention simple fairness -- does not permit.

O'Connor's opinion is an intellectual mess. Given the nature and complexities of affirmative action, that's understandable. But the Supreme Court is supposed to clarify the very issues that befuddle the rest of us. O'Connor not only failed to do that, but she and her colleagues failed so spectacularly that maybe it is the high court that could use some affirmative action itself. Clear thinkers are underrepre- sented.

. 2003 The Washington Post Company

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 6/26/2003 7:13:33 AM
Subject: FW:

From the Fort Worth newspaper

Left, right take aim at Bush aide
Both oppose possible nomination of Alberto Gonzales to Supreme Court By Dave Montgomery Star-Telegram Washington Bureau

(Alberto) GONZALES

WASHINGTON - From the day he set foot in the White House as President Bush's chief counsel, Texan Alberto Gonzales has consistently been touted as a prospect for an even higher calling: the first Hispanic nominee to the U.S. Supreme Court.

But as speculation mounts about an imminent Supreme Court vacancy, the president's lawyer is engulfed in criticism from across the political spectrum, threatening his potential nomination before Bush even has a chance to make it.

Conservative purists are attacking his stance on affirmative action and abortion decisions rendered as a Texas Supreme Court justice. Liberals are challenging his role in White House decisions they say threatened civil liberties. And even some Hispanic groups are hedging on a potential endorsement until they further scrutinize his record.

The drumbeat of criticism comes amid growing talk that at least one and as many as three elderly justices could announce their retirements after the high court recesses Thursday.

Chief Justice William H. Rehnquist, 78, Sandra Day O'Connor, 73, and John Paul Stevens, 83, are considered as possible retirees from the court. All three have kept quiet about their intentions and some court-watchers caution that talk of high court departures is premature.

As White House counsel, Gonzales, 47, is in charge of screening all presidential judicial nominees, a position that could presumably give him a say in his own nomination to the Supreme Court. But he has consistently brushed aside any talk of the nomination, keeping the focus on his job as the president's top legal adviser.

Nevertheless, insiders and observers have considered Gonzales to be on the Republican president's short list of Supreme Court choices since the outset of the Bush White House in January 2001. He has been at his boss's side since Bush was governor of Texas and embodies a rise-from-poverty success story that Bush has frequently cited as an example of American achievement.

The son of migrant farm workers, Gonzales grew up in a two-bedroom house in Houston and won an appointment to the Air Force Academy before turning his sights on law. With a law degree from Harvard, he joined the Vinson & Elkins law firm in Houston, became a top adviser for Gov. Bush and later served on the Texas Supreme Court.

Supporters inside and outside Bush's circle call Gonzales an ideal candidate to become the nation's first Hispanic nominee, describing him as a pragmatic conservative with formidable legal experience. "I think he's a great man and would make a wonderful justice," said Reggie Bashur of Austin, a lobbyist who worked closely with Gonzales during their days in the Texas governor's office.

But the possibility of a Supreme Court vacancy has ignited a pre-emptive campaign against Gonzales' nomination, including attacks from the staunchly conservative wing of Bush's own party.

Part of the conservative backlash stems from the Supreme Court's 5-4 decision this week upholding affirmative action on college campuses, a ruling vehemently criticized by conservatives who oppose the use of race as a factor in employment or school enrollment.

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Owen's remarks were later recycled by Senate Democrats in an attempt to derail her nomination after Bush nominated the Texas jurist to a three-state appeals court. Gonzales, as the White House counsel, argued on behalf of the nomination although he had reportedly favored another nominee. Owen's nomination is still awaiting Senate approval.

Tom Minnery, vice president of Focus on the Family, an evangelical organization based in Colorado Springs, Colo., accused Gonzales of supplying "one of the clubs" Democrats used against Owen during the nomination fight.

"He's absolutely unacceptable to us for the Supreme Court," Minnery said.

From the other end of the spectrum, the People for the American Way plans to take an intense look at Gonzales' behind-the-scenes role as the president's counsel, says president Ralph Neas. The organization, which is already organizing opposition to whomever Bush nominates, is particularly concerned about Gonzales' role in drafting executive orders limiting public access to presidential records and creating military tribunals to try non-U.S. citizens in terrorism cases.

Craig McDonald of Texans for Public Justice, a legal watchdog group, said Gonzales, like other members of the Texas Supreme Court, ruled heavily in favor of business and accepted campaign donations from companies that had cases before the court.

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Dave Montgomery, (202) 383-6016 dmontgomery@krwashington.com

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/26/2003 3:14:45 AM
Subject: : FW:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:26-JUN-2003 07:14:45.00
SUBJECT:: FW:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From the Fort Worth newspaper

Left, right take aim at Bush aide
Both oppose possible nomination of Alberto Gonzales to Supreme Court By Dave Montgomery Star-Telegram Washington Bureau

(Alberto) GONZALES

WASHINGTON - From the day he set foot in the White House as President Bush's chief counsel, Texan Alberto Gonzales has consistently been touted as a prospect for an even higher calling: the first Hispanic nominee to the U.S. Supreme Court.

But as speculation mounts about an imminent Supreme Court vacancy, the president's lawyer is engulfed in criticism from across the political spectrum, threatening his potential nomination before Bush even has a chance to make it.

Conservative purists are attacking his stance on affirmative action and abortion decisions rendered as a Texas Supreme Court justice. Liberals are challenging his role in White House decisions they say threatened civil liberties. And even some Hispanic groups are hedging on a potential endorsement until they further scrutinize his record.

The drumbeat of criticism comes amid growing talk that at least one and as many as three elderly justices could announce their retirements after the high court recesses Thursday.

Chief Justice William H. Rehnquist, 78, Sandra Day O'Connor, 73, and John Paul Stevens, 83, are considered as possible retirees from the court. All three have kept quiet about their intentions and some court-watchers caution that talk of high court departures is premature.

As White House counsel, Gonzales, 47, is in charge of screening all presidential judicial nominees, a position that could presumably give him a say in his own nomination to the Supreme Court. But he has consistently brushed aside any talk of the nomination, keeping the focus on his job as the president's top legal adviser.

Nevertheless, insiders and observers have considered Gonzales to be on the Republican president's short list of Supreme Court choices since the outset of the Bush White House in January 2001. He has been at his boss's side since Bush was governor of Texas and embodies a rise-from-poverty success story that Bush has frequently cited as an example of American achievement.

The son of migrant farm workers, Gonzales grew up in a two-bedroom house in Houston and won an appointment to the Air Force Academy before turning his sights on law. With a law degree from Harvard, he joined the Vinson &

Elkins law firm in Houston, became a top adviser for Gov. Bush and later served on the Texas Supreme Court.

Supporters inside and outside Bush's circle call Gonzales an ideal candidate to become the nation's first Hispanic nominee, describing him as a pragmatic conservative with formidable legal experience. "I think he's a great man and would make a wonderful justice," said Reggie Bashur of Austin, a lobbyist who worked closely with Gonzales during their days in the Texas governor's office.

But the possibility of a Supreme Court vacancy has ignited a pre-emptive campaign against Gonzales' nomination, including attacks from the staunchly conservative wing of Bush's own party.

Part of the conservative backlash stems from the Supreme Court's 5-4 decision this week upholding affirmative action on college campuses, a ruling vehemently criticized by conservatives who oppose the use of race as a factor in employment or school enrollment.

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From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Brown, Reginald J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>;<Addington, David S.>
Sent: 6/26/2003 8:33:13 AM
Subject: Richard Cohen op-ed

Confused O'Connor

By Richard Cohen

Thursday, June 26, 2003; Page A29

It is said of Justice Sandra Day O'Connor that she manages to mirror public opinion. She has done so on abortion and other matters, and in the Michigan affirmative action case, she has succeeded beyond all expectations. She is as confused as the public.

What she is not is either logical or clear. Her opinion, which a bare majority of the court joined, upheld the affirmative action program for the University of Michigan's law school. In a separate opinion, the court struck down the program for undergraduate admissions. The latter was a bit too obvious; the former a bit more subtle. That they both discriminated on the basis of race seemed not to matter to her.

To rationalize the irrational, O'Connor declared what amounts to a racial emergency. She has to do that to get around the Constitution's equal protection clause, which provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws." O'Connor takes the clause very seriously. She cites a previous Supreme Court decision (*Adarand Constructors v. Peña*) that says, "Government may treat people differently because of their race only for the most compelling reasons." Fortunately for her, she has found one: minority underrepresentation.

In one form or another, O'Connor uses the term repeatedly. But she never defines it. Like pornography, she knows it when she sees it. Underrepresentation would not be, say, 14.5 percent of the law school class -- the actual figure of minority students enrolled -- but it would be, say, 4 percent of the class, the predicated percentage if there were no affirmative action program. That calamity enables her to *suspend* the Constitution.

O'Connor recognizes what she has done. She cannot bring herself to expound some new legal principle, so in the manner of Lincoln and habeas corpus or FDR and the incarceration of Japanese, O'Connor declares an emergency that will end when underrepresentation is no more. "The court expects that 25 years from now, the use of racial preferences will no longer be necessary," she writes. Let us all pray.

But first let us think. Is 4 percent such an awful figure? O'Connor, buying the university's fatuous argument, says yes. Too few minority students would not constitute the "critical mass" necessary for minorities to really "contribute to the law school's character and to the legal profession." In other words, these black or Hispanic students are there not to just to learn, but to teach others -- to educate whites about blacks or Hispanics. Too few minorities would not do the trick. About 14.5 percent is just right.

This is total nonsense -- and insulting to blacks and Hispanics, who are not mere condiments recruited to add spice to an otherwise bland law school class. In his dissent, Justice Clarence Thomas referred to "a faddish slogan of the cognoscenti" -- the supposed, but unproved, virtues of diversity. But aside from that, the use of such numbers not only implies an impermissible quota but also suggests there really is such a thing as a correct figure.

Jews make up less than 2 percent of the population. Should they make up 2 percent of the law school class or, by frightening extension, 2 percent of op-ed page columnists? What about Asians, those inscrutable overachievers? In fact, what is meant by underrepresentation in the first place? Blacks make up about 12.5 percent of the population. Nationwide, they account for 12 percent of undergraduates and 9 percent of graduate students. This is hardly a racial emergency.

Yet O'Connor argues as if all law school students did their undergraduate work at Iceland U. Only in law school, she seems to think, will these naive young people meet that "critical mass" of minority students who will be able to dispel "racial stereotypes." As for the pernicious stereotype that minorities cannot cut the mustard, she is silent. Yet that is surely one lamentable consequence of affirmative action.

In some respects O'Connor has my sympathy, but not my respect. Her intention is to somehow find a constitutionally permissive way to compensate for generations of slavery followed by Jim Crow. In other words, she wants to do the right thing. But there is no getting around the fact that if blacks or Hispanics are favored on the basis of race or ethnicity, someone else is disfavored on the same basis. And this the Constitution -- not to mention simple fairness -- does not permit.

O'Connor's opinion is an intellectual mess. Given the nature and complexities of affirmative action, that's understandable. But the Supreme Court is supposed to clarify the very issues that befuddle the rest of us. O'Connor not only failed to do that, but she and her colleagues failed so spectacularly that maybe it is the high court that could use some affirmative action itself. Clear thinkers are underrepre- sented.

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From: Gonzales, Alberto R.
To: <Kavanaugh, Brett M.>
Sent: 6/26/2003 8:40:03 AM
Subject: Re: Richard Cohen op-ed

Interesting stuff

From: CN=Reginald J. Brown/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/26/2003 4:42:32 AM
Subject: : Re: Richard Cohen op-ed

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Reginald J. Brown (CN=Reginald J. Brown/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-JUN-2003 08:42:32.00
SUBJECT:: Re: Richard Cohen op-ed
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

leahy is on c-span on possible vacancies.....

Brett M. Kavanaugh
06/26/2003 08:33:47 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Richard Cohen op-ed

Confused O'Connor

By Richard Cohen
Thursday, June 26, 2003; Page A29
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Message Sent
To:_____
Alberto R. Gonzales/WHO/EOP@Exchange@EOP
David G. Leitch/WHO/EOP@Exchange@EOP
Jennifer R. Brosnahan/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Reginald J. Brown/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Theodore W. Ullyot/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP

From: Leitch, David G.
To: <Kavanaugh, Brett M.>;<Gonzales, Alberto R.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Brown, Reginald J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>;<Addington, David S.>
CC: <Fleischer, Lawrence A.>;<Bartlett, Daniel J.>
Sent: 6/26/2003 8:59:40 AM
Subject: Moussaoui

The Fourth Circuit today dismissed our appeal in Moussaoui for lack of jurisdiction. I should have the opinion shortly. It's an odd and unexpected result.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 6/26/2003 9:34:28 AM
Subject: RE: revised draft Rehnquist statement

I love the guy, but it's hard for me to think that the author of Morrison v. Olson should be praised for "faithfully interpret[ing] the Constitution to . . . maintain the Constitutional separation of powers."

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 26, 2003 9:11 AM
To: Leitch, David G.
Subject: revised draft Rehnquist statement

The 16th Chief Justice of the United States, William Rehnquist has rendered extraordinary and distinguished service to America. He served in the United States Army Air Forces during World War II, as a law clerk on the Supreme Court of the United States, and as Assistant Attorney General in the Department of Justice. In 1972, he was appointed to the Supreme Court by President Nixon. In 1986, President Reagan appointed Justice Rehnquist as the 16th Chief Justice of the United States. As a jurist for more than 30 years, Chief Justice Rehnquist has faithfully interpreted the Constitution to ensure equal justice under law and to maintain the Constitutional separation of powers. While a Justice, he also has authored three important books on American legal history. During his 17 years as Chief Justice, he provided effective and disciplined leadership of the Federal Judiciary in its efforts to ensure fair pay, adequate resources, and a prompt confirmation process. Chief Justice Rehnquist's vision, leadership, and opinions have had an enormous and enduring impact on American life and American law. We wish him the best in retirement.

I intend to nominate a successor very soon.

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 6/26/2003 9:42:00 AM
Subject:
Attachments: storyend_dingbat.gif

Bland? Horrors.

JOHN FUND'S POLITICAL DIARY

Bush Eyes Brown

The California jurist who may replace Justice O'Connor.

Thursday, June 26, 2003 12:01 a.m.

Only a handful of people know if a Supreme Court vacancy will be announced later today. The guessing in Washington is that Chief Justice William Rehnquist is now less likely to retire, given the White House's strongly expressed view that it doesn't want a vacancy. But Justice Sandra Day O'Connor marches to her own drummer, and recent events have led several court observers to speculate she may step down this week.

Justice O'Connor has previously expressed a desire to return to Arizona with her husband, who is in poor health. While she has said she has no plans to retire, she has clearly hedged in answering such questions. A few weeks ago she published a book of memoirs that could be seen as a swan song for her judicial career. On Monday the court released a landmark opinion she wrote upholding the racial diversity as a "compelling state interest" that justifies some use of racial preferences in college admissions. What better time to leave the bench then when basking in the praise of the Washington establishment?

A likely candidate to replace Justice O'Connor would be Alberto Gonzales, the 47-year-old White House counsel. President Bush has genuine affection for Mr. Gonzales, whom he appointed in 1999 to the Texas Supreme Court, where Mr. Gonzales gave few signals as to his underlying judicial philosophy. Mr. Bush prizes Mr. Gonzales's loyalty, and appointing the first Hispanic to the Supreme Court could help win votes in a crucial bloc.

But the bland Mr. Gonzales has many skeptics in the conservative movement. They recall that in 1990, Mr. Bush's father appointed a largely unknown David Souter to the Supreme Court. John Sununu, the elder Mr. Bush's White House chief of staff, assured conservatives Justice Souter would be a "home run." He turned out instead to be one of the most liberal justices on the court. Many fear Mr. Gonzales is another Souter, and with the court divided 5-4 on racial preferences and many other crucial issues, the stakes are high with any nominee.

If conservative skepticism about Mr. Gonzales prompts Mr. Bush to turn elsewhere, he has several choices. Judges J. Harvie Wilkinson and J. Michael Luttig of the Fourth U.S. Circuit Court of Appeals have excellent résumés and strong conservative records. Emilio Garza and Edith Jones, both judges on the Fifth Circuit, have strong champions within the conservative Federalist Society. But my view is that should Mr. Gonzales not be the nominee for any Supreme Court vacancy, the frontrunner would be Justice Janice Rogers Brown of the California Supreme Court.

Justice Brown, the daughter of a Alabama sharecropper, is a respected jurist with a compelling life story. Born in 1949, she arrived in California as a child and worked her way through college at Cal State Sacramento and law school at UCLA. She went to work in the state attorney general's office, and in 1991 Gov. Pete Wilson tapped her as his legal-affairs adviser. In 1994 Mr. Wilson appointed her to a state appeals court; two years later he elevated her to the state's highest court.

While on the court she has not shied away from controversy. She has said some of her colleagues have "an overactive lawmaking gland" that compels them to second-guess legislators. A clear expression of her frustration with judicial activists came in 1997, when she wrote a dissent in a case where the court majority struck down a state law stipulating that minors had to obtain parental consent for an abortion. "This case is an excellent example of the folly of courts in their role of philosopher kings," she concluded.

Her most controversial legal writing will surely be her opinion in a 2000 case that struck down a minority contracting program in San Jose. She found that it ran afoul of Proposition 209, the 1996 state initiative approved that abolished racial preferences by state and local governments. Justice Brown described preferences as an "entitlement based on group representation" and said they have had pernicious effects on society. Her opinion led some liberals to tag her as "a female Clarence Thomas."

But she also has a civil-libertarian streak. Last year the California Supreme Court affirmed the conviction of a black man who had been stopped while riding his bicycle the wrong way on a one-way street. Police searched him and found methamphetamine, and he was sentenced to nearly three years in prison. Justice Brown was a lone dissenter from that opinion, arguing that the circumstances of the arrest could be seen as racial profiling.

Douglas Kmiec, a former Reagan administration official who is now dean of the law school at Washington's Catholic University, is a close friend of Justice Brown. He believes that she has both the intellectual gifts and the grit to win a bruising confirmation battle and make a lasting impression on the Supreme Court. He also believes that her Christian faith will help her connect with millions of ordinary Americans. Last month, Justice Brown gave the commencement address to Mr. Kmiec's graduating law students. She chastised philosophers for trying to shape society "as if God did not exist" and frequently made reference to religious and patriotic themes.

Janice Rogers Brown sounds like the kind of nominee that a lot of Americans could come to like and admire. But she also is someone who may stir up a whirlwind of opposition from liberal senators. From what I know of her, senators who tried such strong-arm tactics would come to regret it. Says California businessman Ward Connerly, who led the campaign for Proposition 209: "No one who knows her doesn't believe she would come out on top and leave her critics in the dust."

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From: Snee, Ashley
To: <Bartlett, Daniel J.>;<Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>;<Kaplan, Joel>;<Grubbs, Wendy J.>;<Ojakli, Ziad>;<Westine, Lezlee J.>;<Schlapp, Matthew A.>;<Fleischer, Lawrence A.>;<Mamo, Jeanie S.>;<DeFrancis, Suzy>
Sent: 6/26/2003 9:59:48 AM
Subject: FW: Frist- Just Out

-----Original Message-----
From: Miranda, Manuel (Frist) [mailto:Manuel_Miranda@frist.senate.gov]
Sent: Thursday, June 26, 2003 9:53 AM
Subject: Frist- Just Out
Importance: High

To All 100 Senators

June 26, 2003

Dear Colleague,

In light of numerous letters of colleagues addressing the possibility of a Supreme Court nomination this summer, I wanted to write to outline my expectations of a fair and orderly process for Senate consideration of a Supreme Court nomination if any Justice retires at the end of this Supreme Court Term.

First, to perform our obligations to the Supreme Court and the American people, the Senate should act on any nominee within a reasonable time to ensure, if possible, that a new Justice can assume office before the Supreme Court resumes hearing cases this fall.

In most instances in the past, the Senate has acted promptly to consider a President's nominee to the Supreme Court. Most recently, for example, both of President Clinton's nominees to the Supreme Court received Senate votes before the Senate's August recess, after receiving Judiciary Committee hearings in July. Consistent with that schedule, if there is a retirement at the end of the Supreme Court's Term and a nomination is submitted shortly thereafter, I anticipate the Judiciary Committee would hold hearings in July and the full Senate would vote on the nomination before the Senate recess in August.

Second, the Senate must vote on the President's nominee to either confirm or reject the nominee. The Constitution provides that the Senate shall advise and consent on a President's nominees to the Supreme Court. Since 1789, in accord with the Constitution and to fulfill its Constitutional responsibility, the Senate has consistently afforded Presidential nominees to the Supreme Court a vote of the Senate (except, of course, when the nominee withdrew before a vote).

Any tactics to endlessly delay the process and prevent the Senate from performing its Constitutional responsibility to vote on a Supreme Court nomination would be inconsistent with the Constitution and contrary to the Senate's traditional practice for more than 200 years.

As Majority Leader, I will work to ensure that a Supreme Court nominee by a President of either party receives a fair up or down vote in the Senate.

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Sincerely yours,

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Suzy DeFrancis/WHO/EOP@Exchange [WHO] <Suzy DeFrancis>;Lawrence A. Fleischer/WHO /EOP@Exchange [WHO] <Lawrence A. Fleischer>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Wendy J. Grubbs/WHO/EOP@Exchange [WHO] <Wendy J. Grubbs>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>;Jeanie S. Mamo/WHO /EOP@EOP [WHO] <Jeanie S. Mamo>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Ziad Ojakli/WHO/EOP@Exchange [UNKNOWN] <Ziad Ojakli>;Joel Kaplan/WHO/EOP@Exchange [UNKNOWN] <Joel Kaplan>;David G. Leitch/WHO /EOP@Exchange [WHO] <David G. Leitch>;Daniel J. Bartlett/WHO/EOP@Exchange [WHO] <Daniel J. Bartlett>
Sent: 6/26/2003 6:01:12 AM
Subject: : FW: Frist- Just Out

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:26-JUN-2003 10:01:12.00
SUBJECT:: FW: Frist- Just Out
TO:Suzy DeFrancis ( CN=Suzy DeFrancis/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Lezlee J. Westine ( CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ziad Ojakli ( CN=Ziad Ojakli/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )
READ:UNKNOWN
TO:Joel Kaplan ( CN=Joel Kaplan/OU=WHO/O=EOP@Exchange [ UNKNOWN ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Daniel J. Bartlett ( CN=Daniel J. Bartlett/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

;
-----Original Message-----
From: Miranda, Manuel (Frist) [mailto:Manuel_Miranda@frist.senate.gov]
Sent: Thursday, June 26, 2003 9:53 AM
Subject: Frist- Just Out
Importance: High


To All 100 Senators
;
June 26, 2003
;
Dear Colleague,
;
In light of numerous letters of colleagues addressing the possibility of a
Supreme Court nomination this summer, I wanted to write to outline my
expectations of a fair and orderly process for Senate consideration of a
Supreme Court nomination if any Justice retires at the end of this Supreme
Court Term.
```

;
First, to perform our obligations to the Supreme Court and the American people, the Senate should act on any nominee within a reasonable time to ensure, if possible, that a new Justice can assume office before the Supreme Court resumes hearing cases this fall.;
;
In most instances in the past, the Senate has acted promptly to consider a President,s nominee to the Supreme Court.; Most recently, for example, both of President Clinton,s nominees to the Supreme Court received Senate votes before the Senate,s August recess, after receiving Judiciary Committee hearings in July.; Consistent with that schedule, if there is a retirement at the end of the Supreme Court,s Term and a nomination is submitted shortly thereafter, I anticipate the Judiciary Committee would hold hearings in July and the full Senate would vote on the nomination before the Senate recess in August.
;;;;;;;;;;;
Second, the Senate must vote on the President,s nominee to either confirm or reject the nominee.; The Constitution provides that the Senate shall advise and consent on a President,s nominees to the Supreme Court.; Since 1789, in accord with the Constitution and to fulfill its Constitutional responsibility, the Senate has consistently afforded Presidential nominees to the Supreme Court a vote of the Senate (except, of course, when the nominee withdrew before a vote).;
;
Any tactics to endlessly delay the process and prevent the Senate from performing its Constitutional responsibility to vote on a Supreme Court nomination would be inconsistent with the Constitution and contrary to the Senate,s traditional practice for more than 200 years.;
;
As Majority Leader, I will work to ensure that a Supreme Court nominee by a President of either party receives a fair up or down vote in the Senate.
;;;;;;;;;;;
The Senate has few Constitutional responsibilities as important as exercising its advice and consent on a President,s nominee to the Supreme Court.; I look forward to working with each of you to ensure a fair and orderly Senate process in the event of a Supreme Court nomination this summer or in the future.
;
Sincerely yours,
;
;
Bill Frist, M.D.
;
;

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 6/26/2003 10:06:27 AM
Subject: Fw: Frist- Just Out

Fyi

.

----- Original Message -----

From:

To:

Cc:

Date: 06/26/2003 09:53:11 AM

Subject: Frist- Just Out

To All 100 Senators

June 26, 2003

Dear Colleague,

In light of numerous letters of colleagues addressing the possibility of a Supreme Court nomination this summer, I wanted to write to outline my expectations of a fair and orderly process for Senate consideration of a Supreme Court nomination if any Justice retires at the end of this Supreme Court Term.

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Sincerely yours,

Bill Frist, M.D.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@EOP [WHO] <Ashley Snee>
Sent: 6/26/2003 6:07:35 AM
Subject: : Fw: Frist- Just Out

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-JUN-2003 10:07:35.00
SUBJECT:: Fw: Frist- Just Out
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Fyi

.

----- Original Message -----
From:<Manuel_Miranda@frist.senate.gov>
To:
Cc:
Date: 06/26/2003 09:53:11 AM
Subject: Frist- Just Out

To All 100 Senators

;

June 26, 2003

;

Dear Colleague,

;

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;

Sincerely yours,

;

;

Bill Frist, M.D.

;

;

From:	Miranda, Manuel \(Frist\) <Manuel_Miranda@frist.senate.gov>
To:	Comisac, RenaJohnson \(Judiciary\) <Rena_Johnson_Comisac@Judiciary.senate.gov>;Dahl, Alex \(Judiciary\) <Alex_Dahl@Judiciary.senate.gov>;Caramanica, Jessica \(Judiciary\) <Jessica_Caramanica@Judiciary.senate.gov>;Snell, BethAnn \(Judiciary\) <BethAnn_Snell@Judiciary.senate.gov>;Delrahim, Makan \(Judiciary\) <Makan_Delrahim@Judiciary.senate.gov>;Ho, James \(Judiciary\) <James_Ho@Judiciary.senate.gov>;Galyean, James \(L. Graham\) <James_Galyean@lgraham.senate.gov>;Tapia, Margarita \(Judiciary\) <Margarita_Tapia@Judiciary.senate.gov>;<Snee, Ashley>;<Grubbs, Wendy J.>;<Kavanaugh, Brett M.>;Monica.Goodling@usdoj.gov <Monica.Goodling@usdoj.gov>;Mark.Corallo@usdoj.gov <Mark.Corallo@usdoj.gov>;Stewart, Don \(Cornyn\) <Don_Stewart@cornyn.senate.gov>;neil.bradley@mail.house.gov <neil.bradley@mail.house.gov>;Freeman, Peter <Peter.Freeman@mail.house.gov>;Haywood, Amy \(Judiciary\) <Amy_Haywood@Judiciary.senate.gov>;neil.bradley@mail.house.gov <Goeglein, Tim>;Heilbrun, Mark \(Specter\) <Mark_Heilbrun@specter.senate.gov>;Brown, Frank \(Specter\) <Frank_Brown@specter.senate.gov>;Gillies, John \(Chambliss\) <John_Gillies@chambliss.senate.gov>;Roberts, Brooke \(Craig\) <brooke_roberts@craig.senate.gov>;Lari, Rita \(Judiciary\) <Rita_Lari@Judiciary.senate.gov>;Groover, Chad \(Judiciary\) <Chad_Groover@Judiciary.senate.gov>;Higgins, Stephen \(Judiciary\) <Stephen_Higgins@Judiciary.senate.gov>;Taylor, Steve \(Judiciary\) <Steve_Taylor@Judiciary.senate.gov>;Abegg, John \(McConnell\) <John_Abegg@mcconnell.senate.gov>
Sent:	6/26/2003 10:37:03 AM
Subject:	Frist in PDF
Attachments:	frist-nominat...pdf

Please pass to your press secretaries.

BILL FRIST
TENNESSEE

United States Senate

OFFICE OF THE MAJORITY LEADER
WASHINGTON, DC 20510-7030

June 25, 2003

Dear Colleague,

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Bill Frist, M.D.

REV_00124550

From:	Leitch, David G.
To:	<Kavanaugh, Brett M.>;<Gonzales, Alberto R.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Brown, Reginald J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>;David S. Addington/OVP/EOP <David S. Addington/OVP /EOP@EOP>
Sent:	6/26/2003 12:11:51 PM
Subject:	Report from the Court

Greg Garre reports:

The Chief ended today's session by saying that he was, with sadness, "announcing the retirement of . . . the Court's librarian." (You could hear the air being sucked out of the room until people figured out that he was referring to the librarian.)

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Brown, Reginald J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 6/26/2003 12:16:04 PM
Subject: Frist letter
Attachments: frist-nominat...pdf

- frist-nominat...pdf <>

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TENNESSEE

United States Senate

OFFICE OF THE MAJORITY LEADER
WASHINGTON, DC 20510-7030

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Bill Frist, M.D.

REV_00124574

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Kyle Sampson/WHO /EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;David G. Leitch/WHO/EOP@Exchange@EOP [WHO] <David G. Leitch>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 6/26/2003 8:17:48 AM
Subject: : Frist letter
Attachments: P_ENIIH003_WHO.TXT_1

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:26-JUN-2003 12:17:48.00
SUBJECT:: Frist letter
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

- frist-nominat...pdf


ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ENIIH003_WHO.TXT_1>
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BILL FRIST
TENNESSEE

United States Senate

OFFICE OF THE MAJORITY LEADER
WASHINGTON, DC 20510-7030

June 25, 2003

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Sincerely yours,

Bill Frist, M.D.

REV_00124576

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 6/26/2003 12:59:54 PM
Subject: heads up

Jamil Jaffer said that you said you could meet with him this afternoon. Fair warning--- he's WAVEd over here so he might wonder over.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>
Sent: 6/26/2003 10:42:37 AM
Subject: : Re: Brownback
Attachments: P_LTQIH003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-JUN-2003 14:42:37.00
SUBJECT:: Re: Brownback
TO:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Approved.

From: Adrian G. Gray on 06/26/2003 12:53:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Brownback

another evans invite
---------- Forwarded by Adrian G. Gray/WHO/EOP on 06/26/2003 12:52 PM ----------

AFleischer@DOC.GOV
06/26/2003 11:53:32 AM
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP, dMaggi@DOC.GOV, DJacob@DOC.GOV
cc: DGrubb@DOC.GOV
Subject: Brownback

Another invitation for clearance. Thanks
----- Forwarded by Aimee Fleischer/HCHB/Osnet on 06/26/2003 11:51 AM -----

"Aimee Nichols"
<anichols@keelenc To:
<AFleischer@DOC.GOV>
omm.com> cc: "'Matt Keelen'"
<mkeelen@keelencomm.com>
Subject: Brownback
06/26/2003 09:52
AM

David Kensinger asked me to forward this invitation for the July 23rd

reception with Don Evans to you for approval. Please let me know if you have any changes or if you need anything else. Thank you!

Aimee Nichols
Keelen Communications
703-575-7676(See attached file: 7-23-03 Brownback Evans Reception.doc)

- 7-23-03 Brownback Evans Reception.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LTQIH003_WHO.TXT_1>

Please join

SENATOR SAM BROWNBACK

(R-KS)
Committee on Appropriations

for a Fundraising Reception

with Special Guest

THE HONORABLE DON EVANS

WEDNESDAY, JULY 23RD 6:00-7:30 PM

LA COLLINE

400 North Capitol Street, NW
Washington, DC

SUGGESTED CONTRIBUTION:

$1,000 per PAC

Please RSVP to:
Matt Keelen or Aimee Nichols
at 703-575-7676 or email
info@keelencomm.com

Please make checks payable to:
Brownback for US Senate
P.O. Box 2776
Arlington, VA 22202

Authorized and paid for by Brownback for US Senate, 703/575-7676.
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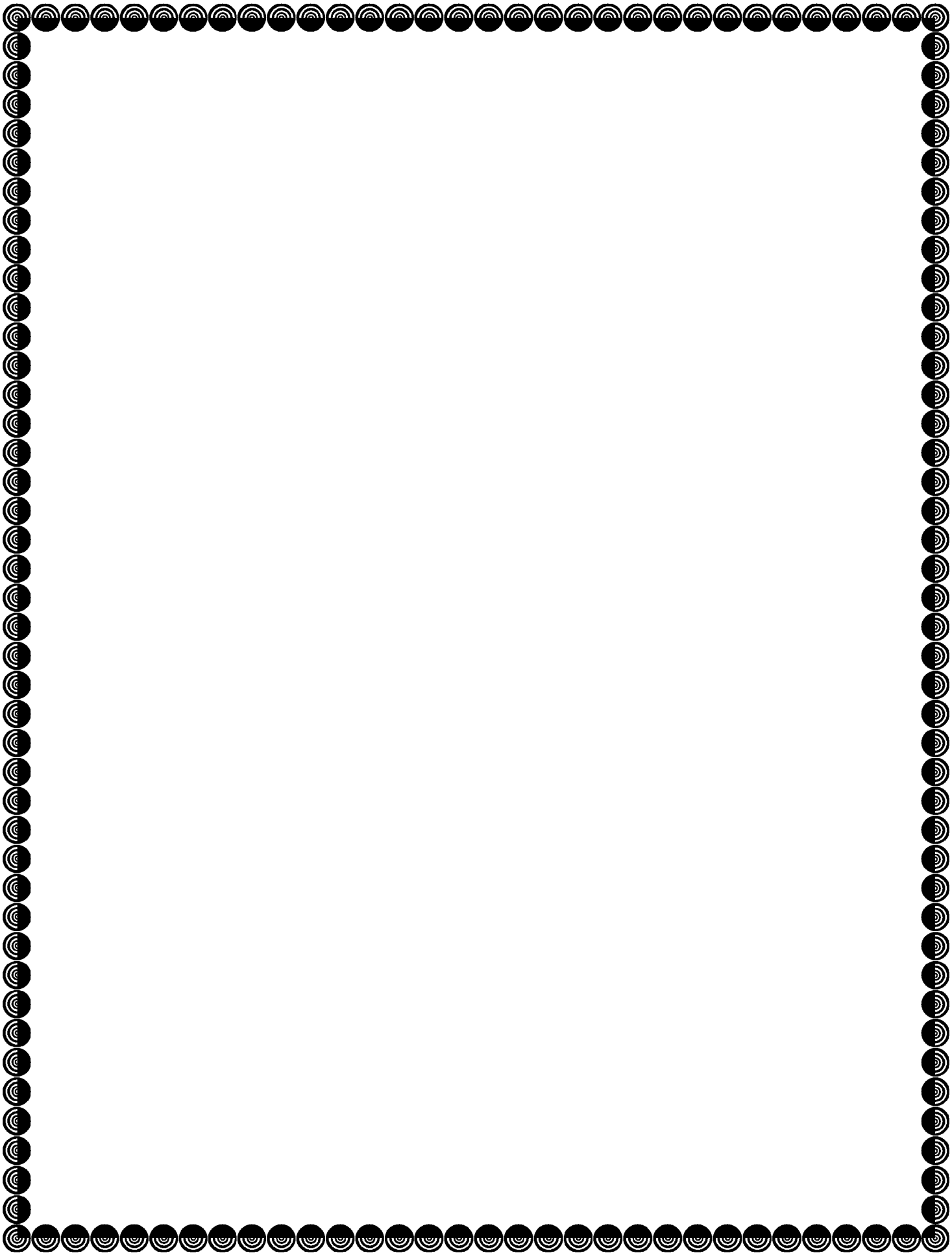
Contributions from corporations and foreign nationals are prohibited



REV_00124594

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]

To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Carolyn Nelson/WHO /EOP@Exchange [WHO] <Carolyn Nelson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Jonathan F. Ganter/WHO/EOP@EOP [WHO] <Jonathan F. Ganter>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@Exchange [OVP] <David S. Addington>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Charlotte L. Montiel/WHO/EOP@Exchange [WHO] <Charlotte L. Montiel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;J. Elizabeth Farrell/WHO/EOP@EOP [WHO] <J. Elizabeth Farrell>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>;Elizabeth Bingold/WHO/EOP@EOP [WHO] <Elizabeth Bingold>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>

Sent: 6/26/2003 11:04:30 AM

Subject: : ABA Ratings - Kim Gibson

```
###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:26-JUN-2003 15:04:30.00
SUBJECT:: ABA Ratings - Kim Gibson
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP@EOP [ NSC ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@Exchange [ OVP ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Elizabeth Bingold ( CN=Elizabeth Bingold/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Kim Richard Gibson, USDC, Western District of Pennsylvania, is unanimously rated "Well Qualified" by the ABA.
;
Thanks

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 6/26/2003 3:31:39 PM
Subject: RE: q & a

Yes, it is necessary. This will go to all of the spokespeople here and it should be made clear in the guidance - to be sure the message is repeated- no matter how the questions are asked.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 26, 2003 3:24 PM
To: Snee, Ashley
Subject: Re: q & a

good. redundant answers, but that is necessary.

From: Ashley Snee/WHO/EOP@Exchange on 06/26/2003 03:07:22 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: q & a

made a couple small changes - i'm going to send this updated around. obviously, based on circumstances this may be tweaked - but for now.. << File: judges sct q and a 6 25 031.doc >>

From: Kavanaugh, Brett M.
To: <Snee, Ashley>
Sent: 6/26/2003 3:37:17 PM
Subject: RE: q & a

agree. thx.

From: Ashley Snee/WHO/EOP@Exchange on 06/26/2003 03:31:39 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: q & a

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-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Thursday, June 26, 2003 3:24 PM

To: Snee, Ashley

Subject: Re: q & a

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From: Ashley Snee/WHO/EOP@Exchange on 06/26/2003 03:07:22 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: q & a

made a couple small changes - i'm going to send this updated around. obviously, based on circumstances this may be tweaked - but for now.. << File: judges sct q and a 6 25 031.doc >>

From: Hayes, Kathryn J.

To: abartlett@kineticventures.com <Abney, Allen K.>;abartlett@kineticventures.com <Abrams, Elliott>;abartlett@kineticventures.com <Addington, David S.>;abartlett@kineticventures.com <Allgood, Lauren K.>;abartlett@kineticventures.com <Anton, Michael N.>;abartlett@kineticventures.com <Arnold, Listi>;abartlett@kineticventures.com <Atkiss, Steven A.>;abartlett@kineticventures.com <Babin, Chad>;abartlett@kineticventures.com <Barclay, Barbara A.>;abartlett@kineticventures.com <Barfield, Tiffany L.>;abartlett@kineticventures.com <Bearson, Darren W.>;abartlett@kineticventures.com <Bennett, Melissa S.>;abartlett@kineticventures.com <Berman, Janet L.>;abartlett@kineticventures.com <Besanceney, Brian R.>;abartlett@kineticventures.com <Beyer, Todd W.>;abartlett@kineticventures.com <Blahous, Charles P.>;abartlett@kineticventures.com <Blakeman, Bradley A.>;abartlett@kineticventures.com <Bolten, Joshua B.>;abartlett@kineticventures.com <Senior Advisor Offices>;abartlett@kineticventures.com <Bravo, Brian>;abartlett@kineticventures.com <Bridgeland, John M.>;abartlett@kineticventures.com <Buchan, Claire>;abartlett@kineticventures.com <Burgeson, Christine M.>;abartlett@kineticventures.com <Burkhart, Shannon>;abartlett@kineticventures.com <Burks, Jonathan W.>;abartlett@kineticventures.com <Cabral, Raquel>;abartlett@kineticventures.com <Call, Amy L.>;abartlett@kineticventures.com <Campbell, Anne E.>;abartlett@kineticventures.com <Chadwick, Kirsten>;abartlett@kineticventures.com <Chambers, Shane P.>;abartlett@kineticventures.com <Campbell, Sarah>;abartlett@kineticventures.com <Christie, Ronald I.>;abartlett@kineticventures.com <Clark, Alicia P.>;abartlett@kineticventures.com <Conda, Cesar>;abartlett@kineticventures.com <Connaughton, James>;abartlett@kineticventures.com <Cooper, Colby J.>;abartlett@kineticventures.com <Cooper, Jean>;abartlett@kineticventures.com <Dayspring, Bradford D.>;abartlett@kineticventures.com <DeFrancis, Suzy>;abartlett@kineticventures.com <Dickens, Reed>;abartlett@kineticventures.com <Domenici, Helen A.>;abartlett@kineticventures.com <Donnan, Elizabeth H.>;abartlett@kineticventures.com <Dougherty, Elizabeth S.>;abartlett@kineticventures.com <Drummond, Ashley D.>;abartlett@kineticventures.com <Draper, Eric>;abartlett@kineticventures.com <Duffy, Trent D.>;abartlett@kineticventures.com <Edson, Gary R.>;abartlett@kineticventures.com <Eskew, Tucker A.>;abartlett@kineticventures.com <Estes, Ashley>;abartlett@kineticventures.com <Everson, Nanette>;abartlett@kineticventures.com <Fenton, Catherine S.>;abartlett@kineticventures.com <Figg, Jeanie L.>;abartlett@kineticventures.com <Figg, Kara G.>;abartlett@kineticventures.com <Fishpaw, Marie K.>;abartlett@kineticventures.com <Fleischer, Lawrence A.>;abartlett@kineticventures.com <Foley, Jennifer>;abartlett@kineticventures.com <Forman, Mark A.>;abartlett@kineticventures.com <Frazer, Jendayi E.>;abartlett@kineticventures.com <Friedman, Stephen>;abartlett@kineticventures.com <Fuentes, Jose A.>;abartlett@kineticventures.com <Gambatesa, Linda M.>;abartlett@kineticventures.com <Gannon, Kelley>;abartlett@kineticventures.com <Gerdelman, Sue H.>;abartlett@kineticventures.com <Gerson, Michael J.>;abartlett@kineticventures.com <Gibson, John D.>;abartlett@kineticventures.com <Gilbert, Alan>;abartlett@kineticventures.com <Gillmor, Eleanor L.>;abartlett@kineticventures.com <Goergen, Barbara J.>;abartlett@kineticventures.com <Gonzales, Alberto R.>;abartlett@kineticventures.com <Gossel, John C.>;abartlett@kineticventures.com <Gottesman, Blake>;abartlett@kineticventures.com <Graham, John>;abartlett@kineticventures.com <Grant, Britt>;abartlett@kineticventures.com <Gray, Adrian G.>;abartlett@kineticventures.com <Gray, Ann>;abartlett@kineticventures.com <Gray, Emily S.>;abartlett@kineticventures.com <Gray, Wendy E.>;abartlett@kineticventures.com <Greene, William>;abartlett@kineticventures.com <Gross, Taylor S.>;abartlett@kineticventures.com <Grubbs, Wendy J.>;abartlett@kineticventures.com <Gunther, Anne Marie>;abartlett@kineticventures.com <Conway, Thais C.>;abartlett@kineticventures.com <Cox, Christopher C.>;abartlett@kineticventures.com <Hadley, Stephen J.>;abartlett@kineticventures.com <Hagin, Joseph W>;abartlett@kineticventures.com <Haines, Mary A.>;abartlett@kineticventures.com <Hannah, John P.>;abartlett@kineticventures.com <Hanusa, Mary Ann>;abartlett@kineticventures.com <Healy, Erin E.>;abartlett@kineticventures.com <Heiden, Debra>;abartlett@kineticventures.com <Heiligenstein, Anne>;abartlett@kineticventures.com <Hennessey, Keith>;abartlett@kineticventures.com <Hester, Bradley E.>;abartlett@kineticventures.com <Hobbs, David W.>;abartlett@kineticventures.com <Hogan, Elizabeth>;abartlett@kineticventures.com <Holbrook, Ashley>;abartlett@kineticventures.com <Hughes, A. Merrill>;abartlett@kineticventures.com <Hughes, Taylor

A.>;abartlett@kineticventures.com <Ingwell, Carmen M.>;abartlett@kineticventures.com <Jablonka, Curtis R.>;abartlett@kineticventures.com <Jackson, Barry S.>;abartlett@kineticventures.com <Jenkins, Gregory J.>;abartlett@kineticventures.com <Jensen, Amy>;abartlett@kineticventures.com <Johnson III, Clay>;abartlett@kineticventures.com <Johnston, Megan R.>;abartlett@kineticventures.com <Jones, Alison>;abartlett@kineticventures.com <Jones, Brian C.>;abartlett@kineticventures.com <Kalavritinos, John>;abartlett@kineticventures.com <Kaplan, Joel>;abartlett@kineticventures.com <Karow, Terry L.>;abartlett@kineticventures.com <Kavanaugh, Brett M.>;abartlett@kineticventures.com <Keniry, Daniel>;abartlett@kineticventures.com <Kirk, Matthew>;abartlett@kineticventures.com <Kleppe, Elizabeth W.>;abartlett@kineticventures.com <Kozberg, Lindsey C.>;abartlett@kineticventures.com <Kroszner, Randall S.>;abartlett@kineticventures.com <Kupfer, Jeffrey F.>;abartlett@kineticventures.com <Kuo, David>;abartlett@kineticventures.com <Kurtz, Paul B.>;abartlett@kineticventures.com <Kyle, Ross M.>;abartlett@kineticventures.com <Lang, Mary K.>;abartlett@kineticventures.com <Lefkowitz, Jay P.>;abartlett@kineticventures.com <Lenti, Sarah M.>;abartlett@kineticventures.com <Levine, Adam L.>;abartlett@kineticventures.com <Libby, Lewis>;abartlett@kineticventures.com <Linder, Stephanie E.>;abartlett@kineticventures.com <Lineberry, Laura E.>;abartlett@kineticventures.com <Lineberry, Stephen M.>;abartlett@kineticventures.com <Lineweaver, Lindsey M.>;abartlett@kineticventures.com <Lisaius, Kenneth A.>;abartlett@kineticventures.com <Litkenhaus, Colleen>;abartlett@kineticventures.com <Loper, Ginger G.>;abartlett@kineticventures.com <Lundberg, Stephanie J.>;abartlett@kineticventures.com <Machida, Ado A.>;abartlett@kineticventures.com <Mallea, Jose>;abartlett@kineticventures.com <Mamo, Jeanie S.>;abartlett@kineticventures.com <Marburger, John H.>;abartlett@kineticventures.com <Marsh, Robert>;abartlett@kineticventures.com <Marshall, Misty C.>;abartlett@kineticventures.com <Martin, Catherine J.>;abartlett@kineticventures.com <Mayfield, Jennifer H.>;abartlett@kineticventures.com <McClellan, Scott>;abartlett@kineticventures.com <McCormack, Sean I.>;abartlett@kineticventures.com <McMillin, Stephen S.>;abartlett@kineticventures.com <McQuade, Vickie A.>;abartlett@kineticventures.com <Medina, Sonya E.>;abartlett@kineticventures.com <Miers, Harriet>;abartlett@kineticventures.com <Millerwise, Jennifer>;abartlett@kineticventures.com <Montgomery, Brian D.>;abartlett@kineticventures.com <Montiel, Charlotte L.>;abartlett@kineticventures.com <Morse, Paul L>;abartlett@kineticventures.com <Nelson, Carolyn>;abartlett@kineticventures.com <Neusner, Noam M.>;abartlett@kineticventures.com <Ngo, Phong>;abartlett@kineticventures.com <Nipper, Wendy L.>;abartlett@kineticventures.com <Nokes, Sara E.>;abartlett@kineticventures.com <O'Donnell, Claire M.>;abartlett@kineticventures.com <Ojakli, Ziad>;abartlett@kineticventures.com <Orr, Christopher J.>;abartlett@kineticventures.com <Patel, Neil S.>;abartlett@kineticventures.com <Pelletier, Eric C.>;abartlett@kineticventures.com <Perez, Anna M.>;abartlett@kineticventures.com <Pfeifer, Sarah>;abartlett@kineticventures.com <Pfeifle, Lauren>;abartlett@kineticventures.com <Pipes, Kasey S.>;abartlett@kineticventures.com <Pope, Travis W.>;abartlett@kineticventures.com <Powell, Benjamin A.>;abartlett@kineticventures.com <Powell, Dina>;abartlett@kineticventures.com <Pritchett, Clare>;abartlett@kineticventures.com <Purcell, Kristopher N.>;abartlett@kineticventures.com <Raad, Lori J.>;abartlett@kineticventures.com <Ralston, Susan B.>;abartlett@kineticventures.com <Reardon, Brian>;abartlett@kineticventures.com <Rees, Matthew R.>;abartlett@kineticventures.com <Reid, Margaret A.>;abartlett@kineticventures.com <Reynolds, Tim>;abartlett@kineticventures.com <Rhodes, Katherine A.>;abartlett@kineticventures.com <Riepenhoff, Allison L.>;abartlett@kineticventures.com <Ritacco, Krista L.>;abartlett@kineticventures.com <Rove, Karl C.>;abartlett@kineticventures.com <Rowan, Peter>;abartlett@kineticventures.com <Rowley, Jill C.>;abartlett@kineticventures.com <Rule, Natalie>;abartlett@kineticventures.com <Russell, Richard M.>;abartlett@kineticventures.com <Ryun, Catharine A.>;abartlett@kineticventures.com <Sammis, John F.>;abartlett@kineticventures.com <Sanders, Michael A.>;abartlett@kineticventures.com <Saunders, Adam R.>;abartlett@kineticventures.com <Sayle, Desiree T.>;abartlett@kineticventures.com <Schacht, Diana L.>;abartlett@kineticventures.com <Scully, Matthew>;abartlett@kineticventures.com <Sechser, Scott D.>;abartlett@kineticventures.com <Sforza, Scott N.>;abartlett@kineticventures.com <Sharp, Jess>;abartlett@kineticventures.com <Shirzad, Faryar>;abartlett@kineticventures.com <Silva, Stacey>;abartlett@kineticventures.com <Smith, Heidi M.>;abartlett@kineticventures.com <Snee, Ashley>;abartlett@kineticventures.com <Sokul, Stanley S.>;abartlett@kineticventures.com <Spellings, Margaret M.>;abartlett@kineticventures.com <Stanzel,

Scott>;abartlett@kineticventures.com <Steele, Lynden R.>;abartlett@kineticventures.com <Steen, Gretchen P.>;abartlett@kineticventures.com <Styles, Angela B.>;abartlett@kineticventures.com <Swagel, Phillip L.>;abartlett@kineticventures.com <Terrell, Eric W.>;abartlett@kineticventures.com <Thompson, Carol J.>;abartlett@kineticventures.com <Towey, Jim>;abartlett@kineticventures.com <Travers, David L.>;abartlett@kineticventures.com <Troy, Tevi>;abartlett@kineticventures.com <Vargas, Veronica>;abartlett@kineticventures.com <Vargo, Erin A.>;abartlett@kineticventures.com <Vestewig, Lauren J.>;abartlett@kineticventures.com <Viana, Mercedes M.>;abartlett@kineticventures.com <Wallace, Charity>;abartlett@kineticventures.com <Walsh, Edmund A.>;abartlett@kineticventures.com <Warsh, Kevin>;abartlett@kineticventures.com <Waxman, Matthew C.>;abartlett@kineticventures.com <Weinstein, Jared B.>;abartlett@kineticventures.com <West, Christal R.>;abartlett@kineticventures.com <Wilmot, Daniel K.>;abartlett@kineticventures.com <Wolff, Candida P.>;abartlett@kineticventures.com <Zimmerman, Neil H.>;abartlett@kineticventures.com <McConnell, John P.>;abartlett@kineticventures.com <Riess, Ryder>;abartlett@kineticventures.com <Pigg, Mary K.>;MDowd@georgewbush.com <MDowd@georgewbush.com>;stephen.everett@dhs.gov <stephen.everett@dhs.gov>;mniemeyer@ustr.gov <mniemeyer@ustr.gov>;jack@georgewbush.com <jack@georgewbush.com>;Jana.Toner@hq.doe.gov <Jana.Toner@hq.doe.gov>;under_secretary@ita.doc.gov <under_secretary@ita.doc.gov>;bbecker@doc.gov <bbecker@doc.gov>;Phillip.Bond@ta.doc.gov <Phillip.Bond@ta.doc.gov>;RCoffee@oconnorhannan.com <RCoffee@oconnorhannan.com>;jimmy.glotfelty@hq.doe.gov <jimmy.glotfelty@hq.doe.gov>;dgrubb@doc.gov <dgrubb@doc.gov>;kevin.kellems@osd.mil <kevin.kellems@osd.mil>;kmartin@fcc.gov <kmartin@fcc.gov>;mehlman@ta.doc.gov <mehlman@ta.doc.gov>;joschal@att.net <joschal@att.net>;gian-carlo.peressutti@k-n-p.com <gian-carlo.peressutti@k-n-p.com>;becky.relic@do.treas.gov <becky.relic@do.treas.gov>;travis@georgewbush.com <travis@georgewbush.com>;mtoner@fec.gov <mtoner@fec.gov>;logan.walters@hq.doe.gov <logan.walters@hq.doe.gov>;Wilkinjr@centcom.mil <Wilkinjr@centcom.mil>;ewillefo@fcc.gov <ewillefo@fcc.gov>;dmccardell@doc.gov <dmccardell@doc.gov>;hhager@georgewbush.com <hhager@georgewbush.com>;cjohnson@georgewbush.com <cjohnson@georgewbush.com>;kmehlman@georgewbush.com <kmehlman@georgewbush.com>;kmccullogh@georgewbush.com <kmccullogh@georgewbush.com>;staylor@georgewbush.com <staylor@georgewbush.com>;ndevenish@georgewbush.com <ndevenish@georgewbush.com>

CC: <Thomas, Julieanne H.>;jgoldman@velaw.com <jgoldman@velaw.com>;abartlett@kineticventures.com <abartlett@kineticventures.com>;abartlett@kineticventures.com <Bartlett, Daniel J.>;abartlett@kineticventures.com <Westine, Lezlee J.>

Sent: 6/26/2003 4:14:17 PM

Subject: Farewell to Adam Goldman!

Join us in honoring Adam Goldman as he moves over to the private sector after

9 1/2 years with President Bush!

DATE: Thursday, July 3rd (Adam's last day at work is today)

PLACE: Chef Geoff's Downtown, 1301 Pennsylvania Ave., NW (outside patio)

TIME: 6:00 pm

Please try to let us know if you can make it so that we know how many to expect.

Please also pass along to anyone we may have missed.

Thanks!

Katy and Julie

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 6/26/2003 4:37:00 PM
Subject:

Will you go to Senior Staff tomorrow?

From: Jucas, Tracy
To: <Schlapp, Matthew A.>;mschlapp@georgewbush.com <mschlapp@georgewbush.com>;mschlapp@georgewbush.com <Ralston, Susan B.>;mschlapp@georgewbush.com <Davis, Jennifer L.>;mschlapp@georgewbush.com <Hernandez, Israel>;mschlapp@georgewbush.com <Kavanaugh, Brett M.>
Sent: 6/26/2003 4:38:20 PM
Subject: Photo Office Meeting

Per Matt and Jennifer's request, are you guys available for a meeting on Monday, June 30, at 2:30 PM in Matt's office?

This meeting is in regards to the appropriate procedure for photos-campaign vs. official.

Thank you,

Tracy

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 6/26/2003 4:42:34 PM
Subject: Re:

yes, David mentioned it.

From: Carolyn Nelson/WHO/EOP@Exchange on 06/26/2003 04:37:00 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject:

Will you go to Senior Staff tomorrow?

From: Cato Institute <kbrand@cato.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/26/2003 1:04:08 PM
Subject: : INVITATION: 07/02/03 The Supreme Court End of Term Review

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Cato Institute <kbrand@cato.org> (Cato Institute <kbrand@cato.org> [UNKNOWN])
CREATION DATE/TIME:26-JUN-2003 17:04:08.00
SUBJECT:: INVITATION: 07/02/03 The Supreme Court End of Term Review
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Cato Institute invites you to a Policy Forum

The Supreme Court: An End of Term Review

featuring

James L. Swanson
Editor in Chief, Cato Supreme Court Review

Charles J. Cooper
Partner, Cooper & Kirk

Thomas Goldstein
Partner, Goldstein & Howe

Erik S. Jaffe
Erik S. Jaffe, P.C.

Timothy Lynch
Director, Cato Institute Project on Criminal Justice

This week the Supreme Court of the United States will have ended October Term 2002 with a dramatic flourish, having issued major opinions in the Michigan affirmative action cases, the Texas sodomy case, the Nike commercial speech case, and the American Library Association obscenity case. These opinions, along with earlier decisions involving federalism, criminal law, campaign finance, punitive damages, cross-burning, and copyright, combined to make the just-ended term one of the most closely watched in recent memory. Join us for a spirited review of the major cases and themes of the Court,s 2002-2003 term.

Wednesday, July 2, 2003
12:00 noon
(Luncheon to follow)

Cato Policy Forums and luncheons are free of charge.
To register, visit www.cato.org, e-mail Krystal Brand at kbrand@cato.org, fax (202) 371-0841, or call (202) 789-5229 by 12:00 noon, Tuesday, July 1.
News media inquiries only (no registrations), please call (202) 789-5200.
If you can't make it to the Cato Institute, watch this Forum live online at www.cato.org.

The Cato Institute is located at 1000 Massachusetts Avenue N.W., Washington, D.C.

To unsubscribe, send an email to: unsubscribe-17894@uptilt.com with the address: brett_m._kavanaugh@who.eop.gov in the subject line.

From: Office of Global Communications <Global.Messenger@WhiteHouse.Gov>
To: Andrew Liggett Office of Global Communications/WHO/EOP@EOP [WHO] <Andrew Liggett Office of Global Communications>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/26/2003 1:57:01 PM
Subject: : White House Global Messenger - 6/27/03
Attachments: P_MR2JH003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Office of Global Communications <Global.Messenger@WhiteHouse.Gov> (Office of Global Communications <Global.Messenger@WhiteHouse.Gov> [UNKNOWN])
CREATION DATE/TIME:26-JUN-2003 17:57:01.00
SUBJECT:: White House Global Messenger - 6/27/03
TO:Andrew Liggett Office of Global Communications (CN=Andrew Liggett Office of Global Communications/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: GM 6-27-03 FINAL1.doc)

THE GLOBAL MESSENGER
Friday, June 27, 2003

******KEY POINTS: US-AFRICA PARTNERSHIP******
Peace and Security
-The President urges the nine nations involved in the 5 year war in Congo to
support the establishment of a transitional government by June 30th.

-President Taylor of Liberia must step down and the country must move toward a
comprehensive peace agreement.

-In Sudan, both sides in the civil war must make their final commitment to peace.

-The United States will devote $100 million over the next 15 months to help Kenya, Ethiopia, Djibouti, Uganda, and Tanzania increase their counter-terrorism
efforts.

Health and Literacy
-The $5 billion AIDS package approved by Congress will prevent 7 million new HIV
infections, treat at least 2 million people with life extending drugs and provide humane care for 10 million HIV-infected individuals and AIDS orphans.

-This year the U.S. will provide more than $800 million for the food emergencies
on the continent.

-The U.S. is committing $200 million over five years to train more than 420,000
teachers in Africa, to provide scholarships to 250,000 African girls, and to
partner historically black universities in America in bringing 4 million textbooks to African children.

Aid and Trade
-The President has proposed a 50 percent increase in America's core development

assistance through the Millennium Challenge Account.

-The President is calling on Congress to extend the African Growth and Opportunity Act through 2008, to give businesses the confidence to make long-term investments in Africa.

******TODAY'S SCHEDULE******
All Times Eastern Daylight. Subject to Change.
TBA State Department briefing
12 pm Sec. of State Powell delivers remarks at the Corporate Council on Africa's U.S.
?Africa Business Summit, DC

******SUPPORTING VICTIMS OF TORTURE******
"Today, on the United Nations International Day in Support of Victims of Torture, the United States declares its strong solidarity with torture victims across the world. Torture anywhere is an affront to human dignity everywhere. We are committed to building a world where human rights are respected and protected by the rule of law...

"No people, no matter where they reside, should have to live in fear of their own government. Nowhere should the midnight knock foreshadow a nightmare of state-commissioned crime. The suffering of torture victims must end, and the United States calls on all governments to assume this great mission."
--President Bush, 6/26/03

******KEY QUOTE******
"America is committed to success of Africa, because we recognize a moral duty to bring hope where there is despair, and relief where there is suffering. America is committed to the success of Africa, because failed states spread instability and terror that threatens us all. And America is committed to the success of Africa, because the peoples of Africa have every right to live in freedom and dignity, and to share in the progress of our time."
--President Bush, 6/26/03

"The bankruptcy of fascism, Nazism, and imperial communism has given way to a paradigm of progress, founded on political and economic liberty. The United States, our NATO allies, our neighbors in the Western Hemisphere, Japan, and our other friends and allies in Asia and Africa all share a broad commitment to democracy, the rule of law, a market-based economy, and open trade."
--NSA Rice, 6/26/03

THE WHITE HOUSE
Office of Global Communications
For more information log on to
http://www.whitehouse.gov/ogc

****
You have previously expressed interest in obtaining news and information from the White House.

The White House Office of Global Communications distributes information about the President's

messages to the world. This office distributes
updates on major international topics such
as the global war on terror, the case for regime
change in Iraq, and more broadly, the ways in
which we can all better communicate the aspirations
and interests that Americans share with freedom-loving
people everywhere.
- GM 6-27-03 FINAL1.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_MR2JH003_WHO.TXT_1>

THE GLOBAL MESSENGER

Friday, June 27, 2003

TODAY'S SCHEDULE

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KEY POINTS: US-AFRICA PARTNERSHIP

Peace and Security

- The President urges the nine nations involved in the 5 year war in Congo to support the establishment of a transitional government by June 30th.
- President Taylor of Liberia must step down and the country must move toward a comprehensive peace agreement.
- In Sudan, both sides in the civil war must make their final commitment to peace.
- The United States will devote $100 million over the next 15 months to help Kenya, Ethiopia, Djibouti, Uganda, and Tanzania increase their counter-terrorism efforts.

Health and Literacy

- The $5 billion AIDS package approved by Congress will prevent 7 million new HIV infections, treat at least 2 million people with life extending drugs and provide humane care for 10 million HIV-infected individuals and AIDS orphans.
- This year the U.S. will provide more than $800 million for the food emergencies on the continent.
- The U.S. is committing $200 million over five years to train more than 420,000 teachers in Africa, to provide scholarships to 250,000 African girls, and to partner historically black universities in America in bringing 4 million textbooks to African children.

Aid and Trade

- The President has proposed a 50 percent increase in America's core development assistance through the Millennium Challenge Account.
- The President is calling on Congress to extend the African Growth and Opportunity Act through 2008, to give businesses the confidence to make long-term investments in Africa.

THE WHITE HOUSE
Office of Global Communications
For more information log on to www.whitehouse.gov/ogc

From: Mamo, Jeanie S.
To: <Hester, Bradley E.>;<Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 6/26/2003 8:54:28 PM
Subject: Raleigh (NC) News & Observer (6/26/03) re: Smooth sailing for Duncan

Thursday, June 26, 2003 6:26AM EDT

Smooth sailing for Duncan

Nominee for 4th Circuit Court gets friendly questions before Senate panel

By JOHN WAGNER, Washington Correspondent

WASHINGTON -- Raleigh attorney Allyson K. Duncan breezed through a confirmation hearing Wednesday, all but ensuring that she will become the first North Carolinian to sit on the U.S. 4th Circuit Court of Appeals in nearly four years.

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waiting game

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Edwards and U.S. Sen. Jesse Helms, Dole's Republican predecessor, both used a Senate tradition in recent years that allows members to block home-state nominees by presidents of the opposite party. As a result, North Carolina is the only state in the nation without a judge on an appellate court. Given its size, North Carolina should have at least four judges on the 4th Circuit.

On Wednesday, Edwards called Duncan "a nominee who will restore the voice of North Carolina to an important federal court and break a logjam which has damaged our state for too many years."

Dole heaped effusive praise on Duncan and pledged her "full support throughout this process."

Duncan, 51, is a former law professor at N.C. Central University who served in the 1990s on the state Court of Appeals and the N.C. Utilities Commission. She is a black Republican, and her recent ascent to the presidency of the N.C. Bar Association underscores her popularity in North Carolina.

If confirmed by the full Senate, Duncan would become the first woman from North Carolina to serve on the 4th Circuit and the first black woman from any state to sit on the court. She would be the first North Carolinian on the panel since the death of Sam Ervin III in 1999. She would also be the first new member from North Carolina in more than two decades.

All but one of the questions posed to Duncan on Wednesday were asked by Edwards, a Judiciary Committee member.

Edwards pitched softballs. He asked what Duncan learned from a judge for whom she clerked early in her career and whether her civic involvement would make her better on the bench. And Edwards wanted to know whether Duncan was committed to offering due-process protections to all those who appear before her.

"For obvious reasons, I believe that everyone is entitled to the due process of law," Duncan replied. "It is a commitment I will carry forward."

The only other question came from U.S. Sen. Lindsey Graham, a freshman Republican from South Carolina, who acted as chairman in the absence of other Republican panel members.

Graham wanted to know what Duncan thought of this week's decisions on affirmative action by the U.S. Supreme Court.

Duncan suggested that the pair of opinions on the University of Michigan's admissions procedures would offer additional guidance on administering affirmative action programs. Graham asked no follow-up questions.

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With little standing in the way of either Flanagan or Duncan's confirmations, a larger questioned loomed Wednesday about the fate of Terrence Boyle, another of President Bush's nominees to the 4th Circuit.

Boyle, a former aide to Helms, was nominated by Bush in May 2001. Edwards' opposition kept him from getting a hearing until his nomination expired. Bush then renominated Boyle to the 4th Circuit early this year.

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From: Mamo, Jeanie S.
To: <Hester, Bradley E.>;<Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 6/26/2003 8:59:37 PM
Subject: Charlotte (NC) Observer (6/26/03) re: Senators end 12-year fight over court nomination

Posted on Thu, Jun. 26, 2003

Senators end 12-year fight over court nomination

Move might give N.C. a seat back on bench

TIM FUNK

Observer Washington Bureau

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Sitting side by side, the state's two senators appeared before the Judiciary Committee to support President Bush's nomination of Raleigh lawyer Allyson Duncan to the Richmond, Va.-based court.

The mutual backing of Democratic Sen. John Edwards and GOP Sen. Elizabeth Dole appeared to put Duncan, 51, on track to get approved by the committee and confirmed by the full Senate as early as next month. Republican Duncan would be the first black woman to serve on the 4th Circuit court.

She's also the first N.C. nominee to have a clear path to the federal bench since 1991, when Democrats, who then controlled the Senate, refused to hold a hearing on the first President Bush's nomination of Terrence Boyle, a former aide to then-U.S. Sen. Jesse Helms, R-N.C. Helms retaliated by blocking all of President Clinton's N.C. nominees to the 4th Circuit. Since then, Edwards has blocked Boyle, who was renominated by the current President Bush in 2001.

Edwards and Dole alluded to that stormy past Wednesday, with Dole even appearing to rap Edwards, though not by name, for continuing to deny Boyle a hearing. But their disagreements were muted by their chorus of praise for Duncan and what her confirmation would represent.

Duncan, who answered a few questions from committee members on Wednesday, would be the first N.C. judge to join the 4th Circuit -- often described as the most conservative federal appeals court in the country -- since the

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"The two opinions provide additional guidance," answered Duncan, who said she had only skimmed the rulings so far. "(They) set out a framework that will circumscribe considerations on the court of appeals level."

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To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradley E. Hester/WHO/EOP@EOP [WHO] <Bradley E. Hester>
Sent: 6/26/2003 5:47:43 PM
Subject: : Raleigh (NC) News & Observer (6/26/03) re: Smooth sailing for Duncan

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-JUN-2003 21:47:43.00
SUBJECT:: Raleigh (NC) News & Observer (6/26/03) re: Smooth sailing for Duncan
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradley E. Hester (CN=Bradley E. Hester/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Thursday, June 26, 2003 6:26AM EDT

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Sent: 6/26/2003 5:47:42 PM
Subject: : Charlotte (NC) Observer (6/26/03) re: Senators end 12-year fight over court nomination

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-JUN-2003 21:47:42.00
SUBJECT:: Charlotte (NC) Observer (6/26/03) re: Senators end 12-year fight over court nomination
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
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Posted on Thu, Jun. 26, 2003

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"Let's move on and give every (judicial nominee) a chance," she said. "That's what the Constitution calls for."

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/27/2003 9:04:03 AM
Subject: FW: political speeches are not coming around in staffing; why not?
Attachments: BushCheneyLA#4.doc; BushCheneySanFran#4.doc

Brett -

Here you go. They won't take any changes though.

-----Original Message-----
From: Campbell, Anne E.
Sent: Friday, June 27, 2003 9:03 AM
To: Bumatay, Patrick J.
Subject: RE: political speeches are not coming around in staffing; why not?

<> <>
No problem. The body of the text is identical for each event -- only the top is different.

-----Original Message-----
From: Bumatay, Patrick J.
Sent: Friday, June 27, 2003 8:58 AM
To: Campbell, Anne E.
Subject: RE: political speeches are not coming around in staffing; why not?

That would be great to let Brett see it.

Thanks, Anne.

-----Original Message-----
From: Campbell, Anne E.
Sent: Friday, June 27, 2003 8:57 AM
To: Bumatay, Patrick J.
Subject: RE: political speeches are not coming around in staffing; why not?

Yes - the President had the last round of changes. I can give you a copy if Brent would like to review it, but I do not think we are going to take changes...

Please let me know.

-----Original Message-----
From: Bumatay, Patrick J.
Sent: Friday, June 27, 2003 8:55 AM
To: Campbell, Anne E.
Subject: FW: political speeches are not coming around in staffing; why not?

Anne - is this for the same reason we discussed earlier?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 27, 2003 8:42 AM
To: Bumatay, Patrick J.
Subject: political speeches are not coming around in staffing; why not?

Remarks at Bush-Cheney 2004 Reception – Los Angeles, CA
June 27, 2003
Draft #4

Thank you for that warm welcome. It's great to be in southern California. I've got a lot of friends here, and even some family: My cat Ernie likes southern California so much he moved here.

Thanks to your help tonight, we are laying the groundwork for a strong, nationwide effort next year. And with your help, it will be a strong, nationwide victory. I'm getting loosened up. I'm getting ready, but I am going to count on you to energize the grassroots, to make the phone calls, to put the signs in the yard, and to spread our message, which is positive and hopeful for every single American.

The political season will come in its own time. Right now, I am focused on the people's business in Washington, DC. We have a lot on the agenda. We will continue to work hard to earn the confidence of Americans by keeping this Nation secure and strong, prosperous and free.

Acknowledgments

- Brad Freeman, State Finance Chairman, Bush-Cheney '04 (will introduce the President)
- Mrs. Laura Bush (will not be present)
- Gerry Parsky, State Chairman, Bush-Cheney 2004
- Dennis Miller, Comedian and Actor (will emcee the event) and his wife, Carolyn
- Rabbi Steven Weil (will deliver invocation)
- Kelsey Grammer, Actor (leads the Pledge of Allegiance) **(T)**
- Johnny Mathis, Singer and Entertainer (sings the National Anthem)

- In the last two and a half years, our Nation has acted decisively to confront great challenges. I came to this office to solve problems, instead of passing them on to other presidents or other generations. I came to seize opportunities, instead of letting them slip away. We are meeting the tests of our time.

- Terrorists declared war on the United States of America – and war is what they got. We have captured or killed many key leaders of the al-

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- Yet our national interest involves more than eliminating aggressive threats to our safety. Our greatest security comes from the advance of human liberty, because free nations do not support terror … free nations

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- Thank you. God bless you all and may God bless America.

Drafted by: Ed Walsh, Office of Speechwriting
Office: 202/456-0312
Cell: 202/277-8183

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Remarks at Bush-Cheney 2004 Reception – San Francisco, CA
June 27, 2003
Draft #4

Thank you for that warm welcome. It's good to be back in the Bay Area. I thought about taking the new BART train in from the airport – but the Secret Service had a different idea.

Thanks to your help tonight, we are laying the groundwork for a strong, nationwide effort next year. And with your help, it will be a strong, nationwide victory. I'm getting loosened up. I'm getting ready, but I am going to count on you to energize the grassroots, to make the phone calls, to put the signs in the yard, and to spread our message, which is positive and hopeful for every single American.

The political season will come in its own time. Right now, I am focused on the people's business in Washington, DC. We have a lot on the agenda. We will continue to work hard to earn the confidence of Americans by keeping this Nation secure and strong, prosperous and free.

Acknowledgments

- Brad Freeman, State Finance Chairman, Bush-Cheney 2004 (will introduce the President)
- Mrs. Laura Bush (will not be present)
- Gerry Parsky, State Chairman, Bush-Cheney 2004
- Dennis Miller, Comedian and Actor (will emcee the event) and his wife, Carolyn
- Father Steven Pirvett (will deliver Invocation)
- Dr. Gloria Hom (will lead the Pledge of Allegiance)
- JoAnna Dias (will perform the National Anthem)

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- Thank you. God bless you all and may God bless America.

Drafted by: Ed Walsh, Office of Speechwriting
Office: 202/456-0312
Cell: 202/277-8183

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 6/27/2003 9:05:08 AM
Subject: Re: FW: political speeches are not coming around in staffing; why not?
Attachments: BushCheneyLA#4.doc; BushCheneySanFran#4.doc

Why aren't we getting them in advance?

From: Patrick J. Bumatay/WHO/EOP@Exchange on 06/27/2003 09:04:03 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: political speeches are not coming around in staffing; why not?

Brett -

Here you go. They won't take any changes though.

-----Original Message-----

From: Campbell, Anne E.

Sent: Friday, June 27, 2003 9:03 AM

To: Bumatay, Patrick J.

Subject: RE: political speeches are not coming around in staffing; why not?

<> <>

No problem. The body of the text is identical for each event -- only the top is different.

-----Original Message-----

From: Bumatay, Patrick J.

Sent: Friday, June 27, 2003 8:58 AM

To: Campbell, Anne E.

Subject: RE: political speeches are not coming around in staffing; why not?

That would be great to let Brett see it.

Thanks, Anne.

-----Original Message-----

From: Campbell, Anne E.

Sent: Friday, June 27, 2003 8:57 AM

To: Bumatay, Patrick J.

Subject: RE: political speeches are not coming around in staffing; why not?

Yes - the President had the last round of changes. I can give you a copy if Brent would like to review it, but I do not think we are going to take changes...

Please let me know.

-----Original Message-----

From: Bumatay, Patrick J.

Sent: Friday, June 27, 2003 8:55 AM

To: Campbell, Anne E.

Subject: FW: political speeches are not coming around in staffing; why not?

Anne - is this for the same reason we discussed earlier?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, June 27, 2003 8:42 AM

To: Bumatay, Patrick J.

Subject: political speeches are not coming around in staffing; why not?

Remarks at Bush-Cheney 2004 Reception – Los Angeles, CA
June 27, 2003
Draft #4

Thank you for that warm welcome. It's great to be in southern California. I've got a lot of friends here, and even some family: My cat Ernie likes southern California so much he moved here.

Thanks to your help tonight, we are laying the groundwork for a strong, nationwide effort next year. And with your help, it will be a strong, nationwide victory. I'm getting loosened up. I'm getting ready, but I am going to count on you to energize the grassroots, to make the phone calls, to put the signs in the yard, and to spread our message, which is positive and hopeful for every single American.

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- Rabbi Steven Weil (will deliver invocation)
- Kelsey Grammer, Actor (leads the Pledge of Allegiance) **(T)**
- Johnny Mathis, Singer and Entertainer (sings the National Anthem)

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- We can see the culture of service and responsibility growing around us. I started the USA Freedom Corps to encourage Americans to extend a compassionate hand to neighbors in need. And the response has been strong. Faith-based charities are strong and vibrant, bringing hope and healing to our fellow citizens. Policemen, and firefighters, and people who wear our Nation's uniform are reminding us what it means to sacrifice for something greater than yourself. Once again, the children of America believe in heroes, because they see them every day.

- In these challenging times, the world has seen the resolve and the courage of America. And I have been privileged to see the compassion and character of the American people. All the tests of the last two and a half years have come to the right Nation. We are a strong country, and we use that strength to defend the peace. We are an optimistic country – confident in ourselves, and in ideals bigger than ourselves. Abroad, we seek to lift whole nations by spreading freedom. At home, we seek to lift up lives by spreading opportunity to every corner of America. This is the work that history has set before us. We welcome it, and we know that for our country and for our cause, the best days lie ahead.

- Thank you. God bless you all and may God bless America.

Drafted by: Ed Walsh, Office of Speechwriting
Office: 202/456-0312
Cell: 202/277-8183

REV_00124677

Remarks at Bush-Cheney 2004 Reception – San Francisco, CA
June 27, 2003
Draft #4

Thank you for that warm welcome. It's good to be back in the Bay Area. I thought about taking the new BART train in from the airport – but the Secret Service had a different idea.

Thanks to your help tonight, we are laying the groundwork for a strong, nationwide effort next year. And with your help, it will be a strong, nationwide victory. I'm getting loosened up. I'm getting ready, but I am going to count on you to energize the grassroots, to make the phone calls, to put the signs in the yard, and to spread our message, which is positive and hopeful for every single American.

The political season will come in its own time. Right now, I am focused on the people's business in Washington, DC. We have a lot on the agenda. We will continue to work hard to earn the confidence of Americans by keeping this Nation secure and strong, prosperous and free.

Acknowledgments

- Brad Freeman, State Finance Chairman, Bush-Cheney 2004 (will introduce the President)
- Mrs. Laura Bush (will not be present)
- Gerry Parsky, State Chairman, Bush-Cheney 2004
- Dennis Miller, Comedian and Actor (will emcee the event) and his wife, Carolyn
- Father Steven Pirvett (will deliver Invocation)
- Dr. Gloria Hom (will lead the Pledge of Allegiance)
- JoAnna Dias (will perform the National Anthem)

- In the last two and a half years, our Nation has acted decisively to confront great challenges. I came to this office to solve problems, instead of passing them on to other presidents or other generations. I came to seize opportunities, instead of letting them slip away. We are meeting the tests of our time.

- Terrorists declared war on the United States of America – and war is what they got. We have captured or killed many key leaders of the al-

REV_00124678

Qaida network – and the rest know we are on their trail. In Afghanistan and in Iraq, we gave ultimatums to terror regimes. Those regimes chose defiance, and those regimes are no more. Fifty million people in those two countries once lived under tyranny – and now they live in freedom.

- Two and a half years ago, our military was not receiving the resources it needed, and morale was beginning to suffer. We increased the defense budget to prepare for the threats of a new era. And today, no one in the world can question the skill, and the strength, and the spirit of the United States military.

- Two and a half years ago, we inherited an economy in recession. Then the attacks on our country, and scandals in corporate America, and the war affected people's confidence. But we acted. We passed tough new laws to hold corporate criminals to account. And to get the economy growing again, we have twice led the Congress to pass historic tax relief for the American people.

- Here is what we believe and here is what we know: When Americans have more take-home pay to spend, save, or invest, the whole economy grows and people can find work. We understand whose money we spend in Washington, DC. It is not the government's money, it is the people's money. We are returning more money to people raising their families. We are reducing taxes on dividends and capital gains to encourage investment. We are giving small businesses incentives to expand and hire new people. With all these actions, we are laying the foundation for greater prosperity, and more jobs across America – so every single person in this country has a chance to realize the American Dream.

- Two and a half years ago, there was a lot of talk about education reform, but there wasn't much action. So I called for, and the Congress passed, the No Child Left Behind Act. With a solid bipartisan majority, we delivered the most dramatic education reforms in a generation. We are bringing high standards and strong accountability measures to every public school in America. We believe every child can learn the basics of reading and math – and we believe every school must teach those basics. We are challenging the soft bigotry of low expectations. The days of excuse-making are over. And now we expect results in every classroom, so that not one child in America is left behind.

REV_00124679

- We reorganized the government and created a Department of Homeland Security to safeguard the borders and ports, and protect the American people. We passed trade promotion authority to open new markets for America's farmers, ranchers, and manufacturers. We passed a budget agreement that is helping to maintain spending discipline in Washington, D.C. On issue after issue, this Administration has acted on principle, kept its word, and made progress for the American people.

- The United States Congress has shared in these great achievements, and I appreciate the hard work of the Members of Congress. We will continue to work together to change the tone in Washington, DC, by focusing on the people's business and focusing on results.

- That's the nature of the men and women I have asked to serve America in my Administration. I have put together a fantastic team – people who understand their job is to set aside partisan bickering and represent all of America. We have had no finer vice president than Richard B. Cheney. Although my mother has her own favorite.

- In two and a half years, we have come far, but our work is only beginning. We have great goals worthy of this great Nation. First: America is committed to expanding the realm of freedom and peace for our own security and for the benefit of the world. Second: In our own country, we must work for a society of prosperity and compassion, so that every citizen has a chance to work, and succeed, and realize the great promise of America.

- It is clear that the future of freedom and peace depend on the actions of America. This Nation is freedom's home and freedom's defender. We welcome this charge of history, and we are keeping it.

- Our war on terror continues. The enemies of freedom are not idle, and neither are we. This country will not rest, we will not tire, we will not stop until this danger to civilization is removed.

- Yet our national interest involves more than eliminating aggressive threats to our safety. Our greatest security comes from the advance of human liberty, because free nations do not support terror … free nations

do not attack their neighbors … free nations do not threaten the world with weapons of mass terror. Americans believe that freedom is the deepest need and hope of every human heart. And we believe that freedom is the right of every person, and the future of every nation.

- America also understands that unprecedented influence brings tremendous responsibilities. We have duties in the world. And when we see disease, and starvation, and hopeless poverty, we will not turn away. On the continent of Africa, America is now committed to bringing the healing power of medicine to millions of men, women, and children now suffering with AIDS. This great land is leading the world in this important work of human rescue.

- We face challenges at home, and our actions prove that we are equal to those challenges. I will continue to work on our economy until everybody who wants to work, and is not working today, can find a job. We have a duty to keep our commitment to America's seniors by strengthening and modernizing Medicare. Late last night, the Congress took historic action to improve the lives of older Americans. For the first time since the creation of Medicare, the House and Senate have passed reforms to increase the choices of seniors, and provide coverage for prescription drugs. The next step is for both houses to come together, iron out some final details, and get a bill to my desk. And the sooner they finish the job, the sooner America's seniors will get the health care they deserve.

- For the sake of our health care system, we need to cut down on frivolous lawsuits, which increase the cost of medicine. People who have been harmed by a doctor deserve their day in court. Yet the system should not reward lawyers who are fishing for rich settlements. Because frivolous lawsuits drive up the cost of health care the medical liability issue is a national problem that requires a national solution. No one has ever been healed by a frivolous lawsuit. We need medical liability reform now. And I also strongly support the class action reform bill passed by the House this month, which would help ensure that more settlement money goes to real victims, not trial lawyers.

- I have a responsibility as President to make sure the judicial system runs well – and I have met that duty. I have nominated superb men and women for the federal courts – people who will interpret the law, not

REV_00124681

legislate from the bench. Some members of the Senate are trying to keep my nominees off the bench by blocking up-or-down votes. Every judicial nominee deserves a fair hearing and an up-or-down vote on the Senate floor. It is time for some Members of the Senate to stop playing politics with American justice.

- The Congress needs to pass a comprehensive energy plan. Our Nation must promote energy efficiency and conservation, and develop cleaner technology. For the sake of our economic security and our national security, we must produce more energy here at home.

- Our strong and prosperous Nation must also be a compassionate Nation. I will continue to advance our agenda of compassionate conservatism – applying the best, most innovative ideas to the task of helping our fellow citizens in need. There are still millions of men and women who want to end their dependence on the government and become independent through hard work. We must build on the success of welfare reform, to bring work and dignity into the lives of more of our fellow citizens. Congress should complete the Citizen Service Act, so that more Americans can serve their communities and their country. And both houses should reach agreement on a faith-based bill to support the Armies of Compassion that are mentoring children, and caring for the homeless, and offering hope to the addicted.

- A compassionate society must promote opportunity for all – including the independence and dignity that come from ownership. This Administration will constantly strive to promote an ownership society in America. We want more people to own their homes. We want more people to own their own retirement accounts. We want more small business owners in America. We want people to own their own health care plan. We understand that when a person owns something, he or she has a vital stake in the future of this country.

- In a compassionate society, people respect one another, and take responsibility for the decisions they make. We are changing the culture of America from one that said: "If it feels good, do it and if you've got a problem, blame someone else," to a culture in which each of us understands we are responsible for the decisions we make in life. If you are fortunate enough to be a mother or father, you are responsible for the well-belling of your child. If you are concerned about the quality of

REV_00124682

education in your community, you are responsible for doing something about it. If you are a CEO in America, you have a responsibility to tell the truth to your shareholders and your employees. And in this new responsibility society, each of us is responsible for loving our neighbor just like we'd like to be loved ourselves.

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- Thank you. God bless you all and may God bless America.

Drafted by: Ed Walsh, Office of Speechwriting
Office: 202/456-0312
Cell: 202/277-8183

REV_00124683

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>;<Newstead, Jennifer G.>
Sent: 6/27/2003 11:20:35 AM
Subject: FW: Heads Up on Treasury Customer Identification Notice
Attachments: WWHU Treasury Notice.doc

-----Original Message-----

From: Chuckerel, Mary M.

Sent: Thursday, June 26, 2003 10:29 AM

To: Arbuckle, Donald R.; Bartlett, Daniel J.; Besanceney, Brian R.; Bolten, Joshua B.; Bumatay, Patrick J.; Call, Amy L.; Conda, Cesar ; Cullinan, Nancy L; DeFrancis, Suzy; Dove, Stephen W.; Duffy, Trent D.; Fleischer, Lawrence A.; Goldman, Adam B.; Greene, William; Hennessey, Keith; Hobbs, David W.; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Kupfer, Jeffrey F.; Lefkowitz, Jay P.; Libby, Lewis ; Machida, Ado A.; McMillin, Stephen S.; Murphy, Daniel J.; Oxford, John; Pelletier, Eric C.; Perry, Philip J.; Rhinesmith, Alan B.; Rossman, Elizabeth L.; Schacht, Diana L.; Schlapp, Matthew A.; Swagel, Phillip L.; Troy, Tevi; Weaver, Bessie M.; Wood, John F.

Cc: Jones, Lisa M.; Ritacco, Krista L.; Thompson, Carol J.; McQuade, Vickie A.; Williams, Alice H.; Ingwell, Carmen M.; Vestewig, Lauren J.; Mayfield, Jennifer H.; Bennett, Melissa S.; Garvin, Dorothy C; Allgood, Lauren K.; Silverman, Garrette; Roberson, Halley M.

Subject: Heads Up on Treasury Customer Identification Notice

<>

June 26, 2003

MEMORANDUM FOR ANDREW CARD

THROUGH: Augustine T. Smythe

FROM: John D. Graham

SUBJECT: Heads Up on Treasury Customer Identification Notice

We have concluded review of a Treasury Department notice that reopens several issues contained in a recent final rule issued by six financial regulatory agencies. The joint regulation, issued pursuant to the USA PATRIOT Act, is a component of the government's anti-money laundering and anti-terrorist financing effort. It requires financial institutions to develop reasonable procedures for identifying their customers.

The two aspects of the regulation that will be reexamined, and for which the notice seeks comment, regard (1) the retention of photocopies of identification documents, and (2) the reliance on certain forms of foreign government-issued identification. After the final rule was published, House Judiciary Chairman Sensenbrenner and the Department of Justice expressed concern regarding the final regulation's treatment of these situations and the resulting negative impact on law enforcement. Financial institutions have until October 1, 2003 to be in compliance.

After the 30-day comment period on this notice is concluded, a decision will be made whether to initiate a rulemaking to revise the requirements of the recently-published final regulation. Comments on the notice being published this week will create an administrative record that can be used to undertake such a change.

Please let me know if you have any questions.

cc: Don Arbuckle
Dan Bartlett
Brian Besanceney
Josh Bolten
Patrick Bumatay
Amy Call
Cesar Conda
Nancy Cullinan
Suzy DeFrancis
Stephen Dove
Trent Duffy
Ari Fleischer
Adam Goldman
Bill Greene
Keith Hennessey
David Hobbs
Ed Ingle
Daryl Joseffer
Joel Kaplan
Jeff Kupfer
Jay Lefkowitz
Lewis Libby
Ado Machida
Steve McMillin
Dan Murphy
John Oxford
Eric Pelletier
Phil Perry
Alan Rhinesmith
Beth Rossman
Diana Schacht
Matt Schlapp
Phillip Swagel
Tevi Troy
Bess Weaver
John Wood

From:	CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To:	Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent:	6/27/2003 7:21:51 AM
Subject:	: FW: Heads Up on Treasury Customer Identification Notice
Attachments:	P_KXQJH003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:27-JUN-2003 11:21:51.00
SUBJECT:: FW: Heads Up on Treasury Customer Identification Notice
TO:Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Subject: Heads Up on Treasury Customer Identification Notice

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_KXQJH003_WHO.TXT_1>

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John Oxford
Eric Pelletier
Phil Perry
Alan Rhinesmith
Beth Rossman
Diana Schacht
Matt Schlapp
Phillip Swagel
Tevi Troy
Bess Weaver
John Wood

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>;tjosefiak@georgewbush.com <tjosefiak@georgewbush.com>
Sent: 6/27/2003 12:04:05 PM
Subject: Ethics Briefing for WH Staff

When do you think you'll be ready to do a briefing for the WH staff re: working w/ the campaign and all the ethical guidelines we should follow?

From: Snee, Ashley
To: <Kavanaugh, Brett M.>
Sent: 6/27/2003 2:08:53 PM
Subject: i just got nat'l journal. what is your fax number?

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 6/27/2003 3:00:10 PM
Subject: Manny

feedback on the Manny meeting. read to the bottom.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/27/2003 03:00 PM ----------

Tim Goeglein

06/27/2003 02:59:15 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Tim,

B

I just received this note; it **is** as bad as we feared.

tsg

---------- Forwarded by Tim Goeglein/WHO/EOP on 06/27/2003 02:58 PM ----------

Richard Lessner

06/27/2003 02:17:01 PM

Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP

cc:

Subject: Tim,

Tim,

I don't know what was going on that provoked the meeting this morning,

but in all honesty I found it insulting. I ducked a lecture here at FRC that I had a hand in promoting in order to attend a meeting utterly without substance, that plowed the same old ground, and amounted to little more than a pep talk. We don't need any more pep talks. I find them condescending. And we're not awed by being invited to the Senate. This was a colossal waste of time.

I know it wasn't your meeting, just wanted to vent.

RL

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Brown, Reginald J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>;<Addington, David S.>
Sent: 6/27/2003 3:13:02 PM
Subject: Texas reaction to Michigan cases

Texas to Restore Race in Admissions

By ANITA CHANG

The Associated Press

Friday, June 27, 2003; 2:42 PM

DALLAS - Six years after dropping affirmative action in favor of a 10 percent solution, Texas' public university system will work to restore race as a factor in admissions, with the blessing of the U.S. Supreme Court.

Larry Faulkner, president of the University of Texas' 50,000-student flagship campus at Austin, said the changes could be in place there this fall for applicants for the 2004-5 school year. The other schools in the 170,000-student UT system would probably follow Austin's lead.

Affirmative action "gets to the heart of what we try to accomplish as an institution," Faulkner said. "It's important for us to have strong representation here of students from all sectors of society."

Earlier this week, the Supreme Court upheld affirmative action at universities, endorsing the notion that diversity on campus makes for a more just society. The court struck down a race-based point system for undergraduate admissions at the University of Michigan as too rigid, but it upheld the more individualized policy at the university's law school.

Faulkner did not give details of how race will be added back into the equation. Any such changes would probably not require legislative approval, but must be compatible with Texas' "Top 10 Percent" admissions law.

Under that law, students who graduate in the top 10 percent of each high school are automatically admitted to the state university system.

Two other big states use similar methods: California guarantees admission to the top 4 percent of its high school graduates, and Florida's 4-year-old policy admits the top 20 percent. The plans are aimed at giving a shot at an education to a diverse selection of students.

"The percentage plans are predicated on the continued existence of segregated housing patterns giving rise to extremely segregated high schools," said Sheldon Steinbach, general counsel for the American Council on Education.

Texas dropped the use of race in college admissions in 1996 after a federal appeals court overturned the University of Texas law school's affirmative-action program. The state adopted the 10 percent

solution under then-Gov. George W. Bush in 1997. Around that time, California voters passed Proposition 209 to ban racial and ethnic preferences in hiring and admissions.

Florida's plan was promoted by Gov. Jeb Bush, the president's brother, who initiated it without being directly forced to do so by either a court ruling or a ballot measure.

Because California's race-blind policy is now part of the state constitution, it cannot be changed without another statewide vote.

As for Florida, the governor said his state's policy will not change in the wake of the high court's decision. "Embracing diversity in meaningful ways with nondiscriminatory practices has yielded a better result for African-American and Hispanic students in our state," Jeb Bush said.

Any changes in Texas could have political ramifications, since President Bush has touted his home state's 10 percent plan as a model race-blind policy.

Republican Gov. Rick Perry has asked for the state attorney general's opinion on the Supreme Court ruling so public universities and colleges in Texas would have a clearer idea of how race may be reincorporated into admissions.

The Texas and California programs have a mixed record, with minority enrollment holding steady or up only slightly at most schools, and lower at competitive schools like UC-Berkeley.

The Florida plan has not seen a similar drop-off. But its plan is not entirely race-neutral: Florida has financial aid, recruitment and retention programs targeting minorities, and those programs are banned in Texas and California.

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/27/2003 4:18:48 PM
Subject: RE: Manny

May I share this with Frist's COS?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 27, 2003 3:00 PM
To: Grubbs, Wendy J.
Subject: Manny

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From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 6/27/2003 4:19:19 PM
Subject: RE: Manny

no

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/27/2003 04:18:48 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

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RL

From: Jucas, Tracy
To: <Davis, Jennifer L.>;<Ralston, Susan B.>;<Kavanaugh, Brett M.>;<Benit, Erin>;<Hernandez, Israel>
CC: <Ganter, Jonathan F.>
Sent: 6/27/2003 4:51:13 PM
Subject: Photo Office Meeting

Please let me know, if you haven't already, whether or not Monday, June 30, at 2:30 PM is a good time for you to meet regarding the photo process. Jennifer Davis and Matt Schlapp met about this once and both requested that I organize another meeting in order to get some key questions answered such as: billing during campaign/official visits, point of contact, tracking etc.

If you can let me know today, that would be great.

Thanks,

Tracy

From: Kavanaugh, Brett M.
To: <Jucas, Tracy>
CC: <Davis, Jennifer L.>;<Ralston, Susan B.>;<Benit, Erin>;<Hernandez, Israel>;<Ganter, Jonathan F.>
Sent: 6/27/2003 5:06:39 PM
Subject: Re: Photo Office Meeting

This is good by me. Where?

Tracy Jucas

06/27/2003 04:57:23 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Jonathan F. Ganter/WHO/EOP@EOP

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Message Sent To:

Jennifer L. Davis/WHO/EOP@EOP

Susan B. Ralston/WHO/EOP@Exchange@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Erin Benit/OVP/EOP@Exchange@EOP

Israel Hernandez/WHO/EOP@Exchange@EOP

From: Jucas, Tracy
To: <Davis, Jennifer L.>;<Schlapp, Matthew A.>;<Benit, Erin>;<Ralston, Susan B.>;<Kavanaugh, Brett M.>;<Hernandez, Israel>
Sent: 6/27/2003 5:08:12 PM
Subject: Photo Office

I'm sorry about changing the date, but Monday will not work for a photo meeting anymore. How about Tuesday, July 1 at 1:30 PM in Matt's Office? Please confirm as soon as possible.

Thank you,

Tracy

From: Kavanaugh, Brett M.
To: <Grubbs, Wendy J.>
Sent: 6/27/2003 5:18:27 PM
Subject: RE: Manny

do not share the email but you can give them an oral report.

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/27/2003 04:20:28 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: Manny

meanie

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, June 27, 2003 4:19 PM

To: Grubbs, Wendy J.

Subject: RE: Manny

no

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/27/2003 04:18:48 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: Manny

May I share this with Frist's COS?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, June 27, 2003 3:00 PM

To: Grubbs, Wendy J.

Subject: Manny

feedback on the Manny meeting. read to the bottom.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/27/2003 03:00 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>

Tim Goeglein

06/27/2003 02:59:15 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Tim,

B

I just received this note; it **is** as bad as we feared.

tsg

---------- Forwarded by Tim Goeglein/WHO/EOP on 06/27/2003 02:58 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >> Richard Lessner

06/27/2003 02:17:01 PM

Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP

cc:

Subject: Tim,

<< OLE Object: Picture (Device Independent Bitmap) >>

Tim,

I don't know what was going on that provoked the meeting this morning, but in all honesty I found it insulting. I ducked a lecture here at FRC that I had a hand in promoting in order to attend a meeting utterly without substance, that plowed the same old ground, and amounted to little more than a pep talk. We don't need any more pep talks. I find them condescending. And we're not awed by being invited to the Senate. This was a colossal waste of time.

I know it wasn't your meeting, just wanted to vent.

RL

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>
CC: <Litkenhaus, Colleen>
Sent: 6/27/2003 5:48:08 PM
Subject: RE: 3:00 Working Group today - Room 180 and call in for those on the road

This looks to be a standard official meeting to ensure that the relevant administrative apparatus for upcoming Presidential trips of all kinds is in place, which is an official function. As such, no reimbursements appear to be necessary, but let's discuss. Thanks.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/27/2003 05:40:38 PM

Record Type: Record

To: Colleen Litkenhaus/WHO/EOP@Exchange

cc: Brett M. Kavanaugh/WHO/EOP@EOP

Subject: RE: 3:00 Working Group today - Room 180 and call in for those on the road

Izzy explained that this is a standing meeting that takes place for all upcoming WH events. If a BC'04 event is on the schedule, the campaign personnel get to participate just for that portion of the discussion. For today's call, they did discuss Monday's BC'04 events in FL, but they also discussed 4th of July in OH. That's the background. I'll let Brett decide re: reimbursement of any cost. What is the cost associated for having a conference call like this?

-----Original Message-----

From: Litkenhaus, Colleen

Sent: Friday, June 27, 2003 12:37 PM

To: Ralston, Susan B.

Subject: FW: 3:00 Working Group today - Room 180 and call in for those on the road

Is this an example of a conference call that should be paid for by the campaign?

-----Original Message-----

From: Bearson, Darren W.

Sent: Friday, June 27, 2003 11:37 AM

To: Linder, Stephanie E.; Bourns, Lindsay J.; Beyer, Todd W.; Gannon, Kelley; Reid, Margaret A.; Drummond, Ashley D.; Opa - Political Affairs; Cook Media Affairs, Jane M.; Walsh, Edmund A.; Iga Intergovernmental Affairs; Dickens, Reed; Gottesman, Blake; Sforza, Scott N.; virginia t. gregory/who/eop@eop; Steen, Gretchen P.; Office Of Media Affairs; Litkenhaus, Colleen; lindsey c. kozberg/opd/eop@eop; Otto, Eric H.; Hernandez, Israel; Young, Tracy; Viana, Mercedes M.; Gonzalez, Emilio T.; Dayspring, Bradford D.; Oca - Office Of Cabinet Affairs; Deckard, Josh ; Thomas, Julieanne H.; Estes, John D.; Medina, Sonya E.; Jones, Brian C.; Snee, Ashley; Opl - Public Liaison; White, Jeremy L.; Kuo, David; Atkiss, Steven A.; Warsh, Kevin; Mynster, Kathleen; Mallea, Jose; Pipes, Kasey S.; Riepenhoff, Allison L.; Parell, Christie; Fullerton, Laura F.; West, Christal R.; Holbrook, Ashley ; Ingols, Adam B.; Campbell, Anne E.; Vargo, Erin A.; Jenkins, Gregory J.; Wray, Jennifer A.; Reardon, Brian; Besanceney, Brian R.; Elliott, Ruth E.; Douglass, Kimberly A.; Godfrey, Georgia D.; Schake, Kori N.; Gray, Terra ; Burkhart, Shannon; Healy, Erin E.; Lineberry, Stephen M.; Dunlap, Kady ; Atkiss, Steven A.; Lineberry, Stephen M.; Villarreal, Jesse O.; Waters, James A.

Cc: cjohnson@georgewbush.com

Subject: 3:00 Working Group today - Room 180 and call in for those on the road

Florida 3:00 to 3:10

Ohio 3:10 to 3:20

Call in #

1-877-787-4413

Code: 736939#

From: Farrell, J. Elizabeth
To: <Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bartolomucci, H. Christopher>;<Kavanaugh, Brett M.>;<Sampson, Kyle>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>;<Ullyot, Theodore W.>;<Ganter, Jonathan F.>;<Montiel, Charlotte L.>;<Bumatay, Patrick J.>;<Nelson, Carolyn>;<Bingold, Elizabeth>;<Leitch, David G.>;<Carroll, James W.>
Sent: 6/27/2003 6:08:30 PM
Subject: Bye!

It's been an honor and pleasure to work with all of you. Thank you for giving me opportunities to learn from your experiences and for your wonderful example of teamwork and work ethic. I'm sad to leave this team, but thankful we'll still be in the same vicinity. Please visit me at HSC soon! My phone number and email will remain the same.

Thanks again for everything,

Liz

From: Kavanaugh, Brett M.
To: <Hernandez, Israel>
Sent: 6/29/2003 2:18:00 PM
Subject: Brown v. Board 50th anniversary

Decision in Brown v. Board was May 17, 1954. I assume the 50th anniversary will be on calendar for next year, but just wanted to make sure.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 6/30/2003 9:02:53 AM
Subject:
Attachments: June 27, 2003 NALEO.doc

As prepared, but not necessarily as delivered.

REMARKS BY
ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

NALEO

PHOENIX, ARIZONA

FRIDAY,
JUNE 27, 2003

REV_00124729

Thank you. Good afternoon, ladies and gentlemen. My presence here today and the simile on my face confirm that the U.S. Supreme Court has issued its final opinions for the term and there has been no announcement of a vacancy on the court, thus creating the good possibility that the White House will not be engaged this summer in a protected effort to get the President's nominee confirmed in a closely divided Senate.

REV_00124730

It has been a historic week for our country. But in truth ladies and gentlemen, it seems that virtually every day, history is made in the White House.

After all, people from all over the world travel to Washington for a look at the President's home. They stand outside the black iron rod gates peering in for just a glimpse of the President or First Lady. Like most Americans I can chronicle my life by White House events I have watched unfold on television over the years.

REV_00124731

And I have yet to meet an American who is not in awe when they first step into the West Wing. Of course, most of the inspiration comes from the fact that the President of the United States is there… particularly now during this historic period for our country.

REV_00124732

When I think of leadership, I often repeat in my mind a quote I heard many years ago – "In every age there comes a time when leadership suddenly springs forth to meet the needs of the hour. And so, there is no man that does not have his time, and no hour that does not have its leader." This quote steadies me – it grounds me – reassuring my faith that our needs will always be provided for. True leadership abounds in the human spirit and with the nurturing of God and man – this leadership can be realized.

REV_00124733

Following September 11th we know that our country is confronting a historic threat. We are facing a type of enemy never seen before – an enemy that doe not respect our values. They do not love liberty, they do not respect law, they do not cherish life. Defeating such an extraordinary threat requires extraordinary leadership.

REV_00124734

This President, this Administration, has been commissioned to discharge a solemn duty in a uniquely singular moment in the history of America.

But there are other threats, other dangers closer to home that also require a response. All of you have been elected or appointed to serve have been given a sacred trust to make decisions that address the needs of others. You may consider yourself to be ordinary, but you are extraordinary Americans who have been chosen to meet the needs of this hour – of this time.

REV_00124735

As you consider your commitment, it is natural for other to ask how did these leaders come to be? What is the source of their achievements? What events led them to this hour – this very moment? Each of them has a story with many twists and turns. A story that could have had a different outcome depending on the choices they made when opportunities presented themselves … opportunities that simply were not available to many of our parents.

REV_00124736

Years ago, Hispanic children had to attend separate schools in some parts of our great country. Perhaps someone in the audience remembers not being allowed to serve on a jury or live in a certain neighborhood because of their ethnicity … I have visited the graves of my relatives buried in the "Mexican" section of a cemetery in San Antonio.

REV_00124737

We all know that today, the opportunities for the Hispanic community are better. Earlier this month headlines touted that Hispanics now constitute the largest minority population in America. Arguably, our booming population growth makes it dangerous for politicians wanting our votes and companies coveting our dollars to ignore the needs of our community. So many of my friends draw comfort from the fact that we are no longer few in numbers. But like some of you, I still worry when I see so many unmet needs.

REV_00124738

Our children continue to be endangered by a rising tide of drugs, crime and indifference that threatens to wash away the opportunity for even a high school education. Now, we have recognized the problem for years, and talked and talked about the solutions. But, every day another child is lost as we continue to wring our hands with indecision. (PAUSE)

It is time to stop talking.

REV_00124739

Rebecca, and I have two young sons at home. And when I drive them somewhere they often ask, "Daddy, where are you taking me?"

It is a perfectly natural question from curious little boys. But standing here is front of the elected and appointed leaders of the Hispanic community, it seems to me to be an equally legitimate question to ask of you, "Where are you taking me?"

Because you see, having placed our future in your hands, we have a right to ask that question. And you have a duty to have an answer.

REV_00124740

I believe that a person's character can best be measured after you give them power. What will you do with the power that comes with your office? How will your character measure up? In the future as we assume more power, we will be to blame if our children continue to be illiterate, if our small businesses continue to remain shut out from government contracts, and if our parents cannot afford healthcare? So where are you taking us?

REV_00124741

Will you lead us forward with an eye upon the lessons of the past? There is little question that life was more difficult for people named Villalreal, Longoria, and Fernandez, but in an ironic way, the old prejudices – the bigotries of the past - served to strengthen our community.

In dealing with social and economic barriers, we have always been sustained by family and religion, … and in so doing, we discovered the strength of our faith, the beauty of our culture, and we developed strong, visionary leadership.

REV_00124742

Our experiences, though painful, provided important lessons. It is important that our children understand these lessons, that they learn and are continuously reminded of the importance of personal responsibility … reminded not just by our words but by our actions. If we are silent during the debate aobut public education in this country … if we are timid in the face of discrimination … if we are absent at the voting both on Election Day, then we fail in our missions to prepare the next generation of leaders.

REV_00124743

So, where are you taking us?

As a young man, my father picked crops as a migrant worker in the fields of South Texas where he met my mother. Later – limited in opportunity by a second grade education – Dad worked construction and eventually on a maintenance crew at a Houston rice mill until he died during my last semester in law school. My mother would often wake me as a boy before dawn so I could have eggs and tortillas with my father before he left for work.

REV_00124744

Last month Mom – now seventy- came to stay with my family and visit Washington for the first time. We walked the monuments and the museums like other tourists, but I also took her into the Oval Office to see the President. It was important for me to be able to do that for her – this little woman with virtually no formal education who with my father struggled to provide for her children – I took her to thank her and to show her what I had accomplished because of her sacrifices and those of my father.

REV_00124745

At dawn on the last day of her visit, she was there to say goodbye as I left for work – just as she had done for my father on so many mornings. Only I wasn't going to a construction site, I was reporting to the White House to advise the most powerful person in the world.

Think of the pride and wonder that must have filled her heart. She never dreamed that I would take her from the cotton fields to the Oval Office. Where are you taking me?

REV_00124746

As I look around this room, I see such a remarkable collection of talent that gives me great hope. All of you are success stories - with chapters of accomplishments still unwritten. You are smart, ambitious, and hardworking…but, I promise you – particularly for the elected officials we recognize today, you are here because somewhere, sometime in your life, there was someone that made a sacrifice so you would have a chance; somewhere, a parent, a teacher, an employer, gave you an opportunity and opened the doors to your success.

REV_00124747

Yes, we may be different in origin, but we pursue a common end, asking for only one thing – an opportunity to succeed. "Just give me a chance to prove myself" – that is the prayer that Latinos share – still today. I am the beneficiary of the sacrifices of my parents, and the many opportunities given to me by our President. There were many others of course, who are less recognizable. I do not know their names, but we are all familiar with their faces: the Panamanian woman who served your meal, the Columbian janitor who will sweep these floors

REV_00124748

when you are gone, the Guatemalan cook, the Peruvian shoemaker, the Honduran seamstress, the Puerto Rican teenager who cuts your grass, the Cuban roofer putting the shingles on your neighbor's house, the Mexican construction worker like my father before me.

I am all of these people who have sacrificed because I am Hispanic. As are you. As are you.

REV_00124749

Your responsibility and mine, is to give another person a chance. You want to be a hero, then believe in a child. Help someone get into college, encourage them to own their own business, motivate them to give back to the community that has nurtured them, support them in pursuing their dream.

REV_00124750

Last year I attended the Hispanic Heritage Awards at the Kennedy Center, and watched with pride and inspiration as five Hispanics were recognized for excellence in their chose field. One of the honorees was Derek Para from California.

You may remember that Para became the first Mexican American to compete in, and medal in the Olympic Winter Games. Following his historic achievement Derek spoke of his struggles and his joy in being the first Latino to bring home Olympic Gold.

I was moved by his public acknowledgment of his faith in God and his obvious pride in our community.

I think faith is a common trait found in many of our leaders. Faith in the outcome of the risks they took. Faith in their abilities to succeed in their efforts. Faith in those family and friends that stood by believing in them even before they reached the pinnacles in their careers. And faith in an almighty God that would assure them that "His will be done."

REV_00124752

Few of us will have the opportunity to compete for gold in the Winger Olympics or for the Presidency of the United States. But we can all be heroes by simply believing in a child. It is particularly important that our Hispanic leaders nurture and encourage others – because as you know better than most the needs of our community are still so great.

REV_00124753

When I was a Texas state official I often said that one of the most important gifts we can give a child is hope…to leave them with a dream…to convince them that anything is possible. I often asked young students "How big can you dream?" It is a question that often caused them to fidget, eliciting nervous laughter – as if it is silly or childish to dream big dreams.

REV_00124754

On Monday, the Supreme Court took a step in the right direction by recognizing the value of diversity on our Nation's campuses. As the President has said from the beginning, "[d]iversity is one of America's greatest strengths," and we applaud the Supreme Court for recognizing this.

REV_00124755

Diversity comes in many forms – racial, religious, economic, and geographic, to name a few – and all of these aspects of our society should be reflected at our institutions of higher education. A college education should teach more than the basic courses required to graduate – students should leave college with greater understanding of, and respect for, people different from themselves. In order to grow in that fashion, they must have the opportunity to live among and study with a diverse group of classmates during their time in college.

REV_00124756

The values of mutual respect and diversity of viewpoint are only strengthened by having students from different backgrounds interacting with and learning from one another on campus and in the classroom.

REV_00124757

Monday's decisions in the Michigan affirmative action cases strike a careful balance between the goal of campus diversity and the fundamental principle of equal protection and treatment under the law. The effect of these two rulings will be to allow universities to continue using race or ethnicity as a "'plus' factor in a particular applicant's file," but also to require that schools take special care to evaluate each applicant as an individual, not in a way that makes race the defining feature of his or her application.

REV_00124758

REV_00124759

The majority in the law school decision also endorsed the view that race-conscious affirmative action policies should not be a permanent feature in the application process, and announced their expectation that "25 years from now, the use of racial preferences will no longer be necessary to further the interest" of diversity based affirmative action.

REV_00124760

This Administration has promoted, and will continue to promote, polices that expand educational opportunities for all Americans. The Supreme Court has made clear that colleges and universities should engage in a serious, good faith consideration of workable race-neutral alternatives that reflect our Nation's diversity without relying on racial quotas.

REV_00124761

Some states, like California, Florida, Washington and Texas, have proven that broad racial diversity can be achieved without using racial quotas, by guaranteeing admissions to the top students from high schools throughout the state, including low income neighborhoods. This is especially important because the arena of education is the gateway to freedom for the children of poor families.

REV_00124762

These race-neutral admissions policies have resulted in high levels of minority attendance for incoming students that are similar to, if not even better than, those achieved under a race-based approach.

REV_00124763

There are members of society who say that quality is determined not by external characteristics, such as race and socio-economic background, but by internal discipline and training. The President agrees with the importance of ability but also appreciates the benefits that diversity brings. As the former Governor of Texas and the President of the United States, President Bush has valued diversity among those he has appointed to his Administration.

REV_00124764

This diversity has proven to be an important complement to integrity and competence. Likewise, this has been and will continue to be true of his appointments to the bench. Obviously, interpretation of law should not be based on the ethnicity of a judge because there is no white, black or brown jurisprudence.

REV_00124765

The President looks first at each candidate's qualifications, experience, and judicial philosophy, but has also made clear that he believes government should be open to all qualified individuals from every segment of society. The President also recognizes that we live in a diverse nation where quality individuals are found in many colors. He has instructed those who seek out judicial candidates to go the extra mile to ensure that opportunities are available to everyone.

REV_00124766

Racial and ethnic diversity is part of who this Country is. Diversity represents one of our greatest strengths; therefore, we must strive to guarantee that all Americans have the opportunity to reach their fullest potential. Every year, since the founding of this Nation, immigrants have come to America with the hope of better opportunities for themselves and their children.

REV_00124767

The President embraces these desires and has taken steps to ensure that all students are given a quality education, no matter what ethnic or economic background they come from. This Administration will continue to actively promote diversity and opportunity in every way that the law permits.

REV_00124768

A few years ago then Texas Governor Bush spoke about the sacrifice by my parents. Referring to my then recent appointment to the Texas Supreme Court, the Governor said that I had realized my parent's dreams.

REV_00124769

So I ask you today, "how big can you dream?" The answer to that question says more to me about you than any resume or press release. It tell me how soon we achieve the President's vision of a country in which no child is left behind, a country in which armies of compassion rise up to wage battle against the evils of our society — a country where every person, no matter their ethnicity, gender or race has an equal opportunity to the American dream, where an African American little boy can become a United States Senator, a Hispanic

REV_00124770

child from the barrios of Los Angeles or Miami can become a United States Supreme Court Justice, a country in which a little girl can become its President.

If you are still dreaming big dreams, not just for yourself, but for others - if that is where you are taking me - then that's where I want to be – with you…working side by side, shoulder to shoulder for America.

REV_00124771

I close by confessing that being the lawyer for this President is the best legal job in America. If Rebecca and I could afford it, I would serve this President and our country for free. I have perhaps the most important client in the world, a man whom I admire and respect so much, and the quality of work is unparalleled - what we do more than satisfies the hopes and dreams I had as a young man contemplating a career in the law because I wanted a job where I could make a difference in the lives of ordinary people and for my community.

REV_00124772

So all that we have accomplished, we owe not just to a President, but as well, to the true heroes of our community, the people who simply believed in a child.

Emerson said that, "what lies behind us and what lies before us are tiny matters compared to what lies within us."

All of my hopes and dreams are in my children. The choices that you make as leaders will have a profound impact on my life and the lives of my sons. Will we continue to enjoy

REV_00124773

prosperity? Will we continue to be safe? Will we continue to be free?

Like it or not, ready or not, the fate of all I hold dearest is really in your hands. Not all of your decisions will be fun or easy. Not all of your decisions will be glamorous or make the evening news. Some will be about family, duty to country, and just helping others.

You will decide.

REV_00124774

So I care very much about the choices you are going to make… the world you are about to create.

This is why I am here… and this is why I ask, “Where are you taking me?”

Ladies and Gentlemen, I look forward with anticipation to your answer.

Our country is becoming increasingly more diverse, and the face of its leadership must change to keep pace.

Thank you for doing your part in teaching civic responsibility, highlighting role models, educating our children, and providing leadership for our community. I pray that God will continue to watch over you and your families, may He guide your decisions and may He continue to bless the United States of America.

Thank you.

REV_00124777

From: Nelson, Carolyn
To: <Addington, David S.>;<Bartolomucci, H. Christopher>;<Bingold, Elizabeth>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bumatay, Patrick J.>;<Ganter, Jonathan F.>;<Kavanaugh, Brett M.>;<McNally, Edward>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>; <Ullyot, Theodore W.>
Sent: 6/30/2003 10:37:31 AM
Subject: John Yoo on PBS

http://www.pbs.org/newshour/bb/law/jan-june03/scwrap_06-27-03.html

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 6/30/2003 12:48:38 PM
Subject:

From today's gaggle:

Q Anything on a head's-up, Supreme Court-wise?

MR. FLEISCHER: I do not.

Q Is it your sense that as we get further into this week that it's less and less likely that we'll see any turnover in the Court?

MR. FLEISCHER: I think those are questions that need to go to judicial observers. You know if there is something, the White House will deal with it. But I have no knowledge of anything.

Q So you're not standing down as we get further away from the recess -- further into the recess?

MR. FLEISCHER: Again, I leave these judgments up to others. You know, many people who have watched the Court thought last Friday would be the day, if there was a day. Some people say it doesn't have to be last Friday. Those are judgments others are best able to make. If it becomes a White House story, we'll have a White House story.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 6/30/2003 2:03:38 PM
Subject:

Rehnquist and O'Connor are both interviewing some clerk applicants for 2004-05 term.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
CC: <Gonzales, Alberto R.>;<Ullyot, Theodore W.>
Sent: 6/30/2003 4:53:59 PM
Subject: RE: Michigan 4

Agree, but the Frist folks appear intent on moving ahead on this (and have so informed outside groups). They tend to do things on their own sometimes.

From: David G. Leitch/WHO/EOP@Exchange on 06/30/2003 04:49:18 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@Exchange, Theodore W. Ullyot/WHO /EOP@EOP

cc:

Subject: RE: Michigan 4

Seems like it would make sense to follow up with Hatch directly on his intention to hold hearings. As we have discussed, that's on the list of items for the Judge to raise with Hatch. I may also raise with Makan because he had told me of his intention to draft the letter on consultation for Hatch to send to the Michigan senators.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Monday, June 30, 2003 4:42 PM

To: Gonzales, Alberto R.; Leitch, David G.; Ullyot, Theodore W.

Subject: Michigan 4

fyi: The Frist folks apparently have decided to focus some on Michigan 4 and put pressure on Sen. Hatch by beginning a floor effort on Monday the 7th and continuing through the 10th that will focus on Michigan. Not sure yet what this will entail.

From: Hanusa, Mary Ann
To: <Miers, Harriet>;<Gambatesa, Linda M.>;<Kavanaugh, Brett M.>;<Good, Terry W.>
Sent: 6/30/2003 5:06:30 PM
Subject: Traveling Bullhorn

Last week, I spoke with staff at the Smithsonian's American History Museum and the National Archives regarding the proposal to include the President's bullhorn, used on September 14, 2001, in the Smithsonian's traveling exhibit entitled, *Bearing Witness to History: September 11, 2001.*

In both conversations, I reiterated the White House's concern about the security of the bullhorn while it is traveling with this exhibit. The Smithsonian has not yet finalized the list of cities nor the venues it plans to visit with their exhibit. In my view, the White House should not agree to the loan of the bullhorn until this list is finalized, and the sites appear acceptable for display of the bullhorn. The Smithsonian is building a crate to store the bullhorn, but started before consulting with the White House on the specifics needed, etc.

I talked to the Presidential Libraries division of the Archives, and they already knew that the Smithsonian wanted to take the bullhorn on the road, as the Smithsonian had already contacted them. I asked the Archives if some of their experts could look at the Smithsonian's plan for security of the bullhorn. The Archives offered two options:

1) The Archives will send a couple of their staff to the White House to look over and evaluate the Smithsonian plan, to see if the crate that the Smithsonian has in mind will sufficiently protect the bullhorn for long-term travel and storage.

2) The Archives can "co-sign" the loan of the bullhorn to the Smithsonian. This has been done before with other items loaned from the White House. While it has no legal bearing, this arrangement allows the Archives to contact the Smithsonian directly and consult/confer on the cities, venues, security, etc. for the exhibit as it travels. The Archives would serve as the "watch dog" to make sure that the Smithsonian is fulfilling its responsibilities re: the loan. This doesn't mean that the White House is shut out of the arrangement, only that the Archives will oversee the arrangements and the nitty gritty details.

I believe that option #2 is the best way for the White House to go, if a final decision is made to loan the bullhorn for the exhibit. We certainly need to assure that when the bullhorn leaves Washington it is in a secure display box with proper humidity and temperature controls. Likewise, the White House needs to know that the venues at which the bullhorn is displayed are appropriate and deserving of a loaned item from the President. The Archives can help us with this, and I think also give us all a greater level of comfort in loaning this historic item.

Let me know your thoughts. Thanks.

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
CC: <Newstead, Jennifer G.>
Sent: 6/30/2003 5:09:52 PM
Subject: RE: Name checks

probably the latter. I don't think we need to do them on everyone interviewed.

From: David G. Leitch/WHO/EOP@Exchange on 06/30/2003 05:05:33 PM

Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: Name checks

Not sure. Do you know if we've ever done this routinely or is the idea just to have it handy in case we want to get started?

-----Original Message-----

From: Newstead, Jennifer G.

Sent: Monday, June 30, 2003 2:56 PM

To: Leitch, David G.; Kavanaugh, Brett M.

Subject: Name checks

In trying to track down the results of the name check on Sandra Townes, I learned from Jim Carroll that we haven't been doing name checks routinely on candidates for some time -- this was news to me and I expect may be to you as well. Anyway, apparently we have still been asking candidates to fill out the name check paperwork, so we have it on Townes. Jim s going to try to get the check done today. He thinks he can get an answer by tomorrow morning.

Do we need to revisit the broader question of whether they should be done regularly?

From: Heather.McNaught@usdoj.gov
To: <Ullyot, Theodore W.>;<Sampson, Kyle>;<Powell, Benjamin A.>;<Newstead, Jennifer G.>;<Kavanaugh, Brett M.>;<Bartolomucci, H. Christopher>;<Leitch, David G.>
Sent: 6/30/2003 5:36:31 PM
Subject: Farewell Party for Adam Charnes

You Are Cordially Invited to a

Farewell Party for Adam Charnes

Thursday, July 3, 2003

1:00pm

Room 4234
Main Justice
950 Pennsylvania Ave., NW

Please RSVP by Noon, July 2, 2003
202-514-4601

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 6/30/2003 6:34:56 PM
Subject: staffing memo

do you have comments on the form responses to autism and economy?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 6/30/2003 3:15:33 PM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:30-JUN-2003 19:15:33.00
SUBJECT::
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Can we talk about President possibly speaking at Federalist Society
National Convention in November? The Vice President spoke last year.
```

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 7/1/2003 7:35:02 AM
Subject: Re: staffing memo

Got kyle to do it.

From: Kavanaugh, Brett M.
To: <Montiel, Charlotte L.>;<Kavanaugh, Brett M.>
Sent: 7/1/2003 8:08:32 AM
Subject: Re: staffing memo

Ok. When you do that, it helps to let people know.

.

----- Original Message -----

From:Charlotte L. Montiel/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 07/01/2003 07:35:02 AM

Subject: Re: staffing memo

Got kyle to do it.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 7/1/2003 8:18:05 AM
Subject: FW: Proposed Rulemaking on SBA's Certified Development Company Loan Program
Attachments: WWHU SBA 504.doc

-----Original Message-----

From: Chuckerel, Mary M.

Sent: Friday, June 27, 2003 11:01 AM

To: Arbuckle, Donald R.; Bartlett, Daniel J.; Besanceney, Brian R.; Bolten, Joshua B.; Bumatay, Patrick J.; Call, Amy L.; Conda, Cesar ; Cullinan, Nancy L; DeFrancis, Suzy; Dove, Stephen W.; Duffy, Trent D.; Fleischer, Lawrence A.; Goldman, Adam B.; Greene, William; Hennessey, Keith; Hobbs, David W.; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Kupfer, Jeffrey F.; Lefkowitz, Jay P.; Libby, Lewis ; Machida, Ado A.; McMillin, Stephen S.; Murphy, Daniel J.; Oxford, John; Pelletier, Eric C.; Perry, Philip J.; Rhinesmith, Alan B.; Rossman, Elizabeth L.; Schlapp, Matthew A.; Swagel, Phillip L.; Troy, Tevi; Weaver, Bessie M.; Wood, John F.

Cc: Jones, Lisa M.; Ritacco, Krista L.; Thompson, Carol J.; McQuade, Vickie A.; Williams, Alice H.; Ingwell, Carmen M.; Vestewig, Lauren J.; Mayfield, Jennifer H.; Bennett, Melissa S.; Garvin, Dorothy C; Allgood, Lauren K.; Silverman, Garrette; Roberson, Halley M.

Subject: Proposed Rulemaking on SBA's Certified Development Company Loan Program

<>

June 27, 2003{tc "July 16, 2002"}

MEMORANDUM FOR ANDREW CARD

THROUGH: Augustine T. Smythe

FROM: John D. Graham

SUBJECT: Proposed Rulemaking on SBA's Certified Development Company Loan Program

OMB has concluded review on a Small Business Administration (SBA) proposed rule entitled "Development Company Loan (504) Program Changes." The 504 program, established in its current form in 1980, authorizes SBA to guarantee debentures backing long-term, fixed-asset loans made by Certified Development Companies (CDCs). This rule would relax a number of restrictions on the program, including the elimination of the regulations restricting CDCs from expanding their geographic reach and operating in other CDCs' territories. SBA hopes that these changes will make the program and the CDCs more competitive and improve the delivery of these loans to small businesses, particularly in rural areas that SBA believes are underserved by existing CDCs.

SBA issued an Advance Notice of Proposed Rulemaking on this issue in December 2002 and received almost 2000 comments. This NPRM will generate similar interest from the CDCs, banks, small businesses, and government and community organizations. Since CDCs are closely tied to their local communities by their governance structure, we can expect some Congressional interest, but this rule is unlikely to generate media interest.

Please let me know if you have any questions.

cc: Don Arbuckle
Dan Bartlett
Brian Besanceney
Josh Bolten
Patrick Bumatay
Amy Call
Cesar Conda
Nancy Cullinan
Suzy DeFrancis
Stephen Dove
Trent Duffy
Ari Fleischer
Adam Goldman
Bill Greene
Keith Hennessey
David Hobbs
Ed Ingle
Daryl Joseffer
Joel Kaplan
Jeff Kupfer
Jay Lefkowitz
Lewis Libby
Ado Machida
Steve McMillin
Dan Murphy
John Oxford
Eric Pelletier
Phil Perry
Alan Rhinesmith
Beth Rossman
Matt Schlapp
Phillip Swagel
Tevi Troy
Bess Weaver
John Wood

REV_00124806

From: Douglass, Kimberly A.
To: <Kavanaugh, Brett M.>
Sent: 7/1/2003 8:40:03 AM
Subject: Travel authorizations

Hi

Could you approve all those TAs when you have a minute? I sent you a bunch yesterday afternoon. If you have questions, email me. I'm out of the office today.

Thanks!

.

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 7/1/2003 8:50:21 AM
Subject: Re: FW: Proposed Rulemaking on SBA's Certified Development Company Loan Program
Attachments: WWHU SBA 504.doc

No concerns/issues. Thanks.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 07/01/2003 08:18:05 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Proposed Rulemaking on SBA's Certified Development Company Loan Program

-----Original Message-----

From: Chuckerel, Mary M.

Sent: Friday, June 27, 2003 11:01 AM

To: Arbuckle, Donald R.; Bartlett, Daniel J.; Besanceney, Brian R.; Bolten, Joshua B.; Bumatay, Patrick J.; Call, Amy L.; Conda, Cesar ; Cullinan, Nancy L; DeFrancis, Suzy; Dove, Stephen W.; Duffy, Trent D.; Fleischer, Lawrence A.; Goldman, Adam B.; Greene, William; Hennessey, Keith; Hobbs, David W.; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Kupfer, Jeffrey F.; Lefkowitz, Jay P.; Libby, Lewis ; Machida, Ado A.; McMillin, Stephen S.; Murphy, Daniel J.; Oxford, John; Pelletier, Eric C.; Perry, Philip J.; Rhinesmith, Alan B.; Rossman, Elizabeth L.; Schlapp, Matthew A.; Swagel, Phillip L.; Troy, Tevi; Weaver, Bessie M.; Wood, John F.

Cc: Jones, Lisa M.; Ritacco, Krista L.; Thompson, Carol J.; McQuade, Vickie A.; Williams, Alice H.; Ingwell, Carmen M.; Vestewig, Lauren J.; Mayfield, Jennifer H.; Bennett, Melissa S.; Garvin, Dorothy C; Allgood, Lauren K.; Silverman, Garrette; Roberson, Halley M.

Subject: Proposed Rulemaking on SBA's Certified Development Company Loan Program

<>

June 27, 2003{tc "July 16, 2002"}

MEMORANDUM FOR ANDREW CARD

THROUGH: Augustine T. Smythe

FROM: John D. Graham

SUBJECT: Proposed Rulemaking on SBA's Certified Development Company Loan Program

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Please let me know if you have any questions.

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Adam Goldman
Bill Greene
Keith Hennessey
David Hobbs
Ed Ingle
Daryl Joseffer
Joel Kaplan
Jeff Kupfer
Jay Lefkowitz
Lewis Libby
Ado Machida
Steve McMillin
Dan Murphy
John Oxford
Eric Pelletier
Phil Perry
Alan Rhinesmith
Beth Rossman
Matt Schlapp
Phillip Swagel
Tevi Troy
Bess Weaver
John Wood

REV_00124813

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>
Sent: 7/1/2003 4:51:31 AM
Subject: : Re: FW: Proposed Rulemaking on SBA's Certified Development Company Loan Program
Attachments: P_G2AKH003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-JUL-2003 08:51:31.00
SUBJECT:: Re: FW: Proposed Rulemaking on SBA's Certified Development Company Loan Program
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

No concerns/issues. Thanks.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 07/01/2003 08:18:05 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Proposed Rulemaking on SBA's Certified Development Company Loan Program

-----Original Message-----
From: Chuckerel, Mary M.
Sent: Friday, June 27, 2003 11:01 AM
To: Arbuckle, Donald R.; Bartlett, Daniel J.; Besanceney, Brian R.; Bolten, Joshua B.; Bumatay, Patrick J.; Call, Amy L.; Conda, Cesar ; Cullinan, Nancy L; DeFrancis, Suzy; Dove, Stephen W.; Duffy, Trent D.; Fleischer, Lawrence A.; Goldman, Adam B.; Greene, William; Hennessey, Keith; Hobbs, David W.; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Kupfer, Jeffrey F.; Lefkowitz, Jay P.; Libby, Lewis ; Machida, Ado A.; McMillin, Stephen S.; Murphy, Daniel J.; Oxford, John; Pelletier, Eric C.; Perry, Philip J.; Rhinesmith, Alan B.; Rossman, Elizabeth L.; Schlapp, Matthew A.; Swagel, Phillip L.; Troy, Tevi; Weaver, Bessie M.; Wood, John F.
Cc: Jones, Lisa M.; Ritacco, Krista L.; Thompson, Carol J.; McQuade, Vickie A.; Williams, Alice H.; Ingwell, Carmen M.; Vestewig, Lauren J.; Mayfield, Jennifer H.; Bennett, Melissa S.; Garvin, Dorothy C; Allgood, Lauren K.; Silverman, Garrette; Roberson, Halley M.
Subject: Proposed Rulemaking on SBA's Certified Development Company Loan Program

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_G2AKH003_WHO.TXT_1>

June 27, 2003{tc "July 16, 2002"}

MEMORANDUM FOR ANDREW CARD

THROUGH: Augustine T. Smythe

FROM: John D. Graham

SUBJECT: Proposed Rulemaking on SBA's Certified Development Company Loan Program

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Keith Hennessey
David Hobbs
Ed Ingle
Daryl Joseffer
Joel Kaplan
Jeff Kupfer
Jay Lefkowitz
Lewis Libby
Ado Machida
Steve McMillin
Dan Murphy
John Oxford
Eric Pelletier
Phil Perry
Alan Rhinesmith
Beth Rossman
Matt Schlapp
Phillip Swagel
Tevi Troy
Bess Weaver
John Wood

REV_00124816

From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 7/1/2003 9:11:29 AM
Subject: RE: staffing memo

I'm faxing you Kyle's comments now. He turned it in last night.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, July 01, 2003 8:38 AM
To: Montiel, Charlotte L.
Subject: Re: staffing memo

Did he have any comments? When did he turn this in?

From: Charlotte L. Montiel/WHO/EOP@Exchange on 07/01/2003 07:35:02 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: staffing memo

Got kyle to do it.

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/1/2003 5:14:21 AM
Subject: : RE: staffing memo

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 1-JUL-2003 09:14:21.00
SUBJECT:: RE: staffing memo
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm faxing you Kyle's comments now. He turned it in last night.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, July 01, 2003 8:38 AM
To: Montiel, Charlotte L.
Subject: Re: staffing memo

Did he have any comments? When did he turn this in?

From: Charlotte L. Montiel/WHO/EOP@Exchange on 07/01/2003 07:35:02
AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: staffing memo

Got kyle to do it.

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>
Sent: 7/1/2003 10:39:26 AM
Subject: Re: Ethics Briefing for WH Staff

We can do this the week of the 7th. Note that if it is a briefing for WH staff, it should be done by us and Tom should not do it. How should we set it up?

From: Susan B. Ralston/WHO/EOP@Exchange on 06/27/2003 12:04:05 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, tjosefiak@georgewbush.com@SMTP@Exchange

cc:

Subject: Ethics Briefing for WH Staff

When do you think you'll be ready to do a briefing for the WH staff re: working w/ the campaign and all the ethical guidelines we should follow?

From: Kavanaugh, Brett M.
To: <Nelson, Carolyn>
Sent: 7/1/2003 10:50:54 AM
Subject: please call re warner call

From: Cato Institute <ckilmer@cato.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/1/2003 7:00:11 AM
Subject: : Cato Forum - The Supreme Court: An End of Term Review

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Cato Institute <ckilmer@cato.org> ( Cato Institute <ckilmer@cato.org> [ UNKNOWN ] )
CREATION DATE/TIME: 1-JUL-2003 11:00:11.00
SUBJECT:: Cato Forum - The Supreme Court: An End of Term Review
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

Cato Institute

Cato Newsroom
Daily Dispatch
Reply
from the cato newsroom

Cato Forum

Media Contact: (202) 789-5200

The Supreme Court: An End of Term Review

October 4, 2000

Watch or register on the Net:http://www.cato.org/events/030702pf.html

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Wednesday July 2, 2003
12:00 p.m.)1:30 p.m.

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The Cato Institute

1000 Massachusetts Avenue, NW

Washington, DC

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Featuring

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James L. Swanson

Editor in Chief

Cato Supreme Court Review

ÿ

Charles J. Cooper

Partner

Cooper & Kirk

ÿ

Thomas Goldstein

Partner

Goldstein & Howe

ÿ

Erik S. Jaffe

Erik S. Jaffe, P.C.

ÿ

Timothy Lynch

Director

Cato Institute Project on Criminal Justice

ÿ

This week the Supreme Court of the United Stateswill have ended October Term 2002 with a dramatic flourish, having issued major opinions in the Michiganaffirmative action cases, the Texassodomy case, the Nike commercial speech case, and the American Library Association obscenity case. These opinions, along with earlier decisions involving federalism, criminal law, campaign finance, punitive damages, cross-burning, and copyright, combined to make the just-ended term one of the most closely watched in recent memory. Join us for a spirited review of the major cases and themes of the Court's 2002-2003 term.

Contact:

Chris Kilmer, media coordinator, 202-218-4621, ckilmer@cato.org
Evans Pierre, director of broadcasting, 202-789-5204, epierre@cato.org

The Cato Institute is a nonpartisan public policy research foundation dedicated to broadening policy debate consistent with the traditional American principles of individual liberty, limited government, free markets, and peace.

Unsubscribe

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
CC: <Godfrey, Georgia D.>
Sent: 7/1/2003 11:30:52 AM
Subject: FW: Question

Brett- will you pls advise?
-----Original Message-----
From: Godfrey, Georgia D.
Sent: Tuesday, July 01, 2003 11:28 AM
To: Nelson, Carolyn
Subject: Question

I'm sorry...I have no idea who to ask this to, so I thought I would start with you.

1. Can we (as the White House Press Office) release dubed tape copies of the President's Campaign events?!? We always have requests for Presidential events that we release with out hesitation, we just wanted to make sure that we weren't doing anything wrong releasing the Campaign events.

2. Can we release dubed tape copies of the President's Presidential events to Partisan organizations?!? For example, we have RepublicanTV.org requesting some footage of some events. Is that okay to release to them?!!?

We just want to make sure we aren't mixing in places we shouldn't and doing anything wrong.

I didn't know who to ask in our office so I thought you might! You are the best, thanks so much!

G

Georgia Godfrey
White House Press Office
202-456-2580

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 7/1/2003 11:34:12 AM
Subject: RE: please call re warner call

Called you back. Call me.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, July 01, 2003 10:51 AM
To: Nelson, Carolyn
Subject: please call re warner call

From: The Federalist Society <fedsoc@radix.net>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/1/2003 8:23:01 AM
Subject: : Supreme Court Roundup 7/11/03

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:The Federalist Society <fedsoc@radix.net> (The Federalist Society <fedsoc@radix.net> [UNKNOWN])
CREATION DATE/TIME: 1-JUL-2003 12:23:01.00
SUBJECT:: Supreme Court Roundup 7/11/03
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Federalist Society for Law and Public Policy Studies

[IMAGE] ÿ [IMAGE]
Supreme Court Roundup - July 11th
[IMAGE] ÿ [IMAGE]

[IMAGE] [IMAGE] The Honorable Theodore B. Olson to Address Federalist Society [IMAGE] [IMAGE]

[IMAGE]
ÿ
[IMAGE]

Future Events

2003 National Lawyers Convention
Washington, D.C.
November 13-15
More information to come...

Predatory Lending Conference
Washington, D.C.
Thursday, July 24

Click here for details and to register
[IMAGE]
ÿ
[IMAGE]

The Federalist Society is hosting its annual Supreme Court Roundup on Friday, July 11th. The speaker will be Solicitor General Theodore B. Olson, United States Department of Justice. He will be reviewing the decisions of the most recent U.S. Supreme Court term.

To RSVP call (202) 822-8138. (acceptences only)

DC LUNCHEON [IMAGE]

DATE: July 11, 2003
TIME: 12:00 - 1:30 PM
LOCATION: The National Press Club
529 14th Street, NW (Metro Center).
COST: The cost is $25.00 (collected at the door).

[IMAGE] [IMAGE]

[IMAGE] [IMAGE]

The Federalist Society for Law and Public Policy Studies

email: fedsoc@radix.net
voice: 202-822-8138
web: http://www.fed-soc.org
[IMAGE] [IMAGE]

[IMAGE] [IMAGE] [IMAGE]

Forward email

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Powered by
Constant Contact

From: Litkenhaus, Colleen
To: <Ralston, Susan B.>;<Kavanaugh, Brett M.>
CC: <Hernandez, Israel>
Sent: 7/1/2003 1:49:29 PM
Subject: RE: Ethics Briefing for WH Staff

Here is my proposal. Thoughts? Changes? What am I not thinking about?

Briefing One (Harriet)
Staff Secretary 6
Correspondence* 62
Exec. Clerk* 10
Records Management* 24
102 total

Briefing Two (Rove/Card)
Intergov 9
OPA 8
OSI 13
OPA 12
COS 10
OOO 3
55 total

Briefing Three (Bartlett/Gerson/Fleischer)
Communications 12
Global 9
Media Affairs 11
Speechwriting 12
Press Sec 12
56 total

Briefing Four (Hagin)
M&A WW 4
Room One 8
Personnel 3
Photo Office* 12
Operators* 15
Travel Office 8
Visitor's Office 5
WHMO 1
Scheduling 10
Advance 19
First Lady's Office 19
104 total

Briefing Five (Harriet/Hobbs)
DPC 18
Aids 4
NEC 15
Faith Based 10
Freedom Corp 13
Leg Affairs 25
Cabinet Affairs 10
95 total

- Are there any offices above that we do not need to include? I put an * next to the offices that I'm really wondering about.
- Is it ok that we are not doing briefings for the following WH Offices: PPO, Counsel and HSC
- Should they be mandatory?
- Should we take attendance and have make-up sessions?

I've held 450 for Tues, Wed and Thursday at both 9am and 4pm. Let me know if you want to go with morning or afternoon - so I can release the room.

THANKS

-----Original Message-----
From: Ralston, Susan B.
Sent: Tuesday, July 01, 2003 11:05 AM
To: Kavanaugh, Brett M.
Cc: Litkenhaus, Colleen; Hernandez, Israel
Subject: RE: Ethics Briefing for WH Staff

I'll work w/ Colleen.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, July 01, 2003 10:39 AM
To: Ralston, Susan B.
Subject: Re: Ethics Briefing for WH Staff

We can do this the week of the 7th. Note that if it is a briefing for WH staff, it should be done by us and Tom should not do it. How should we set it up?

From: Susan B. Ralston/WHO/EOP@Exchange on 06/27/2003 12:04:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, tjosefiak@georgewbush.com@SMTP@Exchange
cc:
Subject: Ethics Briefing for WH Staff

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Matthew A. Schlapp/WHO /EOP@EOP [WHO] <Matthew A. Schlapp>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 7/1/2003 2:01:23 PM
Subject: : judges fact in new magazine article

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 1-JUL-2003 18:01:23.00
SUBJECT:: judges fact in new magazine article
TO:Peter H. Wehner ( CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

"By ABA standards, the W. Bush appointees are the most qualified
appointees since the ABA began rating appointees in the Administration of
Dwight D. Eisenhower." American Judicature, June 2003.
```

From: Gambatesa, Linda M.
To: <Hanusa, Mary Ann>;<Miers, Harriet>;<Kavanaugh, Brett M.>;<Good, Terry W.>
Sent: 7/1/2003 3:02:09 PM
Subject: RE: Traveling Bullhorn

Thanks for following up. I agree that the number 2 option is probably the best, but only if the Smithsonian is able to provide a final list of cities and venues at which it will displayed and if the bullhorn is locked in an appropriate display case. We also need to preserve the option to call it back at any point for any reason.

I will await Counsel's input, but also think that a final step would be to ask the President if he is okay with the loan as well.

-----Original Message-----
From: Hanusa, Mary Ann
Sent: Monday, June 30, 2003 5:07 PM
To: Miers, Harriet; Gambatesa, Linda M.; Kavanaugh, Brett M.; Good, Terry W.
Subject: Traveling Bullhorn

Last week, I spoke with staff at the Smithsonian's American History Museum and the National Archives regarding the proposal to include the President's bullhorn, used on September 14, 2001, in the Smithsonian's traveling exhibit entitled, *Bearing Witness to History: September 11, 2001.*

In both conversations, I reiterated the White House's concern about the security of the bullhorn while it is traveling with this exhibit. The Smithsonian has not yet finalized the list of cities nor the venues it plans to visit with their exhibit. In my view, the White House should not agree to the loan of the bullhorn until this list is finalized, and the sites appear acceptable for display of the bullhorn. The Smithsonian is building a crate to store the bullhorn, but started before consulting with the White House on the specifics needed, etc.

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1) The Archives will send a couple of their staff to the White House to look over and evaluate the Smithsonian plan, to see if the crate that the Smithsonian has in mind will sufficiently protect the bullhorn for long-term travel and storage.

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Let me know your thoughts. Thanks.

From: Douglass, Kimberly A.
To: <Kavanaugh, Brett M.>
Sent: 7/1/2003 4:12:39 PM
Subject: Please disregard TAs

I leave the office for one day and all hell breaks loose.

Please disregard the last few TAs sent by Kathy Prendergast. You approved them this morning. There was some sort of communication breakdown up in Advance.

Thanks.

.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradley E. Hester/WHO/EOP@EOP [WHO] <Bradley E. Hester>
Sent: 7/1/2003 4:13:10 PM
Subject: : Charlotte Observer EDITORIAL (7/1/03) re: Judicial Impasse ends

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-JUL-2003 20:13:10.00
SUBJECT:: Charlotte Observer EDITORIAL (7/1/03) re: Judicial Impasse ends
TO:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradley E. Hester (CN=Bradley E. Hester/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Posted on Tue, Jul. 01, 2003

Judicial impasse ends
N.C. senators work together for appeals court nominee

Hallelujah! North Carolina's two U.S. senators broke a 12-year political stalemate over appeals court nominees last week. The result should be this state's first 4th Circuit Court judge in a decade.

Both Republican Elizabeth Dole and Democrat John Edwards deserve a hand for working together to support Raleigh lawyer Allyson Duncan, President Bush's nominee. Their mutual backing all but ensures the 51-year-old Ms. Duncan of confirmation. She's on track to get approval from the Senate Judiciary Committee and could get full Senate confirmation in weeks.

As we've noted before, Ms. Duncan is an excellent choice. She's a former judge of the N.C. Court of Appeals, former member of the N.C. Utilities Commission and former law professor at the N.C. Central University school of law.

A Republican, she would be the first judge of African American descent from North Carolina on the 4th U.S. Circuit Court of Appeals. That distinction was not lost on members of the Senate. In a written statement, Sen. Orrin Hatch, R-Utah, Judiciary Committee chair, called Ms. Duncan "a true pioneer" and her nomination historic.

Even if she didn't have those perceived advantages, Ms. Duncan would be a first-rate nominee. Her colleagues regard her as extremely bright, passionate about her work and easy to work with. She recently became head of the state bar association.

North Carolina will benefit immensely from ending this impasse. Disagreements between then-U.S. Sen. Jesse Helms, who retired last year, and the Clinton administration over "conservative" or "liberal" nominees effectively robbed this state of valuable representation on the 13-person court.

The nomination of Ms. Duncan, who is viewed as a moderate, provided the perfect avenue to end the stalemate. Sen. Edwards called her nomination a

model for what could happen with better "ideological balance" in the nominees.

Politics being politics, this is not likely to be the end of the battle royal over these judgeships. But our lawmakers owe it to us to work cooperatively to get N.C. representation on the 4th Circuit. The court handles appeals from five Southern states including North Carolina. Judges with knowledge of N.C. law are crucial.

Sens. Dole and Edwards have moved in the right direction with the Duncan nomination. They need to stay on course.

From: Leitch, David G.
To: <Kavanaugh, Brett M.>
Sent: 7/1/2003 5:43:35 PM
Subject:

At the ACS Supreme Court roundup, the introducing party (I believe she's the acting president) said the Term ended on a high note, with sweeping decisions that are far too rare, showing why ACS is needed.

From: CN=Peter H. Wehner/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/1/2003 2:02:25 PM
Subject: : Re: judges fact in new magazine article

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-JUL-2003 18:02:25.00
SUBJECT:: Re: judges fact in new magazine article
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Very useful. Thanks.

Brett M. Kavanaugh
07/01/2003 06:00:23 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP,
Alicia P. Clark/WHO/EOP@EOP, Peter H. Wehner/WHO/EOP@EOP
cc:
Subject: judges fact in new magazine article

"By ABA standards, the W. Bush appointees are the most qualified
appointees since the ABA began rating appointees in the Administration of
Dwight D. Eisenhower." American Judicature, June 2003.

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: alicia p. clark/who/eop@eop [WHO] <alicia p. clark>;peter h. wehner/who/eop@eop [WHO] <peter h. wehner>;matthew a. schlapp/who/eop@eop [WHO] <matthew a. schlapp>
Sent: 7/1/2003 2:04:53 PM
Subject: : Re: judges fact in new magazine article

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-JUL-2003 18:04:53.00
SUBJECT:: Re: judges fact in new magazine article
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:alicia p. clark (CN=alicia p. clark/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:peter h. wehner (CN=peter h. wehner/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew a. schlapp (CN=matthew a. schlapp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Outstanding.

Can you send the article?

tsg

Brett M. Kavanaugh
07/01/2003 06:00:23 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP,
Alicia P. Clark/WHO/EOP@EOP, Peter H. Wehner/WHO/EOP@EOP
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From: CN=Peter H. Wehner/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/1/2003 2:09:07 PM
Subject: : Re: judges fact in new magazine article

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-JUL-2003 18:09:07.00
SUBJECT:: Re: judges fact in new magazine article
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can you send the original. Also, is this magazine respected? Could you give me background if I send this quote to a few people -- information that will underscore why this quote is worth paying attention to? Thanks so much.

Brett M. Kavanaugh
07/01/2003 06:00:23 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP, Alicia P. Clark/WHO/EOP@EOP, Peter H. Wehner/WHO/EOP@EOP
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/1/2003 3:05:57 PM
Subject: : from Stewart's dissent in Fullilove

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-JUL-2003 19:05:57.00
SUBJECT:: from Stewart's dissent in Fullilove
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

"Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. . . . The law regards man as man, and takes no account of his surroundings or of his color. . . ." Those words were written by a Member of this Court 84 years ago. Plessy v. Ferguson, 163 U.S. 537, 559 (Harlan, J., dissenting). His colleagues disagreed with him, and held that a statute that required the separation of people on the basis of their race was constitutionally valid because it was a "reasonable" exercise of legislative power and had been "enacted in good faith for the promotion [of] the public good. . . ." Id., at 550. Today, the Court upholds a statute that accords a preference to citizens who are "Negroes, Spanish-speaking, Orientals, Indians, Eskimos, and Aleuts," for much the same reasons. I think today's decision is wrong for the same reason that Plessy v. Ferguson was wrong, and I respectfully dissent.

The equal protection standard of the Constitution has one clear and central meaning -- it absolutely prohibits invidious discrimination by government. That standard must be met by every State under the Equal Protection Clause of the Fourteenth Amendment. Loving v. Virginia, 388 U.S. 1, 10; Hill v. Texas, 316 U.S. 400; Strauder v. West Virginia, 100 U.S. 303, 307-308; Slaughter-House Cases, 16 Wall. 36, 71-72. And that standard must be met by the United States itself under the Due Process Clause of the Fifth Amendment. Washington v. Davis, 426 U.S. 229, 239; Bolling v. Sharpe, 347 U.S. 497. n1 Under our Constitution, any official action that treats a person differently on account of his race or ethnic origin is inherently suspect and presumptively invalid. McLaughlin v. Florida, 379 U.S. 184, 192; Bolling v. Sharpe, supra, at 499; Korematsu v. United States, 323 U.S. 214, 216. n2
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- - - - - - - - - - - - - - - - - -Footnotes- - - - - - - - - - - - - - - -
- - - n1

"Equal protection analysis in the Fifth Amendment area is the same as that under the Fourteenth Amendment." Buckley v. Valeo, 424 U.S. 1, 93.

n2 By contrast, nothing in the Constitution prohibits a private person from discriminating on the basis of race in his personal or business affairs. See Steelworkers v. Weber, 443 U.S. 193. The Fourteenth Amendment limits only the actions of the States; the Fifth Amendment limits only the actions of the National Government.
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- - - - - - - - - - - - - - - - - -End Footnotes- - - - - - - - - - - - - - -
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The hostility of the Constitution to racial classifications by government has been manifested in many cases decided by this Court. See, e. g., Loving v. Virginia, supra.; McLaughlin v. Florida, supra; Brown v. Board of Education, 347 U.S. 483; Missouri ex rel. Gaines v. Canada, 305 U.S. 337. And our cases have made clear that the Constitution is wholly neutral in forbidding such racial discrimination, whatever the race may be of those who are its victims. In Anderson v. Martin, 375 U.S. 399, for instance, the Court dealt with a state law that required that the race of

each candidate for election to public office be designated on the nomination papers and ballots. Although the law applied equally to candidates of whatever race, the Court held that it nonetheless violated the constitutional standard of equal protection. "We see no relevance," the Court said, "in the State's pointing up the race of the candidate as bearing upon his qualifications for office." Id., at 403 (emphasis added). Similarly, in Loving v. Virginia, supra, and McLaughlin v. Florida, supra, the Court held that statutes outlawing miscegenation and interracial cohabitation were constitutionally invalid, even though the laws penalized all violators equally. The laws were unconstitutional for the simple reason that they penalized individuals solely because of their race, whatever their race might be. See also Goss v. Board of Education, 373 U.S. 683; Buchanan v. Warley, 245 U.S. 60. n3
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n3 University of California Regents v. Bakke, 438 U.S. 265, and United Jewish Organizations v. Carey, 430 U.S. 144, do not suggest a different rule. The Court in Bakke invalidated the racially preferential admissions program that had deprived Bakke of equal access to a place in the medical school of a state university. In United Jewish Organizations v. Carey, a state legislature had apportioned certain voting districts with an awareness of their racial composition. Since the plaintiffs there had "failed to show that the legislative reapportionment plan had either the purpose or the effect of discriminating against them on the basis of their race," no constitutional violation had occurred. 430 U.S., at 179-180 (concurring opinion). No person in that case was deprived of his electoral franchise.

More than 35 years ago, during the Second World War, this Court did find constitutional a governmental program imposing injury on the basis of race. See Korematsu v. United States, 323 U.S. 214; Hirabayashi v. United States, 320 U.S. 81. Significantly, those cases were decided not only in time of war, but also in an era before the Court had held that the Due Process Clause of the Fifth Amendment imposes the same equal protection standard upon the Federal Government that the Fourteenth Amendment imposes upon the States. See Bolling v. Sharpe, 347 U.S. 497.
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- - - - - - - - - - - - - - - - - -End Footnotes- - - - - - - - - - - - - - - - -

This history contains one clear lesson. Under our Constitution, the government may never act to the detriment of a person solely because of that person's race. n4 The color of a person's skin and the country of his origin are immutable facts that bear no relation to ability, disadvantage, moral culpability, or any other characteristics of constitutionally permissible interest to government. "Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality." Hirabayashi v. United States, 320 U.S. 81, 100, quoted in Loving v. Virginia, supra, at 11. n5 In short, racial discrimination is by definition individious discrimination.

* * *

The Fourteenth Amendment was adopted to ensure that every person must be treated equally by each State regardless of the color of his skin. The Amendment promised to carry to its necessary conclusion a fundamental principle upon which this Nation had been founded -- that the law would honor no preference based on lineage. n13 Tragically, the promise of 1868 was not immediately fulfilled, and decades passed before the States and the Federal Government were finally directed to eliminate detrimental classifications based on race. Today, the Court derails this achievement and places its imprimatur on the creation once again by government of privileges based on birth.
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n13 The Framers of our Constitution lived at a time when the Old World still operated in the shadow of ancient feudal traditions. As products of the Age of Enlightenment, they set out to establish a society that recognized no distinctions among white men on account of their birth. See U.S. Const., Art. I, õ 9, cl. 8 ("No Title of Nobility shall be granted by the United States"). The words Thomas Jefferson wrote in 1776 in the Declaration of Independence, however, contained the seeds of a far broader principle: "We hold these truths to be self-evident: that all men are created equal. . . ."
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- - - - - - - - - - - - - - - - -End Footnotes- - - - - - - - - - - - - - -
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The Court, moreover, takes this drastic step without, in my opinion, seriously considering the ramifications of its decision. Laws that operate on the basis of race require definitions of race. Because of the Court's decision today, our statute books will once again have to contain laws that reflect the odious practice of delineating the qualities that make one person a Negro and make another white. n14 Moreover, racial discrimination, even "good faith" racial discrimination, is inevitably a two-edged sword. "[Preferential] programs may only reinforce common stereotypes holding that certain groups are unable to achieve success without special protection based on a factor having no relationship to individual worth." University of California Regents v. Bakke, supra, at 298 (opinion of POWELL, J.). Most importantly, by making race a relevant criterion once again in its own affairs the Government implicitly teaches the public that the apportionment of rewards and penalties can legitimately be made according to race -- rather than according to merit or ability -- and that people can, and perhaps should, view themselves and others in terms of their racial characteristics. Notions of "racial entitlement" will be fostered, and private discrimination will necessarily be encouraged. n15 See Hughes v. Superior Court, 339 U.S. 460, 463-464; T. Eastland & W. Bennett, Counting by Race 139-170 (1979); Van Alstyne, Rites of Passage: Race, the Supreme Court, and the Constitution, 46 U. Chi. L. Rev. 775 (1979).
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- - - - - - - - - - - - - - - - - -Footnotes- - - - - - - - - - - - - - - -
- - -

n14 See Technical Bulletin, supra, n. 10, at 1. Cf. Ga. Code õ 53-312 (1937); Tex. Penal Code, Art. 493 (Vernon 1938).

n15 "Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example." Olmstead v. United States, 277 U.S. 438, 485 (Brandeis, J., dissenting).
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- - - - - - - - - - - - - - - - - -End Footnotes- - - - - - - - - - - - - - - -
- - -

There are those who think that we need a new Constitution, and their views may someday prevail. But under the Constitution we have, one practice in which government may never engage is the practice of racism -- not even "temporarily" and not even as an "experiment."

REV_00124894

From: Kavanaugh, Brett M.
To: <Gambatesa, Linda M.>
CC: <Hanusa, Mary Ann>;<Miers, Harriet>;<Good, Terry W.>
Sent: 7/1/2003 8:09:00 PM
Subject: RE: Traveling Bullhorn

I also am ok with option 2, but would want to be assured that security will be very high for transport of it.

From: Linda M. Gambatesa/WHO/EOP@Exchange on 07/01/2003 03:02:09 PM

Record Type: Record

To: Mary Ann Hanusa/WHO/EOP@Exchange, Harriet Miers/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO /EOP@EOP, Terry W. Good/WHO/EOP@EOP

cc:

Subject: RE: Traveling Bullhorn

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Sent: Monday, June 30, 2003 5:07 PM

To: Miers, Harriet; Gambatesa, Linda M.; Kavanaugh, Brett M.; Good, Terry W.

Subject: Traveling Bullhorn

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Let me know your thoughts. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Linda M. Gambatesa/WHO/EOP@Exchange [WHO] <Linda M. Gambatesa>
CC: harriet miers/who/eop@exchange [WHO] <harriet miers>;terry w. good/who/eop@eop [WHO] <terry w. good>;mary ann hanusa/who/eop@exchange [WHO] <mary ann hanusa>
Sent: 7/1/2003 4:10:02 PM
Subject: : RE: Traveling Bullhorn

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-JUL-2003 20:10:02.00
SUBJECT:: RE: Traveling Bullhorn
TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:harriet miers (CN=harriet miers/OU=who/O=eop@exchange [WHO])
READ:UNKNOWN
CC:terry w. good (CN=terry w. good/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:mary ann hanusa (CN=mary ann hanusa/OU=who/O=eop@exchange [WHO])
READ:UNKNOWN
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From: Mamo, Jeanie S.
To: <Hester, Bradley E.>;<Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 7/1/2003 8:11:27 PM
Subject: Charlotte Observer EDITORIAL (7/1/03) re: Judicial Impasse ends

Posted on Tue, Jul. 01, 2003

Judicial impasse ends

N.C. senators work together for appeals court nominee

Hallelujah! North Carolina's two U.S. senators broke a 12-year political stalemate over appeals court nominees last week. The result should be this state's first 4th Circuit Court judge in a decade.

Both Republican Elizabeth Dole and Democrat John Edwards deserve a hand for working together to support Raleigh lawyer Allyson Duncan, President Bush's nominee. Their mutual backing all but ensures the 51-year-old Ms. Duncan of confirmation. She's on track to get approval from the Senate Judiciary Committee and could get full Senate confirmation in weeks.

As we've noted before, Ms. Duncan is an excellent choice. She's a former judge of the N.C. Court of Appeals, former member of the N.C. Utilities Commission and former law professor at the N.C. Central University school of law.

A Republican, she would be the first judge of African American descent from North Carolina on the 4th U.S. Circuit Court of Appeals. That distinction was not lost on members of the Senate. In a written statement, Sen. Orrin Hatch, R-Utah, Judiciary Committee chair, called Ms. Duncan "a true pioneer" and her nomination historic.

Even if she didn't have those perceived advantages, Ms. Duncan would be a first-rate nominee. Her colleagues regard her as extremely bright, passionate about her work and easy to work with. She recently became head of the state bar association.

North Carolina will benefit immensely from ending this impasse. Disagreements between then-U.S. Sen. Jesse Helms, who retired last year, and the Clinton administration over "conservative" or "liberal" nominees effectively robbed this state of valuable representation on the 13-person court.

The nomination of Ms. Duncan, who is viewed as a moderate, provided the perfect avenue to end the stalemate. Sen. Edwards called her nomination a model for what could happen with better "ideological balance" in the

nominees.

Politics being politics, this is not likely to be the end of the battle royal over these judgeships. But our lawmakers owe it to us to work cooperatively to get N.C. representation on the 4th Circuit. The court handles appeals from five Southern states including North Carolina. Judges with knowledge of N.C. law are crucial.

Sens. Dole and Edwards have moved in the right direction with the Duncan nomination. They need to stay on course.

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
CC: <Ralston, Susan B.>;<Hernandez, Israel>
Sent: 7/1/2003 8:12:08 PM
Subject: RE: Ethics Briefing for WH Staff

We should include PPO. I think the briefings should be mandatory and people should be informed that they will out in under 30 minutes, guaranteed. I prefer afternoon briefings at 4:00 and 4:45 on Tuesday, Wednesday, and Thursday.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 07/01/2003 01:49:29 PM

Record Type: Record

To: Susan B. Ralston/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc: Israel Hernandez/WHO/EOP@Exchange

Subject: RE: Ethics Briefing for WH Staff

Here is my proposal. Thoughts? Changes? What am I not thinking about?

Briefing One (Harriet)

Staff Secretary 6

Correspondence* 62

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102 total

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Briefing Four (Hagin)

M&A WW 4

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Photo Office* 12

Operators* 15

Travel Office 8

Visitor's Office 5

WHMO 1

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Advance 19

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95 total

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- Should they be mandatory?
- Should we take attendance and have make-up sessions?

I've held 450 for Tues, Wed and Thursday at both 9am and 4pm. Let me know if you want to go with morning or afternoon - so I can release the room.

THANKS

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Cc: Litkenhaus, Colleen; Hernandez, Israel

Subject: RE: Ethics Briefing for WH Staff

I'll work w/ Colleen.

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cc:

Subject: Ethics Briefing for WH Staff

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CC: Terry W. Good/WHO/EOP@EOP [WHO] <Terry W. Good>;Mary Ann Hanusa/WHO /EOP@Exchange [WHO] <Mary Ann Hanusa>
Sent: 7/2/2003 2:22:14 AM
Subject: : RE: Traveling Bullhorn

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 2-JUL-2003 06:22:14.00
SUBJECT:: RE: Traveling Bullhorn
TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP@EOP [WHO])
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Cc:;;;; Hanusa, Mary Ann; Miers, Harriet; Good, Terry W.
Subject:;;;;;;; RE: Traveling Bullhorn

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cc:;;;;
Subject:;;;;;;; RE: Traveling Bullhorn

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Sent: Monday, June 30, 2003 5:07 PM
To: Miers, Harriet; Gambatesa, Linda M.; Kavanaugh, Brett M.; Good, Terry W.
Subject: Traveling Bullhorn

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Let me know your thoughts.; Thanks.

From: Miers, Harriet
To: <Kavanaugh, Brett M.>;<Gambatesa, Linda M.>
CC: <Hanusa, Mary Ann>;<Good, Terry W.>
Sent: 7/2/2003 6:20:44 AM
Subject: RE: Traveling Bullhorn

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Record Type: Record

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CC: Terry W. Good/WHO/EOP@EOP [WHO] <Terry W. Good>;Mary Ann Hanusa/WHO /EOP@Exchange [WHO] <Mary Ann Hanusa>
Sent: 7/2/2003 2:23:41 AM
Subject: : RE: Traveling Bullhorn

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 2-JUL-2003 06:23:41.00
SUBJECT:: RE: Traveling Bullhorn
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Let me know your thoughts. Thanks.

From: Nelson, Carolyn
To: <Kavanaugh, Brett M.>
Sent: 7/2/2003 8:59:38 AM
Subject: RE:

Clearly I have issues.

There are spaces available tomorrow.... Do you have a phone number for him?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, July 02, 2003 8:57 AM
To: Nelson, Carolyn
Subject: RE:

how about on thursday morning?

From: Carolyn Nelson/WHO/EOP@Exchange on 07/02/2003 08:56:28 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Yes. There are spaces available on Saturday for the 10 am tour. Only problem is that someone has to walk them through the state rooms. Are you planning on being here on Saturday? I'd do it for you but am going to be in Cali this weekend.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, July 01, 2003 8:18 PM
To: Nelson, Carolyn
Subject:

This is a Frist staffer. Any chance?

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 07/01/2003 08:17 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >> "Miranda, Manuel (Frist)"
06/30/2003 11:12:49 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Personal favor

As you may know, I am getting married this Saturday. I am writing because I have family in town and was wondering if you could get us into the WH on Thursday or Friday morning without the line? Any chance?

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net <www.BlackBerry.net>)

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 7/2/2003 9:12:26 AM
Subject: RE: Ethics Briefing for WH Staff

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Personnel 3
Photo Office* 12
Operators* 15
Travel Office 8
Visitor's Office 5
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Sent: 7/2/2003 9:25:22 AM
Subject: RE: Ethics Briefing for WH Staff

For the general ethics briefings, do you send out the notice?

From: Colleen Litkenhaus/WHO/EOP@Exchange on 07/02/2003 09:12:26 AM

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From: Godfrey, Georgia D.
To: <Kavanaugh, Brett M.>
Sent: 7/2/2003 9:27:12 AM
Subject: FW: Question

Have you had a chance to look at this?!?! Any guidance that you can provide would be awesome! Thanks!

G
-----Original Message-----
From: Nelson, Carolyn
Sent: Tuesday, July 01, 2003 11:31 AM
To: Kavanaugh, Brett M.
Cc: Godfrey, Georgia D.
Subject: FW: Question

Brett- will you pls advise?
-----Original Message-----
From: Godfrey, Georgia D.
Sent: Tuesday, July 01, 2003 11:28 AM
To: Nelson, Carolyn
Subject: Question

I'm sorry...I have no idea who to ask this to, so I thought I would start with you.

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We just want to make sure we aren't mixing in places we shouldn't and doing anything wrong.

I didn't know who to ask in our office so I thought you might! You are the best, thanks so much!

G

Georgia Godfrey
White House Press Office
202-456-2580

From: Kavanaugh, Brett M.
To: <Godfrey, Georgia D.>
Sent: 7/2/2003 9:37:31 AM
Subject: Re: FW: Question

can you call me about this? thanks.

From: Georgia D. Godfrey/WHO/EOP@Exchange on 07/02/2003 09:27:12 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Question

Have you had a chance to look at this?!?! Any guidance that you can provide would be awesome! Thanks!

G

-----Original Message-----

From: Nelson, Carolyn

Sent: Tuesday, July 01, 2003 11:31 AM

To: Kavanaugh, Brett M.

Cc: Godfrey, Georgia D.

Subject: FW: Question

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Georgia Godfrey

White House Press Office

202-456-2580

From: Newstead, Jennifer G.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 7/2/2003 9:46:25 AM
Subject: Townes

Short story in Newsday with a neutral from Schumer. Apparently there is a positive piece on her in the New York Law Journal, which I am trying to track down.

July 2, 2003 Wednesday QUEENS EDITION

SECTION: NEWS, Pg. A39

LENGTH: 132 words

HEADLINE: Bush Names Townes To U.S. District Court

BYLINE: Ken Fireman

BODY:

Washington - President George W. Bush yesterday appointed state Appellate Division Justice **Sandra Townes** to serve as a district judge on the federal court that covers Long Island, Brooklyn, Queens and Staten Island, the White House announced.

Townes, 58, spent most of her legal career in Syracuse but for the past two years has served on the appellate court that covers Brooklyn. She is originally from South Carolina.

Sen. Charles Schumer (D-N.Y.), who sits on the Senate committee that will vet Townes' appointment, said in a statement: "I look forward to examining her credentials."

He noted that Bush had followed his advice by naming an African-American to replace retiring District Judge Sterling Johnson, the only black judge now on the court to which Townes was appointed.

LOAD-DATE: July 2, 2003

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 7/2/2003 9:49:28 AM
Subject: RE: Ethics Briefing for WH Staff

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cc: Israel Hernandez/WHO/EOP@Exchange
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102 total

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From: Newstead, Jennifer G.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Kavanaugh, Brett M.>
Sent: 7/2/2003 10:02:49 AM
Subject: More on Townes

NYLJ didn't have much to say:

Appellate Division, Second Department, Justice Sandra L. Townes of the

Appellate Division, Second Department, has been nominated by President

George W. Bush for an Eastern District judgeship. She is a former

prosecutor and Syracuse City Court judge.

The Syracuse paper had a more substantial story:

Townes nominated for federal judgeship

She was the first African-American woman elected to the Syracuse City

Court.

July 02, 2003

Staff reports

The White House announced Tuesday that President Bush intends to nominate

Sandra L. Townes, a longtime lawyer and judge in Syracuse courtrooms, to

become a federal judge

Townes Townes, 58, would join the U.S. District Court in New York's

Eastern District, which includes much of New York City and Long Island,

with a population of 8 million.

The Downstate area has been Townes' judicial turf since Gov. George Pataki

appointed her in 2001 to the Brooklyn-based state Supreme Court Appellate

Division.

At the time, she was believed to be the first African-American woman on

the state appellate bench.

Pataki Tuesday issued a statement applauding Bush's decision.

"I commend President Bush on his decision to nominate Justice Sandra L.

Townes to the U.S. District Court for the Eastern District of New York,"

Pataki said. "Justice Townes is a true American success story who has served the people of New York with great distinction as an Appellate Division judge. All New Yorkers can be proud of Sandra Townes and the outstanding work she has done, and I am confident she will be an outstanding federal judge."

State Supreme Court 5th Judicial District Administrative Justice James Tormey III said he congratulated Townes when he saw her at the Onondaga County Courthouse Tuesday.

"I'm very happy for her. She's been working very hard for this," Tormey said. "She's being rewarded for her very hard work. She'll make a very good federal court judge."

Any move to the federal court bench would be subject to approval by the U.S. Senate. Tormey said he understood Townes, a Republican, has the backing of both of New York's Democratic senators, Charles Schumer and Hillary Rodham Clinton.

Schumer, D-N.Y., a member of the Senate Judiciary Committee that would first examine Townes' credentials, released a statement Tuesday saying that he had urged the White House and Pataki to appoint an African-American to fill the void created by the retirement of Sterling Johnson, the only African American on the Eastern District bench.

"The White House has nominated such a candidate today and I look forward to examining her credentials," Schumer said of Townes.

Appointment to the federal bench is a lifetime appointment. The job currently pays $154,700.

Townes could not be reached for comment Tuesday.

Her rise in judicial circles has been a noteworthy one.

She first was elected to the Syracuse City Court bench in 1987, the top vote-getter in a six-candidate race to fill three seats. She was the first African-American woman and the second woman ever elected to the City Court bench.

She easily won re-election without opposition in 1997.

Two years later, Townes led a trio of Republican judges - including John

Centra and Anthony Paris - to victory for three seats on the state Supreme Court bench in the 5th Judicial District. That district includes Onondaga, Oswego, Oneida, Jefferson, Herkimer and Lewis counties.

She was the top vote-getter in Onondaga and four of the other five counties in that contest.

In March 2001, Pataki named her to serve on one of the four mid-level appellate courts in New York. She has served since then on the Second Department appellate court in Brooklyn while maintaining her local office and residence in Syracuse.

Before her election to the City Court bench, Townes served 10 years as a prosecutor with the Onondaga County District Attorney's Office where she handled homicides, domestic violence and child abuse cases and the prosecution of career criminals.

But the law was a second career for Townes. Before obtaining her law degree in 1976 from the Syracuse University College of Law, Townes was an English teacher in high schools in Syracuse; Washington, D.C.; and her hometown of Spartanburg, S.C.

Although she currently sits as a state appellate judge in Brooklyn, Townes is still considered a state Supreme Court judge from Onondaga County, the position she was elected to in 1999. To hold her appellate judge post, Townes would have to win re-election to the state Supreme Court in 2013.

If she is appointed to the federal court, it would open her local Supreme Court seat up for election. The winner of that election would likely serve as a trial judge locally, and Pataki would appoint another judge to the Appellate Division. Staff writers Erik Kriss, Mark Libbon and Jim O'Hara contributed to this report.

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 7/2/2003 10:38:10 AM
Subject: RE: Ethics Briefing for WH Staff

Could Judge just tell everyone at senior staff tomorrow and then you follow up afterwards with Postmaster emails?

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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

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Cc: Litkenhaus, Colleen; Hernandez, Israel

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cc:

Subject: Ethics Briefing for WH Staff

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From: Kavanaugh, Brett M.
To: <Elwood, Courtney S.>
Sent: 7/2/2003 10:39:17 AM
Subject: Marine 1

In the past, WHMO has not charged for it unless Marine One was used to transport directly to the event (eg, an event in PA). If so, then there was an hourly rate used. I have an old memo.

From: Elwood, Courtney S.
To: <Kavanaugh, Brett M.>
Sent: 7/2/2003 10:52:36 AM
Subject: RE: Marine 1

Good to know. I'd love to see the memo.

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From:	Nelson, Carolyn
To:	<Ullyot, Theodore W.>;<Addington, David S.>;<Bartolomucci, H. Christopher>;<Bellinger, John B.>;<Bingold, Elizabeth>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bumatay, Patrick J.>;<Carroll, James W.>;<Everson, Nanette>;<Farrell, J. Elizabeth>;<Ganter, Jonathan F.>;<Kavanaugh, Brett M.>;<Leitch, David G.>;<McNally, Edward>;<Montiel, Charlotte L.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent:	7/2/2003 10:56:54 AM
Subject:	Adam Ciongoli's farewell

DOJ called to invite our office to Adam's farewell reception, which is today at 2 pm in the Attorney General's Office at Main Justice. Please respond to this email if you plan on attending.

Thanks!

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Addington, David S.>
Sent: 7/2/2003 11:16:47 AM
Subject: exchange on Lawrence

WOLF BLITZER: And the other big issue that came out, the gay rights decision, effectively saying that they can't be discriminated against. Homosexuals and lesbians in the bedroom. Is that something you've been thinking about? What did you make of that?

MRS. CHENEY: Well it seemed to me to be exactly the right decision. I've been a conservative for a pretty long time. And it's always seemed to me to be a stretch, the idea that somehow government has any business in bedrooms.

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 7/2/2003 11:24:41 AM
Subject: RE: Ethics Briefing for WH Staff

Yes!

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Subject: Ethics Briefing for WH Staff

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From: Hanusa, Mary Ann
To: <Miers, Harriet>;<Kavanaugh, Brett M.>;<Gambatesa, Linda M.>
CC: <Good, Terry W.>
Sent: 7/2/2003 4:47:44 PM
Subject: RE: Traveling Bullhorn

Before I contact the Smithsonian and Archives again, should I assume that the White House will not agree to the loan before/unless the Smithsonian can provide a complete list of tour information, including cities, venues, and dates of display at each location?

By the way, the preliminary information from the Smithsonian asks for the loan to extend through January, 2006.

thanks

-----Original Message-----
From: Miers, Harriet
Sent: Wednesday, July 02, 2003 6:21 AM
To: Kavanaugh, Brett M.; Gambatesa, Linda M.
Cc: Hanusa, Mary Ann; Good, Terry W.
Subject: RE: Traveling Bullhorn

I also agree with Option 2 as the most protective. I continue to be concerned about the security arrangements. I assume the Smithsonian of all entities is used to having one of a kind objects. However, this one is truly one of a kind and the security must be satisfactory. All this is repetitive of I believe others views of course.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, July 01, 2003 8:09 PM
To: Gambatesa, Linda M.
Cc: Hanusa, Mary Ann; Miers, Harriet; Good, Terry W.
Subject: RE: Traveling Bullhorn

I also am ok with option 2, but would want to be assured that security will be very high for transport of it.

From: Linda M. Gambatesa/WHO/EOP@Exchange on 07/01/2003 03:02:09 PM
Record Type: Record

To: Mary Ann Hanusa/WHO/EOP@Exchange, Harriet Miers/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP, Terry W. Good/WHO/EOP@EOP

cc:
Subject: RE: Traveling Bullhorn

Thanks for following up. I agree that the number 2 option is probably the best, but only if the Smithsonian is able to provide a final list of cities and venues at which it will displayed and if the bullhorn is locked in an appropriate display case. We also need to preserve the option to call it back at any point for any reason.

I will await Counsel's input, but also think that a final step would be to ask the President if he is okay with the loan as well.

-----Original Message-----
From: Hanusa, Mary Ann
Sent: Monday, June 30, 2003 5:07 PM
To: Miers, Harriet; Gambatesa, Linda M.; Kavanaugh, Brett M.; Good, Terry W.
Subject: Traveling Bullhorn

Last week, I spoke with staff at the Smithsonian's American History Museum and the National Archives regarding the proposal to include the President's bullhorn, used on September 14, 2001, in the Smithsonian's traveling exhibit entitled, *Bearing Witness to History: September 11, 2001.*

In both conversations, I reiterated the White House's concern about the security of the bullhorn while it is traveling with this exhibit. The Smithsonian has not yet finalized the list of cities nor the venues it plans to visit with their exhibit. In my view, the White House should not agree to the loan of the bullhorn until this list is finalized, and the sites appear acceptable for display of the bullhorn. The Smithsonian is building a crate to store the bullhorn, but started before consulting with the White House on the specifics needed, etc.

I talked to the Presidential Libraries division of the Archives, and they already knew that the Smithsonian wanted to take the bullhorn on the road, as the Smithsonian had already contacted them. I asked the Archives if some of their experts could look at the Smithsonian's plan for security of the bullhorn. The Archives offered two options:

1) The Archives will send a couple of their staff to the White House to look over and evaluate the Smithsonian plan, to see if the crate that the Smithsonian has in mind will sufficiently protect the bullhorn for long-term travel and storage.

2) The Archives can "co-sign" the loan of the bullhorn to the Smithsonian. This has been done before with other items loaned from the White House. While it has no legal bearing, this arrangement allows the Archives to contact the Smithsonian directly and consult/confer on the cities, venues, security, etc. for the exhibit as it travels. The Archives would serve as the "watch dog" to make sure that the Smithsonian is fulfilling its responsibilities re: the loan. This doesn't mean that the White House is shut out of the arrangement, only that the Archives will oversee the arrangements and the nitty gritty details.

I believe that option #2 is the best way for the White House to go, if a final decision is made to loan the bullhorn for the exhibit. We certainly need to assure that when the bullhorn leaves Washington it is in a secure display box with proper humidity and temperature controls. Likewise, the White House needs to know that the venues at which the bullhorn is displayed are appropriate and deserving of a loaned item from the President. The Archives can help us with this, and I think also give us all a greater level of comfort in loaning this historic item.

Let me know your thoughts. Thanks.

From: Gambatesa, Linda M.
To: <Hanusa, Mary Ann>;<Miers, Harriet>;<Kavanaugh, Brett M.>
CC: <Good, Terry W.>
Sent: 7/2/2003 4:50:59 PM
Subject: RE: Traveling Bullhorn

I think we should have all the information in hand before making/signing any final agreement.

-----Original Message-----
From: Hanusa, Mary Ann
Sent: Wednesday, July 02, 2003 4:48 PM
To: Miers, Harriet; Kavanaugh, Brett M.; Gambatesa, Linda M.
Cc: Good, Terry W.
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Sent: Wednesday, July 02, 2003 6:21 AM
To: Kavanaugh, Brett M.; Gambatesa, Linda M.
Cc: Hanusa, Mary Ann; Good, Terry W.
Subject: RE: Traveling Bullhorn

I also agree with Option 2 as the most protective. I continue to be concerned about the security arrangements. I assume the Smithsonian of all entities is used to having one of a kind objects. However, this one is truly one of a kind and the security must be satisfactory. All this is repetitive of I believe others views of course.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, July 01, 2003 8:09 PM
To: Gambatesa, Linda M.
Cc: Hanusa, Mary Ann; Miers, Harriet; Good, Terry W.
Subject: RE: Traveling Bullhorn

I also am ok with option 2, but would want to be assured that security will be very high for transport of it.

From: Linda M. Gambatesa/WHO/EOP@Exchange on 07/01/2003 03:02:09 PM
Record Type: Record

To: Mary Ann Hanusa/WHO/EOP@Exchange, Harriet Miers/WHO/EOP@Exchange, Brett M.

Kavanaugh/WHO/EOP@EOP, Terry W. Good/WHO/EOP@EOP

cc:
Subject: RE: Traveling Bullhorn

Thanks for following up. I agree that the number 2 option is probably the best, but only if the Smithsonian is able to provide a final list of cities and venues at which it will displayed and if the bullhorn is locked in an appropriate display case. We also need to preserve the option to call it back at any point for any reason.

I will await Counsel's input, but also think that a final step would be to ask the President if he is okay with the loan as well.

-----Original Message-----
From: Hanusa, Mary Ann
Sent: Monday, June 30, 2003 5:07 PM
To: Miers, Harriet; Gambatesa, Linda M.; Kavanaugh, Brett M.; Good, Terry W.
Subject: Traveling Bullhorn

Last week, I spoke with staff at the Smithsonian's American History Museum and the National Archives regarding the proposal to include the President's bullhorn, used on September 14, 2001, in the Smithsonian's traveling exhibit entitled, *Bearing Witness to History: September 11, 2001.*

In both conversations, I reiterated the White House's concern about the security of the bullhorn while it is traveling with this exhibit. The Smithsonian has not yet finalized the list of cities nor the venues it plans to visit with their exhibit. In my view, the White House should not agree to the loan of the bullhorn until this list is finalized, and the sites appear acceptable for display of the bullhorn. The Smithsonian is building a crate to store the bullhorn, but started before consulting with the White House on the specifics needed, etc.

I talked to the Presidential Libraries division of the Archives, and they already knew that the Smithsonian wanted to take the bullhorn on the road, as the Smithsonian had already contacted them. I asked the Archives if some of their experts could look at the Smithsonian's plan for security of the bullhorn. The Archives offered two options:

1) The Archives will send a couple of their staff to the White House to look over and evaluate the Smithsonian plan, to see if the crate that the Smithsonian has in mind will sufficiently protect the bullhorn for long-term travel and storage.

2) The Archives can "co-sign" the loan of the bullhorn to the Smithsonian. This has been done before with other items loaned from the White House. While it has no legal bearing, this arrangement allows the Archives to contact the Smithsonian directly and consult/confer on the cities, venues, security, etc. for the exhibit as it travels. The Archives would serve as the "watch dog" to make sure that the Smithsonian is fulfilling its responsibilities re: the loan. This doesn't mean that the White House is shut out of the arrangement, only that the Archives will oversee the arrangements and the nitty gritty details.

I believe that option #2 is the best way for the White House to go, if a final decision is made to loan the bullhorn for the exhibit. We certainly need to assure that when the bullhorn leaves Washington it is in a secure display box with proper humidity and

temperature controls. Likewise, the White House needs to know that the venues at which the bullhorn is displayed are appropriate and deserving of a loaned item from the President. The Archives can help us with this, and I think also give us all a greater level of comfort in loaning this historic item.

Let me know your thoughts. Thanks.

From: Kavanaugh, Brett M.
To: <Kaplan, Joel>;<Kupfer, Jeffrey F.>
Sent: 7/2/2003 7:41:56 PM
Subject: 8:45 at Cafe Deluxe in Northwest

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/3/2003 6:25:12 AM
Subject: : Re: fyi -- from second Presidential debate

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JUL-2003 10:25:12.00
SUBJECT:: Re: fyi -- from second Presidential debate
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Very helpful.

Shall we meet in my office very briefly at, say, 10:50 a.m.?

tsg

Brett M. Kavanaugh
07/03/2003 09:29:44 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
Subject: fyi -- from second Presidential debate

MR. LEHRER -- New subject, new question, another vice-presidential debate follow-up. Governor, both Senator Lieberman and Secretary Cheney said they were sympathetically rethinking their views on same-sex relationships. What's your position on that?

MR. BUSH -- I'm not for gay marriage. I think marriage is a sacred institution between a man and a woman and I appreciated the way the administration signed the Defense of Marriage Act. I presume the vice president supported it when the president signed that bill and supports it now. But I think marriage is a sacred institution. I'm going to be respectful, for people who may disagree with me. I've had a record of doing so in the state of Texas. I've been a person that would have been called a uniter, not a divider, because I accepted some, I accept other people's points of view, but I feel strongly that marriage should be between a man and a woman.

MR. LEHRER -- Vice President Gore?

MR. GORE -- I agree with that, and I did support that law. But I think that we should find a way to allow some kind of civic unions. And I basically agree with Dick Cheney and Joe Lieberman, and I think the three of us have one view and the governor has another view.

MR. LEHRER -- Is that right?

MR. BUSH -- I'm not sure what kind of view he's ascribing to me. I can just tell you, I'm a person who respects other people. I respect their -- one day he says he agrees with me, then he says he doesn't, I'm not sure where he's coming from. But I will be a tolerant person. I've been a tolerant person all my life. I just happen to believe strongly that

marriage is between a man and a woman.

MR. LEHRER -- Do you believe, in general terms, that gays and lesbians should have the same rights as other Americans?

MR. BUSH -- Yes. I don't think they ought to have special rights. But I think they ought to have the same rights.

MR. GORE -- Well, there's a law pending called the Employment Nondiscrimination Act. I strongly support it. What is says is that gays and lesbians can't be fired from their job because they're gay or lesbian. And it would be a federal law preventing that. Now, I wonder if the -- it's been blocked by the opponents in the majority in the Congress. I wonder if the governor would lend his support to that law.

MR. LEHRER -- Governor.

MR. BUSH -- . . . question . . .

MR. LEHRER -- Well, but it's a logical --

MR. BUSH -- Well, I have no idea. I mean, he can throw out all kinds of -- I don't know the particulars of this law. I will tell you, I'm the kind of person, I don't hire or fire somebody based upon their sexual orientation. As a matter of fact I'd like to take the issue a little further. I don't really think it's any of my -- you know, any of my concern what, how you conduct your sex life. And I think that's a private matter. And I think that's the way it ought to be. But I'm going to be respectful for people. I'll tolerate people. And I support equal rights but not special rights for people.

MR. LEHRER -- And special rights -- how does that affect gays and lesbians?

MR. BUSH -- Well, it'd be if they're given special protective status. And that doesn't mean we shouldn't fully enforce laws and fully protect people and fully honor people, which I will do as the President of the United States.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 7/3/2003 8:01:49 AM
Subject: : Re: Farewell to Adam Goldman!

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-JUL-2003 12:01:49.00
SUBJECT:: Re: Farewell to Adam Goldman!
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Yes.

.
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 7/3/2003 5:31:06 AM
Subject: : fyi -- President Clinton's statement on signing Defense of Marriage Act in 1996

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JUL-2003 09:31:06.00
SUBJECT:: fyi -- President Clinton's statement on signing Defense of Marriage Act in 1996
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

September 30, 1996

Throughout my life I have strenuously opposed discrimination of any kind, including discrimination against gay and lesbian Americans. I am signing into law H.R. 3396, a bill relating to same-gender marriage, but it is important to note what this legislation does and does not do.

I have long opposed governmental recognition of same-gender marriages and this legislation is consistent with that position. The Act confirms the right of each state to determine its own policy with respect to same gender marriage and clarifies for purposes of federal law the operative meaning of the terms "marriage" and "spouse".

This legislation does not reach beyond those two provisions. It has no effect on any current federal, state or local anti-discrimination law and does not constrain the right of Congress or any state or locality to enact anti-discrimination laws. I therefore would take this opportunity to urge Congress to pass the Employment Non-Discrimination Act, an act which would extend employment discrimination protections to gays and lesbians in the workplace. This year the Senate considered this legislation contemporaneously with the Act I sign today and failed to pass it by a single vote. I hope that in its next Session Congress will pass it expeditiously.

I also want to make clear to all that the enactment of this legislation should not, despite the fierce and at times divisive rhetoric surrounding it, be understood to provide an excuse for discrimination, violence or intimidation against any person on the basis of sexual orientation. Discrimination, violence and intimidation for that reason, as well as others, violate the principle of equal protection under the law and have no place in American society.

From: Estes, Ashley
To: <Kavanaugh, Brett M.>
Sent: 7/3/2003 11:45:13 AM
Subject: FW: Farewell to Adam Goldman!

Do you think you'll come back by? I plan on going over.

Join us in honoring Adam Goldman as he moves over to the private sector after

9 1/2 years with President Bush!

DATE: Thursday, July 3rd (Adam's last day at work is today)

PLACE: Chef Geoff's Downtown, 1301 Pennsylvania Ave., NW (outside patio)

TIME: 6:00 pm

Please try to let us know if you can make it so that we know how many to expect.

Please also pass along to anyone we may have missed.

Thanks!

Katy and Julie

From: CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/3/2003 7:46:33 AM
Subject: : FW: Farewell to Adam Goldman!

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 3-JUL-2003 11:46:33.00
SUBJECT:: FW: Farewell to Adam Goldman!
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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Please also pass along to anyone we may have missed.

Thanks!
Katy and Julie

From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/3/2003 11:41:04 AM
Subject: : mtg tues

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 3-JUL-2003 15:41:04.00
SUBJECT:: mtg tues
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

There is a meeting on July 8th (next Tuesday) at 2:30 pm re: Lawrence v.
TX over here with David and the Judge and they want you here.
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From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 7/3/2003 4:46:09 PM
Subject: FW: Heads-Up on DOT's Proposal on the Safety Performance History of New Drivers
Attachments: WWHU DOT Driver History.doc

-----Original Message-----

From: Chuckerel, Mary M.

Sent: Wednesday, July 02, 2003 10:47 AM

To: Arbuckle, Donald R.; Bartlett, Daniel J.; Besanceney, Brian R.; Bumatay, Patrick J.; Call, Amy L.; Conda, Cesar ; Cullinan, Nancy L; DeFrancis, Suzy; Dougherty, Elizabeth S.; Dove, Stephen W.; Duffy, Trent D.; Fleischer, Lawrence A.; Greene, William; Hennessey, Keith; Hobbs, David W.; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Kupfer, Jeffrey F.; Lefkowitz, Jay P.; Libby, Lewis ; McMillin, Stephen S.; Meece, Michael E.; Murphy, Daniel J.; Oxford, John; Pelletier, Eric C.; Perry, Philip J.; Rossman, Elizabeth L.; Schlapp, Matthew A.; Schwartz, Kenneth L.; Swagel, Phillip L.; Troy, Tevi; Weaver, Bessie M.; Wood, John F.; Miers, Harriet

Cc: Jones, Lisa M.; Ritacco, Krista L.; Thompson, Carol J.; McQuade, Vickie A.; Williams, Alice H.; Ingwell, Carmen M.; Vestewig, Lauren J.; Mayfield, Jennifer H.; Bennett, Melissa S.; Garvin, Dorothy C; Allgood, Lauren K.; Silverman, Garrette; Roberson, Halley M.

Subject: Heads-Up on DOT's Proposal on the Safety Performance History of New Drivers

<>

July 3, 2003

MEMORANDUM FOR ANDREW CARD

THROUGH: Joshua B. Bolten

FROM: John D. Graham

SUBJECT: Heads-Up on DOT's Proposal on the Safety Performance History of New Drivers

We have concluded review of a Federal Motor Carrier Safety Administration (FMCSA) supplemental notice of proposed rulemaking (SNPRM) intended to help prospective employers make informed hiring decisions. This rule enables motor carriers to obtain safety history information about drivers. Under this proposal, former employers would be required to provide prospective employers this information. It will also incorporate new limitations on the liability of those who provide and use this information and provide driver privacy protections.

This SNPRM supplements a proposed rule that DOT issued March 1996. FMCSA estimates that the discounted costs and benefits of this rule over ten years will be $90 million and $111 million, respectively.

Please let me know if you have any questions.

cc:
Don Arbuckle
Dan Bartlett
Brian Besanceney
Patrick Bumatay
Amy Call
Cesar Conda
Nancy Cullinan
Suzy DeFrancis
Liz Dougherty
Stephen Dove
Trent Duffy
Ari Fleischer
Bill Greene
Keith Hennessey
David Hobbs
Ed Ingle
Daryl Joseffer
Joel Kaplan
Jeff Kupfer
Jay Lefkowitz
Lewis Libby
Steve McMillin
Michael Meece
Harriet Miers
Dan Murphy
John Oxford
Eric Pelletier
Phil Perry
Beth Rossman
Matt Schlapp
Ken Schwartz
Phillip Swagel
Tevi Troy
Bess Weaver
John Wood

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/3/2003 12:47:27 PM
Subject: : FW: Heads-Up on DOT's Proposal on the Safety Performance History of New Drivers
Attachments: P_P62TH003_WHO.TXT_1.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 3-JUL-2003 16:47:27.00
SUBJECT:: FW: Heads-Up on DOT's Proposal on the Safety Performance History of New Drivers
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Chuckerel, Mary M.
Sent: Wednesday, July 02, 2003 10:47 AM
To: Arbuckle, Donald R.; Bartlett, Daniel J.; Besanceney, Brian R.;
Bumatay, Patrick J.; Call, Amy L.; Conda, Cesar ; Cullinan, Nancy L;
DeFrancis, Suzy; Dougherty, Elizabeth S.; Dove, Stephen W.; Duffy, Trent
D.; Fleischer, Lawrence A.; Greene, William; Hennessey, Keith; Hobbs,
David W.; Ingle, Edward; Joseffer, Daryl L.; Kaplan, Joel; Kupfer, Jeffrey
F.; Lefkowitz, Jay P.; Libby, Lewis ; McMillin, Stephen S.; Meece, Michael
E.; Murphy, Daniel J.; Oxford, John; Pelletier, Eric C.; Perry, Philip J.;
Rossman, Elizabeth L.; Schlapp, Matthew A.; Schwartz, Kenneth L.; Swagel,
Phillip L.; Troy, Tevi; Weaver, Bessie M.; Wood, John F.; Miers, Harriet
Cc: Jones, Lisa M.; Ritacco, Krista L.; Thompson, Carol J.;
McQuade, Vickie A.; Williams, Alice H.; Ingwell, Carmen M.; Vestewig,
Lauren J.; Mayfield, Jennifer H.; Bennett, Melissa S.; Garvin, Dorothy C;
Allgood, Lauren K.; Silverman, Garrette; Roberson, Halley M.
Subject: Heads-Up on DOT's Proposal on the Safety Performance
History of New Drivers

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_P62TH003_WHO.TXT_1>

July 3, 2003

MEMORANDUM FOR ANDREW CARD

THROUGH: Joshua B. Bolten

FROM: John D. Graham

SUBJECT: Heads-Up on DOT's Proposal on the Safety Performance History of New Drivers

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This SNPRM supplements a proposed rule that DOT issued March 1996. FMCSA estimates that the discounted costs and benefits of this rule over ten years will be $90 million and $111 million, respectively.

Please let me know if you have any questions.

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Daryl Joseffer
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Jeff Kupfer
Jay Lefkowitz
Lewis Libby
Steve McMillin
Michael Meece
Harriet Miers
Dan Murphy
John Oxford
Eric Pelletier
Phil Perry
Beth Rossman
Matt Schlapp
Ken Schwartz
Phillip Swagel
Tevi Troy
Bess Weaver
John Wood

From: Bennett, Melissa S.
To: <Kavanaugh, Brett M.>
Sent: 7/3/2003 5:04:18 PM
Subject: Harriet

Brett: Harriet was hoping you could give her a call sometime. She's up in our office .. 456-1600. I think she wants to make a time to get together and talk. Thanks a ton. Melissa

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 7/4/2003 12:42:23 PM
Subject: RE: Ethics Briefing for WH Staff

My understanding is that the Judge did not make this announcement at Senior Staff. Did he discuss with Sec. Card? Should I go ahead and send out the postmaster. (I know you will want to see it before it goes out). I want people to have enough advance notice.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, July 01, 2003 8:12 PM
To: Litkenhaus, Colleen
Cc: Ralston, Susan B.; Hernandez, Israel
Subject: RE: Ethics Briefing for WH Staff

We should include PPO. I think the briefings should be mandatory and people should be informed that they will out in under 30 minutes, guaranteed. I prefer afternoon briefings at 4:00 and 4:45 on Tuesday, Wednesday, and Thursday.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 07/01/2003 01:49:29 PM
Record Type: Record

To: Susan B. Ralston/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Israel Hernandez/WHO/EOP@Exchange
Subject: RE: Ethics Briefing for WH Staff

Here is my proposal. Thoughts? Changes? What am I not thinking about?

Briefing One (Harriet)
Staff Secretary 6
Correspondence* 62
Exec. Clerk* 10
Records Management* 24
102 total

Briefing Two (Rove/Card)
Intergov 9
OPA 8
OSI 13
OPA 12
COS 10
OOO 3
55 total

Briefing Three (Bartlett/Gerson/Fleischer)
Communications 12
Global 9
Media Affairs 11

Speechwriting 12
Press Sec 12
56 total

Briefing Four (Hagin)
M&A WW 4
Room One 8
Personnel 3
Photo Office* 12
Operators* 15
Travel Office 8
Visitor's Office 5
WHMO 1
Scheduling 10
Advance 19
First Lady's Office 19
104 total

Briefing Five (Harriet/Hobbs)
DPC 18
Aids 4
NEC 15
Faith Based 10
Freedom Corp 13
Leg Affairs 25
Cabinet Affairs 10
95 total

- Are there any offices above that we do not need to include? I put an * next to the offices that I'm really wondering about.

- Is it ok that we are not doing briefings for the following WH Offices: PPO, Counsel and HSC
- Should they be mandatory?
- Should we take attendance and have make-up sessions?

I've held 450 for Tues, Wed and Thursday at both 9am and 4pm. Let me know if you want to go with morning or afternoon - so I can release the room.

THANKS

-----Original Message-----
From: Ralston, Susan B.
Sent: Tuesday, July 01, 2003 11:05 AM
To: Kavanaugh, Brett M.
Cc: Litkenhaus, Colleen; Hernandez, Israel
Subject: RE: Ethics Briefing for WH Staff

I'll work w/ Colleen.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, July 01, 2003 10:39 AM
To: Ralston, Susan B.
Subject: Re: Ethics Briefing for WH Staff

We can do this the week of the 7th. Note that if it is a briefing for WH staff, it should be done by us and Tom should not do it. How should we set it up?

From: Susan B. Ralston/WHO/EOP@Exchange on 06/27/2003 12:04:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP,
tjosefiak@georgewbush.com@SMTP@Exchange
cc:
Subject: Ethics Briefing for WH Staff

When do you think you'll be ready to do a briefing for the WH staff re: working w/ the campaign and all the ethical guidelines we should follow?

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/4/2003 8:43:43 AM
Subject: : RE: Ethics Briefing for WH Staff

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 4-JUL-2003 12:43:43.00
SUBJECT:: RE: Ethics Briefing for WH Staff
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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OPA 8
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Speechwriting 12
Press Sec 12
56 total

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Visitor's Office 5
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Aids 4
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Faith Based 10
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Leg Affairs 25
Cabinet Affairs 10
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Cc: Litkenhaus, Colleen; Hernandez, Israel
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From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>;<Kavanaugh, Brett M.>
Sent: 7/4/2003 4:23:11 PM
Subject: Re: Ethics Briefing for WH Staff

Let's discuss sat.

.

----- Original Message -----

From:Colleen Litkenhaus/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 07/04/2003 12:42:23 PM

Subject: RE: Ethics Briefing for WH Staff

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From: Kavanaugh, Brett M.

Sent: Tuesday, July 01, 2003 8:12 PM

To: Litkenhaus, Colleen

Cc: Ralston, Susan B.; Hernandez, Israel

Subject: RE: Ethics Briefing for WH Staff

We should include PPO. I think the briefings should be mandatory and people should be informed that they will out in under 30 minutes, guaranteed. I prefer afternoon briefings at 4:00 and 4:45 on Tuesday, Wednesday, and Thursday.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 07/01/2003 01:49:29 PM

Record Type: Record

To: Susan B. Ralston/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP

cc: Israel Hernandez/WHO/EOP@Exchange

Subject: RE: Ethics Briefing for WH Staff

Here is my proposal. Thoughts? Changes? What am I not thinking about?

Briefing One (Harriet)

Staff Secretary 6

Correspondence* 62

Exec. Clerk* 10

Records Management* 24

102 total

Briefing Two (Rove/Card)

Intergov 9

OPA 8

OSI 13

OPA 12

COS 10

OOO 3

55 total

Briefing Three (Bartlett/Gerson/Fleischer)

Communications 12

Global 9

Media Affairs 11

Speechwriting 12

Press Sec 12

56 total

Briefing Four (Hagin)

M&A WW 4

Room One 8

Personnel 3

Photo Office* 12

Operators* 15

Travel Office 8

Visitor's Office 5

WHMO 1

Scheduling 10

Advance 19

First Lady's Office 19

104 total

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DPC 18

Aids 4

NEC 15

Faith Based 10

Freedom Corp 13

Leg Affairs 25

Cabinet Affairs 10

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THANKS

-----Original Message-----

From: Ralston, Susan B.

Sent: Tuesday, July 01, 2003 11:05 AM

To: Kavanaugh, Brett M.

Cc: Litkenhaus, Colleen; Hernandez, Israel

Subject: RE: Ethics Briefing for WH Staff

I'll work w/ Colleen.

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Tuesday, July 01, 2003 10:39 AM

To: Ralston, Susan B.

Subject: Re: Ethics Briefing for WH Staff

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From: Susan B. Ralston/WHO/EOP@Exchange on 06/27/2003 12:04:05 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, tjosefiak@georgewbush.com@SMTP@Exchange

cc:

Subject: Ethics Briefing for WH Staff

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Colleen Litkenhaus/WHO /EOP@EOP [WHO] <Colleen Litkenhaus>
Sent: 7/4/2003 12:24:28 PM
Subject: : Re: Ethics Briefing for WH Staff

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JUL-2003 16:24:28.00
SUBJECT:: Re: Ethics Briefing for WH Staff
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Let's discuss sat.

.

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From: Mamo, Jeanie S.
To: <Snee, Ashley>;<Kavanaugh, Brett M.>
Sent: 7/4/2003 5:00:49 PM
Subject: Tampa Tribune (7/4/03) EDITORIAL re: Enraged Democratic Lefties are Sabotaging Judicial Nominees

Enraged Democratic Lefties Are Sabotaging Judicial Nominations

EDITORIAL

TAMPA TRIBUNE

Published: **Jul 5, 2003**

S ome people bet President Bush is chafing at the bit to appoint a Supreme Court justice this year.

Others speculate he would prefer to gamble and wait until after the 2004 election in the hope that he will be returned to office (and so that abortion will not become a campaign issue, which it likely will be regardless).

Democratic presidential candidate and Massachusetts Sen. John Kerry offers a three-word summation of why he thinks Bush must be defeated: the Supreme Court.

One Senator's List Of Values

``I need you to join me in keeping the Supreme Court out of the hands of right- wing ideologues,'' Kerry writes in a letter seeking the support of members of the political action committee Move- On.

``I am prepared to filibuster, if necessary, any Supreme Court nominee who would turn back the clock on a woman's right to choose, on civil rights and individual liberties, and on the laws protecting workers and the environment.''

Indeed, abortion-supporting Democrats, presuming that the president will appoint a pro-life lawyer to the high court, promise to fight any Bush appointment, and some groups have already put advertisements on the airwaves to stir up the party's left-wing base.

Moreover, left-wing ideologues in the Senate, who accuse Bush of filling the judiciary with right-wingers, have prevented confirmation votes on two of the president's nominees, even though both have enough senators supporting them to be confirmed.

In disgust, some GOP senators have hatched a plan to change Senate rules to make it easier to break the Senate filibusters.

The 10 Republicans on the Senate Rules Committee recently passed a resolution to change the rule to provide for a series of votes in which the 60-vote threshold for cloture would gradually decrease until a simple majority would overcome it.

Bill Frist, the Senate majority leader from Tennessee, says he will bring up the resolution for a Senate vote sometime after July 4, but it seems unlikely to pass, since the rule change itself would require 67 votes.

And so some Republicans are talking up the so-called nuclear option: having Vice President Cheney rule from the chair that Senate rules do not allow filibusters for judicial nominees. It would take only 51 votes to impose that ruling.

And it would start a war. The Democrats threaten further unpleasantness, which raises the question of just how much cooperation there really is between the parties now.

The truth is the angry base to which the Senate Democrats are appealing with their filibuster threats consists of voters who believe their party failed in 2000 to stand up to dastardly Republicans who will no doubt do anything to hold on to power.

That base does not want cooperation between the parties, and its ideological representatives in the Senate are controlling the confirmation process.

In the meantime, some Republicans worry that their leaders won't be tough enough, that they will keep backing down to subversive tactics like the judicial filibuster and continue to let the Democrats have their way.

Both parties are walking a fine line, and the senators would do well to remember they are but one election away from reversing roles.

Unjust Treatment Of Estrada And Owen

Judicial selection and the proper role of the Senate in the confirmation process will be a major election issue. It's not yet time to exercise the nuclear option.

But the filibusters of stymied nominees Miguel Estrada and Priscilla Owen are manifestly unfair, and if the Democrats continue along this track with other Bush nominees - most especially a nominee to the Supreme Court - the Republicans will have reason to exercise it.

From: Kavanaugh, Brett M.
To: <Estes, Ashley>;<Kavanaugh, Brett M.>
Sent: 7/5/2003 10:48:02 AM
Subject: Re: The Chief is trying to get Bret

I talked to him. Thanks.

.

----- Original Message -----

From:Ashley Estes/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 07/05/2003 09:49:04 AM

Subject: Fw: The Chief is trying to get Bret

4566798

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-----Original Message-----

From: Bennett, Melissa S.

To: Estes, Ashley

Sent: Sat Jul 05 09:43:11 2003

Subject: The Chief is trying to get Bret

if you see him, will you please ask him to call the COS office. :), thanks. MB

From: Bennett, Melissa S.
To: <Kavanaugh, Brett M.>
Sent: 7/5/2003 12:13:43 PM
Subject: Re: Chief

Super, thank you!!! Have a nice rest of your weekend.
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